

Republic of the Philippines
Province of Negros Oriental
CITY OF BAYAWAN
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN CITY, NEGROS ORIENTAL ON JANUARY 20, 2004 AT 3 O'CLOCK PM AT THE SESSION HALL.

PRESENT:

Hon. Rene G. Gaudiel	Vice Mayor, Presiding
Hon. Peter Paul F. Renacia	Councilor
Hon. Rowena T. Cabanban	-do-
Hon. Agustin L. Barte, Jr.	-do-
Hon. Douglas T. Tijing	-do-
Hon. Ma. Emma D. Dael	-do-
Hon. Guillermo A. Diao	-do-
Hon. Mario L. Recamara	-do-
Hon. Antonio B. Villamil	-do-
Hon. Novelito A. Herrero	-do-
Hon. Francisco T. Diao	-do-
Hon. Oscar T. Villamil	President, LNMB
Hon. Fredelyn T. Trayvilla	SK Fed. President

RESOLUTION NO. 43

"Third and Final reading of An Ordinance Granting Exemption from Any Form of Fees, rental, or charges on the privilege to gather bangus fry and prawn fry on the city waters of Bayawan City, Negros Oriental, Philippines.

"WHEREAS, pursuant to R.A. 8550, part of the Policy of the State is to ensure the attainment of conservation, protection and sustained management of the country's fishery and aquatic resources;

"WHEREAS, Section 458 (a) (2) (xi) of Republic Act 7160 and Article 99 (a) (2) (xi) of its implementing Rules and Regulations provide that the Sangguniang Panlungsod is empowered to grant the exclusive privilege of constructing fish corals or fish pens, or the taking or catching of bangus fry, prawn fry or kawag-kawag, or any fry of any species of fish within the city waters;

"WHEREAS, it is a constant intention of the Local Government of Bayawan to grant certain privileges to the Marginal Fishermen which will harmonize with the environmental concerns of the city by granting them an exemption from any forms of fees, rental or charges on the privilege to gather bangus fry and other species of fish within the city waters and at the same time giving them the responsibility to help in the implementation of the city's fishery conservation and development plans and programs.

"WHEREFORE, on motion of Honorable Councilor Recamara and jointly seconded by Honorable Councilor Renacia and Honorable Councilor Francisco T. Diao, the Council

"RESOLVED, To enact, as it hereby enacts the following ordinance, to wit:

ORDINANCE NO. 3

AN ORDINANCE GRANTING EXEMPTION FROM ANY FORM OF FEES, RENTAL OR CHARGES ON THE PRIVILEGE TO GATHER BANGUS FRY AND PRAWN FRY WITHIN THE CITY WATERS OF BAYAWAN CITY, NEGROS ORIENTAL, PHILIPPINES.

Be it ordained, that:

SECTION I. There is hereby granted an exemption from any form of fees, rental or charges on the privilege to catch or gather bangus fry and prawn fry within the City Waters of the City of Bayawan, Negros Oriental, provided that the said privilege shall be awarded in the following manner, to wit:



1. The said privilege shall be awarded only to a cooperative or association within the jurisdiction of the City of Bayawan and duly registered in accordance with the existing laws of the Republic of the Philippines;
2. In case only one association or cooperative has applied for the privilege over a given zone the Sangguniang Panlungsod shall award the same to the said association or cooperative provided said association or cooperative has no unpaid matured loan or past due obligation with the Local Government Unit of Bayawan;
3. In case, two or more associations or cooperatives shall have applied for the privilege over the same zone, with due consideration of the foregoing requirements in Section I (1&2), the Sangguniang Panlungsod shall award the privilege in the following manner:
 - a. Where one is registered and accredited and the other is registered but not accredited the former shall be given the award.
 - b. Where all applicants are registered and accredited the association or cooperative that has exercised the privilege over the same zone shall be preferred.
 - c. Where all applicants are registered and accredited but none has exercised the privilege over the same zone, the decision to award the zone shall be held at the discretion of the Sanggunian.
4. In case no applicant has qualified or no association or cooperative has applied for the privilege in a given zone, the Sangguniang Panlungsod shall close and declare the zone as Reserve Zone where no fry catching shall be allowed.

SECTION II. It shall be the responsibility of the Fishermen's Association or Cooperative granted the privilege to gather bangus fry and prawn fry to undertake the following:

- a. To maintain the cleanliness and sanitary conditions of the shore fronting its awarded zone
- b. To segregate immediately and return to the sea fry of other species that are incidentally caught in the course of gathering bangus fry and prawn fry.
- c. To support the city in its plans and programs related to the development, conservation and protection of fisheries and aquatic resources.
- d. To notify as soon as possible the City Agriculturist or its designated personnel all forms of illegal fishing and hazardous utilization of marine resources observed within and in the vicinity of the awarded zone.
- e. To actively participate, through its properly designated representative, on meetings, conferences and other relevant activities initiated by the Local Government Unit.

For this purpose, the City Agriculture Office is mandated to monitor the activities of the association or cooperative granted the said privilege and to render a monthly report to the Chief Executive and the Sangguniang Panlungsod during the catching period.

SECTION III. The privilege to gather bangus fry and prawn fry within the designated bangus fry zones of the city shall be for a period starting from on the sixteenth day of March to fifteenth day of November of each year.

SECTION IV. The awarded association or cooperative shall have the exclusive privilege to gather bangus fry and prawn fry within the assigned zone or in its vicinity free from encroachment or disturbance by any person, may it be natural or juridical until such privilege is recalled or suspended by the City Chief Executive due to clear violation of the law committed by the awardee of the privilege, important research or activity and in cases of emergency.

SECTION V. It shall be unlawful for any person, group of persons, association or cooperative to cause the subdivision or further subdivide the legitimate existing zones or subject the same to other association or cooperative.



SECTION VI. Violation of this Ordinance or any provision thereof shall be punished by an imprisonment of not exceeding six (6) months or a fine not exceeding Five Thousand Pesos (Php 5,000.00) or both at the discretion of the court.

SECTION VII. This Ordinance repeals Ordinance No. 8, series of 2001 and existing ordinance or provision thereof inconsistent with this ordinance or any of the provisions thereof are hereby repealed or modified accordingly.


SECTION VIII. This ordinance shall take effect after compliance with the provision of R. A. 7160, the Local Government Code of 1991.

"Enacted."

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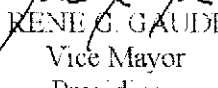
I hereby certify to the correctness of the foregoing resolution.

* * *


FE BOLLOS ARAULA
City Government Department Head I
(Secretary to the Sanggunian)

ATTESTED:

APPROVED: **JAN 26 2004**


KENE G. GAUDIÉL
Vice Mayor
Presiding


GERMAN P. PARRAÑA JR.
Mayor

Copy For

- The Honorable Provincial Board, Dumaguete City