

TITLE 12
FISHERIES AND AQUATIC RESOURCES

Chapter I
Fisheries Code¹

Article I
Title

Section 1. This Ordinance shall be known as the City Fisheries Code of 2009.

Section 2. This Ordinance shall apply to all activities related to or those that may affect the utilization and management of coastal, fishery and aquatic resources within the Sarangani Bay Protected Seascape and the city's municipal waters.

Article II
Rules of Interpretation and Definition of Terms

Section 3. In the interpretation of the provisions of this Ordinance, the following rules shall apply:

- a. Words and phrases embodied in this Ordinance which are not specifically defined shall have the same meaning as found in dictionaries and other laws; and
- b. The provisions of this Ordinance shall likewise be interpreted to exercise the power of the City of General Santos as one of the Local Government Units (LGUs) bordering the Sarangani Bay Protected Seascape (SBPS) and municipal waters in coordination with Protected Area Management Board (PAMB) to ensure sustainable development of the coastal and fishery resources within the Sarangani Bay and the City's Municipal Waters;

Section 4. As used in this Ordinance, the following terms and phrases shall mean as follows:

- a) ACTIVE FISHING GEAR – a device characterized by gear movements and/or the pursuit of the target species by towing, lifting, and pushing the gear, surrounding, covering, dredging, pumping and scaring the target species to impoundment, such as, but not limited to, trawl, purse seines, bag nets, drift gill net, and tuna long line.
- b) ANCILLARY INDUSTRIES - firms or companies related to the supply, construction and maintenance of fishing vessels, gears, nets and other fishing paraphernalia; including but not limited to fishery machine shops, and other facilities such as feed plants, cold storage and refrigeration, processing plants, and other post-harvest facilities.
- c) AQUACULTURE - fishery operations involving all forms of raising and culturing fish and other aquatic species in fresh, brackish and marine water areas.
- d) AQUATIC RESOURCES - all aquatic flora and fauna including, but not restricted to, fish, algae, seaweeds, coelenterates, mollusks, crustaceans, echinoderms and cetaceans.

¹[Ordinance No. 12, Series of 1950; Ordinance No. 02, Series of 1958; Ordinance No. 07, Series of 1964; Ordinance No. 284, Series of 1974; Ordinance No. 20, Series of 1980; Ordinance No. 17, Series of 1985; Ordinance No. 02, Series of 1986; Ordinance No. 16, Series of 1986; Ordinance No. 40, Series of 1986; Ordinance No. 07, Series of 2005; and Ordinance No. 10, Series of 2009.](#)

- e) ARTIFICIAL REEF - any man-made structure, deployed on a body of water to serve as coral recruitment, habitat and breeding areas of fish and other aquatic species.
- f) AUXILIARY INVOICE/TRANSPORT PERMIT FEE – is a fee charged on fishery products outside of the city. This is also a fee on the entry of fish to General Santos City from other places of origin.
- g) CARRYING CAPACITY – is the ability of a designated area of water like mariculture zone to sustain the maximum number of fishing operation such as fish cages/pens, without causing deterioration to the environment and damage to its ecosystems.
- h) CAST NET (*LAYA*) – is a conical net with sinkers around the base and a retrieving line attached to the apex of the net.
- i) CHARGES - refer to financial liability, as rents or fees against persons or property.
- j) CLOSED SEASON - the period in which taking of specified fishery species by a specified fishing gear is prohibited in the specific area of Sarangani Bay Protected Seascape and municipal waters.
- k) COASTAL ZONE - is a band of dry and adjacent ocean space (water and submerged land) in which terrestrial processes and uses, and vice versa, its geographic extent may include area within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, *nipa* swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobaths to include coral reefs, algal flats, sea grass beds and other soft-bottom areas.
- l) COMPRESSOR – is a mechanical breathing device used by fishermen to stay longer underwater.
- m) COMMERCIAL FISHING - the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence, or sports fishing, to be further classified as:
 1. Small Scale Commercial Fishing – fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) gross tons (GT);
 2. Medium Scale Commercial Fishing – fishing utilizing active gear and utilizing fishing vessels of 20.1 gross tons (GT) up to 250 gross tons (GT); and
 3. Large Scale Commercial Fishing – fishing utilizing active gear and vessel of more than 250 gross tons (GT).
- n) CORAL REEF - a natural aggregation of corals, occurring in inter-tidal and sub-tidal waters of Sarangani Bay Protected Seascape and municipal waters that serve as shelter, habitat and breeding areas for fish and other aquatic resources.
- o) DOCKING AREA – a designated area where municipal fishing boats and fishing vessels are secured and protected.
- p) ELECTROFISHING - the use of electricity generated by batteries, electric generators and other source of electric power to kill, stupefy, disable or render unconscious fishery species, whether or not the same is subsequently recovered.
- q) ENDANGERED, RARE OR THREATENED SPECIES - aquatic plants and animals including some varieties of coral and seashells in danger of extinction as provided for in existing fishery laws, rules and regulations, or by the Protected Areas and Wildlife Bureau (PAWB) of the Department of Environment and Natural Resources (DENR) and in the Convention on the International Trade of Endangered Species of Flora and Fauna (CITES).
- r) FEE - means a charge fixed by law or ordinance for the regulation or inspection of a business or activity.
- s) FINE MESH NET - net with mesh size of less than three (3) centimeters measured between two (2) knots of a full mesh when stretched.

- t) FISH CAGE - refers to a floating enclosure made up of nets or screens sewn or fastened together and installed in the water with opening at the surface or covered and held in place by wooden/bamboo/metal posts with anchors and floats.
- u) FISH CORRAL OR "BAKLAD" - a stationary weir or trap devised to intercept and capture fish consisting of rows of bamboo stakes, plastic nets and other materials fenced with split bamboo matting or wire matting with one or more enclosures and with or without leaders to direct the fish to the catching chamber, purse or bag.
- v) FISH FINGERLING - a stage in the life cycle of the fish, measuring to about 6-13 centimeters, depending on the species.
- w) FISH FRY - a stage in the life cycle of fish usually with sizes from 1- 2.5 cm.
- x) FISH POND - a land-based facility enclosed with earthen or concrete materials to impound water for culturing fish.
- y) FISHWORKER - is a person employed in commercial fishing, aquaculture, fish processing plants and other ancillary or related industries.
- z) FORESHORE AREA - is a strip of land fringing a body of water or the part of seashore between the low-water line usually at the seaward margin of a low tide terrace and the upper limit of wave wash at high tide, usually marked by a beach/scarp or berm.
- aa) FISHERFOLK – men or women indirectly and directly engaged in taking and/or culturing, processing, and vending of fishery and/or aquatic resources of Sarangani Bay Protected Seascape and municipal waters.
- bb) FISHERFOLK ORGANIZATION - an organized group, association, federation, alliance or an institution of fisherfolk which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action, accredited by the LGU and registered by the authorized agency.
- cc) FISHERIES - refer to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resource thereof.
- dd) FISHERY/AQUATIC PRODUCTS - include finfish, mollusks, crustaceans, echinoderms, algae, seaweeds, marine mammals and all other flora and fauna.
- ee) FISHERY OPERATOR - one who owns and provides the means including land, labor, capital, fishing gear and vessel, but does not personally engaged in fishery and aquaculture activities.
- ff) FISHING - the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels.
- gg) FISHING BOAT/GEAR LICENSE - a permit to operate specific types of fishing boat/gear for specific duration in areas within Sarangani Bay Protected Seascape and municipal waters.
- hh) FISHING GEAR - any instrument or device and its accessories utilized in taking fish and other fishery species.
- ii) FISH POT (*bobo*) - a device made of bamboo splits, rattan or screen woven together for easy entrance and difficult exit of the fish.
- jj) FISHING BOAT – any motorized or non-motorized boat of three (3) gross tons and below.
- kk) FISHING WITH EXPLOSIVES - fishing with the use of explosives, which will kill, stupefy, disable or render unconscious any fish species.
- ll) FISHING WITH NOXIOUS OR POISONOUS SUBSTANCES - is the use of any substance, plant extracts or chemicals, which will kill, stupefy, disable or render unconscious any fish species or aquatic resources.
- mm) FISHPEN – an artificial enclosure constructed within a body of water for culturing fish and fishery/aquatic resources, made of poles closely arranged in enclosures with wooden materials, screen or nylon netting to prevent the escape of fish.

- nn) FISH AGGREGATING DEVICE (*payao*) – is a device consisting of a floating raft anchored by a weighted line with suspended materials such as palm fronds to attract and aggregate pelagic schooling species common in waters.
- oo) GILL NET (*sapaw/pamante/pukot-patuloy*) - is a curtain-like net in which the fish is entangled in the actual meshes of the net.
- pp) GROSS TONNAGE - is the product of boat length, depth, and breadth multiplied by a factor of 0.70 divided by 2.83.
- qq) HOOK AND LINE (*bingwit*) – fishing gear using hook, line, swivel and sinker.
- rr) INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLE - refer to a group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;
- ss) INLAND FISHERY- includes culture and capture of fish in fresh and brackish waters.
- tt) JIGGER (*saranggat*) – a fishing gear used in catching squid.
- uu) JUVENILE FISH – any species of fish, which does not reach its reproductive maturity stage and is less the average size in length as follows:

ENGLISH NAME	LOCAL NAME	AVERAGE SIZE@MATURITY (CM)
<i>PELAGIC FISHES</i>		
Big Eye Scad	Tulay	Not less than 20
Round Scad	Burot	Not less than 29
Moonfish	Belong2x	Not less than 15
Yellowfin Tuna	Karaw2x	Not less than 100
Frigate Mackerel	Tulinga, Mangko	Not less than 29
Sardine	Tamban/Lupoy	Not less than 14
Flying Fish	Bangsi	Not less than 25
<i>DEMERSAL FISHES</i>		
Goatfish	Timbungan	Not less than 29
Silver Sillago	Asuhos	Not less than 17
Rabbitfish	Samaral/Danggit	Not less than 19
Emperor	Katambak	Not less than 34
Trevally/Jack	Talakitok	Not less than 70-95
	Dalagang Bukid	Not less than 25
Slipmouth	Sapsap	Not less than 11
Anchovy	Bolinao	
Dried Fish	Bulad	

- vv) LOCAL GOVERNMENT UNIT – refers to the City Government of General Santos unless it is used to mean other specific local government unit.
- ww) MAXIMUM SUSTAINABLE YIELD (MSY) – is the largest average quantity of fish that can be harvested from a fish stock/resource within a given period of time on a sustainable basis under existing environmental conditions.
- xx) MANGROVES - are communities of salt tolerant inter-tidal plants along the coasts and swamplands.
- yy) MARGINAL FISHERFOLKS - refer to people engaged in any fishery activity for livelihood utilizing primitive or conventional method of fishing activities with gross income below the poverty threshold as declared by the authorized national agency of a given year.
- zz) MOORING BUOY – a floating device or other buoyant material for docking purposes.
- aaa) MONITORING, CONTROL AND SURVEILLANCE:
- bbb) Monitoring – the requirement of continuously observing fishing efforts which can be expressed by the number of days or hours of fishing, number of fishing gears and number of fisherfolk, characteristics of fishery resources and resource yields (catch);
Control – the regulatory condition (legal framework) under which the exploitation, utilization and disposition of the resources may be conducted; and
Surveillance – the degree and types of observations required to maintain compliance with regulations.
- ccc) MIGRATORY SPECIES – refer to some fish species, which in the course of their life could travel from freshwater to marine water or vice versa, or any marine species which travel to great distances in waters of the ocean as part of their behavioral adaptation for survival and speciation.
- ddd) MUNICIPAL FISHING - refers to fishing within the municipal waters of General Santos City.
- eee) MUNICIPAL WATERS – include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline.
- fff) MULTIPLE HANDLINE (*Undak-undak*) - a single vertical line with a series of small baited hooks attached to its “spreaders” at regular intervals.
- ggg) NET TONNAGE - the gross tonnage multiplied by a factor 0.32.
- hhh) NON-GOVERNMENT ORGANIZATION (NGO) – an agency, institution, a foundation or a group of persons whose purpose is to assist people’s organizations/associations in various ways including but not limited to organizing, education, training, research and/or resource accessing.
- iii) PASSIVE FISHING GEAR – characterized by the absence of gear movement and/or pursuit of the target species, such as, but not limited to, hook and line, fish pots, traps and gill nets across the path of the fish, so on and so forth.
- jjj) PENALTIES - sanctions imposed to those found violating this ordinance.
- kkk) PEOPLE’S ORGANIZATION - a bona fide association of citizens with demonstrated capacity to promote public interest and with identifiable leadership, membership and structure. Its members belong to a sector and who voluntarily bond themselves together to work for and by themselves for their own upliftment, development and greater good.
- lll) PERSON - natural or juridical entity such as individuals, associations, partnership, cooperatives or corporations.
- mmm) POST-HARVEST FACILITIES - these facilities include, but are not limited to, fish port, fish landing, ice plants and cold storage, fish processing plants.

- nnn) RECREATIONAL ZONE - this includes all existing beach resorts, dive sites and all other establishments along the coastline of Sarangani Bay Protected Seascape and municipal waters.
- ooo) SUPERLIGHT - is a high-powered light generated by at least five hundred (500) watts, whose illumination reaches and attracts as far as five (5) kms. in radius, located above the sea surface or submerged in the water.
- ppp) SABALO - is a full grown “bangus” (milkfish) scientifically known as *Chanos Chanos* Forskal, and refers to both male and female measuring more than 60 centimeters long from the tip of the mouth to the extreme end of the caudal peduncle caught in SBPS and municipal waters.
- qqq) SAHID - a modified gill net without bunt and sinker drawn by two (2) persons for catching fingerlings in estuarine areas.
- rrr) SARANGANI BAY PROTECTED SEASCAPE (SBPS) – covers a total area of 215,950 hectares and traverses the six coastal municipalities of the bay and the city of General Santos. It encompasses all of the inner Sarangani Bay and portion of its adjoining waters with an area covering the point from 7 kilometers seaward perpendicular from the shoreline at Tinaka Point, Batulaki, Glan and then a straight distance to 7 kilometers seaward perpendicular to the shoreline of Pinol in Maitum.
- sss) SPEAR GUN(*pana*) - is a device used to propel a spear for fishing.
- ttt) SPORT FISHING - refers to any fishing activity mainly for the purpose of recreation.
- uuu) STATIONARY BAG NET (*new look*) - is a conical or cubical bag net made of natural/synthetic fiber netting with more than 3 cm mesh size, which are set by means of regulators spaded or posts as enclosures for the bag net.
- vvv) TROLL LINE (*subid-subid*) - a line with hooks and bait attractants or jiggers being towed by a boat.
- www) WATER POLLUTION - is the introduction of substances or energy to the aquatic environment which results or is likely to result in such deleterious effects as to harm living and non-living aquatic resources, pose potential and/or real hazard to human health, hindrance to aquatic activities such as fishing and navigation, including dumping/disposal of waste and other marine litters, discharge of petroleum or residual products of petroleum or carbonaceous materials/substances, and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or air transport or other human-made structure. Deforestation, unsound agricultural practices such as the use of artificial fish feed, and wetland conversion, which cause similar hazards and deleterious effects, shall also constitute aquatic pollution.
- xxx) WATER CLASS SA - refers to coastal/marine waters suitable for the propagation, survival and harvesting of commercially important fishes and shellfish and suitable for the establishment of national marine parks and reserves and coral reef parks and reserves.
- yyy) Water Class SB - refers to coastal/marine waters suitable for recreational water Class 1 or areas regularly used by the public for swimming and skin diving and for fishery water class 1 or spawning areas for milkfish and similarly important fish species.
- zzz) ENVIRONMENTAL GUARANTEE FUND (EGF) – fund to be set up by a project proponent which shall be readily accessible and disbursable for the immediate clean-up or rehabilitation of areas affected by damages in the environment and the resulting deterioration of environmental quality as a direct consequence of a project’s construction, operation or abandonment. It shall likewise be used to compensate parties and communities affected by the negative impacts of the project, and to fund community-based environment related projects including, but not limited to, information and education and emergency preparedness programs.

Sea Use Management Zones

Section 5. The Sarangani Bay Protected Seascape (SBPS) Management Zones. - The City Government of General Santos recognizes and respects the division and classification made by the appropriate agency of the national government of the SBPS waters into zones as follows:

- a. **Strict Protection Zone (SPZ)** shall comprise natural areas with high biodiversity value, closed to all human activities except for scientific studies and/or ceremonial or religious use by the ICCS/IPS. It may include habitats of threatened species, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration. The identified SPZ in the city is an offshore reef area about ten (10) hectares located in barangay bawing with the following coordinates: PT. 1 – 5°58'52.32" N, 125°7'17.74"E; PT. 2 – 5°58'53.25"N, 125° 7'16.26"E; PT. 3 – 5°58'50.25"N, 125°7'13.90"E; PT. 4 - 5°58'45.56"N, 125°7'12.99"E; PT. 5 – 5°58'44.77"N, 125°7'14.85"E; PT. 6 – 5°58'48.50"N, 125°7'16.49"E; PT. 7 – 5°58'51.04"N, 125° 7'19.30"E.
- b. **Multiple Use Zone (MUZ)** shall comprise areas where the following may be allowed consistent with the protected area management plan: settlement, traditional and/or sustainable land-use, including agriculture, agro-forestry, and other income generating or livelihood activities. It shall also include, among others, areas of high recreational tourism, educational or environmental awareness values and areas consisting of existing installations of national significance interest such as development of renewable energy sources, telecommunication facilities and electric power lines.

Section 6. Policy Implementation. - the City Government shall coordinate with appropriate national government agencies/offices and shall see to it that it shall contribute to the proper implementation of the various policies for each management zone as follows:

a) STRICT PROTECTION ZONE (SPZ).-

1. No fishing activities shall be allowed in the declared SPZs of the protected seascape and the protected city's municipal waters. The City Government of General Santos shall adopt and from time to time review its comprehensive management plan for its SPZAs in coordination with other appropriate government agencies;
2. Scientific studies on coastal habitats consistent with the management objectives of the protected area maybe allowed when and where necessary as recommended by the city government and with PAMB approval;
3. There shall be a priority consideration for SPZA over other resource uses in the protected seascape;
4. There shall be no conversion and reduction of the already established SPZs;
5. Resource enhancement activities can be carried out with approval from PAMB and the city government.
6. Cutting of mangrove and the gathering, collection and possession of corals, wildlife products and its derivatives are already prohibited by national law. Settlement and encroachment in mangrove areas are also already prohibited by national law. Any coastal reclamation activities and developmental projects within the area of General

Santos City shall seek approval from PAMB and the City Government of General Santos.

7. The City Government of General Santos shall endeavor to identify turtle nesting grounds within the shores of General Santos City and thereafter shall declare the same as such nesting grounds and to provide protection of the same and for the establishment of turtle nurseries through legislation. Likewise, a technically prepared community-based rescue teams for marine mammals shall be established.
8. Any identified degraded coastal/reparian habitat within the jurisdiction of General Santos City shall be given immediate environmental concern for restoration and rehabilitation. Exotic species shall not be used in the rehabilitation of the area.
9. Restoration and rehabilitation efforts shall be geared towards legislated declaration of the sites as SPZs. Community-based restoration and monitoring team shall be established with its operations closely coordinated with the neighboring local government units.

b) MULTIPLE USE ZONE (MUZ)

B.1. Industrial Sub-Zone.-

- a. Establishment of support facilities such as docking, shipyard, floating dry docks, wharves and post harvest facilities shall be allowed provided permit from the city mayor and the PAMB approval and Environmental Compliance Certificate (ECC) shall be secured;
- b. Structural designs of any support facilities shall be designed without obstructing the water movement/dynamics;
- c. There shall be created a Local Multisectoral Monitoring Team (LMMT) to conduct monitoring of industries. The City Mayor is hereby empowered to create such team;
- d. Industries shall provide wastewater treatment facility and implement solid waste disposal management program. Industries shall also strictly observe the Clean Air Act.

B.2. Mariculture Sub-Zone.-

- a. Use of drugs, chemicals, potentially toxic pesticides and fertilizers. – the following shall be practiced to foster awareness on the proper use of therapeutic agents and other chemicals without endangering food safety or threaten the environment:
- b. Drugs, chemicals, pesticides and fertilizers including lime shall be used only when clearly justified to treat specific problems;
- c. If chemicals are used, pondwater shall not be discharged until they have degraded/dissipated or until the compound have naturally decomposed to non-toxic form;
- d. Records shall be maintained regarding the use of chemicals in ponds as suggested by the Hazard Analysis and Critical Control Points (HACCP) method;
- e. Banned chemicals shall not be used for any purpose;
- f. Drugs, antibiotics and other chemical treatments shall be in accordance with recommended practices and comply with the national and international regulations;

- g. Aquaculture producers shall follow the information on product labels regarding dosage, withdrawal period, proper use, storage, disposal and other uses of the chemicals to safeguard environmental and human safety;
- h. Therapeutants shall be stored in a cool place and in a secure manner and unused compounds shall be disposed of by methods preventing environmental contamination;
- i. Biodegradable indigenous material such as derris roots, teaseed and tobacco dust shall be used to eliminate unwanted species in ponds instead of non-biodegradable compounds.

B.3 Communal Fishing Grounds.-

- a. The fishing activities that allowed in the zone are those that are in accordance with the provisions of RA 8550.
- b. The barangay shall create a registry of all fishermen within the barangay. The registry shall be certified by the BFARMC and shall be submitted to the Office of the City Agriculturist.

B.4. Navigational.-

- a. No structures shall be established that will obstruct the navigational routes as identified in protected area management plan and by the Philippine Coast Guard.

B.5. Other uses.-

- a. Littoral zones or areas with significant economic value and resources shall be identified and protected by regulating fishing and gleaning of imbao, sea shells and other invertebrates using open and close season restriction technique.
- b. However, in areas identified as indigenous cultural communities people's traditional fishing grounds, the indigenous cultural communities/people shall be given rights to collect such species provided that regulations may be imposed as to the volume and method of fishing.
- c. It is exclusively allocated for recreation and other related activities that do not cause degradation or disturbance to the ecosystem.
- d. Establishments are required to follow strict sanitation standards as prescribed in the Clean Water Act. Recreational facilities shall be strictly confined to the boundaries of the zone. Dive sites shall be established for snorkeling and scuba diving activities;
- e. No concrete or permanent structures in the foreshore area shall impede water dynamics and access of local populace;
- f. Fishing within or in any part of the zone should be regulated as well as collection of any flora and fauna;
- g. Use of the zone for navigational purposes is not allowed except for specific reason and which has been given prior clearance or for emergency;
- h. Resort operators shall prioritize employment of local populace;
- i. Cultural, historical, archaeological and natural resources within the resort concession area shall remain public in character;
- j. Any natural aquifers such as springs located within the zone shall be maintained or free from any obstruction;
- k. Beach resorts shall maintain Septic Treatment Waste Facility (STWF), according to the national standards;

- l. Aside from PAMB approval, beach operators shall secure other necessary clearances and permits from the city government for every developmental project such as but not limited to construction of beach cottages, function rooms, swimming pools and jetties;
- m. The City Government of General Santos shall set aside public beach using community-based management approach as well as establish community based eco-tourism. For this purpose, Queen Tuna Park is hereby set aside and declared as a public beach.

Section 7. Fisherfolk Settlement Area. - Fisherfolks settlement area in Barangay Siguel shall be designated by City government, to be established preferably near their source of livelihood.

Registered fisherfolks without any real property shall have the priority in the resettlement area. Basic social services shall be provided by the city government.

A designated public access shall be provided to the fisherfolks from the settlement area to the fishing ground.

Fisher folks resettlement plan shall be integrated in the city's Comprehensive Land Use Plan (CLUP).

Industries that will cause displacement of coastal communities shall provide assistance as part of their corporate social responsibility (CSR).

Section 8. Rights of the Indigenous People over Ancestral Lands. - In water rights covered by Ancestral Domain Title or Ancestral Land Title as the case may be, the prior rights of the Indigenous People to use in conformity to their traditional practices and beliefs must be respected in accordance with RA 8371, otherwise known as the Indigenous People's Rights Act, provided that the provisions of the city charter shall prevail. However, any claim over a public land within the territory of General Santos City shall not be approved by any other government agency without the recommendation by the City Government of General Santos.

Section 9. Foreshore Areas. - Applicants shall secure necessary permits and clearances from appropriate government agencies. However, communities affected by developmental activities along foreshore areas shall be relocated at the expense of the applicants.

Article IV

Utilization, Management, Conservation, Protection, Preservation, Rehabilitation and Development of Fisheries and Aquatic Resources

Section 10. Users of Multiple Use Zone.- All fisheries and other utilizations of the City's Municipal Waters, as defined in this Code, may be allowed, provided that, the fisherfolks from General Santos City have preferential rights over its use. Fishers from outside may be allowed to fish in the SBPS and municipal waters provided, a fishing permit or license shall be secured from the city government.

Section 11. Regulation of Fishing. – No person shall utilize, capture or gather for commercial purpose any fish, fry or fingerlings of any species and other coastal and fishery resources in the municipal waters of General Santos City without a license, lease or permit

secured from the City Government of General Santos. However, fishing for daily food sustenance which is not for commercial, occupation or livelihood purposes is allowed.

Whenever determined by the City Government of General Santos that the area is over exploited and/or in danger of being over exploited, and that there is a need to regenerate the coastal and fishery resources in such particular area fishing may be regulated or prohibited.

Section 12. Registry of Fisherfolk. – All persons desiring to be a licensee, a permittee, and or a lessee to engage in fisheries and other related activities within the municipal waters shall be registered in the Registry of City Fisherfolks. Only bonafide residents of General Santos City for at least six (6) months are eligible for registration with certification of residency from the Barangay. Such list of registry shall be updated annually or as may be necessary, and shall be posted in barangay halls or other strategic locations where it shall be opened to public verification, for the purpose of validating the correctness and completeness of the list. The city government, in consultation with the BFARMC, shall formulate the necessary mechanisms for inclusion or exclusion procedures that shall be most beneficial to the city fisherfolks. The BFARMC may likewise recommend such mechanisms.

No registration fee shall be collected from the fisherfolks.

A separate registry shall be maintained for the fisherfolks from outside SBPS and municipal waters.

Section 13. Support to Registered Fisherfolks. - The city government shall assist registered fisherfolks and provide access to appropriate technology, credit, infrastructure, production and marketing assistance and provision of alternative/supplementary livelihood such as but not limited to fish processing and production of any value added products.

Section 14. Fisherfolk Organization. - Fisherfolk organizations whose members are listed in the Registry of City Fisherfolk, may be granted use of demarcated fishery areas to engage in fish capture, mariculture and/or fish farming aquaculture: Provided, however, that an organization/cooperative member whose household is already in possession of a fishery right other than for fish capture cannot enjoy the fishing rights granted to the organization or cooperative.

Section 15. Registration of Fishing Gears. - All fishing gears allowed operating in Municipal Waters, as listed hereunder shall be registered with the Office of the City Agriculturist as follows:

- (1) Hook and Line (longline - *palangre*, multiple hook and line - *undak-undak*, troll line - *subid-subid*);
- (2) Set Gill Net (drift gill net – bottom set gill net – *palugdang*, *pamante*, *patuloy*)
- (3) Traps/Pots (*bobo*, *baklad*, *bintol*)
- (4) Jigger (*saranggat*)
- (5) Spear (*pana*, without compressor)
- (6) Cast Nets (*laya*)
- (7) Fry Dozer (Sadyap for fry gathering)
- (8) Sahid for catching *talakitok* fingerlings
- (9) Scoop net (*sigpaw-sigpaw*)
- (10) Stationary Bag net

Section 16. Establishment of Closed Season. - A closed season is hereby established as provided below. For this purpose, the following fish species shall not be caught and the corresponding gears are banned such as:

Species	Period	Banned Gears
a. Mullet (<i>banak</i>)	November 15-December 15	beachseine and spear
b. Round Scad (<i>borot</i>)	September–November	gill net and multiple hook and line
c. Big-eye Scad (<i>tulay</i>)	September	drift gill net and ring net
d. Sardines (<i>tamban</i>)	November	scoop net and gill net
e. Moon Fish (<i>bilang-bilong</i>)	April	gill net and hook and line
f. Flying Fish (<i>bangsi</i>)	August–September	drift gill net

Section 17. Limited Entry into Over-Fished Areas. - Whenever it is determined by the city government and the DA-BFAR in consultation with the PAMB and FARMC that General Santos City's municipal waters are over fished based on available data or information or in danger of being over fished, and that there is a need to repopulate the fishery resources in that water, the city government shall prohibit or limit fishing activities in the said area.

Section 18. Protection of Rare, Endangered and/or Threatened Species. - The city government shall take conservation and rehabilitation and protection measures for rare, threatened and endangered species, as it may determine, and shall ban the fishing and/or taking of rare, threatened and/or endangered species of aquatic and fishery resources in the municipal waters, including their eggs/offsprings, their juvenile or immature fishes as identified by existing laws defined in Convention on the International Trade of Endangered Species of Flora and Fauna (CITES), R.A. 9147, and other laws in concurrence with concerned government agencies.

The following are the endangered species within the Sarangani Bay Protected Seascape (SBPS): Dugong (Sea Cow), Dolphins, Whales, Marine Turtles, Mameng (Napoleon Wrasse).

The city government shall closely coordinate with appropriate national government agency/agencies as to the update of the list of endangered species in the SBPS and its municipal waters.

Article V
Registration of Fishing Vessel
Three (3) Gross Tonnage And Below²

Section 19. As used in this Ordinance, the following terms and phrases shall mean as follows:

- a. Admeasurement - means measure of the volumetric capacity of the fishing banca to determine its gross tonnage.
- b. City Government - refers to the City Government of General Santos.
- c. Fishing Banca - any watercraft used for fishing or in support to fishing operations in municipal waters weighing three (3) gross tonnage and below.

²[Ordinance No. 07, Series of 2005.](#)

- d. Gross Tonnage - the product of banca tonnage length, tonnage depth, and tonnage breadth multiplied by a factor of 0.70 divided by 2.83.
- e. Homeport - refers to the City of General Santos where the fishing banca is registered.
- f. License/Permit to Fish - the privilege to fish in its municipal waters granted to registered fisherfolk by the city.
- g. Motorized Fishing Banca - a fishing banca propelled by mechanical means.
- h. Municipal Waters - include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities there is less than thirty (30) kilometers of marine water between them, the third line shall be equally distant from the opposite shore of the respective municipalities.
- i. Net Tonnage - the GT modified by a factor 0.32
- j. Operators License - equivalent to the drivers license applicable to motorized fishing banca.
- k. Permit to Operate - a privilege granted to operate within the city waters of General Santos.
- l. Registered Breadth - the transverse distance taken at a widest part of the hull, excluding rails from the outerboard side of the skin on one side of the hull to the outboard side of the skin on the other side of the hull.
- m. Registered Length - the horizontal distance between the outboard side of the foremost part of the stern and the outboard side of aftermost part of the stern, excluding fittings and attachments.
- n. Registration - an act/process of enlisting a fishing banca three (3) gross tonnage and below for the purpose of establishing its identity and ownership by assigning it a permanent number (recorded in the municipal fishing banca).
- o. Tonnage Breadth - measured at the midpart from the gunwale inside of the skin of the hull to the inside of the skin on the other side of the hull.
- p. Tonnage Length - the length measured at the centerline of the fishing banca from the point forward where the line of the tonnage deck intersects the line of the inboard faces at the stern to the point all where the line of the tonnage deck intersects the inboard of the bottom skin of the hull.

Section 20. Objectives:

- 3.1 Uniform Guidelines - To prescribe a uniform system and procedure to guide the City Government in the conduct of the registration of fishing banca three (3) gross tonnage and below.
- 3.2 Institutional Arrangements - To delineate the functions of all National Government Agencies, Leagues of Local Government Units and all other relevant sectors involved in the registration of fishing banca three (3) gross tonnage and below.
- 3.3 Implementation and Monitoring - To establish mechanisms to implement this Ordinance and enable all agencies involved to monitor compliance.

Section 21. The City Government shall be responsible for the issuance of permits and licenses in coordination with the Maritime Industry Authority (MARINA), Philippine Coast Guard (PCG), Philippine National Police-Maritime Command (PNP-MARICOM) and the Bureau of

Fisheries and Aquatic Resources (BFAR). The said concerned agencies shall also extend technical assistance to support the City Government to qualify and issue documents with respect to the registration of fishing banca as provided for in E.O. 305.

Section 22. All fishing banca not only operating/fishing but also using the municipal/city waters must be registered. Only registered fishing banca shall be allowed to fish and use within its municipal/city waters. The listing of registered fishing banca shall be maintained and from time to time updated by the Office of the City Agriculturist and be made available for public inspection.

Section 23. The following requirements shall be required for the registration of fishing banca into the city:

- a. Duly accomplished registration form
- b. Barangay clearance
- c. Community Tax Certificate for current year
- d. Invoice/receipt of engine, if new
- e. Deed of sale/affidavit of ownership, if second hand
- f. Picture of banca (5' x 7' - 2 pcs., colored)
- g. Latest picture of owner not more than one (1) month (2 x 2 - 2pcs., colored)
- h. Clearance from PNP-Maritime Region 12

Section 24. The following requirements must be complied for issuance of permit to operate:

- a. Certificate of registration
- b. Duly accomplished application form
- c. Copy of previous permit to operate (renewal)

Section 25. Any Filipino citizen of legal age shall be issued a motorized fishing banca operator's license, with the following requirements:

- a. Duly accomplished application form
- b. Community Tax Certificate
- c. Barangay Clearance
- d. Certificate from Owner of the Banca and Barangay Chairman on Navigational Knowledge and Techniques of Operation
- e. Proof of payment of license and other prescribed fees
- f. Original copy of previous fishing banca operation license (renewal)

Section 26. General Registration Guidelines.

26.1 Application. - The applicant has to file his/her application under oath using the prescribed application form, which shall contain the following information: name of owner, nationality, residence, type and make of fishing banca and propulsion, and other pertinent information that the City Government may require.

Only Filipino citizens, single proprietorships, partnerships and/or corporations and duly registered or accredited fisherfolks associations and cooperatives, are eligible to apply for registration.

26.2 Tonnage Measurement. - The City Government with the assistance of MARINA and PCG shall train and authorize a pool of inspectors to conduct

inspection of the fishing banca to determine its gross tonnage using the metric formula as follows:

$$\text{Gross Tonnage} = \frac{\text{Tonnage Length} \times \text{Tonnage Breadth} \times \text{Tonnage Depth} \times 0.70}{2.83}$$

The inspector shall certify the correctness of the admeasurements in the standard tonnage measurement form.

26.3 Certification from the Philippine National Police-Maritime. - The City Government shall require the applicant to secure a clearance from the PNP Maritime Office in the City Government in its absence, the local PNP, certifying that the fishing banca is not involved in any criminal offense.

26.4 Issuance of Certificate of Registration, Permit to Operate and Motorboat Operator License. - The City Government shall issue a Certificate of Registration using the standard format upon compliance of all requirements and payment of registration fee. Also, the City Government shall issue permit to operate and motorboat operator license upon compliance of all requirements and payment of appropriate fees.

26.5. Official Number, Assignment of Name and Marking of Fishing Banca

26.5.1 Official Number. - The City Government shall assign an official number to a registered fishing banca, which shall correspond to a code (ex. SAR-01-0001), specifying the City Government, which shall be painted permanently marked or plated on both sides of the forward portion of the motorized fishing banca, each letters/numbers are to be painted orange in color. The code shall be painted 6" x 18" in dimension.

26.5.2 Assignment of Name. - The City Government, upon request of the owner/operator may assign a name to the fishing banca. A name shall be assigned to only one (1) fishing banca regardless of type of fishing gear. If the proposed name has already been assigned to another registered boat, the owner or operator has the option of adding letters of the alphabet, any Arabic number or Roman numeral, which can be represented by words or its numeric equivalent, to the proposed name.

The name of the fishing banca shall be painted orange in color on both sides of the mid portion of the fishing banca.

Section 27. The City Government shall institute a monitoring system to determine compliance with E.O. 305 and its implementing guidelines.

The City Government shall take into consideration other factors to guide them in approving the registration of fishing banca, such as but not limited to the carrying capacity of its marine resources and the constitutional and statutory preferential rights of municipal fisherfolks within the municipal waters.

Section 28. The City Government shall issue a new certificate of number in case the fishing banca changes its homeport as their point of origin to General Santos City as their new homeport.

A change in homeport may occur in case the owner/operator decides to change residence or principal office, or sell or transfer ownership of fishing banca, to a person or entity with domicile in another Municipality/City. The City Government shall upon application for change of homeport, issue a certificate of clearance and shall delete the registration of such fishing banca from its previous homeport whom it was registered.

No clearance for the change of homeport shall be issued by the current homeport under the following instances:

1. The single proprietorship, corporation or fisherfolk cooperative has no branch office in the intended homeport;
2. There is an outstanding safety requirement, which the Fishing Banca has to comply;
3. The fishing banca is involved in a pending criminal or administrative case for violation of a fishery law or ordinance or a civil case regarding question of ownership.

Section 29. The City Government shall re-issue the certificate of number in the following instances:

- a. Change in ownership or transfer of the motorized fishing banca without change in homeport
 - b. Change in the engine of motorized fishing banca
 - c. Change of name
- A. In case the motorized fishing banca is the subject of sale or transfer of ownership, the City Government shall re-issue the certificate of number, containing the amended information on ownership upon application of the owner or transferee, and subject to compliance with the following requirements:
1. Duly notarized Deed of Absolute Sale;
 2. Posting in the Barangay or City Hall for seven (7) consecutive days giving notice that the fishing banca has been sold or transferred to a new owner;
 3. Affidavit of Publication executed by the Barangay Captain or the City Mayor that said notice has been posted in the premises and that there are no oppositors to the motorized fishing banca sale; and,
 4. Original copy(ies) of the certificate of registration.
- B. In case of change in the engine. In case of replacement of fishing banca engine, an application for the issuance of new certificate of number shall be filled accompanied by the following documents:
1. Original copy of certificate of number;
 2. Official Receipt of purchase of engine; and
 3. Police Clearance from Traffic Management Group (TMG) that the engine purchased is not from a carnapped/stolen vehicle.
- C. Change of name of the motorized fishing banca. The City Government shall re-issue a CN when an owner or operator desires to change the name of his fishing banca, upon application filed with the homeport, stating the reason for such.

An application for change of name will not be approved if the fishing banca is involved in civil case regarding question of ownership or in a criminal or civil case for violation of a fishery law or ordinance.

Only applications with complete documentary requirements shall be accepted.

Section 30. In case of loss or decay of the fishing banca, or its involvement in a marine/maritime incident, the owner/operator shall immediately inform the City Agriculturist's Office. The latter shall delete or cancel the fishing banca registration.

The City Government may also cancel or delete the registration of the fishing banca for other lawful causes, after duly notifying its owner/operator and compliance with the requirements of due process.

Section 31. The City Government shall maintain up-to date records of fishing banca three (3) gross tonnage and below, and regularly submit to the Maritime Industry Authority (MARINA) Central Office or MARINA Regional Office concerned, the Philippine Coast Guard (PCG) Station/Detachment and Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR) the list of fishing banca registered and deleted/cancelled within the first quarter of the succeeding year.

Section 32. The fee imposed in this ordinance shall be paid in full to the City Treasurer of the City of General Santos upon registration of fishing banca three (3) gross tonnage and below and other fees imposed on this ordinance as follows:

TYPE OF APPLICATION	FEES	TIME/MODE OF PAYMENT
1. Motorized Fishing Banca Registration		
a. 10 hp & below	100.00	
b. 11 hp to 16 hp	200.00	
c. 17 hp & above	300.00	
2. Permit to Operate (PO)		Yearly
a.) 10 hp & below	100.00	
b.) 11 hp to 16 hp	200.00	
c.) 17 hp & above	300.00	
3. Motorboat Operator License (MBOL)	250.00	Every three (3) years on birth month
4. Transfer of Ownership	300.00	Upon application
5. Change of Engine	200.00	Upon application
6. Annual Inspection Fee	100.00	Yearly
7. Environmental Sanitation Fee for Fishing Banca	200.00	Yearly
8. Change of Hull/Body Color	200.00	Upon application
9. Change of Dimension	200.00	Upon application
10. Change of Name		Upon application

Section 33. Failure to pay the permit fee or renew the permit within the time required every February of each year shall be imposed a surcharge not exceeding twenty-five percent (25%) of the fees or charges paid on time and interest at the rate not exceeding two percent (2%) per month of the unpaid fees or charges including surcharges, until such amount is fully paid. The basis in the computation interest will be based on the basic amount.

In case of non-operational of fishing banca, the owner/operator shall inform the City Agriculturist's Office and submit a certification of non-operational from the Barangay Fisheries and Aquatic Resources Management Council (BFARMC) within the time required of the renewal of permits.

Section 34. The City Government shall impose administrative fines and penalties to the owner for non-registration and shall suffer the penalty of:

- 1st Offense ₱ 500.00
- 2nd Offense 1,000.00
- 3rd Offense 3,000.00
- 4th Offense Confiscation of the fishing banca

or imprisonment of one (1) month to six (6) months, or both such imprisonment and fine at the discretion of the court or where the violator of the ordinance does not contest his/her apprehension and elect to pay the fine imposed by this ordinance. The enforcement officer shall issue a citation ticket to the person apprehended without resort to the court. The citation ticket shall state or contain:

- (a) The name, signature, age and address of the person apprehended;
- (b) The material facts obtaining in the commission or omission of the crime defined and penalized under this ordinance;
- (c) The amount of fine which is payable in favor of the City Government of General Santos; and
- (d) Notice requiring the person apprehended for extrajudicial settlement of his/her violation by paying the prescribed fine at the Office of the City Treasurer within ten (10) working days from issuance thereof, otherwise, appropriate complaint be filed against him/her with the appropriate government agency such as the City Prosecutor for the filing of appropriate charge against him/her with the court of law.

Section 35. The City Government shall train its technical personnel with the assistance of the Maritime Industry Authority (MARINA) and the Philippine Coast Guard (PCG) and designate appropriate officers for the full discharge of this devolved function. The MARINA and PCG, shall extend assistance and support to ensure that the services needed by the public are not disrupted.

Article VI Fisheries and Aquatic Resources Management Council (FARMC)

Section 36. Creation of City FARMC. - The City Fisheries and Aquatic Resource Management Council is hereby created with the following composition:

Chairperson - The City Planning and Development Coordinator
Members:

- Chairperson, Sangguniang Panlungsod Committee on Fisheries, Marine Life and Aquatic Resources;
- Representative of the City Development Council to be designated by the City Mayor;
- Representative from an accredited non-government organization to be designated by the City Mayor;

- Representative from the Department of Agriculture to be designated by the City Mayor; and
- At least eleven (11) representatives: five (5) fisherfolks, one (1) fishworker, three (3) commercial fishers, one (1) representative from the fishvendors, one (1) representative from the coastal federation, provided that such representatives shall also include representative from the youth and women sectors, to be designated by the City Mayor.

The Council shall adopt rules and regulations necessary to govern its proceedings and election.

Section 37. - Powers and Functions of CFARMC. - The City FARMC shall exercise the following powers and functions:

- (a) Harmonize and integrate into a City Fisheries and Aquatic Resources Development Plan (CFARDP) the existing Barangay Fisheries and Aquatic Resources Development Plan and submit Plan to the Municipal/City Development Council;
- (b) Monitor and evaluate the implementation of the CFARDP;
- (c) Assist law enforcement agencies and support BFARMC law enforcement task forces, committees in the enforcement of fisheries environmental laws, rules, regulations and ordinances;
- (d) Assist and support BFARMCs in the filing of complaints with administrative and/or judicial bodies against those who commit violations of the fisheries and environmental laws, rules and regulations in collaboration with designated Prosecutor;
- (e) Recommend and submit resolutions to the Sangguniang Panlungsod concerning fisheries and aquatic resources management and conservation measures for adoption into city ordinances;
- (f) Endorse applications for fishing and/or license to the appropriate offices of the city and special agencies for consideration;
- (g) Arbitrate disputes between and among barangays over fishery rights;
- (h) Source funds for their requirements and assist in sourcing of funds for the needs of the Barangay FARMCs;
- (i) Promote ancillary economic activities, including marketing and socioeconomic services;
- (j) Assist and support BFARMCs in the conduct of fisheries and aquatic resources management studies and researches in the city;
- (k) Assist and support BFARMCs in establishing fishing zones, demarcated areas and in delineating navigational lanes;
- (l) Monitor and gather data in fish landing points as basis for the formulation of management plans and policies;
- (m) Assist and support BFARMCs in regulating fishing effort in designated fishing grounds as may be determined by studies conducted by concerned groups and/or agencies;
- (n) Maintain a registry of city fisherfolks and their organizations.

Section 38. Creation of Barangay Fisheries and Aquatic Resource Management Councils (BFARMCs). – The Barangay Fisheries and Aquatic Resource Management Council is hereby created and composed of the following:

- (a) Chairperson of Sangguniang Barangay Fisheries Committee;
- (b) Representative from private sector preferably from an accredited non-government organization;
- (c) At least eight (8) representatives of fisherfolks including the youth and women sectors.

The Council shall adopt rules and regulations necessary to govern its proceedings and election.

Section 39. Powers and Functions. - The BFARMC shall have the following powers and functions:

- (a) Formulate and submit Barangay Fisheries and Aquatic Resources Development Plan (BFARDP) to the Barangay Development Council and implement it;
- (b) Formulate and submit fisheries and aquatic resources policies and management measures to the Sangguniang Barangay;
- (c) Screen qualified applicants and evaluate applications for fishing permits and/or licenses and recommend/endorse applications to appropriate offices of the city for approval;
- (d) Participate in the conduct of fishery resources management studies or researches that need to be undertaken in the barangay;
- (e) Create a law enforcement task force/committee in coordination with the city and law enforcers as its enforcement arm;
- (f) In collaboration with the assigned prosecutor, file complaints with administrative and/or judicial bodies against those who commit violations of fisheries and environmental laws, rules and regulations;
- (g) Participate in the protection of fishery reserves and sanctuaries and manage the sustainable use of fisheries and aquatic resources;
- (h) Assist in the arbitration of disputes between and among fisherfolks over fishery rights and sharing contracts;
- (i) Source funds for the implementation of BFARDP;
- (j) Take active participation in establishing fishing zones, demarcated areas and in delineating navigational lanes;
- (k) Recommend and submit resolutions to the Sangguniang Panlungsod concerning fisheries and aquatic resources management and conservation measures for adoption into city ordinances;
- (l) Monitor and gather data in fish landing points as basis for the formulation of management plans and policies;
- (m) Participate in the regulation of fishing effort in designated fishing grounds as may be determined by studies of concerned groups and/or agencies;
- (n) Maintain a registry of barangay fisherfolk and their organizations;
- (o) Promulgate guidelines, screen fisherfolk organizations and recommend to Sangguniang Panlungsod for accreditation;
- (p) Monitor and evaluate the implementation of BFARDP.

Section 40. Appointment of FARMC Members. - The members of the CFARMC shall be appointed by the City Mayor, upon nomination by their respective offices or organizations. Members of the BFARMC shall be appointed by the Barangay Chairman, upon nomination by their respective offices or organizations. Their terms of office shall be one (1) year, subject to renewal, likewise by nomination of their offices or organizations. Members shall be entitled to

reasonable honoraria for participation in the activities of the C/BFARMC, subject to the usual accounting rules and regulations.

Section 41. Appropriations for City and Barangay FARMC Operations. - The Office of the City Agriculturist shall be responsible for the preparation of the annual budget for the operations of the City and Barangay FARMC for the purpose of inclusion in the annual appropriations act of the City.

Section 42. Supplementary Application. - The provisions of Executive Order No. 240, Series of 1996, and the Fisheries Administrative Order No. 196, Series of 2000, prescribing rules and regulations on the creation and maintenance of FARMCs, including Barangay FARMCs, shall apply to this ordinance in a supplementary manner.

Article VII Monitoring, Control and Surveillance (MCS)

The city government, in coordination with FARMC and PAMB, shall strengthen monitoring, control and surveillance system, to ensure that the fishery and aquatic resources are wisely utilized and managed on a sustainable basis.

Section 43. Creation of Fisheries and Coastal Resource Management (CRM) Division. - The city government shall create the Fisheries and Coastal Resource Management Division under the Office of the City Agriculturist.

Section 44. Functions of Fisheries and Coastal Resource Management (CRM) Division. - This division shall perform the following functions:

- a. Implement policies, rules and regulations related to CRM and Fisheries;
- b. Be a repository of Fisheries and CRM data and all other relevant information;
- c. Formulate and implement activities and programs as provided for in the CRM and Fisheries Management Plan;
- d. Conduct IEC and other advocacy related to CRM and Fisheries;
- e. Supervise the activities and programs of the CFARMC and the City (Fishery Law Enforcement Team) FLET;
- f. Conduct training capability and empowerment to Fisherfolks;
- g. Provide relevant data that may be used as basis in decision-making and as an aid to legislation;
- h. Recommend alternative livelihood programs and other activities to the chief executive;
- i. Participate in the monitoring and conduct of surveillance;
- j. Plan activities and programs for the development of the fisheries and CRM sector of the LGU.

Section 45. Strengthening/Establishment of Fisheries and CRM Database. - There shall be an established database for the Fisheries and Coastal Resource Management.

Section 46. Access of Sharing of Database. - There shall be a centralized repository of coastal resource management and data, which will be established at the Office of the City Agriculturist.

Section 47. Formation of City FLET. - The Office of the City Mayor, through the Office of the City Agriculturist (OCAG) is hereby authorized to organize Fishery Law Enforcement Teams in each of the coastal barangays of General Santos City. For this purpose, the OCAG shall maintain a FLET Coordinating Office, responsible for coordinating all activities relating to fishery law enforcement.

Section 48. Powers and Functions. - The FLET is authorized to assist regular law enforcement officers such as the Philippine National Police–Maritime Group, Philippine Coast Guard, or Philippine Navy, in the enforcement of the provisions of this Ordinance as well as other laws, rules and regulations on fisheries and aquatic resources. The FLET shall also assist the OCAG and CENRO in carrying out their duties and functions. For legal purposes, they are deemed to be persons rendering assistance to persons in authority and shall be subject to the direct control and supervision of a regular law enforcement officer.

Section 49. Composition of the City FLET. - The City FLET shall be composed of the following: City Mayor as chairperson, City Agriculturist as vice-chairperson, Head of the City Planning and Development Office, Head of City Environment and Natural Resources Office, Liga ng mga Barangay President, and the President of an accredited non-government organizations or people's organizations of fisherfolks who shall be recommended by the group of non-government organizations or people's organizations of fisherfolks for designation by the City Mayor, as members.

Section 50. Incentives of City FLET Members. - The City FLET members except the City Mayor shall receive ₱2,000 as honorarium in every actual attendance of its meetings.

Section 51. Logistical Support to FLET. - The city government shall provide communications and transportation equipment to the FLET so as to ensure fast and speedy communications and mobility in the performance of its functions.

Section 52. Deputation of FLET as Protected Area Wardens. - The city government shall endeavor to secure pertinent papers from the PAMB for the deputation of the FLET members as Protected Area Wardens.

Section 53. Training as Requisite for FLET Membership. - No person shall become a member of the FLET unless he or she has successfully completed the training course in fishery law enforcement as prescribed or administered by the Bureau of Fisheries and Aquatic Resources and has been duly deputized for that purpose.

ARTICLE VIII Prevention and Regulation of Coastal Pollution

Section 54. Water Pollution. - All activities in the grounds or waters, directly or indirectly, which result or likely to result in such deleterious effect which harm living and non-living aquatic resources, hazard to human health, hindrance to coastal or fishery activities such as fishing and navigation, including dumping/disposal of waste and other marine litter shall be prohibited pursuant to Clean Water Act, NIPAS Act 7586, RA 8550, RA 9003 (ESWM) and other pertinent laws: *Provided*, That it shall be the responsibility of the polluter to contain, remove and clean-up pollutants at his/her/its own expense as well as provide compensation and alternative livelihood to affected fisherfolks and coastal communities: *Provided, however*, that in case of failure to do so, the city government, in coordination with PAMB, shall undertake containment, removal and

clean-up operations and the expenses incurred in said operation shall be charged against the Environmental Guarantee Fund (EGF) of the project and the polluter in accordance with Clean Water Act and International Convention.

Section 55. SBPS Water Quality. - As a Protected Seascape, the Bay is supposedly categorized as Coastal/Marine Water Class SA, where discharge of waste or effluent is absolutely prohibited. However, previous and current usage of the bay has placed it under Coastal/Marine Water Class SB, where a certain level of discharge can be allowed.

To prevent and control further deterioration of water quality in the Sarangani Bay, the city government shall see to it that no use of its municipal waters that will make the bay in the category lower than Class SB shall be allowed.

Likewise, all rivers within the territory of General Santos City shall be maintained and protected by the city government so as to preserve the same in its natural condition and so that the said rivers will not become a medium or source of pollution of the Sarangani Bay.

Section 56. Multi Sectoral Water Quality Monitoring Team (WQMT). - The city government shall establish and strengthen existing multi-sectoral monitoring team to ensure the proper implementation of the Clean Water Act and other pertinent laws regarding water pollution.

Section 57. Public Consultation to the Residents of the Primary Impact Area. - All projects in the primary impact area shall conduct scoping, evaluation and assessment through a public hearing.

Section 58. People's Participation in Waste Management. - The city government in coordination with PAMB, FARMC, People's Organization, Department of Education Region XII and Private Sectors, in the implementation of RA 9003, shall conduct continuous education on proper management of solid and liquid wastes; Provided, however, that the city government shall establish appropriate and specific solid and liquid waste disposal sites; Provided further, that all laws and regulations on waste disposal and pollution control shall be followed.

The city government, in coordination with the PAMB and FARMC, shall provide measures to facilitate collection, transportation, processing and disposal of wastes.

Section 59. SBPS-PAMB Clearance. - All proponents of projects in the Sarangani Bay Protected Seascape shall secure a PAMB approval prior to issuance of Environmental Compliance Certificate if the projects are within the municipal waters of General Santos City, PAMB shall approve proposal, designs, management and action plans of those projects in coordination with the City Government thru the Office of the City Mayor.

Section 60. Environmental Impact Assessment System (EIAS). - All government agencies as well as private corporations, firms and entities who intend to undertake activities or projects which will affect the quality of the environment shall be required to prepare a detailed Environmental Impact Assessment (EIA) prior to undertaking such development activity. The preparation of the EIA shall form an integral part of the entire planning process pursuant to the provisions of Presidential Decree No. 1586 as well as its implementing rules and regulations; *Provided further*, that the city government and a technical representative shall be members of the review committee of any project of the concerned proponent.

Section 61. Environmental Compliance Certificate (ECC). - All Environmental Impact Study (EIS) shall be submitted to the DENR for review and evaluation. No person, natural or juridical, shall undertake any development project without first securing an Environmental Compliance Certificate (ECC). No project shall commence without complying all requirements stated in ECC, provided further that PAMB and the city government shall monitor projects in SBPS and its municipal waters.

Article IX Establishment of Fish Aggregating Devices and Artificial Reefs

Section 62. Fish Aggregating Devices (FADs). - The city government may allow deployment of fish aggregating device (payaos) in the multiple use zone where only hook and line fishing shall be allowed; Provided that the establishment of Payaos in the SBPS and municipal waters shall be in accordance with the management plan.

Section 63. Installation and Regulation of Artificial Reefs (AR). - All Artificial Reefs (ARs) shall be deployed in the Restoration, Recreation and Habitat Management Zone for conservation and protection purposes in accordance with PAMB Management Plan; Provided that no fishing shall be allowed and that ARs shall not contain corrosive and toxic substances.

Article X Exclusive and Preferential Fisheries Rights and Privileges

Section 64. Preferential Rights. - The city government shall grant preferential fishery rights to fisherfolk organizations and/or cooperatives in specific areas as identified in the PAMP. They shall likewise be entitled to exercise such other exclusive privileges as maybe identified pursuant to the provisions of Fisheries Development Plan and the PAMP. Provided finally, that in the absence of such organization/cooperative or their failure to exercise their preferential rights, other parties may be given the preferential right to participate in the public bidding in conformity with the prescribed procedure.

Section 65. Grant of Fishing Privileges. - The city government through the Sangguniang Panlungsod shall grant fishery privileges to duly registered fisherfolks and accredited fisherfolk organizations in Multiple Use Zone (MUZ) areas prescribed in the PAMP. Fishing privileges may be granted for the construction of fish corrals, fish pens, fish cages, and gathering of fries. Provided however, that fisherfolks or their organizations shall comply with the regulations set forth by the Office of the City Agriculturist.

Failure of the fisherfolk to avail of the fishing privilege, the city government through the Sangguniang Panlungsod may grant fishing privilege to other interested parties.

Section 66. Procedure in the Granting of Fishery Privileges. - The city government through the Sangguniang Panlungsod shall post in the city hall, LEGISLATIVE BUILDING, and two (2) other strategic places a notice to fisherfolks organizations and/or cooperatives to apply for fishery privileges. The same notice shall be posted in at least two (2) strategic places in every fishing barangay and announced once a week for four (4) consecutive weeks in a local radio station.

Interested parties shall have a period of forty-five (45) days from the posting of the notice to signify their intention to the Sangguniang Panlungsod to avail of the exclusive fishery privilege.

The city government through the Sangguniang Panlungsod through a resolution, shall award the grant to the selected fisherfolks organizations and/or cooperatives and;

The grantee organization and/or cooperative shall enter into a written agreement with the city government for the exclusive fishery privileges.

Article XI Permits and Other Charges

Section 67. Gratuitous Permit. - The city government thru the Sangguniang Panlungsod and in coordination with PAMB may issue gratuitous permits qualified to engage in any fisheries activity in its municipal waters for scientific or educational purposes, subject to the terms and conditions as may be imposed: Provided, that copy of the result or data shall be provided to the city government for ready reference in formulating policy and for decision-making.

Section 68. Fishing Permits for Non-SBPS Fishers. - Fishermen from outside SBPS and municipal waters shall apply special fishery license or permit provided, that additional charges shall be imposed as prescribed by the city government.

Section 69. Renewal of Fishery License and Permit. - The fishery license and permit will expire every December 31 of given year and to be renewed from January 1 to 20 pursuant to Local Government Code. After which a penalty or surcharge will be imposed in accordance to city's revenue code.

Section 70. Grounds for the Denial of Application and Renewal for Permits and Licenses. - The application may be rejected on the ground of fraudulent, false and/or misleading statement(s) in the application. It may also be denied for failure of the applicant to comply with the requirements.

Section 71. Grounds for the Cancellation of Permits/Licenses. - Permits/licenses may be cancelled on the following grounds:

- (1) Fraudulent, false and misleading statements in the applications;
- (2) Failure to comply with and/or violation of applicable national laws and local ordinances;
- (3) Construction and/or operation of fish cage, fish pen or fish corrals outside of designated areas;
- (4) Abandonment and non-operation of the area for 60 days and/or lack of interest of the permittee to continue; and
- (5) Failure to pay the necessary fees, surcharges or penalties.

Section 72. Conditions for all Fishing Licenses. - The following conditions must be complied upon issuance of all fishing licenses:

The license shall be carried at all times by the person or the licensee on board the licensed boat;

The license shall be valid only within the zones or sub-zones specified therein for its operation;

The licensee or boat-owner undertakes to submit himself or herself to the administrative processes of the city government in case of violation of the terms and conditions of the license;

In case of violation of the terms and conditions of the license, the licensee or boat-owner undertakes to pay the administrative fines in accordance with the Citation Ticket Ordinance of the city.

Section 73. Docking Area for Commercial Fishing Boats. - Docking area may be designated by the city government for landing, repair and maintenance of commercial fishing boats. Private docking area may be allowed subject to the provisions of the Zoning Ordinance and other ordinances on business.

Section 74. Duties of Licensee, Permittee, and Exclusive Fishery Privilege Holders. - All licensees and permittees of fishery privilege have the following duties and responsibilities:

- (1) Take precaution to prevent destruction to the coastal and fishery resources to ensure environmental protection at all times;
- (2) Assume responsibility for the use of fishing boat and any act of his/her agents, employees or laborers, including those of contractors connected with his/her fishing operations, or in the establishment, management, or operation of the contract or during the fishing expedition, such as transport and or possession of explosives and other poisonous or noxious substances, as well as any fish caught through unlawful means;
- (3) Keep and submit all records and reports of transaction in connection with the license, permit or lease in such format as required by the terms and conditions of the license and as may be required by law;
- (4) Allow or render assistance to any law enforcer for purposes of inspection, search and examination of any person, document, record and place of operation including storage areas, auxiliary boats or goods aboard the boat;
- (5) Vacate the area covered by the fishery privilege upon expiration or cancellation of the privilege;
- (6) Clear, remove, destroy or demolish any debris, material, structure or gear, or in the vacated area placed or constructed on the site of the fishery privilege upon expiration or cancellation of the privilege.

Section 75. Funds for Coastal Resources and Fisheries Management. - The City Government of General Santos shall allocate funds for Coastal Resource and Fisheries Management activities such as, but not limited to livelihood program for fishers, research, training, information and communication campaign, advocacy and education.

Section 76. Trust Fund. - A Trust Fund for Coastal Resource and Fisheries Management shall be established in the account of the city government to be taken from the proceeds of fines, penalties, grants and donations. The funds shall be used exclusively for activities and projects aimed at promoting the fishery programs of the city government, projects and activities of coastal resource and fishery management program.

Post-Harvest Facilities, Activities and Trades

Section 77. Establishment of Post-Harvest Facilities. - The city government shall promote encourage the establishment of post-harvest facilities such as, but not limited to, city fish landing sites, fish ports, ice plants and cold storage and other fish processing facilities.

Section 78. Fish Port and Cannery Development.- Fish port development within the city's municipal waters shall be designed in a manner that will minimize changes to existing water and sediment quality parameters; Provided that, fish ports and harbors should be placed in areas with the highest available flushing rate, and access channels should be designed to minimize adverse water circulation changes and creation of stagnant water dynamics.

Article XIII

Aquaculture Promotion and Development

Section 79. Promotions of Aquaculture Development. - The city government shall promote the development of aquaculture within its territory. Its plans and programs shall be in support to the development plan envisioned for the area.

Section 80. Exotic Fish Species for Aquaculture. - Exotic species of fish for aquaculture shall not be allowed in General Santos City unless such fish has been determined by BFAR, as suitable species for aquaculture.

Section 81. Designated Areas for Aquaculture. - In coastal areas, aquaculture projects such as but not limited to cages, pens, seaweeds and mussel farms may be established in the Multiple Use Zone consistent with the Protected Areas Management Plan of the appropriate national government agencies.

Fish pens, cages and other aquaculture and fishing activities may be allowed in inland bodies of water such as lakes, rivers, streams, marshes as long as the proponent of such activities shall strictly observe environmental protection. The City government may designate such areas as suitable for aquaculture.

Section 82. Formulation of a Mariculture Management Plan. - The city government shall formulate a mariculture Management Plan that will define the usage, size limitation, distance, and other policies pertaining to mariculture operation.

Section 83. Mariculture Operation. - In coastal areas, individual operators, associations and corporations may be allowed to operate fish cages, subject to the carrying capacity of the designated zone, in terms of water quality where Class SB or higher shall be maintained and subject to the provisions of the national laws, rules and regulations.

In inland areas, individuals, organizations and corporations may establish fishponds and/or commercial fish hatcheries in their titled property or Fishpond Lease Agreement areas, provided, that it is in conformity with the land use plan of the city and shall secure appropriate permit or clearances.

Section 84. Support Mechanism to Aquaculture. - Establishment of hatcheries, post-harvest facilities and farm to market roads shall be given support by the city government.

Section 85. Registration of Fishpond, Cages, Pens and other Aquaculture Projects. - The city government thru the Office of the City Agriculturist shall maintain a registry of fishponds, fish hatcheries and other aquaculture firms and shall be updated regularly.

Section 86. Authority to Collect Fees. - Collection of fees for permit to operate aquaculture project shall be on a yearly basis. Fees shall be based per cubic meter for the fish cage as prescribed by the tax ordinance.

Section 87. Submission of Yearly Production Report. - All permittees and fishpond owners shall submit a yearly production report that provides detail of monthly production by fish species to the Office of the City Agriculturist. This report shall constitute the statistical data of fish production of the city government. The city government shall maintain an updated fisheries database.

Section 88. Grounds for Cancellation and Non—Issuance of Permits. - The following shall be grounds for cancellation and refusal by the city government to issue permits to aquaculture operators:

1. Fraudulent and false statements in the application;
2. Failure to comply with the local and national laws affecting the project;
3. Failure to pay the necessary fees and surcharges relative thereto;
4. Failure to submit the yearly production report;
5. Use of dummy permittee by any individual, association, firm or corporation;
6. Sub-leasing of aquaculture areas;
7. Abandonment of the area for more than six months without justifiable reason; and
8. Violation of existing laws.

Section 89. Expiration of Aquaculture Licenses/Permits. - All fishery licenses/permits shall expire on December 31 of given year and may be renewed during the period as prescribed under the appropriate existing tax ordinance.

Article XIV Prohibitions and Penalties

Section 90. Prohibited Acts. - The following shall be considered prohibited acts and unlawful:

1. Any fishery activity such as exploitation, occupation, production, breeding, culture, capture or gathering of fish, fry or fingerlings of any fishery species or fishery product in the city's municipal waters without a license, lease or permit, except if the purpose of the gathering/exploitation is purely for consumption only. The violator shall be punished with a fine of ₱1,000.00 for the first offense, ₱2,000.00 for the second offense and ₱3,000.00 or imprisonment for 5 days for the third and succeeding offense.
2. Possession/keeping of explosives, noxious or poisonous substances or electro fishing devices in any fishing vessel or in the possession of a fisherfolk, operator or worker within the city's municipal waters. The violator shall be punished with a fine of ₱3,000.00 and imprisonment of one (1) month.
3. Use of explosives, noxious, or poisonous substances and/or electricity for fishing or whatever purpose in municipal waters. The violator shall be punished with the fine of ₱5,000.00 and imprisonment of one (1) year.

4. Use of fine mesh net except in the gathering of fry, elvers, *tabios*, *alamang* wherein such species are small but already matured in nature. The violator shall be punished with a fine of ₱1,000.00.
5. Gathering, possession, and selling of corals within the city's municipal waters, except for scientific or research purposes with a prior written approval of the PAMB as recommended by the City Government. The violator shall be punished with a fine of ₱5,000.00 or imprisonment of one (1) year at the discretion of the court.
6. Extracting, gathering, selling, quarrying, exporting, or transporting without a permit of sand, silica, pebbles and any other mineral from the rivers, creeks and other bodies of water within the territory of General Santos City. The violator shall be punished with a fine of ₱3,000.00.
7. Conversion of mangroves into fishponds or any other purpose. The violator shall be punished with a fine of ₱5,000.00 or imprisonment of one (1) year at the discretion of the competent court.
8. Fishing during Closed Season within the city's municipal waters. The violator shall be punished with a fine of ₱1,000.00.
9. Fishing in Strict Protection Zones. The violator shall be punished with a fine of ₱1,000.00.
10. Fishing or taking, trading, gathering and possessing of threatened or endangered marine species. The violator shall be punished by a fine of ₱1,000.00. The item shall be seized and confiscated in favor of the government. If it is still alive, it shall be preserved and turned over to appropriate government agency.
11. Capture of Sabalo and other breeders/spawners except for research purposes subject to the regulation under R.A. 8550. The violator shall be punished with a fine of ₱3,000.00.
12. Any act causing coastal and marine pollution. The violator shall be punished with a fine of ₱1,000.00.
13. Any fishing activity using air compressor and scuba for fishing. The violator shall be punished with a fine of ₱5,000.00 or imprisonment of six (6) months at the discretion of the competent court.
14. Taking, selling, buying or processing of juvenile fish. The violator shall be punished with a fine of ₱1,000.00.
15. Use of destructive fishing methods and gears. The violator shall be punished with a fine of ₱3,000.00.

Every penalty imposed for the commission of any prohibited act shall carry with it the confiscation of the fish, forfeiture of the proceeds and the instruments or tools with which it was committed.

Where the violator of this Ordinance does not contest his/her apprehension and elect to pay the fine imposed under this Section, the enforcement officer shall forthwith issue citation ticket to the person apprehended without resort to the Court. The citation ticket shall state or contain (a.) the name, signature, age and address of the person apprehended, (b.) the material facts obtaining in the commission or omission of the crime defined and penalized under this Ordinance, (c.) the amount of fine which is payable in favor of the City Government of General Santos, and (d.) notice requiring the person apprehended for extrajudicial settlement of his/her violation by paying the prescribed amount of fine at the Office of City Treasurer within seventy-two (72) hours from issuance thereof, otherwise, appropriate complaint shall be filed against him/her before the court of law.