



Strengthening Marine Protected Areas to Conserve
Marine Key Biodiversity Areas in the Philippines



2019



A PRIMER ON

LANUZA BAY CFARM ORDINANCE

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Contributors:
Atty. Leoderico P. Avila, Jr.
Atty. Jonah Mark C. Avila
avilafirm.com

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INTRODUCTION & RATIONALE

Introduction

This Primer is designed for easy reference for those involved in the implementation of Comprehensive Fishery and Aquatic Resources Management (CFARM) Ordinance in Carrascal, Cantilan, Madrid, Carmen, Lanuza, Cortest, and Tandag City (CarCan-MadCarLanCorTan) comprising the Lanuza Bay Development Alliance (LBDA) Local Government Units (LGU). As conceived, CFARM Ordinance was enacted for the proper management of fishery resources in LBDA for the benefit of the community, especially the marginalized sectors of farmers and fisherfolk.

This Primer endeavors to provide answers to questions crafted to emphasize some provisions of the Ordinance couched with technical and legal phrases that may not be clearly understood by those charged with its implementation. It also offers suggestions and recommendations for the implementors to consider, and for the legislators to enhance some of its provisions.

Frequently Asked Questions are likewise presented as a clue to strategizing the implementation of the Ordinance and the need for its amendment.

Rationale for enacting and amending CFARM Ordinance

Lanuza Bay LGUs have jurisdiction over their respective municipal/city waters. They are primarily responsible for the conservation, development, protection,

and utilization of all fishery resources. In doing so, each LGU is obliged to pass an Ordinance as an embodiment of the Fishery law and rules. As enacted, CFARM Ordinance serves as an enabling local law aimed at managing marine resources in a sustainable manner.

Some provisions of CFARM Ordinance seemingly appear obsolete by the lapse of time. So, amendment is the proper remedy. But for an amendment to be responsive to the demands of its stakeholders, in-depth and collective discussion among the stakeholders is a key to quality legislation and effective policy.

PRELIMINARY PROVISIONS

What embraces the Title of CFARM Ordinance?

- a. Comprehensive Fishery and Aquatic Resources Management Program;
- b. Designation of a Body responsible for the implementation of the Ordinance;
- c. Creation of the Administrative Adjudication Board and Appellate Board;
- d. Sanctions for any violation; and
- e. Provisions related to the main purpose of the Ordinance.

What is the specific Number, Title and date of Enactment of CFARM Ordinance?

The LGUs of Carrascal, Cantilan, Madrid, Carmen, Lanuza and Tandag City commonly adopted the Title known as “Comprehensive Fishery and Aquatic Resources Management Ordinance.”

LGU-Cortes adopted its separate title known as Kawit Bank Special Fisheries Management Area or KB-SF-MA) Ordinance.”

As to the number and date of approval, they vary as follows:

LGU	Ordinance No.	Date Enacted
Carrascal	3, s. 2011	Mar. 1, 2011
Cantilan	6-2000	Aug. 10, 2010
Madrid	04, s. 2018	Oct. 1, 2018
Carmen	74, s. 2010	Mar. 1, 2011
Lanuza	01, s. 2015	Jan. 27, 2015
Cortes	01, s. 2016	Jan. 4, 2016
Tandag	26, s. 2009	Oct. 22, 2009

What are the Policies declared by the LGUs within LBDA in their CFARM Ordinance?

LGUs of Carrascal, Cantilan, Madrid, Carmen, Lanuza and Tandag commonly declared the following policies:

- To achieve food security and economic well-being of the people as the overriding consideration in the utilization, management, development, conservation and protection of fishery and aquatic resources.
- To ensure priority access to the fishery and aquatic resources of the municipality.
- To actively participate and continuously contribute to LBDA human and financial resources to ensure sustainable utilization and management of ecosystem-based fishery and aquatic resources.
- To allow registered fisherfolks of other municipality or city within LBDA area access to and enjoyment of fishery and aquatic resources pursuant to the principle of reciprocity after complying with the conditions set forth in this Ordinance before any fisherfolk may be allowed to engage in fishing.
- To provide support to the fishery sector, primarily the resident fisherfolks, including women and youth sectors, through appropriate technology and continuing research, financial assistance, production and marketing, construction of post-harvest facilities and other related programs and services.

LGU of Cortes made the following additional declaration of policies:

1. To ensure the rational and sustainable utilization, management, development, conservation and protection of its fisheries and aquatic resources adopt the strategy of Territorial Use Rights in Fisheries and Reserves or TURF+Reserves;
2. To limit access to fisheries and aquatic resources within the declared KB-SFMA for the exclusive use and enjoyment of registered and licensed fisherfolks of Cortes;

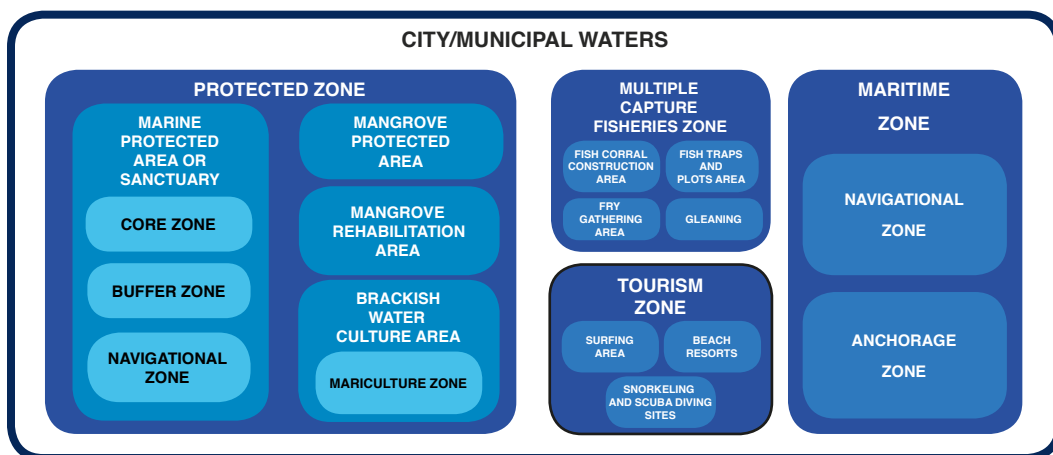
3. To adhere to and uphold the principle of reciprocity embodied in the Amended Covenant or Memorandum of Agreement (MOA) of the municipalities comprising Lanuza Bay Development Alliance (LBDA) in the utilization, management, development and protection of its fisheries and aquatic resources in areas outside the declared KB-SFMA, that is, from 10.1 kilometers to 15 kilometers from its coastlines;
4. To adopt the precautionary principle and manage fishery and aquatic resources, in a manner consistent with the concept of an ecosystem-based approach to fisheries management and integrated coastal area management, appropriately supported by research, technical services and guidance provided by partner national government agencies (NGAs), the academe and non-government organizations (NGOs); and
5. To provide sufficient budgetary support and allocate human resources for the fishery sector, primarily for the municipal fisherfolks, including women and youth in the fishing communities, for their livelihoods through appropriate technology, trainings, marketing assistance and other services.

What are the Operative Principles embodied in CFARM Ordinance?

- Adequate budgetary allocation and deployment of human resources
- Ensure active participation of fisherfolks
- Protection of the rights, and preferential treatment, of the marginal fisherfolks
- Strong and coordinated efforts with the allied municipalities for purposes of ecosystem-based and sustainable utilization of fishery and aquatic resources
- The existing policies, programs and activities embodied in LBDA Covenant and those that may later be adopted by the LBDA Council not inconsistent with this Ordinance shall be deemed an integral part of this Ordinance.

DELINEATION & ZONING OF MUNICIPAL/CITY WATERS

MANAGEMENT ZONES IN THE LANUZA BAY MUNICIPAL/CITY WATERS



What is the significance of delineating the Municipal or City Water?

- Serves as legal basis in determining the geographic extent of the Municipality or City.
- Such extent limits the exercise of its taxing power or revenue generation, law enforcement, resource allocations, and sustainable management and utilization of fisheries and aquatic resources.

What are the written instruments showing that the Municipal and City Waters within LBDA were already delineated?

- Technical map with coordinates
- Location of coastal terminal points
- Joint agreement adopted as part of the CFARM Ordinance.

How is the zoning of the the Municipal and City Waters done?

The municipal or city waters of Lanuza Bay LGUs were zonified into major coastal zones, determined

complementarily and in harmony with the overall bay-wide zoning framework, without prejudice to additional zones that may later be identified and established: Provided, That the zonation map formulated and generated as a result of consultation among the stakeholders and validated in the field is adopted and made an integral part of the Ordinance.

What are the major Coastal Zones declared by the respective Lanuza Bay LGUs?

The major coastal zones of CarcanMadCarLanCorTan LGUs include:

1. Protected Zone
2. Multiple Capture Fisheries Zone.
3. Tourism Zone
4. Maritime Zone

PART 2 • DELINEATION & ZONING OF MUNICIPAL/CITY WATERS

What comprises Protected Zone?

- Sub-zones and other sites identified and reserved for protection of critical habitats, marine species and organism
- Protected areas declared before the enactment of the CFARM Ordinance and those that may later be declared by subsequent Ordinance

What are the Sub-Zones within the Protected Zone?

The Protected Zone is categorized into four (4) Zones:

1. Marine Protected Area/Sanctuary
2. Mangrove Rehabilitation Area.
3. Mangrove Protected Area
4. Brackish Water Culture Area

MARINE PROTECTED AREAS/SANCTUARY

What are the policies governing the management of MPA common to all LGUs in LBDA?

1. No MPA shall be declared outside the Protected Area zone;
2. Human access and activities are prohibited in the core zone of the marine protected area except for research purposes;
3. Activities within the buffer zones will be limited to hook and line fishing, other fishing gear may be allowed in areas 200 meters away from the buffer zone of the MPA;
4. A management plan as an operational guidelines of the MPA shall be formulated in a participatory manner; and
5. Results of the studies and/or researches conducted within the marine protected area zone shall be furnished to the Offices of the Municipal Mayor, Municipal Agriculturist, and Municipal Environment and Natural Resources Officer.

What happens to the existing Ordinances of each LGU upon approval of CFARM Ordinance?

The policies set forth in the respective Municipal Ordinances for the management of the Lanuza Bay MPAs remain valid and enforceable.

MANGROVE REHABILITATION AREAS

What prompted each Municipality and City in LBDA to designate Mangrove Rehabilitation Areas

(MRA)?

- Due to various human activities, such as cutting of mangroves, that caused damage to considerable mangrove areas, each LGU of LBDA identified certain sites for mangrove rehabilitation as a remedy.

What are the policies to be followed within the Mangrove Rehabilitation Area?

- Mangrove rehabilitation shall be in accordance with the municipal and city coastal resource management framework;
- Mangrove rehabilitation activities shall be guided by the following rules and regulations:
 1. Mangrove rehabilitation activities shall be undertaken in the specified area;
 2. No mangrove rehabilitation shall be undertaken only pursuant to an issued permit; and
 3. Fishing with the use of active gears is prohibited within the mangrove rehabilitation sites.

MANGROVE PROTECTED AREAS

What are the Policies/Regulations that should be followed within the Mangrove Protected Area?

- Human activities within the identified mangrove protected areas shall be governed by the overall coastal resource management framework of the Municipality.

Municipality of Lanuza

The Municipality of Lanuza has its own unique policies on the regulations of its Mangrove Protected Area Subzone. Pursuant to Section 12 of its CFARM Ordinance, Muncpal Ordinance No. 05, series of 2015, its Mangrove Protected area Subzone is further zonified as follows:

1. Turtle Nesting Area

- a. **Area.** The Municipality of Lanuza declared the shoreline of Doot Poktoy, Zone I to Barangay Bunga for **Turtle Nesting Area** covering an area of 28 hectares.

b. Special Regulations within the Nesting Area.

- i. Gathering of eggs is prohibited within the nesting area;
- ii. Installation and construction of structures of any kind within the nesting area is prohibited,

DELINEATION & ZONING OF MUNICIPAL/CITY WATERS • PART 2

except for the establishment of a monitoring center or guardhouse intended for law enforcers and/or rangers and for tourism purposes with proper coordination;

- iii. Conduct research and other related studies may be allowed only pursuant to a permit.

2. Sea Grass Sanctuary

a. Area. Although limited in area, the Municipality of Lanuza identified areas for sea grass protection located in Barangay Habag covering an area of 48.60 hectares.

b. Special Regulations within the Seagrass Sanctuary.

- i. Gleaning in any form is prohibited within the seagrass protected area;
- ii. Only hook and line fishing operation may be

allowed within the seagrass protected area;

- iii. Conduct research and other related studies may be allowed only pursuant to a permit.

BRACKISH WATER CULTURE AREA

What is the purpose of designating a Brackish Water Culture area?

- Growing and culturing of appropriate fish species, and other aquatic organisms.

MARICULTURE ZONE

What is a Mariculture Zone?

- Subzone of Marine/Brackishwater Culture Zone zonified for the culture and/or growing of fish species and other cultivable marine organisms.

MANAGEMENT ZONES OF THE LANUZA BAY LGUs

ZONES	CARRASCAL	CANTILAN	MADRID	CARMEN	LANUZA	CORTES	TANDAG
PROTECTED ZONE							
Marine Protected Area/Sanctuary	✓	✓			✓	✓	✓
Mangrove Protected Area	✓		✓	✓	✓		
Mangrove Rehabilitation Area	✓	✓	✓	✓	✓	✓	✓
Brackish Water Culture Area	✓	✓	✓		✓		✓
TOURISM ZONE							
Scuba Diving/Snorkeling Sites		✓			✓	✓	✓
Beach Resorts	✓	✓	✓		✓	✓	✓
Surfing Area		✓	✓		✓		✓
Eco-tourism Destination	✓	✓	✓	✓	✓	✓	✓
MARITIME ZONE							
Navigational Zone	✓	✓			✓		✓
Anchorage Site	✓	✓			✓		✓
MULTIPLE CAPTURE FISHERIES ZONE	✓	✓	✓				✓

PART 2 • DELINEATION & ZONING OF MUNICIPAL/CITY WATERS

What are the Activities allowed in the Mariculture Zone?

1. Erection and construction of fish cages and fish pens;
2. Seaweed culture; and
3. Culture of other species as may be determined by the Municipality.

What are the policies and regulations imposed within the Mariculture/Aquaculture Zone of each Municipality/City?

1. All aquaculture/mariculture activities shall conform and comply with the permitting and licensing system;
2. Specific distance in establishing fish cages/pens and lantay shall be observed;
3. A maximum area of 300 sq.m. of fish cages and/ or fish pens may be granted to each operator/concession but not more than 3 units;
4. Accredited people's organization and/or qualified residents are given priority in the grant of permits and/or licenses;
5. Expansion or increase in number of cages and pens beyond the area or number allowed is prohibited;
6. Expansion of fishpond areas and/ or application for new fishpond lease agreement is also prohibited; and
7. Only planting stock for seaweeds, fish fries and seed stock of other cultivable organisms from accredited dealer are allowed after proper quarantine.

MULTIPLE CAPTURE FISHERIES ZONE

What is the condition imposed by the Ordinance for stationary and/or passive gears and/or fishing activity in this area?

The following areas for stationary and/or passive gears and/or fishing activity shall be determined by the technical staff of the Municipal or City Agriculture Office and/or with the assistance of a competent individual, organization or agency:

1. Areas for Fish Corral Construction
2. Areas for Fish Traps and Pots
3. Fry gathering areas

4. Gleaning

What is the purpose of Multiple Capture Fisheries Zone?

The main purpose of designating the Multiple Capture Fisheries Zone is for the enjoyment of the municipal or city fisherfolks.

What are the policies and regulations imposed by the Ordinance within the Multiple Capture Fisheries Zone?

1. Only duly registered and licenses persons are allowed to fish in the municipal or city waters;
2. Only passive gears are allowed in the multiple capture fisheries zones;
3. Maximum area to be occupied by one fish corral operator shall be 100 square meters and a maximum number of 2 units per operator; and
4. Overturning of stones, corals; using of rakes, shovel and in the like in gleaning is strictly prohibited.

Additional Policies for the construction of fish corrals in the Municipality of Madrid

1. A maximum area to be occupied by one fish corral operator shall be 50 square meters and a maximum number of 2 units per operator;
2. A maximum distance of 200 mts shall be observed on all sides from one fish corral to another; and
3. The distance between the two wings or locally known as "lad" shall be 50 meters.

TOURISM ZONE

What are the policies and regulations to be followed within the Tourism Zone?

1. A study shall be conducted to determine the carrying capacity of all tourism facilities, number of tourists/visitors, and structures to be established to cater to the service needs in a sustainable manner;
2. All tourism activities in the tourism zone shall conform with the existing plans and policy framework for eco-tourism development and promotion of the municipality;

DELINEATION & ZONING OF MUNICIPAL/CITY WATERS • PART 2

3. Tourism facilities shall comply with the basic requirements provided in Republic Act No. 9275 and the provisions of Republic Act No. 9003;
4. No permanent structure shall be constructed within the marine and inland waters of the municipality for tourism – related purposes;
5. Fencing of tourism facilities ten (10) meters from the highest tide is prohibited; and
6. Tourism operators shall apply for accreditation of their tourism facilities to the Municipal Tourism Council through the Office of the Municipal/City Tourism.

MARITIME ZONE

What are the Policies and Regulations imposed within the maritime zone?

1. All water crafts more than 16 horse power (Hp) must navigate along designated navigational route; and
2. All cargo vessels must anchor at designated anchorage point.

RIVER SYSTEM

Municipality of Madrid River System

The Municipality of Madrid recognized its river system through its Municipal CFARM Ordinance, Ordinance No. 04, series of 2018, by delineating its different rivers and included as part of its Municipal Waters. It tallies the largest legally recognized river system in terms of area in the Province of Surigao del Sur covering 711.94 hectares.

Policies adopted by the Municipality of Madrid regarding fish corral constructions within areas classified as river system

1. No fish corrals shall be established in rivers with 100 meters and below in width.
2. Above 100 meters in width, a maximum of 30 meters shall be observed from wing to wing or "lad" of the fish corral.

KAWIT BANK SPECIAL FISHERIES MANAGEMENT AREA

Establishment

The Municipality of Cortes delineated its municipal waters in a different manner among the LBDA LGUs.

- Instead of classifying or designating each individual zones, it established a special fisheries management area called Kawit Bank Special Fisheries Management Area and Sustainable Zone (KB-SFMA) pursuant to Municipal Ordinance No. 01, series of 2016.

Subdivision of KB-SFMA

The KB-SFMA is divided into two (2) parts:

1. Territorial User Rights in Fisheries Reserves (TURF) 1 (Green), straddling the coastline of Barangays Capandan, Madrelino, Uba, and Poblacion
2. TURF 2 (Yellowgreen), straddling the coastline of Barangays Burgos, Tag-anongan, Tigao, Mabahin, Matho and Balibadon

Sustainable Use Zone

The remaining part of the delineated marine waters of the Municipality of Cortes is zonified as sustainable use zone.

Management Zones

The KB-SFMA is subdivided into different management zones based on the uses and conservation objectives to sustain the fisheries, improve habitats and productivity sites as follows:

1. Marine Protected Area or Fish Sanctuaries Zones (MPA/FSZs)
2. Sustainable Capture Fisheries Zones (SCFZ)
3. Sustainable Mariculture Zones (SMZs)
4. Other Management Zones

TURF and Reserves Strategy

To ensure the rational and sustainable utilization, management, development, conservation and protection of the fisheries and aquatic resources in the declared SFMA, the Municipality of Cortes adopts the Territorial Use Right in Fisheries and Reserve (TURF+Reserve) strategy.

It is a strategy to manage access to near shore fisheries by granting exclusive fishery privileges to individual or community of fishers by ordinance, to fish within a designated area with an undertaking to be responsible for its conservation and protection and to comply with the harvest regulations, fish catch monitoring and reporting and participate in coastal and fishery law enforcement.

UTILIZATION & MANAGEMENT OF FISHERIES & AQUATIC RESOURCES

What are the Policies of the LBDA LGUs on Fishery Activities?

- Only registered fisherfolk and a holder of permit or license, or lease are allowed to exploit, produce, breed, capture, or gather fishery resources for commercial purposes.
- Whenever an area is found to be over-fished, or in danger of being over fished, the Mayor, after consultation with NGOs and other institutions, is authorized to prohibited fishing related activities therein.

What is the Rule on Resource Utilization?

General rule: the use and utilization of fishery and aquatic resources of the LGU shall be limited to fisherfolk registered and licensed therein.

Exceptions:

1. In adherence to the principle of reciprocity, a fisherfolk of the other municipality within LBDA area may be allowed to engage in fishing upon compliance with the basic registration and licensing requirements prescribed for a resident fisherfolk.
2. Other activities for research, scientific, technological and educational purposes deemed beneficial to the Municipality and/or its allied municipalities/city may be allowed.

What are the basic principles and guidelines in granting permit, license, or leases?

1. Principle of maximum sustainable yield (MSY) of the resource is primarily considered
2. Resident fisherfolks and their organizations/cooperatives shall have preferential right to engage in fishing
3. Resident fisherfolks are entitled to other privileges granted by law and CFARM Ordinance

What are the rules to be followed before any person may be considered a resource user or municipal fisherfolk?

No person shall be considered resource user or

municipal fisherfolk unless the following requisites are present:

- a. Residency of at least six (6) months prior to the registration as fisherfolk;
- b. Accomplish and file the membership form;
- c. Statement that the fishing gears to be used are registered
- d. Statement regarding any case concerning fishery laws

What is the duty of the owner or operator should he opt to sell or transfer ownership of his fishing boats and fishing gears?

Notify the Office of the Municipal/City Agriculturist of the transfer of ownership of boats and fishing gears

What should the Municipality/City do to spawners or breeders?

1. Ensure that spawners or breeders of any fish and shellfish are protected.
2. Fishing or taking of any spawners or breeders of any fish and shellfish shall be strictly prohibited.
3. Conduct a study on species-specific protection of spawners or breeders of fish, shellfishes and other marine organisms

What are the basic obligations of the Municipality/City to Fisherfolk?

1. The Municipality/City shall provide support to the fisherfolk through:
 - b. Appropriate technology and research
 - c. Credit assistance
 - d. Production and marketing assistance and
 - e. Other services such as, but not limited to, training for supplementary livelihood.
2. The Municipality/City shall monitor the proper implementation of policies on sustainable management of fishery resources.

EXCLUSIVE FISHERY PRIVILEGES

What are the guidelines in granting fishery privileges?

1. The Sangguniang Bayan/Panglungsod may grant exclusive fishery privileges pursuant to Section 149 of the Local Government Code in areas specifically designated by the Ordinance.
2. Exclusive fishery privileges may be granted for the construction of fish corrals, fish pens, fish cages, and gathering of fries.
3. No new concessions, licenses, permits, leases and similar privileges for the establishment or operation of fish pens, fish cages, other aquaculture activities, fish corrals/traps and other similar structures shall be granted except to municipal fisherfolk and their organizations.
4. Duly registered and accredited organizations, cooperatives of municipal fisherfolk, and people's organizations shall have preference in the grant of exclusive fishery privileges.

What procedure that should be followed before granting exclusive Fishery Privileges?

Before granting exclusive fishery privileges, the following guidelines shall be followed:

- a. The Sangguniang Bayan, in consultation with MFARMC and the concerned fisherfolk organizations, shall follow the schedule of fees provided in this Ordinance;
- b. The Sangguniang Bayan/Panglungsod shall post in the municipal/city hall and two (2) other strategic places a notice to fisherfolk organizations or cooperatives to apply for the privilege. The same notice shall be posted in at least two (2) strategic places in every coastal barangay and be announced once a week for four (4) consecutive weeks in a local radio station, if any;
- c. Interested parties shall have a period of forty-five (45) days from the posting of the notice to signify their intention to avail of such exclusive fishery privilege;

- d. Such organization or cooperative must first be registered with any competent registering agencies and accredited or recognized by the Sangguniang Bayan/Panglungsod pursuant to the guidelines set forth in the Local Government Code and its Implementing Rules and Regulations;
- e. The Sangguniang Bayan/Panglungsod, through a resolution, shall award the grant to the selected fisherfolk organization or cooperative;
- f. The grantee organization/cooperative shall enter into a written agreement with the Municipality/City pertaining to the exclusive fishery privilege which contains, among others, the duties and obligations of such organization or cooperative pursuant to the Ordinance, and the right of the Municipality/City to suspend or revoke such privilege for breach of such agreement or violation of fishery laws and rules and Ordinances;
- g. Said grant of privilege by way of Resolution and agreement shall be posted in the bulletin board of the Municipality/City and all barangay halls for comments or opposition of any aggrieved fisherfolk or organizations within thirty (30) days from posting, whose written comment or opposition shall be resolved by the Sangguniang Bayan within 30 days from receipt of such comment of opposition whose decision is final and executory; and
- h. In the exercise of the powers of the Sangguniang Bayan/Panglungsod under this Section, the CRMO or Office of the Municipal/City Agriculturist shall act as technical body to assist the former to expedite the disposition of any application for exclusive fishery privilege.

REGISTRATION & LICENSING POLICIES

What is the primary rule governing registration of fishing vessels/boats?

Registration is a requisite in order for fishing vessel/boats weighing three (3) gross tonnage and bellow to be allowed to ply and operation for commercial purposes within the municipal/city waters of Lanuza Bay.

What is the rule on Color Coding of Fishing Vessels/Boats?

Prior to issuance of permit and license as required above, the body and water line of every fishing vessel/boat three (3) gross tonnage and below shall be painted with specific colors required by the respective CFARM Ordinance of each Lanuza Bay LGU

What are the guidelines to be followed before issuance and renewal of permit and license for fishing gears?

1. Any person, cooperatives, partnerships, or corporations who are listed in the Registry of Resource Users or Fisherfolks may be issued license for fishing gears upon payment of the prescribed fees to the Office of the Municipal/City Treasurer.
2. The Fishery License and/or the permit are non-transferable.
3. The licensee shall agree unconditionally to comply with all the laws, orders, policies, and rules and regulations governing fishing in the municipality.
4. The licensee shall also assume responsibility for any and all of his acts in his fishing operation.
5. The Office of the Municipality/City Agriculturist shall maintain a registry of fishing vessels, boats, type of gears and other fishing paraphernalias.
6. The fishery permit and license issued shall be renewed annually. The permittee shall have sixty (60) days prior to the expiration of the license and permit within which to renew his permit and license.

What are the basic documents that should be accomplished by any applicant for fishery license and permit?

1. Applicants for fishery license and shall submit the following documents to the Office of Municipality/City Agriculturist:
 - Duly accomplished application form;
 - Community Tax Certificate (for individual),
 - Certificate of Registration or Accreditation (for organizations, cooperatives, partnership, firms or corporations).
 - Barangay Clearance; and
 - Official receipt of payment of License Fee
2. Applicants for fishery permit shall submit the following documents to the Office of Municipality/City Agriculturist:
 - Fishery license;
 - Duly accomplished application form;
 - Registration Papers (for motor boats);
 - Official receipt of payment of permit fee; and
 - Other documents depending on the permit applied for.

What should be the action of the Municipal/City Agriculturist on the application for license and permit?

The Municipality/City Agriculturist, after conducting the screening and review of the documents in support of the applications, and upon consultation with the FARMC, shall recommend to the Municipality/City Mayor the issuance of the License and/or permit. Otherwise, he shall reject the applications.

What are the Grounds for Rejection of Application and Renewal for Permit /License?

- The following are the grounds for rejection of an application for a permit/license, to wit:
- a. Fraudulent, false and misleading statements in the application;
 - b. Failure to pay the prescribed application fees and to fulfill other requirements; and

- c. The applicant committed an act or acts in violation of the Ordinance or fishery laws and rules and found guilty for either criminal or administrative offense, or such person shall have failed to comply with the conditions set forth in his application for permit or license.
- d. Such other instances analogous to any of the foregoing grounds.

What are also the Grounds for Cancellation of Permit or License?

The following shall constitute as grounds for the cancellation of permit or license, to wit:

- Fraudulent, false and misleading statements in the application;
- Failure to comply with the provisions of existing national laws and local ordinances;
- Construction and operation of fish pen or fish cage outside of designated areas;
- Abandonment and non-operation of the area for 60 days and/or lack of interest of the permittee to continue;
- Failure to pay the necessary fees and other surcharges relative thereto;
- Non-construction of fish pen or fish cage within 60 days from the date of issuance of the permit to construct and operate;
- The applicant committed an act or acts in violation of the Ordinance or fishery laws and rules and found guilty for either criminal or administrative offense, or such person shall have failed to comply with the conditions set forth in his application for permit or license; and
- Such other instances analogous to any of the foregoing grounds.

In what instance WHERE Gratuitous Permit may be issued?

The Municipality/City may issue gratuitous permits to government agencies, educational and research institutions to occupy, produce, culture, capture, or gather fish of any species and other fisheries products and to engage in any fishery activity in the municipal/city waters for scientific or educational purposes, subject to the terms and conditions prescribed in this Ordinance.

What would be the Sharing scheme in Revenues between the Municipality/City and Barangay?

- The Barangay concerned shall have a share of 25% derived from the utilization and exploitation of the municipal/city waters and the coastal and fishery resources.

THE FISHERIES & AQUATIC RESOURCE MANAGEMENT COUNCIL

Role of MFARMC

The Municipality/City Fisheries and Aquatic Resources Management Council (MFARMC) was created as an advisory and recommendatory body to the Municipality/City Mayor and Sangguniang Bayan/Panglungsod.

Membership

The regular members of the MFARMC are:

- a. The Chairpersons of the Committee on Agriculture/Fisheries of the Sangguniang Bayan;
- b. The Municipality/City Agriculturist;
- c. The Municipality/City Planning and Development Officer;
- d. One (1) NGO Representative;
- e. One (1) Representative from the private sector; and
- f. At least nine (9) representatives from the fisherfolk Sector, which include representatives from the Women and Youth Sectors.

Internal Rules

The Council shall adopt an internal rules and procedure to govern its proceedings, and election of officers, subject to approval of the Municipal Mayor.

Duties, Powers and Functions

The MFARMC/CFARMC shall have the following duties, powers and functions:

- a. Assist in the preparation of the Integrated Fishery Development Plan and submit such plan to the Municipality/City Development Council;
- b. Assist in the enforcement of fishery Laws, rules and regulations, and this Ordinance;
- c. Advise the Sangguniang Bayan/Panglungsod on Fishery matters; and
- d. Perform such other functions relative to coastal resource management pursuant to the Philippine Fisheries Code.

How is Barangay FARMC created?

- Upon recommendation of the MFARMC/CFARMC,
- a Barangay FARMCs may be created for each
- Barangay by Executive Order issued by the Municipality/City Mayor following the guidelines set forth in
- Fishery Administrative Order (FAO) 196 and CFARM
- Ordinance.

PART 7

THE IMPLEMENTING ARM & MUNICIPAL ADJUDICATION & APPELLATE BOARD

What particular Office being mandated to implement the CFARM Ordinance?

The Office of the City/Municipal Agriculturist shall serve as the implementing arm of the CFARM Ordinance. In addition to the existing staff and personnel of this Office, the City/Municipal Coastal Resource Management (CRM) Officer of the respective LBDA LGUs shall assist the City/Municipal Agriculturist in the implementation of this Ordinance. For this purpose, the City/Municipal Environment Management Officer (C/MEMPO) designated by the City/Municipal Mayor is hereby converted as CRM Officer.

What are the specific duties of the City/Municipal Agriculturist under the CFARM Ordinance?

The City/Municipal Agriculturist, in addition to the duties, powers and functions provided for in Section 482 of the Local Government Code, shall perform the following:

- a. Formulate measures to ensure the effective implementation of the CFARM Ordinance.
- b. Develop plans and strategies and implement the same, particularly those which have to do with coastal, fishery and aquatic resources management programs and projects consistent with the Coastal and Fishery Resource Management (CFRM) Plan of the respective LBDA LGUs and Environmental Management Plan (EMP) adopted by the LBDA Council.
- c. Extend technical assistance and ensure equitable access to municipal coastal and fisheries resources of the fisherfolks in the context of sustainable management and use of coastal and fisheries management.
- d. Lead in the enforcement of the CFARM Ordinance, fishery laws, administrative rules and regulations, and other fishery related Ordinances.
- e. Coordinate with the government agencies, Alliance, non-government organizations and people's organizations for purposes of improving coastal resource management.

- f. Take the lead in the conduct of massive Information Education Communication (IEC) campaign on the significance of the CFARM Ordinance and Municipal CFRM Plan to socio-economic development and resource protection and sustainable utilization of coastal and fishery resources of the respective LBDA LGUs and their impact to environment.
- g. Take action on all activities in the grounds or waters which result or likely to result in deleterious effect and harm living and non-living aquatic resources, hazards to human health, hindrance to coastal or fishery activities such as fishing and navigation, dumping/disposal of waste and other marine life.
- h. Maintain a registry of users of municipal/city waters, fisherfolks, fishing vessels, boats, type of gears and other fishing paraphernalia's.
- i. Perform such other duties and functions as may be assigned by the City/Municipal Mayor relative thereto.

What are the privileges and incentives that should be given to those involved in the implementation of this Ordinance?

1. The personnel and staff of the Office of the City/Municipal Agriculturist shall be entitled to legal assistance and support from the City/Municipality where, incidental to the performance of their functions, they are charged in court or administrative body.
2. Appropriate trainings and seminars shall be conducted for all personnel involved in the implementation of the CFARM Ordinance.
3. The City/Municipal Agriculturist and his staff shall be entitled to a monthly honorarium in the sum not to exceed Fifteen percent (15%) of their basic salary, to be specified in the Office Order issued by the City/Municipal Mayor.

What is the Administrative Body created to adjudicate cases filed in violation of the CFARM Ordinance?

PART 7 • IMPLEMENTING ARM & MUNICIPAL ADJUDICATION AND APPELLATE BOARD

Municipality/City Adjudication Board was constituted composed of the following:

Chairman : Municipality/City Agriculturist

Vice Chairman: Municipality/City Environment & Natural Resources Officer

Member : Secretary to the Sangguniang Bayan/ Panglungsod

Secretary : Municipality/City Coastal Resource Management Officer/MEMPO/CEMPO

What is the option if no incumbent officer mentioned as member of the City/Municipal Adjudication Board is available?

In the event that the City/Municipality does not have incumbent or full-fledged City/Municipal Agriculturist, or City/Municipal Environment & Natural Resources Officer, or Secretary to the Sangguniang Bayan/ Panglungsod by reason of resignation, conviction for any offense, death or other ground which render any of position incapacitated to discharge their regular duties and functions, the next-in-rank employee or any personnel designated by the City/Municipal Mayor to assume the task cited above are empowered to perform the task as Member of the City/Municipal Adjudication Board.

What Body that has jurisdiction to hear and decide administrative cases for violation of the CFARM Ordinance?

All cases arising from violation of the CFARM Ordinance which constitute and administrative offense as defined in the CFARM Ordinance shall be within the exclusive jurisdiction of the City/Municipal Adjudication Board, subject to appeal to the City/Municipal Appellate Board.

What are the Powers, Functions and Privileges of the City/Municipal Adjudication Board?

The City/Municipal Adjudication Board shall:

- a. Have the exclusive power to take cognizance, hear and decide administrative cases filed with the Board for any violation of the CFARM Ordinance, and impose appropriate penalty as prescribed herein.
- b. Should the offender opt to settle the administrative sanctions imposable by the CFARM Ordinance aspect of the case, the CRMO may enter into a compromise settlement., subject to compliance with the conditions set forth in the provisions of

the CFARM Ordinance defining punishable/prohibited acts.

- c. Assume jurisdiction over grievances referred to or filed with his Office;
- d. Be entitled to legal assistance from the City/Municipality should he find necessary in the performance of his duty;
- e. Perform such other duties and functions incidental to and necessary to carry out the purpose of the CFARM Ordinance.

The members and Secretary of the City/Municipal Adjudication Board and their staff shall be entitled to an honorarium in the sum not to exceed Fifteen percent (15%) of their basic salary for every case filed and adjudicated by them, and such benefit shall be specified in the Office Order issued by the City/Municipal Mayor.

What is the Appellate Body created by the CFARM Ordinance?

Decision of the Municipality/City Adjudication Board is appealable to Municipality/City Board of Appeals composed of the following:

Chair: Municipality/City Mayor

Vice Chair: Municipality/City Local Government Operations Officer

Members:

- SB Chairman
- Committee on Fisheries
- MFARMC/CFARMC Chairman
- NGO/PO Representative representing the Fishery Sector

Secretary: Municipality/City Coastal Resource Management Officer/MEMPO

What are the specific Powers, Functions and incentive of the City/Municipal Appellate Board?

The City/Municipal Appellate Board shall be:

1. The exclusive appellate body to review and decide appealed cases decided by the Municipality/City Adjudication Board.
2. In the exercise of such powers and functions, the Municipality/City Appellate Board may uphold, modify or reverse the decision of the Municipality/City Adjudication Board when it finds proper based on law and evidence that the decision is not consistent with the provisions of the Ordinance.

nance, laws and applicable rules.

3. May conduct additional hearings in the appealed case, if it finds necessary for the proper and objective adjudication of appealed cases.

The members and Secretary of the City/Municipal Board of Appeals and their staff shall be entitled to an honorarium in the sum not to exceed Fifteen percent (15%) of their basic salary for every case appealed from and adjudicated by the them, and such benefit shall be specified in the Office Order issued by the City/Municipal Mayor.

How is the Internal Rules and Procedures of the City/Municipal Adjudication and Appellate Board being crafted and adopted?

The City/Municipal Adjudication and Appellate Boards shall adopt their respective internal rules of procedure to carry out the purpose of the CFARM Ordinance in the adjudication of original and appealed administrative cases filed before them, subject to approval of the City/Municipal Mayor.

Such Internal Rules shall provide, among others:

- Respective roles of the Chairman, Vice Chairman, Members and Secretary;
- Number of votes required or the rule of simple majority votes in resolving the issues presented before the Board; and
- Render decision for every administrative case filed or appealed;
- Detailed guidelines in forging compromise agreement with the offender; and
- Such other related matters necessary for effective

PROCEDURE IN APPREHENSION, CONFISCATION, INVESTIGATION, & ADJUDICATION OF ADMINISTRATIVE CASES

exercise of their powers, duties and functions.

What should be observed by the Apprehending officer in the enforcement of the Ordinance?

Any law enforcement officer herein authorized to apprehend the offender and seizure of fishing boats, gears or paraphernalia shall strictly observe the basic requirements of due process of law.

What are the rules governing the confiscation and impounding Illegally Caught Fish and Fishing Gear or Paraphernalia?

In the confiscation and impounding of illegally caught fish and fishing gears or paraphernalia, the following rules shall be observed:

- a. Any fish caught or fishing gear or paraphernalia confiscated for violation of the Fishery Laws, Rules and this Ordinance shall be immediately seized, kept and properly recorded for evidentiary purposes in any proceeding.
- b. The offender shall be entitled to the issuance of a corresponding inventory receipt for the confiscated catch and fishing gears or paraphernalia.
- c. The fish catch shall be disposed of through sale at public auction, or donation to a government hospital or charitable institution, or condemnation to be resorted to should the fish catch be found unfit or detrimental to public health.
- d. In the case of sale, the proceeds shall be held in trust by the Office of the Municipality/City Treasurer until the final determination of the case.
- e. The fishing boat or gear used in violation of this Ordinance shall be impounded by the Municipality/City Adjudication Board pending resolution of the administrative complaint filed against the offender.
- f. Where the nature of the offense necessitates criminal prosecution, the fishing boat or gear used in violation of this Ordinance shall be retained in custody of the Municipality/City Agriculturist/Phil-

ippine National Police unless ordered for release by the Court or competent administrative body or officer.

- g. The offender or the owner of the impounded boat and/or gear shall bear the costs of storage or upkeep, whose terms and conditions are contained in the Affidavit of Undertaking.
- h. Pending decision of the complaint, the impounded boat and/or gear shall not be released, unless the costs of storage or upkeep are paid or deposited with the Municipality/City Treasurer to answer for the administrative sanctions or indemnity that may be imposed, or a security bond in the amount equivalent to fair market value of the vessel/boat or gear.
- i. Items confiscated which are inherently illegal, such as dynamite noxious and poisonous substances, electro-fishing gears, among others, shall not be released except upon lawful order of the court before which the criminal case is pending.
- j. Should the offender be subsequently found guilty of the offense charged, such inherently illegal items shall be destroyed, unless otherwise ordered by the Court or competent administrative body or officer.

What rules of procedure that the Adjudication Board should observe?

The Municipality/City Adjudication Board shall conduct administrative hearings for purposes of determining the guilt or innocence of the offender, render decision and impose administrative sanctions should the evidence warrant. In the exercise of such powers and performance of duty, the Municipality/City Adjudication Board CRMO shall strictly observe the following rules:

- a. Recognize the right of the parties to a hearing, which includes the right to present one's case and submit evidence in support thereof, and consider such evidence presented.
- b. The hearing shall be summary in nature and shall not strictly follow the proceedings observed in

PART 8 • PROCEDURE IN APPREHENSION, CONFISCATION, INVESTIGATION & ADJUDICATION OF ADMINISTRATIVE CASES

regular courts or other administrative body.

- c. In arriving at a decision, the Adjudication Board must see to it that its decision must have something to support itself.
- d. The quantum of evidence needed for conviction or acquittal of the offender shall be substantial evidence, which means such evidence which a reasonable mind might accept that the offender has committed the offense charged.
- e. The hearing shall be finished within 15 days from the time the case is filed for investigation and adjudication.
- f. Failure of the respondent to appear in the hearing despite being duly notified and without justifiable cause shall thereby authorize the hearing officer to render summary judgment.
- g. Should the findings appear that the offender be held criminally liable, the decision shall indicate findings of facts and grounds for the filing of criminal action for infraction of this Ordinance and fishery laws and rules.
- h. The decision must be rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties.
- i. The Adjudication Board must act on his own independent consideration of the facts and the law of the controversy, and decide the case or controversy in such a manner that the parties involved will know the various issues and the reasons for the decision.
- j. The decision shall be in writing, stating therein the facts and legal grounds relied upon for coming out of such decision, and be duly served on the complainant(s) and respondent(s).
- k. Either complainant or respondent may file a motion for reconsideration within five (5) days from receipt of the copy of the decision whose motion shall be resolved by the Adjudication Board within five (5) days from receipt thereof.

How should cases appealed from Adjudication Board be disposed of?

Cases appealed from the CRMO or City/Municipal Agriculturist shall be disposed of in the following manner:

- a. All cases decided by the Municipality/City Adjudication Board may be appealed to the Municipal Appellate Board within Seven (7) days from

receipt of a copy of decision or resolution of the motion for reconsideration.

- b. The Municipality/City Appellate Board shall review the appeal and records of the case and render decision within 15 days from receipt of the complete records of the case from the Municipality/City Adjudication Board.
- c. In all cases, the pertinent provisions of the Rules of Court may be applied to carry out the purpose of this Ordinance, but in suppletory manner.

PROHIBITED ACTS & PENALTIES; ADMINISTRATIVE REMEDIES & SANCTIONS

OFFENSES AND PENALTIES

UNAUTHORIZED FISHING OR ENGAGING IN OTHER UNAUTHORIZED FISHERY ACTIVITIES

- a. Breeding, culture, capture or gather fish, fry or fingerlings of any fishery or fishery products, or engage in any fishery activity without registration, license, lease or permit
- b. Fishing within the zonified areas declared as “no take zone”

CRIMINAL PENALTIES	ADMINISTRATIVE SANCTIONS
<p style="text-align: center;"><u>First Offense</u></p> <ul style="list-style-type: none"> • Fine equivalent to the value of the catch or P2, 500.00, whichever is higher, or • Imprisonment from 1 month to 3 months <p style="text-align: center;"><u>Second and subsequent offense</u></p> <ul style="list-style-type: none"> • Fine equivalent to the value of the catch or P2, 500.00 pesos whichever is higher, and • Imprisonment from 3 months to 6 months <p style="text-align: center;"><u>Qualified Sanctions</u></p> <p>Who are liable?</p> <p>Boat captain and two (2) other highest officers</p> <p>Licensed Commercial Fishing Vessel</p> <ul style="list-style-type: none"> • Fine equivalent to 2 times the value of the catch or P2, 500.00 pesos whichever is higher, and • Imprisonment from 3 months to 6 months, and • Confiscation of fish catch and fishing gears <p>Commercial Fishing Vessel Without, or With Expired, License</p> <ul style="list-style-type: none"> • Fine equivalent to 5 times the value of the catch or P2, 500.00 pesos whichever is higher, and • Imprisonment for 6 months • Confiscation of fish catch and fishing gears 	<p style="text-align: center;">Common Sanctions</p> <ul style="list-style-type: none"> • Fish catch, prohibited gears/substances and/or unlicensed gears shall be confiscated and forfeited in favor of the Municipality/City • Name of the offender and the nature of his offense is entered in the Police Blotter and Coastal Law Enforcement (CLE) Logbook of Offenders <p>Sanctions Specific to Unauthorized Fishing</p> <ul style="list-style-type: none"> • P2, 500.00 fine in lieu of prosecution • Required to secure registration, license, lease, or permit within 15 days • Execute a written undertaking to comply with the existing laws and regulations <p>Sanctions Specific to Fishing within the “No Take Zone”</p> <ul style="list-style-type: none"> • Fine equivalent to 2 times the value of the catch or P2, 500.00 pesos whichever is higher, in lieu of prosecution • Suspension of registration, license, lease, or permit

Presumption of unauthorized fishing:

1. Any person or group of persons found in the area zonified for specific purpose without permit, or registra-

PROHIBITED ACTS & PENALTIES; ADMINISTRATIVE REMEDIES & PART 9 SANCTIONS

tion papers for a fishing boat

2. Any commercial fishing vessel licensed by the Bureau of Fisheries and Aquatic Resources (BFAR) found inside the municipal waters
3. Commercial fishing vessels without or with expired license found inside the municipal/city waters shall be subject of apprehension on sight and impoundment

Exceptions:

1. Fishing for daily food sustenance or for leisure which is not for commercial, occupation or livelihood purposes
2. When passing through the designated navigational lanes or when under distress due to engine failure or breakdown.
3. Commercial fishing vessels without or with expired license docked in public or private wharf

UNAUTHORIZED INSTALLATION OF FISH CAGES AND FISH PENS

- a. Installation beyond the maximum area of 300 sq. meters per unit
- b. Installing more than 2 units of fish cages and/or fish pens

CRIMINAL PENALTIES

Common Penalties

- Confiscation of fish cages or fish pens in excess of what the permit allows

First Offense

- Fine from P1,000 to P1,500, or
- Imprisonment from 1 month to 2 months

Second and subsequent offense

- Fine from P1,500 to P2,500, or
- Imprisonment from 2 months to 6 months

Qualified Sanctions

Who are liable?

Boat captain and two (2) other highest officers

Licensed Commercial Fishing Vessel

- Fine equivalent to 2 times the value of the catch or P2, 500.00 pesos whichever is higher, and
- Imprisonment from 2 months to 6 months, and
- Confiscation of fish catch and fishing gears

Commercial Fishing Vessel Without, or With Expired, License

- Fine equivalent to 5 times the value of the catch or P2, 500.00 pesos whichever is higher, and
- Imprisonment for 6 months
- Confiscation of fish catch and fishing gears

INTRUSION INTO MARINE PROTECTED AREAS OR FISH SANCTUARY

Who are liable?

Any person or group of persons

What are the prohibited acts?

- Entering into the area
- Exploit, capture or gather fish, fry or fingerlings of any fishery species or fishery products, or

engage in any fishery activity of whatever nature

Presumption

- Any person discovered or found inside the MPA without permit, or, not being a member of the people's organization deputized to manage the MPA, shall constitute a prima facie evidence that

PART 9 • PROHIBITED ACTS & PENALTIES: ADMINISTRATIVE REMEDIES & SANCTIONS

he is engaged in unauthorized intrusion into the declared MPA.

searchers from academic institutions undertaking scientific and educational activities

Exception:

- Non-government organizations (NGOs) or re-

CRIMINAL PENALTIES	ADMINISTRATIVE SANCTIONS
<p style="text-align: center;"><u>Common Penalties</u></p> <ul style="list-style-type: none"> • Confiscation of fish catch and fishing gears <p style="text-align: center;"><u>First Offense</u></p> <ul style="list-style-type: none"> • Fine from P1,000 to P1,500, or • Imprisonment from 10 days to 1 month <p style="text-align: center;"><u>Second and subsequent offense</u></p> <ul style="list-style-type: none"> • Fine from P1,500 to P2,500, or • Imprisonment from 10 days to 6 months <p style="text-align: center;"><u>Qualified Sanctions</u></p> <p>Qualifying acts</p> <ul style="list-style-type: none"> • Use of explosives, noxious or poisonous substance and/or electricity or use of such other substances <p>Penalties</p> <ul style="list-style-type: none"> • Fine equivalent to 5 times the value of the catch or P2, 500.00 pesos whichever is higher, and • Imprisonment of 6 months, and • Confiscation of fish catch, fishing gears, and boat <p>Effect of Conviction by Final Judgment</p> <ul style="list-style-type: none"> • Disqualification to be registered and licensed as municipal/city fisherfolk 	<p style="text-align: center;"><u>First Offense</u></p> <ul style="list-style-type: none"> • Fine of P2,500 • Confiscation of fish catch and fishing gears/ paraphernalia <p style="text-align: center;"><u>Second Offense</u></p> <ul style="list-style-type: none"> • Fine of P5,000 • Delisting in the Registry of Fisherfolks • Suspension of permit/license to engage in fishing for 2 months from apprehension <p style="text-align: center;"><u>Third Offense</u></p> <ul style="list-style-type: none"> • Fine of P10,000 • Perpetual delisting from the Registry of Fisherfolks <p style="text-align: center;"><u>Common Sanctions</u></p> <p>What happens to the fishing gears or paraphernalia found belonging to other persons?</p> <p>The gears may be released after paying separate fines</p> <p>Other common sanctions</p> <ul style="list-style-type: none"> • The offender who causes damage to the ecosystem of the area shall be liable for damages • Fishing gears not registered or licensed shall be forfeited

UNAUTHORIZED ACTIVITIES AT THE MANGROVE AREAS

What are the prohibited acts?

- Mangrove rehabilitation outside of the zones
- Cutting of mangrove
- Construction of building or any structure within the mangrove protected area

- Hunting
- Unauthorized conduct of research at the mangrove protected area

PART 9 • PROHIBITED ACTS & PENALTIES: ADMINISTRATIVE REMEDIES & SANCTIONS

CRIMINAL PENALTIES

First Offense

- Fine from P1,000 to P1,500, or
- Imprisonment from 1 month to 2 months

Second and subsequent offense

- Fine from P1,500 to P2,500, or
- Imprisonment from 2 months to 6 months

ADMINISTRATIVE SANCTIONS

Unauthorized Mangrove Rehabilitation

First Offense

- Fine of P1,500

Second Offense

- Fine of P2,500

Third Offense

- Criminal Prosecution

Common Sanctions

- Cessation of unauthorized mangrove rehabilitation activities

Fishing within the Mangrove Rehabilitation and Protected Sites

First Offense

- Fine of P2,500

Second Offense

- Fine of P5,000

Third Offense

- Criminal Prosecution

Common Sanctions

- Confiscation of fish catch and fishing gears
- Temporary delistment in the registry of fisherfolk
- Suspension of permit/license to engage in fishing for 1 month

Cutting of Mangroves

First Offense

- Fine of P2,500 for cutting a single tree or any of its branch
- Fine of P2,500 for every other mangrove tree cut down

Second Offense

- Fine of P5,000

Third Offense

- Criminal Prosecution

Construction of Structures within the Mangrove Protective Area

First Offense

- Fine of P1,500

Second and Third Offense

- Fine of P5,000
- Criminal Prosecution

Common Sanctions

- Fine of P2,500 for every damage caused by the construction
- Demolition of structure at the expense of offender
- Criminal Prosecution

Exception

- Establishment of structures for law enforcers or forest rangers

Hunting within the Mangrove Protective Area

First Offense

- Fine of P1,000

Second Offense

- Fine of P2,500

Third Offense

- Criminal Prosecution

Common Sanctions

- Wildlife caught is turned over to the Lanuza Bay LGU
- Fine of P2,500 for each wildlife that died due to hunting

PART 9 • PROHIBITED ACTS & PENALTIES: ADMINISTRATIVE REMEDIES & SANCTIONS

Unauthorized Research at the Mangrove Protective Area

First Offense

- Fine of P500 for each offender

Second Offense

- Fine of P1,500 for each offender

Third Offense

- Fine of P2,500 for each offender

Common Sanctions

- Research output is disclosed and surrendered to MENRO or Municipal Agriculturist
- Restriction from conducting future research unless lifted

Exception

- Research conducted with authority

DEPLOYMENT OF FISH AGGREGATING DEVICES (FADs)

What are the prohibited acts?

Establishing/Installing FADs outside of the Multiple Fisheries Capture Zone, within one (1) kilometer radius from any protected area of the municipality/city, less than a minimum distance of 1 kilometer per unit of FAD, use of “surit” within the 500 meter radius of any FADs, or within the 50 meter distance from any designated Navigational Zone.

CRIMINAL PENALTIES

First Offense

- Fine from P1,000 to P1,500, or
- Imprisonment from 1 month to 2 months

Second and subsequent offense

- Fine from P1,500 to P2,500, or
- Imprisonment from 2 months to 6 months

ADMINISTRATIVE SANCTIONS

ILLEGAL DEPLOYMENT OF FADS

First Offense

- Fine of P500

Second Offense

- Fine of P1,500

Third Offense

- Fine of P2,500

Common Sanctions

- Removal of FADs

NAVIGATION OUTSIDE THE MARITIME ZONE AND ANCHORING OUTSIDE THE DOCKING SITE

What are the prohibited acts?

- Navigating outside the designated navigational route
- Anchoring any water crafts more than 16HP outside the designated anchorage area and docking site

CRIMINAL PENALTIES

First Offense

- Fine from P500 to P1,000, or
- Imprisonment from 1 month to 2 months

Second and subsequent offense

- Fine from P1,500 to P2,500, or
- Imprisonment from 2 months to 6 months

PART 9 • PROHIBITED ACTS & PENALTIES: ADMINISTRATIVE REMEDIES & SANCTIONS

OTHER ADMINISTRATIVE SANCTIONS

VIOLATION OF THE POLICY ON MARICULTURE ZONE

Specific Acts Prohibited

- Installation of fish cages/pens or expansion of fish pond areas beyond the maximum authorized by BFAR

First Offense

- Fine of P1,000 for each excess fish cage/pen
- Fine of P1,000 for every 1,000 square meter excess of fish pond area

Second and Third Offense

- Criminal Prosecution

VIOLATION OF THE POLICY ON MULTIPLE CAPTURE FISHERIES ZONE

Specific Acts Sanctioned

- Using fishing gears, overturning of stones, coral, or using rakes, or shovels and the like in gleaning

First Offense

- Fine of P2,500 for each excess fish cage/pen
- Fine of P1,000 for every 1,000 square meter excess of fish pond area

Second and Third Offense

- Criminal Prosecution

Common Sanctions

- Confiscation and disposal of fishing gears/paraphernalia and fish catch
- Indemnity of P2,000 for every square meter of corals damaged or destroyed
- Indemnity of P5,000 for using noxious or poisonous substances
- Indemnity of P200 for every square meter of sea grass uprooted, removed, damaged or destroyed
- Delistment as registered fisherfolk

VIOLATION OF THE POLICY ON TOURISM ZONE

Specific Acts Sanctioned

- Illegal construction of permanent structure within the marine and inland waters for tourism
- Fencing tourism facilities
- Conduct of tourism business or activities without accreditation

First Offense

- Fine of P1,500

Second Offense

- Fine of P2,500

Third Offense

- Prosecution

Common Sanctions

- Stoppage of construction
- Removal of illegally constructed facilities

VIOLATION OF THE POLICY ON MARITIME ZONE

Specific Acts Sanctioned

- Navigating outside the designated navigational route
- Anchoring any water crafts more than 16HP outside the designated anchorage area and docking site

First Offense

- Fine of P1,000

Second and Third Offense

- Fine of P2,500

FISHING WITHOUT REGISTRATION, PERMIT, OR LICENSE

First Offense

- Fine of P500

Second Offense

- Fine of P2,500

Third Offense

- Prosecution

PART 9 • PROHIBITED ACTS & PENALTIES: ADMINISTRATIVE REMEDIES & SANCTIONS

Common Sanctions

- Confiscation and disposal of fishing gears/paraphernalia and fish catch

FISHING THROUGH THE USE OF CHLORINE, LAGTANG, LANATE, TUBLI AND WINE

First Offense

- Fine of P2,000

Second Offense

- Fine of P2,500

Third Offense

- Criminal Prosecution

Common Sanctions

- Confiscation and disposal of fishing gears/paraphernalia, fish catch, and poisonous substances

USE OF DOUBLE NET, TRIPLE NET, AND LAMP-ORNAS

First Offense

- Fine of P300

Second Offense

- Fine of P2,500

Third Offense

- Criminal Prosecution

Common Sanctions

- Confiscation and disposal of fishing gears/paraphernalia, fish catch, and poisonous substances
- Delistment as registered fisherfolk

GATHERING OF SEA CUCUMBERS FOR COMMERCIAL PURPOSES

First Offense

- Fine of P300

Second Offense

- Fine of P1,000

Third Offense

- Fine of P2,500

- Criminal Prosecution

Common Sanctions

- Confiscation and disposal of fishing gears/paraphernalia and sea cucumbers

CATCHING OF SIGANID FRY OR NGISI-NGISI

First Offense

- Fine of P300

Second Offense

- Fine of P1,000

Third Offense

- Fine of P2,500

- Criminal Prosecution

Common Sanctions

- Confiscation and disposal of siganid fry

SELLING OF SALTED SIGANID FRY

First Offense

- Fine of P300

Second Offense

- Fine of P1,000

Third Offense

- Fine of P2,500

- Criminal Prosecution

Common Sanctions

- Confiscation and disposal of salted siganid fry

CATCHING AND TRANSPORTING LIVE LAPU-LAPU/SUNO FINGERLINGS, CRABLETS, AND JUVENILE LOBSTERS

First Offense

- Fine of P500

Second Offense

- Fine of P1,000

Third Offense

- Fine of P2,500

PART 9 • PROHIBITED ACTS & PENALTIES: ADMINISTRATIVE REMEDIES & SANCTIONS

- Criminal Prosecution

Common Sanctions

- Confiscation and disposal of the live lapu-lapu/suno fingerlings, crablets, and juvenile lobsters

FISHING DURING CLOSED SEASON

First Offense

- Fine of P500

Second Offense

- Fine of P1,000

Third Offense

- Fine of P2,500
- Criminal Prosecution

Common Sanctions

- Confiscation and disposal of fish catch

SELLING OF PILIW FISHES DURING CLOSED SEASON

First Offense

- Fine of P500

Second Offense

- Fine of P1,000

Third Offense

- Fine of P2,500
- Criminal Prosecution

Common Sanctions

- Confiscation and disposal of fish catch

DEALING IN, SELLING, OR DISPOSING OF ANY FISH OR FISHERY SPECIES ILLEGALLY CAUGHT, TAKEN OR GATHERED

First Offense

- Fine of P1,500

Second Offense

- Fine of P2,500

Third Offense

- Criminal Prosecution

Common Sanctions

- Confiscation and disposal of fish catch

MERE POSSESSION OF EXPLOSIVE, NOXIOUS, POISONOUS SUBSTANCES, OR ELECTRO FISHING DEVICES FOR ILLEGAL FISHING

First Offense

- Fine of P1,500

Second Offense

- Fine of P2,500

Third Offense

- Criminal Prosecution

Common Sanctions

- Confiscation of illegal substance or fishing gear

USE OF ACTIVE FISHING GEAR

First Offense

- Fine of P1,500

Second Offense

- Fine of P2,500

Third Offense

- Criminal Prosecution

Common Sanctions

- Confiscation of fish catch and illegal fishing gear

GATHERING, POSSESSING, SELLING, OR EXPORTING PRECIOUS CORALS

First Offense

- Fine of P1,500

Second Offense

- Fine of P2,500

Third Offense

- Criminal Prosecution

Common Sanctions

- Confiscation of precious corals

PART 9 • PROHIBITED ACTS & PENALTIES: ADMINISTRATIVE REMEDIES & SANCTIONS

UNLAWFUL USE OF SUPERLIGHT

First Offense

- Fine of P1,500

Second Offense

- Fine of P2,500

Third Offense

- Criminal Prosecution

Common Sanctions

- Confiscation of fish catch and illegal fishing gear

- Fine of P1,000

Second Offense

- Fine of P2,000

Third Offense

- Fine of P2,500

- Criminal Prosecution

Common Sanctions

- Criminal Prosecution in case of non-payment of fine

FISHING IN OVERFISHED AREA AND DURING CLOSED SEASON

First Offense

- Fine of P1,500

Second Offense

- Fine of P2,500

Third Offense

- Criminal Prosecution

Common Sanctions

- Confiscation of fish catch and illegal fishing gear

OBSTRUCTION TO LAW ENFORCEMENT OFFICER

First Offense

- Fine of P1,000

Second Offense

- Fine of P2,000

Third Offense

- Fine of P2,500

- Criminal Prosecution

Common Sanctions

- Criminal Prosecution in case of non-payment of fine

NON-COMPLIANCE OF FISH PENS/CAGES REPORTORIAL REQUIREMENTS

First Offense

- Fine of P1,000

Second Offense

- Fine of P2,000

Third Offense

- Fine of P2,500

Common Sanctions

- Criminal Prosecution in case of non-payment of fine
- Revocation of permit or license

VIOLATION OF BOAT COLOR CODING POLICY

First Offense

- Fine of P500

Second Offense

- Fine of P1,000

Third Offense

- Fine of P1,500

- Criminal Prosecution

Common Sanctions

- Criminal Prosecution in case of non-payment of fine

OBSTRUCTION OF MIGRATION OF DEFINED MIGRATION PATHS

First Offense

COASTAL AND AQUATIC POLLUTION

First Offense

PART 9 • PROHIBITED ACTS & PENALTIES: ADMINISTRATIVE REMEDIES & SANCTIONS

- Fine of P500

Second Offense

- Fine of P1,000

Third Offense

- Fine of P1,500
- Criminal Prosecution

Common Sanctions

- Criminal Prosecution in case of non-payment of fine

NON-COMPLIANCE OF REPORTORIAL REQUIREMENTS ON OWNERSHIP TRANSFER OF BOATS AND FISHING GEARS

First Offense

- Fine of P500

Second Offense

- Fine of P1,000

Third Offense

- Fine of P1,500
- Criminal Prosecution

Common Sanctions

- Criminal Prosecution in case of non-payment of fine

USE OF BUSO/COMPRESSOR

First Offense

- Fine of P1,000

Second Offense

- Fine of P2,500

Third Offense

- Criminal Prosecution

Common Sanctions

- Criminal Prosecution in case of non-payment of fine
- Confiscation of fishing gears
- Delistment as registered fisherfolk

ALTERNATIVE SANCTIONS IN LIEU OF FINES

In all cases where where the offender cannot pay the fines upon conviction, he shall be ordered to render community service.

- a. Coastal clean up, cleaning or brushing the ground of the municipal premises or cleaning the drainage of the municipality or the Barangay where he is residing, for a period equivalent to five (5) days
- b. Coastal clean up, cleaning or brushing the ground of the municipal premises or cleaning the drainage of the municipality or the Barangay where he is residing, for a period equivalent to Fifteen (15) days.

Accrual of Fines

Fines collected in violation of foregoing provisions shall accrue to the special fund for the CFRMP of the Municipality/City and as authorized under Supreme Court Circular No. 10-2002.

MISCELLANEOUS PROVISIONS

Who are authorized to enter into Compromise Settlement?

The Municipality/City Agriculturist, subject to approval of the Municipality/City Mayor, is hereby authorized to enter into a Compromise Settlement with the Offender within the range of administrative fines.

What should be done with the confiscated Boats and Fishing Gears?

The Municipality/City Mayor, upon recommendation of the Municipality/City Agriculturist, shall identify and determine the area suited as storage of confiscated boats or fishing gears pending investigation or prosecution of any offense.

For this purpose, the owner of fishing boat or fishing gears seized or confiscated for violation of this Ordinance shall be required to pay as storage fee as follows:

a. Motorized Fishing boat	
1. 16 HP above	P200.00 per day
2. below 16 HP	P100.00 per day
b. Non-motorized fishing boat	P50.00 per day
c. Other fishing gear	P100.00 per day

FINAL PROVISIONS

What is the Source of Funds needed to implement this Ordinance?

The amount needed for the implementation of this Ordinance and Coastal and Fisheries Resources Management Plan as adopted shall be taken from the budget of the Office of the Municipality/City Agriculturist particularly intended for fishery development, and such other sources as may be declared available, and the same shall be regularly included in the annual budget of the municipality/city for the ensuing years.

What is the Role of the Oversight Committee in the implementation of this Ordinance?

The Joint Oversight Committee composed of the Chairmen of the SB/SP Committee on Agriculture and Fisheries, and Committee on Laws and their respective Members shall oversee the implementation of this Ordinance.

What should the Municipal/City Mayor do to ensure the implementation of this Ordinance?

The Municipality/City Mayor shall issue Executive Order that will promulgate the Implementing Rules and Regulations to provide the details and to carry out the purposes of this Ordinance within sixty (60) days from approval of the Ordinance.

CFARM ORDINANCE KEY FEATURES: MPA MANAGEMENT VIS-A-VIS LBDA MPA NETWORK MANAGEMENT

What is the policy on establishment of new Marine Protected Areas in the LBDA LGUs?

No new MPAs shall be established in the municipality unless the following rules and regulations are followed:

1. No MPA shall be declared outside the Protected Area zone;
2. Human access and activities are prohibited in the core zone of the marine protected area except for research purposes duly authorized and issued with corresponding permit;
3. Activities within the buffer zones will be limited to hook and line fishing; other fishing gear may be allowed in areas 200 meters of the buffer zone of the MPA;
4. A management plan as an operational guide of the MPA shall be formulated in a participatory manner. Such plan shall contain management programs with proposed budgets for the strengthening of the MPA, implementation structure, monitoring and evaluation of activities;
5. Results of the studies and/or researches conducted by any project, institution, agency, individual, and organization within the marine protected area zone shall be furnished to the Offices of the Municipality/City Mayor, Municipality/City Agriculturist, and Municipality/City Environment and Natural Resources Officer.
6. In order to have a uniform result on MPA monitoring, a PMSM team shall be created and it shall compose of but not limited to the following:
 - Municipality/City CRM Coordinator
 - LBDA Representatives
 - PO Representatives
 - NGO Representatives
 - Volunteers

How does the MPA as part of tourism zone relate to the rest tourism areas of the Municipality/City?

The CFARM Ordinance includes MPA as part of the Tourism Zone of the LBDA LGUs as a matter of policy to promote coastal tourism in the municipality/city.

What are the policies that protect the integrity of MPAs while utilizing the same as among tourist destinations in the Municipality/City?

The CFARM Ordinance promulgates the following Policies and regulations for the sustainable tourism activities within the tourism zones:

1. A study shall be conducted to determine the carrying capacity of all tourism facilities, number of tourists/visitors, and structures to be established to cater to the service needs in a sustainable manner;
2. All tourism activities in the tourism zone shall conform with the existing plans and policy framework for eco-tourism development and promotion of the municipality;
3. Tourism facilities shall comply with the basic requirements provided in Republic Act No. 9275 especially on the proper construction of comfort rooms and the like structures and the management of wastewater; and the provisions of Republic Act No. 9003 on proper solid waste management;
4. No permanent structure shall be constructed within the marine and inland waters of the municipality/city for tourism – related purposes;
5. Fencing of tourism facilities ten (10) meters from the highest tide is prohibited; and
6. Tourism operators shall apply for accreditation of their tourism facilities to the Municipal Tourism Council through the Office of the Municipality/City Tourism.

What are the other relevant provisions that would encourage MPA Managers to sustain their effort in managing their MPAs?

Among the relevant provisions of the CFARM Ordinance that complement Tourism Zone provisions are

PART 12 • CFARM ORDINANCE KEY FEATURES: MPA MANAGEMENT VIS-A-VIS LBDA MPA NETWORK MANAGEMENT

as follows:

- a. Marine Protected Area/Sanctuary where all extractive practices, such as fishing, shell collection, seaweed gleaning, and collecting of anything else are prohibited.
- b. Tourism Zone of the municipality identified for sustainable ecotourism, recreation, and or integrated conservation- tourism or public awareness activities are undertaken.
- c. Covenant executed by and among the LGUs of the Lanuza Bay Development Alliance (LBDA) which lays down their respective rights and obligations, principles of cooperation and coordination, integrated programs and activities commonly beneficial to them.
- d. Principle of Reciprocity – a mechanism adopted by the LBDA LGUs wherein fisherfolks of one municipality may be granted permit to fish in another municipality provided he/she complies with the basic requirements in fishing imposed by the municipality where he intends to engage in fishing.

To what extent that the principle of cooperation and coordination, integrated programs and activities being undertaken among the Municipalities/Cities comprising Lanuza Bay Development Alliance (LBDA) is applicable?

The existence of the Lanuza Bay MPA Network Management Plan for 2017-2019 proves cooperation and coordination, integration of programs and activities undertaken by and among LBDA the LGUs where the Lanuza Bay MPA Network Management Plan is being formulated for implementation.

What is the purpose of the MPAN Management Plan?

Generally, the MPAN Management Plan aims to provide guidance and a legal framework for the Lanuza Bay Development Alliance (LBDA) along with its member Local Government Units and constituents, MPA managers while engaging partner National Government Agencies and Non-Government Organizations, in the effective and efficient implementation of the reflected activities, as identified by the Technical Working Group.

What are the specific objectives of MPAN Management Plan?

1. The specific objectives of MPAN Management Plan are to:

2. Provide baseline information on the coastal area and marine protected areas of Lanuza Bay in the province of Surigao del Sur, with regards to physical, biological, socio-demographic and economic characteristics;
3. Present the current status of the marine environment and its resources;
4. Identify and document existing issues, concerns and threats relating to coastal resource utilization and MPA management and operation;
5. Identify the course of action to be undertaken to mitigate and address threats, issues and concerns;
6. To integrate gender and development in the plans and its implementation thru meetings and orientation.
7. Provide effective and efficient law enforcement strategies among concerned municipalities within the Lanuza Bay;
8. Integrate Monitoring and Evaluation Assessment Tool for an effective management and protection of MPAs.

What particular body being created to take the lead in managing the MPAs in the Municipality?

This body is called Municipal MPAN Management Board composed of following:

1. Host MPA Punong Barangay
2. MPA – PO Chairperson
3. MAO/CAO – CRM Coordinator
4. MFARMC/CFARMC
5. SB/SP Member Chairman on Agriculture & Fisheries
6. MPDC/CPDC
7. Ex-Officio Members: CENRO, BFAR-PFO, PNP Maritime

What are the duties and functions of the Municipal/City MPAN Management Board?

The Municipality/City MPAN Management Board shall perform the following duties and functions:

1. Integrate and harmonize individual MPA management plan.
2. Oversee the implementation of management plans of respective MPAs.

CFARM ORDINANCE KEY FEATURES: MPA MANAGEMENT VIS-A-VIS • PART 12

LBDA MPA NETWORK MANAGEMENT

3. Recommends specific policies on the zones and uses of MPAs and capacity building needs of the component MPA.
4. Recommends for the allocation of funds for the operation of MPA (guardhouse, boundaries and other operating activities).
5. Facilitate resource mobilization for the operation of the MPA.
6. Lead in the conduct of management effectiveness tools annually.
7. Conduct evaluation on the enforcement effectiveness on the MPA.
8. Ensure the conduct of biophysical monitoring/assessment annually to address biological objectives of having an MPA.
9. Adopt and promote recognition and award system to the best-managed MPA.
10. Develop social marketing materials and activities to promote behavioral change towards MPA management.
11. Recommend for the establishment and maintenance for a database management system.

What system being incorporated in the Municipal MPAN Management Plan?

This is called Institutional Support Systems whereby certain units within the municipal LGUs are given responsibilities for the management of specific sectors of the environment pursuant to the provisions of the Local Government Code. In particular, the following Offices have corresponding tasks, to wit:

1. The Municipality/City Agriculturist Office. This Office is mainly responsible for the agriculture and fisheries sector;
2. Municipality/City Health Office is responsible for the effective waste disposal and pollution control.
3. Municipality/City Environment and Natural Resources Office (MENRO). Although optional, but the Local Government Code also provides for the creation of the same Office which shall have responsibility over the devolved forest management functions.

How do LGUs in LBDA respond to the demand of having MENRO or CENRO Officer?

LGUs of Carrascal, Cantilan, Carmen, Lanuza and

Tandag have already created the Office and appointed their respective MENR Officers; while Cortes and Madrid have their designated MENRO in compliance to FLUP. But the DENR continues to be the primary agency responsible for forest management. Considering further that environmental management is a common concern of all sectors, LGUs in Lanuza Bay have initiated steps to ensure multi-sectoral participation in environmental management projects and activities. Thus, closer working relationship is being encouraged among NGAs, NGOs, POs and other civil society groups through the creation of alliances and multi-sectoral coordinating councils spearheaded by LBDA Management Board.

How does LBDA facilitate the formulation of Lanuza Bay-wide Environmental Management Plan?

The LBDA Council was organized as a necessity for an inter-LGU collaboration in the management of Lanuza Bay through the initiative of the Municipal Mayors of Carrascal, Cantilan, Madrid, Carmen, Lanuza, Cortes, City Mayor of Tandag City and three representatives from the NGOs and POs. The Council is:

1. Responsible for the formulation of the Lanuza Bay-wide Environmental Management Plan.
2. Facilitates coordination among the LGUs, NGOs and POs for the implementation of the environmental management plan.
3. It harmonizes local legislations through the enactment of a Uniform Fishery Ordinance as a covenant to resource management.

What is the brief background of certain groups involved in the formulation of Lanuza Bay-wide Environmental Management Plan?

This can be briefly recalled as follows:

1. The LBDA Council members included the Mayors of the seven-member LGUs covering Lanuza Bay, took the lead;
2. The CarCanMadCarLan Baywatch Foundation, Inc. (BAYWATCH) and the Lanuza Bantayan Gayud, Inc. (LABAG) as NGO Council member complement.
3. However, the amended covenant reduced the membership in the LBDA Council to 7 Mayors with NAMANAKA, a federation of MPA Managers throughout Lanuza Bay, seated as an Ex-Officio Member of the LBDA Council.

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4. As the Alliance evolved into a new era, the Council through the help of the APREDEC/FISH Project has amended the covenant under the authority of the legislative body of each LGU.
 5. At the inception, there were four documented NGOs operating in Lanuza Bay. These were the Advocates for Policy Reforms and Development of Caraga, Inc. (APREDEC) Inc., Green Mindanao, Inc., Baywatch Foundation, Inc. and the Lanuza Bantayan Gayud, Inc. (LABAG), Rare Philippines, and Haribon Foundation for the Conservation of Natural Resources, Inc.
 6. These NGOs have different initiatives ranging from technical support to capacity building and are generally concerned with the protection and conservation of marine and coastal resources.
 7. People’s organizations are potential allies of the government in resource protection and conservation. Within the Lanuza Bay area a number of POs exist which may be classified as fisherfolk organization, farmer organizations and multipurpose cooperatives, among others, with People’s organizations managing the marine protected areas in Lanuza Bay as highlighted the plan.
- Decrease in fish catch due to overfishing
5. Coastal Law Enforcement
 - Problem on illegal fishing activities (use of destructive fishing gears, fine mesh nets, blast/dynamite fishing, etc.)
 6. Weak enforcement of ordinances/laws
 - Policy Coordination and Institutional Arrangements
 - Lack of local government support to Bantay Dagat program such as logistical support, paralegal assistance, benefits and incentives to Bantay Dagat members
 - Fishers especially those guarding the marine sanctuaries have no skills or training for other alternative livelihood activities

What are the Plan Components Based on the Problems and Issues identified in the MPAN Management Plan?

These Plan components cover the following:

1. Communication, Education and Public Awareness (CEPA). Lack of appreciation on the value and importance of the marine resources in general and the CRM projects initiated by LGUs
2. Habitat Management
 - Cutting of mangrove trees and siltation
 - Log pond and trawling along rivers which causes destruction of mangrove trees and fish kills
3. Zoning
 - Intrusion of commercial boats
 - Intrusion of commercial fishers in the municipal/city waters due to un-demarcated municipal/city water boundaries
 - Increase in number of boats and fishers
4. Fishing Effort Restriction, Registration and Licensing and Rationalization

UPDATES & RECOMMENDED POLICIES

What are the Recommended Policies and/or activities for Enhancement of CFARM Ordinance and its effective Implementation?

These are the suggested or recommended actions to effectively carry out the purpose of the CFARM Ordinance:

1. Reactivate the Joint Oversight Committee of the Sangguniang Bayan/Panglungsod to oversee the implementation of the Ordinance. In doing so, the following steps are offered to be undertaken:
 - 1.1 The Committee on Agriculture and Fisheries is encouraged to coordinate with the following Offices to be apprised as follows:
 - 1.1.1. Municipality/City Mayor. As to the Rules implementing CFARM Ordinance; mandatory inclusion of budget for CFARM Program in the Executive Budget; appointment or designation of employees needed to carry out the purpose of the Ordinance; other related matters.
 - 1.1.2. Municipality/City Agriculturist. To what extent did it implement the provisions of Ordinance, more especially on enhancing MPAs as a protected zone and tourism zone; database on registration of fisherfolk, increase or decrease in fish stocks; economic status of the fishermen or increase of their purchasing power with the LGU interventions under the CFARM Ordinance; specific support to Municipal fisherfolk; functionality of MFARMC and BFARMC; registration and licensing; how it performs its duty as Implementing Arm of the Ordinance, and how the Adjudication Board and Appellate Board exercise their respective powers; presence of the Rules of Procedure governing the adjudication and resolution of administrative cases; other related matters.

- 1.1.3. MENRO/CENRO. To what extent did it implement the Mangrove rehabilitation program of the Municipality/City; status of habitat management; solid waste management; health and sanitation in coordination with the Municipality/City Health Officer; Tourism development in coordination with the Municipality/City Tourism Officer; other related matters.
 - 1.1.4. Municipality/City Treasurer. As to revenue generation out of registration and licensing effort; treatment of administrative fines collected incidental to enforcement of Ordinance; coordination with the Municipal Accountant as to availability of Trust Fund in support to Fishery related activities; other related matters.
 - 1.1.5. Municipality/City Budget Officer. As to compliance with the mandate of the Ordinance that the amount needed for the implementation of this Ordinance and Coastal and Fisheries Resources Management Plan as adopted shall be taken from the budget of the Office of the Municipal Agriculturist particularly intended for fishery development, and such other sources as may be declared available, and the same shall be regularly included in the annual budget of the municipality/city for the ensuing years. Other related matters.
2. The Committee on Laws is encouraged to revisit the provisions on Acts punishable and corresponding penalties; crafting of the Rules of Procedure in the adjudication of administrative cases; resort to filing of criminal complaint under the Ordinance and RA No. 10654; understanding of the specific role of the PNP, PCLEC, Bantay Dagat; trainings needed for law enforcers and adjudicators; initiate amendment of the Ordinance; other related matters.

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3. For the Joint Oversight Committee to consider its noble role to check the working of those involved in the implementation of CFARM Program as residual power after the Ordinance is enacted.
4. For the Municipality/City Mayor to also consider the possibility of simplifying the Order either Executive Order, Administrative Order or Memorandum Order for certain employees to perform the tasks embodied in the Ordinance. The Implementing Rules and Regulations as provided in the Ordinance may be dispensed with.
5. Review the provision on User's Fee & Entrance Fee; specific provision on Fine Mesh net;
6. Define the Scope of Trainings for the Implementing Arm; PNP; Adjudication and Appellate Boards and periodically conduct the same; including the activities that should be funded.
7. Revisit the basic steps in amending CFARM Ordinance and allied Ordinances.

FREQUENTLY ASKED QUESTIONS

(As a result of consultative-dialogue among the stakeholders, the following was synthesized into questions with suggested answers.)

Why does the Adjudication Board need to conduct investigation before making any decision for or against the violators of the Ordinance?

Because of the mandatory provision in the Constitution that no person shall be deprived of life, liberty or property without due process of law.

What is Due Process of Law?

Due process of law simply means giving opportunity to be heard before judgment is rendered. It is a law which hears before it condemns, which proceeds upon inquiry and renders judgment only after trial.

Why there is a need for the MFARM/CFARM, Adjudication Board and Appellate Board to adopt Internal Rules of Procedure?

Adoption of internal rules and procedure is needed to govern its proceedings, and election of officers.

What are the legal bases of enacting and enforcing CFARM Ordinance?

The following statutes form as bases of enacting and enforcing CFARM Ordinances:

- R.A. No. 8550, as amended by R.A. No. 10654, giving LGUs jurisdiction over municipal/city waters to effectively enforce all fishery laws.
- R.A. No. 7160 which made LGUs to be responsible, among others, in the management and maintenance of ecological balance within their territorial jurisdiction.

What are the distinctions between Criminal Pen-

alties and Administrative Penalties imposed by CFARM Ordinance?

- Criminal penalty in the Ordinance imposes fine not to exceed P2,500 and imprisonment not to exceed six (6) months. This is based on the limitations under the Local Government Code of the Sangguniang Bayan's/Panglungsod's power to impose penalties.
- Administrative penalty under the Ordinance does not impose imprisonment, but only fine, confiscation of fishing gears or paraphernalias, option to file separate criminal case, temporary delisting in the registry of fisherfolks and the permit/license to engage in fishing suspended; and other sanctions.

Such provision in the Ordinance is consistent with the provision of the Local Government Code that the Sangguniang Bayan/Panglungsod shall protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance;

Is there potential conflict between CFARM Ordinance and RA 10654? How to resolve the conflict, if any?

There may be possible conflict between CFARM Ordinance and RA 10654. The former provides for a fine of P5,000.00, but the Local Government Code provides for a limit of fine not to exceed P2,500.00 for a municipality. However, the same law also confers powers of the Sangguniang Bayan/Panglungsod to impose appropriate penalty if the purpose is to protect the environment.

In case of conflict between the provision of Ordinance and RA 10654, the latter provision prevails. This is so

because one of the requisites for a valid Ordinance is that it must not be contrary to the Constitution or any statute.

The remedy is for the Sangguniang Bayan/Panglungsod to amend certain provisions of the Ordinance that are found inconsistent with the national law.

What kind of support that the Government should extend to Fisherfolk?

The Ordinance itself states that the Municipality/City, in coordination with other concerned agencies, shall provide support to municipal/city fisherfolks through appropriate technology, and research, credit, production and marketing assistance and other services such as, but not limited to training for supplementary livelihood.

What should be done to measure the success of implementing the CFARM Program?

The Ordinance mandates the Municipality/City to monitor the proper implementation of policies, programs and projects on conservation, protection and sustainable management of fishery resources.

To carry out this mandate, the Municipal or City Mayor may issue appropriate Orders specifying the activities to be undertaken by those personnel directly involved. Their actions need to be time-bounded, properly assessed to determine if the purpose of the Ordinance is achieved.

May a fisherfolk of one municipality be allowed to fish in another municipality?

Yes. The CFARM Ordinance of the Lanuza Bay LGUs adopts the principle of reciprocity wherein a fisherfolk of one municipality may be granted permit to fish in another municipality/city, all within the Lanuza Bay area.



Photo by Gregorio della Rosa, Jr. / Harmon Foundation





Strengthening Marine Protected Areas to Conserve
Marine Key Biodiversity Areas in the Philippines



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