

*Republic of the Philippines
City of San Carlos
Negros Occidental
Sangguniang Panlungsod*

ORDINANCE NO. 29
Series of 2005

**AN ORDINANCE ESTABLISHING THE MARINE PROTECTED AREAS (MPA) IN
THE COASTAL WATERS OF SAN CARLOS CITY, NEGROS OCCIDENTAL**

Be it ordained by the Sangguniang Panlungsod of the City of San Carlos, Negros Occidental, in regular session assembled, that:

SECTION 1. TITLE. –This Ordinance shall be entitled as “**An Ordinance Establishing The Marine Protected Areas (MPA) In The Coastal Waters Of San Carlos City, Negros Occidental**”.

SEC. 2. DECLARATION OF POLICY. –It is hereby declared as one of the policies of the City to develop, improve and increase the quality, as well as the quantity of the marine resources in the coastal waters of San Carlos City.

SEC. 3. AREA OF COVERAGE. –The MPA is hereby established at St. John Reef in Brgy. San Juan and Camotes Reef in Brgy. Ermita, respectively with an approximate area of 116 has. and 335 has. as appearing in the survey map which is hereto attached as Annex “A” and made an integral part of this ordinance.

SEC. 4. DEFINITION OF TERMS. –

- a. MPA (Marine Protected Area) – the coastal water area of the city under Brgy. San Juan & Brgy. Ermita established in Sec. 3 in the above paragraph and covered by the regulation under this ordinance.
- b. Marine Sanctuary – one of the component areas inside MPA where its regulation maybe different with FRA.
- c. FRA (Fishery Reservation Area) – a component of MPA (refer to map)
- d. Illegal fishing – fishing method prohibited by the fishery code and other existing government rules and regulation including this ordinance.
- e. Aquatic Pollution – anything that will harm any living and non-living aquatic resources of the MPA whether harmful to human being or not regardless of whether they are liquid, solid or gas.
- f. Fisherfolk – people engage in taking or culturing and processing fishery and/or aquatic resources.

SEC. 5. –The MPA Management Council shall be created by the City Government to be headed by the City Mayor or his duly appointed representative. The membership or composition of the said council shall be those as maybe designated in an Executive Order provided that the members shall not be less than 5 or more than 10 at the discretion of the City Mayor, provided that, Brgys. San Juan and Ermita shall be represented by its duly designated barangay official.

SEC. 6. –FUNCTIONS AND DUTIES. –The functions and duties of the Council shall be to formulate rules and regulations or procedures that shall:

- a. be necessary for the conduct of their business as MPA Management Council (internal rules and procedures);
- b. be necessary or relevant to the management of the MPA, the fish reservation area and the marine sanctuary;
- c. to develop plan, strategies that shall be effectively beneficial in the conservation and development of our marine resources;
- d. to conduct an educational or information drive to the barangay fisherfolks for the effective implementation of this ordinance;
- e. to perform such other acts that shall be necessary for the implementation of this ordinance, provided that they shall be in accordance with existing government rules and regulations.

SEC. 7. ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE. –Any person enforcing this ordinance, including the rules and regulations of the management council shall be duly deputized or authorized by the City Mayor through an Executive Order. As such he or she (person assigned to enforce this ordinance) is hereby declared as agent or person in authority while on duty regardless of the nature of its employment.

The City Mayor may seek assistance or support from other national government agencies that maybe necessary in promoting and developing the marine protected area such, as but not limited to, the following: PNP Maritime Group, BFAR, DENR, Philippine Coastguard, PNP, Office of the Provincial Agriculturist, NNARMAC, CFARMC, NGO, Barangay Officials and other Civic Organizations.

SEC. 8. RULES AND REGULATIONS OR RESOLUTIONS. -Rules and regulations or resolutions duly approved by the Management Council, concurred by the Sangguniang Panlungsod shall have the force and effect of the ordinance and shall form an integral hereof.

SEC. 9. CIRCULARS AND OTHER ISSUANCES. -Circulars and other issuances issued by other national government agencies prohibiting or regulating the use of our coastal water where the MPA is located is hereby adopted under this ordinance. Any violation under such laws, regulations or issuances shall be penalized in accordance therewith.

SEC. 10. MPA Boundaries. –The boundaries of both MPA and Marine Sanctuary shall be established by putting up of proper identification or marker for the proper guidance of the fisherfolks and/or the navigating public in accordance with generally accepted maritime standards.

SEC. 11. PROHIBITED ACTS. – It shall be unlawful for any person, whether natural or juridical, to conduct the following acts in the MPA:

1. Illegal Fishing – as defined in this ordinance or under existing government rules and regulations;
2. bringing anything that causes pollution or detrimental to the development of the marine resources in the MPA as defined in this ordinance;
3. use of any motorized or non-motorized fishing vessel or equipment expressly prohibited by the rules and regulations issued by the MPA Management Committee, and;
4. others that shall be prohibited or regulated by the MPA Management Council.

SEC. 12. FUNDRAISING: -The MPA Management Council may raise funds, receive donations, financial or material assistance, from any person, whether local or international base, and/or other government agencies, national or local, relevant to the improvement or development of the MPA.

Any funds raised in accordance with this ordinance may be spent in accordance with the rules or procedure that may be adopted by the management committee.

SEC. 13. MISCELLANEOUS PROVISIONS. –The Management Council may impose fees or charges in their regulation of the MPA including fish reservation area and marine sanctuary.

SEC. 14. APPROPRIATION. –The initial amount of P200,000.00 is hereby appropriated from the 20% Development Fund as an initial outlay for the implementation of this ordinance. Thereafter the funds to be taken from the 20% Development Fund, to be included in the next supplemental budget or annual budget as the case maybe.

SEC. 15. PENALTIES. –Whoever violates any of the provisions of this ordinance or whoever is found guilty by a competent court of Justice of any offenses in the preceding section, shall be fined in the amount of not less that TWO THOUSAND FIVE HUNDRED PESOS (P2,500.00) but not more than FIVE THOUSAND PESOS (P5,000.00) and/or imprisonment for not more than ONE (1) YEAR, or both such fine and imprisonment at the discretion of the court: provided, that if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration of the damage: Provided, further, that the court shall order the confiscation and forfeiture of the fishing boat and

other paraphernalia used in the offense in favor of the city, and the cancellation of his permit or license or both.

If the offender is an association, corporation, partnership, or a cooperative, the president or manager and the laborer/s that made the act, shall be penalized. Provided, furthermore, that the violator may be ordered to render community service relevant to the protection of the marine sanctuaries and fishery reservation areas. Provided, finally that, the Management Committee may impose administrative fine and penalties consistent with this ordinance. The administrative fines and penalties collected by the management committee shall be for their account and may be disbursed by the same in accordance with their duly approved rules and procedures.

SEC. 16. SEPARABILITY CLAUSE. –If for any reason, any provision, section or part of this Ordinance is declared not valid by a Court of competent jurisdiction or suspended or revoked by the Sangguniang Panlalawigan, such judgment shall not affect or impair the remaining provisions, sections, or parts thereof which shall remain or continue to be in full force and effect.

SEC. 17. EFFECTIVITY CLAUSE. – This Ordinance shall take effect thirty (30) days after posting a copy hereto at the Bulletin Boards of the City Hall, San Juan and Ermita Barangay Halls, and other coastal Barangays of San Carlos city and in two (2) conspicuous places within the city.

ENACTED: OCTOBER 20, 2005, by the affirmative votes of Hons. QUISUMBING, J.C.L. VILLARANTE, CARMONA, SANTILLAN, CABILI, CATURAY, DIZON, YU, ONGTIAOBOK, GUSTILO and T.D.M. VILLARANTE.