



Republic of the Philippines  
Province of Aklan  
MUNICIPALITY OF MALAY



*Office of the Sangguniang Bayan*

**MUNICIPAL ORDINANCE NO. 237**

Series of 2006

**AN ORDINANCE REGULATING MUNICIPAL FISHING WITHIN THE  
TERRITORIAL WATERS OF MALAY.**

*(SPONSOR: HON. GEDION T. SIÑEL)*

SECTION 1. - **RATIONALE.** Due to over fishing, fish catch of Malay fisherfolks has declined dramatically in recent years. This piece of legislation is promulgated to address this concern and sustain the livelihood requirements of the fisherfolks of Malay. Further, identified tourism areas must also be protected in order to maximize their tourism potentials.

SECTION 2. **DEFINITION OF TERMS.** As used in and for purposes of this ordinance, the following terms whether in singular or plural, are hereby defined as follows:

**REGISTERED MUNICIPAL FISHERFOLKS OF MALAY** - are person who are directly or indirectly engaged in municipal fishing and other fishing activities and who are duly registered in the roster of fisherfolks in the Municipal Agricultural Office of LGU-Malay.

**MUNICIPAL FISHING** - refers to fishing within the municipal waters of LGU-Malay using fishing vessels of three (3) gross tons or less or fishing for commercial purposes not requiring the use of fishing vessels.

**MUNICIPAL WATERS** - include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act. No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore inlands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities.

**COMMERCIAL FISHING** - the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:

- 1) **SMALL SCALE COMMERCIAL FISHING** - fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT;
- 2) **MEDIUM SCALE COMMERCIAL FISHING** - fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and

- 3) **LARGE SCALE COMMERCIAL FISHING** - fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.

**FISHERFOLKS** - people directly or personally and physically engaged in taking or catching fishery and/or aquatic resources.

**FISHING VESSEL** - any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to preservation, supply, storage, refrigeration, transportation and/or processing.

**GROSS TONNAGE** - includes the underdeck tonnage, permanently enclosed spaces above the tonnage deck, except for certain exemptions. In broad terms, all the vessel's closed-in spaces expressed in volume terms on the bases of one hundred (100) cubic feet is equals to one gross ton.

**FATHOM** - a measure of length to reach bottom, one fathom equals to six (6) feet.

**COMPRESSOR** - as used in this ordinance is an air tank of different sizes, usually pumped in by a small engine, with attached accessories like a long plastic hose where a person can breath and stay longer underwater.

**SECTION 3. - MALAY FISHERFOLKS. REGISTRATION.** LGU-Malay shall maintain a registry of resident municipal fisherfolks who are fishing or may desire to fish in municipal waters of LGU-Malay. Resident Certificate and Punong Barangay's Certification are conclusive proofs of residency.

**SECTION 4. - REGISTERED MUNICIPAL FISHERFOLKS. PREFERENTIAL PRIVILEGE.** Registered municipal fisherflocks of Malay shall be granted preferential privilege to conduct fishing activities within the municipal waters of Malay. Provided that regulatory policies and restrictions provided by the Fisheries Code of 1998 are strictly complied.

**SECTION 5. - MUNICIPAL FISHING. PROHIBITION.** No person or group of persons is/are allowed to fish in the municipal waters of Malay using fishing gear like compressor, panti-kalabaw, doldog or moro ami, holbot-holbot, explosives, noxious or poisonous substance such as sodium cyanide and other similar fishing gears proven to be harmful to our marine and aquatic resources. Fishing of any nature is likewise prohibited within three hundred meters off-shore the long beach from Angol Point to Boracay Terraces Resort.

**SECTION 6. - MUNICIPAL FISHING. AUTHORIZATION OR PERMIT.** Small and medium scale fishing vessel may be granted authorization or permit to operate within the ten point one (10.1) to fifteen (15) kilometer area from the shoreline in Municipal waters as defined herein, provided, that all the following are met:

- a) No commercial fishing in municipal water with depth less than seven (7) fathoms as certified by the appropriate agency;
- b) Fishing activities utilizing methods and gears that are determined to be consistent with national policies set by the Department;

- c) Prior consultation, through public hearing, with the MFARMC has been conducted, and the applicant vessel as well as the ship owner, employer, captain and crew have been certified by the appropriate agency as not having violated the code, environmental laws and related laws.

In no case shall the authorization or permit mentioned above be granted for fishing in bays as determined by the Department to be in and environmentally critical condition and during closed season as provided for in Section 9 of this Code.

**SECTION 7 - MUNICIPAL FISHING. SPECIAL PERMIT.** Registered municipal fisherfolks may be granted Special Permit by the Office of the Mayor to engage in municipal fishing within the municipal waters of LGU-Malay provided that the following are complied.

- a) Favorable Endorsement by the Municipal Fisheries and Aquatic Resources Management Council (MFARMC).
- b) Fishing Permit by the Municipal Agricultural Office after ocular inspection of fishing gears.
- c) Submission of Proof of Ownership of fishing boats and fishing gears issued by pertinent government agencies.

**SECTION 8. - DUMMY. PROHIBITION.** It shall be prohibited of any transient fisherfolks and/or transient fishing entity, juridical or natural, to use the name of any resident municipal fisherfolks of Malay or any resident of Malay for purposes of securing a Permit to engage in municipal fishing within the municipal waters of LGU-Malay. Any person or fisherfolk who caused or permit himself to be used as a dummy shall likewise be penalized as provided by this ordinance.

**SECTION 9. - EXEMPTION. SPORTS AND TOURISM RELATED FISHING ACTIVITY.** Sports and tourism related fishing activities are not within the preview of this ordinance. Such activities however must be duly registered with the Municipal Agricultural Office of LGU-Malay for monitoring and regulatory purposes.

**SECTION 10. - PENALTIES.** Apprehension of any person, natural or juridical, conducting fishing activities in violation of Section 5, 6 and 7 of this ordinance shall suffer the following penalties:

- a) Fine of TWO THOUSAND FIVE HUNDRED PESOS (₱2,500.00)
- b) Confiscation of catch
- c) Impoundment of vessel and fishing gadget/gears
- d) Upon the discretion of the proper court, imprisonment of crew members for not less than fifteen (15) days and no more than thirty (30) days.

Upon discovery of the dummy scheme, any person, natural or juridical, shall be fined TWO THOUSAND FIVE HUNDRED PESOS (₱2,500.00) and cancellation of the Special Permit to engage in municipal fishing, if such has already been granted. The person or local fisherfolk who was used as a dummy shall also be fined ONE THOUSAND PESOS (₱1,000.00) within the municipal waters of Malay after discovery of the dummy scheme, impoundment of vessel and fishing gadgets/gear shall result therefrom.

SECTION 11. - **AMENDMENTS**. All ordinances, rules and regulations, or parts thereof, provisions of which are in conflict with, or contrary to, the provisions of this ordinance are hereby repealed, amended, or modified accordingly.

SECTION 12. - **EFFECTIVITY**. This ordinance shall take effect upon its approval and proper publication.

**ENACTED.** JULY 28, 2005.

**APPROVED.** JANUARY 26, 2006.

CERTIFIED TRUE COPY:



**CONCORDIA S. ALCANTARA**

Secretary to the Sangguniang Bayan

**APPROVED. SP RESOLUTION NO. 06-121, dtd. 3-8-06**

