



Republic of the Philippines
 Province of Aklan
MUNICIPALITY OF MALAY
Office of the Sangguniang Bayan



EXCERPT FROM THE MINUTES OF THE 33RD REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2007-2010) HELD AT THE SB SESSION HALL ON SEPTEMBER 10, 2008.

Present:

- Hon. John P. Yap, Municipal Vice Mayor, Presiding Officer
- SB Member Wilbec M. Gelito
- SB Member Gideon T. Siñel
- SB Member Esel L. Flores
- SB Member Rowen T. Aguirre
- SB Member Cristina C. Prado
- SB Member Dante C. Pagsuguiron
- SB Member Mateo A. Tayco
- SB Member Roldan M. Casidsid, Liga President
- SB Member Niño Elpe D. De Sullan, SK Federation President

Absent:

- SB Member Charlie D. Villanueva

X

X

X

MUNICIPAL ORDINANCE NO. 260
 Series of 2008

AN ORDINANCE ADOPTING THE REGISTRATION OF MUNICIPAL FISHERIES AND FISHING VESSELS, THREE (3) GROSS TONS AND BELOW, AND LICENSING OF FISHING OPERATIONS IN THE MUNICIPALITY OF MALAY.

Be it enacted by the Sangguniang Bayan of Malay, Aklan

C H A P T E R I
 GENERAL PROVISION

SECTION 1. - **TITLE.** This ordinance shall be known as the "Fishing Registration and Licensing Ordinance of Malay."

SECTION 2. - **SCOPE.** The ordinance shall cover all municipal capture fishers, natural or juridical, their vessel, gear and other paraphernalia, which are operating in the municipal waters of the Municipality of Malay.

SECTION 3. - **POLICY.** It is the policy of the Municipality of Malay to promote the proper management, conservation, development, protection, and utilization of its municipal waters. It shall regulate the utilization of its coastal and fishery resources. These policies shall be achieved through registration and licensing by limiting access to the fishery and aquatic resources of the municipality by giving priority to the residents and to protect the rights of the fishers in the preferential use of municipal waters.

SECTION 4. - **DEFINITION OF TERMS.** As used in this Ordinance, the following terms are defined as follows:

- a) **ADMEASUREMENTS** - the measure of the volumetric capacity of the fishing vessel to determine its Gross Tonnage.

- b) **BFAR** - Bureau of Fisheries and Aquatic Resources.
- c) **BFARMC** - Barangay Fisheries and Aquatic Resources Management Council.
- d) **CERTIFICATE OF FISHER REGISTRATION** - proof that the fisher is listed in the municipal fishers' registry.
- e) **CERTIFICATE OF NUMBER** - proof of conferment of identity of fishing vessel.
- f) **FISHERFOLK COOPERATIVE** - a duly registered association of fishers with a common bond interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles.
- g) **FISHERFOLK ORGANIZATION** - an organized group, association, federation, alliance or institution of fishers which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and program of action.
- h) **FISHER REGISTRATION** - the act/process of enlisting fishers for the purpose of determining priorities among them, of limiting entry into municipal waters, and of monitoring activities and/or other purposes.
- i) **FISHING** - the taking of fishery species from the wild state or habitat with or without the use of fishing vessels.
- j) **FISHING GEAR** - any instrument or device and its accessories utilized in taking fish and other fishery species.
- k) **FISHING LICENSE** - a permit to fish specific types of fishing gears, vessel(s), and other fishing paraphernalia for a specified duration in municipal waters, granted only to registered fishers.
- l) **FISHING VESSEL** - any boat, ship or other watercraft equipped to be used for taking of fishery species 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,
- m) **GROSS TONNAGE** - the product of vessel tonnage length, depth and breadth multiplied by a factor of 0.70 divided by 2.83.
- n) **HOMEPORT** - refers to the LGU where the fishing vessel is registered.
- o) **LGUs** - local government units; refers to cities or municipalities.
- p) **MARINA** - Maritime Industry Authority.
- q) **MOTORIZED FISHING VESSEL** - a fishing vessel propelled by mechanical means.
- r) **MUNICIPAL FISHERS** - people directly or personally and physically involved in taking fishery species from their wild state or habitat operating within municipal waters.
- s) **MUNICIPAL FISHING VESSEL** - any watercraft used for fishing or in support to fishing operations in municipal waters weighing three (3) gross tons and below.

- t) **MFVR** - Municipal Fishing Vessel Registration Form.
- u) **MUNICIPALITY** - refers to the Municipality of Malay.
- v) **MUNICIPAL MAYOR** - the Municipal Mayor of Malay.
- w) **NET TONNAGE** - the gross tonnage multiplied by a factor 0.32.
- x) **PCG** - Philippine Coast Guard.
- y) **VESSEL BREADTH** - measured at the mid part from the gunwale inside of the skin of the hull to the inside of the skin on the other side of the hull.
- z) **VESSEL DEPTH** - measured at the centerline from a point below the line of the tonnage deck. Measurement taken at right angle to the vessel centerline of the vessel down to the inboard of the bottom skin of the hull.
- aa) **VESSEL LENGTH** - the length measured at the centerline of the fishing vessel from the point forward where the line of the tonnage deck intersects the line of the inboard faces at the stem to the point aft where the line of the tonnage deck intersects the inboard face of the stem.
- bb) **VESSEL REGISTRATION** - an act/process of enlisting a fishing vessel three (3) GT and below for the purpose of establishing its identity and ownership by assigning it a permanent number (recorded in the municipal registry of municipal fishing vessel).

C H A P T E R I I

REGISTRATION OF MUNICIPAL FISHERS

SECTION 5. - **REGISTRY OF FISHERS.** The Municipality of Malay through the Office of the Municipal Agriculture shall keep a registry of fishers and/or their organizations, gear types and specifications shall be incorporated in the Registry of Fishers. This registry shall be for purposes of information generation, for monitoring and regulation, and as basis for determining preferential rights as to the use of its municipal waters. All fishery-related activities in the municipal waters shall be permitted only to municipal fishers and their cooperatives/organizations who are listed as such in the registry.

SECTION 6. - **REGISTRATION OF MUNICIPAL FISHERS.** All qualified fishers shall be registered with the Municipality through the Office of the Municipal Agriculture and shall be issued a Certificate of Fisher Registration (CFR) (Annex "A"). Information on all fishing gear and/or paraphernalia and fishing vessel(s) to be used by the applicant municipal fisher shall be provided accordingly by the fisher upon registration. Municipal fishers shall be qualified to secure a fishing license, upon completely filling-up the prescribed application form. Registered fishers shall carry with them their CFR and fishing license at all times when engaged in fishing operations and present or surrender the same, whenever and wherever requested by the PNP-Maritime group, PNP, M/BFARMC, Bantay Dagat personnel and other duly authorized law enforcers.

SECTION 7. - **QUALIFICATION/ELIGIBILITY.** Only the municipal fishers who meet the following eligibility requirements shall be allowed to register:

- a. A citizen of the Philippines;
- b. Must be directly or personally and physically engaged in the taking of fishery and/or aquatic resources from the wild state or habitat with or without the use of fishing vessels of three (3) gross tons or below;
- c. A resident of the municipality for at least six (6) months; and,
- d. At least eighteen (18) years of age.

SECTION 8. - **REQUIREMENTS FOR REGISTRATION OF MUNICIPAL FISHERS.** Municipal fishers shall register with the Office of the Municipal Agriculture by submitting following documents:

- a. Duly accomplished Municipal Fisherfolk Registration Form (Annex "B");
- b. Community Tax Certificate secured from the Barangay Treasurer or Municipal Treasurer, and;
- c. Official receipt evidencing payment of corresponding municipal fisher registration fee.

C H A P T E R I I I

REGISTRATION OF MUNICIPAL FISHING VESSELS

SECTION 9. - **REGISTRY OF MUNICIPAL FISHING VESSELS.** The Municipality of Malay through the Office of the Municipal Agriculture shall keep a registry of municipal fishing vessels. The registry shall be for purposes of establishment of identity and ownership of vessels and maritime safety, monitoring, and regulation.

SECTION 10. - **APPLICATION.** Application for registration shall be submitted and processed in the Office of the Municipal Agriculture Office. Application for Municipal Fishing Vessel Registration shall be in prescribed form-MFVR Form (Annex "C").

SECTION 11. - **REQUIREMENTS.** An applicant for fishing registration shall submit the following requirements for evaluation of the Office of the Municipal Agriculture:

MOTORIZED VESSELS

- a. Duly accomplished application form - MFVR Form;
- b. Certified Standard Admeasurement Form (Annex "D") filled up by the Admeasurement Officer;
- c. Two (2) pictures of the boat (one shot side view, full-length and one (1) perspective shot with the applicant on the side);
- d. Barangay Clearance;
- e. PNP - Maritime Group Clearance or Local PNP Clearance (if the former is not available);
- f. Letter of Endorsement from the BFARMC (Annex "E") where the vessel's homeport (barangay) is;
- g. Certificate of Fisher Registration and;

h. Payment of appropriate fees (registration fee and inspection fee).

NON-MOTORIZED VESSELS

- a. Duly accomplished Application Form - MFVR Form;
- b. Certified Standard Admeasurement Form filled up by the Admeasurement Officer;
- c. Two (2) pictures of the boat (one (1) shot side view, full-length and one (1) perspective shot with the applicant on the side);
- d. Letter of Endorsement from the BFARMC Chairman where the vessel's homeport (barangay) is;
- e. Certificate of Fisher Registration and;
- f. Payment of Appropriate Fees (Registration and Inspection Fee).

SECTION 12. - **ISSUANCE OF CERTIFICATE OF NUMBER (CN)**. The Municipality shall issue a Certificate of Number (Annex "F") once all the documentary requirements are fully complied with and upon payment of appropriate fees. The certificate of number shall indicate the official serial number of the boat and its official name. The certificate of number shall serve as the proof of ownership of the boat.

SECTION 13. - **ASSIGNMENT OF OFFICIAL NUMBER**. The Municipality shall assign an official number to a registered fishing vessel which shall correspond to the code of the province (AKL), followed by the zip code of the Municipality and the serial number (not less than four digits) assigned to the fishing vessel (i.e. AKL-5608-0001). The number shall be painted permanently not less than three (3) inches in height, on both sides of the forward portion of the fishing vessel.

SECTION 14. - **ASSIGNMENT OF NAME**. The owner/operator shall propose a name to be one (1) fishing vessel regardless of type of fishing gear being used, design or size of the vessel. If the proposed name has already been assigned to another registered vessel, the owner/operator may add letters of the alphabet, any Arabic number or Roman numeral to the proposed name. The name of the fishing vessel shall be painted not less than four (4) inches in size on both sides in the mid-portion of the fishing vessel.

SECTION 15. - **ISSUANCE OF NEW CERTIFICATE OF NUMBER**. The Municipality may issue a new CN to a fishing vessel registered to another city or municipality if the fishing vessel transfers or changes its homeport to this Municipality. A change of homeport may occur if the owner of the said fishing vessel decides to transfer its residence to this Municipality or a resident of this Municipality acquired ownership of a fishing vessel registered to other LGU.

SECTION 16. - **RE-ISSUANCE OF CERTIFICATE OF NUMBER**. In cases where the fishing vessel is already registered to the municipality, re-issuance of CN shall only be made if:

- a. The fishing vessel changes its ownership through a valid sale or any other legal means;
- b. Changes in vessel dimensions after repair;
- c. The fishing vessel changes its engine, or;
- d. The fishing vessel changes its name.

SECTION 17. - **REQUIREMENTS FOR RE-ISSUANCE OF CN:****MOTORIZED VESSEL****a. CHANGE OF OWNERSHIP:**

1. Duly accomplished application form - MFVR Form;
2. Certificate of Fisher Registration of the new owner;
3. Barangay Clearance;
4. Copy of the Original CN;
5. Letter of Endorsement from the BFARMC Chairman where the vessel's new homeport (barangay) is;
6. Certified Standard Admeasurement Form filled up by the Admeasurement Officer and;
7. Payment of Appropriate Fees (Registration and Inspection Fees)

b. CHANGES IN VESSEL DIMENSIONS AFTER REPAIR:

1. Duly accomplished Application Form - MFVR Form;
2. Copy of the Original CN;
3. Copy of the official receipt of the engine;
4. Police Clearance that the engine purchased or used is not from a carnapped/stolen vehicle/vessel;
5. Certified Standard Admeasurements Form filled up by the Admeasurement Officer and;
6. Payment of Appropriate Fees (Registration and Inspection Fees)

c. CHANGE OF ENGINE:

1. Duly accomplished Application Form - MFVR Form;
2. Copy of the Original CN;
3. Copy of the Official Receipt of the Engine;
4. Police Clearance that the engine purchased or used is not from a carnapped/stolen vehicle/vessel;
5. Certified Standard Admeasurement Form filled up by the Admeasurement Officer and;
6. Payment of Appropriate Fees (Registration and Inspection Fees).

d. CHANGE OF NAME:

1. Duly Accomplished Application Form - MFVR Form;
2. Barangay Clearance;
3. Copy of the Original CN;
4. Certified Standard Admeasurement Form filled up by the Admeasurement Officer and;
5. Payment of Appropriate Fees (Registration and Inspection Fees).

NON-MOTORIZED VESSEL**a. CHANGE OF OWNERSHIP:**

1. Duly accomplished application form - MFVR Form;
2. Certificate of Fisher Registration of the new owner;
3. Barangay Clearance;
4. Copy of the Original CN;
5. Letter of Endorsement from the BFARMC Chairman where the vessel's new homeport (barangay) is;
6. Certified Standard Admeasurement Form filled up by the Admeasurement Officer and;
7. Payment of Appropriate Fees (Registration and Inspection Fees)

b. CHANGES IN VESSEL DIMENSIONS AFTER REPAIR:

1. Duly accomplished Application Form - MFVR Form;
2. Copy of the Original CN;
3. Certified Standard Admeasurement Form filled up by the Admeasurement Officer and;
4. Payment of Appropriate Fees (Registration and Inspection Fees)

c. CHANGE OF NAME:

1. Duly Accomplished Application Form - MFVR Form;
2. Barangay Clearance;
3. Copy of the Original CN;
4. Certified Standard Admeasurement Form filled up by the Admeasurement Officer and;
5. Payment of Appropriate Fees (Registration and Inspection Fees).

SECTION 18. - **DELETION OR CANCELLATION OF REGISTRATION.** In cases of loss or decay of the fishing vessel, or its involvement in a marine/maritime incident which rendered the fishing vessel unserviceable, the owner/operator shall immediately inform the Municipality and formally request for deletion or cancellation of registration of the said fishing vessel.

The Municipality may also cancel or delete the registration of any fishing vessel, after due notice for lawful causes to the owner/operator have been served and appropriate due process have been complied with, without prejudice to filing of separate criminal complaint to proper court if found appropriate. Registration of the fishing vessel may be cancelled or deleted due to any of the following reasons:

- 1) Utilizing the fishing vessel as coastwise commercial passenger vessel;
- 2) Involvement in any illegal or criminal activities;
- 3) Failure to renew the vessel's registration every three (3) years;
- 4) Giving false information in the application form, and;

- 5) Continued failure to display the vessel's official number and name in violation of Sections 13 and 14 of this ordinance.

SECTION 19. - RENEWAL OF VESSEL'S REGISTRATION. Registration of all fishing vessels registered to this Municipality is subject for renewal every three (3) years. Application for registration shall be submitted and processed in the office of the Municipal Agriculture not later than the last working day of January. Applicants for renewal of vessel's registration shall present to the same Office the copy of the Certificate of Number of the vessel for assessment prior to the payment of appropriate renewal fee. Failure to renew the vessel's registration on the prescribed deadline shall subject the owner of the said vessel to pay the penalty of 25% of the renewal fee.

SECTION 20. - RECORD-KEEPING. The Office of the Municipal Agriculture shall maintain updated records of all fishing vessels three (3) gross tons and below registered to the Municipality including those deleted and/or cancelled. The same office shall be provided with a computer unit, printer and digital camera which shall be utilized for the documentation and vessel registration program of the Municipality.

C H A P T E R I V

LICENSING OF MUNICIPAL ACTIVITIES

SECTION 21. - LICENSING OF MUNICIPAL FISHING ACTIVITIES. All municipal fishers using fishing vessels and stationary structures such as *Palaan* and *Bintahan* during their fishing operation shall be required to have fishing license to be issued by the Municipality before they can engage in fishing activities within municipal waters for purposes of information generation, granting priority rights, regulation, and revenue generation.

SECTION 22. - REQUIREMENTS FOR LICENSING OF MUNICIPAL FISHING ACTIVITIES. Applicants for fishing license shall submit the following documents to the Office of the Municipal Agriculture:

INITIAL ISSUANCE OF FISHING LICENSE:

- a. Duly Accomplished Application for Fishing License Form (Annex "G");
- b. Certificate of Fisher Registration (CFR);
- c. Letter of Endorsement from the BFARMC Chairman where the vessel's homeport (Barangay) is;
- d. Barangay Clearance;
- e. Certificate of Number (CN) of each fishing vessel owned, and;
- f. Official Receipt evidencing payment of the corresponding License Fees.

RENEWAL OF FISHING LICENSE:

- a. Duly Accomplished Application for Fishing License Form;
- b. Certificate of Fisher Registration (CFR);
- c. Letter of Endorsement from the BFARMC Chairman where the vessel's homeport (Barangay) is;
- d. Fishing License from the previous period;
- e. Barangay Clearance;

- f. Certificate of Number (CN) of each fishing vessel owned, and;
g. Official Receipt evidencing payment of the corresponding License fees.

C H A P T E R V

F E E S

SECTION 24. - **FISHER REGISTRATION FEE.** The Municipal Fisherfolk Registration Fee shall be collected in the amount of ₱20.00.

SECTION 25. - **FISHING VESSEL REGISTRATION FEE AND OTHER CHARGES.** The following Registration Fee shall be collected from the owner of each fishing vessel of three (3) gross tons and below being operated within the municipal waters of this Municipality;

<i>Type of Fishing Vessel</i>	<i>Standard Fees</i>
Non-motorized	₱ 20.00
Motorized (10 hp and below)	50.00
Motorized (10.1 hp - 16 hp)	100.00
Motorized (16.1 hp and above)	250.00
Inspection Fee	20.00

SECTION 26. - **FISHING LICENSE FEE.** The Fishing License shall be granted upon payment of the corresponding license fees at a rate not exceeding those fixed hereunder.

<i>For Using and Engaging in the Following Fishing Gears/Operations</i>	<i>Standard Fees</i>
N e t s	
Taksay	₱ 200.00
Pantihan (Stationary)	100.00
Largarete	200.00
Paanod	150.00
Pangtambilawan	200.00
Other nets	100.00
T r a p s	
Taba-taba	(Bidding) ₱ 100.00/unit
Palaan	(Bidding) ₱ 300.00/unit
Bubo	25.00/unit
Pangsimilya	50.00/unit
Crab Trap	50.00
Bintahan	250.00/unit
Other traps	100.00/unit
Payao	100.00/unit
Culture Operations	
Tilapiahan	₱100.00/25 sq.m.
Bangus Culture	100.00/25 sq.m.
Pantatan	100.00/25 sq.m.
Seaweeds Farm	100.00/100 sq.m
Sea Urchin Culture	50.00/cage
Abalone Culture	50.00/cage
Other Culture Operations	100.00/25 sq.m.
Other Fishing Gears	100.00/gear
Fishworker	100.00

SECTION 27. - **TIME AND MANNER OF PAYMENT.** The Fisher Registration Fee and Fishing Vessel Registration Fee shall be paid upon approval of application. The Fishing License Fee imposed shall be paid within the first thirty (30) days of January.

SECTION 28. - **EXEMPTION FROM FEES.** All LGU initiated livelihood projects shall be exempted from any fees. The corresponding licenses shall be given to the beneficiaries for free.

C H A P T E R V I

PROHIBITED ACTS AND SANCTIONS

SECTION 29. - **UNAUTHORIZED FISHING ACTIVITIES.** No person, natural or juridical, shall engage in any fishing activity in municipal waters without registration papers and/or valid fishing license from the Municipal government. Any violation of the provisions of this section shall be punished by a fine of ONE THOUSAND PESOS (₱1,000.00) per violator (fisherfolk/fishworker) or imprisonment of not less than six (6) months of both such fine and imprisonment, at the discretion of the Court.

SECTION 30. - **CANCELLATION OR REVOCATION OF FISHING LICENSE.** Without prejudice to the filing of civil or criminal charges in the proper court, the Municipal Mayor may revoke the license granted to any person, natural or juridical, or any of the following:

- a. Violation of any existing fishery laws, decree, letter of instructions or its implementing rules and regulations;
- b. Non-compliance with the terms and conditions of the license;
- c. False or fraudulent statements in the application thereof by the applicant or his representatives;
- d. Commission of the same fisheries violation for a third time; and,
- e. When public interest so requires.

SECTION 31. - **IMPOSITION OF FINES AND PENALTIES ON THE LICENSE HOLDER.** For any violation of provisions of the Fisheries Code and other related legislation committed by the fisherfolks/fishworkers as their first offense, a warning shall be issued in addition to the imposition of corresponding fines and penalties. This shall be recorded on their fishing license itself. For the second offense, an additional fine in the amount of ONE THOUSAND FIVE HUNDRED PESOS (₱1,500.00) shall be imposed. A record of offenses shall be kept on file at the Municipal Agriculture Office (MAO). Licenses will automatically be revoked if the holder/holders commit same offense for a third time.

C H A P T E R V I I

FINAL PROVISIONS

SECTION 32. - **REPEALING CLAUSE.** Previously approved ordinances or parts thereof, which is in conflict with any provisions of this ordinance, are hereby repealed or modified accordingly.

SECTION 33. - **SEPARABILITY CLAUSE.** If for any reason, any section or provision of this ordinance shall be held to be unconstitutional or invalid by competent authority, such judgment or action shall not affect or impair the other sections or provisions thereof.


SECTION 34. - **DATE OF EFFECTIVITY.** This Ordinance shall take effect upon approval and proper publication.

ENACTED. AUGUST 6, 2008.

APPROVED. SEPTEMBER 10, 2008.

X X X

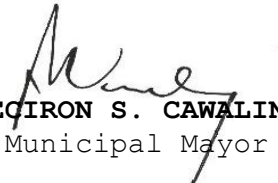
I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.


CONCORDIA S. ALCANTARA
Secretary to the Sangguniang Bayan

ATTESTED:


JOHN P. YAP
Municipal Vice Mayor
Presiding Officer

APPROVED:


CECIRON S. CAWALING
Municipal Mayor

APPROVED: SP RESOLUTION NO. 2009-273, dtd. 10-15-09

