



Republic of the Philippines
Province of Surigao del Norte
Municipality of Del Carmen



Office of the Sangguniang Bayan

Ordinance No. 083
Series of 2021

"AN ORDINANCE DECLARING A PORTION OF THE MARINE WATERS OF DEL CARMEN ALONG BARANGAY CABUGAO, THIS MUNICIPALITY AS A MARINE PROTECTED AREA"

WHEREAS, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides an opportunity and full authority to the Local Government Unit to protect, conserve, develop and manage the valuable coastal and marine resources under its jurisdiction;

WHEREAS, the coastal fisheries and aquatic resources within the municipal waters are very important natural resources which directly support and sustain the coastal communities of the municipality, and are vital to food security and environmental sustainability.

NOW, THEREFORE, BE IT ORDAINED, as it is hereby ordained by the Sangguniang Bayan of Municipality of Del Carmen, in session duly assembled, **THAT**:

Article I
Declaration of Policy

Section I. It is hereby declared the policy of the Municipality of Del Carmen, Surigao del Norte:

- a. To protect coral reef or other types of critical habitat from any physical damaged caused by humans;
- b. To increase the fish catch to fishers operating outside of the marine sanctuary; and
- c. To stabilize and improve the living coral cover and fish abundance on the reef as a means to mitigate the effects of climate change

Article II
Definition of Terms

Section I. As used in this Ordinance, the following terms are defined as follows:

- a. **ARTIFICIAL REEF** – any structure and natural or man-made materials placed on the body of water to serve as shelter and habitat, source of food, breeding areas for fishery species and shoreline protection.
- b. **CAPTIVE BREEDING/CULTURE OR PROPAGATION** – means the process of producing individuals under controlled conditions or with human intervention.
- c. **CLOSED SEASON** – the period during which the taking of specific fishery species by a specified fishing gear is prohibited in a specific area.
- d. **COASTAL AREA/ZONE** – is a band of dry land and adjacent ocean space in which terrestrial processes and use directly affect oceanic processes and uses, and vice versa. Its geographic extend may include areas within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobaths to include coral reefs, algal flats, sea grass beds and other soft-bottom area.

- e. **COMPRESSOR** – a device driven by a motor or engine for storing air. Its primary usage is to supply air to inflate rubber tube and to supply air to person undertaking underwater activities.
- f. **CORAL**—marine animal made of hard calcareous substance, anthozoan coelenterate polyps living in colonies where their rigid skeleton form a stony mass is all referred to as corals. They include (a) skeletons of anthozoan coelenterates characterized as having a rigid axis of compact calcareous or horny specules belonging to the corallium as presented by the red, pink and white corals which are considered as precious corals; (b) skeletons of anthozoan coelenterates characterized by thorny, horny axis such as the antipatharians represented by the black corals which are considered semi-precious corals; (c) ordinary corals that are nor precious nor semi-precious.
- g. **CORAL REEF** –natural aggregation of coral skeleton with or without living coral polyp, occurring in intertidal and sub tidal marine waters.
- h. **CONSERVATION** – means preservation and sustainable utilization of wild life, and/or maintenance, restoration, and enhancement of the habitat.
- i. **CRITICALLY ENDANGERED SPECIES** – refers to a species of sub-species that are facing extremely highrisk of extinction in the wild in the immediate future.
- j. **DESTRUCTIVE FISHING GEAR** – refers to fishing gear which by nature of its operation whether by pushing, towing, or other methodologies in which it is operated, destroys, damages or cause to destroy, alter and damage fish and other fishery/aquatic products shelter and habitats.
- k. **ENDANGERED, RARE AND/OR THREATENED SPECIES** – aquatic plants, animals, including some varieties of corals and sea shells in danger of extinction as provided for fishery law, rules and regulations or in the Protected Areas and Wildlife Bureau of the Department of Environment and Natural Resources (DENR) and in the Convention of the International Trade of Endangered Species of Flora and Fauna (CITES).
- l. **FARMC'S** – the Fisheries and Aquatic Resources Management Councils.
- m. **FISHER FOLK** – people directly or personally and physically engaged in taking and/or culturing and processing, marketing of fishery and/or aquatic resources.
- n. **FISHER FOLK ORGANIZATION**—duly and organized and accredited group, association, federation, alliance/coalition or an institution of fisher folk, which has at least 15 members, set of officials, constitution and by-laws; and organizational structure and program of action.
- o. **FISHERIES** – refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources, the areas and the right to fish or take aquatic resources thereof.
- p. **FISHERY MANAGEMENT AREAS** – a bay, gulf, lake, or any other fishery area which may be delineated for fishing resources management purposes.
- q. **FISHERY RESERVE** – a designated area where activities are regulated and set aside for scientific and educational purposes.
- r. **FISHERY REFUGE AND MARINE SANCTUARIES** – a designated area where fishing and other form of activities deleterious to the ecosystem of the area is prohibited and human access may be restricted.
- s. **FISHING** – the taking of fishery and aquatic species from the wild state or habitat, with or without the use of fishing vessels.

- t. **GRATUITOUS PERMIT** – a permit issued by the Mayor for fishing privileges purposely for scientific, research, and/or educational purposes only.
- u. **HABITAT** – means place or environment where species or subspecies naturally occur or has naturally established its population.
- v. **MARINE PROTECTED AREA** – an area in the municipal waters, as established by an ordinance, which is intended for rehabilitation and replenishment of fishery and coastal resources because of its ecological function as a spawning and/or feeding grounds for one or a group of marine species and is characterized by high productivity and/or high biodiversity.
- w. **MARGINAL FISHERFOLK/FISHERMAN** – an individual engaged in subsistence fishing, which shall be limited to the sale, barter or exchange of marine products produced by himself and his immediate family members, whose annual net income from fishery activity does not exceed the povertyline established by National Economic and Development Administration (NEDA).
- x. **NON-GOVERNMENTAL ORGANIZATION (NGO)** – an agency, institution, a foundation or a group of persons whose purpose is to assist people organization/associations in various ways including, but not limited to, organizing, education, training, research and/or resources accessing.
- y. **NON-RENEWABLE RESOURCES** – are resources, which include sand, gravel, pebbles, rocks and boulders which, if used, will be depleted and cannot be replenished in a time scale relevant to human beings.
- z. **PAMB** – Protected Area Management Board.
- aa. **PERMIT** – is a short term privilege or authority granted by the State to a person or group of persons to utilize any limited forest resources or undertake a limited activity within any forest land without any right of occupation and possession therein.
- bb. **PEOPLES ORGANIZATION** – a bonafide association of citizens with demonstrated capacity to promote the public interest and with identified leadership, membership and structure. Its members belong to a sector/s who voluntarily band themselves together and to work for and by themselves for their own upliftment, development and greater good.
- cc. **SUSTAINABLE USE** – refers to the use of components of biological diversity in a way and rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations.
- dd. **WILDLIFE** – means wild forms and varieties of flora and fauna, in all development stages, including those which are in captivity or are bred or propagated.

Article III
Fisheries Reserves and Marine Sanctuaries

Section I. **Fish Sanctuaries and Fishery Reserves. Other than existing Marine Protected Areas (MPAs).** -The Sangguniang Bayan may establish fishery reserves, refuge and sanctuaries to be administered in the manner prescribed by the Sangguniang Bayan in consultation with the FARMC.

- a. The Cabugao Marine Protected Area is hereby established in the Municipality of Del Carmen with its area and size, to wit:

A.1 CABUGAO MARINE PROTECTED AREA is hereby established at Barangay Cabugao, containing an area of 20 hectares (marine sanctuary corezone) and a buffer zone of 10 hectares. With the following technical description:

Zone 1. Core Zone (25has)		
	Latitude	Longitude
1	9°47'57.00"N	125°59'13.20"E
2	9°47'51.10"N	125°58'55.40"E
3	9°47'35.60"N	125°59'6.90"E
4	9°47'42.80"N	125°59'17.20"E
Zone 2. Buffer Zone (10has)		
	Latitude	Longitude
1	9°47'59.42"N	125°59'14.10"E
2	9°47'51.66"N	125°58'54.15"E
3	9°47'34.40"N	125°59'6.29"E
4	9°47'42.85"N	125°59'18.57"E

Marine Sanctuary Location (Refer to Annex A "Map Location of the Cabugao Marine Protected Area")

Section II. Management and Funding

2.1 All fish and marine sanctuaries within the municipal water shall be within the responsibility of the duly organized Municipal Fisheries and Aquatic Resources Management Council (MFARMC) of the Municipality of Del Carmen and will be under the supervision of the Municipal Agriculture and Fisheries Office (MAFO);

2.2 It shall be the responsibility of the Barangay Government concerned thru its duly organized Barangay Fisheries and Aquatic Resources Management Council (BFARMC) and its duly accredited fisherfolks organization to manage, conserve and protect their respective fish and marine sanctuary;

2.3 It shall be the responsibility of their respective accredited fisherfolk organization, other law enforcement agency concerned and to those deputized fish wardens to monitor all activities in the sanctuary area and the enforcement of this ordinance;

2.4 The Barangay Government concerned shall allocate fund for their Annual Budget an amount which will be used for the maintenance and operation of their respective sanctuary;

2.5 Municipal Government thru the Municipal Agriculture and Fisheries Office shall allocate fund for the Coastal Management Program which will be determined by the Sangguniang Bayan in their Annual Performance Budget.

Section III. Miscellaneous Provision

3.1 All fish and marine sanctuaries existing under pertinent laws prior to the approval of this ordinance shall continue to be conserved and protected and shall enjoy the same protective measures as mandated in this ordinance except when authority establishing such sanctuary had already expired pursuant to the original resolution/ordinance/issuance. However, renewal of the pertinent authorization can be granted by the Sangguniang Bayan provided that provision in this ordinance and other relevant laws and regulations for the purpose can be satisfied;

3.2 For the purpose of educational research and scientific study, fish and marine sanctuaries may be open for human access provided that the permit will be issued by the management of the fish and marine sanctuaries concerned and that corresponding permit fee will be paid;

3.3 For eco-tourism program, the management of fish and marine sanctuaries concerned shall determine an area for diving and snorkeling provided however that a corresponding permit fee will be paid to the management which amount will be determined by the concerned management thru municipal resolution and ordinance.

34 The management of fish sanctuaries, accredited fisherfolks organization, the BFARMCs in coordination with MFARMC may develop a Marine Protected Area Management Plan including uniform miscellaneous fees as such the barangay government is hereby authorized to collect conservation fees from all persons conducting research for educational purposes for the Diving, Snorkeling and other related activities.

ARTICLE III Prohibitions, Restrictions and Penalties

Section 1. Prohibition in the Fish and Marine Sanctuary.

1. It shall be unlawful for any person or group of persons to catch, take or gather or cause to be caught, taken or gathered, fish or any fishery species inside the sanctuary area.
2. It shall be unlawful for any person to conduct fishing activities except hook and line fishing within the 10 hectares-buffer zone which is measured after the 20 hectare NO take zone.
3. It shall be unlawful for any person or group of persons, corporation or entity to establish or place Fish Corral (*bungsod*) immediately from the 10 hectares-buffer zone.
4. It shall be unlawful for any person whether or not possessing a valid license to drive through the area in motorized or paddle boats, except for emergency docking due to extreme weather conditions.
5. It shall be unlawful for any person to steal, cut or destroy buoys, signs and markers of the fish sanctuary.
6. It is strictly prohibited to conduct any forms of illegal fishing activities in the area immediately outside the fish and marine sanctuary which are destructive to the coral reefs and other form of marine habitat such as explosive, spear fishing using scuba compressor, fishing with noxious or poisonous substance, using fine mesh nets with less than 3 cm. in size, use of active fishing gear, gathering of corals and other endangered species such as clams, dolphins, whale, shark, sea turtle (*pawikan*).
7. It will likewise be unlawful for any person or group of persons, corporation or entity to possess; deal in, sell or in any manner dispose any fish or fishery species which have been illegally caught, taken or gathered from the fish and marine sanctuary.

ARTICLE IV Penalty

Any person or group of persons who commit any of the above acts shall be penalized:

1. First Offense – Stern Warning and confiscation of all fish catch and a fine of Five Hundred Pesos (Php500.00)/person;
2. Second Offense – Confiscation of all fish catch and a fine of Two Thousand Pesos (Php2,000.00)/person and imprisonment ranging from 1 to 2 months or both fine and imprisonment at the discretion of the court;
3. Third Offense – Confiscation of all fish catch, fishing vessel and paraphernalia, cancellation of fishing permit and a fine of Two Thousand Five Hundred Pesos (Php2,500.00)/person and imprisonment ranging from 3 to 6 months or both fine and imprisonment at the discretion of the court;

4. That the amount which will be collected from the penalty for violation hereof shall be distributed with Sixty percent (60%) of the fines and penalties accrued to the municipal coffers, and Forty percent (40%) shall go to the accredited Fish Sanctuary Management Body or Deputized Fish Warden ("Bantay Dagat") that caught the illegal fisher/s.

ARTICLE V Enforcement

The Deputized Fish Warden, Deputized Wild Life Enforcement Officer, Fisheries and Aquatic Resources Management Council, Law Enforcement Officers from the Local Government Unit, the Philippine National Police, the Philippine Coast Guard, the Philippine Maritime Command, and other government enforcement agency are hereby authorized to enforce this Ordinance. Other competent government officials and employees, barangay officials and members of the fisher folks association who have undergone training on law enforcement may be designated in writing by the Municipal Mayor to the Office of the Department of Environment and Natural Resources (DENR) as Wildlife Enforcer Officer (WEO) in the enforcement of this Ordinance.

ARTICLE VI Mandatory Review

- a. The Sangguniang Bayan shall undertake a review of this Ordinance on the fifth year after its approval to ensure that provision of the instant Ordinance is given time to be effectively implemented.
- b. This Ordinance or parts hereof can be amended by two-thirds (2/3) affirmative votes of all members of the Sangguniang Bayan being physically present on a regular session consistent with the provision of its approved internal rules and procedure.

ARTICLE VII Repealing Clause

Existing ordinance contradictory to this Ordinance, in whole or in part, are hereby repealed and/or amended, accordingly.

ARTICLE VIII Reparability Clause

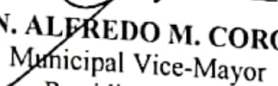
If any portion or provision of this Ordinance is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected shall continue to be in full force and effect.

ARTICLE IX Effectivity

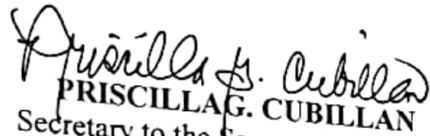
This Ordinance shall take effect upon approval by the Sangguniang Panlalawigan of Surigao del Norte and immediately after 15 days' publication in a newspaper of general circulation and posting in at least two (2) conspicuous places in the municipality, pursuant to the Local Government Code of 1991 (R.A. 7160).

ENACTED this 15th day of March, 2021.


I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance No. 083, series of 2021 duly passed and enacted by the Sangguniang Bayan upon motion by SB Member JUDITO C. DONOSO, during its Regular Session held on 15th day of March, 2021 at the Legislative Hall of LGU-Del Carmen, Surigao del Norte.

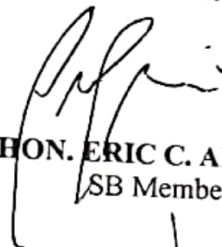

HON. ALFREDO M. CORO, II
Municipal Vice-Mayor
Presiding officer

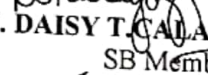
**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**


PRISCILLA G. CUBILLAN
Secretary to the Sangguniang Bayan

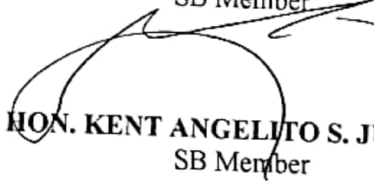
APPROVED: March 22, 2021



HON. PROSERFINA MATUGAS-CORO, ChE, MBA
Municipal Mayor


HON. ERIC C. ARELLANO, LLB
SB Member


HON. DAISY T. CALAYAG
SB Member

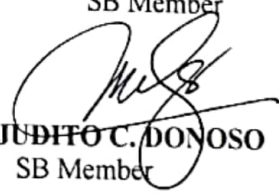

HON. REX Y. PAITAN
SB Member

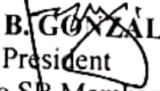

HON. KENT ANGELITO S. JUCAY
SB Member



HON. JOSE G. BAYANG
SB Member

HON. GENY LOU C. PETALLO
SB Member


HON. WELLMAN D. CORO, J. D
SB Member


HON. JUDITO C. DONOSO
SB Member


HON. FIDEL B. GONZALES, JR.
ABC President
Ex-Officio SB Member


HON. ALFRED C. ALBURO
SK Federated President
Ex-Officio SB Member