



Republic of the Philippines
City of Bago
OFFICE OF THE SANGGUNIANG PANLUNGSOD
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ORDINANCE NO. 19
Series of 2006

“AN ORDINANCE ESTABLISHING A FISHERY RESERVE WITHIN THE MUNICIPAL WATER OF BAGO CITY, PROVINCE OF NEGROS OCCIDENTAL, REGULATING ALL ACTIVITIES AND IMPOSING PENALTIES FOR THE VIOLATION THEREOF AND FOR OTHER PURPOSES.”

Explanatory Note:

WHEREAS, Bago City has a rich source of shellfish and other marine products;

WHEREAS, based on ecological surveys conducted, the area was identified by a technical research team from the University of the Philippines in the Visayas and Provincial Agriculture’s Office as potential breeding ground for high-value angel-wing shells locally known as “diwal” and scientifically known as *Pholas orientalis*;

WHEREAS, there is a need to conserve and to protect the fishing ground of the city and the depleting population of diwal considered as a high-value bivalve mollusks in order to ensure the food security program of the city for the future generation;

WHEREAS, there is a need to establish a fishery reserve to serve as breeding ground and sanctuary of the shellfish;

WHEREAS, Sec. 80 of RA 8550 otherwise known as the Philippine Fisheries Code of 1998 and Sec. 16 of the Local Government Code, empower the LGU to establish fishery reserves within their territorial jurisdiction for government use and for the general welfare of their constituents;

On motion of Sanggunian Member Victor B. Javellana, duly seconded by Sanggunian Members Jorge A. Araneta, Rosario F. Gaudite, Romeo C. Obando, the Sanggunian Panlungsod,

Be it ENACTED by the Sangguniang Panlungsod of the City of Bago, Province of Negros Occidental, in session duly assembled, that;

SECTION 1. Title. This ordinance shall be known as the “DIWAL FISHERY RESERVE ORDINANCE” and shall be enforced in conjunction with the existing applicable laws and regulations on fishing and/or fisheries.

SECTION 2. Objective. The area identified and established under this ordinance shall serve as the breeding ground for angel-wing shell locally known as “diwal” in the city to ensure its conservation and reproduction that would eventually benefit the municipal fisherfolks of Bago City.

SECTION 3. Definition of Terms. As used in this ordinance, the following terms and phrases are defined as follows:

- a) Person – refers to natural and juridical entity such as, but not limited to an association, a partnership, a corporation or a cooperative.
- b) Angel-Wing Shell – scientifically known as *Pholas orientalis* and locally known as ‘diwal’ and considered to be a high-value bivalve.

- c) Mayor – refers to the Mayor of the City of Bago, Negros Occidental.
- d) City – refers to the City of Bago.
- e) Fishery Reserve – a designated area where activities are regulated and set aside for educational and research purposes.
- f) Fishing – the taking of fishery species from their wild state or habitat with or without the use of fishing vessels.
- g) Fishing gear – any instrument or device and its accessories utilized in taking fish and other fishery species.
- i. **Active Fishing Gear** – is a fishing device characterized by gear movement and/or the pursuit of the target species by towing, lifting and pushing the gear, surrounding, covering, dredging, pumping and scanning the target species to impoundments.
 - ii. **Passive Fishing Gear** – is characterized by the absence of gear movements and/or the pursuit of the target species such as, but not limited to, hook and line, fish pots, traps and gill nets across the path of the fish.

SECTION 4. Area.

An area consisting of approximately 16.705 has. is hereby set aside and established as fishery reserve in Barangay Calumangan and also 14.14 has. in Barangay Sampinit with the following technical descriptions:

Barangay Calumangan

Point	Latitude	Longitude
Beginning at 1	10° 34' 33" N	122° 52' 24" E
thence 2	10° 34' 52" N	122° 52' 24" E
thence 3	10° 34' 52" N	122° 52' 33" E
thence 4	10° 34' 34" N	122° 52' 34" E
Thence back to Point 1		
TOTAL	16.705 Has.	

Barangay Sampinit

Point	Latitude	Longitude
Beginning at 1	10° 33' 15" N	122° 50' 29" E
thence 2	10° 33' 24" N	122° 50' 27" E
thence 3	10° 33' 24" N	122° 50' 45" E
thence 4	10° 33' 16" N	122° 50' 46" E
Thence back to Point 1		
TOTAL	14.14 Has.	

The area shall be provided with boundary buoys/markers in every corner of the fishery reserve established. The markers shall be visible enough to easily identify or locate the said area.

SECTION 5. Management. The area identified as fishery reserve under this ordinance shall be used exclusively for research and educational purposes of the city. The City of Bago through the Office of the City Agriculturist shall conduct appropriate research and educational projects that will help rehabilitate, conserve and protect the high-value mollusks or shellfishes in coordination with other agencies. Research and adoption of technology on the conservation of

angel-wing shell shall be initially conducted in the area. Appropriate protection and strict regulation on all activities being conducted in the area shall be imposed and gathering and/or harvesting of shellfishes or diving within 50-meters perimeter of the area shall not be allowed. The city shall appropriate funds for the establishment of markers or buoys to be installed in every corner of the fishery reserve area as well as during the conduct of monthly underwater monitoring and regular monitoring of the area by the bantay-dagat.

SECTION 6. Prohibition. No person shall be allowed to gather, harvest, collect or take any kind of shellfish or bivalve specifically diwal within the fishery reserve or anchor their fishing boat, and finally, conduct any fishing activity which shall cause to distract or in any manner disturb the sea bottom of the fishery reserve, that includes but not limited to trawl fishing, spear fishing and other fishing activity using active fishing gears, unless otherwise such activity or activities are part of the research being conducted in the area.

SECTION 7. Implementing Agency. The Bantay Dagat or Barangay Officials into which in its jurisdiction the violation is committed, is empowered to strictly enforce this Ordinance.

SECTION 8. Penalty. Any violation of the provisions of this Ordinance shall be punished by a fine of not less than Two Thousand Five Hundred Pesos (P2, 500.00), but not to exceed to Five Thousand Pesos (5,000.00) to three (3) highest fishing boat officials namely the boat captain, the chief engineer and 2nd boat captain and forfeiture of fish catch and fishing paraphernalia or imprisonment for a period not exceeding six (6) months or both such fine and imprisonment at the discretion of the court.

SECTION 9. Separability Clause. If for any reason, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 10. Repealing Clause. Previously approved City Ordinances or part thereof which is in conflict or inconsistent with the provisions of this Ordinance are deemed repealed and/or modified.

SECTION 11. Effectivity. This Ordinance shall take upon the review and approval of the Sagguniang Panlalawigan.

Enacted by the Sangguniang Panlungsod of the City of Bago in its 1333rd Regular Session today, October 25, 2006.

CARRIED BY THE VOTE OF:

Affirmative:

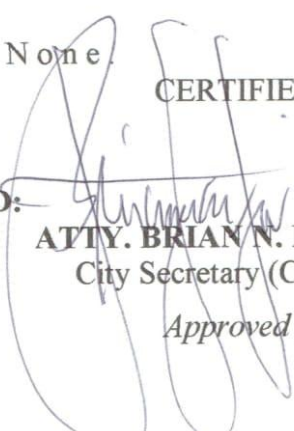
SP Members Jorge A. Araneta, Rosario F. Gaudite, Serafin Z. Jara, Romeo C. Obando, Nicholas M. Yulo, Victor B. Javellana, Ramon J. Yulo, Jr., Andrew Martin Y. Torres.

Negative: None

CERTIFIED CORRECT:

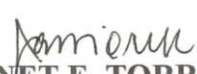

RAMON D. TORRES
City Vice Mayor-Presiding Officer

ATTESTED:


ATTY. BRIAN N. MARTIR
City Secretary (CGDH-I)

Approved this 20th day of October, 2006.

APPROVED:


JANET E. TORRES
City Mayor