



Republic of the Philippines
City of Bago
OFFICE OF THE SANGGUNIANG PANLUNGSOD

ORDINANCE NO. 17-02

AN ORDINANCE ESTABLISHING A MARINE PROTECTED AREA WITHIN THE MUNICIPAL WATERS OF BAGO CITY, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES.

WHEREAS, Section 16 of Republic Act 7160 mandates that the Local Government “shall ensure its support, among other things... xxx... enhance the right of the people to a balanced ecology... xxx... and preserve the comfort and convenience of their inhabitants.”;

WHEREAS, the limited natural resources in the city mandates that everyone assumes a shared responsibility and must contribute to the initiatives in environmental conservation, protection, and regeneration;

WHEREAS, the City Government of Bago, cognizant of its obligation in ensuring that the environment is sustainably managed for the benefit of present and future generations is establishing a Marine Protected Area (MPA) within the municipal waters of Bago City, for the effective and sustainable management of its environment and natural resources;

WHEREAS, the City of Bago is included among the migratory path of the Irrawady Dolphin, an endangered species, that must be protected pursuant to FAO No. 208 series of 2001 otherwise known as An Order for the Conservation of Rare, Threatened and Endangered Species;

WHEREAS, the City of Bago recognizes its role in ensuring a sustainable supply of fisheries and the protection of its marine resources including the Irrawady dolphin and its habitat amidst the challenges of global warming brought about by climate change.

NOW THEREFORE, on motion of SP Member Allan C. Galunan, duly seconded by SP Members Jorge Agustin A. Araneta, Mae C. Javellana, the Sanggunian, it is hereby ordained that this Ordinance be adopted to establish a Marine Protected Area in Bago City:

Section 1. Title of the Ordinance. This Ordinance shall be known and cited as the “Marine Protected Area Ordinance”

Section 2. Declaration of Policy. It is hereby declared the policy of the City Government of Bago to fully exercise genuine and meaningful local autonomy in the implementation of initiatives toward the enhancement of the rights of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Section 3. Objectives and Goals. This ordinance aims to:

- a. Conserve and preserve the marine resources of Bago City.
- b. To provide a sustainable fishery reserve for the constituents through the establishment of a Marine Protected Area.
- c. To protect the Irrawady Dolphin.
- d. To promote ecotourism incidental to the protection of marine resources including the Irrawady dolphin as an alternative means of livelihood for the fisherfolk.

Section 4. Definition of Terms. As used in this Ordinance, the terms below are hereby defined as follows:

- a. Marine Protected Area- is an area of the sea where human activity is restricted for conservation purposes, typically to protect natural or cultural heritage.
- b. CFARMC– refers to the City Fisheries and Aquatic Resources Management Council, a body mandated by law to be created by the local government, composed of stakeholders tasked to make recommendations for a better coastal resources management.
- c. Irrawady Dolphin – is aeuryhaline species of oceanic dolphin found in discontinuous subpopulations near sea coasts and in estuaries and rivers in Southeast Asia. In the Philippines, its populations in Malampaya Sound and Guimaras Strait are already close to extinction and requires immediate conservation.
- d. Fishing – the taking of fishery species from their wild state or habitat with or without the use of fishing vessels.
- e. Illegal Fishing – the taking of fishery species using gears and/or methods prohibited by law.
- f. Fishing Gear – any instrument or device and its accessories utilized in taking fish and other fishery species.
- g. 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.
- h. 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.
- i. Climate Change– change in climate which is attributed directly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

Section 5. Boundaries for the establishment of the Marine Protected Area. An area consisting of approximately 130.39 hectares is hereby set aside and established as Marine Protected Area with the following technical descriptions:

Point	Latitude	Longitude
Beginning at 1	10.57327	122.83612
thence 2	10.56759	122.83938
thence 3	10.56072	122.82409
thence 4	10.56624	122.82130
Thence back to Point 1		
TOTAL	130.39 hectares	

The area shall be provided with boundary buoys/markers in every corner of the Marine Protected Area. The markers should be visible for easy identification and location.

Of the total area of 130.39 hectares a core zone of 30 hectares is hereby set aside and designated as the “NO TAKE ZONE” where gathering, collecting, fishing and other like human activities on marine resources is strictly prohibited, and is specifically identified with the following technical descriptions:

Point	Latitude	Longitude
Beginning at 1	10.566061	122.824679
thence 2	10.568879	122.822958
thence 3	10.565453	122.828688
thence 4	10.52635	122.830409
Thence back to Point 1		
TOTAL 30 Hectares		

Section 6. The Role of the Province. The Province of Negros Occidental may provide technical and financial assistance and reinforcement in the enforcement of this Ordinance.

Section 7. Role of Bago City. The City of Bago shall create The Bago City Marine Protected Area Management Council, which shall be responsible for the management of the MPA. The Council shall be composed of the following:

1. Chairperson – City Mayor
2. Co-Chairpersons – SP Chair of the Committee on Environment
SP Chair of the Committee on Agriculture
3. Members – City Agriculturist
City Planning and Development Coordinator
City Environment and Natural Resources Officer
City Tourism Officer
Punong Barangays of Taloc, Calumangan, Sampinit and Poblacion
Bantay Dagat Coordinator
Bantay Katunggan Team Leader
CFARMC Chairperson
DepEd Representative
DENR Representative
BFAR Representative
PNP Representative
Industrial Sector Representative

The Office of the City Mayor shall serve as the Secretariat and direct implementor of the management interventions relative to the MPA.

The Council shall have the following duties and responsibilities:

- a. Manage the MPA
- b. Hold quarterly meetings
- c. Recommend policies relating to the enforcement of the Ordinance
- d. Create a Technical Working Group (TWG)
- e. Create an Education Committee
- f. Create a Monitoring and Enforcement Committee

Section 8. Allowed Activities. The following activities are allowed within the MPA:

1. Passive Fishing such as hook and line, *palugdang* and *panggal* is allowed within the MPA, provided that only Bago constituents are allowed such access.
2. Dolphin Watching through a well monitored and regulated tour, accompanied by a tour guide registered and authorized by the City of Bago.

3. Research activities for educational and/or scientific purposes, with prior notice to and approval from the City.

Section 9. Prohibited Activities. The following activities are prohibited within the MPA:

1. Throwing of trash.
2. Feeding of the Irrawaddy Dolphins and other fish species.
3. Active Fishing such as *tangab, sungkit, lukayan, palutaw, paduyan*, compressor
4. Unauthorized entry into the "NO TAKE ZONE" of the MPA.
5. Speeding of motorized boats, seacrafts and the like to beyond 5 knots.
6. Any human activity within the designated "NO TAKE ZONE" not sanctioned by the City of Bago.

Section 10. Penalties. A fine of five thousand pesos (P5,000.00) per person per offense or imprisonment of one (1) to two (2) months at the discretion of the Court, including confiscation of all fishing paraphernalia and boat, shall be charged to any person caught in violation of this Ordinance.

An offender may opt to avail of an administrative hearing by the Monitoring and Enforcement Committee whereby, after considering the extent of damage caused, a fine of PhP5,000.00 per person per offense and confiscation of all fishing paraphernalia and boat may be charged, subject to the approval of the City Mayor.

Of the collected fines, 20% shall be given as incentive to the enforcers directly involved in the apprehension, while 80% shall accrue to the General Fund of the City.

Section 11. Provision of Funds. The City Government shall allocate at least the amount of PhP 1,000,000.00 in its Annual Development Plan to defray expenses for the different interventions relative to effective MPA management. Also, the City Government may encourage the participation and support of partners from the Provincial Government, national government agencies, private sector and civil society organizations in ensuring an effective and efficient MPA management.

Section 12. Creation of Trust Fund. There shall be created a Marine Protected Area Fund which shall be Special Fund under the General Fund.

Section 13. Sources of the Fund. The Fund shall be sourced from the donations, grants and other contributions.

Section 14. Miscellaneous Provisions. One year after the adoption of this Ordinance, the Bago City Marine Protected Area Council shall have been able to:

- a. Draft for adoption by the Sangguniang Panlungsod the MPA Management Plan incorporating the proposed interventions on education, enforcement, and tourism development among others; and
- b. Proposed Schedule of Fees of the allowed activities within the MPA

Section 15. Separability Clause. If any provision of this Ordinance or the application of such provision is declared unconstitutional or invalid, other provisions hereof which are not affected shall continue to be in full force and effect.


Section 16. Repealing Clause. All local ordinances, rules and regulations or parts thereof, in conflict with or inconsistent to any provision of this Ordinance are hereby repealed or modified accordingly.

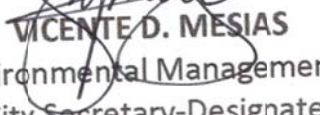
Section 17. Effectivity. This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of local circulation or posting in at least two (2) conspicuous places in the City of Bago.

Enacted, February 15, 2017.

I hereby certify to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Panlungsod during its regular session held on February 15, 2017.

Attested:


RAMON D. TORRES
City Vice Mayor-Presiding Officer


VICENTE D. MESIAS
Supervising Environmental Management Specialist/
City Secretary-Designate

Approved this 23rd day of February 2017.


NICHOLAS M. YULO
City Mayor