



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

ORDINANCE NO. 11-09

AN ORDINANCE AMENDING SECTIONS 32 & 33 OF ORDINANCE NO. 01, SERIES OF 2001 OTHERWISE KNOWN AS FISHING AND/OR FISHERIES ORDINANCE IN THE CITY OF BAGO.

**EXPLANATORY NOTE:**

**WHEREAS**, lately certain illegal fishing activities were discovered in the territorial waters of Bago City particularly trawling in the waters of Brgy. Taloc and Calumangan;

**WHEREAS**, after a consultation with concerned agencies of the City, the concerned Barangays and the stakeholders of our City's coastal protection and preservation it was a common sentiment that for the effective and efficient protection of our coastal and marine resources the City needs increase the fines prescribed under our existing laws in order to deter breaches against our coastal and marine resources;

**WHEREAS**, the present Fishery Code of Bago City was enacted way back in 2001 and its penal provisions, particularly Section 32 and 33, need to be amended.

**NOW, THEREFORE**, upon motion of SP Member Allan C. Galunan, unanimously seconded by the SP Members present, the Sanggunian

Be it ordained by the Sangguniang Panlungsod in a session duly assembled that:

**Section 1.** Section 32, of Ordinance No. 01, Series of 2001 is accordingly amended to read as follows:

"Section 32. Penalty. Violations of any of the provisions of this Ordinance shall be punished by a fine not less than 3,000.00 but not exceeding 5,000.00 per violation or imprisonment for a period of one (1) year or both, such fine and imprisonment at the discretion of the Court, and the confiscation of the fish and fishery/aquatic products and fishing gears in favour of the City Government for the latter to either donate to institutions or subjected to public sale, which proceeds shall be deposited to the City treasury.

As form of incentive, 20% of the collected fine shall be given to the apprehending deputized fish wardens (Bantay Dagat) to be divided among those who actually participated in the operation."

**Section 2.** Section 33, of Ordinance No. 01, Series of 2001 is accordingly amended to read as follows:

"Section 33. Compromise. The City Mayor, upon recommendation of the Fishery Adjudication Committee, is hereby authorized to compromise any case arising under any provision of this Ordinance before the case has been filed in Court provided that the fine shall not be less than 4,000.00 per violation and the fish and fishery/aquatic products and fishing gears shall be confiscated in favour of the City Government and be disposed in accordance with the preceding section.

For the purpose, the Fishery Adjudication Committee shall be composed of the Sangguniang Panlungsod Member, Chairperson of the Committee on Agriculture as *ex-officio* Chairperson, with the City Agriculturist, City Treasurer, and the Bantay Dagat Executive Officer as Members. The Committee shall convene immediately to hear and decide application for compromise by the apprehended person/s and shall submit their findings and recommendations to the City Mayor for decision.

As pre-requisite to payment of fine, the violator should secure a barangay certification that his illegal fishing activity has not damaged any legitimate fishing gear by other duly registered fishermen, legitimate structure/s or the like, or if it did the same has been properly settled at their level. Said certification should be submitted to the City Agriculture Office prior to assessment of fine and subsequent payment to the City Treasurer's Office."

**Section 3. Separability Clause.** If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

**Section 4. Repealing Clause.** All ordinances inconsistent with any provision of this ordinance are hereby repealed or modified accordingly.

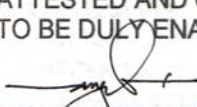
**Section 5. Effectivity.** This Ordinance shall take effect after thirty (30) days from the date of its approval.

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I HEREBY CERTIFY to the correctness of the foregoing Ordinance No. 11-09 which was duly enacted by the Sangguniang Panlungsod during its regular session held at the Sanggunian Session Hall on November 2, 2011.

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

ATTESTED AND CERTIFIED  
TO BE DULY ENACTED:

  
**NICHOLAS M. YULO**  
City Vice Mayor and  
Presiding Officer

APPROVED: this 8th day of Nov., 2011.

  
**RAMON D. TORRES**  
City Mayor