



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

ORDINANCE NO. 05-054

AN ORDINANCE GIVING PRIORITY IN THE GRANTING OF FISHERY PRIVILEGES/PERMITS TO BONAFIDE RESIDENTS, CITY FISHERFOLKS OF MUNTINLUPA ENGAGED IN FISH CULTURE OPERATION IN THE DEMARCATED AREAS OF LAGUNA LAKE LOCATED WITHIN THE CITY WATERS OF MUNTINLUPA PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

Sponsored by : Hon. Mario E. Bulay, Jr.
Hon. Melchor R. Teves
Co-Sponsored by: Hon. Ma. Luisa Babaran-Echavez, M.D.
Hon. Francis Ian T. Bagatsing
Hon. Allan Rey A. Camilon
Hon. Engr. Mamerto T. Sevilla, Jr.
Hon. Lucio B. Constantino
Hon. Allen F. Ampaya
Hon. Kevin B. Delgado
Hon. Elmer S. Espeleta
Hon. Marissa Cole-Rongavilla
Hon. Christian Glenn D. Lorica

WHEREAS, Section 131, (r) of R.A. 7160, otherwise known as the Local Government Code of 1991, and Section 4, (58) of RA 8550. The Philippine Fishery Code of 1998, provides that "municipal waters include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities.

WHEREAS, Section 16 of Republic Act 8550 of the Philippine Fishery Code of 1998 states that "The municipal/city government shall have jurisdiction over municipal/city waters as defined in this Code. The municipal/city government, in consultation with the Fisheries and Aquatic Resource Management Council (FARMC) shall be responsible for the management, conservation, development, protection, utilization and disposition of all fish and fishery/aquatic resources within their respective municipal/city waters. The municipal/city government may, in consultation with FARMC enact appropriate ordinances for this purpose and in accordance with the national fisheries policy;



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WHEREAS, to control the continuous proliferation of fish cage/fish pen, degradation of the lakes productivity and prevent the mounting conflicts between the operators and the marginal fishermen, the Fishery Zoning and Management Plan (Z.O.M.A.P.) and the policy guidelines for operation of fish cage/fish pen in Laguna Lake was approved and implemented by the Laguna Lake Development Authority.

WHEREAS, pursuant to Section 21, Article 1 of Republic Act 8550, Resident municipal fisher folk of the municipality concerned and their organizations/cooperative shall have priority to exploit the municipal and demarcated fishery areas of the municipality”;

WHEREAS, pursuant to Resolution No. 27 series of 1996, (D) of the Laguna Lake Development Authority (LLDA) approving the policy guidelines for fish cage/fish pen operators in the Laguna De Bay resolved that, “only Filipino citizens who are more than 21 years of age are allowed to operate a fish cage/fish pen.

Likewise, bonafide residents of the municipality/city where the fish cage/fish pen is to be constructed or located shall have priority over other applicants.

WHEREAS, pursuant to Section 149 of RA 7160, the Local Government Code of 1991, and Article 1, Section 22 of Republic Act 8550, The Philippine Fishery Code of 1998, provides that, “the Local Government Unit concerned shall grant demarcated fishery rights to fishery organizations/cooperatives for Marine culture operations in specific areas identified by the department;

WHEREAS, to protect the right of the resident municipal/city fisher folk of Muntinlupa and to ensure that they are given preference in the granting of fishery privileges it is deemed necessary to enact a Local Legislative measure for such purpose.

WHEREAS, this ordinance shall be construed as a measure to enhance coordinated and co-management approach between the LGU and the Laguna Lake Development Authority in the management of the lake.

NOW THEREFORE, BE IT ENACTED, by the Sangguniang Panlungsod of Muntinlupa City in session assembled that:



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SECTION 1. Regulated Acts. Permittees or grantees of fishery privileges or permit by the Laguna Lake Development Authority (LLDA) are hereby required to comply with the Local requirements provided for in this ordinance prior to the construction of their fish cage/fish pen in the demarcated areas within the municipality/city waters of Muntinlupa.

SECTION 2. Only bonafide residents and registered voters of the city, as well as duly accredited fisher folk organizations/cooperatives of the city shall be granted fishery privileges or permits to construct fish culture structures in the demarcated fish cage belt within the city waters of Muntinlupa.

The bonafide residents are those that have resided in the City or Barangay for a period of at least six (6) months as certified by the Barangay and is a registered voter of the Barangay.

For purposes of empowering the local Barangay FARMC, as provided under the fisheries Administrative Order No. 196, in the utilization of the areas allocated within their barangay, actual residents of the barangay concerned shall be given priority. In the absence of the applicant living within the barangay concerned where the area applied for is located, priority will be given to residents of Muntinlupa;

SECTION 3. Upon the effectivity of this ordinance, all fish culture structures registered to non-bonafide residents of the City or barangay concerned within the demarcated fish cage belt situated at 200 meters from the shoreline based on the zone map of the Laguna Lake Development Authority and within the territorial water jurisdiction of Muntinlupa City is hereby given a period of two (2) years to recover their cost of investment prior to abandoning and relocating their operations. Ownership of the fish pen structure in the fish pen belt shall be limited to a maximum of twenty (20) hectares.

SECTION 4. Upon the expiration of the grace period and the concerned fish cage/fish pen operator fails to comply, the fishery structure shall be subject for demolition by the Local Lake Management Office (LLMO) in coordination with the Laguna Lake Development Authority (LLDA).

SECTION 5. Local Requirements. The following local requirements must be complied with prior to the construction and operation of the fish cage/fish pen.

- a) **Barangay Certification** – Certifying that the applicant is a bonafide resident of Muntinlupa City.



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- b) **Comelec Certification** – Certifying that the applicant is a registered voter of the city.
- c) **Lake Management Office Zoning Clearance** – based on Z.O.M.A.P. of Laguna Lake Development Authority (LLDA).
- d) **Mayor's Permit/Business Permit.**

From the revenues that will be generated, allocations will be made for the purpose of supporting the objectives and programs that would benefit our local fishery sector.

SECTION 6. The Lake Management Office shall conduct on site investigation on the proposed area and ensure that the area allocated where the fish cage/fish pen is to be constructed is in accordance with the zoning and management plan as well as the policy guidelines being implemented in the Laguna Lake, which shall form part of the basis in the granting of a clearance.

SECTION 7. Fishery rights or privileges granted and allocated within the municipal/city waters of Muntinlupa can only be sold or transferred to bonafide residents of Muntinlupa City.

However, for those fishery rights or privileges sold or transferred to non-residents of Muntinlupa after the effectivity of this Ordinance, they are given the same period of two (2) years as provided under Section 3 hereof.

SECTION 8. Municipal/City fisher folk organizations or cooperatives are hereby required to secure a yearly accreditation from the Sangguniang Panlungsod.

SECTION 9. Lake Management Office shall maintain a list of municipal/city fisher folk organizations or cooperatives.

SECTION 10. The Lake Management Office is hereby authorized by this ordinance in coordination with the Laguna Lake Development Authority to put markers establishing the boundary limits of territorial waters of Muntinlupa City, pursuant to Section 131(r) of RA 7160 and Section 4(58) of RA 8550.

SECTION 11. Division and Zonification of City Water. The City Water is hereby divided by barangay and the boundary shall be the territorial boundary of every barangay facing the sea, such as:



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Zone 1 – The city water facing or abutting the coastal boundary or shoreline of Barangay Sucat.

Zone II – The city water facing or abutting the coastal boundary or shoreline of Barangay Buli.

Zone III – The city water facing or abutting the coastal boundary or shoreline of Barangay Cupang.

Zone IV – The city water facing or abutting the coastal boundary or shoreline of Barangay Alabang.

Zone V – The city water facing or abutting the coastal boundary or shoreline of Barangay Bayanan.

Zone VI - The city water facing or abutting the coastal boundary or shoreline of Barangay Putatan.

Zone VII – The city water facing or abutting the coastal boundary or shoreline of Barangay Poblacion.

Zone VIII – The city water facing or abutting the coastal boundary or shoreline of Barangay Tunasan.

SECTION 12. The Barangay Bantay Lawa and the Lake Management Office shall enforce all fishery laws, rules and regulations, ordinances within their respective barangay waters.

SECTION 13. Definition of Terms – As used in this ordinance the following terms shall mean:

1. **L.L.D.A.** – Laguna Lake Development Authority.
2. **L.M.O.** – Lake Management Office.
3. **Fish Cage** – Any aquaculture structure not exceeding one (1) hectare located within the fish cage belt for culturing fish/aquatic resources. Fish cage refers to an enclosure which is either stationary or floating made up of nets or screens sewn or fastened together and installed in the water with opening at the surface or covered and held in a place by wooden/bamboo posts or various types of anchors and floats.



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4. **Fish pen** – any aquaculture structure exceeding one (1) hectare located within the fish pen belt for culturing fish/aquatic resources. Fish pen is an artificial enclosure constructed within a body of water for culturing fish and fishery/aquatic resources made up of poles closely arranged in an enclosure with wooden materials, screen or nylon netting to prevent escape of fish.
5. **R.A. 8550** – The Philippine Fishery Code of 1998.
6. **R.A. 7160** – The Local Government Code of 1991.
7. **Municipal/City Fisher Folk Organization** – duly accredited organized group, associations, federation, alliance or an institution of fisher folks who are bonafide residents of the city which has at least fifteen (15) members, a set of officers, a constitution and by-laws and a program of action.
8. **Fisher Folk Cooperative** – duly registered and accredited association of fisher folk who are bonafide residents of the city with a common bond of interest, who have voluntary joined together to achieve a lawful common social or economic end, making contribution to the capital requirement and accepting a fair share of the risk and benefits of the undertaking in accordance with universally accepted cooperative principle.
9. **Z.O.M.A.P.** – Zoning and Management Plan of Laguna Lake.

SECTION 14. Penalty clause. Violation of any of the provisions of this ordinance and other existing fishery laws shall be punishable with non-issuance, cancellation or revocation of the Mayor's Permit or Business Permit to operate, or will be subject to a fine of Five Thousand Pesos (P5,000.00) or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the Court. All existing fish cage or fish pen operators located within the territorial water jurisdiction of the City fifteen (15) kilometers from the shoreline registered as single proprietorship, individuals, cooperatives, or corporations are hereby required to comply with the local requirements beginning January of the following year 2006.

SECTION 15. Repealing Clause – All ordinances, rules and regulations or parts thereof whose provisions are in conflict with or contrary to the provisions of this ordinance are hereby repealed, amended or modified accordingly.



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SECTION 16. Effectivity - This ordinance shall take effect within ten (10) days after its approval and shall be published in full in three (3) consecutive days in a newspaper of local circulation.

ENACTED, by the **Fourth (4th) Sangguniang Panlungsod of Muntinlupa** this **9th** day of **June 2005**, on its **38th** Regular Session.

CONCURRED:

ALLAN REY A. CAMILON
Councilor

MA. LUISA BABARAN-ECHAVEZ, M.D.
Councilor

MELCHOR R. TEVES
Councilor

ALLEN F. AMPAYA
Councilor

KEYIN B. DELGADO
Councilor

ELMER S. ESPELETA
Councilor

FRANCIS IAN T. BAGATSING
Councilor

MARISSA COLE RONGAVILLA
Councilor

LUCIO B. CONSTANTINO
Councilor

MAMERTO T. SEVILLA, JR.
Councilor

MARIO E. BULAY, JR.
Councilor

CHRISTIAN GLENN D. LORICA
Sectoral Representative
President, Federation of Sangguniang Kabataan

ABSENT:

BAL NIEFES
Councilor

RENE CARL S. CAYETANO
Councilor



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ATTY. ICASIANO M. DELA REA
Councilor

JOSELITO V. AREVALO
Councilor

ARTEMIO A. SIMUNDAC
Sectoral Representative
President, Association of Barangay Captains

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.


PABLO B. SALAMAT, JR.
Acting Secretary
Sangguniang Panlungsod

ATTESTED:


ATTY. RAUL R. CORRO
Acting Presiding Officer

APPROVED:


ATTY. JAIME R. FRESNEDA
City Mayor

Date: _____

PBS, JR.