



Republic of the Philippines
CITY OF BACOR
Province of Cavite

District I :

Absent

HON. AVELINO B. SOLIS
City Councilor

HON. EDWIN G. GAWARAN
City Councilor

HON. MIGUEL N. BAUTISTA
City Councilor

HON. ROWENA BAUTISTA-MENDIOLA
City Councilor

HON. REYNALDO M. FABIAN
City Councilor

HON. VENUS D. DE CASTRO
City Councilor

District II :

HON. REYNALDO D. PALABRICA
City Councilor

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City Councilor

HON. GAUDENCIO P. NOLASCO
City Councilor

HON. BAYANI M. DE LEON
City Councilor

HON. LEANDRO A. DE LEON
City Councilor

HON. ROBERTO R. JAVIER
City Councilor

Absent

HON. MA. ELIZA H. BAUTISTA
City Councilor-SKF Pres.

Absent

HON. VICTORIO L. GUERRERO, JR.
City Councilor-ABC Pres.

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA
City Mayor

OFFICE OF THE SANGGUNIAN PANLUNGSOD

PRESENT:

HON. CATHERINE S. EVARISTO - - - - - City Vice Mayor/
Presiding Officer

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ABSENT:

HON. AVELINO B. SOLIS - - - - - City Councilor
HON. VICTORIO L. GUERRERO, JR. - - - - - City Councilor
(ABC-Pres.)
HON. MA. ELIZA H. BAUTISTA - - - - - City Councilor
(SKF - Pres.)

CITY ORDINANCE NO. 2013-033
Series of 2013

A CITY ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 25, SERIES OF 2009 ENTITLED, "AN ORDINANCE REGULATING THE OPERATION OF OYSTER/MUSSEL FARMS AND OTHER SIMILAR STRUCTURES AND BUSINESSES WITHIN BACOR, CAVITE AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF".

Sponsored by Hon. Gaudencio P. Nolasco, Hon. Avelino B. Solis, Hon. Edwin G. Gawaran, Hon. Venus D. De Castro, Hon. Reynaldo D. Palabrica, Hon. Roberto R. Javier, and Hon. Rowena Bautista-Mendiola.

WHEREAS, on 17 December 2009, the Sangguniang Bayan enacted Municipal Ordinance No. 25, Series of 2009 entitled, "An Ordinance Regulating The Operation Of Oyster/Mussel Farms And Other Similar Structures And Businesses Within Bacoor, Cavite And Providing Penalties For Violations Hereof"

WHEREAS, there is a need to amend pertinent provisions of various municipal ordinances such as Municipal Ordinance



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Sangguniang Panlungsod Secretary

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Approved by:

HON. STRIKE B. REVILLA
City Mayor

OFFICE OF THE SANGGUNIAN PANLUNGSOD

No. 25-S-2009 pursuant to the ratification of Republic Act No. 10160 on June 23, 2012 converting Bacoor into a component city of Cavite;

NOW, THEREFORE, during regular session assembled, upon motion of Councilor Gaudencio P. Nolasco duly seconded by Councilor Bayani M. De Leon **BE IT ORDAINED AS IT IS HEREBY ORDAINED** by the Sangguniang Panlungsod to amend various sections of this Ordinance to read as follows, to wit:

Section 1. The following provisions of Municipal Ordinance No. 25-S-2009 are hereby amended and shall henceforth read as follows:

"Section 1. Title. -- This Ordinance shall also be known as the **"Mussel/Oyster Farming Ordinance of the City of Bacoor"**.

Section 2. Statement of Policy . -- It shall be the policy of the **City Government of Bacoor**, Cavite to protect its **city waters** from environmental degradation while enhancing the economic viability of the local aquaculture industry for the preferential benefit of the residents of the **city** by strictly regulating the operation and construction of oyster/mussel farms and other similar structures and businesses as well as the operation of various privately owned aquaculture businesses within **the City of Bacoor**.

Section 3. City Waters Defined. -- The term **"city waters"** as used in this ordinance shall include not only streams, lakes, inland bodies of water and tidal waters within the **City of Bacoor** 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 **city** touch the sea at low tide and a third line parallel with the general coastline including offshore inlands and fifteen (15) kilometers from such coastline as well as all lands devoted to aquaculture, or businesses and activities relating to fishery, whether private or public lands located within the territorial jurisdiction of **the City of Bacoor**, Cavite.

The said term shall also refer to the general coastline of the **City** of Bacoor, Cavite with a total area of **Nine Hundred Fifty Seven and 2472/10000 (957.2472)** hectares with the following metes and bounds described as follows:



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ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

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City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA
City Mayor

OFFICE OF THE SANGGUNIAN PANLUNGSOD

Point	Latitude	Longitude	Remarks
Beginning at 1	14°27'48"	120°55' <u>25</u> "	Coastal terminal point
thence 2	14°28'35"	120°55'22"	
thence 3	14°29'34"	120°56' <u>33</u> "	
thence 4	14°29'38"	120°56' <u>36</u> "	
thence 5	14°28';37"	120°58' <u>08</u> "	Coastal terminal point
thence following the coastline to <u>one</u> (1)			

Section 4. Aquaculture Zones defined - The term "aquaculture zones" as used in this Ordinance shall refer to areas located within the city waters of Bacoor—which may or may not be contiguous—devoted to fishery operations involving all forms of raising and culturing of fish and other fishery species in fresh, brackish and marine or salt water areas.

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Section 10. Power to Define Aquaculture Zones. --- The City Mayor is hereby empowered to define such areas within the city waters of Bacoor, which may or may not be contiguous or adjoining each other, where mussel/oyster farms and other similar structures or businesses intended to be used for aquaculture activities. Provided, that such power may not be exercised by the City Mayor without first consulting with the Fisheries and Aquatic Resources Management Council (FARMC) of Bacoor and without securing the approval of the Sangguniang Panlungsod as required under Section 16 of Republic Act No. 8550 (also known as the "Philippine Fisheries Code of 1998").

Section 11. Regulated Operation of Mussel/Oyster Farms and other Similar Structures or Businesses.--- Pursuant to Section 51 of Republic Act No. 8550, the operation and construction of mussel/oyster farm and other similar structures or businesses for the culture of fish and other fishery products shall be allowed hereunder provided that the same shall only be constructed and shall only operate within the aquaculture zone/s duly designated by the City Mayor. Provided, however, that not over ten percent (10%) of the suitable water surface area of the city waters of Bacoor shall be allotted for aquaculture purposes like fish pens, fish cages and fish traps; and the stocking density and feeding requirements which shall be controlled and determined by its carrying capacity. Provided, further, that the design, location, construction, and operation of the structures covered by this Ordinance shall be subject to the various regulations to be promulgated by the Office of the City Mayor in consultation with the FARMC after this Ordinance



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ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA
City Mayor

OFFICE OF THE SANGGUNANG PANLUNGSOD

takes effect. Provided, lastly, that such regulations must be in compliance with law and this Ordinance.

Section 12. Prohibited Acts.--- The commission of any of the following act/s shall be deemed a violation of this Ordinance, to wit:

12.1. Construction and operation of an oyster/mussel farm or any other similar structure or business within the city waters of Bacoor without a permit or license issued by the City Agriculture Office and approved by the City Mayor;

12.2. Construction and operation of an oyster/mussel farm or any other similar structure or business within the city waters of Bacoor by an individual who is not a resident of Bacoor. Provided, that fisherfolk organizations and cooperatives who are duly registered with the FARMC and the City Agriculture Office shall have preference in the grant of fishery rights under this Ordinance pursuant to Section 149 of the Local Government Code of 1991 and Section 17 of R.A. 8550;

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12.4. Refusal to allow the inspection of an oyster/mussel farm or any other similar structure or business operating within the city waters of Bacoor by any duly-authorized city employee including the officers of the FARMC of Bacoor and non-government organizations (NGO's) duly-accredited and duly-authorized by the city government to conduct such inspections; and

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Section 14. Procedure for Application for License and Permits.---

Any natural person covered by this Ordinance shall obtain a license to use the fishnets mentioned above and a permit to operate the fish cages, fish corrals, fishpens, oyster/mussel farms and fishponds defined under this Ordinance: Provided, that such operation shall be in strict compliance with all the provisions of this Ordinance. An inspection of the area covered by the application must first be conducted by the City Agriculture Office before any such permit or license shall be issued to the applicant. To prove that the said inspection was duly conducted, the City Agriculture Office shall issue two (2) original copies of its inspection report in favor of the applicant. The fee/s to be paid by the applicant, the exact area where the structure covered by the application should be constructed, and the names and addresses of its owner/s should be indicated in the said inspection report. The said inspection report must



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Sangguniang Panlungsod Secretary

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City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA
City Mayor

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approved and signed by the City Mayor before it is release to the applicant.

Section 15. Issuance of Receipts, Licenses, and Permits.--- The applicant shall then submit one (1) copy of the inspection report mentioned above to the Office of the City Treasurer. Once it finds the inspection report to be in order, the Office of the City Treasurer shall then accept payment from the payee. Immediately after the above-mentioned fees have been paid, the City Treasurer shall issue an official receipt in favor of the payee, as well as a specially-designed water proof sticker which bear the words "Fishnet License No. ____" or "Aquabusiness Permit No. ____" to the applicant as the case may be. The applicant shall then attach and display the said sticker on his boat or on any conspicuous area within his mussel/oyster farm or any similar structure or business covered by this Ordinance. Provided, that in case the structure or business mentioned above is destroyed due to a natural calamity before the next payment period arrives, the owner or operator thereof shall be not be required to display said license or permit sticker. In which case, the duplicate original copy of the inspection report shall be considered sufficient proof of compliance with this Ordinance. Provided further, that no other fees for the cost of inspecting the areas covered by application for a permit or license other than those mentioned above shall be collected from the payee by any city employee. Provided, that mussel and oyster farms with an area of less than one thousand (1,000) square meters shall be exempted from paying business permits but not the permit to operate mentioned above.

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Section 17. Interest on Unpaid or Underpaid Fines.—In case a person found to have violated this Ordinance fails to pay the fine/s imposed against him by a court of law or underpays such fine, an interest equivalent to 10% of the fine/s imposed or of the unpaid balance of such fine shall also be charged against him. The said 10% interest shall be collected annually until the said fine has been paid fully. Otherwise, no new permit or license shall be issued by the city government in favor of the said offender.

Section 18. Penalties.—Any fishpen, fish cage, fish corral, fish pond, oyster/mussel farms or any other similar structures or businesses found to be in violation of this Ordinance may be demolished by the city government. Provided, that the owner of such fish corral, fish cage, fishpen, fish pond, oyster/mussel farms shall first be notified in writing by the City Agriculture Office and shall be given at least (five) days from receipt of such notice within which to pay the necessary fees or to comply with this Ordinance. Provided,



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Approved by:

HON. STRIKE B. REVILLA
City Mayor

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further that if the owner of such structure/s fails to comply with this Ordinance despite his/her receipt of the above-mentioned notice, the city government shall initiate the proper court action against such owner and secure the necessary writ of demolition after a hearing on the merits.

Additionally, any person who violates any provision of this Ordinance shall be charged a fine of Two Thousand Pesos (PhP 2,000.00) or shall be imprisoned for at least one (1) month but not more than six (6) months at the discretion of the proper courts of law".

Section 2. Separability Clause— Should any provision hereof be declared void by any competent court of law, the other provisions of this Ordinance that are not affected thereby shall remain valid and enforceable.

Section 3. Effectivity—This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the Province of Cavite.

ENACTED this 16th day of September 2013 by the Sangguniang Panlungsod in regular session assembled at the City of Bacoor, Cavite.

I hereby certified that the foregoing ordinance was passed and enacted by the Sangguniang Panlungsod of Bacoor, Cavite on the 16th day of September 2013.

Certified by:

HON. CATHERINE SARINO-EVARISTO
City Vice-Mayor/ Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

Approved by:

HON. STRIKE B. REVILLA
City Mayor