

MUNICIPAL ORDINANCE NO. 2019-06

AN ORDINANCE ESTABLISHING AND PROVIDING FOR THE OPERATION AND MAINTENANCE OF MASAGUISI FISH SANCTUARY & MANGROVE CONSERVATION AREA - MASAGUISI, BONGABONG, ORIENTAL MINDORO

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Co-Sponsors: Hon. JEREMY ENRIQUEZ, Hon. ARNOLD VARGAS, Hon. ALFONSO MONTALBO, Hon. VICTORIA PADULLO and Hon. EVELYN ALEA

BE IT ORDAINED, by the Sangguniang bayan of Bongabong in session duly assembled that:

**ARTICLE I
GENERAL PROVISIONS**

Section 1. TITLE - This Ordinance shall be known as the **MASAGUISI FISH SANCTUARY & MANGROVE CONSERVATION AREA, BONGABONG ORIENTAL MINDORO**

Section 2. DECLARATION OF POLICY - It shall be the policy of the Municipality of Bongabong to promote sustainable and wise use of its fisheries and coastal resources. The municipality shall also ensure the equitable use of these resources, reserve preferential use for the municipal fisherfolk and promote fisherfolk's active participation in its management. Towards this end, the Municipality will establish a Marine Protected Area based on scientific finding and popular acceptance. The Masaguisi Fish Sanctuary & Mangrove Conservation Area is a project of the Municipal Government of Bongabong.

Section 3. OBJECTIVES - The Masaguisi Fish Sanctuary & Mangrove Conservation Area provides for the conservation and protection of coastal resources such as mangroves and coral reefs within its bounds and its immediate vicinity. These marine ecosystems will be protected to serve as critical habitat for feeding, breeding and spawning of fish and other aquatic resources. By conserving and protecting said habitats, they will function as conservation area distinctively delineated from the adjoining fishing grounds. The area will be divided and zoned according to its use, rehabilitation zone, no take zone, hook and line zone and multi-use zone.

The objectives of **MASAGUISI FISH SANCTUARY & MANGROVE CONSERVATION AREA** are to regenerate and rehabilitate resources and to conserve and protect habitat to fish and fishery resources from illegal fishing and other destructive activities, and to support its conservation and protection activities indicated on the management plan drafted and adopted.

Section 4. DEFINITION OF TERMS - For the purpose of this Ordinance, the following definition of terms shall apply:

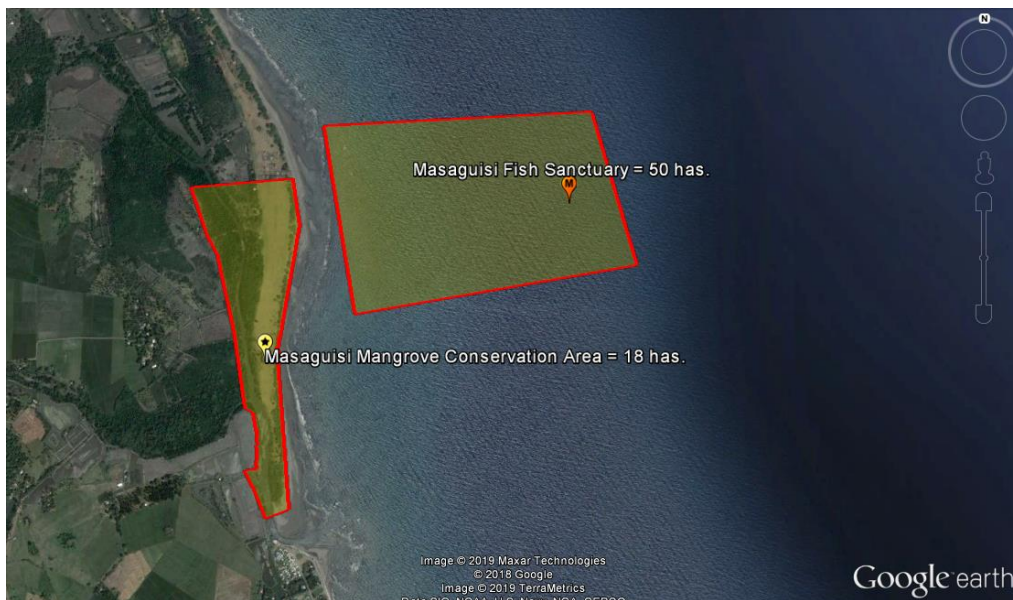
- a. Aquaculture – fishery operations involving all forms of raising and culturing of fish and other aquatic species.
- b. Aquatic pollution – the introduction of substances or energy to the aquatic environment which result or is likely to result in such as deleterious effects as to harm living and non-living aquatic resources, pose potential and real hazard to human health, hindrance to aquatic activities such as fishing and navigation, including dumping or disposal of waste and other marine litter/discharge of petroleum and other radio-active, noxious or harmful liquid from any water, land, air transport or other human-made structure. Deforestation, unsound agricultural practices such as the use of banned chemicals, excessive use of chemicals, intensive use of artificial fish feeds and wetland conservations, which cause similar hazards and deleterious effects, shall also constitute aquatic pollution.
- c. BFARMC – Barangay Fisheries and Aquatic Resources Management Council.
- d. Buffer Zone – a zone to protect the fish sanctuary wherein regulated fishing activities are allowed.
- e. Coral – the hard calcareous substance made of the skeleton of a marine coelenterate polyps which includes reef, shelves and atolls or any of the marine coelenterate animals living in colonies where the skeleton form a stony mass.
- f. Coral Reef – a natural aggregation or coral skeleton, with or without living coral polyps occurring in inter-tidal and sub-tidal marine waters.
- g. FARMC – Fisheries and Aquatic Resources Management Council
- h. Fisherfolk – people directly, personally and physically engaged in taking, culturing or processing fishery and aquatic resources.
- i. Fishery Resources – aquatic flora and fauna including but not limited to fish, algae, coelenterates, mollusk, crustaceans, echinoderms and cetaceans.
- j. Fishing - the taking of fish and other fishery resources from their wild state habitat.
- k. Fish Sanctuary - a designated area where fishing or other forms of activities that might damage the ecosystem of the area is prohibited and human activities may be restricted.
- l. FMO/S - Fishery Management Office/Section.
- m. Mangroves – a community of intertidal plants including all species of trees, shrubs, vines, herbs found on coasts, swamps or border of swamps.
- n. Marine Protected Area (MPA) – an area of the sea established and set aside by law, administrative regulation or any other effective means, in order to conserve and protect a part or the entire enclosed environment, through the establishment of management guidelines. It may include, in part or entirely No Take Zones or Fish Sanctuaries, Marine Reserve or Hook and Line Areas, Fisheries Management Areas, buffer zones and other zones that are delineated and placed under specific regulations.
- o. MCMiWRM - Municipal Coastal Marine & Inland Water Resource Management
- p. MFARMC - Municipal Fisheries and Aquatic Resources Management Council
- q. MPAMC - Marine Protected Area Management Council

- r. Seagrasses - are flowering plants belonging to four plant families, all in the order Alismatales, which grow in marine, fully saline environments.
- s. Sustainable Use Zone – a zone within the MPA wherein activities are controlled such as fishing, gleaning, boating and tourism related activities;
- t. No Take Zone – a zone within the MPA wherein all extractive activities are disallowed.
- u. Users Fee – refers to the conservation fee to be collected from tourists. An entrance ticket shall be issued. The proceeds will be appropriated for the management, protection and conservation of the MPA. A separate fee will be charged to those who caused damage with the following breakdown:
 - i. Coral Reefs – Php10,000 per square meter of damage
 - ii. Seagrass – Php10,000 per square meter of damage
 - iii. Mangrove – Php10,000 per matured tree damaged, Php1,000 per tree measuring more than 1 meter (1m) in height, 100 per sapling damaged

ARTICLE II LOCATION, AREA AND DELINEATION OF THE MPA BOUNDARIES

Section 6. SITE AND COVERAGE – The **ESTABLISHMENT OF ANILAO FISH SANCTUARY & MANGROVE CONSERVATION AREA** in Barangay Masaguisi, Bongabong consisting of mangroves and coral reef ecosystems.

Map and Technical Description:



Technical Descriptions:

Masaguisi Fish Sanctuary (No Take Area)

Point	Longitude	Latitude
1	121°32'52.11"E	12°41'49.14"N
2	121°32'57.07"E	12°41'33.10"N
3	121°32'27.66"E	12°41'27.34"N
4	121°32'23.40"E	12°41'46.93"N

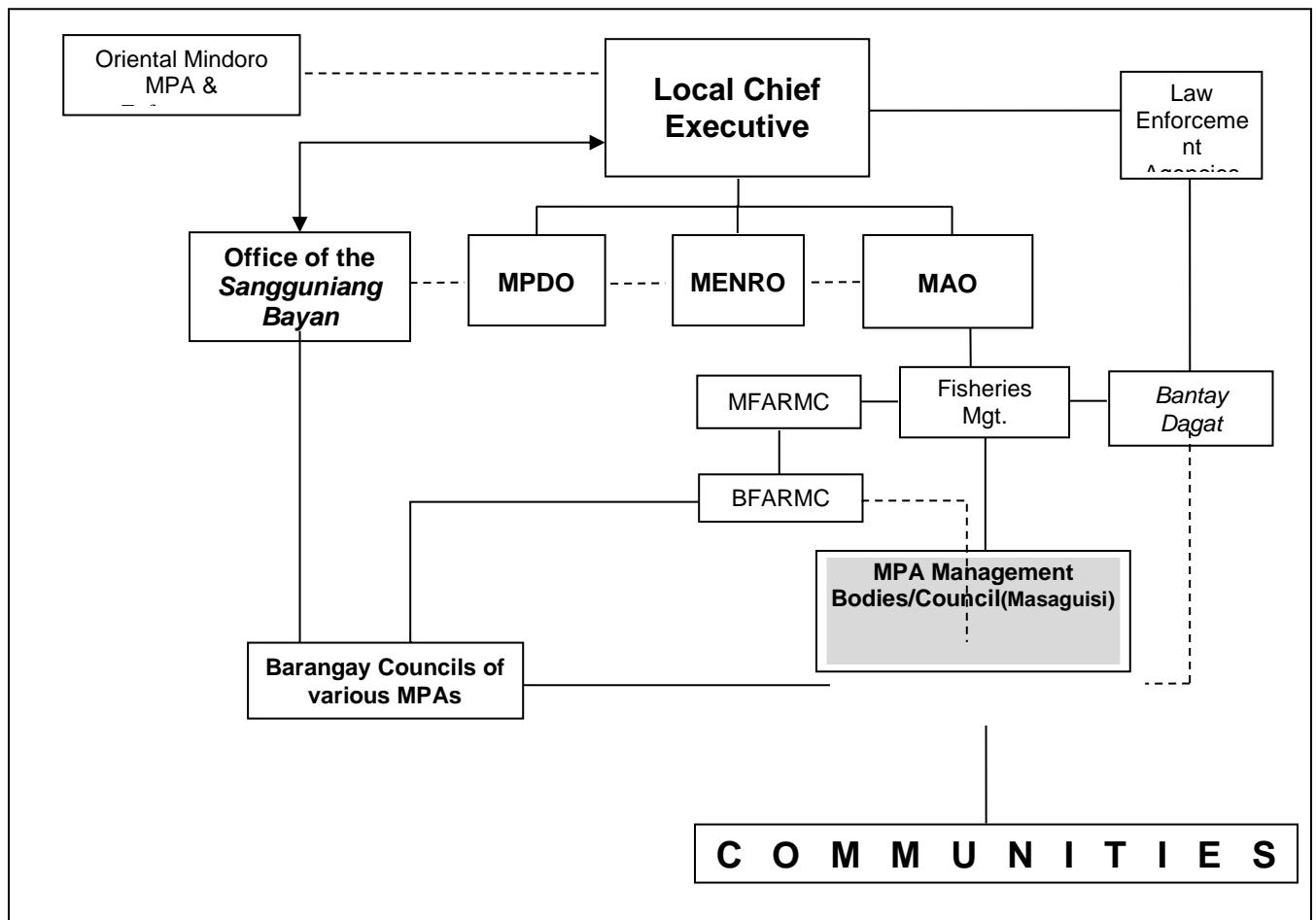
Masaguisi Mangrove Conservation Area

Point	North	East
1	12°41'40.24"N	121°32'9.65"E
2	12°41'41.29"N	121°32'20.39"E
3	12°41'36.57"N	121°32'21.39"E
4	12°41'24.73"N	121°32'19.94"E
5	12°41'7.66"N	121°32'21.71"E
6	12°41'6.74"N	121°32'19.34"E
7	12°41'9.73"N	121°32'17.94"E
8	12°41'11.37"N	121°32'16.94"E
9	12°41'12.43"N	121°32'18.09"E
10	12°41'15.38"N	121°32'17.97"E
11	12°41'17.18"N	121°32'17.52"E
12	12°41'17.58"N	121°32'16.64"E

Buoy markers shall be installed to mark the perimeter of the reef area and poles with flags shall also be installed in shallow areas where seagrasses thrive. Billboards/signages shall also be placed in prominent places. The Buffer Zone where hook & line fishing is allowed shall also be properly marked. It is an extension area which is 100 meters away from the boundaries or immediately adjacent to the MPA. The gleaning zone shall also be identified for those who collect shells and other invertebrates in the area. The mangrove rehabilitation area shall also be designated and marked for planting and species enrichment activities.

Section 7. Management - The will be managed by the Municipal Government through the Barangay Councils of Masaguisi, Barangay Fisheries and Aquatic Resources Management Council (BFARMCs) and the Marine Protected Area Management Council shall assist the said Council.

The MPA Management Council is clearly connected to legislator and executory functions. Thereby, empowering them and increasing their participation in environmental care and management.



The Fishery Management Office (FMO) Municipal Coastal Marine & Inland Water Resource Management (MCMiWRM) designated by the Municipal Mayor from the personnel of the Municipal Agriculturist Office (MAO) and MFARMC shall periodically undertake management and supervision on the Masaguisi Fish Sanctuary & Mangrove Conservation project. The MAO/FMO shall render periodic reports to the Office of the Municipal Mayor on the supervision undertaken.

Section 8. Membership - The members of the Barangay Masaguisi Fisheries and Aquatic Resources Management Council and the MPA Management Council shall come from the fisherfolk association and people’s organization of Masaguisi. In the event that no more fisherfolk are available for membership, civic minded resident of Masaguisi may be recruited.

Section 9. Officers - The Masaguisi Fish Sanctuary & Mangrove Conservation Area Management Council shall compose the following: Brgy. Council, Chairperson, Co-Chairperson, Secretary, Treasurer, Auditor, which shall be elected from the BFARMC officer/member, excluding the BFARMC Chairman. And the Committee such as: Legislative Committee, Law Enforcement Committee, Monitoring Committee, Financial Management Committee and Administrative Committee will compose of Chairman, Vice

Chairman and three (3) members. Fisherfolk who are not elected as officer are entitled to be a member of the six (6) sub-committees. The officer of the committee and the members of the sub-committees shall serve for a term of three year and may be re-elected.

Section 10. Organization - Upon approval of the Ordinance the Barangay Masaguisi FARMC Chairperson shall call a meeting of all the fisherfolk in barangays to set up the Marine Protected Area Management Council and start the implementation of the **MASAGUISI FISH SANCTUARY & MANGROVE CONSERVATION AREA** Ordinance No ____ 2019 . The BFARMC officers and members shall elect the five (5) officers and members of the six (6) sub-committees of the Marine Protected Area Management Council of the **MASAGUISI FISH SANCTUARY & MANGROVE CONSERVATION AREA**. Every year thereafter, on the initiative of the Barangay Masaguisi FARMC Chairpersons, all the fisherfolk of barangay Masaguisi shall hold a general meeting to hear the report of the six (6) sub-committees, to review the propose changes in the implementation of the marine protected area, to approve the annual work plan, to elect the officers of the committees and to select the assignments of the sub-committees.

The MAO through the Fishery Management Officer shall supervise the organization of the BFARMCs, the Marine Protected Area Management Council, immediately thereafter submit to the Office of the Mayor and the Sangguniang Bayan the list of members of the said Council, Committee, its sub-committee and the organizational structure of the entire project.

Section 11. Function - The MPA Management Council shall be the policy making body who will assist the PO in terms of policy formulation. The Peoples Organization shall manage and operates **MASAGUISI FISH SANCTUARY & MANGROVE CONSERVATION AREA** The volunteers/committees constituting the MPA Management Council shall perform the roles and responsibilities as follows:

- a) The Barangay Council
 - Approve policies and regulation for the implementation of MPA through Barangay Ordinances
 - Appropriate funds for the development of MPA
- b) The Chairperson:
 - Responsible for the whole program of MPA as agreed upon by the Barangay Council
 - Over-all supervision for the implementation of MPA Plan
 - One of the signatories of all documents in relation with MPA
 - Lead for coordination in different agencies and private person that can help for the development of MPA
- c) Co-Chairperson
 - Act on functions of the Chairperson in absence of the latter
 - Help for the development of the MPA
 - Active coordination to different committee to focus on the developmental programs of the MPA Projects

- d) Secretary
 - Prepare minutes of the meetings
 - Keep records of minutes, resolutions, ordinances, result of the study on MPA and other documents
 - Remind schedule of activities
 - Report or enlists of important undertakings for the development of MPA
 - Perform other duties on his/her capacity as secretary
 -
- e) Treasurer
 - Keep the finances of the council
 - Record expenditures
 - Keep records, receipts and vouchers for transparency on funds
 - To submit regular financial report to the Chairperson
 - Report financial status in official meetings
 - Ensure appropriate use of funds
 - Perform other duties in his/her capacity as Treasurer
 - Willing to assist other committees
- f) Auditor
 - Audit records, report of the treasurer for correctness of treasurer's financial report
 - Ensure appropriate use of funds
 - Perform other duties in his/her capacity as Auditor
 - Willing to assist other committees

Section 11.1 - Committees:

- a) Legislative
 - To recommend necessary plans and policies for the development to the MPA Management Council
 - Conduct consultations to the fisherfolk for any policies, projects or any issues and concern in the MPA
 - Assist other committees
- b) Law Enforcement – Bantay Dagat
 - Be the first to enforce the regulation inside and outside the MPA
 - Apprehended all violators of policies and ordinances of the MPA
 - Guard the MPA
 - Ready to undergo training for skills enhancement on Law Enforcement
 - Perform other duties in his/her capacity as Bantay Dagat
 - Willing to assist other committees
- c) Monitoring

- Conduct regular inspection in all resources within and outside the MPA
 - Attend trainings, seminars, workshops in relation to technical aspect for the development of MPA
 - Analyse circumstances within and outside MPA
- d) Information Education Campaign
- Disseminate programs for community awareness of MPA
 - Educate and coordinate with different school and other sector
 - To do all materials relative to the MPA development program
- e) Financial Management / Ways and Means
- Prepare new strategic fund raising to be used for MPA Development
 - Guidance for the Treasurer to the correct use of funds for the program
 - Linkages to other possible funders/ partners
- f) MPA – Administrative
- To maintain orderliness in the office
 - Ensure enough supplies needed in the project
 - Gasoline for the patrol boat
 - Maintenance of patrol boat and guardhouse
 - Office supplies
 - Maintenance of office equipment
 - And others
 - Examine the performance of the committees
 - Analyze Plan
 - Regular report to the Chairperson

Section 12. - Marine Protected Areas Regulations:

12.1 Sanctuary/No Take Zone (NTZ)

- a. This shall be a “no take zone”. Fishing is strictly prohibited;
- b. Killing, harassing or harming of any marine life is strictly prohibited;
- c. Destruction, vandalism or alteration of natural ecological formations within the sanctuary are strictly prohibited;
- d. Any activities causing disturbance to marine life such as jetskiing or wave running are banned;
- e. Littering and dumping of wastes is strictly prohibited
- f. Used of designated moorings is encourage. Dropping of boat anchors anywhere in and around the vicinity of the sanctuary zone is not allowed’;
- g. Researches that can be beneficial to the MPA may be allowed but should seek the consent of the Municipal Mayor or local managers specifically the Barangay Captain and his/her Council and with close coordination with the

Municipal Agriculture Office and/or Designated Fisheries Management Officer

12.2 Sustainable Use Zone - Kawilan (Hook and Line area)

- a. Only simple hook and line fishing (kawil) will be allowed in this zone.
- b. Killing, harassing or harming of any marine life other than those captured using simple hook line, is strictly prohibited;
- c. Destruction, vandalism or alterations of natural ecological formations within the sanctuary are strictly prohibited;
- d. Littering and dumping of wastes is strictly prohibited;
- e. Use of designated moorings is encouraged. Dropping of boat anchors anywhere in and around the vicinity of this zone is strictly prohibited;
- f. Researches that can be beneficial to the MPA may be allowed but should seek the consent of the Municipal Mayor or local managers specifically the Barangay Captains and the Barangay Council in close coordination with the Municipal Agriculture Office and/or the Municipal Environment and Natural Resources Office;
- g. Controlled diving and snorkelling are allowed. A user-fee system shall be observed as prescribed in by this Ordinance or in its IRR;
- h. Crowding of dive sites must be avoided. There shall only be a maximum of one (1) diveboat with a total of 5 divers diving inside this zone.
- i. Check-out dives or refresher dives are not allowed inside this zone.
- j. Divers and snorkelers are expected to strictly comply with the following guidelines:
 - Avoid all contact with corals and marine mammals;
 - Carefully select where you get into and out of the water. Avoid areas you will likely hit corals;
 - Take care and secure spare air valves, consoles and pressure gauges to avoid tugging and damaging corals;
 - Maintain good buoyancy control. Be sure to be neutrally buoyant at all times and maintain safe distance from corals and marine animals;
 - Practice good fining and body control to avoid accidental contact with corals or stirring up sediments;
 - Stay off the bottom. Never stand or rest on corals.
 - Use of dive knife, reef hook and poker in coral environments will be strictly allowed to dive masters only;
 - Do not feed marine animals. This can interrupt the animals' feeding and mating habits enough to render imbalance in their normal cycle;
 - Take nothing living or dead out of the water, except recent garbage;
 - Divers need advance diving skills/credentials at least Advance Open Water Dive Certificate to take pictures and video underwater.

- k. Boats shall observe the navigational zone which will be designated in the IRR of this ordinance or as indicated by marker buoys;
- l. Anchoring is strictly prohibited.

12.3 *Mangrove, Seagrass and Coral Damage.* – Violators found to have caused damage due to anchorage, ship or Bangka groundings, pollution and other activities or causes shall pay the following:

- i. Coral Reefs – Php10,000 per square meter of damage
- ii. Seagrass – Php10,000 per square meter of damage
- iii. Mangrove – Php10,000 per matured tree damaged, Php 1,000 per tree measuring more than 1 meter (1m) in height, 100 per sapling damaged

12.4 *Theft within and willful removal and destruction, altering and damaging of all materials within the MPA and removal of buoy markers shall likewise be strictly prohibited and punishable.*

12.5 *Buffer Zone/Take Zone* – This shall be a “take zone”. But it is limited to duly registered fishermen who are residents of Bongabong using hook and line fishing method only.

Section 13. Conservation Fees.

13.1 *Conservation Fee* – There is hereby levied a conservation fee at the rates prescribed hereunder:

a. Daily Diver Pass	50.00
b. Annual Diver Pass	1,000.00
c. Annual Diver Professional Pass	700.00
d. Entrance Fee to the Boardwalk	50.00

PREMIUMS

Type of User	Fee (PhP)
1. Snorkelers and swimmers w/in core zone	25.00/day
2. Scuba divers	50.00/day
3. Scuba divers w/ still camera	100.00/day
4. Scuba divers w/ video camera	200.00/day

13.2 *Collection System* - Users of the sanctuary must present the prescribed tickets to the authorized collector before entering the MPA. The NO TICKET – NO ENTRY POLICY shall be strictly enforced. Tickets may be secured in advance from the Municipal Agriculture Office.

13.3 *Gratuitous Permit* - For purposes beneficial to the sanctuary, the Municipal Mayor, Coastal Resource Management Board, and the MAO may grant a gratuitous permit to any government agency, research institutions, non-government organizations, people's organization or any other similar individuals and/or organizations for entry free of charge.

Section 14. Revenue utilization and sharing.

The fees to be collected by the municipal government under this ordinance shall be used to manage the MPAs and other related activities and will be apportioned as follows in strict accordance with provisions of the IRR which will be created for this Ordinance:

- a. 10% will go to the barangay general fund.
- b. 25% will go to the local government general fund.
- c. 65% will be used to manage the MPAs and the fishing grounds within the Municipal waters of Bongabong

Section 15. Funds - The amount of ONE HUNDRED FIFTY THOUSAND PESOS (Php150,000.00) is hereby appropriated for the purpose of immediate implementation of this Ordinance. Thereafter, the appropriation for implementing the Ordinance shall be a regular item in the annual appropriations of the Municipality. Entrance fees collected shall be remitted as trust fund for the operation and maintenance of the project.

Section 16. Enforcement - The Philippine National Police (PNP) assigned to the Municipality of Bongabong and Barangay Masaguisi through its Barangay Captain, Councilors, and Barangay Tanod, members of the Municipal Fishery Law Enforcement Team sub-committee and others who have undergone thorough law enforcement training and have been designated by the Municipal Mayor of Bongabong as Deputized Bantay Dagat (Fish Wardens) shall enforce this Ordinance. The Municipal Mayor shall assign two (2) personnel from the PNP, to guard the Masaguisi Fish Sanctuary & Mangrove Conservation and coordinate with Barangay Officials and the Law Enforcement Sub-Committee. A Municipal Patrol Boat shall be used in guarding the Fish Sanctuary. A guardhouse shall be constructed to provide ease and satisfactory monitoring.

Section 17. Information Education - The Municipal Government will support the information and Education Campaign and the Sub-Committee in the development and implementation of an education program to stimulate the necessary community support and awareness and achieve substantial self-regulation.

Section 18. Mangrove Forest Enhancement - The Municipal Government shall promote mangrove protection, restoration and conservation in the vicinities to complement the ecological functions of the **MASAGUISI FISH SANCTUARY & MANGROVE CONSERVATION AREA** at Masaguisi, Bongabong, Oriental Mindoro.

Section 19. Supervision - The MAO through the FMO representing the Municipal Mayor shall conduct overall supervision and management of the Masaguisi Fish Sanctuary & Mangrove Conservation Area project.

Section 20. Technical and Other Assistance - The Provincial Government of Oriental Mindoro – Provincial Agriculturist Office – Fisheries and CRM Division and the Bureau of Fisheries and Aquatic Resources shall provide the technical, training and other form of assistance for the implementation and operation of Masaguisi Fish Sanctuary & Mangrove Conservation Area.

Section 21. Periodic Review - The Municipal Government through the MFARMC and FMO shall conduct an annual periodic review of the management and development of the MPA project within five (5) consecutive years to allow continual refinement on conditions, changes and status of the area. They shall consider desirable modification as indicated from the result of the implementation arrangement, surveillance and monitoring results.

Section 22. Penalty and Sanction - Violation of any provision of this Ordinance other than those stated in Section 12.3 shall subject the offender for each offense to the following:

- a. First Offense – fine of Php 1,000.00
- b. Second Offense – a fine of Php 2,000.00 and confiscation of fishing boat and all fishing nets, gears and other paraphernalia
- c. Third Offense – a fine of Php2,500.00 or an imprisonment of six (6) months or both, at the discretion of the court.

Prosecution under this ordinance shall not be a bar to prosecution for violation of other national laws.

Section 23. Repealing Clause - all Ordinance, rules and regulations or any parts thereof which are inconsistent or in conflict with this ordinance or any of the provisions hereof are hereby repealed or modified accordingly.

Section 24. Separability Clause - If by any reason, any part of the provisions of this Ordinance shall be held to be unconstitutional or invalid, the other parts or provisions hereof which are not affected hereby shall continue to be in full force and effect.

Section 25. Effectivity Clause - This Ordinance shall take effect in accordance with Section 511 (a) of R.A. 7160, otherwise known as the Local Government Code of 1991.

Certified true:

Atty. EDUARDO M. MAGSINO, REB, EnP
Secretary to the Sangguniang Bayan

Attested by:

Hon. RICHARD S. CANDELARIO
Vice-Mayor/Presiding Officer

Approved:

Hon. ELEGIO A. MALALUAN, O.D.
Municipal Mayor
Date: _____