
ORDINANCE No. 92-004

AN ORDINANCE REGULATING THE
USE OF CITY WATERS IN THE
CITY OF ZAMBOANGA, AND PRO-
VIDING PENALTY THEREOF.

AUTHORS:

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CO-AUTHORS:

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EXPLANATORY NOTE

This Ordinance is enacted pursuant to Article X, Section 5 of the 1987 Constitution which grants to each Local Government Unit the power to create its own source of revenues and levy taxes, fees and charges subject to such guidelines and limitations as the Congress may provide consistent with the basic policy of local autonomy, which taxes, fees and charges shall accrue exclusively to the Local Government Unit. Likewise, this Tax Ordinance is enacted pursuant to Section 18, 151, 186, 187, and more particularly Section 149, of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

Be it ordained by the Sangguniang Panlungsod of the City of Zamboanga, that:

SECTION 1. PRELIMINARY TITLE.—This ordinance shall be known as the Fishery Rentals, Fees and Charges Ordinance of the City of Zamboanga.

SEC. 2. CITY WATERS.—For purposes of this Ordinance, the phrase "City Waters" shall include not only streams, lakes, and tidal waters included within the city, not being the subject of private ownership, and not comprised within national parks, public forests, timber lands, forest reserves, or fishery reserves, but also marine waters included between two lines drawn perpendicularly 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 and fifteen (15) kilometers from such coastline.

SEC. 3. LICENSE PERMIT, FISHERY GRANT.—It shall be unlawful for any person, cooperative, partnership, association or corporation to take or catch fish or other aquatic products by means of nets, traps, or other fishing gears in the city waters of this city or by means of fishing boats or vessels three (3) tons gross or less, unless provided with the necessary license permit issued for the purpose by the City Mayor upon recommendation of the City Treasurer. It shall be likewise illegal for any person, cooperative, partnership, association or corporation to operate fish corrals or oyster culture beds, take or catch "bangus" fry or fry of other species for propagation within the jurisdiction of the City of Zamboanga without first securing a city grant therefor conferred as provided for by law and this Ordinance.

SEC. 4. PERSONS ELIGIBLE FOR FISHING AND/OR FISHERY PRIVILEGES.—The following are eligible for fishing and/or fishery privileges:

- (a) Citizens of the Philippines;
- (b) Cooperatives, partnerships, associations or corporations duly registered or incorporated under the laws of the Philippines and authorized to transact business in the Philippines, and at least sixty (60) per centum of whose capital stock belong wholly to citizens of the Philippines;
- (c) Marginal fishermen engaged in subsistence fishing of which shall be limited to the sale, barter of marine products produced by himself and his immediate family.

It shall be unlawful for persons, cooperatives, partnerships, associations or corporations not qualified by law and this Ordinance to engage, personally or through other persons, in fishing or catching or collecting aquatic products in the City Waters within the jurisdiction of the City of Zamboanga.

SEC. 5. DIVISION AND CLASSIFICATION OF CITY WATERS.—The city

waters within the jurisdiction of the City of Zamboanga shall be divided and classified, as follows:

A—FOR THE CATCHING OR TAKING OF “BANGUS FRY” OR KAWAG-KAWAG

Zone	Minimum Rental
Zone 1—From Paniran Lumber to Rio Hondo, approximately 2,000 meters in length	P1,020.00
Zone 2—From the shore of Libug-Um, Sacol, approximately 2,000 meters in length	P1,020.00
Zone 3—From the shore of Intusan, Sacol, approximately 2,000 meters in length	P1,020.00
Zone 4—From Kilometer 17 of Taluksangay to Kilometer 19 of Cabaluay, approximately 2,000 meters in length	P1,080.00
Zone 5—From Kilometer 19 of Cabaluay to Kilometer 21 of Manicahan, approximately 2,000 meters in length	P1,080.00
Zone 6—From Kilometer 30 to Kilometer 32 of Sangali, approximately 2,000 meters in length	P 960.00
Zone 7—From Kilometer 33 of Sangali to Kilometer 35 of Bolong, approximately 2,000 meters in length	P1,080.00
Zone 8—From Kilometer 35 of Bolong to Kilometer 37 of Panubigan, approximately 2,000 meters in length	P1,056.00
Zone 9—From Taguiti River to Luedanan, approximately 1,500 meters in length	P1,080.00
Zone 10—From Tigie to Sitio Limaong, approximately 2,000 meters in length	P1,056.00
Zone 11—From Datu Bila Creek to Buhi Datu Creek, approximately 2,000 meters in length	P1,020.00
Zone 12—From Pilar College, Justice R. T. Lim Boulevard to Baliwasan Creek, approximately 1,900 meters in length	P 960.00
Zone 13—From Baliwasan Creek to Sanitarium, approximately 2,000 meters in length	P 960.00
Zone 14—Campo Islam Area, approximately 340.25 meters in length	P 960.00
Zone 15—From Campo Islam to San Mateo Point, approximately 2,000 meters in length	P 960.00
Zone 16—From San Mateo Point to Pitogo, approximately 2,000 meters in length	P1,056.00
Zone 17—From Kilometer 8 of Pitogo to Kilometer 10 of Caragasan, approximately 2,000 meters in length	P1,056.00
Zone 18—From Kilometer 10 of Caragasan to Kilometer 14 of Caldera Point, approximately 2,000 meters in length	P1,080.00
Zone 19—From Kilometer 14 of Caldera Point to Kilometer 16 of Ayala, approximately 2,000 meters in length	P1,080.00
Zone 20—From Kilometer 16 of Ayala to Kilometer 18 of Dumagsa, approximately 2,000 meters in length	P2,400.00
Zone 21—From Kilometer 18 of Dumagsa to Kilometer 20 of Talisayan, approximately 2,000 meters in length	P2,400.00
Zone 22—From Kilometer 20 of Talisayan to Kilometer 22 of San Ramon, approximately 2,000 meters in length	P2,400.00
Zone 23—From Kilometer 22 of San Ramon to Kilometer 24 of Sinubong, approximately 2,000 meters in length	P1,080.00
Zone 24—From Kilometer 24 of Sinubong to Kilometer 26 of Sitio Tarling, approximately 2,000 meters in length	P1,080.00

Zone	Minimum Rental	Minimum Rental
Zone 25—From Kilometer 26 of Tarling to Kilometer 28 of Sitio Balicacas, approximately 2,000 meters in length	₱ 960.00	mately 2,000 meters in length ₱ 960.00
Zone 26—From Kilometer 28 of Balicacas to Kilometer 30 of Patalon, approximately 2,000 meters in length	₱ 960.00	Zone 38—From Pasmanta to Sitio Camias, approximately 2,000 meters in length ...
Zone 27—From Kilometer 30 of Patalon to Kilometer 32 of Sitio Lawingan, approximately 2,000 meters in length	₱ 960.00	Zone 39—From Manicahan to Sitio Busug, approximately 2,000 meters in length
Zone 28—From Kilometer 32 of Sitio Lawingan to Kilometer 34 of Botorompon Point, approximately 2,000 meters in length	₱ 960.00	Zone 40—From Busay to Bait-Bait, approximately 2,000 meters in length
Zone 29—From Kilometer 34 of Botorompon Point to Kilometer 36 of Latap, approximately 2,000 meters in length	₱ 960.00	Zone 41—From Bait-Bait to Daap, approximately 2,000 meters in length
Zone 30—From Kilometer 36 of Latap to Kilometer 38 of Alimpaya Point, approximately 2,000 meters in length	₱ 960.00	Zone 42—From Panubigan to Pilar, approximately 2,000 meters in length
Zone 31—From Kilometer 38 of Alimpaya Point to Kilometer 40 of Sitio Lincod Batang, approximately 2,000 meters in length	₱ 960.00	Zone 43—From Pilar to Limulo, approximately 2,000 meters in length
Zone 32—From Rio Hondo to Mariki, approximately 2,000 meters in length	₱ 960.00	Zone 44—From Limulo to Limon, approximately 2,000 meters in length
Zone 33—From Mariki going East, approximately 2,000 meters in length	₱ 960.00	Zone 45—From Limon to Lawigan, approximately 2,000 meters in length
Zone 34—Pangapuyan shoreline, approximately 2,000 meters in length	₱ 960.00	Zone 46—From Lawigan to Kagalaan Cr., approximately 2,000 meters in length ...
Zone 35—Along shoreline after Pangapuyan, approximately 2,000 meters in length	₱ 960.00	Zone 47—From Kagalaan Cr. to Mataja, approximately 2,000 meters in length
Zone 36—Along shoreline to Libuglum, approximately 2,000 meters in length	₱ 960.00	Zone 48—From Mataja to Buenavista, approximately 2,000 meters in length
Zone 37—From Sitio Balimompong to Pasmanta, approxi-		Zone 49—From Buenavista to Marangan, approximately 2,000 meters in length
		Zone 50—From Marangan to Muti, approximately 2,000 meters in length
		Zone 51—From Muti to Panapon to Palo-Palo, Taguite approximately 2,000 meters in length
		Zone 52—From Taguite Point to N.E. shore, approximately 2,000 meters in length
		Zone 53—From N.E. shore to Limangong, approximately 2,000 meters in length
		Zone 54—From Taguite to Pasmanta, approximately 2,000 meters in length

Zone 55—From Pasmanta to Tunitus, approximately 2,000 meters in length	₱ 960.00
Zone 56—Along Tunitus shoreline, approximately 2,000 meters in length	₱ 960.00
Zone 57—From Datu Bila Cr. to Tictapul R., approximately 2,000 meters in length	₱ 960.00
Zone 58—From Tictapul R. to Barlak, approximately 2,000 meters in length	₱ 960.00
Zone 59—From Barlak to Licomo, approximately 2,000 meters in length	₱ 960.00

B—FOR ERECTION OF FISH CORRALS

Lot No. 1—Camias, Sacol island	₱ 180.00	Lot No. 29—Patalon	₱ 180.00
Lot No. 2—Camias, Sacol island	₱ 180.00	Lot No. 30—Lawigan	₱ 180.00
Lot No. 3—Landang Gua, Sacol island	₱ 180.00	Lot No. 31—Patalon	₱ 180.00
Lot No. 4—Manicahan	₱ 180.00	Lot No. 32—Labuan	₱ 180.00
Lot No. 5—Manicahan	₱ 180.00	Lot No. 33—Limpapa	₱ 180.00
Lot No. 6—Manicahan	₱ 180.00	Lot No. 34—Limpapa	₱ 180.00
Lot No. 7—Manicahan	₱ 180.00	Lot No. 35—Limpapa	₱ 180.00
Lot No. 8—Daap, Sangali	₱ 180.00	Lot No. 36—Pamiguitan-Bolong, Approximately 2,000 meters in length	₱ 180.00
Lot No. 9—Bolong	₱ 180.00	Lot No. 37—Little Sta. Cruz Island, 4,000 lineal meters	₱ 360.00
Lot No. 10—Bolong	₱ 180.00	Lot No. 38—Great Sta. Cruz Island, 7,000 lineal meters	₱ 540.00
Lot No. 11—Bolong	₱ 180.00	Lot No. 39—Tictawan Island, 9,500 lineal meters	₱ 720.00
Lot No. 12—Bolong	₱ 180.00	Lot No. 40—Pangapuyan Island, 4,200 lineal meters	₱ 360.00
Lot No. 13—Bolong	₱ 180.00	Lot No. 41—Sacol Island, 32,000 lineal meters	₱ 1,920.00
Lot No. 14—Bolong	₱ 180.00	Lot No. 42—Manalipa Island, 9,600 lineal meters	₱ 720.00
Lot No. 15—Dumagsa to Talisayan	₱ 180.00	Lot No. 43—Sinubong Island, 3,000 lineal meters	₱ 240.00
Lot No. 16—Dumagsa to Talisayan	₱ 180.00	Lot No. 44—Tumalutap Island, 5,000 lineal meters	₱ 420.00
Lot No. 17—Lubugan River to Pulang Lupa	₱ 180.00	Lot No. 45—Pitas Island, 2,000 lineal meters	₱ 180.00
Lot No. 18—Lubugan River to Pulang Lupa	₱ 180.00	Lot No. 46—Baong Island, 1,400 lineal meters	₱ 180.00
Lot No. 19—Lubugan River to Pulang Lupa	₱ 180.00	Lot No. 47—Bobo Island, 2,500 lineal meters	₱ 180.00
Lot No. 20—Lubugan River to Pulang Lupa	₱ 180.00	Lot No. 48—Salangan Island, 2,000 lineal meters	₱ 180.00
Lot No. 21—Milauo	₱ 180.00	Lot No. 49—Lambang-Lambang Island, 2,200 lineal meters	₱ 180.00
Lot No. 22—Lubugan River to Pulang Lupa	₱ 180.00	Lot No. 50—Buguias Island, 1,800 lineal meters	₱ 180.00
Lot No. 23—Lubugan River to Pulang Lupa	₱ 180.00	Lot No. 51—Cabugan Island, 2,200 lineal meters	₱ 180.00
Lot No. 24—Patalon	₱ 180.00	Lot No. 52—Panganacan Island, 900 lineal meters	₱ 180.00
Lot No. 25—Lubugan River to Pulang Lupa	₱ 180.00	Lot No. 53—Sirymon Island, 1,800 lineal meters	₱ 180.00
Lot No. 26—Lubugan River to Pulang Lupa	₱ 180.00	Lot No. 54—Lampinigan Island, 1,700 lineal meters	₱ 180.00
Lot No. 27—Patalon	₱ 180.00	Lot No. 55—Taguiti Island, 3,300 lineal meters	₱ 180.00
Lot No. 28—Lubugan River to Pulang Lupa	₱ 180.00	Lot No. 56—Gatusan Island, 1,100 lineal meters	₱ 180.00

Lot No. 57—Bacungan Island, 1,700 lineal meters	P 180.00
Lot No. 58—Lampinigan Island, 1,100 lineal meters ...	P 180.00
Lot No. 59—Camugan Island, 1,800 lineal meters	P 180.00
Lot No. 60—Cabug Island, 1,800 lineal meters	P 180.00

SEC. 6. EXCLUSIVE FISHERY PRIVILEGES.—Operating fish corrals, oyster culture beds or the catching of “bangus” fry or fry of other species for propagation shall be considered as exclusive fishery privileges which shall be granted always to the highest bidder in public bidding held according to the provision of this Ordinance.

The Sangguniang Panlungsod may grant to the highest qualified bidder the exclusive privilege of constructing and operating fish corrals, oyster culture beds, or of gathering “bangus” fry or fry of other species, in city waters for a period not exceeding five (5) years.

SEC. 7. ISSUANCE OF INDIVIDUAL LICENSES IN CASE NO BIDDERS OPT TO LEASE FISHING ZONES.—If, after two (2) notices for the grant of exclusive fishery rights thru public bidding, no interested bidder opt to lease any fishing zone within the municipal waters, the Sanggunian Panlungsod is authorized to grant the privilege of erecting fish corrals, operating oyster culture beds, or catching “bangus” fry or “kawag-kawag” within a definite area or portion of the City waters to individuals upon payment of license fees therefor at the rate not exceeding those fixed hereunder:

(1) Fish corrals erected in the sea ..	Annual Fee
Less than 3 meters deep	P 30.00
3 meters deep or more but less than 5 meters deep	60.00
5 meters deep or more but less than 8 meters deep	200.00
8 meters deep or more but less than 10 meters deep	360.00
10 meters deep or more but less than 15 meters deep	500.00
15 meters deep or more	800.00

(2) Operation of oyster culture beds:	
Per hectare	20.00
(3) Operation of Seaweeds Culture:	
Per hectare	100.00
(4) Catching “bangus” fry or “kawag-kawag”:	
Less than 1,000 square meters	500.00
1,000 square meters or more but less than 2,000 square meters	800.00
2,000 square meters or more but less than 4,000 square meters	1,500.00
4,000 square meters or more but less than 6,000 square meters	2,200.00
6,000 square meters or more but less than 8,000 square meters	3,000.00
8,000 square meters or over	P4,000.00
(5) Fish corrals in inland fresh waters:	
With an area of less than 500 square meters	100.00
With an area of 500 square meters or more but less than 1,000 square meters	200.00
With an area of 1,000 square meters or more but less than 5,000 square meters	360.00
With an area of 5,000 square meters or more but less than 10,000 square meters	500.00
With an area of 10,000 square meters or more	800.00
(6) Operation of Pearl Farm, per hectare	100.00

The City shall grant the privilege to gather, take or catch bangus fry, prawn fry or kawag-kawag or fry of other species and fish from the City water by nets, traps or other fishing gears to marginal fishermen free of rental, fees or charge when applied for.

SEC. 8. APPLICATION FOR EXCLUSIVE FISHERY PRIVILEGES.—Application for any of the exclusive fishery privilege mentioned in the preceding section shall be made on official form duly approved by the Sangguniang Panlungsod.

SEC. 9. TO WHOM TO SUBMIT APPLICATION.—All applications shall be forwarded to the Secretary to the Mayor, who shall submit it to the City Mayor. Upon receipt of the application, the City Mayor

shall satisfy himself that the license applied for will not prejudice public interest and that the portion or area for which an application for lease has been presented is not covered by any subsisting lease.

SEC. 10. COMMITTEE ON AUCTION.—A Committee on Auction is hereby created to be composed of the City Mayor, as Chairman, the City Treasurer and two (2) Members of the Sangguniang Panlungsod, as Members.

SEC. 11. PUBLICATION OF NOTICE.—The Chairman of the Committee on Auction shall advertise notice for sealed bids for exclusive fishery privileges in areas or zones of the City Waters available for erecting fish corrals, or constructing or operating oyster culture beds, or taking or catching “bangus” fry or fry of other species for propagation by posting said notice in a newspaper published in the City of Zamboanga, for a period of not less than fifteen (15) days or at the main entrance of the City Hall Building and other public conspicuous places in the districts where the areas to be leased are located for the same period of time.

SEC. 12. TIME AND PLACE OF AUCTION.—The Sangguniang Panlungsod shall, in a resolution, provide for a notice calling for sealed bids for the exclusive fishery privileges specifying the time and place of the auction, the amount to be deposited before an individual or an entity is entitled to participate, the procedure to be followed by the Committee on Auction before any exclusive privilege is granted and the bond as guarantee of good faith and for satisfactory compliance with the terms of the lease or grant, but in no case shall be minimum annual rental for the gathering or catching of “bangus” fry or “kawag-kawag” be less than what is provided in subsection (4) of Section 6 of this Chapter. The bond shall be in cash in real estate situated within the Philippines or by surety company authorized for that purpose in an amount not less than two years rental.

SEC. 13. LICENSE PERMIT.—The privilege of taking or catching fish in the city waters of the City of Zamboanga, with nets, traps or other fishing gears, with or without using therefor fishing boats or vessels three (3) tons gross or less, shall be granted under ordinary license permit issued by the City Mayor to any person, cooperative, partnership, association or corporation qualified under Section 4 of this Ordinance, upon payment of the corresponding license permit fee required therefor in the following:

GENERAL SCHEDULE OF LICENSE FEE

Kinds of Fishing Gears	Annual Fee
(a) <i>Fisherman using nets:</i>	
1. Bahan	₱50.00
2. Basnig (using fishing boats, 3 tons gross or less)	50.00
3. Baling—15 to 60 meters	40.00
61 to 100 meters	45.00
101 meters or over	50.00
4. Kubkub	50.00
5. Payao	40.00
6. Pukot—10 to 50 meters	20.00
51 to 100 meters	40.00
101 to 200 meters	45.00
201 meters or over	50.00
7. Sapayao	50.00
8. Sinchero—50 meters	30.00
51 to 100 meters	50.00
101 to 200 meters	45.00
201 meters or over	50.00
(b) <i>Fishermen using “bobo”:</i>	
1. Lobster	50.00

Provided, That no other fee shall be collected from fishermen duly licensed by other city/municipality unless the license fees paid by them in that city/municipality are less than those prescribed above, in which case the difference between the two (2) annual fees may be collected: *Provided Further*, That fishing boats of more than three (3) tons gross and fishermen licensed by the National Government shall not be subject to the requirements of this Ordinance, especially the payment of city license tax, fee or charge: *Provided, Furthermore*, That the residents of this city who have not been granted license for commercial

fishing shall be allowed to fish in the municipal waters for home consumption: *Provided, Finally,* That it shall be beyond the power of the City Government to impose a license for the privilege of gathering marine mollusca or the shells thereof, for pearling boats and pearl divers, or for prospecting, collecting or gathering sponges or other aquatic products, or for the culture of fishery/aquatic products: *Provided, lastly,* That they shall not fish within two hundred (200) meters from any fish corral operated under exclusive privilege granted by the city in accordance with this Ordinance.

License permits issued under this section shall be valid for the year in which they are issued.

SEC. 14. RESTRICTIONS.—Licenses and permits issued or contracts executed under this Ordinance shall contain provisions to the effect that:

- (a) No fish corral or "baklad" shall be constructed within two hundred (200) meters of another fish corral in marine fisheries or one hundred (100) meters in fresh water fisheries, unless they belong to the same licensee or grantee, but in no case shall the distance be less than sixty (60) meters apart, except in waters less than two (2) meters deep at low tide, or unless previously approved by the Secretary of Natural Resources.
- (b) Fish corrals shall be entirely opened during closed season period or periods, for the free passage of fishes to enable a considerable number to reach the spawning grounds.
- (c) Nothing in the license shall be construed as permitting the lessee or licensee, grantee or permittee, to undertake any construction which will obstruct the free navigation in any stream or lake flowing through

or adjoining the fish corral, or impede the flow and ebb of the tide to and from the area, wherein the lessee or licensee, grantee or permittee is granted a fishery privilege.

- (d) The licensee agrees unconditionally to comply with all the laws, decrees, orders, rules and regulations governing fishing law, or which may later be promulgated.
- (e) The licensee assumed responsibility for any and all the acts of his agents and employees of the contracts connected with his fishing operation.
- (f) Failure to pay any fee or file a bond when due as prescribed in the permit, license, contract or regulation shall be sufficient reason for the cancellation of the license, permit or contract.

SEC. 15. SEPARABILITY CLAUSE.—Should any provision, section, or part of this Ordinance be adjudged or declared illegal or unconstitutional by any court of competent jurisdiction, each judgment shall not affect or impair the remaining provisions, sections or part which shall continue to be in force and effect.

SEC. 16. REPEALING CLAUSE.—All Ordinances or provisions of Ordinances which are inconsistent with this Ordinance are hereby repealed.

SEC. 17. PENAL PROVISIONS.—Except as herein provided, violation of the provisions of this Ordinance or portion thereof and upon conviction shall pay a fine of not less than ONE THOUSAND (P1,000.00) PESOS nor more than FIVE THOUSAND (P5,000.00) PESOS or imprisonment of not less than ONE (1) MONTH nor more than SIX (6) MONTHS or both at the discretion of the court.

SEC. 18. EFFECTIVITY.—This Ordinance shall take effect in accordance with

the provisions of the Local Government Code.

ENACTED: December 3, 1992.

(Sgd.) ROBERTO W.S. KO
City Vice Mayor III
Presiding Officer

ATTESTED:

(Sgd.) (Mrs.) ZENAIDA C. JAYME
City Government Department Head III
(City Secretary)

APPROVED: Dec. 15, 1992.

(Sgd.) VITALIANO D. AGAN
City Mayor III
