



Office of the Sangguniang Panlalawigan

EXCERPT FROM THE MINUTES OF THE 122nd REGULAR SESSION OF THE 10th SANGGUNIANG PANLALAWIGAN OF ISABELA HELD AT PROVINCIAL CAPITOL, ILAGAN CITY, ISABELA ON MARCH 15, 2022.

PRESENT:

FAUSTINO G. DY III	Vice Governor & Presiding Officer
DELFINITO EMMANUEL L. ALBANO	Member (1 st District) & Floor Leader
EMMANUEL JOSELITO B. AÑES	Member (1 st District)
ED CHRISTIAN S. GO	Member (2 nd District)
EDGAR R. CAPUCHINO	Member (2 nd District)
RAMON JUAN N. REYES, JR.	Member (3 rd District)
RANDOLPH JOSEPH P. ARREOLA	Member (3 rd District)
CLIFFORD R. RASPADO	Member (4 th District)
ABEGAIL V. SABLE	Member (4 th District)
FAUSTINO U. DY IV	Member (5 th District)
EDWARD S. ISIDRO	Member (5 th District)
ALFREDO V. ALILI	Member (6 th District)
MARCO PAOLO A. MERIS	Member (6 th District)
ANTONIO S. HUI	Member, PCL Federation President
DANTE G. HALAMAN	Member, LnB Federation President
DAX PAOLO C. BINAG	Member, SK Federation President
ADRIAN PHILIP S. BAYSAC	Member, Agricultural /Industrial Workers Labor Sector Representative
GRETCHEN F. VALDEZ	Member, Indigenous Cultural Communities Sector Representative

ORDINANCE NO. 2022-11-01
SERIES OF 2022

AN ORDINANCE BANNING THE USE OF COMPRESSOR, BLAST FISHING, NOXIOUS OR POISONOUS SUBSTANCE, AND ELECTROFISHING IN ALL FISHING ACTIVITIES IN THE PROVINCE OF ISABELA AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF

Sponsor: HON. MARCO PAOLO A. MERIS
Chairperson, Committee on Natural Resources,
Environmental Protection and Ecology

EXPLANATORY NOTE

WHEREAS, Article II, Section 16 of the 1987 Philippine Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, it is well-established that illegal, unregulated and unreported fishing of commercial operator and small fisherfolks through the use of active gear and other methods of destructive fishing, such as use of compressor, improvised explosives, noxious or poisonous substance and electro-fishing device, has led to the depletion of fish stocks and degradation of the coastal resources;

Nagkaisa para sa Isabela

WHEREAS, it is the policy of the Provincial Government of Isabela (PGI) to ensure the sustainable development, management and conservation of the fishery and aquatic resources in its territorial jurisdiction;

WHEREAS, Section 468 (a) (1) (vi) of the Local Government Code of 1991 empowers the Sangguniang Panlalawigan to approve ordinances necessary for an efficient and effective provincial government and shall protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing;

WHEREAS, there is an urgent need to ban the use of compressor, improvised explosives, noxious or poisonous substance and electro-fishing device in order to protect and conserve the fishery and environmental resources in the province;

WHEREFORE, foregoing premises considered, upon unanimous accord of all members present, it was –

RESOLVED AS IT IS HEREBY RESOLVED: to enact the following Ordinance:

SECTION 1. TITLE. “AN ORDINANCE BANNING THE USE OF COMPRESSOR, BLAST FISHING, NOXIOUS OR POISONOUS SUBSTANCE, AND ELECTROFISHING IN ALL FISHING ACTIVITIES IN THE PROVINCE OF ISABELA AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF”.

SECTION 2. DECLARATION OF POLICY. It shall be the Policy of the Provincial Government of Isabela to ensure the sustainable development, management and conservation of the fishery and aquatic resources in its territorial jurisdiction and to promote the health and safety of the fisherfolks without undermining their rights and privileges to utilize or use the municipal waters in the province by virtue of a contract with, or permit from, Government Agencies or Offices.

SECTION 3. COVERAGE. This ordinance shall cover all bodies of water within the territorial jurisdiction of the Province of Isabela.

SECTION 4. DEFINITION OF TERMS. As used in this Ordinance, the following terms and phrases shall mean as follows:

Compressor – refers to a machine that is especially designed to compress gasses.

Fishing with improvised explosives – refers to the use of the dynamite, other explosives or other chemical compounds that contains combustible elements or ingredients which upon ignition by friction, concussion, percussion or detonation of all or parts of the compound will kill, stupefy, disable or render unconscious any fishery species. It also refers to the use of any other substance and/or device which causes an

explosion that is capable of producing the said harmful effects on any fishery species and aquatic resources and capable of damaging and altering the natural habitat.

Fishing with noxious or poisonous substance – refers to the use of any substance, plant extracts or juice thereof, sodium cyanide and/or cyanide compounds or other chemicals either in a raw or processed form, harmful or harmless to human beings, which will kill, stupefy, disable or render unconscious any fishery species and aquatic resources and capable of damaging and altering the natural habitat.

Electrofishing – refers to the use of electricity generated by batteries, electric generator and other source of electric power to kill, stupefy, disable or render unconscious fishery species, whether or not the same are subsequently recovered.

Fisherfolk – refers to people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources.

Fishing vessel – refers to any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and/or processing.

Fishworker – refers to a person regularly or not regularly employed in commercial fishing and related industries, whose income is either in wage, profit-sharing or stratified sharing basis, including those working in fishpens, fish cages, fish corrals/traps, fishponds prawn farms sea farms, salt beds, fish ports, fishing boat or trawlers, or fish processing and/or packing plants Excluded than this category are administrators, security guards and overseers.

Illegal fishing – refers to the use of compressor, improvised explosives, noxious and poisonous substance, electrofishing in any fishing activities.

Culprit – refers to the persons who has violated the Ordinance, including the conspirator.

SECTION 5. PROHIBITED ACTS. The following acts shall be considered unlawful:

1. Use of compressor as breathing apparatus in any fishing activities in the municipal waters in the Province of Isabela.
2. Use of improvised explosives in any fishing activities in the municipal waters in the Province of Isabela.
3. Use of noxious and poisonous substance in any fishing activities in the municipal waters in the Province of Isabela.
4. Use of electrofishing device in any fishing activities in the municipal waters in the Province of Isabela.

SECTION 6. PRIMA FACIE EVIDENCE OF ILLEGAL FISHING. Mere possession, custody, and control of compressor, improvised explosives, noxious and poisonous substance, and electrofishing device shall constitute a prima facie evidence that the same is used in illegal fishing.

SECTION 7. PENALTIES. Any person found to be violating this Ordinance shall upon conviction be punished as follows:

First Offense: Fine of Two Thousand Five Hundred Pesos (P 2,500.00) and/or an imprisonment of Ten (10) days, at the discretion of proper court.

Second and Subsequent Offenses: Fine of Five Thousand Pesos (P 5,000.00) and/or imprisonment of thirty (30) days, at the discretion of the proper court, for each offense committed after the first offense.

SECTION 8. DEPUTIZATION OF AUTHORITY TO ENFORCE THE ORDINANCE. The following agencies and authorities are deputized and mandated to enforce this Ordinance and to cause the citing or arrest or apprehension of any person violating this Ordinance:

1. Philippine National Police;
2. PNP Maritime Group/Regional Maritime Group Unit 2;
3. Municipal Agriculturist;
4. Barangay Officials;
5. Isabela Environmental Protection Task Force;
6. BFAR-FLEG and
7. Other law enforcers deputized by the Municipal Chief Executive.


SECTION 9. REPEALING CLAUSE. All existing ordinances, rules and regulations, or parts thereof that are inconsistent with this ordinance are hereby declared invalid, repealed, or modified accordingly.

SECTION 10. SEPARABILITY CLAUSE. If for any reason or reasons, any portion or provision of this ordinance is subsequently declared unconstitutional or invalid, those that are not affected shall remain in force and effective.

SECTION 11. EFFECTIVITY CLAUSE. This ordinance shall take effect fifteen (15) days after compliance with the requirements of posting and publication.

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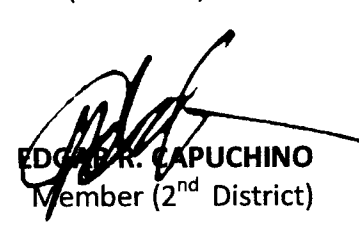
I hereby certify that the foregoing ordinance was duly enacted by the Sangguniang Panlalawigan of Isabela during its 122nd Regular Session on March 15, 2022.


ATTY. FRANCIS JAMES E. MEER
Secretary, Sangguniang Panlalawigan

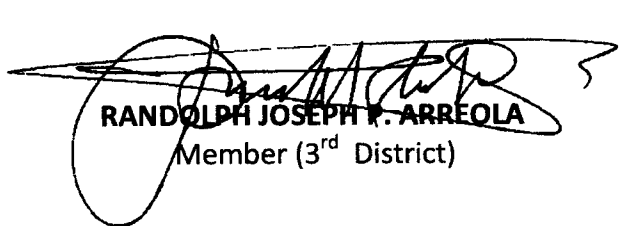
ATTESTED:



DELFINITO EMMANUEL L. ALBANO
Member (1st District) & Floor Leader


EMMANUEL JOSELITO B. ANES
Member (1st District)



EDGAR R. CAPUCHINO
Member (2nd District)

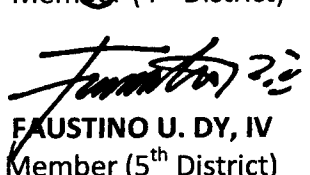

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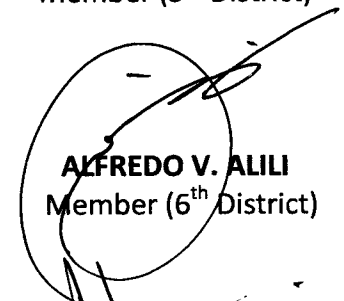

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FAUSTINO S. DY III

Provincial Vice Governor & Presiding Officer

APPROVED:



RODOLFO T. ALBANO III

Provincial Governor