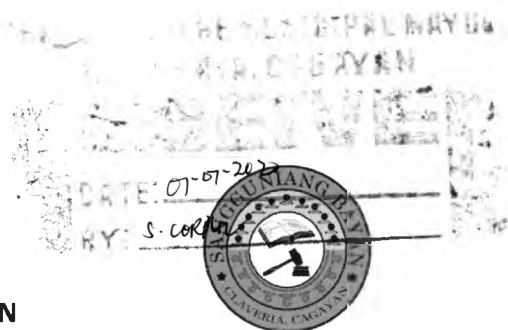




Republic of the Philippines
Province of Cagayan
Municipality of Claveria



OFFICE OF THE SANGGUNIANG BAYAN

HON. CELIA T. LAYUS, MD.
Local Chief Executive

Subject : **Ordinance No. 07 – 2020 – “Providing the Rules and Regulations to Ensure Effective Administration and Supervision of the Community Fish Landing Center (CFLC) in the municipality of Claveria, Cagayan and Imposing Regulatory Fees and Charges, Providing Penalties Thereof”.**

Respectfully forwarded subject measure, passed in our regular session on July 1, 2020.

For your information, record and action.

July 7, 2020.

FOR THE SANGGUNIANG BAYAN.

ENGR. JERRY JEFFERSON P. ONG
Secretary
Sangguniang Bayan



Republic of the Philippines
Province of Cagayan
Municipality of Claveria



OFFICE OF THE SANGGUNIANG BAYAN

ORDINANCE NO. 007, S - 2020

PROVIDING THE RULES AND REGULATIONS TO ENSURE EFFECTIVE ADMINISTRATION AND SUPERVISION OF THE COMMUNITY FISH LANDING CENTER (CFLC) IN THE MUNICIPALITY OF CLAVERIA, CAGAYAN AND IMPOSING REGULATORY FEES AND CHARGES, PROVIDING PENALTIES THEREOF.

WHEREAS, the Local Government of Claveria, Cagayan in coordination with the Bureau of Fisheries and Aquatic Resources (BFAR), has established a Community Fish Landing Center (CFLC) in barangay Taggat Norte.

WHEREAS, in accordance with the Memorandum of Agreement (MOA) between the Bureau of Fisheries and Aquatic Resources (BFAR), the Philippine Fisheries Development Authority (PFDA) and the Municipality of Claveria, the LGU will "Directly manage the CFLC in partnership with accredited Local Organized Fisherfolk Association;

WHEREAS, Section 149 of the Local Government Code of 1991 authorizes the Local Government Unit (LGU) to impose fishery rentals, fees and charges;

WHEREAS, in accordance with the objectives of the project, the Municipality of Claveria, Cagayan aims to:

1. Provide the fisherfolk with a terminal point for unloading or loading of fish, fishery products and other aquatic resources;
2. Centralize trading activities in the area with the proper business climate;
3. Reduce spoilage through fast, systematic and sanitary practices; and
4. Develop and boost the fishing industry of the municipality.

NOW THEREFORE, be it ordained in session assembled:

**CHAPTER I
GENERAL PROVISION**

SECTION 1. TITLE. This Municipal Ordinance shall be known as "*An Ordinance Providing Rules and Regulations to Ensure Effective Administration and Supervision of the Community Fish Landing Center (CFLC) in the Municipality of Claveria, Cagayan and Imposing Regulatory Fees and Charges, Providing Penalties Thereof.*"

SECTION 2. COVERAGE. This Ordinance shall govern all fishing vessels, commercial or municipal, duly licensed to operate and registered with authorized agencies with gears prescribed under R.A. 8550 as amended by R.A. 10654, merchants, traders, CFLC personnel, fish handlers and general public.

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SECTION 3. GENERAL PROVISION.

1. The Community Fish Landing Center shall consist of a building, ice storage, weights and measures and other facilities capable of handling variety of fish landed and other marine products, maintaining their quality and freshness.
2. There shall be collected regulatory fees and charges on fishes and services specified in this ordinance.
3. All fees and charges shall be issued ticket stubs or corresponding form of receipts issued by the Municipal Treasurer.
4. Conduct of fish trading activities along the coastal barangays, and in other barangays of the municipality of Claveria, Cagayan shall not be allowed. The Fishery Enforcement Team (FLET)/BFARMC shall be responsible to monitor and report such fish trading activities.
5. The minimum volume to be traded at the CFLC is Thirty kilograms (30 kgs) however, lesser than 30 kgs may still be traded at the CFLC at the option of the fisherfolk/s.

SECTION 4. DEFINITION OF TERMS.

1. **ACCREDITATION** - a process of validation in which certification of competency, authority or credibility is presented. The accreditation shall serve as permit which shall entitle the applicant to operate or engage in business activity inside the CFLC.
2. **ASSOCIATION** - refers to more than 15 persons, who assembled themselves for their mutual aid benefits and protection and for other legitimate purposes.
3. **CONSIGNACION** - a common term used by the fishermen and fishpond operator which refer to a particular place in the fish port wherein the buying and selling of marine products and harvest shall take place.
4. **ENTRANCE FEE** - fee which is collected from owners of overland vehicles entering the CFLC premises.
5. **FISH** - includes all fish and other aquatic species such as crustaceans (crabs, prawns, shrimps and lobsters), cephalopods (squid, cuttlefish and octopus) and mollusks (clams, mussels, scallops, oyster, snail and gastropods).
6. **FISH BROKER** - one who is engaged in fish trading activities in the market by acting as the middleman between the fish supplier and the buyer.
7. **FISH HANDLERS** - fishers, landing site workers, fish processors and fish vendors.
8. **FISHERFOLK ORGANIZATIONS** - an organized group, association, federation, alliance or an institution of fisherfolk which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action.
9. **FISH TUB** - a container used to display fish at the market hall, made of suitable material which contains a minimum of 40 kilo grams.
10. **FISHPORT** - also used in this Ordinance as Community Fish Landing Center or CFLC.
11. **FISHER PRODUCTS** - include all seawater or freshwater animals or other products of aquatic living resources or parts thereof, e.g., seaweeds, invertebrates, etc.
12. **FISH SUPPLIER** - owner or operator of any commercial fishing boat, fish pen or any person who sells through the market.
13. **FISHING VESSELS** - a boat or ship used to catch fish and other marine products as well, in the sea or in a lake or river.

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- 14. **ICE STORAGE** - refers to the place where the sale of ice in whatever form shall be conducted.
- 15. **LEASE CONTRACT** - a formal document that identifies the lessor, lessee and the leased asset or property, states lease terms and fee (rent) and detailed terms and conditions of the lease agreement.
- 16. **MARKET ENTRANCE FEE** - the fee collected from the fish broker/fish producers/supplier who trades fish at the market hall within the CFLC premises.
- 17. **MUNICIPAL FISHING BOATS** - a non/motorized banca with less than 3 gross tons (GT).
- 18. **UNLOADING FEE** - the fee collected from fish producer/supplier who unloads fish at the CFLC for auction or sale on a per kilo grams basis.
- 19. **STAKEHOLDER** - refer to a group that is or might be affected by the CFLC's activities; include fisherfolk, fish vendors, fish brokers, small commercial fishing vessels, fishpond operators, etc.
- 20. **SMALL SCALE COMMERCIAL FISHING VESELS** - a fishing vessel with a 3.1 gross tons (GT) up to twenty (20) GT.
- 21. **SPACE RENTAL** - refers to the amount of rentals provided in this ordinance,
- 22. **TRANSSHIPMENT FEE** - the fee collected per kilogram from fish producers/suppliers who transport fish outside the CFLC and/or to the trader/viajero buying fish direct from the producers to be transported outside the locality.

**CHAPTER II
IMPOSITION OF FEES**

SECTION 5. MARKET ENTRANCE FEE

For every kilo of fish and other seafood

1. Crustaceous, Shrimps	Php 5.00
2. Minerals, Oyster and Shells	Php 1.00
3. Fresh Fish, 1 st class	Php 1.00
4. Fresh Fish, Ordinary	Php .50
5. Dried salted & Smoked Fish	Php .50
6. Other Seafoods	Php 1.00

SECTION 6. UNLOADING FEE. All fish producers, fish suppliers or boat operators or drivers in overland vehicles, shall pay Php 20.00 per 40 kilos Fish Tub or fraction thereof on all fish and other fishery products being unloaded from vessels.

SECTION 7. TRANSSHIPMENT FEE. All fish producers or suppliers who transport fish outside the CFLC and/or municipality, and traders or viajero buying fish directly from fish producers or suppliers, to be transported outside the municipality, shall pay a transshipment fee of Php .50 per kilogram.

SECTION 8. ENTRANCE FEE. All vehicles entering CFLC area shall pay the following fees per entry:

- 1. Heavy Vehicles
 - a. Eight (8) – Ten (10) Wheeler Php 50.00

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- b. Six (6) Wheeler Php 30.00
- c. Trucks and other heavy vehicles Php 20.00
- 2. Jeep/car Php 20.00
- 3. Tricycles Php 5.00
- 4. Pedicab Php 2.00
- 5. Motorcycle/Habal-habal Php 2.00

SECTION 9. WATER FEE. Any person fetching water from any faucet or water outlet inside the CFLC premises shall pay the following fees:

- 1. 1.5 Liter Container or less Php 1.00
- 2. 1 Gallon Php 2.00

SECTION 10. SPACE/STALL RENTAL. Any qualified person as may be determined by the Fish Landing Management Board (FLMB) may be allowed to rent stalls or spaces inside the CFLC premises, provided that the lessee shall follow the terms and conditions of the CFLC, to include but not limited to Good Hygienic Practices (GHP). The following rates shall be imposed:

- 1. Space Rental Php 1,000.00/8 hours additional 100/hour in excess of 8 hours
- 2. Stall Rental Php 1,000.00/month
- 3. Roof Top..... Php 800.00/8 hours additional 100/hour in excess of 8 hours

SECTION 11. ACCREDITATION. No person, without first paying an annual Accreditation Fee of Php 500.00 to the Municipal Treasurer; and being issued thereto a Certificate of Accreditation, may transact business inside the CFLC and with the duly accredited brokers, vendors and clients.

SECTION 12. All fees collected and officially received pursuant to Chapter II of this Ordinance shall solely be used in the maintenance and operational management of the CFLC.

**CHAPTER III
ADMINISTRATION**

SECTION 13. MUNICIPAL MAYOR. The Municipal Mayor as the head of the Fish Landing Management Board shall exercise direct supervision, administration and control over the Community Fish Landing Center and the personnel thereof, including those whose duties concern the maintenance, upkeep peace and order of the CFLC premises in accordance with laws, local ordinances and other rules and/or regulations pertinent thereto.

SECTION 14. FISH LANDING MANAGEMENT BOARD (FLMB). There is hereby created a Fish Landing Management Board which shall be composed of twelve (12) members consisting of:

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- a. The Local Chief Executive (LCE), as Chairman
- b. The Chairperson of the Committee on Fisheries and Aquatic Resources of the Sagguniang Bayan (1) as Vice Chairman
- c. The Chairperson of the Committee on Cooperative, Trade and Industry of the Sangguniang Bayan.
- d. At least Four (4) representatives from the fisherfolk sector, which include representatives from Capture Fishing (1), Fish Culture Operators (1), and Fish Vendors/Processor (1), and Fish Traders/Brokers (1)
- e. Representative from the Office of the Municipal Agriculturist (1)
- f. Representative from the Treasurer's Office (1)
- g. Representative from the Municipal Fisheries and Aquatic Resources Management Council or MFARMC (1)
- h. Liga ng mga Barangay President
- i. Fishport Supervisor from the DA Office of this municipality.

SECTION 15. FUNCTIONS OF THE FISH LANDING MANAGEMENT BOARD (FLMB). The FLMB shall perform the following functions:

- a. Provides the overall policy and strategic direction in implementing the operation and management of the Community Fish Landing Center (CFLC);
- b. Approves short/long-range CFLC Plans, and personnel actions;
- c. Recommends to the Municipal Mayor, for approval and revocation of contracts and agreements;
- d. Organizes, re-organizes and determines the CFLC staffing pattern;
- e. Appoints, dismisses, promotes and transfers CFLC personnel, and
- f. Develops standard operating systems and procedures for the efficient and effective management and operation of the CFLC.
- g. The Committee shall adopt rules and regulations necessary to govern its proceedings.

SECTION 16. SELECTION CRITERIA FOR THE FISHERFOLK AND FISH TRADERS REPRESENTATIVES. Fisherfolk and Traders representatives of the Fish Landing Management Board (FLMB) shall be selected in accordance with the following:

1. For Fisherfolk members: The Fisherfolk members shall include at least three (3) representatives from Capture Fishing (1), Fish Culture (1) and Fish Vending/Processing (1). They must belong to a fisherfolk organization/cooperatives/associations engaged from their respective organizations/cooperatives/associations in capture fishing, fish culture, and fish vending/processing; and with good moral character and reputation in the community. S/he must carry an endorsement from his/her organization/cooperative/association, that s/he is the duly designated representative to the Fish Landing Management Board
2. For representative from Fish Traders/Brokers (1): S/he must carry an endorsement from his/her organization/cooperative/association, that s/he is the duly designated representative to the Fish Landing Management Board.
3. Fisherfolk and Fish Trader representatives shall be designated by the Municipal Mayor upon the endorsement/nomination of their respective organizations.

SECTION 17. TERMS OF OFFICE. The members of the Fish Landing Management Board (FLMB) shall serve for a term of one (1) year, unless removed from office by a vote of 2/3 of all the members of the Board.

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SECTION 18. FEES COLLECTED. The Fee imposed on Chapter II of this Ordinance shall be paid to the Municipal Treasurer or his/her duly authorized representative.

**CHAPTER IV
SAFETY OF FISHERY PRODUCTS**

SECTION 19. All fish and fishery products entering the CFLC should undergo a check on reception, by the Fish Landing Supervisor, coming from the Office of the Municipal Agriculture to ensure that these meet the requirements set under RA 10611 (Food Safety Act of 2013), RA 10654 (An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing), and other pertinent rules and regulations.

SECTION 20. Fish and fishery intended for sale for human consumption should have characteristics (chemical and physical) consistent with fitness for human consumption. Spoiled fish, or fish which is contaminated, shall not be permitted entry to the establishments.

**CHAPTER V
GOOD HYGIENE PRACTICE, SANITATION AND WASTE MANAGEMENT**

SECTION 21. Floors, walls and partitions, ceiling and roof linings, doors and window frames, equipment, and instruments used in fishery products shall be kept in a satisfactory state of cleanliness and repair, in order not to constitute a source of contamination for fish and fishery products.

SECTION 22. A high standard of cleanliness is required inside CFLC, particularly to fish handlers:

1. Persons handling fishery products shall refrain from wearing jewelry and other personal items which may contaminate the fishery products;
2. Hand wounds shall be covered by a water proof dressing;
3. Smoking, spitting, eating and drinking in areas where fish is handled shall be prohibited;
4. No person suffering from, or being carrier of a disease likely to be transmitted through food, shall not be permitted to handle fishery products, or enter any area where fishery products are handled.
5. Persons handling fishery products shall secure sanitary permit from the Municipal Health Office.

SECTION 23. Areas where fish is handled and equipment's such as tables, fish boxes, knives and other items with which fish comes into contact, shall be cleaned and sanitized as frequently as necessary during use, and at least at the beginning and end of any work period.

SECTION 24. CFLC area for auction/consignation or wholesale markets where fishery products are displayed for sale must, when they are used for display or storage of fishery products, not to be used for other purposes.

SECTION 25. During unloading and landing, contamination of fishery products must be avoided. It must in particular be ensured that:

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1. Fish products unloading and landing operations proceed rapidly;
2. Fishery products are placed without unnecessary delay in a protected environment at the temperature required on the basis of the product and, where necessary, in ice in transport, and cold storage; and
3. Equipment and handling practices that cause unnecessary damage to the fishery products are not authorized.

SECTION 26. At the end of the business day, owners of the fish stalls/consignation and ice storage stalls, thru its personnel or helper, shall clean their respective area before leaving.

SECTION 27. Periodically, inspection shall be conducted to ensure that the cleaning and sanitizing measures inside the CFLC facility are properly undertaken.

SECTION 28. Vehicles emitting exhaust fumes which may impair the quality of the fishery products must not be admitted in the vicinity of the CFLC. All parked vehicles must turn-off their engines.

SECTION 29. IMPLEMENTATION OF R.A. 9003. All Stallholders, Fish Brokers and Fish Vendors are required to follow the provisions of R.A. 9003 (Ecological Solid Waste Management Act of 2000).

SECTION 30. WATER FACILITIES. Adequate water supply shall be provided in the CFLC area. The Stallholders shall be responsible for the monthly billing since individual meter has been installed for their utilization.

SECTION 31. LIGHTING FACILITIES. The Municipality of Claveria shall provide the electrical installation; however, the cost of application for meter base and other expenses connected to it, together with the monthly billing shall be the responsibility of the stallholders.

**CHAPTER VI
RESTRICTIONS ON OCCUPANCY**

SECTION 32. NO SUB-LEASING. The lessee shall not sub-lease nor sell his/her stall to another person. Discovery of any person violating the provision of this Section shall constitute a prima facie evidence and shall result in the revocation of cancellation of his/her permit or lease agreement.

SECTION 33. SUCCESSION IN CASE OF DEATH OF THE LESSEE. The death or physical incapacity of the lessee is considered valid grounds for termination of contract/agreement; provided, however, that in case of death or physical incapacity, the next-of-kin may assume the duties and responsibilities of the original lessee after due approval of such application for substitution.

SECTION 34. LIMITATION OF OCCUPANCY. The lessee of a CFLC stall or ice storage shall not be allowed to occupy more than one stall.

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**CHAPTER VII
OTHER RESTRICTIONS**

- SECTION 35.** All owners/operators of fishing vessels that dock in the CFLC shall maintain the cleanliness of their vessels and avoid all forms of pollution within the CFLC and its immediate docking areas.
- SECTION 36.** All forms of vandalism shall be prohibited.
- SECTION 37.** No endangered marine species/products that are prohibited under existing laws and local ordinances shall be allowed to be traded in the CFLC and its premises.
- SECTION 38.** Gambling in any form, drinking intoxicating liquor and smoking are strictly prohibited in the trading and market area.
- SECTION 39.** Birds and other animals are not allowed inside the CFLC, particularly in the market area.

**CHAPTER VIII
REGISTRATION OF STALL PERSONNEL**

- SECTION 40. REGISTRATION OF PERSONNEL.** The lessee of a CFLC stall/consignation and the ice storage shall register their respective personnel or helper, who after registration shall be issued a corresponding Identification Card (ID).

**CHAPTER IX
ASSOCIATIONS AND SECTORAL REPRESENTATIVES**

- SECTION 41.** All Stakeholders or Sectoral Groups, including the CFLC Stallholders, Fish Vendors, Municipal Fishfolk, Fishpond Operators, and Ice Storage Operators, are encouraged to organize themselves into an Organization/Cooperative/Association for their mutual aid, benefit and protection.
- SECTION 42.** The Municipal Government of Claveria, Cagayan recognizes the important role and active participation of Fisherfolk Associations in the implementation and management of the Community Fish Landing Center; hence, their duly authorized representatives shall be acknowledged as members of the Fish Landing Management Board (FMB), as mandated under Section 16, Chapter III of this Ordinance.
- SECTION 43.** It shall be the responsibility of the Sectoral Representatives to ensure that their members are regularly updated on decisions, policies and regulations promulgated by the FLMB.

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**CHAPTER X
DISTANCE FROM THE QUAYSIDE**

- SECTION 44.** All private vessels either motorized or non-motorized, having no lawful business in the CFLC are instructed to keep away from the quayside to give way to all fishing vessels with lawful business in the CFLC area.
- SECTION 45.** The CFLC Management shall always keep the quayside of the fishport clear and free from obstacle to lessen inconveniences.

**CHAPTER XI
LEASING AGREEMENT AND PROFIT SHARING ARRANGEMENT**

- SECTION 46. LEASE AGREEMENT.** The Municipal Government of Claveria, Cagayan shall have sole authority to administer and supervise the Community Fish Landing Center; however, the Municipal Government of Claveria, through its Local Chief Executive (LCE) may enter into a lease of agreement to a qualified Fisherfolk Association, to Operate and Manage the CFLC, subject to the concurrence of the Sangguiang Bayan (SB).

**CHAPTER XII
PENAL PROVISIONS**

- SECTION 47.** Any violation of the provision of this Ordinance shall be penalized by a fine not exceeding Php 2,500.00 or six months imprisonment, or both at the discretion of the Court.
- SECTION 48.** Should the violator be a lessee or a fishport client, his/her lease contract may be pre-terminated or his/her accreditation revoked as the FLMB may determine upon investigation.
- SECTION 49.** In case of vandalism, the violator shall pay the amount equivalent to repair of the damaged property or its parts.

**CHAPTER XII
FINAL PROVISIONS**

- SECTION 50. REPEALING CLAUSE.** All Municipal Ordinances, issuance or circulars and memoranda relative hereto which do not conform to the provisions of this Ordinance are hereby repealed or modified accordingly.
- SECTION 51. SEPARABILITY CLAUSE** If, for any reason/s, any part or provision of this ordinance shall be held unconstitutional or invalid, other parts or provisions thereof which are not be affected thereby shall continue to be in full force and effect.

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SECTION 52. EFFECTIVITY CLAUSE.

This Ordinance shall take effect upon approval and fifteen (15) days after it had been posted in three conspicuous places of the municipality.

ENACTED this 1st day of July 2020 at Claveria, Cagayan.

CERTIFIED CORRECT:

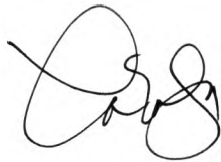


ENGR. JERRY JEFFERSON P. ONG

Secretary

Sangguniang Bayan

SANGGUNIANG BAYAN MEMBERS



JOJIE CALASAG



FREDELINO D. AGPULDO, CPA, MPA



ROMEO R. RAFOL



ALBAN CHARLES L. BATACAN



MELODY ANTONIETA BLANCA C. MABANAG



PETER SHELAINGENDEN A. AGBAYANI



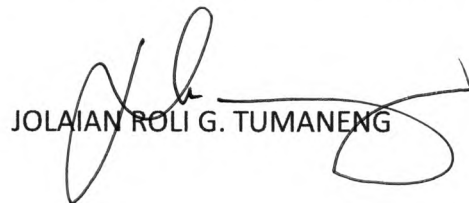
CONRADO C. PASCUA



ANGELITTA A. BARIUAN

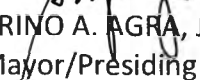


FLORAMANTE S. NEBAB SR.



JOLAIAN ROLI G. TUMANENG

ATTESTED:



SOLFERINO A. AGRA, JR., MD.
Vice Mayor/Presiding Officer

APPROVED:



CELIA T. LAYUS, MD.
Municipal Mayor

Date : _____