

Republic of the Philippines
PROVINCE OF NEGROS ORIENTAL
City of Bayawan
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON JULY 19, 2011 AT 2 O'CLOCK PM AT THE SP SESSION HALL.

RECORD OF ATTENDANCE

Hon. Ismael P. Martinez	(Presiding Officer)	Present
Hon. Victoriano D. Alabastro		Present
Hon. Ernesto T. Tijing		Present
Hon. Mark Anthony A. Duque		Present
Hon. Francis Floyd B. Araula		Present
Hon. Peter Paul F. Renacia		Present
Hon. Alex D. Tizon		Present
Hon. Danilo G. Lamis		Present
Hon. Mark Fidencio L. Aurelia		Present
Hon. Sharlou F. Jamin		OB Manila
Hon. Luis J. Sumalpong		Present
Hon. Jonas M. Trias	(ABC Vice President)	Present
Hon. Alsheiba M. Tanasan	(SK Fed. Pres.)	On Leave

RESOLUTION NO. 444

“WHEREAS, Section 15 of Article II of the 1987 Constitution provides that “The State shall protect and promote the right to health of the people and instill health consciousness among them”.

“WHEREAS, Section 16 of Republic Act No. 7160 mandates that each local government unit shall promote health and safety within its territorial jurisdiction;

“WHEREAS, DILG Memorandum Circular No. 2002-129 prohibits the use of compressor as a breathing apparatus in all fishing activities as this is dangerous to the well-being of the individual concerned;

“WHEREAS, as pointed in aforementioned DILG Memorandum Circular, the Local Government Code of 1991 (Republic Act No. 7160) in relation to Republic Act No. 8550 (Philippine Fisheries Code) essentially provides that local government units may enact policies geared in the promotion of the general welfare and will encompass the prevention of the loss of human lives;

“WHEREAS, the local government of Bayawan City has realized the importance of banning the use of compressor as a breathing apparatus in order to promote safety and the well-being of the fisher folks who might be unwittingly convinced to use said contraption in their fishing and related activities;

“NOW THEREFORE, on motion of Honorable Victoriano D. Alabastro and duly seconded by Honorable Francis Floyd B. Araula*, the Council

ORDINANCE NO. 15

AN ORDINANCE BANNING THE USE OF COMPRESSOR AS BREATHING APPARATUS IN THE CONDUCT OF FISHING ACTIVITIES

Be it ordained that:

SECTION 1. **Title.** This ordinance shall be referred to as the “**Anti-Compressor as Breathing Apparatus Ordinance of 2011**”.

SECTION 2. **State Policy.** It has always been the policy of the State to promote safety and the well-being of its constituents. The local government is espousing programs and policies that will help its constituents from falling unwittingly to unhealthy and unsafe practices being promoted by unscrupulous individuals, one of which is the use of compressor as a breathing apparatus in the conduct of fishing activities.

SECTION 3. Prohibited Acts & Penalties. The following shall be considered as prohibited acts under this Ordinance:

a.) Use of compressor as breathing apparatus in fishing activities

1st offense the penalty is a fine of P 2,500.00

2nd offense the penalty is a fine of P 3,500.00

3rd offense the penalty is a fine of P 5,000.00

Subsequent offense shall be punished by a fine of P 5,000.00 and a penalty of imprisonment of one (1) year. If the fine cannot be paid, subsidiary imprisonment may be imposed at the discretion of the Court and following the Rules provided in the Revised Penal Code on the computation of subsidiary imprisonment.

b.) Possession of compressor within the municipal waters provided the said compressor is found on a fishing vessel. The Court shall consider the circumstances such as but not limited to fishing equipment, purpose of travel, occupation of possessors and similar matters to determine whether the vessel can be classified as a fishing vessel.

1st offense the penalty is a fine of P 1,500.00

2nd offense the penalty is a fine of P 2,500.00

3rd offense the penalty is a fine of P 3,500.00

Subsequent offense shall be punished by a fine of P 4,000.00 and a penalty of imprisonment of six (6) months. If the fine cannot be paid, subsidiary imprisonment may be imposed as the discretion of the Court and following the Rules provided in the Revised Penal Code on the computation of subsidiary imprisonment.

SECTION 4. Separability Clause. If any provision of this Ordinance is declared unconstitutional or illegal by a competent court, the same shall not affect the validity and effectivity of the other provisions.

SECTION 5. Effectivity. This Ordinance shall take effect after ten (10) days from the date a copy of its approved version is posted in a bulletin board at the entrance of the city hall, the Public Market and the bulletin board near the stairs leading to the Sangguniang Session Hall.

“Enacted.”

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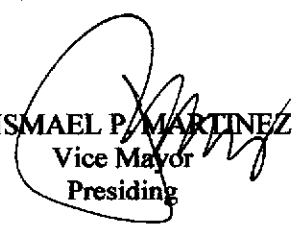
I hereby certify to the correctness of the foregoing resolution.


* * *


JULIUS T. ESPARTERO
Secretary to the Sangguniang Panlungsod

ATTESTED:

APPROVED: AUG 19 2011


ISMAEL P. MARTINEZ
Vice Mayor
Presiding


RENE G. GAUDIELL
Mayor


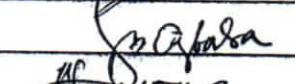
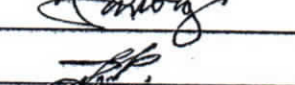
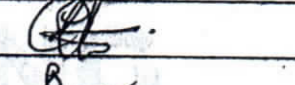
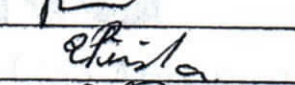
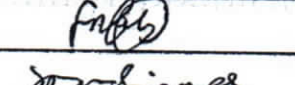
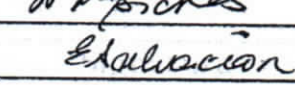
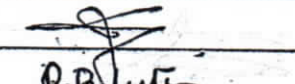
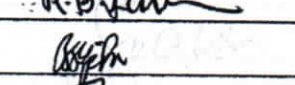
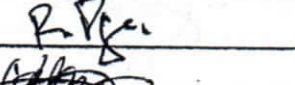
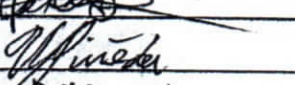
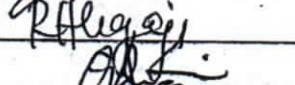
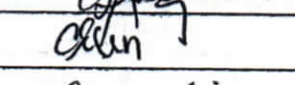
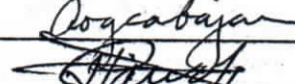
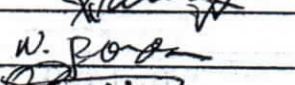
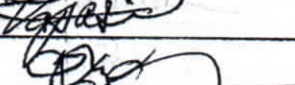
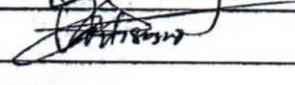


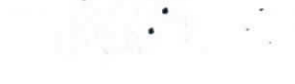
Copy For:

- The Honorable Provincial Board, Dumaguete City

PUBLIC HEARING

"An Ordinance Banning the Use of Compressor as Breathing Apparatus in the Conduct of Fishing Activities"

APRIL 18, 2011, 2 O'CLOCK PM

	<u>Name</u>	<u>Organization/Place</u>	<u>Signature</u>
1	LEONARDO VERGARA JUMBANG	CANILONG	
2	Ponelyn G. Yacon	Tab-ang, Pagatban	
3	Daisy S. Tamnang	Tab-ang, Pagatban	
4	Julian C. Pineda	tab-ang Pagatban	
5	Carlito Canillo	tab-ang Pagatban	
6	Digna P. Somerao	tab-ang Pagatban	
7	Evanghine D. Pineda	Tab-ang Pagatban	
8	Serafin N. Badiles	Tab-ang Pagatban	
9	Maryfer M. Pienes	Tab-ang pagatban	
10	Elizabeth A. Salvacion	Tab-ang Pagatban	
11	Josephine G. Nava	Tab-ang Pagatban	
12	Rizza B. Lutrinia	Tab-ang Pagatban	
13	Herry Gail P. Uniban	Tab-ang Pagatban	
14	Roderick Terpe Jr.	SHBA	
15	Dionisio Villasan	G.K. Village	
16	Willy Pineda	tab-ang Pagatban	
17	Rosabella Legay	Koyan Banga Bayaran	
18	Amorsolo B. Ostique	Canilong Malabugas	
19	Criselda D. Elen	GK Villarcal	
20	Alma G. Cabajar	Boyy. Pagatban	
21	Lamberto Pineda	GA	
22	Wiljake Pordan	Tab-ang, Pagatban	
23	Villarba Papani	Canilong Malabugas	
24	FERNANDO ABAYON Sr	PAGATBAN	
25	CARTISIANO MA-SHERA	G.K. VILLAGE VILLARCAL	
26	XXXXXXXXXX		

Republic of the Philippines
PROVINCE OF NEGROS ORIENTAL
City of Bayawan

Office of the Sangguniang Panlungsod

CERTIFICATION

This is to certify that a Public Hearing was conducted last April 18, 2011 at 2 o'clock in the afternoon at the City Gymnasium on Ordinance No. 15, series of 2011, of the Sangguniang Panlungsod of Bayawan City, otherwise known as "An Ordinance Banning the Use of Compressor as Breathing Apparatus in the Conduct of Fishing Activities.

August 10, 2011.

JULIUS T. ESPARTERO
SP Secretary

Republic of the Philippines
PROVINCE OF NEGROS ORIENTAL
City of Bayawan

Office of the Sangguniang Panlungsod

CERTIFICATION

This is to certify that Ordinance No. 15, series of 2011, of the Sangguniang Panlungsod of Bayawan City, otherwise known as “**An Ordinance Banning the Use of Compressor as Breathing Apparatus in the Conduct of Fishing Activities**”, has been posted at the Hallway of the City Hall, Bulletin Board at the Public Market and at the Bulletin Board of the Sangguniang Panlungsod on August 10, 2011.

August 10, 2011.


JULIUS T. ESPARTERO
SP Secretary