



**RESOLUTION NO. 016-H-2010**

WHEREAS, this Body is alarmed with gathered reports on mortality, accidental paralysis of people using compressor as breathing apparatus in fishing and other underwater activities;

WHEREAS, there are also verified reports received that compressor has been used by dynamite fishers in gathering their dynamited catch and other illegal fishers using poisonous substance in catching fish;

WHEREAS, this Body deemed it necessary to implement Memorandum Circular No. 2202-129 of the Department of Interior and Local Government banning the use of compressor;

NOW THEREFORE, Be it resolved by the Sangguniang Panlungsod of Naga, Cebu to adopt as it hereby adopts the following Ordinance:

**ORDINANCE NO. 2010-003**

**AN ORDINANCE BANNING THE USE OF COMPRESSOR AS BREATHING APPARATUS IN ALL FISHING ACTIVITIES AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

Be it ordained by the members of the Sangguniang Panlungsod of the City of Naga in a regular session assembled that:

**Section 1. DECLARATION OF POLICY.** The use of compressor in all fishing and other under-seawater activities within the sea waters of the City of Naga, Cebu is strictly prohibited. Hence, it shall be unlawful for any person to use a compressor device as breathing apparatus in all fishing and other under-seawater activities.

**Section 2. DEFINITION OF TERMS.** When used in this Ordinance, the term:

a) "FISHING" means the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels

b) "BREATHING APPARATUS" means any instrument or device and its accessories utilized in breathing

c) "COMPRESSOR" means any instrument or device and its accessories utilized in delivering oxygen underwater to the person using it

d) "FISHING ACTIVITIES" mean all kinds of fishing such as fishing with explosives, electrofishing, fishing with noxious or poisonous substances, etc. which requires the person to dive underwater to catch or collect the fish; to include commercial or industrial activities such as construction and repair of ports, cleaning of anchors and chains of buoys, retrieval of a wreck, etc.

**Section 3. PROHIBITED ACTS.** The following acts shall be strictly prohibited:

a) The **USE OF COMPRESSOR** in all fishing and under-seawater activities within the sea waters of the City of Naga, Cebu.

*[Handwritten signatures]*

b) Possession of compressor and its accessories within the fishing vessel or boat, regardless of whether the vessel or boat is docking or on fishing operation.

Section 4. **PENALTY.** Violation of this Ordinance shall subject the offender to confiscation of the compressor and its accessories and a fine of PhP 2,000.00 or imprisonment of six (6) months or both at the discretion of the Court.

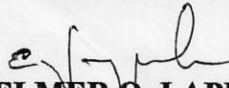
Section 5. **SEPARABILITY CLAUSE.** If for any reason or reasons, any parts or provision of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions thereof not affected shall continue to be in full force and effect.

Section 6. **REPEALING CLAUSE.** All previous Ordinances, or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed, modified or amended accordingly.

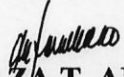
Section 7. **EFFECTIVITY.** This Ordinance shall take effect after 15 days after its publication.

UNANIMOUSLY APPROVED this 21<sup>st</sup> day of June 2010, on motion of Hon. Nilo B. Alinsonorin.

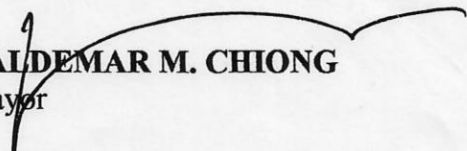
CERTIFIED CORRECT:

  
**ELMER Q. LAPITAN**  
SP Member/Presiding Officer  
Pro-tempore

ATTESTED BY:

  
**DELZA T. ARELLANO**  
Secretary to the Sanggunian

APPROVED BY:

  
**VALDEMAR M. CHIONG**  
Mayor

*Alin. Prov. Res. # 1250-10 July 19, 2011  
"Referred to Com. on Laws"*