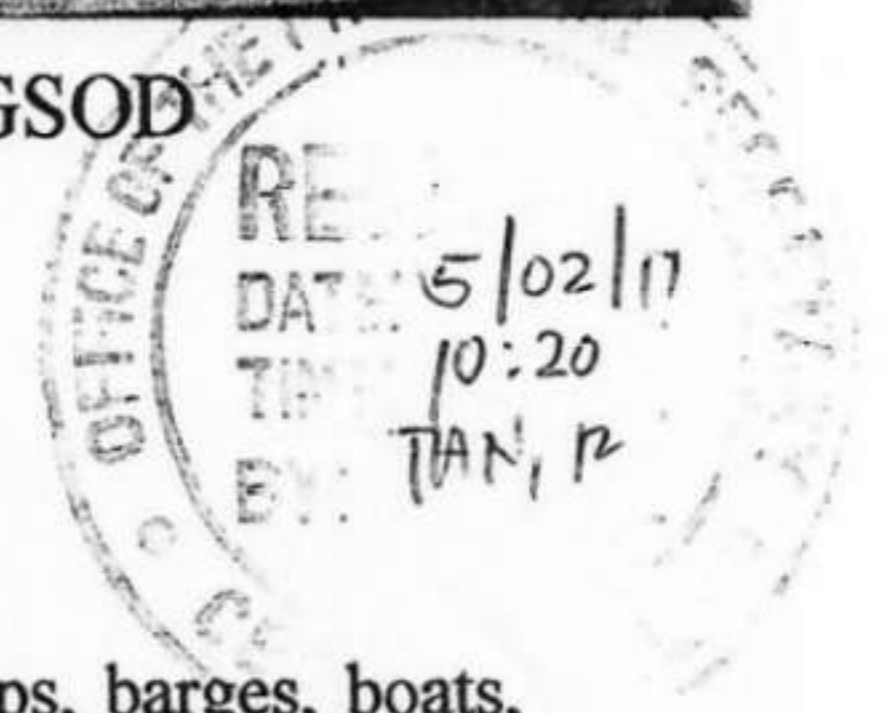


Republic of the Philippines
Province of Cebu
CITY OF NAGA



OFFICE OF THE SANGGUNIANG PANLUNGSOD
City of Naga, Cebu



EXPLANATORY NOTE

It has come to the attention of the present administration that ships, barges, boats, yachts and other similar sea vessels of local and foreign flags commonly use the coastal areas of the City of Naga for purposes of anchoring, loading, unloading and other similar activities which is beneficial to the vessel operators, charterers and owners.

In the course of using the City's coastal areas, the employees or seafarers on board said vessels deliberately or unintentionally dump pollutants to our waters threatening our ocean, coasts and waterways by obstructing navigational channels, causing harm to the marine environment and diminishing commercial and recreational activities.

The City of Naga is committed to take appropriate measures that are necessary to prevent, reduce and control pollution of the marine environment from any source including vessels anchoring within the coastal waters of the City.

To prevent these recurring incidents of polluting the City's coastal waters, the City Government is hereby imposing penalties to the vessels owner/s, operator/s or charterers who condoned the prohibited act of dumping pollutants to our waters and further requiring them to use our coastal areas only upon payment of an Environmental Preservation Fee.

This is pursuant to the Constitutional principle that the State has the sovereign right to exploit the natural resources pursuant to its environmental policies and it has the corresponding duty to protect and preserve the marine environment.

The present administration, this August Body, the Bantay Dagat and the concerned Nagahanons express their common sentiment to collect Environmental Preservation Fees from these vessel owner/s or operator/s or charterer/s upon their use of our coastal areas to compensate for the City's services of maintaining the habitability of our coastal waters as well as the rehabilitation and restoration of whatever effect that the pollutants may bring to our marine habitats.

In view of the foregoing, the undersigned is hereby earnestly seeking the approval of this proposed ordinance imposing environmental preservation fees for the use of the city's coastal waters and its marine sanctuaries.

Milcon 5/3/17
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CPB - W 5/3/17
Capt.
Capt.
5/3/17

[Signature]
VIRGILIO M. CHIONG
 Sangguniang Panlungsod (SP) Member
 Committee Chairman on Environment
 and Natural Resources
 3rd SP, City of Naga, Cebu

Received:
Christy 5/3/17

[Signature] 5/4/17
 BAC - MARJORIE TENERO

CP - letty 5-3-17

Republic of the Philippines
Province of Cebu
CITY OF NAGA



Excerpt from the minutes of the Regular Session of the Sangguniang Panlungsod of the City of Naga, Cebu held on April 05, 2017 at the Session Hall, Legislative Building, City of Naga, Cebu.

Present:

HON. OTHELLO M. CHIONG
HON. ALEXANDER R. LARA
HON. VIRGILIO M. CHIONG
HON. AURELIO B. ALINSONORIN
HON. CARMELINO N. CRUZ, JR.
HON. DELFIN R. SEÑOR
HON. RODRIGO A. NAVARRO
HON. AFSHIN MARK K. SEÑOR
HON. PABLO A. ABANGAN
HON. LUZMINDA R. LAPITAN
HON. PORFERIO V. RESABA, JR.
HON. JUSTINO L. DAKAY

- Vice Mayor / Presiding Officer
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- ABC President

ORDINANCE NO. 2017- 003

Hon. Virgilio M. Chiong – Sponsor

AN ORDINANCE IMPOSING ENVIRONMENTAL PRESERVATION FEES FOR THE USE OF THE CITY OF NAGA'S DESIGNATED COASTAL AREAS INCLUDING ITS MARINE SANCTUARIES AND PROVIDING PENALTIES TO POLLUTERS AND OFFENDERS THEREON

BE IT ORDAINED, as it is hereby ORDAINED by the Sangguniang Panlungsod of the City of Naga, Cebu, in session assembled, that:

SECTION 1. TITLE - This ordinance shall be known as: AN ORDINANCE IMPOSING ENVIRONMENTAL PRESERVATION FEES FOR THE USE OF THE CITY OF NAGA'S DESIGNATED COASTAL AREAS INCLUDING ITS MARINE SANCTUARIES AND PROVIDING PENALTIES TO POLLUTERS AND OFFENDERS THEREON

SECTION 2. DECLARATION OF POLICY - the City of Naga hereby declares its policy of protecting the coastal waters and for this purpose, conserve our marine waters, safeguard and preserve the living marine resources for the succeeding generations and encourage the stakeholders to assist the City of Naga in restoring the coastal waters by observing pollution control measures.

SECTION 3. DEFINITION OF TERMS/PHRASES - For the purpose of this Ordinance, the following terms:

- 1) *Aquatic Pollution* - the introduction by human or machine, directly or indirectly, of substances or energy to the aquatic environment which result or is likely to result in such deleterious effects as to harm living and non-living aquatic resources, pose potential and/or real hazard to human health, hindrance to aquatic activities such as fishing and navigation, including dumping/disposal of waste and other marine litters, discharge of petroleum or carbonaceous materials/ substances, from any water, land or air transport or other human made structure.
- 2) *Barges* - a capacious, flat-bottomed vessel, usually intended to be pushed or towed for transporting freight or passengers.
- 3) *Boats* - a vessel for transport by water constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion.
- 4) *Bantay Dagat* - an organized force tasked to implement laws governing our coastal areas.

- 5) *Buoy* - a floatation device which usually serves as a marker.
- 6) *Coastal Areas* - bodies of water located near a coast as well as its beach area.
- 7) *Designated Areas* - parts of our coastal areas where anchoring, loading, unloading, and other similar activities are acceptable.
- 8) *Dumping* - refers to the deliberate disposal at sea of wastes or other matter from vessels. Dumping does not include the disposal into the sea of matter or material incidental to, or derived from the normal operations of vessel/s.
- 9) *Docking* - to bring a ship or boat into a dock; lay up in a dock, to place in dry dock as for repairs, cleaning or painting.
- 10) *Environment* - the aggregate of surrounding things, conditions or influences; the air, water, minerals, organisms and all other external factors surrounding and affecting a given organism at any time.
- 11) *Fee* - a charge or payment for a service.
- 12) *Gross* - without deduction; total
- 13) *Graywater* - means drainage from dishwasher, shower, laundry, bath, and washbasin drains, but does not include drainage from toilets, urinals and cargo spaces
- 14) *Habitat* - the natural environment of an organism; place that is natural for the life and growth of an organism
- 15) *Loading* - the act of a person or thing that loads.
- 16) *Marine* - of or pertaining to the sea; existing in or produced by the sea
- 17) *Marine Life* - life forms thriving in the sea.
- 18) *Marine Protected Areas (MPAs)/Marine Sanctuary* - a place where sea life can take refuge, breed and thrive in safety from fishers and hunters
- 19) *Outsiders* - people, employees, seafarers on board the said vessels that are not from the City of Naga.
- 20) *Owners/Operators* - possessor/s/proprietor/s of the vessel, one who operates the said vessel.
- 21) *Penalize* - to declare (an action, deed, etc.) punishable by law or rule; to subject to a penalty as a person
- 22) *Polluters* - someone that pollutes
- 23) *Pollution* - means the introduction, directly or indirectly, by human activity, of wastes or other matter into the sea which results or is likely to result in such deleterious effects as harm to living resources and marine ecosystems, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities

- 24) *Preserve* - to keep alive or in existence; make lasting; to keep safe from harm; protect or spare; to keep up; maintain
- 25) *Ship/s* - a vessel, especially a large ongoing one propelled by sails or engines
- 26) *Territory* - the land and waters belonging to or under the jurisdiction of a state, city or municipality
- 27) *Ton* - a unit of volume used in transportation by sea, commonly equal to 40 cubic feet (1.13 cu. m) (shipping ton or measurement)
- 28) *Undesignated Areas* - parts of our coastal areas where anchoring, loading, unloading, and similar activities are unacceptable (e.g. Marine Protected Areas MPAs, Marine Sanctuaries, etc.)
- 29) *Unloading* - to take the load from; remove the cargo or freight from the vessel
- 30) *Vessel* - a craft for traveling on water, now usually one larger than ordinary rowboat; a ship or boat.
- 31) *Waste* - includes but not limited dry cleaning chemicals, graywater, sewage sludge, hazardous waste and other waste
- 32) *Yacht* - a vessel used for private cruising, racing or other non-commercial purposes

SECTION 4. IMPOSITION OF ENVIRONMENTAL PRESERVATION FEES

- All Operators/ Charterers/Owners of ships, barges, boats, yachts and other similar sea vessels are required to pay an Environmental Preservation Fee (according to the specification of the vessel as stated below) as an incident for its use of the coastal waters of the City of Naga.

This fee shall be collected by the City Treasurer's Office, through the City of Naga's Bantay Dagat, of which Thirty Percent (30%) of the Fees collected will be kept for purposes of the preserving and restoring the City's Marine Sanctuaries, and Coastal Areas, and for strengthening the City of Naga's anti-marine pollution campaign, and the same will inure to the City Fisheries Trust Fund, while Seventy Percent (70%) of it will go directly to the City's Coffers with the following rates:

- | | |
|--|-------------------------|
| a) Non-motorized boats or watercrafts | P100.00 (per/day) |
| b) Motorized boats | P200.00 (per/day) |
| c) Maritime Vessels (dependent on the gross tonnage) | P0.60 (per tonnage/day) |
| d) Yacht | P1,500.00 (per/day) |
| e) Other Water/Amphibious Vessels (Sea planes, amphibious tanks, etc.) will be assessed according to its weight. | |

4.1. EXCEPTION: Government owned vessels are not subject to the imposition of environmental preservation fees.

SECTION 5. ADMINISTRATIVE PROVISION - Non-payment of the afore-stated Environmental Preservation Fee shall be reasonable ground by the City of Naga to refuse the vessel operator/s, owner/s, charterer/s to use our coastal areas/city waters. (Vessels with no business whatsoever in our coastal territories will not be allowed to anchor or dock, *except* to seek refuge from storms or any related emergencies/calamities). Those vessels which have already anchored within the coastal waters of Naga and have failed to pay the required environmental preservation fee shall not be given any clearance to leave the coastal waters of Naga.

SECTION 6. OTHER VIOLATION OF AQUATIC POLLUTION – Any person, employee, seafarer on board the said vessel who shall commit any other forms of aquatic pollution shall be subjected to the penalties stated in Section 6 of PD No. 600.

SECTION 7. PROHIBITED ACTS - The following acts are prohibited:

1. The owner/s or operator/s or charterer/s of a vessel/s shall not allow or permit his/her vessel/s to anchor, load, unload and conduct other similar activities within the City's recognized Marine Sanctuaries/Marine Protected Areas (MPAs) whose total area and geographical coordinates are as follows:

- a) **Poblacion Marine Sanctuary**- located 1,030 meters away from City Hall of Naga - also known as the Poblacion Offshore Reef at Barangay Poblacion, City of Naga, Cebu.

Total area: 10 hectares

Boundary Points	GPS Coordinates	Connecting Points	Distance	Bearing
Po1	N 10° 12415' E 123° 46.075'	Po2	250 m	170°
Po2	N 10° 12376' E 123° 46.206'	Po3	404 m	199°
Po3	N 10° 12169' E 123° 46.135'	Po4	254 m	288°
Po4	N 10° 12212' E 123° 46.004'	Po1	298 m	19°

- b) **Colon Marine Sanctuary**- located 230 meters away from KEPCO-SPC Pier - also known as the Colon Offshore Reef at Barangay Colon, Naga City, Cebu

Total area: 10 hectares

Boundary Points	GPS Coordinates	Connecting Points	Distance	Bearing
Co1	N 10° 12.923' E 123° 45.847'	Co2	253 m	94°
Co2	N 10° 12.193' E 123° 45.985'	Co3	404 m	185°
Co3	N 10° 12.697' E 123° 45.965'	Co4	250 m	275°
Co4	N 10° 12.709' E 123° 45.828'	Co1	298 m	5°

- c) **Inayagan Marine Sanctuary**- located 230 meters away from KEPCO-SPC Pier -also known as the Inayagan Offshore Reef at Barangay Inayayagan, Naga City, Cebu

Total area: 10.9 hectares

Boundary Points	GPS Coordinates	Connecting Points	Distance	Bearing
In1	N 10° 13.572' E 123° 46.496'	In2	398 m	135°
In2	N 10° 13.419' E 123° 46.649'	In3	274 m	226°
In3	N 10° 13.316' E 123° 46.541'	In4	404 m	316°
In4	N 10° 12.709' E 123° 46.386'	In1	273 m	47°

- d) **Tinaan Dako Sanctuary** - located 650 meters away from APO Pier - also known as the Tinaan Dako Offshore Reef at Barangay Tinaam, Naga City, Cebu

Total area: 15.9 hectares

Boundary Points	GPS Coordinates	Connecting Points	Distance	Bearing
Ti-D1	N 10° 11.495' E 123° 45.335'	In2	346 m	98°
Ti-D2	N 10° 11.467' E 123° 45.523'	In3	448 m	189°
Ti-D3	N 10° 11.229' E 123° 45.486'	In4	353 m	279°
Ti-D4	N 10° 11.257' E 123° 45.294'	In1	447 m	10°

2. The owner/s or operator/s or charterer/s of a vessel/s shall not allow or permit anyone on board the vessel/s to release, dispose from the vessel/s waste, hazardous waste, dry cleaning chemicals, graywater, sewage sludge into the City's marine sanctuaries.
3. It shall be unlawful for any person to release oily and solid waste matters from the vessel; dump or dispose any material made of plastic, including, but not limited to synthetic fishing nets, plastic garbage bags, or any domestic, cargo-associated,

maintenance and/or operational wastes in the City of Naga's coastal waters. The prohibition shall not apply whenever it is necessary to secure the safety of human life or of the vessel at sea in case of *force majeure*, or any in any case where there is real, actual or imminent danger to human life or to avert any threat or probability of great damage to human life or to the vessel.

SECTION 8. CREATION OF A MARINE ENVIRONMENT PRESERVATION TEAM - To successfully implement the policy of the City to protect, preserve, restore and enhance the marine resources in the coastal waters of the City of Naga, a Marine Environment Preservation Team shall be created to regularly monitor the vessels and conduct ocular inspection to determine whether or not the vessel owners/operators/charterers or of any of their employees have committed the prohibited acts set forth in Sections 5, 6 and 7 of this Ordinance or for having failed to pay the environmental preservation fee.

The composition of the City of Naga Marine Environment Preservation Team are as follows:

Chairperson : Honorable Mayor of the City of Naga
Vice-Chairperson : City Environment and Natural Resources (CENRO)
Members : City Administrator
Chairman of the City Fisheries and Aquatic Resources Management Council
Coast Guard Detachment Commander
A representative from the Department of Agriculture
A representative from the City of Naga's Bantay Dagat
City Treasurer
Representative of the Cebu Ports Authority

The powers and functions of the Marine Environment Preservation Team are as follows:

1. To formulate implementing rules and regulations, and/or guidelines for the effective implementation of this Ordinance;
2. To supervise, control and monitor the operations of the marine vessels anchored within the coastal waters of the City of Naga;
3. To purchase equipment such as, but not limited to pollution control equipment, pollution prevention boats, and the like;
4. To undertake studies, investigation and other activities and projects to foster cleanliness of the coastal waters of the City of Naga; and
5. To perform such acts or provide such services as may be deemed proper or necessary to carry out and implement the provisions of this Ordinance.

SECTION 9. PENALTY FOR PROHIBITED ACTS - If any of the vessels cause any undue damage to the City of Naga's Marine Sanctuaries and coastal waters, the owner or operator/ charterer of said vessel shall be fined double the rate of the environmental preservation fee imposed and/or will be assessed accordingly, based on the extent of the damage caused, whichever is higher, to compensate for the damages incurred. This provision shall not preclude the City to institute such actions or legal remedies to enforce payment of the damage caused to the City's marine sanctuaries and coastal waters based on other applicable laws.

SECTION 10. NOTIFICATION TO AND ASSISTANCE FROM OTHER GOVERNMENTAL AGENCIES - Upon approval of this Ordinance, the Cebu Port Authority (CPA), MARINA VII, Philippine Coast Guard (PCG), and the Philippine Navy will be furnished a copy of the coordinates of recognized Marine Sanctuaries/Marine Protected Areas (MPAs) in the City of Naga so they can assist and help in alerting large marine vessels to steer clear in said area. Further, the Cebu Port Authority, Marina VII is

authorized to assist the City of Naga's Marine Environment Preservation Team and the City of Naga's Bantay Dagat in the implementation of this Ordinance, more particularly with respect to enforcement in the collection of the environmental preservation fee.

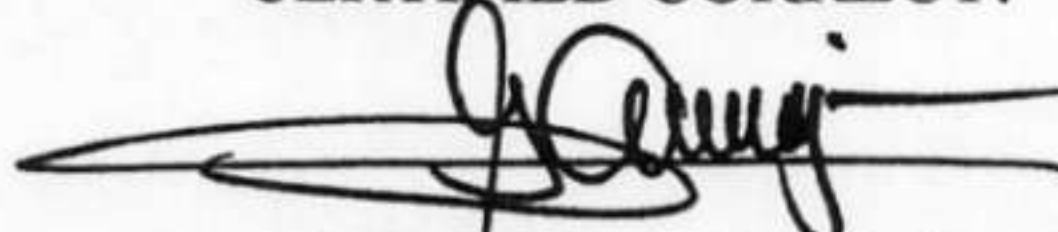
SECTION 11. SEPARABILITY CLAUSE - If for any reason, any portion of this Ordinance be declared unconstitutional or invalid by a competent authority, its other provisions shall remain thereof.

SECTION 12. REPEALING CLAUSE - All other ordinances, rules and regulations or parts thereof which are in conflict with or inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

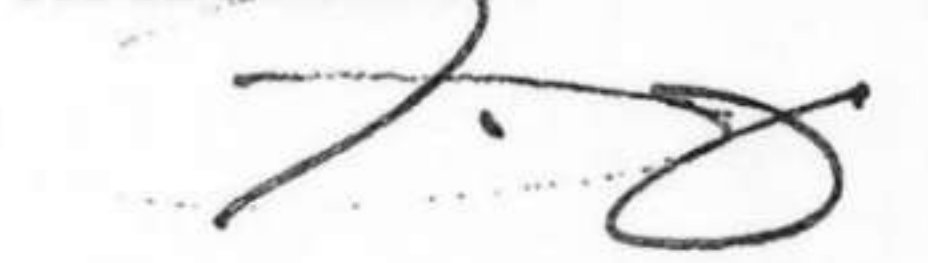
SECTION 13. EFFECTIVITY - This Ordinance shall take effect upon compliance of its publication in a newspaper of local circulation and posting in three conspicuous public places within the territorial jurisdiction of the City of Naga.

APPROVED on third and final reading this 5th day of April 2017, on motion of Hon. Virgilio M. Chiong, seconded by Hon. Rodrigo A. Navarro.

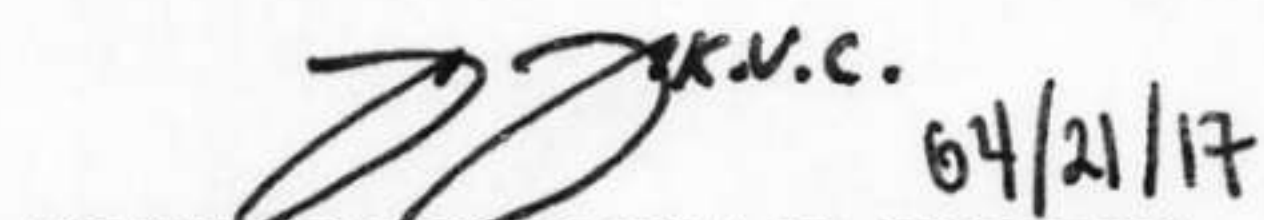
CERTIFIED CORRECT:


GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY:


OTHELLO M. CHIONG
Vice Mayor/Presiding Officer

APPROVED BY:

 *K.V.C.* 64/21/17
KRISTINE VANESSA T. CHIONG
City Mayor