



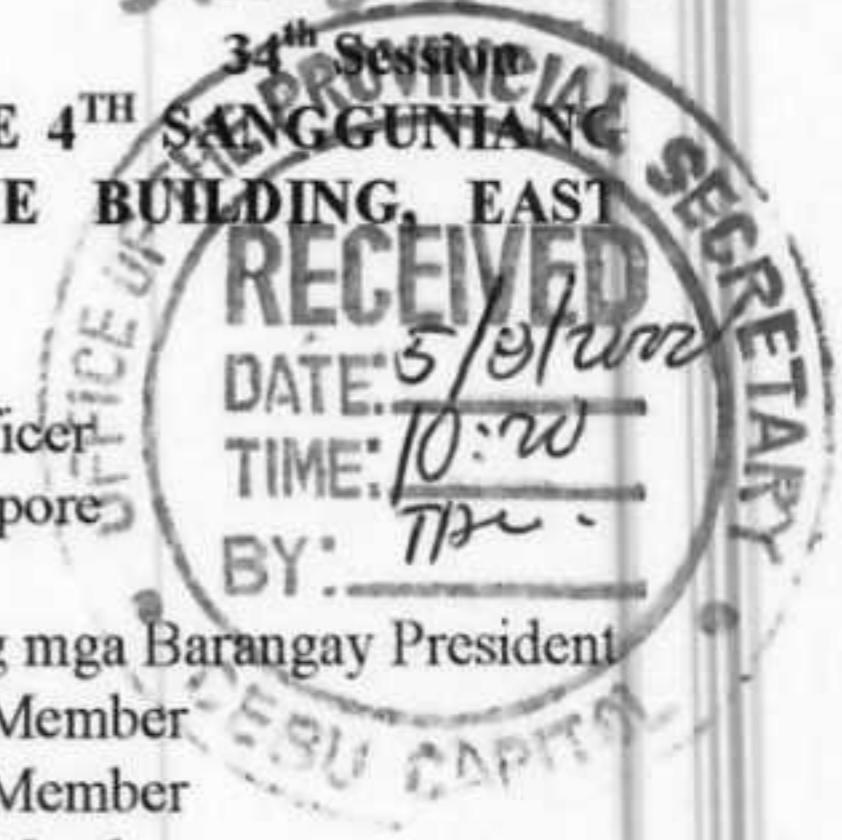
*Atong Garbo*

4<sup>th</sup> SP

**EXCERPT FROM THE MINUTES OF THE 32<sup>nd</sup> REGULAR SESSION OF THE 4<sup>TH</sup> SANGGUNIANG PANLUNGSOD (SP) HELD AT THE SP SESSION HALL, LEGISLATIVE BUILDING, EAST POBLACION, CITY OF NAGA, CEBU ON FEBRUARY 12, 2020.**

**PRESENT:**

- |                                 |  |
|---------------------------------|--|
| HON. KRISTINE VANESSA T. CHIONG | - Vice Mayor /Presiding Officer                                  |
| HON. VIRGILIO M. CHIONG         | - Presiding Officer Pro Tempore                                  |
| HON. JUSTINO L. DAKAY           | - Majority Floor Leader  |
| HON. SCOTT JUVENAL A. CHIONG    | - Assistant Majority Floor Leader/Liga ng mga Barangay President |
| HON. AURELIO B. ALINSONORIN     | - Sangguniang Panlungsod Member                                  |
| HON. AFSHIN MARK K. SEÑOR       | - Sangguniang Panlungsod Member                                  |
| HON. CHARMAINE R. NAVARRO       | - Sangguniang Panlungsod Member                                  |
| HON. PORFERIO V. RESABA, JR.    | - Sangguniang Panlungsod Member                                  |
| HON. DOMINADOR A. LIBOR         | - Sangguniang Panlungsod Member                                  |
| HON. LUZMINDA R. LAPITAN        | - Sangguniang Panlungsod Member                                  |
| HON. LETECIA F. ABANGAN         | - Sangguniang Panlungsod Member                                  |
| HON. RAY A. MANABAT             | - Sangguniang Panlungsod Member                                  |
| HON. JHUN MARK T. SISMAR        | - SK Federation President  |



**ORDINANCE NO. 2020-12**

**Hon. Virgilio M. Chiong - Sponsor**

*SP Committee Chairman on Environment and Natural Resources and Energy Management*

**AMENDING ORDINANCE NO. 2017-003, TITLED: 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**

**EXPLANATORY NOTE**

On April 05, 2017, the City Council enacted the above-titled Ordinance primarily to put an end to the recurring incidents of polluting the City of Naga's coastal waters, marine sanctuaries and marine protected areas by cargo vessels, foreign ships, barges, boats, yachts and other similar seacrafts that may pass, anchor, dock, load or unload cargoes.

The City Government has to impose sanctions on erring vessels that deliberately or unintentionally dump wastes or pollutants into the municipal waters pursuant to the Constitutional principle that the State has the corresponding duty to protect and preserve the marine environment.

Upon a thorough review of this Ordinance, this Sanggunian deems it necessary to amend and incorporate new provisions to strengthen the enforcement of the City's maritime policies particularly in the protection of its coastal waters, preservation and sustainability of the living marine resources for the next generations.

Foremost among the new provisions is the solidary liability of the recipient, receiver and/or addressee of any unloaded cargo with that of the boat or vessel owner/operator for the assessment and imposition of the environmental preservation fees.

The coastal environmental fees, though, for maritime vessels (cargo, barges etc.) devoted for commercial trades, but with the exemption of government-owned seacrafts, still remain at P0.60 centavos per tonnage per day or a fraction thereof.

Fifty percent (50%) of all the collected fees, from the original allocation of thirty percent (30%), will now be allotted for the maintenance and preservation of the coastal areas, while the remaining 50% will go directly to the general fund.

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When this measure was presented in a consultative assembly on December 12, 2019 at the SP Session Hall, ship owners/operators or their authorized representatives interposed no objections to the proposed amendments.

**NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED,** by the Sangguniang Panlungsod of the City of Naga, in a session duly assembled:

**A. GENERAL PROVISIONS**

**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 Government of Naga, Cebu 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.) **City of Naga's Coastal Areas** - Shall be its coastal territory that is fronting the entire breadth of its foreshore areas and up to the entire breadth of its municipal waters facing the island of Bohol. This with the following maritime coordinates, to wit,

2.) **Marine Sanctuaries** - 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 Pol N 10' 12415' E 123' 46.075' Po2 250m 1700 Po2 N 10' 12376' E 123' 46.206' Po3 404m 1990 Po3 N 10' 12169' E 123' 46.135' Po4 254m 2880 Po4 N 10' 12212' E 123' 46.004' Pol 298m 190;

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 Col N 10' 12.923' E 123' 45.847' Co2 253 m 940 Co2 N 10' 12.193' E 123' 45.985' Co3 404m 1850 Co3 N 10' 12.697' E 123' 45.965' C04 250m 2750 Co4 N 10' 12.709' E 123' 45.828' Col 298m 50;

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 398m 1350 In2 N 10' 13.419' E 123' 46.649' In3 274m 2260 In3 N 10' 13.316' E 123' 46.541' In4 404m 3160 In4 N 10' 12.709' E 123' 46.386' In1 273 m 470; and

d) **Tinaan Dako Sanctuary** - located 650 meters away from APO Pier - also known as the Tinaan Dako Offshore Reef at Barangay Tinaan, 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 346m 980 Ti-D2 N 10' 11.467' E 123' 45.523' In3 448m 1890 Ti-D3 N 10' 11.229' E 123' 45.486' In4 353m 2790 Ti-D4 N 10' 11.257'E 123' 45.294' In1 447m 100.

2.) **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.

4.) **Barges** - a capacious, flat-bottomed vessel, usually intended to be pushed or towed for transporting freight or passengers.

5.) **Boats** - a vessel for transport by water constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion.

6.) **Bantay Dagat** - an organized force tasked to implement laws governing our coastal areas.

7.) **Buoy** - a floatation device which usually serves as a marker.

8.) **Coastal Areas** - bodies of water located near a coast as well as its beach area.

9.) **Designated Areas** - parts of our coastal areas where anchoring, loading, unloading, and other similar activities are acceptable.

10.) **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.

11.) **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.

12. **Environment** - the aggregate of surrounding things, conditions or influences; the air, water, minerals, organisms and all other external factors surrounding and affecting given organism at any time.

13. **Fee** - a charge or payment for a service.

14. **Gross** - without deduction; total

15. **Graywater** - means drainage from dishwasher, shower, laundry, bath, and washbasin drains, but does not include drainage from toilets, urinals and cargo spaces.

16. **Habitat** - the natural environment of an organism; place that is natural for the life and growth of an organism

17. **Loading** - the act of a person or thing that loads.

18. **Marine** - of or pertaining to the sea; existing in or produced by the sea.

19. **Marine Life** - life forms thriving in the sea.

20. **Marine Protected Areas (MPAs)/Marine Sanctuary** - a place where sea life can take refuge, breed and thrive in safety from fishers and hunters.

21. **Outsiders** - people, employees, seafarers on board the said vessels that are not from the City of Naga.

22. **Owners/Operators** - possessor/s/proprietor/s of the vessel, one who operates the said vessel.

23. **Penalize** - to declare (an action, deed, etc.) punishable by law or rule; to subject to a penalty as a person.

24. **Polluters** - someone that pollutes.

25. **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.

26. **Preserve** - to keep alive or in existence; make lasting; to keep safe from harm; protect or spare; to keep up; maintain.

27. **Ship/s** - a vessel, especially a large ongoing one propelled by sails or engines.

28. **Territory** - the land and waters belonging to or under the jurisdiction of a state, city or municipality.

29. **Ton** - a unit of volume used in transportation by sea, commonly equal to 40 cubic feet (1.13 cu. m) (shipping ton or measurement).

30. **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.)

31. **Unloading** - to take the load from; remove the cargo or freight from the vessel.

32. **Vessel** - a craft for traveling on water, now usually one larger than ordinary rowboat; a ship or boat.

33. **Waste** - includes but not limited dry cleaning chemicals, graywater, sewage sludge, hazardous waste and other waste.

34. **Yacht** - a vessel used for private cruising, racing or other non-commercial purposes.

## B. COASTAL ENVIRONMENTAL FEES

**SECTION 4. IMPOSITION OF COASTAL ENVIRONMENTAL FEES** - All owners, operators, charterers of ships, barges, boats, yachts and other similar sea vessels are required to pay a *coastal environmental fee* as an incident for their use of designated coastal waters of the City of Naga, Cebu.

**SECTION 5. FEES AND RATES** - The following fees and rates are imposed to wit;

- a) Non-motorized boats or watercrafts at one hundred pesos (P100.00 ) per day or a fraction of a day;
- b) Motorized boats not devoted to commercial activity at two hundred pesos (P200.00) per day or a fraction thereof;
- c) Maritime Vessels, barges devoted to commercial activity at P0.60 centavos of its gross tonnage per day or a fraction thereof (per tonnage/day);
- d) Yacht at five hundred (P500.00) or a fraction thereof
- e) Sea planes and other water or amphibious vessels will be assessed and imposed the coastal environmental fee according to its weight.

**SECTION 6. COLLECTED FEES AS TRUST FUNDS** - The fees shall be collected by the City Treasurer's Office, through authorized members of the City of Naga's Bantay Dagat. These fees collected shall be placed in a trust fund to be used solely for special purposes as follows:

a) **City Fisheries Trust fund** - Fifty Percent (50%) of the fees collected shall be kept and spent for purposes of maintaining, preserving and/or restoring the City's Marine Sanctuaries, its coastal areas, and for anti-marine pollution activities of the City of Naga. The remaining fifty percent (50%) of the fees will go directly to the City's general fund.

b) **Exempted vessels** - Law enforcement and government owned vessels or private vessels leased and/or used by the local and national government for public purposes are not subject to the imposition of environmental for government activities such as but not limited to maritime training coastal cleanup and other similar activities shall be exempt from these fees.

c) **Fortuitous events** - Boats vessels and other amphibious entities seeking refuge and protection during typhoons and other fortuitous events shall also be exempt from the payment of these fees.

**SECTION 7. ENFORCEMENT AND ADMINISTRATIVE PROVISIONS** - All Boats and other vessels covered by this Ordinance shall be liable to pay the aforementioned fees. When entering the City's territorial or municipal waters these boats or vessels may be boarded or given an assessment from any member of the City Treasurers Office or the duly authorized members of the City's Bantay Dagat.

Refusal to receive the assessment and/or non-payment of the aforesated coastal environmental fee shall be legal ground by the City to refuse the vessel operator/s, owner/s, charterer/s to use the city's territorial waters.

Boats, vessels and the like which have already used and/or anchored within the coastal waters of Naga and have failed to pay the required coastal environmental preservation fee shall not be given clearance to leave and depart from its coastal waters.

The City's Chief Executive, the City Treasurers Office and the City's Bantay Dagat may request assistance from the Maritime Police Office, the Philippine Coast Guard, the Philippine National Police and any other law enforcement agency for the implementation of the provisions of this Ordinance.

**SECTION 8. SOLIDARY LIABILITY OF RECIPIENT RECEIVER AND /OR ADDRESSEE OF ANY UNLOADED CARGO** - The recipient, receiver and/or addressee of any unloaded cargo from a boat or vessel shall be held solidarily liable with the boat or vessel owner or operator and may be assessed this coastal environmental fee.

**C. MARITIME AND AQUATIC POLLUTION**

**SECTION 9. MARITIME AND AQUATIC POLLUTION** - Any person, employee, seafarer on board any boat or vessel entering the territorial waters of the City and who shall commit any of the forms of marine and aquatic pollution defined and provided under Section 6 of Presidential Decree No. 600 as amended by Section 4 of Presidential Decree No. 979 shall be subjected to the penalties provided thereat.

Furthermore, the City may prohibit and/or prevent the boat vessel or the amphibious entity from leaving its territorial waters after its owners, employees or passenger has committed any act of spilling or dumping of oils or any chemical until it has deposited the needed amount to effect a clean up or provided sufficient surety to reimburse the City for such clean up activity.

**SECTION 10. ENTERING MOORING AND/OR DOCKING INSIDE RESTRICTED AREAS** - The owner, operator, or charterer of a boat and/or vessel shall not allow, permit or enter, anchor, load, unload and conduct other similar activities inside and within the City's recognized Marine Sanctuaries and Marine Protected Areas (MPAs).

**SECTION 11. ACTS OF POLLUTION INSIDE SANCTUARIES AND PROTECTED AREAS.** - The owner, operator, or charterer of boats and or vessels shall not allow or permit anyone on board the its boat or vessel to release, dispose any waste, oily and solid waste matters, dry cleaning chemicals, graywater, sewage sludge, 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 and any other garbage or waste into the City's protected areas and marine sanctuaries.

The prohibition and penalized acts herein 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 12. 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.

This team shall regularly monitor the vessels and conduct ocular inspection to collect the fees mandated hereunder as well as determine compliance with 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 13. 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 14. 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/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 15. 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.

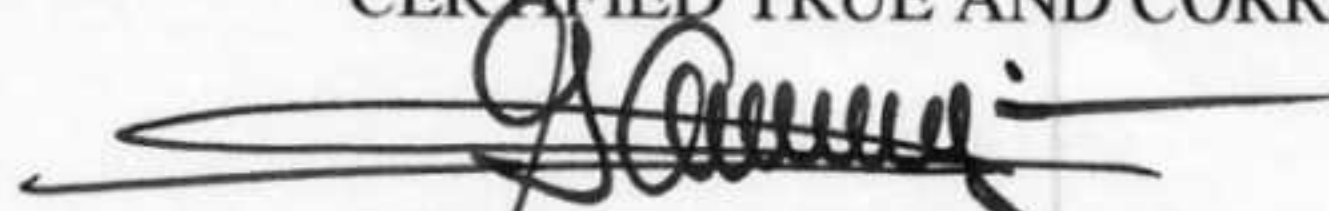
**SECTION 16. REPEALING CLAUSE** - All other ordinances, rules and regulations or parts thereof which are in conflict or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

**SECTION 17. EFFECTIVITY** - This Ordinance shall take effect immediately upon its approval.

**APPROVED UNANIMOUSLY** this 12<sup>th</sup> day February 2020 on motion of Hon. Virgilio M. Chiong seconded by Hon. Poferio V. Resaba, Jr.

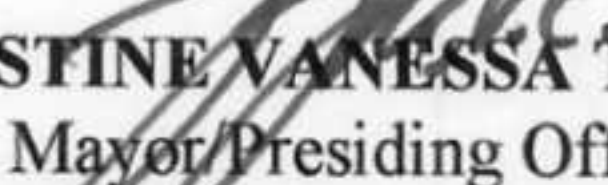
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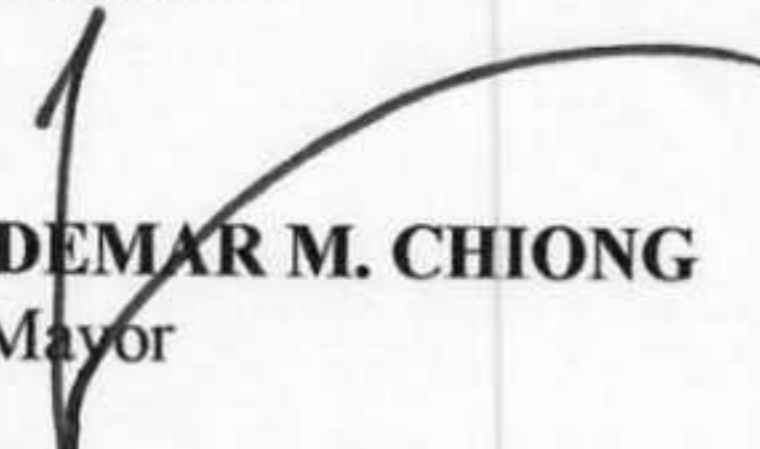
**GARRY A. CABOTAJE**  
Secretary to the Sanggunian

ATTESTED BY:



**KRISTINE VANESSA T. CHIONG**  
Vice Mayor/Presiding Officer

APPROVED



**VALDEMAR M. CHIONG**  
City Mayor

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