

COMMITTEE REPORT

SUBMITTED BY : THE COMMITTEE ON AGRICULTURE AND COOPERATIVES

SUBJECTS : AN ORDINANCE AMENDING SECTION 11 OF ORDINANCE NO. 4 SERIES 2007 AS AMENDED OTHERWISE KNOWN AS “ORDINANCE DECLARING PULONG BATO IN SAN AGAPITO AND NALAYAG POINT IN SAN AGUSTIN KANLURAN BOTH IN ISLA VERDE, BATANGAS CITY A FISHERY REFUGE & SANCTUARY, ITS UTILIZATION, MANAGEMENT, PROTECTION AND CONSERVATION”

COMMENTS:

Referred to the Committee on Agriculture and Cooperatives is the above request for study, comment and recommendation as per the letter of Honorable Edmar A. Rieta duly attested by Honorable Domingo C. Rayos, Honorable Sergio D. Rayos, Honorable Marciano C. Purio, Honorable Rustico C. Gonzales and Honorable Lorna D. Factor.

A hearing was conducted on June 7, 2018 by the Committee attended by chairman and its members Councilor Gerardo A. Dela Roca, Councilor Karlos Emmanjuel Buted, Councilor Aileen Grace A. Montalbo and Councilor Nelson Chavez and other members of Sangguniang Panlungsod Councilor Hamilton Blanco, Councilor Oliver Macatangay, Councilor Armando Lazarte and Councilor Julian Villena. Also present were Dr. Macario B. Hornilla and Mr. Gerardo M. Peralta, both from OCVAS, Ms. Aster P Marasigan from City Treasurer Office, Ms. Imelda H. Garcia from City Accountants, Mr. Edmar A. Rieta from San Agapito, Isla verde, Mr. Rodante D. Eborá from Liponpon, Isla verde and Atty. Teodolfo A. Deguito from City Legal Office.

FINDINGS:

During the committee hearing, the committee suggested for a position letter to be submitted by the Barangays and Verde Island Sanctuary and Management Board (VISMB) in relation to the distribution of fees. In response, the VISMB sent their position letter to the chairman of committee on Agriculture and Cooperatives dated July 17, 2018 stating their intention for an amendments on Ordinance No. 4 S. 2017 entitled “AMENDMENTS TO THE *ORDINANCE DECLARING PULONG BATO IN SAN AGAPITO AND NALAYAG POINT IN SAN AGUSTIN KANLURAN BOTH IN ISLA VERDE, BATANGAS CITY A FISHERY REFUGE & SANCTUARY, ITS UTILIZATION, MANAGEMENT, PROTECTION AND CONSERVATION.*”

In the same letter, it appeared that the majority of the Sangguniang Barangay of Isla Verde, Batangas City concurred with the same sentiment during their meeting on July 12, 2018, and in attendance were the following:

From San Agapito: Hon. Edmar Rieta; From Liponpon: Hon. Rodante Eborá; From San Andres: Hon. Arnold Briton; From San Antonio: Hon. Francisco De Castro; From San Agustin

West: Hon Leobert Claro; From San Agustin East: Hon. Estelito Gualberto; and From City ENRO / VISMB Secretary: Mr. Oliver C. Gonzales.

After thorough discussion and justification during the committee hearing including that of appeal from the chairman of committee on Agriculture and Cooperatives to Verde Island Sanctuary and Management Board, City treasures Office and Office of City Veterinary and Agricultural Services, it was granted that the diving fees and the share of the barangays from Isla Verde be increased as follows:

Daily Diver Pass	Php. 200.00
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The total collected fees will be distributed as follows:

- 25% - VISMB;
- 30% Barangay who issued the ticket; and
- 45% Will be equally divided in 5 Barangays of Isla Verde

RECOMMENDATIONS:

Finding no legal impediment with the foregoing, the Committee hereby recommends:

1. Adoption of Committee Report; and
2. Approval of the title of the proposed Amendment Ordinance and to refer it to the Committee on Laws, Rules and Regulations and Committee on Agriculture and Cooperatives.

Respectfully submitted, July 31, 2018.

COMMITTEE ON AGRICULTURE AND COOPERATIVES

COUN. SERGIE REX M. ATIENZA
Chairman

AILEEN GRACE A. MONTALBO
Member

GERARDO A. DELA ROCA
Member

KARLOS EMMANJUEL A. BUTED
Member

NELSON J. CHAVEZ
Member

ORDINANCE NO. ___ S. 2018

AN ORDINANCE AMENDING SECTION 11 OF ORDINANCE NO. 4 SERIES 2007 AS AMENDED OTHERWISE KNOWN AS “ORDINANCE DECLARING PULONG BATO IN SAN AGAPITO AND NALAYAG POINT IN SAN AGUSTIN KANLURAN BOTH IN ISLA VERDE, BATANGAS CITY A FISHERY REFUGE & SANCTUARY, ITS UTILIZATION, MANAGEMENT, PROTECTION AND CONSERVATION”

SECTION 1. SECTION 11 including all of the sub-sections of Ordinance No. 4 Series of 2007 as **AMENDED** are hereby **AMENDED** further and now to read as follows:

SECTION 11. COLLECTION OF FEES. – Fees as determined by the management board under 5.3, will be collected from those entering the fishery refuge and sanctuary under Section 9. The management board shall monitor and evaluate the performance of the duly authorized Barangay Revenue Collection Officer and recommend procedures for control and oversee that the distribution of tickets and fees collected are carried out.

A. Collection of Fees – The payment of the entry permit that is required under Section 9 of this Ordinance shall apply to the following:

1. Those who shall enter the Buffer Zone that will conduct fishing activities subject to the prohibitions under Paragraph 4 and 5 of Section 7 and Section 12 of this Ordinance.
2. All persons who use or intend to use Pulong Bato Reef and Nalayag Point Reef for purposes of diving activities.
3. All persons who shall be engaged in snorkelling, sailing, kayaking and any other activities related to tourism, sporting and leisure.

B. AMOUNT OF FEES

The amount of fees to be collected shall be in accordance with the following:

An Entry Permit Fee in the amount of Php 100.00, shall be collected from all persons who shall be involved in the activities enumerated under Paragraphs 1, 2 and 3 of Section 11-A of this Ordinance.

In addition to the Entry Permit Fee, any person who shall be engaged in any diving activity shall be required to pay:

Daily Diver Pass	Php. 200.00
Annual Diver Pass	Php. 3,000.00
Annual Professional Diver Pass	Php. 5,000.00
Commercial (per dive)	Php. 500.00

Any person who intends to dive in the waters of Pulong Bato Reef and Nalayag Point Reef shall secure only one Diver Pass (which is valid only for the specified date) upon payment of the prescribed fees. The same rule shall apply to Dive Professionals who practice their profession/trade using the diving areas. However, in order to avoid the inconvenience of paying the Divers Pass for every time that he/she intends to be engaged in any diving activity, and to be entitled to an unlimited access to thendive areas or recreational spots, any Diver or Dive Professional may avail of the Annual Pass offered by this Ordinance upon payment of the required fees prescribed herein.

No person shall be allowed to dive in any of these areas without paying the required fees and securing either the Daily Diver Pass, or the Annual Pass and Commercial Dive Pass, except for diving activities for purposes of scientific/academic research with prior consent and authority of the Management Board, upon submission of required documents shall be exempt from the payment of the fees herein prescribed, subject to the submission of the result of such study of or research to the Board.

A 25% increase of the Php. 200.00 Daily Diver Pass will be implemented every three (3) years thereafter the implementation of this ordinance.

C. Manner of Collection

All of the six (6) barangays may appoint/designate one (1) Revenue Collection Officer that shall be duly bonded by the City Treasurers Office. The Revenue Collection Officer shall be responsible for the collection of all tickets and funds that shall be derived Section 11 (A)(B) within their respective territorial jurisdiction. In general, no person shall be authorized to collect and receive payments from duly authorized establishments and individuals except the Revenue Collection Officer and the Board. However, duly authorized establishments/resorts may purchase tickets from the Revenue Collection Officer in bulk for their distribution/resale provided that their selling price shall be regulated by the Board.

Only the duly licensed and registered resorts, hotels, pension houses owners and owners of similarly situated establishments shall be allowed to acquire in bulk from the Revenue Collection Officer/Board the tickets/permits from Section 11(B) for resale to their guests. Provided, that these establishments shall keep a registry of divers who secured annual passes from them that shall be submitted to the Revenue Collection Officer/Board on a monthly basis. Provided further, that the sale of annual passes is strictly prohibited except by the Revenue Collection Officer and the Board.

D. Distribution of Fees

The total collected fees will be distributed as follows:

25% - Verde Island Sanctuary Management Board

- 30% - Collecting Barangay
- 45% - Remaining Five (5) Barangays

The revenues collected shall accrue to the general fund of the City Government except the 30% that shall accrue to the Barangay General Fund.

The Barangay Revenue Collection Officer shall remit the remaining 25% and 45% to the City Treasurer monthly which shall be the basis for appropriation to Verde Island Sanctuary Management Board and the Remaining Five (5) Barangays.

The Director of Finance of the Management Board shall be given the authority to check whether the proceeds of the program are properly accounted for and the propriety of the enforcement of the provisions of this Ordinance with respect to the distribution and disbursement of the fees collected.

E. Disbursement of Funds

All the fees collected by the City Government and the Barangay shall be exclusively distributed and appropriated for the implementation of VISMB and Barangay Programs and other expenses which are necessary and essential for protection, preservation and conservation of the Environment with utmost priority on the Sanctuary and Fishery Refuge areas.

The 45% shall be equally distributed and appropriated among the remaining five (5) barangays of Isla Verde for such purpose stated above.

F. Creation of Trust Fund

The Management Board will establish a trust fund wherein all the financial support that the board will generate outside the users fee will be deposited.

SECTION 2. REPEALING CLAUSE. – All provisions of city ordinances, executive orders or resolutions inconsistent herewith are hereby repealed and/or modified accordingly.

SECTION 3. SEPARABILITY CLAUSE. – If for any reason or reasons that any part of this Ordinance shall be held unconstitutional or invalid, other parts hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 4. EFFECTIVITY – This ordinance shall take effect Ten (10) days after approval by the City Mayor and complete publication in a newspaper of general circulation in the province and City of Batangas.

UNANIMOUSLY APPROVED

AUTHORED BY: COUN. SERGIE REX M. ATIENZA
SPONSORED BY: COMMITTEE ON AGRICULTURE AND COOPERATIVES
