

**REPUBLIC OF THE PHILIPPINES  
BATANGAS CITY**

**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE  
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY  
ON FEBRUARY 27, 2018 AT THE SANGGUNIAN SESSION HALL**

**PRESENT:**

Hon. Aileen Grace A. Montalbo,	Acting Presiding Officer
Hon. Glenn M. Aldover,	Councilor
Hon. Sergie Rex M. Atienza,	“
Hon. Hamilton G. Blanco,	“
Hon. Alyssa Renee A. Cruz,	“
Hon. Oliver Z. Macatangay,	“
Hon. Armando C. Lazarte,	“
Hon. Karlos Emmanjuel A. Buted,	“
Hon. Julian B. Villena,	“
Hon. Gerardo A. Dela Roca,	“
Hon. Nestor E. Dimacuha,	“
Hon. Nelson J. Chavez,	“
Hon. Angelito “Dondon” A. Dimacuha,	ABC-Rep.

**ABSENT:**

Hon. Emilio Francisco A. Berberabe Jr.,	Presiding Officer
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“On motion of Councilor Atienza seconded by Councilor Villena, the following Resolution was Adopted:

**RESOLUTION NO. 73 S. 2018**

**RESOLUTION FULLY AUTHORIZING THE LOCAL MARGINALIZED FISHERMEN  
OF BATANGAS CITY TO UNDERTAKE SMALL FISHING ACTIVITIES WITHIN  
THE CITY’S JURIDICAL TERRITORIAL WATERS AND REITERATING THE  
UTMOST APPEAL OF THE SANGGUNIANG PANLUNGSOD TO THE HEAVY  
INDUSTRIAL COMPANIES TO ALLOW SMALL FISHING ACTIVITIES OF  
OUR LOCAL FISHERMEN EVEN IF SUCH MAY ENTAIL MAXIMUM  
SUPERVISION OR BY VIRTUE OF NECESSARY JOINT SAFETY  
AND SECURITY MECHANISMS BY THE STAKEHOLDERS**

**WHEREAS**, the role of local fishing activities or municipal fishery to our society particularly on our nation’s food security should be recognized considering the statistics of the Bureau of Fisheries and Aquatic Resources (BFAR) on 2015 which provides that Municipal fisheries consisting of small scale and artisanal fishermen is the second largest fisheries sector with total production of 1.21 million metric tons along with the employment of 1.37 million people out of about 1.6 million;

**WHEREAS**, the Food and Agriculture Organization of the United Nations provides that “Fishermen are still the poorest in the nine basic sectors in the Philippines with a poverty incidence of 41.4 percent according to the 2009 Poverty Incidence for Basic Sectors report of the National Statistical Coordination Board.” And that “In the year 2000, households whose heads were fishers had a significantly higher poverty incidence than households in general. Their daily income was roughly the retail value of 2 kg of fish.” In addition “Households in the fishing industry had lower education levels than households in general.”

**Continuation of Resolution No. 73 S. 2018****RESOLUTION FULLY AUTHORIZING THE LOCAL MARGINALIZED FISHERMEN OF BATANGAS CITY TO UNDERTAKE SMALL FISHING ACTIVITIES WITHIN THE CITY'S JURIDICAL TERRITORIAL WATERS AND REITERATING THE UTMOST APPEAL OF THE SANGGUNIANG PANLUNGSOD TO THE HEAVY INDUSTRIAL COMPANIES TO ALLOW SMALL FISHING ACTIVITIES OF OUR LOCAL FISHERMEN EVEN IF SUCH MAY ENTAIL MAXIMUM SUPERVISION OR BY VIRTUE OF NECESSARY JOINT SAFETY AND SECURITY MECHANISMS BY THE STAKEHOLDERS**

**WHEREAS**, the Sangguniang Panlungsod recognizing the plight of the local fisherfolks held a committee hearing last June 1 and June 15 by the Committee on Agriculture and the latter by the Joint Committee on Agriculture and Committee on Peace and Order having various heavy industrial companies particularly Shell Petroleum Corporation wherein the local fishermen having no other alternative capability/methodology for livelihood buy fishing, appealed to the companies to allow them to conduct small fishing activities expressing their commitment to cooperate to any considerate safety and security mechanisms that may be promulgated;

**WHEREAS**, the Sangguniang Panlungsod taking into account the significance of the heavy industrial sector remained lenient in spite of the undelivered feedback from Shell Petroleum Corporation for almost a year up to present in which such information may have had provided vital role in order to address and mitigate the difficulties that the local fishermen are currently facing;

**WHEREAS**, the Samahang Lakas ng Mangingisda Baybayin ng Tabango (LAMBAT) reiterated their utmost appeal to the Sangguniang Panlungsod thru the chairman of the Committee on Agriculture for Shell Petroleum Corporation to allow them to fish in the vicinity of their company in a letter dated February 23, 2018;

**WHEREAS**, Article 420 of the Civil Code, which provides that those intended for public use, such as roads, canals, rivers, torrents, ports and bridges constructed by the State, banks, shores, roadsteads, and others of similar character are property of public dominion;

**WHEREAS**, the waters where these fisherfolk are restricted access to are public waters and are considered property of public dominion and are owned by the state and thus no private person or corporation can prohibit anyone from entering or roaming any public water;

**WHEREAS**, the Local Government Code of 1991, in Section 151 in relation to Section 149 provides the power of the Sangguniang Panlungsod to grant the privilege to gather, take or catch bangus fry, prawn fry or kawag-kawag or fry of other species and fish from the municipal waters by nets, traps or other fishing gears to marginal fishermen free of any rental, fee, charge or any other imposition whatsoever;

**WHEREAS**, it came to the knowledge of the Sangguniang Panlungsod that a certain company is citing Ordinance No. 12 S. 1971, entitled "An Ordinance Prohibiting Any Person or Group of Persons from Entering, Roaming or Loitering at any time within the Vicinity of any Wharf or Pier, and Providing Penalty Thereof" Section 1 where it reads as follows:

**"SECTION 1.** – It shall be unlawful for any person or group of persons, owner or operator of banca, motorboat, sailboat and the like not duly authorized by competent authorities (emphasis ours), to enter, roam or loiter, whatever the purpose may be, within one hundred (100) yards perimeter from any pier or wharf especially where oil, gasoline or similarly highly inflammable materials or explosives are being loaded or unloaded."

## Continuation of Resolution No. 73 S. 2018

**RESOLUTION FULLY AUTHORIZING THE LOCAL MARGINALIZED FISHERMEN OF BATANGAS CITY TO UNDERTAKE SMALL FISHING ACTIVITIES WITHIN THE CITY'S JURIDICAL TERRITORIAL WATERS AND REITERATING THE UTMOST APPEAL OF THE SANGGUNIANG PANLUNGSOD TO THE HEAVY INDUSTRIAL COMPANIES TO ALLOW SMALL FISHING ACTIVITIES OF OUR LOCAL FISHERMEN EVEN IF SUCH MAY ENTAIL MAXIMUM SUPERVISION OR BY VIRTUE OF NECESSARY JOINT SAFETY AND SECURITY MECHANISMS BY THE STAKEHOLDERS**

**NOW THEREFORE**, be it resolved as it hereby resolves by the Sangguniang Panlungsod in session assembled to authorize as it hereby authorizes the Samahang Lakas ng Mangingisda Baybayin ng Tabangao (LAMBAT) and LOCAL MARGINALIZED FISHERMEN OF BATANGAS CITY TO UNDERTAKE SMALL FISHING ACTIVITIES WITHIN THE CITY'S JURIDICAL TERRITORIAL WATERS AND REITERATING THE UTMOST APPEAL OF THE SANGGUNIANG PANLUNGSOD TO THE HEAVY INDUSTRIAL COMPANIES TO ALLOW SMALL FISHING ACTIVITIES OF OUR LOCAL FISHERMEN EVEN IF SUCH MAY ENTAIL MAXIMUM SUPERVISION OR BY VIRTUE OF NECESSARY JOINT SAFETY AND SECURITY MECHANISMS BY THE STAKEHOLDERS.

**RESOLVED FURTHER**, that Shell Petroleum Corporation desist from prohibiting LAMBAT from fishing and entering the said area having established hereby that the said area is not private property and is in fact property of public dominion in which ownership therewith is vested with the State;

**RESOLVED FINALLY**, that copies of this Resolution be sent to Shell Petroleum Corporation, Samahang Lakas ng Mangingisda Baybayin ng Tabangao (LAMBAT) and the Office of the City Mayor and Office of the City Legal Officer for information and supplementary support and authorization in order to empower the local fishermen of Batangas City.

**UNANIMOUSLY APPROVED."**

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**SPONSORS : COUN. SERGIE REX M. ATIENZA  
: COUN. ALYSSA RENEE A. CRUZ**


**CO-SPONSORS : COUN. AILEEN GRACE A. MONTALBO  
COUN. GLENN M. ALDOVER  
COUN. SERGIE REX M. ATIENZA  
COUN. HAMILTON G. BLANCO  
COUN. OLIVER Z. MACATANGAY  
COUN. ARMANDO C. LAZARTE  
COUN. KARLOS EMMANJUEL A. BUTED  
COUN. JULIAN B. VILLENA  
COUN. GERARDO A. DELA ROCA  
COUN. NESTOR "BOY" E. DIMACUHA  
COUN. NELSON J. CHAVEZ  
COUN. ANGELITO "DONDON" A. DIMACUHA**

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I hereby certify that the foregoing Resolution No. 73 S. 2018 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on February 27, 2018.

  
**ROSEMARIE T. HERNANDEZ**  
Board Secretary IV  
Sangguniang Panlungsod

**NOTED:**

  
**ATTY. OLIVA D. TELEGATOS**  
Secretary  
Sangguniang Panlungsod

**ATTESTED:**

  
**AILEEN GRACE A. MONTALBO**  
Acting Presiding Officer

**ODT/RTH/ystingchuy...**