



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF PANGLAO, BOHOL HELD ON SEPTEMBER 29, 2014 AT THE SB SESSION HALL, PANGLAO, BOHOL

PRESENT: Hon. Pedro E. Fuertes Vice Mayor/Presiding Officer
Hon. Joseph Jasper A. Arcay SB Member
Hon. Eduard G. Mejos – do –
Hon. Zinon G. Labaya. – do –
Hon. Briccio D. Velasco. – do –
Hon. Francisco D. Montero – do –
Hon. Crescente G. Arbutante – do –
Hon. Felix M. Fudolig – do –
Hon. Rogelin C. Degoma – do –
Hon. Julio A. Sumaylo ABC President

MUNICIPAL ORDINANCE NO. 12 *Series of 2014*

AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 03 SERIES OF 2008 ENTITLED: “AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF ENVIRONMENTAL USERS ACTIVITY SYSTEM IN THE MUNICIPALITY OF PANGLAO, BOHOL, AND IMPOSING FEES THEREOF”

(Sponsored by Hon. Joseph Jasper A. Arcay)

Section 1. Title. This ordinance shall be known as the “*Revised Environmental Users Fee Activity System Ordinance for diving and snorkeling of Panglao, Bohol.*”

ARTICLE I General Provisions

Section 2. Declaration of Policy. It is hereby declared the policy of the municipality to:

- Manage the coastal tourism areas of this municipality, in a manner consistent with the principles of coastal resource management;
- Protect and manage the municipal waters its coastal and fisheries resources for the enjoyment and benefits of the municipal fishers in perpetuity;
- Enhance people’s participation in the management of the coastal and fishery resources of the municipality, and;
- Generate revenue solely for the judicious and wise utilization and conservation of the coastal resources with the necessity of maintaining a sound ecological balance and protecting and enhancing the quality of the environment.

Section 3. Definition of Terms. As used in this ordinance, the following terms and phrases shall mean as follows:

- Authorized collectors** – the municipal treasurer and/or his duly deputized agents;
- Dive Ranger/Reef Ranger**– a person qualified as dive professional deputized by the municipal government to monitor diving and fishing activities within any of the dive sites including reef monitoring;
- Dive Site** – an area within the municipal waters identified by the municipal government being frequented by divers and snorkelers for the purpose of viewing, recreation, enjoyment, and/or research;
- Local Dive Site** – any dive site within the continental shelf of Panglao municipal waters except Balicasag dive site;
- Divers** – shall mean any individual who perform diving activities using SCUBA within the municipality of Panglao;



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- f. **Environmental User's Fee** – refers to fee collected from divers, swimmers, skin divers, and snorkelers for diving and/or snorkeling in the buffer zone of MPAs and/or in designated dive sites within the municipal waters of Panglao. Such fee shall be intended solely for the purposes provided in this ordinance;
- g. **EUF Monitoring Team** – shall mean persons authorized by the municipality to do onsite monitoring, inspection, and collection of used EUF tickets;
- h. **Buffer Zone** – area designated before the core zone of the MPA, Dive Site and Sanctuary;
- i. **Core Zone** - area designated as the main section of the MPA, Dive Site and Sanctuary;
- j. **EUF Monitoring Team** – shall mean persons authorized by the municipality to do onsite monitoring, inspection, and collection of used EUF tickets;
- k. **EUF Ticket** – shall mean special pass allowing to dive or to snorkel, swim or skin dive in the designated and demarcated dive sites in the municipal waters of Panglao;
- l. **Live-aboard Boat** – shall mean a boat that carries divers/tourists aboard for an indefinite number of days offering meals, accommodation, and diving including snorkeling originating from outside of this municipality;
- m. **Marine Protected Area (MPA)** – is a designated area in the municipal waters where fishing and other forms of human activities are regulated to protect the area's ecosystem. It is an effective fisheries management strategy that seeks to promote recovery of degraded habitats critical to enhancing and sustaining our fishery resources. The marine protected area is divided into two zones, namely core zone and buffer zone;
- n. **Municipal Waters** – include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not subject of private ownership and not included within the national parks, brackish water fishponds leased by the government, and national fishery reserves, refuge and sanctuaries but also marine waters included between two lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and 15 kilometers from such coastline. Where two municipalities are so situated on opposite shores such that there is less than thirty (30) kilometers of marine waters between them, the third line shall be a line equidistant from the opposite shores of the respective municipalities;
- o. **Net EUF Collection** – shall mean the money left from the gross EUF collection after deducting the operating or administrative expenses such as personnel wages or salaries, printing of tickets, and other related expenses;
- p. **Resident** - refers to any natural person Filipino or foreign national residing in the Municipality of Panglao who possesses any of the following qualifications:
 - Filipino or foreign national residing permanently in the municipality of Panglao;
 - Residing permanently in the municipality of Panglao but stays outside of the municipality occasionally or most of the time;
 - Born in the municipality of Panglao but has established residence somewhere;
 - Exercises his/her right to vote in the municipality of Panglao;
 - Those who owns real property in the municipality of Panglao and the immediate family. Immediate family shall mean those relatives within the first degree of consanguinity.
- q. **Tourist** - any person not being a resident of the municipality of Panglao, who enters the municipality, through any landing sites or other point of entry for the purpose of visiting, enjoying, viewing, and/or experiencing its tourist destination and other eco-tourism spots, whether natural or man-made, although for a momentary period only;
- r. **Transient Boat** – shall mean a boat originating from other municipalities or cities other than the Municipality of Panglao carrying divers/snorkelers/tourists for a day-dive or night dive in the municipal waters of this municipality;



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- s. **Transient Dive Shops/Centers/Operators** – those Dive Shops, Dive Centers and Dive Operators not registered in the Municipality of Panglao operating within the territorial jurisdiction of the municipality;
- t. **Trust Fund** – a special account fund established for public purposes by, with, and through local government, as provided in this Ordinance, which form the trust, sets out its legal terms and uses, and assigns respective rights, roles, and responsibilities of different parties;
- u. **Snorkeler/Swimmer/Skin Diver** – shall mean any individual in the water or underwater without SCUBA equipment to enjoy the natural beauty of the dive sites;
- v. **Dive Professionals** – also locally known as dive guide, a licensed, active dive master (or its equivalent) or instructor duly accredited free of charge and without discrimination by the Local Government Unit of Panglao;
- w. **Boat Skipper** – otherwise known as boat captain;
- x. **Dead Speed** – Boat speed with engines or propellers turned off or on neutral gearshift;
- y. **EUF IDs (Token)** – Environmental User's Fee ID (Token) shall mean a temper proof card or token specifying therein a serial number or names of divers/snorkelers/dive centers/shops/operators to be filled in respectively containing therein the Municipality of Panglao Logo with designs and appearances of a souvenir;
- z. **Special Transient Permit** – Permit issued by the Municipality under the Office of the Mayor to Transient Dive Centers/Shops/Operators;
- aa. **SCUBA** – Self Contained Underwater Breathing Apparatus;
- bb. **DIVE Carrying Capacity** – diver carrying capacities of 60 dives/site/day as a measure of the number of divers a reef can tolerate without becoming significantly degraded;
- cc. **BOAT Carrying Capacity** – boat carrying capacities of 30 dive boats /day and 30 Island Hopping boats/day to Balicasag Island as a measure of the number of boats a reef can tolerate without becoming significantly degraded;
- dd. **Marine Protected Area Management Team** – an organization or association of people deputized and/or authorized by the municipal government to manage a particular marine protected area;
- ee. **Dive Site Management Team** – an organization or association of people deputized and/or authority by the municipal government to manage a particular dive site;
- ff. **Bantay-Dagat** – in this Ordinance shall mean the Bantay-Dagat deputized officers who are assigned in dive site to further act as dive ranger/reef ranger in addition to Dive Ranger/Reef ranger designates;
- gg. **Maritime Police** - the government agency in line with its mandate to closely monitor and apprehend violations of all maritime laws including coastal resource management laws, rules and regulations;
- hh. **EUF Kiosks** – any structure/building or designated place for purchase of EUF Card/IDs with official receipts.

Section 4. Establishment and Application of the Environmental Users Activity Fee System.

There is hereby established an Environmental Users Activity Fee System which effectively allocates responsibility for coastal environmental management, development, and protection by charging a certain amount for the use and/or enjoyment of Panglao's municipal waters, coastal resources, dive sites, and other tourism areas.

- a. **Adopting an Advance Reservation System for efficient collection of fees.** There shall be system where dive operators make mandatory reservations at the Coastal Resource Management Office, at least a day before the scheduled dive trip to the Balicasag dive sites. Further, when the slots reserved for purposes of carrying capacity control in accordance to existing laws and regulations pertaining to the environment protection program are no longer available, any walk-in dive activity on the same day shall only be conducted in any of the local dive sites except at the Balicasag dive sites.



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- b. **Registration of Transient Dive Centers/Shop/Operators to the Municipality.** Transient Dive center/shop/operators shall register to the Office of the Mayor in order to obtain Special Transient Permit after payment to the Municipal Treasurer's Office and any other necessary requirements related to their operation in accordance with the provisions of the laws, ordinances, rules and regulations.

ARTICLE II
Scope and Coverage

Section 5. Scope and Coverage of the Ordinance. The Environmental Users' Activity Fee System shall be enforced within the territorial jurisdiction of the Municipality of Panglao, Bohol. All declared marine protected areas and all designated dive sites within the municipal waters of Panglao are covered by this ordinance.

Section 6. Snorkelers and Snorkel Guides. Snorkelers and snorkel guides shall maintain and observe the limits set forth in this ordinance. Snorkel guide shall be a qualified member of an association duly accredited by the Municipality. It shall be their primary preamble to protect, conserve and preserve the reef within the territorial jurisdiction of the Municipality of Panglao.

Section 7. Boundaries of the Dive Sites. The designated dive sites in this municipality that require an EUF ticket shall be within the following geographic coordinates and shall be demarcated prior to the imposition and collection of fees:

TECHNICAL DESCRIPTION OF DIVE SITES IN PANGLAO, BOHOL

Name	GPS Coordinates		Area in hectares (has.)	Location
	Latitude (N)	Longitude (E)		
1. Arco Point	9° 33' 42" N	123° 48' 33" E	2.201	Barangay Libaong
	9° 33' 33" N	123° 48' 34" E		
	9° 33' 31" N	123° 48' 36" E		
	9° 33' 24" N	123° 48' 30" E		
2. Bohol Beach Club Reef	9° 33' 01" N	123° 48' 06" E	1.545	Barangay Bolod
	9° 33' 00" N	123° 48' 07" E		
	9° 32' 55" N	123° 47' 59" E		
	9° 32' 57" N	123° 47' 58" E		
3. Kalipayan Beach	9° 32' 24" N	123° 45' 49" E	4.916	Barangay Danao
	9° 32' 33" N	123° 45' 50" E		
	9° 32' 29" N	123° 45' 41" E		
	9° 32' 31" N	123° 45' 30" E		
4. Habagat Wreck	9° 32' 27" N	123° 45' 22" E	3.933	Barangay Danao
	9° 32' 23" N	123° 45' 23" E		
	9° 32' 20" N	123° 45' 11" E		
	9° 32' 23" N	123° 45' 08" E		
5. Alona House Reef/Eel Garden	9° 32' 54" N	123° 46' 20" E	4.588	Barangay Tawala
	9° 32' 48" N	123° 46' 24" E		
	9° 32' 41" N	123° 46' 18" E		
	9° 32' 45" N	123° 46' 16" E		
6. Crystal Coast	N 09 2.968'	E 123 46.743'		Barangay Tawala
	N 09 2.685'	E 123 45.768		



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7. Puntod Reef	9° 34' 01" N 9° 34' 05" N 9° 34' 22" N 9° 34' 23" N	123°42' 53" E 123°42' 51" E 123°42' 47" E 123°42' 49" E	3.089	Barangay Poblacion
8. Doljo Point A	9° 32' 27" N 9° 32' 23" N 9° 32' 20" N 9° 32' 23" N	123°45' 22" E 123°45' 23" E 123°45' 11" E 123°46' 08" E	0.843	Barangay Doljo
9. Doljo Point B	N 09 5.575' N 09 5.609'	E 123 43.421' E 123 43.119'		Barangay Doljo
10. Momo Beach	9° 36' 03" N 9° 36' 04" N 9° 36' 07" N 9° 36' 06" N	123°45' 04" E 123°45' 05" E 123°45' 11" E 123°45' 12" E	0.655	Barangay Bil-isan
11. Neptune Garden	9° 37' 02" N 9° 37' 03" N 9° 37' 05" N 9° 37' 04" N	123°46' 16" E 123°46' 16" E 123°46' 21" E 123°46' 23" E	0.749	Barangay Tangnan
12. Balicasag Island 1	9° 31' 14" N 9° 31' 16" N 9° 31' 17" N 9° 31' 14" N	123°41' 07" E 123°41' 07" E 123°41' 00" E 123°41' 59" E	1.779	Barangay Poblacion
13. Balicasag Island 2	9° 31' 09" N 9° 31' 10" N 9° 31' 01" N 9° 30' 59" N 9° 30' 50" N 9° 30' 51" N	123°40' 54" E 123°40' 53" E 123°40' 48" E 123°40' 48" E 123°40' 51" E 123°40' 51" E	4.167	Barangay Poblacion
14. Balicasag Island 3	9° 30' 45" N 9° 30' 45" N 9° 30' 47" N 9° 30' 45" N 9° 30' 48" N 9° 30' 50" N 9° 30' 56" N 9° 30' 55" N	123°41' 00" E 123°41' 02" E 123°41' 08" E 123°41' 10" E 123°41' 17" E 123°41' 16" E 123°41' 18" E 123°41' 22" E	4.963	Barangay Poblacion
15. Balicasag Island 4	9° 31' 00" N 9° 30' 59" N 9° 31' 04" N 9° 31' 04" N	123°41' 20" E 123°41' 21" E 123°41' 21" E 123°41' 19" E	0.609	Barangay Poblacion

The above-designated dive sites and the other dive sites, which may be designated later, are NO TAKE zones. All type of fishing and extraction of marine and coastal resources are prohibited from these sites.

Only dive sites that are demarcated by marker buoys, which are fixed in a proper and environmental friendly manner- indicating the NO TAKE zone – require a EUF Ticket. Diving, snorkeling, and swimming are allowed only in demarcated dive sites.

The conduct of diving activity is set at a number of dives according to the carrying capacity.

Section 8. Balicasag Island Dive Sites. The dive sites situated in the vicinity of Balicasag Island are premium dive sites. These dive sites include the following:



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- a. Black Forest
- b. Rudy's Rock
- c. Royal Garden
- d. Diver's Haven
- e. Balicasag Sanctuary

ARTICLE III

Payment of Environmental Users Fee

Section 9. *Payment of EUF.* Prior to diving or snorkeling in any of the designated dive sites, and snorkeling in the buffer zone of any of the MPAs, all resident or non residents shall obtain an EUF Ticket. The bearer or a deputized representative (boatman, etc.) shall present the EUF Ticket to the EUF Monitoring Team upon request when diving and/or snorkeling. Non-residents with the EUF ticket shall be allowed to dive or snorkel.

Section 10. *Fee Rates.* The following shall be the amended rates of fees to be collected under this ordinance. All collections from the implementation of this ordinance shall form part of the Gross EUF Collection.

a. EUF ticket for diving for one (1) day use in any dive site in Panglao, which includes night dive (except Balicasag Island Dive Sites)	Php 100.00 per person per day
b. EUF ticket for one (1) day use in Balicasag Island Dive Sites including night dive (this rate applies only in Balicasag Island Dive Sites)	Php 250.00per person per day
c. EUF ticket for snorkeling for one (1) day use in Balicasag Island Dive Sites	Php 100.00 per person per day
d. EUF ticket for snorkeling outside of Balicasag Island-Dive Sites and buffer zone of MPAs	Php 50.00 per person per day
e. For transient boat for one (1) day visit	Php 2, 000.00 per boat
f. For Live-aboard boat for one (1) day visit	Php 3,500.00 per boat
g. Conduct of research, educational and other scientific activities in the municipal waters by any private organizations or non- government entities	Php 300.00 per person per day
h. Underwater photography & Videography for whether for public or for private use	Php 250.00 per person
i. Filming for movie, TV, and commercials production within the dive site area and/or within the buffer zone of MPAs	Php 5,000.00 for the first three days or fraction thereof, succeeding days shall be Php 1,500 per day
j. EUF Card with Ten (10) corresponding EUF tickets	Php 750.00 per piece
k. Additional EUF ID	Php 100.00 per piece
l. Registration of Transient Dive Centers/Shops/Operators to obtain Special Transient Permits	Php 20,000.00 per Dive Centers/Shops/Operators annually

ARTICLE IV

Fee Collection and Monitoring

Section 11. *Printing and Issuance of EUF Tickets and EUF Card/IDs for Diving and Snorkeling.* The Municipal Treasurer's Office shall cause the printing of the EUF tickets in two parts where one part of the ticket shall be given to the diver or snorkeler, and one part shall be given the Municipal Treasurer's Office. The EUF tickets and EUF Card/IDs shall contain serial number for monitoring, accounting, and auditing purposes.



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Provided, however, that dive shop or resort owners/operators may purchase EUF tickets and EUF Card/IDs from the Municipal Treasurer's Office for their guest. Tickets shall be designed to make them tampered proof as applicable to ensure no fraud is committed.

The EUF Card/IDs shall have no monetary fee value or its equivalent in respect to the rates of the EUF Tickets except that One (1) EUF Card shall constitute Ten (10) EUF tickets valued at a discounted rate. Ten (10) EUF Tickets shall be provided to every single purchase of EUF Card after the corresponding payment of the EUF Card fee and the discounted rates of EUF Tickets.

The EUF Card/IDs shall serve as a Souvenir for the Divers/Snorkelers. Additional EUF Card/IDs can be purchased at the Municipal Treasurer's Office.

Section 12. EUF Ticket or EUF Card/IDs Purchase Site. The EUF ticket and EUF Card/IDs shall be purchased only at the Municipal Treasurer's Office and in such other LGU-operated EUF kiosks on sites as may be designated.

The Municipal Treasurer shall issue Official Receipts upon purchase of the EUF Tickets or EUF Card/IDs. There shall be three copies of the receipt where 1st copy belongs to the purchaser, 2nd copy to the Municipal Treasurer and 3rd copy to Commission on Audit (COA).

Section 13. Exemptions from paying EUF. Any government organizations and academic institutions that shall conduct research or study for scientific and educational purposes shall be exempted from paying the EUF. Provided that those government organizations and academic institutions shall secure the necessary research permit from the Municipal Mayor prior to the conduct of their research or study. Copies of the results of the research or study conducted shall be furnished to the municipal government through the Municipal Mayor.

Dive Professionals conducting dive guides or any dive course activity who are employed by the local registered dive shops are likewise exempted. An exemption permit shall be presented to the monitoring team before the conduct of any activity of diving or snorkeling in the area.

Section 14. "No Ticket No Dive Policy." The municipal government shall strictly implement a "No ticket, No Dive Policy." Monitoring, collection and inspection of tickets shall be conducted in a manner convenient to the tourist and/or Dive Centers/Shops/Operators effecting efficient collections. A "NO TICKET NO DIVE POLICY" with Official Municipal Logo shall be printed on the face of the ticket on each portion of the said ticket.

Section 15. "No Special Transient Permit No Dive Policy." This applies to Transient Dive Centers/Shops/Operators operating or conducting diving or snorkeling activity within the jurisdiction of the Municipality. Transient Dive Center/Shops/Operators shall obtain a Special Transient Permit upon registration and payment of the corresponding fees. Transient Dive Centers/Shops/Operators shall also pay an equivalent of 50% more of the regular Fee Rates stated herein under Section 9 of Article II except in Article II Section 9 (I). Transient Dive Centers/Shops/Operators with No Special Transient Permit shall not be allowed to operate or conduct any diving or snorkeling activities within the territorial jurisdiction of the municipality.

Section 16. EUF Monitoring Team. An EUF Implementing and Monitoring Team shall be composed of the following:

- a. Dive Ranger/Reef Ranger
- b. Philippine Coast Guard personnel
- c. Philippine Navy personnel
- d. A Member of the Municipal Fisheries and Aquatic Resources Management Council (MFARMC)
- e. Bantay-Dagat



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- f. Authorized Collector
- g. Dive Sector's Representative
- h. Maritime Police

Section 17. Duties and Responsibilities of EUF Monitoring Team. The EUF Monitoring Team shall have the following duties and responsibilities:

- a. Conduct daily on-site monitoring, inspection, and collection of paid EUF tickets;
- b. Submit monthly reports on Environmental Users Activity Fee System compliance and Report any violations of this ordinance to the municipal government, through the Municipal Treasurer's Office, Municipal Tourism Council and Philippine National Police;
- c. EUF Collectors and monitoring team should make a list of number of tickets collected per dive site;
- d. Collectors and Monitoring teams shall make a list of the number of divers with Environmental User's Fee tickets collected per dive site.

Section 18. EUF Implementing and Monitoring Council. There shall be an EUF Implementing and Monitoring Council which shall be composed of the following:

- a. The Municipal Mayor who shall act as Chairperson;
- b. The Chairperson of the SB Environment Committee;
- c. The Chairperson of the SB Tourism Committee;
- d. Two representatives from Dive Sector;
- e. Two representative from Resort and Hotel sector
- f. One representative from the BMT PADAYON;
- g. One representative from the Philippine Navy;
- h. One representative from the Philippine Coast Guard;
- i. One representative from the Bureau of Fisheries and Aquatic Resources;
- j. One representative from the community/incumbent Punong Barangay of the barangay where the dive sites and MPAs are located;
- k. One representative from Coastal Resource Management Office of the Municipality of Panglao.

Section 19. Duties and Responsibilities of EUF Implementing and Monitoring Council. The EUF Implementing and Monitoring Council shall have the following duties and responsibilities:

- a. Conduct information, education, and communication activities on the Environmental Users Activity Fee System;
- b. Recommend rules and regulations to further improve the implementation of the Environmental Users Activity Fee System and;
- c. Perform other duties related to the implementation of the Environmental Users Activity Fee System.

Section 20. Duties and Responsibilities of Any Person entering the designated dive sites. Any person entering the designated dive sites and marine protected area shall be governed by existing laws, orders, rules and regulations governing fisheries and coastal resources including tourism and shall:

- a. Take precaution as may be necessary to prevent destruction to the coastal and fishery resources and habitat and the municipal waters, and to ensure environmental protection at all times;
- b. Not to wear gloves on all dive sites;
- c. Not to use pointer sticks as bangers or for whatever purpose;
- d. Not engage in spear fishing or any other form of fishing;
- e. Not collect any marine organisms or resources;



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- f. Not vandalize or litter in the areas covered by this ordinance;
- g. Allow or render assistance to any law enforcer for the purpose of monitoring, inspection, searching and examining any person, document, records and places of operations;
- h. Abide all other related rules and regulations that will be promulgated after the enactment of this ordinance;
- i. Not to engage in any Underwater Photography, Videography or any other forms of media productions for purposes of any major media productions i.e. cinematography, TV ads, etc. for commercial use unless a necessary permit from the Local Government Unit is obtained.

Section 21. Trust Fund. There shall be an establishment of a distinct and separate Trust Fund for the revenues generated from the implementation of the Environmental User’s Fee Activity System. It shall have a separate depository account solely for the purpose of its declaration of policies under Article I Section 2 of this Ordinance. Disbursements, collections and expenses are subject to the regular Commission on Audit (COA) auditing and accounting. Funds previously not disbursed or shared shall be subject to the effectivity of this ordinance.

Section 22. Sharing of Fee Collection. After deducting the operating administrative expenses for the implementation of the Environmental Users Activity Fee System, the net EUF collection shall be divided, allocated, and/or shared between and among the following:

Municipal Government	Forty percent (40%)
Barangay Unit	Thirty percent (30%)
MPA and/or Dive Site Management Teams and EUF Monitoring Team	Twenty Five Percent (25%)
PADAYON BMT Management Office	Five percent (5%)

The 30% shares of the barangay shall be equally allocated to all 10 barangays namely Lourdes, Tangnan, Looc, Bil-isan, Doljo, Poblacion, Danao, Tawala, Libaong and Bolod.

All barangays are mandated to submit a proposed project with and approved program of works or activity design, the amount of which shall be equivalent to their corresponding shares of the EUF collection.

All proposals shall only be for environmental concerned projects primarily/particularly but not limited to marine conservation and protection program.

MPA and/or Dive Site Management Teams and EUF Monitoring Team who shall maintain the monitoring, protect the environment through patrolling, assist in the conservation of the marine resources and in close coordination with authorized agents of the government either local or national and shall further be entitled with the equivalent share allowed by law. The allocated share shall only be used for commodities in the operation of their duties/function and other necessary expenditures provided for by law.

Section 23. Limitation on the Operation or Administrative Expenses. The operating or administrative expenses for implementing the Environmental Users Activity Fee System shall not exceed to twenty (20) percent of the gross EUF collection. Operating or administrative expenses shall include personnel wages and salaries, printing of tickets, and other related and applicable expenses.

Section 24. Use of Net EUF Collection. The Municipal Treasurer’s Office shall establish a trust fund for revenues generated from the implementation of the Environmental Users Activity Fee System subject to the procedures of Commission on Audit (COA) accounting and audit. The share of the Municipal Government, Barangays, MPA and Dive Site Management Teams, and that PADAYON BMT Management Office shall only be used for programs, projects, and activities including



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honoraria and stipend towards the protection and conservation of coastal and fisheries resources and promotion of sustainable coastal tourism of Panglao, such as, but not limited to marine protected areas, maintenance of dive site buoys and markers, coastal law enforcement, solid waste management, alternative livelihood, research, and training.

Section 25. Utilization of the EUF Share. The share of the Barangays, MPA and Dive Site Management Teams, and the PADAYON BMT Management Office shall be disbursed every end of the quarter of the year, upon submission of their approved program of works and/or project proposals. The EUF Implementing and Monitoring Council shall review and recommend to the barangay a program of work, plans and/or project proposals likewise may recommend the release of EUF share, provided a Sangguniang Bayan endorsement shall be required.

The program of works and plans shall be submitted and adopted through a resolution from the proponent, either from but not limited to the Barangay, Accredited People's Organization and Non-Government Organization, MPA and Dive Site Management Teams including the PADAYON BMT Management Office.

The BMT PADAYON and Municipal FCRMO or CRMO is primarily tasked to conduct continuous research and study for the determination of the carrying capacity of every dive sites.

Section 26. Liquidation of Expenses. The Barangays, MPA and Dive Site Management Teams, and the PADAYON BMT Management Office shall submit within thirty (30) calendar days from receipt of the fund liquidation reports of all expenses incurred with regard to their work and financial plans and/or projects funded using their EUF share. Non-submission of liquidation report shall mean no release of the succeeding EUF share. Provided further that a post audit verification from the Municipal Accountant shall be a mandatory requirement.

Section 27. Incentive Mechanism for Dive Shops. The Municipal Government shall establish a Municipal Tax incentive mechanism for the business sector upon determination of their active participation in the implementation of the Environmental Users Fee Activity System.

Section 28. Transparency in the EUF Collection and Disbursement. The Municipal Treasurer's Office shall post in appropriate public places and on the Municipal website quarterly reports on collection and disbursement of the EUF not later than two (2) months after the end of the quarter reported.

Section 29. In addition to the foregoing provisions, the following acts shall constitute as violations of this ordinance:

- a. Introductory dive and first level training (SCUBA Diver and Open Water or its equivalent) of students in any of the dive sites and MPAs in Balicasag;
- b. All types of fishing and extraction on marine and coastal resources within declared demarcated dive sites and MPAs;
- c. Intentional cutting of mooring buoys;
- d. Improper disposition of tickets;
- e. Discharging of bilge water from boats within MPAs and demarcated dive sites;
- f. Wearing of gloves within demarcated dive sites and MPA's;
- g. Vandalism and littering in the areas covered by this ordinance;
- h. All boats traversing along the core zone of MPAs;
- i. Any other acts that destroy or may cause to destroy the MPAs and Dive Sites;
- j. In consideration of utmost safety regarding the proper use of mooring buoys, a distance of 30–60 meter radius from existing entry and exit buoys, boat skipper should maintain a dead speed;
- k. Mooring of Boats/"Banca" and the likes outside the mooring area designated by the Municipality.



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Dive Centers/Shops/Operators including boat operators are held severally liable for the acts committed of their guests/clients.

Section 30. *Employment of Dive Professionals.* All dive shops shall employ qualified dive professionals for the safety of the divers and the utmost protection of the marine environment. Boat carrying divers for a diving trip shall not leave its port or anchor station without a qualified dive professional. All diving activity should be directly supervised by qualified dive professional with a minimum certification level of a Dive Master.

Preference of local dive professionals shall be observed in accordance with existing laws and regulations. The Municipality of Panglao shall advise all resorts and establishments as applicable to employ a lifeguard for the utmost safety of their guests, clients and/or tourist at large.

ARTICLE VII

Penal, Transitory, and Final Provisions

Section 31. *Penalties.* Violators of any of the provisions of this ordinance shall be penalized with a fine not exceeding Two Thousand Five Hundred Pesos (Php 2,500.00) per person or an imprisonment for a period not exceeding six (6) months, or both at the discretion of the court.

Section 32. *Rules of Interpretation.* In case of doubt, any question to the interpretation of the provisions of this ordinance shall be resolved in favor to the Government. Applicability of precautionary principle shall be allowed. Said principle states that in cases where human activities may lead to threats of serious and irreversible damage to the environment that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that threat.

Section 33. *Transitory Provision.* Within thirty (30) calendar days upon the enactment of this ordinance, the Local Chief Executive shall formulate the implementing rules and regulation for proper and effective implementation of this ordinance. Further, the Local Chief Executive shall provide updated inventory of all resorts, hotels, inns, lodging house, and dive shops operating within the territorial jurisdiction of the municipality of Panglao.

Section 34. *Information, Education, and Communication.* The PADAYON BMT Management Office, in coordination with concerned Municipal Government offices, barangays, fishermen's association, and other organizations shall conduct IEC activities to generate community support and compliance to the EUF System. The municipal government shall inform its adjacent municipalities about the Environmental Users Activity Fee System.

Section 35. *Appropriation.* The Local Chief Executive shall allocate budget for the implementation of this ordinance, subject to the approval of the Sangguniang Bayan.

Section 36. *Mandatory Review.* The Sangguniang Bayan shall undertake a mandatory review of the implementation of the Ordinance one (1) year after its affectivity, in coordination with the Municipal Tourism Council, Municipal Treasurer's Office, barangay captains, and concerned people's organization and non-governmental organizations.

Section 37. *Separability Clause.* If any part of provision of this ordinance shall be held unconstitutional or invalid, the parts or provisions hereof, which are not affected thereby, shall continue to be in full force and effect.

Section 38. *Repealing Clause.* All ordinances, orders, rules, and regulation inconsistent with or contrary to the provisions of this ordinance are hereby repealed or modified accordingly notwithstanding any national laws, rules, regulations, memorandums and circulars.

Section 39. *Effectivity Clause.* This ordinance shall take effect ten (10) days after approval and a copy thereof is posted in a bulletin board at the entrance of the Municipal building, in at least




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two (2) other conspicuous places within the municipality and furthermore after it has been published in a local newspaper of general circulation.

ENACTED: This 29th of September, 2014 at Panglao, Bohol.

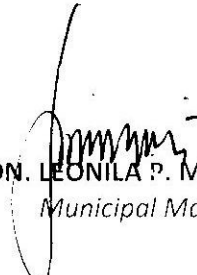
I hereby certify that this is a true and accurate copy of the ordinance duly enacted by the Sanggunian on the 29th of September, 2014.


ANALYN ALCALA-APDUHAN
SB Secretary

ATTESTED:


HON. PEDRO E. FUERTES 10/9/14
Vice Mayor/ Presiding Officer

APPROVED:


HON. LEONILA P. MONTERO 10/22/14
Municipal Mayor