

AN ORDINANCE INSTITUTING A WATER CODE FOR THE CITY OF MANILA TO GOVERN THE MANAGEMENT, UTILIZATION, DEVELOPMENT, CONSERVATION AND PROTECTION OF THE MUNICIPAL WATERS OF THE CITY; CREATING FOR THE PURPOSE THE MANILA WATER MANAGEMENT OFFICE; APPROPRIATING THE AMOUNT NEEDED THEREFOR, AND FOR OTHER PURPOSES.

Be it ordained by the City Council of Manila, THAT:

SECTION. 1. The foregoing rules and regulations, hereinafter referred to as the WATER CODE for the City of Manila, are hereby prescribed to govern the management, utilization, development, conservation and protection of the municipal waters of the City:

- A. Municipal waters of the City shall refer not only to streams, lakes and tidal waters within the City, not being subject of private ownership and not comprised with the national parks, public forests, timber lands, forest reserves or fishery reserves, but also marine waters included between two lines drawn perpendicularly to the general coastline from points where the boundary lines of the City touch the sea at low tide and a third line parallel to the general coastline and fifteen (15) kilometers from it. Where two (2) municipalities (or cities) are so situated on the opposite shores that there is less than fifteen (15) kilometers of marine waters between them, the third line shall be equally distant from opposite shores of the respective municipalities (or cities).
- B. The full technical description and area of the municipal waters of Manila is embodied in Section 4 of Ordinance No. 8051, which ordinance is made part and parcel of this Ordinance.
- C. Stewardship and governance of all waters within the territorial boundaries of the City of Manila including that portion of the Pasig River and its tributaries up to the border of the city limits located at the edge of Rafael Delpan St., Sta. Ana, Manila and on San Juan River at Manila Territorial Boundary Pt. 25 shall be undertaken by the City Government of Manila and subject to its control and regulation. This is in reference to the 1991 Local Government Code Sec. 131 (r).

SEC. 2. Municipal water zones are hereby designated which shall consist of the following with their subsequent measurements, descriptions and functions:

- A. Coastline / Harbor Zones: Starting from the City's original southern coastline border of Manila and Pasay in accordance to the 1949 Revised Charter of Manila with established boundary points prescribed in Sec. 5 (1) Beginning at a point near the south bank of the Estero de Maytubig at the line of low water on the shore of Manila Bay; thence through the center of monument No. 1, at the line of high water on the shore of Manila Bay, and through the centers of monument Nos. 2 to 6 inclusive, N.74°51'E., 1,197.42 meters to monument No. 7, the said monument being situated on the east bank of Estero Tripa de Gallina; hereby referred to as Water Point "0" (Zero); Extending in a perpendicular line towards Pt. 1 thence through all points to Pt. 4 and traversing parallel to the general coastline until Pt. 21 thence through all points to Pt. 31 at the midpoint of Marala Bridge along R-10 Blvd. in reference to Sec. 4 of Ordinance No. 8051.

1. Pasay Border Posts and Small Craft Terminals to Manila Yacht Club
2. Baywalk area to Manila Hotel including Quirino Boardwalk
3. Area comprising the Embassy of the United States of America:  
subject to U.S. territorial rights
4. South Harbor: subject to rights granted to the Philippine Ports Authority
5. Manila Beach / Baseco Aplaya area:

Located between the breakwater of the north side of South Harbor, the breakwater on the south side of the Pasig River, and bounded on the eastern side by a channel and Brgy. Bagong Lupa

- 6 Pasig River Mouth and Interior portion up to the edge of the city limits on Rafael Delpan St., Sta Ana, Manila
  - 7 North Harbor and MICT (Manila International Container Terminal). Subject to rights granted to the Philippine Ports Authority
  - 8 Sea Lanes/Lacsamana or Manila Marina Fish Port and NHA property
  - 9 R II Reclamation & development of industrial site
  - 10 Navotas Border Posts/Sea Lanes & Fish/Marine culture lanes
- B. Open Water Zones Starting from Pt 4 heading outwards covering all points to Pt 13 crossing to Pt 14 and circularly heading inland covering all points until Pt 21 in reference to Sec. 4 of Ordinance No. 8051.
- 11 Small vessel Fishing up to 7k (from coastline)
  12. Commercial Fishing 8K up
  13. Border Zone (Pts. 13 and 14) & Communal Waters up to 15K

C. Special Water Zones:

14. Marine or Fish Sanctuary Spots, subject to designation
15. Tributaries & esteros, subject to guidelines herein

D. Buffer Zones shall conform to the formation of land buffer perimeter areas.

1. Coastline, from 25 to 30 meters
2. Riverbanks, from 12 to 18 meters
3. Main Tributaries, from 5 to 7.5 meters
4. Secondary Tributaries, from 3 to 5 meters

E. Clearance

All buffer zones, coastlines, breakwater, seawalls and water areas must be free of any illegally constructed structures such as shanties, shacks, dwellings, dikes, buildings or any other structure and allowing summary demolition of such structures within the established water zones.

F. Navigational Lanes and Passageways

All navigational lanes and passageways must be clear of all debris and obstruction and dredged to accommodate depths required for the proper navigation and berthing of boats and sea crafts.

- G. Reclamation Zones – shall refer to the area(s) reclaimed from the sea starting from the original coastline border of the City referred to as Water Pt. "0" Zero, traversing on a direct line to Pt. 31 on Marala Bridge along R-10 Blvd., encompassing all Water Points in accordance with Sec. 4 of Ordinance No. 8051; including any accretions which shall form part of the land territorial jurisdiction of the City of Manila; subject therefore to local taxation, titling and regulation.

All reclamation on any portion of the City Waters shall be undertaken in accordance with the provisions of existing laws; *PROVIDED, HOWEVER*, That before any reclamation work may be started, the consent of the City Mayor and an appropriate ordinance from the City Council must first be secured.

SEC. 3. There is hereby created an office to be known as the "Manila Water Management and Development Office" with rank and status of a Department under the Office of the City Mayor. The office shall be composed of at least three (3) divisions namely 1) Management, 2) Licensing, and 3) Enforcement and such number of sections and rank and file employees as may be provided by an appropriate ordinance. Pending the formal creation of the staffing pattern of the Office, the City Mayor is authorized to detail employees from other executive departments



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under the supervision of the City Engineer's Office. Expenses for maintenance and other operating expenses may be charged against appropriate expense accounts of executive departments.

SEC. 4. The Manila Water Management and Development Office is hereby conferred the following powers and functions:

A. Ensure sound management, development, utilization, conservation and protection of water resources of the City by:

- i. Training of Water Enforcers
- ii. Issuance of license/ permits/ registration of boats, fish culture
- iii. Collection of dues
- iv. Management of Records
- v. Surveying and Mapping
- vi. Acquisition and maintenance of boats and facilities
  - a. Water Patrol Boats- for rescue operations, monitoring and apprehension of smugglers and pirates
  - b. Fire Boats- for use in coast, Pasig River & Main Tributaries
  - c. Garbage Boats-removal /collection of floating debris/garbage
  - d. Port Waste Disposal- for collection of toilet wastes, used/changed oil from seawater vessels
  - e. Dismantling/Wrecker Boats-for removal and for demolition of illegal structures
- vii. The employment of the following Specialists and/or Consultants needed on per project basis is hereby authorized; to wit:
  - a. Oceanographer
  - b. Chemical /Water Laboratory Analyst
  - c. Maritime Engineer/Surveyor
  - d. Bacteriologist

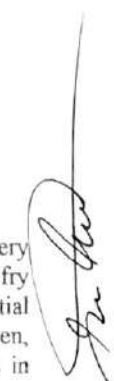
B. Implement the installation and maintenance of coastline water border markers initially limited to water pts. Ø.0 and 0.1 (Roxas Blvd.) 1,4,7,21,31 as well as river boundary markers namely on Pasig River at the city limits of Del Pan St., in Sta Ana, Manila and on San Juan River at Manila land territorial boundary Pt. 21, Pt. 25 and Pt. 47 on Estero de Sunog Apog in Tondo, *PROVIDED, That* buoys/flags/markers/monuments must not obstruct navigational passage/traffic nor block channels and must be lit for night visibility.

C. Enforce the prohibition of the following acts/activities on sandy/shell and Aplaya areas and apprehend violators:

1. Selling of sand, shells and other articles from the sea
2. Conducting bonfires, fires or charcoal making
3. Littering and throwing of garbage or trash
4. Digging or laying of pipes along the Aplaya proper
5. Passing or docking of banca on the foreshore
6. Commercial fishing between breakwaters
7. Construction of any structure, lightweight or otherwise

D. Enforce fishing rules and recommend to the City Council the grant of fishery privileges to erect fish corals, oysters, mussels or other aquatic beds or bangus fry areas on its municipal waters not used for navigational purposes, with preferential rights given to registered cooperatives and organization of marginal fishermen, after payment of the corresponding permit, license and other regulatory fees in accordance with the following schedules:

1. Exempted- Marginal Fishermen using nets, traps or other fishing gears to catch bangus fry, prawn fry kawag-kawag or fry of other species of fish in the municipal (City) waters.




a Permit to CONSTRUCT a mussel/oyster/prawn/fish/etc. corral:

i. Less than 100m <sup>2</sup>	PhP 3,000.00
ii. from 101m <sup>2</sup> - 200m <sup>2</sup>	PhP 5,000.00
iii. from 201m <sup>2</sup> - 500m <sup>2</sup>	PhP 7,000.00

b Permit to OPERATE such corrals or enclosure (Annually):

i. Less than 100m <sup>2</sup>	PhP 6,000.00
ii. from 101m <sup>2</sup> - 200m <sup>2</sup>	PhP 8,000.00
iii. from 201m <sup>2</sup> - 500m <sup>2</sup>	PhP 12,000.00

c Permit to ENGAGE in Commercial Fishery Operations (Annually):

i. Non-motorized bancas or canoes of marginal fisherman	PhP 120.00
ii. Small crafts and motorized bancas of marginal fishermen	PhP 1,200.00
iii. Fishing vessels weighing 1 ton or less	PhP 6,000.00
iv. Fishing vessels weighing 2 tons or less	PhP 9,000.00
v. Fishing vessels weighing 3 tons or less	PhP 12,000.00

## 2 Prohibited Modes of Fishing

a. It shall be unlawful to use explosives, noxious or poisonous substances, electricity, muro-ami and other deleterious methods in fishing within the municipal waters of the City of Manila; any violation hereof shall be penalized by a fine not less than PhP 3,000.00 and/or imprisonment of not more than six (6) months, *PROVIDED FURTHER, That* the City Council shall have the authority to prosecute any violation of the above provision and other applicable fishery laws.

E. Enforce the following guidelines on construction of structures along river and water zones:

1. Bridges to be constructed along the Pasig River shall comply with standard specifications to allow passage of boats underneath and depth requirement shall be complied with regard to regular dredging in order to assure passage of docking and departing boats.

2. Riverside road construction must conform to establish easements of at least 12m and provide for additional sidewalks of at least 5m.

3. These 12m to 18m easements must be used as roads or pedestrian underpasses (under bridges) and therefore lit and free of structures unless otherwise exempted/specified by the City Council/Government.

4. That all construction making use of temporary ramps/reclamations along the river-ways must restore the waterway width to its original size.

5. Construction and renovation of dwellings, buildings and structures immediately after the required buffer zones should build their entrances facing the water, using architectural facade/design that enhance the view.

6. Regulate the extraction of aquifer or ground water catchment/storage and construction of pipeline supply from dams.

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7. That all factories and industries located along Pasig River within the jurisdiction of the City of Manila must install sewage treatment contraptions for their wastewater exiting the Pasig River. Failure to comply such requirement shall be penalized with a fine of FIVE THOUSAND PESOS (PhP 5,000.00) and be given thirty (30) days for compliance. Non-compliance within three (3) months or on 3<sup>rd</sup> violation shall be subject to non-renewal or revocation of license.

F. Installation of Artificial Coral Reefs.

Rules and regulation for the construction of artificial coral reefs shall be prescribed by an appropriate ordinance

G. In coordination with the Philippine Ports Authority, require the LGU documentation of boats, rafts, barges, sea vessels, bancas and other watercrafts docked and moored within the municipal waters (City) and collect the corresponding navigational fees and harbor fees as follows:

- a. PHP 0.30 centavos – per/GRT for Local Ships/day
- b. US\$ 0.28 cents – per /GRT for Foreign Ships/day

All subject to existing environmental laws and the corresponding local penalties and fines by the Local Government Unit for damages.

All wrecks are required to be removed and expenses shall be shouldered by the vessel owner or his insurance in order to cover the cost of removal by the City of Manila.

H. Establishment of Port Waste Disposal Facility and require such use of facility.

The Manila Water Management Office is hereby empowered to enforce and prescribe the necessary fines and appropriate penalties for failure to comply such requirement.

I. Assess and collect the following fees, charges and penalties for environmental water pollution particularly covering oil spills and waste management:  
Oil spills from domestic vessels and foreign vessels docked or moored within the municipal waters of the City of Manila shall be charged FIVE THOUSAND PESOS (PhP 5,000.00) as penalty and liable for another FIVE THOUSAND PESOS (PhP 5,000.00) per day plus cost of clean-up until it is cleared be imposed.

The following are likewise prohibited:

1. Oil leaks from vessels
2. Oil change without proper methods
3. Water waste dumping from ships
4. Dumping of human waste
5. Dumping of dead bodies/carcasses (animal or human) in the water

J. Smuggling of contraband, pilferage and acts of piracy committed within the municipal waters of the City of Manila shall be punished by imprisonment of not more than one (1) year and a fine of not more than FIVE THOUSAND PESOS (PhP 5,000.00).

K. By virtue of Ordinance 8051, the City of Manila is hereby empowered to impose, prescribe and collect reasonable fees or charges upon any person or entity relative to the operation of facilities and services for such purposes connected with water borne commerce including water areas and the structures, equipment related to their functions for the utilization, appropriation and exploitation within the territorial waters of the City of Manila: *PROVIDED, That* such person or entity occupying a certain area of which is covered by the territorial waters of the City of Manila where they discharge their function by utilizing, appropriating the




municipal waters shall pay to the City of Manila the corresponding fees/charges/water rental rights according to the area of operation starting with a minimum of P1.00 per sq. m.: *PROVIDED, FURTHER, That* failure to pay the required fees/charges /water rental rights shall pay the surcharges not exceeding twenty-five percent (25%) of the amount of the fees or charges not paid on time and an interest at the rate not exceeding two percent (2%) per month of the unpaid fees or charges until such amount is fully paid but in no case shall the total interest on the unpaid amount or portion thereof exceed thirty six (36) months and shall be punished by a fine of not less than TWO THOUSAND FIVE HUNDRED PESOS (PhP 2,500.00) but not more than FIVE THOUSAND PESOS (PhP 5,000.00) or imprisonment of not less than six (6) months but not more than one (1) year, or both at the discretion of the Court.

SEC. 5. The City of Manila through its Manila Water Management and Development Office reserves the right to enforce the rules and regulations in accordance with this Code for the benefit of the City of Manila.

SEC. 6. Separability Clause. – If, for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof, which are not affected thereby, shall continue to be in full force and effect.

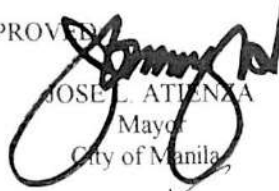
SEC. 7. Repealing Clause. - All ordinances and rules and regulations or parts thereof which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

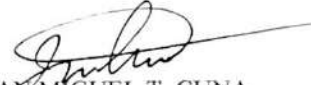
SEC. 8. Effectivity Clause. – This Ordinance shall take effect on March 1, 2005.

Enacted by the City Council of Manila at its regular session today, January 18, 2005


Approved by His Honor, the Mayor, on *September 5, 2005*

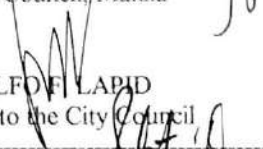
APPROVED

  
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Mayor  
City of Manila

  
JUAN MIGUEL T. CUNA  
President Pro-Tempore and  
Acting Presiding Officer  
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