

Republic of the Philippines
SANGGUNIANG PANLALAWIGAN
PROVINCE OF NEGROS ORIENTAL

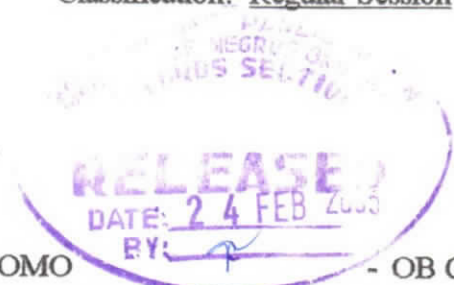
EXCERPT FROM THE JOURNAL OF THE SANGGUNIANG PANLALAWIGAN SESSION ON:

Date: February 10, 2005 – 2:40 P.M.

Classification: Regular Session

RECORD OF ATTENDANCE:

HON. JOSE A. BALDADO
Vice Governor & Presiding Officer
OB Sarangani Province



HON. ERNESTO T. TIJING	-Actg. Pres. Ofr.	HON. LEA GA BROMO	- OB Cebu
HON. MARCELO G. ADANZA	- Present	HON. NAPOLEON E. VILLEGAS, JR.	- Present
HON. PRYDE HENRY A. TEVES	- Present	HON. RODOLFO A. MARTINEZ	- OB Cebu
HON. MA. ANTONIA E. VILLEGAS	- Present	HON. JOSEPH ARVIN M. CABIO (SK)	- Present
HON. ERWIN MICHAEL L. MACIAS	- Present	HON. APOLINARIO I. ARNAIZ, SR. (LNMB)	- Present
HON. ARTURO V. UMBAC	- Present	HON. ROEL R. DEGAMO (PCL)	- Present
HON. MELIMORE C. SAYCON	- Present		

RESOLUTION NO. 127

“Submitted Resolution No. 629, series of 2004, of the Sangguniang Panlungsod of Bayawan, this province, enacting Ordinance No. 36, an ordinance regulating the establishment, operation and maintenance of beer houses, sing-along bars, KTV lounges, club houses, disco houses, and other similar establishments in the City of Bayawan, Oriental Negros;


“Whereas, said resolution/ordinance conforms to the provisions of the Local Government Code of 1991;


“On motion of Honorable Member Roel R. Degamo, seconded by Honorable Member Melimore C. Saycon, the Sangguniang Panlalawigan

“RESOLVES, To declare VALID Resolution No. 629, series of 2004, of the Sangguniang Panlungsod of Bayawan, this province; and to furnish a copy hereof for their information.

“Approved.”

I hereby certify to the correctness of the above-quoted resolution.


ERNESTO T. TIJNG
Acting Presiding Officer


GEOFFREY P. VILLAHERMOSA
Provincial Secretary


Copy For:
The Sangguniang Panlungsod
Bayawan City

Republic of the Philippines
Province of Negros Oriental
Provincial Attorney's Office
Dumaguete City

rec'd P
24 JAN 2005
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2nd Indorsement
January 20, 2005

Respectfully returned to the Provincial Secretary, this province, herein Resolution No. 629, series of 2004, of the Sangguniang Panlungsod of Bayawan, enacting Ordinance No. 36, an ordinance regulating the establishment, operation and maintenance of beer houses, sing-along bars, KTV lounges, clubhouses, disco houses and other similar establishments in the City of Bayawan, with the comment that said resolution/ordinance conforms to the provisions of the Local Government Code of 1991 and other related laws.



EDWIN B. VERGARA
Provincial Attorney

Republic of the Philippines
PROVINCE OF NEGROS ORIENTAL
CITY OF BAYAWAN
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON NOVEMBER 3, 2004 AT 9 O'CLOCK A.M. AT THE SP SESSION HALL.

PRESENT:

Hon. Rene G. Gaudiel	Vice Mayor, Presiding
Hon. Clayborne Clyde L. Lim	Councilor
Hon. Rowena T. Cabanban	-do-
Hon. Peter Paul F. Renacia	-do-
Hon. Francisco T. Diao	-do-
Hon. Douglas T. Tijing	-do-
Hon. Agustin L. Barte Jr.	-do-
Hon. John T. Raymond Jr.	-do-
Hon. Guillermo A. Diao	-do-
Hon. Antonio B. Villamil	-do-
Hon. Oscar T. Villamil	President, LNMB
Hon. Fredelyn T. Trayvilla	SK Federated President

ABSENT:

Hon. Novelito A. Herrero	(O.B. Neg. Occ.)	Councilor
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RESOLUTION NO. 629

“Second and Final Reading of An Ordinance Regulating the Establishment and Operations of Beerhouses, Sing-A-Long Bars, Clubhouses, Discohouses and Other Similar Establishments in the City of Bayawan.

“On motion of Honorable Councilor Barte and duly seconded by Honorable Councilor Raymond, the Council

“RESOLVED, To enact, as it hereby enacts the following ordinance:

ORDINANCE NO 36

AN ORDINANCE REGULATING THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF BEERHOUSES, SING-ALONG BARS, KTV LOUNGES, CLUBHOUSES, DISCOHOUSES, AND OTHER SIMILAR ESTABLISHMENTS IN THE CITY OF BAYAWAN, ORIENTAL NEGROS, PHILIPPINES.

Be it ordained that:

Section 1. Declaration of Policy.

It is the policy of the local government unit of the City of Bayawan, to regulate the establishment, operation and maintenance of cafes, restaurants, hotels, motels, inns, pension houses, and other similar establishments, including tourist guides and transports and the establishment, operation, and maintenance of any entertainment or amusement facilities, including theatrical performances, circuses, billiard pools, public dancing schools, public dance halls, sauna baths, massage parlors, and other places for entertainment or amusement; regulate such other events or activities for amusement or entertainment, particularly those which tend to disturb the community or annoy the inhabitants, or require the suspension or suppression of the same; or prohibit certain forms of amusement or entertainment in order to protect the social and moral welfare of the community pursuant to the provisions of Section 458 (4)(iv)(vii), of R.A. 7160, the Local Government Code of 1991,



Section II. Definition of Terms.

- a. Beerhouses, Sing-along bars/KTV Lounges, Clubhouses, Disco houses, and other similar establishments – refer to places of entertainment where food and alcoholic drinks and other similar legal intoxicating beverages are served. "Establishments" for purposes of this ordinance, are those referred to in the declaration of policy.
- b. Indecent Shows – refer to shows in theaters, fairs, cinematographs or any other place which exhibit indecent or immoral plays, scenes, acts or shows; it being understood that the obscene literature or indecent or immoral plays, scenes or acts or shows whether live or in film which tend to arouse the prurient interest of a person.
- c. Minors – persons below 18 years old.
- d. Health Card – a piece of document issued and signed by a government doctor or physician carried at all times by an employee of an establishment while working, showing that the holder thereof has undergone a thorough medical examination and is fit to work.
- e. Guest Relation Employee (ERE) – refers to employees of the establishment in charge of extending service to customers.
- f. Prostitution – the act of marketing, offering, promoting and/or engaging the services of prostitutes as defined in Art. 202 of the Revised Penal Code.

Section III. Site/Location and Safety Requirements of Establishments.

There shall be created a Committee that shall acquire jurisdiction over the establishments, its site/location and safety standards which shall be composed of the following:

Chairman: City Legal Officer

Co-Chairman City Administrator

Members:

1. City PNP Chief
2. Public Safety Officer
3. City Fire Marshall
4. City Building Officer
5. City Planning & Development Officer
6. City Health Officer

The Committee shall have the following powers and functions:

1. Promulgate rules and regulations for the purpose of :
 - a. Defining areas in the city where the establishments are prohibited;
 - b. Outlining sanitary rules and engineering and safety standards required in the establishment and operation including appropriate measures to eradicate any form of nuisance that may be caused during its operation.
2. Recommend to the City Mayor the revocation of the permit/license, temporary closure or permanent closure due to violation of certain required rules and standards in its customers.
3. Periodically conducts inspection of the establishment as may be necessary.

Section IV. Employment of Minors.

It shall be unlawful for any establishment, to employ minors nor shall any establishment be allowed to use the services of a minor, in any form, in entertaining or extending services to its customers.



Section V. Prohibition of Entrance to Minors.

It shall likewise be unlawful for a minor to enter, or for the guardians or parents of the minors or for the establishment to allow minors to enter the establishment provided however, that the guardians or parents who shall allow minors to enter the establishments shall be equally liable with the owner or proprietor of the establishment.

Section VI. Health Card.

It shall be required of every person employed as Guest Relation Employee in the establishment to carry a health card issued and signed by a government doctor or physician after undergoing a thorough medical examination.

The City Health Officer may require any number of employees in any or all of the establishments to submit for a medical examination in any given period of the year, provided that if any employee of the establishment concerned has been found to have been infected or has acquired a communicable disease shall be prohibited to work in the establishment.

Section VII. Ban on Indecent Acts or Shows.

It shall be unlawful for any establishment to allow, facilitate or tolerate indecent acts or shows within the premises of the establishment nor any activities or any form or materials shown or technology used to promote indecency or any degree or form of pornography shall be allowed

Section VIII. Ban on Carrying of Firearm or Deadly Weapon.

Any form of firearm and/or deadly weapon shall be totally prohibited inside the establishment except officers of the law authorized to serve warrants or while doing a hot pursuit or conducting a legitimate operation such as surveillance and the like. An

employee of the establishment may confiscate and/or report to the authorities any form of deadly weapon that may endanger its customers and shall immediately turn it over to the police.

It shall be likewise unlawful for any officers of the law not on duty to carry/bring any firearm inside the establishment unless responding to an ongoing crime or immediately after a crime has been committed.

Section IX. Ban on Prostitution.

It shall be unlawful for any establishment to engage in any activity that will promote or encourage prostitution or to allow its premises to be a venue for prostitution.

Section X. Limitations on Operation.

Upon the effectivity of this ordinance, all existing establishments are given a period of thirty (30) days from notice within which to comply with the provisions of this ordinance.

No new establishment will be given a permit to operate unless its premises are provided with sound proofing mechanisms or structures subject to the exception provided herein.

In case the establishment is financially incapable of providing sound proofing mechanism or structures, its operation may be allowed provided that its daily operation shall not go beyond 12 midnight provided however, that during Fridays and Saturdays and on special occasions, the establishment, with the approval of the Council, may extend its operation until 1:30 A.M..

It is also prohibited to allow the drinking of alcoholic beverages in front of said establishments or within the immediate vicinity but outside of the establishments.

Section XI. Penalty Clause.

Violations of this ordinance or any of the provisions hereof shall be punishable by a fine not exceeding Php5,000.00 or an imprisonment of not exceeding 6 months or both, such fine



and imprisonment, at the discretion of the Court or the revocation of the permit or license or temporary or permanent closure by order of the City Mayor.

Section XII. Separability Clause

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.

Section XIII. Effectivity.


This Ordinance shall take effect after compliance with the provisions of the Local Government Code of 1991, R.A. 7160.

“Enacted.”

* * *


I hereby certify to the correctness of the foregoing resolution.


* * *


FE BOLLOS ARAULA
City Government Department Head I
(Secretary to the Sanggunian)

ATTESTED:

APPROVED: NOV 10 2004


RENE G. GAUDIEL
Vice Mayor
Presiding


GERMAN F. SARAÑA JR.
Mayor

Copy For:

- The Honorable Provincial Board, Dumaguete City