



Excerpt from the

MINUTES OF THE 10<sup>th</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BAYBAY, LEYTE HELD IN THE SESSION HALL ON MARCH 15, 2005.

PRESENT:

HON. ERNESTO M. BUTAWAN.....	Sangguniang Bayan Member & Actg. Presiding Officer
HON. VICENTE G. VELOSO.....	Sangguniang Bayan Member
HON. DEOGRACIAS E. PERNITEZ.....	-do-
HON. JOSE C. GO.....	-do-
HON. JUANITO B. MODINA.....	-do-
HON. REX A. RETANA.....	-do-
HON. EDUARDO S. GUINOCOR, JR.....	-do-
HON. GUALBERTO B. PICAL, JR.....	-do-

ABSENT:

HON. FLORANTE M. CAYUNDA.....	Mun. Vice Mayor, OB, Manila
HON. EDGARDO R. OMPOY.....	SB Member, OB, Tacloban
HON. MICHAEL L. CARI.....	SB Member, OB, Manila

MUNICIPAL ORDINANCE NO. 003 S. 2005

AN ORDINANCE REGULATING THE OPERATION OF ALL FOOD ESTABLISHMENT COMMERCIAL, RECREATIONAL, AND ENTERTAINMENT FACILITIES IN THE MUNICIPALITY OF BAYBAY.

INTRODUCED AND SPONSORED BY: SBM. E. S. GUINOCOR, JR. SBM E.R. OMPOY & SBM G.B. PICAL, JR.

Be it ordained by the Sangguniang Bayan of Municipality of Baybay, Province of Leyte;

Section 1. - Title.- This ordinance shall be known as "an ordinance regulating the operation of all food commercial, recreational and entertainment facilities in the Municipality of Baybay

Section 2. - Scope - This ordinance shall apply to all food establishment, KTV bars, beer house, disco house, cocktail lounge, folk house and other similar establishments in the Municipality of Baybay.

Section 3. - Definition of Terms.- as used in this ordinance, the following terms are hereby defined as follows:

1. KTV Bars - (karaoke, television and videokebars) an establishment entertaining guest/customers with sing along equipment and instantaneous viewing of a television programs with various food and drinks.
2. Beer Houses - an establishments offering/selling alcoholic drinks to guest/customers;

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SB Member & Actg. Presiding Officer

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3. Disco Houses - an establishment entertaining and offering to customers a lively and slow music, dances, aside from alcoholic drinks.
4. Cocktail lounge.- as establishment facility selling mixed alcoholic drinks, variously flavored and prepared
5. Folk Houses - an establishment facility where a singer or singers/band, entertain people with various food and drinks with folk/pop music;
6. Children - refers to persons below eighteen years of age;
7. Guest Relation Officer (GRO)/ Hostesses - a person properly hired by the establishment who sits, talks, drinks together with the customers to entertain them.

Section 4. - Sanitary Permit:

No establishment enumerated under this ordinance shall be allowed to operate without first obtaining a sanitary permit from the Municipal Health Officer or his duly authorized representatives.

Section 5.- Health Certificate of Personnel

Employees of establishments subject to the provisions of this ordinance shall not be allowed to sell or serve food and drinks or entertain customer without having first obtained a health certificate from the Office of the Municipal Health Officer.

All personnel of the above named business establishment shall comply with the following requirements to obtain a health certificate.

For hostesses, entertainers, guest relation officers, dancers, singers and other female employees of night clubs, disco houses, karaoke bars/sing along joints, dancing halls and other business of similar nature, the health certificate should be renewed every year.

1. Physical Examination - to check the health mental, physical and sanitary condition of the worker.
2. Chest X-Ray - this is to be conducted annually when necessary as determined by physician, X-ray may be required oftener.
3. Stool Culture.- this is done to rule out the possibility that the worker may harbor pathogenic organisms and may act as a carrier of a communicable of food transmittable disease to be conducted every six (6) months if available in the Municipal Health Officer laboratory, otherwise stool examination shall be done.
4. Hygiene Examination.- This shall be conducted weekly at the STD-AIDS Detection Center of the Municipal Health Department. If found positive for STD or other infectious diseases, the health certificate shall be temporarily suspended from engaging in the occupation. He or she shall submit to full treatment at the STD-AIDS Detection Center of the Municipal Health Department until pronounced cured to the satisfaction of the Municipal Health Officer or his duly authorized representative. If cured, the employee may be reinstated and his or her certificate
5. Blood Examination.- HIV anti-body determination for AIDS, Hepatitis B, surface antigen determination for Hepatitis B and VDRL for syphilis shall

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be performed at the Municipal Health Department Laboratory every six (6) months, unless a more frequent examination is deemed necessary if found positive the health certificate shall be confiscated and suspended permanently from engaging in the occupation and be subjected for further evaluation and management as recommended by the Municipal Health Officers.

Section 6. - Dancer or Hostess:

Dancers or hostess may be defined as any employee of any establishment for the primary purpose of entertaining guest at their table or dancing with the same.

Section 7. - Structure of Dancing Halls and Sing-along joints/karaoke bars.

- A.1 - The dance hall or space for dancing must be well-ventilated adequately lighted and properly maintained at all times, especially during business hours. There shall be no dark corners therein.
- A.2 - Proprietors, owners, managers or lesses of a building or structure who in the ordinary course of business operate a hotel may also operate night clubs, cabarets, dancing schools or dance halls provided that such operation be conducted on the storey of the building different from the lodging rooms. Provided further, that the preceding ordinance applies.
- A 3. - Sing Along Joints/Karaoke Bars. - private rooms may be constructed and provided with a swing type wooden door without door lock and shall have a peeping windows 1 sq. foot and the same shall not be covered with curtains or similar types.,

Section 8. - Refreshment Parlor or Café in Dancing Halls.

Proprietors, owners, managers or lesses of refreshment parlors or cafes within the dancing halls shall be required to secure sanitary permit as required for food establishment and the personnel shall obtain health certificates as required for food handlers.

Section 9. Blood Examination of Employees

- A. All employees of bars night clubs, dancing halls, cocktail lounges, beer houses, sing along joints, discos and other similar establishments including dance instructor are required to undergo blood examination for HIV, Hepatitis B and Syphilis as a requisite in securing health certificate from the Municipal health Department Laboratory.
- B. Entertainers, dancers and dance instructors and other workers of similar nature as determined by the Municipal Health officer or his duly authorized representative are required to attend lectures given at the Municipal Health Department before the issuance of their Health Certificate.

Section 10.- Owners of establishment mentioned in this ordinance shall ensure the protection and safety of catered guest or customers as well as residents, living nearby the facilities.

- a. Security guard must be hired and posted at the front door of the establishment to check incoming customers of any harmful weapons that may possibly harm other people inside the premises.

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- b. Safety deposit box as approve by the PNP should be provided for the customers for the safe keeping of their fire arms and deadly weapon if there are any.
- c. No customer should be allowed to enter the establishment with any deadly weapon or fire-arms. These items should kept in safety deposit box.
- d. Establishment should be sound proof so that outsider/non-customers will not be disturbed. If the establishment which operate loud sound system is not provided with sound proofing, they are allowed to operate only until twelve midnight unless its not disturbing any neighbor.
- e. Establishment should have a clean and sanitary comfort rooms for male and female customers with adequate supply of water and toiletries.

Section 11.- No children shall be hired as service Boy/Girls, GROs or waiters/waitress in those entertainment places.

Section 12. - No children shall be admitted/allowed to enter and stay in the premises except for establishment that do not provide entertainments by GROs, hostesses and the like.

Furthermore, no establishment shall not be allowed to serve any alcoholic drinks and beverages to any children.

Section 13. - There shall be no lewd entertainment added to usual activity such as dancing in made or wearing one or two piece attire and any other seductive sexual entertainment.

Section 14. - No establishment should allow any person to act as guest relation officer GRO or hostesses unless properly hired by the establishment and with required health certificate from the Rural Health Unit.

Section 15. - Upon Effectivity of this ordinance no such entertainment/facilities shall be established within 100 meter away from any church public and private schools, hospitals or any institution catering children and the infirmed.

Those whose establishment are existing prior to the effectivity of this ordinance shall be allowed to operate only after 7:00 p.m. and up to 2:00 o'clock in the morning.

Section 16.- Penalties.

- a. Any owner of establishment, who violates any provision of this ordinance for the first time shall, upon conviction, be penalized by a fine of not less than P1,000.00 but not more than P1,500.00 and suspension from operation of not less than three (3) days but not more than ten (10) days.
- b. Second time violators shall, upon conviction, be fined of not less than P1,500.00 but not more than P2,000.00 and suspension of operation for not less than five (5) days but not more than fifteen (15) days.
- c. Third time violators shall, upon conviction, be fined of not less than P2,000.00 but not more than P2,500.00 and suspension of operation for not less than ten (10) days but not more than 30 days.

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d. Habitual violator or those who will fully violate, any of the provision of this ont'd. ordinance shall, for more than three (3) times upon conviction be punished by a fine not less than P2,000.00 but not more than P2,500.00 and suspension of operation for not less than ninety (90) days or revocation of permit to operate.

e. If the establishment is a corporation, the President and/or Manager of the corporation will be liable for any violations committed in this ordinance.

Section 17.- Repealing Clause - Any ordinance rules and regulations contrary to or inconsistent with the provision of this ordinance are hereby amended repealed or modified accordingly.

Section 18.- Effectivity.- This ordinance shall take effect upon its approval.

Enacted, March 15, 2005.

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Bayan during its regular session held on March 15, 2005.

*Amelito V. Borneo*  
AMELITO V. BORNEO  
Secretary to the SB

*ATTESTED AND CERTIFIED TO BE  
DULY ADOPTED.*

ERNESTO M. BUTAWAN  
SB Member &  
Actg. Presiding Officer

*APPROVED BY HIS HONOR:*

*Jose Carlos L. Cari*  
JOSE CARLOS L. CARI  
Municipal Mayor

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