

RULES AND REGULATION TO GOVERN THE BUSINESS AND OPERATIONS OF RESORT

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Pursuant to the authority vested in the Department of Tourism by Executive Order No. 120 "To Promulgate Rules and Regulations Governing the Operations and Activities of all Persons, Firm Entities and Establishments that Cater to Tourists, to Provide Standards for Accreditation of Hotels, Resorts and to Prescribe Rules and Regulations Governing the Issuance of License to Travel Agencies," and the provisions of Presidential Decree Nos. 259 and 1463 not inconsistent with said Executive Order, the following rules and regulations are hereby promulgated to govern the business and operation of resorts.

Chapter I Definition

SECTION 1. Definition - For purposes of these Rules, the following shall mean:

- a. "Resort": Any place or places with pleasant environment and atmosphere conducive to comfort, healthful relaxation and rest, offering food, sleeping accommodations and recreational facilities to the public, for a fee or remuneration.
- b. "Hotel": Any lodging establishment as defined and classified in the Hotel Code of 1987.
- c. "Restaurant": Any establishment offering to the public regular and special meals or menu, cooked foods and short orders, beverages and drinks.
- d. "Sports and Recreational Facilities": These include swimming pools, bowling lanes, tennis courts, pelota or squash courts, golf courses, riding range, archery range, aquatic/water sports arrangements, fishing, water skiing, and similar facilities forming part of the resort.
- e. "License": The privilege or authority granted by the Department of Tourism to own, operate, manage and maintain a resort.
- f. "Department": The Department of Tourism.

Chapter II

Classification of Resorts

SECTION 2. Kinds of Resorts - Resorts may be categorized as beach resort (located along the seashore), inland resort (located within the town proper or city), island resort (located in natural or man-made Island within the internal waters of the Philippine Archipelago), lakeside or riverside resort (located along or near the bank of a lake or river), and mountain resort (located at or near a mountain or hill).

SECTION 3. Classes of Resorts - For purposes of registration and licensing, resorts shall be classified as follows:

Class "AAA"

Class "AA"

Class "A"

SECTION 4. Requirements for a "AAA" Class resort - The following are the minimum requirements for the operation and maintenance of a Class "AAA" resort:

1. Location and Environment - The resort shall be located in a suitable location free of noise, atmospheric and marine pollution.
2. Parking: An adequate parking space with parking security shall be provided free to guests.
3. Facilities and Room Accommodation: The resort shall have its rooms, facilities and amenities equivalent to those of a First Class Hotel.
4. Public Washrooms: There shall be a clean and adequate public toilet and bathroom for male and female, provided with sufficient hot and cold running water, toilet paper, soap, hand towel and/or hand dryer.
5. Sports and Recreational Facilities: The resort shall offer at least four (4) sports and recreational facilities.
6. Conference/Convention Facilities: Conference/convention facilities with attached toilets shall be provided.
7. Employee Facilities: Adequate and well-maintained locker rooms and bathrooms for male and female employees including cafeteria, shall be provided.

SECTION 5. Minimum Requirements for "AA" Class Resort - The following are the minimum requirements for the operation and maintenance of an "AA" Class resort:

1. Location and Environment : The resort shall be located in a suitable location free of noise, atmospheric and marine pollution.
2. Parking: An adequate parking space with parking security shall be provided free to guests.
3. Facilities and Accommodations: The resort shall have its rooms, facilities and amenities equivalent to those of a Standard Class Hotel.
4. Public Washrooms: There shall be a clean and adequate public toilet and bathrooms for male and female, provided with sufficient running water, toilet paper, soap, hand towel and/ or hand dryer.
5. Sports and Recreational Facilities. The resort shall offer at least three (3)sports and recreational facilities.
6. Conference/Convention Facilities: Conference/convention facilities shall be provided.
7. Employee Facilities: Adequate and well-maintained locker rooms and bathrooms for male and female employees shall be provided.

SECTION 6. Minimum Requirements for a "A" Class Resort - The following are the minimum requirements for the operation and maintenance of an "A" Class resort:

1. Location and Environment: The resort shall be located in a suitable location free of noise, atmospheric and marine pollution.
2. Parking: An adequate parking space with parking security shall be provided free to guests.
3. Room Accommodations: Class "A" resort shall have its rooms, equivalent to those of an Economy Class hotel.
4. Public Washrooms : There shall be a clean and adequate public toilet and bathroom for male and female, provided with sufficient running water, toilet paper and soap.
5. Sports and Recreational Facilities: The resort shall offer at least two (2) sports and recreational facilities.

6. Food and Beverage Outlets: The resort shall have at least one food and beverage outlet.

Chapter III

General Rules on the Operation and Management of Resorts

SECTION 7. Maintenance and Housekeeping - Maintenance of all sections of the resort shall be of acceptable standard, and shall be on a continuing basis, taking into consideration the quality of materials used as well as its upkeep. Housekeeping shall be of such a standard ensuring well-kept, clean and pollution-free premises. A vermin control program shall be regularly maintained in all areas of the resort. Regular and hygienic garbage disposal system shall be maintained. Sanitation measures shall be adopted in accordance with the standards prescribed under PD 856, the Code on Sanitation of the Philippines.

SECTION 8. Lifeguard and Security - All resorts shall provide the services of a sufficient number of well-trained lifeguards duly accredited by either the Philippine National Red Cross, the Water Life Saving Association of the Philippines or any recognized organization training or promoting safety objectives, and adequate security whenever there are guests.

SECTION 9. Medical Services - All resorts shall provide the services of a physician, either on-call or on full-time basis, depending on its volume of operation and accessibility to hospital or medical centers. In addition, resorts shall employ adequate first-aiders who have completed a course in first aid duly certified by the National Red Cross or any other organization accredited by the same. Adequate first aid medicines and necessary life-saving equipment shall be provided within the premises.

SECTION 10. Fire Fighting Facilities - Fire-fighting facilities shall be provided in accordance with the Fire Code of the Philippines.

SECTION 11. Signboards - Appropriate signboards shall be conspicuously displayed outside the establishment showing clearly the name and classification of the resort as determined by the Department.

SECTION 12. Beach and Lakeside Resort - There shall be placed on a beach or lakeside resort an adequate number of buoys which shall be spread within the area to be determined by the resort owner or keeper as safe for swimming purposes, upon compliance by resort owners with existing government regulations and/or local ordinances on the placing of such buoys.

SECTION 13. Designated Area - The distance fronting the area of the resort with adequate number of buoys as provided in the preceding section shall be designated as the area for swimming purposes, and no boat, banca or other crafts shall be allowed to enter the area so designated. The owner of the resort or his duly authorized representative shall be empowered under these rules to enforce the above, and shall likewise designate a portion of the beach front to be used exclusively for loading and unloading of resort guests, unless otherwise designated elsewhere by rules and regulations specific to the area.

SECTION 14. Precautionary Measures -

- a. In no case shall the resort management allow swimming at the beach front beyond 10:00 P.M. and appropriate notice shall be posted to inform the resort guests of this regulation.
- b. Night swimming at the pool shall be allowed only if there are adequate lifeguards on duty and when the pool premises are sufficiently lighted.
- c. Management shall post sufficient and visible signs in strategic areas in the resort or at the beach to warn guests/customers of the presence of artificial or natural hazards, danger areas or occurrences threat.

SECTION 15. Prohibited Acts and Practices -

- a. No pets or animals shall be allowed to bath/swim along beaches. Likewise, " pukot" fishing and washing of fishing nets shall be strictly prohibited in beach resorts.
- b. Resort owners shall prohibit ambulant vendors from peddling their wares within the resort premises in order to provide their guests a certain degree of privacy to enable them to relax and enjoy their stay thereat.
- c. Littering in resorts shall be strictly prohibited. Resort owners shall keep their premises clean and shall adopt their own anti-littering measures.
- d. Resort keepers, managers or operators shall exert all efforts not to allow prohibited gambling of any form, drunkenness, or disorderly conduct of any kind, in the resort and its immediate premises.
- e. Resort keepers, managers, or operators shall likewise exert all possible efforts not to permit any person whom they know or have reason to believe to be either a prostitute, a pedophile or a bad character to occupy a room in the resort or to frequent the premises. To accomplish this end, they shall immediately report to the nearest police station the presence in the premises of any such person.

Chapter IV

Registration and Licensing of Resorts, etc.

SECTION 16. Registration and Licensing. Mandatory - No person, natural or juridical, shall keep, manage, or operate any building, edifice or premises, or a completely independent part thereof, for the purpose of a resort, or engage in the resort business, without having first secured from the Department a certificate of registration of the establishment, and a valid license to operate the same. Any person, natural or juridical, who, being the owner or occupant of any building, edifice, premises, or a completely independent part thereof, allows the premises to be used as a resort, without the requisite certificate of registration and license to operate as such from the Department, shall also be guilty of an offense under these Rules.

. SECTION 17. Application for Registration and License - Any person, partnership, corporation or other entity desiring to establish, maintain and/or operate a resort shall accomplish in duplicate and file with the Department the application for registration and license prescribed for such purpose.

SECTION 18. Supporting Documents to be Submitted with Application - Unless otherwise indicated in the form, the application shall be accompanied by two copies of the following documents:

a. In the case of corporation or partnership, a certified true copy of the Articles of Incorporation, its by-laws, or Articles of Partnership and amendments thereof, duly registered with the Securities and Exchange Commission, and Business Name Certificate.

In case of single proprietorship, Business Name Certificate and amendments thereof, if any.

b. Applicant's latest income tax return and audited financial statements, such as profit and loss statements and balance sheets for the preceding year of its operation (not applicable for new resorts).

c. A list of the names of all officials and employees and their respective designations, nationalities, home addresses; for alien personnel, valid visa, from Commission on Immigration and Deportation and the proper permit from the Department of Labor and Employment shall be submitted.

d. Annual General Liability Insurance for guests in the amount of not less than the following:

Class "AAA" P100,000.00

Class "AA" 50,000.00

Class "A" 20,000.00

e. Schedule of current room rates.

f. Proof of prior approval from the Philippine Tourism Authority or the Department as the case may be for resort constructed or established after the effectivity of Presidential Decree No. 381 on January 24, 1974.

SECTION 19. Creation of Committee of Two Officials - After the application form has been filed, the Department shall create an inspection committee composed of two (2) members from the Department.

SECTION 20. Ocular Inspection of the Resort and its Immediate Premises - Upon receipt of its mission order, the inspection committee shall conduct an ocular inspection of the resort and its immediate premises for the purpose of determining whether it meets the standards set by the Department for a resort.

SECTION 21. Checklist to be Accomplished during Ocular Inspection of the Resort - The Committee shall provide itself with a set of checklist of the requirements for a resort. All deficiencies found, as well as the requirements complied with, shall be noted in the checklist.

SECTION 22. All Observations of the Applicant shall be Entered in the Checklist - Any observation of the applicant or his duly authorized representative present at the time of the inspection on any adverse finding of the committee shall be entered in the checklist. The applicant shall then be furnished with a copy of the accomplished checklist.

SECTION 23. Report of the Committee - Within five (5) days from the date of the inspection of the resort and its immediate premises, the committee shall render a report of its findings and/or recommendations.

SECTION 24. Issuance of Certificate of Registration and License - If the applicant has satisfactorily complied with the prescribed requirements the Department shall then issue the Certificate of Registration and License in favor of the applicant.

SECTION 25. Validity of Certificate of Registration and License - The certificate of registration of the resort shall be applied with the Department only once at the start of operation of the resort. It shall only be reapplied for if the resort has ceased operations for at least six (6) months or if its license has been revoked for some reason or the other. The resort shall only pay the registration fee once unless it has filed for a reapplication for reasons cited above.

The license to operate the resort shall be good and valid for a period of one (1) year from the date of issue or until the 28th of February following the year of issue, unless sooner revoked by the Department.

SECTION 26. Registration and Annual License Fees - The following schedule of fees shall be collected from applicants that have complied with the requirements for registration and licensing of a resort:

Registration
Fee

License
Fee

Class "AAA"
P5 ,000.00

P2,000.00

Class -AA"

3,000.00

1,000.00

Class -A"

1,500.00

500.00

SECTION 27. Renewal of License - Application for renewal of license shall start on February 1 extending up to February 28 of the year of expiry. A surcharge of fifty percent (50%) of the license fees due shall be imposed upon those who fail to file on time their application for renewal of license; Provided, that upon showing that the failure to file the application on time was due to fraud, accident or excusable neglect, the delay may be excused; Provided, further, that failure to file the application for renewal without just cause may be a sufficient ground for the cancellation of the license. Provided, finally, that failure to submit all the requirements within sixty (60) days from the date of filing may be a ground for Imposition of fine and/or non-renewal of license.

SECTION 28. Documents to be Submitted for the Renewal of the License - The applications for renewal of license shall be supported by the following documents:

1. A copy of the amended Articles of Incorporation or Articles of Partnership and By-laws, if applicable;
2. The list and information sheets of additional personnel, if any or any change in the manpower complement;
3. Latest Income Tax Return and Audited Financial Statements;
4. Proof of renewal of General Liability Insurance;
5. A resolution of the Board of Directors authorizing the continuation of business.

SECTION 29. Registration and Licensing of other Services Offered by a Resort - The registration and licensing of the resort shall include automatically all facilities and services in the resort, provided that such facilities and services are owned and operated by the resort itself.

Chapter V

Imposition of Fine, Suspension, Cancellation and/or Non-Renewal of License

SECTION 30. Grounds for the Imposition of Fine/ Suspension/ Cancellation of License and/ or Non-Renewal of License - Any of the following acts, omission or offenses shall be a sufficient ground for the imposition of fine, suspension/ cancellation of license and/or non-renewal of license.

- a. Making any false declaration or statement or making use of any such declaration or statement or any document containing the same or committing fraud or any act of misrepresentation for the purpose of obtaining the issuance, grant or renewal of any certificate of registration or license;

- b. Failure to comply with or contravene any of the conditions set forth in license;
- c. Failure to meet the standards and requirements for the operation of a resort, as prescribed in these Rules;
- d. Serious physical injury or loss of life of any guest due to the fault or negligence of any official or employee of the resort;
- e. Allowing or permitting the resort, including any of its facilities, to be used for illegal, immoral or illicit activities;
- f. Violation of, or non-compliance with any of the provisions of these Rules and circulars issued by the Department.

Chapter VI

Regulation, Control, and Supervision of the Operation of Resorts

A. TRANSFER OF CERTIFICATE OF REGISTRATION AND LICENSE, CONDITIONS; ETC.

SECTION 31. Transfer of Certificate of Registration and License - Prior Approval of the Department Required. - The issuance of certificate of registration and license is a matter of privilege and may be issued only to qualified applicants. Accordingly, no resort owner or operator shall transfer or alienate in any other manner the certificate of registration and license of the resort without the prior approval of the Department.

SECTION 32. Transfer of Ownership - Any transfer of shares in the resort shall be reported to the Department within ten (10) working days.

SECTION 33 Display of Certificate of Registration and License - The certificate of registration and license shall be displayed in a conspicuous place in the resort.

SECTION 34. Registry -All resorts shall keep a Registry Book. All guests seeking room accommodation in the resort shall be required to register the following particulars in the Registry Book:

- a. Full name; b. Address;
- c. Residence certificate or driver's license or passport indicating the number, date and place of issue.

SECTION 35. Employment of Foreign Nationals - The employment of foreign nationals by a resort shall be in accordance with the provisions of the revised joint circular of 1987 among the Departments of Tourism Labor and Employment and the Commission on Immigration and Deportation enunciating policy guidelines on the employment of foreign nationals in the hotel/resort industry.

SECTION 36. Request for the Department's Identification Card - The Department's Identification Cards shall be issued to employees of resort's upon request subject to payment of a nominal fee; Provided, that said employees are included in the list of personnel of the resort concerned.

SECTION 37. Surrender of ID Card Resort managers/officers and the other members of the staff who have ceased to be such shall immediately surrender their ID cards to the Department.

B. PERIODIC INSPECTION OF THE RESORT AND ITS IMMEDIATE PREMISES.

SECTION 38. Periodic Inspection of Resort -Two (2) Department Inspectors shall conduct periodic inspection of resorts and their immediate premises for the purpose of determining whether they are being kept and/or managed in accordance with the standards set by the Department for the class in which they are registered and licensed; or whether they are complying with these rules and circulars issued by the Department.

All inspections shall be covered by mission orders stating therein the scope of authority, and such other matters necessary for the purpose.

SECTION 39. Inspection Made at Reasonable Hours of the Day - The inspection shall be conducted at a reasonable time of the day with due regard and respect to the right of privacy of the resort guests.

SECTION 40. Access of Inspectors to Records and Premises -The inspection team shall have access to the resort's records and premises, and the right to copy therefrom, to question any employee and investigate any fact, condition or matter which may be necessary to determine compliance with, or in aid of the enforcement of, any provision of these Rules or circulars issued by the Department.

SECTION 41. Defects and Deficiencies Found During the Inspection - When certain defects or deficiencies have been found in the course of the periodic inspection, the Department shall give directions to the resort operator or manager to rectify the defects or complete the deficiencies within a period of one (1) week from notice.

SECTION 42. Extension of the Period - The Department may, for Just cause extend the period within which to remedy the defects or deficiencies noted, but in no case shall such period exceed two (2) months.

SECTION 43. Penalty for Failure to Remedy the Defects, etc. - If the resort management fails to remedy the defects or deficiencies noted, the Department shall impose on the resort a fine of a minimum of Fifty Pesos (P50.00) for every day of delay in complying with its directions, but in no case shall the fine exceed the sum of Five Thousand Pesos (P5,000.00); Provided, that where the maximum fine imposable under this Section has been reached and the resort management has continuously failed to rectify the defects or complete the deficiencies noted, the Department may revoke or suspend the certificate of registration and license of the resort for such period as may be justified under the circumstances.

C. RECLASSIFICATION OF RESORTS

SECTION 44. Promotion or Demotion of a Resort - A resort may be promoted or demoted from one classification to another as the facts may warrant.

SECTION 45. Demotion of a Resort to a Lower Classification - Where after due investigation It has been established that a resort is not being kept or managed in a manner conformable to the standards set by the Department for a resort of the classification in which it is registered and licensed, the Department shall give notice to the resort owner/keeper/manager/operator granting the resort a period of time stated in the notice within which to comply with the standards. If the resort fails to comply within the period granted, the Department shall remove the registration of the resort from that classification and place it in a lower classification, or if warranted, exclude the same from resort classification.

D. DISCIPLINE AND TRAINING OF RESORT STAFF; CODE OF ETHICS AND CONDUCT

SECTION 46. Liability of Resort Keepers/ Managers for Acts or Omissions of Resort Employees - Without prejudice to the provisions of existing laws, resort keepers/managers and their assistants shall be administratively liable for the acts or omissions of any member of the resort staff committed against any guest of the resort. They may, however, be exempt from liability if they could establish that they have exercised the diligence of a good father of the family in the supervision of the erring employees, or where the acts or omissions complained of are beyond the control of the resort keepers/ managers or their assistants due to the fortuitous event or force majeure.

SECTION 47. Commission of Acts Inimical to the Tourism Industry - Commission by the resort manager/operator or any member of the resort staff of any act which works against the interest of the tourism industry shall be sufficient ground for taking disciplinary action against him.

SECTION 48. Code of Ethics and/or Conduct - Resort owners/keepers/managers and/or the resort association, if any, shall draft, with the assistance of the Department, a Code of Ethics and/or Conduct which shall govern the conduct of resort owners/keepers/managers in their dealings with one another and the conduct to be observed by the resort staff or employee towards each other and/or the guests or tenants of the resort. Such Code of Ethics and/or Conduct shall include the administrative penalties that may be imposed for their violation, such as fine, suspension or dismissal from the services, suspension or revocation of the license or permit or the certificate of registration of the resort and other related sanctions. The said Code of Ethics and/or Conduct, once promulgated by the Department, shall become part of these Rules: Provided, that in case of conflict between any provision of these Rules and said Code of Ethics and/or Conduct, the former shall prevail.

Chapter VII

Complaints Against Resorts and/or Their Employees

SECTION 49. Quasi-Judicial Powers - The Department shall exercise quasi-judicial powers in the resolution of cases filed against resorts and/or their employees in accordance with the Department's rules and procedures governing complaints.

Chapter VIII

Miscellaneous Provisions

SECTION 50. Confidential Character of Certain Data - Information and documents received by or filed with the Department in pursuance of the requirements of these rules shall be treated as confidential and shall not be divulged to any private party without the consent of the party concerned or upon the order of the Secretary of Tourism. Any official or employee of the Department including those that are temporarily assigned therewith who shall violate the provisions of this Section shall be guilty of an offense under these rules.

SECTION 51. Penalties For Violation -

a. Violation by a Licensee or Holder of Authority. - Any person, whether natural or juridical, licensed by the Department to engage in resort operation, who shall violate or cause another to violate any of the provisions of these Rules, shall, upon conviction by a competent court, suffer the penalty of imprisonment of not less than six (6) months nor more than two (2) years or a fine of not less than TWO THOUSAND PESOS (P2,000.00) nor more than TEN THOUSAND PESOS (P10,000.00), or both, at the discretion of the court. In addition thereto, the license issued by the Department shall be deemed automatically withdrawn and revoked and the surety bond of the offender shall be forfeited in favor of the Department.

b. Violation by a Non-Holder of Authority. Any person who is not a holder of a license from the Department who shall violate any of the provisions of these Rules or circulars promulgated by the Department shall, upon conviction by a competent court, suffer the penalty of imprisonment of not less than one (1) year nor more than four (4) years or a fine of not less than FOUR THOUSAND PESOS (P4,000.00) nor more than TWENTY THOUSAND PESOS (P20,000.00), or both, at the discretion of the court.

c. Penalty imposed upon officers of Juridical Persons. If the offender is a corporation, partnership, firm or association, the penalty shall be imposed upon (the officer or officers who have been responsible for the violation; and if such officer or officers is an alien, he/they shall, in addition, be subject to deportation.

SECTION 52. Administrative Penalties -Without prejudice to the application of the above penal sanctions, the Department may impose an administrative fine of not less than ONE THOUSAND PESOS (P1,000.00) nor more than TEN THOUSAND PESOS (P10,000.00) against any person who shall violate or cause another to violate any provision of these rules and circulars, or suspend or revoke the license of any such person subject to the Department's regulatory jurisdiction.

SECTION 53. Means to Carry Into Effect the Purposes, Intent, and Spirit of these Rules - If the procedure to be followed in a given situation is not specifically provided for by these Rules, any suitable procedure and mode of proceeding which appears conformable to the purposes, intent and spirit of these Rules shall be adopted.

SECTION 54. Enlistment of Aid, Assistance and Support of Other Government Agencies - In the implementation of the provisions of these Rules, circulars and enforcement of orders or decisions, the Department may enlist the aid, assistance and support of any and all government agencies, whether civil or military.

SECTION 55. Copy of Rules Made Available for Inspection - Every resort shall keep a copy of these Rules open to inspection whenever any of its guests or employees shall request to be shown a copy thereof.

SECTION 56. Effectivity - These Rules shall take effect fifteen (15) days after their publication in the Official Gazette or in a national news-paper of general circulation.

SECTION 57. Separability Clause - The provisions of these Rules are hereby declared separable, and in the event that anyone or more of such provisions are declared invalid, the validity of all other provisions shall not be affected thereby.

SECTION 58. Repeal - All existing Rules and Regulations or circulars issued by the defunct Board of Travel and Tourist Industry or previously issued by the Department or other government agencies or entities on the operation of resorts, as well as municipal or city ordinances or part or parts thereof which are inconsistent with the provisions of these Rules, are hereby repealed and or modified accordingly.

Adopted: 1 March 1989

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(SGD.) JOSE ANTONIO U. GONZALEZ

Secretary

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