

REVISING PRESIDENTIAL DECREE NO. 189, DATED MAY 11, 1973, AS AMENDED, CREATING THE DEPARTMENT OF TOURISM.

PRESIDENTIAL DECREE NO. 1463, June 11, 1978

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I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree the revision of Presidential Decree No. 189, dated May 11, 1973, as amended, the charter creating the Department of Tourism, which shall henceforth read in its entirety as follows:

SECTION 1. Short Title.—This Decree shall be known as the Revised Charter of the Department of Tourism.

SEC. 2. Declaration of Policy.—It is hereby declared to be the policy of the Government to make the tourist industry a positive instrument towards accelerated national development through which more people from other lands may visit and better appreciate the Philippines and through which the Filipinos themselves may learn more about the natural beauty, history and culture of their country and thus develop greater pride in and commitment to the nation.

SEC. 3. Creation of a Department of Tourism.—There is hereby created a Department of Tourism, hereinafter referred to as the Department, which shall be the primary policy, planning, programming, coordinating and administrative entity of the executive branch of government in the development of the tourist industry, both domestic and international.

SEC. 4. Powers and Functions.—The Department shall have the following powers and functions:

- Administer, coordinate and supervise all activities of the government which concern tourism;
- Effect the removal of unnecessary barriers to travel, the integration and simplification of travel regulations as well as their efficient, fair and courteous enforcement to assure expeditious and hospitable reception of all tourists and travelers;
- Formulate an integrated program of promotion and publicity designed to attract and induce people abroad to visit the Philippines, and patronize things Philippine and to enhance the prestige of the Filipino people and the Republic;
- Represent the Government in all such conferences and meetings concerning tourism and travel, and discharge such responsibilities of Government may arise from treaties, agreements, and other commitments on tourism and travel to which it is a signatory;
- License, classify, regulate and/or supervise the operation of all persons, businesses, establishments, facilities and services that cater to, or have anything to do with travelers and tourists, such as travel agencies, travel agents/solicitors, tour operators, tour guides, hotels, resorts, apartment-hotels, (APARTELS) tourist inns, motels, pension houses, lodging houses and other similar lodging establishments, all tourist transport operators, private membership clubs/clubhouses and recreational complexes with room accommodations offering such services to the public, schools and training centers offering tourism-related courses, and such other tourism-oriented business/establishments/ facilities/services as may be determined by the department;

- Formulate suitable standards to ensure that the highest possible standards are met, reasonable fees and charges are made and that services are given with honesty, courtesy and efficiency;
- Prescribe and enforce compliance with such circulars, rules and regulations as may be necessary to implement the provisions and intent of this Decree;
- Conduct investigation, hearing and inquiry and provide for and grant administrative reliefs in all proper cases upon all matters relating to the administration and enforcement of the provisions of this Decree and/or the rules and regulations or circulars adopted by it to implement and enforce the objectives and intent thereof;
- Have access to the records and the premises of any business establishment, facility or service falling under the regulatory jurisdiction of the department and the right to copy therefrom, to question any employee and investigate any fact, condition or matter which may be necessary or be of aid in the proper administration and enforcement of this Decree and of any circular, rule and regulation issued by the department;
- After notice and hearing, impose administrative fines not exceeding P10,000.00, suspend or revoke the license, permit, registration or accreditation of any persons, or entity subject to its regulatory jurisdiction, confiscate bonds and order its disposition, for failure to comply with or for violation of any of the provisions of this Decree, the rules and regulations, circulars, orders, decisions or rulings of the department; to suspend or remove any officials/employee of any regulated establishment for failure to comply with or for violation of any provisions of this Decree, the rules and regulations, circulars, orders, decisions, rulings issued by the departments;
- Issue summons, subpoena and subpoena duces tecum to compel the attendance of witness and the production of books, papers and other documents pertinent to the investigation, hearing and inquiry, and to examine those witnesses and such books, papers and other documents as it shall need in relation to any matter being investigated, heard or inquired into;
- Punish for contempt of the department, both direct and indirect, by way of imposing fines;
- Enlist the aid, assistance and support of any and all government agencies, civil or military, in the implementation of the provisions of this Decree or the department's rules and regulations, circulars, and enforcement of orders and/or decisions;
- Perform such other functions as may be provided by law.

SEC. 5. Organization of the Department.—The Department shall be composed of a Department Proper and two (2) bureaus, namely: the Bureau of Tourism Promotion and the Bureau of Tourism Services.

The department proper shall include the office of the Secretary, the Planning Service, Financial and Management Service, Administrative Service, legal Service and such other offices or divisions that the Secretary is hereby authorized to create to carry out the functions and objectives of the department.

SEC. 6. Authority and Responsibility.—The authority and responsibility for the powers and the discharge of the functions of the Department shall be vested in a Secretary of Tourism, hereinafter referred to as the Secretary. The Secretary shall be assisted by one Undersecretary.

SEC. 7. The Office of the Secretary.—The Office of the Secretary shall consist of the Secretary of Tourism, the Undersecretary of Tourism and the personnel in their immediate office. It shall be responsible for the formulation, adoption and promulgation of rules and regulations and circulars necessary to carry out departmental policies and objectives, and for exercising direct control and immediate supervision over the offices, services and bureaus of the department.

SEC. 8. Functions of the Secretary.—The Secretary shall have the following functions:

- Establish the internal organization of the department, its bureau and offices to achieve its function and objectives;
- Advise the President in the promulgation of executive orders, regulations, and decrees relative to matters falling under the jurisdiction of the department;
- Establish the policies and standards for the operation of the department pursuant to the President's program of government;
- Promulgate rules and regulations necessary to carry out the department objectives, policies and functions;
- Exercise supervision and control over all bureaus and offices under the department;
- Delegate authority for the performance of any function to officers and employees under his direction; and
- Perform such other functions as may be provided by law.

SEC. 9. Functions of the Undersecretary of Tourism.—The Undersecretary shall have the following functions:

- Advise and assist the Secretary in the planning, supervision and coordination of all technical, administrative, financial and management, and related functions of the department;
- Determine the administrative needs and requirements of all bureaus and offices under the department;
- Advise and assist the Secretary in the formulation and implementation of department objectives and policies in all matters relating to his area of responsibility;
- Subject to the policy guidelines established and prescribed by the Secretary, administer the day to day activities, coordinate the programs and policies and assume over all responsibility for the efficient and economical operation of entities under his jurisdiction;
- Subject to the policy guidelines established and prescribed by the Secretary, exercise supervision over all activities in the department relating: to the planning, development, promotion and marketing aspects of the functions and powers of the department under this Decree; and
- Perform such other functions and discharge such other powers as may be provided by law or delegated by the Secretary pursuant to a Department Order.

SEC. 10. Functions of the Bureau of Tourism Promotion.—The Bureau of Tourism Promotion shall organize and support a program of public relations, advertising, promotion and publicity calculated to inform, interest, attract and encourage both domestic and foreign tourism in the Philippines; and shall perform such other functions as may be assigned/delegated to it by the Secretary.

SEC. 11. Creation of Divisions and Offices.—With the approval of the Secretary, the Director of the Bureau of Tourism Promotion is hereby authorized to create such divisions and offices as he may deem necessary to carry out the powers and duties of the bureau and for the proper and efficient operation of its business.

SEC. 12. Functions of the Bureau of Tourism Services.—The Bureau of Tourism Services shall provide information, reception, facilitation, security and investigation services to tourists; license, regulate, classify and inspect all tourism-oriented establishments; hear and resolve administrative cases within its jurisdiction; conduct training courses and programs for those involved with the Tourism Industry; and shall perform such other functions as may be assigned/delegated to it by the Secretary.

SEC. 13. Creation of Divisions and Offices.—With the approval of the Secretary, the Director of the Bureau of Tourism Services is hereby authorized to create such divisions and offices as he may deem necessary to carry out the powers and duties of the Bureau and for the proper and efficient operation of its business.

SEC. 14. Functions of the Planning Service.—The Planning Service shall provide the department with economical, efficient and effective services relating to planning, programming and project development, including the formulation of immediate and long range plans and programs for tourism development and their priorities as may be warranted by domestic and international developments; and shall perform such other functions as may be assigned/delegated to it by the Secretary.

SEC. 15. Functions of the Financial and Management Service.—The Financial and Management Service shall provide the department with staff advice and assistance on budgetary, finance and management improvement matters; and shall perform such other functions as may be assigned/delegated to it by the Secretary.

SEC. 16. Functions of the Administrative Service.—The Administrative Service shall provide the department with economical, efficient, and effective services, relating to personnel information, records, communications, supplies, equipment, collections, disbursements, security and other custodial works; and shall perform such other functions as may be assigned/delegated to it by the Secretary.

SEC. 17. Functions of the Legal Service.—The Legal Service shall provide legal advice, service, assistance and support to the Secretary and Undersecretary and all the offices services and bureaus under the department on all legal matters affecting the department; and shall perform such other functions as may be assigned/delegated to it by the Secretary.

SEC. 18. Attached Agencies.—The following agencies are hereby attached to the department for purposes of policy coordination and integration of programs:

- The Civil Aeronautics Board, which shall continue to be governed by laws pertinent to its functions and powers when not inconsistent with the provisions of this Decree.
- The Philippines Tourism Authority, which shall continue to be governed by the provisions of the existing laws.
- The Philippine Convention Bureau, which shall continue to be governed by the provisions of existing laws when not inconsistent with the provisions of this Decree.

SEC. 19. Penalties. —

- Violation by a license or holder of Authority.—Any person, whether natural or juridical, licensed, registered, accredited or permitted by the department to engage in a tourism-oriented establishment, facility or service, who shall violate or cause another to violate any of the provisions of this Decree or the rules and regulations or circulars adopted and promulgated by the department 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 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, any license, registration, accreditation, permit or authority which may have been issued by the department shall be deemed automatically withdrawn and revoked and the cash/surety bonds of the offender shall be forfeited in favor of the department.

- Violation by a Non-Holder of Authority.—Any person who is not a holder of a license, accreditation, permit or any other authority from the department who shall violate or cause another to violate any of the provisions of this Decree or the rules and regulations or circulars promulgated by the department shall, upon conviction of a competent court, suffer the penalty of imprisonment of not less than one (1) year nor more than six (6) 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.

- Penalty imposed upon Officers of Juridical Persons.—If the offender is a corporation, partnership, firm or association, the penalty shall be impose upon the officer or officers who may have been responsible for the violation; and if such officer or officers is an alien, he/they shall, in addition, be deported without further proceedings on the part of the Commission on Immigration and Deportation.

SEC. 20. Separability Clause.—The provisions of this Decree are hereby declared to be separable, and in the event any one or more of such provisions are held unconstitutional, they shall not affect the validity of other provisions.

SEC. 21. Repealing Clause.—All provisions of Presidential Decree No. 189 and all amendments thereto, inconsistent with the provisions of this Decree are hereby repealed or modified including General Orders, Letters of Instruction, Rules and Regulations, Executive Orders that are inconsistent or contrary to the provisions of this Decree are hereby repealed or modified accordingly.

SEC. 22. Effectivity.—This Decree shall take effect immediately.

Done in the City of Manila, this 11th day of June, in the year of Our Lord, nineteen hundred and seventy-eight.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JACOBO C. CLAVE
Presidential Executive Assistant

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