SANGGUNIANG PANLUNGSOD

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Authored: Councilor LAILANIE P. NOLASCO and Councilor KIMBERLY ANN D.V. GALANG

WHEREAS, the1987 Constitution mandates the safety and protection of the Citizens ad manifested in Article II Section5; the maintenance of peace and order, the protection of life, liberty and property and the promotion of the general welfare are essential for the enjoyment by all people of the blessing of democracy;

WHEREAS, Section 16 of the Local Government Code of 1991 provides that:

> "Every local government unit shall exercise the powers expressly granted. Those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare xxx."

WHEREAS, that over the years, the number of boarding houses and dormitories in Valenzuela City gas increased tremendously and has become a thriving business. Such business interest however poses health, safety and environmental concerns which must subject strict regulation to ensure the safety and well-being of our constituents;

WHEREAS, there should be consciousness in relation to safety and important of attaining healthful living condition with the community, emanating from the local officials, supported by officers to ensure public health and safety down to the barangay levels, and accordingly the dormitory owners and its occupants at the end to comply and ensure the attainment of a safe and accident free neighborhood, conducive learning, and well-being of the student living in dormitories;

WHEREAS, there is a need to establish guidelines, standards and requirements governing the construction, use, occupancy and operation of dormitories and boarding house in Valenzuela City.

BE IT ORDAINED, by the City Council of Valenzuela in session assembled that;

SECTION 1. – TITLE OF ORDINANCE. – This ordinance shall be known as "The Dormitories, Boarding House and Bed Spaces Ordinance of Valenzuela City".

SECTION 2. – SCOPE OF ORDINANCE – The provisions of the ordinance shall control/ apply in the construction, use, occupancy and operation of dormitories and boarding

SECTION 3. – DEFINITION OF TERMS. – As used in these ordinance unless specifically provided otherwise.

- DORMITORY OR BOARDING HOUSE – refers to any house building or structure or portion thereof, that are regularly accepted as boarders for compensation by the day, week or month.

For the purpose of this Ordinance, dormitories, boarding houses and bed spaces shall be classified as follows:

CLASS A Accommodation for 21 boarders or more

CLASS B Accommodation for 10 boarders or more but less than 20

CLASS C Accommodation for less than 10 boarders

- BOARDS – refers to any student, working minor or person who lives in a dormitory or boarding house for consideration.

- OWNER – refers to any natural or judicial person who owns, manages or maintain a dormitory or boarding house, or the duly authorized agent or representative of such person.

- BOARDING HOUSE, DORMITORY AND BED SPACE PERMIT – refer to a written authorization issued annually by the city officials concerned in accordance with the local ordinance to any natural or juridicial person applying for permission of operate, manage or maintain a dormitory, boarding house or to provide bed space.

- LICENSE – is a right or permission granted in accordance with the law by competent authority after payment of the license fees, to any natural or juridical person to engage in the operation of a dormitory or boarding house.

- BED SPACE OWNER – refers to any natural or juridical person who owns, manages, or maintains any house, buildings or structure or portion thereof who accepts person who occupy beds or sleeping space for compensation by day, week or month.

- ADMINISTRATIVE PENALTY – A legal mechanism that allows the local government to penalized the violation of this Ordinance, which consist of the imposition of monetary fine. It is intended to provide an alternative enforcement mechanism that is more cost- effective timely, and practical than prosecuting the offender/s through the court system.

- ROOM FOR RENT – refers to a portion of residential unit providing complete independent living facilities for one or more person including permanent provisions for living, eating, cooking, sanitation.

- APARTMENT – a building containing a number of separate residential suites.

- CONDOMINIUM – a building with one or more storeys composed of multi – unit residential suites under the joint ownership of occupants, each unit provided with complete sanitary facilities, utilities and other amenities.

SECTION 4. – BOARDING HOUSE, DORMITORY, AND BED SPACE FOR RENT/BED SPACING, (BDS) PERMIT AND LICENSE. – It shall be unlawful for any person entity or corporation to own, keep, maintain or conduct any boarding house or dormitory without first obtaining a permit from the Mayor and a license therefor duly approved by the proper city authorities.

The permit and license above mentioned shall specify the number of persons permitted to dwell or board in every boarding house or dormitory or shall always be displayed in a conspicuous place therein and no person shall maintain or conduct any dormitory or boarding house expect in accordance with the terms and conditions of the license issued therefor.

SECTION 5. – All established covered under this Ordinance must secure the following requirements;

- All permits, license and clearance required under existing laws, ordinance, rules and regulation;

- Submit a detailed statement of the following, signed by the operator & building owners and notarized.

- Kind of construction of the building;

- Size of each room for guest pr boarders;

- Sanitary facilities;

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- Condition of light and ventilation;

- Maximum number of persons that can be accommodated at any time;

- Size of dining room;

- Size of kitchen; and

- Number of employee/ crew or staff

- No license shall be issued until after an applicant for said license shall have satisfactorily shown to duly authorized City Authorities that he/she has complied with the standard and requirements of this ordinance. The owner shall submit a Sworn Statement compliance and that there are separated activities and premises for male and female borders.

- No license shall be issued to owners of Class A Dormitories unless the same secure a Personal Accident Insurance which shall provide compensation in the event of injuries, disability or death caused solely by violent, accidental external and visible events.

- Renewal of boarding house, dormitory and bed space for rent (BDS) license shall be granted upon the submission of the owner of a certified true copy of the registry of all boarders and a sworn statement that he/ she will continue to comply with this ordinance subject to periodic inspection by duly authorized City Authorities to determine if he/she complied with this ordinance.

- The BDS permit shall be issued upon compliance to the above mentioned requirements upon payment, fees to be levied by the City Treasurer depending of the number of boarders of the dormitory or boarding house and bed space for rent, according to the following graduated schedule.

CLASS A Php 750

CLASS B Php 500

CLASS C Php 350

This is an addition to the regulatory fee imposed under Page 11 of Ordinance No. 39 series of 2011.

SECTION 6. – REGISTRATION. – All boarders shall be required to register before occupying the dormitory, boarding house and bed space.

- Name;

- Address;

- Age;

- School and/or place of work;

- Name, address, contact number of parents or guardian;

- Log in-log out of visitor's record.

A boarder who is a minor shall be required to submit the written permission of his/her parent or guardian to register as a boarder at the particular dormitory or boarding house.

A registry of all boarders should be kept by the owner for each current calendar year.

SECTION 7. – PREMISES AND FACILITIES. – Facilities and premises for males and females in a particular

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dormitory, boarding house and bed space shall always be separated.

- CONSTRUCTION – The building shall be made using fire resistive materials and shall have complied with the provisions of the National Building Code of the Philippines (PD1096); Fire Code of the Philippines (RA 9514) and other referral Codes.

- FIRE ESCAPRE/FIRE EXITS – There shall be passageways and the escapes.

- Passageways shall be at least one point twelve (1.12) meters wide and shall be properly lighted at each flight of stairs, intersection of corridors, and the points of agrees of fire escapes.

- Fire escapes shall lead to at the street front, far from the stairs, and accessible from any floor by means of a clear, unobstructed passageway.

- Shall have at least two (2) means of agrees, remote from each other.

- Fire exit doors shall not be locked and is equipped with self-closing mechanism and quick release latch and shall swing on the direction of exit travel.

- FIRE DETECTION AND ALARM SYSTEM – There shall be a fire detection and emergency alarm system consisting of sending stations, bells or gongs, conveniently located for easy access and the sound of which shall be clearly audible throughout the boarding house.

The fire detection and alarm system should be independent of the general electric circuit to provide for cases where the electrical circuit has to be disconnected due to fire and other emergencies.

- FIRE PROTECTION EQUIPMENT

- There shall be equipped and maintained with proper fire fighting facilities such as but not limited to fire hose cabinets and fire extinguishers.

- There must be an automatic emergency lightning system and illuminated directional signs, installed on hallways or exit access at least one (1) meter for every fifteen (15) meters leading to the nearest exit.

- Flammable liquids or combustible materials, shall not be stored in the premises nor placed on passageways, fire escapes, stairs and exits; provide that fuel reasonably required for ordinary cooking purposes may be kept in the kitchen in fireproof safe container.

- ROOMS

- BEDROOM – A bedroom shall have a window area of at least ten (10) percent of the floor area; unless it is air-conditioned, in which case Section 8 shall apply.

- DINING ROOM – There shall be dining room which shall be screened, provide with a self-closing door and separate from the sleeping quarters.

- STUDY ROOM – Adequate space and facilities for study room should be provided. There shall be a separate study room for dormitory or boarding house with more than thirty (30) boarders. There shall be a separate desk and chair for each boarder.

- RECEIVING ROOM – There shall be a receiving room for visitors.

- LAVATORY AND BATHROOM – For every ten (10) boarders, there shall be (1) showerhead, one (1) lavatory, one (1) water closet and one (1) floor drain.

- KITCHEN – There shall be a separate kitchen which shall be screened and provided with a self-closing door.

- The minimum floor area for less than twenty (20) boarders shall be three (3) by two (2) meters, and for twenty or more boarders, shall be four (4) by three (3) meters. Walls shall be cemented up to the height of at least 1.25 meters from the floor. When necessary, stove hoods, a chimney or an exhaust ventilation system shall be provided.

- Plastic or metal garbage receptacle shall be provided with tight fitting covers. Garbage and waste materials shall be removed, so as not become a health hazard or nuisance. Receptacles shall be properly cleaned immediately after these are emptied.

- WATER SUPPLY – there shall be provisions for safe potable water and adequate supply for washing and other purposes.

- LAUNDRY AND WASHING – There shall be adequate provisions for washing and dying of laundry and for washing personal articles.

- SANITARY CONDITION OF PREMISES – The premises, including the yard, driveways and alleys contiguous with the premises, shall, at all times, be kept clean, sanitary and free from dust, dirt, refuse, rubbish, flies, rodents, mosquitoes, cockroaches and other offensive materials or vermin.

- SUFFICIENT GARBAGE DISPOSAL FACILITIES – Suitable fly-proof and water-tight garbage receptacles made of metal with metal tight fitting covers shall be provided. Garbage and other waste materials shall be removed from the premises daily and shall not be allowed to become nuisance. Immediate upon emptying such receptacles, same shall be properly cleaned.

- NO SMOKING SIGN – The owner, operator, manage or administrator of establishment shall provide and post in conspicuous places therein appropriate and legible "NO SMOKING Pursuant to City Ordinance of No. 67 Series of 2012 Valenzuela" signs of uniform color and size to be determined by the Office of the City Mayor.

SECTION 8. – LIGHTING AND VENTILATION. –

- Lighting and Electrical Facilities – Rooms, passageways, stairways and other parts of the premises shall be properly and adequately-lighted by natural or artificial means or by both in consonance with the standards of illumination practices.

- Good lighting shall be provided in all rooms and premises and shall include illumination adequate in amount for such premises and rooms used for reading and study purpose shall have at least an illumination level of 50 lux (5 foot candles).

- For Class A dormitories and boarding houses, the electrical lighting facilities for passageways, stairways and fire exits shall be connected on the supply side of main service equipment of the building.

- Electrical equipment and installation shall conform to the Philippines Electrical Code and shall subject to periodic inspection.

- Lighting equipment, devices and fixtures, shall at all times, be maintained in clean, safe and good working condition.

- Ventilation – All buildings erected or altered for use as dormitory or boarding house shall have their rooms of such size that adequate air space shall be provided for each occupant. The minimum height of bedrooms shall be three (3) meters, unless air conditioned where it shall not less than two-and-a half meters, the minimum length, (3)

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three meters. 3) occupants allowed for every 20 sq. m.)

SECTION 9. – CERTIFICATE OF ANNUAL BUILDING INSPECTION–

- All Dormitory, boarding house and bed space shall be subjected to annual inspection and shall secure certificate of annual building inspection from the office of the building official.

- Any 3-storey building erected for dormitory house or bed space for the accommodation of over 100 persons or any building or section of building exceeding 3-storey to be used for said purpose, shall be reinforced concrete structural framing or of steel structural framing covered with concrete. Provided, that if more than 50% of such buildings are altered the requirements herein provided shall be complied.

- Building accommodating less than 100 persons shall not exceed 3-stored in height or 12 meters if of non-fireproof structures but in no case 1 owner in quality than that of a frame structure.

- Common Building Violations

Any violation found during inspection shall be rectified and make good all defects by owner admin/manager prior to issuance of certificate.

- Dilapidated building structures, floor, sidings, ceilings;

- Inadequate emergency entrance and exit facilities;

- Failure to comply with the provisions of open space; and

- Defective plumbing/sanitary fixtures and absence of water supply.

SECTION 10. – HEALTH CERTIFICATES. – All personnel, particularly books, food handlers, waiters, or kitchen helpers who handle food, shall require health certificates before being allowed to work.

SECTION 11. – CREATION OF COMMITTEE ON DORMITORIES, BOARDING HOUSE, AND BED SPACES. – The City Mayor shall create a Committee to conduct inspection of all dormitories, boarding houses, room for rent and bed spaces to ensure that these establishments are operated in accordance with salary, fire and other safety law and ordinances.

1. City Mayor – Chairman

2. Chair. Committee of Education

Sangguniang Panglungsod Member – Vice Chairman

3. City Administrator – Member

4. City Building Official – Member

5. City Fire Marshall – Member

6. City Health Officer – Member

7. Head-BPLO – Member

8. Head– Task Force Disiplina – Member

The Committee shall from time to time study, recommend and conduct survey and the like to properly implement the foregoing policy in order to insure that those living in dormitories, boarding houses and bed spaces shall have

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sufficient shelter, shall live in an environment free from pernicious influences, and conductive to the promotion of their health, and shall be protected against exploitation, improper influences or hazards prejudicial to their development.

SECTION 12. – RESPONSIBILITY FOR OBSERVANCE OF THE GUIDELINES.

- The owner and/or operator shall be responsible for maintaining the dormitory, boarding house and bed space in accordance with this ordinance.

- The City Government shall revoke the owner and/or operator's license if he/she fails to comply with his/her responsibility or any of the provisions thereof.

SECTION 13. – ADMINISTRATIVE PENALTIES. – Any natural or juridical persons who owns, manages, or maintain a dormitory, boarding house, and bed space duly authorized agent or representative of such person who shall be subject to administrative penalties in the following manner.

CLASS C CLASS B CLASS A

First Offense Php 1,000.00 Php 2,000.00 Php 4,000.00

Second Offense Php 3,000.00 Php 4,000.00 Php 6,000.00

Third Offense Php 5,000.00 Php 6,000.00 Php 8,000.00

Fourth Offense Closure and revocation permit Closure and revocation permit Closure and revocation permit

The imposition, assessment and collection of administrative fine is without prejudice to the filing of a criminal action against the offender/s. In addition to the imposed penalty. The owner shall correct/remove his violations of the provisions of the ordinance.

SECTION 14. – PENALTY CLAUSE. – Any persons, corporation partnership or entity found violating the provision of this Ordinance or its implementing rules and regulations, shall upon conviction be penalized as follows.

First Offense A Fine of One Thousand Pesos (Php 1,000.00) or imprisonment of not more than one (1) month, or both, at discretion of the court;

Second Offense A Fine of Three Thousand Pesos (Php 3,000) or imprisonment of not more than two (2) months but not less than one (1) month, or both, at discretion of the court;

Third Offense A Fine of Five Thousand Pesos (Php 5,000) or imprisonment of not more than three (3) months but not less than two (2) months, or both, at discretion of the court;

SECTION 15. – IMPLEMENTING RULES. – While this Ordinance and the provisions hereof are already operative upon the Ordinance's effectivity, the Mayor, may issue the appropriate and relevant rules and regulation for the proper implementation of this Ordinance or its provisions.

The Business Permits and Licensing Office (BLPO) and with the concurrence of the Office of the Building Official are also mandated to verify the lists of business establishments operating as dormitories, boarding houses and bed spaces sixty (60) days after the approval and shall be adopted as part and parcel of this ordinance.

SECTION 16. – OTHER REFERRAL CODES. – This Ordinance shall be supplemental by the applicable provision of the National Building of the Philippines (PD 1096), Fire Code of the Philippines (RA 9514) and other referral laws and whenever there is conflict between the provisions hereof and the aforesaid code on

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building requirement; the Code shall prevail.

SECTION 17. – CREATION OF BDS TRUST FUND. – If all penalties and/or fines fees, collected arising from the implementing of this Ordinance shall go to the special coffers captioned "BDS Trust Fund", and shall be used exclusively for the successful implementation of this Ordinance.

SECTION 18. – SEPARABILITY CLAUSE> – If for any reason, a part of this Ordinance is declared illegal or invalid, other part or provisions hereof which are not affected thereby shall remain valid in full force and effect.

SECTION 19. – REPEALING CLAUSE. – All previous Ordinance and rules/regulations inconsistent with the provision hereof are deemed repealed or modified accordingly.

SECTION 20. – EFFECTIVITY. – This Ordinance shall take effect Six (6) Months after its approval by His Honor, the City Mayor and after due publication and notice to the public in general, with the exception of existing dormitories, boarding house and bed spaces which shall be given grace period of One (1) Year from the date of enactment of this ordinance within which to comply with the provisions of this ordinance.

ENACTED.
AUGUST 10, 2015.
VALENZUELA CITY, METROPOLITAN MANILA.

(Sgd.) HON. LORENA NATIVIDAD-BORJA
Councilor
Majority Floor Leader HON. ROSALIE ESTEBAN-CAYCO
Councilor
Minority Floor Leader

HON. MARCELINO G. MORELOS
Councilor (Sgd.) HON. ANTONIO R. ESPIRITU
Councilor
Asst. Majority Floor Leader

(Sgd.) HON. ROVIN ANDREW M. FELICIANO
Councilor (Sgd.) HON. LAILANIE P. NOLASCO
Councilor

(Sgd.) HON. CORAZON A. CORTEZ
Councilor (Sgd.) HON. KIMBERLY ANN DV. GALANG
Councilor

(Sgd.) HON. MARLON PAULO C. ALEJANDRINO
Councilor (Sgd.) HON. CRISSHA M. PINEDA
Councilor

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(Sgd.) HON. JENNIFER PINGREE-ESPLANA
Councilor (Sgd.) HON. KRISTIAN ROME T. SY
Councilor

(Sgd.) HON. RAMON L. ENCARNACION
Councilor
(President, League of Barangays)

ATTESTED:

(Sgd.) FLAVIO C. DIAZ
Secretary

CERTIFIED CORRECT:

(Sgd.) HON. ERIC M. MARTINEZ
City Vice Mayor
Presiding Officer

APPROVED:

(Sgd.) HON. REXLON T. GATCHALIAN
City Mayor
Date Signed: _____

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