



Republic of the Philippines
Province of Iloilo
MUNICIPALITY OF OTON

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT from the Minutes of Session of the Sangguniang Bayan ng Oton, Iloilo recorded during its Regular Session held at the SB Session Hall on **December 2, 2015** at 9:00 in the morning.

PRESENT:	Hon. Jose Neil P. Olivares	Vice Mayor and Presiding Officer
	Hon. Theodore C. Britanico	SB Member
	Hon. Jafet P. Salinas	SB Member
	Hon. Felix L. Flores	SB Member
	Hon. Eusebio G. Villavicencio, Jr.	SB Member
	Hon. Rodolfo Z. Alzonga, Jr.	SB Member
	Hon. Jose V. Olivares, Jr.	SB Member
Absent:	Hon. Margarito T. Caneill III	SB Member (Liga ng mga Barangay Representative)
	Hon. Juan Miguel M. Flores	SB Member

ORDINANCE NO. 2015 – 284

AN ORDINANCE REGULATING THE OPERATION OF BOARDING HOUSES, BED SPACES, APARTMENTS AND DORMITORIES IN THE MUNICIPALITY OF OTON, ILOILO.

AS PROPOSED by Vice Mayor Jose Neil P. Olivares, and Hon. Jafet P. Salinas **ON MOTION** of the Committee on Ways and Means composed by Hon. Theodore C. Britanico, Hon. Leonida C. Alison and Hon. Juan Miguel M. Flores which was duly seconded by Hon. Eusebio G. Villavicencio, Jr.

BE IT ORDAINED by this Sangguniang Bayan, that:

SECTION 1. Introductory Clause. The mushrooming of boarding houses needs regulation so as to protect the welfare of boarders, legitimize and regulate the business operation of boarding house owners and not deprive the local government of revenues coming from this business.

SECTION 2. Scope. Anchored on the General Welfare Clause of the Local Government Code of 1991, this Ordinance regulates the operation of boarding houses in the Municipality of Oton, including the business permit fees, the monthly rates, other necessary and incidental provisions and penalty for violation thereof.

SECTION 3. Definition of Terms. For purposes of this Ordinance, the following terms used in this ordinance are defined as:

- a. **Boarding House which includes Bed Space/ Dormitory / Apartments** – is any place of abode, the residential house or any part of residential house where an occupant stays for a fee or consideration in money either daily or by week or by month for meals and/ or for lodging purposes regardless of the length of stay. This is considered a business establishment.
- b. **Boarders/ Bedspacers** – any natural person who is accommodated in a boarding house by paying for his board and lodging with or without meals or for bedspace only regardless of the length of stay.
- c. **Business Permit** – a permit to operate document issued by the Office of the Mayor after the applicant complies the requirements for issuance of such permit.

SECTION 4. Requirements for the Issuance of Business to Operate a Boarding House. It shall be unlawful for any person, natural or juridical, to operate a boarding house within the jurisdiction of the Municipality of Oton without first securing a Business Permit to Operate a Boarding House with the following requirements:

a. Duly filled up Application Form under oath detailing the following:

- a. 1. The kind of construction of the building and the class of boarding house to be operated;
- a. 2. The size, ventilation and electrical system of each room (over-current protection; circuit breaker/knife switch for electrical safety);
- a. 3. Toilets, bathrooms, kitchen and laundry area;
- a. 4. The most number of persons that can be accommodated at any one time;
- a. 5. First Aid, Fire Protection Appliance, fire detection alarm system and fire evacuation plans;
- a. 6. Safety kits;
- a. 7. Presence of telephone with emergency numbers, first aid kit, television and refrigerator;
- a. 8. Garbage disposal facilities and system duly labeled for segregation purposes;
- a. 9. Security safety measures; and
- a. 10. Application Form attached with this ordinance certified as true copy by the Secretary to the Sanggunian

b. Clearances and Permits

- b.1. Barangay Clearance for such business;
- b.2. Zoning Clearance;
- b.3. Building and Occupancy Permit;
- b.4. Fire Safety Inspection Certificate;
- b.5. Sanitary Permit;
- b.6. Environmental Permit; and
- b.7. Such other related permits or requirements required under the Tax and Revenue Code.

c. Fees

- c.1. Business Permit Fee;
- c.2. Business Tax;
- c.3. Annual Garbage Fee.
- c.4. Such other related fees required under the Tax and Revenue Code

SECTION 5. Classes of Boarding Houses.**a. Boarding houses shall be classified as follows:**

Class "A":

- a. Room accommodation measuring at least twenty (20) square meters;
- b. At least 35 square meters reception area with radio, television and telephone;
- c. Accommodates three (3) or less persons in one room;
- d. Three or more toilets and bathrooms;
- e. Sufficient water supply with storage tanks;
- f. Adequate space for kitchen;

- g. Bedrooms are well ventilated and lighted with fluorescent lamp with at least two (2) convenient outlets.

Class "B":

- a. Room accommodation of at least twenty (20) square meters;
- b. At least thirty (30) square meters reception area with television and telephone;
- c. Accommodates four (4) to six (6) persons in one room;
- d. Two (2) or more toilets and bathrooms;
- e. Sufficient water supply;
- f. Adequate kitchen area; and
- g. Bedrooms are ventilated with fluorescent lamps and at least one (1) convenience outlet per room.

Class "C":

- a. Double deck beds;
- b. Toilets and bathrooms at a ratio of One (1) to ten (10) persons per toilet / bathroom; and
- c. Ventilated Rooms with at least one (1) fluorescent bulb and a convenience outlet per room

Class "D"

All others falling below the standards set forth in Class "C"

- b. All classes of boarding house shall be made of strong materials such as concrete/lumber/ steel/ GI sheets with room partition made of fire resistant materials like concrete or hardiflex.

SECTION 6. Allowable Maximum Rates.

- a) In consonance to Section 4 of R.A 9653, boarding houses offered for rent to students shall not increase their rental more than once per year.
- b) In consonance to Section 5, RA 9653, the total monthly rent for each boarding houses in the municipality shall range from one peso (Php1.00) to to Five Thousand Pesos (Php5,000.00) without prejudice to existing contracts..

SECTION 7. Boarding House Register.

- a.) There shall be a Boarding House Register in every boarding house. Owners or operators of boarding houses shall not accept a boarder unless he / she has filled up and signed the register. Data in the register shall include but not limited to the following:
 1. Complete name of the boarder (first name, middle and surname)
 2. Civil status
 3. Nationality
 4. Age
 5. Home address
 6. Occupation
 7. Valid ID Number with name of issuing authority
 8. Residence Certificate number, with date and place of issue.

9. Such other personal circumstances as are deemed necessary and applicable.
- b.) Minors shall not be accepted as boarders unless accompanied by one of their parents or lawful guardians at the time of registration.
- c.) The register shall be open for inspection by lawful authorities or members of the Licensing Office or Boarding House Commission if any.

SECTION 8. Boarding Contract.

The owner or operator of a boarding house and the boarders shall execute a written contract stipulating among others the following:

1. Period of stay
2. Rent per month
3. Schedule of payment
4. Use of facilities
5. Waking and retiring regulations
6. Noise regulations
7. Curfew if applicable
8. Such other stipulations as are necessary and applicable.

SECTION 9. Duties and Responsibilities of Owner / Operator.

1. It shall be the duty of the owner , manager or operator to safeguard the safety of all tenants by prohibiting the entry/storing of deadly weapons and alcoholic drinks and beverages including drinking liquor within the premises. These prohibitions, together with the rules and regulations shall be posted in every room and conspicous places in the boarding house or dormitory.
2. Owners, managers or operators shall install grills on windows of the rooms in the boarding houses provided that there shall be a provision to serve as fire exit window of not less than 56 cm width x 20 cm high .
3. To undertake major or minor repairs whenever necessary to prevent danger to life or cause injury to boarders.
4. To provide enough toilets, one (1) toilet for every 5 boarders.
5. Provide separate rooms and toilets for male and female boarders.
6. There shall be a written contract or agreement between the owner / operator and tenants / boarders stipulating the period of stay, rate per month and nature of facilities. It shall serve as protection from overcharging and other payment-related concerns, and also provide legal basis should disagreements arise between landlords and their boarders.

SECTION 10. Duties and Responsibilities of Boarder / Bedspacer.

1. It shall be the duty and responsibility of the boarders/bedspacers/tenants to faithfully comply with the contract of accomodation or accomodation, follow house rules, regularly and promptly pay his/her bills or rent, and such other obligations that will promote harmony, good order and mutual respect.

SECTION 11. House Rules and Regulations.

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All boarders shall be provided a copy of Rules and Regulations being implemented in the boarding house. These rules and regulations also shall be posted in a conspicuous place inside the boarding house/dormitory. It shall include among others, provisions on: House rules, Guests, Kitchen, Meals, Bathroom, Bedroom, Laundry, Garbage, Rent, Bills and other related regulations.

SECTION 12. Boarding House Commission.

A) **Creation.** There shall be created a Boarding House Commission of the Municipality of Oton, Iloilo, which will be composed of :

- | | |
|--|-----------------|
| 1. Municipal Engineer | - Chairman |
| 2. The Marshall, Municipal Fire Station | - Vice Chairman |
| 3. Municipal Health Officer | - Secretary |
| 4. Chief of Police, Municipal Police Station | |
| 5. MENRO Head | |
| 6. MEEDO Head | |
| 7. Liga ng mga Barangay President | |

B) **POWERS, DUTIES AND FUNCTIONS:**

- 1) It shall be the duty of the boarding house commission to inspect all boarding houses within the Municipality of Oton, whether these boarding houses comply the following:
 - 1) Permits / Clearance from the Bureau of Fire, Municipal Health Office, Engineer's Office and Mayor's Permit / Business Permit;
 - 2) Presence of fire safety equipment, security alarms, CCTV, sprinklers, emergency exits;
 - 3) Proper installation of electrical system and ventilation;
 - 4) Presence of House Rules duly posted in conspicuous areas in the boarding house;
 - 5) Emergency numbers of Police, Health Center/ Ambulance, Fire Station and MDRRMO
- 2) The Boarding House Commission shall have the power to inspect and / or subject the boarding house for closure should there be violations of the ordinance.
- 3) The Local Chief Executive shall issue an Executive Order for the appointment of the members of the Commission.

SECTION 13. Prohibited Acts and Regulatory Policies.

1. It is prohibited to use triple deck beds in all boarding houses.
2. It is prohibited for boarding houses to have mix boarders in a room.
3. Carrying/ storing of pointed deadly weapons and firearms, storing or drinking alcoholic drinks, illegal drugs and using the same.
4. Storing of combustible, flammable and explosive materials except for personal consumption /use such as LPG, lighters, matchsticks for cooking.
5. Boarding houses of whatever nature shall secure an annual business permit to operate. Certifications/ permit from offices of Health (for Sanitation); Engineering (for Building Structure), MPDC (for Zoning clearance), Environment (Environment, Garbage Concerns), BFP (Fire Safety) shall be required or other requirements as may be required by law or ordinances in securing the business permit.

6. No boarding houses, shall be permitted to accommodate dwellers or boarders beyond the number stipulated in the application.

7. Garbage receptacles shall be provided in every room and disposal of garbage shall be made regularly in order not to pose sanitary problems to the occupants and the surroundings;

SECTION 14. Penalty Clause. Boarding houses, Bed Spaces and Dormitories/ Apartments operating without a business permit shall be fined Two Thousand Five Hundred Pesos and shall be required to comply with all the requirements as stated in this Ordinance. If the owner, operator, and / or manager, fails to comply the requirements within two (2) months, from notice hereof, the boarding house shall be temporarily closed until compliance thereof.

For violation of the provisions of the Ordinance, the owner, manager or operator shall be meted a fine of One Thousand Pesos and/ or imprisonment of One (1) day or both fine and imprisonment at the discretion of the court.

SECTION 15. Prohibition Against Ejectment by Reason of Sale or Mortgage – No lessor or his/her successor-in-interest shall be entitled to eject the lessee upon the ground that the leased premises have been sold or mortgaged to a third person regardless of whether the lease or mortgage is registered or not, as provided under R.A 6953, also known as the "Rent Control Act of 2009."

SECTION 16. Moratorium. Boarding Houses made of light materials shall be given a moratorium of two (2) years to operate, provided they shall secure Building /Business Permit.

SECTION 17. Budgetary Requirement. There shall be an allocated budget in the amount of Fifty Thousand Pesos (P50,000.00) for the implementation of this Ordinance.

SECTION 18. Separability Clause. If any provision of this Ordinance is held invalid, the other provisions not affected thereby shall continue in operation.

SECTION 19. Repealing Clause. All municipal ordinances or parts of any municipal ordinance inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly

SECTION 20. Effectivity Clause. Based on Section 511 of the Local Government Code, this Ordinance with penal sanctions shall take effect either on the day following its publication, or at the end of three (3) consecutive weeks period of posting, whichever occurs later.

SECTION 21. Copies. This Ordinance shall be furnished to the Office of the Mayor; the Municipal Planning and Development Office (MPDO), Bureau of Fire Oton Station, Municipal Engineer's Office, Oton Police Station, Municipal Health Office, MENRO, MEEDO, MTC; Actg. Office and the Sangguniang Panlalawigan of Iloilo for information, guidance and review respectively.

APPROVED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

Concurred



JEFFREY SALINAS
Chair, Committee on Rules and Privileges

Approved:

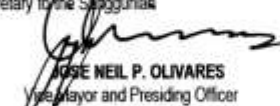

VICENTE FLORES, JR.
Municipal Mayor

Date Approved by LCE:

DEC 15 2015


KERRY ANN Z. LACIGAR
Secretary to the Sanggunian

Attested:


JOSE NEIL P. OLIVARES
Vice Mayor and Presiding Officer

Date Posted:

DEC 16 2015

/jodi