

ORDINANCE NO. 7941

AN ORDINANCE REQUIRING OWNERS, OPERATORS, LESSEES, OCCUPANTS AND CONCESSIONAIRES OF BUSINESS ESTABLISHMENTS, CONTRACTORS AND DEVELOPERS AND PERSONS REQUIRED TO SECURE BUSINESS AND/OR BUILDING PERMIT IN DOING BUSINESS OR UNDERTAKING CONSTRUCTION OR REPAIR WORK IN THE CITY OF MANILA, TO SECURE PUBLIC LIABILITY INSURANCE, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

Be it ordained by the City Council of Manila, THAT:

SECTION. 1. Declaration of Policy.

It is hereby declared a policy of Manila to promote the welfare and general well-being of the public by providing ample protection to victims of accidents and/or disasters occurring in business establishments and in buildings and/or structures undergoing construction, repair, renovation and other similar activities. Towards this end, the City Government shall adopt measures in assuring that the victims of accidents and/or disasters are reasonably compensated for the loss or injury sustained and the prompt and expedient indemnification of damages suffered by reason thereof.

SECTION. 2. Public Liability Insurance Requirements

Pursuant to the above policy, all persons whether natural or juridical, required under the law to secure business permit and/or building permit in doing business or undertaking construction, repair, and maintenance work in Manila are hereby required to secure public liability insurance as an expedient means of indemnifying victims of accidents and/or disasters, either natural or man-made occurring in business establishments and in buildings and/or structures under construction, renovation, repair or where similar activities are undertaken.

SECTION 3. The provisions of a contract of insurance to the contrary notwithstanding, the Public Liability Insurance required under this Ordinance shall perforce be the basic premises, i.e., operations coverage of a comprehensive general liability policy or the third party liability coverage of a contractor's all risk policy with a combined single limit (for bodily injury/property damage) per occurrence with an amount equivalent to Five Thousand Pesos (P5,000.00) per square meter of space occupied or used as common areas or per seat or customer capacity basis as certified by the Building Official or whichever is higher or per square meter of floor area under construction, addition, renovation, repair, or demolition subject to a minimum limit of liability of One Hundred Thousand Pesos (P100,000.00) per occurrence and a maximum limit of liability of Five Million Pesos (P5,000,000.00) per occurrence.

SECTION 4. In determining liability under this Ordinance, lessees, occupants and concessionaires of spaces in commercial/business buildings and/or establishments shall be held liable for damages suffered by third parties while within the area(s) leased or occupied. Those (damages) sustained in spaces used as common areas shall be exclusively borne by the owner of the building or establishment. The liability for injuries or losses suffered by the public in building/structures under construction, renovation, repair, etc. shall be borne by the contractor or developer thereof.

SECTION 5. Filing of claims for and payment of damages, pursuant to this measure, shall not constitute a bar in filing similar claims under existing laws.

SECTION 6. Any person securing business permit to do business or building permit for construction or repair work, in Manila shall, upon application or renewal thereof, present proof that the herein required public liability insurance and the payment of premium have been complied with. No permit shall be issued and/or renewed without first complying with the requirements of this Ordinance.

SECTION 7. The public liability insurance required under this Ordinance must be secured from a company duly-registered, licensed and authorized under the law to transact insurance and business in the Philippines. The required public liability insurance shall be issued on a policy form approved by the Insurance Commission.

SECTION 8. For the protection of the public, the Director of the Bureau of Permits or City Building Official in coordination with the Insurance Commission shall display or cause to be displayed the list of insurance companies in good standing in conspicuous places within the City Hall premises.

SECTION 9. Any person, natural or juridical, found guilty of violating this Ordinance causing misdeclaration, misrepresentation and other fraud committed for purposes of evading the payment of the required insurance coverage under this Ordinance shall be meted the fine of Five Thousand Pesos (P5,000.00) or imprisonment of one (1) year, or both, based on the sound discretion of the court, without prejudice to the revocation and/or cancellation of the business license of the offender.

If the person found guilty of violating this Ordinance is a juridical person, the penalty herein prescribed shall be imposed upon the president, manager or any responsible officer.

SECTION 10. Exemptions

Business establishments with a capital of not more than Fifty Thousand Pesos (P50,000.00) and construction or repair work in buildings/structures costing not more than One Hundred Thousand Pesos (P100,000.00) are exempted from the provisions of this Ordinance.


SECTION 11. This Ordinance shall take effect on January 1, 1998.


Enacted by the City Council of Manila at its regular session today, December 29, 1997.

Approved by His Honor, the Mayor, on

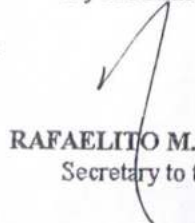
January 15, 1998.

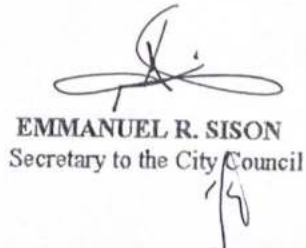
APPROVED:


ALFREDO S. LIM
Mayor
City of Manila


JOSE L. ATIENZA, JR.
Vice-Mayor and Presiding Officer
City Council, Manila

ATTESTED:


RAFAELITO M. GARAYBLAS
Secretary to the Mayor


EMMANUEL R. SISON
Secretary to the City Council

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