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CITY COUNCIL
City of Manila

REGULAR SESSION NO. 47

12TH CITY COUNCIL

Begun and held in the City Council on Tuesday,
the sixth day of December, Two Thousand Twenty-Two

ORDINANCE NO. 8959

AN ORDINANCE IMPOSING A TOURISM CERTIFICATION FEE TO TOURISM RELATED ESTABLISHMENTS OPERATING WITHIN THE CITY OF MANILA

PRINCIPAL AUTHORS: **HON. ERNESTO C. ISIP, JR.**, Majority Floor Leader, HON. BENNY FOG T. ABANTE III, HON. TERRENCE F. ALIBARBAR, HON. ARLENE MAILE I. ATIENZA, HON. KRYSTLE MARIE C. BACANI, HON. DON JUAN "DJ" BAGATSING, HON. LARIS T. BORROMEO, HON. RUBEN F. BUENAVENTURA, HON. CARLOS C. CASTAÑEDA, HON. LOUISITO N. CHUA, HON. NIÑO M. DELA CRUZ, HON. ROBERTO S. ESPIRITU II, HON. JESUS E. FAJARDO, JR., HON. PAMELA "Fa" G. FUGOSO-PASCUAL, HON. JAYBEE S. HIZON, HON. MARTIN V. ISIDRO, JR., HON. RODOLFO N. LACSAMANA, HON. MACARIO M. LACSON, HON. SALVADOR PHILIP H. LACUNA, HON. MOISES T. LIM, HON. NUMERO G. LIM, HON. JOHANNA MAUREEN C. NIETO-RODRIGUEZ, HON. ERICK IAN O. NIEVA, HON. CHARRY R. ORTEGA, HON. ELMER M. PAR, HON. ROMA PAULA S. ROBLES-DALUZ, HON. DARWIN B. SIA, HON. LUCIANO M. VELOSO, HON. JOEL "JTV" VILLANUEVA and HON. TIMOTHY OLIVER I. ZARCAL



Be it ordained by the City Council of Manila, in session assembled, *THAT*:

CHAPTER I

ARTICLE A – Title

SECTION 1. Title. – This Ordinance shall be known as “**Tourism Certification Fee of 2023 in the City of Manila**” for brevity.

ARTICLE B – Authority and Scope

SEC. 2. Authority. – This Ordinance is enacted pursuant to Section 17 (a), Chapter 2, Title One, Book I, Section 132, Chapter 1, Title One, Book II and Section 151, Article Three, Chapter 2, Title One, Book II of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, which states that:

“**SEC. 17. Basic Services and Facilities.** (a) Local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code. Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate or incidental to efficient and effective provision of the basic services and facilities enumerated herein.

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SEC. 132. Local Taxing Authority. The power to impose a tax, fee or charge or to generate revenue under this Code shall be exercised by the sanggunian of the local government unit concerned through an appropriate ordinance.

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SEC. 151. Scope of Taxing Powers. Except as otherwise provided in this Code, the city, may levy the taxes, fees and charges which the province or municipality may impose: Provided, however, That the taxes, fees and charges levied and collected by highly urbanized and independent component cities shall accrue to them and distributed in accordance with the provisions of this code.

The rates of taxes that the city may levy may exceed the maximum rates allowed for the province or municipality by not more than fifty percent (50%) except the rates of professional and amusement taxes.”

SEC. 3. Purpose. – This Ordinance shall release a certification issued by the Committee on Tourism under the Department of Tourism, Culture and Arts of Manila (DTCAM) to all tourism enterprises so that it officially distinguishes as having complied with the minimum standards for the operation of tourism facilities and services. All registered and licensed tourism enterprises located within the City of Manila will have to conform to the programs, guidelines, and rules promulgated by the Committee on Tourism in coordination with the DTCAM.

SEC. 4. Scope. – This Ordinance shall form part of the taxing and other revenue-raising powers under the City of Manila.

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ARTICLE C – Definitions

SEC. 5. Words and Phrases. – When used in this Ordinance:

- a. **LICENSE TO OPERATE (DIPLOMA)** – refers to the certification of registration issued to all tourism enterprises after such facilities have been certified by the DTCAM as having conformed with the minimum standards/requirements for the operation of tourism facilities and services in accordance with the Committee on Tourism.
- b. **TOURISM ENTERPRISES** – refers to facilities, services and attractions involved in tourism, such as, but not limited to, travel and tour services; tourist transport services, whether for land, sea or air transportation; tour guides; convention organizers; accommodation establishments, including, but not limited to, hotels, resorts, apartelles, tourist inns, motels, pension houses and home stay operators; tourism estate management services, restaurants, shops and department stores, sports and recreational centers, spas, museums and galleries, theme parks, and convention centers.
- c. **TOURISM-ORIENTED ESTABLISHMENTS** – refers to travel and tour services; land, sea and air transport services exclusively for tourist use; accommodation establishments; convention and exhibition organizers; tourism estate management services; and such other enterprises which caters directly to both foreign and local tourists:
 - a. **APARTMENT HOTEL (APARTEL)** – any building or edifice containing several independent and furnished or semi-furnished apartments, regularly leased to tourist and travelers for a period of not less than a day.
 - b. **HOTEL** – any building, edifice or premise which offers a venue for receptions, functions, seminar/conventions/forums, accommodations or lodging of travelers or tourists for a fee.
 - c. **MOTORIST HOTEL** – a lodging inn for tourists and travelers journeying by automobiles.
 - d. **PENSION HOUSE** – a private or family-oriented tourist boarding house or tourist lodging house, employing non-professional domestic helpers, regularly catering to tourist and/or travelers, containing several independent lettable rooms, providing common facilities such as toilets, bathrooms/showers, living and dining rooms and/or kitchen and where a combination of board and lodging may be provided.
 - e. **TOUR GUIDE** – an individual who is licensed by the BPLO and registered with the DTCAM to guide tourists, both foreign and domestic for a fee commission or any other form of lawful remuneration.
 - f. **TOUR SERVICES** – refers to tourist transport, business operation by air, sea or land either on character or regular run.
 - g. **TOURIST INN** – a lodging establishment that caters to local and foreign tourists, but does not meet the minimum requirements of an economy hotel.
 - h. **TOURIST LAND TRANSPORT** – any vehicle, carriage or conveyance moving on wheels or tunnels used on public roads and highways and catering to tourists.

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- i. **TOURIST TRANSPORT OPERATOR** – a person or entity which may either be a single proprietorship, partnership or corporation, regularly engaged in providing for a fee or lawful consideration, tourist transport services as hereinafter defined, either on charter or regular run.
 - j. **TRAVEL AGENCY** – an entity which may either be a single proprietorship, partnership or corporation regularly engaged in the business of extending to individual or groups, such services pertaining to documentation of travel papers, ticketing, sales and/or accommodation, handling and/or conduct of tours within or outside the Philippines whether or not for a fee, commission or any form of compensation.
 - k. **TRAVEL CONSULTANCY SERVICES** – any establishment that act as a consultancy firm, pertaining to immigration and facilitation of travel documents.
- d. **TOURISM-RELATED ESTABLISHMENTS** – refers to all other tourism enterprises not covered by the preceding subsection and such other enterprises which caters indirectly to both foreign and local tourists:
- a. **BAR (KTV/Videoke), COCKTAIL LOUNGE** – bars are establishments where intoxicating and fermented liquors or malt are sold in addition to cooked food, it may also feature videoke entertainment or live bands.
 - i. Karaoke Bar is considered a place where guest relations officers are available to entertain customers. Customers may sing rendered by the karaoke machine. Patrons are served with foods and drinks and are allowed to sing with their partners.
 - ii. Cocktail Lounge or Beer Garden is considered a bar even if there are no hostesses or waitresses to entertain customers.
 - b. **CONVENIENCE STORE** – refers to any 24-hour service outlets with a capitalization of above One Million Pesos (PhP. 1,000,000.00).
 - c. **DEPARTMENT STORE** – a store which sells or carries several lines of merchandises in separate sections or departments including one devoted to native/Filipiniana items.
 - d. **GYM** – refers to fitness centers with franchise.
 - e. **KIOSK, FASTFOODS** – any small businesses that provide the general public with a normal menu, a special menu, catered prepared food, quick orders, wrapped drinks, and beverages.
 - f. **MONEY CHANGER** – an establishment that exchanges foreign currencies.
 - g. **NIGHT OR DAY CLUB AND SUPER CLUB** – includes any place frequented at night-time or day-time, as the case may be, where patrons are served food and drinks and are allowed to dance with the partners or with professional dance instructors/hostesses furnished by the management and also includes any establishments where food and drinks are served to its patrons to the accompaniment of music furnished by such establishment with musicians under its employ or by jukebox players installed within its premises, and where patrons are allowed to dance only with partners who they bring along.

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- h. **RESTAURANTS** – any establishments offering to the public regular and special meals or menu, catered cooked foods or short orders, wrapped to go, beverages and drinks.
- i. **SAUNAS, SPA AND HEALTH CLUBS** – refers to therapeutic massage and health parlors and establishments which offer complete relaxation to its clients for beauty and wellness.
- j. **SHOP** – a small retail establishment specializing in Filipiniana or other specialized items and souvenir products.
- k. **SPORTS AND RECREATION FACILITIES** – establishments/resorts providing sports and recreational facilities such as swimming pools, bowling lanes, tennis courts, pelota or squash courts, golf course, riding ranges, shooting ranges, archery ranges, aquatic/water sports arrangement, fishing, water skiing, and similar forming part of the resort.
- l. **THEATERS AND CINEMAS** – refers to establishments used as venue for the performing arts or where motion pictures are shown.
- m. **TOURIST MANPOWER TRAINING CENTER** – a center conducting training for the manpower requirements of the tourism industry.
- n. **WINE AND LIQUOR STORE** – includes the selling, giving away or dispensing of intoxicating malt, vino, mixed or fermented liquors at any retail outlet.

ARTICLE D – Classification

SEC. 6. Classifications. –

6.1 TOURISM-ORIENTED ESTABLISHMENTS. – Refers to travel and tour services; land, sea and air transport services exclusively for tourist use; accommodation establishments; convention and exhibition organizers; tourism estate management services; and such other enterprises which caters directly to both foreign and local tourists. For this purpose, the following are considered tourism-oriented establishments:

- a. Apartment Hotel (Apartel);
- b. Hotel;
- c. Motorist Hotel;
- d. Pension House;
- e. Tour Guide;
- f. Tour Services;
- g. Tourist Inn;
- h. Tourist Land Transport;
- i. Tourist Transport Operator;
- j. Travel Agency; and
- k. Travel Consultancy services.

6.2 TOURISM-RELATED ESTABLISHMENTS. – Refers to all other tourism enterprises not covered by the preceding subsection and such other enterprises which caters indirectly to both foreign and local tourists. For this purpose, the following are considered tourism-oriented establishments:

- a. Bar (KTV/Videoke), Cocktail Lounge;
- b. Convenience Store;
- c. Department Store;
- d. Gym;

- e. Kiosk, Fastfoods;
- f. Money Changer;
- g. Night or Day Club and Super Club;
- h. Restaurant;
- i. Saunas, Spa and Health Clubs;
- j. Shop;
- k. Sports and Recreational Facilities;
- l. Theaters and Cinemas;
- m. Tourist Manpower Training Center; and
- n. Wine and Liquor Store.

ARTICLE E

SEC. 7. The DTCAM shall be responsible in the processing, registration and issuance of the Tourism Certificate for Tourism Enterprises. The rate/amount said is good for one (1) year and shall be renewed on an annual basis.

ARTICLE F

SEC. 8. The rate of issuance of Tourism Certificate are as follows:

8.1 TOURISM-ORIENTED ESTABLISHMENTS.

a. Hotel	PhP. 1,500.00
b. Apartment Hotel (Apartel)	PhP. 1,000.00
c. Motorist Hotel	PhP. 1,000.00
d. Pension House	PhP. 1,000.00
e. Tour Services	PhP. 1,000.00
f. Tourist Inn	PhP. 1,000.00
g. Tourist Land Transport	PhP. 1,000.00
h. Tourist Transport Operator	PhP. 1,000.00
i. Travel Agency	PhP. 1,000.00
j. Travel Consultancy Services	PhP. 1,000.00
k. Tour Guide	PhP. 500.00

8.2 TOURISM-RELATED ESTABLISHMENTS.

a. Bar (KTV/Videoke), Cocktail Lounge	PhP. 1,000.00
b. Convenience Store	PhP. 500.00
c. Department Store	PhP. 1,500.00
d. Gym	PhP. 500.00
e. Kiosk, Fastfoods	PhP. 500.00
f. Money Changer	PhP. 500.00
g. Night or Day Club and Super Club	PhP. 1,000.00
h. Restaurant	PhP. 1,000.00
i. Saunas, Spa and Health Clubs	PhP. 1,000.00
j. Shop	PhP. 500.00
k. Sports and Recreational Facilities	PhP. 500.00
l. Theaters and Cinemas	PhP. 1,000.00
m. Tourist Manpower Training Center	PhP. 500.00
n. Wine and Liquor Store	PhP. 1,000.00

ARTICLE G – Miscellaneous Provisions

SEC. 9. Display of License to Operate (Diploma) Certificate. – The License to Operate (Diploma) shall be displayed in a conspicuous area in their place of business for easy identification purposes.

SEC. 10. Penal Provisions. – Failure of Tourism Enterprises to file and secure Certification/License to Operate (Diploma) from the DTCAM, the penalty of fine of not less than Three Thousand Pesos (PhP. 3,000.00) shall be imposed. Second violation shall merit suspension of License to Operate (Diploma) with warning that repetition of the same for the third time shall mean revocation/cancellation of the License to Operate (Diploma) as may be justified under the circumstances. Said violation shall be reported and approved by the Committee on Tourism and Business Permit and Licensing Office.

SEC. 11. Database. – The DTCAM must maintain an updated database of all tourism enterprises, historical and conservatory sites, and accredited tourist guides and tour packages, and tourism centers, to provide the city government a system reference for conservation and monitoring of identified tourism sites and licensed guides and agencies. For transparency and accountability mandates, it will serve as an information hub and tracking system of the improvements needed by the licensed guides and agencies. The current status of the rehabilitation of identified tourist sites shall also be included.

SEC. 12. Confidential Character of Certain Data. – Information and documents received by or filed with Committee on Tourism in pursuance of the requirements of the ordinance shall be treated as confidential and shall not be divulged to any private party without the consent of the party concerned when public interest so requires. Any official or employee of the DTCAM, including those that are temporarily assigned therewith who shall violate the provision of this section shall be guilty of an offense under this Ordinance and other applicable laws.

SEC. 13. Enlistment of Aid, Assistance and Support of other Government Agencies. – In the implementation of the provisions of this Ordinance, the City Government of Manila/Committee on Tourism may enlist the aid, assistance and support of any all-government agencies, whether local or national. International assistance in forms of grants and donations are also welcome, subject to existing ordinances, policies and laws.

SEC. 14. Registration and License Form. – The Committee on Tourism and Business Permits and Licensing Office as the case maybe, shall make available all applications for registration and/or license forms which shall be accomplished by applicants and all other forms that may be deemed necessary for the effective implementation of this Ordinance and all government agencies, whether local or national.

SEC. 15. Implementation of Rules. – The City Mayor may, from time to time, issue rules and regulations, as she may deem fit and necessary for the effective implementation of this Ordinance.

SEC. 16. Funding. – The funds necessary for the implementation of this Ordinance shall be taken from the Tourism Fund of the City. Succeeding funding requirements for the succeeding years shall be provided for in the Annual Budget of the City Government. Funds may also be sourced from donations, fund raising, grants and special tax revenue measures. A private-public partnership may also be explored for this venture. The Committee on Tourism shall be given additional funds under its Special Project Fund allocation, starting on calendar year 2023. The allocation will be taken from the general funds of the City and funding requirements for the succeeding years shall be provided in the annual or Supplemental Budget of the City.

SEC. 17. Separability Clause. – The provisions of this Ordinance are separable, and in the event that any or more of such provisions are declared invalid, the validity of all the other provisions is not affected thereby.

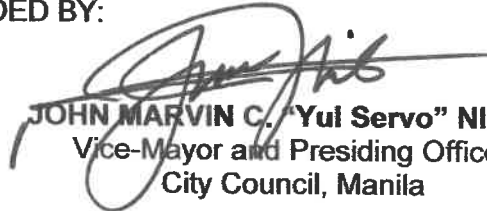
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SEC. 18. Repealing Clause. – Any ordinance, executive order or rules and regulations of local issuance which are inconsistent with this Ordinance are hereby repealed and/or modified accordingly.

SEC. 19. Effectivity. – This Ordinance shall take effect upon its approval.

This Ordinance was finally enacted by the City Council of Manila on May 4, 2023.


PRESIDED BY:


JOHN MARVIN C. "Yui Servo" NIETO
Vice-Mayor and Presiding Officer
City Council, Manila

ATTESTED:


LUCH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON SEP 20 2023


MARIA SHEILAH "Honey" H. LACUNA-PANGAN, MD, FPDS
Mayor
City of Manila

ATTESTED:


ATTY. MARLON M. LACSON
City Government Department Head III
(Secretary to the Mayor)

RRB: acl/jok/ebs/eyes