



TOURISM CODE

SAN CARLOS CITY, NEGROS OCCIDENTAL

ORDINANCE NO. 18 - 03
Series of 2018



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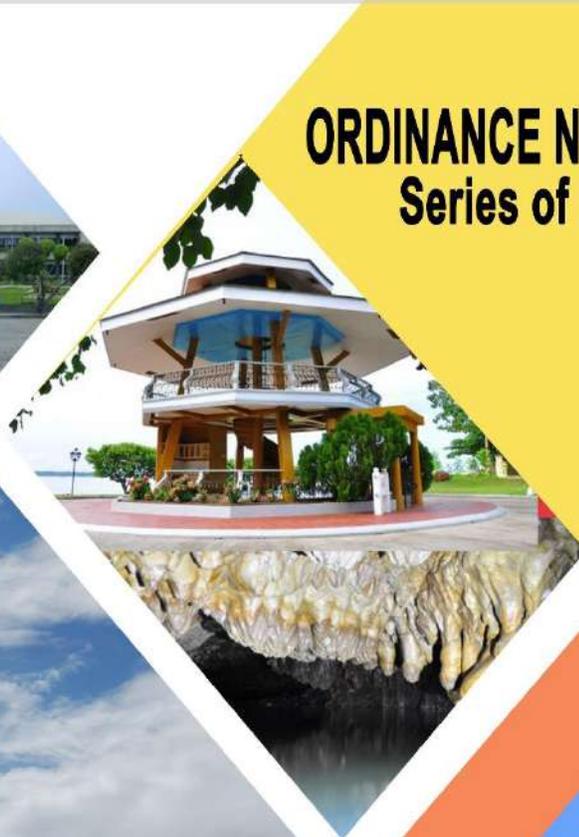


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REPUBLIC OF THE PHILIPPINES
City of San Carlos, Negros Occidental

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD HELD ON THE 18TH DAY OF JANUARY, 2018 AT 10:15 A.M. AT THE SP SESSION HALL, THIS CITY

PRESENT:

Hon. BENITO Y. GUSTILO, JR.,	SP Member /Presiding Officer Pro Tempore'
“ CHRISTOPHER PAUL S. CARMONA,	SP Member
“ MARI-CAR O. QUISUMBING,	SP Member
“ JOSE CARLOS L. VILLARANTE,	SP Member
“ VICTORIANA C. CABILI,	SP Member
“ MARK E. CUI,	SP Member
“ CLINT S. MANSUETO,	SP Member
“ WILMER L. YAP,	SP Member
“ JONIE S. UY,	SP Member
“ ALEXANDER Y. ONGTIAOBOK,	SP Member
“ CARLITO S. LASTIMOSO,	SP Member (ABC Representative)

ACTING CITY MAYOR:

Hon. RENATO Y. GUSTILO, City Vice Mayor

ORDINANCE NO. 18-03

AN ORDINANCE ADOPTING THE SAN CARLOS CITY TOURISM CODE OF 2018, FOR THE DEVELOPMENT, PROMOTION AND REGULATION OF TOURISM ACTIVITIES AND INDUSTRIES IN THE CITY OF SAN CARLOS, PROVINCE OF NEGROS OCCIDENTAL AND FOR OTHER PURPOSES

Introduced by: Hons. UY, CARMONA, CUI and MANSUETO

WHEREAS, the Global Tourism Code recognizes the important dimension and role of tourism as a positive instrument towards the alleviation of poverty and the improvement of the quality of life of all peoples while safeguarding the natural environment to satisfy equitably the needs and aspirations of the present and future generations;

WHEREAS, Section 2 of Republic Act 9593, otherwise known as, the Tourism Act of 2009, provides that, *“the State declares tourism as an indispensable element of the national economy and an industry of national interest and importance, which must be harnessed as an engine of socioeconomic growth and cultural affirmation to generate investment, foreign exchange and employment, and to continue to mold an enhanced sense of national pride for all Filipinos.”*;

WHEREAS, Section 17 of R.A. 7160, or the Local Government Code of 1991, grants to local government units, such other powers and discharge such other functions and responsibilities, as are necessary, appropriate or incidental to efficient and effective provision of tourism facilities and other tourist attractions, including the acquisition of equipment, regulation and supervision of business concessions and security services for such facilities;

WHEREAS, it is hereby the declared policy of the City Government of San Carlos to pursue a tourism development, that is, sustainable, transparent, inclusive and does not exploit, in any form any person regardless of age, sex, religion and status in life, as the city possesses natural, cultural, historical, man-made and special interests tourists' attractions;

WHEREAS, in its primordial concern to make the city a prime destination for both local and foreign tourists, the adoption of the San Carlos City Tourism Code could pave the way for the realization of a sustainable tourism development within the territorial jurisdiction of the City of San Carlos.

NOW THEREFORE, *be it ordained by the Sangguniang Panglungsod of the City of San Carlos, in regular session assembled that –*

CHAPTER I GENERAL PROVISIONS

ARTICLE A TITLE AND SCOPE

SECTION 1A.01. Short Title – This Ordinance shall be known as the “**SAN CARLOS CITY TOURISM CODE OF 2018**”.

SECTION 1A.02. Coverage – This code shall govern and regulate all tourism-related matters within the territorial jurisdiction of the City of San Carlos and its political subdivisions.

SECTION 1A.03. Scope – The provisions of this Code shall apply to all political subdivisions, agencies and instrumentalities, non-government organizations, businesses and establishments for tourism, persons, whether natural or juridical, directly or indirectly involved in the tourism industry. The Philippine Tourism Act of 2009 or RA 9593, Republic Act No. 7160, as well as, other relevant and applicable laws, rules and regulations, issued by the national government, the Department of Tourism and other local ordinances, shall guide this code.

SECTION 1A.04. Objectives – For the general welfare and benefit of the general populace of the City of San Carlos, the following shall be the objectives in the operation/management/administration of the San Carlos City Tourism Office (SCCTO), as contained in the San Carlos City Tourism Development Plan, duly approved by SP Resolution No. 16-92, Series of 2016:

- 1) Develop tourism products and destinations that would make San Carlos City a new major destination in Negros Island;
- 2) Identify infrastructure and institutional development programs to help support the tourism industry;
- 3) Encourage private investment in tourism;
- 4) Enable creation of new jobs and businesses to help promote sustained socio-economic growth in the city.

ARTICLE B DECLARATION OF POLICIES

Section 1B.01 . Declaration of Policies - As one of the policies of the City Government of San Carlos, it is hereby declared for the San Carlos City Tourism Council (SCCTC) and its instrumentalities, to pursue and enhance the development and promotion of city’s tourism and tourism industry, as well as, achieve and improve sustainable socio-economic status and protected environment, as explicitly provided by R.A. 9563, otherwise known as, the Tourism Act of 2009. This aims to make SCCTC more responsive and an effective instrument of public service, significantly contributing to its local development. Towards this end, the City shall develop, regulate and standardize the general affairs, system and highly professionalizing public services, in terms of tourism aspects. Henceforth, the following shall always be observed:

- a) Tourism ventures and resorts, located in the coastal areas, shall always make the beachfront open to the public, measuring twenty-five (25) meters from the point of the high tide. As such, a right-of-way shall always be provided by resort operators, preferably located in between resort properties, not less than one (1) meter wide, wherever applicable.
- b) Upland resort developers shall put up a tree park or a similar project, comprising not more than ten (10) percent of its total land area, using endemic forest and fruit trees.

- c) Local residents shall be given priority in the hiring of tourism workers provided, they possess the necessary qualifications, or tourism establishments have the option of hiring, at least, sixty (60) percent of their total workforce from the local residents.
- d) For the purpose of strengthening the City of San Carlos as a major tourist destination, proper facilities, administrative and personnel support shall be given consideration in the preparation of the annual budget, Annual Investment Plan and human resource development plans.

CHAPTER II RULES OF CONSTRUCTION AND DEFINITION OF TERMS

ARTICLE A RULES OF CONSTRUCTION

Section 2A.01 – Rules of Construction – In construing the provisions of this Code, the following rules of construction shall be observed, unless inconsistent with the manifest intent of the provisions, or if applied, they would lead to absurd or highly improbable results.

- a.) **Form and Style.** Some provisions of this Code preserved the original text and form in which they were passed, while others have been rewritten in the process of consolidation, for clarity and style.
- b.) **Amendments and Additions of New Chapters or Sections.** Any amendment shall refer to the chapter or section concerned. A new chapter may be placed where it belongs appropriately. A new section may be added or inserted in the proper Chapter with corresponding decimal number.
- c.) **Other Codes.** Other Codes which are bulky may be published apart, but the publications shall bear the number and the chapter assigned to by this Ordinance.
- d.) **Relation of Code to Prior Ordinances.** The provisions of this Code, in so far as, they bear substantially the same subject matter as the ordinances included in this codification, shall be construed as restatements and continuations and not as new enactments.
- e.) **Reference to Code.** Whenever reference is made to any portion of this Code, the reference applies to all amendments and additions, now or hereafter made.
- f.) **Conflict Within/Between/Among Chapters or Articles.** Should the provisions of the different chapters or articles in this Code conflict or contravene with one another, the provisions within each chapter or article shall prevail, in so far as, matters in each chapter are concerned.
- g.) **Conflict with Different Sections.** Should the conflict be within different sections in the same Chapter, the provision of the section which is last in the ordinal sequence shall govern.
- h.) **Existing Rights – Action Preceding the Code.** No action or proceeding commenced before this Code takes effect. No right accrued shall be affected by this Code and all procedures thereafter taken shall conform to the provisions of this Code, in so far as possible.
- i.) **Effect of Headings.** The chapter and section headings do not, in any manner, affect the scope, meaning, or intent of the provisions of this Code.

Section 2A.02. – Rules in Interpreting the Provisions of this Code.

- a.) General Rules - All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others, as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to that peculiar and appropriate meaning.
- b.) Gender and Number - Every word in this Code, importing the masculine gender, shall extend to both female and male and every word, importing the singular number, shall extend and apply to several persons or things, as well. Every word, importing the plural number, shall extend and apply to one person or thing, as well.
- c.) Person – the word “person” shall extend and be applied to natural and juridical persons, such as firms, corporations or voluntary associations, unless plainly inapplicable.
- d.) Tenses – the use of any verb in the present tense shall include the future when applicable.
- e.) Shall have been – the word “shall have been” include past and future cases.
- f.) Shall and May – “shall” is mandatory and “may” is permissive.
- g.) Reasonable Time or Notice – In all cases, where any provision of this Code shall require any act to be done, or a reasonable notice to be given, that reasonable time or notice shall mean

such time only, as may be necessary, for the prompt performance of that duty, or compliance with that notice.

ARTICLE B DEFINITION OF TERMS

Section 2B.01 Definition Of Terms. - In addition to the terms and phrases, duly defined in R.A. 9593 and its IRR and the Department of Tourism, the following are given their meaning in this Code:

- Accreditation** – a certification issued by the appropriate government agency that the holder is recognized as having complied with the minimum standards, required by the SCCTO and the Department of Tourism (DOT), in the operation of tourism-oriented establishments and other concerned facilities.
- Amusement** – refers to a pleasurable diversion or entertainment, as defined under R.A. 7160, otherwise known as, the Local Government Code of 1991. The word is also synonymous to relaxation, avocation, pastime or fun.
- Beach front** – a swath of beach area for public use, measuring twenty-five (25) meters wide, going inward from the point of high tide.
- Code** - refers to this particular ordinance
- Conservation** - includes all efforts towards the perpetuation, or preservation of the whole or part of the buildings and includes rehabilitation, or construction of a new one in its stead. Provided, that the facade showing its being a cultural heritage, landmark, historical or legacy building is preserved and restored.
- Cultural Resources** – include historic buildings, sites, monuments, shrines, cuisine, ethnic cultures, industry, government, religion, anthropological resources and local celebrities.
- Culture of Tourism** – values exuded by persons, establishments related to the tourism industry which includes courtesy towards guests, preparedness of the place to receive visitors and readiness of the tour guides.
- Customized/Special Tour** – any tour with specific purpose, usually organized as regards to profession, event, study, research of the tourists/excursionists usually tailor-made.
- Excursionists** – any person travelling to any specific place for the purpose of business leisure and pleasure trip staying in the place less than 24 hours in a given area.
- Familiarization Tour (Famtour)** – is an organized tour to make specific interest groups to be aware of the new tourism product or service.
- Foreign Visitors** – refer to all passengers using foreign passports.
- Itinerary or program** – a document indicating the following purposes: purpose of the tour, areas/sites to be visited, using a specific route in a given time frame under the direction of a primary tourism or tourism enterprise with assigned tour guide.
- Natural Resources** – these refer to climate-seasons, water resources (lakes, streams, waterfalls), flora (forests, flowers, shrubs, wild edibles), fauna (fish & wildlife), geological resources (topography, soils sand dunes, beaches, caves, rocks and minerals, fossils) and scenery.
- Physical Infrastructures** – shall include, but not limited to, roads, bridges, administrative buildings, toilet and comfort room facilities, parking areas, rest areas, forest tracks, walkways, viewing platforms, cottages, wharves, boat landing facilities, solid and liquid waste facilities, security and service facilities, and communication centers.
- Potential Tourist Properties** – these refer to sites and attractions not yet developed, including but not limited to, lakes, waterfalls, volcanic hot springs, caves and rainforests.
- Primary Tourism Enterprises** – refer to travel and tour services, land, sea and air transport services exclusively for tourist use; accommodation establishments, conventions and exhibitions organizers, tourism estate management services; and such other enterprises as may be identified by DOT Secretary, after due consultation with concerned sectors.
- Running Tour** – is a kind of guiding where tourists are inside a moving van, coaster or bus while tour guides are pointing to sites of historic, cultural or economic significance without disrupting the traffic flow.
- Sustainable Development** – refers to a mode of human development, in which resource use, aims to meet human needs while ensuring the sustainability of natural systems and the environment, so that these needs can be met, not only in the present, but also for generations to come.
- Sustainable Tourism Development** – means tourism development that leads to management of all resources, in such a way that, economic, social, and aesthetic needs can be fulfilled, while maintaining cultural integrity, ecological, biological diversity and life support systems.
- Responsible Culture of tourism** – a character, concept or activity that creates better places for people to live in and better places to visit.

Tourism – a major city activity in which private sector’s investments, efforts and initiatives are extremely encouraged, fostered and supported and through which, socio-economic development may be accelerated and the province’s nature, history and culture may be appreciated with pride and commitment.

Tourism Industries – refer to industries or business enterprises, providing goods and services to tourists and all types of travelers, while they stay, travel, visit and enjoy the facilities and destinations.

Tourism Infrastructures – consist of three (3) major components , namely: physical, human resource and regulatory.

Tourism related establishments/activities - any legal undertaking or enterprise geared towards the provision of services, conveniences, or entertainment to the public, in general and to the tourists, in particular which may include, but shall not be limited to:

- Restaurants, eateries and other establishments serving food and/or beverage
- Accommodation establishments, such as, hotels, resorts, cottages, inns, pension and lodging houses, boarding houses, rest houses and other similar commercial structures and establishments
- Bars lounges, pubs, discos, karaoke bars and other establishments providing entertainment and dispensing alcoholic drinks, with or without food
- Clothing shops, souvenir shops, boutiques and the like
- Physical therapy and health rejuvenation centers, beauty parlors, barber shops and health spas
- Sports and marine recreation equipment and services
- Video shops, theaters, cinemas and live entertainment of any kind
- Wet and dry goods market, fruit stands, handicraft stores and sari-sari stores
- Land, water and air transport operations
- Theme parks and other recreational facilities

Tourism Resources – refers to natural, cultural, human, or capital resources, either used or can be utilized to attract or serve tourists.

Tourist Transport Service –may mean car, van, coaster, or bus whose specific purpose under the special permit shall be to transfer tourists/excursionist from one place to another and governed by an itinerary.

Tour Operator – shall refer to any person or entity who extends to individuals or groups related to tourism services, whether or not, for a fee, commission, or any form of compensation.

Walking Tour – refers to the tour of the tourists/excursionists with a tour guide, by walking along, using no vehicles, , through sites with historical, cultural and economic significance

Section 2B.02. Acronyms – The following words of acronym shall refer to mean, as:

- a. DOT - Department of Tourism
- b. TIEZA - Tourism Infrastructure and Enterprise Zone Authority
- c. NCCA - National Commission for Culture and the Arts
- d. NHCP - National Historical Commission of the Philippines
- e. NCIP - National Commission on Indigenous People
- f. DENR - Department of Environment and Natural Resource
- g. DPWH - Department of Public Works and Highways
- h. LGU - Local Government Unit
- i. PO - Private Organization
- j. TESDA - Technical Education and Skills Development Activities
- k. PNP - Philippine National Police
- l. DRRM - Disaster Risk and Reduction Management
- m. LTFRB - Land Transportation and Franchise Regulatory Board
- n. BPLO - Business Permit and Licensing Office
- o. NGO - Non-Government Organization
- p. SCCTC - San Carlos City Tourism Council
- q. SCCTO - San Carlos City Tourism Office
- r. SCCCCA - San Carlos City Council for Culture and Arts
- s. SCCCHC - San Carlos City Cultural Heritage Council
- t. BTC - Barangay Tourism Council

**CHAPTER III
THE TOURISM GOVERNANCE**

**ARTICLE A
THE SAN CARLOS CITY TOURISM COUNCIL (SCCTC)**

SECTION 3A.01. The San Carlos City Tourism Council (SCCTC) – There shall be established the San Carlos City Tourism Council (SCCTC) which shall be the highest coordinating and policy formulating body on tourism in the city.

SECTION 3A.02. Composition – In pursuance to DILG MC No-95-162, Series of 1995, the SCCTC shall be composed of the following:

Chairman - The City Mayor
Vice-Chairman - The City Vice Mayor
Action Officer - The City Tourism Officer

Members:

SP Member, Chairman, Committee on Tourism
The City Engineer
The Chief of Police or his duly authorized representative
The Officer-in-Charge, City Sports Office
The President, Association of Barangay Captains
Superintendent, Dep't. of Education or his duly authorized representative
The Supervising Cooperative Development Specialist, CLDO or his duly authorized representative
The City Environmental and Natural Resources Officer I or his duly authorized representative
The City Planning & Development Coordinator, CPDCO or his duly authorized representative
Three (3) representatives from civic, religious and non-government organizations
San Carlos Development Board, Inc.
The President, San Carlos Motorcab Drivers' Association (SCAMODA)
The President, Nabingkalan Dive Club, Inc. or his representative
The President, San Carlos City Mountaineers, Inc. or his representative
The Operator/Head of Hotels and/or Resorts
The Operator/Head of Tourist Transports
San Carlos City Tourism Office (Secretariat)

SECTION 3A.03. Meetings and Quorum. - The SCCTC shall meet, at least , once a quarter, or as often as, may be necessary. A majority of all its members shall constitute a quorum.

SECTION 3A.04. Sources of Funds. The funds of the Council shall come from:

1. Proceeds from activities undertaken by the Council;
2. Grants and donations;
3. Assistance, through local legislation, as incorporated in the City's Annual/Supplemental Budgets
4. Any other income that may be legally earned by the SCCTC.

SECTION 3A.05. Roles and Duties of the SCCTC. In addition to the detailed roles and duties contained in SP Resolution No. 16-92, otherwise known as, the San Carlos City Tourism Development Plan, the SCCTC shall perform additional roles and duties, such as, but not limited to, as follows :

1. Help identify, develop and promote potential tourism attractions;
2. Initiate and recommend the implementation of programs and activities on tourism in coordination with the DOT, TIEZA, private sector and other entities;
3. Initiate private and public partnerships in implementing tourism development plans, programs and activities;
4. Promote and support sustainable tourism by facilitating community based tourism activities;
5. Extend technical assistance to all tourism-oriented and related establishments;
6. Advocate for a responsible culture of tourism among stakeholder and tourist alike;
7. Create sustainable tourism programs and projects for the community;
8. Create and promote awareness on the benefits of tourism through mixed media;

9. Help in monitoring compliance of the requirements of standards and regulations set by DOT, LGUs and other government agencies for the general welfare of tourists, visitors and community;
10. Facilitate resource generation for tourism activities;
11. Such other related functions or activities, as may be approved by the Council.

SECTION 3A.06. Compensation and Remuneration. - The chairman, vice chairman, secretary and members of the San Carlos City Tourism Council shall perform their duties, as such, without compensation or remuneration. Members thereof, who are not government officials or employees, shall be entitled to necessary traveling expenses and allowances, chargeable against the funds of the SCCTC, subject to existing accounting and auditing rules and regulations.

SECTION 3A.07. Term of Office. - The term of office of all officers and members of the Council shall be co-terminus with the City Mayor, who can replace or modify the council's composition, at any time, with or without cause, by virtue of an Executive Order.

ARTICLE B THE SAN CARLOS CITY TOURISM OFFICE (SCCTO)

SECTION 3B.01. CREATION . - Section 17 (xi) of Republic Act 7160, otherwise known as, the Local Government Code of 1991, provides for the devolution of tourism facilities and other attractions, including the acquisition of equipment, regulation and supervision of business transactions and security services for such facilities. Hence, there shall be created a San Carlos City Tourism Office (SCCTO), under the Office of the City Mayor.

SECTION 3B.02. PURPOSE. - The SCCTO shall be the planning and implementing arm for the programs, policies and projects relating to the tourism industry in the City, as identified and approved by the San Carlos City Tourism Council (SCCTC). It shall pursue the development of the San Carlos City tourism industry, in adherence to this Code, the San Carlos City Master Development Plan and other relevant laws.

SECTION 3B.03. POWERS AND FUNCTIONS. - As the primary operating agency of the City Government, the San Carlos City Tourism Office shall be responsible in the efficient and effective Implementation of the policies, plans, and programs, as identified and approved by the SCCTC. Towards this end, the SCCTO shall:

- a. Formulate, monitor, implement and/or coordinate tourism plans and programs;
- b. Assist, monitor and conduct accreditation of tourism-oriented and related facilities and service providers;
- c. Conduct capability building trainings for tourism front liners and assist in the establishment of Barangay Tourism Councils;
- d. Conduct research, establish and maintain tourism information management system and web portal for the city;
- e. Establish linkage and networking with national government agencies, non-government organizations (NGOs) and People's Organizations (POs) in planning and implementing tourism activities;
- f. Conduct inventory of existing, emerging and potential tourism attractions.
- g. Promote and market the City of San Carlos, as premier tourist destination, regionally and globally, through exhibits, selling missions and production of marketing propaganda;
- h. Operate and maintain City government-owned tourism facilities;
- i. Advocate responsible culture of tourism among the students and all tourism stakeholders;
- j. Perform such other functions related to sustainable tourism development.

SECTION 3B.04. ORGANIZATIONAL STRUCTURE. - As embodied in the San Carlos City Tourism Development Plan and Civil Service rules and regulations, the San Carlos City Tourism Office shall be composed of the following personnel:

- One (1) Supervising Tourism Officer (SG 22)
- One (1) Administrative Officer II (SG-15)
- One (1) Tourism Operations Officer II (SGH 15)
- Three (3) Tourism Operations Officer I (SG 11)
- One (1) Tourist Receptionist I (SG 8)
- One (1) Tourism Operations Assistant (SG 7)
- One (1) Clerk I (SG 3)

- One (1) Clerk I (SG 3)
- Two (2) Administrative Aide I (SG 2)

SECTION 3B.05. ROLES AND RESPONSIBILITIES. - The personnel in the San Carlos City Tourism Office shall have their respective roles and responsibilities, as follows:

1.) SUPERVISING TOURISM OFFICER (SG 22) –

- a) Ensures the successful implementation of laws, polices, plans, programs, rules and regulations of the office;
- b) Approves application for licenses or renewal of same ;
- c) Recommends to the Department of Tourism classification and accreditation of tourism establishment;
- d) Reviews information materials prepared by researchers for publication or dissemination;
- e) Reports to the City Mayor and coordinate with other government institutions, as well as, the private and civil society sectors;
- f) Facilitates the safe, convenient and comfortable stay of tourists, as well as, the provisions of hospitable reception and mobility of visitors;
- g) Coordinates with the Department of Tourism in the development of infrastructure requirements supporting tourist areas;
- h) Regulates the operations of tourism oriented and related establishments operating in the city and monitoring of their compliance to the stands set for them;
- i) Supervises the information and promotional activities of the office;
- j) Performs such other functions, duties and powers as may be directed by the City Mayor;

2.) ADMINISTRATIVE OFFICER II – SG 15 –

- a) Supervises in the management, administration of the regular and casual employees in the office and evaluates their performance periodically and to be approved by the Supervising Tourism Officer;
- b) Prepares/replies to various communication such as indorsements/letter-requests to concerned government and private offices
- c) Facilitates in the smooth flow of official documents such as PRs, POs, biddings, controls of budgets and such other transactions directed by the Supervising Tourism Officer;
- d) Prepares the office annual budgets to be approved by the Supervising Tourism Officer and City Mayor;
- e) Takes charge in the 201 File, leaves files and other related documents, required by the Personnel Department (OHRM);
- f) Reviews project proposals prepared by concerned tourism officers of the different sections, for approval of the Supervising Tourism Officer and the City Mayor;
- g) Prepares proposed ordinances, codes and the like, for approval of the City Mayor and for indorsement to the Office of the Sangguniang Panlungsod, for appropriate legislative action;

3.) TOURISM OPERATIONS OFFICER II - SG 15 -

- a) Acts on requests of VIPs and official guests;
- b) Ensures the preservation and/or restoration of city monuments, historical landmarks and other tourist attracts, in coordination with the Department of Tourism and the National Commission for Culture and the Arts;
- c) Assists clients or interested parties in their queries about tourism in the city;
- d) Assists the Supervising Tourism Officer and other division chiefs in the planning, studying and evaluating projects for tourism promotion in the city;

4.) TOURISM OPERATIONS OFFICER I - SG 11 -

I. TOURISM PROMOTION SECTION – (Culture, Arts, History, Training and Development Section) -

- a) Conducts trainings and seminars to front liners of various tourism oriented and related establishments for them to be adept into the needs of the city visitors/tourist;
- b) Assists in the implementation of various festivals in the city, such as Pintaflores and Charter City celebration;

5.) **TOURISM OPERATIONS OFFICER I - SG 11** –

II. TOURISM RELATED PROGRAMS & PROJECTS SECTION – (Marketing & Coordination) -

- a) Researches and initiates linkages with markets and market providers (e.g. tour operators, organizations, companies, other government organizations);
- b) Acts as social marketing staff to ensure that San Carlos gets an ideal amount of online presence and market awareness;
- c) Recommends for the promotion of tourism zones or areas with potential tourism value;
- d) Prepares plans, projects and programs that will promote and boost the city tourism industry;

6.) **TOURISM OPERATIONS OFFICER I (SG 11)** –

III. TOURISM ORIENTED PERMITS & LICENSE SECTION - (Licensing, Permits, Accreditation and Statistics) –

- a) Conducts monthly surveys for proper monitoring of domestic and foreign tourists arrivals at various accommodation business establishments;
- b) Coordinates directly with the City Planning Office and the Business and Permits Licenses Office (BPLO), to ensure compliance of business standards and compliance of city ordinances by tourism service sectors;
- c) Ensures that tourism statistics are up-to-date, accurate and reliable;

SECTION 3B.06. Compensation and Remuneration. The payment of compensation and other remuneration of all the SCCTO's Personnel/Staff shall be taken from the funds of the City Mayor's Office, as provided for in the city's Annual Budget.

ARTICLE C

THE BARANGAY TOURISM COUNCIL (BTC)

SECTION 3C.01. Creation – There shall be established the Barangay Tourism Council (BTC) in every barangay, which shall be the coordinating and policy formulating body on tourism in the respective barangay of the city. Each Barangay shall be encouraged to allocate at least five (5) percent of the 20% Development Fund from their Annual Internal Revenue Allotment Share for sustainable tourism development.

SECTION 3C.02. Composition – The BTC shall be composed of the following:

1. Chairperson – The Barangay Chairman
2. Vice Chairperson – Barangay Kagawad incharge of Tourism/Infrastructure
3. Barangay Secretary
4. Chairman, Kabataang Barangay
5. Representative from Department of Education
6. Two(2) representatives from the private sector

SECTION 3C.03. Functions of the BTC. –

1. Formulate plans and programs for sustainable tourism development in the Barangay level.
2. Identify tourist destination areas in the Barangay.
3. Manage Barangay Tourist destination areas such as the following, but not limited to covered courts, museum, parks and playground.
4. Prepare Barangay facts and figures and marketing materials.
5. Design and execute appropriate marketing and promotion plans.
6. Strive for the creation of a product of their Barangay.
7. Through a Barangay Resolution, organize fund raising projects and events and accept donations, sponsorships and solicitations for Barangay tourism programs and parks beautification.
8. Coordinate and participate in all city/municipality tourism activities and projects.

ARTICLE D

THE SAN CARLOS CITY CULTURAL HERITAGE COUNCIL (SCCCHC)

SECTION 3D.01. Creation. – Pursuant to Executive Order No. 218, Series of 2016 and SP Ordinance No. 17-31, Series of 2017, the creation of the **SAN CARLOS CITY CULTURAL HERITAGE COUNCIL**, is hereby institutionalized.

SECTION 3D.02. Scope – The provisions of SP Ordinance No. , Series of 2017, shall apply to all political subdivisions, agencies and instrumentalities, non-government organizations, businesses and establishments for the promotion of the city’s cultural heritages, resources, native products and arts.

SECTION 3D.03. Coverage – The SCCCHC shall govern and regulate the promotion, preservation, conservation and expansion of cultural heritages and various arts of the City of San Carlos, in coordination with government agencies and non-governmental organizations of the city.

SECTION 3D.04. Objectives – The creation of this council has the following objectives, to wit:

1. Preservation and conservation of cultural heritages within the city;
2. Instill nationhood and cultural unity among the residents of the city;
3. Promote and develop cultural potentials and creativity in workmanship of arts and various products;

SECTION 3D.05. Composition – The San Carlos City Cultural Heritage Council shall be composed of the following:

- | | |
|---------------|--|
| Chairman | City Mayor |
| Vice Chairman | City Vice Mayor |
| Members | SP Chairman on Tourism |
| | SP Chairman on Education, Arts & Culture |
| | City Tourism Officer |
| | City Planning & Development Coordinator’s Office |
| | City Information Officer |
| | City Budget Officer |
| | DepEd, Schools Division Superintendent |
| | City Librarian |
| | Executive Director, San Carlos Dev. Board, Inc. (Representing NGO) |
| | Secretariat - to be chosen from among the staff of the City Tourism Office |

SECTION 3D.06. Powers and Functions. – The Council shall have the following powers and functions, to wit:

- a. Declares or designates a property/site, as having cultural heritage value, based on criteria contained in Section 4A.03 of Chapter IV, Article A of this ordinance;
- b. Prepares an annual plan on culture and the arts to be integrated in the local development plan;
- c. Formulates programs and recommendations to develop local cultural and artistic talents;
- d. Ensures the protection, preservation and conservation of the local, cultural and historical heritage;
- e. In coordination with the private sector, conducts cultural events such as, cultural festivals, competition, lectures, seminars, tours and symposia and sets up exhibits during fiesta and other related activities;

CHAPTER IV

CULTURAL HERITAGE, CONSERVATION, INCENTIVES, TOURISM VENTURES AND TOURIST FRIENDLY COMMUNITIES

ARTICLE A CULTURAL HERITAGE SITES AND CONSERVATION

SECTION 4A.01. Definition. - Heritage historical, landmark or legacy building shall have similar meaning and shall refer to buildings in existence for 50 years or more. Sites shall include parks and plazas and other places of historical value, as determined by the Council.

SECTION 4A.02. Purpose. – Old buildings, structures or sites in the City of San Carlos always speak of the culture and history, not only for the San Carloseños, but for the whole Filipinos, as well. These historical or heritage buildings shall be fully conserved, developed and promoted, or else, they will only be considered as, “things of the past”.

SECTION 4A.03. Criteria. - Buildings, structures, landmarks or sites within the territorial jurisdiction of the City of San Carlos shall be declared as having cultural heritage values based on, but not limited to, the following circumstances:

- a) Such building, structure, landmark or site possesses cultural, historical, architectural, archaeological, aesthetic, scientific or educational worth;
- b) The building, structure, landmark or site is within the territorial jurisdiction of the City of San Carlos;
- c) Said building, structure, landmark or site has been in existence for 50 years or more.

SECTION 4A.04. INCENTIVES. – Private owners of buildings, structures, landmarks or sites which have been declared as, having cultural heritage, shall be awarded of the following incentives:

- a) Fifty Percent (50%) tax incentive on annual basic real property tax on the declared properties as possessing cultural heritage;
- b) availment of investment prioritized areas for tourism-oriented industries;
- c) enjoyment of the fiscal incentives herein provided, for a fixed period with its corresponding actual amount of investment as follows:

<u>INVESTMENT</u>	<u>INCENTIVE PERIOD</u>
₱ 5 million but less than ₱ 20 million	One year
₱ 20 million but less than ₱ 40 million	Two years
₱ 40 million but less than ₱ 60 million	Three years
₱ 60 million and above	Four years

- d) Reduction of Business Taxes. –A registered enterprise shall enjoy a reduction of business taxes, based on gross sales/receipts or realized during the preceding calendar year, to wit:

Year of Operation	% of Reduction
First Year	100%
Second Year	75%
Third Year	50%
Fourth Year	25%

- e) Non-Fiscal Incentives - A registered enterprise shall be entitled to the following non-fiscal incentives which include but not limited, to:

- a) Assistance in securing additional business permits and other related data
- b) Facilitating access to financial and technical assistance programs of the government
- c) Facilitating service connections with local utilities and other services, as maybe recommended by the Executive Committee

SECTION 4A.05. General Requirements for the Availment of Tax Incentives - The general requirements in the availment of the FIFTY PERCENT (50%) tax incentives, provided herein in Section 4A.04 are the following:

- 1) Letter of intent, addressed to the SCCCHC and copy furnished the Office of the City Treasurer;
- 2) Building Permit from the City Engineer’s Office, attaching therein the SCCCHC Conservation Clearance;
- 3) Clearance, as pre-requisite;
- 4) Certificate of Occupancy from the City Engineer’s Office, attaching therein the SCCCHC Certificate of Compliance, as pre-requisite;
- 5) Certification by the SCCCHC approving the application for tax incentives

ARTICLE B TOURISM VENTURES

SECTION 4B.01. Major Tourism Ventures – There shall be major tourism ventures, conducted by the San Carlos City Tourism Office (SCCTO), for the promotion, introduction and awareness of the tourism-related business establishments and stakeholders, in particular and for the whole city populace, in general. For purposes of this Code, the following shall be considered as major tourism ventures in the city:

- 1. Resorts
- 2. Tourist Inns/Hotels/Motels/Pension Houses
- 3. Tourist Transport Operations

4. Tour Operations
5. Tour Guiding

SECTION 4B.02. Allied Tourism Ventures – refer to those businesses or activities which are not primarily designed for tourism purposes, yet serve tourism needs like, photo developing shops, diving schools and others, as identified in this Code. The following shall be considered as, allied tourism ventures:

1. Restaurants
2. Shops/department stores
3. Sports and Recreational Clubs
4. Museums
5. Training Centers
6. Homestay Sites
7. Wellness Centers
8. Campsites

ARTICLE C TOURIST FRIENDLY COMMUNITIES

SECTION 4C.01. Restrictions of Tourist Friendly Communities – The following restrictions are hereby imposed to tourist friendly communities, to enhance the image of the City of San Carlos as a tourism area:

- a. Drinking of alcoholic beverages on sidewalks, walkways, outside of residence or outside of establishments catering to such services;
- b. Roaming around the city streets and public places, except in the open beach without donning proper upper clothing;
- c. Butchers and similar workers shall always carry their bladed implements in a concealed manner.
- d. Urinating on streets, lamp posts, trees other than the proper urinals;
- e. Defecating along the beach areas, beach fronts, beach heads, estuaries, any bodies of water and other public places;
- f. Throwing of cigarette butts, candy wrappers and other litters not in the designated receptacles;
- g. Drying of copra, coffee beans, palay, corn and similar agricultural inputs along the entire stretch of Choco Hills to La Vista Highlands;
- h. Passenger jeepneys, buses and passenger tricycles, pedicabs for hire, plying the streets, roads and routes of San Carlos City shall provide garbage receptacles in their vehicles, for use by passengers.

CHAPTER V TOURISM SUPPORT, LINKAGES AND INCENTIVES

ARTICLE A SUPPORT AND LINKAGES

SECTION 5A.01. Physical and Support Infrastructures. – In consonance with the mandate of the Department of Tourism (DOT), that is, *“to generate revenue, create jobs and livelihood for the Filipinos and ensure the safe, enjoyable and convenient stay of foreign and domestic tourists in the country”*, the San Carlos City Tourism Office and all its instrumentalities shall implement, promote, support and/or encourage inclusive and sustainable tourism development of tourism-related establishments and facilities, either through public or private funding, or both, in the following means:

- a. Construction, maintenance and expansion of adequate road and drainage networks;
- b. Enhancing the provision of basic utilities, such as, water, energy and power, as well as, transportation and communication facilities;
- c. Provision of an integrated solid waste and sewage management system in tourist destination and tourism investment zone, in compliance with existing laws and ordinance on health and the environment;
- d. Establishment of tourism-related infrastructures, such as, accommodation facilities including convenience stores, shopping centers, healthcare centers, emergency and safety facilities;
- e. Supporting and encouraging local farmers to plant and supply food and food products needed by tourist facilities;

- f. Prioritizing local labor where available and appropriate to the construction needs of all tourism infrastructure;
- g. Providing signages where appropriate.

SECTION 5A.02. Market and Market Linkages. - The City Government, through the San Carlos City Tourism Office (SCCTO), shall source out marketing of the city's tourism, industry and products, by encouraging and motivating local and national government and non-government agencies, such as, the Cooperatives and Livelihood Development Office (CLDO), City Environment and Management Office (CEMO), Hotel and Transport operators, Department of Tourism (DOT) and Department of Trade and Industry (DTI). Marketing and advertising shall be extended to market sources and suppliers from neighboring cities, municipalities from Bacolod City, Dumaguete City and Cebu City. The use of online, mobile, social media, signages, billboards and tarpaulins shall be fully utilized, for effective and efficient tourism services.

ARTICLE B LIVELIHOOD AND TRAINING

SECTION 5B.01. Sources of Livelihood and Employment. – There shall be an enhancement and promotion of more sources of livelihood and employment, through the extensive production of farm crops, agricultural, industrial and fishery products. Transport services shall be boosted and shall offer easy access, convenience and mobility for fast moving consumer goods and products to nearby and far- flung markets for local utilization, as well as, countrywide consumption.

SECTION 5B.02. Training Awareness. – The San Carlos City Tourism Office (SCCTO), in cooperation with (DOT) , (DTI), CLDO, CEMO and such other national and local government and non-government agencies, shall aim to achieve high quality public services, by initiating and organizing training awareness information dissemination and programs to local communities and stakeholders, such as, but not limited to:

- 1) Tourism Frontliner Trainings, for introduction of modules for frontline tourism services, in terms of food service, accommodation services, tour guiding
- 2) Training on Livelihood Programs
- 3) Tourism Enhancement Trainings on Scuba Diving, Cave Guiding Training, Nature Guide Training, Birdwatching Training and the like
- 4) Homestay Training
- 5) Benchmarking

CHAPTER VI

ACCREDITATION

SECTION 6.01. Pre-emptive Plan. - The San Carlos City Tourism Office shall pre-empt the plan of securing authority from the Department of Tourism (DOT), for the grant of accreditation to local business establishments and concerned stakeholders of the city, after full compliance of requirements mandated by DOT.

SECTION 6.02. Purposes of Authority – The purposes of securing authority to grant accreditation to business stakeholders are the following:

1. To provide speedy public service to prospective business stakeholders;
2. To assist business stakeholders in the documentation procedurals to minimize effort, time and financial constraints;
3. To create opportunity in sourcing out financial resources to fund small scale tourism activities;
4. To organize and train a team of local trainers, in coordination with DOT and TESDA, to capacitate and improve delivery of services of transport operators, tour guides, drivers, boatmen, porter, and the like;
5. To coordinate with concerned government agencies in monitoring and evaluate certified and accredited tourism industry workers annually, which will be the basis for renewal or revocation of certification and accreditation;
6. To incorporate the culture of tourism and values formation in all levels of education-primary secondary and tertiary, values of formation the culture of tourism, including but not limited to, demography, geography, history of the city;

7. Special training of PNP and other law enforcement organizations personnel assigned to tourism destinations and zones, shall be done on a regular basis to protect tourists and maintain peace and order.
8. To ensure that tourism front liners are well-trained and qualified, provided with incentives and rewards, and organized based on their work affiliations

SECTION 6.03. Conduit - The SCCTO is in its initial plan of securing authority to grant accreditation from DOT, thus, it shall coordinate with the Provincial Tourism Center and the Department of Tourism to serve as a conduit, in the issuance of a certification and accreditation to concerned tourism-related business establishments and stakeholders.

SECTION 6.04. Purposes of Conduiting – The purposes of the SCCTO to serve as a conduit in the issuance of accreditation to business stakeholders, are the following:

- a. Regulate the quality of service and skills, provided by front liners and other tourism industry workers;
- b. Provide financial and technical support for the education and professionalization of services and skills of local tourism industry workers;

SECTION 6.05. Requirements for Accreditation. - For requirement purposes, tourism-related establishments shall comply the following:

- a. **Local Requirements:**
 - a.1. Certificate Clearance with attached Monthly Tourist Arrival Report
 - a.2. Disaster Risk Management and evacuation plan, as approved by CDRRMO
- b. **DOT requirements** – shall abide with the DOT requirements online through its website <http://accreditationonline.tourism.gov.ph>

SECTION 6.06. Incentives for Accredited Tourism-Related Establishments. – Tourism-related establishments, which are duly registered and licensed by the City Government, shall be entitled to the following incentives:

- a. Assistance to the processing of DOT Accreditation, permits and other licenses.
- b. “One-Stop-Shop” processing of registration and license which should be completed within a period of five (5) days.
- c. Free promotion in all publications, brochures, tourism flyers, leaflets, and other promotional materials.
- d. Inclusion in Lakbay-Aral Tours / tour packages.
- e. Endorsement to COMELEC for exemption from Liquor ban during Election-related events (for accommodation establishments and restaurants only)
- f. Endorsement to Embassies and Travel Trade Association/s for utilization of establishment’s facilities and services.
- g. Priority to DOT Training Programs.
- h. Issuance of DOT ID Card to *bona fide* employees.
- i. Endorsement to LTFRB for Issuance of Tourist Transport Franchise (for Tourist Land Transport, Vehicles only)
- j. Technical/Security/Facilitation Support or Assistance.
- k. Incentives, set forth by the San Carlos City Investment Code

CHAPTER VII

TOURISM RESOURCES, CLASSIFICATION, INVENTORIES AND ASSESSMENT

ARTICLE A TOURISM RESOURCES

SECTION 7A.01. Tourism Resources - The City of San Carlos, through the San Carlos City Tourism Council (SCCTC) and the San Carlos City Tourism Office (SCCTO) shall identify, develop, promote and introduce city’s capital resources, cultural resources, human resources, natural resources and other tourism resources related to the man-made and special interests tourism attractions, which are explicitly defined in the San Carlos City Tourism Development Plan, that are being used, or can be utilized to attract, or serve tourists,

SECTION 7A.02. Classification Of Resources. - The city's tourism-related resources shall be classified as follows:

- a) **Capital Resources** – refer to availability of capital/financing, transportation, roads, airports, railroads, harbors and marinas, trails and walkways, water, power, waste treatment and communications.
- b) **Cultural Resources** – these include historic buildings, sites, monuments, shrines, cuisine, ethnic cultures, industry government, religion, anthropological resources and local celebrities.
- c) **Human Resource Infrastructures** – these include the warm bodies in the tourism industry – the people operating the various establishments and facilities, the local population whose lives are intertwined with the development of tourism sites; the tourists whose quality of lives are enriched and enhanced by the beauty, history and culture of their destinations.
- d) **Human Resources** – Include hospitality skills, management skills, seasonal labor force, performing artists (music, drama, art), storytellers, craftsmen and artisans, other labor skills from chefs to lawyers to researchers and local residents.

ARTICLE B INVENTORIES AND ASSESSMENT OF RESOURCES

SECTION 7B.01. Inventory, Assessment of Resources. - The San Carlos City Tourism Office, in coordination with the San Carlos City Tourism Council shall, periodically, make an inventory to identify, assess and classify the city's tourism-related resources and other tourism resources available, that can provide opportunities for tourism development, sustainable tourism development and responsible culture of tourism in the city.

SECTION 7B.02. Prioritized Tourism Destination. - Tourism destinations, that are given higher classification category, shall be included among the priority for promotion and marketing. The classification will guide tour operators and tourist where to go and what to do.

SECTION 7B.03. Protection And Preservation. - The San Carlos City Tourism Office and the San Carlos City Tourism Council, in coordination with the barangays, shall ensure the integrity of all tourism resources for its protection and preservation, in accordance with applicable laws, rules and regulations.

CHAPTER VIII ACCOMMODATION HOUSES AND TOURIST ARRIVAL REPORTS

ARTICLE A ACCOMMODATION HOUSES

SECTION 8A.01. Accommodation Houses. – The following are the classification and location of accommodation houses in the City of San Carlos:

- a. Pension House
- b. Hotel
- c. Apartelle
- d. Resort
- e. Homestays
- f. Bed and breakfast
- g. Motel

SECTION 8A.02. Homestay. - Local residents shall be encouraged to open their homes to be converted to homestay for tourists. The San Carlos City Tourism Office shall conduct an inventory of houses that may be considered and qualified as, homestay facilities. The Office shall coordinate with the Department of Tourism or any of its recognized or accredited training center, for the conduct of Homestay Training. The Office shall, further, maintain a registry of qualified homes as, homestays, for reference to tourists.

ARTICLE B
TOURIST ARRIVAL REPORTS AND CLEARANCE

SECTION 8B.01. Monthly Tourist Arrival Report - All owners/operators/proprietors of tourism-related business establishments, such as hotels, apartelles, pension houses, lodging houses, homestays, cottages, beaches and the like, shall submit their respective monthly report of all tourist arrivals in the city, to the San Carlos City Tourism Office, for proper monitoring, information and guidance of said office.

SECTION 8B.02. Annual Clearance Certificate - All owners/operators/proprietors of tourism-related business establishments of hotels, apartelles, pension houses, lodging houses, homestays, cottages, beaches and the like, shall secure an annual Clearance Certificate from the San Carlos City Tourism Office, after compliance of the provision stated in Section 8B.01. Said clearance shall be a requirement in the issuance/or renewal of business permits.

CHAPTER IX
DEVELOPMENT GUIDELINES

ARTICLE A
HEIGHT OF BUILDINGS TO BEACH AREAS

SECTION 9A.01. Height of Buildings in Beach Areas – Building construction for beach resorts and those located along the beach areas, either for residential or commercial purposes, shall not go higher than the height of a full grown coconut tree, notwithstanding the provisions of the National Building Code.

No building or any structure of any kind, whether commercial, residential or recreational, either permanent or temporary, shall be constructed on beaches within thirty (30) meters from the beach marker which shall be established by the City Government of San Carlos, through the SCCTO. Such space shall be referred to as, NO BUILD AREA. Height of buildings or structures to be constructed immediately after the NO BUILD AREA shall be, as follows:

- a. 3-storey structures shall only be constructed twenty-five (25) meters from ht edge of the NO BUILD AREA
- b. 2-storey structures shall only be constructed fifteen (15) meters from the NO BUILD AREA
- c. Single storey structures shall only be constructed five (5) meters away from the edge of the NO BUILD AREA

Provided, that no structure, residential, commercial or recreational, be constructed on slopes over 25 degrees and on cliff, either from beside the beach, or upon the sea or on the edge of the cliff itself.

Provided further, that structures to be built on cliffs and promontories should make use of light and indigenous materials reminiscent of local Philippine design and architecture and it must be supported by proper engineering design or study as, to the stability of the building a structure on cliffs and promontories.

SECTION 9A.02. Water sports, such as, but not limited to, Jet Ski, banana boat rides, motor boating, etc., shall only be conducted three hundred (300) meters away from the beach head. Provided further, that water sports in the Marine Protected Area shall follow the rules and regulations of the MPA board.

SECTION 9A.03. Videoke activities in the food park are hereby regulated from 9:00 A.M. until 11:00 P.M. only. The sound decibels shall conform with the provisions set forth in SP Ordinance No. 08, Series of 2012, otherwise known as, the Environment Code of San Carlos City.

SECTION 9A.04. Putting up of banners, billboards, streamers and similar signs is strictly prohibited in the NO BUILD AREAS, except in entrances or buildable areas. No streamers or similar materials can be put up without the payments of the required permits and fees with the City Government of San Carlos, as stipulated in the existing San Carlos City Revised Revenue Code.

SECTION 9A.05. Display of banners, billboards, streamers and similar signs is strictly prohibited in the NO BUILD AREAS, except in entrances or buildable areas and across the thoroughfares of the city, and on the sides of the streets or highways. Same shall be only be displayed after payment of necessary permits and fees from the City Treasurer's Office, in consonance with the existing San Carlos City Revised Revenue Code.

SECTION 9A.06. Health and Sanitation - All tourism-related ventures shall strictly adhere to the provisions set forth in SP Ordinance No. 08, Series of 2012, known as Environment Code and SP Ordinance No. 35, known as Sanitation Code, National Building Code and other relevant local and national laws, more particularly on the segregation of disposal wastes, sanitation of comfort rooms, etc.

ARTICLE B
PRESERVATION/CONSERVATION OF NATURAL AND MAN-MADE RESOURCES

SECTION 9B.01 – FLORA

1. Any plan to cut endemic trees shall be incorporated in the EIA/project description of the development projects shall be subject to the prescribed guidelines of and mitigating measures by the DENR.
2. Cutting of trees shall strictly follow existing rules prescribed by DENR and/or local ordinances of the same nature. No trees shall be cut down along the side highways.
3. Planting of multi-species of trees, plants, shrubs, etc. shall form part of the development project in order to enhance bio-diversity conservation.
4. Planting of exotic and invasive species and likely to transfer disease plant species for landscaping purposes shall be subject to DA Plant Quarantine guidelines.

SECTION 9B.02. - FAUNA

1. Hunting and gathering of either live or dead fauna for selling, collection or preservation purposes shall be strictly prohibited.
2. All development projects should ensure that the natural seasons and habitats of native and migrating species are protected and not adversely affected by the development projects.
3. Introduction of exotic (non-indigenous) species shall be subject to the rules and regulations of the DA and the DENR.

SECTION 9B.03. – LAND CONVERSION

1. Existing laws, executive orders and/or Department Administrative Orders of concerned government agencies on land conversions shall be strictly observed/taken into consideration in planning and implementation of all development projects.
2. Development activities and projects should be undertaken in strict conformity with the prescribed land use of the city and the development plan for the tourism zones and clusters.

SECTION 9B.04 . - MARINE/AQUATIC RESOURCES

1. Every establishment, along the coastline, must provide its own mooring buoys for all types of sea crafts to anchor.
2. Indiscriminate throwing of anchors on the corals shall be strictly prohibited and shall be penalized, according to existing local and national laws, ordinances, rules and regulations.
3. Discharging of wastes from ships, boats and all other sea crafts like, used oil, human waste, plastic and all other wastes shall be strictly prohibited within the territorial waters of the City of San Carlos.
4. Sea crafts shall be prohibited within the established marine sanctuaries, in consonance with existing local and national laws. Corresponding fines and penalties shall be imposed in violation hereof.
5. Philippine Commission Sports Scuba Diving (PCSSD) rules and regulations shall form part of the house rules of all hotels, resorts, restaurants, dive shops and other concerned tourism-related business establishments.
6. Dive shops and other concerned business establishments shall strictly follow PCSSD rules and regulations, ordinances against illegal fishing and DA fishery laws and administrative orders.
7. All boats servicing tourists shall be duly-licensed by the City of San Carlos/Coast Guard/MARINA and shall provide safety devices, such as life jackets, etc., to protect tourists and other passengers. Boatmen shall be appropriately equipped with the necessary radio and other similar communication devices.

SECTION 9B.05. – WATERS

1. All water resources (ground, surface, marine and aquatic) shall be subject to regular tests by concerned agencies, e.g. DOH, DENR, DA, to determine their safety. Corollary hereto, test results shall be released to all concerned sectors of the city.
2. Waterways that flow through or traverse a tourist development area shall be relocated or blocked and any structure that will tend to impede the free flow of water shall not be allowed.

SECTION 9B.06. – AIR

1. Development projects that are determined to have adverse effect on air quality shall install high efficiency pollution control equipment/devices.
2. Transport operators shall be governed by existing exhaust emission guidelines of the Land Transportation Office and other concerned agencies. Their vehicles shall be further be subjected to regular tests to determine the level of exhaust/pollution generation.

SECTION 9B.07. – TOPOGRAPHY

1. Development projects shall not cause any major change in the topography of the island, but shall instead follow and adopt the island's topographic features.
2. Quarrying and extraction of sand and gravel shall be governed by existing laws, rules and regulations. Extraction and use of beach sand, however coral rubble shall be strictly prohibited and shall be punishable according to existing local and national laws.

SECTION 9B.08. – CARRYING CAPACITY

1. Development activities and projects must work within the prescribed carrying capacity of the tourism zones/area, as indicated in the Comprehensive Land Use Plan (CLUP) of the City of San Carlos.

SECTION 9B.09. – HISTORICAL LANDMARKS/MONUMENTS

1. Development projects shall, in no way, destroy existing historical monuments and landmarks, but shall instead, work for its preservation and restoration. Negotiations/arrangement must be made with the City Government of San Carlos on the transfer of ownership of site to the City Government of San Carlos (if the site falls within private property), access of the public to the site, etc. Any development made therein shall be coordinated with the National Historical Commission.

CHAPTER X TOURISM DEVELOPMENT GUIDELINES

SECTION 10.01. Protection of Tourist/s. - To fully develop tourism in the city, the following guidelines shall be governed, to wit:

1. All owners/proprietors of tourism-related business establishments are required to provide and promote the use of DOT-accredited services to their guests (i.e. transport services, tour guides, etc.), to protect tourist/s from becoming victim/s of unethical practices like, swindling, overcharging, etc.
2. Standard rates for boat hire, tricycle fares, tour guides, private single motorcycle for hire (habal-habal) and other services shall be made known to tourists, by posting the list of standard rates in conspicuous places like, the front desk, airport reception desk, rent-a-car businesses, etc. and in different languages, in consonance with the existing San Carlos City Revised Revenue Code.
3. All business establishments of swimming pool facilities and the like, within private/government properties, shall have, at least, one (1) lifeguard possessing the required training and expertise .
4. Beaches and resort estates and the like, shall provide, at least, two (2) lifeguards and lifeguard stations.
5. All tourism-related business establishments shall provide adequate security services within their respective areas, to ensure the safe stay of tourists.

SECTION 10.02. Cultural Preservation –

1. Services and products to be offered by establishment owners and operators must, as far as practicable, be consistent with the traditions, values and mores and interests of the city.

SECTION 10.03. Transportation Concerns

1. All tourism-related business establishments shall provide transfer and transport services duly accredited by the DOT and the City Government of San Carlos, to ensure that these vehicles are at par with local and national tourism standards.
2. Rent-a-Car Enterprises shall be accredited by the DOT and the City Government of San Carlos.
3. Jet skis shall be banned from the waters fronting resort establishments. As a water sports facility, jet skis will only be allowed on designated water sporting areas.
4. Transportation routes within tourism zones shall be designated by the City Government of San Carlos, upon consultation with tourism-related business establishments/operators and the consumers.
5. Island hopping water transport or boats for hire shall strictly follow rules and regulations of MARINA, the Coastguard, DOT and other concerned agencies. These shall be subject to accreditation by the agency concerned, as well as, annual inspections to determine their sea worthiness.

SECTION 10.04. Water Sports –

1. Water sports operator shall strictly abide by the rules and regulations to be designed by DOT, City Government of San Carlos and other concerned agencies, relative to the specific areas for operation, business hours, safety measures, etc.
2. Strict compliance with the rules and regulations of the Philippine Commission on Sports Scuba Diving (PCSSD) shall be strictly enforced by diving schools and diving shop operators.

SECTION 10.05. Cleanliness

1. All owners/proprietors of tourism-related business establishments shall be responsible of the cleanliness within the premises of its business and its surroundings.

**CHAPTER XI
PHYSICAL DEVELOPMENT GUIDELINES**

**ARTICLE A
DEVELOPMENT DENSITIES**

SECTION 11A.01. Resort Zone Delineation - Along the coastal areas, the area of 100 meters inland from the shore line shall be known as the Beach Zone. Beyond this will be the Inland Zone.

SECTION 11A.02. Density Requirements - To ensure that the carrying capacity of the environment will not be exceeded, the concept of gross density may be followed. This refers to the number of rooms that will be allowed to be built within a given zone or area.

The following density standards may be needed:

High density	-	80 rooms/hectare
Medium density	-	45 rooms/hectare
Low density	-	15 rooms/hectare

**ARTICLE B
BUILDING TYPOLOGIES**

SECTION 11B.01. Sprawling Type - As a rule, construction of accommodation establishments along the beach should adopt the “sprawling type” concept to preserve the aesthetic appeal of the City of San Carlos.

SECTION 11B.02. Development Design - The following types of accommodation development can be allowed within the project area:

- a) Village type hotel, villas or row houses, especially within the integrated resort zone
- b) Traditional typologies should be used for accommodation and facilities closer to the locals. Single detached, single story cottages or duplexes may also be allowed, particularly in the beach zone
- c) A star-category hotel with urban amenities, such as, convention center, restaurants, indoors sports facilities, etc. may be allowed in the inland zone

SECTION 11B.03. Development design, however, should first be reviewed and approved by a duly formed committee, to ensure that the plan contributes to the aesthetic condition of the island.

ARTICLE C ARCHITECTURE

SECTION 11C.01. For Beach Zone -

1. The overall architecture and design shall conform to the landscape and the indigenous tradition of the city. New structures need not simply be replicas of traditional houses, but rather seek inspiration in the way that adopt to the environment.
2. The exterior of resort hotels and other tourism facilities and buildings, should reflect the “native look”, such as, the traditional “bahay kubo”, and its variants.
3. The block of the construction should harmonize with the topography of the site, avoiding overly rigid forms that would clash with the coastal landscape.
4. The visible building materials of all structures shall be carefully selected, so they will blend with the overall appearances. Extensive use of indigenous materials, such as, nipa or cogon, natural stones and tiles, is encouraged.

SECTION 11C.02. Height Restrictions

- a) **Beach Front** - Resort establishments within the beach zone shall observe height limits, determined by a slope of 1:7, measured as a protection of the line from the point along the Mean High Water Level to the apex or ridge of a single storey structure, located 5 meters beyond the twenty-five (25) meters mandatory beach front easement. The apex of the roof shall not exceed 5.00 meters measured from the ground elevation of 0.00. The projection of the hypotenuse of the triangle formed shall be known as the Allowable height of Structures.
- b) **Inland Zone** – In high density clusters, two to six-storey structures may be designed, such as, a hotel complex with a convention center, restaurants and other urban amenities. Duplexes, quadruplexes or village type hotel structures, up to two storeys, are to be developed in the medium density areas. The projection of this angle will allow increasing heights of structures landward, so long as, they fall within the line Allowable heights of Structures.

SECTION 11C.03. Setbacks –

1. **Beachfront Easement** – There shall a mandatory beachfront easement along all coastal areas and shall be defined at 25 meters from the established Mean High Water Level measured landward and perpendicular to it. Exception to this rule shall be on areas with no pronounce beach head, such as, cliff areas.

No permanent or temporary structures and signs of any nature shall be allowed within this beachfront, except those fixtures authorized by the City Government of San Carlos, subject to the recommendation of the City Engineer. This area shall be properly landscaped in order to prevent erosion and to serve as buffer zone between the sea and developments. All permanent structures shall, at least, be ten (10) meters from the established high water level of magroves, swamps and freshwater lagoons.

2. Along cliffs or bluffs, observe 10 meters setback from the edge of established cliffs and a minimum of 20 meters, if there are potentials for erosions. Constructions along established waterways, intermittent or perennial, shall observe the 5.0 m. easement on each side of the waterway.

3. Additional mandatory vehicular access with a right-of-way of 3.00 meters minimum width shall be identified by the respective local government units concerned (barangay level) in consultation with resort operators, in the event that no agreement shall have been reached the City Government may exercise its power of eminent domain.
4. Distance between structures
 - Single storey with opening - 10 meters
 - Single storey without opening - 7 meters
 - Multi-storey with opening - 2 times the height of the building
 - Multi-storey without opening - 18 meters
5. Setbacks from roads
 - a) Main road – 4.00 meters from the edge of the road right-of-way
 - b) Secondary road – 3.00 meters from the edge of the road right-of-way
 - c) Lateral road – 2.00 meters from the edge of the road right-of-way

SECTION 11C.04. Buffer Zones –

1. Along the perimeter of each zone or area or golf course, there should be a minimum of 10-meter buffer zone, or as provided by the city’s Comprehensive Land Use Plan (CLUP), which shall be landscaped, visually concealing the inside developments.
2. A 10-meter buffer zone is planned along provincial or barangay road, as the case maybe, to provide visual and aural privacy to the tourism facilities inside.
3. Ten-meter buffer zones are also required from the edge of forest reserves, orchards, etc.

SECTION 11C.05. Airport Zones –

1. Government regulations require observance of the obstacle surface standards for airport. At runway strip sides which is 150 m. from both sides of the runway centerline, a transitional surface with a slope of 1:7 or 14.3%, measured in vertical plane perpendicular to the runway, is mandatory. The outer limit of the transitional surface shall be 4.5 m. above the nearest point at the runway centerline.

At the end of the clearways of the runway, an approach/departure surface, with a slope of 2% above the horizontal in the vertical plane, containing the runway centerline, shall be established.

2. Buffer zones that would serve as, noise barrier, shall be provided 70 meters on both sides of the runway strip running parallel thereto. Within this buffer zone, planting of trees is strictly prohibited while agricultural crops may be allowed.

SECTION 11C.06. Landscaping –

1. Owners of lots and establishments in the tourism zone shall be encouraged to plant and maintain ornamental or fruits or other edible forms of landscaping, to enhance their location. At least 30% of the lot area shall be landscaped.
2. Area subject to landscaping
 - a) Open areas of lots already developed
 - b) Flower beds of all types
 - c) Road escarpments and divider strips
 - d) Areas designated, as public or private parks
 - e) Any other areas free of construction
3. Fences shall be limited to indigenous material or barbed fences to be covered with vegetation preferably, thorny shrubs or plants or hedges and maintained at a height of 1.70 meters. No fences will be allowed along the beachfront.
4. Outside paving - pavements, walkways or terraces must be provided.
5. All existing trees with a trunk diameter of 4 inches and above shall be preserved.

SECTION 11C.07. Signages –

1. Signs are intended to give direction, convey information or instructions. As such, they are controlled in their manner of display to achieve the best results.
2. Signs classification

- a) Public Locational and Directional Signs (streets, roads, plazas, landmarks, attractions, institutions, etc.)
 - b) Vehicular Traffic and Pedestrian Signs (warning signs, road/traffic signs)
 - c) Establishments Signs (establishment name and limited ads/come-ons)
3. Sign Dimensions
- a) Street/Road Signs - 400 cm. x 150 cm. mounted 200 cm from finished ground level
 - b) Locational and Directional Signs - 400 cm x 150 mm (to 300 cm max. width) mounted 120 cm from finished ground level
 - c) Historical Landscape - according to National Historical Commission requirements
 - d) Establishment Signs - 80 cm x 120 cm mounted on post 1.5 meters from the finished level ground
4. Materials for signs
- a) As a rule, indigenous materials, non-metallic and non-corrosive shall be used.
 - b) Locational and Directional Signs and Traffic and Pedestrian Signs – reflectorized, all weather, gauge No. 10 anodized aluminum sheets with cathode protection
 - c) Establishment Signs – indigenous materials, such as, coco lumber, wood, planks, log sidings, bamboo and bamboo products, nipa, sawali, rattan, etc.
5. All signs must be considered from the aspect of aesthetics, in terms of proportion, color and location. The important thing is that signs should intrude into the sensibilities of the viewers or users and must not interfere with the panorama of an established view, whether contrived or natural.
6. An area in the tourism Zones or clusters may be allowed for communal commercial signs.

SECTION 11C.08. Parking –

1. In the design of parking spaces, regular rectangular lines of parking should be avoided. Landscaped cluster is preferable with vegetation, banks and variations in level to provide shelter and screening around the park.
2. Shade trees shall be planted along the islands between parking spaces and vehicle stops must be provided for each parking space.
3. A minimum dimension of 2.5 meters by 5.0 may be observed for each parking space.
4. Parking areas should preferably be of concrete, gravel and in less intensely used areas, turfs are preferable.
5. One-way access should be used and parking outside the parking spaces should be made physically impossible.
6. Parking shall be located within 200-300 meters from the tourism facilities.

SECTION 11C.09. Road Network –

1. Central lines, circumferential lines and lateral roads, leading to the integrated resort area, airport area and all other access roads, must be asphalted/concreted for convenience and accessibility.
2. All such roads shall have a road right-of-way conforming to the requirements of the DPWH and City Government of San Carlos, with minimum pavement widths, as follows:
 - a) For main road - 8 meters
 - b) For secondary - 5 meters
 - c) For lateral - 4 meters
3. Clusters on which apartments, row houses or group of single detached buildings, are built shall be powered with an access streets, directly connecting said buildings or units to a public street or alley, pursuant to Rule XI of IRR of the National Building Code.
4. All roads shall have proper drainage, pedestrians/sidewalks, sufficient roads signages, traffic signs and markers.
5. Bicycle lanes may be furnished along the sides of lateral and interior roads outside the shoulder lines or sidewalks.

SECTION 11C.10. Transitory – Any violation of these guidelines shall mean disapproval to repair, renovation or remodeling of existing structures, until provisions of these guidelines are complied with.

CHAPTER XII
SOCIAL DEVELOPMENT GUIDELINES

ARTICLE A
EMPLOYMENT AND BUSINESS OPPORTUNITIES

SECTION 12A.01. Employment Opportunities – The following guidelines shall be adhered to in extending opportunities of employment:

1. All business establishments and businesses shall employ their staffs in the order of priorities:
 - a) Displaced and affected families of the project
 - b) Residents of the concerned barangay and city
 - c) Residents of the Province of Negros Occidental
 - d) Local suppliers, entrepreneurs and cooperatives in the City of San Carlos, who are capable of providing the same goods and services
2. Employment on contractual basis is discouraged in positions necessary to the business operation, such as, hotels, resorts, restaurants and other related business activities.
3. Establishments shall abide by the rules and regulations of the Social Security System (SSS) and the Department of Labor and Employment (DOLE) , particularly relating to benefits and rights of employees.
4. Governing laws on the employment of persons with disability (PWD) shall also be adhered to.
5. Resort owners/tourism establishments with five (5) or more regular employees shall provide organized transportation for their employees.
6. Equal opportunities for employment and professional training and growth shall be provided to all, regardless of sex, in pursuance to the provisions set forth in SP Ordinance No. 11, Series of 2011, otherwise known as, the Gender and Development Code of the City of San Carlos.

SECTION 12A.02. Business Opportunities – Business opportunities shall be encouraged for the promotion, development and enhancement of tourism in the city:

1. Local residents shall be given opportunities to sell their agriculture, arts and crafts products at commercial areas designated by the City Government of San Carlos.
2. Alternative livelihood shall be provided to farmers and fisherfolks who will be affected by the project, in cooperation with the project proponent.
3. Farm-to-market roads shall be improved for utilization and accessibility of concerned producers and consumers.
4. The City Government of San Carlos shall provide fiscal and non-fiscal incentives, as prescribed in its Investment Incentive Code.

ARTICLE B
PRESERVATION OF TRADITIONAL VALUES AND ENHANCEMENT OF CULTURE

SECTION 12B.01. Preservation Of Traditional Values And Enhancement of Culture – The following guidelines shall be properly observed in order for the traditional values of the city to be preserved and its culture enhanced:

1. Developers, operators and other concerned parties shall be strictly governed by existing local and national laws in the prohibition in the use of their establishments for indecent and illegal activities, such as, but not limited to, drug and human trafficking, prostitution, pedophilia and gambling
2. Developers, owners and operators of tourism-related establishments and businesses shall assist the DOT, City Government of San Carlos and other agencies concerned in the construction and management of a heritage cum handicraft village, which shall showcase the history, arts and culture of the City of San Carlos .
3. Establishments owners and operators are encouraged to promote cultural presentations (i.e. folk dances, folk songs, cultural revivals, etc.), as a form of entertainment.
4. Establishments owners and operators are encouraged to promote and support traditional festivals.

**ARTICLE C
MANPOWER DEVELOPMENT**

SECTION 12C.01. Manpower Development – To develop, encourage, promote and enhance pool of manpower resources, the following guidelines shall be strictly observed:

1. Government and non-government organizations shall provide continuing programs, trainings, conferences, seminars to develop the skills and potentials of workers, for livelihood activities.
2. People’s Organizations (POs) and Non-Government Organizations (NGOs) shall assist in organizing local residents into cooperatives for the supply of goods and services.
3. Government and non-government organizations shall conduct regular training on etiquette, hygiene, moral conduct, etc. for all tourism employees of establishments and frontliners (i.e. transport drivers (taxi), tricycle, boatmen, bus, guards, tour guides, waitresses/waiters, housekeepers, etc.
4. Educational, vocational, technical institutions shall encourage tourism-related courses.

**CHAPTER XIII
BUSINESS PERMITS, FEES, CANCELLATION, SUSPENSION OF PERMITS**

**ARTICLE A
BUSINESS PERMITS/FEES**

SECTION 13A.01. Business Permits - Any individual, partnership or corporation, who wish to establish, operate and maintain a tourism or tourism-related venture, as identified in this Code, shall first secure a business permit and comply with the other requirements, as provided forth by the existing San Carlos City Revised Revenue Code.

SECTION 13A.02. Requirements of Business Permits - Anent to the provisions stipulated in the existing San Carlos City Revised Revenue Code, the following shall be requirements in the issuance of a business permit:

- 1) A certificate of clearance issued by SCCTO, certifying the concerned tourism-related business establishments to have submitted a regular monthly tourist arrival report;
- 2) All other requirements, as mandated by the Business Permits and Licensing Office (BPLO) and the San Carlos City Revised Revenue Cod.

SECTION 13A.03. Enthusiast’s Fee – Enthusiasts of splunking, caving, eco-tours, eco-adventure competitions shall first secure a non-refundable permit fee of Three Hundred Pesos (₱ 300.00). The permit shall only be granted upon written request identifying therein the area/cave location and the proposed activities. The permittee shall accomplish an exit information sheet upon expiration of the proposed activity in the area. The City of San Carlos shall have proprietary rights to any discoveries made in connection thereat.

SECTION 13A.04. Rates of Business Permit Fees – For purposes of this Code and in consistent with the existing San Carlos City Revised Revenue Code, the following tourism ventures shall pay the corresponding business permit fees, as follows:

1. Promotional Services/Advertising	₱ 300.00
2. Ferries/Tourist Transport Boat Operators	750.00
3. Gear Rental Shops	300.00
4. Resort Operators	800.00
5. Golf Links	1,000.00
6. Tourist Vehicle for Hire	500.00
7. Travel and Tour Operators	750.00

**ARTICLE B
SPECIAL PERMITS FOR LEGITIMATE TOURISM ACTIVITIES**

SECTION 13C.01. – Authority. - The City Mayor shall have the sole power to grant the special permits for legitimate tourism-related activities, through the recommendation of the Supervising Tourism Officer, after compliance to the provisions set forth under existing local laws and paying the amount of TWO HUNDRED PESOS (P200.00) for transport of not more than three days and FIVE HUNDRED PESOS (P500.00) for a transport not exceeding one week.

SECTION 13C.02. - Guidelines. – The following guidelines shall be strictly adhered to in securing a special permit for tour-related activities within the territorial jurisdiction of the City of San Carlos:

a) For organized City Tours-

a.1 Tour operator/primary Tourism/Tourism Enterprise must be duly accredited by the Department of Tourism, a registered business entity in the City of San Carlos and a holder of a business permit and Tourism license.

a.2 A letter-request for the city tour shall be approved by the City Mayor, through the recommendation of the Supervising Tourism Officer, containing the following information:

bb. Nature of Tour

cc. Name of requesting tour operator, primary tourism/tourism enterprises

dd. Number of persons during the tour

ee. Duration of the tour

ff. Itinerary and routes or places to be visited

gg. Type and number of tour-related transport vehicles to be used

hh. Contract of service or letter of intent, duly signed by the tour operator, transport company and primary tourism/tourism enterprises

SECTION 13B.03. Requirements. - The requirements for tour-related transport operators are the following:

1. Streamers/posters must be visibly placed on the vehicles to be used to identify the group on tour-convention/seminar/educational trip;
2. Streamer/poster for the promotion of the City of San Carlos, as tourists' destination, must be placed on the vehicles.

SECTION 13B.04. Disqualification. – Any misrepresentation of information/data/documents, relative to the request for the issuance of a special permit, shall invalidate an already issued permit and disqualify the transport operator/tour operator/organizer primary tourism/tourism enterprise of any tour related event from future availment of a special permit privilege.

ARTICLE C

CANCELLATION, SUSPENSION AND NON-RENEWAL OF BUSINESS PERMITS

SECTION 13C.01. Grounds For Cancellation And Suspension Of License Of Tour Guides - The following are grounds for cancellation and suspension of license of tour guides:

1. Cancellation of accreditation.
 - a. Conviction of a crime involving moral turpitude; and
 - b. Conviction of more than one of any of the acts enumerated in Section 15.01.
2. Suspension of accreditation
 - a. Any overt act of dishonesty, misrepresentation or misconduct committed against a member of his/her tour group or against his/her employer or co-employee;
 - b. Forced tipping or contributions from tourist;
 - c. Failure to comply with the requirements as to the compulsory wearing of identification cards.

ARTICLE D

CLOSURE OF TOURISM-ORIENTED OR RELATED ESTABLISHMENTS, IMPOSITION OF FINES AND FORFEITURE OF BOND

SECTION 13D.01. Grounds for the closure of tourism-related establishments, imposition of Fines and/or forfeiture of bonds. - The following shall be the grounds for the closure of tourism-related establishments, imposition of Fines and/or forfeiture of bonds:

1. Making any false declaration or statement or making use of any such declaration or statement or any document containing the same of committing fraud or any misrepresentation for the purpose

- of obtaining the issuance, grant or renewal of any certificate of registration/accreditation/re-accreditation of license;
2. Failure to comply with or contravene any of the conditions set forth in the license;\
 3. Failure to meet the standards and requirements for the operation of tourism establishments, as prescribed in this code;
 4. Serious physical injury or lost of life of any guest due to the fault or negligence of its official or employee (for resort/hotel/tourist inn/appartelle and other tourism-related establishments);
 5. Allowing or permitting the tourism establishment, including any of its facilities, to be used for illegal, immoral, illicit activities, such as: gambling, prostitution, etc. (for resort/hotel/tourist inn/appartelle and other tourism-related establishments);
 6. Violation of any of the conditions of the LTRFRB franchise (for tourist transport operation);
 7. Tolerance of gross misconduct, discourtesy, dishonesty, or misrepresentation and/or fraudulent solicitation of business committed by any of the officers or employees against their clients detrimental to tourism industry;
 8. Willful violation of agreements and/or contracts entered into by the tourism establishment and its clients;
 9. Failure to pay fine, as well as, fees, due and contribution imposed under existing rules;
 10. Non-settlement of accounts and/or non-remittance of collections due to carrier of their co-agencies, or any agency of the government or any individual within the period prescribed by law;
 11. Any other acts/omissions that worked against the interest of the tourism industry.

CHAPTER XIV RULES AND REGULATIONS

SECTION 14.01. Rules And Regulations. - The following are the rules and regulations governing in the implementation of this Code:

1. All owners/operators/proprietors of tourism-related business establishments such as accommodation houses, hotels, apartelles, pension houses, lodging houses, homestays, cottages, beaches and the like accommodation houses, including homestays, shall keep a registry of guests, at all times. Upon arrival, guests shall be required to fill in forms, containing the following details:
 - a. Full name of guest
 - b. Nationality
 - c. Passport Number or any competent proof of identity
 - d. Address and Place/Country of Origin
 - e. Occupation and place of employment
 - f. Time and date of arrival
 - g. Expected duration of stay and exit destination
2. Any visitor, brought/invited by guest/s to the accommodation house, shall also be required to register in a separate book for visitors. In the event that the visitor invited is a minor, the accommodation house shall promptly inform the San Carlos City Social Welfare Development Office, for verification of the visitor's purpose of stay/visit.
3. Concerned tourism-related business establishments shall submit a monthly report of tourist arrivals and duly accomplished forms and registry books, to the San Carlos City Tourism Office, for data gathering, clearance issuance regulation and supervision purposes.
4. No person shall be allowed to work as, tour guide in the City of San Carlos, unless, he has secured a certificate as a tour guide, issued by the San Carlos City Tourism Office, the Provincial Tourism Center and/or the Department of Tourism.
5. No foreign tour guides/escorts shall be allowed under this Code, except when there are no available local tour guides/escorts speaking the language of a particular foreign tourist market, in which case, the travel/tour organizers shall be required to hire accredited local tour guides until the duration of such tour.
6. No entity shall be allowed to conduct local tours, unless they have complied with DOT and business permit and licensing requirements of the city. Outside tour operators, doing business in the city, shall be required to secure a special permit or accreditation from the SCCTO.
7. No foreign tour operator shall be allowed to conduct local tours, unless they have engaged a local tour operator counterpart for the duration of the tour.

8. The tourism-related establishments shall prepare a disaster risk management and evacuation plan, duly approved by the City DRRM Office
9. Standard rates for accommodation house, tourism facilities services of tour guides, including fares for all kinds of transport services, shall be posted in conspicuous places, for proper guidance, reference and information of tourists.
10. All accommodation houses and tourism establishments shall maintain cleanliness and sanitation of their facilities, at all times, in accordance with the existing Environment Code and the Sanitation Code of the city and other relevant local and national laws.
11. When the volume of the visitors in the tourism establishment reaches the maximum, as declared, the establishment shall provide a notice of such condition in strategic places to forewarn incoming visitors. The establishment may coordinate with the Barangay Tourism Council (BTC) in the dissemination of such information.
12. In the implementation of the provisions of this Code, reference shall always be made to existing national and local laws, rules and regulations. For this purpose, the SCCTC shall draft and issue directives to carry out the provisions of applicable relevant laws.

CHAPTER XV PROHIBITIONS AND RESTRICTIONS

SECTION 15.01. PROHIBITIONS AND RESTRICTIONS. All owners/ operators/ proprietors of tourism-related business establishments, such as, accommodation houses, hotels, apartelles, pension houses, lodging houses, homestays, cottages, tourist inns, motels, bed and breakfast, resorts beaches and the like are strictly prohibited/restricted to do the following acts/omission:

- a. Non-submission of monthly Tourists Arrival Report to the SCCTO;
- b. Making any false declaration or statement, or making use of any such declaration, or statement, or any document containing the same, or committing fraud or any act of misrepresentation for the purpose of obtaining the issuance, grant or renewal of any certificate of registration/accreditation/reaccreditation or license;
- c. Failure to comply with, or contravene any of the conditions, set forth in Accreditation;
- d. Failure to meet the standards and requirements for the operation of tourism establishments, as prescribed in these rules;
- e. Serious physical injury or loss of life of any guest, due to the fault or negligence of its official or employee (for resort/hotel/tourist inn/apartelle/other tourism-related establishments);
- f. Allowing or permitting the tourism-related establishment, including any of its facilities, to be used for illegal, immoral, illicit activities, such as: gambling, prostitution, etc. (for resort/hotel/tourist inn, apartelle and the like);
- g. Managers and/or Operators of tourism-related establishments shall exert all possible efforts not to permit a person, whom they know, to be drunk and/or have reason to believe, either to be a prostitute, a pedophile or a bad character, to occupy any room or to frequent the premises. Presence of any of these things, within the tourism-related establishments, shall be reported immediately to the nearest police station.
- h. Violation of any of the conditions of the LTFRB franchise (for tourist transport operation);
- i. Tolerance of gross misconduct, discourtesy, dishonesty, misrepresentation and/or fraudulent solicitation of business committed by any of the officers or employees against their clients to the detriment of the tourism industry;
- j. Willful violation of agreements and/or contracts entered into by the tourism-related business establishment and its clients;
- k. Failure to replace or renew the Surety Bond within fifteen (15) days the date when said bond is ordered forfeited not confiscated in accordance with these rules or cancelled and/or revoked for whatever, cause (in case of travel agency);
- l. Failure to pay fine, as well as fees, dues and contributions imposed under existing laws;
- m. Employment/hiring of employees (Tour Guides) who are not holders of license issued by the BPLO or non-Filipino employees, whether contractual or permanent, without valid working visa and working permit;
- n. Any other acts/omissions that may endanger the interest of the tourism industry.

CHAPTER XVI GOVERNING LAWS

SECTION 16.01. Governing Laws - The following relative local and national laws, among others, shall govern in the implementation of the provisions of this Code, as follows:

1. Executive Order No. 79, Series of 2006 – Creating the San Carlos City Tourism Council
2. R.A. 7160, known as, the Local Government Code of 1991
3. R. A. 9563, otherwise known as, the Tourism Act of 2009
4. Civil Service Resolution No. 97-0404 and CSC MC # 1, Series of 1997
5. P.D. No. 1096, or the National Building Code
6. SP Resolution No. 16-92, Series of 2016, known as, the San Carlos City Tourism Plan
7. SP Ordinance No. 26, Series of 2010, known as, San Carlos City Revenue Code
8. SP Ordinance No. 08, Series of 2012, known as, Environment Code
9. SP Ordinance No. 35, Series of 2013, known as, Sanitation Code

CHAPTER XVII PENAL PROVISIONS

SECTION 17.01. Penalties - Any violation of any provisions contained in this Code, shall be meted with the following fines and penalties, in accordance with existing City Revised Revenue Code:

1 st Offense	-	Cash fine of Php 1,000.00
2 nd Offense	-	Cash fine of Php 3,000.00 and violator shall render eight (8) hours of community service under the supervision of the SCCTO, or its duly authorized representative.
3 rd Offense and Succeeding Offenses	-	cancellation of business permit, and closure of business establishment and/or imprisonment of six (6) months or both, subject to the discretion of the court.

CHAPTER XVIII MISCELLANEOUS PROVISIONS

SECTION 18.01. Confidential Character Of Certain Data - Information and documents received by or filed with the Tourism Office in pursuance of the requirements of this Ordinance shall be treated as confidential and shall not be divulged without the consent of the party concerned when public interest so requires. Any official or employee of the Tourism Office, including those that are temporarily assigned therewith, who shall violate the provision of this Section shall be penalized based on appropriate laws, rules and regulations..

SECTION 18.02. Implementing Rules - The City/Municipal Mayor is hereby authorized, from time to time, to issue rules and regulations as he may deem fit and necessary for the effective implementation of this Ordinance.

SECTION 18.03. Funding - The funds necessary for the implementation of this Ordinance shall be taken from the annual appropriations of the TPD and the Office of the City Mayor. Said funds shall be included in the preparation of the Annual Budget of the City Government.

SECTION 18.04. Funding Support From The National Government/Other Sources - Specific tourism projects may be undertaken with funding support from the National Government and other sources, through proposals made by the San Carlos City Tourism Office, as endorsed by the San Carlos City Tourism Council.

SECTION 18.05. Monitoring And Evaluation System - The San Carlos City Tourism Office, in coordination with the San Carlos City Tourism Council, shall establish a monitoring and evaluation system, in order to evaluate the economic, social and environmental impact of the tourism activities. This should cover all elements that are crucial to sustainability of the tourism resource, in compliance with the provisions of this Code. Monitoring and evaluation indicators should include service quality and participation of local communities.

**CHAPTER XIX
FINAL PROVISIONS**

SECTION 19.01. *Repealing Clause* - All ordinances and administrative regulations, or parts thereof, which are inconsistent with any provisions of this Ordinance, are hereby repealed or modified accordingly.

SECTION 19.02. *Separability Clause* - If for any reason, any part or provisions of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected, shall continue to be in full force.

SECTION 19.03. *Effectivity* - This ordinance shall take effect fifteen (15) days after publication, thrice in a newspaper of general circulation and posting for three consecutive weeks, in all conspicuous places in City Hall or in the local bulletin board.

ENACTED: **January 18, 2018** by the affirmative votes of Hons. CARMONA, QUISUMBING, VILLARANTE, CABILI, CUI, MANSUETO, YAP, UY, ONGTIAOBOK and LASTIMOSO.

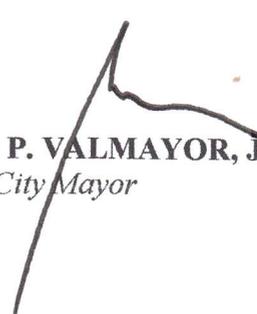
I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly enacted by the Sangguniang Panlungsod during its regular session held at the SP Session Hall, this city on January 18, 2018.


MA. CECILIA SUZETTE C. BINGHAY
Secretary to the Sangguniang Panlungsod

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**


BENITO Y. GUSTILO, JR.
SP Member/Presiding Officer

APPROVED ON 31 JAN 2018 2018:


GERARDO P. VALMAYOR, JR.
City Mayor

