

[OTC, March 01, 1989]

RULES AND REGULATION TO GOVERN THE BUSINESS AND OPERATIONS OF RESORT

Pursuant to the authority vested in the Department of Tourism by Executive Order No. 120 "To Promulgate Rules and Regulations Governing the Operations and Activities of all Persons, Firm Entities and Establishments that Cater to Tourists, to Provide Standards for Accreditation of Hotels, Resorts and to Prescribe Rules and Regulations Governing the Issuance of License to Travel Agencies," and the provisions of Presidential Decree Nos. 259 and 1463 not inconsistent with said Executive Order, the following rules and regulations are hereby promulgated to govern the business and operation of resorts.

Chapter I Definition

SECTION 1. Definition - For purposes of these Rules, the following shall mean:

- a. **"Resort"**: Any place or places with pleasant environment and atmosphere conducive to comfort, healthful relaxation and rest, offering food, sleeping accommodations and recreational facilities to the public, for a fee or remuneration.
- b. **"Hotel"**: Any lodging establishment as defined and classified in the Hotel Code of 1987.
- c. **"Restaurant"**: Any establishment offering to the public regular and special meals or menu, cooked foods and short orders, beverages and drinks.
- d. **"Sports and Recreational Facilities"**: These include swimming pools, bowling lanes, tennis courts, pelota or squash courts, golf courses, riding range, archery range, aquatic/water sports arrangements, fishing, water skiing, and similar facilities forming part of the resort.
- e. **"License"**: The privilege or authority granted by the Department of Tourism to own, operate, manage and maintain a resort.
- f. **"Department"**: The Department of Tourism.

Chapter II Classification of Resorts

SECTION 2. Kinds of Resorts - Resorts may be categorized as beach resort (located along the seashore), inland resort (located within the town proper or city), island resort (located in natural or man-made Island within the internal waters of the Philippine Archipelago), lakeside or riverside resort (located along or near the bank of a lake or river), and mountain resort (located at or near a mountain or hill).

SECTION 3. Classes of Resorts - For purposes of registration and licensing, resorts shall be classified as follows:

Class "AAA"

Class "AA"

Class "A"

SECTION 4. Requirements for a "AAA" Class resort - The following are the minimum requirements for the operation and maintenance of a Class "AAA" resort:

1. **Location and Environment** - The resort shall be located in a suitable location free of noise, atmospheric and marine pollution.
2. **Parking:** An adequate parking space with parking security shall be provided free to guests.
3. **Facilities and Room Accommodation:** The resort shall have its rooms, facilities and amenities equivalent to those of a First Class Hotel.
4. **Public Washrooms:** There shall be a clean and adequate public toilet and bathroom for male and female, provided with sufficient hot and cold running water, toilet paper, soap, hand towel and/or hand dryer.
5. **Sports and Recreational Facilities:** The resort shall offer at least four (4) sports and recreational facilities.
6. **Conference/Convention Facilities:** Conference/convention facilities with attached toilets shall be provided.
7. **Employee Facilities:** Adequate and well-maintained locker rooms and bathrooms for male and female employees including cafeteria, shall be provided.

SECTION 5. Minimum Requirements for "AA" Class Resort - The following are the minimum requirements for the operation and maintenance of an "AA" Class resort:

1. **Location and Environment** : The resort shall be located in a suitable location free of noise, atmospheric and marine pollution.
2. **Parking:** An adequate parking space with parking security shall be provided free to guests.
3. **Facilities and Accommodations:** The resort shall have its rooms, facilities and amenities equivalent to those of a Standard Class Hotel.
4. **Public Washrooms:** There shall be a clean and adequate public toilet and bathrooms for male and female, provided with sufficient running water, toilet paper, soap, hand towel and/ or hand dryer.
5. **Sports and Recreational Facilities.** The resort shall offer at least three (3)sports and recreational facilities.

6. **Conference/Convention Facilities:** Conference/convention facilities shall be provided.

7. **Employee Facilities:** Adequate and well-maintained locker rooms and bathrooms for male and female employees shall be provided.

SECTION 6. Minimum Requirements for a "A" Class Resort - The following are the minimum requirements for the operation and maintenance of an "A" Class resort:

1. **Location and Environment:** The resort shall be located in a suitable location free of noise, atmospheric and marine pollution.

2. **Parking:** An adequate parking space with parking security shall be provided free to guests.

3. **Room Accommodations:** Class "A" resort shall have its rooms, equivalent to those of an Economy Class hotel.

4. **Public Washrooms :** There shall be a clean and adequate public toilet and bathroom for male and female, provided with sufficient running water, toilet paper and soap.

5. **Sports and Recreational Facilities:** The resort shall offer at least two (2) sports and recreational facilities.

6. **Food and Beverage Outlets:** The resort shall have at least one food and beverage outlet.

Chapter III

General Rules on the Operation and Management of Resorts

SECTION 7. Maintenance and Housekeeping - Maintenance of all sections of the resort shall be of acceptable standard, and shall be on a continuing basis, taking into consideration the quality of materials used as well as its upkeep. Housekeeping shall be of such a standard ensuring well-kept, clean and pollution-free premises. A vermin control program shall be regularly maintained in all areas of the resort. Regular and hygienic garbage disposal system shall be maintained. Sanitation measures shall be adopted in accordance with the standards prescribed under PD 856, the Code on Sanitation of the Philippines.

SECTION 8. Lifeguard and Security - All resorts shall provide the services of a sufficient number of well-trained lifeguards duly accredited by either the Philippine National Red Cross, the Water Life Saving Association of the Philippines or any recognized organization training or promoting safety objectives, and adequate security whenever there are guests.

SECTION 9. Medical Services - All resorts shall provide the services of a physician, either on-call or on full-time basis, depending on its volume of operation and accessibility to hospital or medical centers. In addition, resorts shall employ adequate first-aiders who have completed a course in first aid duly certified by the National Red Cross or any other organization accredited by the same. Adequate first aid medicines and necessary life-saving equipment shall be provided within the premises.

SECTION 10. Fire Fighting Facilities - Fire-fighting facilities shall be provided in accordance with the Fire Code of the Philippines.

SECTION 11. Signboards - Appropriate signboards shall be conspicuously displayed outside the establishment showing clearly the name and classification of the resort as determined by the Department.

SECTION 12. Beach and Lakeside Resort -There shall be placed on a beach or lakeside resort an adequate number of buoys which shall be spread within the area to be determined by the resort owner or keeper as safe for swimming purposes, upon compliance by resort owners with existing government regulations and/or local ordinances on the placing of such buoys.

SECTION 13. Designated Area -The distance fronting the area of the resort with adequate number of buoys as provided in the preceding section shall be designated as the area for swimming purposes, and no boat, banca or other crafts shall be allowed to enter the area so designated. The owner of the resort or his duly authorized representative shall be empowered under these rules to enforce the above, and shall likewise designate a portion of the beach front to be used exclusively for loading and unloading of resort guests, unless otherwise designated elsewhere by rules and regulations specific to the area.

SECTION 14. Precautionary Measures -

- a. In no case shall the resort management allow swimming at the beach front beyond 10:00 P.M. and appropriate notice shall be posted to inform the resort guests of this regulation.
- b. Night swimming at the pool shall be allowed only if there are adequate lifeguards on duty and when the pool premises are sufficiently lighted.
- c. Management shall post sufficient and visible signs in strategic areas in the resort or at the beach to warn guests/customers of the presence of artificial or natural hazards, danger areas or occurrences threat.

SECTION 15. Prohibited Acts and Practices -

- a. No pets or animals shall be allowed to bath/swim along beaches. Likewise, " pukot" fishing and washing of fishing nets shall be strictly prohibited in beach resorts.
- b. Resort owners shall prohibit ambulant vendors from peddling their wares within the resort premises in order to provide their guests a certain degree of privacy to enable them to relax and enjoy their stay thereat.
- c. Littering in resorts shall be strictly prohibited. Resort owners shall keep their premises clean and shall adopt their own anti-littering measures.
- d. Resort keepers, managers or operators shall exert all efforts not to allow prohibited gambling of any form, drunkenness, or disorderly conduct of any kind, in the resort and its immediate premises.

e. Resort keepers, managers, or operators shall likewise exert all possible efforts not to permit any person whom they know or have reason to believe to be either a prostitute, a pedophile or a bad character to occupy a room in the resort or to frequent the premises. To accomplish this end, they shall immediately report to the nearest police station the presence in the premises of any such person.

Chapter IV

Registration and Licensing of Resorts, etc.

SECTION 16. Registration and Licensing. Mandatory - No person, natural or juridical, shall keep, manage, or operate any building, edifice or premises, or a completely independent part thereof, for the purpose of a resort, or engage in the resort business, without having first secured from the Department a certificate of registration of the establishment, and a valid license to operate the same. Any person, natural or juridical, who, being the owner or occupant of any building, edifice, premises, or a completely independent part thereof, allows the premises to be used as a resort, without the requisite certificate of registration and license to operate as such from the Department, shall also be guilty of an offense under these Rules.

. SECTION 17. Application for Registration and License - Any person, partnership, corporation or other entity desiring to establish, maintain and/or operate a resort shall accomplish in duplicate and file with the Department the application for registration and license prescribed for such purpose.

SECTION 18. Supporting Documents to be Submitted with Application - Unless otherwise indicated in the form, the application shall be accompanied by two copies of the following documents:

a. In the case of corporation or partnership, a certified true copy of the Articles of Incorporation, its by-laws, or Articles of Partnership and amendments thereof, duly registered with the Securities and Exchange Commission, and Business Name Certificate.

In case of single proprietorship, Business Name Certificate and amendments thereof, if any.

b. Applicant's latest income tax return and audited financial statements, such as profit and loss statements and balance sheets for the preceding year of its operation (not applicable for new resorts).

c. A list of the names of all officials and employees and their respective designations, nationalities, home addresses; for alien personnel, valid visa, from Commission on Immigration and Deportation and the proper permit from the Department of Labor and Employment shall be submitted.

d. Annual General Liability Insurance for guests in the amount of not less than the following:

Class "AAA" P100 ,000.00

Class "AA" 50,000.00