



Republic of the Philippines
PROVINCE OF BATANES
BASCO

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

ORDINANCE NO. 398
Series of 2023

Sponsored by: The Committee on Tourism

AN ORDINANCE PRESCRIBING GUIDELINES FOR THE OPERATION OF TOURISM ENTERPRISES IN THE PROVINCE OF BATANES

WHEREAS, Republic Act No. 9593, series of 2009 otherwise known as the Tourism Act of 2009", the Department of Tourism (DOT) is mandated to promulgate rules and regulations governing the operation and activities of all tourism enterprises, including the development and enforcement of a comprehensive system of accreditation;

WHEREAS, to reopen the economy through the safe resumption of economic and social activities and in line with the liberalized mask mandates in ASEAN countries and across the world without a significant increase in the number of COVID 19 cases, Executive Order No. 03 (s. 2022) was issued to allow the voluntary wearing of face mask in outdoor settings or in open spaces and non-crowded outdoor areas with good ventilation;

WHEREAS, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID) issued Resolution No. 02, series of 2022, which recommended measures to ease travel restrictions for inbound travelers to the Philippines, allowing the entry of unvaccinated, partially vaccinated or those whose vaccination status cannot be independently validated after presentation of a negative pre-departure testing result of a remotely-supervised or laboratory-based rapid antigen;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", states that ".... local government units shall ensure and support among other things the preservation and enrichment of culture, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants";

WHEREAS, the tourism industry in the Province of Batanes is an economic booster as it generates revenue for local businesses, create employment opportunities, and provide means to improve the delivery of basic services to the community; and

WHEREAS, the provincial government recognizes the importance of providing employment and livelihood to the tourism sector in order to recover from their financial losses;

NOW THEREFORE:

BE IT ORDAINED by the Sangguniang Panlalawigan of Batanes in session assembled that:

CHAPTER 1: GENERAL PROVISIONS

SECTION 1. Short Title- This Ordinance shall be known as, "Batanes Tourism Enterprise Protocols".

SECTION 2. OBJECTIVES- This Ordinance shall serve as a guideline for the minimum standard of service for the overall tourism operation in the Province of Batanes under the new normal.

SECTION 3. SCOPE- This Ordinance shall be enforced in the Province of Batanes. Should the community quarantine status of the Province be heightened, the NIATF Omnibus Guidelines and the DOT rules and regulations shall prevail.

SECTION 4. DEFINITION OF TERMS- As used in this Ordinance, the following term shall mean:

Accommodation Establishments (AEs) – shall refer to establishments operating primarily for accommodation purposes including, but not limited to hotels, resorts, apartment hotels, tourist inns, motels, pension houses, private home used for homestay, ecolodges, serviced apartments, bed and breakfast facilities.

Accreditation - refers to certification issued by the Department of Tourism (DOT) to a tourism enterprise found to be compliant with both basic a minimum standard for the operation of tourism facilities and services. It also refers to the certification issued by the provincial government of Batanes to tour guides and tour drivers.

Community Quarantine - shall refer to the restriction of movement within, into, or out of the area quarantine of individuals, large groups of people, or communities designed to reduce the likelihood of transmission of COVID-19 among persons in and to persons outside the affected area. (IATF Omnibus Guidelines)

First-Aid Kit –is a box, back or pack that holds supplies used to treat minor injuries including cuts scrapes, burns, bruises and sprains. It can also include survival supplies and life- saving emergency supplies.

Foreign Guests - shall refer to persons holding passports issued in a foreign country.

Hotel – shall refer to full service accommodation with reception and guest rooms generally offering private facilities with dining facility and services.

Massage Related Extra Service – services beyond the usual scope of a normal massage which are sexual in nature.

Meetings, Incentives, Conferences, and Exhibitions (MICE) Organizer- shall mean an entity engaged in the business of managing or organizing congresses, conventions, meetings/conferences, exhibition or similar events in a professional manner for a fee or any form of remuneration.

MICE Venue/Facility – shall mean a physical space designed and provided for events, exhibitions, meetings/conferences and conventions for a fee or any form of remuneration.

Nudity –willfully exposing private parts such as by going totally naked.

Non-Accredited Establishments- shall refer to Accommodation Establishments and Tour Operators that have not applied for, or have failed to secure DOT accreditation as required under R.A. No. 9593 or the Tourism Act of 2009.

Restaurant/Food Establishment - shall refer to any establishment that prepares and serves meals or refreshments to the public for a fee.

Tour Operator - shall mean an entity engaged in the business of inbound and/or local tour operations such as organizing and/or conducting tours as well as making online reservations, arranging and booking for transportation and accommodation for a fee, commission, or any form of remuneration.

Tourist Land Transport Operator – shall mean an entity regularly engaged in providing land transport services exclusively for tourist use for a fee or any form of remuneration.

Travel Agency - shall mean an entity engaged in the business of providing travel-related services such as transportation or accommodation reservations/bookings, documentation of travel papers, sale and or issuance of tickets and selling of outbound tours for a fee, commission or any form of remuneration.

Travel and Tour Agency – shall mean an entity engaged in the business of providing both Tour Operator and Travel Agency services.

Tourism Enterprises- shall refer to facilities, services, and attractions involved in tourism, such as, but not limited to: travel and tour services; tourist transport services, whether for land, sea or air transportation, tour guides services, adventure sports services involving such sports as mountaineering, spelunking, scuba diving, and others sports activities of significant tourism potential; convention organizers; Accommodation Establishment, including, but not limited to, hotels, resorts, tourist inns, pension houses, and home stay operators; tourism estate management services, restaurants, shops, sports and recreational centers, spas, museums and galleries, theme parks, parks, natural sites, historical landmarks, convention centers;

CHAPTER II: ACTUAL TOUR GUIDELINES

SECTION 5. SAFETY MEASURES OF ALL TOURISM STAKEHOLDERS- all tourist/s coming to Batanes are highly encouraged to avail services of a Tour Guide to ensure their safety, protection and to obtain accurate information.

SECTION 6. VISITOR REGISTRATION. Registration of visiting individuals who wish to conduct tours around the islands shall be required to ensure that guests have complied with requirements prescribed under this ordinance. AEs and Tour Operators shall have the responsibility to register their guests at the PGO Heritage and Tourism Section. Likewise, visiting government officials or employees must be registered by the host agency in Batanes.

SECTION 7. VISITOR REGISTRATION FEE. Government employees shall also pay the Unified Ecotourism Fee except those who bring in humanitarian goods and services.

All agencies in Batanes who plan to conduct trainings, conventions, and other activities shall include the collection of unified ecotourism fee as part of the registration fee.

SECTION 8. RULES DURING TOUR PROPER- the following rules shall be observed by any tourist and tourism workers during the duration of the tour:

1. Minimum public health standards must be observed;
2. Deviating from the approved itinerary is strictly prohibited, except under force majeure situations;
3. As a general rule, tour activities of tourist/s shall be encouraged to be coordinated with a DOT-accredited tour operator and accompanied by an accredited tour guide. During free days of guests, their tour operator and accommodation establishment shall orient them on relevant protocols;
4. Tour operator and/or accommodation establishment must require guests to sign a waiver that they shall be free from liability in case tourists/guests conduct activities without accredited tour guide;

5. Visitors should be reminded to bring their proof of visitor registration;
6. Visitors must be reminded to observe sensitivity and respect to the culture and tradition of the Ivatan people.

CHAPTER III: GENERAL REQUIREMENTS FOR TOURISM SERVICES

SECTION 9. TOUR OPERATORS - Subject to subsequent changes in rules and regulations in the IATF Omnibus Guidelines, DTI and DOT, all Travel and Tour Agencies may fully operate in the Province of Batanes provided they shall comply with the following:

1. Must be DOT-Accredited.
2. Duly registered in any municipality in Batanes.
3. Maintain a physical office during entire operation.
4. Manila-based tour operators shall partner with an accredited local counterpart.
5. Operators shall orient guest/s/tourist/s in the local protocols.
6. Shall be responsible in coordinating with private transport providers.
7. All packaged tours must have a PGB- accredited tour guide.
8. Shall have available first aid kits.
9. Specialized tours must be coordinated with the LGU and with other concern agencies (e.g. DENR and NCIP)
10. Shall include government fees breakdown in the tour package rate for awareness of the tourists.
11. Shall be responsible in coordinating airport transfers.
12. Tour Operators are encouraged to provide reminder card to their guests which shall serve as directory containing emergency hotlines, local police station and TODA hotlines.

SECTION 10. TOUR GUIDES. Tour Guides must operate in accordance to the Tour Guides Ordinance No. 168, series of 2015 and shall also comply with the following:

1. Must be a PGB accredited.
2. Tour guide vest must be worn at all times during the tour. The vest provided by the PGB to accredited guides is preferred but they may also use their agency or association uniform as alternate.
3. Must carry first aid kits during the tour.
4. No tour guide will package tour and receive package payment from tourist/s.

SECTION 11. TOUR DRIVERS. Tour Drivers must operate in accordance with the Batanes Tour Driving Ordinance No. 395, Series of 2023.

SECTION 12. ACCOMMODATION. Accommodation establishment must comply the following:

1. All Accommodation Establishment (AEs) must be DOT Accredited
2. All AEs shall submit monthly guest arrival statistics to the Municipal Tourism Office in compliance to their DOT accreditation.
3. AEs shall Incorporate in its registration and reservation form an undertaking from guests declaring their purpose of stay (e.g. business, leisure, events etc.) and compliance with the terms and conditions of their bookings.
4. All AEs must refer booked guests who intend to tour or conduct leisure activities in the province to a DOT-accredited local tour operator.
5. No Accommodation Establishment shall package Tour and receive payment for package tour without the necessary permit as tour operators
6. Massage therapist must not be allowed in the AE/s without medical certificate

SECTION 13. MICE ORGANIZER. MICE Organizer must comply the following:

1. Must be DOT-Accredited.
2. Duly registered in any municipality in Batanes.
3. Must have a physical office during entire operation.
4. Mice venue /facility must have safety and sanitation plan covering pre-event, during and post-event safety and sanitary measures.
5. Must undertake emergency preparedness training.

SECTION 14. FOOD ESTABLISHMENT. To ensure healthy and safe food for Tourist/s the establishment must follow these guidelines:

1. Only those with valid Municipal Permit shall be allowed to cater to the tourist/s except those being hosted by private individuals or families as expression of their hospitality.
2. Shall adhere to promote Ivatan cuisine by offering at least one Ivatan-inspired dish.

SECTION 15. MASSAGE THERAPIST. The following basic guidelines shall be observed.

1. Must have undergone massage training
2. Must be in proper attire
3. Must maintain a level of professionalism

2. TOUR GUIDES

- a. Acting as tour guide without accreditation.
- b. Operating as Tour Operator without permit and accreditation.
- c. Offering services outside its duly authorized service or beyond the scope of accreditation.
- d. Allowing tourist in nude while on tour and in public place.
- e. Acting as dummy of local and/or foreign national in transacting business in Batanes.

3. TOUR DRIVER

- a. Acting as tour driver without accreditation
- b. Operating as Tour Operator without permit and accreditation.
- c. Offering services outside its duly authorized service or beyond the scope of accreditation.
- d. Acting as dummy of local and/or foreign national in transacting business in Batanes.

4. MICE ORGANIZER

- a. Operating without DOT-Accredited.
- b. Duly registered in any municipality in Batanes.
- c. Maintain a physical office during entire operation.
- d. Offering services outside its duly authorized service or beyond the scope of accreditation.

5. ACCOMMODATION ESTABLISHMENT

- a. Operating without permit and accreditation.
- b. Offering services outside its duly authorized service or beyond the scope of accreditation.
- c. Acting as dummy of local and/or foreign national in transacting business in Batanes.

6. FOOD ESTABLISHMENT

- a. Operating without accreditation.
- b. Offering services outside its duly authorized service or beyond the scope of accreditation.

7. MASSAGE THERAPIST.

- a. Operating without training.
- b. Offering services outside its duly authorized service or beyond the scope of accreditation.
- c. No Minor massage therapist shall be allowed.

SECTION 21. GROUNDS FOR DENIAL OF ACCREDITATION AND PENALTIES. The Provincial Tourism Council may deny accreditation on the following grounds:

1. Non settlement of complaint against operator/owner and/or service provider with the Board.
2. Conducting business or activities mentioned in the immediately preceding section without permit or proper accreditation to operate such business or provide such service.
3. In addition to denial of accreditation or suspension of accreditation, operator/owner and/or service provider, without prejudice to the applicability of sanctions imposed by existing penal laws, shall also be penalized as follows:
 - a. First Offense - 3 months suspension of Accreditation
 - b. Second Offense - P2,000.00
 - c. Third Offense - P5,000.00

SECTION 22. PROHIBITED ACTS AND PENALTIES –

Any tourist, who shall violate any of the applicable provisions under this Ordinance such as, but not limited to malicious disobedience to instructions from the Tour Guide, a willful departure from the schedule in the General Itinerary, and misbehavior shall not be allowed to continue the tour.

Any person with acts of nudity in public places or even in private property but clearly visible to the public and who solicits extra service/sexual service shall be fined as follows:

- a. First Offense - P1,000.00
- b. Second offense - P2,000.00
- c. Third and succeeding Offenses - P3,000.00

CHAPTER IV: APPROPRIATIONS

SECTION 23. APPROPRIATIONS FOR THE IMPLEMENTATION OF THIS ORDINANCE – The funding for the implementation of this Ordinance shall be allocated under the Unified Ecotourism Fee and appropriated in the annual budget of the Provincial Government of Batanes.

CHAPTER V: FINAL PROVISIONS

SECTION 24. INFORMATION CAMPAIGN – Within ten (10) days from the approval of this Ordinance, the Provincial Government of Batanes, through the Municipal Government Units, and the Heritage and Tourism Section of PGO, shall conduct an information campaign, distribution of information leaflets, among others, to apprise the concerned service providers of the provisions of this Ordinance.

SECTION 25. SUPPLEMENTARY APPLICATION OF OTHER ISSUANCES – All relative Administrative Orders or Memorandum Circulars of the IATF-EID, DOT, DTI or DOLE, or their subsequent amendments, or other issuances by the Provincial Government of Batanes shall apply by analogy or in supplementary character, and insofar as they are not inconsistent with any provision of this Ordinance.

SECTION 26. SEPARABILITY CLAUSE – If any provision or portion of a provision of this Ordinance found to be violative of the Constitution, invalid, or contrary to issuances made by the Inter-Agency Task Force for the Management of Emerging Infectious Disease (IATF-MEID), DTI, DOT, DOH or DOLE, shall not impair the other provisions or parts thereof which shall continue to be in force and in effect.

SECTION 27. REPEALING CLAUSE - All ordinances, resolutions, regulations, and other issuances or parts thereof which are inconsistent with the provisions of this Ordinance are deemed repealed or modified accordingly.

SECTION 28. EFFECTIVITY – This Ordinance shall take effect and shall continue to be enforced, unless sooner repealed or amended by the Sangguniang Panlalawigan of Batanes after 3 consecutive weeks of publication/posting in conspicuous provincial, municipal and barangay bulletin boards.

ENACTED this 13th day of June 2023 on motion of Honorable Juliet P. Cataluña duly seconded by Honorable Roel E. Nicolas and Honorable Benigno B. Cobico.

Voting on the foregoing Ordinance are as follows:

Ayes: SP Members Nicolas, Redondo, Cataluña, Cabitac, Hidalgo, Castillo, Cobico, and Enego


Nays: None

Out during the voting: SP Member Peralta

I hereby certify that the foregoing is a true and accurate copy of the Ordinance which was duly enacted by the 11th Sangguniang Panlalawigan of Batanes during their 49th Regular Session held on June 13, 2023.


ANTHONY C. DE LOS SANTOS
Secretary to the SP

ATTESTED AND CERTIFIED
TO BE DULY ENACTED:


ANASTACIA B. VIOLA
SP Member/
Temporary Presiding Officer

CONCURRED IN:


ROEL E. NICOLAS
SP Member

(out during the voting)
FRANCIS BYRON D. PERALTA
SP Member


JUAN E. REDONDO
SP Member



JULIET P. CATALUÑA
SP Member


WILFREDO D. CABITAC
SP Member


VICENTA V. HIDALGO
IPM Representative


FRANCISCO CASTILLO
PCL Provincial Fed.
President


BENIGNO B. COBICO
Provincial LNB President


NORMAN JAMES E. ENEGO
SKP Federation President

APPROVED:

MARILOU H. CAYCO
Provincial Governor

Date: _____

LAPSE INTO LAW
AS PER ART. 106 (B) OF RA 7161

DATE FORWARDED June 13, 2023
DATE RECEIVED July 13, 2023

OFFICE OF THE SECRETARY TO THE SANGGUNIANG PANLALAWIGAN	
RECEIVED	
BY:	<u>DPFEL</u>
DATE:	<u>13 JULY 2023</u>
TIME:	<u>1:50 PM</u>