



CITY ORDINANCE NO. 326

February 6, 2003

AN ORDINANCE REGULATING THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF PLACES AND FACILITIES OF AMUSEMENT AND GAMES OF CHANCE, AND SUCH OTHER SIMILAR PLACES, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Be it ordained by the Sangguniang Panlungsod of Bacolod, that:

ARTICLE I. TITLE

This Ordinance shall be known as the Ordinance Regulating The Establishment and Operation of Places And Facilities of Amusement And Games of Chance, And Such Other Similar Places And Providing Penalties For Violation Thereof.

ARTICLE II. STATEMENT OF POLICY

1. The City of Bacolod's accelerating economic and physical development coupled with urbanization and population growth, makes imperative the enactment of an Ordinance that shall regulate the use of land, buildings and structures within the city in order to promote the general welfare of its people.

2. The City sees the need to regulate the establishment, operation and maintenance of entertainment or amusement facilities, gambling places and other outlet of games of chance, and other similar places or establishments, which tend to disturb the community or annoy its inhabitants, as well as prohibit certain forms of amusement or entertainment in order to protect the social and moral well-being of the community.

3. The City is cognizant of the fact that since the passage of City Ordinance No. 179, Series of 1981, more places of amusement and gambling and other outlets of games-of chance have been established and operated in the City of Bacolod, so much so that there is a need to regulate these similar places of amusement and games-of-chance in order to promote the interest and welfare of the general public.

4. The City Government of Bacolod also sees the need to protect minors by not unduly exposing them to outlets of games-of-chance and places of amusements whose operations or activities may affect their mental, physical, social and/or moral well-being.

ARTICLE III. DEFINITION OF TERMS

1. **AMUSEMENT** - is a pleasurable diversion and entertainment. It is synonymous to relaxation, avocation, past time or fun.

2. **AMUSEMENT PLACE** - is any place of amusement where one seeks admission to entertain one's self by partaking of the services, foods, drinks and facilities being offered, or by seeing or viewing the show or performance therein, and for purposes of this Ordinance, shall include night clubs, cocktail lounge, bars, cabarets, sing-along joints, karaoke/videoke bars, disco houses, beer gardens, and other business establishments operating during nighttime from 9:00 p.m. to early morning at 4:00 a.m., and serving food and liquor/intoxicating drinks with live entertainment, and such other similar establishments, sauna baths, massage parlors, salons, resorts, pavilions, motels, dancing schools, dance halls, skating rinks, billiard or pool halls, bowling alleys, race tracks, concert halls, cinema houses, video houses, open-air combo or musical band shows or concerts, race tracks, and other similar places.

3. **PLACES OF GAMBLING OR GAMES OF CHANCE** - for purposes of this Ordinance, is also a place of amusement, but is such wherein one can go to play for money or stake one's money or hopes, and shall include cockpits, gambling casinos, off-fronton jal-alai betting stations, lotto outlets, bingo parlors, race tracks, and other similar places.

4. **PUBLIC BUILDINGS** - are permanent buildings owned by the government, whether national or local its agencies, including government-owned and/or controlled corporations and wherein its various offices are located therein, and shall include prisons, jails or correctional institutions, and police stations.

5. **CHURCH** - for purposes of this Ordinance, is a permanent edifice or place of assemblage especially set apart for worship, and shall include mosques, temples, shrines and chapels. Provided, however, that these edifices for worship have been issued the corresponding institutional (Category III) building and/or occupancy permits by the City Building Official/Engineer.

6. **SCHOOL** - a community of those who teach and those who are taught especially for the education of children usually housed in a building designed and equipped for this purpose, and shall include universities, colleges, other teaching & vocational institutions. Provided however, that the edifices and buildings used for this purpose have been issued the corresponding educational (Category III) building and/or occupancy permits by the City Building Official/Engineer and that these educational institutions have secured and paid the necessary business permits and fees pursuant to Tax Ordinance No. 99-001, Series of 1993, otherwise known as the 1993 Revenue Code of the City of Bacolod, or other relevant City tax laws.

7. **HOSPITAL** - an institution equipped and staffed to provide medical, surgical and sometimes psychiatric care for the sick and injured, and for purposes of this Ordinance, shall include sanitarium, mental asylums, leprosaria, quarantine stations, and homes for the aged. Provided, however, that the buildings and edifices used by these private institutions for the purpose have been issued the corresponding social (Category III) business and/or occupancy permits by the City Building Official/Engineer and have secured and paid the necessary business permit and fees pursuant to Tax Ordinance No. 99-001, Series of 1993, otherwise known as the 1993 Revenue Code of the City of Bacolod, or other relevant City tax laws.

8. **BUILDING PERMIT** - a written authorization granted by the Building Official to an applicant allowing him to proceed with the construction of a specific project after plans, specifications and other pertinent documents have been found to be in conformity with the National Building Code (PD 1096) and its Implementing Rules and Regulations.

9. **CERTIFICATE OF OCCUPANCY** - a written authorization granted by the Building Official to an applicant allowing him to use or occupy the building or structure; or to make changes in an existing use or occupancy classification of a building or structure or portion thereof.

10. **BUSINESS PERMIT** - a permit issued by the City Mayor to an applicant allowing him/her to engage in business after complying with pertinent laws and ordinances, and payment of the required business taxes and fees.

11. **MINOR** - a child below eighteen years of age.

12. **DISTANCE** - is an interval in space, to be measured or computed, for purposes of this Ordinance, from the perimeter of the real property/land or building, whichever is nearest, on or in which the institutions and the places or establishments of amusement or games-of-chance mentioned in this Ordinance are situated or found.

13. **MOTEL** - is a motorist hotel or any structure, primarily located along the highway, with several separate units/rooms, with features such as mirrors and no cabinets inside, and each unit/room having its own parking space/garage, with no common front desk, registration lobby, and wherein motorists may obtain very temporary lodging at wash-up or short-time rates, and in some instances, meals.

14. **SCHOOL HOURS** - for purposes of this Ordinance is from 7:00 in the morning to 5:00 in the afternoon.

15. **SCHOOL DAYS** - for purposes of this Ordinance is from Monday to Friday.

16. **OFFICE HOURS** - for purposes of this Ordinance is from 8:00 in the morning to 5:00 in the afternoon.

ARTICLE IV. DISTANCES

Section 1. PLACES OF GAMBLING AND OTHER OUTLETS OF GAMES OF CHANCE.

The establishment, maintenance, and operation of cockpits, gambling casinos, off-fronton jai-alai betting stations, lotto outlets, bingo parlors, race tracks, other outlets of games of chance, and similar places, are hereby prohibited within the distance of a radius of TWO HUNDRED (200) lineal meters from any public building, school, hospital, and church.

Section 2. PLACES OF AMUSEMENT

The establishment, maintenance and operation of night clubs, cocktail lounge, bars, cabarets, sing-along joints, karaoke/videoke bars, disco houses, beer gardens, and other business establishments operating during nighttime 9:00 p.m. to early morning at 4:00 a.m. and serving food, liquor/intoxicating drinks with live entertainment, and such other similar establishments, sauna baths, massage parlors, motels, and similar places are prohibited within the radius of two hundred (200) lineal meters from any public building, school, hospital and church.

Section 3. OTHER PLACES OF AMUSEMENT

The establishment, maintenance, and operation of salons, resorts, pavilions, dancing schools, dance halls, skating rinks, billiard or pool halls, bowling alleys, concert halls, cinema houses, open-air combo or musical band shows or concerts and similar places are prohibited within a radius of FIFTY (50) lineal meters from any public building, school, hospital and church.

ARTICLE V. NOISE AND DISTURBANCE

Section 1. CONTROL MEASURES

All owners/operators/managers of places of amusement or places of games of chance duly existing and operating in the City of Bacolod shall see to it that in the operation of their business activities no noise shall be produced beyond the allowable limits prescribed by national laws or local ordinances, so as not to disturb, annoy or affect neighboring offices, residences, buildings or establishments therein.

Towards this end, control measures, as provided for by law or local ordinance, shall be adopted by said business establishments/places or amusement so as to reduce the intensity of or eliminate the noise therein.

Section 2 . RENOVATIONS

If any such place of amusement that is legally existing prior to the enactment of City Ordinance No. 179, Series of 1981, and/or this Ordinance, is located within the distance of FIFTY (50) lineal meters from a school, hospital, public building or church, it shall be reconstructed or remodeled so that the noise coming therefrom or the activities therein (including the coming in and going out of people), shall not disturb, annoy, or affect the activities of the school, hospital, public building, or church, or the people therein.

Section 3. REGULATION OF BUSINESS HOURS

If such noise or activities in said places of amusement cause disturbance or annoyance despite the reconstruction or renovations made therein pursuant to the preceding section, then such place of amusement shall not operate during school hours or office hours when near a school or public building, or at night when near a hospital, jail or correctional institution, or police station, or when there are religious services when near a church;

**ARTICLE VI. SALE OF INTOXICATING LIQUOR AND OTHER
ALCOHOLIC DRINKS**

Section 1. REGULATED SALE

If any such place of amusement, is located within the distance of FIFTY (50) lineal meters from any school, the dispensing and sale of wine, whiskey, and other alcoholic drinks, beer and other fermented liquors, and all other drinks which may cause intoxication, shall only be allowed from 8:30 o'clock P.M. to 2:00 o'clock A.M.

Section 2. PROHIBITED SALE

The dispensing and sale to minors of wine, whiskey, and other alcoholic drinks, beer and other fermented liquors, and all other drinks which may cause intoxication is hereby prohibited.

ARTICLE VII. ENTRY OF MINORS

Section 1. ENTRY OF MINORS PROHIBITED

Minors shall not be allowed entry in places of amusements, gambling and games-of-chance, and similar places mentioned in Sections 1 and 2 of Article IV of this Ordinance.

Section 2. ENTRY OF MINORS REGULATED

Minors are not allowed entry in places of amusements and similar places mentioned in Section 3, only during school days and on school hours unless accompanied by their parent, teacher or guardian.

ARTICLE VIII. WARNING OF SIGNAGE/NOTICE

Section 1. DISPLAY OF SIGNAGE/NOTICE

All business establishments covered under this Ordinance are required to put up and display in the most conspicuous area therein, a signage informing and warning the public about the preceding provisions of Articles VI and VII of this Ordinance.

Section 2. GROUND FOR REVOCATION OF BUSINESS PERMIT

Continued non-compliance of the business establishment of the provisions of the preceding section, despite written notice and demand from the City Government to put up and display said signage, shall be a ground for revocation of its business/permit/license to operate.

ARTICLE IX. SWORN STATEMENT

Section 1. SWORN STATEMENT

No permit for the establishment, maintenance and operation of the places mentioned in the preceding Article shall be issued unless application therefore is accompanied by a sworn statement that the premises involved are outside of the perimeter established by Article IV or that the premises involved are outside of its coverage pursuant to Article X, and the further statement that the provisions of this Ordinance shall be complied with.

Section 2. SUBMISSION

The Sworn Statement mentioned in the preceding Section shall be submitted as part of the application for the Building Permit, or Occupancy Permit if there is change in a prior use, or if the aforementioned places of amusements, gambling or games-of-chance require the construction and/or occupation of buildings of edifices for its operations, and for all applications for Business Permits.

Section 3. FALSE DECLARATION

A permit may not be issued, or any permit which may have been issued, by virtue of any false declaration, shall be revoked and the place/business affected shall be closed in accordance with law.

ARTICLE X. DUTIES OF ISSUING OFFICERS

Section 1. BUILDING & OCCUPANCY PERMITS

The Offices of the Building Official/City Engineer and the City Planning and Development Officer shall see to it that the applicant has complied with the requirements of the national Building Code, the Zoning Ordinances and Land-use Plan of the City, and the distances provided in this Ordinance before issuing any Building or Occupancy Permit.

Section 2. BUSINESS PERMIT

The Office of the City Mayor, in addition to the other requirements prescribed by existing law and ordinances, shall see to it that the applicant has complied with the Zoning Ordinances & Land Use Plan of the City and the provisions of this Ordinance before issuing any Mayor's Business Permit.

Section 3. DISCIPLINARY ACTION

Any employee or executive official of the City Government of Bacolod, who issues, or cause the issuance of the aforementioned permits in violation on non-compliance of the provisions of this Ordinance shall be subject to administrative action in accordance with the rules and penalties of the Civil Service Commission.

ARTICLE XI. EXEMPTING CIRCUMSTANCES

Section 1. EXISTING ESTABLISHMENTS PRIOR TO ENACTMENT OF ORDINANCE

Notwithstanding the provisions of Article IV, those places of amusements, gambling and other games of chance, and other similar places already legally existing at the time of the passage of City Ordinance No. 179, Series of 1981, and this Ordinance shall be allowed to stay where they are, provided that they strictly comply with all the provisions of this Ordinance.

Legal existence, as mentioned in the preceding paragraph and for purposes of this Ordinance, is construed to mean that such place of amusement, or places of gambling or games of chance, and similar places, have secured the necessary governmental permits or licenses and have not violated any of its conditions, and have continuously secured the required annual business permits and payment of their business taxes and fees in all the years of their legal existence and operations.

Section 2. FREE AREAS

Any place of amusement, gambling or game of chance, or its building or edifice thereof, that may be constructed, established and operated, in accordance with the zoning and land use plan of the City, environmental and other pertinent laws, in areas where there are still no public building, school, hospital, or church within a TWO HUNDRED LINEAL METERS (200) RADIUS shall not be covered by the provisions of Articles IV hereof, unless said area is public land or government owned, or when the area has been designated in the land use plan of the City to be intended for such purposes.

ARTICLE XII. REVOCATION OF BUSINESS PERMIT & CLOSURE OF BUSINESS ESTABLISHMENT

Section 1. REVOCATION AND CLOSURE

Strict compliance of the provisions of this Ordinance is hereby enjoined.

The City Mayor, pursuant to Republic Act No. 7160, other pertinent national laws, and this Ordinance, shall revoke the business permit of the business establishments, and/or places of amusement or of games of chance and similar places, and order its closure if to his/her judgment and findings, said places or business establishment are being maintained and operated in violation of this Ordinance and other pertinent laws.

ARTICLE XIII. PENALTIES

Section 1. PENALTIES

The owner/proprietor, manager, or president of the business establishment found violating any of the provisions of this Ordinance shall be fined not less than ONE THOUSAND PESOS (P1,000.00) and not more than FOUR THOUSAND PESOS (P4,000.00) and/or imprisonment of not less than ONE (1) MONTH and not more than SIX (6) MONTHS at the discretion of the Court.

ARTICLE XIV. MISCELLANEOUS PROVISIONS

Section 1. REPEALING CLAUSE

City Ordinance No. 179, Series of 1981, and any other ordinance or part thereof inconsistent with this Ordinance are hereby repealed and/or modified accordingly.

Section 2. SEPARABILITY CLAUSE

If for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continued to be in full force and effect.

Section 3. EFFECTIVITY CLAUSE

This ordinance shall take effect Fifteen Days (15) after publication thereof in a newspaper of general circulation.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors: Archie S. Baribar, Roberto M. Rojas, Jude Thaddeus A. Sayson, Ana Marie V. Palermo, Jose H. Gabuat, Elmer T. Sy, Bobbie S. Lucasan, Greg G. Gasalaya, Reynold I. Iledan, Sonya M. Verdeflor, Arturo V. Parreño.

Negative : None.

Absent : None.

Author : Councilor Ana Marie V. Palermo.

Passed : February 6, 2003 (84th Regular Session).

Comments: Passed.
Councilors Celia Matea R. Flor, Lyndon P. Caña and Marx Louie S. de la Rosa were not yet around when this ordinance was passed.

RAMIRO L. GARCIA, JR.
Vice Mayor
Presiding Officer

2/12/03

ATTESTED:

ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED: February 18, 2003.

LUZVIMINDA S. VALDEZ
City Mayor

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