



Republic of the Philippines
CITY COUNCIL
Quezon City
15th City Council

53rd Regular Session

ORDINANCE NO. SP- **1665**, S-2006
(PO2006-12)

AN ORDINANCE PROHIBITING THE CHARGING AND COLLECTION OF ANY FEE FOR THE USE OF TOILETS/COMFORT ROOMS IN ANY BUSINESS ESTABLISHMENTS WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

Introduced by Councilors EDCCEL B. LAGMAN, JR.,
ANTONIO E. INTON, JR., BERNADETTE
HERRERA-DY and ROMMEL R. ABESAMIS.

WHEREAS, the General Welfare Clause of the Local Government Code of 1991 provides that the local governments shall within their territorial jurisdictions maintain peace and order and ensure public safety;

WHEREAS, the local government units have the power to regulate the operation and maintenance of commercial establishments within their jurisdiction;

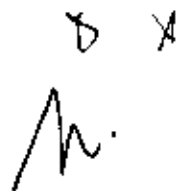
WHEREAS, thousands of Filipinos frequent department stores, shopping malls and other commercial establishments everyday and most especially on weekends, where families spend their time relaxing, dining and shopping;

WHEREAS, toilets/comfort rooms inside the malls have become an essential part of such establishments especially in malls where movie houses, arcades and restaurants are located;

WHEREAS, the problem of shoppers nowadays is that when the mall owners started to charge and collect fees of the use of such facilities notwithstanding the fact that they are customers and patrons of said establishments;







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WHEREAS, while equal protection clause does not forbid classification, it proscribes classification which is arbitrary and unreasonable;

WHEREAS, there exist no real and reasonable distinction between mall providing the use of toilets/comfort rooms for free and those that charge fees for the use thereof. There is likewise no distinction between toilets/comfort rooms held out for public use for free on certain areas of a mall and those located in other areas which charge fees for the use thereof;

WHEREAS, toilets/comfort rooms inside the malls are considered as an integral part of every building and is a requirement that should be satisfied before a building plan is approved. Mall owners offer all kinds of services to their patrons and access to clean and safe comfort rooms for free should be one of them.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. It should be prohibited for any business establishments such as, but not limited to shopping malls, restaurants, hotels and similar businesses, whose toilets/comfort rooms are inside said establishments from charging or collecting fees for the use of such facilities.

SECTION 2. No business permit shall be issued to malls or similar establishments who shall continue to charge and collect fees after the passage of this ordinance. On the other hand, those already in operation which shall be caught charging fees shall be subjected to the cancellation of their permits.

SECTION 3. Any business establishment which shall charge and collect fees for the use of toilets/comfort rooms within their building in violation of this ordinance shall suffer the penalty of fine of not more than Five Thousand Pesos (P5,000.00) with cancellation of business permit or license.



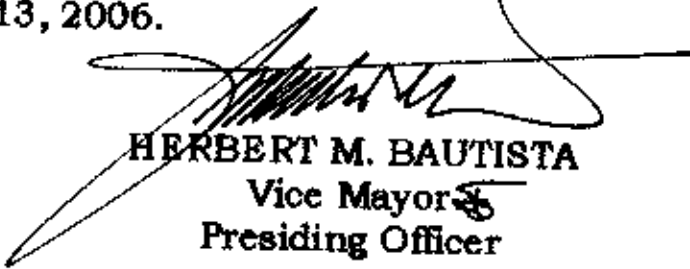
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SECTION 4. Repealing Clause - All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this ordinance are hereby repealed or amended accordingly.

SECTION 5. Separability Clause - In the event that any provision of this ordinance is declared unconstitutional or, otherwise, invalid, all other provisions which could stand independently thereof shall remain in force.

SECTION 6. Effectivity Clause - This ordinance shall take effect fifteen (15) days after its publication in at least two (2) newspaper of general circulation.

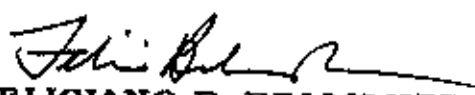
ENACTED: March 13, 2006.


HERBERT M. BAUTISTA
Vice Mayor &
Presiding Officer

ATTESTED:



EUGENIO V. JURILLA
City Secretary

APPROVED: APR 14 2006


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on March 13, 2006, was finally PASSED on Third/Final Reading by the City Council on March 20, 2006.


EUGENIO V. JURILLA
City Secretary