

Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD NG MARIKINA



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PRESENT:

HON. JOSE FABIAN I. CADIZ MD.

City Vice Mayor
Presiding Officer

1st DISTRICT

HON. RONNIE S. ACUÑA
HON. FRANKIE C. AYUSON
HON. JOSEPH B. BANZON
HON. WILLIE N. CHAVEZ
HON. MARIO M. DE LEON
HON. SAMUEL S. FERRIOL
HON. EVA AGUIRRE PAZ
HON. THADDEUS ANTONIO M. SANTOS JR.

City Councilor
City Councilor
City Councilor
City Councilor
City Councilor
City Councilor
City Councilor
City Councilor

2nd DISTRICT

HON. ARIEL V. CUARESMA
HON. PAUL B. DAYAO
HON. XY-ZA R. DIAZEN
HON. ERNESTO M. FLORES
HON. SUSANA P. MAGTUBO
HON. ROMMEL F. ORTIZ
HON. RUBEN R. REYES

City Councilor
City Councilor
City Councilor
City Councilor
City Councilor
City Councilor
City Councilor

SECTORAL REPRESENTATIVES

HON. DOMINGO N. DELA PAZ
HON. PAUL DANIEL P. BELMONTE

Liga President
SK Federation Pres.

ORDINANCE NO. 032
Series of 2013

ORDINANCE REQUIRING OWNERS, OPERATORS, LESSEES, OCCUPANTS AND CONCESSIONAIRES OF BUSINESS ESTABLISHMENTS, CONTRACTORS AND DEVELOPERS AND PERSONS REQUIRED TO SECURE BUSINESS AND/OR BUILDINGS PERMIT IN DOING BUSINESS OR UNDERTAKING CONSTRUCTIONS OR REPAIR WORKS IN THE CITY OF MARIKINA, TO SECURE PUBLIC LIABILITY INSURANCE, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

Introduced by: Councilor THADDEUS ANTONIO M. SANTOS JR.
Councilor FRANKIE C. AYUSON
Councilor JOSEPH B. BANZON
Councilor WILLIE N. CHAVEZ
Councilor MARIO M. DE LEON
Councilor SAMUEL S. FERRIOL
Councilor ARIEL V. CUARESMA
Councilor PAUL B. DAYAO
Councilor XY-ZA R. DIAZEN
Councilor ERNESTO M. FLORES
Councilor RUBEN R. REYES
Councilor PAUL DANIEL P. BELMONTE
and Vice Mayor JOSE FABIAN I. CADIZ MD.

BE IT ORDAINED by the CITY COUNCIL of MARIKINA, in session duly assembled that:

SECTION 1. Declaration of Policy.

It is hereby declared a policy of Marikina to promote the welfare and general well-being of the public by providing ample protection to victims of accidents and / or disasters occurring in business establishments in the conduct of their business and in buildings and / or structures undergoing construction, repair, renovation and other similar activities. Towards this end, the City Government shall adopt measures in assuring that the victims of accidents and / or disasters are reasonably compensated for death, injuries or damage to property sustained and the prompt and expedient indemnification of damages suffered by the reason thereof.

SECTION 2. Public Liability Insurance Requirements.

Pursuant to the above policy, all persons whether natural or judicial, required under the law to secure business permit and / or building permit in doing business or undertaking construction repair, and maintenance work in Marikina are hereby required to secure public liability insurance as an expedient means of indemnifying victims of accidents and / or disasters, either natural or man-made occurring in business establishments and in buildings and / or structures under construction, renovation, repair or where similar activities are undertaken.

SECTION 3. The provisions of a contract of insurance to the contrary notwithstanding, the Public Liability Insurance required under this Ordinance shall, perforce, be the basic premises, i.e., operations coverage of a comprehensive general liability policy or the third party liability coverage of a contractor's all risk policy with a combined single limit (for bodily injury / property damage) per occurrence with an amount equivalent to Five Thousand Pesos (P5,000) per square meter of space occupied or used as common areas or per seat or customer capacity basis as certified by the Building Official or whichever is higher or per square meter of floor area under construction, addition, renovation, repair, or demolition subject to a minimum limit of liability of One Hundred Thousand Pesos (P100,000.00) per occurrence and a maximum limit of liability of Five Million Pesos (P5,000,000.00) per occurrence.

SECTION 4. In determining liability under this Ordinance, the owners and / or operators of commercial or business establishments and / or operators of commercial or business establishments and / or buildings of like character and nature shall be held liable for damages suffered by customers and third parties arising from the conduct of business operations, as well as for their employment. The liability of death, injuries and damage to property, suffered by the public in building structures under construction, renovation, repair or other similar undertakings shall be borne by the contractor or developer thereof, for the duration of such undertaking.

PROVIDED HOWEVER, that the losses not resulting from the negligent acts or omissions of the employees and / or laborers of such contractor, no liability shall attach to the latter under this Ordinance.

SECTION 5. Filing of claims for and payment of damages, pursuant to this measure, shall not constitute a bar in filing similar claims under existing laws.

SECTION 6. Any person securing business permit to do business or building permit for construction or repair work in Marikina shall, upon application or renewal thereof, present proof that the herein required public liability insurance and the payment of premium have been complied with. No permit shall be issued and / or renewed without first complying with the requirements of this Ordinance.

SECTION 7. The provisions of existing law to the contrary notwithstanding, the public liability insurance required under this Ordinance must be secured from the company duly registered, licensed and authorized under the law to transact insurance business in the Philippines that have a main / branch office located in Marikina. The required public liability insurance shall be issued on a policy form approved by the Insurance Commission.

SECTION 8. For the protection, information of the public, the Chief of the Business Permits and Licensing Office as the case maybe in coordination with the Insurance Commission, shall post or cause to be displayed such list of insurance companies in good standing in conspicuous places within the City Hall premises more specifically at the taxpayers lounge, where business and / or building permits are paid.

SECTION 9. Penalty. Any person, natural or judicial, found guilty of violating this Ordinance causing misdeclaration, misrepresentation and other fraud committed for purposes of evading the payment of the required insurance coverage under this Ordinance shall be meted the fine of Five Thousand Pesos (P5,000.00) or imprisonment of one (1) year or both, based on the sound discretion of the court, without prejudice to the revocation and / or cancellation of the business license of the offender.

If the person found guilty of violating this Ordinance is a juridical person, the penalty herein prescribed shall be imposed upon the president, manager or any responsible officer.

SECTION 10. Coverage and Exemption. For purposes of this Ordinance, the following establishments are hereby covered, to wit:

1. Hotels, motels, lodging, houses or inns
2. Theaters
3. Country or leisure clubs, resorts, gaming halls or dance halls
4. Shopping malls or complexes, groceries, supermarkets, gasoline stations, dormitories, boarding houses, bus or transport stations, recruitment agencies, factories
5. Health parlors, such as massage and funeral parlors and the like
6. Restaurants and bars
7. LPG outlets and Gasoline stations

Exempted herefrom, are the following establishments, to wit:

1. All business establishments with a capital of not more than Fifty Thousand Pesos (P50,000.00).
2. Sari-sari stores with a capital of not more than Fifty Thousand Pesos (P50,000.00).
3. Store and / or stall spaces for lease or concessions, real estate lessor of detached apartment, warehouses and bodegas, water filing station, sub-lessees of any buildings.
4. Billiard Halls with less than 5 tables, amusement parks or centers, recreation halls or entertainment centers, fitness parlors.
5. Barber shops or beauty parlors and the like, not situated in shopping centers or similar establishments.
6. Flower shops and boutiques.
7. Such other establishments of a similar character not likely to pose serious hazards to the general public: PROVIDED, That in case of businesses situated in a building already required to secure the subject public liability insurance and businesses shall be exempted therefrom.

SECTION 11. All owners, operators, lessees, occupants and concessionaires of business establishments, contractors and developers and persons required to comply with the Occupational Safety & Hazard Standards.

SECTION 12. All other establishments not covered by the provisions of this Ordinance shall be considered exempted.

SECTION 13. REPEALING CLAUSE. All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any of the provisions of this Code are hereby repealed or modified accordingly.

*** **SECTION 14. EFFECTIVITY.** This Ordinance shall take effect fifteen (15) days after publication in a newspaper of general circulation.

UNANIMOUSLY ENACTED by the SANGGUNIANG PANLUNGSOD of MARIKINA this 20th day of November, 2013.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance of the 7th City Council which was duly adopted by the Sangguniang Panlungsod during its 19th Regular Session held at the Council Session Hall on November 13, 2013.

Norallyn R. Tingcungco
NORALYN R. TINGCUNGO
City Council Secretary

ATTESTED AND CERTIFIED
TO BE DULY APPROVED:

Jose Fabian I. Cadiz MD.
JOSE FABIAN I. CADIZ MD.
City Vice Mayor / Presiding Officer

Approved by the CITY MAYOR on 17 DEC 2013 ✓

Del R. De Guzman
DEL R. DE GUZMAN
City Mayor