

03

Republic of Philippines
PROVINCE OF LEYTE
Palo, Leyte

Item No.: 03
Date: JUL 04 2023

PROVINCIAL LEGAL OFFICE

SANGGUNIANG PANLALAWIGAN
20 JUN 26 2023
Quina
PROVINCE OF LEYTE

2nd Indorsement
June 20, 2023

Province of Leyte
Legal Office
Released: [Signature]
Time: [Signature]
Date: 6-22-23

Respectfully returned to the Sanggunang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. ~~2023-04~~, S. 2023, and 2023-06 S. 2023 of the SB of San Miguel, Leyte, recommending for the declaration of validity pursuant to its power under Section 56 (c) of R.A 7160, for it is within the powers of the local council to repeal/amend its prior acts either expressly or by the passage of an essentially inconsistent resolution (Constantino v. Desierto, 288 SCRA 654).


ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer 



Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City




-oOo-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st Endorsement
19 June 2023

Province of Leyte
Legal Office
Jas. Jayro
6-19-23

The Provincial Legal Office is respectfully requested to review and submit recommendations, on the herein enclosed **Resolution No. 190 series of 2023** embodying **MUNICIPAL ORDINANCE NO. 2023-04 OF SAN MIGUEL, LEYTE, ENTITLED: "AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 2021-05 SERIES OF 2021, TOURISM CODE of 2021."**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

SP RECORDS



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL
-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

June 15, 2023

The Honorable Members of the Sangguniang Panlalawigan of Leyte
Thru: The Sangguniang Panlalawigan Secretary
Provincial Legislative Building
Tacloban City



Gentlemen/Ladies:

I have the honor to forward herewith pertinent documents of the Sangguniang Bayan of San Miguel, Leyte for review and approval of the august body, to wit:

1. Sixteen (16) copies of Municipal Ordinance No. 2023-04, Series of 2023 entitled: **"AN ORDINANCE AMENDING THE PHRASES UNDER SECTION 27 AND SECTION 28 OF ARTICLE VII OF THE MUNICIPAL ORDINANCE NO. 2021-05; SERIES OF 2021 (OTHERWISE KNOWN AS "SAN MIGUEL TOURISM CODE OF 2021 OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE")**.
2. Sixteen (16) copies of Certificate of Posting.

Kindly acknowledge receipt hereof.

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan



OFFICE OF THE SANGGUNIANG BAYAN

SANGGUNIANG PANGALAMIGAN
RECEIVED
16 JUN 2023
PROVINCE OF LEYTE

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN, SAN MIGUEL, LEYTE, HELD AT THE SESSION HALL, LEGISLATIVE BUILDING, SAN MIGUEL, LEYTE ON MAY 30, 2023

PRESENT:

Hon. Protacio Q. Brazil	- Municipal Vice-Mayor/Presiding Officer
Hon. Richard Len B. Lapidario	- SB Member
Hon. Prospero Q. Brazil	- SB Member
Hon. Charlie L. Guy	- SB Member
Hon. Antonio L. Asis	- SB Member
Hon. Otelio U. Babiano, Jr.	- SB Member
Hon. Ruben G. Agner	- SB Member
Hon. Thelma M. Brazil	- SB Member
Hon. Letecia G. Espos	- SB Member
Hon. Samuel P. Salomon	- Ex-Officio Member / President, Liga ng mga Barangay
Hon. Hershey R. Amaga	- Ex-Officio Member/President, Sangguniang Kabataan Pambayang Pederasyon

**Resolution No. 188
Series of 2023**

RESOLUTION ENACTING AN AMENDATORY ORDINANCE ON MUNICIPAL ORDINANCE NO. 2021-05, SERIES OF 2021, (OTHERWISE KNOWN AS "SAN MIGUEL TOURISM CODE OF 2021 OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE")

NOW, THEREFORE, on motion of Hon. Hershey R. Amaga duly seconded by Hon. Richard Len B. Lapidario;

RESOLVED, as it is hereby resolved, to enact the following amendatory Ordinance, to wit:

**MUNICIPAL ORDINANCE NO. 2023 - 04
Series of 2023**

Sponsor: HON. HERSHEY R. AMAGA
Ex-officio SB Member/SK President/Chairman, Committee on Sports & Youth Development, Culture and Tourism
Co-sponsor: HON. RICHARD LEN B. LAPIDARIO
SB Member/Chairman, Committee on Rules, Privileges, Ordinances, Legal Matters and Ways & Means

AN ORDINANCE AMENDING THE PHRASES UNDER SECTION 27 AND SECTION 28 OF ARTICLE VII OF THE MUNICIPAL ORDINANCE NO. 2021-05, SERIES OF 2021 (OTHERWISE KNOWN AS "SAN MIGUEL TOURISM CODE OF 2021 OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE")

BE IT ORDAINED by the Sangguniang Bayan of San Miguel, Leyte in regular session assembled that:

Section 1. The phrases under Sections 27 and 28 of Article VII (Tourism Resources) of the Municipal Ordinance No. 2021-05 is hereby amended as follows, to wit:

- 1.) On Section 27. Classification and Inventory of Tourism Destinations.** The Municipal Tourism Operations Office in coordination with the Municipal Tourism Council and the respective barangays shall on an annual basis, classify and update the **cultural inventory** as destinations in accordance with DOT standards as existing emerging and potential destinations.
- 2.) On Section 28. Cultural Inventory (title only)**

Certified Correct:

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:

HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Concurred:

HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

HON. PROSPERO Q. BRAZIL
SB MEMBER

HON. CHARLIE L. GUY
SB MEMBER

HON. ANTONIO L. ASIS
SB MEMBER

HON. OTELIO U. BABIANO, JR.
SB MEMBER

HON. RUBEN G. AGNER
SB MEMBER

HON. THELMA M. BRAZIL
SB MEMBER

HON. LETECIA G. ESPOS
SB MEMBER

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

HON. HERSHEY R. AMAGA
President, SK Pambayang Pederasyon

ATTY. NORMAN D. SABBADAO
Municipal Mayor

Concurred by:

Section 2. Separability Clause. All other sections and provisions of the Municipal Ordinance No. 2021-05, Series of 2021 otherwise known as "San Miguel Tourism Code of 202 of the Municipality of San Miguel, Leyte" not affected by this amended Ordinance shall remain in effect. If for any reason, any section or provision of this amended Ordinance be held unconstitutional or invalid by competent authority, no other sections or provisions hereof shall be affected.

Section 4. Effectivity. This ordinance shall take effect immediately upon approval.

DATE APPROVED - MAY 30, 2023

I HEREBY CERTIFY to the correctness of the foregoing resolution/ordinance.

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:

HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Approved:

ATTY. NORMAN D. SABDAO
Municipal Mayor

(Page 02 of Mun. Ordinance No. 2023-04, Series of 2023)

HON. RUBEN G. AGNER
SB-MEMBER

HON. RICHARD LENI B. LAPIDARIO
SB MEMBER

HON. THELMA M. BRAZIL
SB MEMBER

HON. PROSPERO Q. BRAZIL
SB MEMBER

HON. LETECIA G. ESPOS
SB MEMBER

HON. CHARLE L. GUY
SB-MEMBER

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

HON. ANTONIO L. ASIS
SB MEMBER

HON. HERSHEY R. AMAGA
President, SK Panbayanang Pederasyon

HON. OTELIO U. BABIANO, JR.
SB MEMBER



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN, SAN MIGUEL, LEYTE HELD AT THE SESSION HALL, LEGISLATIVE BUILDING, SAN MIGUEL, LEYTE ON JULY 26, 2021.

PRESENT:

Hon. Protacio Q. Brazil	-Municipal Vice-Mayor/Presiding Officer
Hon. Letecia G. Espos	- SB Member
Hon. Ruben G. Agner	- SB Member
Hon. Richard Len B. Lapidario	- SB Member
Hon. Otelio U. Babiano, Jr.	- SB Member
Hon. Prospero Q. Brazil	- SB Member
Hon. Antonio L. Asis	- SB Member
Hon. Thelma M. Brazil	- Ex-Officio SB Member/President, Liga ng mga Barangay
Hon. Hershey R. Amaga	- Ex-Officio Member/President, Sanggunian Kabataang Pambayan Pederasyon
Hon. Almar C. Balais	- SB Member (on official leave)
Hon. Charlie L. Guy	- SB Member (on official leave)

Resolution No. 170
Series of 2021

WHEREAS, it is widely acknowledged that tourism can serve as the primary engine of growth for the local economy, and become the focal point of related projects and initiatives;

WHEREAS, San Miguel possesses an enormous tourism potential which, if it is tapped and developed, could generate revenue for local businesses, create jobs, and improve basic services to the community;

WHEREAS, the adoption of a tourism code, a blueprint of progress and development for the municipality's tourism, paves the way for the realization of our community's aspiration to become the destination for tourists of every stripe who travels to our country from every corner of the world, and from every part of the Philippines;

WHEREFORE, on motion of Hon. Prospero Q. Brazil duly seconded by all members present;

RESOLVED, to enact the following ordinance:

Municipal Ordinance No. 2021-05
Series of 2021

Sponsored by: Hon. Prospero Q. Brazil

SB Member/Chairman, Committee on Finance, Budget, Appropriations, Good Government, Accountability & Utilization; and

Co-sponsored by: Hon. Hershey R. Amaga

SK President/Chairman, Committee on Sports & Youth Development and Tourism

AN ORDINANCE ENACTING THE SAN MIGUEL TOURISM CODE OF 2021 OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE

Be it ordained by the Sangguniang Bayan of the Municipality of San Miguel, Leyte during its regular session, that:

HON. PROSPERO Q. BRAZIL
SB MEMBER

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:

HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Concurred:

HON. ANTONIO L. ASIS
SB MEMBER

HON. LETECIA G. ESPOS
SB MEMBER

HON. THELMA M. BRAZIL
President, Liga ng mga Barangay

HON. RUBEN G. AGNER
SB MEMBER

HON. HERSHEY R. AMAGA
President, SK Pambayang Pederasyon

HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

Approved:

HON. NORMAN D. SABBDAO
Municipal Mayor

HON. OTELIO U. BABIANO, JR.
SB MEMBER

**ARTICLE I
THE CODE POLICY AND OPERATING PRINCIPLES
GENERAL PROVISIONS**

Section 1. Title. This Ordinance shall be known as the **“SAN MIGUEL TOURISM CODE OF 2021 OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE”**.

Section 2. Scope. Declaration of Policy. In the pursuit of cultural preservation and sustainable holistic development as a mechanism for maintaining our identity, the Municipality of San Miguel hereby declares adherence to Tourism Act of 2009, National Heritage Act of 2009, environmental laws and other tourism laws and shall pursue the following objectives:

- a. Protect, preserve, conserve and promote the municipal’s cultural heritage, tourist attractions, its properties and history, and the ethnicity of local communities;
- b. Establish and strengthen cultural institutions; and
- c. Protect tourism, culture, heritage and its workers and ensure their professional development and well-being.

The municipality shall pursue a balanced atmosphere where the historic past harmonizes with modern society. It shall approach the problem of conservation in an integrated and holistic manner, cutting across all relevant disciplines and technologies. The municipality shall further administer the heritage resources in a spirit of stewardship for the inspiration and benefit of the present and future generations:

- a. Safe, secured, responsible and controlled development;
- b. Preservation and restoration of local socio-cultural heritage;
- c. Protection and conservation of natural environment assets and its biodiversity; and
- d. Promoting Gender-Responsive Governance through promotion of equal representation of women in decision-making bodies; creation, strengthening and activation of local machineries on women; the promotion of the proper utilization of the Gender and Development Budget in relation to cultural heritage and tourism.

This Code provides that the Local Government of San Miguel shall pursue policies consistent with the provisions of the Constitution and other related national and local laws and issuances in order to ensure adherence to the following guiding principles:

- a. Conserve the natural environment including its biodiversity;
- b. Respect the cultural sensibilities and rights of host communities;
- c. Safeguard and preserve the integrity of cultural heritage, historical sites, attractions and natural endowments;
- d. Educate all stakeholders, community and tourists on the principles of responsible and sustainable tourism;
- e. Alleviate the less privileged from poverty by ensuring the benefits of tourism to effect the communities;
- f. Support sustainable tourism development plans;
- g. Encourage active involvement and participation of communities in tourism development;
- h. Ensure that all tourism activities, plans and programs should reflect the positive territorial values especially the values of: Pro-God, Pro-Nation, Pro-People, Pro-Life/Gender and Pro-Environment. Identify, develop and promote existing and potential tourism areas and tourism enterprise;
- i. Institutionalize and advocate a responsible cultural and heritage tourism;
- j. Promote teamwork and cooperation among stakeholders to attain common goals and objectives for the common good;
- k. Encourage, promote and link **community-based tourism** support to industries to tourism mainstreams;


Certified Correct:

Attested by:

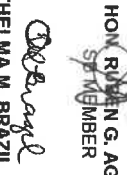
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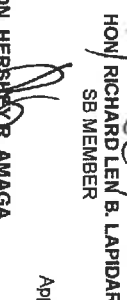
Approved:

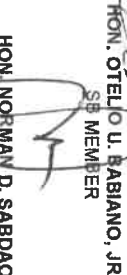

BRYAN NEIL B. PRAZIL
Secretary to the Sangguniang Bayan


HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer


HON. LETECIA Q. ESTROS
SB MEMBER


HON. ROMAN G. AGNER
SB MEMBER


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER


HON. OTELIO U. BABIANO, JR.
SB MEMBER

HON. PROSPERO BRAZIL
SB MEMBER

HON. ANTONIO L. ASIS
SB MEMBER

HON. THELMA M. BRAZIL
President, Liga ng mga Barangay

HON. HERSHEY R. AMAGA
President, SK Pambayang Pederasyon

HON. NORMAN D. SABDAO
Municipal Mayor

- l. Strengthen and support the capability of the barangays in mandated tourism functions;
- m. Provide incentives and recognition to private initiatives in the establishment and development of tourism-related programs, projects, activities, events, and investments; and
- n. Develop a tourism industry that is highly professionalized and trained human resource components through the concerted efforts and cooperation of both public and private sectors.

Section 3. Operating Principles. The formulation and implementation of policies, rules, regulations, instructions, and directives provided in this Code vested unto the Municipal Government of San Miguel with the authority to pursue development plans consistent with the provisions of the constitution and other related national and local laws and issuances in order to ensure adherence to the following operating principles:

As a steward of the Municipality's environment and natural resources, it is our responsibility that all development plans should strictly adhere to existing environmental laws and ordinances to ensure its sustainability for succeeding generations to enjoy;


- a. **Respect for human rights** is a cornerstone for sustainable tourism development particularly individual rights of the most vulnerable groups, notably children, the elderly, the handicapped, ethnic minorities and indigenous people as well;
- b. **Marketing of tourism products and services** should be as **truthful and honest in all dealings with the traveller**;
- c. Tourism should strive to continually improve products and services to match specific target needs;
- d. Local government units shall take major responsibility in partnership and cooperation with concerned government entities and the private sector for the improvement , security, administration and management of tourism destinations;
- e. All sectors concerned specifically the academe should work to enhance the skills and capabilities of local human resources in response to the needs of the tourism industry;
- f. Local Government Units shall enjoy autonomy in innovating and implementing tourism programs and activities in their respective areas and shall be entitled to fair and equitable allocation of resources in project implementation support.
- g. For effective and highly coordinated approach to tourism development and promotion, all tourism-related endeavours, programs and projects shall be aligned with the thrusts and directions of the **Municipal Tourism Master Plan (MTMP)**, and that of the **Department of Tourism**;
- h. All laws, rules and regulations in the Municipality of San Miguel and in the Barangays shall be harmonized and reconciled to give effect to the program thrusts of the tourism industry, and;
- i. Adoption of the acts of the generally accepted principles of international law relative to our stewardship of natural resources.

**ARTICLE II
COVERAGE, SCOPE, AND DEFINITION OF TERMS**

Section 4. Scope. The provisions of this code shall apply to all barangays, agencies and instrumentalities, non-government organizations, businesses and establishments for tourism, persons, whether natural or juridical, directly or indirectly involved in the tourism industry.

Local conditions and the provisions in relation to Republic Act No. 7160 as well as such other relevant and applicable laws, rules and regulations issued by the national government and the Department of tourism shall be adopted in this Code.

Certified Correct:


BRYAN NEIL R. BRAZIL
 Secretary to the Sangguniang Bayan
HON. PROSPERO Q. BRAZIL
 SB MEMBER


Attested by:


HON. PROTACIO Q. BRAZIL
 Municipal Vice-Mayor/President of Officer


Concurred:


HON. ANTONIO L. ASIS
 SB MEMBER


HON. LETECIA S. ESPOS
 SB MEMBER



HON. RUBEN G. AGNER
 SB MEMBER


HON. THELMA M. BRAZIL
 President, Liga ng mga Barangay


HON. HERSHELA AMAGA
 President, SK Pambayang Pederasyon


HON. RICHARD LEN B. LAPIDARIO
 SB MEMBER

Approved:

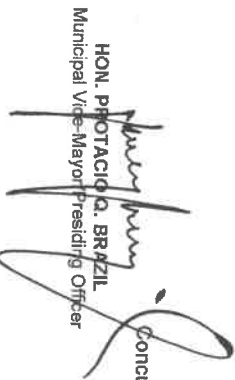

HON. OTELIO U. BABILANO, JR.
 SB MEMBER


HON. NORMAN D. SABDAO
 Municipal Mayor

Certified Correct:


BRYAN NEIL P. BRAZIL
Secretary to the Sangguniang Bayan
HON. PROSPERO A. BRAZIL
SB MEMBER

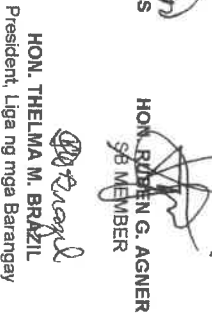
Attested by:


HON. PROTACIO A. BRAZIL
Municipal Vice-Mayor/Presiding Officer

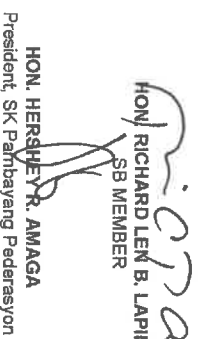
Concurred:



HON. ANTONIO L. ASIS
SB MEMBER


HON. LETECIA G. ESTROS
SB MEMBER


HON. THELMA M. BRAZIL
President, Liga ng mga Barangay


HON. RUBEN G. AGNER
SB MEMBER


HON. HERSHEY R. AMAGA
President, SK Pambayang Pederasyon


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

Approved:


HON. OTELIO U. BABIANO, JR.
SB MEMBER


HON. NORMAN D. SARDAO
Municipal Mayor

Section 5. Definition of Terms. In addition to the terms and phrases duly defined by the Department of tourism in its several issuances of rules and regulations governing the accreditation of specific tourism establishments and facilities, which definitions are hereby adopted, the following are given their meanings in this Ordinance:

Adventure Tourism – activities that involve interaction with the natural environment and contain element of risk; where the outcome is determined by the participant, the setting, and management of the tourist experience (backpacking, hunting, mountaineering, rappelling, rock climbing, spelunking)

Agricultural or Farm Tourism – refers to travel directed at visiting agricultural farms for the purpose of observing the plantation, purchasing the produce, or participating in farm operations.

Capital Resources – refer to availability of capital/financing, transportation, roads, airports, railroads, harbours and marinas, trails and walkways, water, power, waste treatment and communications.

MTC – Municipal Tourism Council

Cultural Education – teaching and learning of cultural concepts and processes. The promotion of cultural knowledge/understanding and activity.

Cultural Resources – this includes historic buildings, sites, monuments, shrines, cuisine, ethnic cultures, industry, government, religion, anthropological resources and local celebrities.

Cultural Tourism – motivated primarily by cultural attractions that is satisfied by visits to museums, art galleries, artist's villages, heritage sites, and cultural presentations.

DOT – Department of Tourism

Eco-Tourism – a kind or a class of tourism that involves travel to relatively undisturbed or uncontaminated natural areas with the specific objective of admiring, studying, and enjoying the scenery and its wild plants and animals, as well as any existing cultural features found in these areas.

Health Tourism – travel to improve one's health (e.g. sauna, massage, medical treatment, spas, faith healers, geothermal springs, mud bath)

Human Resource Infrastructure – these include the people operating the various establishments and facilities, the local population whose lives are intertwined with the development of tourism sites in their area; the tourists whose quality of lives are enriched and enhanced by the beauty, the history and the culture of their destinations.

Human Resources – include hospitality skills, management skills, seasonal labor force, performing artists (music, drama, and art), storytellers, craftsmen and artisans, other labor skills from chefs to lawyers to researchers, and local populations.

Law and Regulatory Infrastructure – this component refers to the rules of order necessary to manage and control the tourism industry. These are out in place to protect the industry and the people who are the very reason for the industry, the tourists, the service amenities providers, and the local population. With laws and regulatory measures, the relationships of tourists and their hosts thus become more harmonious and fulfilling.

MTOO – Municipal Tourism Operations Office.

Mining Tourism – it is place where tourists can take pictures of the mining sites, gain knowledge about what happens in mining, or buy minerals.

San Miguelnon – refers to a Filipino citizen residing in San Miguel or born or raised in the municipality of San Miguel or his/her lineage can be traced in San Miguel. This is synonymous to “taga-San Miguel”, or one who has roots in San Miguel but maybe residing outside San Miguel.

Natural Resources – refer to climate-seasons, water resources (lakes, streams, and waterfalls), flora (forests, flowers, shrubs, and wild edibles), fauna (fish and wildlife), geological resources (topography, soils, caves, rocks and minerals, fossils) and scenery.

Physical Infrastructures – shall include, but not limited to, roads, bridges, administration buildings, toilets and comfort room facilities, parking areas, rest areas, forest tracks, walkways, viewing platforms, cottages, solid and liquid waste facilities, security and service facilities, and communications center.

Potential tourist Properties – these refer to possible sites and attractions not yet developed including but not limited to, lakes, waterfalls, hot springs, caves and rainforests.

Speleogem – means relief features on the walls, ceilings and floor of any cave or lava tube which are part of the surrounding bedrock, including but not limited to anastomoses, scallops, petro morphs and rock pendants in solution caves and similar features unique to volcanic caves..

Speleothem – commonly known as a cave formation, is a secondary mineral deposit formed in a cave. Speleothems typically form in limestone or dolostone solutional caves.

Sports Tourism – travel to participate or observe sporting competitions/activities (e.g. basketball games, cockfighting, boxing)

Sustainable Tourism Development – means tourism development that leads to management of all resources in such a way that those economic, social, and aesthetic needs can be fulfilled, while maintaining cultural integrity, essential ecological processes, and biological diversity and life support systems.

Tourism – a major municipal activity in which private sector investment, effort and initiative are encouraged, fostered and supported and through which socio-economic development may be accelerated and the Municipal’s natural beauty, history and culture appreciated with greater pride and commitment.

Tourism Industry – refers to industries or business enterprises providing goods and services to tourists and all types of travellers who stay, travel, visit and enjoy the facilities and destinations.

Tourism Resources – refer to natural, cultural, human, or capital resources that are being used or can be utilized to attract or serve tourists.

ARTICLE III THE TOURISM INFRASTRUCTURES

Section 6. Tourism Physical Infrastructure. Local governments and private stakeholders shall promote and encourage the construction of tourism-related establishments and facilities either through public or private funding, or both, in their areas of jurisdiction.

Certified Correct:

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:

HON. PROTACIO D. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Concurred:

HON. LETECIA G. ESTRADA
SB MEMBER

HON. RHEEN G. AGNER
SB MEMBER

HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

HON. OTELO U. BABIANO, JR.
SB MEMBER

Approved:

HON. NORMAN D. SABBDAO
Municipal Mayor

HON. PROSPERO O. BRAZIL
SB MEMBER

HON. ANTONIO L. ASIS
SB MEMBER

HON. THELMA M. BRAZIL
President, Liga ng mga Barangay

HON. HERSHEY R. AMAGA
President, SK Pamayang Pederasyon

Certified Correct:

Attested by:

BRVIAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

HON. PROSPERO Q. BRAZIL
SB MEMBER

HON. PROTACIO D. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Concurred:

HON. LETECIA G. FERRER
SB MEMBER

HON. ANTONIO L. ASIS
SB MEMBER

HON. RUBEN G. AGNER
SB MEMBER

HON. THELMA M. BRAZIL
President, Liga ng mga Barangay

HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

HON. HERSEN R. AMAGA
President, SK Pambayang Pederasyon

Approved:

HON. OTHELIO J. BABIANO, JR.
SB MEMBER

HON. NORMAN D. SARDAO
Municipal Mayor

Section 7. Human Resources Infrastructures. Acknowledging tourism as a major factor in income and employment generation of the Municipality of San Miguel every local government unit is therefore strongly encouraged to create a municipal tourism office with qualified manpower component and sufficient budgetary allocation for its operations.

Tourism programs shall be geared towards the fulfilment of the needs of the key players and stakeholders of the tourism industry. Towards this end, both local government and private investors in tourism shall join hands to:

- a. Provide financial and technical support for the professionalization of services and skills of tourism industry workers;
- b. Organize and train a team of local trainers to capacitate and improve delivery of services of tourism front liners such as tourism officers, transport operators, tour guides, drivers, boatmen, porters, and the like;
- c. In coordination with the Department of Tourism and with the San Miguel Tourism and Heritage Conservation Council, the Municipal Tourism and Cultural Heritage Office shall implement a **certification and accreditation system** to regulate the quality of service and skills provided by front liners and other tourism industry workers;
- d. Coordinate with concerned government agencies in monitoring and evaluate certified and accredited tourism industry workers annually which will be the basis for renewal or revocation of certification and accreditation;
- e. Incorporate the culture of tourism and values formation in all levels of education starting with the elementary or primary level;
- f. Advocate the culture of tourism at all levels;
- g. Ensure that tourism front liners are well-trained and qualified, provided with incentives and rewards, organized and federated based on their work affiliations;
- h. Implement guidelines, rules, regulations through appropriate local government agencies in accordance with DOT standards for the construction of appropriate and adequate accommodation facilities including shopping centers, health care centers, emergency and safety facilities, recreation and entertainment and restaurants conforming to unified design.

Section 8. Legal and Regulatory Infrastructure. The tourism industry is governed by national and local laws as well as rules and regulations issued by the administrative bodies pursuant thereto. This Local Government Unit shall issue rules, regulations and directives on tourism pursuant to the provisions of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 and other pertinent laws such as Republic Act 10066; Republic Act No. 9593.

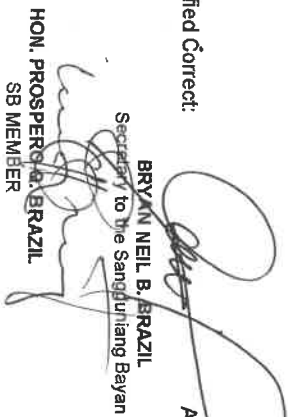
No foreign tourist guides shall be allowed under this Code except when there are no available local tourist guides speaking the language of a particular foreign tourist market, in which case travel and tour facilitators shall be required to hire accredited local tourist guides as understudy. One year after the effectivity of this Code, all tourist guides shall be a native of the Municipality of San Miguel known as San Miguelnon.

ARTICLE IV LOCAL COUNCIL FOR CULTURE AND ARTS

Section 9. The Municipal Tourism Council. That there is hereby created a Municipal Tourism Council (MTC) which shall be the highest coordinating and policy formulating body for tourism, heritage, culture and the arts program, projects and activities in the municipal level under the direct supervision of the Office of the Municipal Mayor.

Section 10. Composition. The Municipal Tourism Council shall be composed of the following:

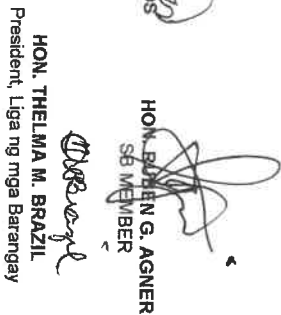
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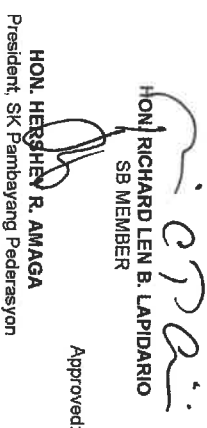

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan
HON. PROSPERO A. BRAZIL
SB MEMBER

Attested by:


HON. PROTACIO P. BRAZIL
Municipal Vice-Mayor/Residing Officer
Concurred:


HON. ANTONIO L. ASIS
SB MEMBER
HON. LETECIA S. ESPINO
SB MEMBER


HON. THELMA M. BRAZIL
SB MEMBER
President, Liga ng mga Barangay


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER
Approved:
HON. HERSHEY R. AMAGA
President, SK Pambayang Pederasyon


HON. OTHELIO U. BABIANO, JR.
SB MEMBER
HON. NORMAN D. SARDAO
Municipal Mayor

Chairperson
Vice/Co-Chairperson
Members:

: Municipal Mayor
: Municipal Vice-Mayor

- Chief Tourism Operations Officer
- Liga ng mga Barangay
- Municipal Planning and Development Coordinator
- Municipal Budget Officer
- Municipal Engineer
- Municipal Health Officer
- Municipal Disaster Risk Reduction Management Officer
- Municipal Assessor
- SB Member/Chairman, Committee on Tourism, Culture and the Arts
- SB Member/Chairman, committee on Environmental Protection
- Parish Priest or any representative from Religious Sector
- Public School District Supervisors
- Public/Private Secondary School Coordinator
- DILG Officer
- Chief of Police
- President or Representative, Business Sector
- President or Representative, Hotels, Inns & Resorts Association
- President or Representative, Restaurants and Bars Association
- President or Representative, Transportation Sector
- President or Representative, Tourist Guides Organizations
- President or Representative, Travel & Tours Operators
- President or Representative, Youth Sector
- Representative of the San Miguel United Tribal Council of Elders

Secretariat

: To be chosen by the Chairperson

Section 11. Membership and Process of Selection of Member Representatives. The Municipal Tourism Council shall be chosen by the Chairperson by virtue of an Executive Order.

Representatives of the associations in the council must be a president, civic leader, officer or member of the organizations represented. He or she must be endorsed by the organization as their official permanent representative to the council.

Representatives shall be selected by and from among the members of the sector concerned. The sector shall submit formally the name of its representative duly signed by its Chairman/President to the MTOO. In case that there is no organization of the sectors required in the council, the Chief Tourism Operations Officer will endorse to the Chairperson or Local Chief Executive the person or list of persons who directly represent various sector/elements of the tourism industry. The Chairperson or Local Chief Executive will choose the active and qualified representative on the sectors needed.

The MTC Secretariat shall be composed of the Senior Tourism Operations Officer as head and three (3) LGU regular employees designated by the Local Chief Executive as members. The MTC Secretariat shall assist the council in all its activities and functions.

Section 12. Term of Office. Members of the council shall serve for three (3) years to coincide with the term of office of the LGU officials pursuant to the Local Government Code of 1991.

Section 13. Duties and Functions.

13.1. The Municipal Tourism Council shall:

- a. Prepare, review and approve Master Plans and other Annual Plans on tourism, culture and arts to be integrated in the Local Development Plan and to be implemented by the Municipal Tourism Operations Office;
- b. Create special committees that will handle the event planning, organizing, facilitating and monitoring the special tourism events, other tourism and cultural related events and activities;
- c. Approve and manage all tourism, culture and the arts events and activities such as Bathan Festival and all other related events;
- d. Render financial report to the Local Government Unit of San Miguel after the end of any event;
- e. Help identify, develop and promote potential tourism attractions;
- f. Ensure the protection, preservation and conservation of the local historical heritage and cultural assets;
- g. Conduct inventory or registry, inspection, validation on local cultural assets and historic sites in partnership with National Historical Commission of the Philippines;
- h. Declare and install local historical marker to identified cultural assets and historic sites subject for confirmation by the local Sangguniang Bayan;
- i. Extend technical assistance to all tourism-oriented and related establishments;
- j. Create, promote and support sustainable tourism, culture and the arts programs and projects to the community by facilitating community based activities;
- k. Help in monitoring compliance of the requirements of standards and regulations set by DOT, barangay and other government agencies for the general welfare of tourists, visitors and the community;
- l. Coordinate with the barangays in the implementation of the San Miguel Integrated Tourism and Cultural Heritage code;
- m. Formulate and recommend plans and policies on tourism and cultural development to both government and private sectors;
- n. Initiate and recommend the implementation of programs and activities on tourism in coordination with the DOT, Tourism Infrastructure Enterprise Zone Authority, barangays, private sector and other entities;
- o. Initiate private and public partnership in implementing tourism and cultural development plans, programs and activities;
- p. Suggest and regulate tourist operations and activity fees in the attractions;
- q. Encourage the development of local tourism and cultural organizations in the municipality in accordance with the Tourism Code;
- r. Establish close coordination with other tourism and cultural organizations/associations to ensure the proper implementation of the San Miguel Integrated Tourism and Cultural Heritage Code;
- s. Coordinate with other existing local tourism, culture and the arts council; and
- t. Facilitate resource generation for tourism and cultural activities.

13.2. The MTC Secretariat shall:

- a. Prepare the minutes, agenda and records the attendance and proceedings of all meetings of the council and committees;

Certified Correct:

Attested by:

Concurred:

Approved:



BRYAN NEIL E. BRAZIL
Secretary to the Sangguniang Bayan


HON. PROTACIO G. BRAZIL
Municipal Vice-Mayor/Presiding Officer


HON. LETECIA G. ESPOS
SB MEMBER


HON. RUBEN G. AGNER
SB MEMBER


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER


HON. OTELIO U. BAIANO, JR.
SB MEMBER

HON. PROSPERO G. BRAZIL
SB MEMBER

HON. ANTONIO L. ASIS
SB MEMBER

HON. THELMA M. BRAZIL
President, Liga ng mga Barangay

HON. HERSHEY R. AMAGA
President, SK Pamibayang Pederasyon

HON. NORMAN F. SABDAO
Municipal Mayor

- b. Serve notices of meetings to all members of the council and committee;
- c. Furnish the officers and members certified copy of the minutes of the meetings;
- d. Keep registry of the names and addresses of all members and keeps a complete file of laws, resolutions, and executive orders relevant to the council; and
- e. In general, perform all duties incidental to the office of the MTC Secretariat and those that may be assigned to it by the Chairman, president and or the committees of the council.

Section 14. Office of the Municipal Tourism Council. The Office of the MTC shall be designated by the Local Chief Executive.

Section 15. Meetings and Quorum. The officers and members of the council shall meet quarterly every year and or special meetings as may be called by the chairperson. A simple majority (50% plus 1) of the members of the council shall constitute a quorum for it to be able to decide on a certain issue. The place of the meeting shall be determined by its officers and any decision that needs to be decided upon on any business matter shall be by majority vote.

Section 16. Sources of Funds. The funds of the Council shall be sourced out from the LGU Appropriations on Tourism, Culture and Arts Programs, Projects and Activities and from external sources without prejudice to the right of the council to receive donations, grants, gifts, benefits and financial assistance from any persons, groups and organizations as well as any other income that may be legally earned by the Council.

ARTICLE V BATHAN FESTIVAL – THE OFFICIAL FESTIVAL OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE

Section 17. The BATHAN FESTIVAL shall be the official festival of the Municipality of San Miguel, Leyte. The festival shall be celebrated **every month of September**.

ARTICLE VI MUNICIPAL TOURISM OPERATIONS OFFICE

Section 18. Municipal Tourism Operations Office. There shall be created a Municipal Tourism Operations Office under the Office of the Municipal Mayor with the status of a Department Head. The Municipal Tourism Operations Office will primarily be the implementing arm for the programs, policies and projects related to tourism, culture and arts including the marketing and promotions of the tourism industry and preservation of heritage sites and cultural properties in the Municipality.


It shall pursue the development of the tourism industry in adherence to the San Miguel Tourism Code of 2021.

The Municipal Tourism Operations Office shall implement programs and projects relating to tourism, culture and the arts including the marketing and promotions of the tourism industry and preservation of heritage sites and cultural properties.

Section 19. Professional Staff. The Municipal Tourism Operations Office shall be manned by professional staff headed by the Chief Tourism Operations Officer and composed of such other personnel plantilla positions to be determined by the Municipal Mayor.

Section 20. Qualifications of the Chief Tourism Operations Officer. Based on R.A. 9593 or Tourism Act of 2009, the Tourism Officer must be:

Certified Correct:



BRYAN NEIL B. BRAZIL
 Secretary to the Sangguniang Bayan
HON. PROSPERO D. BRAZIL
 SB MEMBER

Attested by:


HON. PROTACIO D. BRAZIL
 Municipal Vice-Mayor/Presiding Officer

Concurred:


HON. LETECIA G. RAMOS
 SB MEMBER
HON. ANTONIO L. ASIS
 SB MEMBER


HON. RUBEN G. AGNER
 SB MEMBER
HON. THELMA M. BRAZIL
 President, Liga ng mga Barangay


HON. RICHARD LEN B. LAPIDARIO
 SB MEMBER
HON. HERSHEY A. AMAGA
 President, SK Pambayang Pederasyon

Approved:


HON. OTELIO U. BABILANO, JR.
 SB MEMBER
HON. NORMAN D. SARDAO
 Municipal Mayor

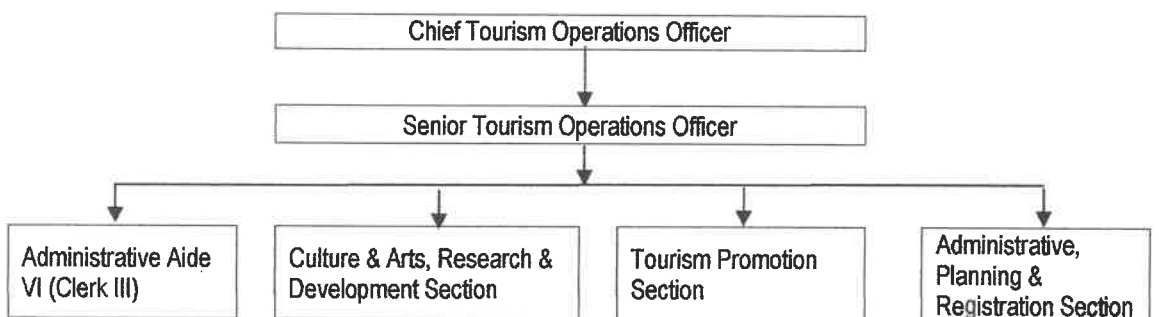
- a. A Filipino citizen permanently residing in San Miguel where the position is available;
- b. Obtained relevant bachelor's degree in tourism, business, laws, economics, marketing, public administration and other related fields;

Section 21. Powers and Functions. As a primary operating agency of the Municipal Government, the Municipal Tourism Operations Office shall be responsible for the efficient and effective implementation of the policies, plans, and programs as recommended by the Local Council for Culture and Arts.

Towards this end, the Municipal Tourism Operations Office shall:

- a. Initiate and organize tourism and cultural activities;
- b. Formulate, monitor and coordinate integrated plans for tourism and culture and the arts;
- c. Assist, monitor and conduct accreditation of tourism-oriented and related facilities and service providers;
- d. Conduct capability building trainings for tourism front liners;
- e. Conduct research, establish and maintain tourism information and cultural mapping management system and web portal for the Municipality that is globally accessible.
- f. Establish linkage and networking with national government agencies (NGAs), non-government organizations (NGOs) and people's organizations (POs) in planning and implementing tourism activities.
- g. Conduct inventory of existing, emerging and potential tourism attractions;
- h. Conduct inventory of heritage site and cultural property;
- i. Promote and market the Municipality of San Miguel as tourist destination, regionally and globally, through exhibits, selling missions and the production of marketing collaterals;
- j. Formulate and recommend plans and policies on tourism development by both government and private sectors;
- k. Initiate and recommend the implementation of programs and activities on tourism in coordination with the DOT, barangay, TIEZA, private sector and other entities;
- l. Initiate private and public partnership in implementing tourism development plans, programs and activities;
- m. Establish close coordination with local government tourism councils to ensure responsive tourism through the proper implementation of the San Miguel Tourism Code;
- n. Encourage the development of local tourism councils in the Municipality in accordance with the San Miguel Tourism Code;
- o. Promote and support sustainable tourism by facilitating community-based tourism activities; and
- p. Facilitate resource generation for tourism activities.

Section 22. The Municipal Tourism Operations Office Organizational Structure and Staffing Pattern.



Certified Correct:

BRYAN NEIL F. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:

HON. FRODILDO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Concurred:

HON. LETECIA S. ESPINOSA
SB MEMBER

HON. ROBERTO G. AGNER
SB MEMBER

HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

HON. OTHELIO U. BABIANO, JR.
SB MEMBER

Approved:

HON. PROSPERO A. BRAZIL
SB MEMBER

HON. ANTONIO L. ASIS
SB MEMBER

HON. THELMA M. BRAZIL
President, Liga ng mga Barangay

HON. HERSELY R. AMAGA
President, SK Pambayang Pederasyon

HON. NORIAN D. SARDADO
Municipal Mayor

Section 23. Functions, Tasks and Responsibilities:

1. Chief Tourism Operations Officer

- a. Manage, direct, control and synthesize operations of Sections.
- b. Perform necessary administrative functions.
- c. Develop and formulate the tourism code, tourism plans, cultural mapping and programs of the municipality.
- d. Assist the Local Chief Executive in formulating policies/guidelines concerning the promotion and development of tourism, heritage and cultural properties in the municipality.
- e. Assist the Local Chief Executive in promoting San Miguel in local, national or international tourism functions and events.
- f. Perform other relevant functions and responsibilities that may be assigned by the chief Executive.

2. Senior Tourism Operations Officer

- a. Assist the CTOO in planning, coordinating, and supervising programs to enhance the promotion of tourism activities of the municipality.
- b. Perform other relevant functions and responsibilities that may be assigned by the Local Chief Executive and the Chief Tourism Operations Officer.

3. Administrative Aide VI (Clerk III)

- a. Prepare communication letters and other documents needed by the office.
- b. Make data filing/data banking of all tourism relative data and communication papers.
- c. Perform other relevant functions and responsibilities that may be assigned by the chief Executive and Tourism and cultural Officer.

4. Administrative, Planning and Registration Sections

- a. Conduct policy formulation and evaluation.
- b. Conduct master plan review and evaluation.
- c. Issue certification and registration to local tour agency, and tour facilitators or local tourist guides.


5. Culture and Arts, Research and Development Sections

- a. Perform research and documentation functions.
- b. Performs general and local research, surveys and statistics.
- c. Monitor, supervise and assist in the preservation of culture and arts in the different barangays and in the municipality.
- d. Ensure the protection, preservation and conservation of the local cultural and historical heritage.
- e. Perform other relevant functions and responsibilities that may be assigned by the chief Executive and Tourism Officer.

6. Tourism Promotions Section

- a. Special events/activities planning, organizing and management.
- b. Networking and Linkaging
- c. Media/Press relations
- d. Management of Tourist Information and Assistance Center, Information counters and booths.
- e. Tour operations.
- f. Publication and promotion

Certified Correct:


BRYAN NEIL R. BRAZIL
Secretary to the Sangguniang Bayan
HON. PROSPERO Q. BRAZIL
SB MEMBER


Attested by:


HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Residing Officer


Concurred:


HON. ANTONIO L. ASIS
SB MEMBER



HON. RUBEN G. AGNER
SB MEMBER



HON. THELMA M. BRAZIL
President, Liga ng mga Barangay


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER


HON. HERSHEY R. AMAGA
President, SK Pambayang Pederasyon

Approved:


HON. OTELIO U. BABILANO, JR.
SB MEMBER


HON. NORMAN D. SARDAO
Municipal Mayor

- g. Promotes and assist barangay festivals and tourism activities.
- h. Perform other relevant functions and responsibilities that may be assigned by the chief Executive and Tourism Officer.

**ARTICLE VII
TOURISM RESOURCES**

Section 24. The Tourism Resources. Tourism resources are any natural, cultural, or capital resources that are being used or can be utilized to attract or serve tourists.

Section 25. Inventory and Classification of Resources. The Municipal Tourism Council in coordination with the Municipal Tourism Operations Office shall periodically make an inventory in order to identify and classify the resources available open for opportunities to tourism development.

Section 26. Assessment of Resources. The Municipal Tourism Operations Office shall periodically conduct an objective and realistic assessment of the quality and quantity of resources that can be used for tourism and cultural programs and activities.

Section 27. Classification and Inventory of Tourism Destinations. The Municipal Tourism Operations Office in coordination with the Municipal Tourism Council and the respective Barangays shall, on an annual basis, classify and update the inventory of tourism sites as destinations in accordance with DOT standards as existing emerging and potential destinations.

Section 28. Inventory of Tourism Potentials

1. Eco-Adventure Tourism

- a. Mountain trail at:
 - i. Binumbuhan - Brgy. San Andres
- b. Waterfalls
 - i. Binumbuhan Falls – Brgy, Caraycaray
 - ii. Lipasan Falls – Brgy. Pinarigusan
 - iii. Maaral Falls – Sitio Malaihao, Brgy. Bahay
 - iv. Binti Falls – Sitio Malaihao, Brgy. Bahay

2. Agricultural/Farm Tourism/Culinary

- a. Nanay Delia's Farm – Brgy. Lukay
- b. Guinciaman Farm – Brgy. Guinciaman

3. Historic-Cultural Tourism

- a. Viewing Decks – Baluarte Towers - Brgy. Sta. Cruz
- b. Political sites & Structures – Old Municipal Hall, Brgy. Libtong
- c. World War (WW) II Landing Site – Brgy. Canap

4. Factory/Industry Tourism

- a. Site visit and product demo at:
 - i. San Miguel Pasalubong Center -
 - ii. Lukay Eco-Park – Brgy. Lukay

Certified Correct:


BRYAN NEIL B. BRAZIL
 Secretary to the Sangguniang Bayan


Attested by:


HON. PROTACIO D. BRAZIL
 Municipal Vice-Mayor/Presiding Officer


Concurred:



HON. ANTONIO L. ASIS
 SB MEMBER


HON. LETECIA G. ESPINO
 SB MEMBER


HON. THELMA M. BRAZIL
 President, Liga ng mga Barangay


HON. KUEN G. AGNER
 SB MEMBER


HON. HERSHEY R. AMAGA
 President, SK Pambayang Pederasyon


HON. RICHARD LEN B. LAPIDARIO
 SB MEMBER

Approved:


HON. OTELIO J. BARIANO, JR.
 SB MEMBER


HON. NORMAN D. SABDAO
 Municipal Mayor

- b. Sports Tourism
- c. Event Tourism – Bathan Festival

Section 29. Inventory of Tourism Activities.

1. Adventure Tourism
 - a. Mountaineering
 - b. Down Hill Biking
 - c. Camping
 - d. Photography
2. Agricultural/Farm Tourism
 - a. Educational/Family Tours
 - b. Culinary or Cooking Demos
3. Historical - Cultural Tourism
 - a. Educational Tours
 - b. Site visit on the cultural assets or properties and heritage sites.
4. Industry/Factory Tourism
 - a. Product Demonstration
 - b. Educational Tours

Section 30. Prioritized Tourism Destination. Tourism destinations that are given higher classification category shall be included among the priority for promotion and marketing. The classification will guide tour operators and tourists where to go and what to do.

Section 31. Investment and Development. The Municipal Tourism Operations Office in coordination with the Municipal Tourism Council shall encourage the respective barangays in partnership with the private sectors to invest and develop their respective tourist attractions.

Section 32. Protection and Preservation. The Municipal Tourism Operations Office in coordination with the Municipal Tourism Council in coordination with the barangays, shall ensure the integrity of all tourism resources and cultural properties for its protection and preservation.

**ARTICLE VIII
OFFICIAL SAN MIGUEL TOURISM AND CULTURAL PROMOTIONS
BRANDING**

Section 33. The Official San Miguel Tourism and Cultural Promotions Branding shall be **SOAR HIGH SAN MIGUEL!**

It will serve as the unique identity that will differentiate from other municipalities in the promotion of the town's tourism products, historical and cultural heritage. Said tourism and cultural promotions branding will be steadily used in the different tourism campaigns such as promotional brochures, travelogue, signage, website, tour packages and identifying markers.

In upholding or sustaining the local tourism branding, the local government unit of San Miguel through the MTOO and MTC shall continue to keep, develop and promote culturally related tourism products and activities such as culinary arts; gather deep historical information, beliefs and traditions; conserve and protect the built heritage and sites; conduct cultural events and activities.

Certified Correct:

HON. PROSPERO A. BRAZIL
SB MEMBER

Secretary to the Sangguniang Bayan

Attested by:

HON. FROTACIL Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Concurred:

HON. ANTONIO L. ASIS
SB MEMBER

HON. LETECIA G. ESPINO
SB MEMBER

HON. THELMA M. BRAZIL
President, Liga ng mga Barangay

HON. RUBEN G. AGNER
SB MEMBER

HON. HERSHEY R. AMAGA
President, SK Paribayang Pederasyon

HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

Approved:

HON. NORMAN P. SABDAO
Municipal Mayor

HON. OTELLO U. BABIANO, JR.
SB MEMBER

In the pursuit of achieving a supreme recognition of the local tourism branding, a bid for provincial and national declaration will be submitted by the Local Government Unit of San Miguel and MTOO to the Provincial Government of Leyte, Department of Tourism, National Historical Commission of the Philippines and national Commission for Culture and the Arts.

**ARTICLE IX
LOCAL CULTURAL PROPERTY**

For purposes of protecting a local cultural property against exportation, modification or demolition, the following shall be considered as Local Important cultural Property unless declared by the San Miguel Tourism and Heritage Conservation Council and confirmed by the Sangguniang Bayan:

1. Works by local artists
2. Archaeological materials
3. Marked structures
4. Structures dating at least fifty (50) years old

Section 34. Privileges for Local Cultural Property.

All local cultural properties shall be entitled for the following privileges:

1. Priority for government funding for protection, conservation and restoration;
2. Official local historical marker shall be placed for identification;
3. Shall be given priority protection by the government in times of armed conflict, natural disasters and other exceptional events that endanger the cultural properties.

**ARTICLE X
DECLARATION AND INSTALLATION OF LOCAL HISTORICAL MARKERS**

Section 35. Declaration of Principles and Policies.

Section 14, 15, 16 and 17, Article XIV of the 1987 Constitution declare that the state shall foster the preservation, enrichment and dynamic evolution of a Filipino culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression. The Constitution and the national cultural Heritage Act of 2009 mandates to conserve, develop, promote and popularize the nation's historical and cultural heritage and resources, as well as artistic creations.

Section 36. Inventory and Valuation of Cultural Assets and Properties.

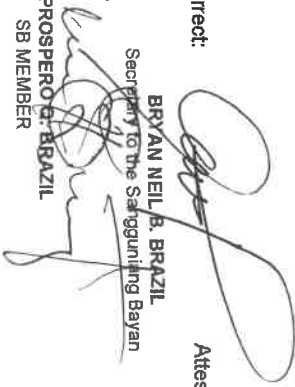
The MTOO shall maintain an inventory of all the cultural assets and properties deemed important to San Miguel's cultural heritage. It can be done through an inventory registry logbook or conduct of cultural mapping. The Municipal Tourism Council (MTC) will validate the authenticity of the information of the cultural assets and properties. The Municipal Assessor's Office shall determine the valuation of such historical, cultural and architectural assets and prepare individual appraisal report thereof.

Section 37. Classification of Cultural Assets and Properties.

The cultural assets and properties will be classified as follows:

1. Structures dating at least fifty (50) years old and 70% authentic;
2. Historic sites and structures with historical and artistic or with cultural value (properties that bear strong foreign architectural influence such as Americans, Spanish or Japanese); and

Certified Correct:


BRYAN NEIL B. BRAZIL
 Secretary to the Sangguniang Bayan
HON. PROSPERO G. BRAZIL
 SB MEMBER

Attested by:


HON. PROTACIO G. BRAZIL
 Municipal Vice-Mayor
 Presiding Officer

Concurred:


HON. ANTONIO L. ASIS
 SB MEMBER


HON. LETECIA G. ISKOS
 SB MEMBER

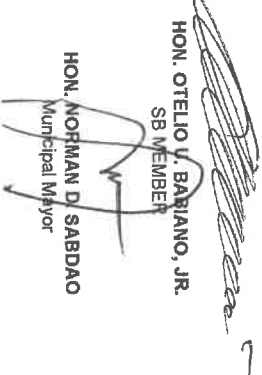

HON. THELMA M. BRAZIL
 President, Liga ng mga Barangay


HON. RUBEN G. AGNER
 SB MEMBER


HON. RICHARD LEN B. LAPIDARIO
 SB MEMBER


HON. HERIBERTO R. AMAGA
 President, SK Pambayang Federaasyon

Approved:


HON. OTHELIO U. BARIANO, JR.
 SB MEMBER


HON. NORMAN D. SARDO
 Municipal Mayor

3. Sites and structures with historical significance (site or structure reveals something meaningful or important about our past)

Section 38. Declaration as Local Historical Landmarks and Historical Site.

The MTC shall recommend to the Sangguniang Bayan the official declaration of the sites and structures as Local Historical Landmark and Historic Site.

The declaration procedures are as follows:

1. Risk assessment of cultural and historical properties by the MTC.
2. Sites and structures are included in the inventory/registry or cultural mapping;
3. Accomplished form;
4. Property Owner's Written Permit/consent; and
5. MTC's Declaration document

Section 39. Installation of Local Historical Marker. Local historical marker made of concrete materials or metal will be installed to the declared cultural property and site. The inscription on the local historical marker shall disclose the significance of the property and site and must be in vernacular language with English translation.

Section 40. Incentives for Local Cultural Property. All cultural properties locally declared as local historical landmark shall be entitled to the following privileges:

1. Exemption from payment of real property tax through legislation.
2. Provision of technical assistance for the conservation/restoration efforts.
3. Provision of technical assistance for adaptive re-use purposes.
4. Recommendation to NHCP for possible technical and funding assistance on restoration.
5. Promotion and marketing.

Section 41. Heritage Agreements. The Local Chief Executive shall enter into memorandum of agreements with private owners of cultural properties with regard to the local declaration subject to the authorization by the Sangguniang Bayan. Such agreement shall include such terms and conditions including, but not limited to:

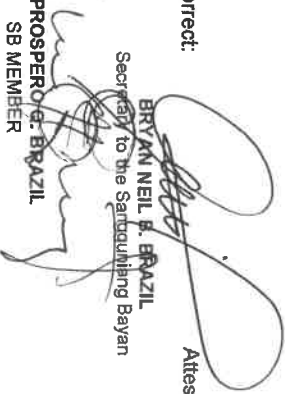
1. Public access to the property;
2. Maintenance and management of the property;
3. Provision of technical assistance for the maintenance of the property;
4. Procedure for the resolution of any dispute arising out of the agreement; and
5. Maintenance of the historical marker.

Section 42. The approval from MTC for any restoration or improvement plans by the private owners on the declared cultural and historical properties shall form part of the documentary requirements in the issuance of building permit by the local building official.

Section 43. In case of occurrence of calamities or force majeure, a joint ocular inspection among the Engineering Office, MGB and MDRRMO shall be conducted immediately after damage assessment and needs analysis by the local government. A report shall be submitted to proper authorities for appropriate actions.

Section 44. In case any cultural and historical properties will be affected by government development projects, such property shall be endorsed by the local government to the NHCP for arbitration between and among concerned agencies.

Certified Correct:


 BRYAN NEIL F. BRAZIL
 Secretary to the Sangguniang Bayan

Attested by:

HON. PRODRACIO R. BRAZIL
 Municipal Vice-Mayor/residing Officer

Concurred:

HON. ANTONIO L. ASIS
 SB MEMBER

HON. RUBEN G. AGNER
 SB MEMBER

HON. THELMA M. BRAZIL
 President, Liga ng mga Barangay

HON. RICHARD LEN B. LAPIDARIO
 SB MEMBER

HON. HERSHLEY R. AMAGA
 President, SK Pambayang Pederasyon

Approved:

HON. OTELIO U. BABIANO, JR.
 SB MEMBER

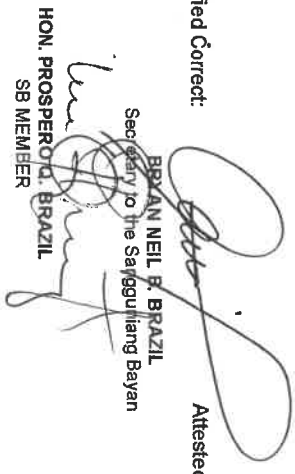
HON. NORMAN T. SARDAO
 Municipal Mayor

Certified Correct:

Attested by:

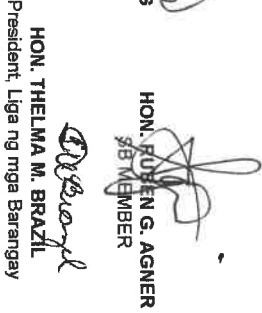
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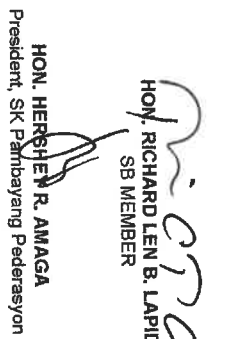
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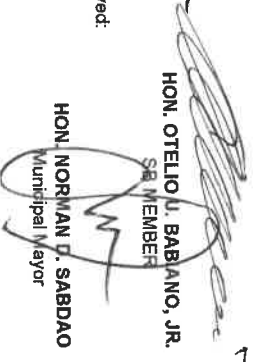

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan
HON. PROSPERO D. BRAZIL
SB MEMBER


HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer


HON. ANTONIO L. ASIS
SB MEMBER


HON. RUBEN G. AGNER
SB MEMBER


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER


HON. OTELIO U. BABIANO, JR.
SB MEMBER


HON. NORMAN D. SARDO
Municipal Mayor

Section 45. Power to Issue a Cease and Desist Order. When the physical integrity of the local historical landmarks are found to be in danger of destruction or for significant alteration from its original state, the local government in consultation and recommendation with MTC, shall immediately issue a Cease and Desist Order suspending all activities that will affect the property. Thereafter, the local government unit and the MTC shall give notice to the owner or occupant of the property and conduct hearing on the propriety of the Cease and Desist Order. The suspension of activities shall be lifted only upon the written authority of the appropriate cultural agency after due notice and hearing involving interested parties and stakeholders.

Section 46. Visitorial Powers. The Local Government Unit of San Miguel and the MTC are hereby given the power to inspect the local historical landmarks and historical sites at any time to ensure the protection and integrity of such.

Section 47. Rules on Anthropological Research and Archaeological Exploration/Excavation. Municipal Government of San Miguel and the MTC shall strictly follow and adopt the rules on the anthropological research and archaeological exploration/excavation set under Article VII, Section 30 of Republic Act 10066 or the National Cultural Heritage Act of 2009. The MTC shall assign an expert to work in tandem with the experts of the National Museum and National historical commission of the Philippines to monitor and supervise any exploration and excavation activities.

47.1. Existing artefacts excavated by any person within the jurisdiction of the municipality of San Miguel shall be the sole property of the said town. Likewise, no person or entity shall be allowed to transfer existing or excavated artefacts or any cultural asset to any place outside the municipality.

**ARTICLE XI
CULTURAL EDUCATION**

Section 48. Integration of Tourism and Cultural Heritage in the School Curricula in Public and Private Schools in All Levels within the Municipality of San Miguel, Leyte.

The local Department of Education in coordination with LGU-San Miguel through the MTOO and MTC shall formulate the tourism promotions and cultural heritage programs to elementary and secondary schools both public and private to be integrated into the formal, informal and alternative educations programs with emphasis on the familiarization, protection, conservation and promotions of cultural properties and historic sites. The Local School Board shall allocate funding from its Special Education Fund to finance the various activities such as educational tours, preparations of modules for Grades 4-6 pupils and high school students both public and private schools within the municipality, and for the training on Tourism and Cultural Advocacy Campaign and other funds coming from the agencies.

Section 49. Tourism and Cultural Heritage Education Programs.

The Local Department of Education shall set forth in its teaching programs the following, but not limited to:

1. Discussions about San Miguel history and other historical significant information;
2. Discussions on the protection, conservation and preservation of cultural heritage properties;
3. Instructional materials in print, film and broadcast media on the cultural and historical significance of cultural property; and
4. Conduct of familiarization tours and Lakbay-aral to the tourist attractions and local cultural properties.

**ARTICLE XII
ESTABLISHMENT & OPERATION OF THE SAN MIGUEL PASALUBONG
CENTER/SOUVENIR BOOTH**

Section 50. Establishment of San Miguel Pasalubong Center. The San Miguel Pasalubong Center (SMPC) / Souvenir Booth is a display center of goods and souvenir items to be produced mainly by livelihood members of the municipality which is aimed at promoting products manufactured in San Miguel and artworks by San Miguel artists for domestic and foreign markets. It serves as a venue for product information and network linkage among producers/manufacturers and various government and non-government agencies.

Section 51. Management. The San Miguel Pasalubong Center will be managed by the business sector through public bidding. The requirements, terms and conditions shall be embodied in the Memorandum of Agreement subject to the authorization by the Sangguniang Bayan.

Section 52. San Miguel Pasalubong Center Major Services. The San Miguel Pasalubong Center offers two (2) major services as follows:

1. Marketing and Promotions of local products; and
2. Display and Exhibit Center of locally manufactured products and artworks.

Section 53. Qualification Requirements for Manufacturers/Producers:

1. Must be a San Miguel based manufacturer/producer.
2. Has the capacity to produce enough quantity to meet market demands.
3. Producing quality products with export potential meeting the standards of DTI, BFAD, Halal and other similar agencies.
4. Using locally available raw materials and/or employing local skills/labor.
5. Must possess municipal business permits or license.
6. Willing to abide by the rules and regulations as provided in these guidelines and those that may be formulated with regard to the operation of the Display Center.

Section 54. Qualification Requirements for Artists.

1. Must be an artist in the field of painting, sculpture, song composing, film making and book writing.
2. Must be a San Miguelnon by birth or by ancestry or by residence of at least 3 years.
3. Willing to abide by the rules and regulations as provided in these guidelines and those that may be formulated with regard to the operation of the Display Center.


Section 55. Products Eligible for Display.

1. Novelty items and décor
2. Native and processed foods and delicacies
3. Pasalubong items
4. Furnitures

Section 56. Artworks Eligible for Display.

1. Paintings
2. Sculptures
3. Music Album composed and produced by San Miguelnon songwriters
4. Video/Film production by San Miguelnon film makers
5. Books authored by San Miguelnon writers

Certified Correct:



BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan
HON. PROSPERO Q. BRAZIL
SB MEMBER


Attested by:


HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Concurred:


HON. ANTONIO L. ASIS
SB MEMBER
HON. LETECIA S. ESPINOSA
SB MEMBER


HON. RUBEN G. AGNER
SB MEMBER
HON. THELMA M. BRAZIL
President, Liga ng mga Barangay


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER
HON. HERSHLEY R. AMAGA
President, Sikapambayang Pederasyon

Approved:



HON. OTHELIO U. BABIN, JR.
SB MEMBER
HON. NORMAN D. SARDAO
Municipal Mayor

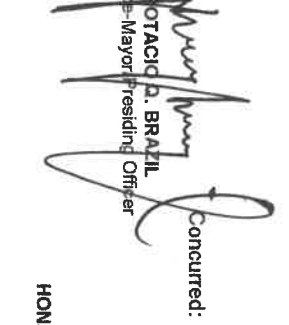
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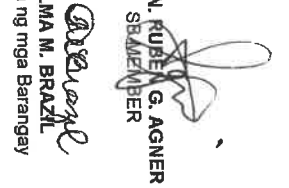
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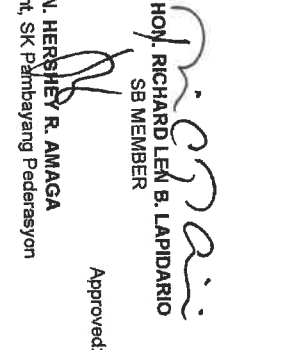
Concurred:

Approved:


BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan
HON. PROSPERO Q. BRAZIL
SB MEMBER


HON. PROTACIO P. BRAZIL
Municipal Vice-Mayor/Residing Officer
HON. ANTONIO L. ASIS
SB MEMBER


HON. RUBEN G. AGNER
SB MEMBER
HON. THELMA M. BRAZIL
President, Liga ng mga Barangay


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER
HON. OTELLO U. BAMBANO, JR.
SB MEMBER
HON. NORMAN D. SABBDAO
Municipal Mayor

Section 57. Product Selection. Products and Artworks for display shall meet the qualification requirements mentioned in the Terms of Reference for the Operation of the San Miguel Pasalubong Center (MPC).

Section 58. Pricing Component. Pricing of products and artworks shall be subject to review of the Center Manager. Producers are required to submit the selling price of each item.

Section 59. Product Labeling.

Products for display shall be properly labelled with product information as follows: product's name; manufacturer's profile, address, expiry date and price tags for the Center Manager's easy reference. Labelling is the responsibility of the exhibitors.

Artworks for exhibit shall be properly captioned with the following data: title, brief description written in local dialect with translation in English language and artist's profile.

Price tags should be attached for Center Manager's easy reference.

Section 60. Duration of Display.

The product's display duration shall be determined by the Center Manager, depending on its marketability and sale potential.

The artwork's exhibit duration shall be on a quarterly basis. Artworks shall have bearing on the subject matter set forth for the respective quarter, taking into consideration the expectations for the season. The Center Manager, with the assistance of the San Miguel Artists Society and with the recommendation and approval of the Tourism Officer, shall determine the subject matter for the quarter or season.

Section 61. Exhibit Contract.

An Exhibit Contract shall be signed between the Exhibitor and the Local Government Unit of San Miguel represented by the Local Chief Executive. Contained in the contract are the responsibilities and obligations of the contracting parties.

ARTICLE XIII

TOUR OPERATION, TOURIST REGISTRATION FEES, IMPOSITION AND COLLECTION OF ENTRANCE FEES AND CHARGES ON THE USE OF FACILITIES SUCH AS TABLE AND CHAIRS AND COTTAGES AT BINUMBUHAN FALLS

Section 62. Declaration of Policy. Article 10, Section 5 of the Philippine Constitution states that each local government unit shall have the power to create its own sources of revenues and to levy taxes, fees and charges subject to such guidelines and limitations as the Congress may provide, consistent with the basic policy of local autonomy.

Section 63. Tour Operation Fee. The Municipal Tourism Council (MTC) through the Municipal Tourism Operations Office shall have the power to regulate on the following:

1. Vehicle Rental Fee
2. Tour guiding Fee
3. Entrance Fee and other fees on government-operated tourist attractions/destinations.

Section 64. Tourist Registration Fee. The Local Government Unit of San Miguel through the Office of the Municipal Treasurer (OMT) shall collect a **tourist registration fee/visitor's pass** in the amount of **Five Pesos (P5.00)** only from every tourist for each attraction he/she intends to visit.

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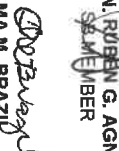

BRYAN NEIL A. BRAZIL
Secretary to the Sangguniang Bayan
HON. PROSPERO C. BRAZIL
SB MEMBER


Attested by:


HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

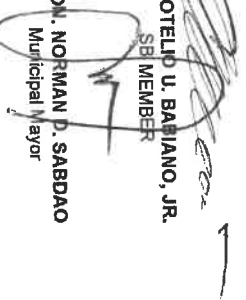
Concurred:


HON. ANTONIO L. ASIS
SB MEMBER


HON. RUBEN G. AGNIER
SB MEMBER


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

Approved:


HON. NORMAN D. SABDAO
Municipal Mayor

Section 65. Environmental Fee. The LGU of San Miguel through the Office of the Municipal Treasurer (OMT) shall collect an **Environmental Fee of Ten Pesos (P10.00)** only from every tourist for each attraction he/she intends to visit.

Section 66. Entrance Fee and Other Charges. The LGU-San Miguel through the Office of the Municipal Treasurer (OMT) shall collect the following Entrance Fees and Charges on Facilities:

1. Entrance Fees:

- a. P40.00 - per adult
- b. P20.00 - per child (Note: children below 15 years old are free of charge)

2. Facilities:

- a. P 350.00 - per cottage
- b. P 250.00 - for 1 set of (1 table and 6 chairs)
- c. P 100.00 - per table
- d. P 25.00 - per chair

3. Other provisions:

- 1. Operation hours shall be from Monday to Sunday at 8:00 A.M to 5:00 P.M.
- 2. Burning of anything and grilling which can create smoke shall be strictly prohibited in the area.
- 3. The Human Resource Management Officer (HRMO) shall issue Job Order employees as may be necessary for the maintenance and operation of the Binumbuhan tourist facilities to be managed by the Chief Tourism Operations Officer.

**ARTICLE XIV
MODE OF COLLECTION AND SHARING OF REVENUES FROM FEES COLLECTED**

Section 67. Mode of Collection. The Municipal Treasurer shall designate cashiers to collect the tourist registration fee and environmental fees at each attraction. Cash ticket will be issued to the tourist upon payment of such fees. The collected tourist registration and environmental fees shall be remitted to the Trust Fund account of the Municipality.

Section 68. Sharing of Revenues. Host barangays with attractions shall be shared five percent (5%) of the collections from the tourist registration and environmental fees. The five percent (5%) share of LGU- San Miguel shall accrue to the Trust Fund account intended for the maintenance and operations of the MTOO and Visitor's Information Centers, marketing and promotion of the tourism products.

**ARTICLE XV
PRIVATE AND PUBLIC PARTNERSHIP ON TOURIST ATTRACTON DEVELOPMENT AND TOUR OPERATIONS**

Section 69. Private individuals or groups doing business in San Miguel as tour facilitators/operators in private tourist attractions shall acquire corresponding municipal business license and permits.

Certified Correct:

HON. PROSPERO G. BRAZIL
SB MEMBER

BRYAN NEIL R. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:

HON. PIOTACIO P. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Concurred:

HON. ANTONIO L. ASIS
SB MEMBER

HON. LETECIA G. ROSAS
SB MEMBER

HON. THELMA M. BRAZIL
President, Liga ng mga Barangay

HON. RUBEN G. AGNER
SB MEMBER

HON. HERGENYER AMAGA
President, SK Pambayang Pederasyon

HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

Approved:

HON. NORMAN D. SABBADO
Municipal Mayor

HON. OTELIO U. BABIANO, JR.
SB MEMBER

Section 70. The LGU-San Miguel may enter into a Memorandum of Agreement with the private individuals or groups developing tourist attractions, facilities and local tour operation's activities. Such agreement may include such terms and conditions including, but not limited to:

1. Site development, maintenance and management
2. Tour operation concept
3. Roles and commitment
4. Revenue sharing

Section 71. The Sangguniang Bayan shall fully authorize the Municipal Mayor in behalf of the Local Government Unit of San Miguel to sign into the Memorandum of Agreement on the private and public partnership.

ARTICLE XVI TOURISM INVESTMENTS INCENTIVES

Section 72. Incentives. All tourism-related investments in the Municipality with capitalization of Ten Million (P10,000,000.00) Pesos but less than Five Million (P5,000,000.00) Pesos shall avail of the following incentives:

1. Technical assistance and networking;
2. Projects for restoration of cultural and heritage sites shall be given tax holidays to be determined by the barangay concerned with the concurrence of the San Miguel Tourism, Culture and the Arts Council;
3. Inclusion in all marketing and promotional collaterals.

Tourism establishments with capitalization of Five Million (P5,000,000.00) and above that intend to avail of incentives shall be referred to the Municipality of San Miguel Investments and Incentives Board.

Section 73. Recommendation and Endorsement. The endorsement shall be issued by the Municipal Tourism Operations Office to establishments that have fully met the requirements of the Municipal Tourism Council and the barangay concerned where the tourism investment is located.

ARTICLE XVII ASSESSMENT, MONITORING AND EVALUATION

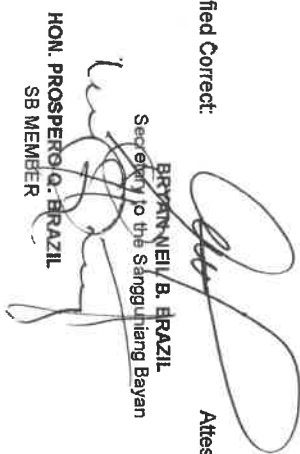
Section 74. Monitoring and Evaluation System. The Municipal Tourism Operations Office, together with the San Miguel tourism and heritage Conservation Council and the respective barangay, shall establish a monitoring and evaluation system in order to evaluate the economic, social and environmental impact of the tourism activity. They should cover all elements that are crucial to sustainability of the tourism resource in compliance with the provisions of this Code. Monitoring and evaluation indicators should include service quality and participation of local communities.

ARTICLE XVIII TOURISM TRAINING INSTITUTION

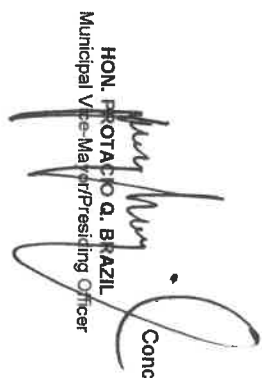
Section 75. Coordination with Both Government and Private Tourism Institutions. The Municipal Tourism Operations Office should coordinate with both government and private tourism entities to institutionalize tourism training programs, formal and informal, with corresponding certification upon completion.

Section 76. Linkages. Both the Municipal Tourism Operations Office and the Municipal Tourism Council shall strengthen their networking and linkages to access financial and technical resources including organizing a pool of trainers to provide other skills trainings needed by the industry.

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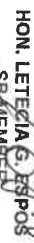

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan
HON. PROSPERO Q. BRAZIL
SB MEMBER

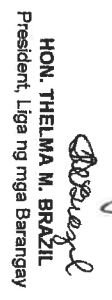
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Municipal Vice-Mayor/Presiding Officer

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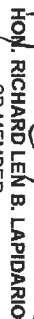

HON. ANTONIO L. ASIS
SB MEMBER


HON. LETECIA G. ESPOS
SB MEMBER


HON. THELMA M. BRAZIL
President, Liga ng mga Barangay


HON. RUBEN G. AGNER
SB MEMBER


HON. HERSHENR AMAGA
President, SK Pambayang Pederasyon


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

Approved:


HON. OTELIO U. BARIANO, JR.
SB MEMBER


HON. NORMAN D. SABDAO
Municipal Mayor

Section 77. Training Programs and Laboratory. Local communities shall have priority access to all tourism training programs. The San Miguel Tourism and Training Center shall serve as the municipality's tourism training laboratory for its training programs.

**ARTICLE XIX
FUNDING REQUIREMENTS**

Section 78. Regular Budgets. The LGU-San Miguel shall include in its annual budget the funding on the implementation of the programs, projects and activities for tourism, culture and the arts and other funding requirements for the development of tourism infrastructures, facilities, access roads, amenities and heritage conservations.

Section 79. Funding Support from the National Government. Specific tourism and cultural heritage conservation projects may be undertaken with funding support from the national government through representations made by the local government unit.

**ARTICLE XX
SUPPLEMENTARY PROVISIONS**

Section 80. National Laws, Rules, Regulations and Issuances Applicability. In the implementation of the provisions of this Code, reference shall always be made to existing national laws, rules, regulations and issuances on Tourism Act of 2009 and the National cultural Heritage Act of 2009. For this purpose, the Municipality of San Miguel, Leyte shall issue directives to spell out with clarity specific provisions of law applicable in the municipality.

Section 81. Applicability of Other Municipal Codes and Ordinances. Relevant provisions of other Codes and ordinances of the Municipality of San Miguel shall apply to the municipal tourism industry to highlight the overriding importance of public safety, environment preservation and protection.

Section 82. Applicability of Other Local Code and Ordinances of San Miguel.

1. Relevant provisions of the Environmental Code of the Municipality of San Miguel, Leyte are hereby adopted to highlight the overriding importance of environment preservation and protection in relation to the tourism industry.
2. Related and applicable provisions of Gender and Development policies shall also be given due course and importance in the implementation of this Code particularly in the hiring of human resource in the tourism common place marketing both in the government and the private sector.

**ARTICLE XXI
PROHIBITED ACTS, PENALTIES AND INSTITUTION OF ACTIONS**

To the extent that the offense is not punishable by a higher punishment under another provision of law, violations of this Act may be made by whomever intentionally;

- a. Violates the provisions section and sub-sections from Article VII to Article XXIX.
- b. Violates the provisions on environmental protection and cultural heritage such as but not limited to what is specified and enumerated in the immediate succeeding section.

Section 83. Prohibited Acts Common to the Heritage Sites and Structures.

- a. Destroys, demolishes, mutilates or damages any locally marked heritage site and structures.

- b. Modifies, alters, or destroys the original features of or undertakes construction or real estate development in any NCHP marked sites and structures, without the prior written permission from the Commission.
- c. Explores, excavates or undertakes diggings for the purpose of obtaining materials of cultural historical value without prior written authority from the National Museum or from the National Historical Commission of the Philippines. No excavation or diggings shall be permitted without the supervision of a certified archaeologist.
- d. Imports, sells, distributes, procures, acquires, or exports cultural property stolen, or otherwise lost against the will of the lawful owner;
- e. Illicitly exports cultural property listed in the Philippine Registry of cultural property or those that may be categorized as such upon visitation or incorrectly declares the same during transit; and
- f. Deals in cultural property without proper registration and license issued by the cultural agency concerned.

Section 84. Prohibited Acts Common to All Tourism Sites and Activities.

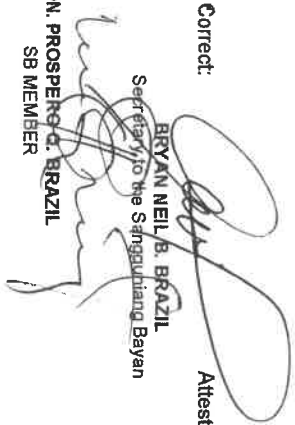
- a. Engaging in any tourism activities and other similar activities without registering and proper coordination with the MTOO.
- b. Dumping or otherwise disposing of any waste product or materials.
- c. Using fire irresponsibly or leaving behind burned materials.
- d. Hunting, destroying, inflicting injury or distributing any plant or animal life, except for survival purpose or for IC rituals.
- e. Mutilating, defacing, vandalizing or destroying objects of natural beauty, burial grounds, religious sites, artefacts, other sites and objects with cultural significance.
- f. Knowingly destroying, disturbing, defacing, marring, altering, removing, or harming the speleogem or speleothem of any cave or altering the free movement of any animal or plant life into or out of any cave.
- g. Altering, removing, desecrating, destroying or defacing boundary markers and signages, historical monuments and markers and heritage building and sites.
- h. Gathering, collecting, possessing, consuming, selling, bartering or exchanging or offering for sale without authority any cave resources;
- i. Counseling, procuring, soliciting or employing any other person to violate any provision of this Section.
- j. Sex trafficking, other forms of human trafficking in tourism workplace marketing.
- k. Sexual harassment, commoditization, pornography and other related offenses.
- l. Prohibition of printing, publication, display and distribution of indecent posters, pictures, videos of tourism entertainers, billboards and other materials; bare/naked live shows.
- m. Pedophilia and sanctions for pedophiles.
- n. Disrespect and distortions of indigenous cultural practices.

Section 85. Penalties. Upon conviction, the offender shall be subject to a fine of not less than Two Thousand Five Hundred (P2,500.00) Pesos and/or imprisonment upon the discretion of the court.

Provided, that any cultural property attempted to be concealed from registration or those intended to be encumbered or excavated in violation of this Act shall be summarily confiscated and forfeited in favor of the Commission.

Provided further, that if the violation is committed by a juridical person, the president, manager, representative, director, agent or employee of said juridical person responsible for the act shall also be liable for the penalties provided herein.

Certified Correct:


BRYAN NEIL B. BRAZIL
 Secretary to the Sangguniang Bayan
HON. PROSPERO D. BRAZIL
 SB MEMBER


Attested by:


HON. PROTACIO G. BRAZIL
 Municipal Vice-Mayor/Presiding Officer

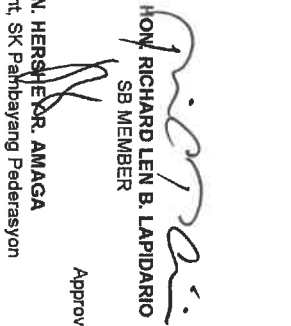
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HON. LETECIA G. ESPOS
 SB MEMBER

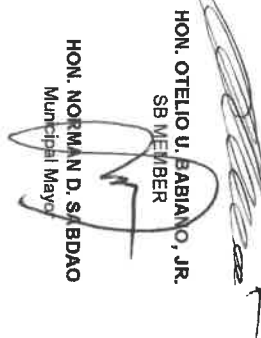

HON. THELMA M. BRAZIL
 President, Liga ng mga Barangay


HON. RUBEN G. AGNER
 SB MEMBER


HON. RICHARD LEN B. LAPIDARIO
 SB MEMBER


HON. HERIBERTO AMAGA
 President, SK Pambayang Pederasyon

Approved:


HON. OTELIO U. BABIANO, JR.
 SB MEMBER


HON. NORMAN D. S. BDAO
 Municipal Mayor

HON. PROSPERO Q. BRAZIL
SB MEMBER

Provided furthermore, that if the acts are committed by dealers they shall suffer in addition to the penalties provided herein, the automatic revocation of their license to operate.

Provided finally, that if the offender is an alien, he shall be placed under the custody of the Bureau of Immigration for the appropriate proceedings under this Act, and shall be summarily deported after serving his/her sentence.

Heads of departments, commissions, bureaus, agencies or offices, officers and/or agents found to have intentionally or by negligence failed to perform their required duty as prescribed by the deputing order under this Act shall be liable for nonfeasance and shall be penalized in accordance with applicable laws. If the offense involves the non-registration of a cultural property (Section 14, R.A. 10066) and the non-registration occurs upon or after proper notification by the Commission or the cultural agency concerned, the offender shall be subject to a fine of not less than Ten Thousand (P10,000.00) Pesos.

The concerned head of agency, officer and/or employee of the government (Section 3, RA 10066) shall be held liable for failure to consult and coordinate with the Commission for the damage to the cultural property resulting from the implementation of the entity's program/project, and shall be meted the penalty mentioned in the first paragraph of this Section;

Provided that the offender/s shall likewise be asked to pay for the repair or rebuilding of what has been damaged.

Section 86. Penalty Imposed Upon Officers of Juridical Person. If the offender is a , partnership, firm or association, the penalty shall be imposed upon the officer/s who has been responsible for the violation, and if such officer/s is an alien, shall, in addition, be subjected to deportation.

Section 87. Jurisdiction. The Sangguniang Bayan shall exercise original jurisdiction to decide on whose authority's appropriate jurisdiction shall be cognizable to resolve complaints/disputes relating to the supervision and control of tourism businesses and in the observance of the guidelines of this Code.

**ARTICLE XXII
SEPARABILITY CLAUSE**

Section 88. Separability Clause. If, for any reason or reasons, any part or provision of this Code shall be declared invalid or unconstitutional, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**ARTICLE XXIII
REPEALING CLAUSE**

Section 89. Repealing Clause. All laws, executive orders, ordinances, rules or regulations, or parts thereof which are inconsistent with this Code are hereby repealed, amended or deemed modified accordingly.

**ARTICLE XXIV
EFFECTIVITY CLAUSE**

Section 90. Effectivity. This ordinance shall take effect immediately after completion of its publication in a newspaper of general circulation in the Province of the Leyte.

I HEREBY CERTIFY to the correctness of the foregoing resolution/ordinance.

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:

HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Concurred:

HON. LETECIA G. ESPINO
SB MEMBER

HON. ANTONIO L. ASIS
SB MEMBER

HON. RUBYEN G. AGNER
SB MEMBER

HON. THELMA M. BRAZIL
President, Liga ng mga Barangay

HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

HON. HERSHIEY R. AMAGA
President, SK Pambayang Pederasyon

Approved:

HON. OTELIO U. BABIANO, JR.
SB MEMBER

HON. NDRMAN D. SARDAO
Municipal Mayor


Certified Correct:

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Concurred:


HON. LETECIA G. ESPOS
SB Member



HON. RUBEN G. AGNER
SB Member



HON. RICHARD LEN B. LAPIDARIO
SB Member


HON. OTELIO U. BABIANO, JR.
SB Member

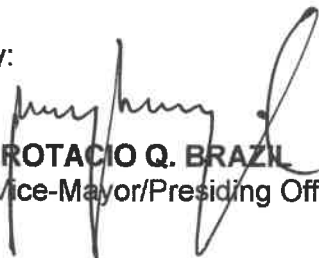

HON. PROSPERO Q. BRAZIL
SB Member


HON. ANTONIO L. ASIS
SB Member

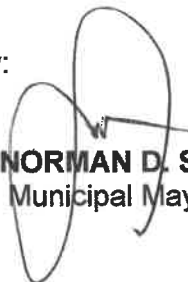

HON. THELMA M. BRAZIL
Ex-Officio Member/President,
Liga ng mga Barangay


HON. HERSHEY R. AMAGA
Ex-Officio Member, President,
Sangguniang Kabataan Pambayan
Pederasyon

Attested by:


HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Approved by:


HON. NORMAN D. SABDAO
Municipal Mayor



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL
-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

THIS IS TO CERTIFY that Municipal Ordinance No. 2023-04, Series of 2023 as embodied under Resolution No. 188, Series of 2023 entitled: **“AN ORDINANCE AMENDING THE PHRASES UNDER SECTION 27 AND SECTION 28 OF ARTICLE VII OF THE MUNICIPAL ORDINANCE NO. 2021-05, SERIES OF 2021 (OTHERWISE KNOWN AS “SAN MIGUEL TOURISM CODE OF 2021 OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE”)**, has been posted in three (3) conspicuous places within the municipality and shall remain posted for three (3) consecutive weeks.

Done this 15th day of June 2023 at San Miguel, Leyte

A handwritten signature in black ink, appearing to read "Bryan Neil B. Brazil".

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan