



OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT TAKEN FROM THE JOURNAL OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN HELD ON NOVEMBER 06, 2017.

PRESENT:

- | | |
|---|--------------------------------------|
| Councilor Cirilo B. Radoc | - Temporary Presiding Officer |
| Councilor Apolonia G. Bacay | - Presiding Officer Pro-Tempore |
| Councilor Rufina J. Gabriel | - Majority Floor Leader |
| Councilor Margielou Orange Humilde-Verzosa, DPA | - Minority Floor Leader |
| Councilor Joselito O. Fontelera | - Member |
| Councilor Carolyn D. Sison | - Member |
| Councilor Alfred Felix E. de Castro | - Member |
| Councilor Rany S. de Leon | - Member |
| Councilor Perlito V. Rabago | - Member |
| Councilor Froebel A. Ranoy | - Member |
| LBP Raul B. Bacay | - Ex-Officio Member |

ABSENT:

- | | |
|---|------------|
| Vice Mayor Jose Antonio Miguel Y. Perez | - On leave |
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ORDINANCE NO. 2017-15

AN ORDINANCE ESTABLISHING AN HINP EMERGENCY FUND TO INDEMNIFY GUEST IN CASES OF ACCIDENT OR DEATH INCURRED BY THE LATTER AT THE HUNDRED ISLANDS NATIONAL PARK AND AMENDING FOR THIS PURPOSE CHAPTER IX, SECTIONS 48-51 OF THE 2013 TOURISM CODE OF ALAMINOS CITY

Sponsor: Councilor Carolyn D. Sison

WHEREAS, the Sanggunian with its powers provided under section 458 (1)(iv) of R.A 7160 known as the Local Government Code is empowered to adopt measures xxx and to provide relief services and assistance for victims during disasters or calamities and in their return to productive livelihood following said events;

WHEREAS, though accidents and deaths are not directly mentioned in the aforesaid section, the same falls under the general welfare clause found in section 16 of R.A 7160;

WHEREAS, to carry out this piece of compassionate justice, this city desires to extend assistance to any guest as a result of an accident or death that may arise during his/her tour at the Hundred Islands National Park (HINP);

WHEREAS, such assistance is in the form of a reasonable and adequate amount depending on the severity of accident and a fixed amount in the event death arises;

WHEREFORE, on motion of City Councilor Carol Dizon-Sison, duly seconded by all the members present

BE IT ENACTED by the Sangguniang Panlungsod in session duly assembled that:



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(Cont. Ord. No. 2017-15, enacted on 6th day of November, 2017)


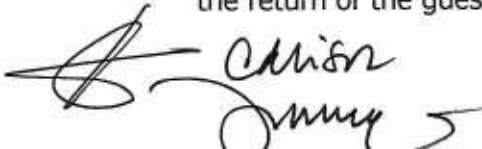
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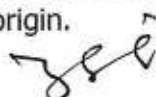
Section 1. Title. - This Ordinance shall be cited or known as "**AN ORDINANCE ESTABLISHING AN HINP EMERGENCY FUND TO INDEMNIFY GUEST IN CASES OF ACCIDENT OR DEATH INCURRED BY THE LATTER AT THE HUNDRED ISLANDS NATIONAL PARK AND AMENDING FOR THIS PURPOSE CHAPTER IX, SECTIONS 48-51 OF THE 2013 TOURISM CODE OF ALAMINOS CITY.**"

Section 2. Terms Defined. - For purposes of this Ordinance, the following terms or acronyms shall, unless the context indicates otherwise, have the following meanings:

- a. *Accident* - an unfortunate incident that happens unexpectedly and unintentionally, typically resulting in damage or injury.
- b. *ACTC* - Alaminos City Tourism Council
- c. *ACTO* - Alaminos City Tourism Office
- d. *Claimant* - refers to a guest, or dependent/beneficiary mentioned in section 8 of this ordinance.
- e. *Coverage Fee* - the amount of Ten Pesos (Php10.00) paid per guest upon accomplishment of the manifest form provided by the Alaminos City Tourism Office.
- f. *Death* - cessation of life.
- g. *Dependents/Beneficiaries* - refer to primary and secondary, such as the legitimate spouse, unless she or he remarries, legitimate, legitimated, or legally adopted, and illegitimate children of the guest. The latter's parents being his/her secondary beneficiaries.
- h. *Disability* - any restriction or lack (resulting from impairment) of ability to perform an activity in the manner or within the range considered normal for a human being.
- i. *Guest* - one whose name is registered after having accomplished the manifest form provided by the Alaminos City Tourism Office and paid the corresponding fees prescribed thereof.
- j. *HINP* - Hundred Islands National Park.
- k. *HINP Emergency Fund* - refers to the fund herein provided by this ordinance to defray expenses in times of accident or death in the Hundred Islands National Park.
- l. *Indemnity* - is a security or protection against a loss of life or injury sustained which a claimant is entitled to receive.
- m. *Partial Permanent Disability* - accrues or arises upon the irrevocable loss or impairment of certain portions of the physical faculties, despite which the guest is able to pursue a gainful occupation.
- n. *Total Permanent Disability* - accrues or arises when recovery from the impairment is medically remote.

Section 3. Scope and Period of Coverage. - Any guest, whether local or foreign individual, whose name appears in the Manifest Form shall be covered by the fund. The period of coverage shall be effective upon having accomplished the manifest form provided by the Alaminos City Tourism Office and paid the amount of Php 10.00 as coverage fee and continues during the entire course of the voyage and shall cease upon the return of the guest to the port of origin.









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For this purpose, the boarding areas shall be at the following:

- a. Lucap Wharf - located at Barangay Lucap, Alaminos City, Pangasinan
- b. Bolo Beach - located at Barangay Pandan, Alaminos City, Pangasinan
- c. Mangrove Park - located at Barangay Bued, Alaminos City, Pangasinan

It shall be understood that an individual who failed to register in any of the boarding areas enumerated in the preceding section and enters any of the Islands therein is not covered by the HINP fund.

Section 4. Free Coverage for limited number of Boatmen and LGU employee whilst on duty at the Hundred Island National Park. - A free coverage is extended to Three (3) Boatmen on board a boat and government employees in the performance of their duty at the HINP.

Section 5. Coverage Fee. - The amount of Ten Pesos (Php 10.00) shall be collected from every guest whose name appears in the manifest form as coverage fee.

Section 6. Table of Indemnities. - There is hereby imposed a corresponding amount of indemnity for the following:

1. **For Partial Permanent Disability:** If the permanent disability is partial, the claimant shall receive the amount of Thirty Thousand Pesos (Php 30,000.00).

The following disabilities shall be deemed permanent and partial:

(1) Complete and permanent loss of the use of:

- a. Any finger;
- b. Any toe;
- c. One arm;
- d. One hand;
- e. One foot;
- f. One leg;
- g. One or both ears;
- h. Hearing of one or both ears;
- i. Sight of one eye; and
- j. Other cases as may be determined by the Alaminos City Tourism Office through Alaminos City Tourism Council (ACTC)

2. **For Total Permanent Disability:** If the disability is total, the claimant shall receive the amount of Fifty Thousand (Php 50,000.00) Pesos.

The following disabilities shall be deemed to fall under total disability:

- a. Complete loss of sight of both eyes;
- b. Loss of two (2) limbs at or above the ankles or wrists;
- c. Permanent complete paralysis of two limbs; and
- d. Such other cases as may be determined by the Alaminos City Tourism Office.

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3. **For Death:** In case of cessation of life, the claimant shall receive the amount of One Hundred Thousand Pesos (Php 100,000.00).

The Death shall result from:

- Accidental Death resulting from zip-lining activities and other sports activities operated by the city government;
- Drowning; and
- Collision of motorboats.

4. **For Non-scheduled Disability.** - For injuries not listed in section 6 (1)(2)(3) of this ordinance, the claimant is entitled to a medical reimbursement for expenses incurred based on the amount reflected in the official receipt but not more than Three Thousand Pesos (Php 3,000.00).

Section 7. Person/s entitled to Claim. - In partial disability, the indemnity may be claimed by the guest or, in his/her absence or inability, by any of the legitimate claimant herein listed, and in the following order:

- Legitimate spouse, unless they are legally separated;
- His/her legitimate, legitimated, legally adopted, and illegitimate child/children;
- His/her Parents;
- Next of kin;
- A friend with the written authority of the guest.

In Total Disability or death, only the primary and secondary beneficiaries mentioned in letters a, b, c, and d, as the case may be, are entitled to claim the same.

Section 8. Where to file such claim of indemnity, duty of Alaminos City Tourism Office, and the mode/form of payment. -

The claim shall be filed at the Alaminos City Tourism Office with its postal Office address at Lucap Wharf, Barangay Lucap, Alaminos City, Pangasinan.

The Alaminos City Tourism Office shall facilitate and settle all claims within ten (10) working days after the requirements are completed.

In the case of partial permanent disability, the indemnity shall be in full *Cash* payment. However, in permanent total disability and death, the payment shall be in *Check* in the name of the claimant or beneficiary. Payment in either cash or check shall constitute full satisfaction of the claim.

Section 9. One-time grant of claim. - A claim for indemnity, once granted to the claimant, shall only be done once regardless of whether a slight injury developed into severe disability or even resulted to death.

Section 10. Requirements for claiming indemnities. -

General Requirements:

- Official Receipt or proof of payment of the Php 10.00 coverage fee.
In case of loss of the official receipt, verification may be made through the triplicate copy of the official receipt, the duly submitted manifest and at the data base maintained at the Alaminos City Tourism Office.

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2. Photocopy of one (1) government, company, or valid ID of the claimant or beneficiary.
3. Notarized affidavit/police report/blotter.
4. Identification of Beneficiary
 - a. For spouse: NSO Marriage Contract (certified true copy)
 - b. For Parents/Children: Photocopy of NSO Birth Certificate
 - c. Original Copy of Passenger's Manifest Form.

Additional requirements for Accidental Death

1. Certified True Copy of death certificate.
2. Autopsy Report (as necessary)
3. Photocopy of medical report

Additional requirements for Accidental Dismemberment and/or Disablement:

1. Medical Certificate (original)
2. Certificate from attending physician in case of total disability
3. Picture of claimant showing the injury

Additional requirement for Medical reimbursement

1. Official receipt/s

Section 11. Exclusion from the coverage. -

1. Claims under normal effects of ageing, pre-existing illness, disease or injury;
2. Water sports activities operated by private concessionaires such as but not limited to helmet diving, banana-boat, Jet Ski, parasailing, Cliff jumping and kayak;
3. Tours undertaken in breach of travel advisories from the ACTO, CDRRMO, maritime industry authority (MARINA) the Philippine Coast Guard (PCG) or any other government authorities;
4. Deviation from established regular route;
5. Tours made outside and beyond the coastal waters adjacent to the HINP.
6. Suicide or any attempt thereat committed by a guest whether in a state of sanity or insanity.

Section 12. Prescriptive period to file claim for indemnity. - claims for disability or death shall be filed within one (1) year from the occurrence of such contingency.

Section 13. Initial funding. - There shall be an initial fund in the amount of Two Hundred Thousand Pesos (P200,000.00) which shall be sourced from the general fund of the city.

Section 14. Revolving Fund. - After two (2) years from the effectivity of this ordinance, a yearly revolving fund of Two Million Pesos (PhP 2,000,000.00) shall remain under the trust account of the HINP Emergency Fund and any excess thereof shall be used for the improvement, rehabilitation and maintenance of the HINP.



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Section 15. Amendment. - Sections 48 to 51, Chapter IX, of the 2013 Tourism Code of Alaminos City is hereby amended accordingly.

Section 16. Separability Clause. - Should any provision herein be declared unconstitutional or invalid by a competent court, the same shall not affect the validity of the other provisions of this Ordinance.

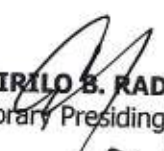
Section 17. Repealing Clause. - All ordinances inconsistent with this Ordinance is hereby amended or modified accordingly.

Section 18. Effectivity. - This Ordinance shall take effect upon its approval.

SO ORDAINED/ENACTED

I HEREBY CERTIFY to the correctness of the foregoing ordinance consisting of six (6) pages including this page.

ATTESTED:


CIRILO B. RADO
Temporary Presiding Officer



APOLONIA G. BACAY
Presiding Officer Pro-Tempore


MARGIELOU ORANGE HUMILDE-VERZOSA, DPA
Minority Floor Leader


CAROLYN D. SISON
Member

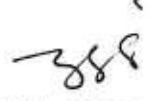

ALFRED FELIX E. DE CASTRO
Member


PERLITO W. RABAGO
Member


FROEBEL A. RANOY
Member


RAUL B. BACAY, LBP
Ex-Officio Member


LUZ B. VALE
Secretary


RUFINA J. GABRIEL
Majority Floor Leader

JOSELITO O. FONTELERA
Member


RANY S. DE LEON
Member

APPROVED BY:


ARTHUR F. CELESTE
City Mayor

11/20/17
Date