

[DOT MEMORANDUM, May 15, 1990]

SCHEDULE OF ADMINISTRATIVE FINES

Pursuant to the authority of the Department of Tourism under Executive Order No. 120 dated 30 January 1987 and Section 4(j) of PD No. 1463 and in further reference to the approved Policy Guidelines on the Imposition of Administrative Fines dated 30 January 1989 the following schedule of administrative fines and corresponding violations of DOT rules and regulations are recommended for confirmation.

A

Imposition of P10 ,000.00 Fine for Following Violations

1. Operating a tourism-oriented establishment (TOE), without any license from the Department of Tourism;
2. Opening or maintaining a branch office without approval of the Department;
3. Transfer or alienation of license without the prior approval of the Department or transfer of substantial rights or ownership of shares or interest therein without prior approval of the Department;
4. Failure to renew/replace surety bond within fifteen (15) days from the time it is ordered forfeited, confiscated, cancelled, or revoked;
5. Fraudulent representation, written or oral, by any officer or employee of a tourism oriented establishment for the purpose of securing issuance of license or making false declaration or statement or making use of any document containing the same or committing fraud or any act of misrepresentation for purposes of obtaining the issuance, renewal of any certificate of registration of license;
6. Gross and evident bad faith in dealing with passengers/fraud solicitation or business;
7. Disobedience to any lawful order of the Department;
8. Tolerance of gross misconduct, dishonesty, or misrepresentation committed by any of the travel agency's officers or employees against its clients to the detriment of the tourism industry;
9. Serious physical injury or loss of life of any guest or client due to the fault or negligence of any official or employee of resorts, apartels, and tourist inns;
10. Repeated losses of guest's belongings in hotels and other accommodation establishments;

11. Allowing premises or facilities of tourism-oriented establishments for illegal, immoral or illicit activities;
12. Gross negligence in supervision and/or control of employees;
13. Repeated violation of the acts enumerated in Section 10 of the rules governing tour guides such as dishonesty, misrepresentation, forced tipping, and non-wearing of ID;
14. Commission of acts inimical to the tourism industry; and
15. Acts or omissions analogous to the above.

B

Imposition of P5 ,000.00 Fine for Following Violations

1. Tour guiding without license;
2. Failure by a travel agency to file renewal application and/or to comply with all requirements for renewal within sixty (60) days from the expiration date of the license;
3. Non-compliance with the requirements provided in Chapter II, Section 8 of the rules and regulations governing the business of travel agency on the submission of documents for annual review of license, such as amended articles of incorporation, proof of renewal of surety bond, income tax return, and audited financial statements;
4. Failure to comply with any of the conditions set forth in the license, not specifically covered under these guidelines;
5. Failure to submit a notice of any change in its personnel or organization within fifteen (15) working days from such change;
6. Failure to meet standards and requirements set forth in the rules governing tourism oriented establishments;
7. Employment, hiring or utilization of services of tour guides who are not holders of a license issued by the Department including working visa and work permit in the case of non Filipino employees, whether or not for a fee or commission;
8. Employment of foreign national without prior DOT approval;
9. Forced tipping or contributions from tourists committed by tour guides, boatmen, and tourist transport employees;
10. Violation by a tourist transport operator on the agreement or contract entered into with client or passenger,
11. Acts or omissions of any member of the hotel staff committed against any guest/tenant of the hotel;
12. Acts of dishonesty, misrepresentation, or misconduct committed by a tour guide against a member of a tour group or against employer or co-employee;