

[OTS, March 01, 1989]

RULES AND REGULATIONS GOVERNING THE BUSINESS OPERATIONS OF APARTMENT-HOTELS (APARTELS) AND TOURIST INNS

Pursuant to the authority vested in the Department of Tourism by Executive Order No. 120 "To Promulgate Rules and Regulations Governing the Operations and Activities of all Persons, Firms, Entities and Establishments that Cater to Tourists, to Provide Standards for Accreditation of Hotels, Resorts, and Tourist-Oriented Facilities for Classification Purposes, and to Prescribe Rules and Regulations Governing the Issuance of Licenses to Travel Agencies," and the provisions of Presidential Decree Nos. 259 and 1463 not inconsistent with said executive order, the following rules and regulations are hereby promulgated to govern the business and operation of all apartment-hotels (apartels) and tourist inns in the Philippines.

CHAPTER I Definition of Terms

SECTION 1. Definition — When used in these Rules, the following terms shall, unless the context otherwise indicates, have the following respective meaning:

- a. **Apartment-Hotel (Apartel).** Any building or edifice containing several independent and furnished or semi-furnished apartments, regularly leased to tourist and travellers for dwelling, on a more or less long-term basis and offering basic services to its tenants, similar to hotels.
- b. **Tourist Inn.** A lodging establishment catering to transients, which does not meet the minimum requirements of an economy hotel.
- c. **Tenant.** Any tourist or traveller , including members of his family and domestic helpers, who are registered as paying occupants in an apartment-hotel.
- d. **Hotel.** Any lodging place as defined and classified in the Hotel Code of 1987.
- e. **Department.** The Department of Tourism
- f. **Secretary.** Secretary of Tourism

CHAPTER II Basic Requirements for Apartment-Hotel (Apartel)

SECTION 2. Requirements for Apartels — For purposes of registration and licensing, the following are the basic requirements for the establishment, operation and maintenance of apartel:

- a. **Size:** The Apartel shall have at least a minimum of TWENTY FIVE (25) lettable apartments.
- b. **Apartment** — Each apartment of the apartel shall be provided with living and dining areas, kitchen, and bedroom with attached toilet and bath.
- c. **Living Area** — The living area shall be provided with essential and reasonably comfortable furniture.
- d. **Kitchen** — The kitchen shall be spacious, clean, hygienic and adequately equipped with cooking utensils. It shall also be provided with facilities for storage and refrigeration of foods, for disposal of garbage and for cleaning of dishes and cooking utensils.
- e. **Dining Area** — The dining area shall be spacious and provided with dining table and chairs, including all essential dining facilities, such as, but not limited to plates, spoons and forks, drinking glasses, etc.
- f. **Toilet and Bathroom** — The bathroom shall always be clean and have adequate sanitation and running water.
- g. **Bedroom** — The bedroom shall be spacious and provided with comfortable bed. There must also be provided a closet and a mirror.
- h. **Linen** — The apartel shall have sufficient number of good, clean linen. The linen should be changed regularly.
- i. **Ventilation** — The apartment shall be sufficiently ventilated, and if possible, each bedroom shall be air-conditioned or provided with an electric fan. This requirement shall not be applicable in high altitude areas.
- j. **Lighting** — Lighting arrangements and fixtures in all rooms shall be adequate.
- k. **Telephone** — There shall be a telephone or a "call bell" button.
- l. **Elevators** — An elevator shall be provided for a building of more than three (3) storeys whenever possible.
- m. **Staff and Services** — The staff shall be trained, experienced, courteous and efficient. They shall be provided with smart and clean uniform.
- n. **Medical Facilities** — An emergency clinic stocked with emergency medicines and drugs, to service employees and guests shall be provided. Apartel with more than 100 apartments shall secure the regular services of a house physician.
- o. **Fire-fighting facilities** — An apartel shall provide fire-fighting facilities in accordance with the Fire Code of the Philippines.
- p. **Lounge and Reception Counter** — There shall be a reasonably furnished lounge commensurate with the size of the apartel. The

reception counter shall be attended by trained and experienced staff and shall also be provided with a telephone.

q. **Security** — Adequate security on a 24-hour basis shall be provided on all entrances and exits of the apartel premises.

SECTION 3. Contract of Lease . — Before receiving, harbouring or accepting for lodging any tenant, the apartel shall require the execution of a written Contract of Lease, for the use and occupancy of the apartment. The written contract shall state the length of occupancy which shall not, however, be less than ONE-HALF (1/2) MONTH.

SECTION 4. Rental — The rental agreed upon shall not be increased during the effectivity of the lease contract.

SECTION 5. Water, Electric, Telephone, and Other Services. — Unless otherwise provided in the Lease Contract, water, electric, telephone, gas and other services supplied to the apartment shall be for the account of the tenant. A flat rate shall be charged to tenants staying for less than one (1) month. However, tenants staying for a month or more shall be charged according to their monthly consumption.

SECTION 6. Right of the Tenants — The tenant shall enjoy the peaceful and uninterrupted possession of the apartment during the effectivity of the Contract of Lease. He shall be secured of his person and personal belongings which may have been entrusted to the apartel, during his stay in the apartel.

SECTION 7. Duty and Obligation of the Tenant — The tenant shall strictly comply with the provisions of his Contract of Lease and such reasonable house rules and regulations issued by the apartel and approved by the Department which shall form part of the Contract of Lease.

SECTION 8. Rights and Obligations of the Apartel — Independently of the rights and obligations of the lessor under the provisions of the Civil Code of the Philippines, the rights of the apartel shall be limited to the enforcement of the Contract of Lease.

The apartel shall have the right to eject the tenant for non-payment of rental and/or repeated violations of the Department's Rules and/or the Lease Contract, and/or House Rules by preventing the tenant to enter his apartment, or using the apartel's facilities, and by refusing to render any services.

Upon prior notice to the tenant concerned, the apartel shall have the right to appropriate for its own use and benefits personal belongings left by the tenants as payments for rental in arrears and/or loss for damages suffered by the apartments provided that proper inventory be made in the presence of local police authorities.

The apartel shall see to it that the tenants shall have a good, peaceful and comfortable lodging during his stay in the apartel.

SECTION 9. House Rules and Regulations — The apartel shall prescribe reasonable house rules and regulations to govern the use of apartment and other facilities of the apartel. Such house rules and regulations, and any amendments thereof, shall be effective upon the approval by the Department.

CHAPTER III

Basic Requirements for Tourist Inns

SECTION 10. Requirements for Tourist Inn — For purposes of registration and licensing, the following are the basic requirements for the establishment, operation and maintenance of a tourist inn:

a. **Location** — The tourist inn, except those already existing and licensed by the Department of Tourism, shall be located along the principal highways or transportation routes and open to business on a twenty-four hour basis.

b. **Bedroom Facilities and Furnishings** — All bedrooms shall have attached toilet and bath equipped with 24-hour service of running water. They shall have adequate natural as well as artificial light and ventilation and shall be furnished with comfortable beds and quality furniture (mirror, writing table, chair, closet, dresser per room).

Walls shall be painted, wall papered or architecturally designed, clean and pleasing to the eye. Windows shall be furnished with clean and appropriate draperies. Floor shall be of good flooring materials.

All single bedrooms shall have a floor area of not less than nine (9) square meters and all twin-rooms or double-rooms shall have a floor area of not less than sixteen (16) square meters.

There shall be vacuum jugs or thermos flasks with drinking water with glasses in each bedroom. There shall be adequate supply of good clean, linen, blankets and towels that shall be changed regularly in each occupied room.

c. **Facilities** — There shall be adequate parking space for vehicles proportionate to the number of lettable rooms and other public facilities of the inn.

There shall be a reception and information counter attended by qualified, trained and experienced staff. There shall be a lobby and a well-appointed lounge for seating and/or reading purposes.

There shall be adequate telephone facilities for the use of all guests at least in all public areas. Services for long distance telephone calls or overseas shall be made available to guests.

There shall be provisions for radios and/or TV sets for the use of guests upon request.

There shall be well-equipped, well-furnished and well-maintained dining room/restaurant for its guests as well as the public in general. A kitchen, pantry and cold storage shall be designed and organized to ensure efficiency of operation and should be well-maintained, clean and hygienic. Washing of cooking utensils, crockery, cutlery, glassware, etc. should be sanitarily done.

Adequate security shall be provided to all guests and their belongings.

Inns with more than fifty (50) lettable rooms shall have emergency power facilities to light the common areas and emergency exits in case of "brown-outs" or power failure.

Adequate fire-fighting facilities shall be available as required and specified by the local fire department in the locality and/or the Fire Code of the Philippines.

CHAPTER IV
Registration and Licensing of Apartment-Hotels
(Apartels) and Tourist Inn

SECTION 11. Registration and Licensing Mandatory — No person, natural or juridical, shall keep, manage, or operate any building, edifice or premises, or a completely independent part thereof, for the purpose of an apartel/tourist inn, or engage in the apartel/tourist inn business, without having first secured from the Department a certificate of registration of the establishment, and a valid license to operate the same. Any person, natural or juridical, who, being the owner or occupant of any building, edifice, premises, or a completely independent part thereof, allows the premises to be used as an apartel/tourist inn, without the requisite certificate of registration and license to operate as such from the Department, shall also be guilty of an offense under these Rules.

SECTION 12. Application for Registration and License — Any person, partnership, corporation or other entity desiring to establish, maintain and/or operate an apartel/tourist inn shall accomplish in duplicate and file with the Department the application for registration and license prescribed for such purpose.

SECTION 13. Supporting Documents to be Submitted with Application — Unless otherwise indicated in the form, the application shall be accompanied by two copies of the following documents:

a. In the case of corporation or partnership, a certified true copy of the Articles of Incorporation, its by-laws, or Articles of Partnership and amendments thereof, duly registered with the Securities and Exchange Commission, and Business Name Certificate.

In case of single proprietorship, Business Name Certificate and amendments thereof, if any;

b. Applicant's latest income tax return and audited financial statements, such as profit and loss statements and balance sheets for the preceding year of its operation (not applicable for new apartels and tourist inns);

c. A list of the names of all officials and employees and their respective designations, nationalities, and their home address; and for alien personnel — valid visa, from Commission on Immigration and Deportation and the proper permit from the Department of Labor and Employment;

d. Annual General Liability Insurance for guests in the amount of not less than the following:

Apartel	P
	10,000.00
Tourist Inn	10,000.00

e. Schedule of current room rates; and