

**ORDINANCE NO. 2014-006**

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**AN ORDINANCE REGULATING THE OPERATION OF PERYAHAN AND/OR CARNIVALS IN THE TERRITORIAL JURISDICTION OF THE CITY OF NAGA, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF:-**

Author: Hon. Ray-An Cydrick G. Rentoy

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

**SECTION 1. Title.** - This ordinance shall be known as the "Peryahan and Carnival Regulatory Ordinance of the City of Naga" and it shall be enforced in conjunction with pertinent national laws, rules, and regulations already promulgated or may later be promulgated regarding the matter.

**SECTION 2. Declaration of Policy.** - The City of Naga considers some games and amusements such as *peryahan* generally inimical to the interests of the people. However, there are national laws which allows the operation of certain game of chance played in *peryahans* and which the City of Naga cannot prohibit, but such activities even if considered legal are subject to the regulatory powers of the local government units concerned. Amusement parks on the other hand, without an existing national law regulating such establishments, shall solely be subject to the regulatory powers of the local government units concerned giving more emphasis on its safety features. Given its regulatory powers and the regulatory mechanisms herein provided, the City of Naga considers *peryahan* and carnivals within its territorial jurisdiction as an amusement as well as a recreational and social activity.

**SECTION 3. Definition of Terms.** - As used in this Ordinance, the term:

(a) **Perya/Peryahan** - shall mean a travelling enterprise offering a variety of games of chance which are legal in nature.

(b) **Carnival**-shall mean an enterprise which offers amusement or entertainment to the public by means of one or more amusement rides.

(c) **Amusement Ride** - shall mean any mechanized device or combination of devices, including electrical equipment which is an integral part of the device or devices, which carries passengers along, around, or over a fixed or restricted course for the primary purpose of giving its passengers amusement, pleasure, thrills, or excitement;

(d) **Children**-shall refer to persons below eighteen (18) years of age or persons over eighteen years of age but are unable to fully take care or protect themselves from abuse, neglect, cruelty, exploitation and discrimination because of physical or mental disability or infirmity.

**SECTION 4. Rights, Privileges and Authority.** - Subject to the provision of applicable national law, rules and regulations, the Sangguniang Panlungsod shall grant rights, privileges and authority to operate *peryas* and/or carnivals in favor only of an applicant who meets the following requirements:

(a) If a natural person, the applicant is at least 21 years of age, and a Filipino citizen. If a juridical person, the applicant is organized and existing under Philippine laws and with corresponding proof thereof; and  
(b) The applicant must possess the required valid and subsisting authority or certification to operate from the following concerned institutions:

- 1) Barangay within which such enterprise intends to operate;
- 2) Religious sect or congregation located within the proximity hereinafter provided; and
- 3) Educational institutions located within the proximity hereinafter provided.

In case of carnivals, the following documents must also be presented in addition to the foregoing requirements:

- 4) Insurance policy; and
- 5) Certification issued by the City Engineer's Office as to the safety of the amusement rides.

Provided, that no more than three (3) franchises/operators shall be granted a permit to establish or operate simultaneously within the city's jurisdiction. Provided further, that not more than one (1) franchise/operator shall operate within a certain barangay in the city.

**SECTION 5. Permit or License.** - No person shall commence *Perya* and/or Carnival operation without first obtaining a Mayor's Permit which may be issued only after showing that the Sangguniang Panlungsod had issued the requisite authority and the applicant has complied with the regulatory measures herein provided.

**SECTION 6. Regulatory Mechanisms.** - Any right, privilege or authority to operate a *perya* and/or carnival shall be conditioned on the grantee's faithful, continued and strict compliance with the following regulations, to wit:

(a) On Location and Distance.

No *perumahan* and/or carnival shall be established or allowed to operate within Two Hundred (200) meters from any place of worship or learning, except if the site is within a shopping center or enclosed structure hidden from the view of people outside thereof. Otherwise, the applicant must furnish the necessary authorization or certification to operate from the religious sect/congregation and educational institution herein concerned as prescribed in subsection B, Section 4 of this ordinance.

(b) On Age Limit.

Children will not be allowed to enter these premises unless they are accompanied by a person of legal age, preferably their parents or guardians. Students shall be allowed to enter the premises only after class hours provided that they are not in their respective school uniforms.

(c) On Date and/or Time of Operation.

Operation of *peryas* and/or carnivals shall start no earlier than 5:00 o'clock in the afternoon and shall be until 12 midnight of any given day; except on special occasions as may be permitted by the City Mayor.

(d) On Advertisement.

No advertisement or streamer concerning herein *peryas* and/or shall be placed or hang up in front of or within one hundred (100) meters radius of any place of worship or institute of learning in the city, except in or about the premises of the *perumahan* and/or carnivals.

(e) On Wagers and Games of Chance.

Operators of *peryas* shall not allow wagers exceeding Fifty Pesos (P 50) and shall not include games of chance prohibited by existing laws within the entirety of their operation. The use of chips or tokens as wagers and means of using any machine or equipment in herein *peryas* and/or carnivals is highly encouraged.

(f) Other Regulations

No alcoholic drinks or drugs shall be in any way consumed or used within the area of *peryas* and/or carnivals.

**SECTION 7. Payment of Amusement Tax.** The City Treasurer's Office shall be tasked to provide the

computation and schedule of payment for amusement tax of both *peryas* and/or carnivals without prejudice to existing revenue ordinances of the City of Naga. Said office shall also be in charge of the collection of said amusement tax.

**SECTION 8. Role of the Barangay.** The Barangay wherein such *peryas* and/or carnivals are put up shall be in charge of the peace and order and cleanliness of said enterprises. The Barangay Chairman shall assign *Barangay Tanods* that will secure the premises including the public visiting these places.

**SECTION 9. Extension of Operation.** It is the discretion of the Sangguniang Panlungsod whether or not to extend the operation of *peryas* and/or carnivals. In such a case, application for extension of operation of herein *peryas* and/or carnivals must be submitted to the Sangguniang Panlungsod Committee on Games and Amusements at least a week prior to the expiration of the existing permit/ license to operate.

**SECTION 10. Enforcement and Inspection.** To ensure compliance with applicable laws and the regulatory measures herein provided, the Office of the City Mayor or through its authorized agent/representative is hereby empowered to enforce applicable laws, rules, and regulations and/or to conduct inspection of any of the premises subject hereof on such date and time as it may deem necessary or as may be directed by the City Mayor. Its report shall be submitted to the City Mayor's Office and the Sangguniang Panlungsod for their appropriate action.

**SECTION 11. Penalty.** In addition to or aside from the penalty under applicable national laws, rules and regulations, violation by the grantee or franchisee of any of the above regulations as well as any of the provisions hereof shall be punished as follows:

1. For the first offense - administrative fine of Php5,000.00;
2. For the second offense - suspension of operation for a period of thirty (30) days; and
3. For the third offense - cancellation or revocation of the authority granted to the franchisee or grantee and perpetual ban to operate within the city's jurisdiction.

Provided, that the penalty above prescribed shall be imposed after observance of due process in a summary hearing that the City Legal Officer shall conduct for and in behalf of the City Mayor. Provided further, that

decision shall be rendered within five (5) days from the date the case is submitted for resolution.

Provided finally, that the entire proceedings shall not last beyond thirty (30) days from commencement thereof. Decision rendered and signed by the City Mayor upon recommendation of the City Legal Officer pursuant thereto, shall be immediately final and executory.

**SECTION 12.Repealing Clause.** - The provisions of existing ordinances, orders and regulations which are in conflict hereof, are hereby amended, modified, repealed and/or superseded.

**SECTION 13.Separability Clause.** - The provisions of this ordinance are hereby declared to be separable and, if any clause, sentence provision or section of this ordinance or application thereof to any person or circumstances should for any reason be held invalid by a competent court, such invalidity shall not affect the other provisions or application of the Ordinance.

**SECTION 14. - Effectivity.** - This Ordinance shall take effect upon its approval, and after publication in a newspaper of local circulation.

**ENACTED.**February 17, 2014

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**WE HEREBY CERTIFY** to the correctness of the foregoing ordinance.

**GIL A. DE LA TORRE**  
Secretary to the  
Sangguniang Panlungsod

**GABRIEL H. BORDADO, JR**  
Acting City Vice Mayor  
& Presiding Officer

**APPROVED:**

**NELSON S. LEGACION**  
Acting City Mayor