



Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN HELD AT THE PLAZA HOTEL, CITY OF BALANGA, BATAAN ON DECEMBER 3, 2018

Manuel

PRESENT:

Hon. Ma. Cristina M. Garcia, Vice Governor and Presiding Officer

FIRST DISTRICT:

- Hon. Benjamin C. Serrano, Jr., Board Member
- Hon. Aristotle J. Gaza, Board Member
- Hon. Dexter B. Dominguez, Board Member
- Hon. Rolando Z. Tigas, Board Member
- Hon. Reynaldo T. Ibe, Jr., Board Member

SANGGUNIANG PANLALAWIGAN
CAPITOL BATAAN
RELEASED
RECORDS DIVISION
JAN 28 2019

SECOND DISTRICT:

- Hon. Jovy Z. Banzon, Board Member
- Hon. Manuel N. Beltran, Board Member
- Hon. Edgardo P. Calimbas, Board Member
- Hon. Dante R. Manalaysay, Board Member
- Hon. Jose C. Villapando, Sr., Board Member

Hon. Precious D. Manuel, Board Member (SKF President)

ABSENT:

- Hon. Doroteo M. Austria, Board Member (FABC President)
- Hon. Noel Joseph L. Valdecañas, Board Member (PCL President)

ORDINANCE NO. 08
Series of 2018

AN ORDINANCE REGULATING THE OPERATION AND MAINTENANCE OF BEAUTY SALON OR SIMILAR ESTABLISHMENTS IN THE PROVINCE OF BATAAN.

WHEREAS, as a matter of public health concern, proper hygiene and cleaning or sterilizing of all things used in the conduct of hair dying, and other hair related services must be ensured to protect clients from being exposed to possible health hazards. It is the responsibility of the government to protect its citizen from acts and practices that compromise their health and top ensure that the conduct of these services is in accordance with standards provided for by law;

[Signature]
ALBERT S. GARCIA
Provincial Governor

RECEIVED BY:
[Signature]
JERRY SERRANO

"EXCELLENT PUBLIC SERVICE TOWARDS A BETTER QUALITY OF LIFE FOR ALL"

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WHEREAS, there are reports of the proliferation of suspected fake and adulterated beauty products, such as but not limited to hair dye, shampoos, lotions, baby products and soaps sold openly in and around Bataan Province by unscrupulous individuals which may victimized a number of consumers and could further victimize more if left unabated;

WHEREAS, the demands for the use of beauty products such as hair dye, and other related products by beauty parlors, salons and persons engaged in analogous business operations is prevalent fashion to teens and persons of all ages;

WHEREAS, there are some reported incidents of harmful effects to humans attributable to mishandling, misapplication and negligent acts in the use of the beauty products which, if not regulated and monitored, might pose imminent danger to the lives and limbs of users and customers;

WHEREAS, in order that consumers may be protected from any form of unfair trade practice, function of the Department of Trade of Industry, Bureau of Product Standards, Region III (DTI) to undertake measures to curb these reported activities in coordination with the PNP, Province of Bataan and other government agencies.

WHEREAS, in order to protect the general public from the cited harmful effects and to maintain health consciousness among them, be it ordained by this Body in a duly convened session to enact this Ordinance;

SECTION I – COVERAGE/APPLICABILITY.

This Ordinance is applicable to all beauty parlors, salons, hairdressers, beauticians, barber shops, and other natural or juridical persons and entities engaged in similar line of business operations.

SECTION II – MANDATORY REQUIREMENTS.

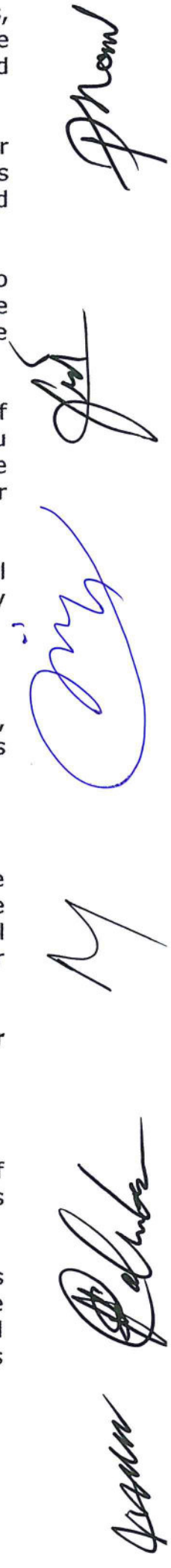
All persons and entities mentioned in Section I of this Ordinance are required to secure the necessary permits/licenses from line agencies of the government including but not limited to, other clearances imposed by Local Government Units upon payment of reasonable fees as imposed by law or ordinance and other requirements and impositions as maybe required



Section II - A: Qualification of Hair Salon Stylist/Hair Dresser/Professional Haircutter.

1. He/she must be a Filipino citizen, eighteen (18) years old and above;
2. He/she must have satisfactory completed at least minimum of elementary graduate in a public or recognized private school, or its equivalent;
3. He/she must be physically fit, and free from skin disease and the likes as evidenced by Health Certificate issued by the City/Municipal/Provincial Health Officer or his duly authorized representative; such certificate to be renewed annually or as circumstances requires;

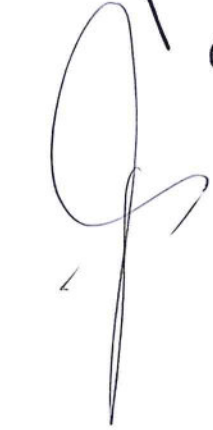


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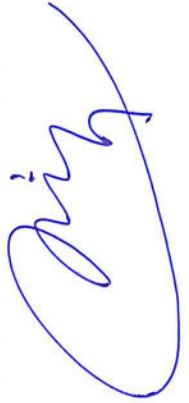


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4. He/she must have undergone training duly accredited training center of TESDA for the NC II Certification and NC III Certification or from other recognized training centers duly accredited by TESDA, and certified by the latter as to his/her proficiency in the practical technique of hairdressing/hair styling;
 5. Hairdresser/hairstylist when rendering services to a client or patron shall be under the personal supervision and responsibility of the hair salon owners.
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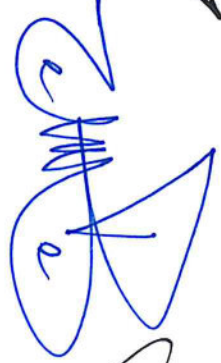
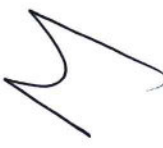
Section II - B: Sanitary Permit.



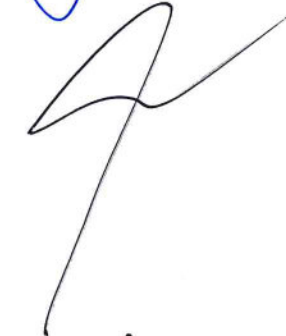
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- (1) No Hair Salon and the likes shall be established, operated and maintained without a Sanitary Permit issued by the City/Municipal/Provincial Health Officer or his duly authorized representative; such sanitary permit to be valid for one (1) year from date of issuance and renewable every year thereafter; PROVIDED HOWEVER, that hair salon which are already in operation without sanitary permit at the time this Ordinance was passed shall be given a grace period of fifteen (15) days within which to secure the same; PROVIDED FURTHER, that the procurement of a Sanitary Permit shall be **a condition precedent to the issuance of a Business Permit** by those concerned, in order to preclude a situation where a business permit has already been approved and issued but the health and sanitary requirements have not yet been complied with;
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- (2) Physical Set-Up:


- (a) Facilities for washing and disinfecting the hands of hairdresser/hair stylist and other equipment shall be available at all times;
 - (b) Sanitary toilet facilities should be easily accessible to clients and patrons;
 - (c) Clean towels and the likes for the use of clients/patrons should be provided;
 - (d) The premises shall at all times be maintained in good sanitary conditions.
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Section II - C: Health Permit.

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- (1) It shall be the duty of the operator or hairdresser of the salon/establishment to send notice to the City/Municipal Health Officer immediately upon discovery of any case of reported or communicable disease discovered among the employees, or patients or patrons there at, stating in such report the name, age, sex and address of the person affected with the disease;
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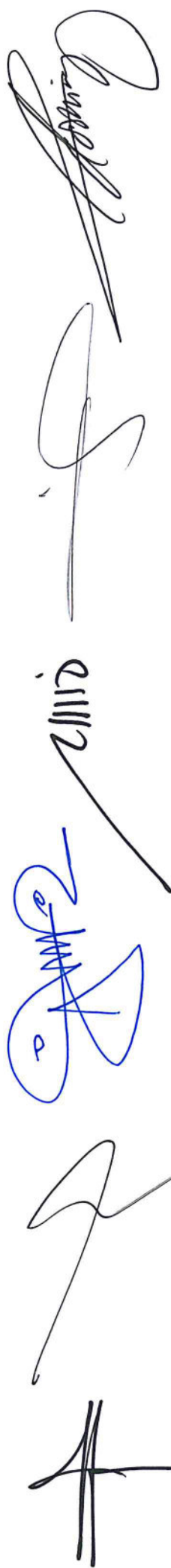
ALBERT S. GARCIA
Provincial Governor



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SECTION III – PROHIBITED ACTS

1. No person shall engage in the practice of hair coloring unless he is a holder of NC III Hairdressing Certificate and the like issued by TESDA or Training Certificates facilitate by TESDA accredited training center which will be subjected to review by the Committee of Examiners for Hair Dresser/Hair Stylist including all other certificates and permits issued individually or for the business by the local and national authorities for compliance and verification purposes;
2. No Hair Dresser/Hair Stylist/ Professional Haircutter shall engage in any other occupation in which his/her hands maybe contaminated or infected with disease-producing micro-organisms. A proper Identification Card (ID) should be issued by the sanitary office which contains the following information: Name of the Staff/Employee; Position of the Staff/Employee; Work Assignment of the Staff/Employee; Details of the Employee NC II accreditation;
3. No Hair Dresser/Hair Stylist/ Professional Haircutter shall engage in any other saloon, shop and other establishment unless he/she is considered as employee of the business which has multiple branches, in this set-up, the movement or re-assignment of employees should be clearly established;
4. No Hair Dresser/Hair Stylist/Professional Haircutter shall be employed without the assurance of regularization, as mandated by the Labor Code all business including saloons, barbershop and other similar establishment should after six (6) months provide all and necessary benefits to their employees with a regular employment status; the practice of unlawful and continuous contractualization of employees is discourage by this ordinance and considered to be violative of the Philippine Labor Laws;
5. No Hair Dresser/Hair Stylist/ Professional Haircutter shall proceed with hair dye application to any clients without properly explaining the following information to the customers: the service that they will be receiving, the product that will be used as dyeing solution, the possible conditions which would call to suspend the application of hair dye, the concerns of possible allergy and the like, it is the responsibility of the saloons, barbershops and other similar establishment to make known to its clients all this information;
6. No person shall practice hair dye application unless he/she is physically fit, free from venereal and skin diseases and the likes as certified by the Provincial Health Officer, or its equivalent counterpart in the LGU or his authorized representative.
7. All beauty/hair salon shall keep a registry book for which shall be entered the names addresses of clients or patrons as well as their time in and time out.



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ALBERT S. GARCIA
Provincial Governor

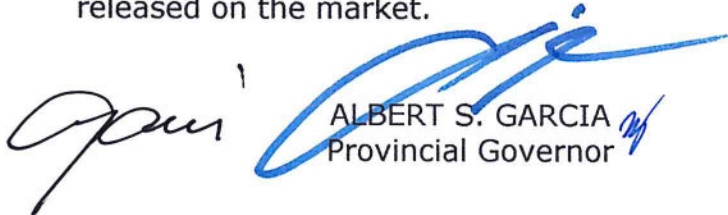
8. All beauty/hair salons shall also keep a complete list of their employees or attendants indicating therein, their personal circumstances, such as name, age, sex, address, educational attainment, etc.
9. This ordinance further prohibits persons and entities expressly stated by Section I thereof, to engage in business operation, or any isolated acts in the absence of the necessary license duly issued by the agencies of the government or as required by concerned Local Government Unit pursuant to existing laws or ordinance;
10. Prohibited Chemicals which includes Ammonia & Formalin, only those BFAD approved in the shelves.
11. No client will be serve especially those that will undergo hair dyeing without skin test.

SECTION IV – CREATION OF THE COMMITTEE OF EXAMINERS.

A Committee of Examiners will be created to facilitate and assure the success of the implementation of this Ordinance. The composition of which is identified in the preceding section and the corresponding function of the Committee including the individual role of each member of the Committee. The fifteen (15) member Committee could expand its membership when the majority so decides which purpose is to support and continue to strengthen the effectiveness on how the provisions are adopted and followed in the long term.

Section IV - A: Function of the Committee of Examiner.

1. To conduct regular spot inspections.
 - a. All hair salon shall be open for inspection any time of the day or night, and with respect to health requirements of employees and sanitary conditions inspection thereof shall be the sole responsibility and under the jurisdiction of the City/Municipal Health Officer or his duly authorized representatives; on or other aspects, however, inspection maybe done by the Chief of Police or the Municipal Treasurer or their duly authorized representatives, as the case maybe.
2. To investigate the reported proliferation of fake and/or adulterated beauty products, such as but not limited to, hair dye, shampoos, lotions, baby products and soap sold in and around the Province of Bataan.
3. To file appropriate charges against those directly or actually responsible therefore if evidence so warrants.
4. Post Market Survey - is the practice of monitoring the safety of a pharmaceutical drug or medical device after it has been released on the market.


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Provincial Governor

5. Endorse if there complaints to the proper authorities.

SECTION IV - B: Composition and Function of Members of the Committee of Examiners.

1. **Provincial Governor** - to serve as the Honorary Chairman of the Committee;
2. **Provincial Vice-Governor** - to serve as the Honorary Vice Chairman of the Committee;
3. **Chairman, SP Committee on Health** - to serve as an advisory to the Committee as to legislation purposes particularly on health concerns; and to periodically review the effectiveness of the provisions of this Ordinance for possible amendments;
4. **Chairman, SP Committee on Trade, Commerce and Industry** - to serve as an advisory to the Committee as to legislation purposes particularly on trade and commerce concerns and to periodically review the effectiveness of the provisions of this Ordinance for possible amendments;
5. **Provincial Health Officer (PHO)** - to act as the lead agency in the implementation of this Ordinance including related national laws that would protect the general public from both products and services rendered by businesses identified through this Ordinance;
6. **Provincial Sanitary Inspector**- to assure compliance of all the sanitary permits and requirements set by this Ordinance and all other Pertinent national laws;
7. **Representative from DOH/Food and Drugs Administration (FDA)** - to serve as independent member which will guide and assure the power of the agency to regulate the business under this Ordinance and compliance to other pertinent rules;
8. **Provincial Director, PNP** - to assists the Committee in the issue of security as they conduct the regular function of inspection and serving of notices and penalties as prescribed in Sections VI, VII, and IX;
9. **Provincial Director, BFP** - to assists the Committee on the work of inspection other than the issue of Safety and Fire Prevention & Building Inspection, to assure compliant with the standard set by the national law and the provision of this Ordinance;
10. **Provincial Director, TESDA** - to assure that efficient program implementation that would focus on all Salon workers that requires the NC II & NC III accreditation; make sure accessibility of these programs for the maximum participation of all subjects of this Ordinance;

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Provincial Governor

- 11. **Representative of The Federation of Hair Salon Operators in the Province (Barbershop)** – to act as observer;
- 12. **Representative of The Federation of Hair Salon Operators in the Province (Beauty Salon)** - to act as observer;
- 13. **Representative from The Federation of Hair Salon Operators in the Province (Owner)** - to act as observer.

SECTION V – PENALTIES/FINES.

- (1) Violations of any provision of this Ordinance shall be sufficient cause for confiscation of the certificate of the hairdresser/hair stylist for cancellation of the same, and for the closure temporary or permanent of the hair salon;
- (2) Any person/entity violating this Ordinance shall be liable for a fine of Five Thousand Pesos (P5,000.00) and/or imprisonment of not exceeding one (1) year or both fine and imprisonment at the discretion of the court;
- (3) Any person or establishment who shall violate or fail to comply with any provision of this ordinance shall, upon conviction thereof, be penalized by a fine of not exceeding Five Thousand Pesos (P5,000.00) or by imprisonment not exceeding one (1) year, or both fine and imprisonment not exceeding one (1) year at the discretion of the court.

SECTION VI – OTHER ACCESORY PENALTIES.

It is further imposed by this Ordinance that in case of violations of any provisions thereof, any instruments use in business operation shall be confiscated by the Local Government Units concerned through the assistance of PNP and other persons in authority,

SECTION VII – CLOSURE OF BUSINESS ESTABLISHMENT.


A closure order shall be issued by the concerned authority in the event of flagrant violation of these Ordinance.

SECTION VIII – SEPARABILITY CLAUSE.

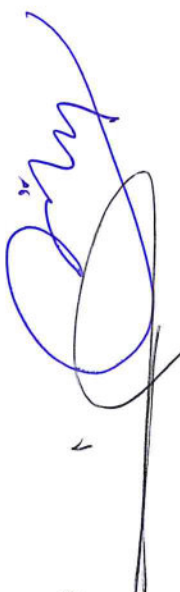
In the event of declaration of nullity of the provision/provisions of this Ordinance by a competent Court, the provision/provisions which were not affected by such declaration shall remain in full force and effect.

SECTION IX – EFFECTIVITY CLAUSE.

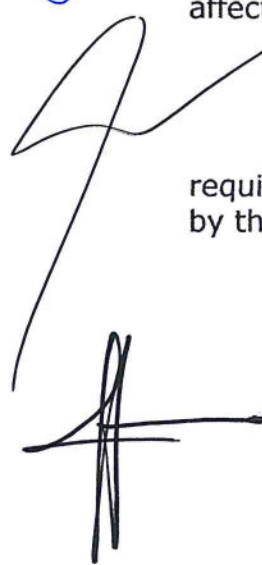
The ordinance takes effect immediately and upon compliance with the requirements of the publications in newspaper of local circulation as required by the pertinent provisions of the Local Government Code of 1991.



SEVERINO P. SALAZAR
Secretary to the SP


ALBERT S. GARCIA
Provincial Governor



21112



BENJAMIN C. SERRANO, JR.
Board Member




ARISTOTLE J. GAZA
Board Member




DEXTER B. DOMINGUEZ
Board Member




ROLANDO Z. TIGAS
Board Member



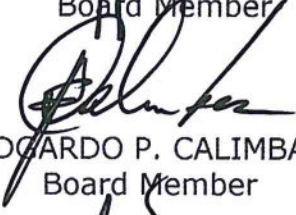
REYNALDO T. IBE, JR.
Board Member



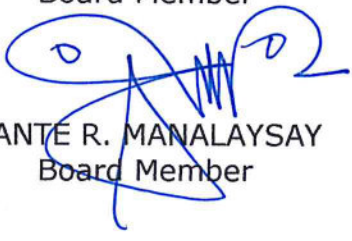
JOVY Z. BANZON
Board Member



MANUEL N. BELTRAN
Board Member




EDGARDO P. CALIMBAS
Board Member



DANTE R. MANALAYSAY
Board Member




JOSE C. VILLAPANDO, SR.
Board Member



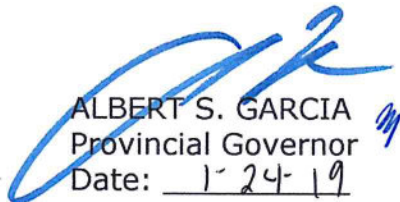
PRECIOUS D. MANUEL
Board Member
(SKF President)

ATTESTED:



MA. CRISTINA M. GARCIA
Vice Governor
(Presiding Officer)

APPROVED:



ALBERT S. GARCIA
Provincial Governor
Date: 1-24-19