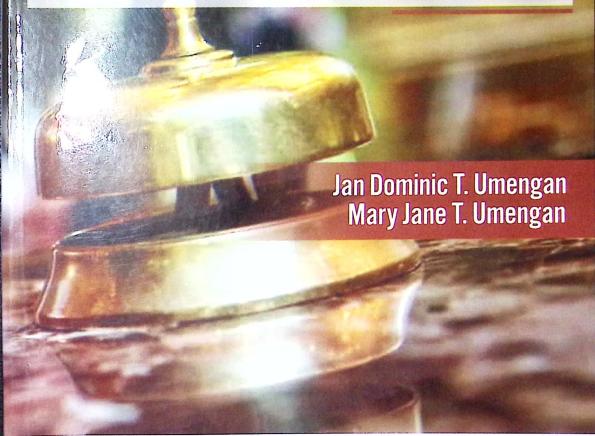
Tourism, Hospitality and the Law

A Textbook on the Legal Aspect in Tourism and Hospitality



38.4 49 22 MOLO LIBRARY BOOK

Tourism, Hospitality and the Law

A Textbook on the Legal Aspect in Tourism and Hospitality

Jan Dominic T. Umengan Mary Jane T. Umengan



Wiseman's Books Trading, Inc.

By:

WISEMAN'S BOOKS TRADING, INC.

and

Jan Dominic T. Umengan Mary Jane T. Umengan

All Rights Reserved

No part of this book may be reproduced or transmitted in any form or by means, electronic or mechanical, including photocopying, recording or by any information storage and retrieval system, without permission in writing from the publisher and author.

Any copy of this book without the signature of the author is considered from illegal source or is in possession of one who has no authority to dispose of the same.

Published and Distributed in the Philippines by: WISEMAN'S BOOKS TRADING, INC. 171 Tandang Sora Ave., Brgy Tandang Sora Quezon City, Philippines, 1116
Telephone Nos.: (02) 3425-3368 / (02) 8398-6205

Telefax: (02) 7738-1038

Email address: wisemanbooks@yahoo.com Website: www.wisemansbookstrading.com

ISBN: 978-621-418-243-5

TABLE OF CONTENTS

Preface Dedication	i ii
Chapter I: Overview of Tourism & Hospitality Law in the Philippines	1
What is a Tourism and Hospitality Law The Sources of Tourism and Hospitality Law Hotel & Restaurant Industry is popular than Hospitality Industry There is no particular law that governs hospitality industry Historical Development of Philippine Laws on Tourism & Hospitality Guide Questions	1 1 2 2 2 4
Chapter II: Republic Act No. 9593 – "The Tourism Act of 2009"	5
Tourism Act of 2009 Objectives of The Tourism Act of 2009 The Department of Tourism (DOT) The Department Proper and Its Officials Department of Tourism Regional Offices Department of Tourism Overseas Offices Shared Responsibilities of National and Local Governments Local Tourism Council What is DOT Accreditation Who May Apply for DOT Accreditation? Guide Questions	5 5 7 9 9 10 12 14 16 18
Chapter III: Department of Tourism Attached Agencies	19
What is an Attached Agency DOT Attached Agencies Tourism Promotion Board Tourism Infrastructure and Enterprise Zone Authority Duty Free Philippines Corporation Intramuros Administration National Parks Development Committee Nayong Pilipino Foundation Philippine Retirement Authority Philippine Commission on Sports Souke Diving	19 19 20 20 21 21 22 23 23
Philippine Commission on Sports Scuba Diving Guide Ouestions	24

& Hospitality Industry	25
A. Labor Code of the Philippines	25
Working Condition and Rest Period	26
Working Hours	26
Rationale of 8 hours' work	26
Do pre-shift briefing or meeting in a tourism enterprise (e.g., hotel	
team briefings, F&B Service briefings) considered as	
compensable "hours worked"?	26
Meal Periods	27
Rest Periods or Coffee Breaks	27
Night Shift Differential	27
Rationale of Night Shift Differential	27
Rate of Night Shift Differential	28
Overtime Work	28
What is Overtime pay	28
Rationale of Overtime Pay How much is the overtime pay of an employee	28 29
Compulsory Overtime Work	29
Right to Weekly Rest Day	30
Compensation for Rest Day, Sunday or Holiday Work	30
Special Non-working Holiday	31
Rates of Premium Pay Rate	31
Right to Holiday Pay	31
National Regular Holidays	32
DOLE MEMORANDUM CIRCULAR NO. 01 Series of 2004	33
Question [re: Double Regular Holiday]	34
Right to Service Incentive Leave	34
Sick Leave and Vacation Leave	34
Other Statutory Leave	34
105-Day Expanded Maternity Leave Law	34 35
Paternity Leave	35
Solo Parent Leave	36
Service Charge Summary of Current Regional Daily Minimum Wage Rates	50
(As of November 2020)	36
Collective Bargaining Agreement	37
Employee – Employer Relationship	38
Termination by Employer	39
What is the proper procedure to terminate an employee thru	
just cause of dismissal?	41
Authorized Cause	42
B. Occupational Health and Safety Standards in Tourism	12
and Hospitality Industry	43
Republic Act No. 11058 (Occupational Health and Safety Standards Act)	43 45
Work Place Hazards in a Tourism Enterprises	48
C. Sexual Harassment in the Workplace What Constitute Sexual Harassment in the Workplace?	49

Forms of sexual harassment Classification of Acts of Sexual Harassment The duty of the Employer to prevent sexual harassment in the workplace Liabilities and damages for sexual harassment. Penalties Guide Questions	50 50 51 51 51 52
Chapter V: Consumer's Right Affecting Tourism & Hospitality Industry	55
A. Right of Hotel Guest, Diners and Tourist B. Air Passenger Bill of Rights (Joint DOTC-DTI Administrative	55
Order. 01 Series of 2012) Guide Questions	56 70
Chapter VI: Laws Regulating the Issuance of Philippine	V bar is: lanous?
Passport and Visa	71
The Philippine Passport Throughout History	71
Philippine Passport Act of 1996	72
Types of Philippine Passport	72
Who is eligible to acquire a Philippine passport	73
How long is the validity of Philippine passport	73
What are the application and renewal requirements for the issuance	ISHOUSE
of Philippine passport?	73
Who are exempted to the DFA Online Passport Appointment?	74
Department of Foreign Affairs	74
Denial of Passport	74
Cancellation	74
Restricted Was avaid grant to be being d	74
Travel Document Visa	75
How does a Filipino apply for foreign visa?	75 75
Philippine Visa - Free Countries	76
Guide Questions	77
of Bareaining Agreement	
Chapter VII: Laws Governing Farm Tourism	79
A. Farm Tourism Development Act of 2016	79
What is the composition of the Farm Tourism Development Board? B. Rules and Regulation Governing the Accreditation of Farm	81
Tourism Camps	81
Accreditation of Farm Tourism Camps	81
Categories of Farm Tourism Camp	81
Levels of Farm Tourism Camp Accreditation	
onstitute Sexual Harassment in the Workplace?	

The Comp Aggreditation	82
Pre-Entry Requirements of Farm Tourism Camp Accreditation	82
Minimum Requirements Common for Day Farms Minimum Requirements Common for Day Farms Minimum Requirements Common for Day Farms	85
Minimum Requirements Common for Day Farms Additional Facilities, Services and Amenities of a Camping Site Additional Facilities, Services and Amenities of a Farm Stay	85
Additional Facilities, Services and Amenities of a Farm Stay Specific Facilities, Services and Amenities of a Farm Stay	87
Glomping	87
Form Tourism Activities	88
Accreditation Procedures Accreditation Tourism Camp Accreditation	88
	89
Eligible Applicants for Farm Tourism Camp Accreditation Filing of Application in Farm Tourism Camp Accreditation Filing of Application in Farm Tourism Camp Accreditation	89
P and antory Requirements for Faith Tourism	90
	90
	90
Ocular Inspection of the Farm Tourism Camp Inspection Finding of the Farm Tourism Camp Accreditation	91
Inspection Finding of the Farm Tourism Camp Accreditation Issuance of Certificate of Farm Tourism Camp Accreditation	91
T and Charges	91
Tourism Camp Accreditation 1 ce	91
Tourism (amb DO1 Sticker	92
Farm Tourism Camp Plaque Fee Farm Tourism Camp Plaque Ferm Tourism Camp Accreditation	
Farm Tourism Camp Plaque Fee Replacement of Lost/Damaged Farm Tourism Camp Accreditation	92
Certificate Camp Tourism Camp	92
The of DOT Accredited Falli Tourism Cump	92
Name Change Fee of DOT Accredited Farm Tourism Camps Supervision of Accredited Farm Tourism Camp Accreditation	92
Supervision of Accredited Farm Tourism Camps Non-transferability of DOT Farm Tourism Camp Accreditation Non-transferability of DOT Farm Tourism Camp's Office	
Non-transferability of DOT Farm Tourism Camp's Office Access of DOT Representatives to a Farm Tourism Camp's Office	92
and Records	92
of Tourism/Travel Advisory	93
Monitoring of the Farm Tourism Camp	93
Monitoring of the Farm Tourish Camp Denial, Suspension, or Revocation of Accreditation Denial, Suspension, of Applications for Farm Tourism Camp Accreditation	ion 93
Denial, Suspension, or Revocation of Accreditation Denial, Suspension, or Revocation of Farm Tourism Camp Accreditate Grounds for Denial of Applications for Farm Tourism Camp Accreditation Grounds for Suspension, Cancelation and Revocation of Accreditation	
Grounds for Denial of Applications for Farm Tourism Camp Grounds for Suspension, Cancelation and Revocation of Accreditation Grounds for Suspension, Cancelation and Penalties))
Grounds for Suspension, Cames and Penalties and Schedule of Fire Tourism Camp	94
arri 1 di aftha harm Inilisii Camp	94
Notice of Violation of the Farm Tourism Camp Lifting of Suspension of the Farm Tourism Camp with Relevant Issuances	94
Lifting of Suspension of the Farm Tourism Camp Compliance of Farm Tourism Camp with Relevant Issuances	95
Guide Questions	
and a set the Philippines	
CHAPTER VIII: Understanding the Civil Code of the Philippines	97
CHAPTER VIII: Understanding the Civil Code of the Landing the Civil Code of the Civil Code	
	71
A. Law on Obligations and Contracts	97
Obligation	97
Frantial Dequisites of Obligation	98
What are the sources of obligation	99
Duty to Take Care of the thing diligently Acceptance of incompleteness or irregularity of performance	99
Acceptance of incompleteness of integral	100
Contracts	100
Essential Requisites of a Contract	

Is there a contract if such offer is given but there's no acceptance	
or such offer is withdrawn before the acceptance?	101
B. Law on Sales and Lease	101
Sales	101
Distinguish "Contract of Sale" and "Contract to Sell".	101
Stages of Contract of sale	102
Obligations of the Seller	102
Obligation of the Vendee	102
When does ownership is transferred to the vendee?	103
Warranty against Hidden Defects	103
Lease	103
Obligation of the Lessor	103
Obligation of the Lessee	104
Lessee's right to suspend the payment of rent	104
Liability of the lessee for the acts of third persons	104
Lease Made for a determinate time	105
Common Carrier	105
Elements of a common carrier	105
Distinguish Common Carrier and Private Carrier	105
Extraordinary Diligence observed by Common Carriers	106
Some Decided Cases by the Supreme Court re: Common Carriers	106
C. Quasi-delicts	109
Four Elements of Quasi-delict	109
Contributory Negligence	111
Doctrine of Respondeat Superior	111
Liability of Manufacturers	111
Guide Questions	112
Appendix A: Republic Act No. 9593 (Tourism Act of 2009)	115
References	155