



Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Office of the Sangguniang Bayan

MUNICIPAL ORDINANCE NO. 229
Series of 2005

**AN ORDINANCE SETTING GUIDELINES IN THE OPERATION OF SAUNAS,
MESSAGE PARLORS AND SPAS WITHIN THE MUNICIPAL JURISDICTION
OF LGU-MALAY.**

SECTION 1. - **RATIONALE.** The number of indoor saunas, massage parlors and spa services is fast increasing within the municipal jurisdiction of Malay, particularly in Boracay Island. It is in this regard that proper guidelines must be set to protect the legitimate establishments using same business nature as front for prostitution and other illegal activities.

SECTION 2. - **DEFINITION OF TERMS.** As used in and for purposes of this ordinance, the following terms, whether in singular or plural, are hereby defined as follows:

SPA THERAPIST - is one who renders facial and body treatment, massage and other curative processes conduct of which is done indoor.

MASSEURS - are those who render purely massage services conduct of which is done outdoors.

MESSAGE THERAPIST - are those who render purely massage services conduct of which is done indoor.

COMMON AREA - refers to an open space where two (2) or more clients can be serviced at a time.

SECTION 3. - **MESSAGE, SAUNA AND SPA ESTABLISHMENTS. PERMITS. ACCREDITATION.** It shall be mandatory for all massage, sauna and Spa establishments to secure a Mayor's Permit to operate from LGU-Malay before operating said business within the municipal jurisdiction of Malay. Hotels and/or resorts operating massage, sauna and/or Spa amenities shall likewise secure a distinct and separate mayor's permit to operate same from the permit secured for hotel and/or resort operation. It shall also be mandatory for all massage, sauna and Spa operators operating within LGU-Malay to secure accreditation with the Department of Tourism and the Department of Health.

SECTION 4. - **SAUNA, MESSAGE AND SPA SERVICES. COMMON AREA.** Rendering service in single closed cubicles shall be prohibited hence sauna, massage and spa services shall be rendered in common areas, doors of which must be kept unlocked.

SECTION 5. - **PRIVATE ROOM SERVICES. PROHIBITION. EXEMPTION.** Rendering massage, spa and/or sauna room services in exclusive/private rooms in hotels and/or resorts is prohibited. If however, said amenities are part of the hotel and/or resorts' offered services, such must be rendered in common areas as defined by this ordinance. Masseurs and therapists employed by said resorts and hotels, however, are prohibited to render services or market the same outside their respective establishment.

SECTION 6. - **PROPER TRAINING. MANDATORY.** It shall be mandatory for all masseurs, spa, sauna and massage therapists to undergo proper training with Department of Health and/or TESDA accredited entities before rendering service. A seminar on ethical standards for therapists is likewise mandatory. Certificates of Completion of such trainings and seminars shall be pre-requisite requirements for the issuance of Mayor's Permit to engage in such trade.

SECTION 7. - **MAYOR'S PERMIT. MANDATORY.** It shall be mandatory for all masseurs, spa, sauna and massage therapists to secure an Annual Mayor's Permit before engaging in massage, spa and sauna services.

SECTION 8. - **HEALTH CERTIFICATE. MANDATORY.** Masseurs, spa, sauna and massage therapists shall secure a Health Certificate issued by the Municipal Health Office of LGU-Malay. No Mayor's Permit shall be issued unless this requirement is complied.

SECTION 9. - **FRONT PROSTITUTION. CLOSURE.** Saunas, massage parlors and/or spa clinics which have been found to be fronts of prostitution or other illegal activities shall automatically be closed and permanent cancellation of Mayor's Permit to operate be made without prejudice to other sanctions and penalties provided by other ordinance and/or laws.

SECTION 10. **PENALTIES.** Any sauna, massage parlor and spa clinic operating without the required permits shall be fined Two Thousand Five Hundred Pesos (₱2,500.00) and shall automatically be closed.

Masseurs, sauna and/or spa therapists rendering service without Mayor's Permit shall be fined One Thousand Pesos (₱1,000.00) and an imprisonment of no less than ten (10) days but in no case more than fifteen day, at the discretion of the court.

Sauna, massage parlor and/or spa clinics found to be fronts of prostitution shall suffer the penalties provided by Section 9 and its operator and/or owner shall be fined Two Thousand Five Hundred Pesos (₱2,500.00) and an imprisonment of no less than twenty (20) days but in no case more than thirty (30) days, at the discretion of the court.

SECTION 11. - **AMENDMENTS.** All ordinances, rules and regulations, or parts thereof, provisions of which are in conflict with, or contrary to, the provisions of this ordinance are hereby repealed, amended, or modified accordingly.

SECTION 12. - **EFFECTIVITY.** This ordinance shall take effect upon its approval and proper publication.

ENACTED. JULY 21, 2005.

APPROVED. AUGUST 18, 2005.

CERTIFIED TRUE COPY:


CONCORDIA S. ALCANTARA
 Secretary to the Sangguniang Bayan

APPROVED. SP RESOLUTION NO. 05-440, dtd. 11-2-05

