ORDINANCE NO. 05-062

AN ORDINANCE MANDATING ALL HEALTH CLUBS AND ESTABLISHMENTS, AEROBICS AND SLIMMERS SALONS OR GYMS AND BODY BUILDING CLUBS TO REQUIRE THEIR TRAINORS / INSTRUCTORS / INSTRUCTRESSES OR TEACHER TO UNDERGO TRAINING ON FIRST AID AND RELATED COURSES CONDUCTED BY THE PHILIPPINE NATIONAL RED CROSS OR ANY GOVERNMENT AGENCY CONCERNED, AS A REQUIREMENT FOR HIRING OR CONTINUED EMPLOYMENT, SUBJECT TO ALL LEGAL AND EXISTING LAWS, RULES AND REGULATIONS, AND LIKewise MANDATES THE AFOREMENTIONEED ESTABLISHMENTS TO REQUIRE THEIR CLIENTS TO SUBMIT MEDICAL CERTIFICATION PRIOR TO ENROLLMENT TO THEIR ESTABLISHMENTS.

Sponsored by:
Hon. Ma. Luisa Babaran-Echavez, MD
Hon. Marissa Cole-Rongavilla
Hon. Atty. Icasiano M. dela Rea
Hon. Allan Rey A. Camilon
Hon. Mario E. Bulay, Jr.
Hon. Atty. Raul R. Corro
Hon. Melchor R. Teves
Hon. Allen F. Ampaya
Hon. Kevin B. Delgado
Hon. Elmer S. Espeleta
Hon. Francis Ian T. Bagatsing
Hon. Lucio B. Constantino
Hon. Joselito V. Arevalo
Hon. Artemio A. Simundac

WHEREAS, many slimming centers, physical fitness gyms, health clubs and similar establishments are located and operating in the City of Muntinlupa;

WHEREAS, these establishments do not only cater to the young but also to old people who want to promote and have better health through right body exercise and balanced diet with the assistance of professionals;

WHEREAS, it has been noted that very few of the trainors or instructors employed by these establishments have undergone proper training on how to administer first aid or give temporary relief to clients who might suffer an injury, seizure or cardiac arrest during a workout or strenuous physical activity;

WHEREAS, it is also a common knowledge that the would be clients of these establishments are simply asked to fill up a document with waiver of responsibility exculpating the management from any liability;

WHEREAS, most of these establishments do not require medical certification from their clients prior to enrollment to their program;
WHEREAS, medical certification would serve as guide on what physical program is fit for a client since programs really need to be individualized;

WHEREAS, the trainors, instructress or instructor have their responsibility over the safety of their students or clients during training or workout accident;

WHEREAS, Sec. 2 of the Implementing Rules and Regulations, Chapter XII of the Sanitation Code of the Philippines PD 856 provides that "Slenderizing Salons – include figure salons, fitness center, slimmer salon, physical fitness club, aerobic centers and similar establishments and facilities."

WHEREAS, Sec 13.2. of the Implementing Rules and regulations, Chapter XII of the Sanitation Code of the Philippines PD 856 provides that "The Operator shall require customers before entering/applying for workout in such establishment a physical and medical examination certificate."

NOW THEREFORE, BE IT ENACTED, AS IT IS HEREBY BY THE SANGGUNIANG PANLUNGSOD OF MUNTINLUPA CITY BY VIRTUE OF THE POWERS VESTED IN IT BY LAW, IN SESSION ASSEMBLED, that;

Section 1. All slimming centers, gyms, health clubs or physical fitness establishments within the city of Muntinlupa are hereby mandated to require their full time trainors, instructors or instructresses to undergo training on first aid as a pre-requisite for hiring or continuous employment;

Section 2. All slimming centers, gyms, health clubs or physical fitness establishments are mandated to require their clients to submit medical certification prior to enrollment to any fitness program;

Section 3. The Business Permit and Licensing Office (BPLO) shall require health establishments to comply with the requirements from the City Health Office, before their application or renewal of business permit.

The City Health Office is mandated by this Ordinance to conduct monitoring and inspection of all health clubs, slimming centers, gyms or other related establishments to determine compliance with the Ordinance.

Section 4. Slimming centers, aerobics and related physical health centers shall, at all times, assign at least (2) trainors, with training and knowledge on first aid, during workout sessions of clients. The number of CPR certified trainors will vary depending on the needs of the client population at a particular time. The decision as to ratio of trainors to clients shall be left to the discretion of the fitness center manager.
All slimming centers, gyms, health clubs are required to display or make available the listings of the names of their trainors or instructors who are given certificate of training by the Philippine National Red Cross or any government agency concerned to be valid for one (1) year and to be displayed in a conspicuous place of the establishment;

Section 5. CATEGORIES OF HEALTH CLUBS/ESTABLISHMENTS:

**Class A:**
- Health clubs renting/leasing at high rated spaces like malls, hotels, commercial establishments/buildings and the like.
- Health Clubs located at metropolitan commercial zone, i.e., Alabang area – occupied by Filinvest Corporate City;
- Health clubs with franchise;
- Health clubs with high membership fees and rates;
- Health clubs with paid trainors /instructors/ instructresses
- Health clubs offering different fitness programs aside from bodybuilding and weightlifting, i.e., aerobics, martial arts, ballet, kickboxing, and the like.

**Class B:**
- Health clubs or gyms occupying small areas in the city proper (major commercial zone)
- Gyms that are exclusively for specific clients only, i.e. weightlifters, body builders.

**Class C:**
- Gyms that are only placed /located at the village, residential area;
- Gyms that are exclusively for specific clients only, i.e. weightlifter, body builders.

Aside from the requirements mentioned on sections 1, 3, and 4. **Class A** Health clubs shall be required to have a ready van or vehicle always standing by their establishments for the medical emergency needs of the clients. This vehicle must be equipped with first aid drugs and medical oxygen tank, with doctors or nurse or any trained personnel.

Section 6. PENALTIES. Any person found guilty of violating the provisions of this Ordinance shall upon conviction be punished as follows:

a. **1st offense**
   - Fine of P1,500.00 with first warning
b. **2nd offense**
   - Fine of P3,000.00 with second warning
c. **3rd offense**
   - Fine of P5,000.00 plus revocation of business permit until compliance.
Section 7. IMPLEMENTING GUIDELINES. The Local Chief Executive is hereby authorized to promulgate rules and regulations necessary to effectively enforce the provisions of this Ordinance.

Section 8. REPEALING CLAUSE. Any ordinance or part/s thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed or modified accordingly.

Section 9. SEPARABILITY CLAUSE. If any portion of this Ordinance is declared invalid, the remainder of this Ordinance shall not be affected by such declaration and shall remain valid and enforceable.

Section 10. EFFECTIVITY. This Ordinance shall be effective within fifteen (15) days after its publication in a newspaper of local or general circulation ENACTED, by the Fourth (4th) Sangguniang Panlungsod of Muntinlupa this 11th day of August, 2005, on its 46th Regular Session.

CONCURRED:

ATTY. RAUL R. CORRO
Councilor

ALLAN REY A. CAMILON
Councilor

MA. LUISA BABARAN-ECHAVEZ, M.D.
Councilor

MELCHOR R. TEVES
Councilor

ALLEN F. AMBAYA
Councilor

KEVIN B. DELGADO
Councilor

ELMER S. ESPELETA
Councilor

FRANCIS IAN T. BAGATSING
Councilor

MARISSA COLE-SONGAVILLA
Councilor

LUCIO B. CONSTANTINO
Councilor

MAMERTO T. SEVILLA, JR.
Councilor

JOSELTIO V. AREVALO
Councilor
Sangguniang Panglungsod

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ATTY. ICASIANO M. DELA REA
Councilor

MARIO E. BULAY, JR.
Councilor

ARTEMIO A. SIMUNDAC
Sectoral Representative
President, Association of Barangay Captains

ABSTAIN:

RENE CARL S. CAYETANO
Councilor

ABSENT:

BAL MEFES
Councilor

CHRISTIAN GLENN D. LORICA
Sectoral Representative
President, Federation of Sangguniang Kabataan

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

CECILIA C. LAZARTE
Secretary
Sangguniang Panlungsod

ATTESTED:

ALDRIN L. SAN PEDRO
City Vice Mayor/Presiding Officer

APPROVED:

ATTY. JAIMER R. FRESNEDI
City Mayor
Date: ____________________

PBS, JR.
City Hall of Muntinlupa
National Highway
Muntinlupa

City of Muntinlupa
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Mr. L