

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 6183



Introduced by Rep. Eulogio "Amang" R. Magsaysay

EXPLANATORY NOTE

As enshrined in the Constitution, the State promotes general welfare for the enjoyment of all people. Likewise, the fundamental law also promotes basic services to the underprivileged. Good infrastructure is a fundamental component in the proper delivery of basic social services. Free and functional toilets are among them. Hence, availability and access to the same deserve the attention of stakeholders. More than affecting the quality of our business areas, shortage of said facilities reduce the dignity and quality of people's lives and give positive or negative impressions.

However, a number of our business establishments especially high-end malls charge fees for the use of comfort rooms or toilets, the reason being the maintenance of facilities. This negates the foregoing constitutional provisions. There is also a shortage of free and good comfort rooms in the country. Our public school system for one has an estimated shortfall of more than 150, 000 comfort rooms. This has exposed schoolchildren to dengue and other diseases.

In a 2007 World Bank study on the economic impacts of sanitation in Southeast Asia it was estimated that the Philippines lose an approximately \$9 billion a year because of poor sanitation. The study further said that 9.1 million Filipinos still went to the toilet in the open, relying on the streets or in the fields, while 15.2 million use public toilets. Recently, the Department of Transportation and Communication (DOTC) bared its plan of constructing and rehabilitating 1,017 public toilets in its attached agencies, including airports, seaports and train stations across the country. This news is a welcome development as our infrastructure needs a major facelift especially with the renewed campaign of the Department of Tourism (DOT) to reinvigorate the tourism industry. Nonetheless, while additional infrastructure is needed, changing current practices like charging of fees for the use of comfort rooms is necessary to serve the public. Further, improved sanitation practices will help boost the local tourism industry, which is trying its best to reinvigorate the country's spot in the competitive tourism market.

While "pay toilets" can be found around the world, they have lost their popularity particularly in the United States where a campaign by the Committee to End Pay Toilets In America (CEPTIA) resulted in laws against pay toilets being made in a number of cities and states in the mid-1970s due to loss of profits.

This bill seeks to prohibit the collection or solicitation of fees from any person using comfort rooms in commercial areas in order to give access to the public especially the underprivileged to basic services. It also gives solution to the shortage of our public comfort rooms. Moreover, it fills the inadequacy of current ordinances on the same, which are made for specific groups of people namely persons with disabilities (PWD) and senior citizens.

Hence, approval of this measure is earnestly sought.

EULOGIO "AMANG" R. MAGSAYSAY

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REPUBLIC OF THE PHILIPPINES)
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AN ACT PROHIBITING COLLECTION OR SOLICITATION OF FEES FOR THE USE OF COMFORT ROOMS IN COMMERCIAL AREAS, APPROPRIATING FUNDS AND PROVIDING MECHANISMS THEREFOR.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled.

Section 1. **Short Title.** This Act shall be known as "**Free Comfort Rooms Act of 2012.**"

Section 2. **Declaration of Policy.** It is a state policy to promote general welfare for the enjoyment of all people. Likewise, the state also values the promotion of basic services to the under-privileged.

Section 3. **Administration, Implementation and Monitoring.** The Department of Interior and Local Government (DILG) and the local government units (LGUs) shall administer and monitor the implementation of this Act. They shall provide the Implementing Rules and Regulations for the same.

Section 4. **Prohibited Acts.** No person or business establishment owner shall collect or solicit fees from any person for the use of comfort rooms within their premises.

Section 5. **Penalties.** Any person or business establishment owner caught violating the foregoing provision shall be charged with the following penalties:

A. First Offense – A fine of ten thousand pesos (P10,000.00)

B. Second Offense – A fine of twenty thousand pesos (P20,000.00) or one year imprisonment at the discretion of the courts.

In case of business establishments owned by a partnership, the partners who own such establishment shall be held liable such as the head and/or the manager of corporations found violating the law.

Section 6. **Appropriations.** The appropriations needed for the implementation of this Act shall be shouldered primarily by the DILG and the LGUs through their Internal Revenue Allotment (IRA).

Section 7. **Repealing clause.** All laws, decrees, orders, ordinances, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Section 8. **Separability clause.** If any provision of this Act is declared unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected thereof.

Section 9. **Effectivity.** This Act shall take effect fifteen (15) days after publication in at least two (2) newspapers of general circulation.

Approved,