



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5225

Introduced by Rep. Winston "Winnie" Castelo

EXPLANATORY NOTE

The brand of Filipino hospitality is a universal fact. It is a cultural trait that has won a good image for every Filipino from the eyes of the world. Therefore, in no instance must this positive attribute of our humble race be stained by certain corporate greed of malls or shopping centers unduly charging fees for the use of restrooms/toilets.

For another, senior citizens are generally granted benefits and privileges as enshrined in Republic Act No 9257, also known as the 'Expanded Senior Citizens Act of 2003'. This is not even to mention certain laws or statutes that do support other marginalized sectors. Therefore, if malls in Metro Manila and other cities will charge fees for what are considered ancillary amenities, then this renders meaningless the 'important role of the private sector in the improvement of the welfare of senior citizens and other marginalized' and clearly constitutes an offense to the revered role of senior citizens as integral part of society.

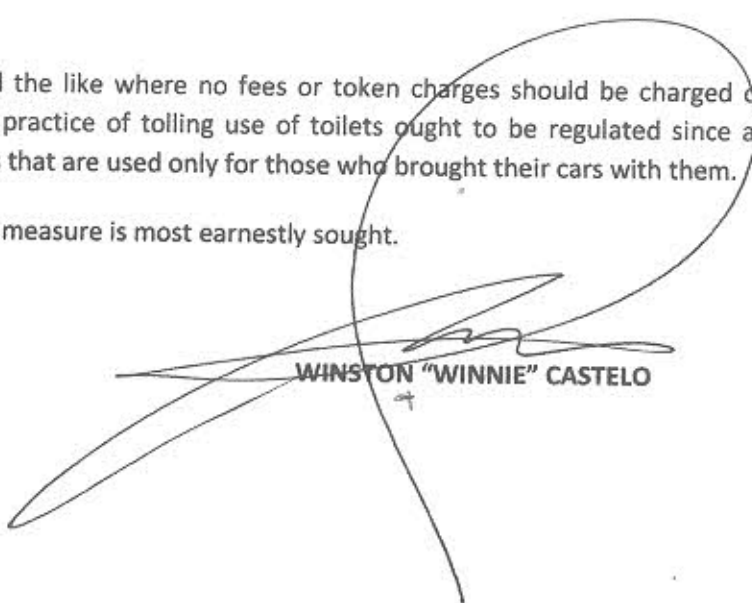
When a mall or shopping center is built under existing Building Code, the provision of toilets is treated as an essential ancillary service that every building will need. Thus, it is assumed that no fee will be charged, as there had not been any fee charged for the longest time that malls as business establishments operate for profit. In fact, our jurisdiction should ban fees for such facilities especially so that there were no studies that prove customers' willingness to pay such fees.

To allow malls, shopping centers, and similar establishments to charge fees for use of toilets, restrooms, or comfort rooms is axiomatic of the fact that they will under-provide for this ancillary service or facility if they are otherwise banned from collecting charges or fees from users. However, this is grossly inconsiderate and is not in keeping with sound business practice. The most elementary form of corporate social responsibility is for business to give back to those from whom they have taken much. Without customers, business will close.

Most basically, it can be safely assumed that old as well as new malls, shopping centers or similar establishments must have complied with the rules at the time they were built and therefore the government can always exercise jurisdiction where apparent violation is committed when toilets are operated for profits. Toilets are facilities that go with the building code of any jurisdiction and likened to

fire-escapes, elevators, escalators and the like where no fees or token charges should be charged or collected from the use thereof. The practice of tolling use of toilets ought to be regulated since all people need a toilet unlike parking lots that are used only for those who brought their cars with them.

The immediate passage of this measure is most earnestly sought.



WINSTON "WINNIE" CASTELO

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AN ACT
IMPLEMENTING A 'FREE-USE POLICY' FOR ANCILLARY SERVICE LIKE TOILETS OR RESTROOMS IN
MALLS, SHOPPING CENTERS, AND SIMILAR ESTABLISHMENTS AND PRESCRIBING FINES FOR VIOLATION
THEREOF

Be it enacted in the Senate and the House of Representatives of the Republic of the Philippines in Congress assembled:

SECTION 1. This Act shall be known as the 'Free-Use Policy for Ancillary Service Act of 2014'.

SEC. 2. The use of toilets or restrooms by customers in malls, shopping centers, and similar establishments is hereby prescribed as part of ancillary service that needs to be provided for free use by owners or operators of said business establishments in consonance with the regulations of the existing Building Code.

SEC. 3. To effectively implement the provisions of this Act, the malls, shopping centers, and similar establishments that collect fees or token charges for the use of such ancillary service or facilities shall be fined with P200,000 for violation hereof.

SEC. 4. This Act shall take effect upon its publication in the Official Gazette and in at least three (3) newspapers of general circulation thirty days after the effectivity of this Act.

Approved,