



QUEZON CITY COUNCIL

Quezon City
20th City Council

PO20CC-266

48th Regular Session

ORDINANCE NO. SP- **2646**, S-2017

AN ORDINANCE REGULATING TATTOO AND BODY PIERCING ESTABLISHMENTS WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY BY PROVIDING STANDARDS IN THEIR OPERATION AND IMPOSING PENALTIES FOR VIOLATION THEREOF.

Introduced by Councilor DONATO C. MATIAS.

Co-Introduced by Councilors Anthony Peter D. Crisologo, Lena Marie P. Juico, Elizabeth A. Delarmente, Victor V. Ferrer, Jr., Oliviere T. Belmonte, Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Ramon P. Medalla, Ranulfo Z. Ludovica, Estrella C. Valmocina, Roderick M. Paulate, Gian Carlo G. Sotto, Kate Abigail G. Coseteng, Jose Mario Don S. De Leon, Franz S. Pumaren, Marvin C. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Ivy Xenia L. Lagman, Marra C. Suntay, Hero Clarence M. Bautista, Jose A. Visaya, Karl Edgar C. Castelo, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Allan Butch T. Francisco, Marivic Co-Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Diorella Maria G. Sotto, Eric Z. Medina and Ricardo B. Corpuz.

WHEREAS, Section 15, Article II of the Constitution declares that,

"The State shall protect and promote the right to health of the people and shall instill consciousness among them"

WHEREAS, under Section 458 (a)(3) of the Republic Act No. 7160, otherwise known as "The Local Government Code of 1991", The Sangguniang Panlungsod has the authority to enact Ordinance granting Franchises and authorizing the issuance of Permits or Licenses, upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the city. Moreover, it may regulate or fix license fees for any business or practice of profession within the city and the conditions under which the license for said business or practice of profession may be revoked and enact ordinances levying taxes thereon;

WHEREAS, in history, tattoos have served as rites of passage, marks of status and rank, symbols of religious and spiritual devotion, decorations for bravery, sexual lures and marks of fertility, pledges of love, punishment, amulets and talismans, protection, and as the mark of outcasts, slaves and convicts¹;

WHEREAS, tattooing and body piercing have become prevalent in this generation as a form of art, self-expression or sometimes even as beauty cosmetics and enhancement;

WHEREAS, the State does not prohibit tattooing and body piercing per se, provided it is done properly under the guidelines stated by the law;

WHEREAS, recent and relevant studies show that there are numerous bad health effects directly related with tattooing and piercing, if it is not done properly, and as such, they must be given extraordinary attention;

WHEREAS, some of the health risks that body tattooing and piercing include allergic reactions, skin infections, blood borne diseases, HIV/AIDS, bacterial infections, fungal infections, malignant lesions such as melanoma and skin cancer and other skin diseases²;

WHEREAS, the Implementing Rules and Regulations of Republic Act No. 8504 or the Philippine AIDS Prevention and Control Act of 1998, provides in its Resolution 1, Section 24 (e), the Guidelines on Surgical and Similar Procedures for standards for the prevention of HIV transmission. "Tattooing", and other similar procedure such as but not limited to "Piercing," is enumerated therein as one of the procedures to be regulated;

WHEREAS, Science has proven that a person may acquire AIDS/HIV through tattooing and piercing. Thus, it is justifiable for the State to regulate the business establishments engaged in tattooing and body piercing in order to safeguard and protect the general welfare and right to health of the constituents of Quezon City especially the youth sector;

WHEREAS, this Ordinance seeks to provide standards in the operation of tattoo and body piercing establishments in Quezon City.

¹ Explanatory Note of Senate Bill No. 1126 or "AN ACT PROVIDING STANDARDS IN THE OPERATION OF TATTOO STUDIOS, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES", Fifteen Congress of the Republic of the Philippines, Introduced by Sen. Manny Villar.

² Explanatory Note of Senate Bill No. 1125 or "AN ACT PUNISHING THE ACT OF UNDERAGE TATTOOING AND BODY PIERCING", Fifteen Congress of the Republic of the Philippines, Introduced by Sen. Manny Villar.

[Handwritten signatures and initials]

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN
REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE - This Ordinance shall be known as the
"Tattoo And Body Piercing Regulation Ordinance" of Quezon City.

SECTION 2. COVERAGE - All business establishments and
artists engaged in tattooing and body piercing located within the
territorial jurisdiction of Quezon City.

SECTION 3. DECLARATION OF POLICY - Consistent with the
constitutional policy of protecting and promoting the right to health of
the people and instill consciousness among them, the Quezon City
Government recognizes the health risk of tattooing and body piercing.
In connection with this policy and pursuant to the Local Government
Code, the City Council enacts this Ordinance to regulate the operation
of tattoo and body piercing within the territorial jurisdiction of Quezon
City.

SECTION 4. DEFINITION OF TERMS.

- a. Artists refer to "Skilled Tattoo and Body piercing artists".
- b. Body Piercing refers to the creation of an opening in the body,
excluding the ear, for the purpose of inserting jewelry or other
decoration.
- c. Consent of a minor's parent or legal guardian refers to the
presence of a parent or legal guardian during the
performance of body piercing or tattooing upon the minor after
the parent or legal guardian has provided reasonable proof of
personal identity and familiar relationship.
- d. Department shall refer to the Quezon City Health Department.
- e. Minor refers to 18 years old and below.
- f. Tattoo refers to a permanent indelible mark, symbol,
character or art printed upon the body by inserting a pigment
under the skin or by producing scars.
- g. Tattooing shall not include Cosmetic Tattooing made by
Professional Medical Doctors.

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SECTION 5. LICENSE REQUIREMENT – The requirements set by the Business Permits and Licensing Office (BPLO) of Quezon City in the Implementing Rules and Regulations of this Ordinance shall be strictly complied with by all tattoo and body piercing establishments within the territorial jurisdiction of Quezon City.

SECTION 6. STANDARD PROCEDURES FOR OPERATION – All business establishments covered by this ordinance must comply with the standard procedures set by the Quezon City Health Department in coordination with the Department of Health (DOH) which shall form part of the Implementing Rules and Regulations of this Ordinance.

SECTION 7. AWARENESS – It shall be the duty of the owner of a tattoo and/or body piercing establishment to discuss with the person intending to be tattooed or body pierced the possible effects involved in the procedure.

SECTION 8. TATTOO AND BODY PIERCING RECORDS – The owner of a tattoo and/or body piercing establishment shall maintain a complete record which shall contain, but not limited to the following:

- a) Name and signature of the person to be tattooed or pierced
- b) Address
- c) Age
- d) Date tattooed or pierced
- e) Design of the tattoo
- f) Location of the tattoo or pierce in the person's body

He shall also keep on file the written consent of the parents or guardian in case the person to be tattooed is a minor and the advice given to the person regarding the possible complications that may arise in receiving a tattoo.

SECTION 9. PROHIBITED ACTS – It shall be unlawful for any person to perform tattoo or body pierce on the following:

- a) any person without medical clearance, on skin surfaces where sunburn, rash, acne, infection, open lesions, or other questionable skin lesions exist;
- b) any person who is impaired by drugs or alcohol;

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c) *pregnant or nursing women;*

d) *any person incapable of giving consent due to mental capacity.*

SECTION 10. MINORS – *A person is guilty of violating this Ordinance if he/she performs body piercing or tattooing:*

a) *upon a minor*

b) *without receiving the consent of the minor's parent or legal guardian*

c) *with or without remuneration*

In exception to Section 9 of this Ordinance, A person is not guilty if:

a. *he had no personal and actual knowledge of the minor's age and*

b. *it must be duly proven that he acted with his highest degree of diligence in reviewing and ascertaining that the person to whom he will perform the body piercing and tattooing is not a minor. A personal identification indicating the age of the person must be shown as a proof therein.*

SECTION 11. PENALTY. *Any person who shall violate any provisions of this Ordinance shall be penalized as follows:*

a) *First Offense – One Thousand Pesos (P1,000.00);*

b) *Second Offense – Two Thousand Five Hundred Pesos (P2,500.00); and*

c) *Third Offense – Five Thousand Pesos (P5,000.00) and revocation of business permit*

SECTION 12. IMPLEMENTING RULES AND REGULATIONS –

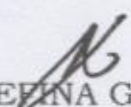
The Quezon City Health Department and the Business Permits and Licensing Office (BPLO) shall, within ninety (90) days after the effectivity of this Ordinance, formulate the necessary rules and regulations for its effective implementation.

SECTION 13. INCORPORATING CLAUSE - All existing ordinances related and not inconsistent to the purpose for which this Ordinance has been passed and approved are deemed incorporated.

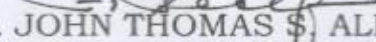
SECTION 14. SEPARABILITY CLAUSE - If any part or provision of this Ordinance is declared unconstitutional or invalid, the same shall not affect the validity and effectivity of the other parts or provisions hereof.

SECTION 15. EFFECTIVITY CLAUSE - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of local or general circulation or posting in at least two (2) conspicuous places within this City.

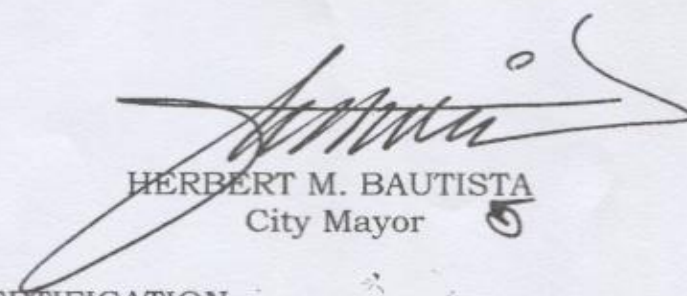
ENACTED: November 20, 2017.


MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:



Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: 29 DEC 2017


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on November 20, 2017 and was PASSED on Third/Final Reading on December 4, 2017.


Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

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