



Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF ROXAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 23rd REGULAR SESSION OF THE SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO HELD ON 04 JULY 2011, 9:30 A. M. AT THE SANGGUNIAN SESSION HALL.

Present:

Vice Mayor Violeta L. Dimapilis	- Presiding Officer
Councilor Juanito A. Bacay, Jr.	- Member
Councilor Eduardo K. Soriano	- Member
Councilor Elsie F. Galaran	- Member
Councilor Arnel F. Fabon	- Member
Councilor Cesar T. Baticos	- Member
Councilor Lee M. Baculinao	- Member
Councilor Juan S. Advincula	- Member
Councilor Camilo G. Ferreira	- President, Liga ng mga Barangay

Absent:

Councilor Mae Arlene M. Talens	- Member, Sick Leave
Councilor Mary Jennie Leigh Q. Sarmiento	- MSKF President

MUNICIPAL ORDINANCE NO. 04

Series of 2011

AN ORDINANCE PROHIBITING THE USE, SALE, DISTRIBUTION AND ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS IN CERTAIN PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

WHEREAS, the 1987 Constitution of the Republic of the Philippines declares that the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, the Republic of the Philippines, under the Framework Convention on tobacco Control (FCTC) to which she is a party, determined to give priority to the right to protect public health and to promote measures of tobacco control based on current and relevant scientific, technical and economic considerations and agreed to implement the measures provided in the treaty;

WHEREAS, the Local Government Code of 1991 (Republic Act No. 7160) accords every local government unit power and authority to promote the general welfare within its territorial jurisdiction, including the promotion of health and safety of its constituents;

WHEREAS, the Philippine Clean Air Act of 1999 (Republic Act No. 8794) declares the right of every citizen to breathe clean air, prohibits smoking inside enclosed public places including public vehicles and other means of transport, and directs local government units to implement this provision;

WHEREAS, the Tobacco Regulation Act of 2003 (Republic Act No. 9211) prohibits smoking in certain public places whether enclosed or outdoors; prohibits the purchase and

sale of cigarettes and other tobacco products from and to minors and in certain places frequented by minors; imposes bans and restrictions on advertising, promotion and sponsorship activities of tobacco companies; and directs local government units to implement these provisions;

WHEREAS, the Municipality of Roxas recognizes that local governments must act with urgency to denormalize the culture of smoking and tobacco consumption through comprehensive and proven effective tobacco control measures.

WHEREAS, the Municipality of Roxas recognizes the fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy, and realizes the need to be alert to and informed of any efforts by the tobacco industry to undermine or subvert tobacco control efforts;

WHEREAS, scientific evidence has unequivocally established that tobacco consumption and exposure to tobacco smoke cause death, disease and disability; lead to devastating health, social, economic and environment consequences; and places burdens on families, on the poor and on national and local health systems;

WHEREAS, an increasing number of Filipinos die each year of tobacco-related diseases such as stroke, heart disease and various cancers among others;

WHEREAS, scientific evidence has shown that there is no safe level of exposure to tobacco smoke; that effective measure to protect from exposure to it requires the total elimination of smoking and tobacco smoke; and that approaches other than 100% smoke-free environments, including ventilation, air filtration and the use of designated smoking areas (whether with separate ventilation system or not) have repeatedly been shown to be ineffective;

NOW THEREFORE, on motion of Councilor Juan S. Advincula duly seconded by –

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO, that:

Section 1. **Title.** This Ordinance shall be known as the "Smoke-free Ordinance of Roxas, Oriental Mindoro.

Section 2. **Purpose.** It is the purpose of this Ordinance to safeguard public health and ensure the well being of all its constituents by protecting them from the harmful effects of smoking and tobacco consumption.

Section 3. **Coverage.** This Ordinance shall apply to all persons, whether natural or judicial, whether resident or not, and in all places, found within the territorial jurisdiction of Roxas, Oriental Mindoro.

Section 3. **Definition of Terms.** As used in this Ordinance, the terms below shall have the meanings ascribed to them, in this section. Any words or terms not defined shall be given their plain and customary meanings, unless the context requires otherwise, and shall be interpreted in a manner consistent with the purpose and spirit of this Ordinance.

a) **Advertising and promotion** means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly.

b) **Civil Society Organization (CSO)** refers to a legally constituted voluntary civic and social organization or institution created with no participation of government, including but not limited to, charities, development non-

government organizations (NGOs), community groups, women's organizations, faith-based organizations, professional associations, coalitions and advocacy groups. As used in this ordinance, CSO does not include organizations or associations related to or connected with the tobacco industry in any ways.

- c) **Enclosed or partially enclosed** means being covered by a roof or enclosed by one or more walls or sides, regardless of the type of material used for the roof, wall or sides, and regardless of whether the structure is permanent or temporary.
- d) **Minor** refers to any person below eighteen (18) years old.
- e) **Outdoor advertisement** refers to any sign, model, placard, board, billboard, banner, bunting, light display, device, structure or representation employed outdoors wholly or partially to advertise or promote a tobacco product to the public.
- f) **Person-in-charge** refers to *in case of public place, public outdoor spaces and workplaces, the president/manager in case of a company, corporation or association, the owner/proprietor/operator in case of a single proprietorship, or the administrator in case of government property, office or building; in case of public conveyance, the owner, driver, operator, conductor or the captain of the public conveyance.*
- g) **Point of Sale** refers to any location at which an individual can purchase or otherwise obtain tobacco products.
- h) **Public conveyance** refers to modes of transportation servicing the general population, such as, but not limited to, elevators, airplanes, ships, jeepneys, buses, taxicabs, trains, light rail transits, tricycles and other similar vehicles.
- i) **Public places** means all places, fixed or mobile, that are accessible or open to the public or places for collective use, regardless of ownership or right to access, including, but not limited to, establishments that provide food and drinks, accommodation, merchandise, professional services, entertainment or other services. It also includes outdoor spaces where facilities are available for the public or where a crowd of people would gather, such as but not limited to, playgrounds, sports grounds or centers, church grounds, health/hospital compounds, transportation terminals, markets, parks, resorts, walkways, entrance ways, waiting areas and the like.
- j) **Second-hand smoke** means the smoke emitted from the burning end of a cigarette or from other tobacco products usually in combination with the smoke exhaled by the smoker.
- k) **Smoking** means being in possession or control of a lit tobacco product regardless of whether the smoke is being actively inhaled or exhaled.
- l) **Tobacco products** means products entirely or partly made of the leaf tobacco as raw materials which are manufactured to be used for smoking, sucking, chewing or snuffing, such as cigarettes and cigars.
- m) **Workplace** means any place used by people during their employment or work, whether done for compensation or voluntarily, including all attached or associated places commonly used by the workers in the course of their work (for example, corridors, elevators, stairways, toilets, lobbies, lounge). Vehicles used in the course of work are considered workplaces.

Section 5. **Prohibited Acts** – The following acts are declared unlawful and prohibited by this Ordinance:

- a) Smoking in enclosed or partially enclosed public places, workplaces, public conveyances or other public places as defined in Section 4.

- b) Selling or distributing tobacco products in a school, public playgrounds or other facility frequented by minors, or within 100 meters from any point in the perimeter of these places.
- c) Selling or distribution of tobacco products to minors.
- d) Purchasing tobacco products from minors.
- e) Placing cinema and outdoor advertisement of tobacco products.
- f) Placing, posting or distributing advertising materials of tobacco products, such as leaflets, posters and similar materials, outside the premises of point-of-sale establishments.

Persons-in-charge shall be held similarly liable for the above acts if they are found to have allowed, abetted or tolerated the same.

Section 6. Duties and Obligations of Persons-in-Charge. Persons-in-charge shall:

- a. Prominently post and display "NO SMOKING" signages in the locations most visible to the public in the areas where smoking is prohibited, including vehicles. At the very least, a "NO SMOKING" sign must be posted at the entrance to the area. The "No Smoking" sign must be at least 8 x 6 inches in size and the international NO SMOKING symbol shall occupy no less than 70% of the signage. The remaining lower 30% of the signage shall show the following information:

(international No Smoking symbol)
 STRICTLY NO SMOKING
 as per ORDINANCE NO. ____
 Violators can be fined up to P ____
 Report violations to ____
 (hotline number optional)

- b. Remove from the places where smoking is prohibited all ashtrays and any other receptacles for disposing of cigarette refuse.
- c. For persons-in-charge of schools, public playgrounds or other facilities frequented by minors, post the following statement in a clear and conspicuous manner:

SELLING OF CIGARETTES OR OTHER TOBACCO
 PRODUCTS NOT ALLOWED WITHIN 100 METERS
 FROM (SCHOOL/ETC.) PERIMETER

- d. For persons-in-charge of point-of-sale establishments, post the following statement in a clear and conspicuous manner:

SALE/DISTRIBUTION OF TOBACCO
 PRODUCTS TO MINORS IS UNLAWFUL

- e. Establish internal procedure and measures through which this Ordinance shall be implemented and enforced within the area of which he or she is in charge,

including, but not limited to, warning violators and requesting them to stop smoking, and if they refuse to comply, ask them to leave the premises, and if they still refuse to comply, report the incident to the municipal health officer and the nearest peace officer.

- f. Ensure that all employees in the establishment are aware of this Ordinance and the procedure and measures for implementing and enforcing it.
- g. Allow inspectors acting under Sections 14 and 15 hereof and representatives of the designated civil society organization under Section 16 entry into the establishment during regular business hours for the purpose of inspecting its compliance with this Ordinance.

Section 7. Persons Liable – The following persons shall be liable under this Ordinance:

- a. Any person who commits any of the prohibited acts stated in Section 5 hereof
- b. Persons-in-charge who knowingly allow, abet, or tolerate the prohibited acts enumerated in Section 5 or who otherwise fail to fulfill the duties and obligations enumerated in Section 6 hereof.

Section 8. Penalties – The following penalties shall be imposed on violators of this Ordinance:

- a. Violations of Section 5(a) and Section 6 –

First Offense	P500.00
Second Offense	P1,000.00
Subsequent Offense	P2,500.00

- b. Violations of Section 5(b), (c) and (f)

First Offense	P 500.00
Second Offense	P1,000.00
Subsequent Offense	P2,500.00
Revocation of business license or permit (in case of business entity or establishment)	

- c. Violations of Section 5 (e) and (f)

First Offense	P 500.00
Second Offense	P1,000.00
Subsequent Offense	P2,500.00
Revocation of business license or permit (in Case of business entity or establishment)	

- d. Suspension of License. The license to operate of any establishment or of any public conveyance covered by this Ordinance shall be suspended for at least one (1) week but not more than one (1) month upon: