

1. Failure of the establishment or public conveyance to cease and desist the violation stated in the Citation Ticket within ten (10) calendar days of its issuance, regardless of whether or not the Citation Ticket was accepted.
2. Failure of the establishment or public conveyance to pay the fine indicated in a Citation Ticket within ten (10) calendar days of its issuance, regardless of whether or not the Citation Ticket was accepted.

The suspension shall be lifted upon proof of compliance with the cease-and-desist order or payment of fine stated in the Citation Ticket.

Section 9. **Citation Ticket System** – Violators of this Ordinance shall be informed of their violation and the penalty associated with such violation by means of a Citation Ticket System with the following guidelines:

- a. Official booklets of Citation Tickets shall be issued by the Health Office to duly authorized enforcers within ninety (90) calendar days of the effectivity of this Ordinance.
- b. A Citation Ticket shall be issued to the person/s liable for any violation of this Ordinance upon finding of the violation by duly authorized enforcers.
- c. A Citation Ticket shall contain the following information:
 - 1.) a checklist of the violations under this Ordinance
 - 2.) the fines associated with each violation
 - 3.) due date for compliance with the obligations imposed by the ticket.
- d. When a Citation Ticket is issued to a violator, the violator shall report to the Health Office within three (3) regular business days after such issuance, where he or she shall either pay the fine imposed or render community service under Section 8 (e) hereof.
- e. The Health Office shall keep a duplicate of all Citation Tickets issued to violators as well as all other records of violations of this Ordinance.

Section 10. **Smoking Cessation Program.** – The Health Officer, with the assistance of the Health Education and Promotion Officer and the CSO representative designated under Section 16 hereof, shall develop and promote a Smoking Cessation Program and encourage the participation therein of public and private facilities which may be able to provide for its requirements. Smokers who are willing to quit and/or those found violating this Ordinance may be referred to the Smoking Cessation program and its facilities.

ENFORCEMENT

Section 11. **Smokefree Task Force** – A Task Force shall be created to aid in the implementation, enforcement and monitoring of this Ordinance as well as to conduct educational awareness campaigns, information dissemination programs,

and capacity building programs, that will inform the constituents and train enforcement officers.

The Task Force shall be composed of the following:

- a. Municipal Mayor
- b. Municipal Health Officer
- c. District Supervisor
- d. Chairman, SB Committee on Laws
- e. Information Officer
- f. Municipal Engineer
- g. Business Permits and License Officer
- h. Representative of the civil society organization (CSO) designated by the Health officer under *Section 16* hereof
- i. Representative of the Philippine National Police (PNP)

The Task Force shall not include as a member any person or entity connected in any way to the tobacco industry.

Section 12. Duties and Responsibilities of the Task Force – Other than (1) receiving, reviewing and processing reports and complaints for violations of this Ordinance and (2) deputizing enforcers under Section 13 to 16 hereof, the Task force shall have the following respective duties and responsibilities:

a) The Health Officer shall:

- 1) Issue official Citation Tickets to the enforcers
- 2) Assign a hotline or any other number to which violations of this Ordinance maybe reported by telephone or SMS, and a person to operate the line and record reports.
- 3) Serve as the overall coordinator among all the (LGU) offices involved in the implementation of this Ordinance.
- 4) Act as agent of the Treasurer in collecting and receiving fines paid by violator.
- 5) Make tobacco control, including the implementation and enforcement of this Ordinance, a part of the health program to be proposed for funding by the general budget of the Municipality of Roxas.

b) The Health Education and Promotion Officer shall:

- 1) Develop and produce information, education and communication materials on the harms of second-hand smoke as well as on the provisions of this Ordinance.

- 2) Encourage constituents of the municipality of Roxas to monitor and report violations of this Ordinance.
 - 3) Assist the Health Officer in developing and promoting a smoking cessation program.
- c) The Legal Officer shall:
- 1) Assist the Health Officer in reviewing reports of and complaints for violations of this Ordinance and in determining liability.
- d) The Building Officer shall:
- 1) Conduct together with the Health Office or on its own, inspection activities as provided in this Ordinance.
 - 2) Determine whether or not enclosed or partially enclosed public places, workplace or other public places comply with the requirements of this Ordinance.
- e) The Information Officer shall:
- 1) Print the Citation Tickets and copies of this Ordinance for distribution to the public
 - 2) Make a primer summarizing the provisions of this Ordinance
 - 3) Publicize activities related to the implementation and enforcement of this Ordinance
- f) The Business Permits and License Officer shall:
- 1) Order the suspension or revocation of permits and licenses of establishments found to have violated this Ordinance, subject to the provisions of Section 8 hereof
 - 2) Deny renewal of permits and licenses of violators of this Ordinance.
- g) The CSO Representative shall:
- 1) Assist in preliminary inspections and in monitoring violations of this Ordinance.
 - 2) Assist in promoting awareness of this Ordinance and in encouraging public support and participation in its implementation and enforcement.
 - 3) Assist in developing and promoting a smoking cessation program.
 - 4) Assist in developing and conducting orientation seminars and training seminars for enforcers.
 - 5) Assist in evaluating the performance of the Task Force and the effectiveness of the implementation and enforcement of this Ordinance.
- h) The PNP Representative shall:
- 1) Apprehend violators in accordance with the provisions of this Ordinance.
 - 2) Assist (LGU) officials and deputized civilians in apprehending violators and in filing the appropriate complaints.

Section 13. **Enforcement on Individuals.** – Members of the PNP shall apprehend and issue Citation Tickets against persons caught smoking in places where such is prohibited. They shall forward copies of the tickets they issue violators to the Health Office regularly, at least thrice a week.

Section 14. **Enforcement on Public Conveyances** – Members of the PNP and/or persons duly deputized by the Task Force shall inspect public conveyances during their regular hours of operation and shall issue Citation Tickets upon discovery of any violation of this Ordinance. They shall forward copies of the tickets they issue violators to the Health Office regularly, at least thrice a week.

Section 15. **Enforcement on Establishments.** – Ninety (90) calendar day after the effectivity of this Ordinance, an inspection team composed of representatives from the Health Office, the Engineer's Office, and the Permits and License Office, shall conduct inspections of establishments and buildings to determine their compliance with the provisions of this Ordinance.

Regular inspection shall thereafter be conducted at least once every month or simultaneously other regular inspections done by the [LGU], whichever is more frequent, during normal hours of operation of the establishment.

The inspection team shall issue a Citation Ticket against the establishment upon finding of non-compliance with or any violation of this Ordinance. A Citation Ticket may be issued for each day that the establishment is found to be non-compliant.

Re-inspection of the establishment shall be done on any day after the issuance of the Citation Ticket, but in no case more than ten (10) calendar days after such issuance. If the establishment fails to comply with the obligations stated in the Citation Ticket upon re-inspection, the inspection team shall recommend the suspension of the license to operate of the establishment, consistent with *Section 8 (d)* hereof.

In the course of inspection, the Inspection Team may apprehend individual violators and request the assistance of the PNP in doing so.

Section 16. **Civilian Participation in Enforcement.** Within thirty (30) calendar days from the effectivity of this Ordinance, the Health Office shall designate, with the approval of the Office of the Municipal Mayor, a civil society organization (CSO) to discharge the duties and responsibilities enumerated in *Section 12 (g)* hereof.

The Task Force may deputize qualified civilians to serve as enforcers of this Ordinance.

Any person can file with the Task Force a report or complaint for any violation of this Ordinance.

In case of an individual violator who, despite fair warning, refuses to stop smoking where such is prohibited, a civilian can effect a citizen's arrest pursuant to Section 5 and 9, Rule 113 of the Revised Rules of Criminal Procedure and seek assistance from the PNP in doing so.

INFORMATION CAMPAIGN

Section 17. **Information Dissemination.** – Within sixty (60) calendar days of the effectivity of this Ordinance, the Health Office shall:

- a. In coordination with the Office of the Municipal Mayor
 - 1) provide at least two (2) copies of this Ordinance to every PNP station or precinct in the [LGU]
 - 2) provide a primer on this Ordinance for every member of the PNP member in the [LGU]; and
 - 3) conduct lectures to brief members of the PNP members of the provisions of this Ordinance and of their responsibilities with respect to its enforcement.
- b. In coordination with the Permits and Licenses Office, give a copy of this Ordinance and its primer to all existing establishments that are licensed to operate and open to the public, as well as to those applying for a new license to operate.
- c. In coordination with the Information Office, give a copy of this Ordinance and its primer to all public utility vehicle operators in the [LGU].

Section 18. **Public Billboards, Notices in Barangays** – Upon effectivity of this Ordinance, the Engineer's Office shall put up billboards in conspicuous places in the [LGU] to notify the public of the restrictions and sanctions imposed by the ordinance. The Information Office shall also immediately issue for dissemination at the barangay level notices regarding the obligations of persons under the Ordinance.

Section 19. **Conduct of Orientation Seminars and Trainings** – Within sixty (60) calendar days from the effectivity of this Ordinance and periodically thereafter, the Health Officer, with the assistance of the Health Education and Promotion Officer and the CSO representative designated under Section 16 hereof, shall develop and conduct a series of orientation seminars and training for the enforcers of this Ordinance, at least one for each group, including but not limited to, deputized enforcers like barangay health workers and the Barangay Tanod, and the local PNP.

FINANCING

Section 20. **Funding.** – An initial funding to defray the expenses necessary for or incidental to the implementation of this Ordinance shall be sourced from the [LGU] fund and is hereby allocated. Every year thereafter, at least {the amount} shall automatically be included in the Annual Budget of the [LGU] for the implementation and enforcement of this Ordinance, based on [LGU] plans and programs:

The above expenses include, but are not limited to:

- a. Costs of printing copies of this Ordinance, the Citation Tickets, and information, education and communication materials pertaining to tobacco control.

- b. Costs of inspection and enforcement by the Smoke free Task Force, including allowances for meals and transportation, the amounts of which shall be set by the Office of the Municipal Mayor.
- c. 20% of the penalty shall be given as incentive or reward for private citizens who report violations of this Ordinance.
- d. Institution and operating expenses of the smoking cessation program and facility.
- e. Other expenses associated with the implementation and enforcement of this Ordinance.

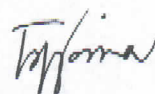
Section 21. **Repealing Clause.** – All ordinances contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 22. **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 23. **Effectivity Clause.** – The 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 in the municipality.

Adopted : 04 July 2011

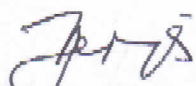
CERTIFIED CORRECT:



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ATTESTED:



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Presiding Officer

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