

**EXECUTIVE ORDER NO. 39**  
**Series of 2014**

CREATING AND CONSTITUTING THE DINALUPIHAN SMOKE FREE TASK FORCE FOR STRICT IMPLEMENTATION OF CURRENT LAWS AND POLICIES IN THE ATTAINMENT OF THE PRIMARY OBJECTIVES OF TOBACCO CONTROL, PREVENTION AND UPHOLDING THE CONSTITUTIONAL RIGHTS OF CITIZENS TO HEALTH.

<b>Chairperson</b>	:	HON. MARIA ANGELA S. GARCIA, Municipal Mayor
<b>Co- Chairperson</b>	:	HON. RENATO S. MATAWARAN, Municipal Vice Mayor
<b>Vice Chairman</b>	:	DR. ALEXZANDER JAMES TORRES

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MS. OFELIA MENDOZA	-	MSWDO
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MR. EDMOND BAQUIRAN	-	SANITARY INSPECTOR

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MS. JASMIN BARTOLO	-	DILG MLGOO
COL. RIZALINO ANDAYA	-	PNP
MR. RONNIE MENDOZA	-	DEPED DISTRICT SUPERVISOR
DR. MA FE ROMAN	-	BPSU CAMPUS DIRECTOR

**PARTNER CIVIL SOCIETY ORGANIZATION**

ALL ACCREDITED NGO's, INCLUDING THE FOLLOWING:

MR. HAROLD ROMAN ESPELETA	-	DAPSA PRESIDENT
KGWD. MIRRIAM CALUBAQUIB	-	FGPTA PRESIDENT
MS. ROSALINDA DELA ROSA	-	BHW PRESIDENT
MR. ALEX ABALOS	-	DINAFED TODA PRESIDENT
MR. CHRISTOPHER CRUZ	-	PRESIDENT, DINALUPIHAN PEDAL ASSOCIATION (YELLOW)
MR. ARMANDO PELIAS	-	PRESIDENT, DINALUPIHAN PEDAL ASSOCIATION (RED)

**EXCERPTS FROM THE MINUTES OF THE 54<sup>th</sup> REGULAR SESSION OF  
THE 8<sup>th</sup> SANGGUNIANG BAYAN OF DINALUPIHAN, BATAAN HELD AT  
THE MUNICIPAL SESSION HALL ON THE 13<sup>th</sup> DAY OF OCTOBER 2014**

**PRESENT:**

Hon. Renato M. Matawaran, M. D.	Municipal Vice-Mayor & Presiding Officer
Hon. Ricardo C. De Ausen	SB Member
Hon. Martin C. Tongol, Jr.	do
Hon. Armando M. Buniag	do
Hon. Danilo P. Dela Cruz	do
Hon. Carmen M. Sandoval	do
Hon. Elizalde M. Torno	do
Hon. Arnold A. Soriano	do
Hon. Manuel L. Inza-Cruz	do
Hon. Joel F. Abraham	do – IPMR

**ABSENT:**

Hon. Florencio C. Flores	SB Member – ABC
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**RESOLUTION NO. 150 – 2014**

**RESOLUTION ADOPTING ORDINANCE NO. 01, SERIES OF 2013, OF THE  
SANGGUNIANG PANLALAWIGAN OF BATAAN ENTITLED  
“COMPREHENSIVE ANTI-TOBACCO SMOKING CONTROL PROGRAM  
ORDINANCE FOR THE PROVINCE OF BATAAN”**

**Authored By: HON. RENATO M. MATAWARAN, M. D. & HON. ARNOLD  
A. SORIANO**

**WHEREAS**, smoking in public has become more extensive, hence causing detrimental effect to the health and welfare of the general public.

**WHEREAS**, every local government unit (LGU) has been granted the power and authority by R. A. 7160 otherwise known as the Local Government Code of the Philippines to promote the general welfare of its constituents to include, among others, the promotion of health and safety.

**WHEREAS**, Republic Act 9211 or the Tobacco Regulation Act of 2003 prohibits smoking inside enclosed public places including public vehicles and Local Government Units are directed by law to implement the said provision.

**WHEREAS**, towards this end, it is the purpose of this Sanggunian to safeguard public health and ensure the physical well-being of all its constituents by minimizing the risk of exposure to second – hand smoke by adopting Ordinance No. 01, series of 2013 of the Sangguniang Panlalawigan of Bataan entitled “Comprehensive Anti-Tobacco Smoking Control Program Ordinance for the Province of Bataan”.

**NOW THEREFORE**, on motion of Hon. Renato M. Matawaran, M. D. and Hon. Arnold A. Soriano and unanimously seconded, be it:

**RESOLVED**, as it is hereby resolved, to approve this resolution adopting Ordinance No. 01, series of 2013 of the Sangguniang Panlalawigan of Bataan entitled “Comprehensive Anti-Tobacco Smoking Control Program Ordinance for the Province of Bataan”.

**RESOLVED FURTHER**, to respectfully request the Office of the Municipal Mayor to provide an Executive Order and other Rules & Regulations applicable in the implementation of the said ordinance and authorize concern departments/agencies within the local government unit to perform their assigned tasks, duties and functions as mentioned in the ordinance.

**RESOLVED FINALLY**, to forward copies of this resolution including copies of Ordinance No. 01, series of 2013 of the Sangguniang Panlalawigan of Bataan to the Office of the Municipal Mayor, all concern departments/offices/agencies within the municipality, all 46 barangays of the municipality and other concerned for their guidance, information and appropriate action.

**UNANIMOUSLY APPROVED.**

**CERTIFIED TRUE & CORRECT:**

**MIRAZOL GUANZON CHAVEZ**  
Secretary to the Sangguniang Bayan

**ATTESTED:**

**RENATO M. MATAWARAN, M. D.**  
Municipal Vice Mayor & Presiding Officer

**APPROVED:**

**MARIA ANGELA S. GARCIA**  
Municipal Mayor

Mgc./neth



Republic of the Philippines  
Province of Bataan  
Municipality of Dinalupihan

**OFFICE OF THE MAYOR**

**MARIA ANGELA S. GARCIA**  
MAYOR

August 28, 2014

**The Honorable Members**  
Sangguniang Bayan  
Municipality of Dinalupihan  
Dinalupihan, Bataan

**Lady & Gentlemen:**

Greetings!

Consonant with the duties and responsibilities of the Municipal Mayor of the Municipality of Dinalupihan, Bataan, as provided for in the Local Government Code, the undersigned is respectfully forwarding to that August Body a copy of the Ordinance No. 01, series of 2013 of the Sangguniang Panlalawigan of Bataan, entitled "*Comprehensive Anti-Tobacco Smoking Control Program Ordinance for the Province of Bataan*" for immediate consideration the issuance of a SB Resolution adopting the said Ordinance.

Thank you.

  
**MARIA ANGELA S. GARCIA**  
Mayor

*f.n./rolrajas/sb adopt SP reso anti-tobacco*

*Referred to Com. on Health;  
09/01/2014*

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Republika ng Pilipinas

**Tanggapan ng Sangguniang Panlalawigan**

Balanga City, Bataan

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION  
OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN HELD AT  
FORTUNE HONGKONG SEAFOOD RESTAURANT,  
BALANGA CITY, BATAAN ON FEBRUARY 27, 2013

**PRESENT:**

Hon. Efren E. Pascual, Jr., Vice-Governor and Presiding Officer  
Hon. Manuel N. Beltran, Board Member  
Hon. Dexter B. Dominguez, Board Member  
Hon. Jovy Z. Banzon, Board Member  
Hon. Eduard G. Florendo, Board Member  
Hon. Dante R. Manalaysay, Board Member  
Hon. Gaudencio C. Ferrer, Board Member  
Hon. Jose Alejandro P. Payumo, III, Board Member  
Hon. Aristotle J. Gaza, Board Member  
Hon. Efren J. Cruz, Board Member  
Hon. Jose M. Carandang, Board Member (FABC President)  
Hon. Edgardo P. Calimbas, Board Member (PCL President)

**ABSENT:**

Hon. Gerardo R. Roxas, Board Member  
Hon. Louise Gabriel Q. Del Rosario, Board Member (SKF  
President)

ORDINANCE NO. 01  
SERIES 2013

COMPREHENSIVE ANTI-TOBACCO SMOKING CONTROL PROGRAM  
ORDINANCE FOR THE PROVINCE OF BATAAN

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;<sup>1</sup>

Article II, Section 15

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Provincial Governor

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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,<sup>2</sup> 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;<sup>3</sup>

WHEREAS, the **Philippine Clean Air Act of 1999** (Republic Act No. 8749) declares the right of every citizen to breathe clean air,<sup>4</sup> prohibits smoking inside enclosed public places including public vehicles and other means of transport, and directs Local Government Units to implement this provision;<sup>5</sup>

WHEREAS, the **Tobacco Regulation Act of 2003** (Republic Act No. 9211) prohibits smoking in certain public places<sup>6</sup> 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;<sup>7</sup> imposes bans and restrictions on advertising, promotion and sponsorship activities of tobacco companies;<sup>8</sup> and directs Local Government Units to implement these provisions;

WHEREAS, the **Civil Service Commission Memorandum (CSC) Circular No. 17, series of 2009** prohibits smoking in premises, buildings, and grounds of government agencies providing health, education or social welfare and development services such as hospitals, health centers, schools and universities and colleges; provides for specific requirements as to measurement of designated smoking areas;

WHEREAS, the **Land Transportation Franchising and Regulatory Board (LTFRB) Memorandum Circular 2009-036** provides that drivers and operators of public utility vehicles are responsible for posting "No Smoking" signs in their vehicles;

WHEREAS, the **Civil Service Commission - Department of Health Joint Memorandum Circular No. 2010-01** prohibits government personnel from interacting with the tobacco industry and those representing their interests unless it is strictly necessary to effectively regulate, control, or supervise them;

<sup>2</sup> Preamble;  
<sup>3</sup> Section 16;  
<sup>4</sup> Section 4;  
<sup>5</sup> Section 24;  
<sup>6</sup> See Section 4;  
<sup>7</sup> See Sections 9 to 12;  
<sup>8</sup> See Sections 13 to 27.

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Provincial Governor

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WHEREAS, the Province of Bataan 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 Province of Bataan 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 environmental consequences; and places burdens on families, on the poor, and on national and local health systems;<sup>9</sup>

WHEREAS, an increasing number of Filipinos died each year of tobacco-related diseases such as stroke, heart disease, and various cancers, among others; and both the public and workers, in facilities where smoking is allowed, are most at risk from these and other tobacco-related diseases;

WHEREAS, scientific evidence has shown that there is no safe level of exposure to tobacco smoke; that effective measures 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 or not with separate ventilation systems) have repeatedly been shown to be ineffective;<sup>10</sup>

NOW THEREFORE, on motion of Board Member Aristotle J. Gaza,

BE IT ENACTED, as it is hereby enacted, by the Sangguniang Panlalawigan of Bataan, in session assembled, by virtue of the powers vested in it by law, that:

**Section 1. Title.** — This Ordinance shall be known as the "SMOKE FREE ORDINANCE OF THE PROVINCE OF BATAAN";

**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.

Preamble, E.U.C.C. Article 8, E.U.C.C.  
Principle 1 paragraph 6, E.U.C.C. Article 8: Guidelines on Protection from Exposure to Tobacco Smoke

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**Section 3. Coverage.** — This Ordinance shall apply to all persons, whether natural or juridical, whether resident or not, and in all places, found within the territorial jurisdiction of Province of Bataan;

**Section 4. 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;<sup>11</sup>
- 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-Governmental Organizations (NGOs), community groups, women's organizations, faith-based organizations, professional associations, coalitions and advocacy groups duly recognized by the Office of the Governor/Mayor. As used in this Ordinance, CSO does not include organizations or associations related to or connected with the tobacco industry in any way;
- c. **Designated Smoking Area** refers to an outdoor space which may be designated by an establishment upon approval of the building official, that meets the following requirements:
  - 1) It must not be located within the same areas already included under the definition of "public place" in Section 4 (j);
  - 2) It is not located in or within ten (10) meters from entrances, exits, or any place where people pass or congregate;
  - 3) It shall not have an area larger than ten (10) square meters;

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- 4) Food or drinks are not served in the designated smoking area;
- 5) No building shall have more than one designated smoking area;<sup>12</sup>
- 6) Minors or persons below the age of 18 shall not be allowed inside;
- 7) The designated smoking area has the following signages highly visible and prominently displayed:
- a) "Smoking Area" signage with message showing "Minors not allowed within these premises;"
  - b) Graphic health warnings.
- d. **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;<sup>13</sup>
- e. **Minor** refers to any person below 18 years old;
- f. **Outdoor advertisement** refers to any sign, model, placard, board, billboard, banner, bunting, poster, streamer, light display, device, structure or representation employed outdoors wholly or partially to advertise or promote a tobacco product to the public;
- g. **Person-in-charge** refers to: *in case of public places, 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 conveyances*, the owner, driver, operator, conductor, or the captain of the public conveyance; *in case of schools*, the provincial/municipal/city schools superintendent or the principal;
- h. **Point-of-sale** refers to any location at which an individual can purchase or otherwise obtain tobacco products;<sup>14</sup>

<sup>12</sup> Adopted from Guideline No. 3, CSC Memorandum Circular No. 17  
Paragraph 19 (definition of "enclosed" - Article 815, D. Guidelines  
Section 4-3-3, RA 9211)

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- i. **Public conveyances** 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;<sup>15</sup>
- j. **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;<sup>16</sup>
- k. **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;<sup>17</sup>
- l. **Smoke free air** is air that is 100% smoke free. This definition includes, but is not limited to, air in which tobacco smoke cannot be seen, smelled, sensed or measured;<sup>18</sup>
- m. **Smoking** means being in possession or control of a lit tobacco product regardless of whether the smoke is being actively inhaled or exhaled;<sup>19</sup>
- n. **Tobacco Products** means products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for smoking, sucking, chewing or snuffing, such as cigarettes and cigars;<sup>20</sup>
- o. **Tobacco Industry** refers to tobacco manufacturers, wholesale distributors and importers of tobacco products or industry allies and commissioned third parties who benefit from the sale of tobacco products or from tobacco sponsorship that have interests that compete with those of tobacco control;

<sup>15</sup> See Section 4 (g) RA 9211.  
<sup>16</sup> See paragraph 18, Article 8 I.C.T.C. Guidelines, page 24 The Manual Section 4 (g) RA 9211.  
<sup>17</sup> See paragraph 15, Article 8 I.C.T.C. Guidelines.  
<sup>18</sup> See paragraph 16, Article 8 I.C.T.C. Guidelines.  
<sup>19</sup> See par. 17, Article 8 I.C.T.C. Guidelines.  
<sup>20</sup> See Article 1 (f), RA 10.

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- p. **Tobacco Industry Interference** refers to a broad array of tactics and strategies used by the tobacco industry to interfere with the setting and implementation of tobacco control measures;
- q. **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, stairwells, toilets, lobbies, lounges). Vehicles used in the course of work are considered workplaces.<sup>21</sup>

**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 (whether mobile or stationary), or other public places, as defined in *Section 4*;
- b. For persons-in-charge to allow, abet or tolerate smoking in places enumerated in the preceding paragraph;
- c. Selling or distributing tobacco products in a school, public playground or other facility frequented by minors, offices of the Department of Health (DOH) and attached agencies, hospitals and health facilities, or within one hundred (100) meters from any point in the perimeter of these places;<sup>22</sup>
- d. Selling or distributing tobacco products to minors;<sup>23</sup>
- e. Purchasing tobacco products from minors;<sup>24</sup>
- f. Placing cinema and outdoor advertisements of tobacco products;<sup>25</sup>
- g. Placing, posting, or distributing advertising materials of tobacco products, such as leaflets, posters and similar materials, in any place outside the premises of point-of-sale establishments;<sup>26</sup>
- h. Placing, posting, or distributing advertising materials of tobacco products, such as leaflets, posters and similar materials, *even if* inside the premises of point-of-sale

<sup>21</sup> See paragraph 20, Article 8 Constitutions  
Section 10, RA 9211 and Chapter X, Sec. 2, Book 18 of the 2009 Code  
See Section 9 (a), RA 9211  
<sup>22</sup> Section 9 (b), RA 9211  
<sup>23</sup> See 2<sup>nd</sup> paragraph, Section 22, RA 9211  
<sup>24</sup> Ibid.

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establishments, when the establishments are not allowed to sell or distribute tobacco products, as in Section 5 (c) above.

**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. At the very least, a "No Smoking" sign must be posted at the entrance to the area. The "No Smoking" sign shall be at least 8 x 11 inches in size and the international No Smoking symbol shall occupy no less than seventy (70%) percent of the signage. The remaining lower thirty (30%) percent of the signage shall show the following information:

[International No Smoking symbol]

**STRICTLY NO SMOKING**

**As per ORDINANCE NO. 01, SERIES 2013**

**Violators can be fined up to \_\_\_\_\_**

**Report violations to \_\_\_\_\_**

[Hotline number optional]

- b. Prominently post and display "No Smoking" stickers in the most conspicuous location within the public conveyance. At the very least, the three and a half (3.5) square inch "No Smoking" sticker shall be placed on the windshield and the ten (10) square inch "No Smoking" sticker at the driver's back seat;
- c. Remove from the places where smoking is prohibited all ashtrays and any other receptacles for disposing of cigarette refuse;
- d. For persons-in-charge of schools, public playgrounds or other facilities frequented by minors, post the following statement in a clear and conspicuous manner:

**SELLINGG AND DISTRIBUTION OF CIGARETTES OR  
OTHER TOBACCO PRODUCTS NOT ALLOWED WITHIN 100  
METERS FROM [SCHOOL/ETC.] PERIMETER**

- e. For persons-in-charge of schools, public playgrounds or other facilities frequented by minors, offices of the DOH and attached agencies, hospitals and health facilities report to the Smoke Free Task Force tobacco product sale, distribution and advertisement from establishments and properties located within one hundred (100) meters from its perimeter;

  
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- f. 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**

- g. For persons-in-charge of point-of-sale establishments, remove all forms of tobacco advertisement other than those found inside their premises;
- h. 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, asking them to leave the premises, and if they still refuse to comply, reporting the incident to the provincial health officer and the nearest peace officer or to any member of the Smoke Free Task Force;
- i. Ensure that all the employees in the establishment are aware of this Ordinance and the procedure and measures for implementing and enforcing it;
- j. 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;
- k. For all signages required to be posted under (a), (d), and (f) above, translations in local or native dialect is required.

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

- a. Any person or entity 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 fines and penalties shall be imposed for the violation of this Ordinance:

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**a. Violation of Section 5 (a) and Section 6**

- |                                    |  |
|------------------------------------|--|
| i. First Offense                   | Fine of FIVE HUNDRED (PHP500.00) PESOS;  |
| ii. Second Offense                 | Fine of ONE THOUSAND (PHP1,000.00) PESOS;  |
| iii. Third and Subsequent Offenses | Fine of TWO THOUSAND FIVE HUNDRED (PHP2,500.00) PESOS, or imprisonment for a period not exceeding one (1) year, or both at the discretion of the court. <sup>27</sup> Suspension or revocation of business license or permit (in case of a business entity or establishment), if applicable; |

**b. Violation of Section 5 (b), (c), (d) and (e)**

- |                                    |   |
|------------------------------------|---|
| i. First Offense                   | Fine of ONE THOUSAND FIVE HUNDRED (PHP1,500.00) PESOS;  |
| ii. Second Offense                 | Fine of THREE THOUSAND (PHP3,000.00) PESOS;   |
| iii. Third and Subsequent Offenses | Fine not exceeding FIVE THOUSAND (PHP5,000.00) PESOS, or imprisonment for a period not exceeding one (1) year, or both at the discretion of the court. <sup>28</sup> Suspension or revocation of business license or permit (in case of a business entity or establishment), if applicable. |

**c. Violation of Section 5 (f), (g), and (h)**

- |                    |  |
|--------------------|--|
| i. First Offense   | Fine of TWO THOUSAND (PHP 2,000.00) PESOS;   |
| ii. Second Offense | Fine of THREE THOUSAND (PHP 3,000.00) PESOS; |

<sup>27</sup> See Sections 447, 458, 460, and 468, (a) of the Local Government Code of 1991 (RA 7160), for the limits of the penalties the Local may impose in an ordinance.

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iii. Third and  
Subsequent  
Offenses

Fine not exceeding FIVE  
THOUSAND (PHP5,000.00)  
PESOS, or imprisonment for a  
period not exceeding one (1)  
year, or both at the discretion of  
the court.<sup>29</sup> Suspension or  
revocation of business license or  
permit (in case of a business  
entity or establishment), if  
applicable.

- d. **Revocation or Suspension of License.** The license to operate of any establishment or of any public conveyance covered by this Ordinance shall also be suspended or revoked should the same failed to perform the necessary action within fifteen (15) days upon receipt of violation notice or fail to pay the corresponding penalty as stated in the Citation Ticket for the violation committed within seven (7) working days. However, the license to operate of any establishment or of any public conveyance shall be suspended for a period of at least one (1) week but not more than one (1) month, or revocation of its license to operate. Should the license or permit to operate of a specific establishment or of any public conveyance, found to be in violation of this ordinance, fall outside of the jurisdiction of the province, the recommendation for revocation of license shall be forwarded to the appropriate agency or governing body. The suspension or revocation of the license to operate of the erring establishment or public conveyance shall only be lifted once all the requirements set forth upon re-inspection and evaluation of the Health Department, the Business Permits and Licensing Office and the appropriate agency or governing body has been fully complied with;

- e. **Community Service.** If a violator is unable to pay the fines imposed, he or she may choose to render community service to the province. For every hour of community service rendered, his outstanding fine shall be reduced by an amount equivalent to triple the hourly minimum wage of the province.

**Section 9. Citation Ticket System.** — For purposes of this Ordinance the Citation Ticket shall have the following guidelines and material informations:

- a. Official booklets of Citation Tickets shall be issued by the Treasurer to duly authorized enforcers within ninety (90) calendar days of the effectivity of this Ordinance;

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- 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) Checklist of the violations under this Ordinance;
  - 2) The fines associated with each violation;
  - 3) Option to render community service in case violator is unable to pay fine;
  - 4) 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 Treasurer's 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 (c)* hercof;
- e. The Treasurer's 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, which may include the CSO representative designated under *Section 16* hereof, shall develop, promote and implement 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 and to protect the same from tobacco industry interference at all times, 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 chaired by the Governor and shall be composed of the following:

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- a. Provincial Health Officer; Vice-Chairman;
- b. Health Education and Promotion Officer;
- c. DILG – Department of Interior and Legal Government;
- d. Representative from Civil Service Commission;
- e. Provincial Building/Engineering Officer;
- f. Provincial Legal Officer;
- g. Provincial Information Officer;
- h. Business Permits and License Officer (of the city/municipality);
- i. Representative/s of one or more Civil Society Organizations (CSO) designated by the Provincial Health Officer under Section 16 hereof;
- j. Representative of the Philippine National Police (PNP);
- k. Provincial Treasurer;
- l. Provincial Environment and Natural Resources Officer (PENRO);
- m. Representative from DepED, CHED and/or Academe;
- n. Local President of the city/municipal Liga ng mga Barangay ng Pilipinas (Association of Barangay Captains);
- o. Other member/s identified by the Provincial Health Officer (whose specific function in the LGU and role in the effective implementation of tobacco control policies may be considered indispensable);

The Task Force shall not include as its member any person or entity upholding or accommodating tobacco industry interests or is connected in any way to the tobacco industry in order to protect the primary health objectives of this Ordinance from any and all interests prejudicial to tobacco control policies and to preserve its integrity. No member of the Task Force shall also receive any contribution, compensation, donations directly or indirectly, whether financial or otherwise, from the tobacco industry.

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

a. The Provincial Health Officer shall:

- 1) Serve as the overall coordinator among all the [LGU] offices involved in the implementation of this Ordinance;
- 2) Assign an IRR or any other number to which violations of this Ordinance may be reported by telephone call or by SMS, and a person to operate the line and record reports;
- 3) Develop, promote and implement a Smoking Cessation Program, as stated under Section 10;
- 4) 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 Province.

b. The Health Education and Promotion Officer shall:



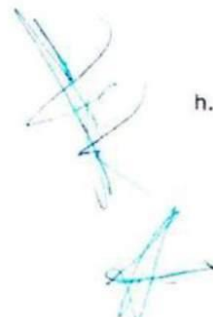





- 1) Develop and produce information, education and communication materials on the harmful effects of second-hand smoke as well as on the provisions of this Ordinance;
- 2) Encourage constituents of the Province to monitor and report violations of this Ordinance;
- 3) Assist the Provincial Health Officer in developing, promoting and implementing a Smoking Cessation Program.

c. The DILG shall:

- 1) Conduct trainings and seminars in Local Government Units to further inform local residents of the harmful effect of cigarette and tobacco smoking;
- 2) Request the assistance of persons in authority in the implementation of this Ordinance;

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- 3) Submit reports related to the implementation of the ordinance;
  - 4) Perform duties and functions as may be assigned from time to time.
- d. The Civil Service Commission shall:
- 1) Require government agencies and instrumentalities including Local Government Units (LGUs) to effectively comply and disseminate informations for the effective implementation of this ordinance;
  - 2) Implement penalties provided by the Civil Service law for violations of local ordinances.
- e. The Provincial Building/Engineering 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, workplaces or other public places, and point-of-sale establishments, comply with the requirements of this Ordinance.
- f. The Provincial Legal Officer shall:
- 1) Assist the Health Office in reviewing reports of and complaints for violations of this Ordinance and in the determination of liabilities of the parties subject to due process of law or proper court proceedings.
- g. The Provincial 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) Publish activities related to the implementation and enforcement of this Ordinance.
- h. 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;

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- 2) Refuse the renewal of permits and licenses of violators of this Ordinance;
- 3) Establish procedures for identifying and marking stores/establishments covered by the 100-meter restriction on sale and distribution of tobacco products.

i. The CSO Representative/s 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 promoting and, if capable, implementing a Smoking Cessation Program;
- 4) Assist in developing and conducting orientation 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.

j. Philippine National Police shall:

- 1) Apprehend violators in accordance with the provisions of this Ordinance;
- 2) Assist officials and deputized civilians in apprehending violators and in filing the appropriate complaints when necessary;
- 3) Assist in promoting awareness of this Ordinance and in encouraging public support and participation in its implementation and enforcement.

k. The Provincial Treasurer shall:

- 1) Issue official Citation Tickets to the enforcers;
- 2) Collect and receive fines paid by a violator and submit reports related thereto to the Task Force;
- 3) Designate collection agents, as necessary, to assist in efficient collection of fines.

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- l. The Provincial Environment and Natural Resources Officer shall:
- 1) Assist in promoting awareness of this Ordinance as a component in the protection and conservation of the environment and in encouraging public support and participation in its implementation and enforcement;
  - 2) Assist in inspection and monitoring violations of the Ordinance on its own or with any member of the Task Force;
  - 3) Conduct periodic monitoring of air, water, soil quality and other studies pertinent to determining levels of exposure to tobacco smoke, residue, by-products and litter;
  - 4) Provide the expertise in the application and management of appropriate technologies to avert environmental risks and damage posed by tobacco smoke, residue, by-products and litter.
- m. The Representative from DepED, CHED and/or Academe shall:
- 1) Implement the Department Orders on the integration of tobacco control education into the curricula;
  - 2) Ensure strict compliance of Department Orders on protection of the bureaucracy from Tobacco Industry interference as per FCTC Article 5.3;
  - 3) Ensure strict compliance of schools in enforcing one hundred (100%) percent smokefree campuses and school facilities including the schools' vehicles;
  - 4) Ensure the posting in clear and conspicuous manner No Smoking signs, and notices for No Selling of Tobacco Products within one hundred (100) meters from its perimeter.
- n. The Local President of the Liga ng mga Barangay ng Pilipinas (Association of Barangay Captains) shall:
- 1) Assist in promoting awareness of this Ordinance in encouraging public support and participation in its implementation and enforcement;

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- 2) Coordinate with all Barangay Captains and the PNP in monitoring violations of the Ordinance within their jurisdictions;
- 3) Provide the necessary coordination among the Barangay Health Workers, Kagawads and Tanods and other enforcers (i.e. Coast Guards) for the implementation of activities pertinent to the Ordinance;
- 4) Further assists to facilitate the referrals to the Smoking Cessation Program at the Barangay Level.

**Section 13. Enforcement on Individuals.** — Members of the PNP and/or persons duly deputized by the Task Force shall apprehend and issue Citation Tickets against persons found in violation or have failed to comply with any provision enumerated under Sections 5 and 6 hereof. They shall forward copies of the issued tickets of violators to the Treasurer's Office regularly or at least once 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 Treasurer's Office regularly or at least once a week;

**Section 15. Enforcement on Establishments.** — Ninety (90) calendar days 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 with 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 of 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

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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 may request the assistance of the PNP for the purpose.

**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 [LCE], one or more Civil Society Organizations (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 of or complaint for any violation of this Ordinance.

#### **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 Local Chief Executive:
  - 1) Provide at least two (2) copies of this Ordinance to every PNP station or precinct in the Province;
  - 2) Provide a primer on this Ordinance for every member of the PNP in the Province; 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. The Department of Interior and Local Government shall:
  - 1) Help and assist in the dissemination of information to all concerned Local Government Units;

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- 2) Enhance Local Government Unit capacities to enable them to effectively and efficiently implement this Ordinance.
- d. The Civil Service Commission shall:
  - 1) Communicate policy reforms that cultivate harmony morale and wellness in the workplace that supports this Ordinance;
  - 2) Help develop empowered civil servants exemplifying integrity and excellence in public service, through support in the conduct of an effective and timely orientation seminars and trainings as stipulated under Section 19 of this Ordinance.

**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 Barangay 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, and/or other members of the Task Force, shall develop and conduct a series of orientation seminars and trainings 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 or incidental to the implementation of this Ordinance in the amount of FIVE HUNDRED THOUSAND (PHP500,000.00) PESOS shall be sourced from the Province fund and is hereby allocated. Every year thereafter, at least FIVE HUNDRED THOUSAND (PHP500,000.00) PESOS shall automatically be included in the Annual Budget of the Province for the implementation and enforcement of this Ordinance, in accordance with scheduled plans and programs;

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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 Smokefree Task Force, including allowances for meals and transportation, the amounts of which shall be set by the Office of the [LCE];
- c. Incentive or reward for private citizens who will report violations of this Ordinance;
- d. Maintenance and operating expenses of the smoking cessation program and facility;
- e. Other expenses associated with the implementation and enforcement of this Ordinance.

Proceeds from the administrative fines shall form part of a Trust Fund that will be used to defray costs of operations of the Smoke Free Task Force. The latter shall be empowered to determine how the Trust Fund is to be utilized in furtherance 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 remaining portions not affected by declaration of unconstitutionality or nulling shall continue to remain in force and effect;

**Section 23. 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 in the province.

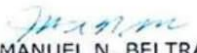
**ENACTED BY THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF BATAAN, IN ITS SESSION ON FEBRUARY 27, 2013.**


APPROVED UNANIMOUSLY.

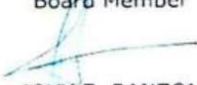
EPREN E. PASCUAL, JR.  
Vice-Governor  
(Presiding Officer)


ENRIQUE T. GARCIA, JR.  
Provincial Governor

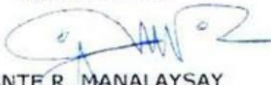
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Board Member

  
DEXTER B. DOMINGUEZ  
Board Member

  
JOVY Z. BANZON  
Board Member

  
EDUARD G. FLORENDO  
Board Member


  
DANTE R. MANALAYSAY  
Board Member


  
GAUDENCIO C. FERRER  
Board Member

JOSE ALEJANDRE P. PAYUMO, III  
Board Member

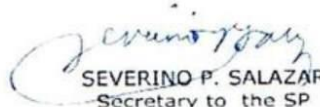
  
ARISTOTLE J. GAZA  
Board Member

EFREN J. CRUZ  
Board Member


  
JOSE M. CARANDANG  
Board Member  
(FABC President)

  
EDGARDO P. CALIMBAS  
Board Member  
(PCL President)

ATTESTED:

  
SEVERINO P. SALAZAR  
Secretary to the SP

APPROVED:

  
ENRIQUE T. GARCIA, JR.  
Provincial Governor