



## COMMITTEE ON HEALTH AND SANITATION

### COMMITTEE REPORT

CHS-PC0-2024-178

Office of the Sangguniang Panlungsod  
Received by: Janet Pring  
Date: 29 July 2024  
Time: 9:00am

Subject: *An ordinance regulating the use, sale, distribution, advertisement of cigarettes and other tobacco products, electronic cigarettes, heated tobacco products and other nicotine/non-nicotine delivery devices, imposing penalties for violations thereof and providing funds therefor, to instill health consciousness and for other purposes.*

The above-mentioned subject matter underwent first reading on April 01, 2024 during the 85<sup>th</sup> Regular Session of the Sangguniang Panlungsod. The said subject matter was referred by the Presiding Officer, Bacoor City Vice Mayor Hon. Rowena Bautista Mendiola to the Committee on Health and Sanitation.

The Committee on Health and Sanitation sent out invitations to the resource persons and conducted a committee hearing on April 04, 2024 at the Sangguniang Panlungsod Session Hall at 9:00 a.m.

#### FINDINGS:

The proposed ordinance aims to take appropriate countermeasures to break the culture of tobacco consumption, smoking and vaping through comprehensive and proven effective tobacco control measures to prevent the initiation of non-users and the youth and prevent exposure to harmful chemicals and emissions that pose risks to health while providing a supportive environment to those attempting to quit smoking and vaping.

#### RECOMMENDATION:

After a thorough review of all the circumstances and statements from the resource persons, the Committee respectfully recommends that the Sangguniang Panlungsod approve the above subject matter.



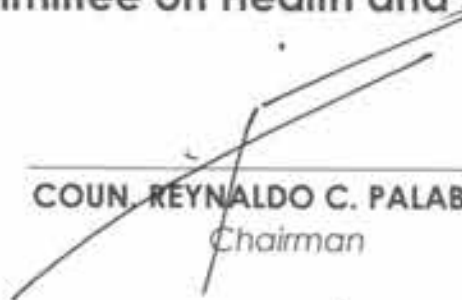


By the motion of Hon. Reynaldo C. Palabrica duly seconded by all the members of the Sangguniang Panlungsod, the above subject matter was **APPROVED** during its 89<sup>th</sup> Regular Session.

**WE HEREBY CERTIFY** that the contents of the foregoing report are true and correct.

Signed this 6th day of May 2024 at the City of Bacoor, Cavite.

### Committee on Health and Sanitation

  
 \_\_\_\_\_  
**COUN. REYNALDO C. PALABRICA**  
 Chairman

  
 \_\_\_\_\_  
**COUN. LEVY TELA**  
 Vice Chairman

  
 \_\_\_\_\_  
**COUN. ALDE PAGULAYAN**  
 Member

  
 \_\_\_\_\_  
**COUN. CATHERINE SARINO EVARISTO**  
 Member







**COMMITTEE ON HEALTH AND SANITATION**

**MINUTES OF THE COMMITTEE HEARING**

CHS-PCO-2024-178

Office of the Sangguniang Panlungsod  
Received by: Janet Pring  
Date: 29 JUL 2024  
By: [Signature]

Subject: *An ordinance regulating the use, sale, distribution, advertisement of cigarettes and other tobacco products, electronic cigarettes, heated tobacco products and other nicotine/non-nicotine delivery devices, imposing penalties for violations thereof and providing funds therefor, to instill health consciousness and for other purposes.*

A committee hearing on the above-subject matter was conducted last April 04 2024, 9:00 a.m. at the Sangguniang Panlungsod presided by Committee Chairman Hon. Reynaldo C. Palabrica.

**MEMBERS OF THE COMMITTEE AND CITY COUNCILORS PRESENT:**

HON. LEVY TELA  
HON. ROGELIO NOLASCO  
HON. ALDE PAGULAYAN  
HON. SIMPLICIO DOMINGUEZ  
HON. ALEJANDRO GUTIERREZ

**RESOURCE PERSONS:**

DRA. IVY MARIE YRASTORZA	-	CITY HEALTH OFFICE
ATTY. JOSHUA FLORES	-	OFFICE OF THE CITY LEGAL SERVICES
MANOLO S. GALVEZ JR.	-	BDRRMO
JONATHAN BLANDO	-	BDRRMO
KARL REBOSURA	-	OSH BDRRMO
MARIA JINKY GULAPA	-	VAPE SHOP OWNER
NIÑO ANG	-	VAPE SHOP OWNER

**COUN. REYNALDO PALABRICA** "An ordinance regulating the use, sale, distribution, advertisement of cigarettes and other tobacco products, electronic cigarettes, heated tobacco products and other nicotine/non-nicotine delivery devices,





imposing penalties for violations thereof and providing funds therefor, to instill health consciousness and for other purposes is now called to order."

**COUN. REYNALDO PALABRICA** "In attendance to this committee hearing are Honorable Councilors Levy Tela, Bok Nolasco, Alde Pagulayan and Simplicio Dominiguez and Alejandro Gutierrez."

**COUN. REYNALDO PALABRICA** "May I request the resource persons to introduce themselves and their representation. We start with here."

**KARL REBOSURA** "Good morning, Karl Rebosura po, BDRRM."

**MANOLO GALVEZ JR.** "Good morning, Manolo Galvez po from BDRRM, City Safety Officer po."

**IVY MARIE YRAZTORSA** "Good morning po, Dra. Ivy Marie Yraztorza from the City Health Office."

**MARIA JINKY S. GULAPA** "Mula sa vape shop owner po, Ms. Jinky Gulapa, representative po ako ng aking anak."

**ATTY. JOSHUA FLORES** "Atty. Flores from City Legal."

**COUN. REYNALDO PALABRICA** "May association ba kayo ma'am?"

**MARIA JINKY S. GULAPA** "Wala po."

**COUN. REYNALDO PALABRICA** "Ah wala, so you're representing your own?"

**MARIA JINKY S. GULAPA** "My son po ang owner."

**COUN. REYNALDO PALABRICA** "Ah okay."

**COUN. REYNALDO PALABRICA** "Bale ininvite naman natin sila lahat, kung wala sila dito meaning nagsa-submit sila dun sa propose provisions of our ordinance in regulation of cigarettes and e-cigarettes."

**COUN. REYNALDO PALABRICA** "Diretso na tayo doon sa prohibited acts, article 2."

**COUN. REYNALDO PALABRICA** "Number 1 smoking, vaping an/or using tobacco products in enclosed or partially enclosed public places, workplaces, public







conveyances whether mobile or stationary, or other public places, such as those enumerated under section 4, except in designated smoking and vaping areas duly approved and fully compliant with the requirements under Section 6 of this ordinance.

**COUN. REYNALDO PALABRICA** "Magkakaroon na ng designated area na kung saan lang pwede manigarilyo o gumamit ng e-cigarette. Yun yung ibig sabihin ng section 1.

**COUN. REYNALDO PALABRICA** "Pangalawang pinagbabawal na kapag napasa na ang batas na ito ay ang paninigarilyo, vaping and using tobacco products in the presence of minors.

**COUN. REYNALDO PALABRICA** "Parang may conflict safety officer? Kung sa designated place lang tayo dapat mag vape, dapat bawal ang minor sa lugar na yun. Ang minor ang ipagbawal natin doon."

**MANOLO S. GALVEZ JR.** "Hon. Palabrica ang pwede pong isuggest ay mayroong area na designated, na mayroon pong nakalagay na smoking or tobacco area lang. Then yung bata hindi pwede magkaroon ng presence within that area."

**COUN. REYNALDO PALABRICA** "Maybe gusto ng batas is kahit sa bahay or sa private own places. pag naninigarilyo si smoker kailangan paalisin yung bata."

**MANOLO S. GALVEZ JR.** "Yes po."

**COUN. REYNALDO PALABRICA** "Tama ba, Dra.?"

**COUN. REYNALDO PALABRICA** "Number 3, for person in charge to allow, abet, or tolerate smoking and/or vaping in places enumerated in the preceding paragraph, in duly approved designated smoking. Halimbawa tulad ng City Hall, mga security guard na mga in charged na ipatupad ito, pag pumayag sila sa mga smoker na manigarilyo doon sa hindi designated area prohibited yun, pinagbabawal din."

**COUN. REYNALDO PALABRICA** "Number 4, operating or establishing designated smoking or vaping areas without a permit from the City Health Office or failing to comply with the standards for the operation of smoking or vaping areas provided under section 7 of this ordinance."







**COUN. REYNALDO PALABRICA** "Doon po sa establisyamento na may designated smoking area, kailangan may permit sila galing sa City Health Office. Meaning ang CHO ang magbibigay ng permit. Doc pakipaliwanag po yung nasa Baguio, yung smoking area nila mayroon nakalagay na tarpaulin at nakalagay doon ang signatory ng CHO Officer sa information na yun. Doc, please enlighten the committee paano ba ang standards ninyo or requirement sa smoking area para ma approve."

**DRA. IVY MARIE YRASTORZA** "Actually yung sa Baguio hindi pa yun ideal, kung nakita niyo po yung nasa Davao na may designated smoking area sila, kumbaga hindi per establishment ang mayroon. Mayroon lang designated sa city na doon lang po pupunta para mag smoke, it doesn't matter kung malapit or malayo sa hotel kasi po yung mga hotels po ay walang designated smoking area within the hotel. Talagang lalabas po sila, doon talaga sa designated smoking area doon lang pwede mag smoke. Para po siyang shed enclosed posters regarding doon about smoking, then pupuntahan lang talaga."

**DRA. IVY MARIE YRASTORZA** "Kasi po matagal na po namin to gusto maimplement especially dito sa City Hall kasi hindi tayo makapasa sa DOH for the Red Orchid Award. Dahil nga po hindi natin naiimpliment yung prohibition of smoking sa government places."

**MANOLO S. GALVEZ JR.** "In addition, kay Dra. about sa mga location kung saan pwede ilagay, kung pwede rin maglagay ng mga halaman na naka palibot po doon. Inside po sila maninigarilyo sa loob ng halaman, para maabsorb po nung halaman yung smoke dahil nakakatulong din po siya sa ozone layer po natin."

**COUN. REYNALDO PALABRICA** "Hindi ba human rights violation yun?"

**COUN. REYNALDO PALABRICA** "Anyway kaya tayo nagkaroon ng hearing para mapakinggan nating lahat at mabalanseng mapag aralan ng committee kung ano yung nararapat sa mga provision."

**COUN. REYNALDO PALABRICA** "Next provision, number 5 possession, use, sale, distribution, or purchase of cigarettes, electronic cigarette, heated tobacco products and other tobacco products and/or their components by minors."

**COUN. REYNALDO PALABRICA** "Ma'am, pinagbabawal na yung pagbebenta sa mga minors pero ang dami naming nakikita na nagvevape na mga minors."







**MARIA JINKY S. GULAPA** "Kami po sir ay hindi po nagbebenta sa mga minors, may naka paskil po kami sa aming store na age na pwede lang bumili."

**COUN. REYNALDO PALABRICA** "In case po na fully enforced na po itong ordinansa, may nakalagay po dito na mere possession kahit hawak lang ng minor ay pwede naming hulihin, kukumpiskahin ang vape or similar electronics. Okay lang ba sainyo yun?"

**MARIA JINKY S. GULAPA** "Yung kukunin po yung vape?"

**COUN. REYNALDO PALABRICA** "Halimbawa, nakita ng enforcing team natin police, barangays o kung sino man nakita si minor na may hawak na vape. Kukunin yun then dadalhin sa CSWD si minor para mabigyan ng counselling and yung vape unit nung minor is kukumpiskahin na yun. Wala ho bang problema yun sa mga nagtitinda po?"

**MARIA JINKY S. GULAPA** "Wala naman po sa amin, kasi hindi naman po naming binibigyan ng pagkakataon makabili yung minor, tama lang po na kunin po kasi bawal po sa kanila."

**DRA. IVY MARIE YRASTORZA** "Question lang po ma'am, do you check yung age? How do you check? Kasi may mga minors na mukhang 21 years old na po."

**MARIA JINKY S. GULAPA** "May ID po yung bumibili po mostly, tapos tinitignan po namin. Mostly, wala naman pong bumibili sa amin na minor, nakikilala din naman po namin sa mukha."

**COUN. REYNALDO PALABRICA** "So ibig sabihin, ang punto mo Dra. kapag bibili hahanapan ng ID para ma check? Madali lang yun, pabuksan mo yung Facebook tapos tignan yung birthday, walang lusot yun. Ginagawa namin yun before, during curfew pag walang ID sa FB."

**DRA. IVY MARIE YRASTORZA** "Pwede po kasing dayain yung birthday sa FB."

**COUN. REYNALDO PALABRICA** "Bibihira yung gumagawa nun, pwedeng paraan."

**COUN. REYNALDO PALABRICA** "Next is, selling, ordering and instructing or compelling a minor to use, light up, buy, sell, distribute, advertise, or promote tobacco products, electronic cigarettes, heated tobacco products, or their





components. Yung sinuman na mag-utos sa minor, doon sa mga nabanggit na mga activity ay bawal din."

**COUN. REYNALDO PALABRICA** "Selling, distributing, advertising, promotions, sponsorships, and product testing of tobacco products, electronic cigarettes, and heated tobacco products, and/or their components within the premises of schools, public playgrounds, other facilities frequented by minors, and governments offices delivering services on education, health, and social welfare and development and within 100 meters from any perimeter of these places."

**COUN. REYNALDO PALABRICA** "So ibig sabihin sa minors tulad sa schools, parks, bawal din magbenta, mag promote or distribute. So paano yun Doc tulad dito mismo sa City Hall, nagkaroon ng parang vape congress sa Strike Gym wala pang batas nun, ibig sabihin bawal na yun?"

**DRA. IVY MARIE YRASTORZA** "Yes po, especially government facility po tayo hindi po talaga tayo dapat nagcoconduct ng mga ganung activities within the City Government premises."

**COUN. REYNALDO PALABRICA** "Okay, ang dami netong prohibited acts, nasa 31. Nasa 9 pa lang tayo. Selling of tobacco products and/or ENDS within premises of a government facility, tama nga pero wala pa ring batas."

**COUN. REYNALDO PALABRICA** "Since isa lang representative from the vape shop owners, ganito na lang gawin natin. Kung may kopya na kayo and kung merong mga suggestion please free to submit or send to us bago namin maipasa ang batas na ito."

**COUN. ROGELIO NOLASCO** "Mr. Chair, I observed that for number 13 and 19 the same lang ang sinasabi."

**COUN. REYNALDO PALABRICA** "Noted. Thank you very much Councilor Nolasco."

**COUN. REYNALDO PALABRICA** "To those present here, bigyan namin kayo until Tuesday next week magbigay ng opinion."

**COUN. REYNALDO PALABRICA** "Representative from legal, any comments?"

**ATTY. JOSHUA FLORES** "Thank you Mr. Chair, no comment from our office. Last week before the Holy Week we received a letter from city admin, she wants to







include some things mostly about the responsibilities of the officials. We will effect this within the week and submit it again to SP."

**COUN. REYNALDO PALABRICA** "Okay, para maisama natin. Ano ba ang pinaka basic niyang concern."

**ATTY. JOSHUA FLORES** "The city admin wants to amend or revise the duties and responsibilities of the health officer."

**COUN. REYNALDO PALABRICA** "Under what section?"

**ATTY. JOSHUA FLORES** "Section 15a, article 6."

**COUN. REYNALDO PALABRICA** "Ano yung propose revision?"

**ATTY. JOSHUA FLORES** "Under number 1 po, the city admin wants to include the."

**COUN. REYNALDO PALABRICA** "Ang sabi dito, make tobacco control including the implementation of this Ordinance, apart of the health program and propose funding under the annual general budget of the local government unit or the Local Health Investment Plan."

**COUN. REYNALDO PALABRICA** "Ano yung irerevise dito? Magkano yung kailangan mong pera para magkaroon ka ng control dito? Dahil nandito ka sa Sangguniang Panlungsod kami yung nagaapprove ng budget."

**DRA. IVY MARIE YRASTORZA** "First, kung talagang implement natin itong law. We have to identified the designated smoking area or vaping area, so kasama po yun sa bubudgetan, so it is infrastructure. Papacheck po, hindi naman po iisang espasyo lang, parang waiting shed siya."

**COUN. REYNALDO PALABRICA** "Pwede bang naka aircon siya?"

**DRA. IVY MARIE YRASTORZA** "Pwede naman po, kaya lang malalanghap siya mas malaki yung risk sa kalusugan ninyo, enclosed po talaga siya. The risk of being expose are developing cases because of smoking and inhaling smoke, mas mataas yung risk then yung gustong tumigil sa smoking mayroon tablets, parang chewable tablets po, we can purchase to aid to their withdrawal."

**COUN. REYNALDO PALABRICA** "May available ba tayo dyan?"





gusto namin marinig lahat ng suggestion ng ating mga stakeholders regarding this ordinance. Sabi namin kanina we will give everyone the opportunity to submit their opinion, suggestion or reaction, in writing until Tuesday next week. Paki pa receive na lang po dito sa Sangguniang Panlungsod. So bibigyan po kayo ng copy ng draft ordinance, pag-aralan niyo na or paconsult niyo na rin sa lawyer niyo para sa mas tamang impormasyon at suggestion na maibibigay niyo saamin. Hindi kami naghihearing for the purpose of compliance alone. Our public hearing like this, is really to solicit the opinion and to see the ordinance is really crafted.

**COUN. REYNALDO PALABRICA** "Nagpapasalamat po kami sa BDRRM, City Legal Services, Office of the City Health Services at sa mga vape business owners na nandito."

**COUN. REYNALDO PALABRICA** "May I asked for motion of adjournment."

**COUN. ADRIELITO GAWARAN** "Mr. Chair there is no matter to be discussed I moved for the adjournment."

The committee hearing ended at 10:00 a.m.

Prepared by:

**RONALDO M. VERONA**  
Staff

Attested by:

**COUNCILOR REYNALDO C. PALABRICA**  
Chairman  
Committee on Health and Sanitation



SCAN ME







Republic of the Philippines  
PROVINCE OF CAVITE  
City of Bacoor

OFFICE OF THE SAGGUNSIANG PANLUNGSOD

Committee on Health and Sanitation  
**NOTICE OF COMMITTEE HEARING**  
(PROOF OF RECEIPT)  
(April 04, 2024 9:00 AM)  
(SP Session Hall)

Office of the Sangguniang Panlungsod  
Received by UBL on April 04, 2024  
Time: 9:01 AM

**Subject:** AN ORDINANCE REGULATING THE USE, SALE, DISTRIBUTION, ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS, ELECTRONIC CIGARETTES, HEATED TOBACCO PRODUCTS AND OTHER NICOTINE/NON-NICOTINE DELIVERY DEVICES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR, TO INSTILL HEALTH CONSCIOUSNESS AND FOR OTHER PURPOSES. (PCO No. 2024-178) dated (April 01, 2024)

NAME	OFFICE AFFILIATION	CONTACT NUMBER	SIGNATURE/DATE
HON. LEVY TELA	SP	606-5418	revised 4-7-24 2:21 pm
HON. CATHERINE EVARISTO	SP		glaw 04/03/24
HON. MICHAEL SOLIS			
HON. ROGELIO NOLASCO	SP	-	<i>[Signature]</i> 4/5/24
Dr. IVY MARIE YRASTORZA CHO	CHO	435-3421	<i>[Signature]</i> 4/5/24
Atty. KIM NYCA LOFRANCO City Legal	Ochs	415	UEquipeta/4-3-24 10:00 AM
Mr. MANOLO GALVEZ BDRMO	BDRMO	161	Arts (all) 4/3/24 10:35
HON. SIMPLICIO DOMINGUEZ	SP	09	king 4-3-24



Republic of the Philippines  
PROVINCE OF CAVITE  
City of Bacoor

OFFICE OF THE SAGGUNSIANG PANLUNGSOD

Committee on Health and Sanitation  
**ATTENDANCE OF COMMITTEE HEARING**  
(PROOF OF RECEIPT)  
(April 04, 2024 9:00 AM)  
(SP Session Hall)

Office of the Sangguniang Panlungsod  
Received by: Janet Pring  
Date: 29 April 2024  
Time: 9:01 AM

**Subject:** AN ORDINANCE REGULATING THE USE, SALE, DISTRIBUTION, ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS, ELECTRONIC CIGARETTES, HEATED TOBACCO PRODUCTS AND OTHER NICOTINE/NON-NICOTINE DELIVERY DEVICES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR, TO INSTILL HEALTH CONSCIOUSNESS AND FOR OTHER PURPOSES. (PCO No. 2024-178) dated (April 01, 2024)

NAME	OFFICE	CONTACT # Email Address	SIGNATURE/DATE
Maria Linky S. Gulapa	Vape owner	09928580411	midday 04-04-24
SMALLERO DORVILLE SP			
IVY MARIE C YMASTORZA	OTHS	bacoorcityhealth@phn.com	
Manolo S. Galvez Jr.	BDRRMO city safety officer	09189853188	
Atty. Joshua Flores	OCLS	0932-542-8505	JF
KARL REBOSURA	OSTH BDRRMO	0916346-800	
LEVY TELA	SP		
ALEX GUTIERREZ	SP		
ROBELLO DELASCO	SP		
Ronaldo Arce	Shop owner	09504558884	R Arce
Angela Achavan	Shop owner	0912510508	A-Ahuan
Jethro Bautista Uy	shopowner	09978156960	
NIÑO ANG	Shop owner	0978671851	
MJ OJIVEROS	Shop owner	09286798351	
Jonathan Blando	BDRRMO	09063547773	





**PCO 2024-178** – AN ORDINANCE REGULATING THE USE, SALE, DISTRIBUTION, ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS, ELECTRONIC CIGARETTES, HEATED TOBACCO PRODUCTS AND OTHER NICOTINE/NON-NICOTINE DELIVERY DEVICES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR, TO INSTILL HEALTH CONSCIOUSNESS AND FOR OTHER PURPOSES.



Office of the Sangguniang Panglungsod  
 Received by Janet Pring  
 Date: 26 JUL 2024  
 Time: 9:00am







OFFICE OF THE SANGGUNIANG PANLUNGSOD

CGBCR-KOLS-02-F10.00  
10/20/2023

PROPOSED ORDINANCE NO. 2024-178  
Series of 2024

**AN ORDINANCE REGULATING THE USE, SALE, DISTRIBUTION, ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS, ELECTRONIC CIGARETTES, HEATED TOBACCO PRODUCTS AND OTHER NICOTINE/NON-NICOTINE DELIVERY DEVICES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR, TO INSTILL HEALTH CONSCIOUSNESS 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 World Health Organization's Framework Convention on Tobacco Control (FCTC) to which it is a party, gives priority to protecting public health and promoting measures of tobacco control based on current and relevant scientific-technical health social, environmental and economic considerations, and recognizes its obligations to implement the measures provided in the treaty to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke;

**WHEREAS**, the Philippines signed and ratified the Convention on the Rights of the Child (CRC) recognizing children as persons with Rights and Entitlements Article 4 of the CRC mandates that "States Parties shall undertake all appropriate legislative, administrative, and other measures to implement the rights recognized in the present Convention. With regard to economic, social, and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation;"

**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. 8749) 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 to and by minors and in certain places frequented by minors; imposes restrictions on advertising, promotion, and sponsorship activities of tobacco companies,

**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 for designated smoking areas;

**WHEREAS**, the Land Transportation Franchising and Regulatory Board (LTFRB) Memorandum Circular 2019-063 provides that drivers and operators of public utility vehicles are responsible for preventing smoking in public conveyances and posting specified "No Smoking" signs in their vehicles,

**BACK**



**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

**WHEREAS**, the Civil Service Commission (CSC)-Department of Health (DOH) Joint Memorandum Circular No. 2010-01 prohibits government officials and personnel from acts involving/facilitating the interference of the tobacco industry within the bureaucracy, such as, but not limited to, unnecessary interactions, granting favors, accepting gifts, donations or sponsorships, and conflict of interest.

**WHEREAS**, the Universal Health Care Act of 2019 (Republic Act No. 11223) directs local government units to enact stricter ordinances that strengthen and broaden existing health policies and implement effective programs that promote health literacy and healthy lifestyle among their constituencies to advance population health and individual wellbeing, reduce the prevalence of non-communicable diseases and their risk factors, particularly tobacco and alcohol use.

**WHEREAS**, the Seal of Good Local Governance Act of 2019 (RA 11292) measures, among others, the local government units' capability to effectively implement and deliver health services and information systems as well as pursue evidence-based health promotion and protection policies scientifically proven and accepted to advance population health and individual well-being. One of the indicators for this measurement is the strict enforcement of laws and ordinances that regulate tobacco sale and use;

**WHEREAS**, Executive Order No. 108 series of 2020, which amended Executive Order No. 28 series of 2017, directs local government units to adopt and implement the nationwide smoking and vaping restrictions and to strengthen existing measures on access restriction, including the regulation on sales, distribution, and availability of cigarettes, electronic nicotine and non-nicotine delivery systems (ENDS/ENNDOS), heated tobacco products (HTPs) and other tobacco products,

**WHEREAS**, the "Vaporized Nicotine and Non-Nicotine Products Regulation Act" or RA 11900 declared that it is the policy of the State to "protect the citizens from the hazards of regulated, unregulated and substandard Vapor Products and Heated Tobacco Products" and "promote a healthy environment, protect the citizens from any potential hazards of these novel consumer products, reduce the harm caused by smoking, and ensure that the sale to minors are prevented";

**WHEREAS**, the LGU of Bacor City recognizes the fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy, and to carry out, defend, and promote the right to health of its residents hereby adopts measures protecting its tobacco control policies, from commercial and other vested interests of the tobacco industry.

**WHEREAS**, the LGU of Bacor City recognizes that local governments must act with urgency to break the culture of smoking and tobacco consumption, especially by minors, through comprehensive and proven effective tobacco control measures;

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

**WHEREAS**, the enjoyment of the highest attainable standard of health is a fundamental right of every human being, and that public health takes precedence over any commercial or business interest;

**WHEREAS**, an increasing number of Filipinos become afflicted with and die each year of tobacco-related diseases such as stroke, heart disease, emphysema, various cancers, and nicotine addiction, among others, and both the public and workers in





**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

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, under Article 8 of the FCTC, require 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.

**WHEREAS**, heated tobacco products are being marketed with unproven and unvalidated claims of "reduced risk" and as "smoke-free" alternatives to smoking conventional cigarettes,

**WHEREAS**, the World Health Organization (WHO) and the Conference of Parties to the WHO FCTC recognize that heated tobacco products are tobacco products and are therefore subject to the provisions of the WHO FCTC.

**WHEREAS**, other tobacco products like electronic nicotine delivery systems (ENDS or 'vape') have gained increasing popularity in the Philippines, especially in cities and urban centers and among minors and young adults, as reflected in the 2019 Global Youth Tobacco Survey and 2021 Global Adult Tobacco Survey;

**WHEREAS**, the scientific and medical evidence regarding the adverse health effects of electronic cigarettes, such as nicotine dependency and addiction, increased respiratory and cardiovascular disease risks, poisoning, seizure, burns, and trauma and death from faulty devices, among others, establish that these products pose a clear and direct harm to their users;

**WHEREAS**, the LGU of Bacoor City must implement with the national government the letter and spirit of the said laws and regulations in their own territorial jurisdiction,

**WHEREAS**, under the laws, the LGU of Bacoor City is empowered to impose penalties for violations of the abovementioned laws,

**WHEREAS**, the LGU of Bacoor City recognizes that it must act with urgency and take appropriate countermeasures to break the culture of tobacco consumption, smoking, and vaping through comprehensive and proven effective tobacco control measures to prevent the initiation of non-users and the youth and prevent exposure to harmful chemical and emissions that pose risks to health while providing a supportive environment to those attempting to quit smoking and vaping, as well as protect its health policies in accordance with the country's obligations under the Article 5.3 of the Framework Convention on Tobacco Control;

**WHEREAS**, to fully protect the health and welfare of the constituents of Bacoor City and at the same time safeguard the health of all stakeholders, including smokers and vapers, there is a need to pass a comprehensive ordinance covering tobacco products, electronic nicotine delivery systems, electronic non-nicotine delivery system, heated tobacco products, and novel tobacco products regulating their use, sale, manufacture, distribution, advertisement, and promotions, and providing penalties for violations.

**NOW, THEREFORE**, be it **ORDAINED** by the 5th Sangguniang Panlungsod of the City of Bacoor, Province of Cavite that:

**ARTICLE 1**

3

**BACK**



**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

**GENERAL PROVISIONS**

**SECTION 1. TITLE.** – This Ordinance shall be known as the **"COMPREHENSIVE SMOKE AND VAPE-FREE ORDINANCE"**

**SECTION 2. PURPOSE.** – It is the purpose of this Ordinance to safeguard the public health, safety, and well-being of all its residents by protecting them from the harmful effects of smoking, tobacco consumption, and vaping; reducing potential exposure to tobacco marketing and advertising; restricting the accessibility of tobacco products and provide a supportive and conducive environment for users to quit

**SECTION 3. SCOPE AND DURATION.** This Ordinance shall apply to all persons, natural or juridical, resident or non-resident, and in all places found within the territorial jurisdiction of the City of Bacoor.

**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:

1. **Advertising** shall refer to the business of conceptualizing, presenting, making available, and communicating to the public, through any form of mass media, any fact, data, or information about the attributes, features, quality, or availability of consumer products, services, or credit. For the purpose of this ordinance, advertising shall be understood as tobacco product advertising
2. **Civil Society Organization (CSO)** - refers to a legally constituted voluntary civic and social organization or institution created without government participation, including but not limited to charities, development non-governmental organizations (NGOs), peoples' organizations, community groups, women's organizations, faith-based organizations, professional associations, coalitions and advocacy groups duly recognized by the Office of the Mayor, provided such organization, institution or association is not directly or indirectly related to, connected and/or associated with, or has partnership with or recipients of funding or conduits of, or act as front groups of the tobacco and/or electronic cigarette industry.
3. **Designated Smoking/Vaping Area (DSA/DVA)** - refers to an outdoor or indoor space, as the case may be, duly approved by the City Health Officer where smoking and/or vaping may be allowed without violating this ordinance, subject to the standards provided in this ordinance.
4. **Electronic Nicotine and Non-Nicotine Delivery Systems (ENDS/ENNDS)** - are combinations of non-tobacco containing e-liquids, solutions, or refills that may or may not contain nicotine and an electronic delivery device to produce aerosol, mist, or vapor that users inhale by mimicking the act of smoking. ENDS/ENNDS deliver nicotine and/or other chemicals to the lungs after one end of a plastic or metal cylinder is placed in the mouth, like a cigarette or cigar, and





OFFICE OF THE SANGGUNIANG PANLUNGSOD

inhaled to draw a mixture of air and vapors from the device into the respiratory system. They contain electronic vaporization systems, rechargeable batteries and chargers, electronic controls, and replaceable cartridges containing nicotine and/or other chemicals. They are also commonly known as electronic cigarettes (e-cigarettes), vapor products, vapes, vape pens, electronic shisha (e-shisha), mods, and other similar or related devices

5. **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. The enclosed character of a building or conveyance shall attach to all its areas, including its open spaces
6. **Graphic Health Warnings** - refer to the photographic image printed on the tobacco product package that accurately depicts the hazards of tobacco use and is accompanied by a textual warning related to the picture.
7. **Heated Tobacco Products (HTPs)** - refers to tobacco products that may be consumed through heating tobacco, either electrically or through other means, sufficient to release an aerosol that can be inhaled without burning or combustion of the tobacco. HTPs may include liquid solutions and gels that are part of the product and are heated to generate an aerosol.
8. **Minors** - refers to persons below eighteen (18) years old who are prohibited from using, selling, distributing, marketing, advertising, promoting, or purchasing tobacco products, electronic nicotine delivery systems (ENDS), electronic non-nicotine delivery systems (ENNDS), heated tobacco products or their components within the territorial jurisdiction of the City of Bacoor
9. **Novel Tobacco Products** - refers to all non-combusted substances in solid or liquid form, and innovations, either made partly of tobacco leaf as raw material or containing nicotine from tobacco, intended to be used as a substitute for cigarettes or other combusted tobacco products
10. **Other facilities frequented by minors** - refer to places where minors and children are cared for, educated, work, and play. This includes sidewalks, childcare facilities, health care facilities, dormitories, entertainment venues, parks, recreational and sports facilities, shopping, restaurants, leisure facilities, accommodation and worship facilities.
11. **Person-in-charge** - refers to, in case of public places, public outdoor spaces, workplaces, and point-of-sale, the president/manager in case of a company, corporation, partnership, or association, the owner/proprietor/operator in case of a single proprietorship, or the administrator in case of government property, facility, office or building; in case of public conveyances, the owner, driver, operator, conductor, or captain of the public conveyance, in case of schools or universities, the city schools superintendent, school president, dean or principal.



OFFICE OF THE SANGGUNIANG PANLUNGSOD

12. **Point-of-sale** - refers to any licensed seller or retailer at which an individual can purchase or otherwise obtain tobacco products
13. **Promotion** - refers to an event or activity organized by or on behalf of a tobacco manufacturer, distributor, or retailer to promote a brand of tobacco product, which event or activity would not occur but for the support given to it by or on behalf of the tobacco manufacturer, importer, distributor or retailer. It may also refer to the display of a tobacco product or manufacturer's name, trademark, logo, etc., on non-tobacco products. This includes the paid use of tobacco products bearing the brand names, trademarks, logos, etc., in movies, television, and other forms of entertainment.
14. **Public conveyances** - refers to modes of transportation serving the general population, such as, but not limited to, elevators, airplanes, ships, jeepneys, buses, taxicabs, trains, light rail transits, tricycles, and other modes of transportation that the Department of Transportation and other regulatory agencies may approve.
15. **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 schools, workplaces, government facilities, 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, common areas of condominiums, church grounds, health/hospital compounds, transportation terminals, markets, parks, resorts, walkways/sidewalks, entrance ways, waiting areas and the like
16. **Second-hand smoke (SHS)/Second-hand vaping aerosol (SHVA)** - means the smoke, aerosol, or emission coming from the burning end/heated component of a cigarette/other tobacco products, including heated tobacco products, and electronic cigarettes and other similar devices, usually in combination with the smoke, aerosol or emission exhaled by the smoker/vaper.
17. **Smoke-free air** - refers to the air that is 100% free from tobacco smoke but is not limited to the air in which tobacco smoke cannot be seen, smelled, sensed, or measured. Similarly, vape aerosol-free air refers to the air that is 100% free from vaping (e-cigarette) aerosol.
18. **Smoking** - means being in possession or control of a lit tobacco product regardless of whether or not the smoke or emission is being actively inhaled or exhaled.
19. **Sponsorship** - means any form of contribution to any event, activity, or individual with the aim, effect, or likely effect of promoting tobacco products, ENDS/ENNDS, HTPs, or their components, or the use thereof, either directly or indirectly.
20. **Tobacco Products** - means products entirely or partly made of the leaf tobacco as raw material which is manufactured to be used for smoking, heating, sucking, chewing, or snuffing, such as but not limited to cigarette, cigar, pipe, shisha/hookah, and chew tobacco.





**OFFICE OF THE SANGGUNILANG PANLUNGSOD**

This includes ENDS/ENNDS, heated and smokeless tobacco products, novel tobacco products, and related consumer products

21. **Tobacco Industry** - refers to organizations, entities, associations, and individuals that work for or on behalf of the tobacco industry, such as, but not limited to, tobacco and vape manufacturers, wholesale distributors, importers of tobacco products, tobacco retailers, front groups, and any other individuals or organizations, including, but not limited to lawyers, scientists, and lobbyists that work to further the interests of the tobacco industry that compete with those of tobacco control.
22. **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.
23. **Vaping** - refers to possessing or controlling a powered ENDS/ENNDS or HTP, regardless of whether the emission in the form of smoke, vapor, or aerosol is being actively inhaled or exhaled.
24. **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.

Words and phrases embodied in this Ordinance that are not specifically defined herein shall have the same definitions found in R.A. No. 7160, also known as the Local Government Code of 1991.

**ARTICLE 2  
PROHIBITED ACTS**

**SECTION 5. Prohibited Acts.** - The following acts shall be prohibited

1. Smoking, vaping, and/or using tobacco products in enclosed or partially enclosed public places, workplaces, public conveyances (whether mobile or stationary), or other public places, such as those enumerated under Section 4(c), except in Designated Smoking/Vaping Areas duly approved and fully compliant with the requirements under Section 6 of this ordinance.
2. Smoking, vaping, and using tobacco products in the presence of minors;
3. For persons in charge to allow, abet, or tolerate smoking and/or vaping in places enumerated in the preceding paragraph, outside of the duly approved Designated Smoking/Vaping Area under Section 7 of this ordinance.
4. Operating or establishing designated smoking/vaping areas without a Permit from the City Health Office or failing to comply with the standards for the operation of smoking/vaping areas provided under Section 7 of this Ordinance.

[BACK](#)



OFFICE OF THE SANGGUNIANG PANLUNGSOD

5. Possession, use, sale, distribution, or purchase of cigarettes, electronic cigarette, heated tobacco products, other tobacco products and/or their components by minors;
6. Selling, distributing, purchasing, marketing, and promoting tobacco products or electronic cigarettes and heated tobacco products and/or their components to minors;
7. Ordering, instructing, or compelling a minor to use, light up, buy, sell, distribute, deliver, advertise, or promote tobacco products, electronic cigarettes, heated tobacco products, or their components;
8. Selling, distributing, advertising, promotions, sponsorships, and product testing of tobacco products, electronic cigarettes, and heated tobacco products and/or their components within the premises of schools, public playgrounds, other facilities frequented by minors, and government offices delivering services on education, health, and social welfare and development and within 100 meters from any perimeter of those places;
9. Selling of tobacco products and/or ENDS within premises of a government facility;
10. Selling cigarettes, electronic cigarette, heated tobacco products, and other tobacco products and/or their components without a valid city business permit and license to sell;
11. Selling of cigarettes, vapor product refills, heated tobacco products, and other tobacco products and/or their components removed from their original product packaging or sold as individual pieces or per stick, or in packs containing less than 20 sticks/pieces in case of tobacco products and heated tobacco product refills/heat sticks;
12. Selling and distribution of electronic cigarette refills or pods that are not tamper resistant and child resistant compliant with prevailing international standards;
13. Selling, distributing, advertising, and promoting sweets, snacks, toys, accessories, apparel, writing implements, or any other objects in the form of or bearing a resemblance to the logo, insignia, packaging, or distinguishable design elements of the brand of cigarettes, electronic cigarettes, heated tobacco products, and other tobacco products;
14. Selling and distribution of vapor products containing more than sixty-five (65) milligrams of nicotine;
15. Selling and distribution of flavored electronic cigarettes, except those with menthol and tobacco flavors;
16. Selling of Vaporized Nicotine and Non-Nicotine Products, Novel Tobacco Products that are packaged, labeled, presented, or marketed with flavor descriptors that are proven to unduly appeal particularly to minors. A flavor descriptor is presumed to unduly appeal to minors if it includes a reference to a fruit, candy brand, dessert, or cartoon character;
17. The retail and use of nicotine shots and/or concentrates



OFFICE OF THE SANGGUNIANG PANLUNGSOD

18. Selling tobacco products and/or ENDS by ambulant or street vendors, including other mobile or temporary stalls, kiosks, stations, or units;
19. Selling, distributing, advertising, and promoting sweets, snacks, toys, accessories, apparel, writing implements, or any other objects in the form of or bearing a resemblance to the logo, insignia, packaging, or distinguishable design elements of the brand of cigarettes, electronic cigarettes, heated tobacco products, and other tobacco products;
20. Manufacturing, importation, distributing, marketing, or selling of unregistered or adulterated electronic cigarettes and their components in the form of devices, e-liquids, solutions, or refills, whether physically part of or intended to be used with electronic cigarettes, heated tobacco products, and other novel tobacco products;
21. Marketing, importing, distributing, and selling of cigarettes, electronic cigarettes, heated tobacco products, and tobacco products and/or their components without the appropriate government-issued health warning labels;
22. Failure on the part of retailers, sellers, and distributors to require the presentation of a valid government-issued identification card from buyers and recipients of tobacco products;
23. Placement of tobacco product advertisements in shopping bags;
24. Placing cinema or outdoor advertisements of tobacco products and/or ENDS;
25. Placing, posting, displaying, or distributing advertisement and promotional materials of tobacco products, such as but not limited to leaflets, posters, display structures, and other materials within an establishment, where such establishment or its location is prohibited from selling tobacco products and/or ENDS/ENDS/HTPs;
26. Placing advertisements of cigarettes, electronic cigarette, heated tobacco products, and other tobacco products and/or their components outside the premises of points-of-sale such as, but not limited to, vehicles of any kind, billboards, posters, and streamers;
27. Placing, posting, displaying, or distributing advertisement and promotional materials of tobacco products or ENDS/ENDS/HTPs, such as but not limited to leaflets, posters, display structures, and other materials that show a tobacco/ENDS brand's name (including company name), logo or indicia, such as in a point-of-sale establishment, where minors are allowed entry;
28. Conducting promotional activities, campaigns, events, product sampling and the like, where the establishment or its location is prohibited from selling or unauthorized to sell tobacco products and/or ENDS, and/or where minors are allowed entry;
29. Refusal to allow entry of the members of the Smoke-Free Task Force or its duly deputized enforcers into places mentioned in Section 4 of this Ordinance for the purpose of implementing, monitoring, inspecting, and enforcing the provisions of this Ordinance;





**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

30. Facilitation, participation, or partnership involving any government official or personnel of the City Government of Bacoor, regardless of employment status (permanent, casual, contractual, job order, consultant, or special appointment) in any form of contribution, favor, sponsorship, or corporate social responsibility (CSR) activity, event, program or project by a tobacco/electronic cigarette company, tobacco/electronic cigarette industry front groups, or any representation working to protect or promote tobacco/electronic cigarette industry interests with the aim, effect or likely effect of promoting a tobacco/electronic cigarette product, its use either directly or indirectly.
31. Defacing, tampering, or removing signages and other materials without permission of the Local Government

**ARTICLE 3  
REGULATION ON ADVERTISEMENT**

**SECTION 6. ADVERTISEMENT RESTRICTIONS.** – The following shall apply to all tobacco and e-cigarette product advertisements:

1. Advertisements shall only depict persons who are or who appear to be above twenty-five (25) years of age.
2. Advertisements shall not show, portray, or depict scenes where the actual use of, the act of using, or a puffing of e-cigarette products is displayed.
3. Advertisements should not undermine quit-smoking messages and encourage non-tobacco or non-nicotine users to use the product.
4. Advertisements do not contain any information or elements that are untrue or not scientifically substantiated, in particular with regard to product characteristics, health effects, risks, or emissions.
5. Promotional communications shall allow for adult consumers to learn about the availability of e-cigarettes, receive information about how to use them, try them before purchasing them, subject to proof of age and certification of smoker status, and receive pre-sale and after-sales support.
6. Advertisements shall not appear on television, radio, or cinema.
7. All allowable advertisements and promotional materials for nicotine receptacles shall contain the health warning "This product may damage your health and is addictive." The health warning shall occupy ten percent of the bottom area of the advertisement.

**ARTICLE 4  
DESIGNATION OF VAPING AREAS**

**SECTION 7. STANDARDS FOR DESIGNATED SMOKING AND VAPING AREAS.** – All Designated Smoking Areas (DSAs) and Designated Vaping Areas (DVAs) shall strictly comply with the following standards:

BACK



**OFFICE OF THE SANGGUNILANG PANLUNGSOD**

**A. For Indoor DSA/DVA:**

1. No opening that will allow air to escape from the DSA and DVAs to the smoke-vape-free area, except for a door with an automatic closer. If the DSA and DVAs are not in an open space, such door shall open directly towards a Buffer Zone (a ventilated area between the door of a DSA and DVAs [2m apart] not located in an open space and the smoke-vape-free area).
2. The DSA and DVAs shall not be located in or within ten (10) meters from entrances, exits, or any place where people pass or congregate or in front of air intake ducts;
3. The combined area of the DSA and DVAs and the buffer zone shall not be larger than 20% of the total area of the building or conveyance, provided that in no case shall such area be less than ten (10) square meters;
4. The ventilation system for the DSA and DVAs and for the Buffer Zone shall be independent of all ventilation systems of the building or conveyance.

**B. For outdoor DSA/DVA:**

1. It shall be located in an open space outside the building with no permanent or temporary roof or walls in an outdoor area;
2. The DSA and DVAs shall not be located in or within ten (10) meters from entrances, exits, or any place where people pass or congregate or in front of air intake ducts;
3. It shall not have an area larger than 10 square meters.
4. No building or conveyance shall have more than one DSA and DVA;
5. Smoking shall not be allowed in DVAs;
6. Minors shall not be allowed inside the DSA and DVA and the buffer zone;
7. Selling, serving, bringing in, or offering food and beverages in the DSA and DVA and its buffer zone is prohibited unless the DSA and DVA are located in a point of sale dedicated to tobacco products
8. The DSA and DVA shall have the following signages highly visible and prominently displayed:
  - a. "Smoking area" or "Vaping Area" signage;
  - b. Graphic Health Warnings on the effects of using tobacco products, ENDS/ENNDS and HTPs;
  - c. Prohibition on the entry of persons below eighteen (18) years old and pregnant women, and
  - d. Information on cessation hotline and/or clinics/services
9. It shall have a receptacle for proper disposal of refuse from tobacco products or disposable components of electronic devices.



**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

10. Other standards and specifications to better ensure a smoke-free environment may be prescribed by the smoke-free and vape-free task force.

**C. However, there shall be no DSA and DVA in the following public places**

1. Centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels, and recreational facilities for persons under eighteen (18) years old;
2. Elevators and stairwells;
3. Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives, or combustible materials;
4. Within the buildings and premises of public and private hospitals, medical, dental, and optical clinics, health centers, nursing homes, dispensaries and laboratories;
5. Food preparation areas;
6. Public conveyances and in enclosed, partially enclosed, and outdoor areas of transport terminals that are near entrances and exits or where people congregate;
7. Within the buildings and premises of government offices and agencies delivering education, health, and social and welfare and development services shall likewise include parks, plazas playgrounds, sports and recreational facilities, and other facilities where an absolute smoking ban is imposed under special laws administrative and executive orders, memorandum circulars and related policies
8. Churches and other similar places where people congregate to worship.

Nothing in this ordinance shall compel persons in charge to establish DSAs/DVAs or prevent them from banning smoking or vaping in their buildings and establishments to better ensure a smoke-free environment in their premises.

**SECTION 8. DUTIES AND OBLIGATIONS OF PERSONS-IN-CHARGE. - PERSONS-IN-CHARGE SHALL -**

1. Prominently post and display the "No Smoking/No Vaping" symbol in the locations most visible to the public in the areas where smoking and vaping are prohibited. At the very least, the "No Smoking/No Vaping" signage must be posted at the entrance to the area, which shall be at least 18 x 11 inches in size, where the symbol/s shall occupy no less than 60% of the signage. The remaining 40% of the signage shall show the pertinent information/precautionary statement as follows:





**OFFICE OF THE SANGGUNIANG PANLUNGSOD**



**STRICTLY NO SMOKING AND NO VAPING**

As per **ORDINANCE NO.** \_\_\_\_\_

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

**Report violations to [ HOTLINE Number/Online Contact Info ]**

As for the Designated Smoking/Vaping Area (DSA/DVA) after complying with the specifications in Section 7, prominently display the following elements in the signage:

**DESIGNATED SMOKING/VAPING AREA" or "SMOKING/VAPING AREA**

"Persons below 18 are not allowed within these premises"

[Place Graphic/Picture-Based Health Warning on the effects or health risks of tobacco, electronic cigarette, and heated tobacco product use within the signage using the latest DOH GHW templates]

[If available, place the number of Smoking Cessation Hotline/Online Contact Info]

2. Prominently post and display the "No Smoking/No Vaping" signage in the most conspicuous location within the public conveyance. At the very least, a three-and-a-half (3.5) square inch "No Smoking/No Vaping" signage shall be placed on the windshield and a ten (10) square inch "No Smoking/No Vaping" sign on the driver's back seat.
3. For public utility bicycles, pedicabs, motorized taxis, and other similar public transportation vehicles, the signage shall be placed in the area most visible to passengers.
4. Remove from all places where smoking and/or vaping is prohibited all ashtrays and any other receptacles for disposing of cigarettes, electronic cigarettes, heated tobacco, and other tobacco products.
5. For persons in charge of commercial establishments/buildings or other non-governmental facilities intending to establish a DSA and DVA, secure a certification from the City Building/Engineering and Health Officers that the requirements for a DSA and DVA, as stated in Section 6 are complied with.
6. Application requirements shall include a business permit for the building, floor plan layout of the proposed DSA/DVA, corresponding fees, and other requirements as provided by the concerned office.
7. For persons in charge of schools, public playgrounds, or other facilities frequented by the youth and/or minors, health facilities, and government offices delivering services on education, health, and social welfare and development, post signage with a minimum size of 18 inches by 24 inches with the following statement in a clear and conspicuous manner:

BACK



**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

**SELLING, DISTRIBUTING, ADVERTISING, AND PROMOTING OF CIGARETTES, ELECTRONIC CIGARETTES, HEATED TOBACCO, AND OTHER TOBACCO PRODUCTS AND/OR THEIR COMPONENTS TO MINORS IS PROHIBITED WITHIN 100 METERS OF THE PERIMETER OF THIS ESTABLISHMENT/FACILITY**

8. For persons in charge of schools, public playgrounds, or other facilities frequented by minors, health facilities, and government offices delivering services on education, health, and social welfare and development to report to the Smoke/Vape-Free Task Force any sale, use, distribution, advertisement, or promotion of cigarettes, electronic cigarettes, heated tobacco products, other tobacco products and/or any of their components conducted within 100 meters from the perimeter of their establishments or offices;
9. For persons in charge of establishments intending to sell, distribute, advertise, and promote cigarettes/electronic cigarettes, heated tobacco products, and other tobacco products and/or any of their components in retail or wholesale to secure a business permit and license to sell from the LGUs' Business Permits and Licensing Office, and shall comply with all the licenses and requirements of other regulatory agencies;
10. For persons in charge of licensed point-of-sale establishments, post the following signage with a minimum size of 8 inches by 11 inches containing the latest Department of Health GHW templates in a clear and conspicuous manner:

**SALE/DISTRIBUTION, OR PURCHASE OF CIGARETTES, ELECTRONIC CIGARETTES, HEATED TOBACCO PRODUCTS, AND OTHER TOBACCO PRODUCTS AND/OR THEIR COMPONENTS TO OR FROM MINORS IS UNLAWFUL**

11. For persons in charge of approved point-of-sale establishments, remove all prohibited tobacco product advertisement and promotions paraphernalia.
12. For persons in charge of approved point-of-sale establishments, secure approval from the City Health Office for storage or containments of tobacco/electronic cigarette/heated tobacco product and/or any of its components as allowed by the FDA and the DTI. Only a listing of the available product's/component's brands/variants sold at the point-of-sale establishment is allowed to appear outside of the storage or containment, where such listing shall only be written/printed in any plain font and without any recognizable product or brand typefaces, logo, indicia or markings. Such list shall not occupy more than (25%) of the exposed side of the storage or containment;
13. For persons in charge of approved point-of-sale establishments, ensure that storages or containments of tobacco/electronic cigarette/heated tobacco product and/or its components are opened only by the store personnel/manager at the counter during the actual purchase or when being replenished or inspected,



**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

14. Establish internal procedures and measures through which this Ordinance shall be implemented and enforced within the area of which he or she is in charge. This includes compliance with smoking and/or vaping use, sales, distribution, advertising, sponsorship and promotions restrictions;
15. Ensure that all the employees in the establishment and government offices are aware of this Ordinance and the procedure and measures for implementing and enforcing it;
16. Allow inspectors acting under Sections 16 and 17 hereof, which may include other members of the Task Force and the designated civil society organization under Section 14, entry into the establishment, public conveyance, and government offices and facilities during regular business hours to inspect compliance with this Ordinance;
17. For all signages required to be posted under (a), (b), (e), and (h) above, provide versions of them in the local language/dialect.
18. Owners, administrators, or persons in charge of business establishments are not prevented from banning the use of tobacco products, ENDS/VENDS, and heated tobacco products within their premises, nor are they required to establish Designated Smoking/Vaping Areas in their establishments

**ARTICLE 5  
PENALTIES**

**SECTION 9. PERSONS LIABLE.** – The following persons shall be liable under this Ordinance

1. Any person or entity who commits any of the prohibited acts stated in Section 5 hereof,
2. Persons in charge who knowingly allow, encourage, abet, authorize, or tolerate the prohibited acts enumerated in Section 5 and Section 6 or who otherwise fail to fulfill the duties and obligations enumerated in Section 8 hereof,
3. If the violator is a minor, the apprehending officer from the Task Force shall follow the procedure provided under Section 18 of this Ordinance.
4. Any LGU employee who commits any of the prohibited acts stated in Section 5 (w), Section 6, and Section 13 of this Ordinance

**SECTION 10. PENALTIES.** – The following penalties shall be imposed on violators of this Ordinance:

- a) Violations of Section 5 (a) and (b) of this Ordinance:

First Offense - (P 2,000.00) or two days of community service

Second Offense - (P 4,000.00) or four days of community service

Third and Subsequent Offenses - (P 5,000.00), or five days of community service

**BACK**





OFFICE OF THE SANGGUNIANG PANLUNGSOD

- b) Violations of Section 5 (c, d, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, u, v, and x) and Section 8 (a to c) and Section 6 of this Ordinance

First Offense – (P 3,000.00) or three days of community service  
Second Offense – (P 4,000.00) or two days of community service  
Third and Subsequent Offenses – (P 5,000.00), or imprisonment for a period not exceeding (1 year), or both at the discretion of the court.

Suspension or revocation of business license or permit may be prescribed (in case of a business entity or establishment), if applicable.

- c) Violations of Section 5 (w) of this Ordinance:

First Offense (P 5,000.00) or five days of community service

- d) Community Service. If a violator is unable to pay the penalties imposed, he or she may choose to render community service within the city. For purposes of this section, community service is defined as any actual physical activity that indicates civic consciousness and is intended for the improvement of public work or promotion of public service.

- e) No Contest Provision. Persons who violate any provision of this Ordinance except for Section 5 (v) who do not wish to contest the violation and are willing to pay voluntarily the penalty imposed upon him/her for the first and second offenses enumerated in Section 9 (a) and (b) prior to the filing of a formal complaint with the proper court, shall be allowed to pay the penalty with the City Treasurer's Office within five (5) working days from the day of apprehension. If, after the lapse of five (5) working days, the violator has failed to present the Official Receipt of the payment of the penalties, the Task Force shall have the case filed with the Prosecutor's Office, attaching an Affidavit or Certification from the City Treasurer's Office that the violator failed or did not avail of the No Contest Provision. The No Contest Provision cannot be availed for third and subsequent offenses.

- f) Subsidiary Imprisonment Provision. Subsidiary imprisonment may be imposed by the court in the event that the violator is unable to settle the fine that he has been sentenced to pay.

- g) Proper Identification. Persons found in violation of this ordinance must present valid proof of identification. In the absence of such proof, the violator shall be brought to the nearest police station for proper identification and then to the Task Force for the payment of penalty or rendition of community service.

- h) Confiscation or Removal. Cigarettes, electronic cigarettes, heated tobacco products, other tobacco products, and their components, and their advertising, promotions, and sponsorship paraphernalia associated with any violation of the prohibited acts in this Ordinance shall be subject to confiscation, seizure, or removal. Tobacco products seized pursuant to violations of Section 5 (a, b, c, e, f, g, h, i, j, k, l, m, n, o, q, r, s, t and u) shall be destroyed by the LGU Smoke-Free Task Force after certification from the LCE that the administrative/criminal case involving the seized products are closed/terminated.

Illegal or non-compliant OSA/DVA and tobacco advertisements shall be demolished/removed within three (3) days after notice of removal has been served on the persons in charge.



**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

- i) **Revocation or Suspension of Business Permits and License to Sell** The business permit and license to sell cigarettes, electronic cigarettes, heated tobacco products, and other tobacco products or Certificate of Public Convenience of erring establishments and operators shall be suspended until the fines are settled and requirements of the City Health Office, Building/Engineering Office, Business Permits and Licensing Office and other appropriate regulatory agencies are complied. Should the establishment or public conveyance found to violate this Ordinance fall outside of the jurisdiction of this local government unit, the recommendation for revocation or suspension of Certificate of Public Convenience shall be forwarded to the appropriate local government unit, agency, or governing body. Any Task Force member may recommend the revocation or suspension of the license or permit of an erring establishment to the appropriate office.
- ii) **Evidence** The evidence of the violation of this Ordinance may be obtained by means of a photograph or video. In case of confiscated items, signed sworn statements/ affidavits shall be made by the apprehending officer with specific details of the violation and details of the confiscated items, including the procedures taken in order to preserve its integrity and evidentiary value. Upon confiscation, the items should be appropriately marked by the apprehending officer with his initials and signature and subsequently photographed and recorded in the inventory of the Task Force.:

**SECTION 11. CITATION TICKET SYSTEM** — Violators of this Ordinance shall be informed of their violation and its corresponding penalty using a Citation Ticket System with the following guidelines:

1. Official booklets of Citation Tickets shall be issued by the City Treasurer to duly authorized enforcers within ninety (90) calendar days of the effectivity of this Ordinance.
2. A Citation Ticket shall be issued by duly authorized enforcers to the person/s liable for any violation of this Ordinance.
3. A Citation Ticket shall contain the following information:
  - a. Checklist of the violations under this Ordinance.
  - b. The fines associated with each violation.
  - c. Option to render community service in case violator is unable to pay fine.
  - d. The due date for compliance with the obligations imposed by the ticket.
4. When a Citation Ticket is issued to a violator, he/she shall report to the City Treasurer's Office or its duly authorized collecting agent within five (5) working days after such issuance, where he or she shall either pay the fine imposed or render community service under Section 10 (d) hereof.
5. The City 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 12. Smoking and Vaping Cessation and Livelihood Assistance Programs.** — The City Health Officer, with the assistance of other members of the Task Force, shall develop, promote, and implement a Smoking/Vaping Cessation Program and



**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

encourage the participation therein of public and private facilities that may be able to provide for its requirements. Smokers/vapers who may have developed dependence but who are willing to quit, including those who may be dual users of tobacco and electronic devices (ENDS/ENNDS/HTPs) and those found violating the smoking/vaping prohibitions in Section 5 of this Ordinance, may be referred to the LGU's Smoking Cessation service provider or other facilities.

Persons involved in selling tobacco/ENDS/ENNDS/HTPs prior to the effectivity of this ordinance, such as, but not limited to, ambulant vendors, whose economic activity might be affected or displaced by the restrictions on sales, may be referred for enrollment and given assistance in the livelihood programs of the LGU or by other appropriate agencies.

**ARTICLE 6  
ENFORCEMENT**

**SECTION 13. SMOKE/VAPE-FREE TASK FORCE; DUTIES AND RESPONSIBILITIES, COMPOSITION.** — A Task Force tasked with the implementation, enforcement, and monitoring of this Ordinance: design and provide capacity-building programs for enforcers and constituents; protect the Ordinance from tobacco/electronic cigarette industry interference at all times; conduct educational awareness campaigns and information dissemination programs; facilitate consultation process with peoples' organization and civil society organizations, without links with the tobacco industry, and the review and monitoring of the ordinance as hereby created

The Mayor shall head the Task Force as Chair. The Mayor may designate a vice-chair to serve as an overall coordinator. The Task Force may have the following as members:

- a. Health Officer;
- b. Building/Engineering Officer;
- c. Legal Officer;
- d. Information Officer;
- e. Business Permits and Licensing Officer;
- f. Local Philippine National Police (PNP) Chief of Police;
- g. Treasurer;
- h. Environment and Natural Resources Officer (ENRO) from the local government unit or from DENR;
- i. Representative/s from DepED, CHED, and/or academic institution;
- j. Local President of the Liga ng mga Barangay ng Pilipinas;
- k. Public Order and Safety Officer;
- l. Social Welfare and Development Officer;
- m. Human Resources Management Officer;
- n. City Administrator;
- o. Coordinator of the Task Force Unit or Office (if other than the above officers);
- p. Representatives of one or more civil society organizations (CSO) designated by the Health Officer, under Section 15 hereof;
- q. President of the Federation of the Sangguniang Kabataan;
- r. Chairperson of the Committee on Health of the Sangguniang Panlungsod;
- s. Department of Trade and Industry;
- t. Other members identified by the chair or vice-chair (whose specific function in the local government unit and role may serve to effectively implement the Ordinance).



**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

The City Health Office shall serve as the Smoke-Free Task Force Secretariat. A Tobacco Control Unit shall be established to execute the roles and functions of the Smoke-Free Task Force Secretariat.

The Task Force shall not include as its member any person or entity supporting or accommodating tobacco/electronic cigarette industry interests or is connected in any way to the tobacco/electronic cigarette industry in order to protect and preserve the integrity of the primary health objectives of this Ordinance.

No member of the Task Force shall also receive for himself/herself, members of his/her immediate family up to the fourth civil degree of consanguinity or affinity, or for other individuals, beneficiaries, or groups, any contribution, donation, sponsorship, or compensation, directly or indirectly, whether financial or otherwise from the tobacco/electronic cigarette industry. Non-compliance with this provision governing the Task Force shall serve as grounds for the removal from the Task Force. If the erring Task Force member is likewise a public official or government personnel, he/she shall also be subject to sanctions prescribed under the CSC- DOH Joint Memorandum Circular 2010-001 and in Section 10(c) of this Ordinance.

**SECTION 14. DUTIES AND RESPONSIBILITIES OF THE CHAIR OF THE TASK FORCE.** – In addition to heading the Task Force and supervising its general administration, the City Mayor shall direct and manage the implementation and execution of policies, standards, rules, and regulations promulgated pursuant to the objectives of this Ordinance.

**SECTION 15. DUTIES AND RESPONSIBILITIES OF THE MEMBERS OF THE TASK FORCE.** – As members of the Task Force, their duties and responsibilities shall include the following.

**A. The Health Officer shall:**

1. Make tobacco control, including the implementation of this Ordinance, a part of the Health program and propose funding under the annual general budget of the local government unit or the Local Health Investment Plan;
2. Establish baseline annual data on tobacco/e-cigarette use prevalence and other related studies, and recommend further action on the findings of such data;
3. Monitor, together with the Sanitary Inspector, Enforcers, and/or Task Force members, the compliance of this Ordinance in public places, establishments, conveyances, and point-of-sale, including the approval/disapproval of permits in Designated Smoking/Vaping Areas (DSVAs) as well as permits/licenses for tobacco/e-cigarette point-of-sale;
4. Facilitate, together with the Sanitary Inspector, Enforcers, and/or Task Force members, the serving of notices, citations, the imposition of fines, suspension, or revocation of permits/licenses for violations;
5. Assign a hotline or any other number and email address to which violations of this Ordinance may be reported by email, phone call, SMS, or other means, and a person to operate the line and record reports, while another hotline may be assigned for accepting calls or messages for Smoking Cessation counseling;
6. Develop, promote, and implement a Smoking Cessation Program, as stated in Section 12;
7. Assist hospitals and other health facilities, including any office of the DOH within the local government unit, together with the Sanitary Inspector,





**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

Enforcers, and/or Task Force members, in the monitoring of tobacco/e-cigarette products' sales, advertisements, and promotions within 100 meters from the perimeter of schools, public playgrounds, facilities frequented by the youth and/or minors and health facilities.

**B. The 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/partially enclosed public places, workplaces, other public places, and point-of-sale establishments comply with this Ordinance;
3. Recommend the approval, suspension, or revocation of licenses/permits for establishments/facilities in compliance with this Ordinance.

**C. The Legal Officer shall:**

1. Assist the Task Force in reviewing reports of any complaints for violations of this Ordinance and in determining liability or appropriate cases to file;
2. Extend any legal assistance and/or file cases on matters pertaining to this Ordinance.

**D. The Information Officer shall:**

1. Assist in disseminating information pertaining to all aspects of this Ordinance, including the printing and distribution of copies of the Ordinance to the public;
2. Make a primer summarizing the provisions of this Ordinance and facilitate the development of related information materials and required signage;
3. Publicize activities and reports related to implementation and enforcement.

**E. The Business Permits and Licenses Officer shall:**

1. Order the suspension or revocation of licenses/permits of establishments found to have violated this Ordinance, subject to the provisions of Section 22 hereof;
2. Deny renewal of licenses/permits of repeat violators of this Ordinance;
3. Establish a procedure for identifying, informing, and marking establishments covered by the 100-meter ban on the sale, distribution, and advertising of tobacco and/or e-cigarette products.

**F. The local PNP Chief of Police shall:**

1. Direct the Local PNP in the orderly enforcement of this Ordinance;
2. Ensure apprehension of violators in accordance with the provisions of this Ordinance and other rules and procedures of engagement;
3. Assist Task Force members, local government unit officials, and deputized civilians in apprehending violators and in filing the appropriate complaints when necessary;
4. Assist in promoting awareness of this Ordinance and in encouraging public support and participation in its implementation and enforcement;
5. Employ the assistance of other members of the Task Force and other police enforcers, such as those from other local government units, during enforcement when coordination is necessary;
6. Refer minors caught in violation of this Ordinance to the Social Welfare and Development Office and/or to the school authorities where the violator is enrolled;



**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

7. Use the Citation Tickets during apprehensions and maintain a record or log of violations/apprehensions made within particular periods for purposes of reporting.

**G. The Treasurer shall:**

1. Facilitate the printing and reprinting of Citation Tickets;
2. Issue booklets of the Citation Tickets to the local government units' enforcers and other deputized enforcers, as appropriate;
3. Collect/ receive fines paid by violators and submit reports on its collection;
4. Designate collection agents and guidelines for collections as necessary to assist in the efficient collection of fines from local government units;
5. Facilitate the release and allocation of funds and the remuneration of enforcers share in accordance with the provision for the sharing of proceeds derived from the collection of fines, penalties, generated resources, and appropriated budget.

**H. The Environment and Natural Resources Officer from the local government unit or from DENR 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 other member of the Task Force;
3. Conduct timely monitoring of air, water, soil quality, and other studies pertinent to determining levels of exposure to tobacco smoke, e-cigarette aerosol, residues, by-products, and litter, among others;
4. Provide expertise in the application and management of appropriate technologies to avert environmental/health risks, accidents, and damage posed by tobacco smoke, e-cigarette aerosol, residues, by-products, and waste generated, among others.

**I. The Representative from DEPED, CHED, and/or Academic institution shall:**

1. Implement the Department/Commission Orders on the integration of tobacco control education into the school curricula;
2. Ensure strict compliance with the Memos and Orders on the protection of the bureaucracy from industry interference as per FCTC Article 5.3;
3. Ensure strict compliance of schools in enforcing 100% smoke-free campuses and school facilities, including the schools' vehicles;
4. Assist in the monitoring of tobacco/electronic cigarette products' sales, advertisements, and promotions within 100 meters from the perimeter of schools, public playgrounds, and facilities frequented by the youth and/or minors;
5. Ensure the posting in a clear and conspicuous manner "No Smoking/Vaping" signs and notices for the sales ban of Tobacco Products within 100 meters from the perimeter of schools, public playgrounds, facilities frequented by the youth and/or minors, and health facilities.

**J. The Local President of the Liga ng mga Barangay ng Pilipinas shall:**

1. Assist in promoting awareness of this Ordinance in encouraging public support and participation in its implementation and enforcement;



**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

2. Coordinate with all Barangay Captains and the PNP, or other members of the Task Force, in monitoring violations of the Ordinance within their jurisdictions.
3. Provide the necessary coordination among the Barangay Health Workers, Kagawads, Sangguniang Kabataan (SKs) Tanods, and other enforcers (i.e., Coast Guards) for the implementation of activities pertinent to the Ordinance.
4. Assist in the facilitation of and referrals to the Smoking/Vaping Cessation Program at the Barangay Level, if applicable.

**K. The Public Order and Safety Officer shall:**

1. Assist in promoting awareness of this Ordinance in encouraging public support and participation in its implementation and enforcement;
2. Monitor compliance in public places, establishments, conveyances, point-of-sale;
3. Designated Smoking/Vaping Areas (DSVAs), together with other members of the Task Force;
4. Assist in the enforcement and coordinate with other enforcers/Task Force members regarding the serving of Citation Tickets, the imposition of fines, suspension or revocation of licenses/permits for violations.

**L. The Social Welfare and Development Officer:**

1. Assist in the enforcement of this Ordinance when persons below 18 are involved;
2. Provide the necessary interventions for persons below 18 implicated in violations.

**M. The Human Resources and Management Officer or equivalent officer/LGU point-person for the Civil Service Commission:**

1. Oversees the strict implementation of smoke and vape free government facilities;
2. Evaluate for approval the proper establishment of Designated Smoking/Vaping Areas in government facilities where it may apply;
3. Oversees the strict implementation of a policy preventing industry interference, pursuant to the CSC-DOH Joint Memorandum Circular 2010-01;
4. Monitor, supervise, and report on all concerns on tobacco/e-cigarette industry activities, communications, and other related concerns;
5. Assist in matters related to tobacco control policies as they apply to the performance of functions and duties affecting government officials/personnel.

**N. The City Administrator/Chief of Staff:**

1. Assist the Mayor in overseeing the implementation and enforcement of this Ordinance in close coordination with other members of the Task Force;
2. Provide regular updates to the Mayor as to the status of implementation and enforcement of the Ordinance.

**O. The Coordinator, in case of a separate Coordinating Unit or Office of the Task Force, under the authority of the Mayor:**

1. Perform any of the functions assigned to him/her by the Mayor pertaining to the implementation, enforcement, and promotion of this Ordinance;



**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

2. Coordinate with any/all members of the City Task Force as necessary, facilitate training, assist in enforcement/promotion/monitoring/research, and attend to any related function as required/instructed by the Mayor,
3. Provide regular updates to the Mayor as to the status of the implementation of Tobacco Control in the local government unit and of the Ordinance.

**P. The CSO Representatives shall:**

1. Assist in 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 possible, 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.

**SECTION 16. ENFORCEMENT ON INDIVIDUALS.** – Members of the PNP and/or persons duly deputized by the Mayor/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, 6, 7, and 8 hereof. They shall forward copies of the tickets they issued to violators to the Treasurer's Office within 24 hours. If the violator is a minor, he or she must be turned over for dispensation of appropriate action to the nearest Social Welfare and Development Officer or its appointed designates, subject to RA No. 9344 (Juvenile Justice and Welfare Law), as amended, and/or to the school authorities at the school where the violator is enrolled, and/or to the Barangay Office where the violator is a resident and where the parents or guardians may be called. In case any valid or sufficient form of identification is not presented, he/she shall be brought to the nearest police station for proper identification, then to the Smoke/Vape-Free Task Force for the rendition of community service.

**Section 17. 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 within 24 hours.

**Section 18. ENFORCEMENT ON ESTABLISHMENTS** - Ninety (90) calendar days after the effectivity of this Ordinance, an inspection team composed of representatives from the Health Office, Engineer's Office, Permits and Licenses Office, and other members of the Task Force 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 appropriate office or department, 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 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) working days after such issuance. If the establishment fails to comply with the obligations stated in the Citation Ticket upon

BACK





**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

re-inspection, the inspection team shall recommend the suspension of its license/permit or the closure of the establishment consistent with Section 9 (g) hereof, without prejudice in ordering the immediate closure for repeatedly violating the provisions of this Ordinance and other ordinances of the LGU.

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

**Section 19. CIVILIAN PARTICIPATION IN ENFORCEMENT.** — Within thirty (30) calendar days from the effectivity of this Ordinance, the Task Force/Health Office shall designate, with the approval of the Office of the Mayor, one or more civil society organizations (CSO) not connected/representing the interests of the tobacco/cigarette industry, to discharge the duties and responsibilities enumerated in Section 15 (q) hereof. The Mayor may deputize qualified civilians to also serve as enforcers of this Ordinance. Any person can file a report or complaint with the Task Force for any violation of this Ordinance.

**ARTICLE 7  
INFORMATION CAMPAIGN**

**Section 20. INFORMATION DISSEMINATION** — Within sixty (60) calendar days of the effectivity of this Ordinance, the Task Force shall:

1. In coordination with the Office of the Mayor
  - a. provide at least two (2) copies of this Ordinance to every PNP station or precinct in the jurisdiction of the respective LGUs,
  - b. provide a primer on this Ordinance for every officer of the PNP/deputized enforcers and
  - c. Conduct lectures to brief officers of the PNP and other enforcers on the provisions of this Ordinance and their responsibilities concerning its enforcement.
2. In coordination with the Permits and Licenses Office, provide a copy of this Ordinance and its primer to all existing establishments that are licensed to operate, as well as to those applying for new licenses or permits to operate and/or permits to sell tobacco- cigarette products.
3. In coordination with the Information Office, provide a copy of this Ordinance and its primer to all public utility vehicle operators plying within and through the territorial jurisdiction of the City of Bacoor and for other sectors as necessary.
4. In coordination with the Health Office, develop, disseminate, and post timely health information on prevention and cessation, including the use of graphic health warnings, information, education, and communication (IEC) materials depicting the health and other impacts of tobacco/cigarette use and exposure.

**Section 16. PUBLIC BILLBOARDS AND NOTICES IN BARANGAYS.** — Upon effectivity of this Ordinance, the Engineer's Office shall put up billboards in conspicuous places within the LGU to notify the public of the restrictions and sanctions imposed by the ordinance. The Information Office shall also immediately issue notices on the obligations of persons under the ordinance for dissemination at the barangay level.



**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

**Section 15. CONDUCT OF ORIENTATION SEMINARS AND TRAINING.** - Within sixty (60) calendar days from the effectivity of this Ordinance and periodically thereafter, the City Health Officer, with the assistance of the CSO representative designated under Section 15 (q) hereof, with other members of the Task Force, 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, depulized enforcers like barangay health workers, barangay tanods, and the local PNP.

**ARTICLE 8  
FINAL PROVISIONS**

**Section 16. IMPLEMENTING RULES AND REGULATIONS.** The City Legal Services Office shall submit the draft implementing rules and regulations of this Ordinance to the City Mayor for his approval no later than sixty (60) days after its effective implementation.

**SECTION 17. BUDGET APPROPRIATION.** The City Government of Bacoor shall appropriate the amount necessary to implement the provisions of this Ordinance in its annual budget or any supplemental budget that may be approved thereafter.

**SECTION 18. SEPARABILITY CLAUSE.** - If, for any reason, any provision or part of this Ordinance is declared invalid or unconstitutional, other provisions are not affected thereby and shall remain in full force and effect.

**SECTION 19. REPEALING CLAUSE.** - All ordinances, rules, and regulations or parts thereof in conflict with this Ordinance are hereby repealed and/or modified accordingly, provided that the rights vested upon this Ordinance's effectivity shall not be impaired.

**SECTION 20. EFFECTIVITY CLAUSE.** - This Ordinance shall take effect upon its approval and after publication in a newspaper of local circulation. In the absence of any newspaper of general circulation, the gist of the ordinance shall be posted after ten (10) days on a bulletin board at the entrance of the city or Barangay hall, as the case may be, and in at least two (2) other conspicuous places in the local government unit concerned.

**ENACTED** this \_\_\_ day of \_\_\_\_\_, 2024 by the \_\_\_ Sangguniang Panlungsod of the City of Bacoor, Cavite.