

OFFICE OF THE SANGGUNIANG BAYAN



Excerpt from the MINUTES OF THE 33rd REGULAR SESSION OF THE 8th SANGGUNIANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON MAY 20, 2014.

OFFICERS/MEMBERS:	POSITION	PRESENT	ABSENT	OB	OL
Hon. Michael F. Morpos	Mun. Vice Mayor	___/___	___/___	___	___
Hon. Francisco D. Gumban	SB Member	___/___	___	___	___
Hon. Agustin M. Adapon, Sr.	SB Member	___/___	___	___	___
Hon. Reynante G. Borling	SB Member	___/___	___	___	___
Hon. Roger M. Pacalioga	SB Member	___	___	___	___/___
Hon. Corazon J. Mandao	SB Member	___/___	___	___	___
Hon. Lars Christian C. Tangalin	SB Member	___/___	___	___	___
Hon. Bernaldo P. Degenion	SB Member	___/___	___	___	___
Hon. Nilo B. Ledesma	SB Member	___	___/___	___	___
Hon. Jerson L. Cabahug	Ex -Officio Member	___/___	___	___	___

Ordinance No. 3, s. 2014

AN ORDINANCE REVISING THE NO-SMOKING ORDINANCE OF THE MUNICIPALITY OF DUMINGAG, ZAMBOANGA DEL SUR, WITH FURTHER AMENDMENTS.

Be it ordained by the Sangguniang Bayan in session assembled that:

Section 1. TITLE

This ordinance shall be called "REVISED NO-SMOKING ORDINANCE OF 2014"

Section 2. PURPOSE

This ordinance is enacted to protect the health of the general public from the bad effects of tobacco smoking. The LGU recognizes that local governments must act with urgency to denormalize the culture of smoking and tobacco consumption through comprehensive and proven effective tobacco control measures.

Section 3. SCOPE OF POWERS.

The Municipal Government of Dumingag in the exercise of its powers, functions and responsibilities shall prescribe measures to protect the health of the general public from the bad effects of the smoke from tobaccos, and the health and safety of children particularly the minor from harm and danger of smoking.

Section 4. LEGAL BASIS

The enactment of this ordinance is based on the following:

- **The Philippine Clean Air Act of 1999**
RA 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.
- **Tobacco Regulation Act of 2003 (RA 9211)**
RA 9211 prohibits smoking in certain 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 bans and restrictions on advertising, promotion and sponsorship activities of tobacco companies.
- **Civil Service Commission Memo Circular No. 17, s. 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.

- **Land Transportation Franchising and Regulatory Board Memorandum Circular 2009-036**
LTFRB Memo 2009-036 provides that drivers and operators of public utility vehicles are responsible for posting "No Smoking" signs in their vehicles.

Section 5. OPERATIVE PRINCIPLES.

The initiatives of the Municipal Government of Dumingag in declaring itself as smoking-free environment shall be governed by the following principles:

- a. It is the policy of the Municipal Government of Dumingag to protect its populace from hazardous products and promote the right and instill health consciousness among them;
- b. It is the main thrust of the Municipal Government of Dumingag to promote a healthful environment, inform the public of the health risks associated with cigarette smoking and tobacco use, regulate and subsequently ban all tobacco advertisement and sponsorship, protect the youth from being initiated to cigarette smoking and tobacco use by prohibiting the sale of tobacco products to minors;
- c. Cigarettes and some other products containing tobacco are highly engineered so as to create and maintain dependence; thus, efforts to reduce if not eradicate its ill-effects have to be initiated; and
- d. Sought to encourage people to quit smoking for health reasons and to protect people from exposure to secondhand smoke.

Section 6. COVERAGE.

This ordinance shall apply to all persons, whether natural or juridical, whether resident or not, and in all places, found within the territorial jurisdiction of the municipality. Prohibition of smoking covers all the places/areas within the territorial jurisdiction of the municipality of Dumingag except in residential houses.

Section 7. DEFINITION OF TERMS

Smoking – refers to the lighting and/or puffing of cigar, cigarillo, cigarette, tobacco products of any kind, form or type, electronic device systems. Possession of lighted cigar, cigarillo, cigarette and any tobacco products and actually operated electronic device system shall constitute as an act of smoking. It means being in possession or control of a lit tobacco product regardless of whether the smoke is actively inhaled or exhaled.

Tobacco products – means products entirely or partly made of leaf tobacco as raw material which are manufactured to be used for smoking

Cigarette – a slender roll cut tobacco enclosed in a paper

Cigar – a rolled tobacco for smoking

Cigarillo – a very small cigar; a cigarette wrapped in tobacco rather than paper

electronic cigarette - also known as an e-cigarette, personal vaporiser or PV, is an electronic inhaler that vaporizes a liquid solution into an aerosol mist, simulating the act of tobacco smoking.

Point of sale – refers to any location at which an individual can purchase or otherwise obtain tobacco products

Community Service – means rendering of work as part of the penalty such as street sweeping/cleaning, drainage canal cleaning, weeding, slashing, tree planting and carpentry. For the purpose of this ordinance, the community service shall be eight (8) hours per day.

Section 8. NO DESIGNATED SMOKING AREAS

The municipality holds to do away the authorized designation of smoking areas as provided in Section 6 of RA 9211. Thus, it is hereby declared that the entire municipality of Dumingag, Zamboanga del Sur shall have NO DESIGNATED SMOKING AREAS including the barangays.

The bottom of the page features several handwritten signatures in black ink. There are also some faint, circular stamps or markings, possibly official seals, interspersed among the signatures. The signatures appear to be from various officials or representatives involved in the ordinance's approval.

Section 9. NO SMOKING SIGN/SYMBOL.

All owners/operators of public conveyances, schools and business establishments in the municipality are hereby mandated and required to display and/or post a poster or sticker or billboard in a conspicuous area where the business is conducted containing the following words of warning "NO SMOKING" or "GIDILI ANG PAGTABAKO" and "THANK YOU FOR NOT SMOKING".

All owners of public utility vehicles shall post/display two (2) no smoking sign at the right of the windshield and at the back of the driver's seat. The LGU must display in conspicuous places the no smoking symbol which shall read as follows:

STRICTLY NO SMOKING
As per Ordinance No. _____
Violators can be fined _____
Report violators to _____ (hotline) _____

Section 10. BANNING OF TOBACCO ADVERTISEMENT.

The Municipal Government of Dumingag found it imperative to ban the advertisement of tobacco products in every establishment including outside point of sale within the territorial jurisdiction of the Municipality of Dumingag comprehending that the same will, to a certain extent, help in abating tobacco smoking.

Section 11. DIRECTING ALL REGULAR AND CASUAL/JOB ORDER GOVERNMENT EMPLOYEES TO REFRAIN FROM SMOKING.

The Municipal Government of Dumingag finds it imperative for government workers to be healthy by adopting a healthy lifestyle starting with avoiding tobacco smoke in order to deliver services effectively and efficiently.

Section 12. CLIENTELE'S OBSERVANCE OF NO-SMOKING POLICY.

Only non-smoker clientele shall be considered as legitimate beneficiaries for any LGU Assistance program. Smokers are being disqualified to avail any grant or any assistance coming from the government. All clientele's who wish to avail any of the LGU assistance and grants should secure certification of being a non-smoker from their respective Barangay Captains.

Section 13. REGULATING THE SELLING OF CIGARETTES AND HARD LIQUORS TO MINORS BELOW 18 YEARS OLD.

No person or persons, storeowners selling cigarettes and hard liquors in the Municipality of Dumingag shall sell cigarettes and hard liquors to minors below 18 years old whether by stick/pack of cigarettes and/or by bottle or bottles of hard or intoxicating liquors.

Section 14. PROHIBITING PARENTS OF MINOR CHILDREN BELOW 18 YEARS OLD TO BUY CIGARETTES AND HARD LIQUORS.

No parent or parents shall allow their minor children below 18 years old to buy cigarettes and hard liquors in stores and in the public market of Dumingag to protect them from the vices of smoking and drinking hard liquors.

Section 15. REGULATING THE SELLING OF CIGARETTES & HARD LIQUORS WITHIN 100 METERS RADIUS.

Sale, distribution, advertisement and promotion from establishments/stores and properties located within 100 meters from schools, public playgrounds or other facilities frequented by minors is prohibited.

Section 16. GRANTING OF MONETARY INCENTIVES.

Any civilian who can inform, and testify and/or apprehend any violator/s of the smoke-free environment ordinance of Municipality of Dumingag shall be entitled and authorized to receive an incentive consisting of one-half (1/2) of the fine imposed to the violators.

The Municipal Treasurer's Office shall be responsible for the collection of the fine imposed and thereafter issue appropriate receipts thereof and the granting of the incentive to the civilian entitled to receive the same after signing the necessary acknowledgement receipt.

In cases of implementation in the barangay level, the Barangay Treasurer shall be authorized to receive the fine and issue receipts thereof and to grant the incentive to the civilian entitled to receive the same, provided, that Fifty (50%) percent of the fine collected by the government shall accrue to the barangay concerned.

Section 17. MUNICIPAL ANTI-SMOKING COUNCIL.

The Municipal Anti-Smoking Council of the Municipality of Dumingag is hereby created to continue its sound enforcement and strengthen public awareness; thus, the council is task to lead the non-smoking campaign, initiate related activities and programs, and shall recommend legislations for the advancement of the campaign. Stipulated roles and functions, and the composition of the Municipal Anti-Smoking Council in the Executive Order No. 26, series of 2010 remained to be valid and binding.

Section 18. MUNICIPAL ANTI-SMOKING COUNCIL SECRETARIAT.

The Municipal Anti-Smoking Council Secretariat of the Municipality of Dumingag is hereby created which will work directly under the office of the Municipal Mayor and shall work with the Municipal Anti-Smoking Council. Stipulated roles and functions, and the composition of the Municipal Anti-Smoking Council in the Executive Order No. 27, series of 2010 remained to be valid and binding.

Section 19. MUNICIPAL ANTI-SMOKING TASK FORCE.

The Municipal Anti-Smoking Task Force of the Municipality of Dumingag is hereby created in order to aid the implementation, enforcement and monitoring of the smoke-free environment ordinance and to protect the Municipality of Dumingag from tobacco industry interference at all times, as well as to conduct educational awareness campaigns, information dissemination program, and capacity-building programs, that will inform the constituents and train enforcement officers. Stipulated roles and functions, and the composition of the Municipal Anti-Smoking Task Force in the Executive Order No. 1, series of 2012 remained to be valid and binding.

Section 20. ACCOUNTABILITY OF BUSINESS ESTABLISHMENT/PUV DRIVER OR OPERATOR.

It shall be the responsibility of store owners/proprietors to oversee the compliance of this no-smoking ordinance. He/she shall apprehend any individual smoking inside his/her establishment. In cases where a violator is apprehended within the premises of his/her business establishment, the store owner/proprietor shall likewise be fined. In the same manner, the driver/operator of public utility vehicles shall likewise be liable.

Section 21. ADOPTION OF SIN TAX REFORM LAW of 2012 {RA 10351}.

The SIN TAX REFORM LAW OF 2012 – RA 10351 is hereby adopted for implementation in the municipality. The increase in taxes in alcohol and tobacco products adheres and goes in harmony with the local initiatives and efforts in discouraging or reducing, if not totally eliminate, drinking alcohol and smoking tobacco among Dumingagnons especially the youth. Therefore, there shall be levied, assessed and collected an excise tax on alcohol and tobacco products which rates are provided in Sin Tax Reform Law of 2012 {RA 10351}.

Section 22. PENAL PROVISIONS.

Any individual violating any section or provision of this ordinance shall be meted with the following:

OFFENSES	PENALTY
First offense	P 1,000.00 OR Four(4) days community service
Second offense	P1,500.00 OR six (6) days community service
Third offense and subsequent offenses	P2,000.00 OR one (1) week community service
If the smoking violation will occur in the business establishments or public utility vehicles, the owner/proprietor or driver shall be fined in the amount of P500 in every violation.	

Directive/instruction for the community work/service to be rendered by the violator shall derive from the MENRO/Clean Watch.

Section 23. PROCEEDS FROM FINES.

Funds to be collected in the strict implementation of the smoke-free environment will be utilized to construct a Learning Center for Lumad children in the hinterland in view of the initiative to bring education accessible to all.

Section 24. ENFORCING AGENCY/OFFICE

The Office of the Municipal Mayor through the Anti-Smoking Task Force and the Philippine National Police (PNP) shall cause the proper implementation of this ordinance.

Section 25. SEPARABILITY CLAUSE

If any provision or part hereof, is held invalid or unconstitutional, the remainder of the provision not otherwise affected shall remain valid and subsisting.

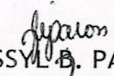
Section 26. REPEALING CLAUSE

Existing laws, resolutions and executive orders that are inconsistent with the provision of this ordinance are hereby modified, superseded or repealed accordingly.

Section 27. EFFECTIVITY AND PUBLICATION CLAUSE

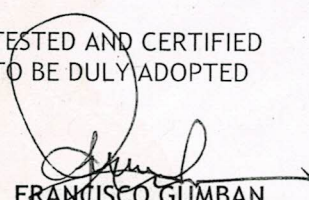
This ordinance shall take effect upon the approval of the Sangguniang Panlalawigan and after 15 days from the date copy hereof is posted in the bulletin board at the entrance of the municipal hall and at least two (2) other conspicuous places in the Poblacion and published in a newspaper of general circulation in the province.

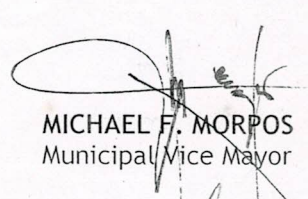
Enacted: MAY 20, 2014

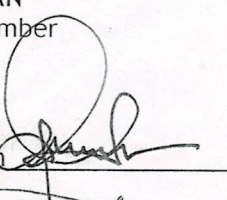

JESSY B. PALON
Secretary to the Sanggunian

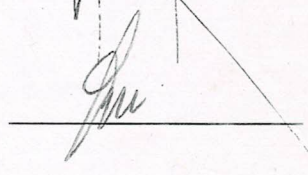
ATTESTED AND CERTIFIED
TO BE DULY ADOPTED

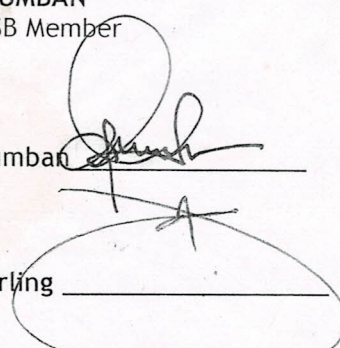
NOTED:


FRANCISCO GUMBAN
Presiding Officer/SB Member
APPROVED:


MICHAEL F. MORPOS
Municipal Vice Mayor

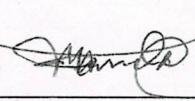
Hon. Francisco Gumban 

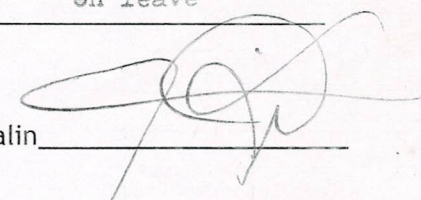
Hon. Agustin Adapon, Sr. 

Hon. Reynante Borling 

Hon. Roger Pacalioga

on leave

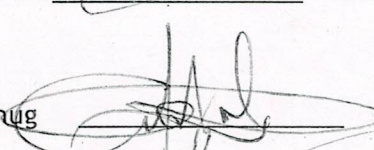
Hon. Corazon Mandao 

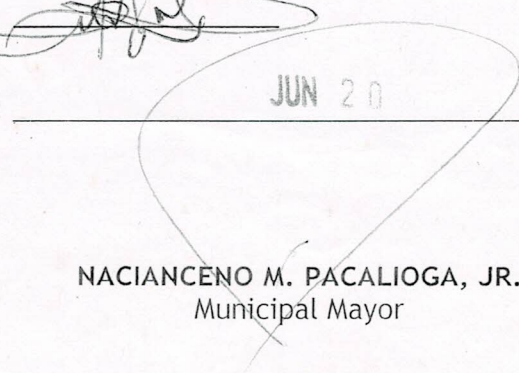
Hon. Lars Christian Tangalin 

Hon. Bernaldo Degenion 

Hon. Nilo Ledesma

absent

Hon. Jerson L. Cabahug 

Approved: 

JUN 20

2014

NACIANCENO M. PACALIOGA, JR.
Municipal Mayor

OR

SB FILE