

Republic of the Philippines  
PROVINCE OF ZAMBOANGA DEL SUR  
Municipality of San Pablo  
OFFICE OF THE SANGGUNIAN BAYAN

EXCERPT FROM THE MINUTES OF THE 48TH REGULAR SESSION OF THE 8TH MUNICIPAL COUNCIL (Under  
the Local Government Code of 1991) HELD AT THE SESSION HALL ON MAY 27, 2015.

MUNICIPAL ORDINANCE NO. 2015-0505

**"AN ORDINANCE PROHIBITING SMOKING INSIDE GOVERNMENT SCHOOLS, CLINICS, GYMNASIUMS,  
DANCING HALLS AND PUBLIC CONVEYANCES AND IMPOSING PENALTIES FOR VIOLATION THEREOF"**

**Be it enacted by the Sangguniang Bayan of San Pablo, Zamboanga del Sur in session assembled:**

**Section 1. PURPOSE.**

This ordinance is enacted to protect the health of the general public from the 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 2. DEFINITION OF TERMS.**

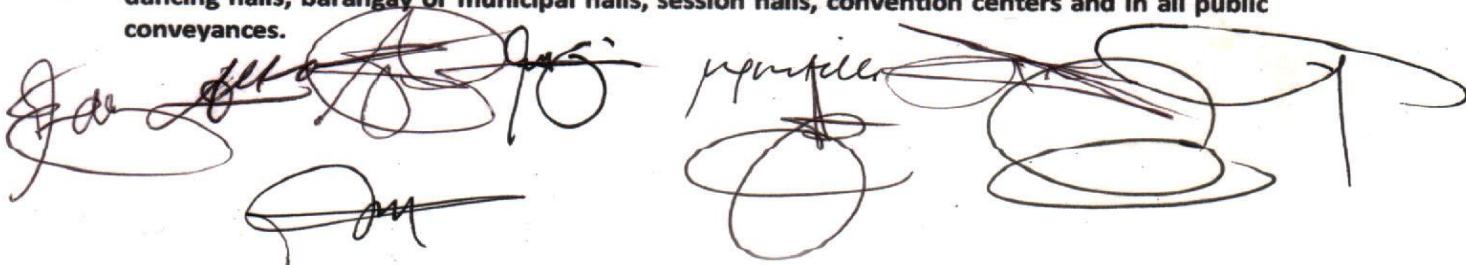
As used in this ordinance, the following terms shall mean:

1. Tobacco Products – means products entirely or partly made of leaf tobacco as raw material which are manufactured to be used for smoking.
2. Cigar – a slender roll cut tobacco enclosed in a paper.
3. Electronic cigarette – also known as an e-cigarette, personal vaporizer or PV, is an electronic inhaler that vaporizes a liquid solution into an aerosol mist, simulating the act of tobacco smoking.
4. Point of sale – refers to any location at which an individual can purchase or otherwise obtain tobacco products.
5. Community Service – means rendering a 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.
6. Office – a building, room or series of rooms in which the affairs of a branch of a government is carried on.
7. School – a place or institution for teaching and learning or establishment for education.
8. Prohibiting – limiting, forbidding
9. Clinic – a place or institution where the ill or the injured receive medical, surgical, dental or psychiatric treatment, nursing care, food and lodging, etc.
10. Gymnasium – a place where athletic and sports events and other forms of entertainment are shown
11. Public Conveyances – vehicles used to transport the riding public on land.
12. Convention Center – a place wherein mass gathering for such occasions as conventions, meetings are held.
13. Smoking – drawing of smoke from a lighted cigar, cigarette or rolled tobacco into and out of the mouth or lungs and usually repeatedly blown into the atmosphere.
14. Workplaces – any place where work is performed by more than one person regardless of employment status. Vehicles used in the course of work are considered workplaces.

**Section 3. REGULATORY PROVISIONS.**

This ordinance provides the following provision:

**No person shall smoke inside government offices, schools, hospitals/clinics, gymnasiums dancing halls, barangay or municipal halls, session halls, convention centers and in all public conveyances.**

The block contains several handwritten signatures in dark ink. On the left, there are two distinct signatures. In the center, there is a signature that appears to be 'Municipal' followed by a large, stylized signature. On the right, there are two more large, stylized signatures. The signatures are written over the printed text of the ordinance.



#### Section 4. SCOPE OF POWERS.

The Municipal Government of San Pablo 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 5. Legal Basis.** The enactment of this ordinance is based on the following:

*The Philippine Clean Air Act of 1999*

Section 24 of RA 8749 otherwise known as the Philippine Clean Air Act of 1999 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 Regulations Act of 2003 (RA 9211)*

Section 5 of RA 9211 otherwise known as the Tobacco Regulation Act of 2003 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, 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 6. 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 tow (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 7. REGULATING THE SELLING OF CIGARETTES TO MINORS BELOW 18 YERS OLD.

No person or persons, storeowners selling cigarettes in the Municipality of San Pablo, Zamboanga del Sur shall sell cigarettes to minors below 18 years old whether by stick/pack of cigarettes.



**Section 8. PROHIBITING PARENTS OF MINOR CHILDREN BELOW 18 YEARS OLD TO BUY CIGARETTES.**

No parent or parents shall allow their minor children below 18 years old to buy cigarettes in stores in the public market of San Pablo, Zamboanga del Sur to protect them from the vices of smoking.

**Section 9. REGULATING THE SELLING OF CIGARETTES 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 10. GRANTING OF MONETARY INCENTIVES.**

Any civilian who can inform, testify and/or apprehend any violator/s of the smoke-free environment ordinance of Municipality of San Pablo, Zamboanga del Sur 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 percent (50%) of the fine collected by the government shall accrue to the barangay concerned.

**Section 11. MUNICIPAL ANTI-SMOKING COUNCIL.**

The Municipal Anti-Smoking Council of the Municipality of San Pablo is hereby created to continue its sound enforcement and strengthened public awareness; thus, the council is task to lead the non-smoking campaign, initiate related activities and programs, and shall recommend legislators for the advancement of the campaign.

**Section 12. MUNICIPAL ANTI-SMOKING COUNCIL SECRETARIAT.**

The Municipal Anti-smoking Council Secretariat of the Municipality of San Pablo is hereby created which will work directly under the office of the Municipal Mayor and shall work with the Municipal Anti-Smoking Council.

**Section 13. 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 with 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 14. PENAL PROVISION. –**

The following penalties shall be imposed on violators of this Ordinance.

a) **First Offense:**

**Fine of Five Hundred Pesos (P500.00).**

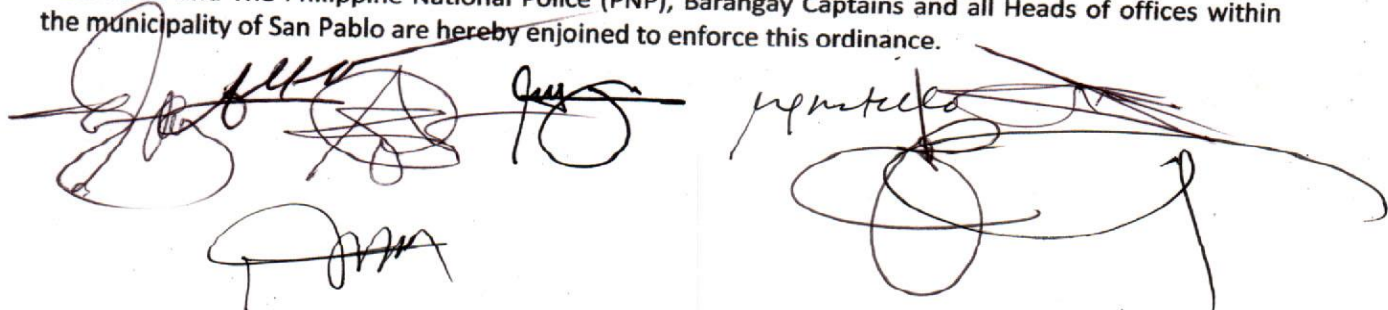
b) **Second Offense:**

**Fine of One Thousand Pesos (P1,000.00).**

c) **Third and Subsequent Offenses:**

**Fine of Two Thousand Pesos (P2,000.00) plus imprisonment, upon discretion of the court.**

**Section 15. Enforcing Agency/Office –** The office of the Municipal Mayor through the Anti-Smoking Task Force and The Philippine National Police (PNP), Barangay Captains and all Heads of offices within the municipality of San Pablo are hereby enjoined to enforce this ordinance.

The block contains several handwritten signatures in black ink. On the left, there are three distinct signatures. In the center, there is a signature that appears to be 'J. S.'. On the right, there is a large, complex signature that spans across the bottom of the page. The signatures are written over the text of Section 15.

**Section 16. THE CITATION TICKET SYSTEM.**

Any and all violators of this Ordinance shall be informed of their violation and the penalty associated with the violation by means of a Citation Ticket System.

**Section 17. SEPARABILITY CLAUSE.**

Any provision or part of this ordinance may be declared invalid or unconstitutional, other parts or provisions not affected thereby shall continue in full force and effect.

**Section 18. REPEALING CLAUSE.**

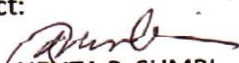
Any existing resolutions, ordinances or parts thereof which are inconsistent with this ordinance are hereby modified, repealed or suspended accordingly.

**Section 19. EFFECTIVITY AND PUBLICATION CLAUSE.**

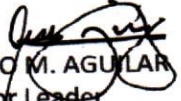
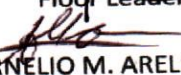
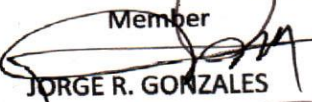
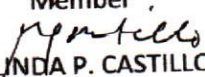
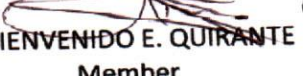
This ordinance shall take effect after the review and approval by the Sangguniang Panlalawigan and after 15 days from the date copy hereof is posted in the bulletin board at the entrance of the municipal hall and at least two (2) other conspicuous places in Poblacion and published in a newspaper of general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

Enacted and Approved: May 27, 2015, 48<sup>TH</sup> Regular Session.

Certified correct:

  
NELITA P. SUMBI  
Sanggunian Secretary

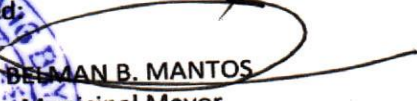
Verified:

|                                                                                                                          |                                                                                                                         |                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <br>ROBERTO M. AGUILAR<br>Floor Leader | <br>JEFFREY P. CORDERO<br>Member     | <br>ERNESTO A. UTLANG<br>Member           |
| <br>CORNELIO M. ARELLANO<br>Member    | <br>JORGE R. GONZALES<br>Member      | <br>ERLINDA P. CASTILLO<br>Member         |
| <br>NOEL T. REQUILLO<br>Member        | <br>BIENVENIDO E. QUIRANTE<br>Member | <br>ALMER A. AMBA<br>ABC President/Member |

Attested:

  
DANILO A. TAUCAN  
Municipal Vice Mayor

Approved:

  
BELMAN B. MANTOS  
Municipal Mayor

