



Republic of the Philippines  
CARAGA Region XIII  
Province of Surigao del Norte  
**Municipality of San Benito**



### **Office of the 10<sup>th</sup> Sangguniang Bayan**

AN EXCERPT FROM THE MINUTES OF THE 34<sup>TH</sup> REGULAR SESSION OF THE 10<sup>TH</sup> SANGGUNIANG BAYAN MEMBERS OF THE MUNICIPALITY OF SAN BENITO, SURIGAO DEL NORTE HELD AT SANGGUNIANG BAYAN SESSION HALL ON SEPTEMBER 02, 2024 AT EXACTLY 9:00 O' CLOCK IN THE MORNING

#### **PRESENT:**

Hon. Wellybel A. Requirme	Municipal Vice Mayor / Presiding Officer
Hon. Cindy R. Agati	Sangguniang Bayan Member
Hon. Charlito E. Mendavia	Sangguniang Bayan Member
Hon. Aldrein C. Glimane	Sangguniang Bayan Member
Hon. Felix B. Sumando Sr.	Sangguniang Bayan Member
Hon. Delfin P. Labola	Sangguniang Bayan Member
Hon. William A. Polican	Sangguniang Bayan Member
Hon. Jayrom P. Caballejos	Sangguniang Bayan Member
Hon. Ruella T. Rulete	Ex-Officio / LNMB President
Hon. Aira Mae C. Galano	Ex-Officio / SKF President

#### **ABSENT:**

Hon. Puyat P. Sumando	Sangguniang Bayan Member
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### **MUNICIPAL ORDINANCE NO. 157 - 24** Series of 2024

**“AN ORDINANCE ENACTING THE PROHIBITION OF THE, USE SALE, DISTRIBUTION, AND ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS, ELECTRONIC CIGARETTES (e - CIGARETTES) AND OTHER ELECTRONIC NICOTINE AND NON-NICOTINE DELIVERY SYSTEMS, HEATED TOBACCO PRODUCTS AND OTHER NOVEL TOBACCO PRODUCTS IN CERTAIN PLACE IN THE MUNICIPALITY OF SAN BENITO, SIARGAO ISLAND, SURIGAO DEL NORTE, IMPOSING PENALTES FOR VIOLATION THEREOF AND PROVIDING FUNDS THEREFOR, TO INTALL HEALTH CONSCIOUSNESS AND FOR OTHER PURPOSE”**

**WHEREAS**, the 1987 constitution of republic of the Philippines declares the state shall protect and promote the right to health of the people and still health consciousness among them;

**WHEREAS**, the republic of the Philippines as party which signed and ratified the World Health Organization Framework Convention on Tobacco Control (FCTC), gives priority to the right to protect public health and to promote measures of tobacco control based on current and relevant scientific, technical and economic considerations, and agreed to implement all the measures provided in the treaty;

**WHEREAS**, the Philippines signed and ratifies 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 for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, State 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 the power and authority to promote general welfare within its territorial jurisdiction, including the promotion of health and safety of its constituents;

**WHEREAS**, scientific evidence has unequivocally established that tobacco consumption and exposure to tobacco smoke cause death, disease and disability; lead to devastating health, social, economic and environmental consequences; and places burdens on families, on the poor, and on the nation;

**WHEREAS**, the wide range of Electronic Nicotine / Non-Nicotine Delivery Systems (ENDS/ENNDS), Heated Tobacco Products (HTPs), and their components, some of which are considered harmful and potentially harmful chemicals that can be inhaled not only by the user but by non-users as well through secondhand aerosol, have been introduced in the Philippines and globally;

**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 in certain places; 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 restriction on advertising, promotion, and sponsorship activities of tobacco companies; and directs local government units to implement these provisions;

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

**WHEREAS**, the Land Transportation Franchising and Regulatory Board (LTFRB) Memorandum Circular 2009036 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;

**WHEREAS**, the civil service commission – Department of health joint memorandum circular no. 2010-01 prohibits government officials and personnel from interacting with the tobacco industry and those representing their interest unless strictly necessary to effectively regulate, control, or supervise them;

**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 advance population health and individual wellbeing reduce the prevalence of non-communicable diseases and their risk factors, particularly tobacco and alcohol use;

**WHEREAS**, the Food and Drug Administration (FDA) is mandated under Republic Act No.11467, amending the national internal revenue code of 1997, as amended, to periodically determine and regulate consistent with evolving medical and scientific studies, the manufacture, importation, sale, packaging advertising, and distribution of vapor and heated tobacco products, including banning sale to nonsmokers or persons below age twenty-one (21), and banning of. Local government units, in the pursuit of common health goals, must then act to ensure effective enforcement of these measures within their jurisdiction;

WHEREAS, the executive order no.6 series 2020 which emended Executive Order No. 26 series of 2017, directs local government units to adopt and implement the nationwide smoking and vaping ban and to strengthen existing measures on access restriction including the regulation on sale distribution, and availability of cigarettes and other tobacco products, Electronic Nicotine and Non-Nicotine Delivery System (ENDS/ENNDS), Heated Tobacco Products (HTPs) and other novel tobacco products;

WHEREAS, the seal of good local government act of 2019 (RA 11292) measures, among the local government units' capability to effectively implement and deliver health service 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 inductors for this measurement is strict enforcement of laws and ordinance that regulate tobacco sale and use;

WHEREAS, the provincial LGU can help the national government implement the letter & spirit of the said laws and regulations in their own territorial jurisdiction, and that the provincial LGU can impose penalties for violations thereof that shall accrue exclusively to the provincial LGU;

WHEREAS, the Municipality of San Benito, Siargao Island, Surigao del Norte recognizes that local governments must act with urgency to renormalize that culture of tobacco consumption, smoking, and vaping through comprehensive and proven effective tobacco control measures to prevent the initiation of non-user and the youth and prevent exposure to harmful chemical and emission that pose risks to health while providing a supportive environment to those attempting to quit smoking and vaping;

WHEREAS, in order to fully protect the health and welfare constituents of San Benito, Siargao Island, Surigao del Norte and at the same time safeguard the interest of all stakeholder, including smokers and vapers, there is a need to pass a comprehensive ordinance covering tobacco products and new products, prohibiting the sale, purchase, delivery, and/ or use of unregistered and/ or noncompliant ENDS/ENNDS, HTPs and their components; prohibiting persons below twenty-one (21) years old to sell, buy, purchase, deliver and/or use END/ENNDS, HTPs, and their components; other regulations thereof in public place, including public conveyance; providing penalties therefore; and for other purpose;

WHEREFORE, for and in consideration of the foregoing premises and upon the motion of Sangguniang Bayan Member William A. Polican duly seconded by Sangguniang Bayan Member Cindy R. Agati,

**BE IT ORDAINED**, by the 10<sup>th</sup> Sangguniang Bayan of San Benito, Siargao Island, Surigao del Norte in session assembled, that:

**Section 1. Title.** -- This Ordinance shall be known as the "Comprehensive Smoke- Free and Vape – Free Ordinance of the Municipality of San Benito, Siargao Island, Surigao del Norte."

**Section 2. Purpose.** - It is the purpose of this Ordinance to safeguard public health and ensure that well-being of all its constituents from the harmful effects of smoking, tobacco consumption, and vaping by decreasing exposure to its marketing and advertising, restricting its use, sale, distribution, and accessibility, and providing a supportive and conducive environment for users to quit.

**Section 3. Coverage** – this Ordinance shall apply to all persons, natural or juridical, resident or non-resident, and in all place, found within the territorial jurisdiction of the Municipality of San Benito, Siargao Island, Surigao del Norte.

**Section 4. Definition of terms** – as used in this Ordinance, the term below shall have the meanings ascribed to them in this section. Any words or terms not defined shall be given their plain and customary meanings, unless the context requires otherwise, and shall be interpreted in a manner consistent with the purpose and spirit of this ordinance

**a. Advertising and promotion** – mean any form of commercial communication, recommendation, or action 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

**b. Civil society organization (CSO)** – refers to legally constituted voluntary civic and social organization or institution created without government participation, including but not limited to, charities, development non – government participation, including but not limited to, charities, development non- governmental organizations ( NGOs), people’s 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 a front groups of the tobacco and/ or electronic cigarette industry.

**c. Designated Smoking/ Vaping Area (DSVA)** – refers to an outdoor space, duly approved by the Municipal Health Officer where smoking and/ or vaping may be allowed without violating this ordinance, subject to specific requirements:

1. It shall be located in an open space outside the building with no permanent or temporary roof or walls.
2. It is not 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 5x5 square meters.
4. Food or drinks are not served.
5. No building shall have more than one designated smoking/ vaping area;
6. The entry of persons below the age of 18 shall not be allowed.
7. Highly visible signage’s with the following message should not be prominently displayed:
  - a. “Smoking/ Vaping Area” signage with a message showing “Persons below 18 not allowed within these premises”
  - c. Graphic health warnings on the effects/ harms of tobacco, electronic cigarette, and Heated tobacco use or exposure
  - c. Information on cessation hotline and/ or cessation clinic/ services
8. It shall not be located in places where absolute smoking/ vaping bans are in effect, such as, but not limited to: centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for youth; elevators and stairwells; locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials; within the buildings and premises of public and private hospitals, medical, dental, and optical clinics, health centers, nursing homes, dispensaries and laboratories, food preparation areas; public conveyances and in enclosed, partially enclosed and outdoor areas of transport terminals that are near entrances and exits or where people pass or congregate; within the buildings of all government facilities and premises of all offices of Department of Health, Department of Education, Commission of Higher Education, Department of Social Welfare and Development and the Civil Service Commission, and shall likewise include parks, plazas, playgrounds, sports, and recreational facilities, and other facilities where an absolute smoking/ vaping ban is imposed under special laws, ordinances, administrative and executive orders, memorandum circulars and related policies.
9. It shall have a receptacle for proper disposal of refuse from tobacco products or disposable components of electronic devices.

**d. Electronic Nicotine and Non-Nicotine Delivery Systems (ENDS/ENNDS)** – are combinations of non-tobacco containing e-liquids, solutions or refills which 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 mount, like a cigarette or cigar, and inhaled to draw a mixture of air and vapors from the device into respiratory system. They contain electronic vaporization system, rechargeable batteries and charger’s batteries and charges, electronic controls and replaceable cartridges containing nicotine and / or other chemicals. They are also commonly known as electronic cigarettes (e- cigarettes), vapor product, vapes, vape pens, electronic shisha

**e. enclosed or partially enclosed-** means being covered by a roof or enclosed by one or more walls or side, regardless of the type of material used for the roof, wall, or sides, and regardless of whether the structure is permanent or temporary

**f. Heated tobacco product (HTPs)** – refers to tobacco products that contain the highly addictive substance nicotine and / or non- tobacco additives and flavoring that produce aerosols when heated, which are inhaled by users through the mount HTPs mimic the behavior of smoking conventional cigarettes, and some make use of specifically designed cigarettes to contain tobacco for heating.

**g. minors** – refers to persons below eighteen (18) years old, and minimum legal age at which a person is legally allowed to use, sell or purchase tobacco products within the territorial jurisdiction of the Municipality of San Benito, Siargao Island, Surigao del Norte.

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**h. Novel Tobacco Products** – refers to all substances, devices, and innovations entirely or partly made of tobacco leaf as raw material, already existing or to be developed in the future intended to be used as substitutes for cigarettes, conventional tobacco products, END/ENNDS OR HTPs.

**i. Second-hand smoke (SHS)/ Second-hand vaping aerosol (SHVA)** – means the smoke, aerosol, or emission coming from the burning end/heated component of a cigarettes/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.

**j. 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.

**k. Smoker** - refers to any person engaging in the act of smoking.

**l. Smoking** – means being in possession or control of a lit tobacco products regardless of whether or not the smoke or emission is being actively inhaled or exhaled.

**m. Sponsorship** – means any form of a contribution to any event, activity, or individual with the aim, effects, or likely effects of promoting tobacco products, ENDS/ENNDS, HTPs, or their components, or the use thereof, either directly or indirectly.

**n. Tobacco Products** – means products entirely or partly made of the leaf tobacco as raw material which is manufactured to be used for smoking, sucking, chewing, or snuffing, such as but not limited to cigarette, cigar, pipe, shisha/hookah, and chew tobacco. This excludes ENDS/ENNDS, heated and smokeless tobacco products, and novel tobacco products, and related consumer products.

**o. 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 manufactures, wholesale distributors, importers of tobacco products, tobacco retailers, front groups, and any others 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. In a similar context, those that belong to or work to further the interests of those involved in electronic cigarette products are referred to as the **Electronic Cigarette (E-Cigarette) Industry**.

**p. Tobacco Industry Interference** – refers to a broad array of tactics and strategies used by the tobacco industry to interfere with the setting and implementation of tobacco control measures. In this light, interference by the Electronic Cigarette (E-Cigarette) Industry can be referred to as **Electronic Cigarette (E-Cigarette) Industry Interference**.

**q. Vaper** – refers to any person engaging in the act of vaping.

**r. Vaping** – refers to being in possession or control of a powered ENDS/ENNDS or HTP, regardless of whether the emission in the form of smoke, vapor, o aerosol is being actively inhaled or exhaled.



s. **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.

t. **Youth** – refers to person aged 15-24 as defined by the World Health Organization.

**Section 5. Smoking Cessation and Livelihood Assistance Programs.** – The Provincial Health Officer, with the assistance of Health Education and Promotion Officer or other members of the Task Force, shall develop, promote and implement a Smoking/Vaping Cessation Program and encourage the participation therein of public and private facilities which 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 10 of this Ordinance, may be referred to the City/Municipality'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 shall be affected or displaced by the restrictions on sales, may be referred for enrollment and given assistance in the livelihood programs of the City/Municipality or by other appropriate agencies.

**Section 6. Duties and Obligations of Persons-in-Charge.** – Persons-in-charge shall:

a. 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 is 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 [8 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:

**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 (DSVA), after complying with the specifications in Section 4 (c), prominently display the following elements in the signage:

**" DESIGNATED SMOKING/VAPING AREA"**  
**or "SMOKING/VAPING AREA"**  
**"Persons below 18 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]**

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

b. 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 at the driver's black seat;

Remove from all places where smoking and/or vaping is prohibited all ashtrays and any other receptacles for disposing of cigarette, electronic cigarette, and heated tobacco refuse;

c. For person-in-charge of commercial establishments/buildings or other non-government facilities intending to establish a DSVA, secure a certificate/ permit from the Provincial Building/Engineering and Health Officers after complying with the requirements for DSVA, as stated in Section 4 (c);

d. For persons-in-charge of schools, public playgrounds, or other facilities frequented by youth and/or minors, offices of the DOH and attached agencies, hospitals, and health facilities, post the following statement in a clear and conspicuous manner:

**SELLING, DISTRIBUTING, ADVERTISING AND PROMOTING CIGARETTES AND OTHER TOBACCO PRODUCTS TO MINORS, OR ELECTRONIC CIGARETTES, HEATED TOBACCO, OTHER TOBACCO PRODUCTS, AND/OR ITS COMPONENTS NOT ALLOWED WITHIN 100 METERS FROM ANY POINT IN THE PERIMETER OF [name of SCHOOL/PLAYGROUND/FACILITY FOR THE YOUTH AND/OR MINORS/HEALTH FACILITY/ETC.]**

e. For persons-in-charge of schools, public playground or other facilities frequented by persons the youth and/or minors, office of the DOH and attached agencies, hospitals, and health facilities, report to the Smoke/Vape-Free Task Force any sale, advertisement, or promotion of tobacco, electronic cigarette, heated tobacco products, and/or any its components located within 100 meters from its perimeter;

f. For persons-in-charge of establishments intending to sell tobacco/electronic cigarette, heated tobacco products, and/or any its components secure a valid business permit and license to sell in retail or wholesale from the City/Municipality's Business Permits and Licensing Office, and shall comply with all essential requirements as directed by other regulatory agencies, if applicable;

g. For persons-in-charge of approved point-of-sale establishments, post the following notice, together with a graphic/picture-based health warning on the health consequences of tobacco, electronic cigarette, and heated tobacco use and exposure, as prescribed by the Provincial Health Office, in a clear and conspicuous manner.

**SALE/DISTRIBUTION OF TOBACCO PRODUCTS TO MINORS, OR ELECTRONIC CIGARETTES, HEATED TOBACCO PRODUCTS, AND/OR ANY OF ITS COMPONENTS TO PERSONS BELOW AGE 21 IS UNLAWFUL**

h. For persons-in-charge of approved point-of-sale establishment, remove all forms of tobacco, electronic cigarette and heated tobacco products, and/or any of its component advertisement/promotions paraphernalia prohibited by this Ordinance.

i. For persons-in-charge of approved point-of-sale establishments, secure approval from the Provincial Health Office for storages or containments of tobacco/electronic cigarette/heated tobacco product, and/or any of its components as prescribed under Section 10 (t). 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 marking. Such list shall not occupy more than (25%) of the exposed side of the storage or containment;

j. 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 actual purchase, or when being replenished, cleaned, or inspected;

k. 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 sales, distribution, advertising and promotions restrictions (i.e. warning smoking/vaping violators in banned areas and requesting them to stop smoking/vaping, and if they refuse to comply, asking them to leave the premises, and if they still refuse to comply, reporting the incident to the Provincial Health Office, the nearest peace officer, or to any member of the Smoke/Vape-Free Task Force through its hotline or by other means);

l. 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;

m. Allow inspectors acting under Section 12 and 13 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 its compliance with this Ordinance.

n. For all signage required to be posted under (a), (b), (e), and (h) above, provide for versions of them in the local language/dialect or English; and

o. Owners, administrations, or persons-in-charge of business establishment are not prevented from banning the use of tobacco products, ENDS/ENNDS and heated tobacco products within their premises nor they are required to establish Designated Smoking/Vaping Areas in their establishments.

## **ENFORCEMENT**

**Section 7. Smoke/Vape-Free Task Force; Duties and Responsibilities, Composition.** – A Task Force shall be created to aid in the implementation, enforcement, and monitoring of this Ordinance, and to protect the same from tobacco/electronic cigarette industry interference at all times as well as to conduct education awareness campaigns, information dissemination programs, and capacity building programs that will inform the constituents and train enforcement officers. It shall have the following duties and responsibilities.

- a. Receiving, reviewing and processing reports and complaints, serving of citations and notices, and filing of appropriate charges for violations under this Ordinances;
- b. Attending regular Task Force meetings; and
- c. Deputizing enforcers under Sections 11 to 14 hereof, and enforcing the other provisions of this Ordinance.

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

- a. Health Officer;
- b. Health Education and promotion Officer/ or equivalent designate;
- c. Building/ Engineering Official;
- d. Legal Officer;
- e. Information Officer;
- f. Business Permits and Licensing Officer;
- g. Local Philippine National Police (PNP) Chief of Police;
- h. Municipal Treasurer;
- i. Environment and Natural Resources Officer (ENRO) from the local government unit or from DENR
- j. Representative/s from DepEd, CHED and /or academic institution
- k. Local President of the Liga Ng Mga Barangay Ng Pilipinas;
- l. Public Order and Safety Officer
- m. Social Welfare and Development Officer
- n. Human Resources Management Officer
- o. Provincial Administrator / Chief of Staff
- p. coordinator of the task force unit or office (if other than the above officers) under section 14 hereof; and
- q. Representative/ s of the Civil Society Organization (CSO) designated by the health officer under section 14 hereof; and
- r. Other members identified by the Chair or Vice-Chair (whose specific function in the local government unit and role many serve to effectively implement this ordinance)

The Task Force shall not include as its member any person or entity supporting or entity supporting or accommodating tobacco / electronic cigarette industry interest 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 of this provision governing the taskforce 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/shall also be subject to prescribed under the CSC-DOH Joint memorandum circular 2010-001-1010 or other applicable laws/ policies.

**Section 8. Duties and Responsibilities of the Chair of the task force-** in addition to heading the task force and task force and supervising the general Administration of the task force, the provincial governor shall direct and manage the implementation and execution of policies, standards, rules, and regulations promulgated pursuant to the objectives of this ordinance.

**Section 9. Duties and Responsibilities of the Members of the Task Force.** – As a member of the task force, their duties and responsibilities shall include the following;

**a. The Municipal Health Officer shall:**

1. Make Tabaco 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 Tabaco / 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, point of sale ;and including the approval / disapproval of permits in designated smoking / vaping areas (DSVAs) as well as permits / license for Tabaco/e-cigarette point of sale;
4. Facilitate, together with the sanitary inspector, enforces and/ or task force members, the serving of notices, citation, the imposition of fines, suspension, or revocation of permits licenses for violation;
5. Assign a hot line or any other number and email address to which violations of this ordinance maybe reported by email, phone call or SMS, or other means, and a person to operate the line and records report, while another hotline may be assigned for accepting calls or message for smoking cessation counselling;
6. Develop, promote and implement a smoking cessation program, stated in section 5;
7. Assist hospitals and other health facilities including any office of the DOH within the local government unit, together with the sanitary inspector, enforces and /or task force members, in the monitoring of Tabaco/ e-cigarette products sales, advertisement, and promotions within 100 meters from the perimeter of school, public playground, facilities frequented by the youth and / or minors and health facilities.

**b. The Health Education and Promotion Officer shall:**

1. Develop and produce information, education, and communication materials and conduct activities on Tabaco prevention and control, such as the harms of Tabaco and e-cigarette use, and exposure to second hand smoke /aerosol, as well as on the prevision of this ordinance.;
2. Encourage constituents to monitor and report violation of this ordinance;
3. Assist the health officer in developing, promoting, and implementing a smoke cessation program.

**c. The Building / Engineering Official shall;**

1. Conduct, together with the health office or its own, inspection activities as provided in this ordinance;

2. Determine whether or not enclosed / partially enclosed public places, workplaces, other republic 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.

**d. The Legal Office shall;**

1. Assist the task force in reviewing report of and complaints for violation of this ordinance and determining liability or appropriate cases file;
2. Extend any legal assistance and / or file cases on matters pertaining to this ordinance.

**e. The Information Officer shall;**

1. Assist in disseminating information pertaining to all aspects of this Ordinance including the printing and distribution of copies of this 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.

**f. The Business Permits and Licensing 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/e-cigarette products.

**g. 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. Refers 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;
7. Used the Citation Tickets during apprehensions and maintain a record or log of violations/apprehensions made within particular periods, for purpose of reporting.

**h. The Municipal Treasurer shall:**

1. Facilitate the printing and reprinting of Citation Tickets;
2. Issue booklets of the Citation Tickets to the local government unit's enforcers and other deputized enforcers, as appropriate;
3. Collect/receive fines paid of violators and submit reports on its collection;
4. Designate collection agents and guidelines for collections as necessary to assist in efficient collective 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.

**i. 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 members of the Task Force;
3. Conduct timely monitoring of air, water, soil quality, and other studies pertinent to determining level 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, waste generated, among others.

**j. 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 of 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' sale, 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 meter from perimeter of schools, public playground, facilities frequented by the youth and/or minors, and health facilities.

**k. 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;
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 (SK) and 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.

**l. The Public Order and Safety Officers 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, Designated Smoking/Vaping Areas (DSVAs), together with other members of the Task Force;
3. 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;

**m. The Social Welfare and Development Officers:**

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.

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

1. Oversee 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. Oversee 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 it applies to the performance of functions and duties affecting government officials/personnel.

**o. The Provincial Administrator/Chief of Staff:**

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

**p. The Coordinator, in case of a separate coordinating unit or office of the task force, under the authority of the provincial governor**

1. Perform any of the functions assigned to him/ her by the provincial governor pertaining to the implementation, enforcement, and promotion of this ordinance
2. Coordinate with any /all members of the provincial task force as necessary, facilitate training, and assist in enforcement / promotion / monitoring / research, and attend to any related function as required / instructed by the provincial governor;

**q. The CSO Representative/s shall:**

1. Assist in inspection and in monitoring violation of this ordinance;
2. Assist in promoting awareness of this ordinance and in encourage public support and participation for its implementation and enforcement
3. Assist in promoting and, if capable, implementing a smoking cessation program;
4. Assist in developing and conducting orientation and training seminar for enforcers
5. Assist in evaluating the performance of the task force and the effectiveness of the implementation and enforcement of this ordinance

**Section 10. Prohibited Acts.** – The following acts are declared unlawful and prohibited by this ordinance

**USE, SALE DISTRIBUTION, ADVERTISING, AND PROMOTION**

- a. smoking and / or vaping in enclose or partially enclosed public place, workplaces, public conveyance (whether mobile or station), or other public places, such as those enumerated under section 4(1), except in designated smoking/ vaping area duly approved and fully compliant with the requirements under section 4 (c);
- b. for persons- in- charge to allow, abet, or tolerance smoking and / or vaping in place enumerated in the preceding paragraph, outside of the duly approved designated smoking / vaping area under section ( c):
- c. Selling distributing, or purchasing tobacco products to minor's electronic cigarettes, and heated tobacco products and / or its components to or from person below the age **21** (proof of age verification – in case of doubt as to the age of the buyer, retailer shall verify by means of a valid form of photographic identification and proof of ag card containing the date of birth of the bearer (i.e. driver's license, passport, voters ID) that no individual purchasing tobacco is below **18**, and no individual purchasing electronic cigarette or heated tobacco product is **below the age of 21** as per this ordinance);

d. Use, sale, or purchase of tobacco among **minors**, and electronic cigarette, and heated tobacco products and / or its components by persons below age **21**;

e. ordering, instructing, or compelling a **minor** to use, light up, buy, sell, distribute, deliver, advertise or promote tobacco products, and ordering, instructing, or compelling a person below age **21** to use, light up, buy, sell, distribute, deliver, advertise or promote electronic cigarettes, and heated tobacco products;

f. advertising selling or distributing tobacco, electronic cigarette, and heated tobacco products and / or its components in a school, public playground, or other facility frequented by the youth and minors, offices of the department of health (DOH) and its attached agencies, hospitals and health facilities or within **100 meters** from any point in the perimeter of these place <sup>11</sup>, within premises of a government facility, establishments that serve food and drinks or provide accommodation and entertainment<sup>12</sup>

g. Selling tobacco, electronic cigarette, and heated tobacco products and / or its components without valid city/ municipal business permit and license to sell;

h. manufacturing importation, distributing, marketing or selling of unregistered or adulterated electronic cigarettes and components thereof in the form of devices, solution or refills whether physically part of or intended to be used with electronic cigarettes, heated tobacco products, and other novel tobacco products;

i. selling of e-liquids, solution or refills forming components of electronic cigarettes or heated tobacco products, and other novel tobacco product;

j. selling of device forming components of electronic cigarettes or heated tobacco products not compliant with product standards that may be imposed by the department of trade and industry and the food and drug administration in accordance with R.A Nos. 7394 and 11467;

K. manufacturing, distributing importing, marketing and selling of electronic cigarettes heated tobacco products or their components, without the license to operate or authorization from the food and drug administration;

1. Selling of tobacco, electronic cigarette, and heated tobacco products and / or its components removed from its original product package or sold as individual piece or per stick, or in packs containing less than 20 stick/ piece in case of tobacco products and heated tobacco product refills/ heat sticks;

m. manufacturing importing and selling tobacco products, electronic cigarette, heated tobacco products and / or its components without the appropriate government – issued health warning labels;

n. selling electronic cigarette, and heated tobacco products and / or its components knowingly or inadvertently to non – smokers <sup>13</sup> and non- vapers;

o. Selling or distributing of sweets, snacks, toys, accessories, apparel or any other objects in the form of or bearing resemblance to the logo, insignia packaging, or distinguishable design elements of tobacco which may apparel or any other objects in the form of or bearing resemblance to the logo, insignia, packaging, or distinguishable design elements of electronic cigarette, heated tobacco products and / or its their components, including limitation thereof, which may appeal to persons below **Age 21**;

p. placing cinema or outdoor advertisement of tobacco electronic cigarette, and heated tobacco products and / or its components

q. placing posting, displaying, wearing or distributing advertisement and promotional materials of tobacco, electronic cigarette, and heated tobacco products and / or their components, such as but not limited to leaflets, posters, display structures, video/ digital display, accessories, apparel, and other materials within an establishment when such establishment, or its location, is prohibited or not licensed

to sell and distribute tobacco, electronic cigarette, heated tobacco products and/ or their components and are not adult – only establishment

r. conducting promotional activities, campaigns events, product sampling, and other similar activities where the establishment or its location prohibits selling distribution and purchasing of tobacco, electronic cigarette, heated tobacco products, and its components, and where persons below age 21 are allowed entry;

s. Display and placing tobacco, electronic cigarette and heated tobacco products and / or its components in open store shelves/ racks, except in closed, opaque single – colored storages / container

### **ONLINE SALE, DISTRIBUTION, ADVERTISING AND PROMOTION**

t. selling distribution advertising, and promotion of tobacco, electronic cigarettes, heated tobacco products and /or related components / products in online platform / ecommerce subject to pertinent regulation / guidelines of the food and drug administration (FDA) and other concerned agencies

u. Restrictions on advertising on the internet – advertisements are prohibited on the internet and other similar medium unless the internet site is restricted to person **eighteen (18)** years of age and older. A site will be deemed restricted if person cannot obtain access beyond the first page of the website unless the person has established that he or she is at least **eighteen (18)** years old.

### **ENGAGEMENT AND SPONSORSHIP INVOLVING THE TOBACCO/ E-CIGARETTE INDUSTRY**

V. facilitation, participation, or partnership involving any government official or personnel of [name OF LGU] regardless of employment status (permanent, casual, contractual, job order, consultation or special appointment) in any form of contribution, favor, sponsorship, or corporate social responsibility (CSR) activity, event, program or project by a tobacco / electronic cigarettes company, tobacco / electric cigarette industry interests, executed for and in behalf of and within the territorial jurisdiction of the [ city/municipality], with the aim, effect or likely effect of promotion a tobacco/ electronic cigarette products, its use either directly or indirectly.

**Section 11. Enforcement on Individual.** - 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 Section 6 and 10 hereof. They shall forward copies of the tickets they issue violators to the Treasurer's Office regularly or per week. 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 violators 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 payment of penalty or rendition of community service.

**Section 12. 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 by issue violators to the Treasurer's Office regularly or at least once a week.

**Section 13. Enforcement on Establishments.** – Ninety (90) calendar days after the effectivity of this Ordinance, an inspection team composed of representatives from the Health Office, Engineering's Office, Permits and License Office, and other members of the Task Force, shall conduct inspections of establishment and buildings to determine their compliance with provisions of this Ordinance.

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

Re-inspection of the establishment shall be done on any day after the issuance of the Citation Ticket but in no case more than ten (10) working days after such issuance. If the establishment fails to comply with the obligation stated in the Citation Ticket upon re-inspection, the inspection team shall recommend the suspension of its license/permit consistent with Section 22 (g) hereof. In the course of an inspection, the inspection team may apprehend individual violators and request the assistance of the PNP in doing so.

**Section 14. 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 Provincial Governor, one or more civil society organizations (CSO) not connected/represents interests of the tobacco/e-cigarette industry, to discharge the duties and responsibilities enumerated in Section 9 (q) hereof. The Provincial Governor may deputize qualified civilians to also serve as enforcers of this Ordinance. Any person can file with the Task Force a report or compliant, or present evidence for any violation of this Ordinance, or be assigned other duties pursuant to the attainment of its effective implementation.

**Section 15. Evidence Needed.** – The evidence of the violation of this Ordinance may be obtained by means of photograph or video. In case of confiscated items, signed sworn statement/affidavits shall be made by the apprehending officer with specific details of the violation, details of the confiscated items, including the procedures taken 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.

### **INFORMATION CAMPAIGN**

**Section 16. Information Dissemination.** – Within sixty (60) calendar days of the effectivity of this Ordinance, the Task Force shall:

- a. In coordination with the Office of the Provincial Governor:
  1. provide at least two (2) copies of this Ordinance to every PNP station or precinct in the jurisdiction of the representative LGUs.
  2. provide a primer on this Ordinance for every officer of the PNP/deputized enforcers; and
  3. conduct lectures to brief officers of the PNP and other enforcers, the provision of this Ordinance, and their responsibilities concerning its enforcements.
- b. In coordination with the Permits and Licenses Office, provide a copy of this Ordinance and its primer to all existing establishment that are licensed to operate, as well as to those applying for new licenses or permits to operate, and/or permits to sell tobacco/e-cigarette products.
- c. 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 [City/Municipality], and for other sectors, as necessary.
- d. 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/e-cigarette use and exposure.

**Section 17. Public billboards, notices in barangays.** - Upon effectivity of this ordinance, the Engineers office shall put up billboards in conspicuous place within the LGU to notify the public of the restrictions and sanction imposed by the ordinance. The information office shall also immediately issue for dissemination at the barangay level notices on obligation of person under the ordinance.

**Section 18. Conduct of Orientation Seminars and Training.** Within sixty (60) calendar days from the effectivity of this ordinance and periodically thereafter, the health office, with the assistance

of the health education and promotion officer, and the CSO representative designated under section 14 hereof, with the 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, deputized enforcers like barangay health workers, barangay tanod, and the local PNP.

## **FINANCING**

**Section 19. Funding.** - Initial funding to defray the expenses necessary for or incidental to the implementation of this ordinance and Tabaco control program of [City/municipality] in the amount of [insert amount here] shall be sourced from the fund of the provincial government and is hereby allocated.

Every year thereafter, at least [insert amount here] shall automatically be included in the annual budget of the city/municipality for the implementation and enforcement of this ordinance and the city/municipality's tobacco control program.

The initial funding, annual budget appropriated for this purpose, and funds generated from other sources, such as, but not limited to, the proceed from administrative penalties, shall be placed in a trust fund specially intended to defray expenses and operationalized activities of this ordinance and the city/municipality tobacco control program. ordinance, subject to the annual government accounting and auditing procedures.

The initial funding, annual budget appropriated for this purpose, and funds generated from other sources, such as but not limited to, the proceeds from administrative penalties, shall be placed in a Trust Fund specifically intended to defray expenses and operationalize activities of this Ordinance and the City/ Municipality's Tobacco Control Program. The Task Force shall be empowered to determine how the Trust Fund is to be utilized in furtherance of this Ordinance, subject to the usual government accounting and auditing procedures.

The above expenses may include, but are not limited to:

- a. Establishment / provision of a livelihood assistance program for displaced business entities or individuals such as ambulant vendors.
- b. Cost of printing copies of ordinance, the citation tickets, and information, education, and communication materials of Tabaco control.
- c. Cost of regular periodic meetings of the task force.
- d. Cost of inspection and enforcement by the task force, including allowance for meals and transportation which shall be set by the office of the provincial governor.
- e. Remuneration for the apprehending enforcer's share of the proceed from penalties paid.
- f. Incentive or reward for private citizens who report violations of this ordinance.
- g. Institutional and operating expenses of the smoking cessation program and facility.
- h. Other expenses associated with the implementation and enforcement of this ordinance.
- i. The hiring of coordinator/staff/ agents who shall be involved in the day-to-day operations.
- j. Conduct prevalence and compliance monitoring and assessment activities.

**Section 20. Sharing of proceed from the penalties under this ordinance.** -- The amount of the corresponding penalty paid by a violator to the treasurer shall be appropriated where the equivalent of [ Insert amount here] percent ( %) shall accrue to the apprehending officer or deputized enforcer as an incentive. The reminder of the proceed from penalties collected as payment by violators, after deducting the amount that shall accrue to the apprehending officer deputized enforcer shall form a part of the abovementioned trust fund.

## **PENALTIES**

**Section 21. Persons Liable.** -- The following persons shall be liable under this ordinance:

- a. Any person or entity who commits any of the prohibited acts stated in section 10 hereof; provided, if the violator is a minor , the apprehending officer from the task force shall report the incident to the

school principal/dean exercising jurisdiction over the violator where he shall be required to comply with disciplinary measures imposed by the school/university where he/ she is enrolled, or endorse to the provincial social welfare and development office for appropriate action or intervention under Republic Act 9344 or the Juvenile Justice and Welfare Act, as amended. Should the school / university have no policy for offenses committed by their student outside school premises or if the violators are an out-of-school youth, the enforcer shall endorse the violators to the provincial social welfare and development office, which may involve the parents of the guardians and/or a barangay official where the violators is a resident, in carrying out disciplinary measures.

b. Person in charge who knowingly allow, abet, authorize, or tolerate the prohibited acts enumerated in section 10, or who otherwise fails to fulfill the duties and obligations enumerated in section 6 hereof.

**Section 22. Penalties.** – any person who violates this Ordinance may be meted administrative, disciplinary, civil, or criminal action on top the penalties prescribed in this Ordinance. The following penalties shall be imposed on violators of this Ordinance, to wit:

a. Violation of Section 10 (a) & (b) smoking /vaping or allowing smoking / vaping and section 6 (a) to (o) duties and obligation of person – in – charge

<b>i. First Offense</b>	<b>P 1,000.00</b>
<b>ii. Second Offense</b>	<b>P 2,000.00]</b>
<b>iii. Third and subsequent offenses</b>	<b>P 2,500.00</b> , or imprisonment for a period not exceeding 6months, or both at the discretion of the court. Suspension or revocation of business license or Permit may be prescribe (in case of business entity or establishment), if applicable.

b. Violation of section 10 (c) to (u) sales / access restriction and advertising and promotion ban

<b>i. First Offense</b>	<b>P 1,000.00</b>
<b>ii. Second Offense</b>	<b>P 2,000.00</b>
<b>iii. Third and subsequent offenses</b>	<b>P 2,500.00</b> , or imprisonment for a period not exceeding 6months, or both at the discretion of the court. Suspension or revocation of business license or Permit may be prescribe (in case of business entity or establishment), if applicable.

c. Violation of section 10 (v) sponsorship / contribution / partnership with the tobacco industry involving government officials / personnel

<b>i. First Offense</b>	<b>P 1,000.00</b>
<b>ii. Second Offense</b>	<b>P 2,000.00</b>
<b>iii. Third and subsequent offenses</b>	<b>P 2,500.00</b> , or imprisonment for a period not exceeding 6months, or both at the discretion of the court. Suspension or revocation of business license or Permit may be prescribe (in case of business entity or establishment), if applicable.

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/ municipality. For purpose of this section, community service is defined as any actual physical activity which indicates civic consciousness, and is intended toward the improvement of a public work or promotion of a public service for every hour of community service rendered, his / her outstanding fine shall be reduced by an amount equivalent to [option] triple the hourly minimum wage, or [option 2] other computations /fixed amount per hour in the city/ municipality. If a violator is unable to accomplish community service as an alternative, they may be refined or re-arrested

e. 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, then to the task force for the payment of penalty or rendition of community service.

f. Confiscation or Removal. Tobacco, electronic cigarettes, heated tobacco products, related products or components, and their advertising / promotion paraphernalia found violating any of the prohibited acts in this ordinance shall be subject to confiscation and / or removal.

g. Revocation or Suspension of Business Permits and License to Sell. The Business Permit and License to sell tobacco, electronic cigarette, and heated tobacco products or Certificate of Public Convenience of any public conveyance shall be suspended for at least one (1) week but not more than one (1) month or revoked when the necessary action has not been performed within ten (10) working days upon receipt of the Citation Ticket or when penalties have not been settled within five (5) working days. 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 business permit and license to sell or certificate of Public Convenience shall be forwarded to the appropriate local government unit, agency or governing body. The suspension or revocation shall only be lifted once all the requirements set forth upon re-inspection and evaluation of the Provincial Health Office, Building/Engineering Office, Business Permits and Licensing Office and/or the appropriate agency or governing body has been fully complied with. Any Task Force member may recommend the revocation or suspension of license or permit of an erring establishment to the appropriate office.

**Section 23. No Contest Provision.** Persons who violate any provision of this Ordinance except for Section 10 (p) 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 22 (a) and (b) prior to the filing of a formal complaint with the proper court, shall be allowed to pay the penalty with the Provincial 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 Provincial 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.

**Section 24. 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:

- a. Official booklets of Citation Tickets shall be issued by the Provincial Treasurer to duly authorized enforcers within ninety (90) calendar days of the effectivity of this Ordinance.
- b. A Citation Ticket shall be issued by duly authorized enforcers to person/s liable for any violation of this Ordinance.
- c. Citation Ticket shall contain the following information:
  1. checklist of the violations under this Ordinance.
  2. the fines associated with each violation.
  3. option to render community service in case violator is unable to pay fine.
  4. the due date for compliance with the obligations imposed by the ticket.

d. When a Citation Ticket is issued to a violator, he/she shall report to the Provincial 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 22 (d) hereof.

e. The Provincial 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 25. Repealing Clause.** – All ordinances contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly.

**Section 26. Separability Clause** – If any part or provision of this Ordinance is declared unconstitutional or invalid, the same shall not affect the validity and effectivity of the other parts or provisions hereby.

**Section 27. Effectively Clause.** – This Ordinance shall take effects three (3) consecutive weeks after its publication in a newspaper of local or general circulation or posting in at least two (2) conspicuous places within the Municipality.


**ENACTED** this, 02<sup>nd</sup> day of September 2024 at the Sangguniang Bayan Session Hall, 3<sup>rd</sup> Floor, Legislative Building, San Benito, Surigao del Norte.


XX

*We hereby certify to the correctness of the foregoing Ordinance*

  
**HON. CINDY R. AGATI**  
SB Member

  
**HON. CHARLITO E. MENDAVIA**  
SB Member

  
**HON. ALDREIN C. GLIMANE**  
SB Member

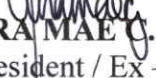
  
**HON. FELIX B. SUMANDO, SR.**  
SB Member

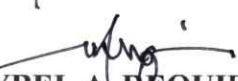
  
**HON. DELFIN P. LABOLA**  
SB Member

  
**HON. WILLIAM A. POLICAN**  
SB Member

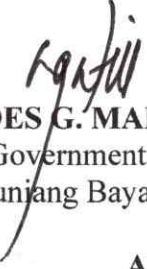
  
**HON. JAYROM P. CABALLEJOS**  
SB Member

  
**HON. RUELLA T. RULETE**  
LNMB President / Ex – Officio

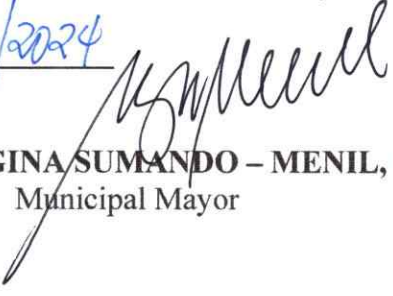
  
**HON. AIRA MAE C. GALANO**  
SKF President / Ex – Officio

  
**HON. WELLYBEL A. REQUIRME**  
Municipal Vice Mayor  
Presiding Officer

Attested:

  
**MELQUIADES G. MANTILLA, MA, MPA**  
Municipal Government Department Head 1  
Sangguniang Bayan Secretary

APPROVED: 09/04/2024

  
**HON. Ma. GINA SUMANDO – MENIL, LCB**  
Municipal Mayor