

02

PROVINCE OF LEYTE
Palo, Leyte

Item No.: 02
Date: JUL 25 2023

PROVINCIAL LEGAL OFFICE

SANGGUNIANG PANLALAWIGAN
JUL 14 2023
PROVINCE OF LEYTE

2nd INDORSEMENT
July 12, 2023

Province of Leyte
Legal Office
Released
Time: 9:00
Date: 7-12-23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2023-07 Series of 2023 of the Sangguniang Bayan of San Miguel, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160, the same being to the opinion of the Provincial Legal Office, an exercise of the power essential to the promotion of the General Welfare, Health and Safety authorized under Section 16 of the Code. Provided that, pursuant to Section 447(i),(iii) of the Code, the penalty of fine for violation of an ordinance should not exceed P2,500 contrary to the intent of Section 8 (b) (iii) of subject ordinance.


ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer



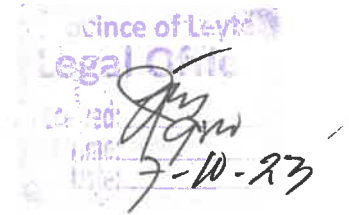
Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City



-oOo-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st Endorsement
7 July 2023



The Provincial Legal Office is respectfully requested to review and submit recommendations, on the herein enclosed **Resolution No. 194 series of 2023** embodying **MUNICIPAL ORDINANCE NO. 2023-07 OF SAN MIGUEL, LEYTE, ENTITLED: "the COMPREHENSIVE SMOKE-FREE ORDINANCE OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE."**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

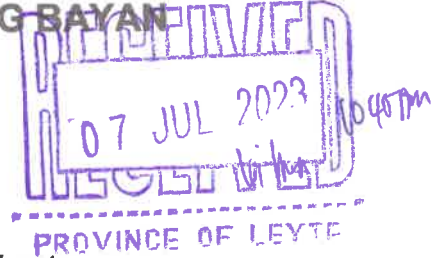
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Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL
-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

SANGGUNIANG PANLALAWIGAN



June 29, 2023

The Honorable Members of the Sangguniang Panlalawigan of Leyte
Thru: The Sangguniang Panlalawigan Secretary
Provincial Legislative Building
Tacloban City

Gentlemen/Ladies:

I have the honor to forward herewith pertinent documents of the Sangguniang Bayan of San Miguel, Leyte for review and approval of the august body, to wit:

1. Sixteen (16) copies of Municipal Ordinance No. 2023-07, Series of 2023 entitled: **AN ORDINANCE PROHIBITING THE USE, SALE, DISTRIBUTION, AND ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS, ELECTRONIC NICOTINE AND NON-NICOTINE DELIVERY SYSTEMS, HEATED TOBACCO PRODUCTS AND OTHER NOVEL TOBACCO PRODUCTS, IN CERTAIN PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR, TO INSTILL HEALTH CONSCIOUSNESS AND FOR OTHER PURPOSES (OTHERWISE KNOWN AS THE "COMPREHENSIVE SMOKE-FREE ORDINANCE OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE")**.
2. Sixteen (16) copies of Certificate of Posting.

Kindly acknowledge receipt hereof.

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL
-oOo-



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN, SAN MIGUEL, LEYTE, HELD AT THE SESSION HALL, LEGISLATIVE BUILDING, SAN MIGUEL, LEYTE ON JUNE 05, 2023

PRESENT:

- | | |
|-------------------------------|--|
| Hon. Protacio Q. Brazil | - Municipal Vice-Mayor/Presiding Officer |
| Hon. Richard Len B. Lapidario | - SB Member |
| Hon. Prospero Q. Brazil | - SB Member |
| Hon. Charlie L. Guy | - SB Member |
| Hon. Antonio L. Asis | - SB Member |
| Hon. Otelio U. Babiano, Jr. | - SB Member |
| Hon. Ruben G. Agner | - SB Member |
| Hon. Thelma M. Brazil | - SB Member |
| Hon. Letecia G. Espos | - SB Member |
| Hon. Samuel P. Salomon | - Ex-Officio Member / President, Liga ng mga Barangay |
| Hon. Hershey R. Amaga | - Ex-Officio Member/President, Sangguniang Kabataan Pambayang Pederasyon |

Resolution No. 194
Series of 2023

AN ORDINANCE PROHIBITING THE USE, SALE, DISTRIBUTION, AND ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS, ELECTRONIC NICOTINE AND NON-NICOTINE DELIVERY SYSTEMS, HEATED TOBACCO PRODUCTS AND OTHER NOVEL TOBACCO PRODUCTS, IN CERTAIN PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR, TO INSTILL HEALTH CONSCIOUSNESS AND FOR OTHER PURPOSES

WHEREAS, the 1987 Constitution of the Republic of the Philippines declares that the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, the Republic of the Philippines as a party to the World Health Organization Framework Convention on Tobacco Control (FCTC) gives priority to the right to protect public health 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 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, 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 restrictions on advertising, promotion, and sponsorship activities of tobacco companies;¹ 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 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 interests unless strictly necessary to effectively regulate, control, or supervise them;

Attested by:

Concurred:

Approved:

Certified Correct: **BRYAN NEIL B. BRAZIL**
Secretary to the Sangguniang Bayan

HON. OTHELIO U. BABIANO, JR.
SB MEMBER

HON. RUBEN G. AGNER
Municipal Vice-Mayor/Presiding Officer

HON. THELMA M. BRAZIL
SB MEMBER

HON. LETECIA G. ESPOS
SB MEMBER

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

HON. HERSHEY R. AMAGA
President, SK Pambayang Pederasyon

ATTY. NORFMAN P. SABBDAO
Municipal Mayor

HON. PROTAQIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

HON. PROSPERO Q. BRAZIL
SB MEMBER

HON. CHARLIE L. GUY
SB MEMBER

HON. ANTONIO L. ASIS
SB MEMBER

Certified Correct:


BRYAN NEIL A. BRAZIL
Secretary to the Sangguniang Bayan
HON. OTELO U. BABIANO, JR.
SB MEMBER

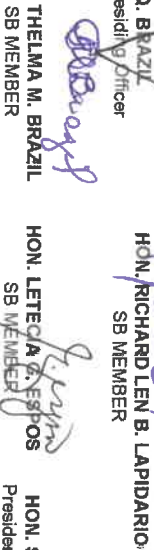
WHEREAS, the Universal Health Care Act of 2019 (Republic Act No. 11223) directs local government units to enact stricter ordinances that strengthen and broaden existing health policies and implement effective programs that promote health literacy and healthy lifestyle among their constituencies to advance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

Attested by:


HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Resident Officer
HON. RUBEN A. AGNER
SB MEMBER
HON. THELMA M. BRAZIL
SB MEMBER

WHEREAS, the National Internal Revenue Code of 1997 as amended in 2020 (Republic Act No. 11467) directs the Food and Drug Administration (FDA) 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 flavors. Local government units, in the pursuit of common health goals, must then act to ensure effective enforcement of these measures within their jurisdictions.

Concurred:


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER
HON. LETECIA G. SEPOS
SB MEMBER
HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

WHEREAS, the Executive Order No. 106 series of 2020 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 sales, distribution, and availability of cigarettes and other tobacco products, electronic nicotine and non-nicotine delivery systems (ENDS/ENNDS), heated tobacco products (HTPs) and other novel tobacco products;

WHEREAS, the Municipality of San Miguel, Leyte recognizes that local governments must act with urgency to DENormalize the culture of tobacco consumption, smoking and vaping through comprehensive and proven effective tobacco control measures to prevent the initiation of non-users and the youth and prevent exposure to harmful chemical and emissions that pose risks to health while providing a supportive environment to those attempting to quit smoking and vaping;

NOW, THEREFORE, on motion of Hon. Thelma M. Brazil duly seconded by all members present;

RESOLVED, as it is hereby resolved, to enact the following Ordinance, to wit:

**MUNICIPAL ORDINANCE No. 2023-07
Series of 2023**

Sponsor: All Members of the Sangguniang Bayan

BE IT ORDAINED by the Sangguniang Bayan of San Miguel, Leyte in regular session assembled

that:

Section 1. Title. — This Ordinance shall be known as the “**Comprehensive Smoke-Free Ordinance of the Municipality of San Miguel, Leyte**”.

Section 2. Purpose. — It is the purpose of this Ordinance to safeguard public health and ensure the 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 places, found within the territorial jurisdiction of the Municipality of San Miguel, Leyte.

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

- a. **Advertising and promotion** - means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting tobacco products, ENDS/ENNDS, HTPs, or their components, or the use thereof, either directly or indirectly.


HON. PROSPERO Q. BRAZIL
SB MEMBER

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

HON. HERIBERTO AMAGA
President, SK Palibayang Pederasyon

HON. ARTEMIO L. ASIS
SB MEMBER
Approved:

ATTY. NORMAN D. SABDAO
Municipal Mayor

Certified Correct:

HON. OTELLIO U. BABIANO, JR.
SB MEMBER
BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:

HON. RYBEL G. AGNIER
SB MEMBER
HON. PROTAC Q. BRAZIL
Municipal Vice-Mayor

Concurred:

HON. THELMA M. BRAZIL
SB MEMBER
HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

HON. LETECIA G. SPOS
SB MEMBER
HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

HON. CHARLIE D. GUY
SB MEMBER
HON. HERSHEY R. AMAGA
President, SK Pambarangay Pederasyon

Approved:

HON. ANTONIO C. ASIS
SB MEMBER
ATTN: NORMAN D. SABBDAO
Municipal Mayor

b. **Civil Society Organization (CSO)** - refers to a legally constituted voluntary civic and social organization or institution created with no participation of government, including but not limited to, charities, development non-governmental organizations (NGOs), community groups, women's organizations, faith-based organizations, professional associations, coalitions and advocacy groups duly recognized by the Office of the Mayor; provided such organization, institution or association is not directly or indirectly related to, connected and/or associated with, recipients or conduits of, or act as 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 10 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 21 shall not be allowed.
- 7) Highly visible signages with the following messages should be prominently displayed:
 - a) "Smoking/Vaping Area" signage with a message showing "Persons below 21 not allowed within these premises"
 - b) 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 persons under twenty-one (21) years old; 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 the Department of Health, Department of Education, Commission on 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)** – refers to a battery-operated device that heat e-liquids or refills which may or may not contain nicotine to produce aerosol, mist, or vapor that users inhale by mimicking the act of smoking. They are also commonly known as **electronic cigarettes (e-cigarettes), vapor products, vapes, vape pens, electronic shisha (e-shisha), mods and other similar or related devices.**

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

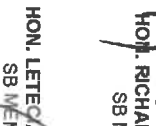
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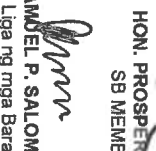

BRYAN NEIL BRAZIL
Secretary to the Sangguniang Bayan
HON. OTELLIO U. BABIANO, JR.
SB MEMBER

Attested by:

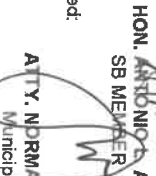

HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor
HON. YED BENIG. AGNIER
SB MEMBER
HON. THIRUMA M. BRAZIL
SB MEMBER

Concurred:


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER
HON. LETECIA Q. FERROS
SB MEMBER
HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay



HON. PROSPERO BRAZIL
SB MEMBER
HON. HERSHIE R. AMAGA
President, SK Pambarangal Pederasyon

Approved:


HON. ANTONIO ASIS
SB MEMBER
ATTY. NDRMAN D. SARDAO
Municipal Mayor

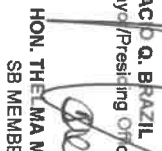
- f. **Heated Tobacco Products (HTPs)** - refers to tobacco products that contain highly-addictive substance nicotine and/or non-tobacco additives and flavorings that produce aerosols, which are inhaled by users through the mouth. HTPs mimic the behavior of smoking conventional cigarettes, and some make use of specifically designed cigarettes to contain tobacco for heating.
- g. **Minimum Legal Age (MLA)** - refers to twenty-one (21) as the minimum age at which a person is legally allowed to use, sell or purchase tobacco or electronic cigarette products within the territorial jurisdiction of Municipality of San Miguel, Leyte.
- 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, ENDS/ENNDS or HTPs.
- i. **Outdoor advertisement** - refers to any sign, model, placard, board, billboard, banner, bunting, poster, streamer, paint-on, light display, video/digital display, apparel, device, structure or representation, used outdoors and wholly or partially visible from the outside to advertise or promote a tobacco product/ENDS/ENNDS/HTPs or their components, or the use thereof, either directly or indirectly to the public.
- j. **Person-in-charge** - refers to the president/manager in case of a company, corporation, partnership or association; the owner/proprietor/operator in case of a single proprietorship; the administrator in case of government property, facility, office or building; the owner/driver/operator/conductor/captain in case of public conveyances; and the city/municipal schools superintendent, school president, dean or principal in case of schools or universities.
- k. **Point-of-sale** - refers to a physical area where tobacco/electronic cigarette and heated tobacco products or their components are sold and bought.
- l. **Public conveyance** - refers to modes of transportation servicing the general population, such as but not limited to, elevators, airplanes, ships, boats, jeepneys, buses, taxicabs, rideshare service vehicles/Transport Network Vehicle Services, trains, light rail transits, tricycles and other means of public transport.²
- m. **Public place** - means all places, fixed or mobile, that are accessible or open to the public or places for collective use, regardless of ownership or right to access, including but not limited to, schools, workplaces, government facilities, establishments that provide food and drinks, accommodation, merchandise, professional services, entertainment or other services. It also includes outdoor spaces where facilities are available for the public or where a crowd of people would gather, such as, but not limited to, playgrounds, sports grounds or centers, church grounds, health/hospital compounds, transportation terminals, markets, parks, resorts, walkways/sidewalks, entrance ways, waiting areas, cockpit arena and all public roads and bridges.
- n. **Second-hand smoke (SHS)/Second-hand vaping aerosol (SHVA)** - means the smoke, aerosol or emission coming from the burning end/heated component of a cigarette/other tobacco products including heated tobacco products, and electronic cigarettes and other similar devices, usually in combination with the smoke, aerosol or emission exhaled by the smoker/vaper.
- o. **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.
- p. **Smoking** - means being in possession or control of a lit tobacco product regardless of whether or not the smoke or emission is being actively inhaled or exhaled, or the act of inhaling and exhaling the smoke or aerosol produced by a heated tobacco product (HTPs) or other similar devices.

Certified Correct:


BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

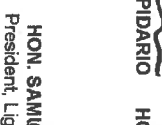
Attested by:


HON. P. PHOTAC
Municipal Vice-Mayor


HON. THELMA M. BRAZIL
Presiding Officer

Concurred:


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER


HON. PROSPERO B. BRAZIL
SB MEMBER

Section 5. 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 enclosed or partially enclosed public places, workplaces, public conveyances (whether mobile or stationary), or other public places, such as those enumerated under *Section 4 (I)*, except in Designated Smoking/Vaping Areas duly approved and fully compliant with the requirements under *Section 4 (c)*;
- b. For persons-in-charge to allow, abet or tolerate smoking and/or vaping in places enumerated in the preceding paragraph, outside of the duly approved Designated Smoking/Vaping Area under *Section 4 (c)*;
- c. Selling, distributing or purchasing tobacco, electronic cigarette, and heated tobacco products and/or its component to or from persons below age **twenty-one (21)**. (*Proof of Age Verification – In case of doubt as to the age of the buyer, retailers shall verify by means of a valid form of photographic identification and proof of age card containing the date of birth of the bearer (i.e. driver's license, passport, voter's ID) that no individual purchasing tobacco, electronic cigarette or heated tobacco product is below the age of 21 as per this ordinance*);
- d. Use, sale or purchase of tobacco, electronic cigarette, and heated tobacco products and/or its components by persons below age **21**;

Approved:


HON. CHARLES R. AMAGA
SB MEMBER


ATTY. NORMAN D. SARDAO
Municipal Mayor

Ordering, instructing or compelling a person below age 21 to use, light up, buy, sell, distribute, deliver, advertise or promote tobacco, electronic cigarette, and heated tobacco products;

Selling or distributing tobacco, electronic cigarette, and heated tobacco products and/or its components in a school, public playground or other facility frequented by persons below age 21, 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 places, within premises of a government facility, establishments that serve food and drinks or provide accommodation and entertainment;

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

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

i. Selling of e-liquids, solutions or refills forming components of electronic cigarettes or heated tobacco products, without prejudice to the registration requirements that may be set forth by the Food and Drug Administration in accordance with R.A. Nos. 9711 and 11467;

j. Selling of devices 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 prejudice to the licensing requirements that may be set forth by the Food and Drug Administration;

l. Importing unregistered or adulterated electronic cigarettes, heated tobacco products or components thereof;

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

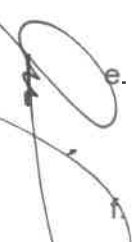
n. Selling tobacco, electronic cigarette, and heated tobacco products and/or its components without the appropriate government-issued health warning;

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, electronic cigarette, heated tobacco products and/or its their components, including imitations thereof, which may appeal to persons below age 21;

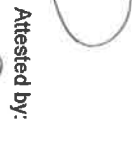
q. Placing cinema or outdoor advertisements of tobacco, electronic cigarette and heated tobacco products and/or its components;

r. 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 displays, 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 establishments;

Certified Correct:



BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan


Attested by:

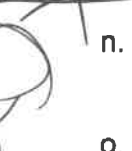

HON. PUBING G. AGNETA
SB MEMBER


HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Concurred:

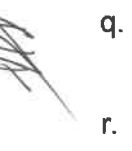

HON. RICHARD LENZ B. LAPIDARIO
SB MEMBER


HON. PROSPERO Q. BRAZIL
SB MEMBER


HON. CHARLENE D. GUY
SB MEMBER

Approved:


HON. ANTONIO L. ASIS
SB MEMBER


ATTY. NORMAN D. SARDAO
Municipal Mayor

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

t. Displaying and placing tobacco, electronic cigarette and heated tobacco products and/or its components in open store shelves/racks, except in enclosed, opaque and single-colored storages/containments;

ONLINE SALE, DISTRIBUTION, ADVERTISING AND PROMOTION

u. Selling, distribution, advertising and promotion of tobacco, electronic cigarette, heated tobacco products and/or related components/products in online platforms/e-commerce subject to pertinent regulation/guidelines of the Food and Drug Administration (FDA) and other concerned agencies.

ENGAGEMENT AND SPONSORSHIP INVOLVING THE TOBACCO/E-CIGARETTE INDUSTRY

v. Facilitation, participation or partnership involving any government official or personnel of LGU-San Miguel regardless of employment status (permanent, casual, contractual, job order, consultant or special appointment) in any form of contribution, favor, sponsorship or corporate social responsibility (CSR) activity, event, program or project by a tobacco/electronic cigarettes company, tobacco/electronic cigarette industry front groups, or any representation working to protect or promote tobacco/electronic cigarette industry interests, executed for and in behalf of and within the territorial jurisdiction of the LGU-San Miguel, with the aim, effect or likely effect of promoting a tobacco/electronic cigarette product, its use either directly or indirectly.

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:

(Sample only)



**STRICTLY NO SMOKING AND NO VAPING
As per MUNICIPAL ORDINANCE NO. 2023-07
Violators can be fined up to P3,000.00**

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 21 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]

Certified Correct:

Attested by:

Concurred:

Approved:

HON. OTELIO U. BABIANO, JR.
SB MEMBER
Secretary to the Sangguniang Bayan
PRYAN NEIL B. BRAZIL

HON. RUBEN G. AGNER
SB MEMBER
Municipal Vice-Mayor/Presiding Officer
HON. PROTAC O. Q. BRAZIL

HON. THELMA M. BRAZIL
SB MEMBER
HON. RICHARD LEBEN L. LAPIDARIO
SB MEMBER

HON. LETICIA S. DEPOS
SB MEMBER
HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

HON. CHARLIE S. GUY
SB MEMBER
HON. HERSHAY R. AMAGA
President, SK Pambayang Pederasyon

HON. ANTONIO L. ASIS
SB MEMBER
ATTY. NDRMAN D. SABBDAO
Municipal Mayor

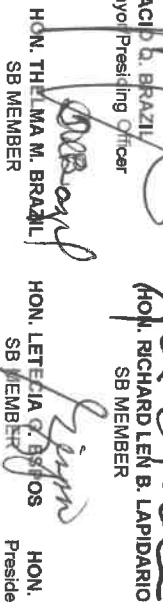
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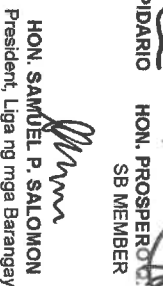

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan
HON. OTELLIO U. BABIANO, JR.
SB MEMBER

Attested by:


HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor
HON. RUBEN G. AGNER
SB MEMBER

Concurred:


HON. THELMA M. BRAZIL
SB MEMBER
HON. RICHARD LEN B. LAPIDARIO
SB MEMBER
HON. LETELIA Q. BROSOS
SB MEMBER


HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay


HON. HERSHIEY R. AMAGA
President, SK Pamayayang Pederasyon

Approved:


HON. ANTONIO A. ASIS
SB MEMBER
ATTY. NORMAN D. SABBDAO
Municipal Mayor

- 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 back 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 persons-in-charge of government property, facility, office or building, secure a certification/permit from the duly authorized officer or representative of the Civil Service Commission after inspection and approval prior to establishing a Designated Smoking/Vaping Area (DSVA);
- d. For person-in-charge of commercial establishments/buildings or other non-government facilities intending to establish a DSVA, secure a certification/ permit from the Municipal Building/Engineering and Health Officers after complying with the requirements for a DSVA, as stated in *Section 4 (c)*;
- e. For persons-in-charge of schools, public playgrounds or other facilities frequented by persons below age 21, offices of the DOH and attached agencies, hospitals and health facilities, post the following statement in a clear and conspicuous manner:

SELLING, ADVERTISING AND PROMOTING CIGARETTES, 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 PERSONS BELOW 21 / HEALTH FACILITY / ETC.]

- f. For persons-in-charge of schools, public playgrounds or other facilities frequented by persons below age 21, offices 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 of its components located within 100 meters from its perimeter;
- g. For persons-in-charge of establishments intending to sell tobacco/electronic cigarette, heated tobacco products, and/or any of its components secure a valid business permit and license to sell in retail or wholesale from the municipality's Business Permits and Licensing Office, and shall comply with all essential requirements as directed by other regulatory agencies, if applicable;
- h. 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 Municipal Health Office, in a clear and conspicuous manner:

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

- i. For persons-in-charge of approved point-of-sale establishments, remove all forms of tobacco, electronic cigarette and heated tobacco product, and/or any of its components' advertisement/promotions paraphernalia prohibited by this Ordinance;
- j. For persons-in-charge of approved point-of-sale establishments, secure approval from the Municipal Health Office for storages or containments of tobacco/electronic cigarette/heated tobacco product, and/or any of its components.

Only a listing of the available product's/component's brands/variants sold at the point-of-sale establishment is allowed to appear outside of the storage or containment, where such listing shall only be written/printed in any plain font, and without any recognizable product or brand typefaces, logo, indicia or markings. Such list shall not occupy more than (25%) of the exposed side of the storage or containment;

- k. 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;
- l. 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 Municipal Health Office, the nearest peace officer, or to any member of the Smoke/Vape-Free Task Force through its hotline or by other means*);
- m. 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;
- n. Allow inspectors acting under *Sections 14 and 15* hereof, which may include other members of the Task Force and the designated civil society organization under *Section 16*, entry into the establishment, public conveyance and government offices and facilities during regular business hours for the purpose of inspecting its compliance with this Ordinance;
- o. 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 in English;


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

- a. Any person or entity who commits any of the prohibited acts stated in *Section 5* hereof; 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 Municipal Social Welfare and Development Office for appropriate action or intervention pursuant to Republic Act 9344 or the Juvenile Justice and Welfare Act. Should the school/university have no policy for offenses committed by their students outside school premises or if the violator is an out-of-school youth, the enforcer shall endorse the violator to the Municipal Social Welfare and Development Office, which may involve the parents or guardians and/or a Barangay Official where the violator is a resident, in carrying out disciplinary measures.
- b. Persons-in-charge who knowingly allow, abet, authorize or tolerate the prohibited acts enumerated in *Section 5*, or who otherwise fails to fulfill the duties and obligations enumerated in *Section 6* hereof;

Section 8. Penalties. — The following penalties shall be imposed on violators of this Ordinance:

- a. **Violation of Section 5 (a) & (b) Smoking/Vaping or Allowing Smoking/Vaping and Section 6 (a) to (o) Duties and Obligations of Persons-In-Charge**
 - i. First Offense P 500.00
 - ii. Second Offense P 1,000.00


Certified Correct:



BRYAN NEIL B. BRAZIL
 Secretary to the Sangguniang Bayan
HON. OTELIO U. BABIANO, JR.
 SB MEMBER


Attested by:


HON. PROTACIO Q. BRAZIL
 Municipal Vice-Mayor/Presiding Officer
HON. MARLEN G. AGNER
 SB MEMBER


Concurred:


HON. TRELMA M. BRAZIL
 SB MEMBER



HON. RICHARD LEN B. LAPIDARIO
 SB MEMBER


HON. PROSPERO Q. BRAZIL
 SB MEMBER



HON. SAMUEL P. SALOMON
 President, Liga ng mga Barangay

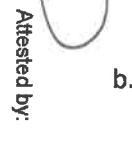

HON. HERSHIE R. AMAGA
 President, SK Panbatayang Pederasyon


Approved:



HON. ANTONIO T. ASIS
 SB MEMBER



ATTY. NORMAN D. SABDAO
 Municipal Mayor


Certified Correct: 
BRYAN NEIL F. BRAZIL
 Secretary to the Sangguniang Bayan


Attested by: 
HON. KUFFEN G. AGNER
 Municipal Vice-Mayor/Presiding Officer


Concurred: 
HON. PROTACIO Q. BRAZIL
 Municipal Vice-Mayor/Presiding Officer


Concurred: 
HON. THELMA M. BRAZIL
 SB MEMBER

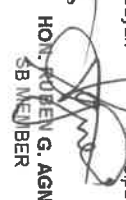
Concurred: 
HON. RICHARD LEN B. LAPIDARIO
 SB MEMBER

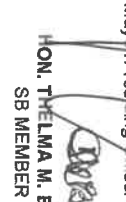
Concurred: 
HON. PROSPERO BRAZIL
 SB MEMBER


Concurred: 
HON. SHANTE R. GUDY
 SB MEMBER

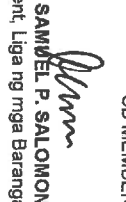
Approved: 
HON. ANTONIO L. ASIS
 SB MEMBER


Certified Correct: 
HON. OTHELIO U. BABIANO, JR.
 SB MEMBER

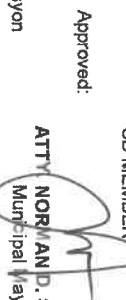
Attested by: 
HON. KUFFEN G. AGNER
 SB MEMBER

Concurred: 
HON. THELMA M. BRAZIL
 SB MEMBER

Concurred: 
HON. LETECIA A. RAMOS
 SB MEMBER

Concurred: 
HON. SAMUEL P. SALOMON
 President, Liga ng mga Barangay

Concurred: 
HON. HERSHIE R. AMAGA
 President, SK Pambayang Pedersasyon

Approved: 
ATTY. NORMAN D. SABDAO
 Municipal Mayor

iii. Third and Subsequent Offenses P 1,500.00, or imprisonment for a period of seven (7) days but not to exceed more than thirty (30) days, or both at the discretion of the court.

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

b. Violation of Section 5 (c) to (u) Sales/Access Restriction and Advertising and Promotions Ban

- i. **First Offense** P 1,000.00
- ii. **Second Offense** P 2,000.00
- iii. **Third and Subsequent Offenses** P 3,000.00, or imprisonment for a period of seven (7) days but not to exceed thirty (30) days, or both at the discretion of the court.

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

c. Violation of Section 5 (v) Sponsorship/Contribution/Partnership with the Tobacco Industry Involving Government Officials/Personnel


Apply Rules and Sanctions as prescribed in the CSC-DOH Joint Memorandum Circular 2010-01, RA 3019, RA 6713, and/or the Revised Penal Code (1932).

d. 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 be in violation of 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 Municipal 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.

e. 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 every hour of community service rendered, his/her outstanding fine shall be reduced by an amount equivalent to [option 1] triple the hourly minimum wage, or, [option 2] other computations/fixed amount per hour in the city/municipality.

f. No Contest Provision. Persons who violate any provision of this Ordinance except for Section 5 (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 8 a. and b. prior to the filing of a formal complaint with the proper court, shall be allowed to pay the penalty with the Municipal 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 Municipal 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.


Certified Correct:



BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan
HON. OTELIO U. BABIANO, JR.
SB MEMBER

Attested by:


HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer
HON. RUFEN G. AGNER
SB MEMBER
HON. THELMA M. BRAZIL
SB MEMBER

Concurred:


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER
HON. LETECIA Q. ESPASOS
SB MEMBER


HON. PROSPERO Q. BRAZIL
SB MEMBER
HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay


HON. CHARLENE D. GUY
SB MEMBER
HON. HERBERT R. AMAGA
President, SK Pambarangay Pederasyon

Approved:


HON. NORMAN D. SARDON
SB MEMBER
ATTY. NORMAN D. SARDON
Municipal Mayor

- g. **Subsidiary Imprisonment Provision.** Subsidiary imprisonment may be imposed by the court in the event that the violator is unable to pay the fine which he is sentenced to pay.
- h. **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.
- i. **Confiscation or Removal.** Tobacco, electronic cigarette, heated tobacco products, related products or components, and their advertising/promotions paraphernalia found violating any of the prohibited acts in this ordinance shall be subject to confiscation and/or removal.
- j. **Evidence.** The evidence of the violation of this Ordinance may be obtained by means of photograph or video. In case of confiscated items, signed sworn statements/affidavits shall be made by the apprehending officer with specific details of the violation, details of the confiscated items, including the procedures taken in order to preserve its integrity and evidentiary value. Upon confiscation, the items should be appropriately marked by the apprehending officer with his initials and signature, and subsequently photographed and recorded in the inventory of the Task Force.

Section 9. Citation Ticket System. — Violators of this Ordinance shall be informed of their violation and its corresponding penalty by means of a Citation Ticket System with the following guidelines:

- a. Official booklets of Citation Tickets shall be issued by the Municipal 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. A Citation Ticket shall contain the following information:
 - 1) checklist of the violations under this Ordinance;
 - 2) the fines associated with each violation;
 - 3) option to render community service in case violator is unable to pay fine;
 - 4) 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 Municipal 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 8 (e)* hereof.
- e. The Municipal Treasurer's Office shall keep a duplicate of all Citation Tickets issued to violators as well as all other records of violations of this Ordinance.

Section 10. Smoking Cessation and Livelihood Assistance Programs. — The Municipal Health Officer, with the assistance of the 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 of this Ordinance, may be referred to the city/municipality's Smoking Cessation service provider or to 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.

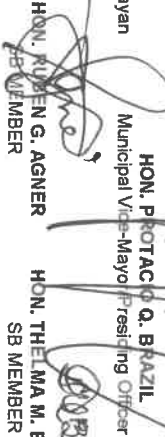
Certified Correct:


BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan
SB MEMBER

ENFORCEMENT

Section 11. Smoke/Vape-Free Task Force. — A Task Force shall be created to aid in the implementation, enforcement, and monitoring of this Ordinance, and to protect the same from tobacco/electronic cigarette industry interference at all times as well as to conduct educational awareness campaigns, information dissemination programs, and capacity building programs that will inform the constituents and train enforcement officers.

Attested by:


HON. P. KOTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer
SB MEMBER

The Task Force chaired by the Municipal Mayor shall have the following as members:

- a. Municipal Health Officer;
- b. Health Education and Promotion Officer/or equivalent designate;
- c. Building/Engineering Officer;
- d. Legal Officer;
- e. Information Officer;
- f. Business Permits and Licensing Officer
- g. Representative/s of one or more civil society organizations (CSO) designated by the Health Officer, under Section 16 hereof;
- h. Philippine National Police (PNP) Chief of Police;
- i. Municipal Treasurer
- j. Municipal Environment and Natural Resources Officer (MENRO);
- k. Representative/s from DepEd;
- l. President, Liga ng mga Barangay;
- m. Public Order and Safety Officer;
- n. Municipal Social Welfare and Development Officer;
- o. Human Resource and Management Officer;
- p. Municipal Administrator/Chief of Staff
- q. Coordinator of the Task Force Unit or Office (if other than the above officers);
- r. Other members identified by the chair or vice-chair (whose specific function in the local government unit and role may serve to effectively implement this Ordinance)
- s. SB Member, Chairman, Committee on Health

Concurred:


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

As the Chairman of the Task Force, the Municipal Mayor may designate a vice-chair to serve as an overall coordinator. The Task Force shall not include as its member any person or entity supporting or accommodating tobacco/electronic cigarette industry interests or is connected in any way to the tobacco/electronic cigarette industry in order to protect and preserve the integrity of the primary health objectives of this Ordinance. No member of the Task Force shall also receive for himself or for other individuals, beneficiaries or groups, any contribution or compensation, directly or indirectly, whether financial or otherwise, from the tobacco/electronic cigarette industry. Non-compliance of this provision governing the Task Force shall serve as grounds for the removal. If the erring Task Force member is likewise public official or government personnel, he/she shall also be subject to sanctions prescribed under the CSC-DOH Joint Memorandum Circular 2010-001 or other applicable laws/policies.

Section 12. Duties and Responsibilities of the Task Force. — Other than (1) receiving, reviewing and processing reports and complaints, serving of citations and notices, and filing of appropriate charges for violations under this Ordinance (2) attending regular Task Force meetings, and (3) deputizing enforcers under Sections 13 to 16 hereof, and enforcing the other provisions of this Ordinance, the Task Force, headed by the Mayor, shall have the following respective duties and responsibilities:

- a. The Municipal Health Officer shall:
 - 1) Make tobacco control, including the implementation of this Ordinance, a part of the health program and propose funding under the annual general budget of the local government unit or the Local Health Investment Plan;
 - 2) Establish baseline annual data on tobacco/e-cigarette use prevalence and other related studies, and recommend further action on the findings of such data;
 - 3) Monitor, together with the Sanitary Inspector, Enforcers and/or Task Force members, the compliance of this Ordinance in public places, establishments, conveyances, point-of-sale, and including the approval/disapproval of permits in Designated Smoking/Vaping Areas (DSVAs) as well as permits/licenses for tobacco/e-cigarette point-of-sale;

Approved:


HON. ANTONIO L. ASIS
SB MEMBER


ATTY. NORMAN D. SARDAO
Municipal Mayor


- 4) Facilitate, together with the Sanitary Inspector, Enforcers and/or Task Force members, the serving of notices, citations, the imposition of fines, suspension, or revocation of permits/licenses for violations;
 - 5) Assign a hotline or any other number and email address to which violations of this Ordinance may be reported by email, phone call or SMS, or other means, and a person to operate the line and record reports, while another hotline may be assigned for accepting calls or messages for Smoking Cessation counseling;
 - 6) Develop, promote and implement a Smoking Cessation Program, stated in *Section 10*;
 - 7) Assist hospitals and other health facilities including any office of the DOH within the local government unit, together with the Sanitary Inspector, Enforcers and/or Task Force members, in the monitoring of tobacco/e-cigarette products' sales, advertisements and promotions within 100 meters from the perimeter of schools, public playgrounds, facilities frequented by persons below **21** and health facilities.
- b. The Health Education and Promotion Officer shall:
- 1) Develop and produce information, education and communication materials and conduct activities on Tobacco Control, such as the harms of smoking and second-hand smoke/aerosol, as well as on the provisions of this Ordinance;
 - 2) Encourage constituents to monitor and report violations of this Ordinance;
 - 3) Assist the Health Officer in developing, promoting and implementing a Smoking Cessation Program.
- c. The Building/Engineering Officer shall:
- 1) Conduct, together with the Health Office or on its own, inspection activities as provided in this Ordinance;
 - 2) Determine whether or not enclosed/partially enclosed public places, workplaces, other public places, and point-of-sale establishments, comply with this Ordinance;
 - 3) Recommend the approval, suspension or revocation of licenses/permits for establishments/facilities, in compliance with this Ordinance.
- d. The Legal Officer shall:
- 1) Assist the Task Force in reviewing reports of and complaints for violations of this Ordinance and in determining liability or appropriate cases to file;
 - 2) Extend any legal assistance and/or file cases on matters pertaining to this Ordinance.
- 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 Licenses Officer shall:
- 1) Order the suspension or revocation of licenses/permits of establishments found to have violated this Ordinance, subject to the provisions of *Section 8* 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 CSO Representative/s shall:
- 1) Assist in inspections and in monitoring violations of this Ordinance;
 - 2) Assist in promoting awareness of this Ordinance and in encouraging public support and participation 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 seminars for enforcers;
 - 5) Assist in evaluating the performance of the Task Force and the effectiveness of the implementation and enforcement of this Ordinance.


Certified Correct:


Attested by:


Concurred:


Approved:



BRYAN NEIL R. BRAZIL
 Secretary to the Sangguniang Bayan


HON. P. POTAC P. Q. BRAZIL
 Municipal Vice-Mayor/Presiding Officer


HON. RICHARD LEN B. LAPIDARIO
 SB MEMBER


HON. PROSPERO BRAZIL
 SB MEMBER


HON. CHARLES TSUY
 SB MEMBER


HON. ANTONIO L. ASIS
 SB MEMBER


ATTY. NORMAN D. SARDAO
 Municipal Mayor


HON. OTELIO U. BABIANO, JR.
 SB MEMBER


HON. RUBEN G. AGNER
 SB MEMBER


HON. THELMA M. BRAZIL
 SB MEMBER


HON. LETECIA Q. POS
 SB MEMBER


HON. SAMUEL P. SALOMON
 President, Liga ng mga Barangay

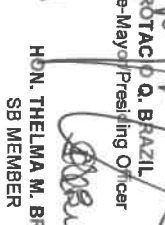

HON. HERSHELY R. AMAGA
 President, SK Panabayang Pederasyon

Certified Correct:

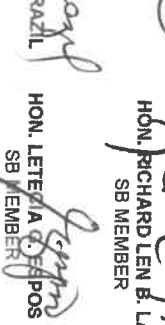

BRYAN NEIL B. BRAZIL
Secretary to the Sanluisunang Bayan
SB MEMBER

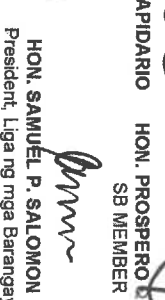
Attested by:


HON. RIVEN G. AGNER
Municipal Vice-Mayor
SB MEMBER

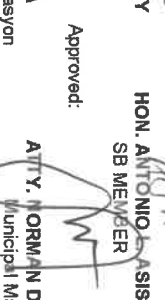

HON. THEKMA M. BRAZIL
Presiding Officer
SB MEMBER

Concurred:


HON. LETEZIA C. CEPPOS
SB MEMBER


HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay


HON. PROSPERO D. BRAZIL
SB MEMBER


HON. HERSHEY R. AMAGA
President, SK Pambayang Pederasyon

Approved:


ATTY. NORMAN D. SARDAO
Municipal Mayor

n. The PNP Chief of Police shall:

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

i. The Municipal Treasurer shall:

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

j. The Municipal Environment and Natural Resources Officer (MENRO) shall:

- 1) Assist in promoting awareness of this Ordinance as a component in the protection and conservation of the environment and in encouraging public support and participation in its implementation and enforcement;
- 2) Assist in inspection and monitoring violations of the Ordinance on its own or with any other member of the Task Force;
- 3) Conduct timely monitoring of air, water, soil quality and other studies pertinent to determining levels of exposure to tobacco smoke, e-cigarette aerosol, residues, by-products, and litter, among others;
- 4) Provide expertise in the application and management of appropriate technologies to avert environmental/health risks, accidents, and damage posed by tobacco smoke, e-cigarette aerosol, residues, by-products, waste generated, among others.

k. The Representative from DepED, 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' sales, advertisements, and promotions within 100 meters from the perimeter of schools, public playgrounds and facilities frequented by persons below 21;
- 5) Ensure the posting in a clear and conspicuous manner "No Smoking/Vaping" signs, and notices for the sales ban of Tobacco Products within 100 meters from the perimeter of schools, public playgrounds, facilities frequented by persons below 21 and health facilities.

l. The President, *Liga ng mga Barangay* 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 (SKs)* and *Tanods* and other enforcers 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.

m. The Public Order and Safety Officer shall:

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

n. The Municipal Social Welfare and Development Officer:

- 1) Assist in the enforcement of this Ordinance when persons below 21 are involved;
- 2) Provide the necessary interventions for persons below 21 implicated in violations.

o. The Human Resources and Management Officer:

- 1) Oversee the strict implementation of smoke-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 pertaining to 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.

p. The Municipal Administrator/Chief of Staff:

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

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

- 1) Perform any of the functions assigned to him/her by the Mayor pertaining to the implementation, enforcement, and promotion of this Ordinance;
- 2) Coordinate with any/all members of the City/Municipal Task Force as necessary, facilitate training, assist in enforcement/promotion/monitoring/research, and attend to any related function as required/instructed by the Mayor;
- 3) Provide regular updates to the Municipal Mayor as to the status of implementation of Tobacco Control in the local government unit and of the Ordinance.


Section 13. Enforcement on Individuals. — Members of the PNP and/or persons duly deputized by the Municipal Mayor/Task Force shall apprehend and issue Citation Tickets against persons found in violation or have failed to comply with any provision enumerated under Sections 5 and 6 hereof. They shall forward copies of the tickets they issue violators to the Municipal 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

Certified Correct:

Attested by:


Concurred:

Approved:


BRYAN NEIL F. BRAZIL
 Secretary to the Sangguniang Bayan


HON. PROTACIO Q. BRAZIL
 Municipal Vice-Mayor/Presiding Officer


HON. RICHARD LEN B. LAPIDARIO
 SB MEMBER


HON. PROSPERO Q. BRAZIL
 SB MEMBER


HON. SUARDES S. GUY
 SB MEMBER


HON. ANT ONIO L. ASIS
 SB MEMBER


ATTY. NORMAN P. SARDAO
 Municipal Mayor


HON. OTHELIO U. BABIANO, JR.
 SB MEMBER


HON. RUBEN G. AGNER
 SB MEMBER


HON. THELMA M. BRAZIL
 SB MEMBER


HON. LETECIA G. SANTOS
 SB MEMBER


HON. SAMUEL P. SALOMON
 President, Liga ng mga Barangay


HON. HERSHIEY R. AMAGA
 President, SK Pambayang Pederasyon

Certified Correct:

HON. OTELLIO U. BABIANO, JR.
SB MEMBER
Secretary to the Sangguniang Bayan

HON. JOHNNY G. AGNER
SB MEMBER
Municipal Vice-Mayor

HON. TELMA M. BRAZIL
SB MEMBER
Presiding Officer

HON. LETECIA G. ESPINOSA
SB MEMBER

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

HON. HERSHIE R. AMAGA
President, SK Pambayang Pederasyon

HON. ANTONIO D. ASIS
SB MEMBER
Municipal Mayor

the nearest Municipal Social Welfare and Development Officer or its appointed designates, subject to RA No. 9344 (Juvenile Justice and Welfare Law), and/or to the school authorities at the school where the violator is enrolled, and/or to the Barangay Office where the violator is a resident, and where the parents or guardians may be called. In case any valid or sufficient form of identification is not presented, he/she shall be brought to the nearest police station for proper identification, then to the Smoke/Vape-Free Task Force for the payment of penalty or rendition of community service.

Section 14. Enforcement on Public Conveyances. — Members of the PNP and/or persons duly deputized by the Task Force shall inspect public conveyances during their regular hours of operation and shall issue Citation Tickets upon discovery of any violation of this Ordinance. They shall forward copies of the tickets they issue violators to the Municipal Treasurer's Office regularly or at least once a week.

Section 15. Enforcement on Establishments. — Ninety (90) calendar days after the effectivity of this Ordinance, an inspection team composed of the representatives from the Municipal Health Office, Municipal Engineer's Office, Business Permits and Licensing Office, and other members of the Task Force, shall conduct inspections of establishments and buildings to determine their compliance with the provisions of this Ordinance.

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

Re-inspection of the establishment shall be done on any day after the issuance of the Citation Ticket but in no case more than ten (10) working days after such issuance. If the establishment fails to comply with the obligations stated in the Citation Ticket upon re-inspection, the inspection team shall recommend the suspension of its license/permit consistent with *Section 8 (d)* 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 16. 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 Municipal Mayor, 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 12 (g)* hereof. The Mayor may deputize qualified civilians to also serve as enforcers of this Ordinance. Any person can file with the Task Force a report or complaint, or present evidence for any violation of this Ordinance, or be assigned other duties pursuant to the attainment of its effective implementation.

INFORMATION CAMPAIGN

Section 17. 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 Municipal Mayor:
 - 1) provide at least two (2) copies of this Ordinance to every PNP station or precinct in the jurisdiction of the respective 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 provisions of this Ordinance and of their responsibilities with respect to its enforcement.
- b. In coordination with the Business Permits and Licensing Office, provide a copy of this Ordinance and its primer to all existing establishments that are licensed to operate, as well as to those applying for new licenses or permits to operate, and/or permits to sell tobacco/e-cigarette products.

Certified Correct:

Attested by:

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 the Municipality of San Miguel, and for other sectors as necessary.

d. In coordination with the Municipal Health Office, develop, disseminate and post timely health information on prevention and cessation, including the use of graphic health warnings, in information, education and communication (IEC) materials, depicting the health and other impacts of tobacco/e-cigarette use and exposure.

Section 18. Public Billboards, Notices in Barangays. — Upon effectivity of this Ordinance, the Municipal Engineer's Office shall put up billboards in conspicuous places within the LGU to notify the public of the restrictions and sanctions imposed by the ordinance. The Information Office shall also immediately issue for dissemination at the barangay level notices on obligations of persons under the ordinance.

Section 19. Conduct of Orientation Seminars and Trainings. — Within sixty (60) calendar days from the effectivity of this Ordinance and periodically thereafter, the Municipal Health Officer, with the assistance of the Health Education and Promotion Officer, and the CSO representative designated under Section 16 hereof, with other members of the Task Force, shall develop and conduct a series of orientation seminars and training for the enforcers of this Ordinance, at least one for each group, including but not limited to, deputized enforcers like *barangay* health workers, *barangay tanods*, and the local PNP.

Section 20. Funding. — Initial funding to defray the expenses necessary for or incidental to the implementation of this Ordinance and Tobacco Control Program of the LGU-San Miguel in the amount of One Hundred Thousand (P100,000.00) Pesos shall be sourced from PhilHealth Fund and is hereby allocated. Every year thereafter, at least Two Hundred Thousand (P200,000.00) Pesos shall automatically be included in the Annual Budget of the municipality for the implementation and enforcement of this Ordinance and the 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 proceeds from administrative penalties, shall be placed in a Trust Fund specifically intended to defray expenses and operationalize activities of this Ordinance and the 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 however to the usual government accounting and auditing procedures.

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

- a. Cost of printing copies of this Ordinance, the Citation Tickets, and information, education and communication materials pertaining to tobacco control;
- b. Cost of regular or periodic meetings of the Task Force;
- c. Cost of inspection and enforcement by the Task Force, including allowances for meals and transportation which shall be set by the Office of the Municipal Mayor;
- d. Remuneration for the apprehending enforcer's share of the proceeds from penalties paid;
- e. Incentive or reward for private citizens who report violations of this Ordinance;
- f. Institutional and operating expenses of the smoking cessation program and facility;
- g. Other expenses associated with the implementation and enforcement of this Ordinance;
- h. The hiring of coordinator/staff/agents who shall be involved in the day to day operations;
- i. Conduct of prevalence and compliance monitoring and assessment activities.

Sharing of Proceeds from the Administrative Penalties. — The amount of the corresponding penalty paid by a violator to the Treasurer shall be apportioned where the equivalent of Twenty Five Percent (25%) shall accrue to the apprehending officer or deputized enforcer as an incentive. The remainder of the proceeds from penalties collected as payment by violators, after deducting the amounts that shall accrue to the apprehending officers or deputized enforcers shall form part of the abovementioned Trust Fund.

Section 21. Repealing Clause. — All ordinances contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly.

HON. OTELLIO U. BABIANO, JR.
SB MEMBER

HON. BRYAN NEIL F. BRAZIL
Secretary to the Sangguniang Bayan

HON. RUBEN G. AGNER
SB MEMBER

HON. PROTRACIO A. BRAZIL
Municipal Vice-Mayor/Residing Officer

HON. THELMA M. BRAZIL
SB MEMBER

HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

HON. LETECIA G. BERNOS
SB MEMBER

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

HON. PROSPERITO BRAZIL
SB MEMBER

HON. CHARLES T. GUY
SB MEMBER

HON. ANTONIO L. ASIS
SB MEMBER

HON. HERSHY R. AMAGA
President, SK Pambayang Pederasyon

ATTY. NORMAN D. SARDADO
Municipal Mayor

Approved:

Concurred by:

Section 22. 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 hereof.

Section 23. Effectivity Clause. — This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of local or general circulation or posting in at least two (2) conspicuous places within the city/municipality.

UNANIMOUSLY APPROVED

JUNE 05, 2023

I HEREBY CERTIFY to the correctness of the foregoing resolution/ordinance:

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:

HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Approved:

ATTY. NORMAN D. SABDAO
Municipal Mayor

(Page 18 of Mun. Ordinance No. 2023-07, Series of 2023)

HON. RUBEN G. AGNER
SB MEMBER

HON. THELMA M. BRAZIL
SB MEMBER

HON. LETECIA G. ESPINOZA
SB MEMBER

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

HON. HERSHEY R. AMAGA
President, SK Pambayang Pederasyon

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SB MEMBER



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL
-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

THIS IS TO CERTIFY that Municipal Ordinance No. 2023-07, Series of 2023 as embodied under Resolution No. 194, Series of 2023 entitled: **AN ORDINANCE PROHIBITING THE USE, SALE, DISTRIBUTION, AND ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS, ELECTRONIC NICOTINE AND NON-NICOTINE DELIVERY SYSTEMS, HEATED TOBACCO PRODUCTS AND OTHER NOVEL TOBACCO PRODUCTS, IN CERTAIN PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR, TO INSTILL HEALTH CONSCIOUSNESS AND FOR OTHER PURPOSES (OTHERWISE KNOWN AS THE “COMPREHENSIVE SMOKE-FREE ORDINANCE OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE”)**, has been posted in three (3) conspicuous places within the municipality and shall remain posted for three (3) consecutive weeks.

Done this 29th day of June 2023 at San Miguel, Leyte.


BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan