

Item No.: 02

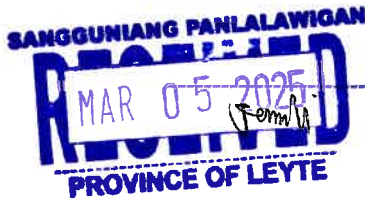
Date: 18 2025



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

Province of Leyte
Legal Office
Released: 19/02/25
Time: 3:57 PM
Date: 3.5.25



PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT

February 24, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 30 series of 2024 of the Sangguniang Bayan of Barugo, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 30 series of 2024 entitled: "An Ordinance amending Ordinance No. 03, S. 2021, etc."

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power for it is within the powers of the Local Council to repeal/amend its prior acts either expressly or by the passage of an essentially inconsistent resolution¹. Hence, we recommend for the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

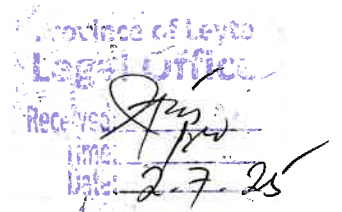
ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer

¹ (Constantino vs. Desierto, 288 SCRA 654) April 13, 1998

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
-o0o-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
06 February 2025



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 30, series of 2024** of the **Municipality of Barugo, Leyte**, entitled: An Ordinance amending Ordinance No. 03, s. 2021, titled - An Ordinance prohibiting the use, sale, distribution and advertisement of cigarettes and other tobacco products in certain places, imposing penalties for violations thereof and providing funds therefor, and for other purposes.

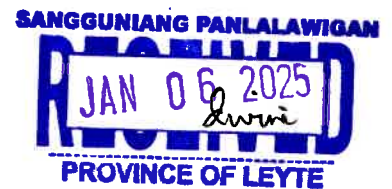

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



OFFICE OF THE SANGGUNIANG BAYAN

February 5, 2025

HON. LEONARDO "SANDY" JAVIER, JR.
Vice-Governor/Presiding Officer
Sanggunian Panlalawigan
Province of Leyte



THRU: FLORINDA JILL S. UYVICO
Secretary to the Sanggunian
Province of Leyte

Sir:

Respectfully submitted to your good office for review the herein ORDINANCE NO. 30, 2024 ENTITLED **"AN ORDINANCE AMENDING ORDINANCE NO. 03, S. 2021 "TITLED" AN ORDINANCE PROHIBITING THE USE, SALE, DISTRIBUTION AND ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS IN CERTAIN PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES"**.

Anticipating your favorable action on this matter.

Very respectfully yours,


DANILO V. AVOROUÉ
SB Secretary

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte

☎ 0960-294-93422

Y! lgv.barugo@yahoo.com

f Municipality of Barugo, Leyte

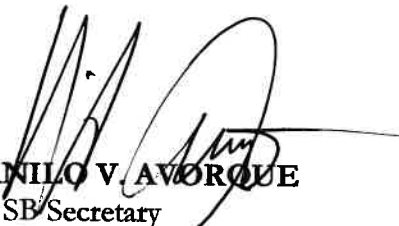


OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION OF PUBLIC HEARING


THIS IS TO CERTIFY that on December 6, 2024, a Public Hearing was conducted relative to the proposal to pass an Ordinance **“ENTITLED “AN ORDINANCE AMENDING ORDINANCE NO. 03, S. 2021 “TITLED” AN ORDINANCE PROHIBITING THE USE, SALE, DISTRIBUTION AND ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS IN CERTAIN PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES”.**

This certification is issued this 5TH day of February, 2025 for whatever legal purpose it may serve.



DANILO V. AVORQUE
SB Secretary

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte

 0960-294-93422

 lgu.barugo@yahoo.com

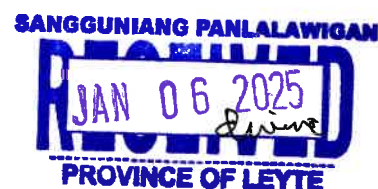
 Municipality of Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE MEETING OF THE 11TH SANGGUNIANG BAYAN OF BARUGO, LEYTE ON ITS 119TH REGULAR SESSION HELD ON THE 17TH DAY OF DECEMBER 2024, AT THE MUNICIPAL SESSION HALL, LEGISLATIVE BUILDING, BARUGO, LEYTE.

Present:	Hon. Josephine C. Tiu	Municipal Vice Mayor Presiding Officer
	Hon. Eduardo C. Calzita	SB Member
	Hon. Nikkos Rhet V. Astorga	SB Member
	Hon. Clinio A. Balais	SB Member
	Hon. Jeffrey P. Cañezal	SB Member
	Hon. Jesus B. Cabanacan	SB Member
	Hon. Joemar Q. Acebo	Liga Ng Mga Barangay President
	Hon. Eric C. Hingpis	Pederasyon Ng Mga SK President
Absent:	Hon. Don A. Dehayco	SB Member (FL)
	Hon. Wayne B. Avestruz	SB Member (FL)
	Hon. Domingo E. Adrales	SB Member (FL)



ORDINANCE NO. 30, S. 2024

AN ORDINANCE AMENDING ORDINANCE NO. 03, S. 2021 "TITLED" AN ORDINANCE PROHIBITING THE USE, SALE, DISTRIBUTION AND ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS IN CERTAIN PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

(FURTHER AMENDMENT OF ORDINANCE NO. 20, S. 2020)

(Sponsored By: Hon. Nikkos Rhet V. Astorga)

BE IT ORDAINED, by the Honorable Members of the Sangguniang Bayan of Barugo, Leyte, on its Regular Session assembled, to wit:

SECTION 1. TITLE. — This Ordinance shall be known as the *"Comprehensive Smoke-Free and Vape-Free Ordinance of the Municipality of Barugo, Leyte."*

SECTION 2. PURPOSE. — This Ordinance shall safeguard public health and ensure the well-being of all its constituents by protecting them from the harmful effects of smoking, **vaping**, and tobacco consumption, **reduce potential exposure of tobacco and vape marketing and advertising**, restrict its accessibility, and provide support and a conducive environment for tobacco users and vape users to quit.

The Local Government Unit of Barugo, Leyte shall likewise continue to prohibit the sale, packaging, distribution, use, advertisement, promotion and sponsorship of Tobacco, including Vaporized Nicotine and Non-Nicotine Products, and their devices, and Novel Tobacco Products, in order to ensure that the sale to all persons, most especially the minors, and illicit trade of Tobacco, Vaporized Nicotine and Non-Nicotine Products, and their devices, and Novel Tobacco Products in the municipality, are prevented.

SECTION 3. COVERAGE. — This Ordinance shall apply to all persons, natural or juridical, resident or not, **found** in all places within the territorial jurisdiction of the **Municipality** of Barugo, Leyte.

SECTION 4. DEFINITION OF TERMS. — The terms below shall have the meanings ascribed in this Section. Any word or term 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:

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte

0960-294-93422

lgu.barugo@yahoo.com

Municipality of Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

Page 2, Ordinance No. 30, 2024

Smoke free

- a. **ADVERTISING** – refers to any form of commercial communication, recommendation or action with the aim, effect or likely effect of **advertising a tobacco product and/or vape product** or tobacco use **and/or vape use**, either directly or indirectly.
- 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 and accredited by the Sangguniang Bayan of Barugo, Leyte. As used in this Ordinance, CSO does not include organizations or associations related to or connected with, or front groups of the tobacco and vape industry, in any way.
- c. **ELECTRONIC NICOTINE DELIVERY SYSTEMS (ENDS/ENNDS) OR ELECTRONIC CIGARETTES OR VAPES** – refers to e-liquids, solutions for refills, whether or not containing nicotine and an electronic delivery device, or any combination thereof that produce an aerosol, mist, or vapor that users inhale by mimicking the act of smoking. ENDS/ENNDS deliver nicotine and/or chemicals to the lungs after one end of a plastic or metal cylinder is placed in the mouth, like a cigarette or cigar, and inhaled to draw a mixture of air and vapors from the device into the respiratory system. They contain electronic vaporization systems, rechargeable batteries and chargers, electronic controls and replaceable cartridges containing nicotine and/or other chemicals. For the avoidance of doubt, the term ENDS/ENNDS is co-extensive with the term “vapor products” as defined in Republic Act No. 11467.
- d. **ENCLOSED OR PARTIALLY ENCLOSED** - refers to that space or area 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.
- e.
- f. **ENDS/ENNDS INDUSTRY/ELECTRONIC CIGARETTE INDUSTRY** – refers to organizations, entities, associations, and individuals that work for and in behalf of the ENDS/ENNDS/HTPS industry, such as, but not limited to, ENDS/ENNDS/HTPS product manufacturers, wholesale, distributors, importers of ENDS/ENNDS/HTPS products, ENDS/ENNDS/HTPS product retailers, front groups and any other individuals or organizations, including, all persons that work to further the interests of the ENDS/ENNDS/HTPS industry that compete with those of ENDS/ENNDS/HTPS product control.
- g. **ENDS/ENNDS INDUSTRY INTERFERENCE/ELECTRONIC CIGARETTE INDUSTRY INTERFERENCE** – refers to a broad array of tactics and strategies used by ENDS/ENNDS/HTPS industry to interfere with the setting and implementation of ENDS/ENNDS/HTPS product control measures.
- h. **HEATED TOBACCO PRODUCTS (HTP)** – refers to tobacco products that are intended to be consumed through heating tobacco, either electronically or through other means, sufficient to release an aerosol that can be inhaled, without burning or combustion of the tobacco. HTP include liquid solutions and gels that are part of the product and are heated to generate an aerosol.
- i. **MINOR** - refers to any person below eighteen (18) years old.
- j. **NOVEL TOBACCO PRODUCTS** – refers to all non-combusted substances in solid or liquid form, and innovations, either made partly of tobacco leaf as raw material or containing nicotine from tobacco, intended to be used as a substitute for cigarettes or other combusted tobacco products.

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte

0960-294-93422

lgu.barugo@yahoo.com

Municipality of Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

Page 3, Ordinance No. 30, 2024

Smoke free

- k. **OUTDOOR ADVERTISEMENT** - refers to any sign, model, placard, board, billboard, banner, bunting, poster, streamer, paint on, light display, device, structure or representation, employed outdoors or visible from outside, wholly or partially to advertise or promote a tobacco product and/or a vape product to the public.
- l. **PERSON-IN-CHARGE** - refers to, in case of public places, public outdoor spaces and workplaces, and point-on-sale, the president/manager in case of a company, corporation or association, the owner/proprietor/operator in case of a single proprietorship, or the administrator, in case of government property, facility, office or building; in case of public conveyances, the owner, driver, operator, conductor, or the captain of the public conveyance; in case of schools, the district supervisor, school president, school administrator, dean, principal or school head, including its officer-in-charge.
- m. **POINT-OF-SALE** - refers to any location, physical or online, where an individual can purchase or otherwise obtain tobacco products and/or vape products and their devices.
- n. **PROMOTION** – refers to any event or activity organized by or on behalf of a tobacco manufacturer, distributor or retailer with the aim of promoting a brand of tobacco product, which event or activity would not occur but for the support given to it by or on behalf of the tobacco manufacturer, importer, distributor or retailer. It may also refer to the display of a tobacco product or manufacturer's name, trademark, logo, etc. on non-tobacco products. This includes the paid use of tobacco products bearing the brand names, trademarks, logos, etc. in movies, television and other forms and entertainment.
- o. **PUBLIC CONVEYANCES** - refers to modes of transportation servicing the general population, such as, but not limited to, elevators, airplanes, ships, jeepneys, buses, taxicabs, trains, light rail transits, tricycles, motorcycles, pedicabs and other similar public utility vehicles. This includes any or all government-owned vehicles used to transport the public for free.
- p. **PUBLIC PLACES** - refers to 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, 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, schools, playgrounds, sports grounds or centers, church grounds, health/hospital compounds, transportation terminals, markets, parks, resorts, walkways, entrance ways, waiting areas, and the like.
- q. **SECOND-HAND SMOKE** – refers to the smoke emitted from the burning end of a cigarette, e-cigarette or from other tobacco or vape products usually in combination with the smoke or vape exhaled by the smoker.
- r. **SMOKE-FREE AIR** – refers to the 100% free from tobacco smoke and vape smoke. The definition includes, but is not limited to, air in which tobacco smoke and vape smoke cannot be seen, smelled, sensed or measured.
- s. **SMOKING** – refers to the act or being in possession or control of a lit tobacco product, regardless of whether the smoke is being actively inhaled or exhaled.
- t. **SPONSORSHIP** – refers to any form of contribution to any event, activity, or individual with the aim, effect, or likely effect of promoting a tobacco or vape product, or tobacco or vape use, either directly or indirectly.

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

Page 4, Ordinance No. 30, 2024

Smoke free

- u. 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 manufacturers, wholesale distributors, importers of tobacco products, tobacco retailers, front groups and any other individuals or organizations, including all persons that work to further the interests of the tobacco industry that compete with those of tobacco control.
- v. TOBACCO INDUSTRY INTERFERENCE** – refers to a broad array of tactics and strategies used by the industry to interfere with the setting and implementation of tobacco control measures.
- w. TOBACCO PRODUCTS** – refers to those products entirely or partly made on the tobacco leaf as raw material which are manufactured to be used for smoking, **heating**, sucking, chewing, or snuffing, such as, but not limited to, cigarette, cigar, pipe, shisha/hookah, and chew tobacco. This includes ENDS/ENNDS, heated and smokeless tobacco products, and novel tobacco products, and related consumer products.
- x. VAPE OR ELECTRONIC CIGARETTE OR E-CIGARETTE** – refers to a small hand-carry device that converts liquid into mist that can be inhaled into the lungs.
- y. VAPING** – refers to the act of inhaling and exhaling aerosols or vapor produced by any electronic cigarette (e-cigarette) product, HTP, or other electronic devices, whether or not it is used to deliver nicotine to the user and mimics the act of smoking.
- z. VAPOR PRODUCT** – refers to the liquid, solid, or gel, or any combination thereof, which may or may not contain nicotine, that is transformed into an aerosol without combustion by a Vapor Product Device.
- aa. VAPOR PRODUCT DEVICE** – refers to a device or a combination of devices used to heat a Vapor Product.
- bb. VAPORIZED NICOTINE OR NON-NICOTINE PRODUCTS** – refers to both Heated Tobacco Products and Vapor Products, which are novel consumer goods that generate a nicotine-containing or non-nicotine-containing aerosol without combustion.
- cc. WORKPLACE** – refers to 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.

SECTION 5. PROHIBITED ACTS. — The following acts are declared unlawful and prohibited by this Ordinance:

- a. Smoking and/or vaping** in enclosed or partially enclosed public places, workplaces, public conveyances whether mobile or stationary, or other public places, as defined in Section 4;
- b. For persons-in-charge to allow, abet or tolerate smoking/vaping in places enumerated in the preceding paragraph, or in point-of-sales for purposes of conducting demonstrations.**
- c. Selling or distributing tobacco or vape or ENDS/ENNDS/HTPS products, most especially to minors.** It shall not be a defense for the person selling, distributing, that he/she did not know or was not aware of the real age of the person he/she is transacting with. Neither shall it be a defense that he/she did not know nor had any reason to believe that the cigarette or any other tobacco product, vape or ENDS/ENNDS/HTPS, or their components, was for the consumption of the person, who received it;

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

Page 5, Ordinance No. 30, 2024

Smoke free

- d. Use, sale, or purchase of cigarettes, vape or ENDS/ENNDS, or other tobacco products by a minor, or of vape or ENDS/ENNDS/HTPS, or their components by a person below eighteen (18) years old;
- e. Purchasing tobacco or vape or ENDS/ENNDS/HTPS products, most especially from minors;
- f. Ordering, instructing, or compelling a minor to use, light up, buy, sell, distribute, deliver, advertise, or promote tobacco or vape or ENDS/ENNDS/HTPS products;
- g. Selling or distributing tobacco or vape or ENDS/ENNDS/HTPS products in schools, public playgrounds or other facilities frequented by minors, offices of the Department of Health (DOH) and attached agencies, hospitals and health facilities;
- h. Selling of tobacco or vape or ENDS/ENNDS/HTPS products within the premises of a government facility;
- i. Selling tobacco or vape or ENDS/ENNDS/HTPS products by ambulant or street vendors, including other mobile or temporary stall, kiosks, stations, or units;
- j. Selling or distributing of sweets, snacks, toys or any other objects in the form of tobacco or vape products, which may appeal to minors;
- k. The retail and use of nicotine shots and/or concentrates;
- l. Placing cinema and outdoor advertisement of tobacco or vape or ENDS/ENNDS/HTPS products;
- m. Placing, posting, displaying, or distributing advertisement and promotional materials of tobacco or vape products, such as, but not limited to, leaflets, posters, display structures and other materials within an establishment when such establishment or its location is prohibited from selling tobacco or vape or ENDS/ENNDS/HTPS products;
- n. Placing, posting, displaying, or distributing advertisement and promotional materials of tobacco or vape or ENDS/ENNDS/HTPS products, such as, but not limited to, leaflets, posters, display structures and other materials that show a tobacco or vape brand's name (including company name), logo, or indicia, such as in a point-of-sale establishment;
- o. Conducting promotional activities, campaigns, events, products sampling, and the like, where the establishment or its location is prohibited from selling tobacco or vape or ENDS/ENNDS/HTPS products;
- p. Displaying and placing tobacco or vape or END/ENNDS/HTPS products in open store shelves/racks, including in enclosed, opaque and single-colored storages/containments;
- q. Facilitation, participation or partnership engaged by any government official or personnel, regardless of employment status in any form of contribution, sponsorship, or Corporate Social Responsibility (CSR) activity, event, program, or project by a tobacco or vape company, tobacco or vape industry front groups, or any representation working to protect tobacco or vape industry interests, executed for or within the territorial jurisdiction of the Municipality of Barugo, Leyte, with the aim, effect, or likely effect of promoting a tobacco or vape product, its use, either directly or indirectly;
- r. Refusal to allow entry of the members of the Smoke-Free Task Force or its duly deputized enforcers into places mentioned in Section 4 of this Ordinance for the purpose if implementing, monitoring, inspecting, and enforcing the provisions of this Ordinance;

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

Page 6, Ordinance No. 30, 2024
Smoke free

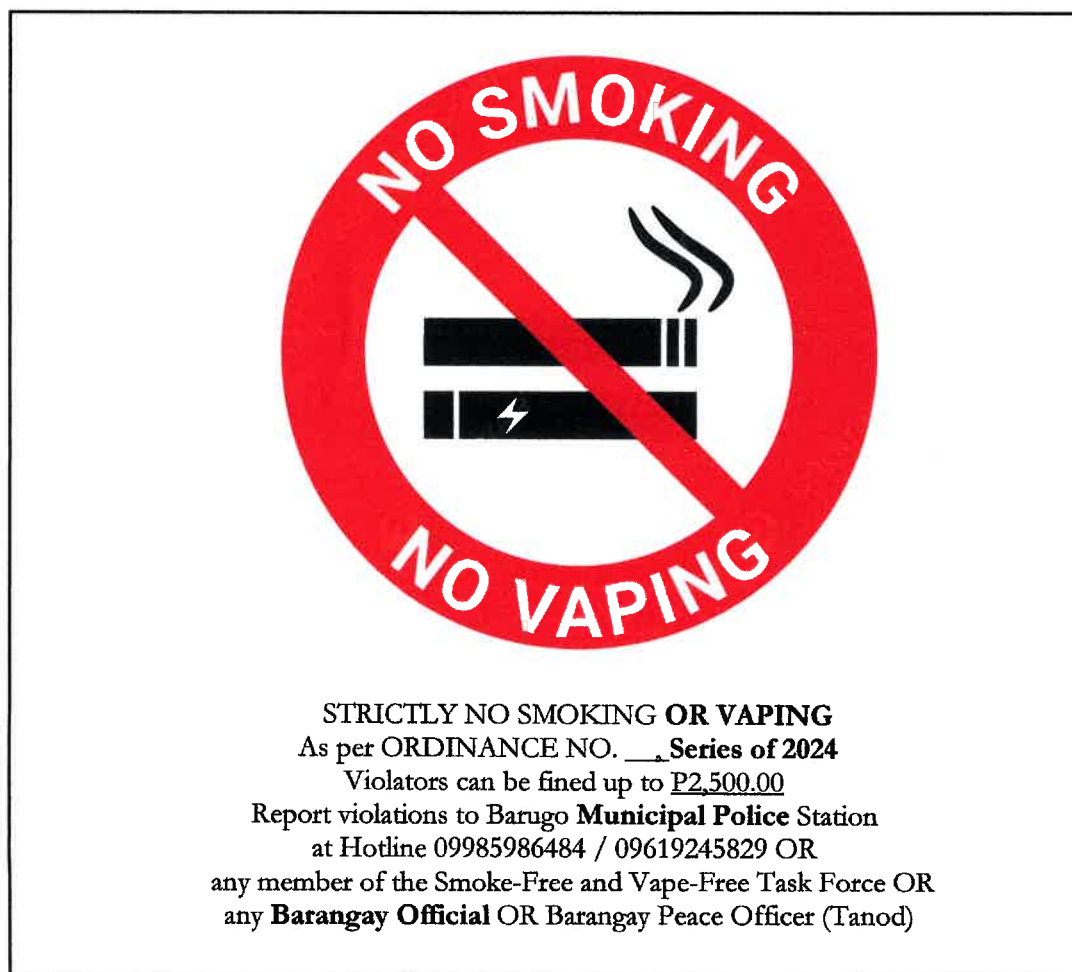
- s. Defacing, tampering, or removal of signages and other materials without the permission of the LGU of Barugo, Leyte;
- t. Smoking or vaping inside private vehicles with open window/s;
- u. Failure of point-of-sale establishments to post the following statement in the clear and conspicuous manner:

“SALE/DISTRIBUTION TO OR PURCHASE BY ANY PERSON, MOST ESPECIALLY BY OR TO THOSE BELOW 18 YEARS OLD, OF TOBACCO OR VAPOR AND HEATED TOBACCO PRODUCTS/ELECTRONIC CIGARETTES, IS UNLAWFUL.”

Persons-in-charge shall be held similarly liable for the above acts if they are found to have allowed, abetted, or tolerated the same.

SECTION 6. DUTIES AND OBLIGATIONS OF PERSONS-IN-CHARGE. — Persons-in-charge shall:

- a. Prominently post and display the “No Smoking/Vaping” signage in the locations most visible to the public in the areas where smoking is prohibited, including government and public utility vehicles. At the very least, the “No Smoking/Vaping” signage must be posted at the entrance to the area, **which** shall be at least 8 x 14 inches in size and the international “No Smoking/Vaping” symbol shall occupy no less than 70% of the signage. The remaining lower 30% of the signage shall show the following information:





OFFICE OF THE SANGGUNIANG BAYAN

Page 7, Ordinance No. 30, 2024

Smoke free

- b. Prominently post and display the “NO SMOKING/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/VAPING” signage shall be placed on the windshield and a ten (10) square inch “NO SMOKING/VAPING” sign at the driver’s and/or passengers back seat;
- c. Remove from the places where smoking/vaping is prohibited all ash trays and any other receptacles for disposing of cigarette, **electronic cigarette, heated tobacco, and other tobacco product** refuse;
- d. For persons-in-charge of point-of-sale establishments, post the following statement in a clear and conspicuous manner:

SALE/DISTRIBUTION OF TOBACCO AND/OR
VAPE PRODUCTS IS/ARE UNLAWFUL

- e. For persons-in-charge of schools, public playgrounds or other facilities frequented by minors, 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, E-CIGARETTES,
OR OTHER TOBACCO PRODUCTS IS NOT ALLOWED WITHIN ONE
HUNDRED (100) METERS FROM ANY POINT IN THE PERIMETER OF
(NAME OF SCHOOL/PLAYGROUND/FACILITY FOR MINORS/HEALTH
FACILITY/ETC.)”

- f. For persons-in-charge of schools, public playgrounds or other facilities frequented by minors, offices of the DOH and attached agencies, hospitals, and health facilities, report to the Smoke-Free and Vape-Free Task Force any tobacco/vape product selling, advertising, and/or promotion located within one hundred (100) meters from its perimeter;
- g. For persons-in-charge, remove all forms of tobacco or vape advertising/promotions paraphernalia deemed prohibited by this Ordinance;
- h. Establish internal procedure and measures through which this Ordinance shall be implemented and enforced within the area of which he or she is in charge, including, but not limited to, warning violators and requesting them to stop smoking **or 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 **Smoke-Free and Vape-Free Task Force, or any Barangay Official** or to the nearest Peace Officer.
- i. Ensure that all the employees in the establishment are aware of this Ordinance and the procedure and measures for implementing and enforcing it;
- j. Allow all inspectors of the **Smoke-Free and Vape-Free Task Force** entry into the establishment during regular business hours for the purpose of inspecting its compliance with this Ordinance;
- k. For all signage required to be posted, provide for versions of them in the local language;

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;

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

Page 8, Ordinance No. 30, 2024

Smoke free

- b. Persons-in-charge who knowingly allow, abet, authorize, or tolerate the prohibited acts enumerated in **Section 5**, or who otherwise fail to fulfill the duties and obligations enumerated in **Section 6** hereof.
- c. If the violator is a minor, the enforcer of this Ordinance shall report the incident to the school principal/school head/dean/college administrator exercising jurisdiction over the minor-offender where he/she shall be required to comply with disciplinary measures under the school where he/she is enrolled, and/or to the Municipal Social Welfare and Development Office for appropriate action or intervention, pursuant to Republic Act No. 9344. Should the school have no policy for offenses committed by their pupils or students outside the school premises or if the minor is an out-of-school youth, the enforcer shall ensure that the minor is treated in accordance with the provision of Ordinance No. 5, Series of 2023, otherwise known as the Barugo, Leyte's Children's Code, and other child-related laws, rules and regulations, and guidelines.

SECTION 8. PENALTIES. — The following penalties shall be imposed against the violators of this Ordinance:

- a. Violation of **Section 5 (a) or Section 5(b) or Section 6 or Section 7**:
 - 1. First Offense : A fine of **P500.00**
 - 2. Second Offense : A fine of **P1,000.00**
 - 3. Third and Subsequent Offenses: A fine of **P2,500.00** or imprisonment for a period not less than one (1) month but not more than six (6) months or both at the discretion of the court. Suspension or revocation of business license or permit, in case of a business entity or establishment, shall be imposed by LGU-Barugo, Leyte after due notice and hearing.
- b. Violation of **Section 5 (c) to (k) – Sales/Access Restriction and Advertising Promotions Ban**:
 - 1. First Offense : A fine of **P1,500.00**
 - 2. Second Offense : A fine of **P2,000.00**
 - 3. Third and Subsequent Offenses: A fine of **P2,500.00** or imprisonment for a period not less than one (1) month but not more than six (6) months or both at the discretion of the court. Suspension or revocation of business license or permit, in case of a business entity or establishment, shall be imposed by LGU-Barugo, Leyte after due notice and hearing.
- c. Violation of **Section 5 (l to q)**:
Sponsorship/Contribution/Partnership with the Tobacco Industry involving Government Officials/Personnel. Violators shall be proceeded as prescribed by Republic Act No. 3019, Republic Act No. 6713, Revised Penal Code, and/or the CSC-DOH Joint Memorandum Circular 2010-01;
- d. Violation of **Section 5 (r to u) – Other Violations**:
 - 1. First Offense : A fine of **P1,500.00**
 - 2. Second Offense : A fine of **P2,000.00**
 - 3. Third and Subsequent Offenses: A fine of **P2,500.00** or imprisonment for a period not less than one (1) month but not more than six (6) months or both at the discretion of the court. Suspension or revocation of business license or permit (in case of a business entity or establishment), after due notice and hearing.
- e. **Suspension of License.** The license to operate of any establishment or of any public conveyance covered by this Ordinance shall be suspended for at least one (1) week but not more than one (1) month.

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte

☎ 0960-294-93422

Y! lgubarugo@yahoo.com

f Municipality of Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

Page 9, Ordinance No. 30, 2024

Smoke free

- f. **Community Service.** If a violator is unable to pay the fines imposed, he or she may choose to render community service to the municipality. For every hour of community service rendered, his outstanding fine shall be reduced by an amount equivalent to the daily wage of Job Order worker for the municipality.

SECTION 9. CITATION TICKET SYSTEM. — Violators of this Ordinance shall be informed of their violation and the penalty associated with such violation by means of a Citation Ticket System with the following guidelines:

- a. Official booklets of Citation Tickets shall be issued by the Municipal Health Office to duly authorized enforcers **immediately upon request by the authorized enforcers.**
- b. A Citation Ticket shall be issued to the person/s liable for any violation of this Ordinance upon finding of the violation by duly authorized enforcers.
- c. A Citation Ticket shall contain the following information:
 1. A checklist of the violations under this Ordinance
 2. The fines associated with each violation
 3. Due date for compliance with the obligations imposed by the ticket
- d. When a Citation Ticket is issued to a violator, the violator shall report to the Municipal Health Office within three (3) regular business days after such issuance, where he or she shall either pay the fine imposed or render community service under Section 8 (f) hereof.
- e. The Municipal Health 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 AND VAPING CESSATION PROGRAM. — Smokers, who are willing to quit and/or those found violating this Ordinance, may be referred to the Smoking and Vaping Cessation Program and its facilities of the LGU-Barugo, Leyte, thru its Municipal Health Office.

The Municipal Health Officer, with the assistance of the Health Education and Promotion Officer, or other members of the Smoke-Free and Vape-Free Task Force, which includes the CSO representative designated under Section 16 hereof, shall include vapers/e-cigarette users, aside from tobacco users, into the Municipality's Smoking and Vaping Cessation Program and encourage the participation therein of public and private facilities, which may be able to provide for its requirements. Smokers and vapers, who may have developed dependence, but who are willing to quit, including those who may be dual users of tobacco and electronic cigarette products, and/or those found violating this Ordinance may be referred to the Smoking and Vaping Cessation Program and its facilities.

ENFORCEMENT

SECTION 11. SMOKE-FREE AND VAPE-FREE TASK FORCE. — A Task Force shall be created to aid in the implementation, enforcement and monitoring of this Ordinance as well as to conduct educational awareness campaigns, information dissemination programs, and capacity building programs, that will inform the constituents and train enforcement officers.

The **Smoke-Free and Vape-Free Task Force** shall be composed of the following:

- a. **The Local Chief Executive**
- b. The Municipal Health Officer (MHO)
- c. Health Education and Promotion Officer
- d. Legal Officer
- e. Information Officer

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

Page 10, Ordinance No. 30, 2024

Smoke free

- f. Building Officer
- g. Business Permits and Licensing Officer
- g. Representative of the Civil Society Organization (CSO) designated by the Health Officer
- h. Representative of the Philippine National Police (PNP)

The Task Force shall not include, as a member, any person or entity connected in any way to the tobacco or vape industry.

SECTION 12. DUTIES AND RESPONSIBILITIES OF THE TASK FORCE. — Other than (1) receiving, reviewing and processing reports of and complaints for violations of this Ordinance and (2) deputizing enforcers under **Sections 13 to 16 hereof**, the Task Force shall have the following respective duties and responsibilities:

- a. **The Local Chief Executive**
 - 1. **Oversee the implementation of this Ordinance by the Task Force;**
 - 2. **Ensure the effective and smooth enforcement by the Task Force before, during and after the implementation of this Ordinance;**
 - 3. **Ensure the strict monitoring of violations of this Ordinance by the Task Force;**
- b. **The Municipal Health Officer shall:**
 - 1. Issue official Citation Tickets to the enforcers;
 - 2. Assign a hotline or any other number to which violations of this Ordinance may be reported by telephone call or by SMS, and a person to operate the line and record reports;
 - 3. Serve as the overall coordinator among all the LGU offices involved in the implementation of this Ordinance;
 - 4. Act as agent of the Treasurer in collecting and receiving fines paid by violator;
 - 5. Make tobacco or vape control, including the implementation and enforcement of this Ordinance, a part of the health program to be proposed for funding by the general budget of the LGU.
 - 6. **Ensure that tarpaulins are posted in all strategic areas and in public places, including in every barangay to widely disseminate and inform all the constituents of the smoking and vaping ban in the municipality, with notice on the presence of this Ordinance as well as the penalties against violators;**
- c. **The Health Education and Promotion Officer shall:**
 - 1. Develop and produce information, education and communication materials on the harms of second-hand smoke as well as on the provisions of this Ordinance.
 - 2. Encourage constituents of to monitor and report violations of this Ordinance.
 - 3. Assist the Municipal Health Officer of **Barugo, Leyte** in promoting a Smoking and Vaping Cessation Program.
- d. **The Legal Officer shall:**
 - 1. Assist the **Municipal** Health Office in reviewing reports of and complaints for violations of this Ordinance and in determining liability.
- e. **The Building Officer shall:**
 - 1. Conduct, together with the **Municipal** Health Office or on its own, inspection activities as provided in this Ordinance
 - 2. Determine whether or not enclosed or partially enclosed public places, workplaces or other public places comply with the requirements of this Ordinance.
- f. **The Information Officer shall:**
 - 1. Print the Citation Tickets and copies of this Ordinance;
 - 2. Make a primer summarizing the provisions of this Ordinance;
 - 3. Publicize activities related to the implementation and enforcement of this Ordinance;

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte

0960-294-93422

lgubarugo@yahoo.com

Municipality of Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

Page 11, Ordinance No. 30, 2024

Smoke free

- g. The Business Permits and Licensing Officer shall:
1. Order the suspension or revocation of permits and licenses of establishments found to have violated this Ordinance, subject to the provisions of **Section 8** hereof.
 2. Deny renewal of permits and licenses of violators of this Ordinance.
 3. **Charge and accept fees during application or renewal of permits and licenses for the printing and/or lamination of the required standard signages or stickers to be posted in all establishments and public conveyances;**
- h. The CSO Representative shall:
1. Assist in preliminary inspections and in monitoring violations of this Ordinance.
 2. Assist in promoting awareness of this Ordinance and in encouraging public support and participation in its implementation and enforcement.
 3. Assist in developing and promoting a smoking **and vaping** cessation program.
 4. Assist in developing and conducting orientation seminars 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.
- i. The PNP Representative shall:
1. Apprehend violators in accordance with the provisions of this Ordinance.
 2. Assist LGU officials and deputized civilians in apprehending violators.
 3. **Submit monthly reports to the Local Chief Executive and Sangguniang Bayan of Barugo, Leyte on updates regarding apprehensions/violations of this Ordinance, and recommend measures, but not limited to, alternative enforcements and/or amendments to this Ordinance.**

SECTION 13. ENFORCEMENT ON INDIVIDUALS. — Members of the PNP, the Task Force, barangay officials or barangay tanods shall apprehend and issue Citation Tickets against persons caught smoking **or vaping** in places where such is prohibited. They shall forward copies of the tickets they issue to the violators to the Municipal Health Office regularly, at least thrice a week.

SECTION 14. ENFORCEMENT ON PUBLIC CONVEYANCES. — The 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 Health Office regularly at least thrice a week.

SECTION 15. ENFORCEMENT ON ESTABLISHMENTS. — Ninety (90) calendar days after the effectivity of this Ordinance, an inspection team composed of representatives from the Municipal Health Office, the **Municipal** Engineer's Office, and the Permits and Licensing Office, shall conduct inspections of establishments and buildings to determine their compliance with the provisions of this Ordinance. Regular inspection shall thereafter be conducted at least once every month or simultaneously with other regular inspections done by the LGU, 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) calendar 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 the license to operate of the establishment, consistent with *Section 8 (d)* hereof. In the course of 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 Municipal Health Office shall designate, with the approval of the Office of the Local Chief Executive, a Civil Society Organization (CSO) to discharge the duties and responsibilities enumerated in **Section 12 (h)** hereof. The Task Force may deputize qualified civilians to serve as enforcers of this Ordinance. Any person can file with the Task Force a report of or complaint for any violation of this Ordinance.

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte

☎ 0960-294-93422



lgu.barugo@yahoo.com



Municipality of Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

Page 12, Ordinance No. 30, 2024

Smoke free

INFORMATION CAMPAIGN

SECTION 17. INFORMATION DISSEMINATION. — Within sixty (60) calendar days from the effectivity of this Ordinance, the Municipal Health Office shall:

- a. In coordination with the Office of the Local Chief Executive:
 1. Provide at least two (2) copies of this Ordinance to the PNP or the Barugo Municipal Police Station (MPS) or precinct in the LGU;
 2. Provide a primer on this Ordinance for every member of the PNP or in the Barugo MPS; and,
 3. Conduct lectures to brief the PNP members of the provisions of this Ordinance and of their responsibilities with respect to its enforcement.
- b. In coordination with the Barugo Permits and Licensing Office, give a copy of this Ordinance and its primer to all existing establishments that are licensed to operate and open to the public, as well as to those applying for a new license to operate.
- c. In coordination with the Information Office, give a copy of this Ordinance and its primer to all public utility vehicle operators in the municipality.

SECTION 18. PUBLIC BILLBOARDS, NOTICES IN BARANGAYS. — Upon the effectivity of this Ordinance, the Municipal Engineer's Office shall put up billboards in conspicuous places in the municipality, 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 regarding the 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 representatives designated under **Section 16** hereof, shall develop and conduct a series of orientation seminars and trainings for the enforcers of this Ordinance, at least one for each group, including but not limited to, deputized enforcers like barangay health workers and the barangay tanod, and the local PNP.

SECTION 20. FUNDING. — A funding to defray the expenses necessary or incidental to the implementation of this Ordinance shall be sourced from the LGU fund and is hereby allocated. Every year thereafter shall automatically be included in the Annual Budget of the LGU for the implementation and enforcement of this Ordinance, based on LGU plans and programs.

The above expenses include, but are not limited to:

- a. Costs of printing copies of this Ordinance, the Citation Tickets, and information, education and communication materials pertaining to tobacco control;
- b. Cost of tarpaulins to be posted in all strategic areas and in all public places, including in every barangay to widely disseminate and inform all the constituents of the smoking and vaping ban in the municipality, with notice on the presence of this Ordinance as well as the penalties against violators;
- c. Costs of inspection and enforcement by the Smoke-Free and Vape-Free Task Force, including allowances for meals and transportation, the amounts of which shall be set by the Office of the LCE;
- d. Incentive or reward for private citizens, who report violations of this Ordinance;
- e. Institution and operating expenses of the smoking cessation program and facility.

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte

☎ 0960-294-93422



lgubarugo@yahoo.com



Municipality of Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

Page 13, Ordinance No. 30, 2024

Smoke free

SECTION 21. IMPLEMENTATION. –:

- a. The Barangays within the jurisdiction of the Municipality of Barugo, Leyte are hereby authorized the implement the provisions of this Ordinance thru their respective barangay officials and Barangay Tanods.
- b. The Barangays and the Municipality will have a **50-50 share** from the penalty of fine collected made by the Barangay on the implementation of this Ordinance and shall be remitted to the municipal treasurer on the 15th Day and 30th Day of the month.

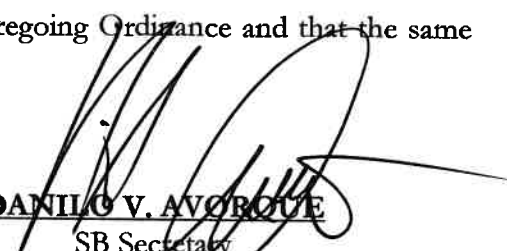
SECTION 22. SEPARABILITY CLAUSE. – If, for any reason, any Section or provision of this Ordinance is declared invalid or unconstitutional, other Sections or provisions thereof, which are not affected thereby, shall continue to be in full force and effect.

SECTION 23. REPEALING CLAUSE. – All ordinances, resolutions, rules and regulations, or parts thereof, in conflict or inconsistent with any of the provisions of this Ordinance, are hereby amended or repealed accordingly.

SECTION 24. EFFECTIVITY. – The provisions of this Ordinance shall take effect upon its approval.

UNANIMOUSLY APPROVED, this 17th day of December 2024, in Barugo, Leyte.

I HEREBY CERTIFY to the correctness of this foregoing Ordinance and that the same was enacted on the date above-stated.


DANILO V. AVOROUÉ
SB Secretary


HON. EDUARDO C. CALZITA
SB Member


HON. NIKKOS RHET V. ASTORGA
SB Member


HON. CLINIO A. BALAIS
SB Member


HON. JEFFREY P. CAÑEZAL
SB Member


HON. JESUS B. CABANACAN
SB Member


HON. JOEMAR O. ACEBO
Liga Ng Mga Barangay President


HON. ERIC CHINGPIS
Pederasyon Ng Mga SK President

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte

☎ 0960-294-93422

✉ lgu.barugo@yahoo.com

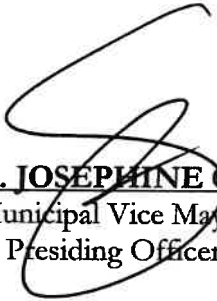
📘 Municipality of Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

Page 14, Ordinance No. 30, 2024
Smoke free

ATTESTED BY:



HON. JOSEPHINE C. TIU
Municipal Vice Mayor
Presiding Officer

APPROVED BY:



HON. ARON C. BALAIS, MD, FPCEM
Municipal Mayor

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte

 0960-294-93422

 lgu.barugo@yahoo.com

 Municipality of Barugo, Leyte




OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION OF POSTING


THIS IS TO CERTIFY that Ordinance No. 30, S. 2024, RE: **AN ORDINANCE AMENDING ORDINANCE NO. 03, S. 2021 "TITLED" AN ORDINANCE PROHIBITING THE USE, SALE, DISTRIBUTION AND ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS IN CERTAIN PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES**", was posted in three (3) conspicuous places in the Municipality of Barugo, Leyte from December 22, 2024 to January 17, 2025 in compliance with the provisions of RA 7160, otherwise known as Local Government Code of 1991.

This certification is issued this 5th day of February, 2025, for whatever legal purpose this may serve.



DANILO V. AVORQUE
SB Secretary

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte

 0960-294-93422

 lgu.barugo@yahoo.com

 Municipality of Barugo, Leyte