

Item No.: 23

Date: 03 2026 FEB



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

PROVINCE OF LEYTE
LEGAL OFFICE

RELEASED

By: Am
Date: 1-26-26 Time: 9:52

Sangguniang Panlalawigan
Province of Leyte
RECEIVED

Date: JAN 26 2026
By: [Signature]

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
January 22, 2026

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 14 of the Sangguniang Bayan of MacArthur, Leyte.

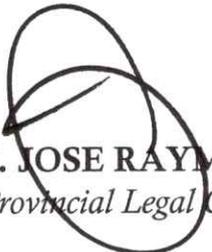
Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 14 entitled: “**An Ordinance Banning Smoking/Vaping in Public Places etc.**”

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 447(a)(1)¹ of the Local Government Code of 1991 (R.A 7160), pursuant to RA 9211² and EO 26 series of 2017³. 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(a) *The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code,*

² *Tobacco Regulation Act of 2003*

³ **PROVIDING FOR THE ESTABLISHMENT OF SMOKE-FREE ENVIRONMENTS IN PUBLIC AND ENCLOSED PLACES**

PROVINCE OF LEYTE
LEGAL OFFICE
RECEIVED

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
-000-

By: *[Signature]*
Date: 1.12.26 Time: 10:12

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

RECEIVED
LEGAL OFFICE
PROVINCE OF LEYTE

1ST INDORSEMENT
09 January 2026

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 14, series of 2025 of the Municipality of MacArthur, Leyte**, entitled: **An Ordinance banning smoking/vaping in public places and private establishments and designating a smoking/vaping area and imposing penalties for violation thereof.**

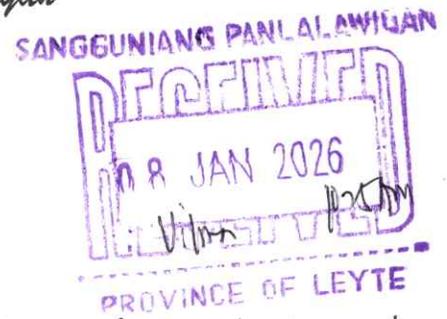
[Signature]
FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR
-----oOo-----

Office of the Sangguniang Bayan

ENDORSEMENT
January 8, 2026



Respectfully submitting to the Honorable Provincial Board for consideration and approval the herein Municipal Ordinance No. 14, Series of 2025, entitled AN ORDINANCE BANNING SMOKING/VAPING IN PUBLIC PLACES AND PRIVATE ESTABLISHMENTS AND DESIGNATING A SMOKING/VAPING AREA AND IMPOSING PENALTIES FOR VIOLATION THEREOF.


MARIE STEPHANIE DE LA CRUZ- PULGA
Secretary to the Sanggunian

Public Service Above Self



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR
-----oOo-----

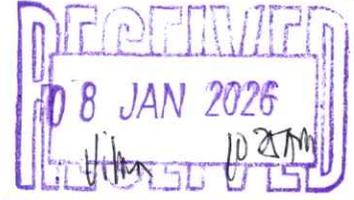
Municipal Ordinance No. 14 Series of 2025

AN ORDINANCE BANNING
SMOKING/VAPING IN PUBLIC
PLACES AND PRIVATE
ESTABLISHMENTS AND
DESIGNATING A SMOKING/VAPING
AREA AND IMPOSING PENALTIES
FOR VIOLATION THEREOF



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR

SANGGUNIANG PANGALAWIGAN



Office of the Sangguniang Bayan

Attested:

JESUS A. BARANDA
Municipal Vice Mayor

Concurred:

RAUL E. MUNDALA
SB Member

IRENEO G. REMANES JR.
SB Member

RONALD DOMINIC B. BABANTE
SB Member

TRINA C. BURAWIS
SB Member (Absent)

JONATHAN T. BARQUIN
SB Member

VICTORIANO T. LAZAR
SB Member (Absent)

XANDRIX P. PANTIN
SB Member

GWENDOLYN M. BERISO
SB Member

JOSE A. BARANDA
Ex-Officio Member
President, Liga ng mga Barangay

RALPH MARTIN P. EGOS
Ex-Officio Member
SKF President

Approved:

RUDINIL B. BABANTE
Municipal Mayor

Date Approved: JAN. 05, 2026

EXCERPT FROM THE MINUTES OF THE 23RD REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MACARTHUR, LEYTE HELD ON 15 DECEMBER 2025 AT THE MUNICIPAL SESSION HALL.

PRESENT:

- | | |
|-------------------------------------|--|
| Honorable Jesus A. Baranda | Vice Mayor, Presiding |
| Honorable Raul E. Mundala | SB Member |
| Honorable Ireneo G. Remanes Jr. | SB Member |
| Honorable Ronald Dominic B. Babante | SB Member |
| Honorable Jonathan T. Barquin | SB Member |
| Honorable Xandrix P. Pantin | SB Member |
| Honorable Gwendolyn M. Beriso | SB Member |
| Honorable Jose A. Baranda | Ex-Officio Member President, Liga ng mga Barangay |
| Honorable Ralph Martin P. Egos | Ex-Officio Member SKF President |

ABSENT:

- | | |
|-------------------------------|-----------|
| Honorable Trina C. Burawis | SB Member |
| Honorable Victoriano T. Lazar | SB Member |

MUNICIPAL ORDINANCE NO. 14
Series of 2025

AN ORDINANCE BANNING SMOKING/VAPING IN PUBLIC PLACES AND PRIVATE ESTABLISHMENTS AND DESIGNATING A SMOKING/VAPING AREA AND IMPOSING PENALTIES FOR VIOLATION THEREOF

SPONSORED BY : Honorable Ralph Martin P. Egos

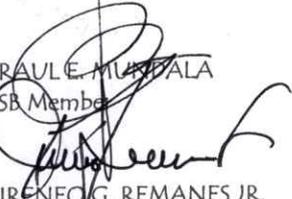
WHEREAS RA 7160 otherwise known as the Local Government Code of 1991, accords every local government unit the power and authority to promote the general welfare of its constituents within its territorial jurisdiction, including the promotion of health and safety of its people.

WHEREAS RA 8749 otherwise known as the Clean Air Act of 1999 declares the right of every citizen to breathe clean air, prohibits smoking inside and enclosed public places including public vehicles and other means of transport and directs local government units to implement this provision.

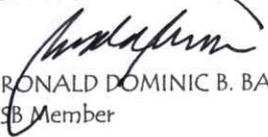
Attested:


JESUS A. BARANDA
Municipal Vice Mayor

Concurred:


RAUL E. MURALA
SB Member


IRENEO G. REMANES JR.
SB Member


RONALD DOMINIC B. BABANTE
SB Member

TRINA C. BURAWIS
SB Member (Absent)


JONATHAN T. BARQUIN
SB Member

VICTORIANO T. LAZAR
SB Member (Absent)


XANDRIX P. PANTIN
SB Member


GWENDOLYN M. BERISO
SB Member


JOSE A. BARANDA
Ex-Officio Member
President, Liga ng mga Barangay


RALPH MARTIN P. EGOS
Ex-Officio Member
SKF President

Approved:


RUDIN T. BABANTE
Municipal Mayor

Date Approved: Jan. 05, 2026

WHEREAS RA 8749, Section 24, states the Pollution from smoking, that smoking inside a public building or an enclosed public place including public vehicles and other means of transport or any enclosed area outside of one's private residence, private place of work or any duly designated smoking area is hereby prohibited under this Act.

WHEREAS, it is the policy of Municipality of MacArthur, to promote the health and welfare of its constituents and safeguard public health and ensure the physical wellbeing of smokers and non-smokers alike by discouraging cigarette smoking and tobacco use.

WHEREFORE, on motion of Honorable Ralph Martin P. Egos duly seconded by all the members present, be it

Ordained by the Sangguniang Bayan of the Municipality of MacArthur, Leyte in session duly assembled, that:

Section 1. Title. This Ordinance shall be known as "AN ORDINANCE BANNING SMOKING/VAPING IN PUBLIC PLACES AND PRIVATE ESTABLISHMENTS AND DESIGNATING A SMOKING/VAPING AREA AND IMPOSING PENALTIES FOR VIOLATION THEREOF"

Section 2. COVERAGE – This ordinance shall apply to all persons whether resident or not, and in all places found within the territorial jurisdiction of Municipality of MacArthur.

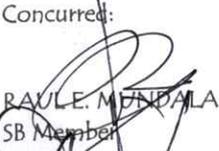
Section 3. DEFINITION OF TERMS. As used in this Ordinance:

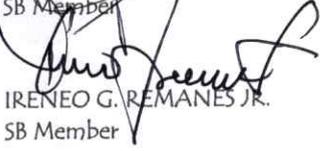
1. Public Places includes all government offices and edifice within the Municipal Ordinance.
2. Designated Smoking/Vaping Area refers to an area of a building or conveyance where smoking and/or vaping may be allowed which may be in an open space or separate area with proper ventilation. It shall not be located within ten (10) meters of entrances, exits or any place where people usually congregate, and it shall not have an area larger than ten (10) sq. m. No food or drinks shall be served in the designated smoking/vaping area.
3. Enclosed means being covered by a roof or other structure serving the purpose of a roof and having one or more walls or sides.
4. Smoking refers to the act of carrying a lighted cigarette or other tobacco products, whether or not it is being inhaled or smoked.
5. Vaping refers to the act of inhaling and exhaling aerosols or vapor produced or by any Electronic Nicotine Delivery System (ENDS) / Electronic Non-Nicotine Delivery System (ENNDS) or other electronic device whether or not it is used to deliver nicotine to the user and mimics the act of smoking.

Attested:


JESUS A. BARANDA
Municipal Vice Mayor

Concurred:


RAULE MENDALA
SB Member


IRENEO G. REMANES JR.
SB Member


RONALD DOMINIC B. BABANTE
SB Member

TRINA C. BURAWIS
SB Member (Absent)

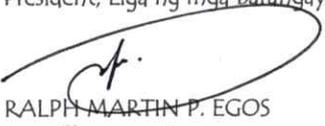

JONATHAN T. BARQUIN
SB Member

VICTORIANO T. LAZAR
SB Member (Absent)

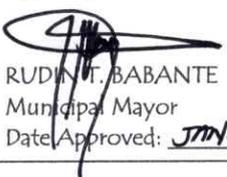

XANDRIX P. PANTIN
SB Member


GWENDOLYN M. BERISO
SB Member


JOSE A. BARANDA
Ex-Officio Member
President, Liga ng mga Barangay


RALPH MARTIN P. EGOS
Ex-Officio Member
SKF President

Approved:


RUDIN T. BABANTE
Municipal Mayor

Date Approved: JUN 05, 2024

6. Vapor Products, also referred to as Vapor Product Refills, shall refer 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.

7. Vapor Product Device shall refer to a device or a combination of devices used to heat a Vapor Product, to produce an aerosol, mist, or vapor that users inhale. These may include combinations of a liquid solution or gel that are heated and transformed into an aerosol without combustion through the employment of a mechanical or electronic heating element, battery, or circuit, and includes, but is not limited to, a cartridge, a tank, or a device without a cartridge or tank.

8. Vapor Product System, also referred to as electronic nicotine or non-nicotine delivery systems, shall refer to the specific combination consisting of the Vapor Product Refill and Vapor Product Device which, based on the information made available to the consumer by the provider, are intended to be used together.

9. Electronic Nicotine Delivery System (ENDS) which shall include Electronic Non Nicotine Delivery Systems (ENNDS) for purposes of this regulations means any device such as electronic cigarettes (e-cigarettes), electronic shisha (eshisha), vapes, vape pen, Heat-Non-Burn products, and other similar devices, whether or not it is used to deliver nicotine and/or other components to the user, which may be through the act of vaping or that which resembles smoking, and may have the outward appearance of smoking products. And.

10. Vaporized Nicotine or Non-Nicotine Products shall refer to both Heated Tobacco Products and Vapor Products, as defined herein, which are novel consumer goods that generate a nicotine-containing or non-nicotine containing aerosol without combustion.

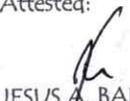
Section 4. SMOKING/VAPING BAN IN PUBLIC PLACES AND PRIVATE ESTABLISHMENTS – Smoking/vaping shall be absolutely prohibited in the following public places and private establishments within territorial jurisdiction of Municipality of Macarthur.

1. All schools including playschools, preparatory schools, elementary schools, high schools, colleges, and universities.

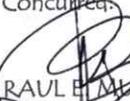
2. Centers of youth activity such recreational facilities for persons under eighteen (18) years old. Such recreational facilities for persons under 18 years old shall include but are not limited to playgrounds.

3. Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives, or combustible materials.

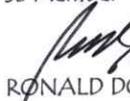
Attested:


JESUS A. BARANDA
Municipal Vice Mayor

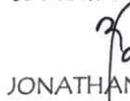
Concurred:


RAUL B. MENDALA
SB Member


IRENEO G. REMANES JR.
SB Member


RONALD DOMINIC B. BABANTE
SB Member

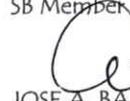
TRINA C. BURAWIS
SB Member (Absent)


JONATHAN T. BARQUIN
SB Member

VICTORIANO T. LAZAR
SB Member (Absent)


XANDRIX P. PANTIN
SB Member


GWENDOLYN M. BERISO
SB Member


JOSE A. BARANDA
Ex-Officio Member
President, Liga ng mga Barangay


RALPH MARTIN P. EGOS
Ex-Officio Member
SKF President

Approved:


RUBEN T. BABANTE
Municipal Mayor

Date Approved: JAN. 05, 2026

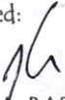
4. Public transportations/conveyances and public facilities such as PUJs and Tricycle, stations and terminals, restaurants, and conference halls, except in separate smoking areas; and
5. Restaurants, carinderias or other food preparations areas.
6. Private Medical/Dental Clinics.
7. Drugstores.
8. Banks and their satellite offices.
9. Pawnshops, credit facilities and similar lending and financial institutions.
10. Computer and internet shops.

Section 5. DESIGNATION OF SMOKING/VAPING AND NON-SMOKING/NON-VAPING AREAS. – In all enclosed places that are open to the general public, public and private workplaces and other places, where smoking/vaping may expose a person other than smoker to tobacco smoke or the person vaping, the owners, proprietors, operators, possessors, managers or administrators of such places shall establish smoking/vaping and non-smoking/non-vaping areas. Such areas may include a designated smoking/vaping area within the building, which may be in an open space, or in a separate area with proper ventilation, but shall not be located within the same room that has been designated as non-smoking/non-vaping area.

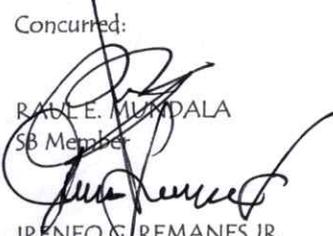
Section 6. STANDARDS FOR DESIGNATED SMOKING/VAPING AREA. The owners, proprietors, operators, passengers, managers, or administrators of establishments shall determine the size and specifications of the smoking/vaping or non-smoking/non-vaping area: Provided, that the following standards shall be observed:

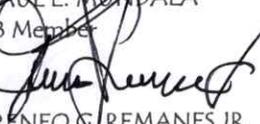
- a. The designated smoking/vaping area other than in an open space shall be completely enclosed or physically separated from the rest of the premises and equipped with adequate ventilation in conformity with the provisions of Presidential Decree 1096, otherwise known as the "National Building Code", and the Philippine Society of Mechanical Engineers Code.
- b. Separation of the designated smoking/vaping area other than in an open space shall be affected through the following means: The designated smoking/vaping area must be fully separated from smoke-free area by continuous floor-to-ceiling or floor-to-floor solid partitions which are interrupted only by doors equipped with closers, and which must be constantly closed except when a person is entering or exiting the area.

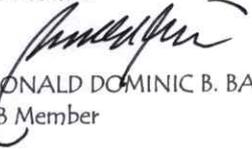
Attested:


JESUS A. BARANDA
Municipal Vice Mayor

Concurred:


RAUL E. MUNGDALA
SB Member


IRENEO G. REMANES JR.
SB Member


RONALD DOMINIC B. BABANTE
SB Member

TRINA C. BURAWIS
SB Member (Absent)


JONATHAN T. BARQUIN
SB Member

VICTORIANO T. LAZAR
SB Member (Absent)


XANDRIX P. PANTIN
SB Member


GWENDOLYN M. BERISO
SB Member


JOSE A. BARANDA
Ex-Officio Member
President, Liga ng mga Barangay


RALPH MARTIN P. EGOS
Ex-Officio Member
SKF President

Approved:


RUDIN T. BABANTE
Municipal Mayor

Date Approved: JUN. 05, 2024

Section 7. SIGNAGE FOR THE DESIGNED SMOKING/VAPING AND NON-SMOKING/NONVAPING AREAS. – All designated smoking/vaping areas shall have at least one (1) legible and visible sign posted saying “SMOKING/VAPING AREA”, in English or Filipino, for the information and guidance of all concerned. The sign shall be placed conspicuously at the entrance to the designated smoking area and shall be in accordance with the specifications set forth, as follows:

Overall size of sign 297 x 210 mm Font and size for “NO SMOKING/VAPING AREA” or “SMOKING/VAPING AREA” Arial Black, 122 pt. Font and size for “GOVERNMENT WARNING” Arial Black, 48 pt. Font and size for “Tobacco Regulation Act” Arial Black, 32 pt. In addition, the sign or notice shall include a warning in English or Filipino about the effects of both direct and secondary exposure to tobacco smoke. Said warning may be any of the following:

- a. “GOVERNMENT WARNING: Cigarette Smoking is Dangerous to your Health” (BABALA: “Ang Paninigarilyo ay Mapanganib sa iyong Kalusugan.”)
- b. “GOVERNMENT WARNING: Cigarettes are Addictive” (BABALA: “Ang Sigarilyo ay Nakaka-adik)
- c. “GOVERNMENT WARNING: Tobacco Smoke Can Harm Your Children” (BABALA: “Ang Usok ay Mapanganib sa mga Bata)
- d. “GOVERNMENT WARNING: Smoking Kills” (BABALA: Nakamamatay ang Paninigarilyo)

Under no circumstances shall any mark, device, word, or image associated with any tobacco company or product be included in any of these signs and materials. Nonsmoking/non-vaping areas shall likewise have at least one (1) legible and visible sign posted saying “NON-SMOKING/NON-VAPING AREA” or “NO SMOKING”.

A signage clearly displaying the penalties under this Ordinance shall also be installed in visible areas.

Section 8. MINIMUM AGE SALES. Under this Ordinance, it shall be unlawful:

- a. For any retailer of tobacco product, vapor products, vaporized products, and Vaporized Nicotine or Non-Nicotine Products to sell or distribute tobacco products, vapor products, vaporized products, and Vaporized Nicotine or Non-Nicotine Products to a minor.
- b. For any adult person to use minors to purchase cigarettes or any tobacco products, vapor products, vaporized products, and Vaporized Nicotine or Non-Nicotine Products for personal consumption.

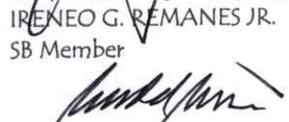
Attested:


JESUS A. BARANDA
Municipal Vice Mayor

Concurred:


RAUL E. MUNDA
SB Member


IRENEO G. REMANES JR.
SB Member


RONALD DOMINIC B. BABANTE
SB Member

TRINA C. BURAWIS
SB Member (Absent)

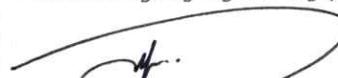

JONATHAN T. BARQUIN
SB Member

VICTORIANO T. LAZAR
SB Member (Absent)


XANDRIX P. PANTIN
SB Member


GWENDOLYN M. BERISO
SB Member


JOSE A. BARANDA
Ex-Officio Member
President, Liga ng mga Barangay


RALPH MARTIN P. EGOS
Ex-Officio Member
SKF President

Approved:


RUDIN T. BABANTE
Municipal Mayor

Date Approved: JAN. 05, 2026

c. To purchase cigarettes or any tobacco products, vapor products, vaporized products, and Vaporized Nicotine or Non-Nicotine Products from a minor.

d. For minors to sell cigarettes, any tobacco products and vapor products, Vaporized Products, and Vaporized Nicotine or Non-Nicotine Products.

e. For minors to purchase cigarettes, any tobacco products and vapor products, Vaporized Products, and Vaporized Nicotine or Non-Nicotine Products.

f. To sell or distribute cigarettes, any tobacco products and vapor products, vaporized products, and Vaporized Nicotine or Non-Nicotine Products within 100 meters from any point of the perimeter of a school, public playground owned by the government or other facility frequented by minors who are or are intended to be principal users or patrons of such facilities.

It shall not be a defense for the person selling or distributing that he or she did not know or was not aware of the real age of the purchaser. Neither shall it be a defense that he or she did not know nor had any reason to believe that the product was for the consumption of a person below eighteen (18) years of age.

Section 9. PUNISHABLE ACTS. The following acts are punishable under the Ordinance:

a. Smoking/Vaping in public places and private establishments except in designated smoking/Vaping areas.

b. Non-compliance by the owners, proprietors, operators, possessors, managers, or administrators of enclosed places open to the general public, public and private workplaces and other places of this Ordinance to establish smoking/vaping and nonsmoking/nonvaping areas under Section 5 of the same.

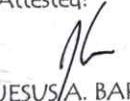
c. Sale of tobacco products or vapor products to or by a minor;

d. Using minors to purchase cigarettes or any tobacco products, vapor products, vaporized products, and Vaporized Nicotine or Non-Nicotine Products by any adult person for personal consumption.

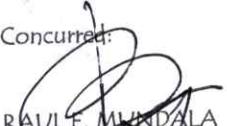
e. Sale of tobacco products or vapor products and Vaporized Nicotine or Non-Nicotine Products within one hundred (100) meters from any point of the perimeter of a school, public playground owned by the government or other facility frequented particularly by minors who are intended to be the principal users or patrons of such facilities.

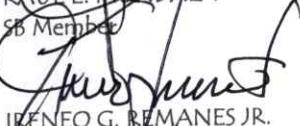
f. Non-compliance with the required signage in point-of-sale establishments.

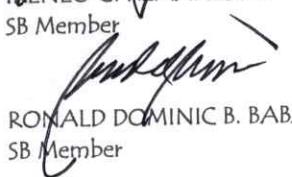
Attested:


JESUS A. BARANDA
Municipal Vice Mayor

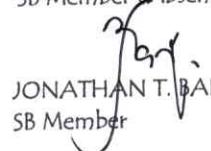
Concurred:


RAUL E. MARDALA
SB Member

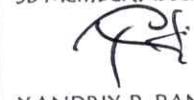

RENEO G. REMANES JR.
SB Member


RONALD DOMINIC B. BABANTE
SB Member

TRINA C. BURAWIS
SB Member (Absent)

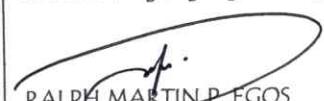

JONATHAN T. BARQUIN
SB Member

VICTORIANO T. LAZAR
SB Member (Absent)


XANDRIX P. PANTIN
SB Member


GWENDOLYN M. BERISO
SB Member


JOSE A. BARANDA
Ex-Officio Member
President, Liga ng mga Barangay


RALPH MARTIN P. EGOS
Ex-Officio Member
SKF President

Approved:


RUDOLPH T. BABANTE
Municipal Mayor

Date Approved: JULY 05, 2026

g. Distribution of samples of tobacco products or vapor products to minors.

Section 10. PENALTIES – Any person violating this Ordinance shall be punished to pay a fine as follows:

First Offense ₱1,000.00
Second Offense ₱2,000.00
Third & Succeeding Offense ₱2,500.00

A citation ticket shall be issued to the violator, who must pay the corresponding penalty **within three (3) working days** from its issuance. Failure to pay within the allotted timeframe shall result in the filing of **the appropriate case** against the violator. This process may result in the violator being subject to full legal consequences, such as further penalties or legal proceedings.

The business permits and licenses, in the case of a business entity or establishment, shall be revoked or cancelled.

Section 11. Repealing Clause. All ordinances, resolutions, rules and regulations inconsistent with or contrary to the provisions of this ordinance are hereby repealed, amended or modified accordingly.

Section 12. Effectivity. This ordinance shall take effect in accordance with the provisions of R.A. 7160, otherwise known as "The Local Government Code of 1991."

ENACTED by the Sangguniang Bayan in session assembled on December 15, 2025 at the Municipal Session Hall, Legislative Building, MacArthur, Leyte, Philippines.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.


MARIE STEPHANIE DE LA CRUZ- PULGA
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR
-----oOo-----

Office of the Sangguniang Bayan

CERTIFICATE OF POSTING

THIS IS TO CERTIFY that Municipal Ordinance No. 14, Series of 2025 of the Sangguniang Bayan of MacArthur, Leyte, duly enacted on 15 December 2025 and approved last 05 January 2026 has been posted since 07 January 2026 at the bulletin board of the Legislative Building, at Poblacion Public Market, and at Palale I Outpost pursuant to Section 511 of R.A. 7160.


MARIE STEPHANIE DE LA CRUZ- PULGA
Secretary to the Sanggunian

Public Service Above Self