

PROVINCE OF LEYTE  
OFFICE OF THE SANGGUNIANG PANLALAWIGAN  
PROVINCIAL ORDINANCE NO. \_\_\_\_\_  
Series of 2026

**AN ORDINANCE INSTITUTIONALIZING THE LEYTE SMOKE-FREE AND VAPE-FREE PROGRAM,  
CREATING THE PROVINCIAL SMOKE-FREE AND VAPE-FREE COUNCIL, AND PROVIDING FOR ITS  
IMPLEMENTATION, AND FOR OTHER PURPOSES**  
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**EXPLANATORY NOTE**

Tobacco use remains one of the major preventable risk factors for non-communicable diseases, including cardiovascular diseases, cancer, and chronic respiratory diseases. At the same time, the continued emergence and accessibility of electronic cigarettes, vaporized nicotine and non-nicotine products, and other novel tobacco products present additional challenges to public health, particularly among children and young people.

The enactment of Republic Act No. 11900, or the *Vaporized Nicotine and Non-Nicotine Products Regulation Act*, strengthened the national regulatory framework governing these products and provided complementary implementation roles for local government units. This law operates alongside Republic Act No. 9211, or the *Tobacco Regulation Act of 2003*, Executive Order No. 26, Series of 2017, and other national laws, rules, and regulations on tobacco control and smoke-free environments.

While national laws provide the general regulatory framework, effective tobacco and vape control requires sustained implementation at the local level. Differences in local implementation, continuing exposure to secondhand smoke and aerosol emissions, and the need to strengthen prevention and cessation services underscore the importance of a coordinated provincial approach.

The Province of Leyte therefore seeks to institutionalize a province-wide Smoke-Free and Vape-Free Program that will strengthen local implementation of national policies, promote smoke-free and vape-free environments, support tobacco and vape prevention and cessation, improve coordination among local government units and concerned agencies, and establish a continuing mechanism for monitoring and policy development.

The proposed Ordinance is intended to complement, and not supplant, national laws and regulations. It provides the provincial policy and institutional framework while leaving detailed operational procedures, technical standards, enforcement protocols, and other implementing matters to the appropriate national issuances and the Implementing Rules and Regulations of this Ordinance.

In view of the foregoing, approval of this measure is earnestly sought.

**WHEREAS**, Article II, Section 15 of the 1987 Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them;

**WHEREAS**, Article II, Section 16 of the Constitution recognizes the right of the people to a balanced and healthful ecology;

**WHEREAS**, Republic Act No. 7160, otherwise known as the *Local Government Code of 1991*, empowers local government units to enact measures for the promotion of the general welfare, including the protection and promotion of public health;

**WHEREAS**, Republic Act No. 9211, otherwise known as the *Tobacco Regulation Act of 2003*, provides for the regulation of tobacco products and measures for the protection of the public from the harmful effects of tobacco use;

**WHEREAS**, Executive Order No. 26, Series of 2017, provides for the establishment of smoke-free environments in public and enclosed places;

**WHEREAS**, Republic Act No. 11900, otherwise known as the *Vaporized Nicotine and Non-Nicotine Products Regulation Act*, provides the national regulatory framework for vaporized nicotine and non-nicotine products and novel tobacco products and recognizes complementary implementation roles for local government units;

**WHEREAS**, there is a continuing need to protect children, adolescents, and other vulnerable populations from exposure to tobacco smoke and emissions from vaporized products and to prevent the initiation and continued use of tobacco and vape products;

**WHEREAS**, a coordinated provincial framework is necessary to strengthen the implementation of national tobacco and vape control policies, support component local government units, and promote sustained prevention, cessation, monitoring, and health promotion efforts throughout the Province of Leyte;

**NOW, THEREFORE**, be it ordained by the Sangguniang Panlalawigan of Leyte, in session assembled:

**Section 1. Short Title.** This Ordinance shall be known as the “**Leyte Smoke-Free and Vape-Free Ordinance of 2026.**”

**Section 2. Declaration of Policy.** It is hereby declared the policy of the Province of Leyte to:

- a. protect and promote the right to health of its people;
- b. support and strengthen the implementation of national tobacco and vape control laws and policies;

- c. promote smoke-free and vape-free environments, particularly in places where people live, work, study, seek health care, and access public services;
- d. prevent the initiation and use of tobacco and vape products, particularly among children and young people;
- e. reduce exposure to secondhand tobacco smoke and emissions from vaporized products;
- f. promote accessible and appropriate tobacco and vape cessation and prevention services; and,
- g. institutionalize sustained coordination among the Provincial Government, component local government units, national government agencies, educational institutions, health facilities, civil society organizations, and communities.

**Section 3. Scope and Application.** This Ordinance shall apply to programs, policies, activities, **personnel, offices,** and facilities under the jurisdiction or administrative responsibility of the Provincial Government of Leyte. It shall **establish** the provincial framework for **coordination, technical assistance, health promotion, cessation support, monitoring, and referral in relation to tobacco and vape control.** It shall not create offenses, prohibitions, regulatory standards, or penalties distinct from those established by applicable national laws or by valid ordinances enacted by the component cities and municipalities within their respective authority.

Component cities and municipalities shall continue to exercise their powers and responsibilities under existing laws and ordinances, consistent with national tobacco and vape control laws and this Ordinance.

Nothing in this Ordinance shall be construed as limiting the authority of a component local government unit to adopt or enforce measures authorized by law, provided that such measures are consistent with national laws and regulations.

**Section 4. Definition of Terms.** For purposes of this Ordinance:

- a. **Aerosol** refers to the emissions generated by a vaporized nicotine or non-nicotine product or similar device for inhalation.
- b. **Child or Minor** refers to a person below eighteen (18) years of age, consistent with applicable law.
- c. **Smoke-Free and Vape-Free Area** refers to a place where smoking and the use of vaporized nicotine and non-nicotine products are prohibited pursuant to national law, this Ordinance, or a duly enacted local measure.

- d. **Tobacco Product** refers to a product covered by Republic Act No. 9211 and other applicable tobacco control laws.
- e. **Vaporized Nicotine and Non-Nicotine Product** refers to a product covered by Republic Act No. 11900 and its implementing rules and regulations.
- f. **Smoking** refers to the use of a tobacco product in the manner regulated or prohibited by applicable law.
- g. **Vaping** refers to the use of a vaporized nicotine or non-nicotine product or similar device in the manner regulated or prohibited by applicable law.
- h. **Person-in-Charge** refers to the owner, manager, administrator, operator, supervisor, employer, lessee, or other person responsible for the operation or management of a place or establishment.

Terms not defined in this Ordinance shall have the meanings provided under applicable national laws, rules, regulations, and issuances.

**Section 5. Province-Wide Smoke-Free and Vape-Free Policy.** The Province shall promote and support the implementation of smoke-free and vape-free environments in all places where smoking or vaping is prohibited under national law and in other areas that may be validly declared smoke-free or vape-free pursuant to law.

All offices, facilities, and establishments under the control or administrative responsibility of the Provincial Government shall comply with applicable smoke-free and vape-free requirements. The Province shall encourage component local government units to adopt, strengthen, and consistently implement smoke-free and vape-free measures within their respective jurisdictions, consistent with national law.

The detailed standards on prohibited places, designated areas, signage, age restrictions, sales, advertising, promotion, sponsorship, and related matters shall be governed by applicable national laws and regulations and, where appropriate, the Implementing Rules and Regulations of this Ordinance.

**Section 6. Compliance with National Prohibitions.** For purposes of provincial implementation, monitoring, and referral, the acts listed below shall be treated as prohibited only when, and to the extent that, they are prohibited by Republic Act No. 9211, Republic Act No. 11900, Republic Act No. 8749, other applicable national laws, their duly issued implementing rules and regulations, or a valid ordinance of the local government unit having jurisdiction. Executive Order No. 26, Series of 2017, shall guide the implementation of smoke-free environments to the extent consistent with the foregoing laws and regulations.

- a. Smoking or vaping in areas where such acts are prohibited by law;
- b. selling, distributing, or furnishing tobacco products or vaporized nicotine and non-nicotine products to persons below the age prescribed by law;
- c. undertaking any act involving the sale, promotion, advertising, distribution, or use of tobacco or vape products in violation of applicable national laws and regulations; and,
- d. obstruction, interference, or refusal to comply, but only when the specific act constitutes an offense expressly defined and penalized by an applicable national law or a valid ordinance of the local government unit having jurisdiction.

Nothing in this Section shall be interpreted as creating an offense, prescribing an additional element of an offense, enlarging an existing prohibition, or authorizing the imposition of a penalty beyond that provided by applicable national law or by a valid ordinance of the component local government unit having jurisdiction.

**Section 7. Leyte Smoke-Free and Vape-Free Program.** The Province shall institutionalize the **Leyte Smoke-Free and Vape-Free Program** as a continuing provincial public health program.

The Program shall provide the framework for:

- a. tobacco and vape prevention and health promotion;
- b. information, education, and communication;
- c. tobacco and vape cessation and referral services;
- d. capacity-building of health workers, implementing personnel, and other stakeholders;
- e. monitoring and assessment of implementation;
- f. technical assistance to component local government units; and,

- g. coordination and partnership with relevant government agencies, institutions, organizations, and communities.

The Provincial Health Office shall serve as the lead implementing office of the Program. Program priorities and activities shall be integrated, whenever appropriate, into the Provincial Health Office's plans, programs, and budgets.

Within ninety (90) days from the effectivity of this Ordinance, and after the approval of the Implementing Rules and Regulations under Section 15, the Provincial Health Office shall prepare an initial implementation plan for approval by the Council. The plan shall identify: (a) priority activities and measurable annual targets; (b) responsible provincial offices and coordinating agencies; (c) technical assistance and referral arrangements with component cities and municipalities; (d) personnel, training, logistical, and funding requirements; (e) a communications and cessation-support plan; and (f) a monitoring calendar and reporting schedule. The plan shall be reviewed annually and aligned with the approved provincial development, investment, health, and budget instruments.

**Section 8. Creation of the Provincial Smoke-Free and Vape-Free Council.** There is hereby created the **Provincial Smoke-Free and Vape-Free Council**, hereinafter referred to as the **Council**, under the Provincial Health Board.

The Council shall serve as the principal provincial **policy, coordination, advisory, and monitoring body** for the implementation of this Ordinance.

The Council shall be composed of:

- a. Provincial Governor – Chairperson;
- b. Provincial Health Officer – Co-Chairperson;
- c. Chairperson, Sangguniang Panlalawigan Committee on Health;
- d. Provincial Legal Officer;
- e. Provincial Social Welfare and Development Officer;
- f. Provincial Information Officer;
- g. Provincial Planning and Development Coordinator;
- h. Representative, Department of Health – Eastern Visayas Center for Health Development;
- i. Representative, Department of the Interior and Local Government – Leyte Provincial Office;

- j. Representative, Department of Education – Leyte Division;
- k. Representative, Philippine National Police – Leyte Provincial Office;
- l. President, Liga ng mga Barangay – Leyte Chapter;
- m. President, Provincial Federation of Sangguniang Kabataan;
- n. one (1) representative from a duly recognized health professional organization operating in the Province; and
- o. one (1) representative from a duly recognized civil society organization engaged in public health, tobacco control, or health promotion.

The Council may invite other government agencies, local government units, institutions, or organizations whose participation is necessary or relevant to the performance of its functions. Members may designate permanent alternate representatives with sufficient authority to participate in Council deliberations.

The Provincial Health Office shall serve as the **Secretariat** of the Council.

The Council shall meet at least quarterly and may convene special meetings as necessary. The members listed in paragraphs (a) to (o) of Section 8, or their duly designated permanent alternates, shall be voting members. A majority of all incumbent voting members shall constitute a quorum, and decisions shall be made by a majority of the voting members present at a meeting where a quorum exists. The representatives under paragraphs (n) and (o) shall be selected and appointed in the manner and for the term prescribed in the Council's internal rules. Invited participants shall serve in an advisory capacity and shall not vote. The Council shall adopt internal rules governing notices, agendas, records of proceedings, designation and tenure of sectoral representatives, permanent alternates, working groups, disclosure and management of conflicts of interest, and public access to non-confidential reports, consistent with applicable laws.

**Section 9. Functions of the Council.** The Council shall:

- a. recommend provincial policies, plans, and strategies for tobacco and vape control;
- b. coordinate and harmonize the implementation of the Leyte Smoke-Free and Vape-Free Program;
- c. facilitate coordination among the Provincial Government, component local government units, national government agencies, and other stakeholders;

- d. monitor and assess the implementation of this Ordinance and recommend appropriate measures to address identified gaps;
- e. promote tobacco and vape prevention, health education, and cessation initiatives;
- f. recommend policies and legislative measures to strengthen tobacco and vape control in the Province;
- g. review and recommend updates to the Program based on evidence, emerging concerns, and changes in national laws and policies; and,
- h. submit an annual report on the implementation of the Program to the Provincial Health Board and the Sangguniang Panlalawigan.

The Council shall not exercise regulatory functions vested by national law in another government agency.

**Section 10. Role of the Provincial Health Office.** The Provincial Health Office shall lead the implementation of the Leyte Smoke-Free and Vape-Free Program and shall:

- a. provide technical support to the Council;
- b. coordinate with component local government units and concerned agencies;
- c. facilitate the integration of tobacco and vape prevention and cessation interventions into appropriate provincial health programs;
- d. support monitoring and reporting; and,
- e. perform such other functions as may be necessary to implement the policies and programs approved under this Ordinance.

**Section 11. Support to Component Local Government Units.** The Provincial Government, through the Provincial Health Office and the Council, shall provide technical assistance, capacity-building, policy guidance, and other appropriate support to component cities and municipalities in strengthening their smoke-free and vape-free programs.

The Province may establish a recognition or incentive mechanism for local government units, public institutions, schools, health facilities, workplaces, establishments, and other organizations that demonstrate exemplary implementation of tobacco and vape control measures, subject to applicable laws and available funds.

**Section 12. Information, Education, Prevention, and Cessation.** The Province shall undertake continuing public health interventions to:

- a. increase awareness of the health risks associated with tobacco and vape use and exposure;
- b. prevent initiation and use among children and young people;
- c. promote healthy and tobacco-free lifestyles; and,
- d. improve access to appropriate tobacco and vape cessation services and referral mechanisms.

Such interventions shall be undertaken in coordination with appropriate national government agencies, local government units, educational institutions, health facilities, civil society organizations, and other stakeholders.

**Section 13. Monitoring and Reporting.** The Council, through the Provincial Health Office, shall establish a province-wide mechanism for monitoring the implementation of this Ordinance and the Leyte Smoke-Free and Vape-Free Program.

The monitoring mechanism shall include, as appropriate: (a) implementation status by provincial office and participating component local government unit; (b) completion of planned prevention, education, cessation, referral, and capacity-building activities; (c) coverage and utilization of cessation and referral services; (d) compliance conditions in facilities under provincial control; (e) referrals made to agencies or local government units having enforcement authority; (f) resource utilization; (g) identified implementation gaps; and (h) time-bound corrective actions and recommendations for policy or program improvement. Data collection and reporting shall observe applicable privacy and confidentiality requirements.

An annual report shall be submitted to the Provincial Health Board and the Sangguniang Panlalawigan.

Detailed indicators, reporting procedures, and monitoring tools shall be provided in the Implementing Rules and Regulations or through appropriate administrative issuances.

**Section 14. Inter-Agency Coordination and Partnerships.** The Province shall strengthen coordination with national government agencies, component local government units, educational institutions, health facilities, professional organizations, civil society organizations, academic institutions, development partners, and other stakeholders in the implementation of this Ordinance.

Partnerships may include technical assistance, training, research, public education, cessation support, monitoring, and other activities consistent with the objectives of this Ordinance and applicable laws.

No partnership, grant, donation, sponsorship, or other form of assistance shall compromise the independence, integrity, or public health objectives of the Program or conflict with applicable laws and policies on tobacco and vape industry participation.

The Provincial Health Office shall maintain a documented referral and coordination procedure for reported or observed violations of applicable tobacco and vape control laws. Matters within provincial administrative control shall be transmitted to the responsible provincial office. Matters within the jurisdiction of a component city or municipality or a national government agency shall be promptly referred to the proper authority, together with available non-confidential information. Provincial personnel shall not issue citations, impose sanctions, conduct regulatory inspections, seize property, or exercise coercive authority unless such authority is expressly granted by law. The IRR shall prescribe documentation, referral timelines, feedback, and record-retention procedures consistent with due process, privacy, and applicable evidentiary rules.

**Section 15. Implementing Rules and Regulations.** Within sixty (60) days from the effectivity of this Ordinance, the Council, through the Provincial Health Office, shall prepare the proposed Implementing Rules and Regulations and submit them to the Provincial Health Board for review. After review said draft IRR shall be submitted to the Governor for approval through appropriate administrative action or issuance of an executive order.

The IRR shall be limited to operational, administrative, technical, monitoring, coordination, referral, and other implementing details necessary to carry out this Ordinance. It shall conform to existing national laws, rules, regulations, and issuances and shall not create or enlarge any prohibited act, offense, penalty, regulatory standard, licensing requirement, inspection power, seizure authority, adjudicatory function, or enforcement authority not expressly provided by law.

**Section 16. Appropriations and Funding.** Funds necessary for the implementation of this Ordinance shall be included in the annual appropriations of the Provincial Government, subject to existing budgeting, accounting, auditing, procurement, and other applicable laws, rules, and regulations.

The Province may receive lawful grants, donations, technical assistance, and other resources from government agencies, development partners, civil society organizations, and other sources, provided that such assistance is consistent with this Ordinance and does not compromise the independence or integrity of the Program.

**Section 17. Non-Interference with National Regulatory Authority.** Nothing in this Ordinance shall be construed as transferring, duplicating, or diminishing any regulatory, licensing, inspection, enforcement, or other authority vested by national law in the Department of Trade and Industry, Department of Health, Food and Drug Administration, Department of Education, Bureau of Internal Revenue, Philippine National Police, or any other national government agency. The Province shall perform only such functions as are authorized by law and shall coordinate with the appropriate national government agencies in the implementation of tobacco and vape control measures.

**Section 18. Treatment of Violations and Referral under Existing Law.** No independent criminal or administrative offense is created by this Ordinance. An act or omission described or referred to herein shall be subject to a penalty only when, and to the extent that, it constitutes an offense expressly defined and penalized by Republic Act No. 9211, Republic Act No. 11900, Republic Act No. 8749, another applicable national law, or a valid ordinance of the component city or municipality having jurisdiction. The nature, amount, duration, procedure, and enforcing authority for any fine, imprisonment, administrative sanction, closure, suspension, confiscation, or other consequence shall be those prescribed by the controlling law or valid local ordinance.

Executive Order No. 26, Series of 2017, and applicable implementing rules and regulations shall guide implementation but shall not be treated as independent authority to create a crime or impose a penalty beyond that authorized by statute. Nothing herein authorizes the Council, the Provincial Health Office, or any provincial officer or employee to determine criminal liability or to impose a sanction not expressly authorized by law. Suspected violations shall be documented and referred to the agency, office, court, or local government unit having lawful jurisdiction. This Section shall not preclude administrative action against provincial officers or employees under applicable civil service laws, personnel rules, and lawful workplace policies. Any future provincial penal provision shall be enacted only through an amendatory ordinance that clearly defines the prohibited act and observes the limitations and requirements of Republic Act No. 7160 and other applicable national laws.

**Section 19. Separability Clause.** If any provision of this Ordinance is declared unconstitutional or invalid, the remaining provisions not affected thereby shall remain in full force and effect.

**Section 20. Repealing Clause.** All provincial ordinances, resolutions, rules, regulations, or other issuances inconsistent with this Ordinance are hereby repealed or modified accordingly.

**Section 21. Effectivity.** This Ordinance shall take effect fifteen (15) days after a copy thereof is posted at the bulletin board at the entrance of the Provincial Capitol and in at least two (2) other conspicuous places in the Province, unless a later date is specified herein, in accordance with Section 59 of Republic Act No. 7160. Publication shall additionally be made whenever required by Section 59 or another applicable law. The Secretary to the Sangguniang Panlalawigan shall ensure the required posting, publication, recording, and transmittal of the approved Ordinance.



Republic of the Philippines  
PROVINCE OF LEYTE  
OFFICE OF THE SANGGUNIANG PANLALAWIGAN  
Palo, Leyte  
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COMMITTEE ON RULES, LAWS and PRIVILEGES  
COMMITTEE REPORT  
No. \_\_ S. 2026

**Subject:** An Ordinance Institutionalizing the Leyte Smoke-Free and Vape-Free Program, Creating the Provincial Smoke-Free and Vape-Free Council, and Providing for Its Implementation, and for Other Purposes

**Author:** Hon. Raissa J. Villasin

Prepared by: Committee on Rules, Laws and Privileges

Chairperson: Atty. Ronnan Christian “Bolingling” Reposar

Vice-Chairperson: Atty. Carlo P. Loreto

Members: Hon. Wilson Uy, Hon. Michael L. Cari, Hon. Ma. Martina L. Gimenez

## I. Test of Validity

Philippine jurisprudence recognizes that local ordinances enjoy a presumption of validity, but an ordinance may be invalidated when it is irreconcilable with the Constitution or a statute, contrary to morality or settled public policy, prohibitory of lawful trade rather than regulatory, unfair or oppressive, partial or discriminatory, or unreasonable. Local authority cannot be used to prohibit or regulate in a manner that contradicts an activity or allocation of authority established by national legislation.

| Validity Test                                  | Committee Finding                                                                                                                                                                                                                                                               |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Authority and proper subject                   | Satisfied. The measure concerns provincial public health, intergovernmental coordination, provincial facilities, technical assistance, and program administration. These matters fall within the Province’s general-welfare and service-delivery role, subject to national law. |
| Consistency with the Constitution and statutes | Satisfied. The ordinance adopts national standards by reference and expressly disclaims any transfer, duplication, or diminution of national regulatory authority.                                                                                                              |

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| <b>No creation of unauthorized crimes or penalties</b>  | Satisfied. Sections 6, 15, 17, and 18 state that prohibited conduct and sanctions arise only from an applicable national law or a valid ordinance of the component city or municipality having jurisdiction. Executive and implementing issuances guide implementation but are not treated as independent sources of criminal liability. |
| <b>Reasonableness, fairness, and non-discrimination</b> | Satisfied. Program duties are tied to legitimate public-health objectives and do not single out a person or class for unequal treatment. The measure favors education, cessation, monitoring, and referral over new coercive restrictions.                                                                                               |
| <b>Due process and definite standards</b>               | Substantially satisfied. The revised referral provision identifies the proper receiving authorities and withholds citation, seizure, inspection, sanctioning, and adjudicatory powers unless expressly granted by law.                                                                                                                   |
| <b>Procedural validity and effectivity</b>              | Capable of compliance. Section 21 states the ten-day posting rule under Section 59 of Republic Act No. 7160 and preserves any additional publication requirement. Final validity still depends on actual compliance with enactment, approval or veto, review, posting, publication when required, recording, and transmittal procedures. |

## II. Implementability Assessment

The Ordinance is implementable because it identifies a lead office, establishes a coordinating council, defines voting and quorum rules, requires a time-bound IRR and implementation plan, provides measurable monitoring subjects, authorizes lawful funding, and creates a referral pathway to agencies with actual enforcement jurisdiction. Its reliance on existing national prohibitions avoids duplication and reduces litigation risk. Republic Act No. 9211 supplies the national tobacco-control policy and prohibitions; Republic Act No. 11900 regulates vaporized nicotine, non-nicotine, and novel tobacco products; Republic Act No. 8749 recognizes area-based environmental responsibility and clean-air protection; and Executive Order No. 26 directs implementation of smoke-free environments.

## III. Comparative Table of Amendments and Additions

| Section / Subject                        | Original Text or Status                                                                                                                                                                           | Suggested Amendatory Text Incorporated in the Ordinance                                                                                                                                | Legal and Implementation Explanation                                                                                                                                            |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 3 — Scope and Application</b> | “This Ordinance shall apply to the programs, policies, activities, and facilities under the jurisdiction or administrative responsibility of the Provincial Government of Leyte.” The prior draft | “This Ordinance shall apply to programs, policies, activities, personnel, offices, and facilities under the jurisdiction or administrative responsibility of the Provincial Government | The amendment defines the Province’s administrative reach and expressly limits the ordinance to a coordinating and programmatic framework. It reduces the risk of conflict with |

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|                                                                             | <p>did not expressly state that the measure was framework-only.</p>                                                                                              | <p>of Leyte. It shall establish the provincial framework for coordination, technical assistance, health promotion, cessation support, monitoring, and referral in relation to tobacco and vape control. It shall not create offenses, prohibitions, regulatory standards, or penalties distinct from those established by applicable national laws or by valid ordinances enacted by the component cities and municipalities within their respective authority.”</p> | <p>national regulation and preserves the legislative jurisdiction of component cities and municipalities.</p>                                                                                                                                                                                                                                |
| <p><b>Section 6 —<br/>Heading and<br/>Controlling Legal<br/>Sources</b></p> | <p>“Section 6. Prohibited Acts.” The introductory sentence stated: “The following shall be prohibited, subject to applicable national laws and regulations:”</p> | <p>“Section 6. Compliance with National Prohibitions.” For provincial implementation, monitoring, and referral, listed acts are treated as prohibited only when and to the extent prohibited by Republic Act Nos. 9211, 11900, and 8749, other applicable national laws, duly issued implementing rules, or a valid ordinance of the local government unit having jurisdiction. Executive Order No. 26, Series of 2017, guides implementation</p>                    | <p>The revised heading and text prevent the section from being construed as an independent penal enactment. Statutes and valid ordinances remain the controlling sources of prohibited conduct, while executive and administrative issuances are treated as implementation guides rather than independent sources of criminal liability.</p> |

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|                                                |                                                                                                                                                                                               | only to the extent consistent with those laws and regulations.                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                          |
| <b>Section 6(d) — Obstruction</b>              | The prior draft broadly prohibited “obstructing or interfering with the lawful implementation of this Ordinance or applicable national laws,” and later referred to “a comparable violation.” | “Obstruction, interference, or refusal to comply, but only when the specific act constitutes an offense expressly defined and penalized by an applicable national law or a valid ordinance of the local government unit having jurisdiction.”                                                                                             | The amendment removes an undefined residual category and prohibits enforcement by analogy. Liability can arise only when an existing law or valid local ordinance already defines and penalizes the specific conduct, consistent with due process and the requirement that penal provisions be definite. |
| <b>Section 6 — Non-Creation Clause</b>         | “Nothing in this Section shall be interpreted as creating a separate standard that is inconsistent with applicable national laws and regulations.”                                            | “Nothing in this Section shall be interpreted as creating an offense, prescribing an additional element of an offense, enlarging an existing prohibition, or authorizing the imposition of a penalty beyond that provided by applicable national law or by a valid ordinance of the component local government unit having jurisdiction.” | The amendment directly addresses criminal-law and delegation concerns. It prevents provincial implementers from enlarging the elements or consequences of offenses created by a competent legislative authority.                                                                                         |
| <b>Section 7 — Initial Implementation Plan</b> | No corresponding time-bound implementation-plan provision appeared in the original draft.                                                                                                     | Within ninety days from effectivity, and after approval of the IRR under Section 15, the Provincial Health Office shall prepare an initial implementation plan for Council approval. The plan must identify                                                                                                                               | The addition converts broad policy objectives into assigned, measurable, funded, and reviewable work. Sequencing the plan after the IRR avoids inconsistent procedures and clarifies that the                                                                                                            |

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|                                              |                                                                                                                                                                                                                                                                 | measurable targets, responsible offices, coordination and referral arrangements, resource requirements, communications and cessation support, and monitoring and reporting schedules, and must be reviewed annually.                                                                                                                                                                                                                                                                                                                        | Health Office prepares the plan while the Council approves it.                                                                                                                                          |
| <b>Section 8 — Council Operating Rules</b>   | The original draft created the Council and listed its members but did not specify meeting frequency, voting membership, quorum, voting rules, appointment of sectoral representatives, the status of invited participants, or internal governance requirements. | The Council shall meet at least quarterly. Members in paragraphs (a) to (o), or their permanent alternates, are voting members; a majority of incumbent voting members constitutes a quorum; decisions require a majority of voting members present. Sectoral representatives shall be selected and appointed under internal rules, invited participants are non-voting advisers, and the Council must adopt rules on notices, agendas, records, alternates, working groups, conflicts of interest, and access to non-confidential reports. | The addition supplies the minimum governance rules necessary for valid collective action, continuity despite absences or vacancies, transparent sectoral appointments, and accountable decision-making. |
| <b>Section 13 — Monitoring and Reporting</b> | The prior draft stated generally that the monitoring mechanism would include implementation status, program                                                                                                                                                     | The monitoring mechanism now covers implementation status by office and participating local government unit;                                                                                                                                                                                                                                                                                                                                                                                                                                | The amendment links monitoring to the ordinance's objectives and makes annual review evidence-based. It also confines                                                                                   |

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|                                                         | accomplishments, identified gaps, and recommendations.                                                                        | completion of prevention, education, cessation, referral, and capacity-building activities; service coverage and use; conditions in provincial facilities; enforcement referrals; resource utilization; implementation gaps; corrective actions; and privacy and confidentiality safeguards.                                                                                                                                                                                                      | provincial monitoring to program performance and referrals rather than unauthorized adjudication or enforcement.                                                                                                                                                           |
| <b>Section 14 — Referral and Coordination Procedure</b> | No detailed referral procedure or express limitation on coercive acts by provincial personnel appeared in the original draft. | The Provincial Health Office must maintain a documented referral procedure. Matters are transmitted to the provincial office, component local government unit, or national agency having jurisdiction. Provincial personnel may not issue citations, impose sanctions, conduct regulatory inspections, seize property, or exercise coercive authority unless expressly authorized by law. The IRR must address documentation, timelines, feedback, retention, due process, privacy, and evidence. | The provision makes complaints and observations administratively actionable while preserving the jurisdiction of lawful enforcement bodies. It protects due process and prevents the program from informally assuming police, inspection, seizure, or adjudicatory powers. |

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| <b>Section 15 — IRR Preparation, Adoption, and Limits</b>                   | <p>The prior draft directed the Council, through the Provincial Health Office, to formulate the IRR within sixty days and contemplated approval by the Provincial Health Board. Its limitation referred generally to operational, administrative, technical, monitoring, and coordination details.</p> | <p>Within sixty (60) days from the effectivity of this Ordinance, the Council, through the Provincial Health Office, shall prepare the proposed Implementing Rules and Regulations and submit them to the Provincial Health Board for review. After review said draft IRR shall be submitted to the Governor for approval through appropriate administrative action or issuance of an executive order.</p>                                                                             | <p>The amendment assigns review by provincial health board and action by the executive to guard against unlawful subdelegation. Implementing rules may fill administrative details but cannot amend the ordinance, create crimes, or confer coercive powers absent statutory authority.</p>                                                                            |
| <b>Section 18 — Treatment of Violations and Referral under Existing Law</b> | <p>No separate penalty clause appeared in the original draft, while the former prohibited-acts section could have been read as defining local offenses.</p>                                                                                                                                            | <p>No independent criminal or administrative offense is created. A penalty applies only where an offense is expressly defined and penalized by Republic Act Nos. 9211, 11900, or 8749, another applicable national law, or a valid ordinance of the component city or municipality having jurisdiction. The controlling law supplies the sanction, procedure, and enforcing authority. Executive Order No. 26 and implementing rules guide implementation but do not independently</p> | <p>The addition aligns the penalty treatment with the user's stated intent that the ordinance create a framework rather than an additional crime. It preserves statutory and valid local penalties, competent enforcement and adjudication, and lawful administrative discipline, while preventing punishment based solely on this framework ordinance or its IRR.</p> |

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|                                 |                                                                                                                                                | create a crime or penalty. Suspected violations are referred to the lawful authority, ordinary personnel accountability is preserved, and any future provincial penal provision requires an amendatory ordinance compliant with Republic Act No. 7160.                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Section 21 — Effectivity</b> | “This Ordinance shall take effect fifteen (15) days after publication in a newspaper of general circulation or posting in conspicuous places.” | “This Ordinance shall take effect fifteen (15) days after a copy thereof is posted at the bulletin board at the entrance of the Provincial Capitol and in at least two (2) other conspicuous places in the Province, unless a later date is specified herein, in accordance with Section 59 of Republic Act No. 7160. Publication shall additionally be made whenever required by Section 59 or another applicable law. The Secretary to the Sangguniang Panlalawigan shall ensure the required posting, publication, recording, and transmittal of the approved Ordinance.” | <p>The amendment states a determinate statutory effectivity rule, preserves additional publication requirements where applicable, and assigns administrative responsibility for documentary compliance. Actual compliance remains essential to enforceability.</p> <p>Deleted publication in a newspaper since the same the ordinance does not define a new crime and penalties therefore are based on the relevant existing</p> |

#### IV. Committee Recommendation

The Committee recommends approval of the proposed Ordinance. As revised, the measure is principally a public-health governance and implementation framework: it organizes provincial coordination, technical assistance, prevention, cessation, monitoring, reporting, and referral without creating an independent crime or displacing powers vested by national law in national agencies or component local government units. This design is reasonably related to the Province's general-welfare and public-health responsibilities under Republic Act No. 7160 and complements the national regimes under Republic Act Nos. 9211, 11900, and 8749 and Executive Order No. 26, Series of 2017.

Prepared by: **Committee on Rules, Laws and Privileges**

**HON. ATTY. RONNAN CHRISTIAN M. REPOSAR**

Chairperson

**HON. ATTY. CARLO P. LORETO**

Vice Chairperson

**HON. WILSON S. UY**

Member

**HON. MICHAEL L. CARI**

Member

**HON. MA. MARTINA L. GIMENEZ**

Member

Attested by:

**FLORINDA JILL S. UYVICO**

Secretary to the Sanggunian