Item No.: 08
Date: NOV 25 2026
PROVINCE OF LEYTE
LEGAL OFFICE
RELEASED
By:
Date: 11.16.26 Time:

Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE

Sangguniang Panlalawigan
Province of Leyte
RECEIVED
Date: NOV 17 2026
By:

2nd INDORSEMENT
August 18, 2026

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 11 of the Sangguniang Bayan of Tunga , Leyte.

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Section 447(a)(1)[1] of the Local Government Code of 1991 (R.A 7160) in consonance with Republic Act 9211[2]. 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 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

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[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, and shall:*
(1) Approve ordinances and pass resolutions necessary for an efficient and effective municipal government

[2] *Tobacco Regulation Act of 2003*

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

PROVINCE OF LEYTE
LEGAL OFFICE
RECEIVED
By:
Date: 8.12.26 Time: 9AM

1ST INDORSEMENT
11 August 2026

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 11, series of 2026** of the **Municipality of Tunga, Leyte**, entitled: **An Ordinance prohibiting the use, sale, distribution, and advertisement of cigarettes and other tobacco products, electronic nicotine and non-nicotine delivery system, heated tobacco products and other novel tobacco products, in certain places, imposing penalties for violations thereof and providing funds therefor, to instill health consciousness and for other purposes.**

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF TUNGA

OFFICE OF THE SANGGUNIANG BAYAN

August 10, 2026

Sangguniang Panlalawigan
Province of Leyte
RECEIVED
Date: AUG 10 2026
By: 3:12pm

HON. LEONARDO JAVIER JR.
Vice-Governor/Presiding Officer
Sangguniang Panlalawigan
Province of Leyte

Thru: THE SECRETARY TO THE SANGGUNIAN

Sir:

Respectfully submitting herewith fifteen (15) copies of the following municipal ordinances, together with their supporting documents for review and approval:

1. **Municipal Ordinance No. 09, Series of 2026** – AN ORDINANCE ADOPTING TRAFFIC RULES AND REGULATIONS FOR IMPLEMENTATION IN THE MUNICIPALITY OF TUNGA, AND TO REGULATE TRAFFIC ALONG RIZAL STREET FROM NATIONAL HIGHWAY GOING TO BARANGAY SAN PEDRO AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.
2. **Municipal Ordinance No. 10, Series of 2026** – AN ORDINANCE PROHIBITING THE PAWNING, LENDING, OR UNAUTHORIZED USE OF PANTAWID PAMILYANG PILIPINO PROGRAM (4Ps) CASH CARD AS COLLATERAL, PROVIDING PENALTIES THEREOF, AND FOR OTHER PURPOSES.
3. **Municipal Ordinance No. 11, Series of 2026** – AN ORDINANCE PROHIBITING THE USE, SALE, DISTRIBUTION, AND ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS, ELECTRONIC NICOTINE AND NON-NICOTINE DELIVERY SYSTEM, HEATED TOBACCO PRODUCTS AND OTHER NOVEL TOBACCO PRODUCTS, IN CERTAIN PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR, TO INSTILL HEALTH CONSCIOUSNESS AND FOR OTHER PURPOSES.
4. **Municipal Ordinance No. 12, Series of 2026** – AN ORDINANCE BANNING DRINKING OF LIQUOR AND INTOXICATING BEVERAGES IN PUBLIC AREAS IN THE MUNICIPALITY OF TUNGA, LEYTE.
5. **Municipal Ordinance No. 13, Series of 2026** – AN ORDINANCE PROHIBITING THE ACT OF BEING TOPLESS OR HALF-NAKED IN PUBLIC PLACES WITHIN THE MUNICIPALITY OF TUNGA, LEYTE.
6. **Municipal Ordinance No. 14, Series of 2026** – AN ORDINANCE REGULATING THE USE OF VIDEOKE MACHINES AND OTHER AMPLIFIED AUDIO DEVICES IN THE MUNICIPALITY OF TUNGA, LEYTE.

Please acknowledge receipt hereof.

Thank you.

Very truly yours,

NAOMI C. ARCALLANA
Secretary to the Sanggunian

REPUBLIC OF THE PHILIPPINES
Province of Leyte
MUNICIPALITY OF TUNGA
-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 52ND REGULAR SESSION OF THE SANGGUNIANG BAYAN, TUNGA, LEYTE HELD ON JULY 20, 2026 AT THE SB SESSION HALL.

PRESENT:

Hon. Lemuel G. Ponferrada	-	Municipal Vice-Mayor/Presiding Officer
Hon. Martiniano F. Requiez	-	SB Member
Hon. Herman A. Ayuste	-	SB Member
Hon. Marietta A. Catalo	-	SB Member
Hon. Cielito O. Esquibel	-	SB Member
Hon. Jose Capoporo A. Uribe	-	SB Member
Hon. Joselito L. Arintoc	-	SB Member
Hon. Rex S. Ergina	-	SB Member
Hon. Juanito G. Fallorina, Jr.	-	SB Member
Hon. Florentina A. Obsequio	-	Ex-Officio Member/Liga President
Hon. Leo Van C. Delgado	-	Ex-Officio Member/SK Fed. President

RECEIVED
Date: AUG 10 2026
By: 3:12pm

ABSENT:
None

MUNICIPAL ORDINANCE NO. 11
Series of 2026

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

Sponsors: Hon. Cielito O. Esquibel
Hon. Marietta A. Catalo
Hon. Juanito Fallorina Jr.

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.

WHEREAS, Republic Act No. 9211 otherwise known as the Tobacco Regulation Act of 2003, prohibits smoking in certain public places whether enclosed or outdoors in certain places; prohibits the purchase of sale of cigarettes and other tobacco products to and by minors and in certain places frequented by minors; imposes bans and restrictions on advertising, promotions, and sponsorship activities of tobacco companies, and directs local government units to implement these provisions.

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

WHEREAS, the Civil Service Commission - Department of Health Joint Memorandum Circular No. 2010-01 prohibits government officials and personnel from interacting with the tobacco industry and those representing their interests unless strictly necessary to effectively regulate, control, or supervise them;

WHEREAS, RA 11223 otherwise known as the Universal Health Care Act of 2019 directs local government units to enact stricter ordinances that strengthen and broaden existing health policies and implement effective programs that promote health literacy and healthy lifestyle among their constituencies to advance population health and individual well-being, reduce the prevalence of non-communicable diseases and their risk factors, particularly tobacco and alcohol use

WHEREAS, upon the passage of RA 11900, also known as the "Vaporized Nicotine and Non-Nicotine Products Regulation Act", which lapsed into law in July 2022, regulating the importation, manufacture, sale, packaging, distribution, and use of vapor products (e-cigarettes) and heated tobacco products, there is a need to revise the 2019 Ordinance Prohibiting the Use, Sale and Distribution and Advertisement of Cigarettes and other Tobacco Products to include Electronic Nicotine and Non-Nicotine Delivery System, Heated Tobacco Products and other Novel Tobacco Products;

WHEREAS, the Municipality of Tunga, Leyte recognizes that local governments must act with urgency to denormalize the culture of tobacco consumption, smoking and vaping through comprehensive and proven effective tobacco control measures to immediately address the increasing incidence of tuberculosis and other illnesses relative to the effect of exposure to harmful chemical and emissions that pose risks to health while providing a supportive environment to those attempting to quit smoking and vaping;

BE IT ORDAINED by the Sangguniang Bayan of Tunga, Leyte in regular session assembled that:

Section 1. TITLE.

This Ordinance shall be known as the "Tunga Comprehensive Smoke-Free and Vape-Free Environment Ordinance."

Section 2. PURPOSE.

It is the purpose of this Ordinance to safeguard public health and ensure the well-being of all its constituents from the harmful effects of smoking, tobacco consumption and vaping.

Section 3. COVERAGE.

This Ordinance shall apply to all persons, natural or juridical, resident or non-resident, and in all places, found within the territorial jurisdiction of the Municipality of Tunga.

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

a. **Advertising and promotion** - means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting tobacco products, ENDS/ENNDS, HTPs, or their components, or the use thereof, either directly or indirectly.
b. **Civil Society Organization** – 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-government organizations (NGOs), community groups, women's organizations, faith-based organizations, professional associations, coalitions and advocacy groups duly recognized by the Office of the Mayor; provided such organization, institution or association is not directly or indirectly related to, connected and/or associated with, recipients or conduits of, or act as front groups of the tobacco and/or electronic cigarettes industry.
c. **Designated Smoking/Vaping Area (DSVA) –** refers to an outdoor space, duly approved by the Municipal Health Officer where smoking and/or vaping may be allowed without violating this ordinance, subject to specific requirements.
    1) *It shall be located in an open space outside the building with no permanent or temporary roof or walls.*
    2) *It is not located in or within ten (10) meters from entrance, exits, or any place where people pass or congregate, or in front of air intake ducts.*
    3) *It shall not have an area larger than 10 square meters.*
    4) *Food or drinks are not served.*
    5) *No building shall have more than one designated smoking/vaping area.*
    6) *The entry of persons below the age of 21 shall not be allowed.*
    7) *Highly visible signages with the following messages should be prominently displayed:*
        a) *"Smoking/Vaping Area" signage with a message showing "Persons below 21 is not allowed within these premises"*
        b) *Graphic health warnings on the effects/harms of tobacco, electronic cigarettes and heated tobacco use or exposure*
        c) *Information on cessation hotline and/or cessation/services.*
    8) *It shall not be located in places where absolute smoking/vaping bans are in effect, such as, but not limited to: centers of children and youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for persons under twenty-one (21) years old; elevators and stairwells; locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials; within the buildings and premises of public and private hospitals, medical, dental, and optical clinics, health centers, nursing homes, dispensaries and laboratories; food preparation areas; public conveyances and in enclosed, partially enclosed and outdoor areas of transport terminals that are near entrances and exits or where people pass or congregate; within the buildings of all government facilities and premises of all offices of the Department of Health, Department of Education, Commission on Higher Education, Department of Social Welfare and Development and the Civil Service Commission, and shall likewise include parks, plazas, playgrounds, sports and recreational facilities, and other facilities*

where are absolute smoking/vaping ban is imposed under special laws, ordinances, administrative and executive orders, memorandum circulars and related policies.

9) *It shall have a receptacle for proper disposal of refuse from tobacco products or disposable components of electronic devices.*

d. **Electronic Nicotine and Non-Nicotine Delivery System (ENDS/ENNDS)** - refers to a battery-operated device that heat e-liquids or refills which may or may not contain nicotine to produce aerosol, mist or vapor that users inhale by mimicking the act of smoking. They are also commonly known as **electronic cigarettes (e-cigarettes), vapor products,** vapes, vape pens, electronic shisha (e-shisha), mods and other similar or related devices.

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

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

g. **Minimum Legal Age (MLA) –** refers to twenty-one (21) as the minimum age at which a person is legally allowed to use, sell or purchase tobacco or electronic cigarette products within the allowed area of the territorial jurisdiction of Municipality of Tunga, Leyte.

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

i. **Outdoor Advertisement –** refers to any sign, model, placard, board, billboard, banner, bunting, poster, streamer, paint-on, light display, video/digital display, apparel, device, structure or representation, used outdoors and wholly or partially visible from the outside to advertise or promote a tobacco product/ENDS/ENNDS/HTPs or their components, or the use thereof, either directly or indirectly to the public.

j. **Person-in-charge –** refers to the president/manager in case of the company, corporation, partnership or association; the owner/proprietor/operator in case of a single proprietorship; the administrator in case of government property, facility, office or building; the owner/driver/operator/conductor/captain in case of public conveyances; and the DepEd Division Superintendent/ In-charge and school heads/principals in case of public schools.

k. **Point-of-sale –** refers to a physical area where tobacco/electronic cigarette and heated tobacco products or their components are sold and bought.

l. **Public conveyance –** refers to modes of transportation servicing the general population, such as but not limited to, elevators, jeepneys, multicabs, vans, tricycles and other means of public transport.

m. **Public place –** means all places, fixed or mobile, that are accessible or open to the public or places for collective use, regardless of ownership or right to access, including but not limited to, schools, workplaces, government facilities, establishments that provide food and drinks, accommodation, merchandise, professional services, entertainment or other services. It also includes outdoor spaces where facilities are available for the public or where a crowd of people would gather, such as, but not limited to, playgrounds, sports grounds or centers, church grounds, health centers, transportation terminals, markets, parks, resort, walkways/sidewalks, entrance ways, waiting areas, cockpit arena and all public roads and bridges.

n. **Second-hand smoke (SHS)/Second-hand vaping aerosol (SHVA) –** means the smoke, aerosol or emission coming from the burning end/heated component of a cigarette/other tobacco products including heated tobacco products, and electronic cigarettes and other similar devices, usually in combination with the smoke, aerosol or emission exhaled by the smoker/vaper.

o. **Smoke-free-air –** refers to the air that is 100% free from tobacco smoke, but is not limited to, the air in which tobacco smoke cannot be seen, smelled, sensed or measured. Similarly, **vape aerosol-free-air** refers to the air that is 100% free from vaping (e-cigarette) aerosol.

p. **Smoking –** means being in possession or control of a lit tobacco product regardless of whether or not the smoke or emission is being actively inhaled or exhaled, or the act of inhaling and exhaling the smoke or aerosol produced by a heated tobacco product (HTPs) or other similar devices.

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

r. **Tobacco Product** - means products entirely or partly made of the leaf tobacco as raw material which is manufactured to be used for smoking, sucking, chewing or snuffing, such as but not limited to cigarette, cigar, pipe, shisha / hookah and chew tobacco. This likewise applies to heated and smokeless tobacco products, traditional and novel tobacco products, and related consumer products.

s. **Tobacco Industry** - refers to organizations, entities, associations, and individuals that work for on in 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, but not limited to lawyers, scientists, and lobbyists that work to further the interests of the tobacco industry* that compete with those of tobacco control. In a similar context, those that belong to or work to further the interests of those involved in electronic cigarette products are referred to as the **Electronic Cigarette (E-Cigarette) Industry**.

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

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

v. **Workplace** - means any place used by people during their employment or work, whether done for compensation or voluntarily, including all attached or associated places commonly used by the workers in the course of their work (for example, corridors, elevators, stairwells, toilets, lobbies, lounges). Vehicles used in the course of work are considered workplaces.

Section 5. Prohibited Acts. — The following acts are declared unlawful and prohibited by this ordinance:

USE, SALE, DISTRIBUTION, ADVERTISING AND PROMOTION

a. Smoking and/or vaping in enclosed or partially enclosed public places, workplaces, public conveyances (whether mobile or stationary), or other public places, such as those enumerated under Section 4 (l), except in Designated Smoking/Vaping Areas duly approved and fully compliant with the requirements under Section 4 (c);

b. For persons-in-charge to allow, abet or tolerate smoking and/or vaping in places enumerated in the preceding paragraph, outside of the duly approved Designated Smoking/Vaping Area under Section 4 (c);
c. Selling, distributing or purchasing tobacco, electronic cigarette, and heated tobacco products and/or its component to or from persons below age twenty-one (21). (Proof of Age Verification - In case of doubt as to the age of the buyer, retailers shall verify by means of a valid form of photographic identification and proof of age card containing the date of birth of the bearer (i.e. driver's license, passport, voter's ID) that no individual purchasing tobacco, electronic cigarette or heated tobacco product is below the age of 21 as per this ordinance);
d. Use, sale or purchase of tobacco, electronic cigarette, and heated tobacco products and/or its components by persons below age 21;
e. Ordering, instructing or compelling a person below age 21 to use, light up, buy, sell, distribute, deliver, advertise or promote tobacco, electronic cigarette, and heated tobacco products;
f. Selling or distributing tobacco, electronic cigarette, and heated tobacco products and/or its components in a school, public playground, or other facility frequented by persons below age **21,** health facilities or within premises of a government facility, establishments that serve food and drinks or provide accommodation and entertainment;
g. Selling tobacco, electronic cigarette and heated tobacco products and/or its components without a valid municipal business permit and license to sell;
h. Manufacturing, distributing, marketing or selling of unregistered or adulterated electronic cigarettes and components thereof in the form of devices, e-liquids, solutions or refills whether physically part of or intended to be used with electronic cigarettes, heated tobacco products and other novel tobacco products;
i. Selling of e-liquids, solutions or refills forming components of electronic cigarettes or heated tobacco products, without prejudice to the registration requirements that may be set forth by the Food and Drug Administration in accordance with R.A. Nos. 9711 and 11467;
j. Selling of devices forming components of electronic cigarettes or heated tobacco products not compliant with product standards that may be imposed by the Department of Trade and Industry and the Food and Drug Administration in accordance with R.A. Nos. 7394 and 11467;
k. Manufacturing, distributing, importing, marketing and selling of electronic cigarettes, heated tobacco products or their components, without prejudice to the licensing requirements that may be set forth by the Food and Drug Administration;
l. Importing unregistered or adulterated electronic cigarettes, heated tobacco products or components thereof;
m. Selling of tobacco, electronic cigarette, and heated tobacco products and/or its components removed from its original product packaging or sold as individual pieces or per stick, or in packs containing less than 20 sticks/pieces in case of tobacco.
n. products and heated tobacco product refills/heat sticks; Selling tobacco, electronic cigarette, and heated tobacco products and/or its components without the appropriate government-issued health warning;
o. Selling or distributing of sweets, snacks, toys, accessories, apparel or any other objects in the form of or bearing resemblance to the logo, insignia, packaging or distinguishable design elements of tobacco, electronic cigarette, heated tobacco.
p. products and/or it's their components, including imitations thereof, which may appeal to persons below age 21;

q. Placing cinema or outdoor advertisements of tobacco, electronic cigarette and heated tobacco products and/or its components;
r. Placing, posting, displaying, wearing or distributing advertisement and promotional materials of tobacco, electronic cigarette, and heated tobacco products and/or their components, such as but not limited to leaflets, posters, display structures, video/digital displays, accessories, apparel and other materials within an establishment when such establishment, or its location, is prohibited or not licensed to sell and distribute tobacco, electronic cigarette, heated tobacco products, and/or their components, and are not adult-only establishments;
s. Conducting promotional activities, campaigns, events, product sampling, and other similar activities where the establishment or its location prohibits selling, distributing and purchasing of tobacco, electronic cigarette, heated tobacco products, and its components, and where persons below age 21 are allowed entry;
t. Displaying and placing tobacco, electronic cigarette and heated tobacco products and/or its components in open store shelves/racks, except in enclosed, opaque and single-colored storages/containments.

ONLINE SALE, DISTRIBUTION, ADVERTISING AND PROMOTION

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

ENGAGEMENT AND SPONSORSHIP INVOLVING THE TOBACCO/E-CIGARETTE INDUSTRY

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

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

a. Prominently post and display the "No Smoking/No Vaping" symbol, in the locations most visible to the public in the areas where smoking and vaping is prohibited. At the very least, the "No Smoking/No Vaping" signage must be posted at the entrance to the area, which shall be at least 8 x 11 inches in size, where the symbols shall occupy no less than 60% of the signage. The remaining 40% of the signage shall show the pertinent information/precautionary statement, as follows:

(Sample only)



STRICTLY NO SMOKING AND NO VAPING

As per MUNICIPAL ORDINANCE NO. _____

Violators can be fined up to P3,000.00

Report violations to [HOTLINE Number/Online Contact Info] as for the Designated Smoking/Vaping Area (DSVA), after complying with the specifications in Section 4 (c), prominently display the following elements in the signage:

"DESIGNATED SMOKING/VAPING AREA" or "SMOKING/VAPING AREA"
"Persons below **21** not allowed within these premises"

Place Graphic/Picture-Based Health Warning on the effects or health risks of tobacco, electronic cigarette and heated tobacco product use within the signage]
[if available, place the number of Smoking Cessation Hotline/Online Contact Info]

b. Prominently post and display the "No Smoking/No Vaping" signage in the most conspicuous location within the public conveyance. At the very least, a three and a half (3.5) square inch "No Smoking/No Vaping" signage shall be placed on the windshield and a ten (10) square inch "No Smoking/No Vaping" sign at the driver's back seat;
   Remove from all places where smoking and/or vaping is prohibited all ashtrays and any other receptacles for disposing of cigarette, electronic cigarette, and heated tobacco refuse;
c. For persons-in-charge of government property, facility, office or building, secure a certification/permit from the duly authorized officer or representative of the Civil Service Commission after inspection and approval prior to establishing a Designated Smoking/Vaping Area (DSVA);
d. For person-in-charge of commercial establishments/buildings or other non-government facilities intending to establish a DSVA, secure a certification/ permit from the Municipal Engineer and Health Officer after complying with the requirements for a DSVA, as stated in Section 4 (c);
e. For persons-in-charge of schools, public playgrounds or other facilities frequented by persons below age 21, and health facilities, post the following statement in a clear and conspicuous manner:

SELLING, ADVERTISING AND PROMOTING CIGARETTES, ELECTRONIC CIGARETTES, HEATED TOBACCO, OTHER TOBACCO PRODUCTS, AND/OR ITS COMPONENTS NOT ALLOWED WITHIN 100 METERS FROM ANY POINT IN THE PERIMETER
OF
[NAME of SCHOOL / PLAYGROUND / FACILITY FOR PERSONS BELOW 21 / HEALTH FACILITY / ETC.]

f. For persons-in-charge of schools, public playgrounds or other facilities frequented by persons below age 21, and health facilities, report to the Smoke/Vape-Free Task Force any sale, advertisement or promotion of tobacco, electronic cigarette, heated tobacco products, and/or any of its components located within 100 meters from its perimeter;
g. For persons-in-charge of establishments intending to sell tobacco/electronic cigarette, heated tobacco products, and/or any of its components secure a valid business permit and license to sell in retail or wholesale from the municipality's Business Permits and licensing Office, and shall comply with all essential requirements as directed by other regulatory agencies, if applicable;
h. For persons-in-charge of approved point-of-sale establishments, post the following notice, together with a graphic/picture-based health warning on the health consequences of tobacco, electronic cigarette, and heated tobacco use and exposure, as prescribed by the Municipal Health Office, in a clear and conspicuous manner:

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

i. For persons-in-charge of approved point-of-sale establishments, remove all forms of tobacco, electronic cigarette and heated tobacco product, and/or any of its components' advertisement/promotions paraphernalia prohibited by this Ordinance;
j. For persons-in-charge of approved point-of-sale establishments, secure approval from the Municipal Health Office for storages or containments of tobacco/electronic cigarette/heated tobacco product, and/or any of its components. Only a listing of the available product's/component's brands/variants sold at the point- of-sale establishment is allowed to appear outside of the storage or containment, where such listing shall only be written/printed in any plain font, and without any recognizable product or brand typefaces, logo, indicia or markings. Such list shall not occupy more than (25%) of the exposed side of the storage or containment;
k. For persons-in-charge of approved point-of-sale establishments, ensure that storages or containments of tobacco/electronic cigarette/heated tobacco product and/or its components are opened only by the store personnel/manager at the counter during actual purchase, or when being replenished, cleaned or inspected;
l. Establish internal procedures and measures through which this Ordinance shall be implemented and enforced within the area of which he or she is in charge. This includes compliance with smoking and/or vaping sales, distribution, advertising and promotions restrictions (i.e. warning smoking/vaping violators in banned areas and requesting them to stop smoking/vaping, and if they refuse to comply, asking them to leave the premises, and if they still refuse to comply, reporting the incident to the Municipal Health Office, the nearest peace officer, or to any member of the Smoke/Vape-Free Task Force through its hotline or by other means);
m. Ensure that all the employees in the establishment and government offices are aware of this Ordinance and the procedure and measures for implementing and enforcing it;
n. Allow inspectors acting under Sections 14 and 15 hereof, which may include other members of the Task Force and the designated civil society organization under Section 16, entry into the establishment, public conveyance and government offices

and facilities during regular business hours for the purpose of inspecting its compliance with this Ordinance;

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

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

a. Any person or entity who commits any of the prohibited acts stated in Section 5 hereof; provided, if the violator is a minor, the apprehending officer from the Task Force shall report the incident to the school head/principal exercising jurisdiction over the violator where he shall be required to comply with disciplinary measures imposed by the school where he/she is enrolled, or endorsed to the Municipal Social Welfare and Development Office for appropriate action or intervention pursuant to Republic Act 9344 or the Juvenile Justice and Welfare Act. Should the school have no policy for offenses committed by their students outside school premises or if the violator is an out-of-school youth, the enforcer shall endorse the violator to the Municipal Social Welfare and Development Office, which may involve the parents or guardians and/or a Barangay Official where the violator is a resident, in carrying out disciplinary measures.

b. Persons-in-charge who knowingly allow, abet, authorize or tolerate the prohibited acts enumerated in Section 5, or who otherwise fails to fulfill the duties and obligations enumerated in Section 6 hereof;

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

a. Violation of Section 5 (a) & (b) Smoking/Vaping or Allowing Smoking/Vaping and Section 6 (a) to (o) Duties and Obligations of Persons-In-Charge

i. First Offense P 500.00

ii. Second Offense P 1,000.00

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

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

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

i. First Offense P 1,000.00

ii. Second Offense P 2,000.00

iii. Third and Subsequent Offenses P 2,500.00 or imprisonment for a period of seven (7) days but not to exceed thirty (30) days, or both at the discretion of the court.

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

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

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

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

e. **Community Service.** If a violator is unable to pay the penalties imposed, he or she may choose to render community service within the municipality. For every hour of community service rendered, his/her outstanding fine shall be reduced by an amount equivalent to [option 1] triple the hourly minimum wage, or, [option 2] other computations/fixed amount per hour in the municipality.

f. **No Contest Provision.** Persons who violate any provision of this Ordinance except for Section 5 (p) who do not wish to contest the violation and are willing to pay voluntarily the penalty imposed upon him/her for the first and second offenses enumerated in Section 8 a. and b. prior to the filing of a formal complaint with the proper court, shall be allowed to pay the penalty with the Municipal Treasurer's Office within five (5) working days from the day of apprehension. If after the lapse of five (5) working days, the violator has failed to present the Official Receipt of the payment of the penalties, the Task Force shall have the case filed with the Prosecutor's Office, attaching an Affidavit or Certification from the Municipal Treasurer's Office that the violator failed or did not avail of the No Contest Provision. The No Contest Provision cannot be availed for third and subsequent offenses.

g. **Subsidiary Imprisonment Provision.** Subsidiary imprisonment may be imposed by the court in the event that the violator is unable to pay the fine which he is sentenced to pay.

h. **Proper Identification.** Persons found in violation of this ordinance must present valid proof of identification. In the absence of such proof, the violator shall be brought to the nearest police station for proper identification, then to the Task Force for the payment of penalty or rendition of community service.

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

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

order to preserve its integrity and evidentiary value. Upon confiscation, the items should be appropriately marked by the apprehending officer with his initials and signature, and subsequently photographed and recorded in the inventory of the Task Force.

Section 9. Citation Ticket System. - Violators of this Ordinance shall be informed of their violation and corresponding use of a Citation Ticket System will be based on the "Municipal Citation Ticket System Ordinance of Tunga." with the following guidelines and provisions:

a) Guidelines on the Issuance of Citation Tickets

1. Citation tickets shall be issued at the time the violation is committed or immediately thereafter.
2. The citation ticket shall indicate the following:
   - *Name and address of the violator*
   - *Date, time, and place of violation*
   - *Specific ordinance and provision violated*
   - *Prescribed fine or penalty*
   - *Period and place for settlement or contest*
3. The issuing officer shall explain the nature of the violation and the options available to the violator.
4. Refusal of the violator to receive or sign the citation ticket shall not invalidate its issuance, provided that such refusal is noted therein.

b) Guidelines for Implementation

1) The Implementing Office shall ensure the proper printing, custody, and accounting of citation tickets.
2) Citation tickets shall be Serially numbered and officially recorded.
3) No enforcement officer shall collect fines or payments from violators.
4) All payments shall be made exclusively to the Municipal Treasurer's Office and covered by an official receipt.
5) Monthly reports on issued, settled, and unsettled citation tickets shall be submitted to the Municipal Mayor and the Sangguniang Bayan.

c) Settlement of Violation

1) The violator may settle the citation ticket by paying the prescribed fine within five (5) working days from issuance.
2) Payment within the prescribed period shall extinguish administrative liability.
3) If after five (5) working days from the receipt of the citation ticket the violator fails to appear or refuses to pay the fine of penalty impose by the municipal ordinance, the Chief of Police shall coordinate with the prosecutor to initiate within twenty-four (24) hours prosecution proceedings against the violator or respondent.

d) Contesting the Citation Ticket

Any violator who wishes to contest the citation ticket may file a written protest or explanation with the Tunga Auxiliary Traffic Unit (TATU) and Philippine National Police - Tunga within three (3) working days upon the issuance of citation ticket.

e) Prohibited Acts

The following acts are hereby prohibited:

- *Issuance of citation tickets by unauthorized persons*
- *Alteration, falsification. or misuse of citation tickets*
- *Collection of fines by enforcement officers*
- *Failure to properly account for issued citation tickets.*

Any violation of these Prohibited Acts subject the offender to administrative, civil, and/or criminal liability under existing laws.

Section 10. *Smoking Cessation and Livelihood Assistance Programs.* - The Municipal Health Officer, with the assistance of the Health Education and Promotion Officer or other members of the Task Force, shall develop, promote and implement a Smoking/ Vaping Cessation program and encourage the participation therein of public and private facilities which may be able to provide for its requirements. Smokers/vapers who may have developed dependence but who are willing to quit, including those who may be dual users of tobacco and electronic devices (ENDS/ENNDS/HTPs), and those found violating the smoking/vaping prohibitions of this Ordinance, may be referred to the municipality's Smoking Cessation service provider or to other facilities.

Persons involved in selling tobacco/ENDS/ENNDS/HTPs prior to the effectivity of this ordinance, such as, but not limited to, ambulant vendors, whose economic activity shall be affected or displaced by the restrictions on sales, may be referred for enrollment and given assistance in the livelihood programs of the municipality or by other appropriate agencies.

ENFORCEMENT

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

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

a. *Municipal Health Officer;*
b. *Health Education and Promotion Officer/or equivalent designate;*
c. *Municipal Engineer;*
d. *Legal Officer;*
e. *Information Officer;*
f. *Business Permits and Licensing Officer*
g. *Representative/s of one or more civil society organizations (CSO) designated by the Health Officer, under Section 16 hereof;*
h. *Philippine National Police (PNP) Chief of Police;*
i. *Municipal Treasurer*

j. *Municipal Environment and Natural Resources Officer (MENRO);*
k. *Representative/s from DepEd;*
l. *President, Liga ng mga Barangay;*
m. *Public Order and Safety Officer;*
n. *Municipal Social Welfare and Development Officer;*
o. *Human Resource and Management Officer;*
p. *Municipal Administrator/Chief of Staff*
q. *Coordinator of the Task Force Unit or Office (if other than the above officers);*
r. *Other members identified by the chair or vice-chair (whose specific function in the local government unit and role may serve to effectively implement this Ordinance)*
s. *SB Member, Chairperson, Committee on Health*

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

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

a. The **Municipal Health Officer** shall:
   1) *Make tobacco control, including the implementation of this Ordinance, a part of the health program and propose funding under the annual general budget of the local government unit or the Local Health Investment Plan;*
   2) *Establish baseline annual data on tobacco/e-cigarette use prevalence and other related studies, and recommend further action on the findings of such data;*
   3) *Monitor, together with the Sanitary Inspector, Enforcers and/or Task Force members, the compliance of this Ordinance in public places, establishments, conveyances, point-of-sale, and including the approval/disapproval of permits in Designated Smoking/Vaping Areas (DSVAs) as well as permits/licenses for tobacco/e-cigarette point-of-sale;*
   4) *Facilitate, together with the Sanitary Inspector, Enforcers and/or Task Force members, the serving of notices, citations, the imposition of fines, suspension, or revocation of permits/licenses for violations;*
   5) *Assign a hotline or any other number and email address to which violations of this Ordinance may be reported by email, phone call or SMS, or other means, and a person to operate the line and record reports, while another hotline may*

be assigned for accepting calls or messages for Smoking Cessation counseling;

6) *Develop, promote and implement a Smoking Cessation Program, stated in Section 10;*
7) *Assist other health facilities within the local government unit, together with the Sanitary Inspector, Enforcers and/or Task force members, in the monitoring of tobacco/e-cigarette products' sales, advertisements and promotions within 100 meters from the perimeter of schools, public playgrounds, facilities frequented by persons below 21 and health facilities.*

b. The **Health Education and Promotion Officer** shall:
1) *Develop and produce information, education and communication materials and conduct information awareness activities mobilizing the Community Health Team in coordination with the barangays on Tobacco Control, such as the harms of smoking and second- hand smoke/aerosol, as well as on the provisions of this Ordinance;"*
2) *Encourage constituents to monitor and report violations of this Ordinance;*
3) *Assist the Health Officer in developing, promoting and implementing a Smoking Cessation Program.*

c. The **Municipal Engineer** shall:
1) *Conduct, together with the Health Office or on its own, inspection activities as provided in this Ordinance;*
2) *Determine whether or not enclosed/partially enclosed public places, workplaces, other public places, and point-of-sale establishments, comply with this Ordinance;*
3) *Recommend the approval, suspension or revocation of licenses/permits for establishments/facilities, in compliance with this Ordinance.*

d. The **Legal Officer** shall:
1) *Assist the Task Force in reviewing reports of and complaints for violations of this Ordinance and in determining liability or appropriate cases to file;*
2) *Extend any legal assistance and/or file cases on matters pertaining to this Ordinance.*

e. The **Information Officer** shall:
1) *Assist in disseminating information pertaining to all aspects of this Ordinance including the printing and distribution of copies of this Ordinance to the public;*
2) *Make a primer summarizing the provisions of this Ordinance, and facilitate the development of related information materials and required signage;*
3) *Publicize activities and reports related to implementation and enforcement.*

f. The **Business Permits and Licenses Officer** shall:
1) *Recommend to the mayor the suspension or revocation of licenses/permits of establishments found to have violated this Ordinance, subject to the provisions of Section 8 hereof;*
2) *Deny renewal of licenses/permits of repeat violators of this Ordinance;*
3) *Establish a procedure for identifying, informing and marking establishments covered by the 100-meter ban on the sale, distribution, and advertising of tobacco/e-cigarette products.*

g. The **CSO Representative/s** shall:
1) *Assist in inspections and in monitoring violations of this Ordinance;*
2) *Assist in promoting awareness of this Ordinance and in encouraging public support and participation for its implementation and enforcement;*
3) *Assist in promoting and, if capable, implementing a Smoking Cessation Program;*

4) *Assist in developing and conducting orientation and training seminars for enforcers;*
5) *Assist in evaluating the performance of the Task Force and the effectiveness of the implementation and enforcement of this Ordinance*

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

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

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

k. The **Representative from DepED**, shall:
1) *Implement the Department/Commission Orders on the integration of tobacco control education into the school curricula;*
2) *Ensure strict compliance of the Memos and Orders on the protection of the bureaucracy from industry interference as per FCTC Article 5.3;*

3) *Ensure strict compliance of schools in enforcing 100% smoke free campuses and school facilities including the schools' vehicles;*
4) *Assist in the monitoring of tobacco/electronic cigarette products' sales, advertisements, and promotions within 100 meters from the perimeter of schools, public playgrounds and facilities frequented by persons below 21;*
5) *Ensure the posting in a clear and conspicuous manner "No Smoking/Vaping" signs, and notices for the sales ban of Tobacco Products within 100 meters from the perimeter of schools, public playgrounds, facilities frequented by persons below 21 and health facilities.*

l. The **President, Liga ng mga Barangay** shall:
1) *Assist in promoting awareness of this Ordinance in encouraging public support and participation in its implementation and enforcement;*
2) *Coordinate with all Barangay Chairpersons and the PNP, or other members of the Task Force, in monitoring violations of the Ordinance within their jurisdictions;*
3) *Provide the necessary coordination among the Barangay Kagawads, Sangguniang Kabataan (SKs) and Barangay Tanods and other enforcers for the implementation of activities pertinent to the Ordinance;*
4) *Mobilize the Community Health Teams in the barangays composed of Barangay Health Workers, Barangay Service Point Officers and Barangay Nutrition Scholars in the conduct of advocacy and information awareness activities.*
5) *Assist in the facilitation of and referrals to the Smoking/Vaping Cessation Program at the Barangay Level, if applicable.*

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

n. The **Municipal Social Welfare and Development Officer:**
1) *Assist in promoting awareness of this Ordinance in encouraging public support and participation in its implementation and enforcement;*
2) *Assist in the enforcement of this Ordinance when persons below 21 are involved;*
3) *Provide the necessary interventions for persons below 21 implicated in violations.*

o. The **Human Resources and Management Officer**:
1) *Oversee the strict implementation of smoke-free government facilities;*
2) *Oversee the strict implementation of a policy preventing industry interference, pursuant to the CSC-DOH Joint Memorandum Circular 2010-01;*
3) *Monitor, supervise and report on all concerns pertaining to tobacco/e-cigarette Industry activities, communications, and other related concerns;*
4) *Assist in matters related to tobacco control policies as it applies to the performance of functions and duties affecting government officials/personnel.*

p. The **Municipal Administrator/Chief of Staff:**
1) *Assist the Mayor in overseeing the implementation and enforcement of this Ordinance, in close coordination with other members of the Task Force;*

2) *Provide regular updates to the Municipal Mayor as to the status of implementation and enforcement of the Ordinance.*

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

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

Section 13. Enforcement on Individuals. — Members of the PNP and/or persons duly deputized by the Municipal Mayor/Task Force shall apprehend and issue Citation Tickets against persons found in violation or have failed to comply with any provision enumerated under Sections 5 and 6 hereof. They shall forward copies of the tickets they issue violators to the Municipal Treasurer's Office regularly or per week. If the violator is a minor, he or she must be turned over for dispensation of appropriate action to the nearest Municipal Social Welfare and Development Officer or its appointed designates, subject to RA No. 9344 (Juvenile Justice and Welfare Law), and/or to the school authorities at the school where the violator is enrolled, and/or to the Barangay Office where the violator is a resident, and where the parents guardians may be called. In case any valid or sufficient form of identification is not presented, he/she shall be brought to the nearest police station for proper identification, then to the Smoke/Vape-Free Task Force for the payment of penalty or rendition of community service.

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

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

A regular inspection shall thereafter be conducted at least once every month or simultaneously with other regular inspections done by the appropriate office or department, whichever is more frequent, during normal hours of operation of the establishment. The inspection team shall issue a Citation Ticket against the establishment upon finding of non-compliance with or of any violation of this Ordinance. A Citation Ticket may be issued for each day that the establishment is found to be non-compliant.

Re-inspection of the establishment shall be done on any day after the issuance of the Citation Ticket but in no case more than ten (10) working days after such issuance. If the establishment fails to comply with the obligations stated in the Citation Ticket upon re-inspection, the inspection team shall recommend the suspension of its license/permit consistent with Section 8 (d) hereof.

In the course of an inspection, the inspection team may apprehend individual violators and request the assistance of the PNP in doing so.

Section 16. Civilian Participation in Enforcement. — Within thirty (30) calendar days from the effectivity of this Ordinance, the Task Force/Health Office shall designate with the approval of the Office Municipal Mayor, one or more civil society organizations (CSO) not connected/represents interests of the tobacco/e-cigarette industry, to discharge the duties and responsibilities enumerated in Section 12 (g) hereof. The Mayor may deputize qualified civilians to also serve as enforcers of this Ordinance. Any person can file with the Task Force a report or complaint, or present evidence for any violation of this Ordinance, or be assigned other duties pursuant to the attainment of its effective implementation.

INFORMATION CAMPAIGN

Section 17. Information Dissemination. — Within sixty (60) calendar days of the effectivity of this Ordinance, the Task Force shall:

a. In coordination with the Office of the Municipal Mayor:

1. *provide at least two (2) copies of this Ordinance to every PNP station or precinct in the jurisdiction of the respective LGUs;*
2. *provide a primer on this Ordinance for every officer of the PNP/deputized enforcers;*
3. *conduct lectures to brief officers of the PNP and other enforcers, the provisions of this Ordinance and of their responsibilities with respect to its enforcement.*

b. In coordination with the Business Permits and Licensing Office, provide a copy of this Ordinance and its primer to all existing establishments that are licensed to operate, as well as to those applying for new licenses or permits to operate, and/or permits to sell tobacco/e-cigarette products.

c. In coordination with the Information Office, provide a copy of this Ordinance and its primer to all public utility vehicle operators plying within and through the territorial jurisdiction of the Municipality of Tunga, and for other sectors as necessary.

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

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

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

Section 20. Funding. — Initial funding to defray the expenses necessary for or incidental to the implementation of this Ordinance and Tobacco Control Program of the LGU-Tunga in the amount of One Hundred Thousand (P100,000.00) Pesos shall be sourced from PhilHealth Fund and is hereby allocated. Every year thereafter, at least Two Hundred Thousand (P200,000.00) Pesos shall automatically be included in the Annual Budget of the municipality for the implementation and enforcement of this Ordinance and the municipality's Tobacco Control Program.

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

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

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

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

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

Section 22. Separability Clause. — If any part or provision of this Ordinance is declared unconstitutional or invalid, the same shall not affect the validity and effectiveness of the other parts or provisions hereof.

Section 23. Effectivity Clause. - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of local or general circulation or posting in at least three (3) conspicuous places within the municipality.

ENACTED by the Sangguniang Bayan, in session assembled this 20th day of July 2026 at Tunga, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance.

NAOMI C. ARCALLANA
Secretary to the Sanggunian

ATTESTED:

LEMUEL G. PONFERRADA
Municipal Vice Mayor/Presiding Officer

MARTINIANO F. REQUIEZ
SB Member

HERMAN A. AYUSTE
SB Member

MARIETTA A. CATALO
SB Member

CIELITO O. ESQUIBEL
SB Member

JOSE CAPOPORO A. URIBE
SB Member

JOSELITO L. ARINTOC
SB Member

REX S. ERGINA
SB Member

JUANITO G. FAELORINA, JR.
SB Member

FLORENTINA A. OBSEQUIO
Ex-Officio Member/Liga President

LEO VAN C. DELGADO
Ex-Officio Member/SK Fed. President

APPROVED:

REINBERT C. COSTELO
Municipal Mayor
Date: 8-8-26

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF TUNGA

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that ***Municipal Ordinance No. 11, S. 2026*** entitled: ***"AN ORDINANCE PROHIBITING THE USE, SALE, DISTRIBUTION, AND ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS, ELECTRONIC NICOTINE AND NON-NICOTINE DELIVERY SYSTEM, HEATED TOBACCO PRODUCTS AND OTHER NOVEL TOBACCO PRODUCTS, IN CERTAIN PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR, TO INSTILL HEALTH CONSCIOUSNESS AND FOR OTHER PURPOSES",*** has been posted in three (3) conspicuous places within the municipality and shall remain posted for three (3) consecutive weeks.

Issued this 10th day of August 2026 at Tunga, Leyte.

NAOMI C. ARCALLANA
Secretary to the Sanggunian

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF TUNGA

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that a *PUBLIC HEARING* was conducted on July 8, 2026 relative to the Proposed Ordinance entitled: **AN ORDINANCE PROHIBITING THE USE, SALE, DISTRIBUTION, AND ADVERTISEMENT OF CIGARETTES AND OTHER *TOBACCO PRODUCTS, ELECTRONIC NICOTINE AND NON-NICOTINE* DELIVERY SYSTEM, HEATED TOBACCO PRODUCTS AND OTHER NOVEL TOBACCO PRODUCTS, IN CERTAIN PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR, TO INSTILL HEALTH CONSCIOUSNESS AND FOR OTHER PURPOSES.**

Issued this 10th day of August 2026 at Tunga, Leyte.

NAOMI C. ARCALLANA
Secretary to the Sanggunian

ATTENDANCE SHEET

Description:	Public Hearing of Proposed Municipal Ordinances, **1.) An Ordinance Prohibiting the Pawning, Lending, or Unauthorized Use of Pantawid Pamilyang Pilipino Program (4Ps) Cash Card as Collateral, Providing Penalties Thereof, and for Other Purposes., 2.) An Ordinance Prohibiting the Use, Sale, Distribution, and Advertisement of Cigarettes and Other Tobacco Products, Electronic Nicotine and Non-Nicotine Delivery System, Heated Tobacco Products, and Other Novel Tobacco Products in Certain Places, Imposing Penalties for Violations Thereof, and Providing Funds Therefor, to Instill Health Consciousness and for Other Purposes., 3.) An Ordinance Adopting Traffic Rules and Regulations for Implementation in the Municipality of Tunga and Providing Penalties for Violations Thereof.**
Date:	July 08, 2026
Time:	1:00 PM
Venue:	3rd Floor, Function Hall, LGU Multi-Purpose Building, Tunga, Leyte

(Pursuant to the provisions of R.A No. 10173, otherwise known as Data Privacy Act of 2012, the information contained in this document is hereby freely given by the registrant as participant to the activity mentioned above, and the LGU Tunga ensures compliance with the provision of the National Privacy Act on Security Measures for Protection of the Personal Data.)

	Name	Designation	Address	Contact No.	Gender (Indicate if male, female or others)	Solo Parent (Yes or No)	Person with Disability (Yes or No)	Senior Citizen (Yes or No)	Member of Indigenous People (Yes or No)	Signatui
1	[illegible]	OWNER	SAN ANTONIO	09394216576	F			Yes		
2	DITAS B. URIBE	HT-1	STO. NIÑO	09159672774	F	NO	NO	NO	NO	
3	[illegible]	7-ELEVEN Store Manager	San Antonio	09457778588	F	NO	NO	NO	NO	
4	ANNALISSA A. OYZON	BUFA PRES,	ALTORGA	09494070361	F	NO	NO	NO	NO	
5	Rina N. Asoy	4 PS	San Roque	09855826874	F	NO	NO	NO	NO	
6	[illegible]	4PS	San Cutang		F	NO	NO	NO	NO	

	Name	Designation	Address	Contact No.	Gender (Indicate if male, female or others)	Solo Parent (Yes or No)	Person with Disability (Yes or No)	Senior Citizen (Yes or No)	Member of Indigenous People (Yes or No)	Signature
7	Evangeline N. Badillo	CSO / 4Ps	San Pedro	09612261796	F	No	No	No	No	
8	Arlen A. Daproza	4Ps	Asturga	09533981348	F	No	No	No	No	
9	Gina S. Balbagay	4Ps	San Roque	09856309943	F	No	no	no	no	
10	FIONIN N. LAD	TANOD	SAN ANTONIO		M	NO	NO	NO	NO	
11	CARLOS DAGANDAN	STORO	STO NIÑO							
12	ALEJANDRO B. CUBILLA	CSO	STO NIÑO							
13	ERIC ARNITA	TANOD	STO NINO		M					
14	FIDELIO G. BABE	P.B.	SAN ANTONIO		M	NO	NO	NO	NO	
15	MANUEL T. [illegible]	[illegible]	AS-IBA		M	NO	NO	M	NO	
16	EVANGELINE C. MORENO	P-W	GCCWKS / San Pedro		F	Yes	No	No	No	
17	ROSELYN C-QUIMNO	PL	Balire		F					
18	Jean B. Mabato	PL	Balire		F	NO	NO	NO	NO	
19	CRISOSTOMO CASTRO	TANOD	LGM		M	NO	No	No	No	
20	JOEL G. GOTOMO	BPB.	BANABANG		M	No	No	No	No	
21	[illegible]	C.PRES	BFP		M	no	no	no	no	

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22	DAVOCOL DOMINADOR JR.	T.O.T.A. pres	Balire	09109775859	M		✓			
23	Marijoa A. Bacon	4Ps	Sto. Niño	09462164006	F					
24	ACTORGA, NICOB.	SBR MEMBER	ACTORGA		M	No	NO	NO	No	
25	COSTELO Frederick	SB R: member	Astorga		M	no	no	no	no	
26	Luis T. CABON	PRES. BSKMMA	SAN ROQUE	09057653137	M	No	NO	NO	NO	
27	AZIEL T. POMPEYADA	PAPO-SEC.	SAN ANTONIO		M	NO	NO	NO	NO	
28	Charme Salafan	Mart Store	Sto. Niño		F	NO	NO	NO	NO	
29	Nilsons Baldemoro	Kagawad	Bancawang							
30	Delia Ronquillo	4ps	Balire		F					
31	RUBEN C. RAGANIT	BPP. MEMBER	ASTORGA	09925570996	M	NO	NO	NO	NO	
32	DULCE AMOR C. PALENCIA	P-11	SAN ANTONIO	09399024664	F	NO	NO	NO	NO	
33	SOLMAYOR, LAARNIE	KAGAWAD	SAN ANTONIO	09455626454	F	NO	NO	NO	NO	

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34	ELEONOR A. VILLENA	KAGAWAD	BANAWANG	09451214674	F					
35	Ma. Fe A. Acubo	kagawad	Barawang							
36	GRACE P. BAWONGAN	CDW/4PS	SAITUKEPITE	09817765824						
37	Ian Esperanza C. Lugas	Secretary	Barawang							
38	Ronda A. Baru	BAW	San Antonio					YES		
39	Tirso C. Ariza	Kagawad	Astorga							
40	MARILYN A. PEDRA	P-II	Tunga CS	09161800983	F	No	No	No	No	
41	ANGELINA S. CALIPES	P-II	BALIRE ES	09214211785	F	NO	NO	YES	NO	
42	Emelito Ilad	Catarata Press	Binibihan	0963521328	M					
43	ANTONIO M. ASAY	P, B	BRGY Abuga	09518818344	M	NO	NO	NO	NO	
44	Reynaldo B. Tonob									
45	LITO A. ARIZA	TANOD	ASTORGA							

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46	Efren C. Cañon	PB	San Roque		M					
47	Lydia T. Quintano				F	NO	NO	YES	NO	Lydia T.Q.
48	EMERSON C. ORTEÑA	STORE	SAN PEDRO		M	NO	NO	NO	NO	
49	Luteguba P. Costillo		San Pedro		75 F	NO	NO	YES	M	
50	M. CARMINA INAGANGAN	WOSA - PRES.	SAN ANTONIO		(48) F	NO	NO	NO	NO	
51	ODILON A. KAWAN	GENRO	LGU Tunga		F	X	Y	X	X	
52	ARLENE JOY B. FELIPE	MUN. ACCOUNTANT	LGU - TUNGA		F	N	N	N	N	
53	[illegible]	MPDO - Planner	LGU Tunga		F	M	M	M	M	
54	LITO DELA PEÑA	SBR. MEMBER	ASTORGA		M	NO	NO	NO	NO	
55	Annie M. Montilla	Municipal Link	LGU - TUNGA		F	NO	NO	NO	NO	
56	ROLANDJADE P. NEGADO	PDO/ML	LGU-TUNGA		M	NO	NO	NO	NO	
57	Agnes C. Baguion	MSWDO	LGU-Tunga		F	Yes	No	Yes	No	

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58	[illegible]	MPDO	LGU-TUNGA		F	NO	NO	[illegible]	NO	
59	PLT ROMMEL PEDRIQUE	OIC PNP	TUNGA PNP		M	NO	NO	NO	NO	
60	[illegible]	SB	LGU-TUNGA		M	NO	NO	YES	NO	
61	HERMAN S. AYUSTE	SB	LGU-TUNGA		M	NO	NO	NO	NO	
62	[illegible]	LTDO DES	LGU Tunga		F	N	Y	N	N	
63	Artemio D. Tampo Jr.	MHELT SPO2	San Pedro	09624131542	M	N	N	N	N	
64	Sokrates Morant	MEO	LGU		M.	NO	NO	NO	NO	
65	Deborah Colibao	SB STAFF	LGU		F	NO	NO	NO	NO	
66	JOSEFA JOY B. TANTAO	SB STAFF	LGU-TUNGA		F	NO	NO	NO	NO	
67	HON. LEMUEL G. PONFERRADA	VICE-MAYOR	LGU-TUNGA		M	NO	NO	NO	NO	
68	FELIX P. SUMAGUE JR	MUNICIPAL DES	LGU-TUNGA		M	NO	NO	NO	NO	
69	RAEA S. ALAO	SP-STAFF	LGU-TUNGA		F	NO	NO	NO	NO	

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70	PHILIP MACUE	DRR STAFF	LGU TUNGA		M	NO	NO	NO	NO	
71	MA. JOSELITA GUTIERREZ	DRR STAFF	LGU TUNGA		F	-	-	-	-	
72	REMAR BURANDAY	MDRRMO	LGU-TUNGA	09452826411	M	NO	NO	NO	NO	
73	ANGELMARC A. CASTRO	MDRRMO	LGU-Tunga	09052757315	M	NO	NO	NO	NO	
74	LUISITO C. DEVARENNE	MDRRMO	LGU-TUNGA	09672468967	M	-	-	-	-	
75	ROSEMARIE Y. ISTO	M.O. SWEEPER	LGU-TUNGA	09385716193	F	NO	NO	NO	NO	
76	MICHAEL ANTHONY TOBIAS	SB	LGU-TUNGA		M	NO	NO	NO	NO	
77	NAOMI C. ARCALLANA	SB SEC	LGU-TUNGA		F	NO	NO	NO	NO	
78	CHALIMAR ARMIE A. CAÑON	LEGISLATIVE STAFF	LGU-TUNGA		F	NO	NO	NO	NO	
79										
80										
81										

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