



**GENERAL ORDINANCE No.50
Series of 2014**

AN ORDINANCE PROHIBITING THE USE, SALE, DISTRIBUTION AND ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS IN CERTAIN PLACES IN THE MUNICIPALITY OF TUNGAWAN, ZAMBOANGA SIBUGAY, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

Authored by : Hon. Lorverle S. Caracol

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

WHEREAS, the Republic of the Philippines, under the Framework Convention on Tobacco Control (FCTC) to which she is a party, determined to give priority to the right to protect public health and to promote measures of tobacco control based on current and relevant scientific, technical and economic considerations, and agreed to implement the measures provided in the treaty;

WHEREAS, the Local Government Code of 1991 (Republic Act No. 7160) accords every local government unit power and authority to promote the general welfare within its territorial jurisdiction, including the promotion of health and safety of its constituents;

WHEREAS, the Philippine Clean Air Act of 1999 (Republic Act No. 8749) declares the right of every citizen to breathe clean air, prohibits smoking inside enclosed public places including public vehicles and other means of transport, and directs local government units to implement this provision;

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

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

WHEREAS, the Land Transportation Franchising and Regulatory Board (LTFRB) Memorandum Circular 2009-036 provides that drivers and operators of public utility vehicles are responsible for posting "No Smoking" signs in their vehicles;

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Republic of the Philippines
Region IX, Zamboanga Peninsula
Province of Zamboanga Sibugay

MUNICIPALITY OF TUNGAWAN

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(Smoke Free Ord.)**

WHEREAS, the Municipality of Tungawan recognizes that local governments must act with urgency to denormalize the culture of smoking and tobacco consumption through comprehensive and proven effective tobacco control measures;

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

WHEREAS, the Municipality of Tungawan recognizes the fundamental and irreconcilable conflict between the tobacco industry's interest and public health policy, and realizes the need to be alert, be informed and neutralize any efforts by the tobacco industry to undermine, challenge or subvert tobacco control efforts through bribery, intimidation and interference in local policy implementation;

WHEREAS, scientific evidence has unequivocally established that tobacco consumption and exposure to tobacco smoke cause death, disease, and disability; lead to devastating health, social, economic and environmental consequences; and places burdens on families, on the poor, and on national and local health system;

WHEREAS, an increasing number of Filipinos die each year of tobacco-related diseases such as stroke, heart disease, and various cancers, among others; and both the public and workers, in facilities where smoking is allowed, are most at risk from these and other tobacco-related diseases;

WHEREAS, scientific evidence has shown that there is no safe level of exposure to tobacco smoke; that effective measures to protect from exposure to it requires the total elimination of smoking and tobacco smoke; and that approaches other than 100% smoke-free environments, including ventilation, air filtration and the use of designated smoking areas (whether or not with separate ventilation systems) have repeatedly been shown to be ineffective;

WHEREAS, it is well documented that tobacco advertising, promotion and sponsorship increase tobacco use and that comprehensive bans on tobacco advertising, promotion and sponsorship decrease tobacco use, Thus, an effective ban on tobacco advertising, promotion and sponsorship should, as recognized by Parties to the Convention in Articles 13.1 and 13.2, be comprehensive and applicable to all tobacco advertising, promotion and sponsorship.

WHEREAS, in order to minimize ease of access of tobacco products, particularly to minors, and in order to provide a more supportive environment for those who are attempting to quit tobacco use, there is a need to strengthen existing measures on access restriction, including the regulation of sales, distribution and availability, as prescribed under Article 16 of this Convention.

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NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, BY THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF TUNGAWAN, IN SESSION ASSEMBLED, BY VIRTUE OF THE POWERS VESTED IN IT BY LAW, THAT;

Section 1. Title. This Ordinance shall be known as the "Smoke Free Ordinance of the Municipality of Tungawan."

Sec. 2. Purpose. It is the purpose of this Ordinance to safeguard public health and ensure the well being of all its constituents by protecting them from the harmful effects of smoking and tobacco consumption, reducing potential exposure to tobacco marketing and advertising, restrict its accessibility, and provide support and a conducive environment for tobacco users to quit.

Sec. 3. Coverage. This Ordinance shall apply to all persons, whether natural or juridical, whether resident or not, and in all places, found within the territorial jurisdiction of the Municipality of Tungawan.

Sec. 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. **Advertisement and Promotion** means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly.
- b. **Civil Society Organization (CSO)** refers to a legally constituted voluntary civic and social organization or institution created with no participation of government, including but not limited to, charities, development non-governmental organizations(NGOs), community groups, women's organizations, faith-based organizations, professional associations, coalitions and advocacy groups duly recognized by the Office of the Mayor. As used in this Ordinance, CSO does not include organizations or associations related to or connected with the tobacco industry in any way.
- c. **Designated Smoking Area** refers to an outdoor space, duly approved by the Municipal Health Officer, where smoking may be allowed without violating the ordinance, that meets the following requirements:
 1. It shall not be located in an open-space with no permanent or temporary roof or walls in an outdoor area.
 2. It is not located in or within ten(10) meters from entrances, exits, or any place where people pass or congregate.
 3. It shall not have an area larger than 10 square meters.
 4. Food or drinks are not served in the designated smoking area.



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5. No building shall have more than one designated smoking area.
6. Minors or persons below the age of 18 shall not be allowed inside.
7. The designated smoking area has the following signages highly visible and prominently displayed:
 - a.) "Smoking Area" signage with message showing "Minors not allowed within these premises".
 - b.) Graphic health warnings on the effects of tobacco use
8. It shall not be located in places where absolute smoking bans are in effect, such as, but not limited to: centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for persons under eighteen (18) 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; public conveyances and terminals; food preparation areas; and other areas where absolute smoking ban is imposed under current laws, administrative and executive orders, memorandum circulars and other policies.
- d. **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.
- e. **Minor** refer to any person below eighteen (18) years old.
- f. **Outdoor advertisement** refers to any sign, model, placard, board, billboard, banner, bunting, poster, streamer, light display, device, structure or representation employed outdoors wholly or partially to advertise or promote a tobacco product to the public.
- g. **Person-in-charge** refers to: **in case of public places, public outdoor spaces and workplaces**, the president/ manager in case of a company, corporation or association, the owner/ proprietor/ operator in case of a single proprietorship, or the administrator in case of government property, office or building; **in case of public conveyance**; the owner, driver, operator, conductor, or the captain of the public conveyance; **in case of schools**, the Schools' Division Superintendent or the principal/school head.
- h. **Point-of-sale** refers to any location at which an individual can purchase or otherwise obtain tobacco products.
- i. **Public Conveyances** refers to modes of transportation servicing the general population, such as, but not limited to, elevators, airplanes, ships,

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jeepneys, vans, buses, taxicabs, trains, light rail transits, tricycles and other similar vehicles.

- j. **Public Places** means all places, fixed or mobile, that are accessible or open to the public or places for collective use, regardless of ownership or right to access, including but not limited to, schools, workplaces, government facilities, establishments that provide food and drinks, accommodation, merchandise, professional services, entertainment or other services. It also includes outdoor spaces where facilities are available for the public or where a crowd of people would gather, such as, but not limited to playgrounds, sports grounds or centers, church grounds, health/hospital compounds, transportation terminals, markets, parks, resorts, walkways, entrance ways, waiting areas, and the like.
- k. **Second-hand smoke** means the smoke emitted from the burning end of a cigarette or from other tobacco products usually in combination with the smoke exhaled by the smoker.
- l. **Smoke free air** is air that is 100% smoke free. This definition includes, but is not limited to, air in which tobacco smoke cannot be seen, smelled, sensed or measured.
- m. **Smoking** means being in possession or control of a lit tobacco product regardless of whether the smoke is being actively inhaled or exhaled.
- n. **Tobacco Products** means products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for smoking, sucking, chewing or snuffing, such as but not limited to cigarette, cigar, pipe and chew tobacco.
- o. **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 manufactures, wholesale distributors, importers of tobacco products, tobacco retailers, front groups and 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.
- p. **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.
- q. **Workplace** means any place used by people during their employment of 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.

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

- a. a. Smoking in enclosed or partially enclosed public places, workplaces, public conveyances (whether mobile or stationary), or other public places, as defined in Section 4;
- b. For persons-in-charge to allow, abet or tolerate smoking in places enumerated in the preceding paragraph;
- c. Selling or distributing tobacco products in a school, public playground or other facility frequented by minors, (option: officers of the Department of Health (DOH) and attached agencies, hospitals and health facilities), or within 100 meters from any point in the perimeter of these places);
- d. Selling or distributing tobacco products to minors;
- e. Purchasing tobacco products from minors;
- f. Placing cinema and outdoor advertisements of tobacco products;
- g. Placing Posting, or distributing advertising and promotional materials of tobacco products, such as leaflets, posters and similar materials, in any place outside the premises of point-of-sale establishments;
- h. Placing, posting, or distributing and promotional materials of tobacco products such as leaflets, posters and similar materials, **even if** inside the premises of point-of-sale establishments, when the establishments are not allowed to sell or distribute tobacco products, as in Section 5(c) above

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

- a. Prominently post and display "No Smoking" signages in the locations most visible to the public in the areas where smoking is prohibited. At the very least a "No smoking" sign must be posted at the entrance of the area. The "No Smoking" sign shall be least 8x11 inches in size and the international No Smoking symbol shall occupy no less than 70% of the signage. The remaining lower 30% of the signage shall show the following information:

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**STRICTLY NO SMOKING
As per ORDINANCE NO. 50 s. 2014
Violators can be fined up to P 2,500
Report violations to Smokefree Task Force**

- b. Prominently post and display "No Smoking" stickers in the most conspicuous location within the public conveyance. At the very least, the three and a half (3.5) square inch "No Smoking" sticker shall be placed on the windshield and the ten(10) square inch "No Smoking" sticker at the driver's back seat;
- c. Remove from the places where smoking is prohibited all ashtrays and any other receptacles for disposing of cigarette refuse;
- d. For persons-in-charge of schools, public playgrounds, health or other facilities frequented by minors, post the following statement in a clear and conspicuous manner:

SELLING, DISTRIBUTION, ADVERTISING AND PROMOTION OF CIGARETTES OR OTHER TOBACCO PRODUCTS NOT ALLOWED WITHIN 100 METERS FROM ANY POINT IN THE PERIMETER OF (name of School/ Playground/Etc.)

- e. For persons-in-charge of schools, public playgrounds or other facilities requested by minors, offices of the DOH and attached agencies, hospitals and health facilities report to the Smoke Free Task Force tobacco product sale, distribution, advertisement and promotion from establishments and properties located within 100 meters from its perimeter;
- f. For persons-in-charge of approved point-of-sale establishments, post the following statement, together with a pictorial health warning on the health consequences of tobacco use, as prescribed by the Municipal Health Office, in a clear and conspicuous manner:

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**SALE/ DISTRIBUTION OF TOBACCO
PRODUCTS TO MINOR IS UNLAWFUL**

- g. For persons-in-charge of point-of-sale establishments, remove all forms of tobacco advertisement other than those found inside their premises;
- h. Establish internal procedure and measures through which this Ordinance shall be implemented and enforced within the area of which he or she is in charge. This includes compliance to the sales, distribution, advertising and promotions restrictions, warning smoking violators in banned areas and requesting them to stop smoking, 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 and the nearest peace officer or to any member of the Smoke Free Task Force.
- i. Ensure that all the employees in the establishment are aware of this Ordinance and the procedure and measures for implementing and enforcing it.
- j. Allow inspectors acting under sections 14 and 15 hereof and representatives of the designated civil society organization under Section 16 entry into the establishment or public conveyance during regular business hours for the purpose of inspecting its compliance with this Ordinance.
- k. For all signage required to be posted under (a), (b), (d), and (f) above, provide for versions of them in the local language 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;
- b. Persons-in-charge who knowingly allow, abet, or tolerate the prohibited acts enumerated in Section 5, or who otherwise fail 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) and Section 6

- | | |
|------------------------------------|---|
| i. First Offense | P 500.00 |
| ii. Second Offense | 1,000.00 |
| iii. Third and Subsequent Offenses | 2,500.00 or imprisonment for a period not exceeding six months, |

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or both at the discretion of the court. Suspension or revocation of business license or permit (in case of a business entity or establishment), if applicable.

b. Violation of Section 5 (b), (c), (d) and (e)

i. First Offense	P 1,500.00
ii. Second Offense	2,000.00
iii. Third and Subsequent Offenses	2,500.00

or in imprisonment for a period not exceeding six months, or both at the discretion of the court. Suspension or revocation of business license or permit (in case of a business entity or establishment), if applicable.

c. Violation of Section 5 (f),(g), and (h)

i. First Offense	P 1,000.00
ii. Second Offense	2,000.00
iii. Third and Subsequent Offenses	2,500.00

or imprisonment for a period not exceeding six months, or both at the discretion of the court. Suspension or revocation of business license or permit (in case of a business entity or establishment) if applicable.

- d. Revocation or Suspension of License.** - The license to operate of any establishment or of any public conveyance covered by this Ordinance shall also be suspended or revoked should the same fail to perform the necessary action within fifteen (15) days upon receipt of violation notice or fail to pay the corresponding penalty as stated in the Citation Ticket for the violation committed within seven (7) working days. However, the license to operate of any establishment or of any public conveyance shall be suspended for at least one (1) week but not more than one (1) month, or revoked. Should the license or permit to operate of a specific establishment or of any public conveyance, found to be in violation of this ordinance, fall outside of the jurisdiction of the municipality, the recommendation for revocation of license shall be forwarded to the appropriate agency or governing body. The suspension or revocation of the license to operate of the erring establishment or public conveyance shall only be lifted once all the requirements set forth upon re-inspection and evaluation of the Health Department, the Business Permits and Licensing Office and the appropriate agency or governing body has been fully complied with.

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- e. **Community Service.** If a violator is unable to pay the fines imposed, her or she may choose to render community service to the municipality. For every hour of community service rendered, his outstanding fine shall be reduced by an amount equivalent to triple the hourly minimum wage of the municipality.

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

- a. Official booklets of Citation Tickets shall be issued by the Treasurer to duly authorized enforcers within ninety (90) calendar days of the effectivity of this Ordinance.
- b. A Citation Ticket shall be issued to the person/s liable for any violation of this Ordinance upon finding of the violation by duly authorized enforcers.
- c. A Citation Ticket shall contain the following information:
 - 1) Checklist of the violations under this Ordinance;
 - 2) The fines associated with each violation;
 - 3) Option to render community service in case violator is unable to pay fine;
 - 4) Due date for compliance with the obligations imposed by the ticket
- d. When a Citation Ticket is issued to a violator, the violator shall report to the Treasurer's Office or its duly authorized collecting agent, within three (3) regular business days after such issuance, where he or she shall either pay the fine imposed or render community service under Section 8 (e) hereof
- e. The Treasurer's Office shall keep a duplicate of all Citation Tickets issued to violators as well as all other records of violations of this Ordinance.

Section 10. Smoking Cessation Program – The Health Officer, with the assistance of the Health Education and Promotion Officer, which may include the CSO representative designated under Section 16 hereof, shall develop, promote and implement a Smoking Cessation Program and encourage the participation therein of public and private facilities which may be able to provide for its requirements. Smokers who are willing to quit and/or those found violating this Ordinance may be referred to the Smoking Cessation program and its facilities.

ENFORCEMENT

Section 11. Smokefree 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 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.

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The Task Force chaired by the Mayor and shall be composed of the following:

- a. Municipal Health Officer;
- b. Health Education and Promotion Officer/or equivalent designate;
- c. Building/Engineering Officer
- d. Legal Officer
- e. Information Officer
- f. Business Permits and License Officer of the municipality
- g. Representative/s of one or more civil society organizations (CSO) designated by the Municipal Health Officer under Section 16 hereof;
- h. Representative of the Philippine National Police (PNP);
- i. Municipal Treasurer;
- j. Municipal Environment and Natural Resources Officer (MENRO)
- k. Representative from DepEd, CHED and/ or Academe;
- l. Local President of the Municipal Liga ng mga Barangay ng Pilipinas (Association of Barangay Captains);
- m. Public Safety Officer;
- n. Other member/s identified by the Municipal Health Officer (whose specific function in the LGU and role may be relevant in the effective implementation of this Ordinance)

The Task Force shall not include as its member any person or entity upholding or accommodating tobacco industry interests or is connected in any way to the tobacco industry in order to protect the primary health objectives of this Ordinance from any and all interests prejudicial to tobacco control policies and to preserve its integrity. 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 industry. Non-compliance of this provision, governing the Task Force, by public officials and government personnel, shall be subject to sanctions prescribed under CSC-DOH Joint Memorandum Circular 2010-001.

Section 12. Duties and Responsibilities of the Task Force.- Other than (1) receiving, reviewing and processing reports of and complaints for violations of this Ordinance and (2) deputizing enforcers under **Sections 13 to 16** hereof, the Task Force – headed by the Mayor- shall have the following respective duties and responsibilities:

- a. The Municipal Health Officer shall:
 - 1) Serve as the overall coordinator among all the (LGU) offices involved in the implementation of this Ordinance;
 - 2) Make tobacco control, including the implementation and enforcement of this Ordinance, a part of the health program to be proposed for funding by the general budget of the (LGU)



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- 3) Monitor compliance in public places, establishments, conveyances, point-of-sale, designated smoking areas (DSAs), and other offices in charge of enforcing this Ordinance;
 - 4) Facilitate together with enforcers and /or Task Force members the imposition of fines, suspension, or revocation of permits/licenses for violations of the same;
 - 5) Assign a hotline or any other number to which violations of this Ordinance may be reported by phone call or SMS, and a person to operate the line and record reports;
 - 6) Develop, promote and implement a Smoking Cessation Program, as stated under Section 10
- b. the Health Education and Promotion Officer shall:
1. Develop and produce information, education and communication materials on the harms of second-hand smoke as well as on the provisions of this Ordinance;
 2. Encourage constituents of the [LGU] to monitor and report violations of this Ordinance;
 3. Assist the Health Officer in developing, promoting and implementing a Smoking Cessation Program;
- c. The Building/Engineering Officer shall:
1. Conduct, together with the Municipal Health Office or on its own, inspection activities as provided in this Ordinance;
 2. Determine whether or not enclosed or partially enclosed public places, workplaces or other public places, and point-of-sale establishments, comply with the requirements of this Ordinance;
- d. The Legal Officer shall:
1. Assist the Municipal Health Office in reviewing reports of and complaints, for violations of this Ordinance and in determining liability.
- e. The information Officer shall:
1. Print the Citation Tickets and copies of this Ordinance for distribution to the public;
 2. Make a primer summarizing the provisions of this Ordinance;
 3. Publicize activities related to the implementation and enforcement of this Ordinance.

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f. The Business Permits and License Officer shall:

1. Order the suspension or revocation of permits and licenses of establishments found to have violated this Ordinance, subject to the provisions of Section 8 hereof;
2. Deny renewal of permits and licenses of violators of this Ordinance;
3. Establish procedure for identifying and marking stores/establishments covered by the 100-meter restriction on sale and distribution of tobacco products.

g. The CSO Representative/s shall:

- 1) Assist in preliminary inspections and in monitoring violations of this Ordinance;
- 2) Assist in promoting awareness of this Ordinance and in encouraging public support and participation in its implementation and enforcement;
- 3) Assist in 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 Representative shall:

- 1) Apprehend violators in accordance with the provisions of this Ordinance;
- 2) Assist (LGU) officials and deputized civilians in apprehending violators and in filing the appropriation complaints when necessary;
- 3) Assist in promoting awareness of this Ordinance and in encouraging public support and participation in its implementation and enforcement;

i. The Municipal Treasurer shall:

- 1) Issue official Citation Tickets to the enforcers ;
- 2) Collect and receive fines paid by a violator and submit reports relating thereto to the Task Force;
- 3) Designate collection agents, as necessary, to assist in efficient collection of fines;

j. The Municipal Environment and Natural Resources Officer 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 member of the Task Force;



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- 3) Conduct periodic monitoring of air, water, soil quality and other studies pertinent to determining levels of exposure to tobacco smoke, residue, byproducts and litter;
 - 4) Provide the expertise in the application and management of appropriate technologies to avert environmental risks and damage posed by tobacco smoke, residue, products and litter.
- k. The Representative from DepEd, CHED and/or Academe shall:
- 1) Implement the Department Orders on the integration of tobacco control education into the curricula
 - 2) Ensure strict compliance of Department Orders on protection of the bureaucracy from tobacco Industry interference as per FCTC Article 5.3
 - 3) Ensure strict compliance of schools in enforcing 100% smokefree campuses and school facilities including the schools' vehicles
 - 4) Ensure the posting in clear and conspicuous manner No Smoking signs, and notices for No Selling of Tobacco Products within 100 meters from its perimeter.
- l. The Local President of the Municipal Liga ng mga Barangay ng Pilipinas (Association of Barangay Captains) shall:
- 1) Assist in promoting awareness of this Ordinance in encouraging public support and participation in its implementation and enforcement;
 - 2) Coordinate with all Barangay Captains and the PNP in monitoring violations of the Ordinance within their jurisdictions;
 - 3) Provide the necessary coordination among the Barangay Health Workers, Kagawads and Tanods and other enforcers (i.e. Coast Guards) for the implementation of activities pertinent to the Ordinance;
 - 4) Assist in the facilitation of and referrals to the Smoking Cessation Program at the Barangay Level;
- m. The Public 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 areas (DSAs), and other offices in charge of enforcing this Ordinance;
 - 3) Coordinate with enforcers and/or Task Force members the imposition of fines, suspension, or revocation of permits/licenses for violations of the same.

Section 13. Enforcement on Individuals.- Members of the PNP and/or persons duly deputized by the Task Force shall apprehend and issue Citation Tickets against persons found in violation or have failed to comply with any provision enumerated under

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Section 5 and 6 hereof. They shall forward copies of the tickets they issue violators to the Treasurer's Office regularly or at least once a week. If the violator is a minor (person below 18), he or she must be brought to the nearest Social Welfare Office for dispensation of appropriate action subject to RA 9344 (Juvenile Justice and Welfare Law).

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 issued to violators to the 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 representatives from the Municipal Health Office, the Municipal Engineer's Office, and the Permits and License office, shall conduct inspections of establishments and buildings to determine their compliance with the provisions of this Ordinance.

Regular inspection shall thereafter be conducted at least once every month or simultaneously with other regular inspections done by the Municipality of Tungawan, 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 done on any day after the issuance of the Citation Ticket, but in no case more than ten (10) calendar days after such issuance. If the establishment fails to comply with the obligations stated in the Citation Ticket upon re- inspection, the inspection team shall recommend the suspension of the license to operate of the establishment, consistent with **Section 8 (d)** hereof.

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

Section 16. Civilian Participation in Enforcement.- Within thirty (30) calendar days from the effectivity of this Ordinance, the Municipal Health Office shall designate, with the approval of the Office of the (LCE), one or more civil society organizations (CSO) to discharge the duties and responsibilities enumerated in **Section 12 (g)** hereof.

The Task Force may deputize qualified civilians to serve as enforcers of this Ordinance.

Any person can file with the Task force a report of or compliant for any violations of this Ordinance.

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OFFICE OF THE SANGGUNIANG BAYAN

MP No. 09262641885 E-mail: sbo_tungawanzs@yahoo.com

**P. 16 of GO No. 50 s. 2014
(Smoke Free Ord.)**

INFORMATION CAMPAIGN

Section 17. Information Dissemination. – Within sixty (60) calendar days of the effectivity of this Ordinance, the Municipal Health Office shall:

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

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

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

FINANCING

Section 20. Funding.— An initial funding to defray the expenses necessary for or incidental to the implementation of this Ordinance in the amount of P 300,000.00 shall be sourced from the Municipal Fund and is hereby allocated. Every year thereafter, at least P 100,000.00 shall automatically be included in the Annual Budget of the municipality for the implementation and enforcement of this Ordinance, based on LGU plans and programs.



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The above expenses included, but are not limited to:

- a. Costs of printing copies of this Ordinance, the Citation Tickets, and information, education and communication materials pertaining to tobacco control;
- b. Costs of Inspection and enforcement by the Smokefree Task Force, including allowances for meals and transportation, the amounts of which shall be set by the Office of the LCE
- c. Incentive or reward for private citizens who report violations of this Ordinance
- d. Institution and operating expenses of the Smoking Cessation Program and facility;
- e. Other expenses associated with the implementation and enforcement of this Ordinance;


Proceeds from the administrative fines shall form part of a Trust Fund that will be used to defray costs of operations of the Smoke Free Task Force. The latter shall be empowered to determine how the Trust Fund is to be utilized in furtherance of this Ordinance.

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

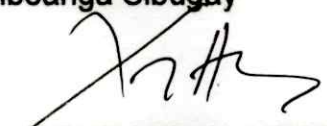
Section 22. Separability Clause. - If any part or provision of this Ordinance is declared unconstitutional or invalid, the same shall not affect the validity and effectivity of the other parts or provisions hereof.

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

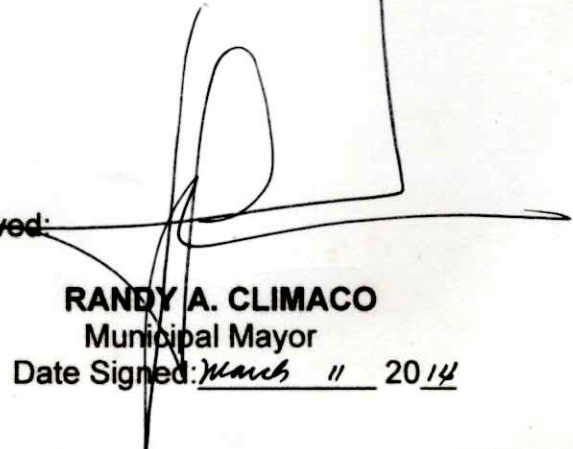
ORDAINED and APPROVED this 18th day of February 2014 at Tungawan, Zamboanga Sibugay.


DANTE D. IBARRA
Secretary to the SB

Certified and Attested to be duly Adopted as Draft Ord. No. 17-04-13 during the 23rd Regular Session of the 17th Legislative Council of Tungawan, Zamboanga Sibugay on February 18, 2014.


ABDURAUP A. ABISON
Municipal Mayor
Presiding

Approved:


RANDY A. CLIMACO
Municipal Mayor
Date Signed: March 11 2014