

Republic of the Philippines
Province of Bulacan
City of Malolos

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF 37th REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF MALOLOS HELD AT MT. FUJI JAPANESE RESTAURANT, TABANG, GUGUINTO, BULACAN ON MARCH 27, 2023.

MEMBERS PRESENT:

HON. MIGUEL ALBERTO T. BAUTISTA	City Vice Mayor Presiding Officer City Councilor
HON. FRANCISCO J. CASTRO	"
HON. JOHN VINCENT G. VITUG III	"
HON. NINO CARLO C. BAUTISTA	"
HON. MICHAEL M. AQUINO	"
HON. MIGUEL CARLOS B. SOTO	"
HON. EDGARDO F. DOMINGO	"
HON. THERESE CHERYLL B. OPLE	"
HON. VICTORINO M. ALDABA III	"
HON. EMMANUEL R. SACAY	"
HON. DENNIS D. SAN DIEGO	"
HON. DIONISIO C. MENDOZA	ABC President
HON. PATRICK S. DELA CRUZ	SK President

HON. PATRICK S. DELA CRUZ
CITY COUNCILOR

HON. DIONISIO C. MENDOZA
CITY COUNCILOR

HON. DENNIS D. SAN DIEGO
CITY COUNCILOR

ALL MEMBERS PRESENT:

CITY ORDINANCE NO. 19-2023

AN ORDINANCE REGULATING THE USE, SALE, DISTRIBUTION AND ADVERTISEMENT OF CIGARETTES, ELECTRONIC NICOTINE AND NON-NICOTINE DELIVERY SYSTEMS, AND OTHER TOBACCO PRODUCTS IN CERTAIN PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

AUTHORED BY: HON. MIGUEL ALBERTO T. BAUTISTA
CO-AUTHORED: HON. FRANCISCO J. CASTRO, HON. JOHN VINCENT G. VITUG III, HON. NINO CARLO C. BAUTISTA, HON. MICHAEL M. AQUINO, HON. MIGUEL CARLOS B. SOTO, HON. EDGARDO F. DOMINGO, HON. THERESE CHERYLL B. OPLE, HON. VICTORINO M. ALDABA III, HON. EMMANUEL R. SACAY, HON. DENNIS D. SAN DIEGO, HON. DIONISIO C. MENDOZA AND HON. PATRICK S. DELA CRUZ

HON. EMMANUEL R. SACAY
CITY COUNCILOR

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 World Health Organization's Framework Convention on Tobacco Control (FCTC) to which she is a party, gives priority to its right to protect public health and to promote measures of tobacco control based on current and relevant scientific, technical, health, social, environmental and economic considerations, and recognizes its obligations to implement the measures provided in the treaty to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke;

WHEREAS, the Philippines signed and ratified the Convention on the Rights of the Child (CRC) recognizing children as persons with Rights and Entitlements. Article 4 of the CRC mandates that "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation."

HON. VICTORINO M. ALDABA III
CITY COUNCILOR

HON. THERESE CHERYLL B. OPLE
CITY COUNCILOR

HON. EDGARDO F. DOMINGO
CITY COUNCILOR

HON. FRANCISCO J. CASTRO
CITY COUNCILOR

HON. JOHN VINCENT G. VITUG III
CITY COUNCILOR

HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR

HON. MICHAEL M. AQUINO
CITY COUNCILOR

HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR

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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 Universal Health Care Act of 2019 (Republic Act No. 11223) 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 wellbeing, reduce the prevalence of non-communicable diseases and their risk factors, particularly tobacco and alcohol use;

WHEREAS, the Seal of Good Local Governance Act of 2019 (RA 11292) measures, among others, the local government units' capability to effectively implement and deliver health services and information systems as well as pursue evidence-based health promotion and protection policies scientifically proven and accepted to advance population health and individual well-being. One of the indicators for this measurement is strict enforcement of laws and ordinances that regulate tobacco sale and use;

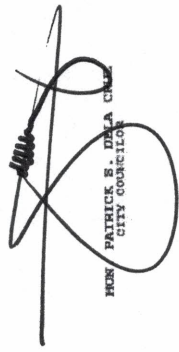
WHEREAS, the Executive Order No. 106 series of 2020, which amended Executive Order No. 26 series of 2017, directs local government units to adopt and implement the nationwide smoking and vaping ban and to strengthen existing measures on access restriction, including the regulation on sales, distribution, and availability of cigarettes and other tobacco products, electronic nicotine and non-nicotine delivery systems (ENDS/ENNDS), heated tobacco products (HTPs) and other novel tobacco products;

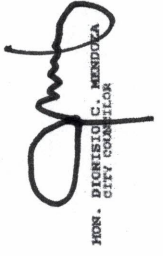
WHEREAS, the "Vaporized Nicotine and Non-Nicotine Products Regulation Act" or RA 11900 declared that it is the policy of the State to "protect the citizens from the hazards of regulated, unregulated and substandard Vapor Products and Heated Tobacco Products" and "promote a healthy environment, protect the citizens from any potential hazards of these novel consumer products, reduce the harm caused by smoking, and ensure that the sale to minors xxx are prevented." (Section 2, Declaration of Policy, RA 11900);

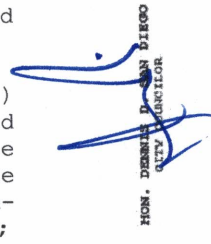
WHEREAS, the City of Malolos recognizes the fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy, and in order to carry out, defend and promote the right to health of its residents hereby adopts measures protecting its tobacco control policies from commercial and other vested interests of the tobacco industry;

WHEREAS, the City 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, 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 systems;


HON. FABRICE B. DIOSA
CITY COUNCILOR

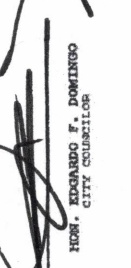

HON. DIONISIO C. MENDOZA
CITY COUNCILOR

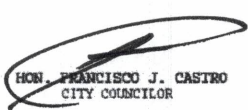

HON. DENNIS D. SAN DIEGO
CITY COUNCILOR


HON. MARICEL M. LACAY
CITY COUNCILOR

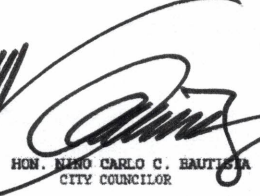

HON. VICTORINO H. ALDABA III
CITY COUNCILOR

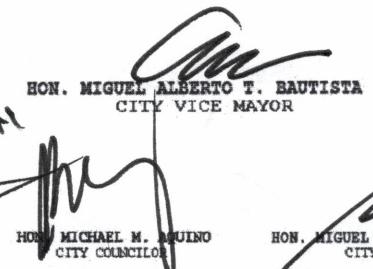

HON. TERESE CHERYL B. ODE
CITY COUNCILOR

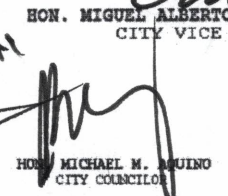

HON. EDGARDO F. DOMINGO
CITY COUNCILOR

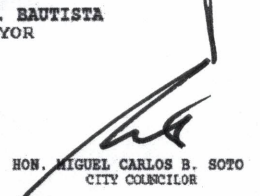

HON. FRANCISCO J. CASTRO
CITY COUNCILOR


HON. JOHN VINCENT C. VELASCO
CITY COUNCILOR


HON. NIÑO CARLO C. BAUTISTA
CITY COUNCILOR


HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR


HON. MICHAEL M. AQUINO
CITY COUNCILOR


HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

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WHEREAS, the enjoyment of the highest attainable standard of health is a fundamental right of every human being, and that public health takes precedence over any commercial or business interest;

WHEREAS, an increasing number of Filipinos become afflicted with and die each year of tobacco-related diseases such as stroke, heart disease, emphysema, various cancer, and nicotine addiction, 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, under Article 8 of the FCTC, 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, heated tobacco products are being marketed with unproven and unvalidated claims of "reduced risk" and as "smoke-free" alternatives to smoking conventional cigarettes;

WHEREAS, the World Health Organization (WHO) and the Conference of Parties to the WHO FCTC recognize that heated tobacco products are tobacco products and are therefore subject to the provisions of the WHO FCTC;

WHEREAS, other tobacco products like electronic nicotine delivery systems (ENDS) or 'vape' have gained increasing popularity in the Philippines, especially in cities and urban centers among minors and young adults (2019 Global Youth Tobacco Survey and 2021 Global Adult Tobacco Survey);

WHEREAS, the scientific and medical evidence regarding the adverse health effects of electronic cigarettes, such as nicotine dependency and addiction, show increased respiratory and cardiovascular disease risks, poisoning, seizure, burns, and trauma and death from faulty devices, among others, establish that these tobacco products pose a clear and direct harm to their users;

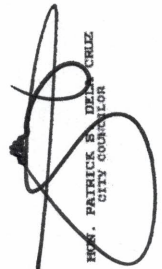
WHEREAS, the City of Malolos can help the national government implement the letter and spirit of the said laws and regulations in its own territorial jurisdiction, and that the City of Malolos can impose penalties for violations thereof that shall accrue exclusively to the City;

WHEREAS, the City of Malolos recognizes it must act with urgency and take appropriate counter measures to denormalize the culture of tobacco consumption, smoking, and vaping through comprehensive and proven effective tobacco control measures to prevent the initiation of non-users and the youth and prevent exposure to harmful chemical and emissions that pose risks to health while providing a supportive environment to those attempting to quit smoking and vaping, as well as protect its health policies in accordance with the country's obligations under the Article 5.3 of the Framework Convention on Tobacco Control;

WHEREAS, in order to fully protect the health and welfare of the constituents of the City of Malolos and at the same time safeguard the interests of all stakeholders, including smokers and vapers, there is a need to pass a comprehensive ordinance covering tobacco products, regulating their use, sale, manufacture, distribution, advertisement and promotions, and providing penalties for violations;

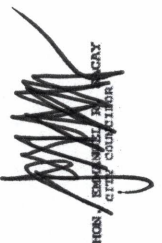
WHEREAS, the City of Malolos passed Ordinance No. 14-2004 (Anti-Smoking Ordinance of City of Malolos), however, there is a need to update and revise the said Ordinance in conformity with the proliferated and contemporary use in the country of electronic nicotine and non-nicotine delivery systems (ENDS/ENNDS), heated tobacco products (HTPs), and other novel tobacco products, as a shift from conventional lighted tobacco products.

NOW THEREFORE, BE IT ENACTED, AS IT IS HEREBY ENACTED, BY THE SANGGUNIANG PANLUNGSOD OF THE CITY OF MALOLOS, IN SESSION ASSEMBLED, BY VIRTUE OF THE POWERS VESTED IN IT BY LAW, THAT:


HON. PATRICK S. DELACRUZ
CITY COUNCILOR



HON. DIONISIO C. MENDOZA
CITY COUNCILOR

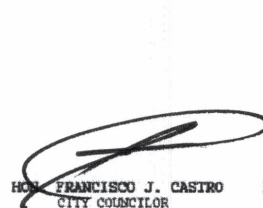

HON. DENNIS A. ESPINOSA
CITY COUNCILOR


HON. EMMANUEL M. CAY
CITY COUNCILOR

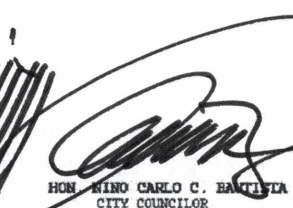

HON. VICTORINO H. ALDABA III
CITY COUNCILOR

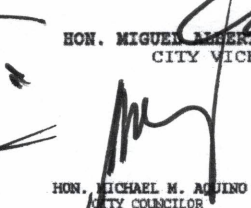

HON. TERESE B. OPLE
CITY COUNCILOR

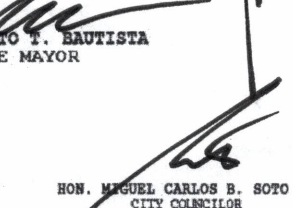

HON. EDGARDO F. DOMINGO
CITY COUNCILOR


HON. FRANCISCO J. CASTRO
CITY COUNCILOR


HON. JOHN VERGARA
CITY COUNCILOR


HON. MINO CARLO C. BAUTISTA
CITY COUNCILOR


HON. MICHAEL M. AQUINO
CITY COUNCILOR


HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

HON. MIGUEL ALBERTO Y. BAUTISTA
CITY VICE MAYOR

SECTION 1. - SHORT TITLE - This Ordinance shall be known as the "Comprehensive Smoke-Free and Vape-Free Ordinance of the City of Malolos".

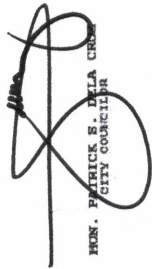
SECTION 2. - DECLARATION OF POLICY - It is hereby declared the policy of City of Malolos to protect the residents from the danger, hazardous and harmful effects of cigarette smoking, tobacco use, and vaping, reduce potential exposure to tobacco marketing and advertising, restricting its accessibility, and provide a supportive and conducive environment for users to quit consistent with the Constitutional ideal, promote the right to health and the general welfare and instill health consciousness among them.

SECTION 3. - PURPOSES - It is the principal purpose of this Ordinance:

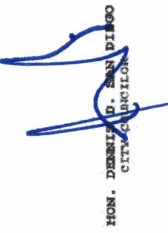
- a. To foster and promote a sound and healthy environment;
- b. To enlighten the public of the dangers and risks to health associated with cigarette smoking and tobacco use;
- c. To protect the youth from being initiated to cigarette smoking and tobacco use by prohibiting the use, distribution, marketing, promotions and sale of tobacco products to minors;
- d. To ensure the physical well-being of both the smokers and non-smokers by discouraging cigarette smoking and tobacco use; and
- e. Safeguard public health and ensure the welfare and safety of all its constituents by protecting them from the harmful effects of smoking and tobacco consumption.

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.

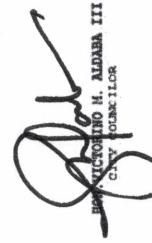
- a) **Advertising and promotion** - means any form of commercial communication, recommendation, or action with the aim, effect, or likely effect of promoting tobacco products, Electronic Nicotine/Non-Nicotine Delivery Systems (ENDS/ENNDS), Heated Tobacco Products (HTPs), or their components, or the use thereof, either directly or indirectly (Section 1 (a), EO 26 "Providing for the Establishment of Smoke-free Environments in Public and Enclosed Places");
- b) **Cigar and cigarette** - refers to any roll or tubular construction, which contains tobacco or its derivatives prepared for smoking or is intended to be burned or heated under ordinary conditions of use;
- c) **Civil Society Organization (CSO)** - refers to a legally constituted voluntary civic and social organization or institution created without government participation, including but not limited to, charities, development non-governmental organizations (NGOs), peoples' organizations, 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, or has partnership with or recipients of funding or conduits of, or act as front groups of the tobacco and/or electronic cigarette industry;
- d) **Designated Smoking/Vaping Area (DSVA)** - refers to an outdoor space, duly approved by the City Health Office, where smoking and/or vaping may be allowed without violating this ordinance, subject to the standards provided in this ordinance;
- e) **Distributor** - refers to any person whom a tobacco product is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer or common carrier of such product;
- f) **Electronic Nicotine and Non-Nicotine Delivery Systems (ENDS/ENNDS)** - are combinations of non-tobacco containing e-liquids, solutions or refills which may or may not contain nicotine and an electronic delivery device to produce


HON. FERRICE B. DELA CRUZ
CITY COUNCILOR


HON. DENNIS C. MENDOZA
CITY COUNCILOR

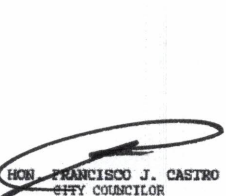

HON. DENNIS D. SAN DIEGO
CITY COUNCILOR


HON. ARMANDO P. PINEDA
CITY COUNCILOR

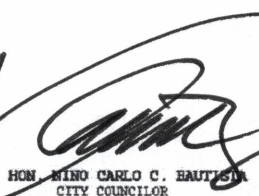

HON. RICARDO H. ALDAMA III
CITY COUNCILOR

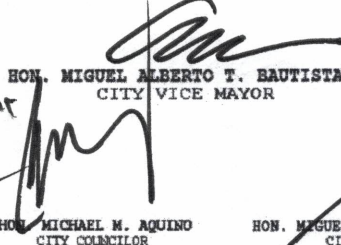

HON. TERESE B. SOTO
CITY COUNCILOR

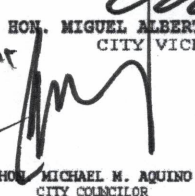

HON. EDGARDO F. DOMINGO
CITY COUNCILOR

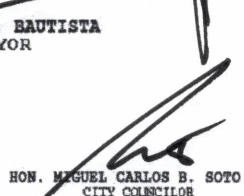

HON. FRANCISCO J. CASTRO
CITY COUNCILOR


HON. JOHN VINCENT S. CRUZ
CITY COUNCILOR


HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR


HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR

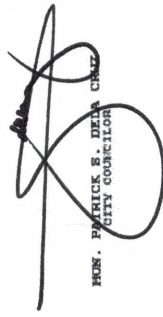

HON. MICHAEL M. AQUINO
CITY COUNCILOR

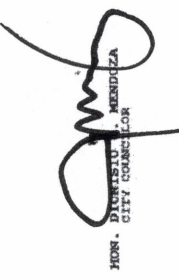

HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

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aerosol, mist, or vapor that users inhale by mimicking the act of smoking. ENDS/ENNDS deliver nicotine and/or other chemicals to the lungs after one end of a plastic or metal cylinder is placed in the mouth, like a cigarette or cigar, and inhaled to draw a mixture of air and vapors from the device into the respiratory system. They contain electronic vaporization systems, rechargeable batteries and chargers, electronic controls and replaceable cartridges containing nicotine and/or other chemicals. 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 (Sec. 6 (o), EO 106, "Prohibiting the Manufacture, Distribution, Marketing and sale of unregistered and/or adulterated electronic nicotine/non-nicotine delivery systems, heated tobacco products and other novel tobacco products, amending EO 26, (s. 2017) and for other purposes");

- g) **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. The enclosed character of a building or conveyance shall attach to all its areas, including its open spaces;
- h) **Heated Tobacco Product (HTPs)** - refers to a tobacco product that may be consumed through heating tobacco, either electrically or through other means, sufficient to release an aerosol that can be inhaled, without burning or combustion of the tobacco. HTPs include liquid solutions and gels that are part of the product and are heated to generate an aerosol. (Sec. 6 (p), EO 106);
- i) **Minors** - refers to persons below eighteen (18) years old at which a person is not legally allowed to use, sell or purchase cigarettes and other tobacco products, or their components within the territorial jurisdiction of the City of Malolos;
- j) **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 substitutes for cigarettes, conventional tobacco products, ENDS/ENNDS or HTPs; (Sec. 6 (q), EO 106);
- k) **Outdoor advertisement** - refers to any sign, model, placard, board, billboard, banner, bunting, poster, streamer, paint-on, light display, device, structure or representation, employed outdoors or visible from outside, wholly or partially to advertise or promote a tobacco product electronic nicotine delivery systems (ENDS), electronic non-nicotine delivery systems(ENNDS), heated tobacco products (HTPs) or their components to the public;
- l) **Person** - refers to an individual, partnership, corporation or any other business or legal entity;
- m) **Person-in-charge** - refers to, in case of public places, public outdoor spaces, workplaces, and point-of-sale, the president/manager in case of a company, corporation, partnership or association, the owner/proprietor/operator in case of a single proprietorship, or the administrator in case of government property, facility, office or building; in case of public conveyances, the owner, driver, operator, conductor, or captain of the public conveyance; in case of schools or universities, the city schools superintendent, school president, dean or principal (Sec. 1(g), EO 26);
- n) **Point-of-sale** - refers to any location at which an individual can purchase or otherwise obtain tobacco products, ENDS/ENNDS, HTPs, or their components (Phrase is from the definition provided under Sec. 6(h), EO 106);
- o) **Public conveyances** - refers to modes of transportation servicing the general population, such as, but not limited to, elevators, buses, taxicabs, jeepneys, light train transit, tricycles, airplanes, ships, tricycles and other similar vehicles.


HON. PATRICK S. DEZA
CITY COUNCILOR


HON. DIONISIO MENDOCINA
CITY COUNCILOR


HON. DENNIS D. DERO
CITY COUNCILOR

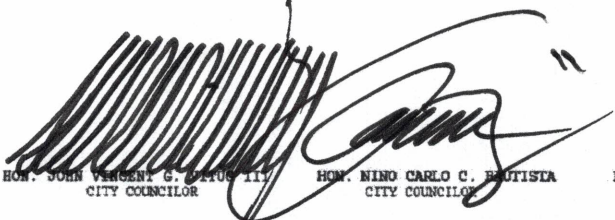

HON. EMMANUEL ESCAYA
CITY COUNCILOR


HON. ANTONIO H. ALDABA III
CITY COUNCILOR


HON. TERESE CEPILLO B. ODE
CITY COUNCILOR


HON. EDGARDO F. DOMINGO
CITY COUNCILOR


HON. FRANCISCO J. CASTRO
CITY COUNCILOR


HON. JOHN VINCENT G. DATUS III
CITY COUNCILOR

HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR

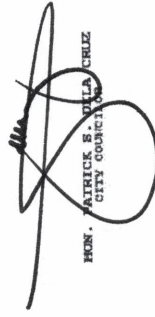

HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR

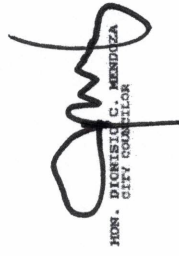

HON. MICHAEL M. AQUINO
CITY COUNCILOR

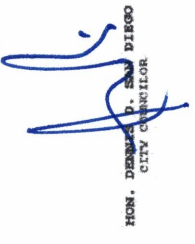

HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

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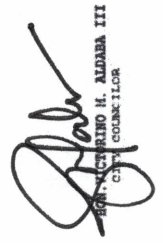
- p) **Public places** - means all places, fixed or mobile, that are accessible or open to the public or places for collective use, regardless of ownership or right to access, including but not limited to schools, workplaces, government facilities, establishments that provide food and drinks, accommodation, 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/sidewalks, entrance ways, waiting areas' and the like (Definition from Section 1, j, under EO 26);
- q) **Retailer** - refers to any person who or entity that sells cigarettes and tobacco products to individuals for personal consumption;
- r) **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;
- s) **Smoke-free air/vape free air** - refers to the air that is 100% free from tobacco smoke, and includes, 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 (Section 6(k), EO 106);
- t) **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;
- u) **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, HTPs, or their components, or the use thereof, either directly or indirectly;
- v) **Tobacco Products** - means products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for smoking, heating, sucking, chewing, or snuffing, such as but not limited to cigarette, cigar, pipe, shisha/hookah, and chew tobacco. This includes ENDS/ENNDS, heated and smokeless tobacco products, and novel tobacco products, and related consumer products;
- w) **Tobacco Industry** - refers to organizations, entities, associations, and individuals that work for or on behalf of the tobacco industry, such as, but not limited to, tobacco manufacturers, wholesale distributors, importers of tobacco products, tobacco retailers, front groups, and any other individuals or organizations, including, 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 (Definition from 2.1 of JMC No. 2010-01 titled "Protection of the Bureaucracy Against Tobacco Industry Interference");
- x) **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 (Definition from 2.2. of JMC No. 2010-01 titled "Protection of the Bureaucracy Against Tobacco Industry Interference");
- y) **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 (Definition from Section 6(1), EO 106);
- z) **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 1(n), EO 26);


HON. PATRICIA B. VILLA CRUZ
CITY COUNCILOR

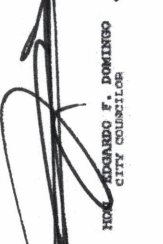

HON. DENNIS C. MENDOZA
CITY COUNCILOR

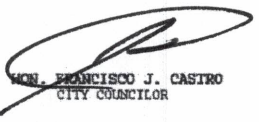

HON. DENNIS D. SAN DIEGO
CITY COUNCILOR


HON. EMMANUEL R. ENCAY
CITY COUNCILOR



HON. RICARDO H. ALDABA III
CITY COUNCILOR

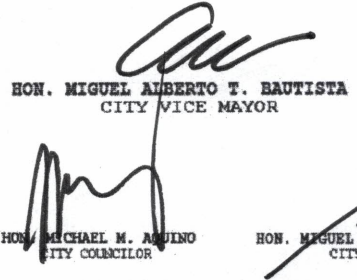

HON. TERESE SAVILLA B. DALE
CITY COUNCILOR

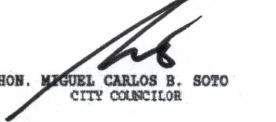

HON. EDUARDO F. DOMINGO
CITY COUNCILOR


HON. FRANCISCO J. CASTRO
CITY COUNCILOR


HON. JOHN VINCENT G. VITO
CITY COUNCILOR


HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR


HON. MICHAEL M. AQUINO
CITY COUNCILOR


HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

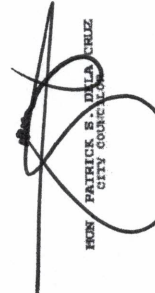

HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR

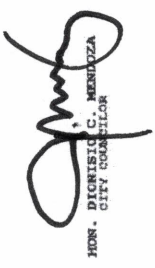
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aa) "Graphic Health Warnings" refer to the photographic image printed on the tobacco product package which accurately depicts the hazards of tobacco use and is accompanied by textual warning related to the picture (Definition from Sec. 4(c), RA 10643, Graphic Health Warnings Law).

SECTION 5. - PROHIBITED ACTS - The following acts shall be prohibited:

- 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(p), except in Designated Smoking/Vaping Areas duly approved and fully compliant with the requirements under Section 6 of this ordinance (Derived from Sec. 7 (a), EO 106);
- 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 6 of this ordinance (Sec. 7(b) EO 106);
- c) Operating or establishing designated smoking/vaping areas without license from the City Health Office or failing to comply with the standards for the operation of smoking/vaping areas provided under Section 6 of this Ordinance;
- d) Selling, distributing, or purchasing tobacco products or electronic cigarettes, and heated tobacco products and/or its components or from minors (Sec. 7 (c), EO 106; see Sec. 6, RA 11900, and Sec. 9, RA 9211);
- e) Use, sale, or purchase of tobacco products, electronic cigarette, heated tobacco products and/or its components by minors (Sec. 7 (d), EO 106; see. Sec. RA 11900, and Sec. 9, RA 9211);
- f) Ordering, instructing, or compelling a minor to use, light up, buy, sell, distribute, deliver, advertise or promote tobacco products, electronic cigarette, heated tobacco products or their components (Sec. 7 (e), EO 106; see. Sec. RA 11900, and Sec. 9 RA 9211);
- g) Selling, distributing, advertising, promotions and product testing of tobacco products, electronic cigarette, and heated tobacco products and/or their components in a school, public playground, or other facility frequented by the youth and minors, and government offices delivering services on education, health and social welfare and development or within 100 meters from any point in the perimeter of these places and premises of a government facility (Sec. 7 (f), EO 106);
- h) Selling tobacco products, electronic cigarette, and heated tobacco products and/or their components without a valid city business permit and license to sell;
- i) Manufacturing, importation, distributing, marketing, or selling of unregistered or adulterated electronic cigarettes, heated tobacco products and other novel tobacco products and their components 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 (Sec. 1, EO 106; see Sec. 2, RA 11900);
- j) Manufacturing, importing, distributing and selling of tobacco products, electronic cigarette, and heated tobacco products and/or its components without the appropriate government-issued health warning labels (Sec. 5 and 6, RA 10643, The Graphic Health Warnings Law; See Sec. 4, RA 11900);
- k) Selling and distribution of electronic cigarette refills or pods that are not tamper resistant and child resistant (Sec. 5, RA 11900);
- l) Selling and distribution of tobacco products containing more than sixty-five(65) milligrams nicotine (Sec. 18, RA 11900);
- m) Selling and distribution of flavored electronic cigarettes, except menthol and tobacco flavors (Sec. 3, RA 11467);


HON. PATRICK S. DELLA CRUZ
CITY COUNCILOR


HON. DIONISIO C. MENDOZA
CITY COUNCILOR


HON. DENNIS D. SAN DIEGO
CITY COUNCILOR

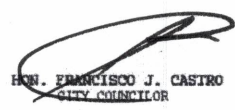

HON. DANIEL A. ENCAY
CITY COUNCILOR


HON. VICTORINO H. ALDAMA III
CITY COUNCILOR

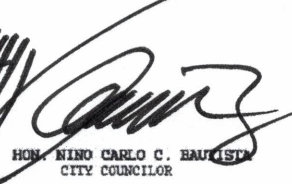

HON. FERRISE CHERYL B. OPI
CITY COUNCILOR

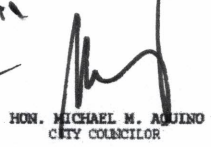

HON. EDGARDO F. DOMINGO
CITY COUNCILOR


HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR


HON. FRANCISCO J. CASTRO
CITY COUNCILOR


HON. JOHN ROBERT C. PINEDA
CITY COUNCILOR


HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR


HON. MICHAEL M. AQUINO
CITY COUNCILOR



HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

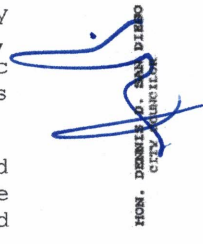
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- n) The sale of Vaporized Nicotine and Non-Nicotine Products and Novel Tobacco Products that are packaged, labeled, presented, or marketed with flavor descriptors that are proven to unduly appeal particularly to minors. A flavor descriptor is presumed to unduly appeal to minors if it includes a reference to a fruit, candy brand, dessert, or cartoon character (Sec. 12 (j), RA 11900);
- o) The retail and use of nicotine shots and/or concentrates (Sec. 20, RA 11900);
- p) Failure on the part of retailers, sellers and distributors to require the presentation of a valid government issued identification card from buyers and recipients of tobacco products (Sec. 6, 7, 8, RA 11900);
- q) Placement of tobacco product advertisements in shopping bags (Sec. 13 (i), RA 11900);
- r) 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 products, electronic cigarette, heated tobacco products and/or their components, including imitations thereof, which may appeal to minors (Sec. 13, (h), RA 11900);
- s) Placing advertisements of tobacco products, electronic cigarette, and heated tobacco products and/or its components outside the premises of points-of sale such as, but not limited to, vehicles of any kind, billboards, posters and streamers (Sec. 12 (i), RA 11900);
- t) Placing, posting, displaying, wearing, or distributing advertisement and promotional materials of tobacco products, 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 products, electronic cigarette, heated tobacco products, and/or their components, and are not adult-only establishments (Sec. 9, RA 11900; Sec. 10, RA 9211);
- u) Conducting promotional activities, campaigns, events, product sampling, and other similar activities where the establishment or its location prohibits selling, distributing, and purchasing of tobacco products, electronic cigarette, heated tobacco products, and its components, and where minors are allowed entry (Sec. 10, 15(a), Sec. 23 (a)RA 9211; Sec. 9, 13(a), Sec. 14 11900);
- v) Displaying and placing tobacco products, electronic cigarette, and heated tobacco products and/or its components in open store shelves/racks, except in enclosed, opaque, and single-colored storages/containers, in establishments where minors are allowed entry (Sec. 11, RA 11900);
- w) Refusal to allow entry of the members of the Smoke Free Task Force or its duly deputized enforcers into places mentioned in Section 4 of this Ordinance for the purpose of implementing, monitoring, inspecting and enforcing the provisions of this Ordinance;
- x) Facilitation, participation, or partnership involving any government official or personnel of Malolos City 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 with the aim, effect or likely effect of promoting a tobacco/electronic cigarette product, its use either directly or indirectly (See JMC No. 2010-01 "Protection of the Bureaucracy Against Tobacco Industry Interference).

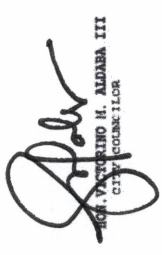
SECTION 6. - STANDARDS FOR DESIGNATED SMOKING AND VAPING AREAS - All DSAs/DVAs shall strictly comply with the following standards:


HON. PATRICK S. BELAR CRUZ
CITY COUNCILOR

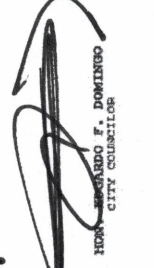

HON. DIONISIO C. MENDOZA
CITY COUNCILOR


HON. DENNIS G. SAN DIEGO
CITY COUNCILOR


HON. EDWIKEL S. SELAY
CITY COUNCILOR


HON. VICTORINO H. ALDANA III
CITY COUNCILOR

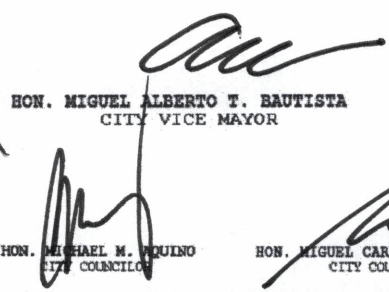

HON. TERESE CARILLO S. CRUZ
CITY COUNCILOR


HON. LEONARDO F. DOMINGO
CITY COUNCILOR

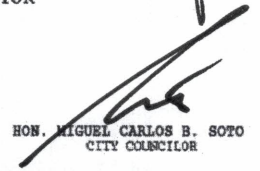

HON. FRANCISCO J. CASTRO
CITY COUNCILOR


HON. JOHN VINCENT G. LOPEZ
CITY COUNCILOR


HON. MINO CARLO C. BAUTISTA
CITY COUNCILOR


HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR


HON. MICHAEL M. AQUINO
CITY COUNCILOR


HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

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- 1) It shall be located in an open space outside the building with no permanent or temporary roof or walls in an outdoor area;
- 2) The DSA/DVAs shall not be located in or within ten(10) meters from entrances, exits, or any place where people pass or congregate, or in front of air intake ducts;
- 3) The combined area of the DSA/DVAs and the buffer zone shall not be larger than 20% of the total area of the building or conveyance, provided that in no case shall such area be less than ten(10) square meters;
- 4) No building or conveyance shall have more than one DSA/DVA (Executive Order No. 106);
- 5) Smoking shall not be allowed in DVAs (RA No. 11900);
- 6) Minors shall not be allowed inside the DSA/DVA and the buffer zone;
- 7) Selling, serving or offering of food and beverages in the DVA and its buffer zone is prohibited unless the DVA is located in a point of sale;
- 8) The DSA/DVA shall have the following signages highly visible and prominently displayed:
 - 8.1. "Smoking area" or "Vaping Area" signage
 - 8.2 Graphic Health Warnings on the effects of using tobacco products, ENDS/ENNDS and HTPs, and
 - 8.3. Prohibition on the entry of persons below eighteen (18) years old and pregnant women.
- 9) Other standards and specifications to better ensure a smoke-free environment as may be prescribed by the smoke free and vape free task force.

However, there shall be no DSA/DVA in the following public places:

- a) 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;
- b) Elevators and stairwells;
- c) Locations in which fire hazards are presents, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;
- d) Within the buildings and premises of public and private hospitals, medical, dental, and optical clinics, health centers, nursing homes, dispensaries and laboratories;
- e) Food preparation areas;
- f) Public conveyances and in enclosed, partially enclosed and outdoor areas of transport terminals that are near entrances and exits or where people congregate;
- g) Within the buildings and premises of government offices and agencies delivering education, health, and social and welfare and development services, and shall likewise include parks, plazas, playgrounds, sports and recreational facilities, and other facilities where an absolute smoking ban is imposed under special laws, administrative and executive orders, memorandum circulars and related policies; and
- h) Churches and other similar places where people congregate to worship.

Nothing in this ordinance shall compel persons-in-charge to establish DSAs/DVAs or prevent them from banning smoking or vaping in their buildings and establishments to better ensure a smoke-free environment in their premises.

HON. FRANCISCO J. CASTRO
CITY COUNCILOR

HON. JOHN VINCENT G. VERGARA
CITY COUNCILOR

HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR

HON. MICHAEL M. AQUINO
CITY COUNCILOR

HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR

HON. PATRICK R. BELLA CRUZ
CITY COUNCILOR

HON. DICHISTO C. MENDOZA
CITY COUNCILOR

HON. DENNIS D. DELA PENA
CITY COUNCILOR

HON. EMANUEL R. SERRA
CITY COUNCILOR

HON. VICTORINO H. ALDABA III
CITY COUNCILOR

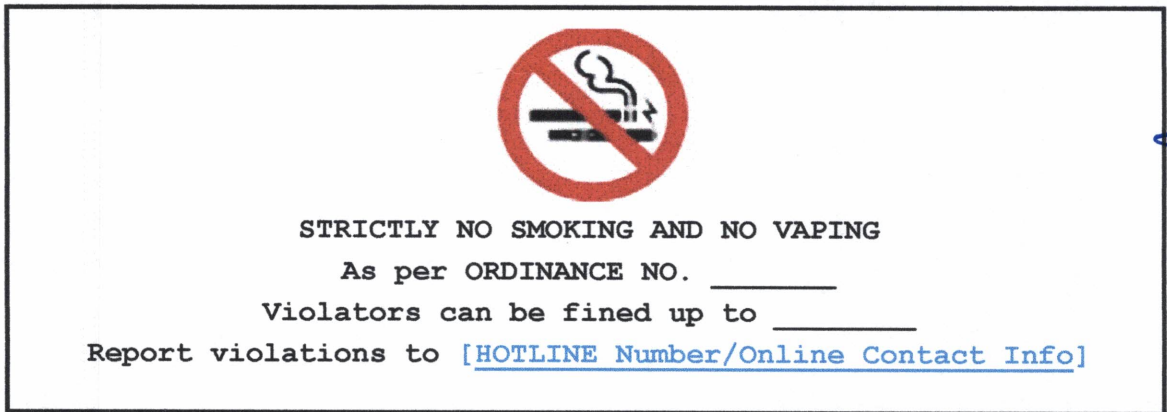
HON. TERESA CHELL B. OTEY
CITY COUNCILOR

HON. EDUARDO F. DOMINGO
CITY COUNCILOR

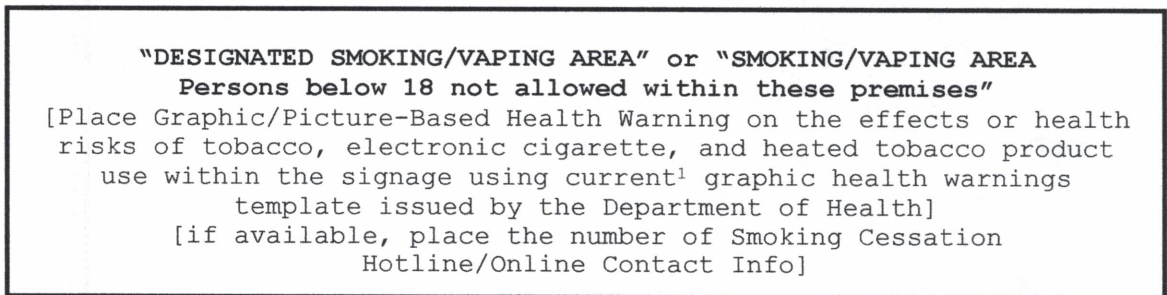
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SECTION 7. - Duties and Obligations of Persons-in-Charge - Persons-in-charge shall:

- 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 symbol/s shall occupy no less than 60% of the signage. The remaining 40% of the signage shall show the pertinent information/precautionary statement, as follows:



As for the Designated Smoking/Vaping Area (DSVA), after complying with the specifications in Section 6, prominently display the following elements in the signage:



- 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;
- c. 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;
- 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 City Building/Engineering and Health Officers after complying with the requirements for a DSVA, as stated in Section 6;
- e. For persons-in-charge of schools, public playgrounds, or other facilities frequented by the youth and/or minors, health facilities, and government offices delivering services on education, health and social welfare and development, post the following statement in a clear and conspicuous manner:

HON. FRANCISCO J. CASTRO
CITY COUNCILOR

HON. JOHN VINCENT C. VERA
CITY COUNCILOR

HON. NIÑO CARLO C. BAUTISTA
CITY COUNCILOR

HON. MICHAEL M. ARDINO
CITY COUNCILOR

HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR

HON. FAYATICE B. DE LA CRUZ
CITY COUNCILOR

HON. DIONISIO C. MENDOZA
CITY COUNCILOR

HON. DENNIS P. DE VERA
CITY COUNCILOR

HON. ALBERTO M. ANGLAY
CITY COUNCILOR

HON. VICTORIO H. ALDABA III
CITY COUNCILOR

HON. TERRESE CHEVALL B. OÑA
CITY COUNCILOR

HON. EDUARDO F. DOMINGO
CITY COUNCILOR

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SELLING, DISTRIBUTING, ADVERTISING AND PROMOTING CIGARETTES AND OTHER TOBACCO PRODUCTS TO MINORS, OR ELECTRONIC CIGARETTES, HEATED TOBACCO, OTHER TOBACCO PRODUCTS, AND/OR ITS COMPONENTS TO PERSONS BELOW 18 YEARS OLD ARE NOT ALLOWED WITHIN 100 METERS FROM ANY POINT IN THE PERIMETER OF [NAME OF SCHOOL / PLAYGROUND / FACILITY FOR THE YOUTH AND/OR MINORS / HEALTH FACILITY / ETC.]


- f. For persons-in-charge of schools, public playgrounds or other facilities frequented by minors, health facilities, and government offices delivering services on education, health and social welfare and development to 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 the perimeter of their establishments or offices;
- g. For persons-in-charge of establishments intending to sell tobacco/electronic cigarette, heated tobacco products, and/or any of its components to secure a valid business permit and license to sell in retail or wholesale from the city's Business Permits and Licensing Office (BPLO), and shall comply with all essential requirements as directed by other regulatory agencies;
- h. For persons-in-charge of approved point-of-sale establishments, post the following notices, 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 City Health Office, in a clear and conspicuous manner:

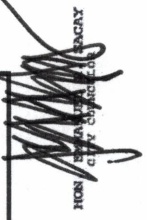
**"SALE/DISTRIBUTION OF TOBACCO PRODUCTS TO MINORS, OR ELECTRONIC CIGARETTES, HEATED TOBACCO PRODUCTS, AND/OR ANY OF ITS COMPONENTS TO PERSONS BELOW AGE 18 IS UNLAWFUL"
"TOBACCO PRODUCTS ARE HARMFUL AND CONTAIN NICOTINE WHICH IS A HIGHLY ADDICTIVE SUBSTANCE.
IT IS NOT RECOMMENDED FOR USE BY NONSMOKERS".**

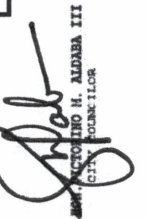
- i. For persons-in-charge of approved point-of-sale establishments, remove all forms of tobacco, electronic cigarette and heated tobacco product, and/or any of its components' advertisement/promotions paraphernalia prohibited by this Ordinance;
- j. For persons-in-charge of approved point-of-sale establishments, secure approval from the City Health Office for storages or containments of tobacco/electronic cigarette/heated tobacco product, and/or any of its components as allowed by the FDA and the DTI. 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;

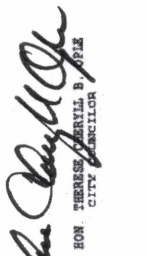

HON. FRANCISCO J. CASTRO
CITY COUNCILOR

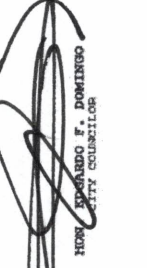

HON. DENNIS C. MERCEDA
CITY COUNCILOR

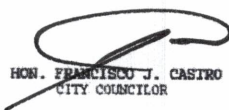

HON. DENNIS D. SAN DIEGO
CITY COUNCILOR


HON. DENNIS D. SAN DIEGO
CITY COUNCILOR


HON. ROSENDO H. ALDABA III
CITY COUNCILOR

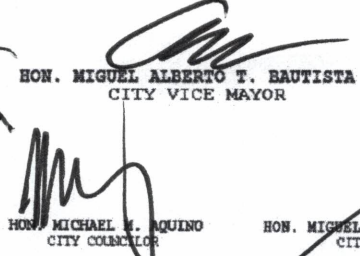

HON. DENNIS B. OFRA
CITY COUNCILOR


HON. DOMINGO F. DOMINGO
CITY COUNCILOR

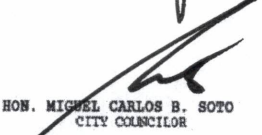

HON. FRANCISCO J. CASTRO
CITY COUNCILOR


HON. JOHN VINCENT C. BAUTISTA
CITY COUNCILOR


HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR


HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR


HON. MICHAEL E. AQUINO
CITY COUNCILOR


HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

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- 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 16 and 17 hereof, which may include other members of the Task Force and the designated civil society organization under Section 14, entry into the establishment, public conveyance, and government offices and facilities during regular business hours to inspect 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 English; and
- p. Owners, administrators, or persons-in-charge of business establishments are not prevented from banning the use of tobacco products, ENDS/ENNDS and heated tobacco products within their premises nor they are required to establish Designated Smoking/Vaping Areas in their establishments.

SECTION 8. - 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, encourage, abet, authorize or tolerate the prohibited acts enumerated in Section 5, or who otherwise fails to fulfill the duties and obligations enumerated in Section 7 hereof;
- c. If the violator is a minor, the apprehending officer from the Task Force shall report the incident to the school principal/dean exercising jurisdiction over the violator where he shall be required to comply with disciplinary measures imposed by the school/university where he/she is enrolled. Should the school/university have no policy for offenses committed by their students outside school premises and outside school hours, or if the violator is an out-of-school youth, the enforcer shall endorse the violator to the Barangay Captain where the minor is a resident and where the parents/guardians may be called, in carrying out the necessary disciplinary measures.

SECTION 9. - Penalties - The following penalties shall be imposed on violators of this Ordinance:

- a. Violation of Section 5(a), (b) and (c) and Section 7(a) to (o) Duties and Obligations of Persons-In-Charge:

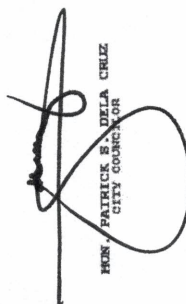
i. First Offense	P3,000.00
ii. Second Offense	P4,000.00
iii. Third and Subsequent Offenses	P5,000.00 or imprisonment for a period not exceeding 1 year, or both at the discretion of the court.

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

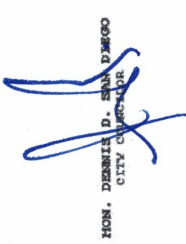
- b. Violation of Section 5 (d) to (x) Sales/Access, Advertisement, Promotions, and sponsorship restrictions:

i. First Offense	P3,000.00
ii. Second Offense	P4,000.00
iii. Third and Subsequent Offenses	P5,000.00 or imprisonment for a period not exceeding 1 year, or both at the discretion of the court.

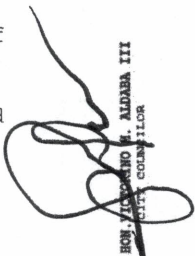
- c. Violation of Section 5(x) Sponsorship/Contribution/Partnership with the Tobacco Industry Involving Government Officials/Personnel:

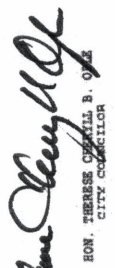

HON. PATRICK S. DELA CRUZ
CITY COUNCILOR


HON. DIONISIO C. MENDOZA
CITY COUNCILOR


HON. DENNIS D. SAN DIEGO
CITY COUNCILOR


HON. EMMANUEL R. MACAY
CITY COUNCILOR


HON. LEONARDO H. ALDABA III
CITY COUNCILOR


HON. TERESE CECILIA B. ODE
CITY COUNCILOR


HON. ARMANDO F. DOMINGO
CITY COUNCILOR


HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR


HON. FRANCISCO J. CASTRO
CITY COUNCILOR


HON. JOHN VINCENT G. VITUG III
CITY COUNCILOR


HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR


HON. MICHAEL M. AQUINO
CITY COUNCILOR


HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

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- i. First Offense P3,000.00
- ii. Second Offense P4,000.00
- iii. Third and Subsequent Offenses P5,000.00, or imprisonment for a period not exceeding 1 year, or both at the discretion of the court.

d. **Community Service.** If a violator is unable to pay the penalties imposed, he or she may choose to render community service within the city. For purposes of this section, community service is defined as any actual physical activity which indicates civic consciousness, and is intended toward the improvement of a public work or promotion of a public service. For every hour of community service rendered, his/her outstanding fine shall be reduced by an amount equivalent to triple the hourly minimum wage. If a violator is unable to accomplish community service as an alternative, he/she may be re-fined or re-arrested.

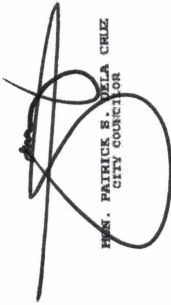
e. **Proper Identification.** Persons found in violation of this ordinance must present valid proof of identification. In the absence of such proof, the violator shall be brought to the nearest police station for proper identification, then to the Task Force for the payment of penalty or rendition of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

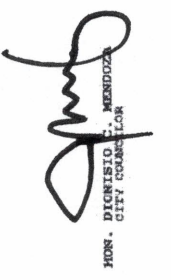
f. **Confiscation or Removal.** Tobacco, electronic cigarettes, heated tobacco products, related products or components, and their advertising/promotions paraphernalia found violating any of the prohibited acts in this ordinance shall be subject to confiscation and/or removal.

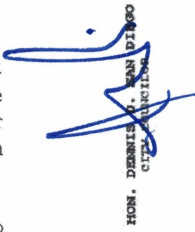
g. **Revocation or Suspension of Business Permits and License to Sell.** The business permit and license to sell tobacco, electronic cigarette, and heated tobacco products or Certificate of Public Convenience of any public conveyance shall be suspended for at least one (1) week but not more than one (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 violate 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 City Health Office, Building/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.

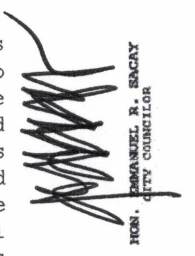
SECTION 10. - Citation Ticket System - Violators of this Ordinance shall be informed of their violation and its corresponding penalty using a Citation Ticket System with the following guidelines:

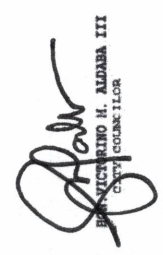
- a. Official booklets of Citation Tickets shall be issued by the City Treasurer to duly authorized enforcers within ninety (90) calendar days of the effectivity of this Ordinance.
- b. A Citation Ticket shall be issued by duly authorized enforcers to person/s liable for any violation of this Ordinance.
- 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; and
 - 4) The due date for compliance with the obligations imposed by the ticket.

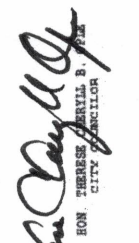

HON. PATRICK S. DELLA CRUZ
CITY COUNCILOR

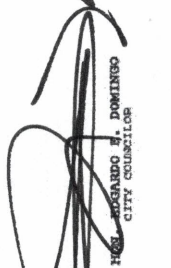

HON. DIONISIO C. MENDOZA
CITY COUNCILOR


HON. DENNIS D. MAN DINGCO
CITY COUNCILOR

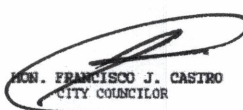

HON. EMMANUEL R. ENCAAY
CITY COUNCILOR

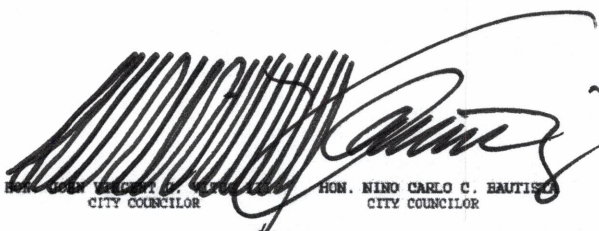

HON. VICTORINO H. ALDABA III
CITY COUNCILOR


HON. TERESE BERVILLE B. DELA CRUZ
CITY COUNCILOR

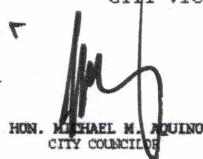

HON. LEONARDO B. DOMINGO
CITY COUNCILOR


HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR


HON. FRANCISCO J. CASTRO
CITY COUNCILOR


HON. JOHN VINCENT C. CRUZ
CITY COUNCILOR


HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR


HON. MICHAEL M. AQUINO
CITY COUNCILOR


HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

- d. When a Citation Ticket is issued to a violator, he/she shall report to the City Treasurer's Office or its duly authorized collecting agent within five (5) working days after such issuance, where he or she shall either pay the fine imposed or render community service under Section 9 (d) hereof.
- e. The City 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 11. - Smoking and Vaping Cessation and Livelihood Assistance Programs - The City 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 in Section 5 of this Ordinance, may be referred to the City's Smoking Cessation service provider or 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 might be affected or displaced by the restrictions on sales, may be referred for enrollment and given assistance in the livelihood programs of the City or by other appropriate agencies.

ENFORCEMENT

SECTION 12. - Smoke/Vape-Free Task Force; Duties and Responsibilities, Composition - A Task Force mandated in the implementation, enforcement, and monitoring of this Ordinance, design and provide capacity building programs that will inform the constituents and train enforcement officers, protect the Ordinance from tobacco industry interference at all times, develop programs and implement research to reduce tobacco consumption, and conduct educational awareness campaigns, information dissemination programs is hereby created.

Chairperson : City Mayor
Vice Chairperson : City Vice Mayor

Members:

- a. City 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 Licensing Officer;
- g. Local Philippine National Police (PNP) Chief of Police;
- h. City Treasurer;
- i. Environment and Natural Resources Officer (ENRO) from the local government unit or from DENR;
- j. Representative/s from DepED, CHED and/or academic institution;
- k. Local President of the Liga ng mga Barangay ng Pilipinas;
- l. Public Order and Safety Officer;
- m. City Social Welfare and Development Officer
- n. Human Resources Management Officer
- b) City Administrator/Chief of Staff
 - a. Coordinator of the Task Force Unit or Office (if other than the above officers)
 - b. Representative/s of one or more civil society organizations (CSO) designated by the Health Officer, under Section 14(q) hereof; and
 - c. 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).

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.

HON. FRANCISCO J. CASTRO
CITY COUNCILOR

HON. JOHN VINCENT C. CAYANAN
CITY COUNCILOR

HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR

HON. MICHAEL M. AQUINO
CITY COUNCILOR

HON. MIGUEL CARLOS B. SOFO
CITY COUNCILOR

HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR

HON. PATRICK S. DELA CRUZ
CITY COUNCILOR

HON. DIONISIO C. MENDOZA
CITY COUNCILOR

HON. DENNIS R. SAN PEDRO
CITY COUNCILOR

HON. EDUARDO R. BACAY
CITY COUNCILOR

HON. VICTORINO H. ALDABA III
CITY COUNCILOR

HON. TERESA CERRILLO B. OY
CITY COUNCILOR

HON. EDUARDO F. DOMINGO
CITY COUNCILOR

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No member of the Task Force shall also receive for himself/herself, members of his/her immediate family up to the fourth civil degree of consanguinity or affinity, or for other individuals, beneficiaries or groups, any contribution, donation, sponsorship 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 from the Task Force. 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 13. - Duties and Responsibilities of the Chairperson of the Task Force - In addition to heading the Task Force and supervising the general administration of the Task Force, the City Mayor shall direct and manage the implementation and execution of policies, standards, rules, and regulations promulgated pursuant to the objectives of this Ordinance.

SECTION 14. - Duties and Responsibilities of the Members of the Task Force - As members of the Task Force, their duties and responsibilities shall include the following:

a. The City 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 11;
- 7) Assist hospitals and other health facilities including any office of the DOH 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 the youth and/or minors and health facilities.

b. The Health Education and Promotion Officer shall:


- 1) Develop and produce information, education, and communication materials and conduct activities on Tobacco Prevention and Control, such as the harms of tobacco and e-cigarette use, and exposure to 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 Building/Engineering Officer shall:

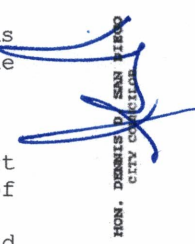
- 1) Conduct, together with the City Health Office or on its own, inspection activities as provided in this Ordinance;
- 2) Determine whether or not enclosed/partially enclosed public places, workplaces, other public places, and point-of-sale establishments, comply with this Ordinance;
- 3) Recommend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



HON. PATRICE E. BELA CRUZ
CITY COUNCILOR



HON. DENNIS M. MENDIZA
CITY COUNCILOR



HON. DENNIS D. SAN PEDRO
CITY COUNCILOR



HON. ANGEL R. SOGAY
CITY COUNCILOR



HON. RICARDO H. ALDABA III
CITY COUNCILOR



HON. TERESE CHELL B. OÑA
CITY COUNCILOR



HON. EDGARDO F. DOMINGO
CITY COUNCILOR



HON. FRANCISCO J. CASTRO
CITY COUNCILOR



HON. JOHN VINCENT G. VITUG III
CITY COUNCILOR



HON. MINO CARLO C. BAUTISTA
CITY COUNCILOR



HON. MICHAEL M. AQUINO
CITY COUNCILOR



HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR



HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

d. The City 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, file or defend cases on matters pertaining to this Ordinance.

e. The City 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) Disapprove applications for license or permit to sell tobacco products that fail to comply with the requirements issued pursuant to local and national laws;
- 2) Order the suspension or revocation of licenses/permits of establishments found to have violated this Ordinance, subject to the provisions of Sections 9(g) and 17 hereof;
- 3) Deny renewal of licenses/permits of repeat violators of this Ordinance;
- 4) 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 local PNP Chief of Police shall:

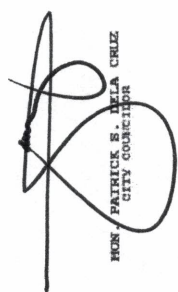
- 1) Direct the Local PNP in the orderly enforcement of this Ordinance;
- 2) Ensure apprehension of violators in accordance with the provisions of this Ordinance and other rules and procedures of engagement;
- 3) Assist Task Force members, local government unit officials and deputized civilians in apprehending 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 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.

h. The City Treasurer shall:

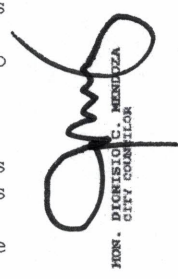
- 1) Facilitate the printing and reprinting of Citation Tickets;
- 2) Issue booklets of the Citation Tickets to the local government units' enforcers and other deputized enforcers, as appropriate;
- 3) Collect/receive fines paid by violators and submit reports on its collection;
- 4) Designate collection 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.

i. The Environment and Natural Resources Officer from the local government unit or from DENR shall:

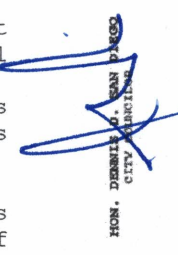
- 1) Assist in promoting awareness of this Ordinance as a component in the protection and conservation of the environment and in encouraging public support and participation in its implementation and enforcement;
- 2) Assist in inspection and monitoring violations of the Ordinance on its own or with any other member of the Task Force;



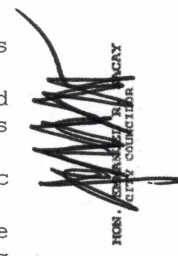
HON. PATRICK S. DELA CRUZ
CITY COUNCILOR



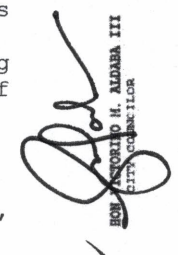
HON. DIONISIO C. MENDOZA
CITY COUNCILOR



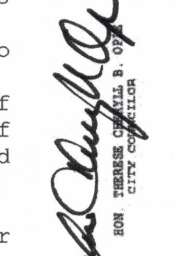
HON. DENNIS G. SAN PASC
CITY COUNCILOR



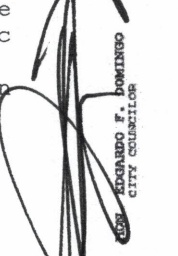
HON. CESAR E. R. MACAY
CITY COUNCILOR



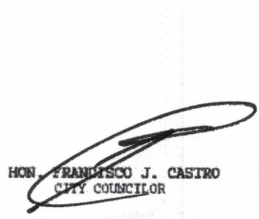
HON. ANTONIO H. ALDABA III
CITY COUNCILOR



HON. TERESE CHAVIL B. OPE
CITY COUNCILOR



HON. EDGARDO F. DOMINGO
CITY COUNCILOR



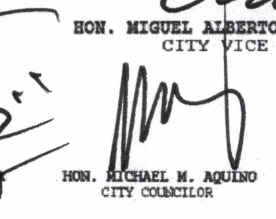
HON. FRANCISCO J. CASTRO
CITY COUNCILOR



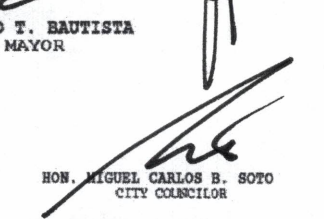
HON. JOHN VINCENT C. ...
CITY COUNCILOR



HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR



HON. MICHAEL M. AQUINO
CITY COUNCILOR



HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR




HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

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- 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.
- j. The Representative from DEPED, CHED, and/or Academic institution 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% smokefree 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 the youth and/or minors;
 - 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 the youth and/or minors, and health facilities.
- k. The Local President of the Liga ng mga Barangay ng Pilipinas 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, or other members of the Task Force, in monitoring violations of the Ordinance within their jurisdictions;
 - 3) Provide the necessary coordination among the Barangay Health Workers, Kagawads, Sangguniang Kabataan (SKs) 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/Vaping Cessation Program at the Barangay Level, if applicable.
- l. 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,
 - 3) Designated Smoking/Vaping Areas (DSVAs), together with other members of the Task Force;
 - 4) Assist in the enforcement and coordinate with other enforcers/Task Force member regarding the serving of Citation Tickets, the imposition of fines, suspension or revocation of licenses/permits for violations;
- m. The City Social Welfare and Development Officer:
- 1) Assist in the enforcement of this Ordinance when persons below 18 are involved;
 - 2) Provide the necessary interventions for persons below 18 implicated in violations.
- n. The Human Resources and Management Officer or equivalent officer/LGU point-person for the Civil Service Commission:
- 1) Oversee the strict implementation of smoke and vape free government facilities;
 - 2) Evaluate for approval the proper establishment of Designated Smoking/Vaping Areas in government facilities where it may apply;
 - 3) Oversee the strict implementation of a policy preventing industry interference, pursuant to the CSC-DOH Joint Memorandum Circular 2010-01;
 - 4) Monitor, supervise, and report on all concerns on tobacco/e-cigarette Industry activities, communications, and other related concerns;
 - 5) Assist in matters related to tobacco control policies as it applies to the performance of functions and duties affecting government officials/personnel.

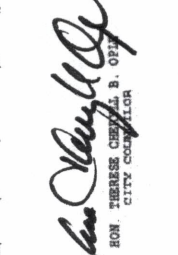

HON. FERRICE B. DE LA CRUZ
CITY COUNCILOR

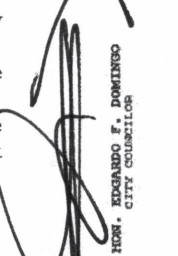

HON. DIONISIO C. MENDOZA
CITY COUNCILOR

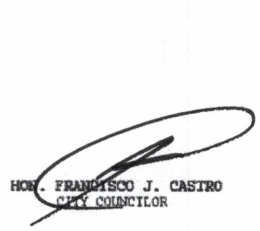

HON. DENNIS P. DOMINGO
CITY COUNCILOR


HON. FRANCISCO H. ENCAYA
CITY COUNCILOR


HON. VICTORIO H. ALDAMA III
CITY COUNCILOR

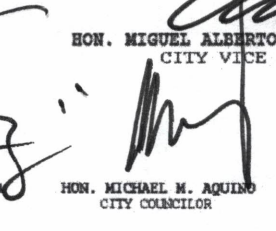

HON. TERESE CERVELL B. OPE
CITY COUNCILOR

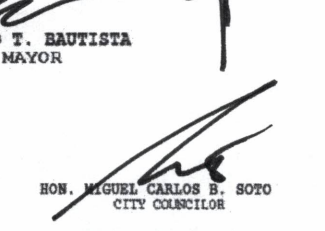

HON. EDGARDO F. DOMINGO
CITY COUNCILOR


HON. FRANCISCO J. CASTRO
CITY COUNCILOR


HON. JOHN V. ...
CITY COUNCILOR


HON. MINO CARLO C. BAUTISTA
CITY COUNCILOR


HON. MICHAEL M. AQUINO
CITY COUNCILOR


HON. MIGUEL CARLOS B. SOZO
CITY COUNCILOR


HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR

- x
- o. The City 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 Mayor as to the status of implementation and enforcement of the Ordinance.

 - p. 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 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 Mayor as to the status of implementation of Tobacco Control in the local government unit and of the Ordinance.

 - q. 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.

SECTION 15. - Enforcement on Individuals - Members of the PNP and/or persons duly deputized by the City 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 7 hereof. They shall forward copies of the tickets they issue violators to the City Treasurer's Office regularly or per week. 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 rendition of community service.

SECTION 16. - 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 to violators to the City Treasurer's Office regularly or at least once a week.

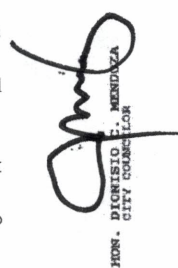
SECTION 17. - Enforcement on Establishments - Ninety (90) calendar days after the effectivity of this Ordinance, an inspection team composed of representatives from the City Health Office, City Engineer's Office, Business Permits and Licenses Office, and other members of the Task Force, shall conduct inspections of establishments and buildings to determine their compliance with the provisions of this Ordinance.

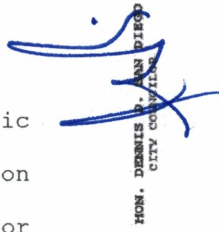
A regular inspection shall thereafter be conducted at least once every month or simultaneously with other regular inspections done by the appropriate office or department, whichever is more frequent, during normal hours of operation of the establishment. The inspection team shall issue a Citation Ticket 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 9 (g) hereof.

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

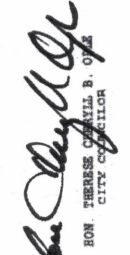

HON. PATRICK S. DULA CRUZ
CITY COUNCILOR


HON. DENNIS E. MENDOZA
CITY COUNCILOR



HON. DENNIS P. SAN DIEGO
CITY COUNCILOR

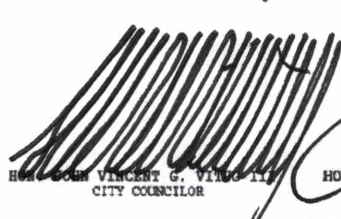

HON. EMMANUEL S. SACAY
CITY COUNCILOR


HON. VICTORINO H. ALDABA III
CITY COUNCILOR

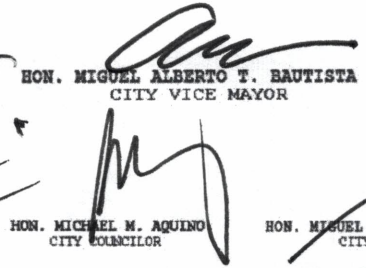

HON. TERESE CECILIA B. OZA
CITY COUNCILOR

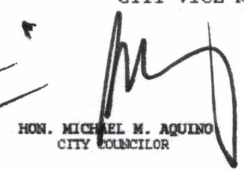

HON. EDGARDO F. DOMINGO
CITY COUNCILOR

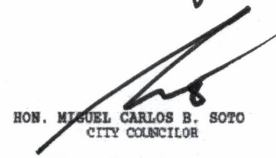

HON. FRANCISCO J. CASTRO
CITY COUNCILOR


HON. JOHN VINCENT G. VINZONS
CITY COUNCILOR


HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR


HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR


HON. MICHAEL M. AQUINO
CITY COUNCILOR


HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

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SECTION 18. - Civilian Participation in Enforcement - Within thirty (30) calendar days from the effectivity of this Ordinance, the Task Force/City Health Office shall designate with the approval of the Office of the City 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 14 (q) hereof. The City 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.

SECTION 19. - No Contest Provision - Persons who violate any provision of this Ordinance, except for Sections 5(e), 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 9 prior to the filing of a formal complaint with the proper court, shall be allowed to pay the penalty with the City 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 City 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.

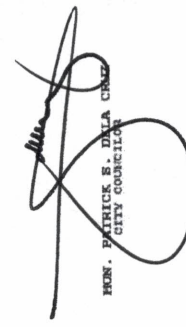
INFORMATION CAMPAIGN

SECTION 20. - Information Dissemination - Within sixty (60) calendar days of the effectivity of this Ordinance, the Task Force shall:

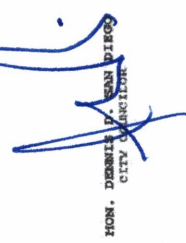
- a. In coordination with the Office of the City Mayor:
 - 1) provide at least two (2) copies of this Ordinance to every PNP station or precinct in the jurisdiction of the respective LGUs;
 - 2) provide a primer on this Ordinance for every officer of the PNP/deputized enforcers, and
 - 3) conduct lectures to brief officers of the PNP and other enforcers, the provisions of this Ordinance, and their responsibilities concerning its enforcement.
- b. In coordination with the Business Permits and Licenses 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 City 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 Malolos City, and for other sectors as necessary.
- d. In coordination with the City Health Office, develop, disseminate and post timely health information on prevention and cessation, including the use of graphic health warnings, information, education, and communication (IEC) materials, depicting the health and other impacts of tobacco/e-cigarette use and exposure.

SECTION 21. - Public Billboards, Notices in Barangays - Upon effectivity of this Ordinance, the 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 City Information Office shall also immediately issue for dissemination at the barangay level notices on obligations of persons under the Ordinance.

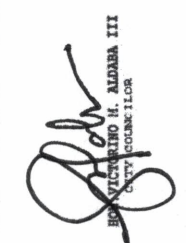
Section 22. - Conduct of Orientation Seminars and Trainings - Within sixty (60) calendar days from the effectivity of this Ordinance and periodically thereafter, the City Health Officer, with the assistance of the Health Education and Promotion Officer, and the CSO representative designated under Section 14(q) 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.

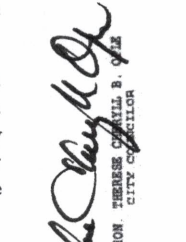

HON. PATRICK S. DALA CRUZ
CITY COUNCILOR

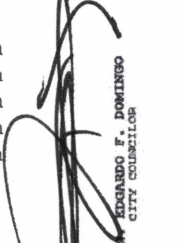

HON. DIONISIO C. MENDOZA
CITY COUNCILOR


HON. DENNIS P. SAN DIEGO
CITY COUNCILOR


HON. RAMON B. ENCAY
CITY COUNCILOR


HON. VICTORINO H. ALDABA III
CITY COUNCILOR


HON. HERESE CELL B. COLE
CITY COUNCILOR



HON. EDGARDO F. DOMINGO
CITY COUNCILOR



HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR


HON. FRANCISCO J. CASTRO
CITY COUNCILOR


HON. JOHN VERGARA C. VITAS III
CITY COUNCILOR


HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR


HON. MICHAEL M. AQUINO
CITY COUNCILOR


HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

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FINANCING

SECTION 23. - Funding - Initial funding to defray the expenses necessary for or incidental to the implementation of this Ordinance and Tobacco Control Program in the amount of Php100,000.00 shall be sourced from the fund of the City Government and is hereby allocated.

Every year thereafter, at least Php50,000.00 shall automatically be included in the Annual Budget of the city for the implementation and enforcement of this Ordinance and the City'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 City'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 to the usual government accounting and auditing procedures.

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

- a. Conduct of a baseline survey and data gathering to ascertain the number of smokers and vapers in the City;
- b. Capacity building for the members of the Smoke-free and Vape Free Taskforces and enforcers;
- c. Production and dissemination of information, education and communication materials;
- d. Establishment, maintenance and support for smoking and vaping cessation clinics;
- e. Establishment/provision of a livelihood assistance program for displaced business entities or individuals such as ambulant vendors;
- f. Cost of printing copies of this Ordinance, the Citation Tickets, and information, education, and communication materials on tobacco control;
- g. Cost of regular or periodic meetings of the Task Force;
- h. Cost of inspection and enforcement by the Task Force, including allowances for meals and transportation which shall be set by the Office of the Mayor;
- i. Remuneration for the apprehending enforcer's share of the proceeds from penalties paid;
- j. Incentive or reward for private citizens who report violations of this Ordinance;
- k. Institutional and operating expenses of the smoking cessation program and facility;
- l. Other expenses associated with the implementation and enforcement of this Ordinance;
- m. The hiring of coordinator/staff/agents who shall be involved in the day-to-day operations;
- n. Conduct prevalence and compliance monitoring and assessment activities.

SECTION 24. - Sharing of Proceeds from the Penalties under this Ordinance - The amount of the corresponding penalty paid by a violator to the City Treasurer shall be apportioned where Twenty Percent (20%) 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 25. - Implementing Rules and Regulations - The Task Force shall formulate such rules and regulations, with the approval of the City Mayor, as needed, to ensure the effective implementation of this Ordinance;

SECTION 26. - Repealing Clause - All ordinances contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 27.- 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 28. - Effectivity Clause. - This Ordinance shall take effect upon approval.

APPROVED.

HON. FRANCISCO J. CASTRO
CITY COUNCILOR

HON. JOHN CARLOS S. VITO III
CITY COUNCILOR

HON. NIÑO CARLO C. BAUTISTA
CITY COUNCILOR

HON. MICHAEL M. AQUINO
CITY COUNCILOR

HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR

HON. PATRICK B. DELA CRUZ
CITY COUNCILOR

HON. DIGNISIO T. MENDOZA
CITY COUNCILOR

HON. DENNIS D. SAN PEDRO
CITY COUNCILOR


HON. EMANUEL S. DELA CRUZ
CITY COUNCILOR

HON. VICENTINO H. ALDABA III
CITY COUNCILOR

HON. TERESA CRISTIL B. OÑA
CITY COUNCILOR

HON. EDUARDO F. DOMINGO
CITY COUNCILOR

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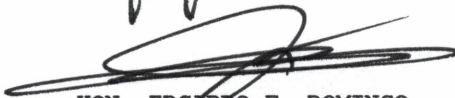

HON. FRANCISCO J. CASTRO
City Councilor


HON. JOHN VINCENT G. VILLEG III
City Councilor


HON. NINO CARLO C. BAUTISTA
City Councilor



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HON. MIGUEL CARLOS B. SOTO
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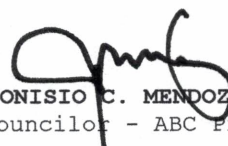

HON. EDGARDO F. DOMINGO
City Councilor

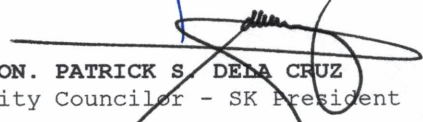

HON. THERESE CHERYL B. OPLE
City Councilor


HON. VICTORINO M. ALDABA III
City Councilor

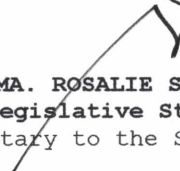

HON. EMMANUEL R. SACAY
City Councilor


HON. DENNIS D. SAN DIEGO
City Councilor


HON. DIONISIO C. MENDOZA
City Councilor - ABC President


HON. PATRICK S. DELA CRUZ
City Councilor - SK President

I HEREBY CERTIFY that the foregoing City Ordinance was approved by the Sangguniang Panlungsod.


MA. ROSALIE SP. CRUZ
Local Legislative Staff Officer V
Temporary Secretary to the Sangguniang Panlungsod

ATTESTED BY:


HON. MIGUEL ALBERTO T. BAUTISTA
City Vice Mayor - Presiding Officer

APPROVED/DISAPPROVED:

MAR 31 2023

Date of Approval:


ATTY. CHRISTIAN D. NATIVIDAD

*absent

DhorieTrogo*03272023