AREA VIII

PHYSICAL PLANT AND FACILITIES

I.8. SMOKING IS STRICTLY PROHIBITED INSIDE THE CAMPUS

I.8. Smoking is strictly prohibited inside the campus.

Republic of the Philippines Region XII
Province of Cotabato
MUNICIPALITY OF KABACAN
LOCAL GOVERNMENT UNIT

EXCERPTS FROM THE MINUTES OF THE 48TH REGULAR SESSION OF THE 10TH SANGGUNIANG BAYAN OF KABACAN, COTABATO HELD ON SEPTEMBER 7, 2017 IN THE DATU BUNDAS L. MAMALUBA SESSION HALL.

The session was called to order by the Presiding Officer at 9:00 o'clock in the morning and the following were:

PRESENT:
Hon. Myra Dulay-Bade,
Vice-Mayor/Presiding Officer
Hon. Rhosman S. Mamaluba, SB Member
Hon. Manny K. Pedtamanan,
SB Member Hon. Romeo G. Mantawil,
SB Member Hon. Ayesha J. Quilban-Flores, SB Member Hon. Datuan L. Macalipat, SB Member

ABSENT:
Hon. Herlo C. Guzman, SB Member (O.B.)
Hon. Reyman L. Saldivar, SB Member (O.B.)
Hon. George E. Manuel, SB Member (O.B.)
Hon. Raymundo B. Gracia, SB Member (O.B.)

RESOLUTION NO. 2017-113

RESOLUTION ENACTING AN ORDINANCE PROHIBITING THE USE, SALE,

DISTRIBUTION AND ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS, AND ELECTRONIC CIGARETTES, IN CERTAIN PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFORE, TO INSTILL HEALTH CONSCIOUSNESS AND FOR OTHER PURPOSES, AMENDING ORDINANCE NO. 2014-005, S. 2014.

Sponsor: Committee on Health, Sanitation & Nutrition

Chairperson: Hon. Ayesha J. Quilban-Flores

Vice-Chairperson: Hon. George E. Manuel

Member: Hon. Herlo C. Guzman

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

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

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

Excerpts. Reso. No. 2017-113, embodying Ord. No. 040, s. 2017 page 2

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

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

WHEREAS, the **Land Transportation Franchising and Regulatory Board (LTFRB) Memorandum Circular 2009-036** provides that drivers and operators of public utility vehicles are responsible for preventing smoking in public conveyances and posting specified

"No Smoking" signs in their vehicles;

WHEREAS, the **Local Government Unit of Kabacan** must act with urgency to denormalize the culture of smoking and tobacco consumption through comprehensive and proven effective tobacco control measures;

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

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

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

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 cancers, 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;

Excerpts. Reso. No. 2017-113, embodying Ord. No. 040, s. 2017 page 3

WHEREAS, the WHO stated that evidence suggests that exhaled e-cigarette aerosol increases the background air level of some toxicants, nicotine and particles. Reports show other harms in terms of electrical or mechanical malfunctions such as explosions or leakage, as well as accidental ingestions of the e-liquid or e-juice. Its other potential risks, in addition to addiction to nicotine, has not been fully determined and may pose further threat to public health.

WHEREAS, it is well documented that tobacco advertising, promotion and sponsorship (TAPS) increase tobacco use, and that comprehensive bans on TAPS decrease tobacco use. Studies show that minors exposed to TAPS are also likely to initiate tobacco use. While it is the main thrust of RA 9211 to regulate and subsequently ban all tobacco advertisements and sponsorships, the provisions only provided a transition by way of partial bans and restrictions, and still continue to expose minors to tobacco advertising and promotions, often at point-of-sale and outdoors. An effective ban on tobacco advertising, promotion and sponsorship should, as recognized by Parties to the FCTC in *Articles 13.1* and *13.2*, be comprehensive and applicable to all tobacco advertising, promotion and sponsorship. **WHEREAS,** in order to minimize ease of access and affordability of tobacco products, particularly to minors, and in order to provide a more supportive environment for those who are attempting to quit tobacco use, there is a need to strengthen existing measures on access restriction, including the regulation of sales, distribution and availability, and those prescribed under *Article 16* of the FCTC.

WHEREFORE, on motion of Hon. Ayesha J. Quilban-Flores, duly seconded by Hon.
Rhosman S. Mamaluba, the Sangguniang Bayan has-

RESOLVED, as it hereby resolves, to enact, as it hereby enacts- **ORDINANCE NO. 2017-040, S. 2017**

AN ORDINANCE PROHIBITING THE USE, SALE, DISTRIBUTION AND ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS, AND ELECTRONIC CIGARETTES, IN CERTAIN PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFORE, TO INSTILL HEALTH CONSCIOUSNESS AND FOR OTHER PURPOSES, AMENDING ORDINANCE NO. 2014-005, S. 2014.

Be it enacted by the Sangguniang Bayan, that:

SECTION 1. ***TITLE-***This Ordinance shall be known as the ***"Comprehensive Smoke Free Ordinance of the Local Government Unit of Kabacan".***

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

SECTION 3. ***COVERAGE-*** This Ordinance shall apply to all persons, whether natural or juridical, whether resident or not, and in all places, found within the territorial jurisdiction of the **Local Government Unit of Kabacan.**

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.

Excerpts. Reso. No. 2017-113, embodying Ord. No. 040, s. 2017 page 4

a. ***Advertising and promotion*** - means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly. For purposes of this ordinance, it shall likewise apply to Electronic Nicotine Delivery Systems (ENDS).

b. ***Civil Society Organization (CSO)*** - refers to a legally constituted voluntary civic and social organization or institution created with no participation of government, including but not limited to, charities, development non-governmental organizations (NGOs), community groups, women's organizations, faith-based organizations, professional associations, coalitions and advocacy groups duly recognized by the Office of the Mayor. As used in this Ordinance, CSO does not include organizations, or associations related to, or connected with, or front groups of the tobacco industry.

c. ***Designated Smoking Area*** - refers to an outdoor space, duly approved by the Municipal Health Officer, where smoking, may be allowed without violating this ordinance, that meets the following requirements:

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) It is not located in or within ten (10) meters from entrances, exits, or any place where people pass or congregate.

3) It shall not have an area larger than 10 square meters.

4) Food or drinks are not served in the designated smoking area.

5) No building shall have more than one designated smoking area.

6) Minors or persons below the age of 18 shall not be allowed in the designated smoking area.

7) The designated smoking/vaping area has the following signage highly visible and prominently displayed:

a) "Smoking Area"/"Vaping Area" signage with message showing "Minors not allowed within these premises"

b) Graphic health warnings on the effects/harms of tobacco use or exposure

c) Information on cessation hotline and/or cessation clinic/services

8) It shall not be located in places where absolute smoking bans are in effect, such as, but not limited to: centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for persons under eighteen (18) years old; elevators and stairwells; locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials; within the buildings and premises of public and private hospitals, medical, dental, and optical clinics, health centers, nursing homes, dispensaries and laboratories; food preparation areas; public conveyances and in enclosed, partially enclosed and outdoor areas of transport terminals that are near entrances and exits or where people pass or congregate; within the buildings of all government facilities and premises of all offices 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.

Excerpts. Reso. No. 2017-113, embodying Ord. No. 040, s. 2017 page 5

d. ***Electronic Nicotine Delivery Systems (ENDS)*** – which shall include ***Electronic NonNicotine Delivery Systems (ENNDS)*** for purposes of this regulation means any device such as electronic cigarettes (e-cigarettes), electronic shisha (e-shisha), and other similar devices, whether or not it is used to deliver nicotine and other components to the user through the act of ***vaping*** that resemble the act of smoking or the outward appearance of smoking products.

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

f. ***Minor*** - refers to any person below eighteen (18) years old.

g. ***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 or ENDS to the public.

h. ***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*, the city/municipal schools superintendent, school president, dean or principal.

i. ***Point-of-sale*** - refers to any location at which an individual can purchase or otherwise obtain tobacco products and/or ENDS.

j. ***Public conveyances*** - refers to modes of transportation servicing the general population, such as, but not limited to, elevators, jeepneys, buses, multicabs, taxicabs, boats, rideshare service vehicles, tricycles and other similar vehicles.

k. ***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, purok/centers, parking areas, and the like.

l. ***Second-hand smoke*** - means the smoke emitted from the burning end of a cigarette or from other tobacco products usually in combination with the smoke exhaled by the smoker.

m. ***Smoke free air*** - (for purposes of this ordinance) is air that is 100% free from tobacco smoke. This definition includes, but is not limited to, air in which tobacco smoke cannot be seen, smelled, sensed or measured.

n. ***Smoking*** - means being in possession or control of a lit tobacco product regardless of whether the smoke is being actively inhaled or exhaled.

Excerpts. Reso. No. 2017-113, embodying Ord. No. 040, s. 2017 page 6

o. ***Sponsorship*** - means any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly.

p. ***Tobacco Products*** - mean products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for smoking, sucking, chewing or snuffing, such as but not limited to cigarette, cigar, pipe, shisha/hookah and chew tobacco.

q. ***Tobacco Industry*** - refers to organizations, entities, associations, and individuals that work for on in behalf of the tobacco industry, such as, but not limited to, tobacco manufactures, wholesale distributors, importers of tobacco products, tobacco retailers, front groups and

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.

r. ***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.

s. ***Vaping*** - refers to the act of inhaling and exhaling vapor produced by any Electronic Nicotine Delivery System (ENDS)/Electronic Non-Nicotine Delivery System (ENNDS) or other electronic device whether or not it is used to deliver nicotine to the user, and mimics the act of smoking.

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

SECTION 5. ***PROHIBITED ACTS*****-** The following acts are declared unlawful and prohibited by this Ordinance:

a. Smoking 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 (k)*, except in Designated Smoking Areas duly approved and fully compliant with the requirements under *Section 4 (c)*;

b. For persons-in-charge to allow, abet or tolerate smoking or vaping in places enumerated in the preceding paragraph, outside of approved Designated Smoking/Vaping Area under *Section 4 (c)*;

c. Selling or distributing tobacco products and/or ENDS to minors;

d. Purchasing tobacco products and/or ENDS from minors;

e. Ordering, instructing or compelling a minor to use, light up, buy, sell, distribute, deliver, advertise or promote tobacco products and/or ENDS;

f. Selling or distributing tobacco products and/or ENDS in a school, public playground or other facility frequented by minors, public markets, public terminals, hospitals and health
facilities, or within 100 meters from any point in the perimeter of these places;
Excerpts. Reso. No. 2017-113, embodying Ord. No. 040, s. 2017 page 7

g. Selling of tobacco products and/or ENDS within premises of a government facility, and establishments that serve food and drinks or provide accommodation and entertainment

h. Selling tobacco products and/or ENDS without a municipal permit to sell tobacco products or ENDS;

i. Selling of tobacco products and/or ENDS as individual pieces or per stick, or in tobacco product packs containing less than 20 sticks/pieces in sari-sari stores and selling of tobacco products and ENDS as individual pieces or per stick or in tobacco product packs in grocery stores and super markets;

j. Selling tobacco products and/or ENDS removed from its original product packaging or without the proper government-regulated and approved health warning;

k. Selling tobacco products and/or ENDS by ambulant or street vendors, including other mobile or temporary stalls, kiosks, stations or units;

l. Selling or distributing of sweets, snacks, toys or any other objects in the form of tobacco products and/or ENDS, or bearing resemblance to their logo/indicia/packaging which may appeal to minors;

m. Placing cinema or outdoor advertisements of tobacco products and/or ENDS;

n. Placing, posting, displaying or distributing advertisement and promotional materials of tobacco products or ENDS, such as but not limited to leaflets, posters, display structures and other materials within an establishment when such establishment or its location is prohibited from selling tobacco products and/or ENDS;

o. Placing, posting, displaying or distributing advertisement and promotional materials of tobacco products or ENDS, such as but not limited to leaflets, posters, display structures and other materials that show a tobacco/ENDS brand's name (including company name), logo or indicia, such as in a point-of-sale establishment, where minors are allowed entry;

p. Conducting promotional activities, campaigns, events, product sampling, and the like, where the establishment or its location is prohibited from selling or unauthorized to sell tobacco products and/or ENDS, and/or where minors are allowed entry;

q. Displaying and placing tobacco products and/or ENDS in open store shelves/racks;

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

SECTION 7. ***DUTIES AND OBLIGATIONS OF PERSON-IN-CHARGE***- Persons-in-charge shall:

a. Prominently post and display the "No Smoking" signage, which may include a "No Vaping" symbol illustrated separately or combined, in the locations most visible to the public in the areas where smoking and vaping is prohibited. At the very least, the "No Smoking" and "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 following information:

ex:

and /or or as a combined symbol
STRICTLY NO SMOKING AND NO VAPING
As per ORDINANCE NO. 2017-040, s. 2017
Violators can be fined up to P2,500.00
Report violations to [Hotline Number]

As for the Designated Smoking Area, after complying with the specifications in *Section 4 (c)*, prominently display the following elements in the signage:

"**DESIGNATED SMOKING AREA**" or "**SMOKING AREA**"

"Minors not allowed within these premises"
[place Graphic/Picture-Based Health Warning on the effects of tobacco use within the signage]
[*if available*, place number of Smoking Cessation Hotline]

b. Prominently post and display the "No Smoking" and "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" and "No Vaping" signage shall be placed on the windshield and a ten (10) square inch "No Smoking" sign at the driver's back seat;

c. Ashtrays and any other receptacles for disposing of cigarette or other tobacco product refuse must be provided in the approved Designated Smoking/Vaping Areas, and shall be removed from all places where smoking/vaping is prohibited;

d. For persons-in-charge of government premises intending to establish a Designated Smoking/Vaping Areas (DSAs/DVAs), secure a certification/permit from the duly authorized officer or representative of the Civil Service Commission; while for persons-in-charge of commercial establishments/buildings or other non-government facilities intending to establish a DSA/DVA, to secure a certification/permit from the Building/Engineering and Health Officers, after complying with the requirements for a DSA/DVA, as stated in *Section 4*
(c);

e. For persons-in-charge of schools, public playgrounds or other facilities frequented by minors, Offices of DOH and attach agencies, hospitals and health facilities, post the following statement in a clear and conspicuous manner:

"SELLING, ADVERTISING AND PROMOTING CIGARETTES OR OTHER TOBACCO PRODUCTS INCLUDING E-CIGARETTES NOT ALLOWED WITHIN 100 METERS FROM ANY POINT IN THE PERIMETER OF SCHOOLS/ PLAYGROUND, HEALTH FACILITY, CHURCHES, AND ALL FACILITIES FOR MINORS".

f. For persons-in-charge of schools, public playgrounds or other facilities frequented by minors, offices of the DOH and attached agencies, hospitals and health facilities, report to the Smoke Free Task Force any tobacco product/ENDS selling, advertising and/or promotion located within 100 meters from its perimeter;

g. For persons-in-charge of establishments intending to sell tobacco products and/or ENDS, secure a permit to retail/wholesale from the Business Permits and Licensing Office;

h. For persons-in-charge of approved point-of-sale establishments, post the following notice, together with a graphic/picture-based health warning on the health consequences of tobacco use, as prescribed by the Municipal Health Office, in a clear and conspicuous manner:

SALE/DISTRIBUTION OF TOBACCO PRODUCTS AND E-CIGARET'TES TO MINORS IS UNLAWFUL

i. For persons-in-charge of point-of-sale establishments, remove all forms of tobacco or ENDS advertisement/promotions paraphernalia deemed prohibited by this Ordinance;

j. For persons-in-charge of point-of-sale establishments, secure approval from the Municipal Health Office for storages or containments of tobacco products and/or ENDS. Only a listing of available tobacco and/or ENDS brands/variants sold at the point-of-sale establishment are allowed to appear outside of the storage or containment, where such listing shall only be written/printed in any plain font, and devoid of 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 point-of-sale establishments, ensure that storages or containments of tobacco products and/or ENDS are only opened by a store personnel/manager at the counter during actual purchase by an adult customer, or when being replenished, cleaned or inspected;

l. Establish internal procedure and measures through which this Ordinance shall be implemented and enforced within the area of which he or she is in charge. This includes compliance to the sales, distribution, advertising and promotions restrictions, i.e. warning smoking/vaping violators in banned areas and requesting them to stop smoking/vaping, and if they refuse to comply, asking them to leave the premises, and if they still refuse to comply, reporting the incident to the Municipal Health Office, the nearest peace officer, or to any member of the Smoke Free Task Force through its hotline or by other means;

m. Ensure that all the employees in the establishment are aware of this Ordinance and the procedure and measures for implementing and enforcing it;

n. Allow inspectors acting under *Sections 15* and *16* hereof, which may include other members of the Task Force and the designated civil society organization under *Section 17*, entry into the establishment or public conveyance during regular business hours for the purpose of inspecting its compliance with this Ordinance;

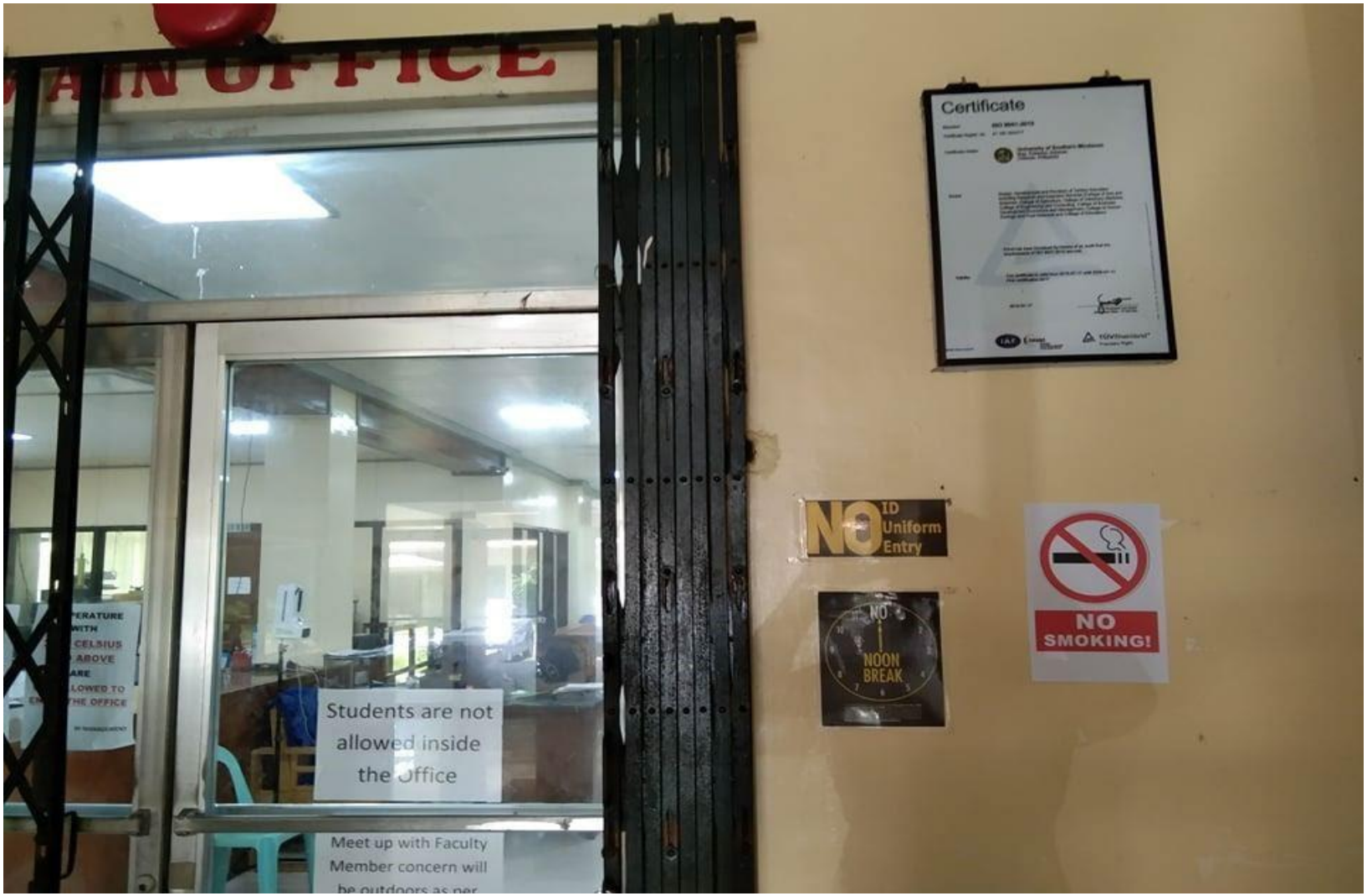
NO SMOKING SIGNAGES AT CBDEM BUILDING



NO SMOKING SIGNAGES



NO SMOKING SIGNAGES INFRONT OF OFFICES



NO SMOKING SIGNAGES POSTED ON WALLS



NO SMOKING SIGNAGES POSTED BESIDE CLASSROOM DOORS

