



MUNICIPAL ORDINANCE NO. 26, SERIES OF 2017

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"THE ANTI-SMOKING ORDINANCE OF THE MUNICIPALITY OF BAYAMBANG, PANGASINAN".

Be it enacted by the Sangguniang Bayan of Bayambang, in session assembled that:

Section 1. Title. This Ordinance shall be known as "THE ANTI-SMOKING ORDINANCE OF THE MUNICIPALITY OF BAYAMBANG, PANGASINAN"

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;

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 Municipality of Bayambang;

SECTION 4. DEFINITION OF TERMS

- 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;
- b) "Designated Smoking Area" (DSA) – refers to an area of a building or conveyance where smoking may be allowed, which may be in an open space or separate area with proper ventilation subject to the specific standards provided in this Ordinance;
- c) "Enclosed" – means being covered by a roof or other structure serving the purpose of a roof, and having one or more walls or sides, wherein the openings on the walls or sides have an aggregate area that is less than half of the total wall space, regardless of the type of material used for the roof, wall or sides, and regardless of whether the structure is permanent or temporary. Doors and windows that can be opened and shut shall not be considered as openings under this paragraph. The enclosed character of a building or conveyance shall attach to all its areas, including its open spaces;
- d) "Minor" – refers to any person below eighteen (18) years old;
- e) "Non-Smoking Buffer Zone" – is a ventilated area between the door of a DSA not located in an open space and the smoke-free area. There shall be no opening that will allow air to escape from such Non-Smoking Buffer Zone to the smoke-free area, except for a single door equipped with an automatic door closer. Such door is distinct from the door of the DSA, which shall be at least two (2) meters away from the other;
- f) "Open spaces" – refers to those areas forming part of a building or conveyance, which are not covered by a roof or similar structure;
- g) "Person-in-charge" – refers to in case of public places, public outdoor spaces and workplace, the president/manager in case of a company, corporation or association, the owner/proprietor/operator in case of a single proprietorship, or the administrator in case of government or private property, facility, office or building, and the city/municipal schools superintendent, school president, dean or principal in case of schools;
- h) "Point-of-sale" – refers to any location at which an individual can purchase or otherwise obtain tobacco products;

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- i) **"Public conveyances"** – refers to modes of transportation servicing the general population, such as, but not limited to, elevators, jeepneys, buses, tricycles and other similar vehicles;
- j) **"Public places"** – means all places, fixed or mobile, that are accessible or open to the public, regardless of ownership or right to access, including, but not limited to, establishments that provide food and drinks, accommodation, merchandise, professional services, entertainment or other services. It also include 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 ground or centers, church grounds, health/hospital compounds, transportation terminals, markets, parks, resorts, walkways, entrance ways, waiting areas, and the like;
- k) **"Smoking"** – means being in possession or control of a lit tobacco product regardless of whether the smoke is being actively inhaled or exhaled;
- l) **"Smoke-free"** – refers to 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;
- m) **"Tobacco products"** – means products entirely or partly made of tobacco lead 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;
- n) **"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, such as, but not limited to taxis, ambulances and delivery vehicles

Section 5. Prohibited Acts. The following acts shall be prohibited:

- a. Smoking within enclosed public places and public conveyances, whether stationary or in motion, except in DSAs fully compliant with the requirements of Section 6 of this Ordinance;
- b. For persons-in-charge to allow, abet or tolerate smoking in places enumerated in the preceding paragraph, outside of DSAs fully compliant with Section 6 of this Ordinance;
- c. For any person to sell, distribute or purchase tobacco products to and from minors. It shall not be a defense for the person selling or distributing that he/she did not know or was not aware of the real age of the minor. Neither shall it be a defense that he/she did not know nor had any reason to believe that the cigarette or any other tobacco product was for the consumption of the minor to whom it was sold;
- d. For a minor to smoke, sell or buy cigarettes or any other tobacco products;
- e. Ordering, instructing or compelling a minor to use, light up, buy, sell, distribute, deliver, advertise or promote tobacco products;
- f. Selling or distributing tobacco products in a school, public playground, youth hostels and recreational facilities for minors, including those frequented by minors, or within 100 meters from any point of the perimeter of these places;
- g. Placing, posting, displaying or distributing advertisement and promotional materials of tobacco products, such as but not limited to leaflets, posters, display structures and other materials within 100 meters from the perimeter of a school, public playground, and other facilities frequented particularly by minors, hostel and recreational facilities for minors, including those frequented by them, or in an establishment when such establishment or its location is prohibited from selling tobacco products;



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- h. Placing any form of tobacco advertisement outside of the premises of point-of-sale retail establishments, and
- i. Placing any stall, booth, and other displays concerning tobacco promotions to areas outside the premises of point-of-sale locations or adult-only facilities.

Section 6. Standards for DSAs – All DSAs shall strictly comply with the following standards:

1. There shall be no opening that will allow to escape from the DSA to the smoke-free area of the building or conveyance, except for a single door equipped with an automatic door closer, provided that, if the DSA is not located in an open space, such door shall open directly towards a Non-Smoking Buffer Zone (Buffer Zone) as defined in this Ordinance;
2. The DSA 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 and the Buffer Zone shall not be larger than 20% of the total floor 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;
5. The ventilation system for the DSA other than in an open space and for the Buffer Zone shall be independent of all ventilation systems servicing the rest of the building or conveyance;
6. Minors shall not be allowed inside the DSA and the Buffer Zone;
7. The DSA shall have the following signages highly visible and prominently displayed:
 - a. "Smoking Area" signage
 - b. Graphic health warnings on the effects of tobacco use; and
 - c. Prohibition on the entry of persons below eighteen (18) years old.
8. Other standards and specifications to better ensure a smoke-free environment as may be prescribed by the Inter-Agency Committee-Tobacco under Republic Act No. 9811, provided that such standards and specifications are consistent with this Ordinance and the persons-in-charge are given sixty (60) days to comply.

However, there shall be no DSAs in the following public places:

- a) Centers of youth activity such as plays hools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for minors;
- b) Elevators and stairwells;
- c) Locations in which fire hazards are present, 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; and
- e) Food preparation areas.

Nothing in this Ordinance shall compel persons-in-charge to establish DSAs nor prevent them from instituting more stringent measures in their buildings and establishments to better ensure a smoke-free environment in their premises.



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

- a) Prominently post and display the "No Smoking" signage, in the locations most visible to the public in the areas where smoking is prohibited. At the very least, the "No Smoking" signage must be posted at the entrance to the area, which shall be at least 8x11 inches in size, where the symbol shall occupy no less than 60% of the signage, while the remaining 40% of the signage shall show the pertinent information, as follows:



STRICTLY NO SMOKING
 As per Ordinance No. 26, Series of 2017
 Report violations to #4357

As for the DSA, after complying with the specifications in Section 6, prominently display the following elements in the signage: as shown in Annex "A".

- b) Prominently post and display the "No Smoking" 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" signage shall be placed on the windshield and a ten (10) square inches "No Smoking" sign at the driver's back seat;
- c) Remove from the places where smoking is prohibited all ashtrays and other receptacles for disposing of cigarette refuse;
- d) For persons-in-charge of schools, public playgrounds, youth hostels and recreational facilities for minors, including those frequented by minors, post the following statement in a clear and conspicuous manner;

SELLING, ADVERTISING AND PROMOTING CIGARETTES OR OTHER TOBACCO PRODUCTS NOT ALLOWED WITHIN 100 METERS FROM ANY POINT IN THE PERIMETER OF (name of schools/playground/facility for minors/etc)

- e) For persons-in-charge of schools, public playgrounds, youth hostels and recreational facilities for minors, including those frequented by minors to report to the nearest Smoke-Free Task Force of the concerned municipality any tobacco product selling, advertising and/or promotion located within 100 meters from its perimeter;
- f) For persons-in-charge of 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 Department of Health, in a clear and conspicuous manner.

SALE/DISTRIBUTION OF TOBACCO PRODUCTS TO MINORS IS UNLAWFUL

- g) 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 with the smoking, sales, distribution, advertising and promotions restrictions (e.g. warning smoking violators in banned areas and requesting them to stop smoking), and if they refuse to comply, asking them to leave the premises, and if they still refuse to comply, reporting the incident to the Municipal Health Office, the nearest peace office, or to any member of the Smoke-Free Task Force;
- h) Ensure that all the employees in the establishments are aware of this Ordinance and the procedure and measures for implementing and enforcing it;
- i) For all signage required to be posted under (a), (b), (d), and (f) above, provide for versions of them in the local dialect or in English;



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MUNICIPALITY OF BAYAMBANG
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Section 8. Person Liable – The following persons shall be liable under this Ordinance:

Any person or entity who commits any of the prohibited acts stated in Section 5 hereof;

Persons-in-charge who knowingly allow, abet, or tolerate the prohibited acts enumerated in Section 5, or who otherwise fail to fulfill the duties and obligations enumerated in Section 7 hereof.

Section 9. An Anti-Smoking Task Force shall be created by the Municipal Mayor to aid in the implementation, monitoring and enforcement of this Ordinance. It shall be composed of the following:

- a) Municipal Health Officer
- b) Rural Health Physician
- c) Attorney III
- d) Representative of the Philippine National Police-Bayambang Police Station
- e) Municipal Engineer
- f) Business and Licensing Permit Officer
- g) Bayambang Fire Marshall
- h) Representative of Civil Society Organizations
- i) DepEd District Supervisor I & II

For this purpose, the Anti-Smoking Task Force is tasked to inspect and monitor compliance of all places covered by this Ordinance and certify the appropriateness of the designated smoking areas.

With the approval of the Municipal Mayor, the Anti-Smoking Task Force shall also have the power to recommend amendments or revisions of any provision of this Ordinance;

The Anti-Smoking Task Force in coordination with the Municipal Health Office shall undertake educational awareness on the ill effects of smoking and exposure to secondhand smoke, information dissemination programs, and capacity building programs and smoking cessation clinics;

The Anti-Smoking Task Force shall inform the public of the provisions of this Ordinance thru an intensified tri-media campaign;

The Anti-Smoking Task Force in coordination with the Bayambang Police Station shall inspect the presence of "No Smoking" signs in all public utility vehicles and strictly monitor its compliance;

Section 10. Smoking Cessation Program. The Municipal Health Officer and Rural Health Physician, shall develop and promote a Smoking Cessation Program and encourage the participation therein of public and private facilities which may be able to provide for its requirements. Smokers who are willing to quit and/or those found violating this Ordinance may be referred to the Smoking Cessation Program and its facilities.

The Municipal Health Officer shall establish smoking withdrawal clinics to provide counseling regarding the hazardous health effects of tobacco/cigarette smoking and to rehabilitate smokers from the hazardous effects of such products.



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MUNICIPALITY OF BAYAMBANG
OFFICE OF THE SANGGUNIANG BAYAN

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THE LONGEST BARBECUE
Bayambang, Pangasinan, Philippines
April 4, 2014

Section 11. Information Dissemination. Within thirty (30) calendar days of the effectivity of this Ordinance, the Municipal Health Office shall:

1. In coordination with the Office of the Municipal Mayor:
 - a) Provide copy of this Ordinance to the Bayambang Police station, all 77 barangays council, public and private schools in the municipality of Bayambang;
2. In coordination with the Permits and Licenses Office, give a copy of this Ordinance to all existing establishments that are licensed to operate and open to the public, as well as to those applying for a new license to operate and to all public utility vehicle drivers/operators in the Municipality.

Section 12. Public Billboards, Notices in Barangays. Upon effectivity of this Ordinance, the Municipal Engineering Office shall put up billboards in conspicuous places in the Municipality of Bayambang to notify the public of the restrictions and sanctions imposed by the Ordinance.

Section 13. Penalties – The following penalties shall be imposed on violators of this Ordinance:

First Offense	-	Php 500.00 or one (1) month imprisonment or both at the discretion of the court
Second Offense	-	Php 1,500.00 or two (2) months imprisonment or both at the discretion of the court
Third Offense	-	Php 2,500.00 or four (4) months imprisonment or both at the discretion of the court

In case of a minor, the Municipal Social Welfare and Development Officer shall meet with the child and his/her parents or guardians for proper smoking cessation counseling and the development of the appropriate diversion and rehabilitation program, in coordination with the Municipal Health Office.

Section 14. Citation Tickets - A citation ticket shall be issued to violators of the provisions of this Ordinance. The citation ticket shall state, among the power to corresponding administrative penalty;

The Philippine National Police (PNP) and such other appropriate enforcers as commissioned by the Municipal Mayor through the Anti-Smoking Task Force shall have the power to apprehend violators of this Ordinance and issue citation tickets;

The Municipal Mayor through the Anti-Smoking Task Force may deputize Barangay Officials or representatives of the private sector, non-government organizations and government organizations in the strict implementation of this Ordinance, as the need arises;

Section 15. Implementing rules and Regulations – The Anti-Smoking Task Force shall promulgate such rules and regulations, with the approval of the Municipal Mayor, as are necessary to ensure the effective implementation of this Ordinance;

Section 16. Repealing Clause – All Ordinances, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed accordingly;


HON. RAUL R. SABANGAN
Municipal Vice-President
SB Presiding Officer









HON. RAUL R. SABANGAN
Municipal Vice-President
SB Presiding Officer










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THE LONGEST BARBECUE
Bayambang, Pangasinan, Philippines
April 4, 2014

Section 17. Separability Clause – If for any reason or reasons, any part or provisions of the Ordinance is declared unconstitutional or invalid, other parts or provisions thereof not affected by such declaration shall continue to be in full force and effect;

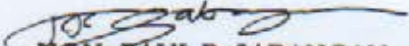
Section 18. Effectivity Clause – This Ordinance shall take effect upon approval and compliance with the publication requirements.

ENACTED this 22nd day of August 2017.

Certified to be duly adopted and approved:

JOEL V. CAMACHO
Secretary to the Sanggunian

ATTESTED:


HON. KAUL R. SABANGAN
Municipal Vice-Mayor &
SB Presiding Officer



