



Republic of the Philippines
 PROVINCE OF CAGAYAN
 City of Tuguegarao
SEVENTH CITY COUNCIL



EXCERPTS FROM THE MINUTES OF THE 55th REGULAR SESSION
 OF THE SEVENTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
 HELD ON SEPTEMBER 12, 2017, 9:00 A.M., TUESDAY,
 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

PRESENT:

Hon. Bienvenido C. De Guzman II	City Vice Mayor, Regular Presiding Officer
Hon. Danilo L. Baccay	Sangguniang Panlungsod Member
Hon. Jude T. Bayona	-do-
Hon. Kendrick S. Calubaquib	-do-
Hon. Maila Rosario T. Que	-do-
Hon. Arnel T. Arugay	-do-
Hon. Gilbert S. Labang	-do-
Hon. Winnoco R. Abraham	-do-
Hon. Imogen Claire M. Callangan	-do-
Hon. Mary Marjorie P. Martin-Chan	-do-
Hon. Raymund P. Guzman	-do-
Hon. Grace B. Arago	-do-
Hon. Anthony C. Tuddao	-do-
Hon. Jose G. Velasco	-do-



CITY ORDINANCE NO. 40-2017

**AN ORDINANCE AMENDING TUGUEGARAO CITY ANTI-SMOKING
 ORDINANCE NO. 01-2009**

Sponsors:

- Hon. Danilo L. Baccay**
- Hon. Bienvenido C. De Guzman II**
- Hon. Jude T. Bayona**
- Hon. Kendrick S. Calubaquib**
- Hon. Maila Rosario T. Que**
- Hon. Arnel T. Arugay**
- Hon. Gilbert S. Labang**
- Hon. Winnoco R. Abraham**
- Hon. Imogen Claire M. Callangan**
- Hon. Mary Marjorie P. Martin-Chan**
- Hon. Raymund P. Guzman**
- Hon. Grace B. Arago**
- Hon. Anthony C. Tuddao**
- Hon. Jose G. Velasco**

WHEREAS, Republic Act No. 9211, otherwise known as the Tobacco Regulation Act of 2003, provides the need to safeguard the populace from the hazards of tobacco use in order to promote a healthful environment and instill health consciousness to the public;

WHEREAS, Section 2, Rule II, Title IV of the Rules and Regulations Implementing Republic Act No. 9211 mandates the city officials to initiate action with the authority to take the necessary steps implementing the provisions of the Tobacco Regulation Act of 2003;

WHEREAS, Section 24 of Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of 1999, mandates every local government unit to exercise the provision that prohibits smoking inside a public building, an enclosed public place including public vehicles and other means of transport, or in any enclosed area outside of one's residence;

WHEREAS, the Republic of the Philippines under the World Health Organization Framework Convention on Tobacco Control (FCTC) to which it is a part, being 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, agreed to implement the measures provided in that treaty;

WHEREAS, in order to minimize access, particularly minors, to tobacco products 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 the measures prescribed under FCTC;

WHEREAS, there is a need for the City Government to prevent the growing number of minors indulged in cigarette smoking and tobacco use by prohibiting the sale of tobacco products to them;

WHEREAS, Tuguegarao City Ordinance No. 01-2009, otherwise known as the Anti-Smoking Ordinance of Tuguegarao City, needs to be restructured and revitalized in order to comply with and localize Executive Order No. 26, *Providing for the Establishment of Smoke-Free Environments in the Public and Enclosed Places*, with inclusive provisions on youth welfare, sale restriction to minors and tobacco advertisement restraints.

NOW, THEREFORE, be it **ORDAINED** by the Seventh City Council of Tuguegarao in session assembled, to enact:

CHAPTER 1

SHORT TITLE, DECLARATION OF POLICY AND COVERAGE

SECTION 1. TITLE. This Ordinance shall be known as "*AN ORDINANCE AMENDING TUGUEGARAO CITY ANTI-SMOKING ORDINANCE NO. 01-2009.*"

SECTION 2. DECLARATION OF POLICY. It is hereby declared a policy of Tuguegarao City to safeguard its citizens from hazardous products consistent with the constitutional idea to promote the general welfare, to encourage a healthful environment by the pronouncement of a smoking ban in public places including public conveyances, and to protect the youth from being initiated to cigarette smoking and tobacco use by prohibiting the sale of tobacco products to minors.

SECTION 3. COVERAGE. This Ordinance shall apply to all persons, whether residents or not, and in all places found within the territorial jurisdiction of Tuguegarao City.

CHAPTER 2

PROHIBITED ACTS

SECTION 4. PROHIBITED ACTS. The following acts are declared unlawful and prohibited:

- a. 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.
- b. For a minor to smoke, sell or buy cigarettes or any other tobacco products.
- c. Ordering, instructing or compelling a minor to use, light up, buy, sell, distribute, deliver, advertise or promote tobacco products.
- d. 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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CHAPTER 3

DEFINITION OF TERMS

SECTION 5. DEFINITION OF TERMS. The following terms and phrases shall be interpreted as indicated herein when used in this Ordinance:

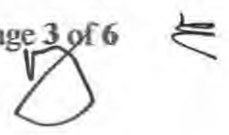
- a. **"Advertisement"** shall refer to tobacco advertisement which is any visual message disseminated to the public about or on a tobacco product that promotes and gives publicity to the purchase of cigarettes, smoking, tobacco trademarks, brand names and manufacturer's name such as, but not limited to, signs, posters and billboards;
- b. **"Cigarette"** shall refer to any roll or tubular construction which contains tobacco or its derivative and is intended to be burned or heated under ordinary conditions of use;
- c. **"City"** shall refer to Tuguegarao City covering all the areas within its territorial jurisdiction as provided for by law and its charter;
- d. **"City Government"** shall refer to the Tuguegarao City Government;
- e. **"Minor"** shall refer to any person below eighteen (18) years of age;
- f. **"Ordinance"** shall refer to this ordinance having the short title, "An Ordinance Amending Tuguegarao City Anti-Smoking Ordinance No. 01-2009";
- g. **"Retailer"** shall refer to any person or entity that sells tobacco products to individuals for personal consumption;
- h. **"Designated Smoking Area (DSA)"** shall refer to an area of a building or conveyance where smoking may be allowed, which may be in open space or separate area with proper ventilation subject to the specific standards provided in this ordinance;
- i. **"Public conveyances"** shall refer to modes of transportation servicing the general population such as, but not limited to, elevators, buses, jeepneys, tricycles, kalesas and similar vehicles;
- j. **"Public Places"** shall refer to enclosed or confined areas of all hospitals, medical clinics, schools, public transportation terminals, offices and buildings such as private and public offices, recreational places, shopping malls, movie houses, hotels, restaurants and the like;
- k. **"Smoking"** shall refer to the act of inhaling and puffing out tobacco which includes the carrying of lighted cigar and cigarette or pipe or other smoking paraphernalia or in possession or control of a tobacco product regardless of whether the smoke is being actively inhaled or exhaled;
- l. **"Smoking Area"** shall refer to the designated area within offices or public places where smoking is allowed and properly marked as "Smoking Area";
- m. **"Tobacco Products"** shall refer to products that consist of loose tobacco that contains nicotine and is intended for use in a cigarette, including any product containing tobacco and intended for smoking;
- n. **"Government Offices"** shall refer to all National and Local Government Offices conducting services within the jurisdiction of Tuguegarao City; and,
- o. **"Public Utility Vehicle (PUV)"** shall refer to all public utility vehicles like vans, jeepneys, buses, mini-buses and other conveyances for hire.

CHAPTER 4

HEALTHFUL ENVIRONMENT

SECTION 6. PERMANENT NON-SMOKING AREAS. Smoking is hereby prohibited in specified places. No owner, operator, driver, manager or administrator of any of the establishments and conveyances herein below specified shall allow smoking, nor shall any person smoke in any of such establishments and conveyances except in such places and under such conditions hereinafter mentioned:

- a. Bars, restaurants, cocktail lounges and other public places.
- b. Dancehalls, nightclubs, restaurants, theaters or other public eating places offering facilities for dining, dancing and entertainment.
- c. Public theaters or other auditoria used for such purposes during showing or intermission therein or in any projection booth or enclosure or room in a public place in which any motion picture machine is being operated.
- d. Places for storage or carriers of inflammable liquids, explosive and combustible materials, public or private gasoline stations, cargo trucks, tanks.
- e. Factories and plants.
- f. Inside elevators of any establishment.



- g. All public utility vehicles (PUVs) including tricycles, kalesas or any other public conveyances operating within the territorial jurisdiction of Tuguegarao City.
- h. Inside bazaars, department stores, markets, supermarkets, furniture shops, pet shops, barber shops, beauty parlors, books and magazine shops, textile warehouses, grocery stores, warehouses, bodegas, storerooms and other similar establishments and structures.
- i. All school campuses.
- j. Inside all public and private hospitals, medical, dental or optical clinics, centers and dispensaries.
- k. Inside all enclosed public places wherein more than two (2) persons congregate such as session halls, auditoriums and offices.

SECTION 7. GOVERNMENT OFFICES. Smoking is hereby prohibited in all national and local government offices conducting services within the City except on designated smoking areas.

SECTION 8. DESIGNATED SMOKING AND NON-SMOKING AREAS. The owner, proprietor, possessor, manager or administrator of establishments mentioned in subsections a, b and c of Section 6 are hereby required to provide their smoking areas. Such areas may include a Designated Smoking Area (DSA) within the building, which may be an open space or separate area with proper ventilation, but shall not be located within the same room that has been designated as a non-smoking area.

SECTION 9. "NO SMOKING"/"SMOKING AREA" SIGNS ARE REQUIRED. The owner, operator, manager or administrator of any of the establishments and conveyances where smoking is prohibited under this ordinance shall provide and post in conspicuous places therein visible and legible "NO SMOKING" signs of uniform color and size to be determined by the Office of the City Mayor.

All designated areas shall likewise have at least one (1) legible and visible sign posted, indicating "NO SMOKING AREA" for the information and guidance of all concerned.

SECTION 10. IDENTIFICATION OF SMOKING AREAS. The City Health Office and the City Engineer's Office shall inspect and certify designated smoking areas specified by establishments taking into consideration the purpose of the law which is to protect non-smokers and minors from the insidious effects of tobacco smoke.

CHAPTER 5

TOBACCO SALE RESTRICTIONS TO MINORS

SECTION 11. RESTRICTIONS TO MINORS. Under this Ordinance, it shall be unlawful:

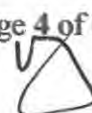
- a. For any retailer or tobacco distributor to sell or distribute tobacco products to any minor;
- b. For any person to purchase cigarettes or tobacco products from a minor;
- c. For a minor to sell or purchase cigarettes or any tobacco products; and,
- d. For a minor to smoke or use cigarettes or any other tobacco products.

SECTION 12. AWARENESS OF AGE. Awareness of the real age of the minor shall be the responsibility of any retailer, establishment or individual and ignorance of the age shall not be used as a defense. In case of doubt, it is necessary for the purchaser to provide a valid proof of age.

SECTION 13. PROHIBITION ON SCHOOL PERIMETERS. The sale or distribution of tobacco products is prohibited within one hundred (100) meters from elementary schools, high schools, colleges and universities.

SECTION 14. WARNING SIGNAGES. Retailers or establishments offering, distributing or selling tobacco products to consumers is hereby mandated to post the following statement in a clear and conspicuous manner: "IT IS UNLAWFUL FOR TOBACCO PRODUCTS TO BE SOLD TO OR PURCHASED BY PERSONS UNDER 18 YEARS OF AGE".

SECTION 15. VENDING MACHINES AND OTHER SELF-SERVICE FACILITIES. The sale or distribution of cigarettes and other tobacco products by means of a vending machine or any self-service facility or devise is prohibited.



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CHAPTER 6

RESTRICTIONS ON OUTDOOR ADVERTISEMENTS

SECTION 16. RESTRICTED ZONE. Outdoor advertisements shall not be placed on billboards, wall murals or transport stops or stations which are within one hundred (100) meters from elementary schools, high schools, colleges and universities.

SECTION 17. ADVERTISEMENT ON PUBLIC VEHICLES AND CONVEYANCES. All tobacco and cigarette advertisements shall not be placed on tricycles, kalesas, buses, jeepneys or other public conveyances plying in Tuguegarao City.

SECTION 18. RESTRICTION ON SAMPLING. The distribution of samples of tobacco products to persons below eighteen (18) years of age is hereby prohibited.

CHAPTER 7

RELATED PROJECTS AND PROGRAMS

SECTION 19. INFORMATION PROGRAM. Consistent with the provisions of this Ordinance, the City Health Office in cooperation with the Department of Education and with the assistance of the Philippine Information Agency (PIA) shall undertake a continuous information program on the adverse effect of cigarette/tobacco smoking, including their health, environmental and economic implications to all elementary schools, high schools, colleges and universities of Tuguegarao City.

SECTION 20. COUNSELING PROGRAM. The City Social Welfare and Development Officer in partnership with the City Health Office shall provide counselling sessions to rehabilitate smoking minors. The CSWDO shall enlist the active participation of CSOs including NGOs to emancipate minors from the unhealthy habit of smoking.

CHAPTER 8

PENALTIES

SECTION 21. PENALTIES. Violation of this Ordinance shall be punishable in accordance with the applicable penalties provided under Section 32 of Republic Act 9211 and other applicable laws.

SECTION 22. PENALTY FOR MINORS. If a minor is caught selling, buying or smoking cigarettes or any tobacco products, the provisions of Section 20 of RA 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006, and the Child Welfare Code of Tuguegarao City shall apply.

SECTION 23. SMOKE FREE TASK FORCE. The members of the Philippine National Police (PNP), the Public Safety and Security Office (PSSO) and the Smoke Free Task Force to be designated by the Local Chief Executive are directed to carry out the provisions of this Ordinance, including the apprehension of violators and the institution of criminal proceedings therewith in accordance with relevant laws, rules and regulations, and strictly observing due process.

CHAPTER 9

FINAL PROVISIONS

SECTION 24. SEPARABILITY CLAUSE. Should any provision of this Ordinance be subsequently declared unconstitutional, unlawful or illegal, the other provisions not so declared shall remain in full force and effect.

SECTION 25. REPEALING CLAUSE. Ordinances, executive orders and other local legislations inconsistent with this Ordinance are also hereby modified or repealed accordingly.

SECTION 26. EFFECTIVITY CLAUSE. This Ordinance shall take effect immediately upon its approval.




On motion of Hon. Raymund P. Guzman and without any objection, **CITY ORDINANCE NO. 40-2017** was **APPROVED** on its Second, Third and Final Reading under suspended rules.

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I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPTO, Ph.D.
Secretary to the Sanggunian *cu* ^{09/14/17}

ATTESTED:


HON. BIENVENIDO C. DE GUZMAN II
City Vice Mayor
Presiding Officer
Date: 09/15/17

APPROVED:


HON. ATTY. JEFFERSON P. SORIANO
City Mayor
Date: 09/17

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