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Republic of the Philippines

Quezon City

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PROPOSED ORDINANCE NO. PO23CC-_____, S, 2025

AN ORDINANCE REGULATING THE USE, SALE, DISTRIBUTION, ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS, ELECTRONIC CIGARETTES, HEATED TOBACCO PRODUCTS AND OTHER NICOTINE/NON-NICOTINE DELIVERY DEVICES IN QUEZON CITY, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

INTRODUCED BY: COUNCILOR BERNARD R. HERRERA

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 it is a party, gives priority 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;"

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 restrictions on advertising, promotion, and sponsorship activities of tobacco companies;

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 2019-063 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 Civil Service Commission (CSC)-Department of Health (DOH) Joint Memorandum Circular No. 2010-01 prohibits government officials and personnel from acts involving/facilitating the interference of the tobacco industry within the bureaucracy, such as, but not limited to, unnecessary interactions, granting favors, accepting gifts, donations or sponsorships, and conflict of interest;

WHEREAS, the Metro Manila Mayors' Council has issued Resolution No. 14-04, Series of 2014 urging the Metro Manila Local Government Units to pass an ordinance regulating the sale and distribution of Electronic Nicotine Delivery System/Electronic Non-Nicotine Delivery System (ENDS/ENNDS) or Electronic Cigarettes in Metropolitan Manila;

WHEREAS, the Metro Manila Mayors' Council has issued Resolution No.15-20, Series of 2015 urging all local government units of Metro Manila to enact ordinances in accord with the provisions of the WHO Framework Convention on Tobacco Control (FCTC);

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, 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 restrictions and to strengthen existing measures on access restriction, including the regulation on sales, distribution, and availability of cigarettes, electronic nicotine and non-nicotine delivery systems (ENDS/ENNDS), heated tobacco products (HTPs) and other 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 are prevented"¹;

WHEREAS, the Quezon City Government 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 Quezon City Government recognizes that local governments must act with urgency to break the culture of smoking and tobacco consumption especially by minors through comprehensive and proven effective tobacco control measures;

¹ Section 2, Declaration of Policy, RA 11900

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 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 and among minors and young adults as reflected in the 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, increased respiratory and cardiovascular disease risks, poisoning, seizure, burns, and trauma and death from faulty devices, among others, establish that these products pose a clear and direct harm to their users;

WHEREAS, the Quezon City Government must implement with the national government the letter and spirit of the said laws and regulations in their own territorial jurisdiction;

WHEREAS, under the laws, the Quezon City Government is empowered to impose penalties for violations of the abovementioned laws;

WHEREAS, the Quezon City Government recognizes that it must act with urgency and take appropriate countermeasures to break 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 Quezon City and at the same time safeguard the health of all stakeholders, including smokers and vapers, there is a need to pass a comprehensive ordinance covering tobacco products, electronic nicotine delivery systems, electronic non-nicotine delivery system, heated tobacco

products and novel tobacco products regulating their use, sale, manufacture, distribution, advertisement and promotions, and providing penalties for violations.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

Section 1. TITLE. – This Ordinance shall be known as the “**QUEZON CITY COMPREHENSIVE SMOKE-FREE AND VAPE-FREE ORDINANCE OF 2025.**”

Section 2. PURPOSE. – It is the purpose of this Ordinance to safeguard public health, safety and well-being of all its residents by protecting them from the harmful effects of smoking, tobacco consumption, and vaping; reduce potential exposure to tobacco marketing and advertising; restricting accessibility of tobacco products and provide a supportive and conducive environment for users to quit.

Section 3. COVERAGE. – This Ordinance shall apply to all persons, natural or juridical, resident or non-resident, and in all places, found within the territorial jurisdiction of the Quezon City.

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 shall refer to the business of conceptualizing, presenting, making available and communicating to the public, through any form of mass media, any fact, data or information about the attributes, features, quality or availability of consumer products, services or credit. For the purpose of this ordinance, advertising shall be understood as tobacco product advertising.
- b) 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.
- c) Designated Smoking/Vaping Area (DSA/DVA) - refers to an outdoor or indoor space, as the case may be, duly approved by the City/Municipal Health Officer where smoking and/or vaping may be allowed without violating this ordinance, subject to the standards provided in this ordinance.
- d) 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 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.

- 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. The enclosed character of a building or conveyance shall attach to all its areas, including its open spaces.
- f) 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.
- g) Heated Tobacco Products (HTPs) - refers to tobacco products 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 may include liquid solutions and gels that are part of the product and are heated to generate an aerosol.
- h) Minors - refers to persons below eighteen (18) years old who are prohibited in using, selling, distributing, marketing, advertising, promoting, or purchasing tobacco products, electronic nicotine delivery systems (ENDS), electronic non-nicotine delivery systems (ENNDS), heated tobacco products or their components within the territorial jurisdiction of the Quezon City.
- i) Novel Tobacco Products - refers to all non-combusted substances in solid or liquid form, and innovations, either made partly of tobacco leaf as raw material or containing nicotine from tobacco, intended to be used as a substitute for cigarettes or other combusted tobacco products.
- j) Other facility frequented by minors - refer to places where minors and children are cared for, educated, work and play. This includes sidewalks, childcare facilities, health care facilities, dormitories, entertainment venues, parks, recreational and sports facilities, shopping, restaurants, leisure facilities, accommodation and worship facilities;
- k) 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/municipal schools superintendent, school president, dean or principal.
- l) Point-of-sale - refers to any licensed seller, retailer at which an individual can purchase or otherwise obtain tobacco products.
- m) Promotion - refers to an event or activity organized by or on behalf of a tobacco manufacturer, distributor or retailer with the aim of promoting a brand of tobacco product, which event or activity would not occur but for the support given to it by or on behalf of the tobacco manufacturer, importer, distributor or retailer. It may also refer to the display of a tobacco product or manufacturer's name, trademark, logo, etc. on non-tobacco products. This includes the paid use of tobacco products bearing the brand names, trademarks, logos, etc. in movies, television and other forms of entertainment.
- n) Public conveyances - refers to modes of transportation servicing the general population, such as, but not limited to, elevators, airplanes, ships, jeepneys, buses, taxicabs, trains, light rail transits, tricycles and other mode of transportation that the Department of Transportation and other regulatory agencies may approve.

- o) 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, common areas of condominiums, church grounds, health/hospital compounds, transportation terminals, markets, parks, resorts, walkways/sidewalks, entrance ways, waiting areas and the like.
- p) 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.
- q) Smoke-free air - refers to the air that is 100% free from tobacco smoke, 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.
- r) 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.
- s) 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.
- t) 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.
- u) 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 and vape 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.
- v) 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.
- w) 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.
- x) 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 shall be prohibited:

- a) Smoking, vaping, and/or using tobacco products 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(o), except in Designated Smoking/Vaping Areas duly approved and fully compliant with the requirements under Section 6 of this ordinance;;
- b) Smoking, vaping and using tobacco products in the presence of minors;
- c) 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;
- d) Operating or establishing designated smoking/vaping areas without Permit 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;
- e) Possession, use, sale, distribution or purchase of cigarettes, electronic cigarette, heated tobacco products, other tobacco products and/or their components by minors;
- f) Selling, distributing, purchasing, marketing, and promoting tobacco products or electronic cigarettes, and heated tobacco products and/or its components to minors;
- g) 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;
- h) Selling, distributing, advertising, promotions, sponsorships and product testing of tobacco products, electronic cigarette, and heated tobacco products and/or their components within the premises of school, public playground, other facility frequented by minors, and government offices delivering services on education, health and social welfare and development and within 100 meters from any perimeter of these places;
- i) Selling of tobacco products and/or ENDS within premises of a government facility;
- j) Selling cigarettes, electronic cigarette, heated tobacco products, and other tobacco products and/or their components without a valid city/municipal business permit and; license to sell;
- k) Selling of cigarettes, vapor product refills, heated tobacco products and other tobacco products and/or their components removed from their original product packaging or sold as individual pieces or per stick, or in packs containing less than 20 sticks/pieces in case of tobacco products and heated tobacco product refills/heat sticks;
- l) Selling and distribution of electronic cigarette refills or pods that are not tamper resistant and child resistant compliant with prevailing international standards;
- m) Selling, distributing, advertising, and promotions of sweets, snacks, toys, accessories, apparel, writing implements, or any other objects in the form of or bearing resemblance to the logo, insignia, packaging, or distinguishable design elements of the brand of cigarettes, electronic cigarettes, heated tobacco products, and other tobacco products;
- n) Selling and distribution of vapor products containing more than sixty-five(65) milligrams nicotine;
- o) Selling and distribution of flavored electronic cigarettes, except those with menthol and tobacco flavors;

- p) Selling of Vaporized Nicotine and Non-Nicotine Products, 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;
- q) The retail and use of nicotine shots and/or concentrates
- r) Selling tobacco products and/or ENDS by ambulant or street vendors, including other mobile or temporary stalls, kiosks, stations or units;
- s) Selling, distributing, advertising, and promotions of sweets, snacks, toys, accessories, apparel, writing implements, or any other objects in the form of or bearing resemblance to the logo, insignia, packaging, or distinguishable design elements of the brand of cigarettes, electronic cigarettes, heated tobacco products, and other tobacco products;
- t) Manufacturing, importation, distributing, marketing, or selling of unregistered or adulterated electronic cigarettes 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;
- u) Marketing, importing, distributing and selling of cigarettes, electronic cigarette, heated tobacco products, and tobacco products and/or its components without the appropriate government-issued health warning labels;
- v) 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;
- w) Placement of tobacco product advertisements in shopping bags;
- x) Placing cinema or outdoor advertisements of tobacco products and/or ENDS;
- y) 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 an establishment when such establishment or its location is prohibited from selling tobacco products and/or ENDS/ENNDS/HTPs
- z) Placing advertisements of cigarettes, electronic cigarette, and heated tobacco products and other tobacco products and/or their components outside the premises of points-of sale such as, but not limited to, vehicles of any kind, billboards, posters and streamers;
- aa) Placing, posting, displaying or distributing advertisement and promotional materials of tobacco products or ENDS/ENNDS/HTPs , 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;
- bb) 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;
- cc) 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;

- dd) Facilitation, participation, or partnership involving any government official or personnel of Quezon 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.
- ee) Defacing, tampering, or removal of signages and other materials without permission of the LGU

Section 6: STANDARDS FOR DESIGNATED SMOKING AND VAPING AREAS:

All DSAs and DVAs shall strictly comply with the following standards:

- A. For Indoor DSA/DVA:
 - 1. No opening that will allow air to escape from the DSA and DVAs to the smoke-/vape-free area, except for a door with an automatic closer. If the DSA and DVAs is not in an open space, such door shall open directly towards a Buffer Zone (a ventilated area between the door of a DSA and DVAs [2m apart] not located in an open space and the smoke-/vape-free area).
 - 2. The DSA and 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 and 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. The ventilation system for the DSA and DVAs and for the Buffer Zone shall be independent of all ventilation systems of the building or conveyance.
- B. For outdoor DSA/DVA:
 - 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 and 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) It shall not have an area larger than 10 square meters
- C. No building or conveyance shall have more than one DSA and DVA;
- D. Smoking shall not be allowed in DVAs;
- E. Minors shall not be allowed inside the DSA and DVA and the buffer zone;
- F. Selling, serving, bringing in or offering of food and beverages in the DSA and DVA and its buffer zone is prohibited unless the DSA and DVA is located in a point of sale dedicated for tobacco products.
- G. The DSA and 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;

8.3. Prohibition on the entry of persons below eighteen (18) years old and pregnant women, and

8.4 Information on cessation hotline and/or clinics/services

- H. It shall have a receptacle for proper disposal of refuse from tobacco products or disposable components of electronic devices;
- I. 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 and 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.
- 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.

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

- i. 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:



STRICTLY NO SMOKING AND NO VAPING

As per ORDINANCE NO. _____

Violators can be fined up to _____

Report violations to [HOTLINE Number/Online Contact Info]

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

**"DESIGNATED SMOKING/VAPING AREA" or
"SMOKING/VAPING AREA" "Persons below 18 are not
allowed within these premises"**

[Place Graphic/Picture-Based Health Warning on the effects or health risks of tobacco, electronic cigarette, and heated tobacco product use within the signage using latest DOH GHW templates]

[if available, place the number of Smoking Cessation Hotline/Online Contact Info]

- j. 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.

For public utility tricycles, pedicabs, motorized taxi and other similar public transportation vehicles, the signage shall be placed in the area most visible to passengers;

- k. 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 and other tobacco products;
- l. For persons-in-charge of commercial establishments/buildings or other non-government facilities intending to establish a DSA and DVA, secure a certification from the City Building/Engineering and Health Officers that the requirements for a DSA and DVA, as stated in Section 6 are complied;

Application requirements shall include business permit of the building, floor plan, layout of the proposed DSA/DVA, corresponding fees and other requirements as provided by the concerned office.

- m. 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 a signage with a minimum size of 18 inches by 24 inches with the following statement in a clear and conspicuous manner:

**SELLING, DISTRIBUTING, ADVERTISING AND PROMOTIONS OF
CIGARETTES, ELECTRONIC CIGARETTES, HEATED TOBACCO,
AND OTHER TOBACCO PRODUCTS, AND/OR THEIR
COMPONENTS TO MINORS IS PROHIBITED WITHIN 100 METERS
FROM THE PERIMETER OF THIS ESTABLISHMENT/FACILITY**

- n. 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, use, distribution, advertisement, or promotion of cigarettes, electronic cigarettes, heated tobacco products, other tobacco products and/or any of their components conducted within 100 meters from the perimeter of their establishments or offices;

- o. For persons-in-charge of establishments intending to sell, distribute, advertise, promote cigarettes/electronic cigarette, heated tobacco products, and other tobacco products and/or any of their components in retail or wholesale to secure a business permit and license to sell from the LGUs' Business Permits and Licensing Office, and shall comply with all the licenses and requirements of other regulatory agencies;
- p. For persons-in-charge of licensed point-of-sale establishments, post the following signage with a minimum size of 8 inches by 11 inches containing the latest Department of Health GHW templates, in a clear and conspicuous manner:

**SALE/DISTRIBUTION, OR PURCHASE OF CIGARETTES,
ELECTRONIC CIGARETTES, HEATED TOBACCO PRODUCTS,
AND OTHER TOBACCO PRODUCTS AND/OR THEIR
COMPONENTS TO OR FROM MINORS IS UNLAWFUL**

- q. For persons-in-charge of approved point-of-sale establishments, remove all prohibited tobacco product advertisement and promotions paraphernalia;
- r. 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;
- s. 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 or inspected;
- t. 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 use, sales, distribution, advertising, sponsorship and promotions restrictions;
- u. 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;
- v. 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 compliance with this Ordinance;
- w. For all signages required to be posted under (a), (b), (e), and (h) above, provide for versions of them in the local language/dialect .

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 follow the procedure provided under Section 15 of this Ordinance.
- d. Any LGU employee who commits any of the prohibited acts stated in Section 5 (w) and Section 12 of this Ordinance.

Section 9. The following penalties shall be imposed on violators of this Ordinance:

a. Violations of Section 5 (a) and (b) of this Ordinance:

- i. First Offense [P 2,000.00] or 2 days community service
- ii. Second Offense [P 4,000.00] or 4 days community service
- iii. Third and Subsequent Offenses [P 5,000.00], or 5 days community service

b. Violations of Section 5 (c, d, f, g, h, I, j, k, l, m, n, o, p, q, r, s, t, u, v and x) and Section 7 (a to o) of this Ordinance:

- i. First Offense [P 3,000.00] or 3days community service
- ii. Second Offense [P 4,000.00] or 2 days community service
- iii. Third and Subsequent Offenses [P 5,000.00], 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.

c. Violations of Section 5 (w) of this Ordinance:

- i. First Offense [P 5,000.00] or 5 days community service

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/municipality. 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.

e. No Contest Provision. Persons who violate any provision of this Ordinance except for Section 5 (v) 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 8 (a) and (b). prior to the filing of a formal complaint with the proper court, shall be allowed to pay the penalty with the City/Municipal 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/Municipal 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.

f. Subsidiary Imprisonment Provision. Subsidiary imprisonment may be imposed by the court in the event that the violator is unable to settle the fine which he is sentenced to pay.

g. 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.

- h. Confiscation or Removal. Cigarettes, electronic cigarettes, heated tobacco products, other tobacco products and their components, and their advertising, promotions and sponsorship paraphernalia associated with any violation of the prohibited acts in this Ordinance shall be subject to confiscation, seizure, or removal. Tobacco products seized pursuant to violations of Section 5 (a, b, c, e, f, g, h, I, j, k, l, m, n, o, q, r, s, t and u) shall be destroyed by the LGU Smoke Free Task Force after certification from the LCE that the administrative/criminal case involving the seized products are closed/terminated.

Illegal or non-compliant DSA/DVA and tobacco advertisements shall be demolished/removed, within three (3) days, after notice of removal has been served on persons-in-charge.

- i. Revocation or Suspension of Business Permits and License to Sell. The business permit and license to sell cigarettes, electronic cigarette, heated tobacco products, and other tobacco products or Certificate of Public Convenience of erring establishments and operators shall be suspended until the fines are settled and requirements of the City Health Office, Building/Engineering Office, Business Permits and Licensing Office and other appropriate regulatory agencies are complied. 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 Certificate of Public Convenience shall be forwarded to the appropriate local government unit, agency or governing body. Any Task Force member may recommend the revocation or suspension of license or permit of an erring establishment to the appropriate office.
- j. Evidence. The evidence of the violation of this Ordinance may be obtained by means of photograph or video. In case of confiscated items, signed sworn statements/ affidavits shall be made by the apprehending officer with specific details of the violation, details of the confiscated items, including the procedures taken in order to preserve its integrity and evidentiary value. Upon confiscation, the items should be appropriately marked by the apprehending officer with his initials and signature, and subsequently photographed and recorded in the inventory of the Task Force.

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;
 - 4) the due date for compliance with the obligations imposed by the ticket
- 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 LGU'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 LGU or by other appropriate agencies.

ENFORCEMENT

Section 12. Smoke/Vape-free Task Force; Duties and Responsibilities, Composition. – A Task Force tasked in the implementation, enforcement, and monitoring of this Ordinance; design and provide capacity building programs for enforcers and constituents; protect the Ordinance from tobacco/electronic cigarette industry interference at all times; conduct educational awareness campaigns, information dissemination programs; facilitate consultation process with peoples' organization and civil society organizations, without links with the tobacco industry, and the review and monitoring of the ordinance is hereby created.

The City Mayor shall head the Task Force as CHAIR.

The City Health Officer is the CO-CHAIR to serve as an overall coordinator.

Subject to the approval of the City Mayor, the Task Force shall be created through an Executive Order and shall have the following as members:

- a. Chairperson of the Committee on Health of the Sangguniang Panlungsod;
- b. Chairperson of the Committee on Environment of the Sangguniang Panlungsod;
- c. President of the Federation of the Sangguniang Kabataan;
- d. President of the Liga ng mga Barangay;
- e. Barangay and Community Relations Department;
- f. City Legal Department;
- g. Public Affairs and Information Services Department;
- h. Business Permits and Licensing Officer;
- i. Department of Public Order and Safety;
- j. Parks Development and Administration Department;
- k. Climate Change and Environmental Sustainability Department;
- l. Quezon City Police District;
- m. Schools Division Office-Quezon City;
- n. Quezon City University;
- o. Social Services and Development Department;
- p. Human Resources Management Department;
- q. One (1) Representative of the civil society organizations (CSO) designated by the Health Officer, under Section 14 hereof;

Resource Persons:

- a) Representative Department of Trade and Industry;
- b) Representative, Metropolitan Manila Development Authority; and

- c) As identified by the Chair (whose specific function in the local government unit and role may serve to effectively implement this Ordinance).

The Quezon City Health Department through its Health Education and Promotion Officer/or equivalent designate shall serve as the Smoke Free Task Force Secretariat.

A Tobacco Control Unit shall be established to execute the roles and functions of the Smoke Free Task Force Secretariat.

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.

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 a public official or government personnel, he/she shall also be subject to sanctions prescribed under the CSC-DOH Joint Memorandum Circular 2010-001 and in Section 9(c) of this Ordinance.

Section 13. Duties and Responsibilities of the Chair of the Task Force. – In addition to heading the Task Force and supervising its overall administration, the City Mayor shall oversee, direct, and ensure the effective implementation and enforcement of the policies, standards, rules, and regulations issued in furtherance of the objectives of this Ordinance. In the absence of the Chair, the Co-Chair shall assume and discharge these duties and responsibilities.

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:

The City Health Department 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 Public Affairs and Information Services Department 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 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.

d. The 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 and/or file cases on matters pertaining to this Ordinance.

e. The 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) Order the suspension or revocation of licenses/permits of establishments found to have violated this Ordinance, subject to the provisions of Section 22 hereof;
- 2) Deny renewal of licenses/permits of repeat violators of this Ordinance;
- 3) 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 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;
 - 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 members regarding the serving of Citation Tickets, the imposition of fines, suspension or revocation of licenses/permits for violations;
- m. The 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.

o. The [City/Municipal] 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/Municipal] 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.

r. The Metropolitan Manila Development Authority:

- 1) Assist in the training of enforcers, communication development workshop and other capacity building activities;
- 2) Assist in the enforcement activities by providing technical support and manpower, as requested;*
- 3) Assist in the monitoring and evaluation of activities related to this Ordinance.
- 4) Provision of technical support for the implementation of this Ordinance, as requested.*

Section 15. Enforcement on Individuals. -- Members of the PNP and/or persons duly deputized by the 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, 6, and 7 hereof. They shall forward copies of the tickets they issued to violators to the Treasurer's Office within 24 hours. If the violator is a minor, he or she must be turned over for dispensation of appropriate action to the nearest Social Welfare and Development Officer or its appointed designates, subject to RA No. 9344 (Juvenile Justice and Welfare Law), as amended, and/or to the school authorities at the school where the violator is enrolled, and/or to the Barangay Office where the violator is a resident, and where the parents or guardians may be called. 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 violators to the Treasurer's Office within 24 hours.

Section 17. Enforcement on Establishments. – Ninety (90) calendar days after the effectivity of this Ordinance, an inspection team composed of representatives from the Health Office, Engineer's Office, 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.

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 or the closure of the establishment consistent with Section 9 (g) hereof, without prejudice in ordering the immediate closure for repeatedly violating the provisions of this Ordinance and other ordinances of the LGU.

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

Section 18. Civilian Participation in Enforcement. – Within thirty (30) calendar days from the effectivity of this Ordinance, the Task Force/Health Office shall designate with the approval of the Office of the 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 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 for any violation of this Ordinance.

INFORMATION CAMPAIGN

Section 19. 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 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 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 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 [name of LGU], and for other sectors as necessary.
- d. In coordination with the 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 20. 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 Information Office shall also immediately issue for dissemination at the barangay level notices on obligations of persons under the ordinance.

Section 21. Conduct of Orientation Seminars and Trainings. -- Within sixty (60) calendar days from the effectivity of this Ordinance and periodically thereafter, the 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.

FINANCING

Section 22. Funding. – Initial funding to defray the expenses necessary for or incidental to the implementation of this Ordinance and Tobacco Control Program of the LGU in the amount of 3% of the annual health budget shall be sourced from the fund of the LGU and is hereby allocated.

Every year thereafter, 3% shall automatically be included in the Annual Budget of the LGU for the implementation and enforcement of this Ordinance and the LGU's Tobacco Control Program.

The initial and subsequent funding, annual budget appropriated for this purpose, and funds generated from other sources, which include but not limited to the following:

- a. proceeds from administrative fines and penalties,
- b. donations and grants from domestic and foreign sources,
- c. intergovernmental fund transfers shall be placed in a Trust Fund specifically intended to defray expenses and operationalize activities of this Ordinance and the LGU'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 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 LGU, patterned after the GATS and GYTS;
- 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 23. Sharing of Proceeds from the Penalties under this Ordinance. – The amount of the corresponding penalty a violator pays to the Treasurer shall be apportioned where the equivalent of ___% shall accrue to the apprehending officer or deputized enforcer as an incentive. Reporting individuals may get ___% from the collected penalties as incentive in the effective enforcement of the ordinance.

The remainder of the proceeds from the collected penalties, after deducting the amounts due to the apprehending officers or deputized enforcers, shall form part of the abovementioned Trust Fund.

Section 24. Implementing Rules and Regulations – As deemed necessary, this Task Force referred in this Ordinance shall formulate such rules and regulations, with the approval of the Local Chief Executive to ensure the effective implementation of this Ordinance;

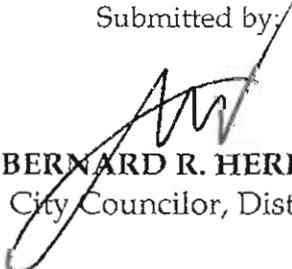
Section 25. Repealing Clause. – All ordinances contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 26. 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 27. Effectivity Clause. – This Ordinance shall take effect three (3) consecutive weeks after its publication in a newspaper of local or general circulation or posting in at least two (2) conspicuous places within the city.

ENACTED _____.

Submitted by:


BERNARD R. HERRERA
 City Councilor, District 1