



Republic of the Philippines
City of Roxas
Office Of The Sangguniang Panlungsod



EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE SANGGUNIANG PANLUNGSOD OF THE CITY OF ROXAS, HELD AT THE SP SESSION HALL ON NOVEMBER 15, 2022.

PRESENT:	Hon. Teresa H. Almalbis	...	Vice Mayor I
			Presiding Officer
	Hon. Victor Federico B. Acepcion	...	Sanggunian Member I
	Hon. Paul Ivan R. Baticados	...	Sanggunian Member I
	Hon. Reynaldo C. Magallanes	...	Sanggunian Member I
	Hon. Albert Gregory Y. Potato	...	Sanggunian Member I
	Hon. Herbert S. Chu	...	Sanggunian Member I
	Hon. Earl C. Sicad	...	Sanggunian Member I
	Hon. Fernando Luis A. Viterbo	...	Sanggunian Member I
	Hon. Moreno A. Gonzaga	...	Sanggunian Member I
	Hon. Kriza V. Fernando (SK Rep)	...	Sanggunian Member I
ABSENT:			
	Hon. Jaime Cortes M. Altavas	...	Sanggunian Member I (PTL)
	Hon. John Paul J. Arcenas	...	Sanggunian Member I (Vac. Leave)
	Hon. Virgilio A. Santos, Jr. (ABC Rep)	...	Sanggunian Member I (Sick Leave)

ORDINANCE NO. 066 – 2022

“THE 2022 COMPREHENSIVE SMOKE-FREE, VAPE-FREE ROXAS CITY ORDINANCE”

Authored By: Hon. Victor Federico B. Acepcion
Unanimously Seconded

WHEREAS, it is the policy of Roxas City to protect the health of its citizens from the hazards of smoking and second-hand smoke and instill health consciousness;

WHEREAS, the Republic of the Philippines as a party to the **World Health Organization Framework Convention on Tobacco Control (FCTC)** gives priority to the right to protect public health and to promote measures of tobacco control based on current and relevant scientific, technical and economic considerations, and agreed to implement all the measures provided in the treaty;

WHEREAS, the **Local Government Code of 1991 (Republic Act No. 7160)** accords every local government unit the power and authority to promote general welfare within its territorial jurisdiction, including the promotion of the 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 in certain places; prohibits the purchase and sale of cigarettes and other tobacco products to and by minors and in certain places frequented by minors; imposes bans and restrictions on advertising, promotion, and sponsorship activities of tobacco companies; and directs local government units to implement these provisions;

WHEREAS, the advent of **Republic Act 11900 or the "Vaporized Nicotine and Non-Nicotine Products Regulation Act"** supersedes **"SMOKE-FREE ORDINANCE OF ROXAS CITY"** which needs revision to conform with the National Law;

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

WHEREAS, the **Land Transportation Franchising and Regulatory Board (LTFRB) Memorandum Circular 2009-036** provides that drivers and operators of public utility vehicles are responsible for preventing smoking in public conveyances and posting specified "No Smoking" signs in their vehicles;

WHEREAS, the **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 **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, **Roxas City** recognizes that local governments must act with urgency to denormalize the culture of tobacco consumption, smoking, and vaping through comprehensive and proven effective tobacco control measures to prevent the initiation of non-users and the youth and prevent exposure to harmful chemicals and emissions that pose risks to health while providing a supportive environment to those attempting to quit smoking and vaping;

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

Section 1. Short Title. — This Ordinance shall be known as the **"THE 2022 COMPREHENSIVE SMOKE-FREE, VAPE-FREE ROXAS CITY ORDINANCE"**.

Section 2. Purpose. — It is the purpose of this Ordinance to safeguard public health and ensure the well-being of all its constituents from the harmful effects of smoking, tobacco consumption, and vaping by decreasing exposure to its marketing and advertising, restricting its use, sale, distribution, and accessibility, and providing 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 Roxas 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 and promotion** - means any form of commercial communication, recommendation, or action 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.

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- b. **Civil Society Organization (CSO)** - refers to a legally constituted voluntary civic and social organization or institution created with no participation of government, including but not limited to, charities, development non-governmental organizations (NGOs), community groups, women's organizations, faith-based organizations, professional associations, coalitions and advocacy groups duly recognized by the Office of the Mayor; provided such organization, institution or association is not directly or indirectly related to, connected and/or associated with, recipients or conduits of or act as front groups of the tobacco and/or electronic cigarette industry.
- c. **Designated Smoking/Vaping Area (DSVA)** - refers to an outdoor space, duly approved by the Roxas City Health Officer where smoking and/or vaping may be allowed without violating this ordinance, subject to specific requirements:
- 1). It shall be located in an open space outside the building with no permanent or temporary roof or walls.
 - 2) It shall not be located at least ten (10) meters away 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.
 - 4) Food or drinks are not served.
 - 5) No building shall have more than one designated smoking/vaping area;
 - 6) The entry of persons below the minimum legal age (MLA) shall not be allowed.
 - 7) Highly visible signages with the following messages should be prominently displayed:
 - a) "Smoking/Vaping Area" signage with a message showing "Persons below the minimum legal age not allowed within these premises"
 - b) Graphic health warnings on the effects/harms of tobacco, electronic cigarette, and heated tobacco use or exposure
 - c) Information on cessation hotline and/or cessation clinic/services
 - 8) It shall not be located in places where absolute smoking/vaping bans are in effect, such as, but not limited to: centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for persons under MLA; elevators and stairwells; locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials; within the buildings and premises of public and private hospitals, medical, dental, and optical clinics, health centers, nursing homes, dispensaries and laboratories; food preparation areas; public conveyances and in enclosed, partially enclosed and outdoor areas of transport terminals that are near entrances and exits or where people pass or congregate; within the buildings of all government facilities and premises of all offices of the Department of Health, Department of Education, Commission on Higher Education, Department of Social Welfare and Development and the Civil Service Commission, and shall likewise include parks, plazas, playgrounds, sports, and recreational facilities, and other facilities where an absolute smoking/vaping ban is imposed under special laws, ordinances, administrative and executive orders, memorandum circulars and related policies.
 - 9) It shall have a receptacle for proper disposal of refuse from tobacco products or disposable components of electronic devices.

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- 10) **Electronic Nicotine and Non-Nicotine Delivery Systems (ENDS/ENNDS)** – refers to a battery-operated device that heats e-liquids or refills which may or may not contain nicotine to produce aerosol, mist, or vapor that users inhale by mimicking the act of smoking. *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.*
- 11) **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.
- 12) **Heated Tobacco Products (HTPs)** - refers to tobacco products that contain the highly-addictive substance nicotine and/or non-tobacco additives and flavorings that produce aerosols, which are inhaled by users through the mouth. HTPs mimic the behavior of smoking conventional cigarettes, and some make use of specifically designed cigarettes to contain tobacco for heating.
- 13) **Minimum Legal Age (MLA)** – as per this Ordinance, refers to twenty-one (21) as the minimum age at which a person is legally allowed to use, sell or purchase tobacco products.
- 14) **Minimum Legal Age (MLA) for ENDS/ENNDS/HTPs** - the minimum age at which a person is legally allowed to use, sell or purchase, within the territorial jurisdiction of Roxas City, shall be eighteen (18) for ENDS/ENNDS/HTPs or their components as prescribed by Section 6 (Minimum Age Sales and Purchase) of RA11900.
- 15) **Novel Tobacco Products** - refers to all substances, devices, and innovations entirely or partly made of tobacco leaf as raw material, already existing or to be developed in the future, intended to be used as substitutes for cigarettes, conventional tobacco products, ENDS/ENNDS, or HTPs.
- 16) **Outdoor advertisement** - refers to any sign, model, placard, board, billboard, banner, bunting, poster, streamer, paint-on, light display, video/digital display, apparel, device, structure, or representation, used outdoors and wholly or partially visible from the outside to advertise or promote tobacco products/ENDS/ENNDS/HTPs or their components, or the use thereof, either directly or indirectly to the public.
- 17) **Person-in-charge** - refers to the president/manager in case of a company, corporation, partnership, or association; the owner/proprietor/operator in case of a single proprietorship; the administrator in case of government property, facility, office, or building; the owner/driver/operator/conductor/captain in case of public conveyances; and the Roxas City schools superintendent, school president, dean or principal in case of schools or universities.
- 18) **Point-of-sale** - refers to a physical area where tobacco/electronic cigarettes and heated tobacco products or their components are sold and bought.
- 19) **Public conveyance** - refers to modes of transportation servicing the general population, such as but not limited to, elevators, airplanes, ships, boats, jeepneys, buses, taxicabs, rideshare service vehicles/Transport Network Vehicle Services, trains, light rail transits, tricycles and other means of public transport.

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- 20) **Public place** - means all places, fixed or mobile, that are accessible or open to the public or places for collective use, regardless of ownership or right to access, including but not limited to, schools, workplaces, government facilities, establishments that provide food and drinks, accommodation, merchandise, professional services, entertainment or other services. It also includes outdoor spaces where facilities are available for the public or where a crowd of people would gather, such as, but not limited to, playgrounds, sports grounds or centers, church grounds, health/hospital compounds, transportation terminals, markets, parks, resorts, walkways/sidewalks, entrance ways, waiting areas, and the like.
- 21) **Second-hand smoke (SHS)/Second-hand vaping aerosol (SHVA)** - means the smoke, aerosol, or emission coming from the burning end or heated component of a cigarette/other tobacco products, including heated tobacco products, electronic cigarettes, and other similar devices, usually in combination with the smoke, aerosol or emission exhaled by the smoker/vaper.
- 22) **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/heated tobacco product) aerosol.
- 23) **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, or the act of inhaling and exhaling the smoke or aerosol produced by a heated tobacco product (HTPs) or other similar devices.
- 24) **Sponsorship** - means any form of contribution to any event, activity, or individual with the aim, effect, or likely effect of promoting tobacco products, ENDS/FNNDS, HTPs, or their components, or the use thereof, either directly or indirectly.
- 25) **Tobacco Product** - means products entirely or partly made of the leaf tobacco as raw material which is manufactured to be used for smoking, sucking, chewing, or snuffing, such as but not limited to cigarettes, cigars, pipe, shisha/hookah, and chew tobacco. This likewise applies to heated and smokeless tobacco products, traditional and novel tobacco products, and related consumer products.
- 26) **Vaping** - refers to being in possession or control of a powered ENDS/FNNDS or HTP, regardless of whether the emission in the form of smoke, vapor, or aerosol is being actively inhaled or exhaled.
- 27) **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.

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Section 5. Prohibited Acts. — The following acts are declared unlawful and prohibited by this Ordinance:

USE, SALE, DISTRIBUTION, ADVERTISING, AND PROMOTION

- a. Smoking and/or vaping in enclosed or partially enclosed public places, workplaces, public conveyances (whether mobile or stationary), or other public places, such as those enumerated under *Section 4 (m)*, except in Designated Smoking/Vaping Areas (DSVAs) duly approved and fully compliant with the requirements under *Section 4 (c)*;
- b. For persons in charge to allow, abet, or tolerate smoking and/or vaping in places enumerated in the preceding paragraph, outside of the duly approved Designated Smoking/Vaping Area under *Section 4 (c)*;
- c. Selling, distributing, or purchasing tobacco, electronic cigarette, and heated tobacco products and/or their component to or from persons below the Minimum Legal Age (MLA). (*Proof of Age Verification – In case of doubt as to the age of the buyer, retailers shall verify using a valid form of photographic identification and proof of age card containing the date of birth of the bearer (i.e. driver’s license, passport, voter’s ID) that no individual purchasing tobacco, electronic cigarette or heated tobacco product is below MLA as per this ordinance*);
- d. Use, sale, or purchase of tobacco, electronic cigarette, and heated tobacco products and/or their components by persons below MLA;
- e. Ordering, instructing, or compelling a person below MLA to use, light up, buy, sell, distribute, deliver, advertise or promote tobacco, electronic cigarette, and heated tobacco products;
- f. Selling or distributing tobacco, electronic cigarette, and heated tobacco products and/or their components in a school, public playground, or other facility frequented by persons below MLA, offices of the Department of Health (DOH), and its attached agencies, hospitals and health facilities or within 100 meters from any point in the perimeter of these places, within premises of a government facility, establishments that serve food and drinks or provide accommodation and entertainment;
- g. Selling tobacco, electronic cigarette, and heated tobacco products and/or their components without a valid Roxas City business permit and license to sell and/or barangay business clearance for retail (“sari-sari”) stores;
- h. Manufacturing, distributing, marketing, or selling of unregistered or adulterated electronic cigarettes and components thereof 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;
- i. Selling of consumable/replaceable products, such as but not limited to e-liquids, solutions, refills, heat sticks, plugs, and/or capsules forming components of electronic cigarettes or heated tobacco products, without prejudice to the registration requirements that may be set forth by the FDA, in accordance with R.A. Nos. 9711 and 11467;
- j. Selling of devices forming components of electronic cigarettes or heated tobacco products not compliant with product standards that may be imposed by the Department of Trade and Industry (DTI) and the FDA in accordance with R.A. Nos. 7394 and 11467;
- k. Manufacturing, distributing, importing, marketing, and selling of electronic cigarettes, heated tobacco products, and/or their components, without prejudice to the licensing requirements that may be set forth by the FDA;

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- l. Importing unregistered or adulterated electronic cigarettes, heated tobacco products, and/or components thereof;
- m. Selling of tobacco, electronic cigarette, and heated tobacco products and/or their components removed from their original product packaging, or sold as individual pieces/per stick, where packs originally contain twenty (20) or more pieces/sticks, as in the case of cigarettes and heated tobacco product consumables such as heat sticks, plugs, or capsules, and the like;
- n. Selling tobacco, electronic cigarette, and heated tobacco products and/or their components without the appropriate government-issued health warning;
- o. Selling or distributing of sweets, snacks, toys, accessories, apparel, or any other objects in the form of or bearing resemblance to the logo, insignia, packaging, or distinguishable design elements of tobacco, electronic cigarette, heated tobacco products, and/or their components, including imitations thereof, which may appeal to persons below MLA;
- p. Placing cinema or outdoor advertisements of tobacco, electronic cigarette, and heated tobacco products and/or their components;
- q. Placing, posting, displaying, wearing, or distributing advertisement and promotional materials of tobacco, electronic cigarette, and heated tobacco products and/or their components, such as but not limited to leaflets, posters, display structures, video/digital displays, accessories, apparel and other materials within an establishment when the such establishment, or its location, is prohibited or not licensed to sell and distribute tobacco, electronic cigarette, heated tobacco products, and/or their components, and where persons below MLA are allowed entry;
- r. Conducting promotional activities, campaigns, smoking/vaping events, product sampling, and other similar activities where the establishment or its location prohibits selling, distributing, and purchasing of tobacco, electronic cigarette, heated tobacco products, and/or their components, and where persons below MLA are allowed entry;
- s. Displaying and placing tobacco, electronic cigarette, and heated tobacco products and/or their components in store shelves/racks where it is visible, except in enclosed, opaque, and single-colored storages/containments;
- t. *Sales and Promotion within School Perimeters.* — The sale, promotion, advertising, and product demonstration of Vaporized Nicotine and Non-Nicotine Products or Novel Tobacco Products within one hundred (100) meters from any point of the perimeter of a school, playground, or other facility frequented particularly by minors shall be prohibited (section 9 of RA 11900)

ONLINE SALES, DISTRIBUTION, ADVERTISING, AND PROMOTION

- u. Selling, distribution, advertising, and promotion of tobacco, electronic cigarette, heated tobacco products, and/or related components/products in online platforms/e-commerce subject to pertinent regulation/guidelines of the Food and Drug Administration (FDA) and other concerned agencies.

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ONLINE TRADE

- v. The sale or distribution of Vaporized Nicotine and Non-Nicotine Products, their devices, and Novel Tobacco Products through internet websites or via e-commerce and/or other similar media platforms shall be allowed: *Provided*, That the retailer or distributor shall adopt measures to ensure that persons below eighteen (18) years of age are denied access thereto and that the internet website shall bear the signages required under this Act.

In compliance with the aforementioned age restriction, and when seeking access to such media platforms, the person's legal age shall be self-declared on the opening first page of the website.

Provided, further, That the sale or distribution of Vaporized Nicotine and Non-Nicotine Products, their devices, and Novel Tobacco Products through internet websites or via e-commerce and/or other similar media platforms shall only be made by online sellers or distributors registered with the Department of Trade and Industry (DTI) or the Securities and Exchange Commission (SEC) and the products being sold and advertised online shall be compliant with the health warning requirements indicated herein, as well as other BIR requirements including tax stamp, minimum or floor price or other fiscal marks: *Provided*, finally, That the delivery of Vaporized Nicotine and Non-Nicotine Products, their devices, and Novel Tobacco Products purchased online shall also comply with Section 7 of this Act.

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ENGAGEMENT AND SPONSORSHIP INVOLVING THE TOBACCO/E-CIGARETTE INDUSTRY

- w. Facilitation, participation, or partnership involving any government official or personnel of Roxas 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, executed for and in behalf of and within the territorial jurisdiction of the Roxas City, with the aim, effect or likely effect of promoting a tobacco/electronic cigarette product, its use either directly or indirectly.

Section 6. Duties and Obligations of Persons-in-Charge. — Persons in charge shall:

Prominently post and display the “**SMOKING/VAPING KILLS**” symbol, in the locations most visible to the public in the areas where smoking and vaping are prohibited.

At the very least, the “**SMOKING/VAPING KILLS**” 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:

10. Sign e-sign



SMOKING/VAPING KILLS

As per ORDINANCE NO. 066-2022

Maximum Penalty of PHP 5,000.00

Report violations to [HOTLINE Number/Online Contact Info]

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

"DESIGNATED SMOKING/VAPING AREA" or "SMOKING/VAPING AREA"
"Persons below the Minimum Legal Age 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/exposure within the signage]

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

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- a. 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;
 - b. Remove from all places where smoking and/or vaping is prohibited all ashtrays and any other receptacles for disposing of cigarettes, electronic cigarettes, and heated tobacco refuse;
 - c. For persons in charge of government property, facility, office, or building, secure a certification/permit from the duly authorized officer or representative of the Civil Service Commission (CSC) after inspection and approval prior to establishing a Designated Smoking/Vaping Area (DSVA);
 - d. For person-in-charge of commercial establishments/buildings or other non-government facilities intending to establish a DSVA, secure a certification/permit from the Roxas City Building/Engineering and Health Officers after complying with the requirements for a DSVA, as stated in *Section 4 (c)*;
 - e. For persons in charge of schools, public playgrounds, or other facilities frequented by persons below MLA, offices of the DOII, and attached agencies, hospitals, and health facilities, post the following statement clearly and conspicuously:

**SELLING, ADVERTISING, AND PROMOTING CIGARETTES,
ELECTRONIC CIGARETTES, HEATED TOBACCO, OTHER TOBACCO
PRODUCTS, AND/OR THEIR COMPONENTS
NOT ALLOWED WITHIN 100 METERS FROM ANY POINT IN THE
PERIMETER OF
[name of SCHOOL / PLAYGROUND / FACILITY FOR PERSONS BELOW
THE MINIMUM LEGAL AGE / HEALTH FACILITY / ETC.]**

- f. For persons in charge of schools, public playgrounds, or other facilities frequented by persons below MLA, offices of the DOH, and attached agencies, hospitals, and health facilities, report to the Smoke/Vape-Free Task Force any sale, advertisement, or promotion of tobacco, electronic cigarette, heated tobacco products, and/or any of their components located within 100 meters from its perimeter;
- g. For persons in charge of establishments intending to sell tobacco/electronic cigarettes, heated tobacco products, and/or any of their components, secure a valid business permit and license to sell in retail or wholesale from the Roxas City Business Permits and Licensing Office, and shall comply with all essential requirements as directed by other regulatory agencies, if applicable;

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- h. For persons in charge of approved point-of-sale establishments, post the following notice, together with a graphic/picture-based health warning on the health consequences of tobacco, electronic cigarette, and heated tobacco product use and exposure, as prescribed by the Roxas City Health Office, clearly and conspicuously:

**SALE/DISTRIBUTION OF TOBACCO, ELECTRONIC CIGARETTES,
HEATED TOBACCO PRODUCTS AND/OR ANY OF THEIR
COMPONENTS
PERSONS BELOW THE MINIMUM LEGAL AGE ARE PROHIBITED**

- i. For persons in charge of approved point-of-sale establishments, remove all forms of tobacco, electronic cigarette, and heated tobacco products and/or their components' advertisement/promotions paraphernalia prohibited by this Ordinance;
- j. For persons in charge of approved point-of-sale establishments, secure approval from the Roxas City Health Office for storage or containments of tobacco/electronic cigarette/heated tobacco products, and/or their components. 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, insignia or markings. Such list shall not occupy more than 25% of the exposed side of the storage/containment;
- k. For persons in charge of approved point-of-sale establishments, ensure that storages/containments of tobacco/electronic cigarette/heated tobacco product and/or their components are opened only by the store personnel/manager at the counter during actual purchase, or when being replenished, and cleaned or inspected;
- l. Establish internal procedures and measures through which this Ordinance shall be implemented and enforced within the area of which he or she is in charge. This includes compliance with smoking and/or vaping use, sales, distribution, advertising, and promotions restrictions (*i.e. warning smoking/vaping violators in banned areas and requesting them to stop smoking/vaping, and if they refuse to comply, asking them to leave the premises, and if they still refuse to comply, reporting the incident to the Roxas City Health Office, the nearest peace officer, or any member of the Smoke/Vape-Free Task Force through its hotline or by other means*);
- m. Ensure that all the employees in establishments/government facilities are aware of this Ordinance and the procedures/measures for implementing and enforcing it;
- n. Allow inspectors acting under Sections 14 and 15 hereof, which may include other members of the Task Force and the designated civil society organization under Section 16, entry into the establishment, public conveyance, and public facilities during regular business hours to inspect their compliance with this Ordinance;
- o. For all signages required to be posted under (a), (b), (f), and (i) above, provide versions of them in the local language/dialect or English;

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Section 7. *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; provided, that the violator is a person below MLA, the apprehending officer from the Task Force shall report the incident to the school principal/dean exercising jurisdiction over the violator where said person shall be required to comply with disciplinary measures imposed by the school/university if currently enrolled, or endorse to the Roxas City Social Welfare and Development Office for appropriate action or intervention pursuant to Republic Act 9344 or the Juvenile Justice and Welfare Act. Should the school/university have no policy for offenses committed by their learners outside school premises, or if the violator is an out-of-school youth, the enforcer shall endorse said person to the Roxas City Social Welfare and Development Office, which may involve the parents or guardians and/or a Barangay Official where the violator is a resident, in carrying out disciplinary measures.
- b. Persons-in-charge who knowingly allow, abet, authorize or tolerate the prohibited acts enumerated in *Section 5*, or who otherwise fail to fulfill the duties and obligations enumerated in *Section 6* hereof;

Section 8. *Penalties.* — The following penalties shall be imposed on violators of this Ordinance:

a. **Violation of Section 5 (a) & (b) *Smoking/Vaping or Allowing Smoking/Vaping and Section 6 (a) to (p) Duties and Obligations of Persons-In-Charge***

- i. First Offense P 3,000.00 (business establishments),
P 2,000.00 (individual)
- ii. Second Offense P 4,000.00
- iii. Third and Subsequent Offenses P 5,000.00, or imprisonment for a period not exceeding six (6) months, or both at the discretion of the court.

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

b. **Violation of Section 5 (c) to (v) *Sales/Access Restriction and Advertising and Promotions Ban***

- i. First Offense P 3,000.00
- ii. Second Offense P 4,000.00
- iii. Third and Subsequent Offenses P 5,000.00, or imprisonment for a period not exceeding six (6) months, 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. **Violation of Section 5 (w) *Sponsorship/Contribution/Partnership with the Tobacco Industry Involving Government Officials/Personnel***

Apply rules and sanctions prescribed in the CSC-DOH Joint Memo Circular No. 2010-01, RA 3019, RA 6713, and/or the Revised Penal Code (1932).

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- d. **Revocation or Suspension of Business Permits and Licenses to Sell.** The *Business Permit* and *License to Sell* tobacco, electronic cigarette, heated tobacco products and/or their components, or the *Certificate of Public Convenience* of any public conveyance shall be suspended for at least one (1) week but not more than one (1) month, or revoked when the necessary action has not been performed within ten (10) working days upon receipt of the Citation Ticket or when penalties have not been settled within five (5) working days. The suspension or revocation shall only be lifted once all the requirements set forth upon re-inspection and evaluation of the Roxas City Health Office, Building/Engineering Office, Business Permits and Licensing Office, and/or the appropriate agency or governing body have been fully complied with. Any Task Force member may recommend the revocation or suspension of the license or permit of an erring establishment to the appropriate office.
- 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 Roxas City Treasurer's Office within five (5) working days from the day of apprehension. If after the lapse of five (5) working days, the violator has failed to present the Official Receipt of the payment of the penalties, the Task Force shall have the case filed with the Prosecutor's Office, attaching an Affidavit or Certification from the Roxas City Treasurer's Office that the violator failed or did not avail of the No Contest Provision. The No Contest Provision cannot be availed for third and subsequent offenses.
- f. **Subsidiary Imprisonment Provision.** Subsidiary imprisonment may be imposed by the court in the event that the violator is unable to settle the fine that 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.** Tobacco, electronic cigarette, heated tobacco products, related products or components thereof, and their advertising/promotions paraphernalia found violating any of the prohibited acts in this ordinance shall be subject to confiscation and/or removal.
- i. **Evidence.** The evidence of the violation of this Ordinance may be obtained using a 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, and details of the confiscated items, including the procedures taken to preserve their 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 9. Citation Ticket System. — Violators of this Ordinance shall be informed of their violation and its corresponding penalty by means of a Citation Ticket System with the following guidelines:

- a. Official booklets of Citation Tickets shall be issued by the Roxas 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.

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- c. A Citation Ticket issued to the violator shall contain the following information:
 - 1) the specific violation committed whether indicated in a checklist or written in detail as per this Ordinance;
 - 2) the possible fines, penalties, options, or other sanctions associated with each violation;
 - 3) the due date for compliance with the obligations imposed by the Ordinance.
- d. When a Citation Ticket is issued to a violator, he/she shall report to the Roxas 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, appear in Court, as provided under Section 8 (e) hereof.
- e. The Roxas City Treasurer's Office shall keep a duplicate or record of all Citation Tickets issued to violators as well as all other records of violations of this Ordinance.

Section 10. *Smoking/Vaping/Nicotine Cessation and Livelihood Assistance Programs.* —

The Roxas 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/Nicotine Cessation Program and encourage the participation therein of public and private facilities which may be able to provide for its requirements. Smokers/vapers/users 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 of this Ordinance, may be referred to the Roxas City's cessation service provider or other treatment 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 shall be affected or displaced by the restrictions on sales, may be referred for enrollment and given assistance in the livelihood programs of the Roxas City or by other appropriate agencies.

ENFORCEMENT

Section 11. *Smoke/Vape-Free Task Force.* — The inter-agency task force shall be created to aid in the implementation, enforcement, and monitoring of this Ordinance, and to protect the same from tobacco/electronic cigarette industry interference at all times as well as to conduct educational awareness campaigns, information dissemination programs, and capacity building programs that will inform the constituents and train enforcement officers.

The City Mayor shall constitute the members of the Roxas City Anti-Smoking Task Force (RCAST). The Task Force shall not include as its member any person or entity supporting or accommodating tobacco/electronic cigarette industry interests, or engaged in any related business, or connected in any way to this 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 or for other individuals, beneficiaries or groups, any contribution 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 their removal. 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 or other applicable laws/policies.

Section 12. *Duties and Responsibilities of the Task Force.* — Other than (1) receiving, reviewing, and processing reports and complaints, serving of citations and notices, and filing of appropriate charges for violations under this Ordinance (2) attending regular Task Force meetings, and (3) deputizing enforcers under Sections 13 to 16 hereof, and enforcing the other provisions of this Ordinance, the Task Force, headed by the Mayor, shall have the following respective duties and responsibilities:

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- a) Inspect and monitor compliance of all places covered by this Ordinance, certify the appropriateness of the designated smoking areas, apprehend violators, and recommend closure of non-compliant establishments taking into consideration the provisions of existing laws and the purpose of smoking regulations which is to protect non-smokers/non-vapers from the effect of exposure to tobacco and electronic devices (ENDS/ENNDS/HTPs) smoke;
- b) Recommend amendments or revisions of any provisions of this ordinance;
- c) Conduct ocular inspections of all business establishments in Roxas City to determine compliance with the requirements of the rules and regulations of this Ordinance;
- d) Shall undertake educational awareness campaigns, information dissemination programs, and capacity-building programs, and cessation clinics in coordination with the City Health Office;
- e) In coordination with the Traffic Management Unit shall inspect the presence of "Smoking/Vaping Kills" sign in all public utility vehicles and strictly monitor its compliance;
- f) Prepare the procedures for the issuance of the Certificate of Compliance of designated smoking/vaping areas in accordance with this Ordinance.

Enforcement
Section 13. Enforcement on Individuals. — Members of the Philippine National Police and City Environment and Natural Resources Office (CENRO)/Task Force Coordinator, and/or persons duly deputized by the Mayor/RCAST shall apprehend and issue Citation Tickets against persons found in violation or have failed to comply with any provision enumerated under Sections 5 and 6 hereof. They shall forward copies of the tickets they issue violators to the Treasurer's Office regularly or per week. 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), 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 Task Force for the payment of penalty or rendition of community service.

Section 14. Enforcement on Public Conveyances. — Members of the PNP, CENRO, and/or persons duly deputized by the RCAST 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 regularly or at least once a week.

Section 15. Enforcement on Establishments/Public Facilities. — Ninety (90) calendar days after the effectivity of this Ordinance, an inspection team composed of representatives from the Roxas City Health Office, CENRO, Permits and Licenses Office, and/or other members of the RCAST, as appropriate, shall conduct inspections of establishments, public buildings, and facilities, to determine their compliance with the provisions of this Ordinance.

A regular inspection shall thereafter be conducted at least once every month or simultaneously with other regular inspections done by the appropriate office or department, whichever is more frequent, during normal hours of operation of the establishment. The inspection team shall issue a Citation Ticket against the establishment upon finding 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 revocation/suspension of its license/permit consistent with Section 8 (d) hereof.

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

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Section 16. *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/representing the interests of the tobacco/e-cigarette industry, to discharge the duties and responsibilities enumerated in Section 12 (g) 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, present evidence for any violation of this Ordinance, or be assigned other duties pursuant to the attainment of its effective implementation.

INFORMATION CAMPAIGN

Section 17. *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 Roxas City;
 - 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, on 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 CENRO, provide a copy of this Ordinance and its primer to all public utility vehicle operators plying within and through the territorial jurisdiction of Roxas City, and for other sectors as necessary.
- d. In coordination with the City Health Office, develop, disseminate and post timely health information on prevention and cessation, including the use of graphic health warnings, in information, education, and communication (IEC) materials, depicting the health and other impacts of tobacco/e-cigarette use and exposure.

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Section 18. *Public Billboards, Notices in Barangays.* — Upon effectivity of this Ordinance, the Engineering Office shall put up billboards in conspicuous places within Roxas City 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 the obligations of persons under the ordinance.

Section 19. *Conduct Orientation Seminars and training.* -- Within sixty (60) calendar days from the effectivity of this Ordinance and periodically thereafter, the Health Officer, with the assistance of the CENRO, and the CSO representative designated under Section 16 hereof, with other members of the RCAST, 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.

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FINANCING

Section 20. *Funding.* — Initial funding to defray the expenses necessary for or incidental to the implementation of this Ordinance and Tobacco Control Program of Roxas City in the amount of PHP 200,000.00 shall be sourced from the fund of the Roxas City Government and is hereby allocated. Every year thereafter, at least PHP 200,000.00 shall automatically be included in Roxas City's *Annual Budget* for the implementation of its *Tobacco Control Program* and enforcement of this Ordinance.

The initial funding, annual budget appropriated for this purpose, and funds generated from other sources, such as, but not limited to, the proceeds from administrative penalties, shall be placed in a Trust Fund specifically intended to defray expenses and operationalize activities of this Ordinance and the Roxas City's Tobacco Control Program. The RCAST shall be empowered to determine how the Trust Fund is to be utilized in furtherance of this Ordinance, subject however to the usual government accounting and auditing procedures.

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

- a. Cost of printing copies of this Ordinance, the Citation Tickets, and information, education, and communication expenses pertaining to tobacco control;
- b. Cost of regular or periodic meetings of the task force;
- c. 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;
- d. Remuneration for the apprehending/deputized enforcer's share of the proceeds from penalties paid;
- e. Incentive or reward for private citizens who report violations of this Ordinance;
- f. Institutional and operating expenses of the smoking cessation program and facility;
- g. Other expenses associated with the implementation and enforcement of this Ordinance;
- h. The hiring of coordinator/staff/agents who shall be involved in the day-to-day operations;
- i. Conduct prevalence and compliance monitoring and assessment activities.

Sharing of Proceeds from the Administrative Penalties. — The amount of the corresponding penalty paid by a violator to the Treasurer shall be apportioned where the equivalent of Thirty Percent (30%) shall accrue to the apprehending/deputized enforcers as an incentive. The remainder of the proceeds from penalties collected as payment by violators, after deducting the amounts that shall accrue to the apprehending officers or deputized enforcers shall form part of the abovementioned Trust Fund.

Section 21. Repealing Clause. — City Ordinance No. 009-2011 or the "Smoke-Free Ordinance of Roxas City" and Ordinance No. 027-2020 or the "Comprehensive Smoke-Free Ordinance of Roxas City" is hereby repealed in their entirety. All laws acts, decrees, executive orders, rules, and regulations inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

Section 22. 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 23. Effectivity Clause. — This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of local or general circulation or posting in at least two (2) conspicuous places within Roxas City.

Unanimously Approved.

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I hereby certify that this Ordinance was duly passed and approved by the Sangguniang Panlungsod of Roxas City on the date herein stated.

St. Bell 0-9788
STEPHEN C. GENOVES
Supervising Administrative Officer V
Acting SP Secretary

ATTESTED: *[Signature]*
TERESA H. ALMALBIS
Vice Mayor I
Presiding Officer

24 NOV 2022
APPROVED:-----

[Signature]
RONNIE T. DADIVAS
City Mayor

ATTESTED: *[Signature]*
LORIE BELLE S. USISON
General Services Officer
Acting City Administrator