

Republic of the Philippines
Province of Ilocos Sur
MUNICIPALITY OF NARVACAN

OFFICE OF THE SANGGUNIANG BAYAN

54TH Regular Session
Held at the Sangguniang Bayan Session Hall
On September 19, 2005

ORDINANCE NO. 12-05
Series of 2005

AN ORDINANCE SEEKING TO REGULATE SMOKING IN PUBLIC PLACES, INCLUDING PUBLIC CONVEYANCES AND PROVIDING PENALTIES THERETO IN ACCORDANCE WITH THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT 9211 OF "THE TOBACCO REGULATORY ACT OF 2003"

WHEREAS, Her Excellency Gloria Macapagal Arroyo, recognizing the need for a balanced policy that takes into account the need for both a healthful environment and the protection of the citizens from the hazards of tobacco smoke and, at the same time, to ensure that the interests of tobacco farmers, growers, workers, and other stakeholders are not adversely compromised signed Republic Act 9211, also known as the Tobacco Regulatory Act of 2003 ("RA 9211");

WHEREAS, Section 39 of RA 9211 explicitly provides that " all ordinances which are inconsistent with the TRA are repealed or amended accordingly" and Title VI, Rule II, Section 2 of the IRR provides city and municipal mayors, building officials, and the police with the responsibility of ensuring full compliance with its tenets;

WHEREAS, to fully protect the public health and welfare vis a vis the interests of other stakeholders, there is a need to pass a local ordinance which will regulate smoking in public places and conveyances in accordance with existing laws.

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF NARVACAN, ILOCOS SUR IN SESSION ASSEMBLED THAT:

Section 1. **Smoking ban in public places** - Smoking shall be absolutely prohibited in the following public places:

- 1.1 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. Such recreational facilities for persons under eighteen (18) years old shall include, but are not limited to, playgrounds;
- 1.2 Elevators and stairwells;
- 1.3 Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;

- 1.4 Within the buildings and premises of public and private hospitals, medical, dental, and optical clinics, health centers, nursing homes, dispensaries and laboratories;
- 1.5 Public conveyances and public facilities including airport and ship terminals and train and bus stations, restaurants and conference halls, except for separate smoking areas, and
- 1.6 Food preparation areas. Food preparation areas shall include areas where food or beverage is actually being manufactured or prepared.

Section 2. **Smoking ban in public conveyances: exemption** – The absolute ban on smoking in public conveyances referred to in the preceding section shall not apply to inter-island vessels, where smoking areas have been designated: Provided, said designated smoking areas conform with the specifications set by this Ordinance.

Section 3. **Designation of smoking and non-smoking areas.** – In all enclosed places that are open to the general public, public and private workplaces, and other places not covered by Section 1 of this ordinance, where smoking may expose a person other than the smoker to tobacco smoke, the owners, proprietors, operators, possessors, managers or administrators of such places shall establish smoking and non-smoking areas. Such areas may include a designated smoking area within the building, which may be in an open space, or a separate area with proper ventilation, but shall not be located within the same room that has been designated as a non-smoking area.

Section 4. **Standards for designated smoking area.** – The owners, proprietors, operators, possessors, managers or administrators of establishments not covered by Section 1 of this Ordinance shall determine the size and specifications of the smoking or non-smoking area: Provided, that the following standards shall be observed:

- 4.1 The designated smoking area other than in an open space shall be completely enclosed or physically separated from the rest of the premises and equipped with adequate ventilation in conformity with the provisions of Presidential Decree No. 1096, otherwise known as the "National Building Code", and the Philippine Society of Mechanical Engineers' Code.
- 4.2 Separation of the designated smoking area other than in an open space shall be effected through any of the following means:
 - 4.2.1 The designated smoking area must be fully separated from smoke-free area by continuous floor-to-ceiling or floor-to-floor solid partitions which are interrupted only by doors equipped with door closers, and which must be constantly closed except when a person is entering or exiting the area; or
 - 4.2.2 The designated smoking area must be set apart, enclosed or confined by means other than those described in Section 4.2.1 above; Provided, that said means shall enable compliance to air quality standards set forth in the National Building Code and the Philippine Society of Mechanical Engineers' Code. Said standards

are reproduced and attached herewith as "Schedule A", and made an integral part of this ordinance.

Section 5. Signage for designated smoking and non-smoking areas - All designated smoking areas shall have at least one (1) legible and visible sign posted saying "SMOKING AREA", in English or Filipino, for the information and guidance of all concerned. The sign shall be placed conspicuously at the entrance to the designated smoking area and shall be in accordance with the specifications set forth in "Schedule B" of these Rules. In addition, the sign or notice shall include a warning in English or Filipino about the ill effects of both direct and secondary exposure to tobacco smoke. Said warning may be any of the following:

GOVERNMENT WARNING: CIGARETTE SMOKING IS DANGEROUS TO YOUR HEALTH (Babala: Ang Paninigarilyo ay Mapanganib Sa Iyong Kalusugan")

GOVERNMENT WARNING: CIGARETTES ARE ADDICTIVE (Babala: Ang Sigarilyo ay Naka-ka-adik)

GOVERNMENT WARNING : TOBACCO SMOKE CAN HARM YOUR CHILDREN (Babala: ang Usok ng Sigarilyo ay Mapanganib sa mga Bata)

GOVERNMENT WARNING: SMOKING KILLS (Babala: Nakamamatay and Paninigarilyo)

Under no circumstances shall any mark, device, word, or image associated with any tobacco company or product be included in any of these signs and materials. Non-smoking areas shall likewise have at least one (1) legible and visible sign posted saying "NON-SMOKING AREA" or "NO SMOKING".

Sectins 6. Penalties. For violation of this ordinance – On the first offense, a fine of not less than Five Hundred Pesos (Php 500.00) but not more than One thousand Pesos (Php1,000.00) shall be imposed.

On the second offense, a fine of not less that One Thousand Pesos (Php 1,000.00) but not more than Five Thousand Pesos (Php 5,000.00) shall be imposed.

On the third offense, in addition to a fine of not less than Five Thousand Pesos (Php 5,000.00) but not more than Ten Thousand Pesos (Php10,000.00), the business permits and licenses to operate shall be cancelled or revoked.

Section 7. Administration and authority to institute action. The Municipal Engineers Office are tasked to inspect and certify the appropriateness of the designated smoking areas provided by service establishments taking into consideration the air quality standards attached herein. To effectively implement this Ordinance, the local chief executive upon the recommendation of the City Engineers' Office is authorized to institute criminal proceedings against the violators of this Ordinance.

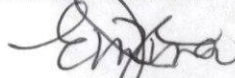
Section 8. **Repealing Clause.** All existing ordinances which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 9. **Separability Clause** – Should any provision of this Ordinance be subsequently declared unconstitutional or invalid, the other provisions not so declared and not affected by such declaration shall remain in full force and effect.

Section 10. **Effectivity** – These Rules shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation consistent with the provisions of the Local Government Code.


ENACTED on September 19, 2005, Narvacan, Ilocos Sur.

Certified Correct:



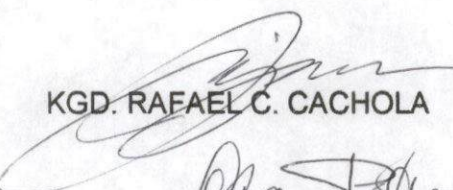
EMMA J. CABOTAGE
Vice Mayor/Presiding Officer

Attested:

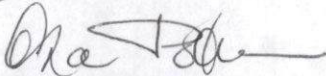


SAMUEL CORDERO
Acting SB Secretary

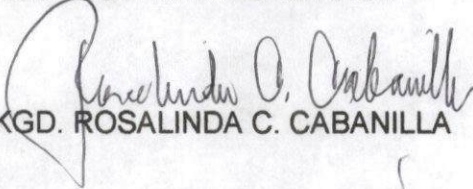
CONFORME



KGD. RAFAEL C. CACHOLA




KGD. OSCAR R. POTENCION




KGD. ROSALINDA C. CABANILLA



KGD. JOEL CONSTANTINO C. COIOZO



KGD. JACINTO C. GARCÉS
ABC President



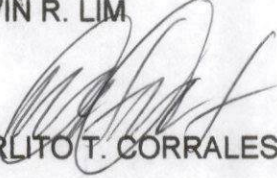
KGD. MARGARITO A. TEJADA



KGD. TEOFILO M. CABRERROS



KGD. IRVIN R. LIM



KGD. CARLITO T. CORRALES

KGD. ELIEZER S. CORRALES
SKF President

Approved:



EDGARDO D. ZARAGOZA
Municipal Mayor