



Republic of the Philippines  
Province of Ilocos Norte  
**MUNICIPALITY OF SAN NICOLAS**



SBO-0010-0

## OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE FOURTH REGULAR SESSION OF THE 10<sup>TH</sup> SANGGUNIANG BAYAN  
OF SAN NICOLAS, ILOCOS NORTE HELD AT THE MUNICIPAL SESSION HALL  
ON THE 27<sup>TH</sup> DAY OF DECEMBER, 2017 AT 10:30 O'CLOCK IN THE MORNING.

**PRESENT:**

Hon. Edistio P. Valdez	Vice-Mayor/Presiding Officer;
Hon. Angel Miguel L. Hernando	Member;
Hon. Domingo C. Ambrocio, Jr.	Member;
Hon. Ariel B. Villa	Member;
Hon. Efren C. Butay	Member;
Hon. Norberto S. Dadiz, Jr.	Member;
Hon. Manuel D. Coloma, Sr.	Member;
Hon. Jessie Julito P. Pumaras, Sr.	Member;
Hon. Linda E. Badua,	Member/Liga ng mga Barangay President.

**ABSENT:**

Hon. Orlando B. Badua	Member (On mourning-leave).
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### “MUNICIPAL ORDINANCE NO. 2017-24

#### AN ORDINANCE ENACTING THE COMPREHENSIVE ANTI-SMOKING LAW OF THE MUNICIPALITY OF SAN NICOLAS, PROVINCE OF ILOCOS NORTE.

**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**, 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**, science has also shown that there is no safe level of exposure to tobacco smoke; that effective measures to protect from exposure to it 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 with separate ventilation systems or not) have repeatedly been shown to be ineffective;

**WHEREAS**, President Rodrigo Roa Duterte has issued Executive Order No. 26 Providing for the Establishment of Smoke Free Environments in Public and Enclosed Places;

**WHEREAS**, the Municipality of San Nicolas, Ilocos Norte recognizes that local governments must act with urgency to regulate the culture of smoking and tobacco consumption through comprehensive and proven effective tobacco control measures as increasing number of Filipinos die each year of tobacco-related diseases such as stroke, heart disease, and various cancers, among others.

**WHEREAS**, it is the policy of the LGU of San Nicolas to promote the health and welfare of its citizens. Towards this end, the Sangguniang Bayan deems it proper to enact a Comprehensive Anti-Smoking Ordinance of San Nicolas, Province of Ilocos Norte”.

**NOW, THEREFORE, BE IT ORDAINED THAT:**

**SECTION 1. Title.** This ordinance shall be known as the Comprehensive Anti-Smoking Ordinance of the Municipality of San Nicolas, Province of Ilocos Norte.

**SECTION 2. Purpose.** This ordinance is promulgated to prescribe a more comprehensive and a broader scope and application of the No-Smoking Ordinance of the municipality

**SECTION 3. Scope of the Ordinance.**

This ordinance shall apply to:

1. All drivers, conductors, inspectors and passengers, of all public conveyances, government-owned vehicles, and other means of public transport within the territorial jurisdiction of San Nicolas, Ilocos Norte;
2. All accommodation and entertainment establishments;
3. All enclosed public places;
4. All partially enclosed public places;
5. All public buildings;
6. All public outdoor spaces.

**SECTION 4. Interpretation.**

This ordinance shall be construed in a manner that can achieve the primary objectives of the Comprehensive Anti-Smoking Ordinance which is to safeguard public health and ensure the well being of all its constituents by protecting them from the harmful effects of smoking and tobacco consumption.

**SECTION 5. Definition of Terms.**

The words and phrases used in this rules and regulations shall mean as follows:

- a. ESTABLISHMENTS- a collective term used to describe any building, edifice, and/or structure, including its premises;
- b. ACCOMODATION AND ENTERTAINMENT ESTABLISHMENTS- refer to establishments that provide food, accommodation, drinks, merchandise, entertainment or other professional services including, but not limited to, restaurants, fast foods, eateries, hotels, motels, lodges, inns, boarding houses, disco houses, videoke bars, resto bars, and movie houses, or any other place with pleasant environment and atmosphere conducive to comfort, healthful relaxation and rest, offering food and/or drinks, sleeping accommodation and recreation facilities to the public for a fee;
- c. CERTIFICATE OF COMPLIANCE- a certification in writing issued by the Municipal Health Officer or his duly authorized representative, that the establishment has complied with the general and specific requirements of a designated smoking area, after the required inspection, evaluation and recommendation conducted by the concerned regulatory offices;
- d. DESIGNATED SMOKING AREA- refers to an outdoor space where a person is allowed to smoke without violating this Ordinance that meets the following requirements, at the minimum:
  - i. It shall be located in an open-space with no permanent or temporary roof or walls in an outdoor area.
  - ii. It shall not be located within 10 meters of entrances, exits or any place where people pass or where people congregate.
  - iii. It shall not have an area larger than 5 square meters.
  - iv. It shall not have more than one designated smoking area.
  - v. No food or drinks shall be served in the designated smoking area.

- vi. Every smoking area shall have highly visible prominently displayed “SMOKING AREA” sign and a graphic depiction and corresponding explanation of the ill effects of smoking to the smoker’s health or exposure to secondhand smoke. 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.

In the absence of a duly designated smoking area as certified by the Anti-Smoking Task Force, all prohibited places mentioned hereof shall be understood as a totally non-smoking area.

All designated smoking areas shall be covered by a certificate of compliance from the Office of the Mayor.

- e. ELECTRONIC DEVICE SYSTEMS- refer to any device such as electronic nicotine device systems, electronic cigarette and similar devices, whether or not it is used to deliver nicotine to the user, that resembles the outward appearance of real smoking products;
- f. ENCLOSED OR PARTIALLY ENCLOSED PUBLIC PLACE- refers to all places which are enclosed by one or more walls or sides whether covered by a roof or not, or even if open on all sides but it covered by a roof, regardless of whether the structure is permanent or temporary in nature, that are accessible or open to the public, whether or not by invitation or by payment, or all places for collective use, regardless of ownership or right to access including, but not limited to gasoline stations, banks, malls, shopping/business arcades, town squares, terminals, airport, seaport, schools, places of worship/churches, hospitals, cinema houses, gymnasiums/covered courts, funeral parlors, barber shops, cockpits, gaming areas, recreational facilities, pedestrian overpass, indoor car parks, waiting sheds, sidewalks and other places where people usually congregate;
- g. ORDINANCE- shall refer to Ordinance No. 2017-24, otherwise known as the Comprehensive Anti-Smoking Ordinance of the Municipality of San Nicolas, Province of Ilocos Norte;
- h. PUBLIC CONVEYANCES- refers to any vehicle, whether mobile or stationary, used in the transport of passengers or available to the public as a mode of transport, such as but not limited to jeepneys, buses, trains vans, taxis, airplanes, ships and other modes of water transportation, tricycles, motorcycles, and other public utility vehicles whether by a Certificate of Public Convenience or not;
- i. PUBLIC BUILDING- refers to any of the following:
  - f.1 A building or structure owned by the government or owned by a private person but used, rented or occupied by the government or any of its instrumentalities;
  - f.2 Any building or structure used, or controlled exclusively for public purposes by any department or branch of government, local government unit or barangay without reference to the ownership of the building.
- j. PUBLIC OUTDOOR SPACES- refer to outdoor spaces that are open to the public or places where facilities are available for the public or where a crowd of people gather or congregate regardless of ownership or right to access such as but not limited to parks, playgrounds, sports grounds or centers, gaming areas, cockfighting areas, church grounds, healthcare/hospital compounds, cemeteries, gardens , resorts, beaches, pools, markets, streets, sidewalks, parking areas, walkways, entranceways, waiting areas, stairwells and the like;
- k. SHISHA- also known or referred to as waterpipe, Sheesha, Hookah, Nargeela, Argeel, Nargile or any other name that refers to a device or instrument which may have a single or multistemmed pipe for smoking, whether or not it delivers nicotine to the user, in which the smoke is passed through a water basin before inhalation;

- i. SMOKING- refers to the lighting and/or puffing of cigarette, cigar, tobacco product of any kind, form or type, electronic device systems, Shisha and the like. Possession of any lightened cigarette, cigar, or any tobacco product, or an actually operated electronic device system, Shisha and the like within the prohibited areas for smoking shall constitute a prima facie evidence as an act of smoking.
- m. TOBACCO PRODUCT- any product that consists of loose tobacco that contains nicotine and is intended for use in a cigarette, including any product containing tobacco and intended smoking or oral or nasal use;
- n. WORKPLACES- an area, permanent or temporary, in which a person performs duties of employment or work, regardless of whether the work is done for compensation or on a voluntary basis, includes private offices, common area and any other area which generally is used or frequented during the course of employment or work. Company-owned vehicles used for transporting employees and guests or any vehicle in the course of work are considered workplaces.

**SECTION 6. Prohibited Acts.**

The following acts shall be prohibited:

- a. Smoking any tobacco product or using Electronic Device System, Shisha and the like in any of the places enumerated in Section 3 of the Ordinance, except in duly approved designated smoking areas;
- b. Knowingly allowing, abetting, or tolerating smoking any tobacco or using Electronic Device System, Shisha and the like in any of the places enumerated in Section 3 of the Ordinance, except when smoking is done within the duly approved designated smoking areas;
- c. Refusal to allow the entry of the members of the Anti-Smoking Task Force or its duly deputized enforcers into places mentioned in Section 3 of the Ordinance for the purpose of implementing, monitoring, inspecting and enforcing the provisions of the Ordinance as provided for in Section 7 herein;
- d. Failure to comply with the mandatory duties and obligations as enumerated in Section 7 of this Ordinance,

**SECTION 7. Mandatory Duties and Obligations.**

The person –in-charge, which refers to the President or Manager in cases of a company, Corporation, or Association, or Partnership or the Owner/Proprietor or Operator in case of Single Proprietorship, of accommodation and entertainment establishments, whether tourism-accredited or not, Workplaces, Public Buildings, Enclosed or Partially Enclosed Public Places, Public Outdoor Spaces shall:

- a. Posting and Display of Signages:
  - a.1 Post and display an 8x16 inches “This is a Non-Smoking Establishment” sign at all entrances.
  - a.2 Prominently display “No Smoking” signs in the most visible locations in the area where smoking is prohibited (main accommodation area, function rooms, bars, cashiers, VIP rooms, comfort rooms), in order to ensure that the public can easily view such signs and be notified .

a.3 At the very least, a "NO SMOKING" sign for new establishments shall be at least 8x18 inches in size and the International No Smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall occupy no less than 50% of said signage. The remaining lower 50% of the signage show the following warning prominently:

- b. Remove all ashtrays or any receptacles for dispensing cigarette refuse from Accommodation and Entertainment Establishments, Workplaces, Enclosed or Partially Enclosed Public Places, Public Buildings and other Public Outdoor Spaces;
- c. Ensure that all the employees in the establishment are aware of the Ordinance and to provide a procedure informing customers or clients of the provision of the Ordinance.
- d. Undertake all reasonable steps to ensure strict implementation of the Ordinance and to inform and refrain people from smoking any tobacco product or using Electronic Device Systems, Shisha and the like within their establishments except in duly authorized representative including the employees concerned shall immediately inform the Anti-Smoking Task Force or its duly deputized enforcers, or any law enforcers, or any law enforcer or the nearest police station of the violation and the violator/s thereof;
- e. Selling of cigarettes or any tobacco product shall not be allowed inside the accommodation and entertainment establishments, and public buildings.

Owners, operators and drivers of Public Conveyances, government-owned and company-owned vehicles used to transport employees and guests are mandated prominently display "NO SMOKING" sign in their units, as follows:

- a. For Jeepneys, the "NO SMOKING" sign of at least 3.5 sq inch shall be placed at the back of the windshield and another sign of at least 10 sq. inch shall be placed at the back of the front row seats;
- b. For buses, the "NO SMOKING" sign of at least 3.5 sq inch shall be placed at the back of the windshield, and another sign of at least 14 sq inch shall be placed at the back of the driver's seat facing the passengers or a similarly prominent area of the bus.
- c. For other type of vehicles, the "NO SMOKING" sign of at least 3.5 sq inch shall be placed at the back of the windshield, and another sign of at least 10 sq. inch shall be placed at a prominent location facing the passengers or a similarly prominent area of the vehicle.

**SECTION 8. Persons Liable.**

The following are liable under the Ordinance:

- a. Any person smoking any tobacco product or using Electronic Device Systems, Sisha and the like within any of the prohibited places enumerated in Section 3 of the Ordinance, except in duly approved designated smoking areas;
- b. The President or Manager in case of a company, Corporation, or Association or Partnership or the Owner/Proprietor or Operator in case of Single Proprietorship of Accommodation and Entertainment establishments, whether tourism-accredited or not, Enclosed or Partially Enclosed Public Places, Public Buildings, Public Outdoor Spaces or Workplaces:
  - b.1 who knowingly allows, abets or tolerates and/or fails to report violators of the Ordinance to any member of the Anti-Smoking Task Force or its duly deputized enforcers or any law enforcer or the nearest police station immediately upon commission of the violation or
  - b.2 who otherwise fail to fulfill the mandatory duties and obligations as enumerated in Section 7 of this ordinance;

- c. The operator, driver, conductor or inspector of Public Conveyances, government-owned or company-owned vehicles who knowingly allows, abets or tolerates and/or fails to warn, advise or report violators of the Ordinance to any member of the Anti-Smoking Task Force or its duly deputized enforcers, or any law enforcer or nearest police station immediately upon commission of the violation or, who otherwise fails to fulfill the mandatory duties and obligations as enumerated in Section 7 of this ordinance.

**SECTION 9. Penalties.**

The following penalties shall be imposed on violators of the Ordinance, and/or this rules and regulations:

First Offense	Php 1,000.00 or 10 days imprisonment or both at the discretion of the court
Second Offense	Php 1,500.00 or 20 days imprisonment or both at the discretion of the court
Third and subsequent offenses	Php 2,500.00 or one month imprisonment or both at the discretion of the court

Places mentioned in Section 3 of the Ordinance violating for the first time will be placed under strict monitoring by the Business Processing and Licensing Office (BPLO);

Third (3<sup>rd</sup>) and subsequent violations of the Ordinance shall be ground for cancellation of the establishment’s business permit;

All cases involving a minor violating any of the provisions of the Ordinance shall be referred by the apprehending officer, after the issuance of the citation ticket, to the Social Services Development Office and the latter shall ensure that the minor and his/her parents or guardians be referred to the Municipal Health Office (MHO) for proper smoking cessation counseling. Thereafter, the minor shall be referred to the Barangay Council for the Protection of Children (BCPC) of the barangay, to which the minor is a resident, for the appropriate diversion and rehabilitation program.

For this purpose, the MSWDO in coordination with the BCPC and MHO, is enjoined to formulate its appropriate and rehabilitation programs.

**SECTION 10. Anti-Smoking Task Force.**

An Inter-Agency Task Force which will be known as the “Anti-Smoking Task Force” is hereby constituted and created with the following duties and responsibilities;

- a. The Anti-Smoking Task Force is tasked to inspect and monitor compliance of all places covered by the Ordinance, certify the appropriates 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 from the pernicious effects of exposure to tobacco smoke;
- b. With the approval of the Mayor, the Anti-Smoking Task Force shall do have the power to recommend amendments or revisions of any provision of the Ordinance;
- c. Sixty (60) days after effectivity of the Ordinance, the Anti-Smoking Task Force in coordination with the Office of the BPLO shall conduct an ocular inspection of all non-accredited tourism establishments in the municipality to determine compliance with the requirements of this Ordinance;
- d. For tourism-accredited accommodation and entertainment establishments, the ocular inspection shall be conducted by the Anti-Smoking Task Force in coordination with the Tourism Office and the BPLO;



- e. The Anti-Smoking Task Force, in coordination with the Municipal Health Office (MHO), shall undertake education awareness campaigns on the ill effects of smoking and exposure to secondhand smoke, information dissemination programs, and capacity building programs and smoking cessation clinics;
- f. The Anti-Smoking Task Force in coordination with the Municipal Health Office shall inform the public of the provision of this Ordinance, thru an intensified tri-media campaign;
- g. The Anti-Smoking Task Force in coordination with the Business Inspectorate Team shall inspect the presence of "No Smoking" signs in all public utility vehicles and strictly monitor its compliance;
- h. The Anti-Smoking Task Force shall prepare the procedures for the issuance of the Certificate of Compliance of designated smoking areas, in accordance with this ordinance.

**SECTION 11. COMPOSITION OF ANTI-SMOKING TASK FORCE.**

The Anti-Smoking Task Force (ASTF) shall be composed of the following:

MUNICIPAL MAYOR	-	Honorary Chairperson
MUNICIPAL ADMINISTRATOR	-	Chairperson
MUNICIPAL HEALTH OFFICER	-	Co-Chairperson

**MEMBERS:**

- THE BPLO
- THE BUILDING OFFICIAL
- THE MUNICIPAL TOURISM OFFICE
- THE GENERAL SERVICES OFFICE
- THE MUNICIPAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
- THE PNP
- A REPRESENTATIVE OF THE PRIVATE SECTOR
- A REPRESENTATIVE OF THE ACCREDITED CIVIL SOCIETY ORGANIZATIONS

**SECTION 12. Citation Tickets.**

A citation ticket shall be issued to violators of any of the provisions of the ordinance and/or this rules and regulations. The citation ticket shall state, among others, the name and address of the violator, the specific violation committed and the corresponding administrative penalty. There shall be three copies of the citation ticket. First copy shall be endorsed to the Anti-Smoking Task Force Office, the second copy shall be given to the violator, and the Third Copy shall be retained by the apprehending enforcer.

The Philippine National Police and such other appropriate enforcers as commissioned by the Mayor through the Anti-Smoking Task Force shall have the power to apprehend violators of the Ordinance, and issue citation tickets.

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

**SECTION 13. Deputized Enforcers.**

The deputized enforcers shall be responsible in monitoring compliance with the provisions of this Ordinance reporting violations and may also be authorized to apprehend violators and issue the corresponding citation tickets.



**SECTION 14. Training and Deputation.** All enforcers shall be required to undergo training on enforcement before they are deputized and allowed to enforce Municipal Ordinance No. 2017-24. Only those who shall complete and pass the training shall be deputized as enforcers by the Municipal Mayor.

**SECTION 15. No Contest Provision.** Persons liable mentioned in Section 6 (a) of this rules and regulations, who is apprehended or cited for violation and who does not wish to contest the violation and is willing to pay voluntarily the administrative penalty imposed upon him/her prior to the filing of formal charges with the proper court shall be allowed to pay an administrative penalty in the amount of Five Hundred (P500) Pesos with the Treasurer’s Office to avoid being criminally prosecuted in court. The no contest provision imposed shall accrue to the General Fund of the LGU.

Smoking cessation counselling in accredited clinics and districts health centers is required after the penalty has been paid. The smoking cessation counselor shall attest that the violator had undergone counseling by signing his/her name in the citation ticket and attaching the required counselling form. After complying with the said requirements, the violator shall return the citation ticket to the police station of the apprehending officer or to the Anti-Smoking Task Force Office if the deputized enforcer is not a member of the PNP.

Notwithstanding the payment of the administrative penalty herein provided, the failure of any person violating any of the provisions of the Ordinance to undergo the smoking cessation counselling, shall still warrant the filing of the case in court.

**SECTION 16. Repealing Clause.** The provision of any local law or ordinance inconsistent with these rules and regulations are hereby repealed accordingly.


**SECTION 17. Separability Clause.** Should any provision of these rules and regulations 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 18. Effectivity.** This ordinance shall take effect after complying with its posting and publication requirements as provided by the Local Government Code of 1991.

Voting on the foregoing ordinance was as follows:

- AYES : Members Hernando, Ambrocio, Jr., Villa, Butay, Dadiz, Jr., Coloma, Sr., Pumaras, Sr. and Badua, L.
- NAYS : None.
- ABSTAINED : None.

I hereby certify to the correctness of the foregoing ordinance.

  
**ENRIQUE P. ULEP, JR.**  
 Secretary to the Sangguniang Bayan

**ATTESTED:**

  
**EDISTIO P. VALDEZ**  
 Vice-Mayor/Presiding Officer

**APPROVED:**

  
**ALFREDO P. VALDEZ, JR., M.D.**  
 Municipal Mayor

Approved on: January 11, 2018