

WHEREAS, RA 7160, otherwise known as the Local Government Code of 1991 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 people;

WHEREAS, RA 8749, otherwise known as the Philippine Clean Air Act of 1999 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, cumulative scientific data and statistical findings indicate that thousands of Filipinos smoking and inhaling secondary smoke have died of lung cancer, chronic obstructive pulmonary disease, coronary artery diseases or cerebro-vascular diseases and therefore dangerous to human health;

WHEREAS, it is the policy of General Santos City to promote the health and welfare of its constituents by safeguarding public health and ensuring the physical well being of smokers and non-smokers alike by discouraging cigarette and tobacco use;

WHEREAS, the right of the general public to a cigarette and tobacco smoke-free environment shall be ensured by a ban on smoking in public conveyances, in all public buildings, enclosed public places, accommodation and entertainment establishments, public outdoor spaces, workplaces and all government-owned or rented vehicles;

WHEREAS, given these considerations, the *Sangguniang Panlungsod* of General Santos finds and determines that increasing the number of smoke-free indoor and outdoor areas is necessary to protect the public health and welfare.

NOW, THEREFORE, on motion of City Councilor Rosalita T. Nuñez, duly seconded by City Councilors _____ and _____, be it-
RESOLVED, as it is hereby resolved to enact this Ordinance:

ORDINANCE NO. _____
Series of 2014

AN ORDINANCE PRESCRIBING COMPREHENSIVE GUIDELINES IN THE PROHIBITION OF SMOKING IN THE CITY OF GENERAL SANTOS AND PROVIDING PENALTIES FOR VIOLATION THEREOF

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Section 1. Short Title.- This Ordinance shall be known as the “New Comprehensive Anti-Smoking Ordinance of General Santos City.”

Section 2. Definition of Terms.- As used in this ordinance, the following terms are defined as follows:

- a) **Minors** - are persons 18 years old and below or under the age of majority, which legally demarcates childhood from adulthood.
- b) **Smoking** - the act of carrying a lighted cigarette, cigar, tobacco products of any kind, form or type, electronic device systems, shisha and the like whether or not it is being puffed, inhaled or smoked.
- c) **Cigarette** - is a small cylinder of finely cut tobacco leaves rolled in thin paper for smoking.
- d) **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 for smoking or oral or nasal use.
- e) **Shisha** - a device or instrument which may have a single or multi-stemmed pipe for smoking, whether or not it delivers nicotine to the user, in which the smoke is passed through a water basin before inhalation.
- f) **Public Conveyance** - 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 motorcycles, tricycles, jeepneys, buses, vans, taxis, airplanes, ships, and other modes of water transportation and other public utility vehicles whether covered by a Certificate of Public Convenience or not.
- g) **Accommodation & Entertainment Establishments** - refer to establishments that provide food, accommodation, drinks, merchandise, entertainment or other professional services including, but not limited to, restaurant, 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;
- h) **Public Office or Building** - refers to the following:
 - a) An office or building or structure owned by the government or by the private person but used, rented or occupied by the government or any of its instrumentalities;
 - b) Any office or building or structure used, or controlled exclusively for public purpose by any department or branch of government, local government unit or barangay without reference to the ownership of the building.
- i) **Enclosed or Partially Public Places** - refer to enclosed area to which the public is invited or in which the public is permitted for collective use, regardless of ownership/business arcades, town squares, private workplaces, government offices and buildings, educational facilities, both public and private, child care and adult day care facilities, libraries and museum, medical

clinics, hospitals, nursing homes and other multiple unit,

residential facilities, markets, supermarkets, malls, grocery stores, department stores, convenient stores, financial institutions, hardwares, restaurants, eateries, fast food outlets, bars, nightclubs, conference rooms, polling places, function halls, reception areas, session halls, assembly halls, pools and billiard halls, public transportation facilities, terminals, airport, seaports, places of worship/churches, gaming facilities, recreation centers, movie houses, stage dramas, playgrounds, courtrooms, apartment buildings, hotels and motels, auditoriums, beauty parlors, barber shops, spa and massage clinics, funeral parlors or chapels, cockpits, pedestrian overpasses, indoor car parks, waiting areas, sidewalks, restrooms, lobbies, hallways, and other similar places where smoking may expose a person other than the smoker to cigar and tobacco smoke.

- 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, cock fighting areas, healthcare/hospital compounds, memorial parks, memorial gardens, beaches, resorts, pools, market streets, sidewalks, parking areas, walkways, entrance ways, waiting areas, stairwells, and the like.
- k) **Workplaces** - refer to permanent or temporary place, in which a person performs duties of employment or work, regardless of whether the work is done for compensation or on a voluntary basis.
- l) **Government-owned or Rented Vehicles** - refer to government owned vehicles or rented vehicles for official use only.
- m) **Designated Smoking Area** - refer to an outdoor space where smoking is allowed without violating this Ordinance that meets the following requirements, at the minimum:
 - a) It shall be located in an open-space with no permanent or temporary roof or walls in an outdoor area;
 - b) It shall be located 25 feet away from the entrances, exits or any place where people pass or where people assemble or congregate;
 - c) It shall not have more than one designated smoking area;
 - d) No foods or drinks shall be served in the designated smoking area;
 - e) There is a highly visible and prominently displayed **"SMOKING AREA."**
 - f) All designated smoking area shall have a compliance certificate issued by the Anti-Smoking Task Force.

- n) **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.

Section 3. Applicability.- The comprehensive guidelines in the prohibition of smoking in the City of General Santos is enforceable/applicable to the following:

- a) All constituents of General Santos City regardless of age;
- b) All transients/visitors to the city regardless of age;

Section 4. Smoking Prohibitions.- The following acts are prohibited:

- a) Smoking any tobacco product or using electronic device system, shisha, and the like in all forms of public conveyances, accommodation and entertainment establishments, public offices and buildings, enclosed or partially enclosed places, public outdoor spaces, workplaces and government-owned vehicles except in the duly designated smoking areas within the territorial jurisdiction of General Santos City;
- b) Permitting, abetting, tolerating or knowingly allowing smoking in the restricted areas enumerated in Section 4.a of this ordinance;
- c) Obstruct or refusal to allow the entry of any member of the Anti-Smoking Task Force or its duly deputized enforcers into places mentioned in Section 4.a of this Ordinance;
- d) Failure to comply with the mandatory duties and obligations as enumerated in Section 5 as well as any other provision of this Ordinance;
- e) Selling of any tobacco product or electronic device system, shisha and the like to minors or buying cigarettes or any tobacco products or electronic devices, shisha and the like from the minors;
- f) Tobacco advertisements in cinema houses where persons of minor age are permitted admission;
- g) Engaging minors in the promotion or advertisement of any tobacco product;
- h) Distributing tobacco samples to minors

Section 5. Mandatory Duties and Obligations.-

- a) Owner, operator, manager, or other person in control of a public place or place of employment in the public conveyances, accommodation and entertainment establishments, public offices and buildings, enclosed or partially enclosed public places, public outdoor spaces, workplaces, and government owned or rented

vehicles must notify/inform their employees and patrons about the new comprehensive ordinance on anti-smoking;

- b) Smoking is prohibited in the following places except in designated **“SMOKING AREA”** to be identified by the owner, operator, manager, or other person in control of a public place or place of employment of said places:
 - a) Public conveyances
 - b) Accommodation & Entertainment Establishments
 - c) Public Offices or Buildings
 - d) Enclosed or Partially Public Places
 - e) Public Outdoor Spaces
 - f) Workplaces
 - g) Government-owned or Rented Vehicles
- c) Owner, operator, manager, or other person in control of a public place or place of employment shall clearly and conspicuously post **“NO SMOKING”** signs or 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) in every public place and place of employment where smoking is prohibited by this Ordinance.
- d) The owner, operator, manager, or other person in control of a public place or place of employment shall conspicuously post at every entrance thereto a sign **“Smoking is Strictly Prohibited in this Establishment”**.
- e) An employer shall communicate this Ordinance to all prospective employees upon their application for employment or during orientation of new employees.
- f) The owner, operator, manager, or other person in control shall remove all ashtrays from any area where smoking is prohibited by this Ordinance.
- g)

Section 6. Composition of the Anti-Smoking Task Force.- An Anti-Smoking Task Force shall be created by the City Mayor to aid in the implementation, monitoring and enforcement of this Ordinance. It shall be composed of the following:

Honorary Chairperson	: City Mayor
Chairperson	: City Administrator
Vice-Chairperson	: City Legal Officer
Members	: City Health Officer
	: City Engineer’s Office
	: City Business Permits & Licenses Office
	: City Tourism Office
	: City Information Office
	: City Social Welfare & Development Office
	: City Environment and Natural Resources

Office
GSC Police Office
Representative from the Private Sector to be
designated by the City Mayor
Department of Education Superintendent

Section 7. Functions and Responsibilities of Anti-Smoking Task Force.- For purposes of this Ordinance, the Anti-Smoking Task Force is responsible to:

- a) Inspect and monitor compliance of all places covered by this Ordinance;
- b) Certify the appropriateness of the designated smoking areas;
- c) Apprehend violators; and,
- d) 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.

Sixty (60) days after the effectivity of this Ordinance, the Anti-Smoking Task Force in coordination with the Permits & Licenses Division of the City Mayor's Office and the City Tourism Office shall conduct an ocular inspection of all accredited tourism establishments in General Santos City to determine compliance with the requirements of this Ordinance.

The Anti-Smoking Task Force in coordination with the City Health Office and the City Information Office shall undertake education awareness campaign on the ill effects of smoking and exposure to second hand smoke, information dissemination program, and capacity building programs and smoking cessation clinics.

Section 8. Information Drive.- Consistent with the provisions of this Ordinance, the City Health Office (CHO), in cooperation with the Department of Education (DepEd) and with the assistance of the City Information Office (CIO), shall undertake a continuous information program on the harmful effects of smoking to all private and public schools, colleges and universities and other government and private offices and establishments.

All private and public high schools, colleges and universities shall integrate into the existing curricula the adverse effects of smoking, including their health, environmental and economic implications.

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

For adult smokers:

First Offense	₱1,000.00 or one month imprisonment or both at the discretion of the court
Second Offense	₱2,000.00 or two months imprisonment or both at the discretion of the court

Third and Subsequent Offenses ₱3,000.00 or three months
imprisonment or
both at the discretion of the court

For minor smokers:

First Offense ₱500.00 or one week under the care of the
City Social Welfare and Development
(CSWD) or both at the discretion of the
court;

Second Offense ₱1,000.00 or two weeks under the care of
the City Social Welfare and Development
(CSWD) or both at the discretion of the
court;

Third and Subsequent Offense ₱1,500.00 or one month under the
care of the City Social Welfare and
Development or both at the discretion of
the court.

For business entity or establishments:

First Offense ₱2,000.00

Second Offense ₱3,000.00

Third and subsequent offenses ₱5,000.00

Section 10. Funding.- A budget of One Million Pesos (₱1,000,000.00) shall be appropriated for the implementation of this Ordinance for the Fiscal Year 2015-2016.

For the succeeding years, such funds as may be necessary for the continued implementation of this Ordinance shall be appropriated by the City either in the City's annual budget or in any of its supplemental budgets, as the case may be.

Section 10. Repealing Clause.- All Ordinances, rules and regulations, or part/parts thereof, in conflict with, or inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 12. Separability Clause.- If, for any reason or reasons, any parts or provisions of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions thereof not affected thereby shall continue to be in full force and effect.

Section 13. Effectivity Clause.- This Ordinance shall take effect fifteen (15) days after its approval and publication in any newspaper of general circulation within the city.

Prepared by:

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