



OFFICE OF THE SANGGUNIANG BAYAN

ANGELINA A. BERNARDO
LNB PRESIDENT

Literal Copy of **Municipal Ordinance No. 2019-17** approved by the Sangguniang Bayan of Palanan, Isabela in its Regular Session on **November 11, 2019** held at the Legislative Session Hall, this Municipality.

Sponsored By: **HON. MICHAEL JOHN D. BERNARDO**, Sangguniang Bayan Member

MUNICIPAL ORDINANCE NO. 2019 -17

AMENDING MUNICIPAL ORDINANCE NO. 2011-09, SERIES OF 2011, THE ANTI-SMOKING ORDINANCE AND PRESCRIBING PENALTIES THEREFOR

Be it ordained by the Sangguniang Bayan in session assembled that:

SECTION 1. TITLE. This Ordinance shall be known as "**The Anti-Smoking Ordinance of Palanan, Isabela**".

SECTION 2. POLICY STATEMENT.

1. It shall be the policy of the Local Government Unit of Palanan to safeguard public health and ensure the physical well-being of smokers and non-smokers alike by discouraging cigarette smoking and to lessen use and regulate the sale of cigarettes to minors or children 18 years of age and below;
2. Smoking is strictly prohibited in all Schools and Centers of Youth Activity, Public Places and Conveyances, including, but not limited to terminals, malls, restaurants, offices, public utility vehicles and enclose places as "No Smoking" areas.

SECTION 3. DEFINITION OF TERMS. The following terms as used in this Ordinance shall mean:

- a. **Smoking**- the act of carrying lighted cigarette, cigar or pipe whether or not it is being inhaled or smoked.
- b. **Cigarette** – a roll of finely cut leaf tobacco or any substitute thereof, wrapped in paper or any other material.
- c. **Cigar** – a small roll of tobacco leaves prepared for smoking.
- d. **Public Utility Vehicles** – refers to ambulance, passenger jeepneys, tricycles and other vehicles that are considered to be for public use.
- e. **Public Building** – a building structure owned by Government or owned by a private person but used, rented or occupied by the Government or any of its instrumentalities, used or controlled exclusively for public purposes by any department or branch of government, LGU or barangay.
- f. **Public Places** – refers to market, computer shops, terminals, waiting sheds, schools, churches, hospitals, gymnasiums, restaurant, barber shops, resorts and other places where people usually congregate.
- g. **Designated Smoking Area**- refers to a delineated room inside the accommodation establishment or open air public place which is totally enclosed where a person is allowed to smoke without violating this ordinance.
- h. **Minors** – persons 18 years old and below (without prejudice to supplementary application of RA 7160) which defines minors as persons 17 years old and below.

SECTION 4. REGULATED ACTS. It shall be the responsibility of the owners and drivers to display and install an anti-smoking warning sign "NO SMOKING" in all vehicles offered for public conveyance, Public Land Transportation Terminals and establishments in their respective area in the Municipality of Palanan.

The LGU/Barangay Units should install "**NO SMOKING**" or "**SMOKE – FREE AREA**" signs in all Government-Owned Facilities.

JUSTIN KEREN S. BERNARDO
SK FEDERATION PRESIDENT

GEORIAN D. CAULLAN
SB MEMBER

CRISELDA S. DELA PENA
SB MEMBER

THEO ANGELO A. GARCIA
SB MEMBER

EARL JOHN ANGELO S. BERNARDO
SB MEMBER

MICHAEL JOHN D. BERNARDO
SB MEMBER

ROBERT B. NERI
SB MEMBER

PACITA MONA Q. ATANACIO
SB MEMBER

RONNIE A. ATIENZA
SB MEMBER

SECTION 5. ENFORCEMENT. The Members of the Philippine National Police Force, Municipal Health Office, Office of the MENRO, Municipal Engineering Office, Barangay Officials, Barangay Tanods, BHWs and DCWs are tasked to implement and certify appropriateness of the designated smoking areas provided by establishments taking into consideration that the purpose of the law is to protect also non-smokers from the pernicious effects of tobacco smoke.

- a) A certification from the Municipal Health Office and the Municipal Engineering Office shall be required from business establishment owners as a proof that they have duly complied with.
- b) Owners of business establishments selling cigarette/tobacco products are hereby prohibited to sell products to minors.

SECTION 6. POSTING IN BILLBOARDS. The Municipal Engineering Office is hereby tasked to put billboards in conspicuous places in the municipality to notify the public of the restrictions, sanctions and penalties provided in this ordinance.

SECTION 7. FINES AND PENALTIES.

- a. Any person violating the provision of this Ordinance shall be fined and penalized as follows:

- 1st Offense -Fine of Five Hundred (P 500.00) Pesos or community service for five (5) days;
- 2nd Offense -Fine of One Thousand Pesos (P1,000.00) Pesos or community service for ten (10) days;
- 3rd Offense - Fine of One Thousand Five Hundred (P1,500.00) Pesos or community service for fifteen (15) days.

- b. Any owner or driver of a public utility vehicle who allows and/or permits any person to use/smoke cigars, cigarettes and/or tobacco products in his motor vehicle; and any owner, manager, administrator of any public place or institution who allows and/or smoke cigar, cigarettes and/or tobacco products in his place of business, enterprise or office violating this ordinance as follows:

- 1st Offense -Fine of Five Hundred (P 500.00) Pesos or community service of cleaning the public place for for five (5) days at the area where the violation was committed;
- 2nd Offense -Fine of One Thousand (1,000.00) Pesos or community of service of cleaning the public place for ten (10) days at the area where the violation was committed;
- 3rd Offense -Fine of One Thousand Five Hundred (P1,500.00) Pesos or community service of cleaning the public place for fifteen (15) days at the area where the violation was committed.

SECTION 8. FUNDING. An initial funding to defray the expenses necessary for or incidental to the implementation of this Ordinance shall be sourced out from the MOOE of the Office of the Municipal Engineer and Municipal Health Office is hereby allocated every year thereafter.

SECTION 9. REPEALING CLAUSE – Any existing ordinance inconsistent herewith is hereby repealed, amended or modified accordingly.

SECTION 11. EFFECTIVITY CLAUSE – This ordinance shall take immediately upon its approval.

Enacted, November 11, 2019.

I hereby certify to the correctness of the foregoing ordinance.

ATTESTED AND CERTIFIED TO BE DULY ADOPTED:

JIMMY B. GONZALES
Municipal Vice Mayor/Presiding Officer

APPROVED:

FLORITO D. BERNARDO
Temporary Secretary

ELIZABETH B. OCHOA
Municipal Mayor
Date: 11-19-19

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