



Republic of the Philippines
MUNICIPALITY OF PILAR
Sorsogon

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF PILAR, SORSOGON HELD ON 8 SEPTEMBER 2014 AT THE SANGGUNIANG BAYAN HALL.

PRESENT:

HON. CELSO Y. LAO, JR.	- Vice-Mayor/Presiding Officer
HON. FRANCIS M. GACOSTA	- Sangguniang Bayan Member
HON. RAFAEL P. SIAO	- do -
HON. ARTHUR JOHN S. GARCHITORENA	- do -
HON. MARLYN LL. ROMO	- do -
HON. DAN R. SAN JOSE	- do -
HON. RAFAMBROSIO P. MANANES	- do -
HON. CARLITO G. MILLANO	- do -
HON. RAMON L. TEE	- do -
HON. GEORGE E. LOSERIAGA	- ABC Federation President

ABSENT: None

RESOLUTION NO. 114, SERIES OF 2014

“ A RESOLUTION ENACTING AN ORDINANCE ADOPTING 100% SMOKE-FREE BUREAUCRACY AND ENVIRONMENT AND TOBACCO INDUSTRY INTERREFERENCE FREE MUNICIPALITY OF PILAR, SORSOGON.”

WHEREAS, Joint Memorandum Circular No. 2010-01 of the Civil Service Commission (CSC) and Department of Health (DOH) provides for the “Protection of the Bureaucracy against Tobacco Industry Interference;

WHEREAS, said Joint Memorandum Circular (JMC) cited World Health Organization Framework Convention on Tobacco Control (WHO/FCTC), ratified by the President on September 23, 2003 and concurred in Senate on April 25, specifically Article 5.3. General Obligations, states that: the Parties in setting and implementing their public health policies with respect to tobacco control, shall act to protect these policies from commercial and vested interest of the tobacco industry”.

WHEREAS, it was similarly cited in the Joint Memorandum Circular (JMC) that Article 5.3 Guidelines provides that “government personnel must avoid interaction with the tobacco industry and if any dealing is necessary for the latter’s regulation, supervision and control, it must be transparent and accountable”.

WHEREAS, in compliance with the Joint Memorandum Circular hereinabove quoted, it is necessary to enact an ordinance that would ensure that the Municipality of Pilar will be 100% Smoke-Free Bureaucracy and Tobacco Free Interference, thus, on Marlyn Ll. Romo seconded by _____ and approved by the Body, to pass this ordinance.

MUNICIPAL ORDINANCE NO. 005, SERIES OF 2014

“ AN ORDINANCE ADOPTING 100% SMOKE-FREE BUREAUCRACY AND ENVIRONMENT AND TOBACCO INDUSTRY INTERREFERENCE FREE MUNICIPALITY OF PILAR, SORSOGON.”

Proponent: HON. MARLYN L. ROMO

Be it enacted by the Sangguniang Bayan of Pilar, Sorsogon, that:

CHAPTER – 1 – GENERAL PROVISIONS

SECTION 1. Title – This ordinance shall be known as the Smoke-Free Ordinance of Municipality of Pilar.

SECTION 2. Purpose – It is the purpose of this ordinance 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 3. Coverage – This ordinance shall apply to all persons, whether natural or juridical, whether resident or not, and in all places, found within the terretorial jurisdiction of the Ligao City.

SECTION 4. Definition of Terms – As used in this Ordinance, the terms below shall have the meanings described to them in this section. Any words or terms not defined shall be giver 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) **100% Smoke Free Municipality** –
- b) **Advertising and Promotion** means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly.
- c) **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 governance organizations (NGOs) community groups advocacy groups recognized by LGU-PILAR. As used in this Ordinance, CSO does not include organizations or associations related to or connected with the tobacco industry in any way.
- d) **Divestment** –
- e) **Enclosed or partially enclosed** means being covered by a roof or enclosed by one or more walls or sides, regardless of the type of materials used for the roof, wall or sides, and regardless of whether the structure is permanent or temporary.
- f) **Minor** Refers to any person below eighteen (18) years old.
- g) **Outdoors advertisement** refers to any sign, model, placard, billboard, banner, bunting, light display, device, structure or representation employed outdoors wholly or partially to advertise or promote a tobacco product to the public.
- h) **Person-in-charge** refers to in case of public places, outdoor spaces and workplaces, the president/manager in case of a company, corporation or association the owner/proprietor/operator in case of a single proprietorship, or the administrator in case of government property, office or building; in case of public conveyance, the owner, driver, operator, conductor, or the captain of the public conveyance.
- i) **Point-of-sale** refers to any location at which an individual can purchase or otherwise obtain tobacco products.
- j) **Public conveyances** refers to modes of transportation servicing the general population, such as, but not limited to elevators, airplanes, ships, jeepneys, buses, taxicabs, trains, light rail transits, tricycle and other similar vehicles.
- k) **Public places** 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, establishments that provide food and drinks, accomodation, merchandise, professional services. It is 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 or centers, church grounds, health. Hospital compounds, transportation terminals, markets, parks, resorts, walkways, entrance ways, waiting area, and the like,
- l) **Second-hand-smoke** means the smoke emitted from the burning end of a cigarette or from other tobacco products usually in combination with the smoke exhaled by the smoker.

- m) **Smoking** means being in possession or control of a lit tobacco product regardless of whether the smoke is being actively inhaled or exhaled.
- n) **Tobacco Industry** – shall refer to organizations, entities, association, and individuals that work for and in behalf of the tobacco industry, such as, but not limited to, tobacco manufacturers, wholesale distributors, importers of tobacco products, tobacco retailers, front groups and any other individuals or organizations, including but not limited to lawyers, scientists, lobbyist that work to further the interest of the tobacco industry.
- o) **Tobacco Industry Interference** – refers to a broad array of tactics and strategies used by the tobacco industry to interfere with the setting and implementing of tobacco control measures.
- p) **Tobacco Products** means products entirely or partly made of the tobacco leaf as raw material which are manufactured to be used for smoking, chewing or snuffing, such as cigarettes and cigars.
- q) **Workplace** means any place used by the 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.

**CHAPTER 11 – PROHIBITORY AND REGULATORY PROVISIONS FOR 100% SMOKE
FREE BUREAURACY.**

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

- a. Smoking in enclosed or partially enclosed public places, workplaces, public conveyances, or other public places, as defined in Section 4;
- b. Selling and distributing tobacco products in school, public playground or other facility frequented by minors, or within 100 meters from any point in the perimeter of these places.
- c. Selling or distributing tobacco products to minor.
- d. Purchasing tobacco products from minors.
- e. Placing cinema and outdoor advertisements or tobacco products.
- f. Placing, posting, or distributing advertising materials of tobacco products, such as leaflets, posters and similar material, outside the premises of point-of-sale establishments.
- g. Placing, posting, or distributing advertising materials of tobacco products, such as leaflets, posters and similar materials, even if inside the premises of point-of-sale establishments, when the establishments are not allowed to sell or distribute tobacco products, as in Section 5 (b) above.

Persons-in-charge shall be held similarly liable for the above acts if they are found to have allowed, abetted, or tolerated the same.

SECTION 6. Duties and Obligations of persons-in-charge – Persons-in-charge shall:

- a) Prominently post and display “No Smoking” signages in the locations most visible to the public in the areas where smoking is prohibited, including vehicles. At the very least, a “No Smoking” sign must be posted at the entrance to the area. The “No Smoking” sign shall be at least 8 x 16 inches in size and the international No Smoking symbol shall occupy no less than 70% of the signage. The remaining lower 30% of the signage shall allow the following information

(International No Smoking Symbol)
STRICTLY NO SMOKING
As per **ORDINANCE NO. 005, SERIES OF 2014**
Violators can be fined up to P _____
Report Violations to _____
(Hotline number optional)

- b) Remove from the places where smoking is prohibited all ashtray and any other receptacles for disposing of cigarette refuse.
- c) In extreme cases, may provide an outdoor smoking area provided that the following guidelines, annual fees and application requirements shall have been evaluated and complied:
 - 1. Filling Fee of a P 500.00 to be paid upon filling of the application.
 - 2. Inspection Fee of P 1,000.00 to be paid prior to inspection;
 - 3. Processing Fee of P 1,000.00 to be paid upon approval of the application and release of pertinent documents such as the Certificate of Inspection.

Guidelines for Inspection and Approval:

- 1. The smoking area shall not be located in entrances, exits or close to any place where non-smokers pass and must be at least 10 meters away.
- 2. Smoking areas shall not have an area larger than 10 square meters. No building shall have more than one designated smoking area.
- 3. No food or drinks shall be served in the designated smoking area.
- 4. Every smoking area shall have highly visible and prominently displayed signage's which contain the following information:
 - a) "DESIGNATED SMOKING AREA, PERMIT NUMBER _____."
 - b) Graphic depiction and corresponding explanation of the effect of smoking on the smoker's health, and;
 - c) Graphic depiction and corresponding explanation of the effects of passive smoking on others.

Only applications with the following complete requirements shall be evaluated:

- 1. Proposed location of the smoking area;
 - 2. Barangay Clearance, and;
 - 3. Business Permit.
- d. Post the following statement in a clear and conspicuous manner:
- "SELLING OF CIGARETTES OR OTHER TOBACCO PRODUCTS
NOT ALLOWED WITHIN 100 METERS FROM (SCHOOL/ETC.)
PERIMETER**
- e. For persons-in-charge of point-sale establishments, post the following statement in a clear and conspicuous manner:
- "SALE/DISTRIBUTION OF TOBACCO PRODUCTS
TO MINORS IS UNLAWFUL"**
- f. Establish internal procedure and measures through which this Ordinance shall be implemented and enforced within the area of which he or she is in charge, including, but not limited to, warning violators and requesting them to stop, smoking, and if they refuse³ to comply, asking them to leave the premises, and if they still refuse to comply, reporting the incident to then City health Officer and the nearest peace officer.
 - g. Ensure that all employees of the establishment are aware of this Ordinance and the procedure and measures for implementing and enforcing it.
 - h. Allow inspectors acting under Sections 14 and 15 hereof and representatives of the designated civil society organization under Section 16 entry into the establishment during regular business hours for the purpose of inspecting its compliance with this Ordinance.
 - i. For all signage's required to be posted under (a), (c), and (e) above, provide for versions of them in the local language.

**CHAPTER III – PROHIBITORY & REGULATORY FOR TOBACCO INDUSTRY
INTERFERENCE FREE MUNICIPALITY.**

SECTION 7. Persons Liable – The following persons shall be liable under this ordinance:

- a. Persons-in-charge who knowingly allow, abet, 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) and Section 6
 - i- First Offense P 500.00
 - ii. Second Offense P 1,000.00
 - iii. Third and Subsequent P 3,000.00
Offenses or imprisonment for a period not exceeding one year or both at the discretion of the court

Revocation or suspension of business license or permit (in case of business entity or establishment), if applicable

- b. Violation of Section 5 (b), (c), and (d)
 - i- First Offense P 1,000.00
 - ii. Second Offense P 3,000.00
 - iii. Third and Subsequent P 5,000.00
Offenses or imprisonment for a period not exceeding one year or both at the discretion of the court

Revocation or suspension of business license or permit (in case of business entity or establishment).

- c. Violation of Section 5 (e), (f), and (g)
 - i- First Offense P 2,000.00
 - ii. Second Offense P 3,000.00
 - ii. Third and Subsequent P 5,000.00
Offenses or imprisonment for a period not exceeding one year or both at the discretion of the court

Revocation or suspension of business license or permit (in case of business entity or establishment).

- d. Revocation or suspension of License.** The license to operate of any establishment or of any public conveyance covered by this Ordinance shall be suspended for at least one (1) month, or revoked. Should be license or permit to operate of a specific establishment or of any public conveyance, found to be in violation of this ordinance, fall outside of the jurisdiction of LGU-Pilar, the recommendation for revocation of license shall be forwarded to the appropriate agency or governing body.

- e. Community Service.** If a violator is unable to pay the fines imposed, he or she may choose to render community service to the LGU-Pilar. For every Hour of community service rendered, his outstanding fine shall be reduced by an amount equivalent in triple the hourly minimum wage of the LGU-Pilar.

- a. Official booklets of Citation tickets shall be issued by the _____to duly authorized enforcers within ninety (90) calendar days of the effectivity of this ordinance.
- b. A Citation Ticket shall be issued to the person/s liable for any violation of this ordinance upon finding of the violation by duly authorized enforcers.
- c. A Citation ticket shall obtain the following information:
 - 1) A checklist of the violations under this Ordinance;
 - 2) The fines associated with each violation
 - 3) Due date for compliance with the obligations imposed by the ticket

- d. When a Citation Ticket is issued to a violator, the violator shall report to the _____office within three (3) regular business days after such issuance, when he or she shall either pay the fine imposed or render community service under Section 8 (e) hereof.
- e. The _____office shall keep a duplicate of all Citation Tickets issued to violator as well as all records of violations of this Ordinance.

CHAPTER IV – INTERVENTIONS/MEASURES

SECTION 9. Smoking Cessation Program – The _____Officer with the assistance of the health education and Promotion Officer and the CSO representative designated under Section 16 hereof, shall develop, promote and implement a smoking Cessation Program and encourage the participation therein of public and private facilities which may be able to provide for its requirements. Smokers who are willing to quit and/or those found violating this Ordinance may be referred to the Smoking Cessation Program and its facilities.

ENFORCEMENT

SECTION 10. Smoke-free Task Force – A Task Force shall be created to aid the implementation, enforcement and monitoring of this Ordinance and to protect the same from tobacco 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 Task Force shall be composed of the following:

- a. Municipal Health Officer
- b. Health Education and promotion Officer;
- c. Legal officer;
- d. Information Officer;
- e. Building Officer;
- f. Business Permits and License Officer;
- g. Representative/s of one or more civil society organization (CSO) designated by the Municipal Health Officer under Section 16 hereof;
- h. Representative of the Philippine National Officer (PNP);
- i. Treasurer;
- j. Municipal Environment and natural Resources Officer (MENRO);
- k. Association of Barangay Captains (LIGA PRESIDENT);
- l. Other member/s identified by the Municipal Health Officer whose specific function in the Local Government and role in the effective implementation of tobacco control policies may be considered invaluable.

SECTION 11. Duties and Responsibilities of the Task Force – Other than (1) receiving, reviewing and processing reports of and complaints for violators of this Ordinance and (2) deputizing enforcers under Sections 13 to 16 hereof, the Task Force shall have the following respective duties and responsibilities:

- a. The Municipal Health Officer shall:**
 - 1) Issue Official Citation Tickets to enforcers;
 - 2) Assign a hotline or any number to which violations of this Ordinance may be reported by telephone call or SMS, and a person to operate the line and record reports reported by telephone call or by SMS;
 - 3) Serve as the overall coordinator among all the municipal offices involved in the implementation of this Ordinance;
 - 4) Develop, promote and implement a Smoking Cessation Program, as stated under Section 10;
 - 5) Make tobacco control, including the implementation and enforcement of this Ordinance, a part of the health program to be proposed for funding by the general budget of the Municipality of Pilar;
- b. The Health Education and promotion Officer shall:**
 - 1) Develop and produce information, education and communication materials on the harms of second-hand smoke as well on the provisions of this ordinance;
 - 2) Encourage constituents of the LGU-Pilar to monitor and report violations of this ordinance;

- 3) Assist the Municipal health Officer in developing, promoting and implementing Smoking Cessation Program;

c. The Legal Officer shall:

- 1) Assist the Municipal Office in reviewing reports of and complaints for violations of this ordinance and in determining liability;

d. The Building Officer shall:

- 1) Conduct, together with then Municipal Health Office or on its own, inspection activities as provided in this ordinance;
- 2) Determine whether or not enclosed or partially enclosed public places, workplaces or other public places comply with the requirements of this Ordinance.

e. The information Officer shall:

- 1) Print the Citation Tickets and copies of this Ordinance for distribution to the public;
- 2) Make a primer summarizing the provisions of this Ordinance;
- 3) Publicize activities related to the implementation and enforcement of this Ordinance.

f. The Business Permits and License Officer shall:

- 1) Order the suspension or revocation of permits and licenses of establishments found to have violated this Ordinance, subject to the provisions of Section 8 hereof;
- 2) Deny renewal of permits and licenses of violators of this Ordinance.

g. The CSO Representative/s shall:

- 1) Assist in preliminary inspections and in monitoring violations of this ordinance;
- 2) Assist in promoting awareness of this Ordinance and in encouraging public support and participation in its implementation and enforcement;
- 3) Assist in developing, promoting and, if capable, implementing a Smoking Cessation Program;
- 4) Assist in developing and conducting orientation seminars and training seminars for enforcers;
- 5) Assist in evaluating the performance of the Task Force and the effectiveness of the implementation and enforcement of this Ordinance.

h. The PNP Representative/s shall:

- 1) Apprehend violators in accordance with the provisions of this Ordinance;
- 2) Assist LGU-Pilar officials and deputized civilians in apprehending violators and in filing the appropriate complaints;
- 3) Assist in promoting awareness of this Ordinance and in encouraging public support and participation in its implementation and enforcement.

i. The Treasurer shall:

- 1) Collect and receive fines paid by a violator and submit reports relating thereto to the Task Force;
- 2) Designate collection agents, as necessary, to assist in the efficient collection of fines.

j. The Municipal Environment and Natural Resources Officer shall:

- 1) Assist in promoting awareness of this Ordinance as a component in the protection and conservation of the environment and in and in encouraging public support and participation in its implementation and enforcement;
- 2) Assist in inspection and monitoring violations of this Ordinance on its own or with any member of the Task Force;
- 3) Conduct periodic monitoring of air, water soil quality and other studies pertinent to determining levels of exposure to tobacco smoke, residue, by-products and litter.

k. The President of the Association of Barangay Captains (ABC) shall:

- 1) Assist in promoting awareness of this Ordinance in encouraging public support and participation in its implementation and enforcement.
- 2) Coordinate with all Barangay Chairpersons and the PNP in monitoring violations of the Ordinance within their jurisdiction;
- 3) Provide the necessary coordination among the Barangay Health Workers, Kagawads and Tanods and other enforcers the implementation of activities pertinent to the ordinance;
- 4) Assist in the facilitation of referrals for the Smoking Cessation Program at the Barangay Level.

SECTION 12. Enforcement on Individuals. – Members of the PNP shall apprehend and issue Citations Tickets against persons caught smoking in places where such is prohibited. They shall forward copies of the tickets they issue violators to the Municipal Health Office regularly, at least thrice a week.

SECTION 13. Enforce on Public Conveyances – Members of the PNP and/or persons duly deputized by the Task Force 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 Health Officer regularly, at least thrice a week.

CHAPTER V – ESTABLISHMENT OF SMOKE FREE TASK FORCE

SECTION 14. Enforcement on Establishments. – Ninety (90) calendar days after the effectivity of this Ordinance, an inspection team composed of representatives from the Municipal Health Office; the Engineer's Officer, and the Permits and license Office, shall conduct inspections of establishments and buildings to determine their compliance with the provisions of this Ordinance.

Regular inspection shall thereafter be conducted at least once every month or simultaneously with other regular inspections done by the LGU-Pilar. Whichever is more frequent, during normal hours of operation of the establishment?

The inspection team shall issue a Citation Tickets against the establishment upon finding on 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 shall be done on any day after the issuance of the Citation Ticket, but in no case more than ten (10) calendar days after such issuance. If the establishment fails to comply with the obligations stated in the Citation Ticket upon re-inspection, the inspection team may apprehend individual violators and request the assistance of the PNP in doing so.

Section 15. Civilian Participation in Enforcement. – Within thirty (30) calendar days from the effectivity of this Ordinance. The Municipal Health Office shall designate, with the approval of the Local Chief Executive, one or more civil society organizations (CSO) to discharge the duties and responsibilities enumerated in Section 12 (g) hereof.

The Task Force may deputize qualified civilians to serve as enforcers of this ordinance.

INFORMATION CAMPAIGN

Section 16. Information Dissemination – Within sixty (60) calendar days of the effectivity of this Ordinance, the Municipal Health Office shall:

- a. In coordination with the Office of the Municipal Mayor:
 - 1) Provide at least two (2) copies of this resolution to every PNP station or precinct in LGU-Pilar;
 - 2) Provide a primer on this Ordinance for every member of the PNP Member in
 - 3) Conduct lectures to brief members of the PNP members of the provisions of this Ordinance and of their responsibilities with respect to its enforcement.
- b. In connection with the Permits and Licenses Office, give a copy of this Ordinance and its primer to all existing establishments that are licensed to operate and open to the public, as well as to those applying for a new license to operate.

- c. In coordination with the Information Office, give a copy of this Ordinance and its primer to all public utility vehicle operators in LGU-Pilar.

SECTION 17. Public Billboards, Notice in Barangays. – Upon effectivity of this ordinance, the Engineer’s Office shall put up billboards in conspicuous places in the LGU-Pilar to notify the public of the restriction and sanctions imposed by the Ordinance. The information office shall also immediately issue for dissemination at the barangay level notices regarding the obligations of persons under the ordinance.

SECTION 18. Conduct of Orientation Seminars and Trainings. – Within Sixty (60) calendar days from the effectivity of this ordinance and periodically thereafter, the Municipal Health Officer, with the assistance of the Health Education and promotion Officer and the CSO representative designated under Section 16 hereof, shall develop and conduct a series of orientation seminars and trainings for the enforcers of this Ordinance, at least one for each group, including but not limited to, deputized enforcers like barangay health worker and the barangay tanod, and the local PNP.

FINANCING

SECTION 19. Funding. – an initial funding to defray the expenses for or incidental to the implementation of this Ordinance in the amount of ONE HUNDRED THOUSAND PESOS (Php 100,000.00) shall be sourced from the Local Government Unit of Pilar and is hereby allocated. Every year thereafter, at least Three Hundred Thousand Pesos (Php 300,000.00) shall automatically be included in the Annual Budget of the Government of Pilar for the implementation and implementation and enforcement of this Ordinance.

The above expenses include, but are not limited to:

- a. Cost of printing copies of this Ordinance, the Citation Tickets, and information, education and communication materials pertaining to tobacco control.
- b. Cost of inspection and enforcement by the Smoke-Free Task Force, including allowances for meal, transportation, the amounts of which shall be set by the Office of the Municipality of Pilar.
- c. Incentive or reward for private citizens who report violations of this Ordinance.
- d. Institution and operating expenses of the smoking cessation program and facility.
- e. Other expenses associated with the implementation and enforcement of this Ordinance.

CHAPTER VI - FUNDING

SECTION 20. Repealing Clause. – All ordinances contrary to or consistent this Ordinance.

CHAPTER VII – PENAL PROVISION

SECTION 21. Prohibited Acts.

- a. **Compliance with Joint Memorandum Circular No. 2010-01 of the Civil Service Commission and the Department of Health.**

The following prohibitory provisions contained in the joint Memorandum Circular of Civil Service Commission and Department of Health bearing number 2010-01 is hereby adopted in this municipality.

1. **Unnecessary Interaction with the Tobacco Industry** – Public officials and employees shall interact with tobacco Industry only when strictly necessary for the latter’s effective regulation, supervision or control. Any necessary interactions with the tobacco industry should be carried out in such a way as to avoid any creation of any perception of a real or potential partnership or cooperation resulting from or on account of such interaction. In the event the tobacco industry engages in any conduct that may create such perception, public officials shall act to prevent or correct this perception.

2. No preferential treatment shall be given to Tobacco Industry by any public officials and employees. Public Officials and Employees shall serve the public interest and are prohibited from providing incentives, privileges, benefits or exemptions to the tobacco industry, except as otherwise provided by law.
3. Public Officials and Employees shall not solicit or accept, directly or indirectly, any gift, favor, gratuity, entertainment, loan or anything of monetary value in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office from any person or business related to tobacco industry.
4. Public officials and employees shall not, directly or indirectly, have any financial or material interest in any transaction involving the tobacco industry requiring the approval of their office. In relation to this, public officials or employees shall declare any interest in the tobacco industry in their annual declaration assets and liabilities.
5. Public officials and employees shall not accept or have member of his family accept employment or recommend any one to any position in any private enterprise connected with the tobacco industry which has a regular or pending transaction with their agency.
6. Public official and employees, regardless of status, shall avoid conflicts of interest with the tobacco industry at all times. When a conflict of interest arises, he/she shall resign from his/her position in the tobacco industry within thirty (30) days from his/her assumption of office and/or divest himself/herself shareholdings or interest within sixty (60) days from assumption.
7. Public officials and employees of agencies that have a role in setting and implementing public health policies with respect to tobacco, shall inform their institutions about any intention to engage in occupational activity within the tobacco industry, whether gainful or no, within a specified period of time after leaving the service; and to require applicants for such public office positions to declare any current position or previous occupational activity with any tobacco industry whether gainful or not.

b. Compliance with Civil Service Memorandum Circular No. 17, Series of 2009.

The following guidelines shall be strictly implemented in this Municipality.

1. Absolute prohibition on smoking. Smoking shall be absolutely prohibited in or on the premises, buildings and grounds of government agencies providing health, education and/or social welfare development services such as hospitals, health carters, schools and universities, colleges among others. No “Smoking Areas” shall be designated or established in these places.
2. Smoking Prohibition. Smoking shall be prohibited in areas anywhere in or on the government premises, buildings, and grounds, except for open spaces designated as “smoking area” as herein defined.

CHAPTER VII – FINAL PROVISION

SECTION 22. Regulated Acts. In the event that a meeting with tobacco industry is strictly necessary, officials and employees shall abide by the rules enunciated in Annex “A” of the Joint Memorandum Circular No. 2010-01 of the Civil Service Commission and Department of Health, specifically under paragraph (ii) sub-paragraphs 1 to 12 thereof.

SECTION 23. 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 of provisions hereof.

SECTION 24. 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 in Municipality of Pilar.

I HEREBY CERTIFY
THAT THIS IS A TRUE AND ACCURATE COPY
OF THE ORDINANCE APPROVED
BY THE SANGGUNIANG BAYAN ON 8 SEPTEMBER 2014

CELSO Y. LAO, JR.
Municipal Vice-Mayor
Presiding Officer

SANGGUNIANG BAYAN MEMBERS:

LIEZL A. MILLANO

FRANCIS M. GACOSTA

TELESFORO G. ABOGADO JR.

RAMON L. TEE

AMBROSIO P. MANANES

ARTHUR JOHN S. GARCHITORENA

MARLYN L. ROMO

SERGIO B. REYES, JR.

GEORGE E. LOSERIAGA
Liga President

Attested by:

FRANCES MARIE L. BOTIN
Secretary to the Sangguniang Bayan

FRANCES MARIE L. BOTIN
Secretary to the Sangguniang Bayan

HON. CELSO Y. LAO, JR.
Municipal Vice-Mayor

APPROVED:

HON. DENNIS A. SY-REYES
Municipal Mayor