



OFFICE OF THE SANGGUNIANG BAYAN
THIRTEENTH SANGGUNIANG BAYAN

PRESENT:	Hon. John Arbee A. Agcopra	Sangguniang Bayan Member (Temporary Presiding Officer)
	Hon. Edcil Marie D. Pagayon	Sangguniang Bayan Member
	Hon. George G. Diel	Sangguniang Bayan Member
	Hon. Permita B. Lamberto	Sangguniang Bayan Member
	Hon. Rose P. Mabunga	Sangguniang Bayan Member
	Hon. Edgar C. Abiao	Ex-Officio Member (ABC President)
ABSENT:	NONE	

WHEREAS, scientific evidence has 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 system or not) have repeatedly been shown to be ineffective;

NOW THEREFORE, BE IT ENACTED, AS IT IS HEREBY ENACTED, THE SANGUNIANG BAYAN OF MUNICIPALITY OF TRENTO, IN SESSSION ASSEMBLED, BY VIRTUE OF THE POWERS VESTED IN IT BY LAW, THAT:

Section 1. Title. - The Ordinance shall be known as the "Smoke Free Ordinance of Municipality of Trento."

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 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 territorial jurisdiction of Municipality of Trento.

Section 4. Definition of terms. - As used in this Ordinance, the terms below shall have the meanings ascribed to the in this section. Any words terms below shall be given in 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. **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.
- b. **Civil society organization (CSO)** refers to a legally constituted voluntary civic and social organizations or institution created with no participation of government, including but not limited to, charities, development non-governmental organizations, professional associations, coalitions and advocacy groups. As used in this Ordinance, CSO does not include organizations or associations related to or connected with to tobacco industry in any way.
- c. **Enclosed or partially enclosed** means being covered by a roof of being enclosed by one or more walls or sides, regardless of the type of material used for the roof wall or sides, and regardless of whether the structure is permanent or temporary.
- d. **Minor** refers to any person below eighteen (18) years old.
- e. **Outdoor Advertisement** refers to any sign, model, placard, board, billboard, banner, bunting, light display, devise, structure or representation employed, outdoors wholly or partially to advertise or promote a tobacco product to the public.
- f. **Person-in-charge** refers to: in case in public places, public 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 conveyances, the owner, driver, operator, conductor, or the captain of the public conveyance.
- g. **Point-of-sale** refers to any location at which an individual can purchase or otherwise obtain tobacco products.
- h. **Public conveyances** refers to modes of transportations 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.
- i. **Public places** means all places, fixed or mobile, that are accessible or to open to the public places for collective use, regardless of ownership or right to access, including, but not limited to, establishments that provide food and drinks, accommodation, merchandise, professional services, entertainment or other services. It 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, sports grounds of centers, church grounds, health/hospital compounds, transportation terminals, markets, parks, resorts, walkways, entrance ways, waiting areas, and the like.
- j. **Second-hand** means the smoke is emitted from the burning end of a cigarette or from other tobacco products usually combination with the smoke exhaled by the smoker.
- k. **Smoking** means being in possession or control of a lit, tobacco product regardless of whether the smoke is being actively inhaled or exhaled.
- l. **Tobacco Products** means products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for smoking, sucking, chewing or snuffing, such as cigarettes and cigars.

m. Workplaces means any places used by 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 workplaces.

Section 5. Prohibited Act. - 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 or distributing tobacco products in a 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 minors
- d. Purchasing tobacco products from minors
- e. Placing cinema and outdoor advertisements of tobacco products
- f. Placing, posting, or distributing advertising materials of tobacco products, such as leaflets, posters and similar materials, outside the premises of point-of-sale establishment
- 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 establishment 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 Obligation of Person-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 show the following information:

[International No Smoking symbol]

STRICTLY NO SMOKING

as per ORDINANCE NO. 033 - 2017

Violators can be fined up to (section 8. Penalties)

Report violations to Local Government Unit

- b. Remove from the places where smoking is prohibited all ashtrays and any other receptacles for disposing of cigarette refuse.
- c. For persons-in-charge of schools, public playgrounds or other facilities frequented by minors, post the following statement in the clear and conspicuous manner:

**SELLING OF CIGARETTES OR OTHER TOBACCO
PRODUCTS NOT ALLOWED WITHIN 100
METERS FROM [SCHOOLS/ETC.] PERIMETER**

- d. For persons-in-charge of points-of-sale establishments, post the following statements in a clear and conspicuous manner:

**SALES/DISTRIBUTION OF TOBACCO
PRODUCTS TO MINORS IS UNLAWFUL**

- e. 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 refuse to comply, asking them to leave the premises, and if they still refuse to comply, reporting the incident to the Trento municipal health officer and the nearest peace officer.
- f. Ensure that all the employees in the establishments are aware of this Ordinance and the procedure and measures for implementing and enforcing it.
- g. Allow inspector acting under Section 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 purposes of inspecting its compliance with this ordinance.
- h. For all signage required to be posted under (a), (c), and (e) above, provide for visions of them in the local language.

Section 7. Persons Liable. - The following persons shall be liable under this Ordinance:

Any person who commits any of the prohibited acts stated in Section 5 hereof

- 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 **P500.00**
- ii. Second Offense **P1,000.00**
- iii. Third and Subsequent Offenses **P2,500.00**
or imprisonment for a period not exceeding 6 months, or both at the discretion of the court

b. Violations of Section 5 (b), (c), and (d)

- i. First Offense **P1,500.00**
- ii. Second Offense **P3,000.00**
- iii. Third and subsequent Offenses **P5,000.00**
or imprisonment for a period not exceeding 6 months, or both at the discretion of the court
Revocation of business license or permit (in case of a business entity or establishment)

c. Violation of Section 5 (e), (f), and (g)

- i. First Offense **P2,000.00**
- ii. Second Offense **P3,000.00**
- iii. Third Offense Subsequent Offenses **P5,000.00**
or imprisonment for a period not exceeding 6 months, Or both at the discretion of the court
Revocation of business license or permit (in case of a business entity or establishment)

- d. **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) week but not more than one (1) month.

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

Section 9. Citation Ticket System. - Violators of this Ordinance shall be inform of their violation and penalty associated with such violation by means of Citation Ticket System with the following guidelines:

- a. Official booklets of Citation Tickets shall be issued by the Health Office of 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 contain the following information: a checklist of the violations under this Ordinance
 - 1) the fines associated with each violation
 - 2) 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 Health Office within three (3) regular business days after such issuance, where he or she shall either pay the fine imposed or render community service under Section 8 (e) hereof.
- e. Health Office shall keep a duplicate of all Citation Tickets issued to violators as well as all records of violations of this Ordinance.

Section 10. Smoking Cessation Program. - The Health Officer, with the assistance of the Health Education and Promotion Officer and the CSO representative designated under Section 16 hereof, shall develop and promote Smoking Cessation Program and encourage the participation there in the 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 11. Smokefree Task Force. - A Task Force shall be created to aid in the implementation, enforcement and monitoring of this Ordinance 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. Health Officer
- b. Health Education and Promotion Office
- c. Legal Officer
- d. Information Officer
- e. Building Officer
- f. Business Permits and License Officer
- g. Representative of the civil society organization (CSO) designated by the Health Officer under Section 16 hereof
- h. Representative of the Philippines National Police (PNP)

The task force shall not include as a member any person or entity connected in any way to the tobacco industry.

Section 12. Duties and Responsibilities of the Task Force. – Other than (1) receiving, reviewing and under processing reports of and complaints for violations of this Ordinance and (2) deputizing enforcers under Section 13 to 16 hereof, the Task Force shall have the following respective duties and responsibilities:

- a. The Health Officer shall:
 - 1) Issue official Citation Tickets to the enforcers
 - 2) Assign a hotline or and other number to which violations of this Ordinance may be reported by telephone call or by SMS and a person to operate the line and the record reports
 - 3) Serve as the overall coordinator among all the Trento municipal offices involved in the implementation of this Ordinance
 - 4) Act as agent of the Treasurer in collecting and receiving fines paid by violator
 - 5) Make tobacco control, including the implementation and enforcement of this Ordinance, a part the health program to be proposed for funding by the general budget of the Municipality of Trento
- 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 as on the provisions of the Ordinance
 - 2) Encourage constituents of the Municipality of Trento to monitor and report violations of this Ordinance
 - 3) Assist the Health Officer in developing and promoting a smoking cessation program
- c. The legal Officer shall:
 - 1) Assist the Health Office in reviewing reports of and complaints for violation of this Ordinance and in determining liability
- d. The Building Officer shall:
 - 1) Conduct, together with the Health Office or 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 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 shall:
 - 1) Assist the preliminary inspections and in monitoring violations and 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 and promoting 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 shall:

- 1) Apprehend violators in accordance with the provisions of this Ordinance
- 2) Assist Trento municipal officials and deputized civilians in apprehending violators and in filing the appropriate complaints

Section 13. Enforcement on Individuals. - Members of the PNP shall apprehend and issue Citation Tickets against persons caught smoking in places where such is prohibited. They shall forward copies of the tickets they issue violators to the Health Office regularly, at least thrice a week.

Section 14. Enforcement 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 the discovery of any violation of this Ordinance. They shall forward copies of the tickets they issue violators to the Health Office regularly, at least thrice a week.

Section 15. Enforcement of Establishments. - Ninety (90) calendar days after the effectivity of this Ordinance, an inspection team composed of representatives from the Health Office, the Engineer's Office, and the permit and License Office, shall conduct inspections of establishments and buildings to determine their compliance with the provision of this Ordinance.

Regular inspection shall be thereafter conducted at least once every month or simultaneously with other regular inspections done by the Municipality of Trento, whichever is more frequent, during normal hours of operation of the establishments.

The inspection team shall issue a Citation Ticket against the establishments upon finding of non-compliance with or of any violation of this Ordinance. A Citation Ticket may be issued for each day that the establishments is found to be non-compliant.

Re-inspection of the establishments 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 shall recommend the suspension of the license to operate of the establishment, consistent with Section 8 (d) hereof.

Section 16. Civilian Participation in Enforcement. - Within thirty (30) calendar days from the effectivity of this Ordinance, the Health Office shall designate, with the approval of the Office of the Local Chief Executive, a civil society Organization 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.

Any person can file with the Task Force or of compliant for any violation of this Ordinance.

INFORMATION CAMPAIGN

Section 17. Information Dissemination. - Within sixty (60) calendar days of the effectivity of this Ordinance, the Health Office Shall:

- a. In coordination with the Office of the Local Chief Executive.
 - 1) Provide at least two (2) copies of this Ordinance to every PNP station or precinct in the Municipality of Trento;
 - 2) Provide a primer on this Ordinance for every member of the PNP member in the Municipality of Trento; and
 - 3) Conduct lectures to brief member of the PNP members of the provisions of the Ordinance and of their responsibilities with respect to its enforcement.

Section 18. Public Billboards, Notice in Barangays. - Upon effectivity of this Ordinance, the Engineer's Office shall put up billboards in conspicuous places in the Municipality of Trento to notify the public of the restrictions 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 19. Conduct Orientation Seminars and Trainings. - Within sixty (60) calendar days from the effectivity of this Ordinance and periodically thereafter, the 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 of barangay health workers and the barangay tanod, and the local PNP.

FINANCING

Section 20. Funding . - An initial funding to defray the expenses necessary for an incidental to the implementation of this Ordinance in the amount of **Fifty Thousand Pesos (Php50,000.00)** shall be sourced from the Municipality of Trento fund is allocated. Every year thereafter, the least **Fifty Thousand Pesos (Php50,000.00)** shall automatically be included in the Annual Budget of the Municipality of Trento for the implementation and enforcement of this Ordinance, based on Trento municipal plans and programs.

The above expenses include, but are not limited to:

- a. Cost of printing of this Ordinance, the Citation Tickets, and information, education and communication materials pertaining to tobacco control
- b. Costs of inspection and enforcement by the Smokefree Task Force, including allowances for meals and transportation, the amounts of which shall be set by the Office by the Local Chief Executive.
- c. Incented 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

Section 21. Repealing Clause. - All ordinances contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly.


Section 22. 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 or provisions hereof.

Section 23. Effectivity Clause. - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper or local or general circulation or posting in at least two (2) conspicuous places in the Municipality of Trento.


SO ORDAINED / ENACTED.

ADOPTED this 15th day of August, 2017.

ATTESTED BY:


JOHN ARBEE A. AGCOPRA
SB Member
Temporary Presiding Officer

CERTIFIED CORRECT:


KENNETH CARL B. ROMO
Administrative Aide IV
Temporary Secretary to the Sanggunian

APPROVED:


WILLIAM E. CALVEZ, CE
Municipal Mayor

Date signed: 9-12-2017