



MUNICIPAL ORDINANCE NO. 13-207-17
COMPREHENSIVE ANTI- SMOKING ORDINANCE OF
BAYOG, ZAMBOANGA DEL SUR.

BE IT ENACTED, by the Sangguniang Bayan of Bayog, Zamboanga del Sur, on its 37TH Regular Session held at the Municipal Session Hall on April 25, 2017 AT 9:00 A.M.

SECTION 1. TITLE.-This Ordinance shall be known as, “**THE COMPREHENSIVE ANTI-SMOKING ORDINANCE OF BAYOG, ZAMBOANGA DEL SUR**”;

SECTION 2. COVERAGE. – It shall be unlawful for any person to smoke or allow smoking in a public utility vehicle, government-owned vehicle or any other means of public transport for passengers, accommodation and establishment, public building, public place, as defined in section 3 (e) hereunder, enclosed public place, or in any enclosed area outside of one’s private place of works, cars owned by the government or duly designated smoking areas, within the jurisdiction of the municipality of Bayog;

SECTION 3. DEFINITION OF TERMS.

- a. Smoking refers to the lighting and/or puffing of any lighted cigarette, cigar, tobacco or any other kind, form or type. Possession of any lighted cigarette, cigar, tobacco and the like within the prohibited areas for smoking shall constitute a prima facie evidence as an act of smoking prohibited under this Ordinance;
- b. Public utility Vehicle Refers to public utility Jeeps (PUJs), Public Utility Buses (PUBs), taxi, tricycles and other public utility vehicles used in the transport of passengers;
- c. Accommodation & Entertainment Establishment refer to restaurants, fast foods, eateries, hotels, motels, lodges, inns, boarding houses, or any other place with pleasant environment and atmosphere conducive to comfort, healthful relaxation and rest, offering foods, sleeping accommodation and recreation facilities to the public for a fee;
- d. Public Building refers to any of the following:
 - 1.) A building structure owned by the government or owned by a private person but used, rented or occupied by the government, or any of its instrumentalities;
 - 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
- e. Public place refers to gasoline stations, bank, malls, town squares, terminals, shopping/business arcades, schools, churches, hospitals, cinema houses, gymnasiums, funeral parlors, barber shops, and other similar places where people usually congregate either to while away their time or to listen or attend concerts, rallies, program such as but not limited to, Rizal Park, Freedom Park, and the like;
- f. Designated Smoking Room refers to a delineated room inside the accommodation establishment, or public place or enclosed public place, which is totally enclosed where a person allowed to smoke without violating this Ordinance.

Any duly designate room/ area in accommodation and entertainment establishments whether tourism accredited or not, within the territorial jurisdiction of Bayog as hereinabove defined, provided the following conditions are met;

- 1.) If the accommodation and entertainment establishment is air-conditioned, it must established and designate a smoking room which shall not be more than $\frac{1}{4}$ of the total accommodation area of the establishment, that is air- conditioned, and equipped with an exhaust fan and totally enclosed on all sides and separated from the rest of the premises where smoking is prohibited, and
 - 2.) If the accommodation and entertainment establishment is not air-condition, it must establish and designate a smoking area which shall not be more than $\frac{1}{4}$ of the total accommodation area of the establishment that is fully ventilated and separated from the rest of the premises where smoking is prohibited.
- g. Enclosed area refers to an area which is closed whether totally or partially at the sites and is roofed or make use of the flow above it as a ceiling, or even if open on all sides but is covered by a roof, permanent or temporary in nature;
 - h. Enclosed public place refers to a room, building, structure or edifice that is constructed with a shelter or covered by a roof with panels or concrete wall, which structure is open to the public.

SECTION 4. DESIGNATED SMOKING AREAS. The following are the designated smoking areas within the municipality of Bayog, to wit;

- a) Public Market Area - At the public market toilet Area
- b) Public Plaza - At the left side of the Municipal Gymnasium
- c) Municipal Hall - At the back of the Ground Floor and 2nd Floor
- c) Big Establishments are required to provide their own designated smoking areas

SECTION 5. PENAL CLAUSE – Any person violating any provisions of this ordinance shall be penalized as follows:

- First Offense - Fine of five Hundred Pesos (P500.00)
- Second Offense - Fine of One Thousand Pesos (P1,000.00)
- Third Offense - Fine of two Thousand Pesos (P2,000.00) or imprisonment of three (3) days but not more than six (6) days or both at the discretion of the court.

SECTION 6. PROHIBITED ACTS. The following acts shall be prohibited.

- A) Smoking in any of the places enumerated in Section 2 hereof, except in duly designated smoking areas;
- B) Knowingly allowing, abetting, or tolerating smoking in accommodation establishment, whether tourism accredited or not, except when smoking is done inside or within the duly designated smoking areas referred to in this Ordinance;
- C) Smoking while inside a government-owned or public vehicle is waiting for passengers;

SECTION 7. PERSONS LIABLE. The following persons/ individuals are deemed liable under this ordinance:

- A.) Any person smoking within the prohibited rooms, areas/ individuals are mentioned in Section 2 hereof;
- B.) Any passenger, driver, conductor, or inspector of government-owned vehicles (PUVs) smoking as stated in Section 6(c) hereof;
- C.) The president or Manager in case of a company, corporation, or association or the owner/ proprietor or operator in case of single proprietorship, of accommodation and entertainment establishments, whether tourism-accredited or not, who knowingly allows, abets or tolerate and/ or fails to warn, advise or report violators of this Ordinance to any policeman or nearest station within three(3) hours of the violation;

SECTION 8. The Municipal Health office and Municipal Engineer’s Office are tasked to inspect and certify the appropriateness of the designated smoking areas provided by the accommodation establishments whether tourism-accredited or not, taking into consideration the purpose of the law which is to protect non-smokers from the pernicious effects of tobacco smoke;

SECTION 9. EFFECTIVITY. This Ordinance shall take effect after three (3) consecutive weeks of posting in conspicuous places, publication in the local newsletter and of broadcasting in the local radio station of the Municipality of Bayog, Zamboang del Sur.

ADOPTED this 25TH day of April 2017, on motion of Hon. Norelyn B. Rodriguez, duly seconded.

AYES: Hon. Horace Paul T. Anlap, Hon. Ernesto C. Yagos, Hon. Ronilo A. Yamaro, Hon. Cerilo B. Carcueva, Hon. Lucenio M. Manda, Hon. Teofisto B. Deocades, Jr., Hon. Norelyn B. Rodriguez and Hon. Godofredo T. Compacion.

NAYS: NONE

CERTIFIED CORRECT:

ATTESTED:

(SGD) NORELYN B. RODRIGUEZ
SB Member-Secretary Designate

(SGD) CELSO A. MATIAS
Municipal Vice Mayor-Presiding Officer

VERIFIED CORRECT:

APPROVED:

(SGD) HORACE PAUL T. ANLAP
SB Member-Floor Leader

(SGD) LEONARDO L. BABASA, JR.
Municipal Mayor