



Republic of the Philippines
Province of Pangasinan
MUNICIPALITY OF CALASIAO

MINUTES OF THE SPECIAL SESSION OF THE SANGGUNIANG BAYAN OF CALASIAO,
PANGASINAN HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON OCTOBER 9,
2024

PRESENT:

VICE MAYOR NESTOR A. GABRILLO	.....Presiding Officer
COUN. MANNY V. DATUIN	.....M e m b e r
COUN. FELIPE K. DE VERA	.....Majority Floor Leader
COUN. ARDIESON B. SORIANO	.....M e m b e r
COUN. HAVERDANI DAS B. MESINA	.....M e m b e r
COUN. GERALD C. AFICIAL	.....Minority Floor Leader
COUN. ELIAS S. VILLANUEVA	.....M e m b e r
COUN. MYC D. SISON	.....M e m b e r
COUN. JOSE A. LORESCO	.....M e m b e r
S.K. FED. PRES. NARAYANA RSI DAS S. MESINA	..Member, Ex-Officio
LIGA PRES. PATRICK A. CARAMAT	.....Member, Ex-Officio

ABSENT: N O N E

ORDINANCE NO. 08, SERIES OF 2024

BRIEF EXPLANATORY NOTE

The Municipality of Calasiao, Pangasinan, has an existing, valid, controlling, and still in effect Anti -Smoking Ordinance, known as Municipal Ordinance No. 14, Series of 2017.

This body received a copy of Provincial Ordinance No. 317, Series of 2024.

Simple reading of the said Provincial Ordinance readily show that our Municipal Ordinance No. 14, Series of 2017 was very much inadequate, compared to the well formulated and highly structured Provincial Law – particularly on the “Whereas” Clauses”, Prohibition Clauses and more so in the Administrative provisions;

Much as we like to adopt, the provisions of the provincial measure, we also knew we can't do it. There were many Bodies, Councils, Task Forces, to be Created. Many Personnel's will be mobilized, assigned, monitored, provided with facilities and equipments, and of course, be compensated.

In short, Administration and enforcement will cost us much – which our Local Government Unit of Calasiao cannot afford at this time.

Knowing that we should not make a law, which our Local Government cannot even finance and implement in full, we now opted to make this simpler step – just amend the existing Anti- Smoking Ordinance No. 14, Series of 2017, to include new provisions in the prohibition clause.

ORDINANCE NO. 08, SERIES OF 2024

Sponsored by: Coun. Felipe K. De Vera

“AN ORDINANCE REGULATING THE USE, SALE, DISTRIBUTION AND ADVERTISEMENT OF CIGARETTES AND OTHER TOBACCO PRODUCTS, ELECTRONIC NICOTINE AND NON-NICOTINE DELIVERY SYSTEMS, HEATED TOBACCO PRODUCTS AND OTHER NOVEL TOBACCO PRODUCTS, IN CERTAIN PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR, TO INSTILL HEALTH CONSCIOUSNESS AND FOR OTHER PURPOSES”

WHEREAS, the 1987 Constitution of the Republic of the Philippines declares that the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, the Republic of the Philippines as a party to the World Health Organization Framework Convention on Tobacco Control (FCTC) gives priority to the right to protect public health and to promote measures of tobacco control based on current and relevant scientific, technical and economic considerations, and agreed to implement all the measures provided in the treaty;

WHEREAS, the Local Government Code of 1991 (Republic Act No. 7160) accords every local government unit the power and authority to promote general welfare within its territorial jurisdiction, including the promotion of health and safety of its constituents;

WHEREAS, the Philippine Clean Air Act of 1999, (Republic Act No. 8749) 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 provisions;

WHEREAS, the Tobacco Regulation Act of 2003 (Republic Act No. 9211) prohibits smoking in certain public places whether enclosed or outdoors in certain places, prohibits the purchase and sale of cigarettes and other tobacco products to and on advertising, promotion and sponsorship activities of tobacco companies; and directs local government units to implement these provisions;



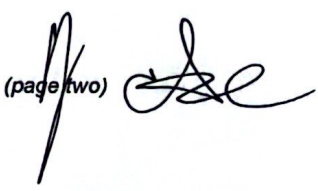

WHEREAS, the Civil Service Commission Memorandum (CSC) Circular No. 17, Series of 2009 prohibits smoking and vaping in premises, buildings, and grounds of government agencies providing health, education on social welfare and development services such as hospitals, health centers, schools and universities, and colleges, provides for specific requirements for designated smoking areas;

WHEREAS, the Land Transportation Franchising and Regulatory Board (LTFRB) Memorandum Circular 2009-036 provides that drivers and operators of public utility vehicles are responsible for preventing smoking and vaping in public conveyances and posting specified "No Smoking and Vaping" signs in their vehicles;

WHEREAS, the Universal Health Care Act of 2019 (Republic Act No. 11223) directs local government units to enact stricter ordinances that strengthen and broaden existing health policies and implement effective programs that promote health literacy and healthy lifestyle among their constituents to advance population health and individual wellbeing, reduce the prevalence of non-communicable diseases and their risk factors, particularly tobacco and alcohol use;

WHEREAS, Executive Order No. 209 or the Family Code of 1987 seeks to protect children from acquiring habits detrimental to their studies, morals and health such as "smoking," "vaping" or by exposing them to make or vape aerosol emissions;

WHEREAS, the National Internal Revenue Code of 1997 as amended in 2020 (Republic Act No. 11467) directs the Food and Drug Administration (FDA) to periodically determine and regulate, consistent with evolving medical and scientific studies, the manufacturer, importation, sale, packaging, advertising, and distribution of vapor, and heated tobacco products, including banning sale to nonsmokers or persons below age twenty one (21) and banning of flavors. Local Government Units, in the pursuit of common health goals, must then act to ensure effective enforcement of these measures within their jurisdiction;

  (page two)  

WHEREAS, the Executive Order No. 106 series of 2020 directs local government units to adopt and implement the nationwide smoking and vaping ban and to strengthen existing measures on access restriction, including the regulation on sales, distribution and availability of cigarettes and other tobacco products, electronic nicotine and non-nicotine delivery systems (ENDS/ENNDS), heated tobacco products (HTPs) and other novel tobacco products;

WHEREAS, the Province of Pangasinan recognizes that local governments must act with urgency to denormalize the culture of tobacco consumption, smoking and vaping through comprehensive and proven effective tobacco control measures to prevent the initiation of non-users and the youth and prevent exposure to harmful chemical and emissions that pose risky to health while providing a supportive environment to those attempting to quit smoking and vaping;

WHEREFORE, upon motion of COUN. FELIPE K. DE VERA, duly seconded by all members present ;

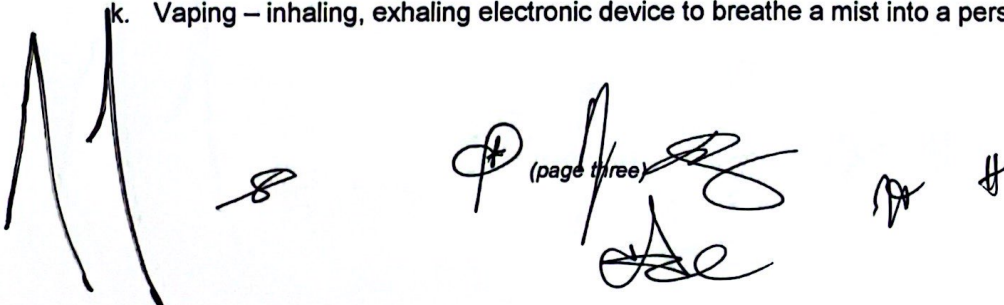
Be it ordained and enacted by the Municipal Council of Calasiao, Pangasinan in session assembled that:

SECTION 1. Title – This Ordinance shall be known and cited as the "Anti-Smoking Ordinance No. 08, Series of 2024

SECTION 2. Declaration of Municipal Policy – The Municipality of Calasiao recognizes the saying that "Health is Wealth", and Smoking and Vaping is dangerous to health. In safeguarding and enhancing the health and general physical well-being of the citizenry, it shall therefore ban smoking and vaping in places hereinafter mentioned in this ordinance as a component of the primary health care system.

SECTION 3. Definition of Terms. As used in this Ordinance, the following terms shall be defined and understood as follows:

- a. Public Place – Any area where the public assembles, or gathers or stays, like government offices, assembly halls, other enclosed or air conditioned establishments, and others of similar nature;
- b. Smoking – inhaling, exhaling, burning or carrying any lighted cigarette, cigar or pipe or any form of lighted object or vaping device, electronic smoking/vaping devices which contains tobacco or not and other similar chemical compound;
- c. Assembly Hall – any auditorium, stadium, session halls, showrooms or any other place where people assemble, gather and stay, either for political, sports, social, religious, educations, cultural or entertainment functions;
- d. Enclosed or air-conditioned public establishments – all spaces enclosed on all sides by walls, windows, from floor to ceiling portions under a controlled temperature like bank, library.
- e. Restaurants – coffee shop, pub house, cafeteria, luncheonette, and canteen or any establishments which serves foods and drinks to the public;
- f. Public Utility Vehicle – any conveyance operated mechanically or manually for transport of general public for a fee such as pedicab, motorized tricycle, passenger jeepneys, vans, buses and taxis;
- g. Government Office or Building – where governmental functions are being performed;
- h. School – any institution of learning for pre-school, primary, elementary, secondary, tertiary, vocational or trainings, whether private or government owned;
- i. Public/Private Market/Malls – refers to enclosed public/private markets/malls
- j. Designated Smoking Area – refers to an area of a building or conveyance where smoking may be allowed, which may be in an open space or separated area with proper ventilation.
- k. Vaping – inhaling, exhaling electronic device to breathe a mist into a person's lungs.

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SECTION 4. PROHIBITED ACTS. – the following acts are declared unlawful and prohibited by this Ordinance:

- a. Smoking and/or Vaping in enclosed or partially enclosed public places, workplaces, public conveyances (whether mobile or stationary), or other public places, except in Designated Smoking/Vaping Area (DSVAs) duly approved and fully compliant with the requirements under this Ordinance);
- b. Selling, Distributing or Purchasing Traditional tobacco/cigarette products, electronic cigarette, Vape, Electronic Nicotine and Non Nicotine delivery systems and heated tobacco products and other Novel Tobacco Products and/or their component to or from persons below 18 years of age. (Proof of Age verification – in case of doubt as to the age of the buyer, retailers shall verify by means of a valid form of photographic identification and proof of age card containing the date of birth of the bearer (i.e. driver's license, passport, voter's ID) below 18 years of age;

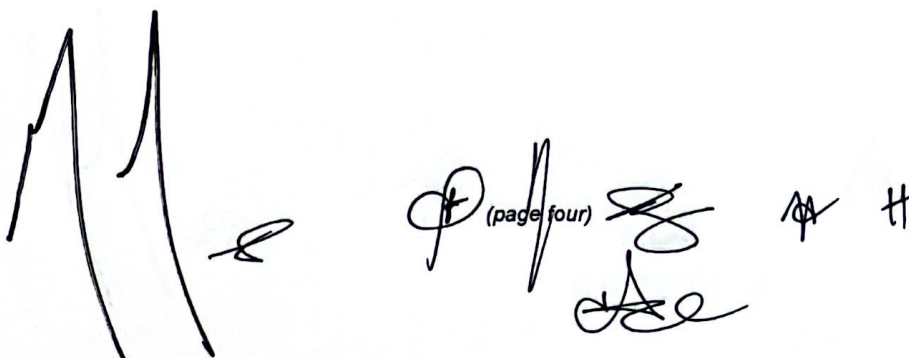
SECTION 5. Smoking and Vaping is hereby prohibited in Assembly Halls, enclosed and in air conditioned public establishments, public conveyances, restaurants, public and private markets/malls, except in designated smoking/vaping area to be identified by the owners, operators, managers and administrators of said establishments and buildings by appropriate signs and warnings approved by the Municipal Health Officer and or the Municipal Engineering;

SECTION 6. Smoking and Vaping shall be absolutely prohibited in or on the premises, buildings and grounds of government agencies providing health, education and/or social welfare and development services such as hospital, health centers, schools and universities, colleges among others. No "Smoking/Vaping Areas" shall be designated or established in these places.

SECTION 7. The owners, operators, managers, and or officers in charge of any of the establishments enumerated in the preceding sections shall designate the smoking/vaping area by proper identification with sufficient markings for public guidance and information, and approved by the Municipal Health Officer concerned. The smoking/vaping area should be in an outdoor space designated by the owners, operators, managers, or officers in charge approved by the Municipal Health Officer that meets the following requirement:

- i. It shall be located in an open-space with no permanent or temporary roof or walls in an outdoor area.
- ii. It shall not be located within 10 meters of entrances, exits or any place where people pass or where people congregate.
- iii. It shall not have an area larger than 10 square meters.
- iv. No government building shall have a designated smoking/vaping area.
- v. No food or drinks shall be served in the designated smoking/vaping area.
- vi. Every smoking/vaping area shall have highly visible and prominently displayed "Smoking/Vaping Area", Graphic Health warnings on the effect of Tobacco use, and Prohibition on the entry of persons below 18 years old Signage.

SECTION 8. It is hereby declared unlawful for any person to smoke cigarette, cigar, Vape or tobacco pipe or any form of lighted object or vaping device, electronic smoking/vaping devices which contains tobacco or not and other similar chemical compound inside a public conveyance when in transit, waiting for or picking up passengers within the territorial jurisdiction of the Municipality of Calasiao, Pangasinan;

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SECTION 9. Any person or persons found violating this Ordinance shall suffer the penalty in accordance with the schedule herein below specified upon the discretion of the court, to wit:

1 st offense -	a Fine of <u>Php 1,000.00</u>
2 nd offense-	a Fine of <u>Php 1,500.00</u>
3 rd offense –	a Fine of <u>Php 2,500.00</u> and/or imprisonment not exceeding 1-10 days of arresto menor or both such fine and imprisonment at the discretion of the honorable court.

SECTION 10. The Smoke Free Task Force will be the enforcers of this ordinance which will be composed by the following:

1. Municipal Mayor	Chairman
2. Committee on Health and Public Sanitation	Vice-Chairman
3. Chief of Police- PNP Calasiao	Member
4. Municipal Health Officer	Member
5. Public Order and Safety Officer	Member
6. President- Liga ng mga Barangay	Member

SECTION 11. Any offender who, after being arrested or apprehended by the members of the Smoke Free Task Force and the Police officer/s in violation of this ordinance, who may willfully and voluntarily admit his/her fault, shall personally and voluntarily pay the fine imposed herein at the office of the Municipal Treasurer, present the official receipt of payment to the officer of the Calasiao PNP, who is hereby authorized to process the release of the offender and record the event at the Police Blotter.

SECTION 12. Repealing Clause – Municipal Ordinance No. 14, Series of 2017 entitled "Anti-Smoking Ordinance of 2017", and other earlier Ordinances inconsistent herewith are hereby repealed or modified accordingly.

SECTION 13. Effectivity – This Ordinance shall take effect immediately upon approval by the Sangguniang Panlalawigan, and the required posting in accordance with Book 1, Title Two, Chapter 3, Section 59, of Republic Act 7160 (Local Government Code of 1991) and the required Publication in a newspaper of general circulation in the Province of Pangasinan.

UNANIMOUSLY APPROVED.

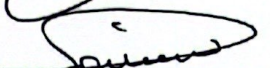


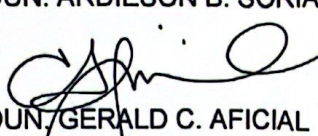
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COUN. MANNY V. DATUIN


COUN. ARDIESON B. SORIANO


COUN. GERALD C. AFICIAL

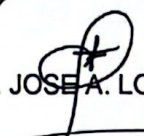

COUN. MYE D. SISON


COUN. PATRICK A. CARAMAT


COUN. FELIPE K. DE VERA

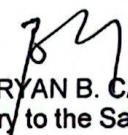

COUN. HAVERDANI DAS B. MESINA


COUN. ELIAS S. VILLANUEVA


COUN. JOSE A. LORESCO


COUN. NARAYANA RSI DAS S. MESINA

ATTESTED:


BRYAN B. CALAUNAN
Secretary to the Sangguniang Bayan

CERTIFIED CORRECT:


HON. NESTOR A. GABRILLO
Municipal Vice Mayor/Presiding Officer

APPROVED:


HON. KEVIN ROY Q. MACANLALAY
Municipal Mayor