



REPUBLIC OF THE PHILIPPINES
OFFICE OF THE CITY MAYOR
City of Naga



EXECUTIVE ORDER NO. 2016-011

PROHIBITING TOBACCO, CIGAR AND CIGARETTE SMOKING AND THE SALE THEREOF WITHIN CITY-OWNED BUILDINGS, FACILITIES, INSTITUTIONS, AND PARKS:

WHEREAS, Article II, Section 15 of the 1987 Philippine Constitution states that the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, national laws such as Republic Act No. 9311 "An Act Regulating the Packaging, Use, Sale, Distribution, and Advertisements of Tobacco Products and for other purposes" enacted June 23, 2003 explicitly restricted smoking in places such as "public conveyance and public facilities including airport and ship terminals and train and bus stations, restaurant and conference halls, except for separate smoking areas" (Section 5e);

WHEREAS, Republic Act No. 8749, otherwise known as the *Philippine Clean Air Act of 1999*, prohibits smoking inside public buildings, or in enclosed public places, or in any enclosed area outside of one's private residence, private place of work or any duly designated smoking area;

WHEREAS, Memorandum Circular No. 17, Series of 2009 of the Civil Service Commission promulgates a 100% smoke-free policy and a smoking prohibition in all government premises, buildings and grounds in order to ensure a healthy and productive workforce;

WHEREAS, the City Government of Naga has always put premium in protecting the health and well-being of the citizenry;

WHEREAS, it is imperative that measures be taken to ensure no one be exposed to the harmful effects of tobacco, cigar, and cigarette smoking;

WHEREAS, Naga City Ordinance No. 95-070 "An Ordinance Prohibiting Tobacco Cigar and Cigarette Smoking in Public Places, and Providing Penalties for Violations Therefore" explicitly prohibits smoking in, among others, department stores, markets, groceries and all kinds of commodity stores, service shops and parlors and all other business or commercial establishments open to the general public (Section 1.d); and "elevators, passenger buses and jeepneys, trimobles and other motorized public conveyances operating in or through the streets of the City of Naga (Section 1.e);



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NOW, THEREFORE I, JOHN G. BONGAT, City Mayor of the City of Naga by virtue of the powers vested in me by law, do hereby order:

1. Without prejudice to the prohibitions and penalties already prescribed in the above mentioned ordinance, the prohibition of tobacco, cigar, and cigarette smoking and sale thereof within city-owned and/or managed buildings and open spaces, facilities, institutions, and parks and plazas, subject to the following conditions:
 - A. As stipulated in the CSC MC 17, Series of 2009, smoking is "absolutely prohibited in or on the premises, buildings, and grounds of government agencies providing health, education and/or social welfare and developmental services...". Same absolute prohibition shall apply to all sports-related or dedicated buildings, and recreational facilities of the city and the slaughter house. This absolute prohibition will cover the buildings and open grounds of the following:
 - Naga City Hospital, Our Lady of Lourdes Infirmary, City Health Office; City Population and Nutrition Office, barangay health centers, and CSWDO
 - City College of Naga, Naga City Manpower Training Center, SEED Montessori schools
 - Plaza Quince Martires, Plaza Rizal, Plaza Quezon, Pilimania Minipark, and other plazas and parks owned by the city
 - Metro Naga Sports Complex, JMR Coliseum, Naga City Gym, and other sports facilities owned by the city
 - Naga City Civic Center, Naga City Ecological Park, the Isarog Natural Park Protected Area being Managed by the City, and other recreational facilities owned by the city
 - Naga City Abbattoir
 - B. Insofar as other properties of the city are concerned, same prohibition shall apply, except in the "Smoking Area" which shall be clearly designated in the Naga City People's Mall, the Bicol Central Station, and the City Hall grounds, subject to the following requirements stipulated in CSC MC 17 Series of 2009:
 - It shall be located in an open space with no permanent or temporary roof or walls in an outdoor area;
 - It shall not be located within 10 meters of entrances, exits, or any place where people pass or where people congregate;
 - It shall not have an area larger than 10 square meters;
 - No government building shall have more than one designated smoking area;



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- No food or drinks shall be served in the designated smoking area;
 - Every smoking area shall have highly visible and prominently displayed "Smoking Area" signages.
2. The Operations Manager of the Bicol Central Station, the Mall Manager of the Naga City People's Mall, and the City Administrator are given ten (10) days from issuance hereof to designate smoking area compliant with the above conditions for the BCS, the NCPM, and the City Hall Complex, all building, facilities, and institutions owned or managed by the City Government of Naga to immediately implement the prohibition of smoking and the sale thereof in their respective vicinities by strictly implementing this Executive Order. Violators shall be penalized in accordance with pertinent laws and circulars, and/or City Ordinance 95-070.

This Executive Order shall take effect immediately

Issued this 8th day of June, 2016 in Naga City Philippines.


JOHN G. BONGAT
City Mayor

Attested by:


FLORENCIO T. MONGOSO, JR. CSEE
Department Head II and Acting City Administrator