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national and local health systems. An increasing number of Filipinos die each year of tobacco-related diseases such as stroke, heart disease, and various cancers, among others. 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 systems or not) have repeatedly been shown to be ineffective.

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Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

**SECTION 1. - Title** - This Ordinance shall be known as the "Smoke-Free Ordinance of the City of Naga."

**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 territorial jurisdiction of City of Naga.

**SECTION 4. - Definition of Terms** - As used in this Ordinance, the terms below shall have the meanings ascribed to them in this section. Any words or terms not defined shall be given 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. **Designated Smoking Area (DSA)** refers to an area of a building or conveyance where smoking may be allowed, which may be in an open space or separate area with proper ventilation subject to the specific standards of this Ordinance.
- c. **Enclosed or partially enclosed** means being covered by a roof or other structure serving the purpose of a **roof**, and having one or more walls or sides, wherein the openings on the walls or sides have an aggregate area that is less than half of the total wall space, regardless of the type of material used for the roof, wall or sides, and regardless of whether the structure is permanent or



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temporary. Doors and windows that can be opened and shut shall not be considered as openings under this paragraph.

- d. **Minor** refers to any person below eighteen (18) years old.
- e. **Non-Smoking Buffer Zone** is a ventilated area between the door of a DSA not located in an open space and the smoke-free area. There shall be no opening that will allow air to escape from such Non-Smoking Buffer Zone to the smoke-free area, except for a single door equipped with an automatic door closer. Such door is distinct from the door of the DSA, which shall be at least two (2) meters away from the other.
- f. **Open spaces** refers to those areas forming part of a building or conveyance which are not covered by a roof or similar structure.
- g. **Person-in-charge** refers to the president/manager in case of a company, corporation, partnership or association, the owner/proprietor/operator in case of a single proprietorship, or the administrator in case of government or private property, facility, office or building, and the city/municipal schools superintendent, school president, dean or principal in case of schools.
- h. **Point-of-sale** refers to any location at which an individual can purchase or otherwise obtain tobacco products.
- i. **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, tricycles and other similar vehicles.
- j. **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, 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 or centers, church grounds, health/hospital compounds, transportation terminals, markets, parks, resorts, walkways, entrance ways, waiting areas, and the like.
- k. **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.
- l. **Smoke-free** refers to air that is 100% free from tobacco smoke. This definition includes, but is not limited to,

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air in which tobacco smoke cannot be seen, smelled, sensed or measured.

- 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 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.
- o. **Workplace** means any place 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. - Prohibition** - Except as herein otherwise provided, tobacco, cigar and cigarette smoking, in whatever form or manner, is hereby prohibited in the public places enumerated herein-below, to wit:

- a. Cocktail lounges, bars, nightclubs, disco houses, dance halls, cafes, snack inns, restaurants, similar roofed and enclosed public places, actually used as offering venues and facilities for eating, drinking, singing, dancing and other forms of entertainment activities;
- b. Cockpits, cultural centers, sports and games centers, gymnasiums, auditoriums, libraries, research centers, and laboratories, theaters and motion picture houses, offering venues and facilities for sports, entertainment education and cultural activities and other similar establishments or places temporarily used for the same purposes;
- c. All national and local government offices;
- d. 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;
- e. Elevators, passenger buses and jeepneys, trimobiles, e-trikes and other motorized public conveyances operating in or through the streets of the City of Naga;
- f. Warehouses and storage places for flammable or combustible materials, explosives, gasoline and other petroleum products, and within fifty (50) meters from such places or from carriers containing such materials or products;



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- g. All classrooms and school premises of any public or private educational institution, hospital and medical premises, and all churches, mosques and other places of religious worship.

**SECTION 6. - Prohibited Acts** - The following acts are declared unlawful and prohibited by this Ordinance:

- a. Allowing, abetting, or tolerating smoking in places enumerated in the preceding paragraph, outside of DSAs fully compliant with this ordinance.
- b. Selling, distributing, or purchasing tobacco products to and from minors;
- c. Smoking within enclosed or partially enclosed public places, workplaces, public conveyances, or other public places, whether stationary or in motion, except in DSAs as defined in Section 4 of this ordinance.
- d. Selling or distributing tobacco products in a school, public playground or other facility frequented by minors, and all hospital and medical premises either public or private or within 100 meters from any point in the perimeter of these places.
- e. Placing, posting, or distributing advertisement and promotional materials of tobacco products, such as leaflets, posters, display structures and other materials within 100 meters from the perimeter of a school, public playground, and other facilities frequented particularly by minors, hostel and recreational facilities for minors, including those frequented by them, or in an establishment such as hospital and medical premises either public or private when such establishment or its location is prohibited from selling tobacco products.
- f. Placing any form of tobacco advertisement outside of the premises of point-of-sale retail establishment; and
- g. Placing any stall, booth, and other displays concerning tobacco promotions to areas outside the premises of point-of-sale locations or adult-only facilities.
- h. Ordering, instructing or compelling a minor to use, light up, buy, sell, distribute, deliver, advertise or promote tobacco products.

**SECTION 7. - Minimum Age Sales** - Under this ordinance, it shall be unlawful:

- a. For any retailer of tobacco products to sell, or distribute tobacco products to any minors;

- b. For any person to purchase cigarettes or tobacco products from a minor;
- c. For a minor to sell or buy cigarettes or any product products;

It shall not be a defense for the person selling or distributing that he/she did not know or was not aware of the real age of the minor. Neither shall it be a defense that he/she did not know nor had any reason to believe that the cigarette or any other tobacco product was for the consumption of the minor to whom it was sold.

**SECTION 8 - Standards for Designated Smoking Areas (DSAs)-**

All DSAs shall comply with the following standards:

- (1) There shall be no opening that will allow air to escape from the DSA to the smoke-free area of the building or conveyance, except for a single door equipped with an automatic door closer, provided that, if the DSA is not located in an open space, such door shall open directly towards a Non-Smoking Buffer Zone (Buffer Zone) as defined in Section 4.
- (2) The DSA shall not be located in or within 10-meters from entrances, exits, or any place where people pass or congregate, or in front of air intake ducts;
- (3) The combined area of the DSA and the Buffer Zone shall not be larger than 20% of the total floor area of the building or conveyance, provided that in no case shall such area be less than ten (10) square meters;
- (4) No building or conveyance shall have more than one DSA;
- (5) The ventilation system for the DSA other than in an open space and for the Buffer Zone shall be independent of all ventilation systems serving the rest of the building or conveyance;
- (6) Minors shall not be allowed inside the DSA and the Buffer Zone;
- (7) The DSA shall have the following signages highly visible and prominently displayed:
  - (7.1) "Smoking Area" signage;
  - (7.2) Graphic health warnings on the effects of tobacco use; and
  - (7.3) Prohibition on the entry of persons below eighteen (18) years old.
- (8) Other standards and specifications to better ensure a smoke-free environment as may be prescribed by the Inter-Agency Committee Tobacco under Republic Act 9211, provided that such standards and specifications are consistent with this ordinance and that persons-in-charge are given sixty (60) days to comply.

However, there shall be no DSAs in the following public places:



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- (a) Centers of youth activity, such as: playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for minors;
- (b) Elevators and stairwells;
- (c) Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;
- (d) Within the 100 meters radius of the buildings and premises of public and private hospitals and medical premises; and
- (e) Food preparation areas.

Nothing in this ordinance shall compel persons-in-charge to establish DSAs nor prevent them from instituting more stringent measures in their buildings and establishments to better ensure a smoke-free environment in their premises.

**SECTION 9. - Penalties** - Any manager, administrator or head of office of any government office who allows or condones any person to engage in any tobacco, cigar or cigarette smoking within its premises or to provide for smoking areas therein as herein provided and any owner, manager or administrator of any private business or commercial establishment, or any driver or operator of any motorized public conveyances, who allows or condones any person to engage in tobacco, cigar or cigarette smoking within the premises or conveyances, shall suffer the following administrative fines and penalties to wit:

First Offense	P2,000.00 Fine
Second Offense	P3,000.00 Fine
Third Offense	P4,000.00 Fine
Subsequent Offenses	P5,000.00 Fine and Cancellation of Mayor's Permit and Business Permit

Any person who engages in tobacco, cigar and cigarette smoking in any of the public places hereinabove enumerated, except in smoking areas as herein provided, shall suffer the following administrative fines and penalties, to wit:



First Offense	P1,500.00 Fine
Second Offense	P2,500.00 Fine
Third Offense	P3,500.00 Fine
Subsequent Offenses	P5,000.00 Fine and prosecution under this ordinance

Any person who violates any of the provisions of this ordinance and refuse to pay the administrative fines hereinabove provided within three (3) days from apprehension, shall suffer the

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penalty of imprisonment for a period of not less than six (6) months but not more than one (1) year and to pay the fines of not less than Three Thousand (P3,000.00) Pesos but not more than Five Thousand (P5,000.00) Pesos, at the discretion of the court.

**SECTION 10. - Smoking Cessation Program** - A Local Smoking Cessation Program is hereby established in the City Health Office in cooperation with public and private facilities which may be able to provide for the requirements of the program. Smokers who are willing to quit and/or those found violating this Ordinance may be referred to the Smoking Cessation program and its facilities.

**SECTION 11. - Smoke-Free 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 Naga City Police Office and the Smoke-Free Task Force are directed to carry out the provisions of the law, including the apprehension of violators and the institution of criminal proceedings for violations of this Ordinance<sup>3</sup> in accordance with relevant laws, rules and regulations and strictly observing due process. The Task Force shall be composed of the following:

- a. Health Officer - Chairman
- b. Health Education and Promotion Officer - Vice-Chairman
- c. Legal Officer
- d. Information Officer
- e. Building Officer
- f. Business Permits and License Officer
- g. Representative of the Naga City People's Council
- h. Representative of the Naga City Police Office (NCPO)
- i. President of the Liga ng mga Barangay

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

 The duties and responsibilities of the Task Force are basically to receive, review and process reports of and complaints for violations of this Ordinance and deputize enforcers.

**SECTION 12. - Enforcement on 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 Permits and License Office, shall conduct inspections of establishments and buildings to determine



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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 City, whichever is more frequent, during normal hours of operation of the establishment. The inspection team shall issue a Citation Ticket against the establishment upon finding of 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 of the establishment 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 the violation of this Ordinance.

**SECTION 13. - Repealing Clause** - Ordinance No. 93-086 and Ordinance No. 95-070 and all other ordinances contrary to or inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

**SECTION 14. - 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 15. - Effectivity** - This Ordinance shall take effect immediately upon its approval and fifteen (15) days after its publication in a newspaper of local or general circulation or posting in at least two (2) conspicuous places in the City of Naga.

ENACTED: September 26, 2017

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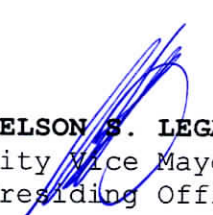
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**WE HEREBY CERTIFY** to the correctness of the foregoing ordinance.

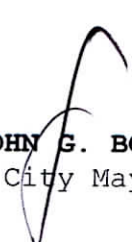


**GIL A. DE LA TORRE**  
Secretary to the  
Sangguniang Panlungsod



**NELSON S. LEGACION**  
City Vice Mayor &  
Presiding Officer

APPROVED:



**JOHN G. BONGAT**  
City Mayor *10/2/17*