



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 95-070

AN ORDINANCE PROHIBITING TOBACCO, CIGAR AND CIGARRETE SMOKING IN PUBLIC PLACES, AND PROVIDING PENALTIES FOR VIOLATIONS THEREFOR: -

Author: Hon. Jose Rañola

Be it ordained by the Fifth Sangguniang Panlungsod of the City of Naga, "An puso kan Kabikolan' that:

SECTION 1. - 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, eateries, video and amusement centers, and other 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 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;
- g. All classrooms and school premises of any public or private educational institution, hospital premises, medical, dental & optical clinics, centers and dispensaries, and all churches, mosques and other places of religious worship.

SECTION 2. - PERSONS LIABLE. - No person shall engage in tobacco, cigar or cigarette smoking or any owner, manager or administrative or head of office of any government office or private business establishments or office, or operators and drivers of any public conveyances, shall allow or condone any person to engage in tobacco, cigar, or cigarette

smoking, in whatever form or manner in the places herein-above enumerated, except as herein otherwise provided.

SECTION 3. - Smoking Areas - national and local government offices shall provide smoking areas within their respective premises where tobacco, cigar or cigarette smoking shall be allowed.

Private business or commercial establishments may, at their option, provide for smoking areas within their respective premises; provided, that if no such smoking areas are provided the entire premises shall be covered by the provisions of this ordinance.

Smoking areas shall in no case be provided in classrooms and premises of any public or private educational institution, elevators, passenger buses, jeepneys, trimobiles and other motorized public conveyances, or in warehouses and other storage places for flammable or combustible materials, explosives, gasoline and other petroleum products.

Where and when allowed under this Ordinance, smoking areas be well ventilated, allowing a free or unimpeded flow of air in such a manner as not to affect non-smoking areas. For this purpose, the city engineer or his authorized representative shall regularly and effectively monitor compliance with this ordinance.

SECTION 4. - PENALTIES. - Any manager, administrator or head 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	P 500.00	Fine
Second Offense	P 1,000.00	Fine
Third Offense	P 1,500.00	Fine
Fourth Offense	P 2000.00	Fine and Cancellation of mayors Permit and Business Permit and Prosecution under this Ordinance.

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

First Offense	P 200.00	Fine
Second Offense	P 300.00	Fine
Third Offense	P 500.00	Fine
Fourth Offense	P 1,000.00	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 penalty of imprisonment for a period of not less than six (6) months but not more than (1) year and to pay a fine 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 5. - REPEAL OF PREVIOUS ORDINANCES. - Ordinance No. 93-086, series of 1993 and all other ordinances inconsistent with any of the provisions of this ordinance are hereby repealed.

SECTION 6. - EFFECTIVITY. - This ordinance shall take effect immediately upon its approval and publication hereof as provided by law.

ENACTED: October 4, 1995

WHEREBY CERTIFY to the correctness of the foregoing ordinances.

LOURDES V. ASENCE, M.D.
City Vice Mayor & Presiding Officer

J. ANTONIO A. AMPARADO
City Secretary

APPROVED:

JESSE M. ROBREDO
City Mayor