



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Telephone no. 861-0181/Fax: 862-6473
Email address: sangguniangpanlungsod2k19@gmail.com



ORDINANCE NO. 2020-051

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF ORDINANCE NO. 17-072, (SECTIONS 4, 8, 9, 11 AND 20) OTHERWISE KNOWN AS THE ANTI-SMOKING ORDINANCE.

Sponsored By:

Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Alexson V. Diaz
Hon. Coun. Paty Katy C. Boncayao
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Ting Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Ivey Rhia A. Tadea
Hon. Coun. Engr. Marissa C. Rongavilla
Hon. Coun. Francis Ian T. Bagatsing
Hon. Coun. Mark Lester M. Baes
Hon. Coun. Ma. Dhesiree G. Arevalo
Hon. Coun. Engr. Mamerto T. Sevilla, Jr.
Hon. Coun. Engr. Arlene D. Hilapo
Hon. Coun. Cornelio M. Martinez
Hon. Coun. Walter A. Arcilla
Hon. Coun. Kenichi D. Takagi, Jr.

WHEREAS, the Sangguniang Panlungsod of Muntinlupa, on 06 March 2017, during its 29th Regular Session, passed Ordinance No. 17-072, Known as "**An Ordinance Prohibiting the Use, Sale, Distribution and Advertisement of Cigarettes and other Tobacco Products and Electronic Cigarettes in Certain Places, Imposing Penalties for Violations Thereof and Providing Funds Therefor and for Other Purposes**";

WHEREAS, the City of Muntinlupa has been strictly implementing the said Ordinance and advocating a smoke-free environment;

WHEREAS, the City of Muntinlupa is renewing its focus to wellness, a healthy environment and over-all good health of its people by decreasing the incidence of smoking related illnesses;

WHEREAS, there is a need to increase the penalties provided in the Ordinance and to intensify the campaign against smoking in order to further discourage smoking and vaping in the City and to decrease the number of incidence of smoking in public places and other prohibited designated areas;

WHEREAS, apprehended violations of the ordinance are often not to hold liable or prosecuted due to deliberate misinformation or by giving false names and addresses;

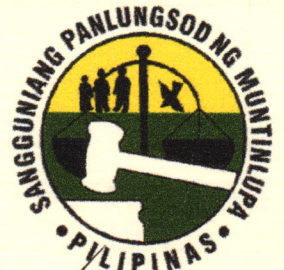
NOW THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED, by the 9th Sangguniang Panlungsod of Muntinlupa in session assembled that:

SECTION 1. Short Title. This ordinance shall be known as an Amendment to Ordinance 17-072."



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SECTION 2. Designated Smoking / Vaping Area. Designated Smoking/ Vaping area shall not be located in places where absolute smoking bans are in effect, such as, but not limited to: centers of youth activity such as playschools, preparatory schools, elementary schools, **high school, senior high schools**, colleges and universities, youth, hostels and recreational facilities for **persons under (18) years old**, elevators and stairwells; locations in which fire hazards are still present, including gas stations and storage areas for flammable liquids, gas explosives or combustible materials; within the buildings and premises of public and private hospitals, medical, dental, and optical clinics, health centers nursing homes dispensaries and laboratories; food preparation areas; public conveyances and in enclosed, partially enclosed and outdoor areas of transport terminals that are near entrances and exits or where people congregate; **within the buildings and premises of all government facilities** and premises of all offices of the Department of Health, Department of Education, Commission on Higher Education, Department of Social Welfare and Development and the Civil service Commission and **all local government offices in the City, parks, plazas, playgrounds, sports and recreational facilities**, and other facilities where absolute Smoking Ban is Imposed under special laws administrative and executive orders, memorandum circulars and related policies."

SECTION 3. Definition of ENNDS. Electronic Non Nicotine Delivery Systems (ENNDS) shall now be defined as "a combination of non- tobacco containing e-liquids or refills and an electronic delivery device to produce an aerosol, mist or vapor that users inhale by mimicking the act of Smoking (A.O No. 2019-0007).

SECTION 4. Definition of Public Places. Public places shall now mean 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, schools, workplaces, government facilities, malls, establishment 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 center, church grounds or places of worship, healthy/hospital compounds, transportation terminals, markets, parks, resort, walkways/sidewalks, entrance ways waiting areas, and the like,"

SECTION 5. Schedule of Penalties. The following penalties shall be imposed for violation of this Ordinance:

- a. Violation of Section 5 (a), (b) Smoking or Vaping and Section 6:
- | | | |
|------|-------------------------|---|
| i. | 1 st Offense | Php 1,000.00 or Four (4) hours community service |
| ii. | 2 nd Offense | Php 2,000.00 or Six (6) hours community service |
| iii. | 3 rd Offense | Php 3,000.00 or Ten (10) hours community services |



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- b. Violation of Section 5 (c) to (q) Sales/ Access Restriction and Advertising and Promotions Ban:
- 1st Offense Php 3,000.00 or Ten (10) hours community service
 - 2nd Offense Php 4,000.00 or Fourteen (14) hours community service
 - 3rd Offense Php 6,000.00 or Sixteen (16) hours community service

SECTION 6. Penalties for Foreign Nationals. Subject to the provisions of International law and guidelines set forth by the **Bureau of Immigration and Deportation**, foreign nationals violating the provision of this ordinance shall likewise be subject to the penalties provided in the preceding section.

SECTION 7. Confiscation or Removal. Tobacco products, ENDS and their advertising/promotions paraphernalia associated with any violation of the prohibited acts in this ordinance may be subject to confiscation and/or removal. **Confiscated products and materials shall be inventoried and recorded in the Citation Ticket and turned over to the Task Force. The Task Force shall recommend the safest method of disposal of confiscated products and materials. Confiscated items shall be disposed on a regular basis in a manner which will render them unfit for consumption, taking into consideration the pollution control laws and other policies on waste disposal;**

SECTION 8. Information on the Citation Ticket. Citation Ticket shall contain the following Information:

1. **Name, Age, Address (too be verified) and other information of the violator. The apprehending officer must request an Identification Card of the violator;**
2. **Checklist of the violations incurred under this Ordinance;**
3. **Schedule of fines associated with each violation;**
4. **Option to render community service in case the violator is unable to pay fine;**
5. **Due date for compliance with the obligations imposed as found enumerated in the Ticket; and**
6. **Inventory of Confiscated/Removed Materials (description and quantity)**

SECTION 9. Additional Member in the Smoke-free Task Force. Additional member of the Task Force includes the Head of the **Sanitation Section of City Health Office (CHO)** with the following responsibilities;

1. Lead the monitoring and inspection team together with the sanitary inspectors, enforcers and or Task Force members, the compliance of this ordinance in public places, establishments, conveyances, point-of-sales and including the approval/disapproval of permits in designated smoking areas (DSA) as well as permits/licenses for Tobacco/ENDS Point-of-sales.
2. Facilitated the serving of notices, imposition of fines suspension or revocation of permits/licenses for violations upon the instruction of the city Health Officer.



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3. Assist, together with the City Health Officer, the hospitals and health facilities including any office to the Department of Health within the LGU together with enforcers and/or Task Force members in the monitoring of Tobacco/ENDS product sales, advertisements and promotions within 100 meters from the perimeter of schools, playgrounds, facilities frequented by minors and health facilities.

Task Force Secretariat will be composed of **three (3) persons from City Health Office (CHO)** and will be responsible for the issuance of notices of meetings, preparation of venue for the meetings, documentation and other logistical requirements thereof, writing, filing and dissemination of minutes of the meeting(s), drafting of correspondence, coordination with concerned agencies local and national and other duties which may be assigned thereto.

SECTION 10. Incentives for Apprehending Officers. Incentives for the apprehending enforcers' share of the proceeds from penalties shall be paid subject to guidelines to be passed by the Task Force, but not to exceed limitations set forth by policies or guidelines by the Commission on Audit, Department of Budget Management and other national agencies."

SECTION 11. No Contest Provision (n). Any person apprehended for violation of this Ordinance who does not wish to contest the violation and is willing to pay the fine imposed prior to the filing of formal complaint before the Office of the City Prosecutor, shall be allowed to pay the fine imposed with the City Treasurer's Office under the following conditions:

1. **The violator must pay the fine imposed within five (5) working days from issuance of the Citation Ticket with the City Treasurer's Office.**
2. **The violator may invoke the No Contest Provision for a maximum of three (3) times only.**
3. **Upon payment of the fine, the violator must present the official receipt to the task force who handles the case files in order for the case to be considered closed.**
4. **Failure of the violator to avail of the No Contest Provision at the lapse of Five (5) working days, apprehending officer shall endorse the case to the City Prosecutor's Office for filing of the proper charge.**

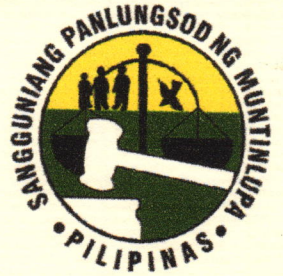
SECTION 12. Voluntary Community Service. Violators who are unable to pay fine or who opt to render community service shall immediately be referred to the Environment Sanitation Center (ESC) or to an appropriate department/office as maybe determined by the Task Force for the completion of the voluntary community service.

Upon the completion of the community services which must be rendered not longer than **one (1) month** from the date of issuance of Citation Ticket, the ESC or other departments which imposed the community service, shall submit a report to the apprehending officer who shall evaluate and verify the same and the case shall be considered closed. Violators may avail of community service shall mean filling of the necessary complaint against the violator. Prescription period is deemed suspended during the duration of community service."



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SECTION 13. Penalty for giving false or incomplete Name, Address and other information. - Apprehended violators who will furnish false or incomplete name, address and other information to mislead or to deceive to avoid culpability for the violation shall be charged with estafa or misrepresentation as defined and penalized under the Revised Penal Code.

SECTION 14. Honorarium of Members. Members of the Task Force and Secretariat shall be entitled to honorarium equivalent to **One Thousand Pesos (Php1,000.00)** per meeting, regular or special, for a maximum of **three (3) meetings per quarter**, to be sourced from the **Trust Fund**, subject to availability of funds and the usual government accounting and auditing rules and regulations.

SECTION 15. Separability Clause – If, for any reason or reasons, any part or provisions of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 16. Repealing Clause. All previous ordinances inconsistent with this ordinance shall be deemed repealed or modified accordingly

SECTION 17. Effectivity Clause – This ordinance shall take effect **fifteen (15)** days after its completion of its publication in a newspapers of general circulation.

ENACTED, by **9th Sangguniang Panlungsod of Muntinlupa** this **27th** day of **January, 2020**, on its **29th Regular Session**.

CONCURRED:

DISTRICT 1:

COUN. ATTY. RAUL R. CORRO
Member

COUN. ALEXSON V. DIAZ
Member

COUN. PATY KATY C. BONCAYAO
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. ALLAN REY A. CAMILON
Member

COUN. TING NIEFES
Member

COUN. STEPHANIE G. TEVES
Member

COUN. IVEE RHIA A. TADEFA
Member



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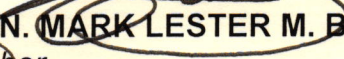


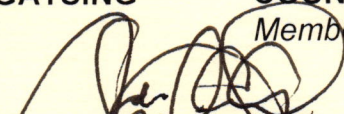
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DISTRICT 2



COUN. ENGR. MARISSA C. RONGAVILLA
Member


COUN. FRANCIS IANT T. BAGATSING
Member

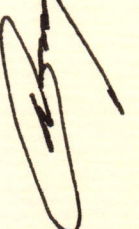

COUN. MARK LESTER M. BAES
Member



COUN. MA. DESIREE G. AREVALO
Member


COUN. ENGR. MAMERTO T. SEVILLA, JR.
Member

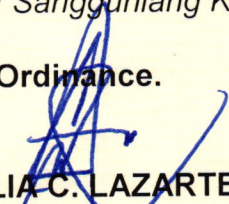

COUN. ENGR. ARLENE D. HILAPO
Member


COUN. CORNELIO M. MARTINEZ
Member

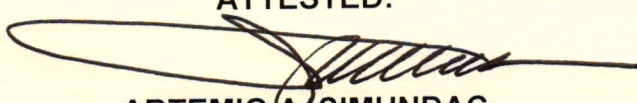

COUN. WALTER A. ARCILLA
President
Sectoral Representative
Association of Barangay Chairman


COUN. KENICHI D. TAKAGI, JR.
President
Sectoral Representative
Federation of Sangguniang Kabataan

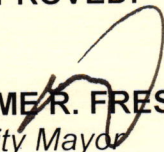
I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.


CECILIA C. LAZARTE
Secretary to the Sangguniang


ATTESTED:


ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:


ATTY. JAIME R. FRESNEDI
City Mayor

Date: 12 FEB 2020


Norei/9th SP