



Republic of the Philippines
CITY COUNCIL
Quezon City
15th City Council

PO2004-110

23rd Regular Session

ORDINANCE NO. SP- 1515 S-2005

AN ORDINANCE REGULATING SMOKING IN PUBLIC PLACES, INCLUDING PUBLIC CONVEYANCES AND PROVIDING PENALTIES THEREFOR IN ACCORDANCE WITH THE IMPLEMENTING RULES AND REGULATIONS OF THE TOBACCO REGULATORY ACT OF 2003, AMENDING FOR THE PURPOSE, ORDINANCE NO. NC-73, S-89.

Introduced by Councilors **BERNADETTE HERRERA-DY, DANTE M. DE GUZMAN, RESTITUTO B. MALAÑGEN, ERIC Z. MEDINA** and **RAMON P. MEDALLA**.

WHEREAS, Her Excellency Gloria Macapagal Arroyo recognizing the need for a balanced policy that takes into account the need for both a healthful environment and the protection of the citizens from the hazards of tobacco smoke and at the same time to ensure that the interest of tobacco farmers, growers, workers, and other stakeholders are not adversely compromised by the Tobacco Regulatory Act of 2003 (RA9211);

WHEREAS, Section 39 RA 9211 explicitly provides that "all ordinance which are inconsistent with the TRA are repealed or amended accordingly" and Title VI, Rule II, Section 2 of the Implementing Rules and Regulations charges mayors and building officials, among others, with the responsibility of ensuring all compliance with its tenets;

WHEREAS, to fully protect the public health and welfare vis-a-vis the interests of other stakeholders, there is a need to pass a local ordinance which will regulate smoking in public places and conveyances in accordance with existing laws.

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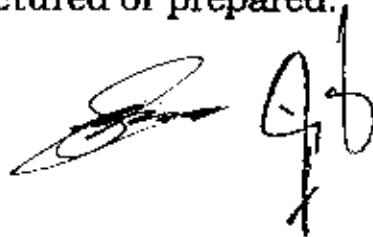
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED:

SECTION 1. Section 1, of Ordinance No. NC-73, S-89 is hereby amended as follows:

Section 1. **SMOKING BAN IN PUBLIC PLACES.** - Smoking shall be absolutely prohibited in the following public places:

- 1.1. Centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels, and recreational facilities for person under eighteen (18) years old. Such recreational facilities for persons under eighteen (18) years old shall include, but not limited to, playgrounds;
- 1.2. Elevators and stairwells;
- 1.3. Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;
- 1.4. Within the buildings and premises of public and private hospitals, medical, dental and optical clinics, health centers, nursing homes, dispensaries and laboratories;
- 1.5. Public conveyances and public facilities including airport and ship terminals and train and bus stations, restaurants and conference halls, except for separate smoking areas; and
- 1.6. Food preparation areas. Food preparation areas include areas where food or beverage is actually being manufactured or prepared.



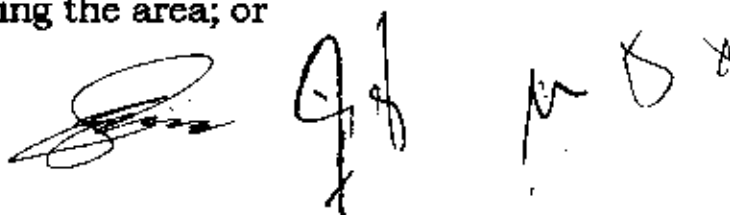
Section 2. DESIGNATION OF SMOKING AND NON-SMOKING AREAS. - In all enclosed places that are open to the general public, public and private workplaces, and other places not covered by Section 1 of this ordinance, where smoking may expose a person other than the smoker to tobacco smoke, the owners, proprietors, operators, possessors, managers or administrators of such places shall establish smoking and non-smoking areas. Such areas may include a designated smoking area within the building, which may be in an open space, or a separate area with proper ventilation, but shall not be located within the same room that has been designated as a non-smoking area.

Section 3. STANDARDS FOR DESIGNATED SMOKING AREAS. - The owners, proprietors, operators, possessors, managers or administrators of establishments not covered by Section 1 of this ordinance shall determine the size and specifications of the smoking or non-smoking area: Provided, that the following standards shall be observed:

3.1. The designated smoking area other than in an open space shall be completely enclosed or physically separated from the rest of the premises and equipped with adequate ventilation in conformity with the provisions of Presidential Decree No. 1096, otherwise known as the "National Building Code", and the Philippine Society of Mechanical Engineers Code.

3.2. Separation of the designated smoking area other than in an open space shall be effected through any of the following means:

3.2.1. The designated smoking area must be fully separated from smoke-free area by continuous floor-to-ceiling or floor-to-floor solid partitions which are interrupted only by doors equipped with door closers, and which must be kept constantly closed except when a person is entering or exiting the area; or

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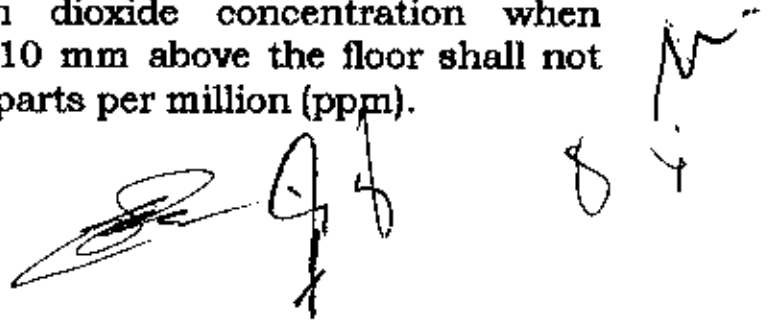
3.2.2. The designated smoking area must be set apart, enclosed or confined by means other than those described in Section 3.2.1, Provided, that said means enable compliance to air quality standards set forth in the National Building Code and the Philippine Society of Mechanical Engineers Code, as follows;

3.2.2.1. The temperature and humidity of the air to be used for comfort cooling shall be maintained a 20 - 30 C effective temperature at an air movement of 4,570 to 7,620 mm/min with the living zone and 55 to 60% relative humidity.

3.2.2.2. The air quality in such occupied spaces shall at all times be free from toxic, unhealthful, or disagreeable gases and fumes and shall be relatively free from odors and dust.

3.2.2.3. The air in such occupied spaces shall at all times be in constant motion sufficient to maintain a reasonable uniformity of temperature and humidity but shall not cause objectionable drafts in any occupied portion. The air motion in such occupied spaces and in which the only source of contamination is the occupant, shall have a velocity of not more than 15.24 meter per minute as the air enters the living zone or 1,830 mm above the floor.

3.2.2.4. The air in all rooms and enclosed spaces shall be distributed with reasonable uniformity, and the variation in carbon dioxide content of the air shall be taken as a measure of such distribution. The carbon dioxide concentration when measures 910 mm above the floor shall not exceed 100 parts per million (ppm).

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3.2.2.5. The quality of air used to ventilate the space during the occupancy shall always be sufficient to maintain the standards of air temperature, air quality, air motion and air distribution. Ventilation requirements shall conform to the following Outdoor Air Requirement:

OUTDOOR AIR REQUIREMENT			
APPLICATION	OCCUPANTS SMOKING	CMM/ Person	
		RECOMMENDED	MINIMUM
Apartment, average	Some	0.567	0.283
Apartment, De luxe	Some	0.567	0.283
Banking Space	Occasional	0.283	0.213
Barber shop	Considerable	0.425	0.283
Beauty parlor	Occasional	0.283	0.213
Board room	Very heavy	1.417	0.567
Cocktail bar	Heavy	1.134	0.708
Department store	None	0.213	0.412
Director's room	Extreme	1.417	0.850
Drug store	Considerable	0.283	0.213
Factory	None	0.283	0.213
Funeral parlor	None	0.283	0.213
Hospital, private room	None	0.850	0.708
Hospital, ward	None	0.567	0.283
Hotel room	Heavy	0.850	0.708
Laboratories	Some	0.567	0.425
Meeting room	Very heavy	1.417	0.850
Offices, general	Some	0.425	0.283
Offices, private	None	0.708	0.425
Offices, private	Considerable	0.850	0.708
Restaurant, cafeteria	Considerable	0.340	0.283
Dining room	Considerable	0.425	0.340
Shop, retail	None	0.283	0.213
Theater	None	0.213	0.142
Theater	None	0.425	0.288

Section 4. Signage for designated smoking and non-smoking areas - All designated smoking areas shall have at least one (1) legible and visible sign posted saying "SMOKING AREA", in English or Filipino, for the information and guidance of all concerned. The sign shall be placed conspicuously at the entrance to the designated smoking area and shall be in accordance with the following specifications:

- 4.1 Overall Size of Sign - 297 x 210 mm
- 4.2 Font and Size for "NO SMOKING AREA" or "SMOKING AREA" - Arial Black, 122 pt.
- 4.3 Font and Size for "GOVERNMENT WARNING: - Arial Black, 48 pt.
- 4.4 Font and Size for "Tobacco Regulation Act" - Arial Black, 32 pt.

In addition, the sign or notice shall include a warning in English or Filipino about the ill effects of both direct and secondary exposure to tobacco smoke. Said warning, should be any of the following:

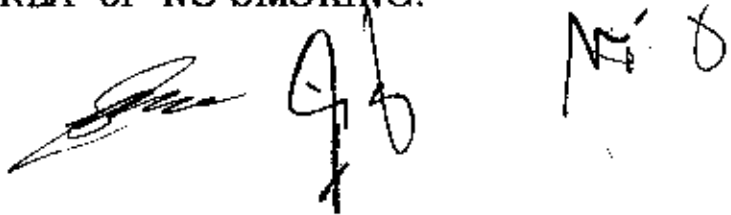
GOVERNMENT WARNING: CIGARETTE SMOKING IS DANGEROUS TO YOUR HEALTH (Babala: Ang Paninigarilyo ay Mapanganib sa Iyong Kalusugan)

GOVERNMENT WARNING: CIGARETTES ARE ADDICTIVE (Babala: Ang Sigarilyo ay Naka-ka-adik)

GOVERNMENT WARNING: TOBACCO SMOKE CAN HARM YOUR CHILDREN (Babala: Ang Usok ng Sigarilyo ay Mapanganib sa mga Bata)

GOVERNMENT WARNING: SMOKING KILLS (Babala: Nakamamatay ang Paninigarilyo)

Section 5. Under no circumstances shall any mark, device, word or image associated with any tobacco company or product be included in any of these signs and materials. Non-smoking areas shall likewise have at least one (1) legible and visible sign posted saying "NON-SMOKING AREA" or "NO SMOKING."

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SECTION 2. Section 2, Ordinance No. NC-73, S-89 is hereby amended to read as follows:

Section 6. PENALTIES. - On the first offense, a fine of not less than Five hundred Pesos (P500.00) but not more than One Thousand Pesos (P1,000.00) shall be imposed.

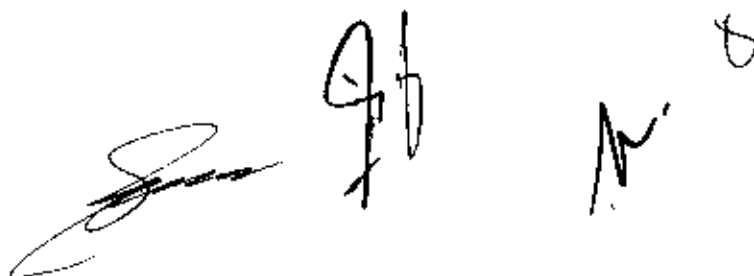
On the second offense, a fine of not less than One Thousand Pesos (P1,000.00) but not more than Three Thousand Pesos (P3,000.00) shall be imposed.

On the third offense, in addition to a fine of not less than Three Thousand Pesos (P3,000.00) but not more than Five Thousand Pesos (P5,000.00) the business permits and licenses to operate shall be cancelled and revoked.

SECTION 3. ADMINISTRATION AND AUTHORITY TO INSTITUTE ACTION. - The City Engineer's Office and Business Permits and Licensing Office are tasked to inspect and certify the appropriateness of the designated smoking areas provided by service establishments taking into consideration the air quality standards attached herein. To effectively implement this ordinance, the local chief executive upon the recommendation of the City Engineer's Office is authorized to institute criminal proceeding against the violators of this Ordinance.

SECTION 4. REPEALING CLAUSE. - All existing ordinances which are inconsistent with this ordinance are hereby repealed or modified accordingly.


SECTION 5. SEPARABILITY CLAUSE. - Should any provision of this ordinance be subsequently declared unconstitutional or invalid, the other provisions not so declared and not affected by such declaration shall remain in full force and effect.

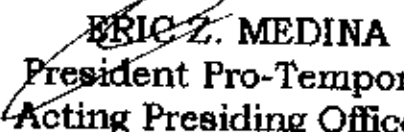
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SECTION 6. EFFECTIVITY. - These rules shall take effect fifteen (15 days) after its publication in at least two (2) newspapers of general circulation.


ADOPTED: March 8, 2005.

ATTESTED:


EUGENIO V. JURILLA
City Council Secretary

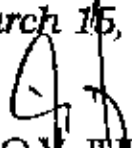

ERIC Z. MEDINA
President Pro-Tempore
Acting Presiding Officer

APPROVED: APR 29 2005


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on March 8, 2005, was finally PASSED on Third/Final Reading by the City Council on March 15, 2005.


EUGENIO V. JURILLA
City Council Secretary

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