



Republic of the Philippines  
**CITY COUNCIL**  
Quezon City  
15<sup>th</sup> City Council

PO2004-03

89<sup>th</sup> Regular Session

ORDINANCE NO. SP-**1420**, S-2004


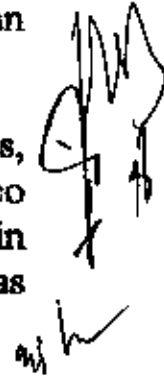
AN ORDINANCE MODIFYING ORDINANCE NO. NC-73, S-89, AS AMENDED, ENTITLED "BANNING SMOKING IN PUBLIC PLACES IN QUEZON CITY AND IMPOSING PENALTY FOR VIOLATION THEREOF" AND EXPANDING THE COVERAGE THEREOF IN ORDER TO IMPLEMENT THE INTENT AND SPIRIT CONTEMPLATED IN REPUBLIC ACT NO. 9211, OTHERWISE KNOWN AS THE "TOBACCO REGULATION ACT OF 2003.

Introduced by Councilors MARY ANN L. SUSANO, ANTONIO E. INTON, JR., VINCENT P. CRISOLOGO, VOLTAIRE GODOFREDO L. LIBAN III, RAMON P. MEDALLA, ERIC Z. MEDINA, JORGE L. BANAL, JULIAN M.L. COSETENG, JESUS MANUEL C. SUNTAY, RICARDO R. DEL ROSARIO, RESTITUTO B. MALAÑGEN and XYRUS L. LANOT.

WHEREAS, in a recent survey conducted by the World Health Organization (WHO) among the people of the world, it was found that between 3.5 million to 4 million people die each year from cigarette smoking and tobacco use including inhaling of secondary smoke. At the rate victims of smoking is going, it was predicted by WHO that death caused by smoking will increase more than double in 2004;

WHEREAS, findings from scientific and medical studies have revealed that cigarette smoking is really hazardous to health which invariably resulted to lung cancer, chronic obstructive pulmonary disease, coronary artery diseases, or cerebro-vascular diseases. It was also found that cigarette smokers including non-smokers who are exposed to tobacco smoke are susceptible to suffer from asthma, pneumonia, bronchitis and ear infections and that exposure of pregnant women and the new born can cause premature birth and slow development of the child;

WHEREAS, the Quezon City government, aware of the deleterious, harmful, hazardous and perilous effects of cigarette smoking and tobacco use, has approved a legislation banning smoking in public places in Quezon City with the enactment of Ordinance No. NC-73, S-89, as amended;

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WHEREAS, just recently, the Congress of the Philippines, in its desire to protect the Filipino people from hazardous products and to promote their health and general welfare, has passed Republic Act No. 9211, entitled "An Act Regulating The Packaging, Use, Sale, Distribution and Advertisement of Tobacco Products and for other purposes," which was signed into law by Her Excellency, President Gloria Macapagal-Arroyo, on June 23, 2003;

WHEREAS, with the enactment of RA 9211, it has become imperative to modify the provisions of the Quezon City Anti-Smoking Ordinance in order to harmonize the provisions thereof and to be in keeping with the spirit, object and aspiration contemplated in RA 9211.

NOW, THEREFORE,

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

SECTION 1. TITLE. - This Ordinance shall be known as the  
MODIFIED ANTI-SMOKING ORDINANCE OF QUEZON CITY.

SECTION 2. DECLARATION OF POLICY. - It is hereby declared  
the policy of Quezon City to protect the residents from the danger,  
hazardous and harmful effects of cigarette smoking and tobacco use and,  
consistent with the Constitutional ideal, promote the right to health and the  
general welfare and instill health consciousness among them.

SECTION 3. PURPOSES. - It is the principal purpose of this  
Ordinance:

- a. to ~~poster~~ foster and promote a sound and healthy environment;
  - b. to enlighten the public of the dangers and risks to health associated with cigarette smoking and tobacco use;
  - c. to protect the youth from being initiated to cigarette smoking and tobacco use by prohibiting the sale of tobacco products to minors;
  - d. to insure the physical well-being of both the smokers and non-smokers by discouraging cigarettes smoking and tobacco use.
- M. J. A. W.

**SECTION 4. DEFINITION OF TERMS. – As used in this Ordinance:**

- a. **CIGAR and CIGARETTE** – refers to any roll or tubular construction, which contains tobacco or its derivatives prepared for smoking or is intended to be burned or heated under ordinary conditions of use;
- b. **DISTRIBUTOR** – refers to any person whom a tobacco product is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer or common carrier of such product;
- c. **MINORS** – refers to any person below eighteen (18) years old;
- d. **PERSON** – refers to an individual, partnership, corporation or any other business or legal entity;
- e. **POINT-OF-SALE** - refers to any location at which an individual can purchase or otherwise obtain tobacco products;
- f. **PUBLIC CONVEYANCES** - any mode of transportation servicing the general population, such as, but not limited to elevators, buses, taxicabs, jeepneys, light train transit, tricycles and similar other vehicles;
- g. **PUBLIC PLACES** - refers to enclosed or confined areas of all hospitals, medical clinics, schools, public transportation terminals and offices, buildings such as private and public offices, recreational places, shopping malls, movie houses, hotels, restaurants and the like;
- h. **RETAILER** - refers to any person or entity that sells cigarettes and tobacco products to individuals for personal consumption;
- i. **SMOKING** - refers to the act of carrying a lighted cigarette or other tobacco products, whether or not it is being inhaled or smoked;
- j. **TOBACCO** - refers to agricultural components derived from the tobacco plant, which are processed for use in the manufacturing of cigarette and other tobacco products;
- k. **TOBACCO PRODUCTS** - refers to any product that consist of loose tobacco that contains nicotine and is intended for use in a cigarette, including any product containing tobacco and intended for smoking or oral or nasal use. Unless stated otherwise, the requirements of this ordinance pertaining to cigarettes shall also apply to other tobacco products;

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1. WARNING - refers to the notice printed on cigarettes and tobacco products or its container and/or displayed in print or aired in broadcast or electronic media including outdoor advertising and which shall bear information on the hazards of tobacco use.

**SECTION 5. PROHIBITED SMOKING IN PUBLIC PLACES. -**  
Smoking shall be absolutely prohibited in the following public places:

- a. All schools including playschools, preparatory schools, elementary schools, high schools, colleges and universities;
- b. Within government buildings and offices and all public places;
- c. Inside elevators and stairwells;
- d. Areas where fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosive or combustible materials;
- e. Within the premises of hospitals; medical, dental and optical clinics; health centers; nursing homes; dispensaries and laboratories;
- f. Public transportations/conveyances, and public facilities including train and bus stations and terminals, restaurants and conference halls, except in separate smoking areas; and
- g. Food preparation areas.

**SECTION 6. DESIGNATED SMOKING AND NON-SMOKING AREAS. -** In all enclosed places that are open to the general public, private workplaces and other places not covered under the preceding section, where smoking may expose a person other than the smoker to tobacco smoke, the owner, proprietor, operator, manager, or administrator of such places shall establish smoking and non-smoking areas. Such areas may include an enclosed designated smoking area within or outside the building.

All designated smoking areas shall have at least one (1) legible and visible sign posted, for the guidance and information of all concerned, to read as follows:

**SMOKING AREA**

In addition, the sign of notice posted shall include a warning about the health effects of direct or second hand exposure to tobacco smoke.

Non-smoking areas shall, likewise, have at least one (1) legible and visible sign, as follows:

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Handwritten signature/initials.

**NON-SMOKING AREA or NO SMOKING**

**SECTION 7. NO-SMOKING SIGN IN PUBLIC CONVEYANCE.** – Operators and drivers of any means of public transportation are required to post inside their motor vehicles the following signs:

**SMOKING INSIDE THIS VEHICLE IS PUNISHABLE BY A PENALTY OF:**

- 1<sup>st</sup> Offense - Fine of Five Hundred Pesos (P500.00)
- 2<sup>nd</sup> Offense - Fine of One Thousand Pesos (P1,000.00) or imprisonment of five (5) days or both at the discretion of the Court.
- 3<sup>rd</sup> Offense - Fine of Two Thousand Pesos (P2,000.00) or imprisonment of ten (10) days or both at the discretion of the Court.

**SECTION 8. VENDING MACHINES, SELF-SERVICE FACILITIES.** – Unless the vending machine has a mechanism for age verification, the sale or distribution of cigarettes and tobacco products to minors of a vending machine or any self-service facility or similar contraption or device is prohibited, except at point-of-sale establishment.

**SECTION 9. SALE OF CIGARETTES AND PURCHASE FOR MINORS.** – It shall be unlawful:

- a. For any retailer of cigarettes or any other tobacco products to sell or distribute cigarettes or tobacco products to any minor;
- b. For any person to purchase cigarettes or tobacco products from a minor;

It shall not be a defense for the person selling or distributing cigarettes or tobacco products 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 or 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 10. CIGARETTE VENDING WITHIN SCHOOL LIMITS.** – It is prohibited to sell or distribute cigarettes or tobacco products within one hundred (100) meters from any point of perimeter of the school, playground or any other facility frequented by minors.

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**SECTION 11. PENALTIES.** – The following penalties shall be imposed for violation of this Ordinance.

- a. First Offense – a fine of Five Hundred Pesos (P500.00) or imprisonment of five (5) days or both such fine or imprisonment at the discretion of the Court;
- b. Second Offense – a fine of One Thousand Pesos (P1,000.00) or imprisonment of ten (10) days or both fine or imprisonment at the discretion of the Court;
- c. Third and succeeding offenses – a fine of Two Thousand Pesos (P2,000.00) or imprisonment of both such fine and imprisonment at the discretion of the Court.

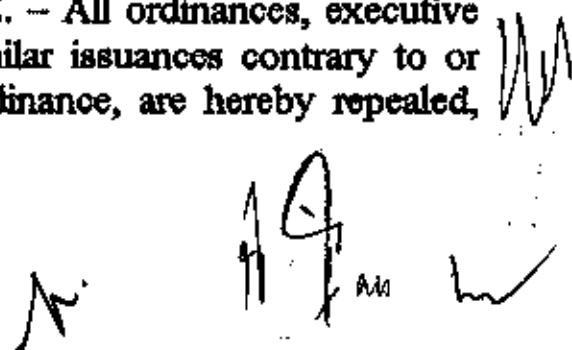
If the violation is committed by a retail or sari-sari store, convenience or grocery store or any other similar business entity, the owner, proprietor, president, or manager thereof shall be punished with the imposition of the penalties indicated above in addition to the revocation of the business permit or license to operate business.

If the minor is caught selling, buying or smoking cigarettes or any tobacco products, the provisions of Article 189 of Presidential Decree No. 603, otherwise known as the Child and Youth Welfare Code, as amended, shall apply.

**SECTION 12. IMPLEMENTING GUIDELINES.** – The Quezon City Health Department, with the cooperation of and close coordination with the Office of the City Secretary and the Office of the City Attorney, shall promulgate the rules and regulations, for the approval of the City Mayor, for the proper and effective implementation of this Ordinance.

**SECTION 13. SEPARABILITY CLAUSE.** – If, for any reason or reasons, any part or provisions of this Ordinance shall be declared to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full legal force and effect.


**SECTION 14. REPEALING CLAUSE.** – All ordinances, executive orders, rules and regulations and other similar issuances contrary to or inconsistent with the provisions of this ordinance, are hereby repealed, revoked or, otherwise, modified accordingly.




**SECTION 15. FOR INFORMATION DISSEMINATION AND PROPER GUIDANCE.** – A copy of this Ordinance shall be furnished the Quezon City Health Department; the Central Police District Office; the City Schools Division Office; the Department of Public Order and Safety; the Public Affairs and Information Office; all Quezon City Punong Barangay; the President of Quezon City Chamber of Commerce and Industries; all the Principals, Heads or Directors of the Public and Private Elementary, High Schools, Colleges and Universities; the Presidents of the drivers and operators associations of the public transport system including tricycles; the Presidents of hospitals, medical, dental and optical clinics associations, and other concerned offices and establishments in Quezon City.

**SECTION 16. EFFECTIVITY CLAUSE.** – This ordinance shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation.

ENACTED: February 17, 2004.

  
JORGE L. BANAL  
President Pro-Tempore  
Acting Presiding Officer

ATTESTED:


  
EUGENIO V. JURILLA  
City Council Secretary

APPROVED: APR 22 2004

  
FELICIANO R. BELMONTE, JR.  
City Mayor

**CERTIFICATION**

*This is to certify that this Ordinance which was APPROVED on Second Reading on February 24, 2004, was finally PASSED on Third/Final Reading by the City Council under Suspended Rules on the same date.*

  
EUGENIO V. JURILLA  
City Council Secretary