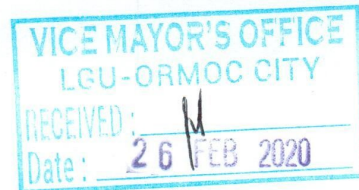


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL
ON FEBRUARY 24, 2020 IN LIEU OF
FEBRUARY 25, 2020



PRESENT:

Leo Carmelo L. Locsin, Jr.
Benjamin S. Pongos, Jr.,
Roiland H. Villasencio,
Tomas R. Serafica,
Nolito M. Quilang,
Eusebio Gerardo S. Penserga,
Jasper M. Lucero,
Peter M. Rodriguez,
Vincent L. Rama,
Gregorio G. Yrastorza III,
Lalaine A. Marcos,
Esteban V. Laurente,

Joan Marbie C. Simbajon,

City Vice Mayor & Presiding Officer
SP Member, Majority Floor Leader
SP Member, 1st Asst. Majority Floor Leader
SP Member, Presiding Officer "Pro-Tempore"
2nd Asst. Majority Floor Leader, SP Member
SP Member
SP Member
SP Member
SP Member
SP Member
SP Member
Ex-Officio SP Member, Chapter President,
Liga ng mga Barangay ng Ormoc
Ex-Officio SP Member, Chapter President,
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

PREFATORY STATEMENT

The Sangguniang Panlungsod ng Ormoc (this Sanggunian) was in receipt of an Endorsement from City Mayor Richard I. Gomez dated November 14, 2019 requesting for an amendment of Ordinance No. 047 to strengthen the implementation of anti-smoking ordinance and for other purposes;

To recall, Ormoc City Ordinance No. 047 s. 2017 otherwise known as "COMPREHENSIVE ANTI-SMOKING ORDINANCE OF ORMOC CITY" was enacted by this Sanggunian on October 3, 2017 for the purpose of declaring as a policy of the city to fully protect the public health and welfare of its constituents to live in a smoke-free environment;

The amendment sought is for the purpose of responding to the request of the Ormoc City Anti-Smoking Task Force through Resolution No. 01 s. 2019 requesting the 15th Sangguniang Panlungsod of Ormoc for the amendment of the City Ordinance No. 047 to strengthen the implementation of anti-smoking ordinance and for other purposes;

NOW THEREFORE, FOREGOING PREMISES CONSIDERED, on motion of SP Member Eusebio Gerardo S. Penserga, Chairman of the Committee on Health and Sanitation, severally seconded by SP Members Tomas R. Serafica, Vincent L. Rama, Gregorio G. Yrastorza III, Peter M. Rodriguez, Lalaine A. Marcos, Esteban V. Laurente and Joan Marbie C. Simbajon; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to enact:

**ORDINANCE NO. 015
(Series of 2020)**

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF
ORDINANCE NO. 047 SERIES OF 2017, OTHERWISE
KNOWN AS THE "COMPREHENSIVE ANTI-SMOKING
ORDINANCE OF ORMOC CITY" AND
INCORPORATING THEREIN NEW SECTIONS
DENOMINATED AS SECTIONS 7A, 7B, 8A, 11A, 15
AND 16.**

BE IT ENACTED, by the 15th Sangguniang Panlungsod in Regular Session assembled that:

SECTION 1. Section 3 of Ordinance No. 047 is hereby amended as follows:

"SECTION 3. DEFINITION OF TERMS.

1.) *There shall be a new item (d) to be inserted in Section 3, to wit:*

d) Citation Ticket – is a notice issued by an apprehending officer to a violator indicating the violations he/she committed in this ordinance. This ticket shall be issued by a person authorized to issue a citation ticket.

2.) *Item (f) of Section 3 is hereby deleted."*

In view of the above insertion and deletion, the succeeding provisions thereof shall be alphabetically rearranged.

SECTION 2. Section 4 (a) of Ordinance No. 047 is hereby amended to read as follows:

"SECTION 4. PROHIBITED ACTS.

a) Smoking within public places and public conveyances, whether stationary or in motion, except in DSAs fully compliant with the requirements of this Ordinance."

X X X

SECTION 3. There shall be a new item (k) to be inserted in Section 4 of Ordinance No. 047 to read as follows:

"SECTION 4. PROHIBITED ACTS.

X X X

k) Selling of tobacco products within the government agencies premises.

SECTION 4. The Section 7 of Ordinance No. 047 is hereby amended to read as follows:

"SECTION 7. PENALTIES.

a) For the first offense, a fine of not less than One Thousand Philippine Pesos (Php1,000.00) but not more than One Thousand Five Hundred Philippine Pesos (Php1,500.00);

- b) For the second offense, a fine of not less than One Thousand Five Hundred Philippine Pesos (Php1,500.00) but not more than Three Thousand Five Hundred Philippine Pesos (Php3,500.00), and if violator is a business entity, suspension of business permit of not less than one (1) month but not more than six (6) months upon the discretion of the court;
- c) For the third and subsequent offenses, a fine of not less than Three Thousand Five Hundred Philippine Pesos (Php3,500.00) but not more than Five Thousand Philippine Pesos (Php5,000.00).

X X X

X X X

X X X

Provided that for violation of Section 4(j), the penalty shall be Five Thousand Philippine Pesos (Php5,000.00) and for the business entity, suspension of business permit of not less than one (1) month but not more than six (6) months upon the discretion of the court;

The violator may elect to pay an administrative fine of One Thousand Philippine Pesos (Php1,000.00) for the first offense, One Thousand Five Hundred Philippine Pesos (Php1,500.00) for the second offense and Three Thousand Five Hundred Philippine Pesos (Php3,500.00) for the third offense directly to the Office of the City Treasurer by presenting the citation ticket issued by the apprehending officer within the three (3) days from the date of apprehension. After the lapse of three (3) working days from the date of apprehension without the payment of the administrative fine to the Office of the City Treasurer, the case may be filed against the violator in court."

SECTION 5. There shall be new sections to be inserted in the amended Ordinance denominated as Sections number 7A, 7B, 8A, 11A, 15 and 16 which shall read as follows:

"SECTION 7A. CITATION TICKET SYSTEM. Violators of this Ordinance shall be informed of their violation and the penalty associated with it by means of a Citation Ticket System with the following guidelines:

- a) Official booklets of Citation Tickets shall be issued by the City Treasurer to duly authorized enforcers within Sixty (60) calendar days of the effectivity of this Ordinance;
- b) A Citation Ticket shall be issued to the person/s liable for any violation of this Ordinance upon finding of the violation by duly authorized enforcers;
- c) A Citation Ticket shall contain the following information:
 - 1) Checklist of the violations under this Ordinance;
 - 2) The fines associated with each violation;
 - 3) Due date for compliance with the obligations imposed by the ticket.
- d) When a Citation Ticket is issued to a violator he/she shall report to the Treasurer's Office within three (3) working days after such issuance, where he or she shall pay the fine imposed under Penalties hereof;

e) The City Treasurer's Office shall keep a duplicate of all Citation Tickets issued to violators as well as other records of violations of this Ordinance;

f) The Citation Ticket shall be in four (4) copies in different colors for identification."

"SECTION 7B. DATABASE SYSTEM. The City Treasurer's Office shall provide a data of violators to the Information Technology Department for the creation of the database."

"SECTION 8A. INSTITUTIONALIZING A BARANGAY ANTI-SMOKING TASK FORCE.

Barangay Participation in Enforcement – The Punong Barangay and Barangay Council shall designate, with the approval of the Task Force and the Office of the City Mayor, one or more persons to act as apprehending officer or authorized enforcer that can issue a citation ticket to the violator.

Barangay Share of Funds – The amount of the corresponding administrative penalties collected by the City Treasurer's Office shall be downloaded to Barangay account and shall be apportioned as follows:

1. Fifty (50) Percent to the Barangay and Fifty (50) Percent to the City that will accrue to the respective Trust Liability Account intended to defray expenses and operational activities of the City Ordinance No. 047 series of 2017 and the Tobacco Prevention and Control Program."

"SECTION 11A. TRUST LIABILITY. The annual budget appropriated for this purpose, funds generated from other sources, such as, but not limited to, the proceeds from the administrative penalties shall be placed in a Trust liability (One Hundred Percent (100%)) of the proceeds will be placed in the Trust Liability, specifically intended to defray expenses and operational activities of the City Ordinance No. 047 and the Tobacco Prevention and Control Program of the City. The Ormoc City Anti-Smoking Task Force shall be empowered to determine how the trust liability is to be utilized in furtherance of the said Ordinance, subject however, to the usual government accounting and auditing procedures.

The above expenses include, but are not limited to:

- a) Cost of printing copies of the amended Ordinance, Citation Tickets, and Information, Education and Communication (IEC) materials pertaining to tobacco control;
- b) Cost of regular and periodic meetings of the Ormoc City Anti-Smoking Task Force;
- c) Cost of inspection and enforcement by the Task Force, including allowances for meals and transportation, the amounts of which shall be set by the Office of the City Mayor;
- d) Institutional and operating expenses of the smoking cessation program and facility;
- e) Other expenses associated with the implementation and enforcement of the Ordinance;

f) *Sharing of Proceeds from the Administrative Penalties is Fifty Percent (50%) of the amount of the corresponding penalties paid by a violator of the Ordinance to the City Treasurer's Office shall accrue to the Barangay Anti-Smoking Task Force for the purpose of the Anti-Smoking Program and the remainder of the proceeds from penalties collected as payment by violators shall form part of the above-mentioned Trust Liability."*

"SECTION 15. APPROPRIATION. The amount of One Million Philippine Pesos (Php1,000,000.00) for the implementation of this ordinance is hereby authorized to be appropriated in the city's Annual Budget."

"SECTION 16. IMPLEMENTING RULES AND REGULATIONS (IRR). The Ormoc City Anti-Smoking Task Force shall come up with an IRR within sixty (60) days from the effectivity of this Ordinance."

SECTION 6. REPEALING CLAUSE. All other provisions of Ordinance No. 047 which are not affected by these amendments shall remain to be in full force and effect.

SECTION 7. SEPARABILITY CLAUSE. If, for any reason, any part or provision of this Ordinance be declared unconstitutional or invalid, the other parts or provisions hereof not affected thereby shall continue to be in full force and effect.


SECTION 8. EFFECTIVITY. This Ordinance shall take effect immediately upon approval and after compliance with the posting and publication requirements of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

ENACTED, February 24, 2020.

RESOLVED, FURTHER, to furnish copies of this ordinance one each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the City Health Department; the City Budget Office; the City Accounting Office; the City Treasurer's Office; the City Local Government Operations Officer-DILG; the Office of the Liga ng mga Barangay ng Ormoc; to the One Hundred Ten (110) Barangays of Ormoc City and other offices concerned;

CARRIED UNANIMOUSLY.

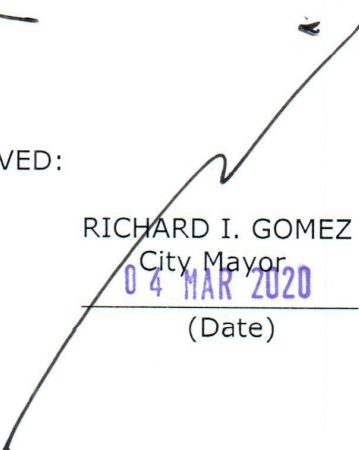
I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. CO HAT
Secretary to the
Sangguniang Panlungsod

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
City Vice Mayor & Presiding Officer

APPROVED:


RICHARD I. GOMEZ
City Mayor
04 MAR 2020
(Date)