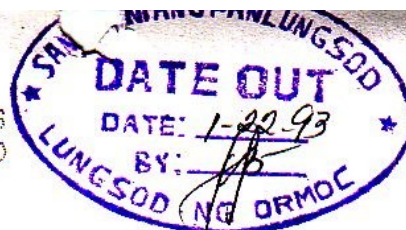
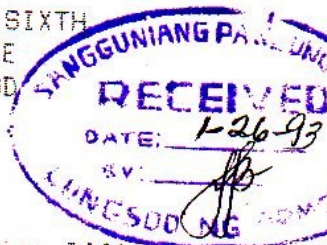


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SIXTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO SESSION HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON JANUARY 21, 1993



PRESENT:

Hon. Benjamin F. Tugonon,
Hon. Sotero M. Pepito,
Hon. Jose B. Conejos,
Hon. Celso P. Adolfo,
Hon. Sixto T. Pongos,
Hon. Benjamin B. Lladoc,
Hon. Mariano Y. Corro,
Hon. Nestor C. Penserga,
Hon. Claudio P. Larrazabal,
Hon. Alfredo F. Capahi,
Hon. Fernando P. Parrilla,
Hon. Angelyn R. Paca,

Vice-Mayor & Presiding Officer
Kagawad, Majority Floor Leader
Kagawad, Assistant Majority Floor Leader
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Kagawad
Kagawad
Ex-Officio Member, SK - Chairman, Kagawad

ABSENT:

Hon. Jose C. Alfaro, Jr.,

(On Leave),

Kagawad

RESOLUTION NO. 11
Series of 1993

WHEREAS, Article II, Section 15, of the Philippine Constitution, provides: "The State shall protect and promote the right to health of the people and instill health consciousness among them."

WHEREAS, to protect the health, especially of non-smokers from the harmful and disastrous effects of smoking, there is now a need to restrict smoking in public places so as not to inflict a malignant disease on others, after all, as the English philosopher John Stuart Mill says, "No one should be free to harm others."

WHEREAS, it has been rightfully said, that "a smoker's right ends where the non-smokers's nose begins."

NOW, THEREFORE, in order to comply with the aforecited constitutional provision so we can have a healthy Filipino citizenry, on motion of Kagawad Mariano Y. Corro, Chairman, Committee on Laws and Ordinance, and jointly seconded by Kagawad Pongos and Kagawad Paca;

RESOLVED, to enact:

ORDINANCE NO. 35

AN ORDINANCE PROHIBITING THE SMOKING OF CIGARETTES, CIGAR, PIPE OR TOBACCO IN PUBLIC BUILDINGS AND PLACES, AND INSIDE PUBLIC UTILITY VEHICLES AND TRICYCLES-FOR-HIRE IN THE CITY OF ORMOC, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

The SANGGUNIANG PANLUNGSOD OF ORMOC, in a regular session assembled, hereby ordains, that:

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

SECTION 2. That smoking is hereby recognized and declared injurious to one's health, as well as to persons who involuntarily inhale the smoke of other people's cigarette, cigar, pipe or tobacco.

SECTION 3. In order to protect the health of non-smokers, smoking shall be STRICTLY PROHIBITED in those public places within the territorial jurisdiction of Ormoc City, to wit:

- (a) Inside government offices, buildings, hospitals, medical, dental, and optical clinics and dispensaries, including, but not limited to corridors, stairways, inside elevators and canteens;
- (b) Inside privately-owned hospitals, medical, dental and optical clinics and dispensaries, including but not limited to corridors, stairways, inside elevators, canteens, restaurants, and other eating places which cater to the general public;
- (c) Inside classrooms, buildings, campuses of schools, whether public or private, training centers, seminar rooms, at the time classes, training, seminars or lectures are going on;
- (d) Inside cinema houses during screening or showing hours;
- (e) Inside churches, chapels, or other places of worship, where people congregate or assemble, during such congregation or assembly;
- (f) Inside public utility vehicles or tricycles-for-hire;
- (g) Disco houses and other places for public entertainment during the time when said places cater to the general public.

SECTION 4. The above prohibition shall not apply to those areas which have been designated as SMOKING AREAS with sufficient ventilation and available exhaust fans.

SECTION 5. Before an area can be designated as SMOKING AREA, the approval of the City Health Officer must first be secured by the owner, manager, operator, lessee, or the person in charge of the building or place where the SMOKING AREA is to be designated. The City Health Officer shall approve the request for the designation of a SMOKING AREA when sufficient ventilation and exhaust fans shall have been provided.

SECTION 6. Legible "NO SMOKING. VIOLATION PUNISHABLE UNDER EXISTING ORMOC CITY ORDINANCE NO. 35" signs shall be provided and posted in conspicuous places by the owner, manager, operator, lessee, or person in charge of the building or place where smoking is prohibited as provided for in section 3 hereof.

SECTION 7. Operators of public utility vehicles or tricycles-for-hire are required to post at the most conspicuous place inside their units legible "NO SMOKING VIOLATION PUNISHABLE UNDER EXISTING ORMOC CITY ORDINANCE NO. 35" sign.

The driver of the public utility vehicles and tricycles-for-hire must caution his passengers to refrain from smoking, otherwise, he will be held jointly and severally liable for the violation of this ordinance committed by his passengers. Co-passengers are encouraged to advise the passenger who is smoking to desist from smoking, and to report to the nearest policeman should the passenger insist on smoking inside the public utility vehicle or tricycle-for-hire.

SECTION 8. The act of smoking shall cover the carrying of a LIGHTED cigarette, cigar, pipe or tobacco, or other smoking paraphernalia.

SECTION 9. Any violation of this ordinance shall be penalized with a fine of not more than THREE HUNDRED (P300.00) PESOS, or by an imprisonment of not more than two (2) months, or both such fine and imprisonment at the discretion of the court: Provided, however, that if a violator opts not to be criminally prosecuted in court, and he/she shall agree to pay a fine, he/she shall be imposed an administrative fine of ONE HUNDRED (P100.00) PESOS, payable to the City Treasurer's Office of Ormoc.

In case of juridical persons, the manager, president, or the person charged with the responsibility of managing the business, shall be held liable for the violation hereof.

SECTION 10. This ordinance shall take effect Thirty (30) days after its approval.

SECTION 11. In order to comply with the provisions of Section 511, of Republic Act 7160, otherwise known as the Local Government Code of 1991, a copy of this ordinance shall be posted at prominent places in the City Hall, for a minimum period of three (3) consecutive weeks. The City Secretary shall likewise transmit official copies of this ordinance to the Chief Executive Officer of the Official Gazette within seven (7) days following the approval of this ordinance for publication purposes.

ENACTED, January 21, 1993.

RESOLVED, FURTHER, to furnish copies of this resolution-ordinance one copy each, to the Honorable City Mayor, the City Treasurer, the City Health Officer, the Municipal Trial Court, the Regional Trial Court, the City Prosecutor all of Ormoc City, for their information, and copies to be posted at prominent and publicly accessible place at the City Hall of Ormoc, and to all concerned.

I HEREBY CERTIFY to the correctness of the foregoing resolution-ordinance.

BENJAMIN F. TUGONON
Vice-Mayor & Presiding Officer

ATTESTED:

OSCAR LASAM
City Secretary

APPROVED

EUFROCINO M. CODILLA, SR.
City Mayor

1-25-93