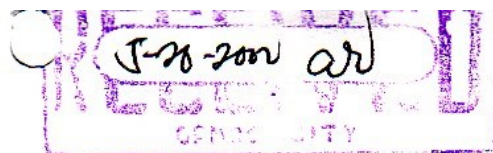




REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE NINTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON MAY 16, 2002



PRESENT:

Hon. Celso P. Adolfo,	Vice Mayor & Presiding Officer
Hon. Nepomuceno P. Aparis I,	City Councilor, Majority Floor Leader
Hon. Jose S. Serafica,	City Councilor, Minority Floor Leader
Hon. Ruviniu E. Mendola,	City Councilor, Assist. Maj. Floor Leader
Hon. Demosthenes F. Tugonon,	City Councilor
Hon. Eduardo P. Tan,	City Councilor
Hon. Rafael C. Omega, Jr.	City Councilor
Hon. Fernando P. Parrilla,	City Councilor
Hon. Gregorio A. Yrastorza, Jr.	City Councilor, Assist. Minority Floor Leader
Hon. Jovencio A. Laurente,	City Councilor
Hon. Fe. S. Lladoc,	City Councilor
Hon. Chiqui B. Labagala,	Ex-Officio City Councilor, SK Federation President
Hon. Porferia Ma. Codilla,	Ex-Officio City Councilor, Chapter President, Liga ng mga Barangay ng Ormoc effective June 28, 2001 in lieu of Hon. Fernando P. Parrilla who resigned.

ABSENT:
NONE

PREFATORY STATEMENT

WHEREAS, Section 15 of Article II of the Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them. Furthermore, the Constitution also provides priority health to the underprivileged, sick, elderly, disabled, women and children;

WHEREAS, a Child is one of the important assets of the nation. Every effort should be exerted to promote his welfare and enhance his opportunities for a useful life. And ensure the full enjoyment of the right of every child to live in society that offers and guarantees him safety, health, good moral environment and facilities for his wholesome growth and development;

WHEREAS, the Parents shall take special care to prevent the child from becoming addicted to harmful practices or vices, like the act of smoking tobacco products. We know of a fact that some parents tolerate their children the vice of smoking even though they knew the dangers behind it, they even tell their children to buy cigarettes and light if for them at the sari-sari store;

WHEREAS, the act of smoking usually done for curiosity, socializing, inherited from their parents or family members that will result to addiction or dependence on cigarette smoking. Cigarette smoking harms a person's body organs and it's the most important single preventable cause of death. One of the hazardous effects of smoking tobacco products is by inhalation and it is very dangerous to a person, especially to a child who is prone to diseases. It adversely affects nearly every system and function of the body, particularly those in respiratory cardiovascular system;

WHEREAS, a recent survey conducted by the World Health Organization (WHO) 33% of minors addicted to smoking worldwide is found in the Philippines. In another survey conducted among high school students, 28% of them smoke with an average onset of smoking aged from 14 to 17 years old;

WHEREAS, this ordinance is enacted to bring a healthy environment necessary to the normal growth of children and enhancement of their physical, mental and spiritual well-being;

WHEREFORE, foregoing premises considered, on motion of City Councilor Chiqui B. Labagala, Chairman, Committee on Youth Affairs, severally seconded by City Councilors Nepomuceno P. Aparis I, Gregorio A. Yrastorza, Jr., and Ruviniou E. Mendola; be it

RESOLVED, to enact:

ORDINANCE NO. 090

AN ORDINANCE BANNING THE SALE OF CIGARS AND CIGARETTES TO MINORS AND THE SELLING OF CIGARS AND CIGARETTES BY MINORS IN THE CITY OF ORMOC.

BE IT ORDAINED by the Ninth Sangguniang Panlungsod ng Ormoc; That:

SECTION 1. TITLE. This Ordinance shall be known as "AN ORDINANCE BANNING THE SALE OF CIGARS AND CIGARETTES TO MINORS AND SELLING OF CIGARS AND CIGARETTES BY MINORS IN THE CITY OF ORMOC.

SECTION 2. DECLARATION OF PRINCIPLES AND POLICIES.

- a) Section 15 of Article II of the Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them. Furthermore, the Constitution also provides priority health to the underprivileged, sick, elderly, disabled, women and children.
- b) The state recognizes that cigarettes and other tobacco products contain hazardous and addictive substances and therefore dangerous to the health of the public when used.
- c) The State as a matter of policy shall continue to take special measures to protect and to discourage minors from smoking, procuring, selling and trying the vice of smoking.

SECTION 3. PURPOSES. This Ordinance is enacted for the following purposes:

- a) Establish a minimum age limit of at least below 18 years old for the unlawful sale of tobacco products.
- b) Restrict youth access to tobacco products by eliminating tobacco product availability to minors at point of sale.
- c) Impose fines and penalties for violations thereof, and
- d) Adopt education programs on youth anti-smoking

SECTION 4. DEFINITION OF TERMS

- 1) TOBACCO PRODUCTS - refers to manufacture products of tobacco products such as cigars or cigarettes or other similar products.
- 2) CIGARS - shall refer to small rolls of tobacco leaf or leaves of smoking.
- 3) CIGARETTE - shall refer to a slender rolls of cut tobacco rolled in paper or other materials meant to be smoked
- 4) SMOKE - means to inhale and exhale the fumes, to use tobacco by drawing the smoke there from inhalation and exhalation.
- 5) HAZARDOUS - shall refer to substances which present either:
 - i) SHORT TERM ACUTE HAZARD - such as acute toxicity by inhalation or eye contact hazard;
 - ii) LONG TERM HAZARD - including serious weakening of body defenses to certain diseases upon repeated exposure, carcinogenity or carcinogenic (cancer causing agents) or aesthetically objectionable properties such as offensive odors;
- 6) SELL - shall refer to the act of transferring ownership of a material or item of value from one person to another with monetary consideration.
- 7) PURCHASE - shall refer to the act of buying a material or item of value or monetary or any other consideration.
- 8) GIVING - shall refer to the act of transferring of tobacco products to minors.
- 9) MINOR - shall refer to any person below 18 years old.

SECTION 5. PROOF OF AGE.

a) Valid form of identification for determining proof of age shall include: birth certificate, baptismal certificate, passports, school records and any other forms of identification duly authenticated by proper office.

SECTION 6. PREVENTION OF YOUTH ACCESS TO TOBACCO PRODUCTS.

a) Wholesalers, retailers of tobacco products shall post the following notice in a clear and conspicuous manner in their establishment. "IT IS STRICTLY PROHIBITED TO SELL/OR TO GIVE TOBACCO PRODUCTS TO MINORS BELOW 18 YEARS OLD" or "GUINADILI SA PAGBALIGYA/UG PAGHATAG UG SIGARILYO/TABAKO SA MINOR DE EDAD (BELOW 18 YEARS OLD)".

SECTION 7. PROHIBITIVE ACTS

- a) It shall be unlawful for any person to sell or to give cigarettes or any cigar products to a minor or entertain the purchase of the same;
- b) It shall be unlawful for a parent to allow the minor children to purchase tobacco products;

- c) It shall be unlawful for a minor to sell cigarettes.

SECTION 8. ENFORCEMENT

- a) All school heads, supervisors and teachers are required to disseminate this city ordinance in their respective school campuses and authorized to apprehend, arrest or cause the apprehension or arrest of any minor/s who shall violate any of the foregoing provisions.
- b) Law Enforcers and City and Barangay Officials are authorized to arrest the violators of this ordinance.

SECTION 9. PENALTIES

- a) Any Filipino Citizen or Foreigner or any business entity (wholesaler, manufacturer, retailers or outlets of tobacco products) that violates this ordinance shall be punished by:
- 1) 1st OFFENSE - A fine of P500.00, but not more than P1,000.00 or imprisonment of 5 to 10 days at the discretion of the court.
 - 2) 2nd OFFENSE - A fine of not less than P1,000.00 but not more than P2,000.00 or imprisonment of 11 to 30 days at the discretion of the court.
 - 3) 3rd OFFENSE - A fine of not less than P2,000.00 but not more than P5,000.00 or imprisonment of 31 days but not more than 6 months at the discretion of the court.

Any violation of the provisions of this ordinance if committed by a corporation, partnership, association or similar entity, the President or Manager thereof shall be liable for the offense.

Aside from imposable penalties, the City Mayor may close the business connected with the selling of cigarettes/cigars.

- b) Persons who are caught giving/transferring tobacco products to minors shall be punished by a fine of P200.00 but not more than P500.00
- c) Parent/s that violates this ordinance shall be punished by:
- 1) 1st OFFENSE - A fine of P200.00, but not more than P500.00 and/or shall undergo anti-smoking seminar under the City Social Welfare and Development Office (CSWDO) in coordination with the City Health Office (CHO).
 - 2) 2nd OFFENSE - A fine of not less than P500.00 but not more than P1,000.00 and/or community service of 8 hours to be determined by those authorized to enforce this ordinance as defined under Section 8 (b) hereof.

3). 3rd & SUCCEEDING OFFENSES - A fine of not less than P1,000.00 but not more than P2,000.00 and/or community service of 16 hours to be determined by those authorized to enforce this ordinance as defined under Section 8 (b) hereof.

SECTION 10. ANTI-SMOKING EDUCATION PROGRAMS. - The City shall adopt education programs on Anti-Smoking.

SECTION 11. REPEALING CLAUSE. Any ordinances, rules and regulations, or parts thereof, whose provisions are in conflict with, contrary to, the provisions of this ordinance are hereby repealed, amended, or modified accordingly.

SECTION 12. EFFECTIVITY CLAUSE. This Ordinance shall take effect fifteen (15) days after the approval and complete publication in any newspaper of general circulation in Ormoc City.

ENACTED, May 16, 2002.

RESOLVED, FURTHER, to furnish copies of this Ordinance, one each to His Honor, the City Mayor; the City Administrator, the City Legal Officer, the City Treasurer, the City Prosecutors Office, the Municipal Trial Court in Cities, the City Police Director, OCPD, the Precinct Commander (PP1), the City Social Welfare & Development Officer, at least three (3) copies be posted on bulletin boards at strategic places, and others concerned, in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

OSCAR B. LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:

CELSON P. ADOLFO
Vice Mayor & Presiding Officer

APPROVED:

CARMELO J. LOCSIN
City Mayor

5/22/02
(Date)