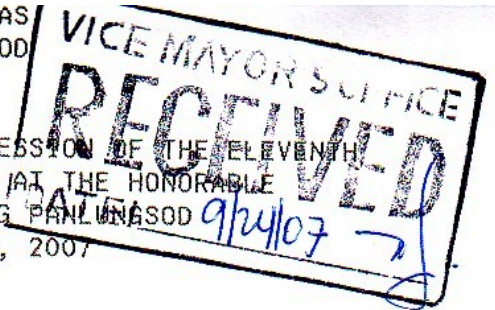


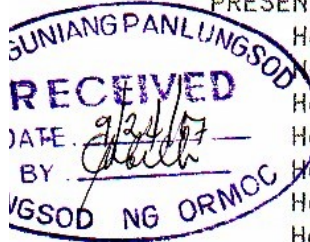


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE ELEVENTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON SEPTEMBER 20, 2007

PRESENT:



Hon. Nepomuceno P. Aparis I,
Hon. Claudio P. Larrazabal,
Hon. Sotero M. Pepito,
Hon. Demosthenes F. Tugonon,
Hon. Ruben R. Capahi,
Hon. Mariano Y. Corro,
Hon. Fe S. Lladoc,
Hon. Filomeno P. Maglasang,
Hon. Rafael C. Omega, Jr.,
Hon. Fernando P. Parrilla,
Hon. Jose C. Alfaro, Jr.,

Vice Mayor & Presiding Officer
City Councilor, Floor Leader
City Councilor, Assist. Floor Leader
City Councilor
City Councilor
City Councilor
City Councilor
City Councilor
City Councilor
City Councilor
City Councilor

ABSENT:

Hon. Cheryl A. Arcuino, (Sick Leave), Ex-Officio City Councilor,
SK Federation President

RESOLUTION NO. 2007-067

A RESOLUTION URGING THOSE CONCERNED PARTICULARLY THE
PHILIPPINE NATIONAL POLICE TO STRICTLY ENFORCE REPUBLIC
ACT NO. 9211, OTHERWISE KNOWN AS THE "TOBACCO
REGULATION ACT OF 2003" ESPECIALLY SECTION 5 THEREOF.

WHEREAS, Republic Act No. 9211, otherwise known as the "TOBACCO
REGULATION ACT of 2003" was approved on June 23, 2003;

WHEREAS, Section 5 of the aforecited law provides: "Smoking shall
be absolutely prohibited in the following public places -

- a) Centers of youth activity such as play schools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels, and recreational facilities for persons under eighteen (18) years old;
- b) Elevators and stairwells;
- c) Location in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;
- d) Within the buildings and premises of public and private hospitals, medical, dental and optical clinics, health centers, nursing homes, dispensaries and laboratories;
- e) 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
- f) Food preparation areas.

WHEREAS, section 6 of said Law, provides, "Designated Smoking and Non-smoking Areas- In all enclosed places that are open to general public, private workplace, and other places not covered under the preceding section, where smoking may expose a person to the other than the smoker to tobacco smoke, the owner, proprietor, manager or administrator 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 separate area with proper ventilation, but shall not be located within the same room that has been designated as a non-smoking area. All designated smoking areas shall have at least one (1) legible and visible sign posted, namely "SMOKING AREA" for the information and guidance of all concerned. In addition, the sign or notice posted shall include a warning about the health effects of direct or secondhand exposure to tobacco smoke. Non-smoking areas shall likewise have at least one (1) legible and visible sign, namely: NO SMOKING AREA or NO SMOKING";

WHEREAS, it is sad to note that inspite of the laudable policy adopted by the law and its good objectives and purposes, the same has not been seriously implemented. Section 2 thereof, in part provides: "It is the policy of the State to protect the populace from hazardous products and promote the right to health and instill health consciousness, among them. x x x "Likewise, section 3 of said law enumerates the purposes of the law, among which are, to: a) Promote a healthful environment; b) Inform the public of the health risk associated with cigarette smoking and tobacco use; c) Regulate and subsequently ban all tobacco advertisements and sponsorships; d) Regulate the labeling of tobacco products. x x x";

WHEREAS, Section 32 of the law provides penalties for the violations thereof from a minimum fine of P500 to a maximum of imprisonment of not more than three (3) years;

WHEREAS, the Sangguniang Panlungsod ng Ormoc, on January 21, 1993 enacted Ordinance No. 35, entitled: "AN ORDINANCE PROHIBITING THE SMOKING OF CIGARETTES, CIGAR, PIPE 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". But, again, sad to note, said Ordinance was more honored in the breach than in its observance;

WHEREAS, a columnist of a local newspaper in his column, entitled: "CIGARETTE SMOKING SHOULD BE CRIMINALIZED" in part said: "The Ormoc City Council passed an Ordinance not so long ago banning cigarettes in public places, but where is it now?" However, the writer failed to note that with the enactment of Republic Act No. 9211, cigarette smoking among others, is now criminalized;

WHEREAS, with the enactment of Republic Act No. 9211, it is hopefully expected that our law enforcers will strictly implement this law, otherwise, they maybe charge of negligence in the performance of their duty;

FOREGOING PREMISES CONSIDERED, on MASS MOTION of the Body; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution URGING THOSE CONCERNED PARTICULARLY THE PHILIPPINE NATIONAL POLICE TO STRICTLY ENFORCE REPUBLIC ACT NO. 9211, OTHERWISE KNOWN AS THE "TOBACCO REGULATION ACT OF 2003" ESPECIALLY SECTION 5 THEREOF;

ADOPTED, September 20, 2007.





RESOLVED, further to furnish copies of this resolution, one each to His Honor, City Mayor Eric C. Codilla, the Honorable Secretary, Department of Interior and Local Government, the PNP Director General, General Oscar Calderon, Camp Crame, the City Police Director, PS/Supt. Manuel E. Cubillo, DILG City Director Jesus Horca, City Administrator Dennis Y. Capuyan, City Prosecutor Clinton Nuevo, the City Health Officer, the Regional Trial Court, Municipal Trial Court, all public and private schools in Ormoc city, the Local Newspaper, the Ormoc City Motorcabs Operators & Drivers Association (OCMODA) and others concerned;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

ATTESTED:


NEPOMUCENO P. PARISI
Vice Mayor & Presiding Officer


JOEL S. DUERO
Secretary to the
Sangguniang Panlungsod