

Republic of the Philippines  
Province of Iloilo  
**MUNICIPALITY OF MINA**  
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**Office of the Sangguniang Bayan**

**ORDINANCE NO. 2017 - 316**

**AN ORDINANCE FOR THE REGULATION OF SMOKING IN PUBLIC PLACES, INCLUDING PUBLIC CONVEYANCES, ADVERTISEMENTS, PROMOTIONS AND SPONSORSHIP OF TOBACCO PRODUCTS, AND PROVIDING PENALTIES THEREFORE, IN ACCORDANCE WITH THE TOBACCO REGULATION ACT OF 2003 AND ITS IMPLEMENTING RULES**

**WHEREAS**, the Tobacco Regulation Act of 2003 (“RA 9211”) recognizes the need for a balanced policy in the regulation and use of tobacco products that takes into account the need for both a healthful environment and the protection of citizens from the hazards of tobacco smoke, and at the same time to ensure that the interest of tobacco farmers, growers, workers and other stakeholders are not adversely compromised;

**WHEREAS**, **Section 39** of RA 9211 expressly provides that “all ordinances which are inconsistent with the TRA of 2003 are repealed or amended accordingly”;

**WHEREAS**, Title VI Rule II, Section 2 of the Implementing Rules of RA 9211 empowers city and Municipal Mayors, Building Officials, and members of the Philippine National Police to take the necessary steps to ensure full compliance with the provisions of the law;

**WHEREAS**, in order to fully protect the health and welfare of citizens in the Municipality of Mina and at the same time safeguard the interests of other stakeholders, there is a need to pass a local ordinance regulating smoking in public places and conveyances, advertising, promotion, sponsorships activities, in harmony with the basic policies and regulations laid down under RA 9211;

**BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF MINA IN SESSION DULY ASSEMBLED THAT:**

Section 1. Title. This Ordinance shall be called “The comprehensive Regulation of smoking Ordinance”.

**SECTION 2. Definition of Terms- As used in this Ordinance:**

a. **Advertisement** - refers to any visual and/ or audible message disseminated to the public about or on particular product that promote and give publicity by words, designs, images or any other mean through broadcast, electronic, print or whatever form of mass media, including outdoor advertisements, such as, but not limited to, signs and billboards. For the purpose of this ordinance, advertisement shall be understood as tobacco advertisement;

b. **Advertising** - refers to the business of conceptualizing, presenting, making available and communicating to the public, through any form of mass media, any fact, data or information about the attributes, features, quality or availability of consumer products, services or credit. For purposes of this Ordinance, advertising shall be understood as tobacco advertising. This shall specifically refer to messages and images promoting smoking; the purchase or use of cigarettes or tobacco products; and cigarettes or tobacco trademarks, brand names, design and manufacturer’s;

c. **Celebrity** - refers to any natural person who, by his accomplishments or fame, or by reason of his profession or calling, gives the public a legitimate interest in his doings, affairs, and character. The term includes anyone who has arrived at a position where public attention is focused upon him as a person, such as but not limited to, actors, athletes and other sports personalities, war heroes, famous inventors and explorers among others;

d. **Cigarette** - refers to any roll or tubular constructions, which contains tobacco or its derivatives and is intended to be burned or heated under ordinary conditions of use;

e. **Distributor** - refers to any person to 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;

f. **Enclosed area** - refers to an area that is physically separated from adjacent areas by walls or partitions and a roof or ceiling. The walls or partitions must be continuous, interrupted only by doors and windows. The mere presence of a roof or ceiling over the structure, but without walls or partitions surrounding said structure, does not constitute an enclosed area;

g. **Mass Media** – refers to any medium of communication which reaches a mass of people. For this purpose, mass media includes print media such as, but not limited to newspapers, magazines, and publications; broadcast media such as, but not limited to radio, television, cable television, and cinema; electronic media such as but not limited to, the internet. For the purpose of this Ordinance. Communications designed to reach persons by private, postal or regular mail, electronic mail (e-mail), and similar means shall not be considered as mass media;

h. **Minor** – refers to any persons below eighteen (18) years old;

i. **Perimeter** – when used in this Ordinance in relation to sale of, and outdoor advertisement for, tobacco products, the term shall refer to any point in the boundaries as indicated in the Original Certificate of Title or Transfer Certificate of Title of tract of land that is actually used or occupied by a public school, public playground owned by the government or other facility frequented particularly by persons below eighteen (18) years of age who are or are intended to be the principal users or patrons of such facility, whether or not said tract of land is separated by adjacent tracts by a wall or fences;

j. **Point-of-Sale** – refers to any location at which an individual can purchase or otherwise obtain tobacco products. For the purpose of this Ordinance, itinerant ambulant vendors are not covered by the term “point-of-sale”;

k. **Premises** – refers to a tract of land and the building or buildings thereon, including the open spaces between the buildings located on the same tract of land and within the perimeter of said tract of land;

l. **Promotion** – refers to an event or activity organized by or on behalf of a tobacco manufacturer, distributor or retailer with the aim of promoting a brand of tobacco product, which event or activity would not occur but for the support given to it by or in behalf of the tobacco manufacturer, distributor or retailer. It may also refer to the display of a tobacco product or manufacturer’s name, trademark, logo, etc., on non-tobacco products. This includes the paid use of tobacco products bearing the brand names, trademarks, logos, etc. In movies, television, and other forms of entertainment. For the purpose of this Ordinance, promotion shall be understood as tobacco promotion;

m. **Public conveyances** – refers to modes of transportation servicing the general population, such as but not limited to, elevators, airplanes, buses, taxicabs, ships, jeepneys, light rail transits, tricycle, and similar vehicles;

n. *Public places* – refers to enclosed or confined areas of all hospitals, medical clinics, Schools, public transportation terminals and offices and buildings such as private and public offices, recreational places, shopping malls, movie houses, hotels, restaurants, and the like;

o. *Smoking* – refers to the act of carrying a lighted cigarette or other tobacco products, whether or not it is being inhaled or smoked;

p. *Tobacco* – refers to agricultural components derived from tobacco plant, which are processed for use in the manufacturer of cigarettes and other tobacco products;

q. *Tobacco product* – refers to any product that consists of loose tobacco that contains nicotine and is intended for use in cigarette, including any product containing tobacco and intended for smoking or oral or nasal use, unless stated otherwise, the requirements of this Act pertaining to cigarettes shall also apply to other tobacco products.

**Section 2.** Smoking ban in public places – Smoking shall be absolutely prohibited in the following public places within territorial jurisdiction of the Municipality of Mina:

a. Centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for persons under eighteen (18) years old. Such recreational facilities for persons under 18 years old shall include, but are not limited to, playgrounds;

b. Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;

c. Within the buildings and premises of public and private medical, dental, and optical clinics, health centers, nursing homes, dispensaries, and laboratories;

d. Public conveyances and public facilities such as bus, PUVs and Tricycle including airport ship terminals and train and bus stations, restaurants, conference halls except for separate smoking areas, and terminals except for separate smoking areas;

e. Food preparation areas which shall mean those areas where food or beverages is actually being manufactured or prepared.

**Section 3.** Designation of Smoking and non-smoking areas. – in all enclosed places that are open to the general public, public and private workplaces and other places not covered by Section 2 of this Ordinance, where smoking may expose a person other than smoker to tobacco smoke, the owners, proprietors, operators, possessors, managers or administrators of such places shall establish smoking and non-smoking areas. Such areas may include a designate smoking area within the building, which may be in an open space, or in a separate area with proper ventilation, but shall not be located within the same room that has been designated as non-smoking area.

**Section 4.** Standards for designated smoking area. The owners, proprietors, operators, passengers, managers, or administrators of establishments not covered by Section 2 of this Ordinance shall determine the size and specifications of the smoking or non-smoking area: Provided, that the following standards shall be observed:

a. The designated smoking area other than in an open space shall be completely enclosed or physically separated from the rest of the premises and equipped with adequate ventilation in conformity with the provisions of Presidential Decree 1096, otherwise known as the “National Building Code”, and the Philippine Society of Mechanical Engineers Code;

b. Separation of the designated smoking area other than in an open space shall be effected through the following means:

1. The designated smoking area must be fully separated from smoke-free area by continuous floor-to-ceiling or floor-to-floor solid partitions which are interrupted only by doors equipped with closers, and which must be constantly closed except when a person is entering or exiting the area;

**Section 5.** Signage for designed smoking and non-smoking areas. – All designated smoking areas shall have at least one (1) legible and visible sign posted saying “**SMOKING AREA**”, in English or Filipino, for the information and guidance of all concerned. The sign shall be placed conspicuously at the entrance to the designated smoking area and shall be in accordance with the specifications set forth, as follows:

Overall size of sign	297 x 210 mm
Font and size for “NO SMOKING AREA” or “SMOKING AREA”	Arial Black, 122 pt.
Font and size for “GOVERNMENT WARNING”	Arial Black, 48 pt.
Font and size for “Tobacco Regulation Act”	Arial Black, 32 pt.

In addition, the sign or notice shall include a warning in English or Filipino about the ill effects of both direct and secondary exposure to tobacco smoke. Said warning may be any of the following:

- a. “**GOVERNMENT WARNING: Cigarette Smoking is Dangerous to your Health**” (BABALA: “**Ang Paninigarilyo ay Mapanganib sa iyong Kalusugan.**”)
- b. “**GOVERNMENT WARNING: Cigarettes are Addictive**” (BABALA: “**Ang Sigarilyo ay Nakaka-adik**)
- c. “**GOVERNMENT WARNING: Tobacco Smoke Can Harm Your Children**” (BABALA: “**Ang Usok ay Mapanganib sa mga Bata**)
- d. “**GOVERNMENT WARNING: Smoking Kills**” (BABALA: “**Nakamamatay ang Paninigarilyo**)

Under no circumstances shall any mark, device, word, or image associated with any tobacco company or product be included in any of these signs and materials. Non-smoking areas shall likewise have at least one (1) legible and visible sign posted saying “NON-SMOKING AREA” or “NO SMOKING”.

**Section 6.** Minimum Age Sales. Under this Ordinance, it shall be unlawful:

- a.) For any retailer of tobacco products to sell or distribute tobacco products to a minor.
- b.) To purchase cigarettes or any tobacco products from a minor.
- c.) For minors to sell cigarettes or any tobacco products.
- d.) For minors to purchase cigarettes or any tobacco products.
- e.) To sell or distribute cigarettes or any tobacco products within 100 meters from any point of the perimeter of a school, public playground owned by the government or other facility frequented by minors who are or are intended to be principal users or patrons of such facilities.

**Section 7.** Ban on Tobacco Advertisements. – All cinema and outdoor advertisements shall be prohibited, including those located in taxis, buses, trains or other public conveyances or in stations, terminals or platforms thereof or whichever is applicable to the Municipality of Mina.

All forms of tobacco advertising in mass media shall be prohibited.

**Section 8.** Exception to the Ban. Notwithstanding the foregoing, advertisement in mass media shall not be prohibited when placed within the premises of point-of-sale retail establishments, whether or not the same are visible outside the premises.

No leaflets, posters and similar outdoor advertising materials may be posted, except when placed within the premises of point-of-sale retail establishments. This exception shall likewise apply to stations, terminals or platforms when the advertising materials are placed within the premises of point-of-sale establishments.

Outdoor and mass media advertising allowed under this Section must nonetheless comply with the following requirements:

- a. No outdoor or mass media advertisement shall be aimed at or particularly made to appeal to persons under eighteen (18) year of age;
- b. No outdoor or mass media advertisement shall feature a celebrity or contain an endorsement, whether implied or express, by a celebrity;
- c. No outdoor or mass media advertisement shall contain cartoon characters or subjects that depict humans or animals with comically exaggerated features or that attribute human or unnatural characteristics to animals, plants or other objects;
- d. No outdoor or mass media advertisements shall depict persons who are or who appear to be below twenty-five (25) years of age;
- e. No outdoor or mass media advertisement shall show, portray, or depict scenes where the actual use of, or the act of using, puffing, lighting or carrying lighted cigarettes or other tobacco products is presented to the public.

All outdoor or mass advertising allowed under this Section must also contain either in English or Filipino the following health warning: "GOVERNMENT WARNING": Cigarette Smoking is Dangerous to your Health", For outdoor advertising, the warning frame shall be centered across the bottom of the advertisement and occupy a total area of not less than fifteen percent (15%) of such advertisement including any border or frame. The health warning shall occupy a total area of not less than fifty percent (50%) of the total warning frame. The text of the health warning shall be clearly visible and legible, printed in a prominent color as appropriate and shall appear in contrast by color, typography or layout with all other printed materials in the advertisement. The warning shall not be hidden or obscured by other printed information or images in the advertisement; Provided that such outdoor or mass media advertisement shall not, either individually or when placed in deliberate combination with other outdoor tobacco advertising, exceed seventy (70) meters in total size.

**Section 9.** Restricted Zone for outdoor advertisement. – Notwithstanding the exceptions provided in Section 8 of this Ordinance, outdoor advertisement shall not be allowed within the premises of point-of-sale retail establishments if the same is within one hundred (100) meters from any point of the perimeter of a school, public playground owned by the government or other facility frequented particularly by persons below eighteen (18) years of age who are or are intended to be the principal users or patrons of such facility.

**Section 10.** Disposition of Non-complaint Outdoor Advertisements. – The municipal building engineer, or his duly-authorized representatives, shall be responsible for determining whether outdoor advertisements comply with the requirements set forth in Section 8 of this Ordinance. Any outdoor advertisement which was determined non-compliant with said Section 9 of this Ordinance shall be disposed of in the following manner:

a. The removal of the non-compliant outdoor advertisement shall be done only after due notice by the provincial building engineer, or his duly authorized representative, to the owner or administrator of the point-of-sale establishment concerned;

b. The owner or administrator of the point-of-sale establishment shall be responsible for the removal or shall cause the removal of said non-compliant outdoor advertising within three (3) days from receipt of notice from the provincial building engineer, or his representative. The final disposition of the outdoor advertising so removed shall be subject to the terms and conditions stipulated in the lease contract for the advertising space between the owner or administrator of the advertising space and the advertiser or the advertising agency, as the case may be; and,

c. Failure to remove the non-compliant outdoor advertisement notwithstanding the foregoing notice shall render the owner or administrator of the point-of-sale establishment liable under this Ordinance.

**Section 11.** Restrictions on Tobacco Promotions. The following restrictions shall apply on all tobacco promotion with the territorial jurisdiction of the Municipality:

a. Promotions must be directed only to persons at least eighteen (18) years old. No person below eighteen (18) years old or who appear to be below eighteen (18) years old may participate in such promotions. The participants in promotions must be required to provide proof of age.

b. Communications to consumers about tobacco promotions shall comply with the provisions of this Ordinance governing tobacco advertising. In addition to the required health warning, the age requirement for participation in any promotion must be clearly marked on the program materials distributed to consumers.

c. All stalls, booths, and other displays concerning tobacco promotions must be limited to point-of-sale locations or adult-only facilities.

d. Telephone communications concerning promotional offers, programs or events must include a recorded health warning message in English or Filipino consistent with the warnings specified in this Ordinance.

e. The name, logo, or other indicia of a brand of a tobacco product may appear on cigarette lighters, ashtrays, or other smoking related items. If such name, logo, or other indicia of a cigarette brand is larger than fifty (50) square centimeters, the item must carry a health warning consistent with the warnings specified in the Act as well as in this Ordinance.

f. No merchandise such as, but not limited to, t-shirts, caps, sweatshirts, visors, backpacks, sunglasses, writing implements and umbrellas, may be distributed, sold or offered, directly or indirectly, with the name, logo or other indicia of a brand of a tobacco product displayed so as to be visible to others when worn or used. Clothing items with the name, logo or other indicia of a brand of a tobacco product may be allowed: Provided, that said name, logo or other indicia is not visible to others when the clothing item is worn: Provided further, that said clothing items are in adult sizes only.

g. No name, logo or other indicia of a brand of a tobacco product or element of a brand-related marketing activity, may appear on items that are marketed to or likely to be used by minors such as, but limited to, sports equipment, toys, dolls, miniature replicas of racing vehicles, video games, and food. The manufacturer or company must take all available measures to prevent third from using the company's brand names, logos, or other proprietary material on products that are directed toward minors.

h. No tobacco advertisements, including the name, logo or other indicia of brand of tobacco product, may be placed on shopping bags.

**Section 12.** Punishable Acts. The following acts are punishable under the Act:

- a. Smoking in designated public places where smoking is prohibited;
- b. Non-compliance by the owners, proprietors, operators, possessors, managers or administrators of enclosed places open to the general public, public and private workplaces and other places not covered under Section 2 of this Ordinance to establish smoking and non-smoking areas under Section 4 of the same;
- c. Sale of tobacco products to or by a minor;
- d. Sale of tobacco products within one hundred (100) meters from any point of the perimeter of a school, public playground owned by the government or other facility frequented particularly by minors who are intended to be the principal users or patrons of such facilities;
- e. Non-compliance with the required signage in point-of-sale establishments;
- f. Non-compliance with the restrictions on tobacco advertising, print media advertising, outdoor advertising; cinema advertising; television and radio advertising; advertising in audio, video and computer cassettes/discs and similar medium; and advertising in the internet;
- g. Non-compliance with the ban on advertisements; restrictions on tobacco promotions; and ban on naming rights;
- h. Non-compliance with the restrictions on sponsorships and ban on sponsorships; and
- i. Distribution of samples of tobacco products to minors;

**Section 13.** Penalties. For violation of this Ordinance;

- First offense, a fine of *Five Hundred Pesos (500.00)*.
- Second offense, a fine of *One Thousand Pesos (P1,000.00)*
- Third offense, a fine of *Two Thousand Five Hundred Pesos (P2,500.00)*, and cancellation/revocation of business permits and licenses.

**Section 14.** Administration and Authority to Institute Action. The Municipal Engineer is tasked to inspect and certify the appropriateness of smoking and non-smoking areas provided by service establishments.

**Section 15.** Repealing Clause. – All existing ordinances inconsistent with this Ordinance are hereby repealed or modified accordingly.

**Section 16.** Separability Clause. Should any provision of this Ordinance be subsequently declared unconstitutional or invalid, the other provisions not affected by such declaration shall remain in full force and effect.

**Section 17.** Effectivity. This Ordinance shall take effect fifteen (15) days from its publication in at least two (2) newspapers of general or local circulation within this Province, consistent with the provisions of the Local Government Code.

***ADOPTED this 8<sup>th</sup> day of June 2017, on motion of Hon. Jose G. Salanio Jr., duly seconded by Hon. Germaine D. Dableo .***

**APPROVED.**

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I hereby certify to the correctness of the above-stated Ordinance.

**(SGD.) MA. DAISY P. PARREÑO**  
Secretary to the Sanggunian

**ATTESTED:**

**(SGD.) HON. BERNARDINO P. CHICHIRITA**  
Presiding Officer

**APPROVED:**

**(SGD.) HON. REY P. GRABATO**  
Municipal Mayor