

**REPUBLIC OF THE PHILIPPINES  
BATANGAS CITY**

**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE  
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY  
ON APRIL 17, 2018 AT THE SANGGUNIANG SESSION HALL**

**PRESENT:**

Hon. Emilio Francisco A. Berberabe Jr.,	Presiding Officer
Hon. Aileen Grace A. Montalbo,	Councilor
Hon. Glenn M. Aldover,	“
Hon. Sergie Rex M. Atienza,	“
Hon. Hamilton G. Blanco,	“
Hon. Alyssa Renee A. Cruz,	“
Hon. Oliver Z. Macatangay,	“
Hon. Armando C. Lazarte,	“
Hon. Karlos Emmanjuel A. Buted,	“
Hon. Julian B. Villena,	“
Hon. Gerardo A. Dela Roca,	“
Hon. Nestor E. Dimacuha,	“
Hon. Nelson J. Chavez,	“
Hon. Angelito “Dondon” A. Dimacuha,	ABC-Rep.

“On motion of Councilor Aldover seconded by Councilor Villena, the following Resolution was Adopted:

**RESOLUTION NO. 136 S. 2018**

**CALLING ALL ESTABLISHMENTS IN BATANGAS CITY TO STRICTLY  
COMPLY WITH THE NO SMOKING ORDINANCE**

**WHEREAS**, Section 16 of the Local Government Code of 1991 states that every local government unit shall exercise powers xxx which are essentials to the promotion of the general welfare within their respective territorial jurisdictions, local government units shall promote health and safety;

**WHEREAS**, in Executive Order No. 26 of President Rodrigo Duterte entitled "Providing for the Establishment of Smoke-Free Environments in Public and Enclosed Places" it disclosed that Republic Act No. 8749 or the Philippine Clean Air Act of 1999, prohibits smoking inside enclosed public places including public vehicles and other means of transport, and other enclosed areas and directs local government units to implement the prohibition;

**WHEREAS**, Batangas City Ordinance No. 1 S. 2012 prohibits smoking in places within the jurisdiction of Batangas City, particularly in:

- A.1 - Preparatory schools, elementary schools, high schools, colleges and universities including its premises;
- A.2 - Centers of youth activity such as playschools, youth hostels and all recreational facilities for minors under 18 years old;
- A.3 - Elevators and stairwells;
- A.4 - Gas stations, store or storage area for flammable liquids, gas, explosives or combustible materials, including location in which fire hazards are present;

**Continuation of Resolution No. 136 S. 2018**

**CALLING ALL ESTABLISHMENTS IN BATANGAS CITY TO STRICTLY COMPLY WITH THE NO SMOKING ORDINANCE**

- A.5 - Public and private hospitals, medical, dental and optical clinics, health centers, nursing homes, dispensaries and laboratories, including its premises;
- A.6 - Inside tricycles, passenger jitneys, bus, van and other public conveyance and public facilities;
- A.7 - Ship terminals, bus and jitney terminals or stations, whether registered or not, restaurants, conference halls and hotels, except in separate smoking areas duly designated with legible and visible sign posted, namely "SMOKING AREA";
- A.8 - Food preparation area;
- A.9 - Tricycle terminals, whether registered or not;
- A.10 - City Hall, Sangguniang Panlungsod, Barangay Hall, Barangay Health Centers, Barangay Community Centers, and all government buildings and offices, including its premises;
- A.11 - Theaters, Cinema and concert halls;"

**WHEREAS**, it is observed that the foregoing legislation are not effectively and strictly complied within various establishments in Batangas City;

**NOW THEREFORE**, be it resolved as it is hereby resolved by the Sangguniang Panlungsod in session assembled to call all establishments in Batangas City to strictly comply with the No Smoking Ordinance.

**UNANIMOUSLY APPROVED."**

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**AUTHOR : COUN. GLENN M. ALDOVER  
COUN. ALYSSA RENEE A. CRUZ  
COUN. NELSON J. CHAVEZ  
COUN. NESTOR E. DIMACUHA  
COMMITTEE ON HEALTH**

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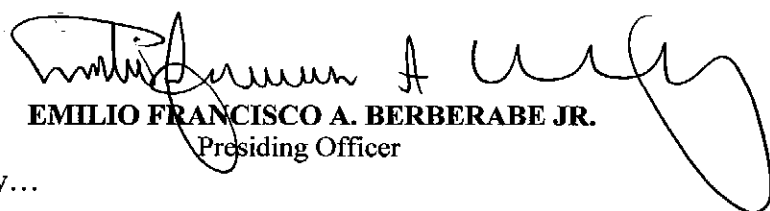
I hereby certify that the foregoing Resolution No. 136 S. 2018 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on April 17, 2018.

**GERARDO M. DIMAANO**  
Board Secretary III  
Sangguniang Panlungsod

**NOTED:**

  
**ATTY. OLIVA D. TELEGATOS**  
Secretary  
Sangguniang Panlungsod

**ATTESTED:**

  
**EMILIO FRANCISCO A. BERBERABE JR.**  
Presiding Officer



Republic of the Philippines  
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 723-2175

ORDINANCE NO. 1 S. 2012

AN ACT PROHIBITING SMOKING IN BATANGAS CITY AND FOR  
OTHER PURPOSES (Anti-Smoking Ordinance of 2012)

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AUTHOR	:	COUN. NARCISO B. MACARANDANG	
CO-AUTHORS	:	COUN. MARIO A. MARIÑO	COUN. ELOISA D. PORTUGAL
		COUN. CLAUDETTE U. AMBIDA	COUN. ARMANDO C. LAZARTE

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WHEREAS, Smoking kills; smoking cause heart attacks and stroke; smoking causes disease and is a slow way to die; it slowly rots your lungs; in younger people, three (3) out of four (4) deaths from heart disease are due to smoking; cigarette smoking during pregnancy increase the risk of low birth weight, prematurity & abortion;

WHEREAS, according to reports, ten (10) persons everyday in the Philippines are dying due to cancer caused by smoking; every year hundreds of thousands of people around the world die from disease caused by smoking cigarettes;

WHEREAS, First-Hand Smoking done by the smoker himself directly affects the health of the smoker; Second-Hand Smoking occurs when an individual inhale the cigarette smoke of the first-hand smoker; the Third-Hand Smoking occurs when the nicotine and carbon monoxide of the cigarette being smoke attach to the clothing, curtains, beds, seat covers etc. and are being inhaled by the non-smoker, like one's spouse & children and other persons inside the house or ones residence; all of these kind of smoking produces cancer;

WHEREAS, sad to state, although very few, there are drivers, government employees and even traffic enforcers that smoke while in the performance of their duties.

WHEREAS, although the existing Anti-Smoking Ordinance of the City, incorporated in Ordinance No. 8 S. 2009 enumerated the places where no smoking is allowed, its prohibition is only INSIDE those places, hence, when smoking is OUTSIDE those places, there is no-violation. Hence, the danger to health and environment which the government seeks to eradicate still proliferates.

WHEREAS, because of limited places where smoking is ban per existing city ordinance, smokers are making a mockery of the existing anti-smoking ordinance and are continuing to pollute our environment, endangering the health & lives of our constituents, particularly our children & including the unborn who are prone to suffer from first-hand smoking, second-hand smoking and third-hand smoking.

WHEREAS, THE City Government has to protect our environment and protect our children, our youth, our women, the unborn & our constituents from the pernicious effects of tobacco, cigarettes or their derivatives which has been proven to produce CANCER.



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Continuation of Ordinance No. 1 S. 2012

AN ACT PROHIBITING SMOKING IN BATANGAS CITY AND FOR  
OTHER PURPOSES (Anti-Smoking Ordinance of 2012)

NOW, THEREFORE, the Sangguniang Panlungsod in session assembled hereby promulgates and decrees:

**SECTION 1. TITLE.** This Ordinance shall be called "The Anti-Smoking Ordinance of 2012".

**SECTION 2. DECLARATION OF POLICY.** It is hereby declared the policy of the City Government to promote the health and safety of our people, particularly, the protection of our youth, children and the unborn from the hazard of the cancer-producing habit of smokers.

**SECTION 3. DEFINITION OF TERMS.** The definition of terms as stated in Section 4 of R.A. 9211 are hereby adopted and made part of this Ordinance.

**SECTION 4. ABSOLUTE PROHIBITIONS AND PUNISHABLE ACTS.** The following acts are absolutely prohibited and punishable:

A. It shall be unlawful for any person to smoke or burn cigarette, cigars or any tobacco derivative with or without the use of the holder, pipe or any contrivance within the jurisdiction of the Batangas City in the following places:

- A.1 - Preparatory schools, elementary schools, high schools, colleges and universities, including its premises;
- A.2 - Centers of youth activity such as playschools, youth hostels and all recreational facilities for minors under 18 years old;
- A.3 - Elevators and stairwells;
- A.4 - Gas stations, store or storage area for flammable liquids, gas, explosives or combustible materials, including location in which fire hazards are present;
- A.5 - Public and private hospitals, medical, dental and optical clinics, health centers, nursing homes, dispensaries and laboratories, including its premises;
- A.6 - Inside tricycles, passenger jitneys, bus, van and other public conveyance and public facilities;



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A.7 - Ship terminals, bus and jitney terminals or stations, whether registered or not, restaurants, conference halls and hotels, except in separate smoking areas duly designated with legible and visible sign posted, namely "SMOKING AREA";

A.8 - Food preparation area;

A.9 - Tricycle terminals, whether registered or not;

A.10- City Hall, Sangguniang Panlungsod, Barangay Hall, Barangay Health Centers, Barangay Community Centers and all government buildings and offices, including its premises.

A.11 - Theaters, Cinema and concert halls.

B. Selling or giving cigarettes or tobacco products to minors or purchasing cigarettes or tobacco products from minors.

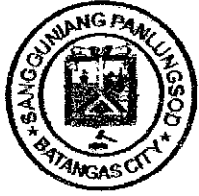
C. Cigarette smoking of minors.

D. Selling or distributing cigarettes or tobacco products by ambulant vendors within fifty (50) meters from any point of the perimeter of a school, public playground or other facility frequented by minors.

E. Cigarettes or tobacco advertising except inside the premises of point of sale establishment.

**SECTION 5. ADMINISTRATIVE PENALTIES.** Without prejudice to the provisions of Section 6 hereof and with observance of due process, the following penalties shall be imposed on the following persons for violation of this ordinance:

5.1 - If the violator is a city employee, he or she shall be suspended for five (5) days without pay for the first (1<sup>st</sup>) offense; for the second (2<sup>nd</sup>) offense he/she shall be suspended for ten (10) days without pay; and for the third (3<sup>rd</sup>) offense he/she shall be suspended for fifteen (15) days without pay and for the fourth (4<sup>th</sup>) and succeeding offense he/she shall be suspended for thirty (30) days without pay.



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- 5.2- If the violators are those hired without employee-employer relationship and paid from non-Personal Services Appropriations, those hired for a limited period to perform specific activities or services with expected outputs, laborers hired through job contracts, students, laborers and apprentices, and those hired through job orders and contract of service, the violators shall be removed from his employment or recommended for immediate termination of service whichever is applicable.
- 5.3- If the violators are driving passenger vehicles, including tricycles, his franchise or permit to operate or Mayor's Permit shall be revoked without prejudice to re-application.
- 5.4- If the violators are minors below 18 years old, upon arrest for violation of this ordinance, the minor shall immediately be release to the custody of the mother or father, or guardian or in their absence the nearest relative or school principal if a student, or in their absence, to the City Social Worker, wherein the violators shall be lectured on the importance of non-smoking by the custodian.

**SECTION 6 - PENALTY CLAUSE.** Any person, who shall violate the provision of this Ordinance, shall upon conviction be punished by a fine of P 1,000.00 or imprisonment of not less than ten (10) days or both at the discretion of the Court. If, however, the violator is below 18 years old, he shall be exempted from criminal liability but shall be subject to the so-called intervention program, similar to that provided in R.A. 9344 (Juvenile Justice and Welfare Act of 2006).

**SECTION 7. COMMUNITY SERVICE.** If the violator cannot pay the fine or penalty provided in the preceding section, the Court may impose thirty (30) days community service.

**SECTION 8. POWER TO ISSUE IRR.** The City Mayor may formulate and issue rules and regulations for the efficient and effective implementation of any section or provision of this ordinance. The non-issuance of the rules and regulations shall not in any manner forestall the effectivity and implementation of this ordinance. Copy of the IRR shall be furnished to the Sangguniang Panlungsod for its information.



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**SECTION 9. ENFORCEMENT.** All Traffic Enforcers (TDRO) members of the Defense and Security Services (DSS) and persons that may be deputized by the City Mayor are enjoined to enforce this Ordinance. The members of the Philippine National Police (PNP) stationed in Batangas City may be called-upon for assistance. Failure to enforce this Ordinance when the violation is committed in their presence will be a ground for disciplinary administrative action.

**SECTION 10. SEPARABILITY CLAUSE.** If, for any reason, any part of the provision of this ordinance shall be held unconstitutional or invalid, other parts hereof which are not affected thereby shall continue to be in full force and effect.

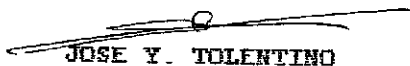
**SECTION 11. REPEALING CLAUSE.** Ordinance No. 7 S. 1994, the Anti-Smoking provisions of the Code of General Ordinances of Batangas City (Ordinance No. 8 S. 2009), and all ordinances, resolutions, orders, memorandum, circulars, rules and regulations, or parts thereof, which are inconsistent with any of the provision of this Ordinance are hereby repealed and /or amended accordingly.

**SECTION 12. EFFECTIVITY.** This Ordinance of Batangas City shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation and compliance with the posting required by Republic Act 7160.

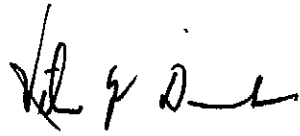
ENACTED by Sangguniang Panlungsod of Batangas City this 28<sup>th</sup> day of February 2012.

  
ATTY. OLIVA D. TELEGATOS  
Secretary  
Sangguniang Panlungsod

ATTESTED:

  
JOSE Y. TOLENTINO  
Presiding Officer

APPROVED:

  
VILMA A. DIMACUHA  
City Mayor

Date Approved: March 8, 2012