

Republic of the Philippines
Province of Misamis Occidental
MUNICIPALITY OF CALAMBA
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALAMBA, MISAMIS OCCIDENTAL HELD AT THE SB SESSION HALL ON MARCH 3, 2014.

ATTENDANCE:

| | | |
|---|---------------------------|--------------------------------|
| ● | Hon. JESUS C.ENERIO | Municipal Vice Mayor/Presiding |
| ● | Hon. ANTONIO N. LAWAS,SR. | Sangguniang Bayan Member |
| ● | Hon. EMMANUEL M. CALE | Sangguniang Bayan Member |
| ● | Hon. JOSEPH C. MALAYAO | Sangguniang Bayan Member |
| ● | Hon. REZIE C. LEONARDO | Sangguniang Bayan Member |
| ● | Hon. EDGAR V. IMAN | Sangguniang Bayan Member |
| ● | Hon. AMELITA Y. PRECIADO | Sangguniang Bayan Member |
| ● | Hon. RODRIGO T. GARCIA | Sangguniang Bayan Member |
| ● | Hon. JUAN T. JUMALON | Sangguniang Bayan Member |
| ● | Hon. CARIDAD C. LANSANG | ABC Pres. Ex-Officio Member |

LEGEND: ● - Present ●● - Absent ●●● - On-Leave ●●●● - Out on-Official Business

ORDINANCE NO. 01-s.2014

(AUTHOR: HON. EMMANUEL M. CALE; CO-AUTHOR: HON. RODRIGO T. GARCIA)

**THE COMPREHENSIVE SMOKE-FREE ORDINANCE OF
CALAMBA, MISAMIS OCCIDENTAL**

WHEREAS, the 1987 Constitution of the Republic of the Philippines provides that the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, every local government unit (LGU) has been granted power and authority by Republic Act No. 7160, otherwise known as the Local Government Code of the Philippines, to promote the general welfare of its constituents to include, among others, the promotion of their health and safety. Towards this end, it is the purpose of this Ordinance to safeguard public health and ensure the physical well-being of all its constituents;

WHEREAS, Section 24 of Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of 1999, prohibits smoking inside enclosed public places, including public vehicles, and LGUs are directed by law to implement the said provision;

WHEREAS, Section 5 of Republic Act No. 9211, otherwise known as The Tobacco Regulation Act of 2003, prohibits smoking in certain public places whether enclosed or outdoors, imposes bans on tobacco advertising and access restrictions by banning sales in places frequented by minors and prohibiting the purchase from and sales to minors of tobacco products, and LGUs are directed by law to implement these provisions;

WHEREAS, Civil Service Commission (CSC) Memorandum Circular No. 17 Series of 2009 prohibits smoking in all enclosed government property, except for outdoor designated smoking areas,

WHEREAS, scientific evidence has unequivocally established: that secondhand smoke kills; that there is no safe level of exposure to secondhand smoke; that even brief periods of

exposure are harmful; and that ventilation/air filtration systems and indoor designated smoking areas are not effective in protecting people from second hand smoke;

WHEREAS, an increasing number of Filipinos/our constituents die each year due to tobacco-related illnesses caused by smoking and secondhand smoke, such as stroke, heart disease, lung diseases and various forms of cancers, and the health issues related to tobacco-related illnesses result in productivity losses and contribute significantly to loss of income and poverty;

WHEREAS, the increase in prevalence of tobacco smoking among the youth necessitates enforcement of measures to protect them from being initiated to cigarette smoking and tobacco use by prohibiting advertising and restricting access to tobacco products by minors;

WHEREAS, the LGU recognizes that there is a fundamental and irreconcilable conflict of interest between the interests of the tobacco industry and public health, and that the CSC and Department of Health Joint Memorandum Circular No. 2010-01 prohibits government personnel from interacting with the tobacco industry and those representing their interests, unless strictly necessary for their effective regulation, supervision, or control;

WHEREAS, the LGU recognizes that the participation of civil society is essential in achieving the objective of this ordinance;

WHEREAS, the Constitution and the Local Government Code provide that local governments have the power to impose reasonable fees and charges, consistent with the basic policy of local autonomy;

NOW THEREFORE, BE IT ENACTED, AS IT IS HEREBY ENACTED BY THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF CALAMBA, BY VIRTUE OF THE POWERS VESTED IN IT BY LAW, IN SESSION ASSEMBLED THAT:

Section 1. This Ordinance shall be known as "**THE COMPREHENSIVE SMOKE-FREE ORDINANCE OF CALAMBA**".

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

- a. "**Designated Smoking Area**" refers to an outdoor area, where a person is allowed to smoke without violating this Ordinance that strictly meets the following requirements, at the minimum:
 - i. It shall be open space with permanent or temporary roof or wall;
 - ii. It shall not be located within ten (10) meters of entrances, exits, or any place where people usually congregate;
 - iii. It shall have an area of not more than 10 square meters;
 - iv. There shall be at least 2 designated smoking areas – Municipal Plaza and Public Market;
 - v. No food or drinks shall be served in the designated smoking area;
 - vi. Every smoking area shall have a highly visible and prominently displayed "Smoking Area" sign and a graphic depiction with a corresponding explanation of the effect of smoking on the smoker's health or of passive smoking on others. 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.

All designated smoking areas shall be covered by a certificate of compliance from the Office of the Municipal Mayor through the Smoke-Free Task Force.

- b. **"Enclosed or Partially Enclosed"** means being enclosed by one or more walls or sides, whether covered by a roof or not, or even if open on all sides but is covered by a roof, regardless of the type of material used for the roof, wall, or sides, and regardless of whether the structure is permanent or temporary in nature.
- c. **"Cigarette"** refers to any roll or tubular construction, which contains tobacco or its derivatives and is intended to be burned, heated, or smoked under ordinary conditions of use.
- d. **"Tobacco Product Substitute"** refers to any device or instrument that resembles the outward appearance of a traditional smoking/tobacco product or that is intended to be a substitute for traditional smoking/tobacco products, whether or not used to deliver nicotine to the user, including, but not limited to, electronic cigarettes, electronic nicotine delivery systems, shisha, and other similar devices;
- e. **"Shisha"** refers to a device or instrument, which may have a single or multi-stemmed pipe for smoking, whether or not it delivers nicotine to the user, in which the smoke is passed through a water basin before inhalation. It is also known as waterpipe, sheesha, hookah, nargeela, argeel, or nargile.
- f. **"Person in Charge"** refers to any person who has control or responsibility over any place or means of public transport covered by this Ordinance, or any agent or designee of such person, including the proprietor, possessor, manager, or administrator.

In case of public places, public outdoor spaces, or other establishments, it refers to the director, trustee, president, manager, or other officer of a corporation, the manager or partner of a partnership, the owner, proprietor or operator of a sole/single proprietorship, or the administrator of a government property, office or building, as the case may be. In case of a public transport, it refers to the owner, the driver, the conductor, or the captain of a public transport. In case of workplaces, it refers to the employer, who may be an individual employer, or a sole proprietor, or if the employer is a corporation, the director, trustee, president, manager or other officer of the corporation.

- g. **"Public Transport"** refers to any vehicle, whether mobile or stationary, used in the transport of passengers or available to the public as a mode of transport, such as, but not limited to, jeepneys, buses, trains, ships, vans, taxicabs, tricycles, motorcycles, and other public utility vehicles, whether covered by a Certificate of Public Convenience or not;
- h. **"Public Outdoor Spaces"** refers to outdoor spaces that are open to the public, or places where facilities are available for the public, or where a crowd of people would gather, such as, but not limited to, playgrounds, sports grounds or centers, church grounds, health/hospital compounds, parks, gardens, resorts, markets, streets, sidewalks, walkways, entrance ways, waiting areas, and the like.
- i. **"Public Places"** refers to all places that are accessible or open to the public, whether or not by invitation or by payment, or all places for collective use, regardless of ownership or right to access, including, but not limited to, establishments that provide food, accommodation,

- drinks, professional services, merchandise, entertainment, or other services, as well as gasoline stations, banks, malls, shopping / business arcades, town squares, terminals, airports, seaports, schools, places of worship, churches, hospitals, cinema houses, gymnasiums, covered courts, funeral parlors, barber shops, cockpits, gaming areas, recreational facilities, pedestrian overpasses, parking areas, waiting sheds, sidewalks, and other places when* people usually congregate.
- j. **"Smoking"** refers to being in possession or control of a lighted, emission-producing tobacco product, regardless of whether the smoke is being actively inhaled or exhaled.
- k. **"Tobacco Advertisement"** refers to any form of commercial communication, recommendation, or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use, either directly or indirectly, including but not limited to, any message or image promoting smoking, tobacco use, tobacco products, brand names, or tobacco company names or any promotional material or structure that contains these, such as, but not limited to, posters, streamers, signages, standees, billboards, fliers, umbrellas, CDs, film, t-shirts, caps, sweatshirts, visors, backpacks, sunglasses, writing implements, towels, mugs, candies, stickers, and the like.
- l. **"Tobacco Industry"** refers to organizations, entities, associations, and individuals that work for or in behalf of the tobacco industry, such as, but not limited to, tobacco manufacturers, wholesale distributors, importers of tobacco products, tobacco retailers, front groups and any other individuals or organizations, including, but not limited to, lawyers, scientists and lobbyists, that work to further the interests of the tobacco industry.
- m. **"Tobacco Product"** refers to any product that is entirely or partly made of tobacco as raw material, or any product containing tobacco or any ingredient derived from tobacco (including, but not limited to, nicotine), which is intended to be used for smoking sucking, chewing, or snuffing, or other oral or nasal use. For purposes of this Ordinance, the term shall include cigarettes and tobacco product substitutes, as respectively defined in this Ordinance, and the requirements pertaining to each shall apply to the others.
- n. **"Workplace"** refers to any place where more than one person, regardless of employment status, performs work. Vehicles used in the course of work are considered workplaces.

Section 3. **Prohibited Acts.** - The following acts shall be prohibited:

- a. Smoking any tobacco product in any part of any enclosed or partially enclosed public place, workplace, public transport, or public outdoor space, except in duly approved designated smoking areas;
- b. Knowingly allowing, abetting, or tolerating smoking or the use of any tobacco product in any of the places enumerated in the immediately preceding paragraph, except when smoking is done within duly approved designated smoking areas;
- c. Selling, distributing, or advertising tobacco products in a school, public playground, or any other facility frequented by minors, or within one hundred (100) meters from any point of the perimeter of these places;
- d. Placing, posting, or distributing any type of tobacco advertisement in any place/establishments;

- e. Purchasing or buying any tobacco product from a minor.
- f. Selling or distributing any tobacco product to a minor.
- g. Failure to comply with any of the duties and obligations set forth in Section 4 or in any other provision of this Ordinance;

Section 4. ***Duties and Obligations of Persons in Charge.*** - The person in charge of any enclosed or partially enclosed public place, workplace, public transport, or public outdoor space shall:

- a. Post and display prominently "No Smoking" signages in the most visible locations in the area where smoking is prohibited:
 - i. For public places, workplace, and outdoor spaces, at the minimum, a "No Smoking" sign must be posted at the entrance to the area. The "No Smoking" signage shall be at least eight (8) inches x eleven (11) inches in size the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall occupy no less that seventy percent (70%) of said signage. The remaining lower thirty percent (30%) such signage shall provide the following:

**"STRICTLY NO SMOKING
Report violations to Smoke-Free Task Force
Police Hotline: 092369459441 (sun)
Municipal Ordinance No. 1-s.2014**

- ii. All business establishments selling tobacco products are required to put stickers on their establishments emphasizing a smoke-free area which are available at the Municipal Treasurer's Office.

The signage may also include the penalty, the Ordinance number and the name of the agency to whom complaints may be made; that the designated smoking area remains compliant with such specifications; and

Section 5. ***Persons liable.*** - The following persons are liable under this Ordinance:

- a. Any person who commits any of the prohibited acts enumerated in Section 3 hereof;
- b. Persons in charge who knowingly allow, abet, or tolerate the prohibited acts enumerated in Section 3, or who otherwise fail to fulfill the duties and obligations enumerated in Section 4 of this Ordinance; and
- c. In addition to or regardless of the liability of the persons in charge, any corporation, partnership, entity or establishment that fails to comply with the requirements under Section 3 and Section 4 in relation to Section 2 of this Ordinance shall also be liable, unless the person in charge and the establishment have only one legal personality.

Section 6. ***Penalties.*** -

- a. The following penalties shall be imposed on violators of this Ordinance: a.1 For violating **Sec 3 (a) (b) (e) (g)**

| | |
|--------------------------------|---|
| First Offense: | Fine of Five Hundred Pesos (Php 500.00) |
| Second Offense: | Fine of One Thousand Pesos (Php1,000.00) |
| Third and Subsequent Offenses: | Fine of Two Thousand Five Hundred Pesos (Php2,500.00), or imprisonment for a period of not more than six (6) months, or both, at the discretion of the court. |

a.2 For violating **Sec 3 (c) (d) (f)**

| | |
|--------------------------------|---|
| First Offense: | Fine of One Thousand Five Hundred Pesos (Php1,500.00) |
| Second Offense: | Fine of Two Thousand Pesos (Php2,000.00) |
| Third and Subsequent Offenses: | Fine of Two Thousand Five Hundred Pesos (Php2,500.00) or imprisonment for a period of not <i>more</i> than six (6) months, or both, at the discretion of the court. |

The penalty of fine, as provided above, may be imposed administratively through the Citation Ticket System established pursuant to this Ordinance. The Smoke-Free Task Force shall include a schedule of administrative fines in the rules and regulations implementing this Ordinance to be formulated pursuant to Section 20 hereof, for the approval of the Municipal Mayor.

PROVIDED that, as an incentive to the Apprehending Officer, he would receive a reward that shall be based on the following ratio to the penalty imposed:

- Apprehending Officer - 70% whose share shall be paid to him through Payment Order Slip duly approved by the Chairman of the Anti-Smoking Enforcement Team and in accordance with the Accounting and Auditing Rules and Regulations.
- Local Government Unit - 30%

However, if the apprehension is made through the assistance of a Tipster, the following reward shall be:

- Apprehending Officer - 60%
- Tipster - 10%
- Local Government Unit - 30%

PROVIDED FURTHER, that on cases where a violator, in particular an individual person, is incapable to pay the penalty, a Community Service shall be imposed as part of the Guidelines to be set by the Anti-Smoking Enforcement Council But in no case shall the Owner of a Business Establishment be included in the Community Service.

- b. **Suspension of License/Permit.** - In addition to fine or imprisonment, the license or permit to operate of any establishment shall be suspended upon:

- i. Failure to take corrective action within ten (10) calendar days from receipt of notice of violation of this Ordinance, which may be in the form of a citation ticket;
 - ii. Failure to pay the fine within ten (10) calendar days from receipt of notice of violation, which may be in the form of a citation ticket, regardless of whether or not such notice or citation ticket was accepted.
- c. **Cancellation of License/Permit and Closure Order.** - The license/permit of any business entity or establishment shall be subject to revocation or cancellation by the Municipal Mayor, upon the recommendation of the Smoke-Free Task Force, in the event that the business entity or establishment:
 - i. continues operations despite the suspension of its license/permit;
 - ii. fails to take corrective action despite the receipt of two (2) consecutive notices of violation of the Ordinance, which may be in the form of citation ticket(s), within ten (10) calendar days from receipt of the second notice;
 - iii. re-installs, re-posts or distributes any new tobacco advertisement or re-make and reposts or distributes any new tobacco advertisement;
 - iv. if found to have committed three (3) or more violations of this Ordinance.
- d. **Confiscation and Removal of Tobacco Advertisements.** - In addition to other penalties imposed, any tobacco advertisement found in violation of this Ordinance shall be removed or confiscated and destroyed by the deputized authorities concerned after due notice.
- e. **Community Service.** - If a violator is unable or unwilling to pay the fines imposed, he/she may choose to render community service to the LGU. For every hour of community service rendered, the outstanding fine shall be reduced by an amount equivalent to triple the hourly minimum wage within the LGU

Section 7. **Lifting of the Suspension/Closure Order.** - An order for the suspension or cancellation of the business permit/license and closure of any business entity or establishment shall be lifted only after compliance with the following requirements:

- a. Submission of a written request to the Municipal Health Officer or Other proper local health authority for re-inspection;
- b. Payment of re-inspection fee in the amount of P2,500.00 plus penalties and other charges incurred;
- c. Full compliance with the Ordinance upon re-inspection;
- d. Secure from the Smoke-Free Task Force an endorsement to lift the order of suspension or cancellation of business permit/license and closure.

Section 8. **Compliance with the Ordinance as Additional Requirement of Sanitation Standards.** Compliance with the Ordinance shall form part of the Sanitation Standards of the Municipal Health Office or other proper local health authority. The Municipal health Office or other proper local health authority shall integrate the requirements of this Ordinance with its

Sanitation Standards and its requirements for the issuance of a sanitary permit. No sanitary permit shall be issued, unless the Municipal Health Office or other proper local health authority has verified, upon inspection, compliance with the requirements of this Ordinance.

Section 9. **Compliance with the Ordinance as Additional Requirement for Business Permits and License Applications and Renewals.** - Compliance with the Ordinance shall form part of the requirements for the issuance of business permits and licenses.

- a. No business permit or license to operate shall be issued, unless the applicant business entity or establishment is found to have complied with the requirements of this Ordinance;
- b. Business entities or establishments located within one hundred (100) meters from any point of the perimeter of any school playground or other facility frequented by minors shall not be allowed to sell or advertise tobacco products;
- c. All business permits and licenses shall be stamped or marked with the following notations, where applicable:

"STRICT PROHIBITIONS"

- Smoking
- Selling of tobacco products to minors
- Tobacco advertisements inside the premises to any retail establishment
- Selling *or* advertising of tobacco products within the 100-meter perimeter of any school, playground or facility frequented by minors (or where the establishment is identified to be within the restricted zone, "This establishment is strictly prohibited from selling or advertising tobacco products").

Section 10. **Fees.** - The Smoke-Free Task Force, with the approval of the Municipal Mayor, shall impose such reasonable fees as may be necessary to defray the costs of inspections for purposes of monitoring compliance with this Ordinance and of the processing of applications for the necessary permits and licenses.

Fees collected in accordance with this Ordinance shall be earmarked to supplement the operational funds of the Smoke-Free Task Force and the Smoking Cessation Program to be established pursuant to this Ordinance. The fees shall be remitted automatically, with the approval of the Mayor, to a separate trust fund for this purpose.

SMOKE-FREE TASK FORCE

Section 11. **Task Force.** - A Smoke-Free Task Force is hereby created to aid in the implementation, monitoring and enforcement of this Ordinance, as well as to undertake educational awareness campaigns, information dissemination, and capacity building programs for constituents and enforcers.

The Smoke-Free Task Force shall be composed of the following:

- a. Municipal Mayor or his/her representative
- b. Municipal Health Officer

- c. Municipal Administrator
- d. Municipal Legal Officer
- e. Municipal Engineer
- f. Municipal Building Official
- g. Municipal Architect
- h. Municipal Environment and Natural Resources Officer
- i. Municipal Information Officer
- j. Health Education and Promotion Officer
- k. Municipal Business Permits and License Officer
- l. Municipal Treasurer
- m. A representative of the Philippine National Police (PNP)
- n. President of Association of Barangay Captains
- o. Representative(s) of one (1) or more CSOs duly designated by the Municipal Health Officer in accordance with Section 12 hereof;

The Smoke-Free Task Force shall not include as member any person or entity that works for or on behalf of the tobacco industry, or that works to further the interests of the tobacco industry. No member of the Smoke-Free Task Force shall represent or receive any contribution or compensation, directly or indirectly, whether financial or otherwise, from the tobacco industry. The Smoke-Free Task Force and its members shall not deal with the tobacco industry or Individuals or entities that work to further the interests of the tobacco industry, except to the extent strictly necessary to effectively regulate, supervise, or control the tobacco industry and tobacco products. These measures are necessary to protect the primary health objectives of this Ordinance and avoid conflict of interest for its enforcers.

Section 12. **Civil Society Participation.** - Within thirty (30) days from the effectivity of this Ordinance, the Municipal Health Officer shall designate, with the approval of the Municipal Mayor, a representative of one or more CSOs, with no tobacco industry relationship, affiliation, or membership, to form part of the Task Force and assist in the implementation of this Ordinance.

Section 13. **Powers and Duties.** - The Smoke-Free Task Force shall have the authority and duty to:

- a. Formulate and recommend rules and regulations for the implementation of this Ordinance, together with a schedule of administrative fines in accordance with Section 6 hereof, for the approval of the Municipal Mayor;
- b. Enforce the provisions of this Ordinance, including processing complaints and pursuing all possible legal actions against violators;
- c. Deputize civilians and members of CSOs, except those with tobacco industry interests and relationships, to assist in the enforcement of this Ordinance, together with or in addition to members of the PNP, and other proper municipal officials;
- d. Authorize barangay officials to form their own task forces, whose members shall be duly deputized by the Smoke-Free Task Force to apprehend violators, and issue citation tickets to violators within their respective jurisdictions;

- e. Conduct regular inspections, as well as special operations and random unannounced inspections;
- f. Review applications for designated smoking areas and other clearances, and monitor compliance with the requirements of this Ordinance;
- g. Establish links with transport groups, management of commercial establishments, and other organizations, to promote awareness of the Ordinance and ensure their cooperation;
- h. Mobilize an inspection team or deputize enforcers in response to reports of violations received from civilians or through the hotlines;
- i. Establish a database that will facilitate the monitoring and reporting of violations;
- j. Manage and maintain the trust fund for purposes of use for implementation of the Ordinance and operations of the Task Force;
- k. Receive outside funds, except those from the tobacco industry, to augment resources for programs to be undertaken by the Task Force;
- l. Recommend amendments or revisions to any provision of this Ordinance or any other measures that will improve the tobacco control policies of the LGU;
- m. Submit a progress report on the status of compliance to the Office of the Mayor every six (6) months.

SMOKING CESSATION PROGRAM

Section 14. **Smoking Cessation Program** - The Municipal Health Officer, with the assistance of the Health Education and Promotion Officer, Municipal Information Officer, and CSO Representative(s), shall develop and promote a Smoking Cessation Program, and encourage the participation of public and private institutions and facilities in this program so that smokers who are found violating this Ordinance may be referred to said facilities.

HOTLINE & CITATION TICKET SYSTEM

Section 15. **Hotline**. - There shall be established a local hotline to which violations of this Ordinance may be reported, either by phone call, short message service (SMS), email, or other forms of communication. A hotline coordinator will be designated to receive information reported in the hotline so that appropriate action may be taken.

Section 16. **Citation Ticket System**. - Any and all violators of this Ordinance shall be informed of their violation and the penalty corresponding thereto by means of a Citation Ticket System.

- a. A citation ticket shall be issued to persons liable for any violation under the Ordinance. It shall contain, among others, the name and address of the violator, the specific violation committed, the corresponding administrative penalty, and the due date for compliance in accordance with the Ordinance.
- b. When a citation ticket is issued to a violator, the violator shall report to the Municipal Treasurer on or before the due date slated in the citation ticket, which shall in no case be more than three (3) business days from the date of apprehension and issuance, in order to pay the fine imposed.
- c. Members of the PNP and other enforcers duly commissioned or deputized by the Smoke-Free Task Force shall have the power to apprehend violators of the Ordinance and issue citation tickets.

- d. Enforcers and deputies shall submit duplicates of the citation tickets issued to the Municipal Treasurer and the Municipal Health Officer within three (3) business days. The Municipal Treasurer and the Municipal Health Officer shall keep duplicates of all citation tickets issued to violators, and other records of violations of the Ordinance reported through other means, such as the hotline.
- e. The citation ticket booklet shall be issued by the Municipal Treasurer and distributed by the Municipal Health Officer to enforcers and all other persons charged with the enforcement of the Ordinance.

Section 17. **No Contest Provision.** - Any person apprehended or cited for violation who does not wish to contest the violation and is willing to pay voluntarily the fine imposed upon him/her prior to the filing of formal charges with the proper court, shall be allowed to pay said line with the Municipal Treasurer until the due date stated in the citation ticket, which shall in no case be more than three (3) business days from the date of apprehension and issuance of the citation ticket, to avoid being criminally prosecuted. Otherwise, the case shall be prosecuted in court.

In the rules and regulations to be formulated for the implementation of this Ordinance, the Smoke-Free Task Force shall include rules of procedure for the guidance of persons who wish to contest violations stated in the citation tickets. At the minimum, these rules: shall require proceedings to be summary in nature; shall require proceedings to be conducted and concluded within seven (7) business days; shall not allow postponements or extensions for any reason; shall not allow the presence of counsel; shall be conducted by means of position papers; and any testimony shall be taken by submission of sworn affidavits. A finding of violation shall be forwarded to the appropriate court for criminal prosecution. The non-promulgation of rules of procedure shall not preclude the effectivity of this Ordinance.

INFORMATION DRIVE

Section 18. **Information Drive.** - Within thirty (30) calendar days from the effectivity of this Ordinance, the Municipal Health Officer, together with the Municipal Information Officer and the Health Education and Promotion Officer, shall:

- a. In coordination with the Office of the Mayor or his/her representative and the Smoke-Free Task Force:
 - i. Provide at least two (2) copies of this Ordinance to every PNP station or precinct within the LGU;
 - ii. Provide a primer on this Ordinance for every member of the PNP and every enforcer in the LGU; and
 - iii. Conduct lectures and brief all members of the PNP and enforcers of the Ordinance on its provisions and their responsibilities with respect to its enforcement;
- b. in coordination with the Engineer's Office, put up billboards in conspicuous places in the LGU to notify the public of the restrictions and sanctions provided in the Ordinance;
- c. In coordination with the Business Permits and Licenses Office, provide a copy of this Ordinance and its primer to all existing establishments that are currently licensed to operate and to every establishment applying for a new license to operate;
- d. In coordination with the Municipal Information Office, provide a copy of this Ordinance and its primer to all operators of public transport in the LGU;

- e. In coordination with the Smoke-Free Task Force, undertake an information and education campaign to raise awareness on and ensure compliance with the Ordinance.

GENERAL PROVISIONS

Section 19. **Financial Mechanisms.** - To defray the costs and expenses necessary for or incidental to the implementation of this Ordinance and the operation of the Task Force:

- a. **Seed Funding.** Initial funding in the amount of not less than fifty thousand pesos shall be sourced from the Municipality of CALAMBA and is hereby allocated.
- b. **Trust Fund.** Every year thereafter, at least fifty thousand pesos shall be included in the annual budget of the Municipality of CALAMBA. Furthermore, proceeds of the fees and charges, and of at least fifty percent (50%) of the administrative fines collected pursuant to this Ordinance, shall be remitted to a Trust Fund and earmarked exclusively for the continued implementation of this Ordinance and the operation of the Task Force in relation thereto.

Section 20. **Implementing Rules and Regulations.** - The Smoke-Free Task Force shall formulate and recommend, for the approval of the Municipal Mayor, such rules and regulations as are necessary to ensure the effective implementation of this Ordinance.

The rules and regulations shall include a schedule of administrative fines in accordance with Section 6 of this Ordinance.

Section 21. **Repealing Clause.** - All Ordinances, rules and regulations, or any part thereof, which are contrary to or inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.

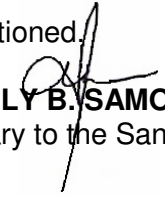
Section 22. **Separability Clause.** - If any provision of this Ordinance is declared unconstitutional or illegal, the same shall not affect the validity and effectivity of other provisions hereof.

Section 23. **Effectivity Clause.** - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation within the province and posting in at least two (2) conspicuous places in the LGU, in accordance with Section 59 of RA 7160.

ENACTED BY THE SANGGUMIANG BAYAN OF CALAMBA, MISAMIS OCCIDENTAL in its Regular Session on March 3, 2014.

APPROVED: March 3, 2014

I hereby certify to the correctness of the aforementioned.


BEVERLY B. SAMOSA, MPA
Secretary to the Sanggunian

Attested:


Hon. JESUS C. ENERIO
Mun. Vice Mayor/Presiding

Approved:


Engr. EZEL T. VILLANUEVA
Municipal Mayor