

**ORDINANCE NO. 48  
SERIES OF 2010**

**AN ORDINANCE REGULATING SMOKING IN PUBLIC PLACES, INCLUDING PUBLIC  
CONVEYANCES AND PROVIDING PENALTIES IN ACCORDANCE WITH THE  
IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT 9211 OR “THE  
TOBACCO REGULATION ACT OF 2003”**

Introduced by: **Vice – Mayor MARION S. ANDRES, M.D.**

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WHEREAS, Her Excellency Gloria Macapagal Arroyo signed Republic Act 9211, also known as the Tobacco Regulation Act of 2003, recognizing the need for a balanced policy that takes into the account the need of both a healthful environment and the protection for the citizens from the hazards of tobacco smoke and, at the same time to ensure that interests of tobacco farmers, growers, workers, and other stakeholders are not adversely compromised;

WHEREAS, Section 39 of RA 9211 explicitly provides that *“all ordinances which are inconsistent with the TRA are repealed or amended accordingly”*;

WHEREAS, Title VI, Rule II, Section 2 of Implementing Rules and Regulation tasks city and municipal mayors, building officials, and the police with the responsibility of ensuring full compliance with its tenets;

WHEREAS, to fully protect the public health and welfare vis a vis the interests of other stakeholders, there is a need to pass a local ordinance which will regulate smoking in public places and conveyances in accordance with existing laws;

NOW THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED, BY THE SANGGUNIANG PANLUNGSOD OF MARIKINA, in session duly assembled that:

**SECTION 1. Definition of Terms.**

- 1.1 Cigarette – refers to any roll or tubular construction, which contains tobacco or its derivatives and is intended to be burned or heated under ordinary conditions of use;
- 1.2 Public Conveyances – refer to the modes of transportation servicing the general population, such as, but not limited to, elevators, airplanes, buses, taxicabs, ships, jeepneys, light rail transits, tricycles, and similar vehicles;
- 1.3 Public Places – refer to enclosed or confined areas of all hospitals, medical clinics, schools, public transportation terminals and offices, and building such as private and public offices, recreational places, shopping malls, movie houses, hotels, restaurants, and the like;
- 1.4 Smoking – refers to the act of carrying a lighted cigarette or other tobacco products, whether or not is being inhaled or smoked.

**SECTION 2. Smoking shall be absolutely prohibited in the following public places:**

- 2.1 Centers of youth activities such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels, and recreational facilities for person under eighteen (18) years old. Such recreational facilities for persons under eighteen (18) years old shall include, but are not limited to, playgrounds;
- 2.2 Elevators and stairwells
- 2.3 Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;

- 2.4 Within the buildings and premises of public and private hospitals, medical, dental and optical clinics, health centers, nursing homes, dispensaries and laboratories;
- 2.5 Public conveyances and public facilities including airports and ship terminals and train and bus stations, restaurants and conference halls, except for separate smoking areas; and
- 2.6 Food preparation areas shall include areas where food or beverage 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 1 of this ordinance, where smoking may expose a person other than the 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 designated smoking area within the building, which may be in an open space, or a separate area with proper ventilation, but shall not be located within the same room that has been designated as a non – smoking area.

**SECTION 4. *Standards for designated smoking areas.*** – The owners, proprietors, operators possessors, managers or administrators of establishments not covered by Section 1 of this Ordinance shall determined the size and specifications of the smoking area: Provided, That the following standards shall be observed:

- 4.1 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 No. 1096, otherwise known as “National Building Code”, and the Philippine Society of Mechanical Engineers Code.
- 4.2 Separation of the designated smoking area other than in an open space shall be effected through any of the following means:
  - 4.2.1 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 doors closers, and which must be constantly closed except when a person is entering or exiting the area; or
  - 4.2.2 The designated smoking area must be set apart, enclosed or confined by means other than those described in Section 4.2.1 above, provided, that said means shall enable compliance to air quality standards set forth in the National Building Code and the Philippine Society of Mechanical Engineers Code. Said standards are reproduced and attached herewith as “Schedule A”, and made an integral part of this ordinance.

**SECTION 5. *Signage for designated smoking and non – smoking areas.*** – all designated smoking areas shall have at least one(1) legible and visible sign posted saying “SMOKING AREA”, for the information and guidance of all concerned. The sign shall be placed conspicuously at the entrance to the entrance to the designated smoking area and shall be in accordance with the specification set forth in “Schedule B” of this ordinance. In addition, the sign or notice shall include a warning in English or Filipino about the ill effect of both direct and secondary exposure to tobacco smoke. Said warning may be any of the following:

GOVERNMENT WARNING: CIGARETTE SMOKING IS DANGEROUS TO YOUR HEALTH ( Babala: Ang Paninigarilyo ay Mapanganib Sa Iyong Kalusugan )

GOVERNMENT WARNING: CIGARETTES ARE ADDICTIVE ( Babala: Ang Sigarilyo ay Naka-ka-adik)

GOVERNMENT WARNING: TOBACCO SMOKE CAN HARM YOUR CHILDREN ( Babala: Ang Usok ng Sigarilyo ay Mapanganib sa mga Bata )

GOVERNMENT WARNING: SMOKING KILLS ( Babala: Nakakamamatay 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) and visible sign posted saying “NON – SMOKING AREA” or “NO SMOKING”.

SECTION 6. *Penalties for violation of this ordinance,*

- a) To the establishment – a fine of Five thousand Pesos (Php 5,000.00)
- b) To the individual / smoker – a fine of One Thousand Pesos (Php 1,000.00)

SECTION 7. *Administration and authority to institute action.* – The City Engineers' Office is tasked to inspect and certify the appropriateness of the designated smoking areas provided by service establishments taking into consideration the air quality standards attached herein. To effectively implement this Ordinance, the local chief executive upon the recommendation of the City Engineer's Office is authorized to institute criminal proceedings against the violators of this Ordinance.

SECTION 8. *Repealing Clause.* – all existing ordinances which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 9. *Separability Clause.* – Should any provision of this Ordinance be subsequently declared unconstitutional or invalid, the other provisions not so declared and not affected by such declaration shall remain in full force and effect.

SECTION 10. *Effectivity* – these ordinance shall take effect fifteen(15) days after its publication in at least two (2) newspapers of general circulation consistent with the provisions of the Local government Code

APPROVED by the SANGGUNIANG PANLUNGSOD of MARIKINA this 17<sup>th</sup> day of March, 2010.

I hereby certify to the passage of the foregoing Resolution during the 11<sup>th</sup> Regular Session of the City Council of Marikina on March 17, 2010

LOLITA E. DE LEON  
City Council Secretary

ATTESTED & CERTIFIED  
TO BE DULY APPROVED:

WILFRED S. REYES  
City Councilor / Acting Presiding Officer

APPROVED by the HON. CITY MAYOR on 25 May 2010