

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIAN PANGLUNGSOD
Lungsod ng Bacolod

CITY ORDINANCE NO. 84
January 22, 1993

AN ORDINANCE AMENDING ORDINANCE NO. 2115 OF 1970, WHICH PROHIBITS SMOKING IN PUBLIC MOTOR VEHICLES DURING TRANSIT.

Be it ordained by the City Council of Bacolod, that:

Section 1 - Smoking, holding and/or carrying a lighted cigarette or cigar or lighted tobacco pipe inside a public utility motor vehicle (e.g. jeepney, p.u., bus) during transit is absolutely prohibited.

Section 2 - Owners or drivers of said public utility motor vehicle shall post in a conspicuous place inside a "NO SMOKING" sign; a copy of the Amended Ordinance, and sticker which contains the Ordinance number and imposed penalties for sufficient information of both passengers and driver.

Section 3 - Definition of Terms.

a.) Public Utility Vehicles (PUV) - refer to those authorized to be operated as public utility by virtue of Certificates of Public Convenience or provisional authority or special permit issued by the Land Transportation Office (LTO) and shall thereby be subject to the provisions of the Public Service Act as well as the provisions of R.A. Act No. 4136 as amended by BP Bilang 43 and BP Bilang 74.

Motor vehicles are propelled by a gasoline or diesel engine or by any means other than human or animal power using the public highway or street opened to public use.

b.) Owner or operator of PUV - refers to any person who owns, leases, controls or operates a public utility vehicle.

c.) Driver - refers to a person who operates or drives the wheel of a public utility vehicle for compensation.

d.) Conductor - refers to a person who assists the driver of a public utility vehicle and to ensure the safety of the cargoes and/or passengers while the said vehicle is in operation.

e.) Passenger - refers to any person riding in a vehicle other than the driver and conductor.

Section 4 - Violations and Penalties. Violations of the provisions of this ordinance subject the offender to the following:

a.) a driver or owner or conductor of the public utility motor vehicle who is found guilty of violating this ordinance for the first offense shall be imposed a fine of ONE HUNDRED PESOS (P100.00); for the second offense, a fine of ONE HUNDRED FIFTY PESOS (P150.00); and for the third offense, a fine of TWO HUNDRED PESOS (P200.00). In case of the fourth offense and succeeding offenses, a fine of not less than FIVE HUNDRED PESOS (P500.00) or an imprisonment of TWO DAYS at the discretion of the court.

b.) a passenger who is found guilty of violating this ordinance for the first offense shall be imposed a fine of FIFTY PESOS (P50.00); for the second offense SEVENTY FIVE PESOS (P75.00); and for the third offense, a fine of ONE HUNDRED PESOS (P100.00). In case of fourth offense and succeeding offenses, a fine of not less than THREE HUNDRED PESOS (P300.00) or an imprisonment of ONE DAY at the discretion of the court.

For the first three offenses, in the preceding paragraphs a & b, the offender shall not be criminally prosecuted if he voluntarily pays the corresponding administrative fines to the City Treasurer of Bacolod City within three (3) days from the date of apprehension by any persons authorized by law.

However in case of refusal or failure to pay the administrative fine above mentioned within the stipulated period of three days, the offender shall be criminally prosecuted before the court.

c.) a driver who fails to call the attention of passenger/s smoking inside the public utility motor vehicle shall also be fined FIFTY PESOS (P50.00) for every passenger caught smoking inside the public utility motor vehicle. The offending driver to avoid criminal prosecution should pay the administrative fine to the City Treasurer of Bacolod City within three (3) days from the apprehension by the PNP or any police officer for that matter.

d.) In the event of failure to pay the appropriate fine judicially imposed, subsidiary imprisonment may be imposed on the offender if the same is properly applicable in accordance with the provisions of the Revised Penal Code of the Philippines and other existing laws.

Section 5 - Separability Clause. Provisions of any ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed or modified accordingly.

Section 6 - Effectivity. This ordinance shall take effect thirty (30) days after its publication in a newspaper of general circulation in Bacolod City.

CARRIED BY THE VOTE OF:

Affirmative:

- Councilors: Rencito S. Novero, Rolando V. Villamor, Juanito S. Amihan, Jr., Joaquin L. Torre, Napoleon A. Cordeva, Constanicio G. Legaspi, Luzviminda S. Valdez, Inocencio V. Ferrer, Jr., Alfredo G. Jalbuena, Jr., Jovito H. Sayson, Arturo V. Parreño, Mario V. Salazar, Jr.

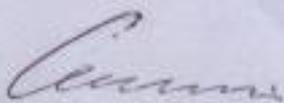
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Negative : None.

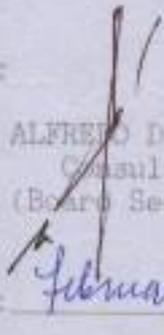
Absent : Councilor Lorendo K. Dilag

Passed : January 22, 1993.

Comments : Passed.
Councilor Wilmar L. Drilon was already out
of the session hall when this ordinance
was passed.


EVELIO R. LEONARDIA
Vice Mayor
Presiding Officer
C.O. 84, 593

ATTESTED:


ALFREDO D. DIOSO
Consultant
(Board Secretary)

APPROVED: February 1, 1993.


ALFREDO L. MONTELIBANO, JR.
City Mayor