

REPUBLIKA NG PILIPINAS  
TANGGAPAN NG SANGGUNIANG PANLUNGSOD  
LUNGSOD NG BAKOLOD

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CITY ORDINANCE NO. 172

November 14, 1996

AN ORDINANCE REGULATING SMOKING IN PUBLIC PLACES IN BACOLOD CITY AND IMPOSING PENALTY FOR VIOLATION THEREOF.

WHEREAS, wanton and unrestricted smoking in public places such as closed and air-conditioned establishments, schools, restaurants and other similar places and establishments have become alarmingly rampant thereby indiscriminately polluting the atmosphere and endangering the health and safety of the public in general;

WHEREAS, as per scientific findings, the chances of dying from lung cancer are greater and imminent than those who do not smoke on a regular basis;

WHEREAS, there are reports to the effect that countless persons die each year due to pulmonary emphysema, cardiac disease allied lung problems and in some cases resulting to drug addiction traced to habitual and unrestricted smoking;

WHEREAS, in order to protect the health of the majority of the general public who are non-smokers, particularly the youth, smoking in the public places should be regulated except in specifically designated smoking areas;

WHEREAS, the police power of the state calls upon the duty of this City Council to adopt necessary measure to protect the health and well-being of the citizenry;

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of Bacolod in session assembled, that:

Section 1. Smoking is hereby regulated in hospitals, moviehouses, assembly halls, enclosed and air-conditioned public establishments, government buildings and school rooms, except in designated smoking area to be identified by the administrator, owner, operator or manager of the said establishments.

Section 2. Definition of Terms:

a) Public place - any area where the public gather or stays, like government office, assembly halls, other enclosed or air-conditioned establishments and others of similar nature;

b) Smoking - inhaling, exhaling, burning or carrying any lighted cigarette, cigar, pipe or any form of lighted object or device which contains tobacco or other similar chemical compound;

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c) **Hospital** - any institution or clinic designed primarily to provide or render medical, dental, or health care services;

d) **Moviehouse** - any theatre or house where motion pictures are shown and/or exhibited or where stage and dramatic plays are played or cultural and theatrical presentations are presented;

e) **Assembly Hall** - any auditorium, stadium, session hall, show room, or any other place where people stay or gather either for political, sports, social, religious, educational, cultural, or entertainment functions;

f) **Enclosed or air-conditioned public establishments** - all spaces enclosed on all sides by walls, windows, from floor to ceiling partitions under a controlled temperature like bank, library, laboratory, conference rooms, funeral parlors, galleries, museums, and other similar spaces but not limited to:

1) **Restaurant** - coffee shop, pub house, cafeteria, luncheonette, sandwich stand, soda fountain, canteen or any establishment which serves food or drinks to the public; and

2) **Shopping Mall or Department Store** - enclosed or air-conditioned establishment designed for selling, retailing, catering, or marketing of goods and services.

g) **Government office or building** - any office or building where governmental functions are being performed;

h) **Schools** - means any institution of learning for pre-school, primary, secondary, tertiary, vocational or training, whether privately or government owned; and

i) **Enforcement Officers** - shall include Police Traffic Enforcer, Teachers, Barangay Captains, Barangay Kagawads, Barangay Tanods.

**Section 3.** All establishments open to the general public and all government offices must provide adequate smoking areas which may be duly designated and identified with sufficient markings for public information.

**Section 4. Banning Smoking in Public Places** - Smoking is banned in all public places during all times when the public gathers or stays therein, except as hereinafter provided:

a) **Hospitals** - in such areas as maybe designated for smoking not inhaled by patients, nurses, doctors and such other hospital staff including other persons or visitors not smoking.



b) **Moviehouses** - in such areas as maybe designated for smoking provided it does not occupy more than 30% of the area and that proper exhaust facilities are installed to emit smoke-air and avoid being inhaled by the non-smoking public.

c) **Assembly Halls** - in such areas as maybe designated provided that the smoke emitted shall not be inhaled by the public attending the meeting. Meeting conducted in a private residence does not fall within this provision.

d) **Enclosed and air-conditioned public establishment -**

1) **Restaurants** - certain areas maybe designated for smoking provided it does not occupy more than 30% of the entire area and that such area is properly marked or identified and proper exhaust facilities are installed;

2) **Shopping Malls or Department Stores** - certain areas maybe designated for smoking provided such area is properly marked or identified and proper exhaust facilities are installed;

3) **Government Building and Offices** - in certain areas as maybe designated for smoking;

4) **School** - in certain sections as maybe designated as smoking areas.

**Section 5. Posting of Signs** - Signs, Logos markings, symbols or any other informative devices shall be prominently and conspicuously posted for the guidance and information of the public in all major entrances and sections for smoking and non-smoking areas.

**Section 6. Responsible for Posting of Sign** - The owner, operator, manager, administrator, or other persons having the control, ownership or management of said establishments shall be responsible for providing the signs, logos, or symbols, markings, or any other informative devices mentioned in the preceding paragraph at their own expense.

**Section 7. Enforcement:** For the first and second violation, the violator shall be brought to any of the persons enumerated in section 2 - (i) and shall gather evidence such as cigarette butts, cigars, pipe or any form of object or device or which contain tobacco or other similar chemical compound when apprehending violators. The violator shall be brought to the City Treasurer to pay the Administrative fine as provided for in the Ordinance.

If violation shall have been discovered for the third and/or succeeding times, the violator shall be brought to the nearest police station for investigation and appropriate filing of charges before the office of the City Prosecutor/Court.



**Section 8. Public Education and Information Program -** The City Government, shall device ways and means, as part of its public information campaign to educate the public in order to effectively enforce this ordinance.

The Department of City Schools, Department of Health, Barangay Operations Center, Barangays Councils, media, moviehouses and such other public information agencies shall conduct a continuing program to educate, inform, disseminate to the public the provisions of this Ordinance and the ill-effect of smoking.

**Section 9. Penalties - Penalties for Violation of this Ordinance shall be as follows:**

- a) For the first offense, an administrative fine of P200.00;
- b) For the second offense, an administrative fine of P300.00;
- c) For the third and succeeding offense, an administrative fine of P500.00 or imprisonment of not more than 10 days or both such fine and imprisonment in the discretion of the court.

**Section 10. General Provisions -** Nothing in this Ordinance shall be construed to permit smoking, in the absence of any provision thereto.

Nothing in this Ordinance shall be construed to preclude owners, and managers or employers of any establishment not be covered within the provision of this Ordinance from prohibiting the smoking within their respective establishment or office.

**Section 11. Effectivity Clause:** This Ordinance shall take effect thirty (30) days after its publication for three (3) consecutive days in a newspaper of general circulation.

**CARRIED BY THE VOTE OF:**

Affirmative:

- Councilors : Renecito S. Novero, Lorendo K. Dilag, Rolando V. Villamor, Juanito S. Amihan, Jr., Napoleon A. Cordova, Constancio G. Legaspi, Archie S. Baribar, Joaquin L. Torre, Juan Ramon R. Guanzon, Ricardo L. Tan.

Negative : N o n e .

Absent : Councilor Celia R. Flor.

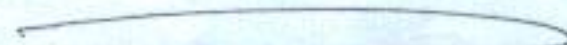
Main Proponent: Councillor Juan Ramon R. Guanzon.  
Passed : November 14, 1996 (Regular Session)  
Comments : P a s s e d .  
Councillors Luzviminda S. Valdez, Arturo V. Parreño and Christine Angelie V. Matus were out when this ordinance was passed.



WILMAR L. DRILON  
Vice Mayor  
Presiding Officer


City Ord. No. 172 S'96


ATTESTED:



ATTY. NILO T. ALEJANDRINO  
Secretary to the Sanggunian

APPROVED:

  
Dec. 20, 1996



EVELIO R. LEONARDIA  
City Mayor

NTA/HPL/jbs

RECORDS DIVISION  
OFFICE OF THE MAYOR  
BACOLOD CITY

DATE: 12/4/96  
TIME: 11:35 A.M.  
REC'D BY: 