



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

Ordinance No. 40
Series of 2011

ORDINANCE PROMOTING A HEALTHFUL ENVIRONMENT IN PASIG CITY.

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WHEREAS, Section 16, Article 2 of the 1987 Philippine Constitution provides that the state shall protect the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS consistent with said Constitutional Provision and with the RA 7160, otherwise known as the Local Government Code of 1991, specifically Section 16 (General Welfare Clause), the City Government has given the promotion of a healthful environment for its constituents, its top most priority concern;

WHEREAS, smoking cigarettes and other tobacco products have been validated to cause unhealthy environment and health hazards resulting to disability, untimely death, additional economic difficulties, especially among the disadvantaged and the poor, and drains the resources of our country that could better be channeled to productive endeavors;

WHEREAS, the World Health Organization (WHO) in its numerous pronouncements has called for stronger measures against the health hazards of cigarette/tobacco smoking where resources, dreams and lives have been wasted, while a handful tobacco companies are raking in millions of profits;

WHEREAS, the Philippines is a signatory country to the WHO Framework Convention on Tobacco Control in which its Article 4 speaks of "strong political commitment is necessary to take measure to protect all persons from exposure to tobacco smoke";

WHEREAS, likewise under WHO's Principle 1 of its Guidelines on Protection From Exposure to Tobacco Smoke, it has declared that "approaches other than 100% Smoke Free Environment including ventilation, air filtration and the use of Designated Smoking Areas (whether with separate ventilation systems or not) have repeatedly been shown to be ineffective and there is conclusive evidence, scientific and otherwise, that engineering approaches do not protect against exposure to tobacco smoke" and under its Letter B, "it declares the duty to protect individuals from tobacco smoke corresponds to an obligation by governments to enact legislations to protect individuals against threats to their fundamental rights and freedoms";

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WHEREAS, In addition, Section 24 of RA 8749 otherwise known as the Clean Air Act of 1999 prohibits smoking inside enclosed public places;

WHEREAS, consistent with the Pasig Green City vision of providing its citizens of a healthy environment beyond progress, it shall respond to the urgent need of protecting the youth and the future generations from the elements detrimental to their health;

WHEREAS, the approval of this Ordinance will strengthen the 100% Smoke Free Policy of City Mayor Robert C. Eusebio enunciated last 10 August 2010.

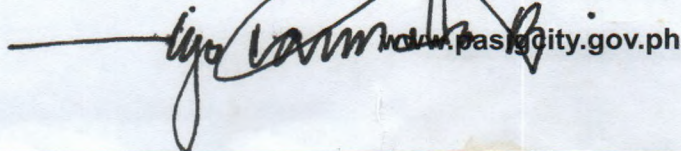
BE IT ORDAINED by the Sangguniang Panlungsod in session duly assembled that :

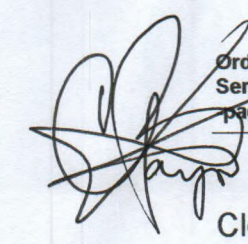
Section 1 : **TITLE** - This Ordinance shall be known as the Healthful Environment Ordinance of 2011.

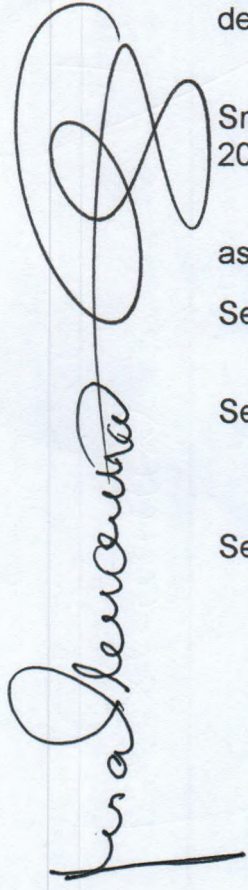
Section 2 : **SCOPE** - This Ordinance shall apply to all persons, whether natural or juridical and shall take effect within the territorial jurisdiction of Pasig City.

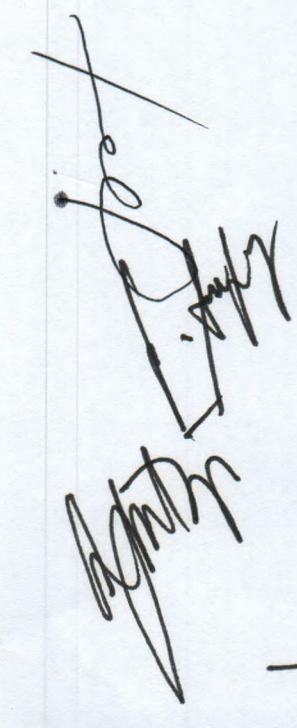
Section 3 : **DEFINITION OF TERMS** - For purposes of this Ordinance, the following terms are defined as follows, to wit:

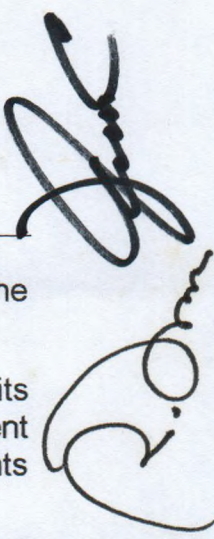
- A. **Advertisement** - any visual and/or audible message disseminated to the public about a particular product that promotes and gives publicity by words, designs, images or any other means thru broadcast, electronic, print or whatever forms of mass media including outdoor advertisements, such as but not limited to signs, tarpaulins and billboards; and for the purpose of this Ordinance, it shall be understood to mean cigarette/tobacco product advertisement;
- B. **Advertising** - refers to the business of conceptualizing, presenting, making available and communicating to the public thru any form of mass media, any fact, data or information about the attributes, features, quality or availability of consumer products, services or credit, and for the purpose of this Ordinance, it shall mean as cigarette/tobacco product advertising;
- C. **Advertiser** - a person or entity on whose account or for whom an advertisement is prepared and disseminated by an advertising agency;
- D. **Cigarette** - any roll of tubular construction which contains tobacco or its derivatives and is intended to be burned or heated under ordinary conditions of use;
- E. **Designated Smoking Areas** - an enclosed public place or open space not frequented by the non-smoking public that is physically separated from non-smoking area wherein measures are taken to prevent second hand smoke to non-smokers;

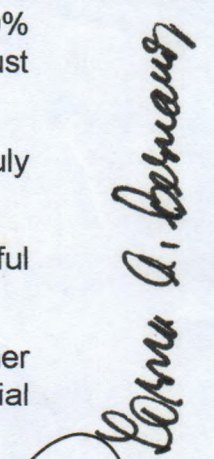

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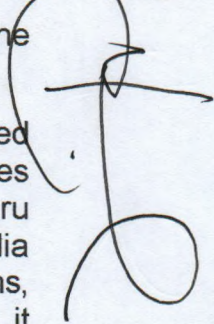


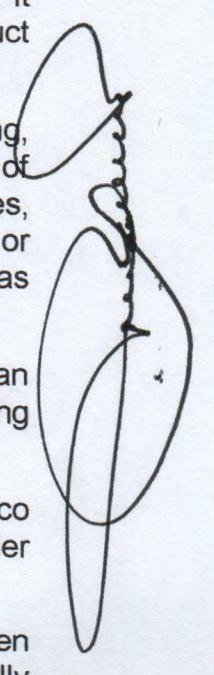


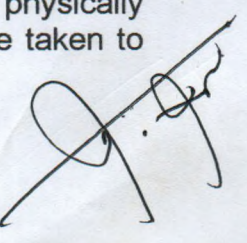














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- F. **Distributor** – any person to whom a tobacco product is delivered or sold for the purpose of distribution in commerce and does not include a manufacturer, retailer or common carrier of such products and to be considered as such, has paid the necessary fees, business permit as well as permit to sell cigarettes/tobacco products;
- G. **Media** – any medium of communication designed to reach a mass of people which includes print media, such as but not limited to newspapers, magazines and publications; broadcast media such as television, radio, cable television and cinema; electronic media, such as but not limited to internet, among others;
- H. **Minor** – any person, below eighteen (18) years old;
- I. **Manufacturer** – any person or entity including a repacker who makes, fabricates, assembles, processes or labels a product such as cigarette/tobacco product;
- J. **Perimeter** – any point in the boundaries as indicated in the certificate of title of a tract of land that is actually used or occupied by a school, church, playground, building or other facility whether or not said tract of land is separated from adjacent tracts by a wall or fence; it also includes areas such as roofs, tents, awnings and canopies;
- K. **Person** – any person, whether natural or juridical ;
- L. **Point of Sales** - any location at which an individual can purchase or otherwise obtain cigarettes/tobacco products, it does not include itinerant/ambulant vendors and to be considered as such, has paid the necessary fees, business permit as well as permit to sell cigarette/tobacco products;
- M. **Premises** – refers to a tract of land and the building or buildings thereon, including the open spaces between the building located on the same tract of land and within the perimeter of said tract of land.
- N. **Promotion** – any event or activity organized by or in behalf of a tobacco manufacturer, distributor, retailer with the aim of promoting a brand of cigarettes/tobacco products which such would not occur were not for the support given to it or on behalf of tobacco manufacturer's name, trademark and logo on non-tobacco products;
- O. **Public Conveyance** – mode of transportation servicing the general public such as but not limited to elevators, escalators, buses, taxis, jeepneys, FXs, shuttles, tricycles, pedicabs, river boats and similar types;



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- P. **Public Places** – enclosed or confined areas of all hospitals, medical clinics, laboratories, schools, public parks, public transportation offices and terminals, buildings such as private and public offices, recreational places, shopping malls, movie houses, hotels, motels and restaurants and the like.
- Q. **Retailer** - any person who sells cigarettes/tobacco products to individuals for personal consumption and to be considered as such, has paid the necessary fees, business permit as well as permit to sell cigarettes/tobacco products;
- R. **Smoking** – act of carrying lighted cigarette/tobacco product, whether it is being inhaled or not;
- S. **Smoker** – a person carrying lighted cigarette/tobacco product, whether it is being inhaled or not;
- T. **Tobacco Product** – any product that consists of loose tobacco and contains nicotine and is intended for use in cigarettes, including any product containing tobacco and is intended for smoking, oral or nasal use;
- U. **Warning** – notice printed on cigarettes/tobacco products or its container and/or displayed in print or electronic media including outdoor advertising and which shall bear information on the ill effects or hazards of cigarette/tobacco product use;
- V. **Workplace** – any place used by people during their employment or work which not only includes work done for compensation but also voluntary work as well as those places at which work is performed but also all attached or associated places commonly used by workers in the course of their employment including but not limited to corridors, lifts, lobbies, joint facilities, toilets, cafeterias, lunchrooms and sheds.

Section 4 : **HEALTHFUL ENVIRONMENT** - To promote a healthful environment for the City's constituents, the following shall be mandated, with the corresponding penalties for their violations thereof :

A	Prohibited Smoking Areas –	Corresponding Penalties
	1. Centers of youth activities such as schools, youth hostels, and recreational facilities for persons below eighteen (18) years old and other facilities frequented by them; 2. All government offices, facilities and vehicles, whether national or local;	A. Letter A, Numbers 1 to 10 : A fine of three thousand pesos (Php3,000.00) 1 st Offense: Smoke cessation Therapy or fine of Three Thousand Pesos (Php3,000.00)



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3. Elevators, stairwells and escalators;
4. In areas as maybe considered by fire services & in places or locations in which fire hazards are present, including gas stations, gas tanks, depots, cargo trucks, tank vehicles and barges, and storage areas for flammable liquids, gases, explosives or combustible materials;
5. Within five meters (5 m) around any entrance and exit of any building or facility;
6. Within the buildings and premises of public and private hospitals, health clinics, medical centers, derma, dental and optical or veterinary clinics, nursing homes, health centers, dispensaries and laboratories;
7. Public conveyances and public facilities including waiting sheds, toilets and terminals of buses, jeepneys, FXs, shuttles, tricycles, pedicabs, river boats except for designated smoking areas;
8. Areas where foods are prepared, processed and stored;
9. Inside public buildings or an enclosed public place including public vehicles or in any enclosed area outside of one's private residence, private place of work or any duly designated smoking area;
10. Other establishments that fall within the following conditions, to wit :
 - a. All enclosed public establishments whose owners, managers or administrators have not yet filed a request or have pending request for the establishment of a designated smoking area:
 - b. All enclosed public establishments with pre-existing designated smoking area that is not yet approved and certified by CENRO;
 - c. All enclosed public establishments which do not have designated smoking areas for whatever reason.

2nd Offense:
 A fine of Three Thousand Pesos (Php3,000.00)

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All of the establishments mentioned in this Section shall be required to post visible warning signs in Pilipino, "**BAWAL MANIGARILYO**" and in English, "**NO SMOKING**" to be followed by in Pilipino, "**ANG PANINIGARILYO AY MAPAMINSALA SA KALUSUGAN NG LAHAT**" and in English, "**SMOKING IS DANGEROUS TO YOUR HEALTH AND TO OTHERS**" in conspicuous places with legible and visible font. All of these signages shall also bear the words in smaller but legible fonts in Pilipino, "**Ordinansang Panlungsod Blg _____**" (the ordinance number of this Ordinance) and in English: "City Ordinance No. _____" as well as "**PARA ISUPLONG ANG MGA LUMALABAG DITO, MAGTEXT O TUMAWAG SA _____**" (the dedicated number to be used by Action Line) and in English, "To report violators, call or text _____".

A fine of five thousand pesos (PhP5,000.00) and imprisonment of fifteen (15) days

Lorna A. Bernante

B Designated Smoking Area – All designated smoking areas must be in conformity with the definitions set by this Ordinance and its Implementing Rules and Regulations. In addition, the requirements for establishing such are as follows:

B1-2.
First Offense:
 a fine of two thousand (PhP2,000.00);
Second Offense:
 a fine of five thousand pesos (PhP5,000.00)
Third Offense:
 Cancellation of Business Permit

1. Display and post conspicuously inside the said designated smoking area the following:
 - a) a visible picture or graphic based hazards of smoking as approved by the Pasig City Healthful Environment Promotion Council measuring at least two (2) by four (4) feet;
 - b) the health warning in Pilipino, "**ANG PANINIGARILYO AY MAPAMINSALA SA KALUSUGAN NG LAHAT**" and in English, "**SMOKING IS DANGEROUS TO YOUR HEALTH TO OTHERS**";
 - c) and the notice in Pilipino, "**ANG LUGAR NA ITO AY PARA LANG SA MGA MAGSISIGARILYO**" or in English, "**This Room is Exclusively For Smokers Only**".
2. Fees to be paid to CENRO:
 - a. Filing fee – Two Thousand pesos (PhP2,000.00);
 - b. Inspection Fee – Five Hundred pesos (PhP500.00)

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Restricted Access to Minors - Vending Machines and Self Service Facilities – unless the vending machine has a mechanism for age verification, the sale or distribution of cigarettes/tobacco products to minors by means of vending machine or any self service facility or similar contraption or devise is prohibited.

Each retailer shall ensure that all tobacco related vending machines or self-service displays or facilities, advertising, labeling and other items that are located in the establishment that do not comply with the requirements of this Ordinance are removed immediately or are brought into immediate compliance with the said requirements.

Letter C :

Cancellation of Business Permit.

D Restricted Acts Vis-à-vis Minors – as for the minors, the following acts are prohibited :

1. For any manufacturer, distributor or retailer including sidewalk or itinerant vendors of cigarettes/tobacco products to promote, give or convey, sell or distribute any cigarette/tobacco product or in the form of sweets, snacks or any objects in the form of tobacco products or other merchandise or items bearing the name, logo or other indicia of tobacco products as well as representations or imitations of said tobacco products to any minor;
2. For any person to purchase cigarettes/tobacco products from a minor :
3. For any minor to distribute, sell or buy cigarettes/tobacco products
4. For a minor to carry or smoke cigarettes/tobacco products

Letter D :

Number 1 :

A fine of five thousand pesos (PhP5,000.00) and imprisonment thirty days (30);

Number 2 :

A fine of one thousand pesos (PhP1,000.00) and community work of three hundred (300) hours

Number 3 :

Section 20 of RA 9344 otherwise known as An Act Establishing Comprehensive Juvenile Justice System will apply.

Number 4 :

Section 20 of RA 9344 otherwise known as An Act Establishing Comprehensive Juvenile Justice System will apply.

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	<p>5. For sending into errant or co-opting a minor to buy, distribute or sell cigarettes/tobacco products.</p> <p>It shall not be a defense for the person distributing, conveying, selling or buying cigarettes/tobacco products that he/she did not know or was not aware of the real age of the minor. Neither, it shall be a defense that he/she did not know or had no any reason to believe that the cigarettes/tobacco products was for the consumption of the minor to whom it was sold.</p> <p>In case of doubt as to the age of the said distributor, seller or buyer, said person shall verify by any means of valid form of photographic identification containing the date of the birth of the minor.</p>	<p>Number 5 :</p> <p>First Offense : a fine of one thousand pesos (PhP1,000.00)</p> <p>Second Offense : a fine of five thousand pesos (PhP5,000.00) and community work of five hundred (500) hours.</p>
<p>E</p>	<p>Prohibited Areas for Promotion, Distribution, Selling or Giving –</p> <p>The promotion, distribution, selling or giving of cigarettes/tobacco products is prohibited within one hundred meters (100 m) from any point of the perimeter of learning institutions such as schools and universities, public playgrounds or other facilities frequented particularly by minors.</p>	<p>Letter E :</p> <p>Cancellation of Business Permit, a fine of three thousand pesos (PhP3,000.00) and imprisonment of thirty days (30).</p>
<p>F</p>	<p>Required Signages for Point of Sales –</p> <p>All point of sales establishments of cigarette/tobacco products shall post inside and outside of the said establishments, the following warning signages in a clear and visible manner, to wit : in Pilipino : “ANG PAGBEBENTA/PAGBIBIGAY NG SIGARILYO/ PRODUKTONG TABAKO SA MGA MENOR DE EDAD AY LABAG SA BATAS” and in English “SALE/DISTRIBUTION OR PURCHASE BY MINORS OF CIGARETTES/TOBACCO PRODUCTS IS UNLAWFUL, to be followed in Pilipino, ANG PANINIGARILYO AY MAPAMINSALA SA KALUSUGAN NG LAHAT” and in English “CIGARETTE SMOKING IS DANGEROUS TO YOUR HEALTH AND TO OTHERS” . All of these signages shall also bear the words in smaller but legible fonts in Pilipino, : “Ordinansang Panlungsod Blg. _____ “(the ordinance number of this Ordinance) and in English :</p>	<p>Letter F :</p> <p>Confiscation of cigarettes/ tobacco products, a fine of five thousand pesos (PhP5,000.00) and cancellation of Business Permit of offending establishment .</p>

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	<p>"City Ordinance No. ____" (the ordinance number of this Ordinance) as well as "Para Isuplong ang Lumalabag Dito, Magtext o Tumawag sa ____" (the dedicated number to be used by Action Line) and in English : "To Report Violators, Text or Call ____".</p> <p>In addition, a visible picture or graphic based warning about health effects of direct or second hand exposure to tobacco smoke as approved by the Pasig City Healthful Environment Council measuring at least two (2) by four (4) feet shall be posted conspicuously inside the said point of sales establishment.</p>	
<p>G</p>	<p>No Littering of Cigarette Butts and Wrappers -</p> <p>Littering of cigarette butts and wrappers shall be prohibited in all public places in Pasig.</p>	<p>Letter G:</p> <p>A fine of one thousand pesos (PhP1,000.00) and two hundred (200) hours of community work.</p>
<p>H</p>	<p>Banning of Advertisements of Cigarettes/ Tobacco Products -</p> <p>All kinds of advertisements of cigarettes/tobacco products in all places in Pasig City shall be banned, except inside the premises of point of sales establishments.</p>	<p>Letter H :</p> <p>Confiscation of advertising materials, a fine of five thousand pesos (PhP5,000.00) and imprisonment of thirty days (30) to the advertiser, advertising company as well as to the owner/possessor of venue/ conveyance used</p>
<p>I</p>	<p>Banning of Promotions of Cigarettes/Tobacco Products -</p> <p>All kinds of promotions for cigarettes/tobacco products shall be banned in all places in Pasig City except at point of sales establishments, provided it is within its premises. It shall include, but not limited to the following means: naming of sports teams and structures, garments, sports gears, caps and bags; writing instruments and paper products; raincoats and umbrellas; toys and replicas and similar items.</p>	<p>Letter I:</p> <p>Confiscation of promotional materials, a fine of five thousand pesos (PhP5,000.00) and imprisonment of thirty days (30) to the promoter, owner/manager of products being promoted and to the owner/possessor of the venue used.</p>

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<p><i>[Handwritten signature]</i></p>	<p>J Banning of Sponsorships of Any Activity –</p> <p>All kinds of sponsorships shall be banned directly or indirectly by tobacco companies or by any entity or individual of any activity to be held in Pasig City. The Ban shall include but not limited to the following activities : sports, concerts, quizzes, educational, arts, cultural, environmental and entertainment. Provided, that the attribution only to the name of the company in the roster of sponsors shall be allowed.</p>	<p>Letter J</p> <p>A fine of five thousand pesos (PhP5,000.00) and imprisonment of thirty days (30) for the sponsor and sponsored individuals or entity.</p>
<p><i>[Handwritten signature]</i></p>	<p>K No Issuance of Permit to Sell Tobacco Products</p> <p>After the approval of this Ordinance, the Business Permit and License Office shall cease from issuing business permits and licenses to business establishments who are selling cigarettes/tobacco products and are operating within the prohibited one (100) hundred meter radius from any point of the perimeter of learning institutions such as schools and universities, public playgrounds or other facilities frequented particularly by minors. Likewise, it shall regularly provide the Pasig City Healthful Environment Promotion Council with a list of persons who were issued permits to sell cigarettes/tobacco products together their exact business locations.</p>	<p>Letter K</p> <p>1st Offense – 15 days suspension</p> <p>2nd Offense – 30 days suspension</p> <p>3rd Offense – Dismissal from the service</p>

If the violator is a juridical person, said penalty shall be imposed upon its, owner, president or general manager as the case maybe.

The community work herein provided shall be for the implementation of programs of CENRO.

Section 5 : **MECHANISMS** – For purposes of ensuring stringent implementation of this Ordinance, the following are hereby mandated to be carried out immediately, to wit :

- A. **Creation of Pasig City Healthful Environment Promotion Council** - A Pasig City Healthful Environment Promotion Council is hereby created with the primary responsibility of ensuring the stringent implementation of this Ordinance and providing procedures for reporting and dealing with its violations, as well as in providing technical and other services in support.

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Thereof, with the CENRO Chief as its Chair and the City Health Officer as Co-chair. It shall meet at least once a month with members coming from the authorized representatives of the following offices, with their corresponding duties and responsibilities, to wit

- **City Health**

1. Develops and maintains Smoking Seccession Program;
2. Develops and produces with the assistance of Public Information Office, information, education and communication (IEC) materials on health hazards of cigarette/tobacco smoking, specially on harmful effects of first hand and second hand smoking as well as on the pertinent provisions of RA 9211 and of this Ordinance.

- **City Ordinance Police**

1. Assists CENRO in monitoring compliance with this Ordinance;
2. Assists CENRO in gathering relevant data on promoting healthful environment;
3. Issues citation tickets to violators of this Ordinance.

- **City Legal Office :**

1. Assists CENRO in reviewing reports and complaints for violations of this Ordinance;
2. Determines liabilities of violators of this Ordinance.

- **Pasig Station of Philippine National Police :**

1. Apprehends violators in accordance with provisions of this Ordinance;
2. Assists CENRO and deputized Civil Society Groups in apprehending violators and in filing the appropriate complaints.

- **Committee on Environmental Protection :**

1. Undertakes its oversight functions over this Ordinance.

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- **Four (4) Pasig based Civil Society Groups :**

1. Provide assistance in inspection and in monitoring violations of this Ordinance;
2. Provide assistance in conceptualizing promotion of healthful environment IEC materials;
3. Provide assistance in encouraging public and participation in the implementation of this Ordinance;
4. Participate in conducting orientation and training seminars on promotion of healthful environment.

- **Tobacco Control Project Officer :**

1. Acts as the Action Officer of the Pasig City Healthful Environment Promotion Council.

The herein Clerk to be appointed shall act as the Secretary of the Pasig City Healthful Environment Promotion Council.

- B. **Budgetary Support** - Budget to implement this Ordinance shall initially be sourced from the unprogrammed budget of the City and shall be included in the budget of CENRO thereafter;
- C. **Implementing Rules and Regulations** – for the proper guidance of its stakeholders as well as that of the Pasig City Healthful Environment Promotion Council, the CENRO Chief, together with City Health Officer, the City Legal Officer and the Chair of the Committee on Environmental Protection shall craft the Implementing Rules and Regulations of this Ordinance within thirty (30) days from its approval for the City Mayor’s consideration;
- D. **Curriculum** - the matters of ill effects/health hazards of cigarette/tobacco smoking as well as of this Ordinance shall be included in all schools, colleges/universities and technical/vocational schools in Pasig City in the subject deemed appropriate by the Division of City Schools, the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA), after proper representations have been made with these agencies.
- E. **Information Dissemination** – the Healthful Environment Promotion Project Officer shall take charge in conducting massive educational, information and communications activities as a component of its projects and services with the active support of the Public Information Office and City Health Office;

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Mayor
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- F. **Reports** – the Healthful Environment Promotion Project Officer shall regularly submit reports on the accomplishments of its projects and services, issues and concerns on promotion of healthful environment as well as the accomplishments of the Pasig City Healthful Environment Promotion Council to the CENRO Chief, the City Mayor, the City Council and Inter Agency Committee – Tobacco (IAC – Tobacco);
- G. **Youth Against Cigarettes Smoking (YACS!)** – CENRO shall immediately establish the Youth Against Cigarettes Smoking among the youth and students of Pasig City with the end view of inculcating the promotion of healthful environment as well as the hazardous effects of cigarette smoking and mobilizing their participation in the promotion of healthful environment campaign of the City Government.
- H. **Smoking Cessation Clinic** – The City Health Office shall establish a Smoking Cessation Clinic to assist walk in smokers who want to quit from their smoking addiction/dependence. First time violators of Sec. 4A (1-10) shall have the option of undergoing the smoke cessation therapy instead of paying the fine of Three Thousand Pesos (Php3,000.00);
- I. **Livelihood Support** - The Cooperative Development Office shall assist the Pasig City Healthful Environment Promotion Council in setting up and strengthening of cooperatives among the ambulant cigarette vendors. Likewise, the City Livelihood Development Council shall extend training and facilitation of seed money for the said ambulant cigarette vendors cooperatives;
- J. **Rating System and Recognition** - to encourage voluntary compliance, the Healthful Environment Promotion Project Officer shall develop a rating system on voluntary compliance and undertake appropriate recognition/awards thereof to be held during the celebration of World No Tobacco Day;
- K. **Impact Evaluation** – Every two (2) years after the approval of this Ordinance, the Pasig City Healthful Environment Promotion Council and the Committee on Environmental Protection shall conduct an impact evaluation on the implementation of this Ordinance and submit a corresponding report and recommendations for executive and legislative actions;
- L. **Dedicated Telephone Number/Hot Line** – to enhance information dissemination, apprehension of violators as well as people's participation in the implementation of this Ordinance, Action Line shall allot and maintain a dedicated telephone number/hot line towards the attainment of the aforementioned objectives;

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M. **Incentive for Enforcers of this Ordinance** – fifteen percent (15%) of the fine paid by the apprehended violator of this Ordinance shall accrue to the deputized enforcer who made the said apprehension as an incentive.

N. **No Contest Clause** – Persons who violate this Ordinance and were apprehended or cited for such violation and who do not wish to contest the said violation and is willing to pay voluntarily within three (3) working days from apprehension the fine imposed upon them prior to the filing of formal charges with the proper court shall be allowed to pay the corresponding fines with the City Treasurer's Office to avoid being criminally prosecuted. This provision can be availed by persons liable only once and shall not cover the penalty of community work.

Section 6 : **PEOPLES' PARTICIPATION** – to enhance governance, people's participation is encouraged by drawing in the voluntary participation of Civil Society Groups in information dissemination and reporting of violators of this Ordinance. CENRO shall also deputize, upon appropriate screening, proper orientation and training, their members in reporting and apprehending violators. Aside from these, values education and other self enhancement activities shall be accorded them.

Section 7 : **INTERFERENCE** - Any person who shall interfere, obstruct or oppose any official or employee of the CENRO or any other duly deputized person in the performance of their duties in the implementation of this Ordinance, or shall tear down, mutilate, deface or alter any billboard, tarpaulin, streamer, poster or similar notices affixed in any premises in the enforcement of this Ordinance shall be penalized with a fine of PhP500.00 or imprisonment of thirty (30) days or both upon the discretion of the court.

Section 8 : **CITIZENS SUITS** - For the purpose of enforcing the provisions of this Ordinance, any bona fide Pasig City resident may file an appropriate civil, criminal or administrative action in proper courts/bodies against :

1. any person who violates or fails to comply with any of the provisions of this Ordinance;
2. any Pasig City Official, Employee or deputized person, who willfully or grossly neglects the performance of an act specially enjoined as a duty by this Ordinance or abuses his/her authority in the performance of his/her duties; or in any manner, improperly performs his/her duties under Ordinance.

Laura A. Bernado



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Provided, however, that no suit can be filed until after thirty day (30) notice has been given to the said public officer and the alleged violator concerned and no appropriate action has been taken thereon.

In the event the said bona fide Pasig City resident should prevail, the Court shall award reasonable attorney's fees, moral damages and litigation costs as appropriate measure.

Section 9 :

SUITS AND STRATEGIC ACTIONS, PUBLIC PARTICIPATION AND ENFORCEMENT OF THIS ORDINANCE – Where a suit is brought against a person who filed an action as provided for on Section 8 of this Ordinance, or against any person, office or department that implements this Ordinance, it shall be the duty of the City Prosecutor to immediately make a determination not exceeding thirty days (30) whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourse of the person complaining of or enforcing the provisions of this Ordinance. Upon determination thereof, evidence warranting the same, the City Prosecutor shall dismiss the same.

This provision shall also apply and benefit Pasig City Officials and Employees who were sued for acts committed in their official capacity, there being no grave abuse of authority and done in the course of enforcing this Ordinance.

Section 10 : **Miscellaneous Provisions** –

1. Separability Clause – if any part of this Ordinance is declared as unconstitutional or unlawful, such declaration shall not affect the other parts or sections hereof that are not declared unlawful or unconstitutional;
2. Repealing Clause – all previous ordinances and executive orders inconsistent with this Ordinance shall be deemed repealed or modified accordingly;
3. Effectivity Clause – it shall be effective immediately upon publication of this Ordinance in a generally circulated publication in Metro Manila.

APPROVED, this 15th day of **December 2011** at Pasig City.

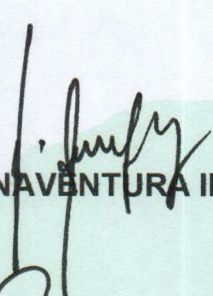
Iyo Christian C. Bernardo
IYO CHRISTIAN C. BERNARDO
Councilor

Richard C. Eusebio
RICHARD C. EUSEBIO
Councilor



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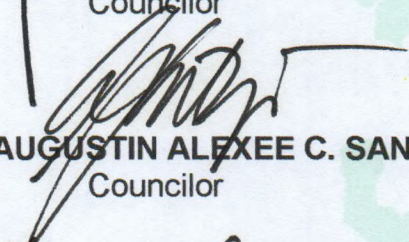
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REYNALDO R. SAN BUENAVENTURA III
Councilor


RODRIGO B. ASILO
Councilor

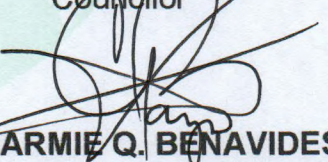

REGINO S. BALDERRAMA
Councilor

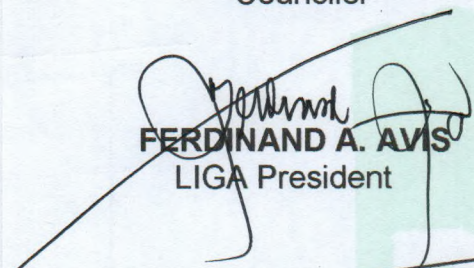

REYNALDO F. RAYMUNDO
Councilor

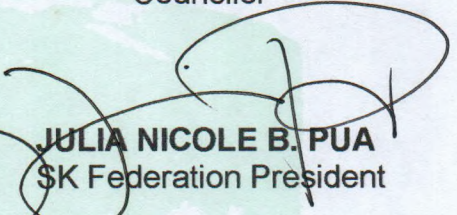

AUGUSTIN ALEXEE C. SANTIAGO
Councilor


ROBERTO E. BENITO
Councilor


LORNA A. BERNARDO
Councilor


CHARMIE Q. BENAVIDES
Councilor



FERDINAND A. AVIS
LIGA President


JULIA NICOLE B. PUA
SK Federation President


CHRISTIAN G. SIA
Councilor
Minority Floor Leader


VIRGILIO I. DEL ROSARIO
Councilor
Majority Floor Leader

Attested by:


ROSALIO D. MARTIRES
City Vice-Mayor
Presiding Officer


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APPROVED:

ROBERT C. EUSEBIO
City Mayor

Attested by:

ROBERTO A. BARRETTO
Acting City Council Secretary