



Republic of the Philippines  
Province of Ifugao

**Office of the Sangguniang Bayan**  
Hungduan



**Municipal Ordinance No. 32**  
**Series of 2011**

*Sponsored by: Hon. Lucas A. Bugatti*

*Chairman- Committee on Health Nutrition, Sanitation and Environment*

*Vice Chairman : Romeo L. Haguyayap*

*Members : Hon. Agustina M. Ipan*

*: Hon. Evelyn Y. Balenga*

*: Hon. Ruben P. Wacoy*

**Attested:**

HON. JOHN D. HANGDAPAN  
*Municipal Vice Mayor and  
Regular Presiding Officer*

HON. AGUSTINA M. IPAN  
*Municipal Councilor*

HON. EVELYN Y. BALENGA  
*Municipal Councilor*

HON. ROMEO L. HAGUYAYAP  
*Municipal Councilor*

HON. RUBEN P. WACOY  
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ON OB  
HON. JUANITO B. GAMBOC  
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HON. LUCAS A. BUGATTI  
*Municipal Councilor*

HON. JESSIE B. LAICAWAN  
*Municipal Councilor*

HON. MAX A. YOGYOG  
*Liga ng mga Barangay President*

ON OB  
HON. RAY B. PALATIC  
*Municipal  
SK Federation President*

**Approved:**

HON. HILARIO T. BUMANGSANG  
*Municipal Mayor*

**AN ORDINANCE PROHIBITING SMOKING IN CERTAIN PUBLIC PLACES INCLUDING PUBLIC CONVEYANCES WITHIN THE TERRITORIAL JURISDICTION OF HUNGDUAN, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR.**

**WHEREAS**, The Municipal Government of Hungduan has been granted powers by the Local Government Code of 1991 to promote the general welfare of its constituents to include, among others, the promotion of their health and safety;

**WHEREAS**, Section 24 of Republic Act 8749, otherwise known as the Philippine Clean Air Act of 1999, prohibits smoking inside enclosed public places including public vehicles, with the LGUs directed by law to implement its provision;

**WHEREAS**, this ordinance generally aims to safeguard public health and ensure the physical well being of all its constituents, which includes protection of workers, by minimizing their risk of exposure to tobacco smoke;

**NOW, THEREFORE**, on motion duly seconded...

**BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF HUNGDUAN, IFUGAO BY VIRTUE OF THE POWERS VESTED IN IT BY LAW, IN SESSION ASSEMBLED THAT:**

**Article I. GENERAL PROVISIONS**

**Section 1. Brief Title** - This ordinance shall be known as "THE SMOKE FREE ORDINANCE OF HUNGDUAN, IFUGAO.

**Section 2. Coverage** - This ordinance shall apply to all persons, whether resident or not, and in all places found within the territorial jurisdiction of Hungduan, Ifugao.

**Section 3. Definitions of Terms** - As used in this ordinance, the following terms shall have the meanings ascribed to them in this section, unless the context of their usage indicates another meaning:

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Regular Presiding Officer*

HON. AGUSTINA M. IPAN  
*Municipal Councilor*

HON. EVELYN Y. BRILENGA  
*Municipal Councilor*

HON. ROMEO B. HINGOYAN  
*Municipal Councilor*

HON. RUBEN P. WACOU  
*Municipal Councilor*

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*Municipal Councilor*

HON. MAX A. YOGYOG  
*Liga ng mga Barangay President*

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*Municipal  
SK Federation President*

**Approved:**

HON. HILARIO T. BUMANGAYAN  
*Municipal Mayor*

a. Smoking – refers to the lighting and/or puffing of any lighted cigarette, cigar, tobacco or any other kind, form or type. Possession of any lighted cigarette, cigar, tobacco and the like within the prohibited areas for smoking shall constitute a prima facie evidence as an act of smoking prohibited under this Ordinance.

b. Public Utility Vehicle – refers to the Public Utility Jeepneys (PUJs), Public Utility Buses (PUBs), tricycles, and other public utility vehicles used in the transport of passengers.

c. Accommodation and Entertainment Establishment – refers to restaurants, fast foods eateries, home stays, lodges, inns, boarding houses, beer houses, videoke bars or any other places with pleasant environment and atmosphere conducive to comfort, healthful relaxation and rest, offering food, sleeping accommodation and recreational facilities to the public for a fee.

d. Public Building - refers to any of the following:

1) A building structure owned by the government or owned by a private person but used, rented or occupied by the government or any of its instrumentalities.

2) Any building or structure used, or controlled exclusively for public purposes by any department or branch of government, local government unit or barangay without reference to the ownership of the building.

e. Public Place – refers to any place where people gather to include gasoline stations, cooperative offices, malls, town squares, terminals, shopping, business arcades, schools, churches, hospitals, cinema houses, gymnasias, funeral parlors, barber shops, and other similar places where people usually congregate to listen or attend concerts, rallies and programs.

f. Designated Smoking Room – refers to a designated room inside the accommodation establishment or public place or enclosed public place which is totally enclosed where a person is allowed to smoke without violating this Ordinance.

g. Designated Smoking Area - Any duly designated room/area in accommodation and entertainment establishment whether tourism-accredited or not as herein defined within the territorial jurisdiction of the municipality: Provided that the following conditions are met:

- If the accommodation and entertainment establishment is air-conditioned, it must establish and designate a smoking room which shall not be more than  $\frac{1}{4}$  of the total accommodation area of the establishment that is air-conditioned and equipped with an exhaust fan and totally enclosed on all sides and separated from the rest of the premises where smoking is prohibited: and
- If the accommodation and entertainment establishment is not air-conditioned, it must establish and designate a smoking area which shall be more than  $\frac{1}{4}$  of the total accommodation area of the establishment that is fully ventilated and separated from the rest of the premises where smoking is prohibited.

h. Enclosed Area – refers to an area which is closed whether totally or partially at the sides and is roofed or makes use of the floor above it as ceiling or even if open on all sides but is covered by roof, permanent or temporary in nature.

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**Approved:**

HON. HILARIO T. BUMANAG  
*Municipal Mayor*

i. Enclosed Public Place – refers to a room, building, structure of edifice that is constructed with a shelter or covered by a roof with panels or concrete wall, which structure is open to the public

j. Persons in Charge – In case of public places, public outdoors spaces, or other establishments, this refers to the president or manager in case of a company, corporation or association; the owner / proprietor as well as the operator in the case of single proprietorship; or the administrator in case government property, office or building is involved; in case of the public conveyance; and in case of workplaces, the employer who may be an individual employer, or a sole proprietor, or if the employer is a corporation, all the corporate officials;

k. Public Conveyance – any vehicle available to the public as a mode of transport, such as, but not limited to Jeepsneys, buses, tricycles and other similar vehicles;

l. Public Outdoor Spaces – 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; waiting areas, and the like;

m. Workplaces – any places where work is performed by more than one person regardless of employment status. Vehicles used in the course of work are considered workplaces.

**Section 4. Prohibited Acts** – The following are prohibited:

a- Smoking in a public utility vehicle, accommodation and entertainment establishments, public building, public place, enclosed public place, or any enclosed area outside of one's private residence or private place of work;

b- Knowingly allowing, abetting or tolerating smoking in accommodation establishments, except when smoking is done inside or within the duly designated smoking areas referred to this Ordinance.

c- Smoking while inside a government –owned or public utility whether moving or stationary or while solicitation of passengers is going on or while the vehicle is waiting for passengers.

- Stores within sight and hearing distance from any schools, hospitals and churches are hereby mandated to regulate the sale of cigarettes and in no case shall they sell these goods to minors or school children.

**Section 5. Person/s Liable:**

The following persons/individuals are deemed liable under this Ordinance:

- a. Any person smoking where it is prohibited mentioned in Section 4 hereof.
- b. Any passenger, driver, conductor, or inspector of government –owned vehicles or public utility vehicles (PUJ) smoking as stated in section 4c hereof.

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*Municipal Mayor*

- c. The President or manager in case of a company, corporation, or association, or the owner/proprietor or operator in case of single proprietorship, of accommodation and entertainments, whether tourism-accredited or not, who knowingly allows, abets or tolerates and /or fails to warn, advise or report violators of this ordinance to any policeman or nearest police station within three (3) hours of the violation.

**Section 6. Duties and Obligations of Persons in Charge** - Persons in charge shall:

- a) Post and display prominently "Thank you for not Smoking" signage in the most visible locations in the area where smoking is prohibited, including vehicles, in order to ensure that the public can easily view such signage's and be notified. At the very least, this sign must be posted at the entrance of the prohibited area. The "Thank you for not Smoking" signage shall be at least 8 x 16 inches in size, or adjusted in scale for smaller vehicles, such as, but not limited to tricycles and pedicabs, international "No Smoking" symbols shall occupy no less than 70% of said signage. The remaining lower 30% of the signage shall show the name of the person in charge and the name of the person to whom a complaint may be made as well as the following: (Option: Hotline Number if available)
- b) Remove all ashtrays or any receptacles for dispensing cigarette refuse from enclosed public places and workplaces, and other public outdoor spaces.
- c) Ensure that all employees in the establishment are aware of the Ordinance and to provide a procedure for them to warn violators.
- d) Undertake all reasonable steps to ensure strict implementation of this Ordinance and to stop people from smoking such as but not limited to warning the violators and requesting them to leave the premises. If the violators fail to comply, the person in charge or his agent shall immediately inform the municipal health officer or any duly designated member of the Enforcement Team or Smoke Free Task Force and the nearest peace office of the presence of the violator.
- e) Allow inspectors acting under Section 9 of this Ordinance and representatives of the designated civil society organization (CSO) under section 12 of this Ordinance, entry into the establishment at any regular business day and during regular business hours for the purpose of inspecting the premises' compliance status.

**Article II. ENFORCEMENT**

**Section 7. Enforcement Team** – a Municipal Enforcement Team shall be created headed by the Municipal Mayor, co-chaired by the PNP Municipal Chief of Police with the Municipal Health Officer, Municipal Treasurer, Municipal Administrator, and Municipal Engineer.

A Barangay enforcement teams shall also be created headed by their respective Barangay Captains with the midwives, tanods, and other barangay workers and DepEd Personnel from the different schools within the municipality as members.

The Enforcement Teams shall be:

- a) The repository for records of all violations of this Ordinance;

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*Municipal  
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*Approved:*

HON. HILARIO T. SUMATINGBANG  
*Municipal Mayor*

- b) The issuer of Citation Tickets;
- c) The receiving agent of the Municipal/ Barangay Treasurer for fines pertaining to violations of this Ordinance;
- d) The adjudicator in the case of Contests under Section 13 of this Ordinance;
- e) The coordinator among all other provincial/municipal offices for the effective implementation of this Ordinance.

### **Section 8. Enforcement in Establishments**

A period of sixty (60) days from the effectivity of this Ordinance shall be given to the person in charge of the premises to comply with the requirements of this Ordinance.

Failure to comply with the requirements set forth in this Ordinance shall be a ground for cancellation of the business permit.

### **Section 9. Enforcement in Public Conveyances**

A period of sixty (60) days from the effectivity of this Ordinance shall be given to the public utility operator to comply with the requirements of this Ordinance.

Failure to comply with the requirements set-forth in this Ordinance shall be a ground for cancellation of the public utility's license to operate within the Municipality or a prohibition of the utility's use within the meter and bounds of the locality.

**Section 10. Enforcement on Individual Smokers** - the Philippine National Police shall issue a Citation Ticket to be provided by the Municipal Health Office stating the violation and penalty to a person apprehended for smoking in a prohibited area. The PNP shall then forward their copies of issued Citation Tickets to the Municipal Health Office within a period of no less than twice a week.

**Section 11. Enforcement with Civilian Participation** - within thirty (30) days from the effectivity of this Ordinance, the Municipal Mayor shall designate a civil society organization (CSO) to assist in its inspections and the enforcement of this Ordinance.

The designated CSO shall have the following:

- a) Inspect the places enumerated in Section 3 paragraph (a), (c), (d), (e), and (i) of this Ordinance;
- b) Prepare a report on any violation of this Ordinance discovered in the course of the inspection;
- c) Submit the violation report to the inspection team;
- d) Conduct a citizen's arrest pursuant to Rule 113 Section 9 of the Rules of Criminal Procedure in case of an individual violator who refuses to cease smoking in a prohibited area after fair warning has been given;
- e) Summon assistance from the Philippine National Police in the event an arrest under paragraph (d) is to be performed or has been performed;
- f) To act as complainant or witness in any criminal or administrative proceeding against violators of this Ordinance.

Upon receipt of a violation report from the CSO under paragraph (c) of this Section, and the violator is an establishment under Section 5 and 6 of this



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*Municipal  
SK Federation President*

*Approved:*

HON. HILARIO T. SUMANGBANG  
*Municipal Mayor*

Ordinance, the inspection team shall verify the violation and to undertake the necessary actions stemming from the violation.

This ordinance empowers private citizens to assist in monitoring & reporting non-compliance with any of the obligations established herein.

**Section 12. Penalties** – the following penalties shall be imposed on violators of this Ordinance;

- a) First Offense – Fine of P150.00 or 4 hours community service for each incident for each day of violation if the violation continues after the offender has received notice of the warning;
- b) Second Offense – Fine of P300. 00 or 8 hours community service for each incident or for each day of violation if the violation continues after the offender has received notice of the warning.
- c) Third and Subsequent Offenses: Fine of P500.00 or 16 hours community service for each incident or for each day of violation if the violation continues after the offender has received notice of the warning and imprisonment of not less than three (3) days but not more than one (1) month at the discretion of the court.;
- d) The License to operate any private establishment covered by this ordinance will be suspended upon: i) a third and subsequent offense transpiring therein: ii) failure of the establishment to pay the fine indicated In a Citation Ticket within five (5) regular business days from of its issuance. The establishment may be immediately opened upon proof of compliance.
- e) the License to operate of any private establishment covered by this ordinance will be revoked on the following grounds: i) failure of the establishment to comply with this ordinance within ten (10) days from receipt of a Citation Ticket within fifteen (15) regular business days from its issuance. A new License to operate may only be granted upon proof of compliance and payment of all fines;
- f) the franchise of a public conveyance shall be suspended for at least one (1) week but not more than one (1) month upon a third and subsequent offense transpiring therein; or, if the violator is a person in charge of a public conveyance, the vehicle used shall be prohibited from plying thoroughfares and from using public loading facilities, whether for goods or passengers, for a period of one (1) month.

If a violator is found liable, but is unable or to pay the fines imposed, he/she may choose to render community service to the Barangay where the violation was committed. For every hour of community service rendered, his/her outstanding fine shall be reduced by an amount equivalent to triple the hourly minimum wage of the Municipality.

**Section 13. Contests** - Within sixty (60) days of the effectivity of this ordinance, the Municipal Health Office, upon approval of the Office of the Mayor shall promulgate rules of procedure in order to enable persons who wish to contest the violations stated in the Citation Tickets to do so. These rules must be summary in nature; shall allow no more than seven (7) days from start to finish; 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.

**Section 14. Task Force Purpose and Composition** – A Smoke Free Task Force – shall be created to aid in the implementation, monitoring and enforcements of

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Municipal  
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Approved:

HON. HILARIO T. BUMANGTING  
Municipal Mayor

this ordinance as well as to undertake educational awareness campaigns, information dissemination programs, and capacity building programs, that will aid the constituents and enforcement officers in understanding the harms of smoking and second hand smoke and the benefits of a smoke free environment. Participation of civil society in the task force is highly recommended to ensure the strict implementation of this ordinance. The composition shall be determined by the enforcement team with the approval of the Mayor or the Barangay Captain as the case may be and shall convene on a regular basis.

The Smoke Free Task Force shall not include as its member any person connected in any way to the tobacco industry.

**Section 15. Posting of Billboards and Information Campaign** - The Municipal Engineering Office shall put up billboards in conspicuous places in the Municipality to notify the public of the restrictions and sanctions provided in this Ordinance, and shall, upon the effectivity of this act, immediately issue notices regarding the individual obligations under this ordinance. This notice shall be disseminated at the barangay level. The Smoke Free Task Force shall undertake an Information and Education Campaign to ensure compliance with the law.

**Section 16. Implementing Rules and Regulations** - The Municipal Mayor shall issue the Implementing Rules and Regulations of this Ordinance within 90 days from its effectivity.

**Section 17. Funding** - For the first year of enforcement, sufficient funds shall be sourced from the appropriations of both the Offices of the Municipal Mayor and Municipal Vice Mayor to cover the costs of the Information Dissemination in Article II, training of the enforcement team, meetings, the printing of the Citation Tickets and Premier, the operation of the Smoke Free Task Force, and other costs necessary for effective implementation of this law.

For the succeeding years, the Municipal Government shall ensure the mandatory funding of the Smoke Free Ordinance of Hungduan, Ifugao, as a Municipal commitment, to be sourced from the Municipality's Annual Fund.

**Section 18. Proceeds-**

a. the penalties collected through the apprehension of members of the Hungduan PNP and other officers designated shall accrue to the trust fund of the municipality that will be used to defray cost of operations for the implementation of this ordinance

b. The penalties collected through the apprehension of barangay officials and barangay tanods shall accrue to the general fund of the barangay.

**Article III. FINAL PROVISIONS**

**Section 19. Repealing Clause** - All Ordinances contrary to or inconsistent with this ordinance are hereby repealed or modified accordingly.

**Section 20. Separability Clause** - If any provision of this Ordinance is declared unconditional or illegal, the same shall not affect the validity and effectivity of the other provisions.

**Section 21. Effectivity Clause** - This Ordinance shall take effect fifteen (15) days following its full publication in a newspaper of local or general circulation or posting in at least two (2) conspicuous places in the Municipality.

*I hereby certify to the passage of the foregoing Ordinance which was duly approved by the Sangguniang Bayan of Hungduan on December 20 2011.*

**JOCELYN H. DULNUAN**  
*Secretary to the Sanggunian*

ATTESTED:

**JOHN D. HANGDAAN**  
*Municipal Vice Mayor*

**AGUSTINA M. IPAN**  
*SB Member*

**EVELYN Y. BALENGA**  
*SB Member*

**ROMEO L. HAGUYAYAP**  
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**RAY B. PALATIC**  
*SK Federation President*

*Approved:*

**HILARIO T. BUMANGABANG**  
*Municipal Mayor*