



Republic of the Philippines
 Province of Cavite
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
 Trece Martires City



EXCERPTS FROM THE MINUTES OF THE 5th SPECIAL SESSION OF THE SANGGUNIANG PANLALAWIGAN OF CAVITE HELD ON 14 NOVEMBER 2002 AT THE NEW SESSION HALL, CAPITOL BUILDING, TRECE MARTIRES CITY

PRESENT:

Hon. Juanito Victor C. Remulla, Jr.	Vice-Governor/Presiding Officer
Hon. Bernard Michael I. Bautista	Majority Floor Leader
Hon. Strike B. Revilla	Minority Floor Leader
Hon. Hermogenes C. Arayata III	Sanggunian Member
Hon. Dominic R. Tolentino	Sanggunian Member
Hon. Iluminada F. Silao	Sanggunian Member
Hon. Alex L. Advincula	Sanggunian Member
Hon. Hilda P. Mendoza	Sanggunian Member
Hon. Rafael S. Rodriguez	Sanggunian Member
Hon. Cesario R. del Rosario, Jr.	Sanggunian Member
Hon. Teodoro S. Sanchez	Sanggunian Member
Hon. Arleen C. Arayata	ABC Prov'l. Fed. Pres.
Hon. Jose Rozel E. Hernandez	SB Prov'l. Fed. Pres.
Hon. Sophia Marie G. Pagtakhan	SK Prov'l. Fed. Pres.

ABSENT:

NONE

PROVINCIAL ORDINANCE NO. 2002-004

AN ORDINANCE PROHIBITING THE SMOKING AND SELLING OF CIGARETTES IN ALL PUBLIC AND PRIVATE PRIMARY AND SECONDARY SCHOOLS AND WITHIN A RADIUS OF 100 METERS FROM THE SCHOOL COMPOUND/PREMISES AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF (Sponsored By Hon. Strike B. Revilla, Hon. Dominic R. Tolentino and Hon. Iluminada F. Silao)

WHEREAS, Section 16 of RA 7160 otherwise known as the Local Government Code of 1991 provides that every local government unit shall promote the health and safety of its inhabitants;

WHEREAS, a local ordinance in pursuant to Philippine Clean Air Act of 1999, Section 24, Article 5, which prohibits smoking inside a public building or any enclosed public place must be legislated;

WHEREAS, one of the leading causes of death among Caviteños is lung cancer, which is caused primarily by smoking;

WHEREAS, the youth must be protected from any ill-effects of smoking;

NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN OF CAVITE in regular session assembled that:

SECTION 1. TITLE

This ordinance shall be known and cited as **"An Ordinance Prohibiting the Smoking and Selling of Cigarettes in all Public and Private Primary and Secondary Schools and within a Radius of 100 Meters from the School Compound/ Premises and Providing Penalties for Violations Thereof."**



Republic of the Philippines
 Province of Cavite
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
 Trece Martires City



Page 2: EXCERPTS, 5TH Special Session
Nov. 14, 2002 Prov'l. Ord. # 2002-004

SECTION 2. DECLARATION OF POLICY

It is the policy of the State to safeguard the youth from any harmful activities that may affect their physical and mental well-being. It is further declared to defend the same against any acts detrimental to their development and preservation. In view of this, an ordinance protecting the youth, particularly the students, from having access to any tobacco products and from suffering from lung diseases, is hereby enacted.

SECTION 3. DEFINITION OF TERMS

- A. **Smoking** – the act of using cigarettes
- B. **Selling** – the act of vending or peddling cigarettes to a person in exchange of money or its equivalent
- C. **Cigarettes** – include all tobacco products or any compact roll of tobacco leaves prepared for smoking
- D. **Schools** – include all government-owned and privately-owned elementary and secondary educational institutions situated in the province of Cavite
- E. **Ambulant Vendors** – are persons selling cigarettes by moving around, staying in a temporary place, without existing physical store, without necessary business permit
- F. **Retailers/Sellers** – persons selling or vending cigarettes who have permanent and existing physical stores and necessary business permits

SECTION 4. PROHIBITED ACTS

- A. While within the school compound/premises, no person shall be allowed to smoke cigarettes.
- B. No ambulant vendor/retailer/seller shall be allowed to sell cigarettes in the school and within a radius of 100 meters from the school compound/premise.

SECTION 5. PENALTIES

- A. Persons that were caught smoking inside the school shall be imposed of the following penalties:

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Republic of the Philippines
 Province of Cavite
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
 Trece Martires City



Page 3: EXCERPTS, 5th Special Session
Nov. 14, 2002 Prov'l. Ord. # 2002-004

For those below 18 years of age:

1. appropriate rehabilitation program to be conducted by the parent/s concerned in coordination with the School Guidance Counselor

For those 18 years of age and above:

1. for the first offense, a fine of P 500.00;
2. for the second offense, a fine of P1,000.00; and
3. for the third offense, a fine of P2,000.00 or imprisonment for a period not exceeding six (6) months or both fine and imprisonment in the discretion of the Court.

B. Vendors/retailers/sellers of cigarettes that were found selling in the school and within a radius of 100 meters from the school compound shall be sanctioned of the following:

For ambulant vendors:

1. P 500.00 fine for the first offense;
2. P1,000.00 fine for the second offense; and
3. P2,000.00 fine or imprisonment for a period not exceeding six (6) months or both fine and imprisonment in the discretion of the court, for the third offense.

For store owners/sellers:

1. P 1,000.00 for the first offense;
2. P 2,000.00 for the second offense with a recommendation for cancellation or revocation of business permit; and
3. P 3,000.00 for the third offense and cancellation or revocation of business permit.

Any amount of penalties that will be collected shall be shared equally by the Provincial Government, school concerned, barangay concerned and city or municipality concerned.

SECTION 6. IMPLEMENTATION

A. All school heads/principals/district supervisors/ director/owners are directed to implement this ordinance and ensure that no smoking and selling of cigarettes shall be done within their areas of jurisdiction. If any violation or non-compliance were found, appropriate action shall be taken upon them.

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Republic of the Philippines
 Province of Cavite
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
 Trece Martires City



Page 4: EXCERPTS, 5th Special Session
 Nov. 14, 2002 Prov'l. Ord. # 2002-004

- B. There is hereby created a Task Force per school which shall be composed of the Head/Principal of the School, Barangay Official/s or representatives, City or Municipal Officials or representatives, Officers from the Philippine National Police (PNP), representatives of the Parents-Teachers Association (PTA), representatives of a non-government organization (NGO), representative of religious sector, and officers of the Student Organizations. Said Task Force shall be responsible in ensuring the full and effective implementation of the provisions of this ordinance and shall report any violation to the Provincial Government.
- C. There is likewise created a Technical Working Group (TWG) which shall be composed of key personnel from the Provincial Health Office (PHO). The TWG shall monitor the activities of and extend technical supervision over the Task Force. They shall formulate within thirty (30) days Implementing Rules and Regulations (IRR) that shall be necessary to implement the provisions of this Ordinance.

SECTION 7. EFFECTIVITY

This ordinance shall take effect fifteen (15) days after its publication to any newspaper of general or provincial circulation.

UNANIMOUSLY APPROVED.

[Signature]
JUANITO VICTOR C. REMULLA, JR.
 Vice-Governor/Presiding Officer

[Signature]
BERNARD MICHAEL I. BAUTISTA
 Majority Floor Leader

[Signature]
STRIKE B. REVILLA
 Minority Floor Leader

[Signature]
HERMOGENES C. ARAYATA III
 Sanggunian Member

[Signature]
DOMINIC R. TOLENTINO
 Sanggunian Member

[Signature]
ILUMINADA F. SILAO
 Sanggunian Member

[Signature]
ALEX L. ADVINCULA
 Sanggunian Member

[Signature]
HILDA P. MENDOZA
 Sanggunian Member

[Signature]
RAFAEL S. RODRIGUEZ
 Sanggunian Member

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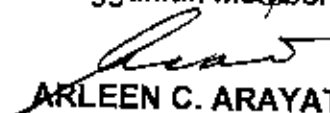


Page 5: EXCERPTS, 5th Special Session
 Nov. 14, 2002 Prov'l. Ord. # 2002-004


CESARIO R. DEL ROSARIO, JR.
 Sanggunian Member


TEODORO S. SANCHEZ
 Sanggunian Member


JOSE ROZEL E. HERNANDEZ
 SB Prov'l. Fed. Pres.


ARLEEN C. ARAYATA
 ABC Prov'l. Fed. Pres.


SOPHIA MARIE G. PAGTAKHAN
 SK Prov'l. Fed. Pres.

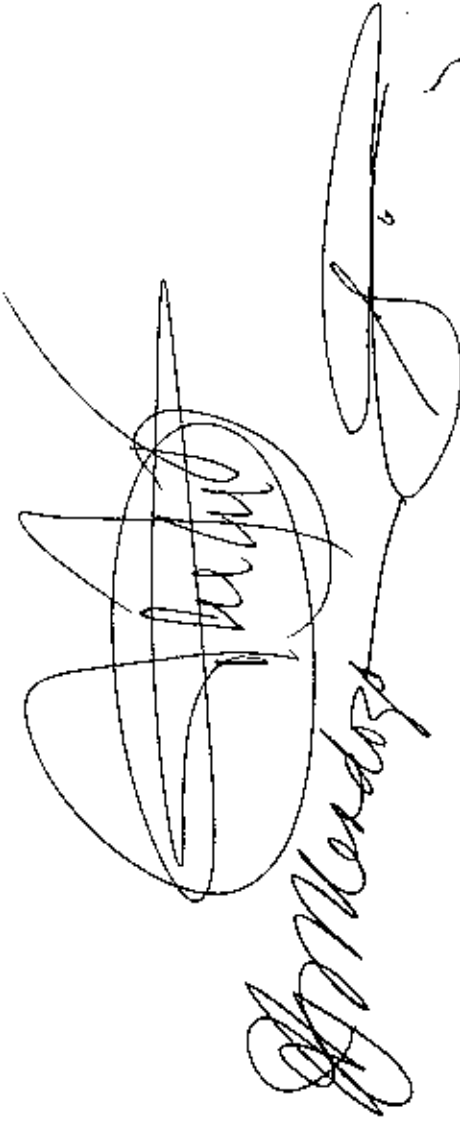
ATTESTED:


ROMEO C. MENDOZA
 Provincial Secretary

APPROVED:


AYONG S. MALIKSI
 Provincial Governor

RCM/lmc


Romeo C. Mendoza





