

MUNICIPAL ORDINANCE NO. 99-004

AN ORDINANCE PROHIBITING THE SMOKING OF CIGARETTES, CIGAR, PIPE OR TOBACCO INSIDE PUBLIC BUILDING AND PLACES, AND INSIDE PUBLIC UTILITY VEHICLES AND TRICYCLES-FOR-HIRE IN THE MUNICIPALITY OF BAYBAY, LEYTE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

INTRODUCED AND SPONSORED BY: E. A. GUINOCOR AND D. E. PERNITEZ:

WHEREAS, Article 11, Section 15, of the Philippine Constitution provides: "The State shall protect and promote the right to health of the people and instill health consciousness among them."

WHEREAS, to protect the health, especially of non-smokers from the harmful and disastrous effects of smoking, there is now a need to restrict smoking in public places so as not to inflict a malignant disease on others, after all, as the English Philosopher John Stuart Mill says, "No one should be free to harm others."

WHEREAS, it has been rightfully said, that "a smoker's right ends where the non-smoker's nose begins."

NOW, THEREFORE

Be it ordained by the Sangguniang Bayan of the Municipality of Baybay, Province of Leyte, in session assembled, that:

SECTION 1. This Ordinance shall be known as the Anti-Smoking Ordinance of the Municipality of Baybay, Leyte.

SECTION 2. That smoking is hereby recognized and declared injurious to one's health, as well as to persons who involuntarily inhale the smoke of other people's cigarette, cigar, pipe or tobacco.

SECTION 3. In order to protect the health of non-smokers, smoking shall be STRICTLY PROHIBITED in these public places within the territorial jurisdiction of the Municipality of Baybay, Leyte. to wit:

(a) Inside government offices, buildings, hospitals, medical, dental and optical clinics and dispensaries including, but not limited to corridors, stairways, inside elevators and canteens;

(b) Inside canteens, restaurants, and other eating places which cater to the general public;

(c) Inside classrooms, whether public or private, training centers, seminar rooms, at the time of classes, training seminars or lectures are going on;

(d) Inside the cinema houses during screening or showing hours;

(e) Inside churches, chapels or other places of worship, where people congregate or assemble, during such congregation or assembly;

(f) Inside public utility vehicles or tricycles-for-hire;

(g) Inside disco houses and other places for public entertainment during the time when said places cater to the general public.

SECTION 4. The above prohibition shall not apply to those areas which have been designated as Smoking Areas with sufficient ventilations and available exhaust fans.

SECTION 5. Before an area can be designated as Smoking Area, the approval of the Municipal health Officer must first be secured by the owner, manager, operator, lessee, or the person in charge of the building or places where the Smoking Area is to be designated. The Municipal Health Officer shall approve the request for the designation of a Smoking Area when sufficient ventilation and exhaust fans shall have been provided.

SECTION 6. Legible 'NO SMOKING', VIOLATION PUNISHABLE UNDER EXISTING MUNICIPALITY OF BAYBAY, LEYTE ORDINANCE NO. 004 signs shall be provided and posted at the most conspicuous places by the owner, manager, operator, lessee, or person in charge of the building or place where smoking is prohibited as provided for in Section 3 hereof.

SECTION 7. Operators of public utility vehicles or tricycles-for-hire are required to post at the most conspicuous place inside their units legible "NO SMOKING VIOLATION PUNISHABLE UNDER EXISTING MUNICIPALITY OF BAYBAY, LEYTE, ORDINANCE NO. 004" sign. (The driver of the public utility vehicles and tricycles-for-hire must caution his passengers to refrain from smoking, otherwise, he will be held jointly and severally liable for the violation of this ordinance committed by his passengers, co-passengers are encouraged to advise the passengers who is smoking to desist from smoking, and to report to the nearest policeman should the passengers insist on smoking inside the public utility vehicle or tricycle-for-hire.)

SECTION 8. The act of smoking shall cover the carrying of a LIGHTED cigarette, cigar, tobacco pipe, or other smoking paraphernalia.

SECTION 9. Rules and Regulations - The local health board is authorized to make guidelines pertaining to the effectiveness for the violation hereof.)

SECTION 10. Penal Provision - Any violation of this ordinance shall be penalized with fine of not more than TWO HUNDRED PESOS (P200.00), or by an imprisonment of not more than (2) months, or both such fine and imprisonment at the discretion of the court; Provided, however, that if a violator opts not to be criminally prosecuted in court, and he/she shall agree to pay a fine, he/she be imposed an administrative fine of FIFTY PESOS (P50.00), payable to the Municipal Treasurer's Office of Baybay, Leyte.

In case of juridical persons, the manager, president, or the person charged with the responsibility of managing the business, shall be held liable for the violation hereof.

SECTION 11. Separability Clause - If any provision of this ordinance is declared invalid, the remainder or any provision hereof not affected shall remain in force and in effect.

SECTION 12. Repealing Clause - Any ordinance, rule or regulation inconsistent with this ordinance is hereby repealed, amended or modified accordingly.

SECTION 13. This ordinance shall take effect Thirty (30) days after its approval.

SECTION 14. In order to comply with the provisions of Section 511, of Republic Act 7160, otherwise known as the Local Government Code of 1991, a copy of this ordinance shall be posted at prominent places in the Town Hall, for a minimum period of three (3) consecutive weeks. The Municipal Secretary shall likewise transmit official copies of this ordinance to the Chief Executive Officer of the Official Gazette within seven (7) days following the approval of this ordinance for publication purposes.

December 7, 1999.

APPROPRIATION ORDINANCE NO. 02-99

AN ORDINANCE APPROVING THE SUPPLEMENTAL BUDGET NO. 1 FOR CALENDAR YEAR 1999 OF THE MUNICIPALITY OF BAYBAY, LEYTE IN THE TOTAL AMOUNT OF P1,419,400.00.

Presented for consideration was Supplemental Budget No. 1 submitted by the Honorable Mayor with the total amount of P1,419,400.00, which this body, after perusal and final examination, deemed that the aforementioned budget was in accordance with law.

On motion of the Honorable SB Member Edgardo R. Ompoy, duly seconded by the rest of the members present; be it

RESOLVED, as it hereby does RESOLVE, that the following appropriation ordinance be, as hereby is, adopted, to wit: