



Republic of the Philippines  
Sangguniang Panlungsod  
City of Balanga, Bataan

EXCERPT FROM THE MINUTES OF THE SPECIAL SESSION OF THE  
SANGGUNIANG PANLUNGSOD OF BALANGA, HELD ON MARCH 22, 2016  
AT THE CITY COUNCIL SESSION HALL, CITY OF BALANGA, BATAAN

PRESENT:

- Hon. Noel L. Valdecañas.....- Presiding Officer
- Hon. Manuel N. Beltran.....- Member
- Hon. Vianca Lita Venzon-Gozon.....- Member
- Hon. Jernie Jett V. Nisay.....- Member
- Hon. Val Joseph M. Fernandez.....- Member
- Hon. Ma. Liza A. Vasquez.....- Member
- Hon. Victor R. Malibiran.....- Member
- Hon. Karl John B. Paguio.....- Member
- Hon. Anselmo J. Sanchez, Sr.....- Member
- Hon. Antonio S. Franate.....- Member
- Hon. Hubert B. Pizarro.....- Member
- Hon. Victor A. Baluyot Jr.....-Member/ABC President

ABSENT:

None

ORDINANCE NO. 09 SERIES OF 2016

AN ORDINANCE AMENDING ORDINANCE NO. 20 SERIES OF 2010,  
OTHERWISE KNOWN AS THE COMPREHENSIVE NO SMOKING  
ORDINANCE OF BALANGA CITY, AS AMENDED BY ORDINANCE NO. 04  
S. 2013, FURTHER IMPROVING THE STANDARD OF PROTECTION AND  
PROMOTION OF THE HEALTH OF THE BALANGUEÑOS, THEIR FAMILIES  
AGAINST THE HARMFUL EFFECTS OF TOBACCO, TOBACCO RELATED  
PRODUCTS AND ADVERTISEMENT AND FOR OTHER PURPOSES

Be it enacted by the Sangguniang Panlungsod of Balanga City in Session assembled:

Section 1. Section 5 of Ordinance No. 20 Series of 2010, as amended by Ordinance  
No. 04 series of 2013 is hereby amended to read as follows:

" SECTION 5. PROHIBITED ACTS - The following acts are declared unlawful and  
prohibited by this Ordinance:

a. xxx

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b. Selling or distributing tobacco products in a school, public playground or other facilities frequented by minors within 100 meters from any point in the perimeter of these places.

For purposes of this ordinance, facilities frequented by minors include: churches and any other place of worship, barangay hall covered courts, student dormitories, cemeteries (Memorial Parks), resorts with recreational area like swimming pools, hospitals and markets.

c. xxx  
xxx

h. Selling and distributing tobacco products (and Electronic Nicotine Delivery System or ENDS) in all government premises;

i. Selling and distributing of tobacco products (and ENDS) per piece or in tobacco product packages that contain less than 20 pieces.

j. Selling and distributing of tobacco products (and ENDS) removed from its original individually sealed tobacco product package.

k. Selling and distributing of tobacco products (and ENDS) through ambulant or street vendors, including other mobile/non-fixed vending stalls, kiosks, station or units.

l. Placing, posting, distributing, announcing, publishing, broadcasting or conducting any form of direct or indirect tobacco (and ENDS) advertisement and/or promotion, including those situated in outdoor and indoor premises of tobacco (and ENDS) point-of-sale establishments.

The City Government of Balanga hereby implements the total ban on Tobacco Advertisement Promotion and Sponsorship (TAPS) even inside the Point of Sale establishments and mandate every establishment to adopt the same.

m. Point-of-sale display of tobacco products (and ENDS) and their packaging outside of opaque gray or white-colored storages or containments, and without approval/permit by the City Health Office. Tobacco brands and variants available for sale at the transaction counter shall appear only in the containments and storage in plain serif fonts and devoid of recognizable product or brand typeface, insignia or markings.

n. Facilitating or participating of any government official or personnel of the City of Balanga regardless of employment status (permanent, casual, contractual, job order, consultant or special appointment), in any form of contribution or sponsorship to an event, activity, program or project, individual

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or group, within the territorial jurisdiction, with the aim, effect or likely effects of promoting a tobacco product and/or ENDS, its use either directly or indirectly.

Penalty prescribe herein for paragraph "n" of this section is without prejudice to the rules and sanctions prescribed by RA 3019, RA 6713, Revised Penal Code (1932), and CSC-DOH Joint Memo Circular 2010-01."

o. Ordering, instructing or compelling a minor to buy tobacco products and/or ENDS. Selling, distribution, advertising and promotions of sweets, snacks, toys or other items to minors that is in the form of tobacco products or bears resemblance to any tobacco product brand name, logo, indicia or packaging which may appeal to minors is also prohibited.

p. Selling, distribution, using, advertising and promotions of tobacco products and/or ENDS within the declared University Town area of the City and within three (3) kilometers radius thereof per City Ordinance No. 21 S. 2008. This include total ban on Designated Smoking Area (DSA) in any establishments within the U-Town Area and three (3) kilometers from the radius thereof, without prejudice to existing ban on the perimeters of schools, playgrounds and other facility frequented by minors.

**Section 2.** Section 8 of Ordinance No. 20 Series of 2010, as amended by Ordinance No. 04 series of 2013 is hereby amended to read as follows:

"SECTION 8. PENALTIES.- The following penalties shall be imposed on violators of this Ordinance:

a. Violation of Section 5 (a), (h), (i), (j), (k),(l), (m), (n), (o), (p), and Section 6

- i. First Offense: P 1000.00
- ii. Second Offense: P1,500.00
- iii. Third and Subsequent Offenses: 3,000.00

or imprisonment for a period not exceeding six (6) months, or both at the discretion of the court and cancellation or revocation of business license or permit (in case of a business entity or establishment).

b. Violation of Section 5 (b), (c), (d) and Section 6

- i. First Offense: P 2, 000.00
- i. Second Offense: P3,500.00
- ii. Third and Subsequent Offenses: P5,000.00

or imprisonment for a period not exceeding six (6) months, or both at the discretion of the court and cancellation or revocation of business license or permit (in case of a business entity or establishment).

c. Violation of Section 5 (e), (f), (g) and Section 6

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- i. First Offense: P 2,500.00
- ii. Second Offense: P3,500.00
- iii. Third and Subsequent Offenses: P5,000.00

or imprisonment for a period not exceeding six (6) months, or both at the discretion of the court and cancellation or revocation of business license or permit (in case of a business entity or establishment).

Persons-in-charge who found to have allowed, abetted, or tolerated the same in accordance with Section 5 of this Ordinance, and food establishments, which are exclusively catering in food business, which are not allowed to sell cigarettes, tobacco, electronic cigarettes, and other tobacco products, but still violated said section 5 shall be meted with the following penalty:

- i. First Offense: One Day Closure of Business
- ii. Second Offense: Two Days Closure of Business
- iii. Third and Subsequent Offenses: A year Closure of Business

In all cases of failure to pay the fine, the offender shall be given at least three days notice to comply with the penalty, otherwise, imprisonment for a period not exceeding six (6) months shall be meted against the violator.

If the offender is a minor, said minor and his/her parents must undergo a briefing/seminar in the City Social Welfare Office the topic of which regards smoking and second hand smokes.

All fines collected shall be used for anti smoking programs and campaign of the City. A portion of the penalties collected should be used for Advocacy Activities of Tobacco Control Program.

**Section 3. Quarterly Submission of Reports.** - For purposes of consolidated report, record and update to be presented to the Local Chief Executive, it is hereby mandated for all City Government Departments in the City of Balanga to submit quarterly reports related to Tobacco Control Program to the City Health Office.

**Section 4. Separability Clause.** - If, for any reason, any portion of this Ordinance is declared unconstitutional or invalid, the same shall not affect the validity of the other provisions not affected thereby.

**Section 5. Repealing Clause.** - All ordinances, resolutions, executive orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

**Section 6. Effectivity.** In addition, to the publication requirement of the 1991 Local Government Code of the Philippines, this ordinance shall take effect after ten (10) days from the date a copy thereof is posted in a bulletin board at the entrance of the City hall, and in at least two (2) other conspicuous places in the City of Balanga.

Enacted and approved this 22nd day of March, 2016, in the City of Balanga,  
Bataan.

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MAY 12 2016

I hereby certify the adoption of Ordinance No. 09 Series of 2016.



*Celito J. Tuazon*  
**CELITO J. TUAZON**  
SP Acting Secretary

ATTESTED:

*Noel L. Valdecañas*  
**HON. NOEL L. VALDECAÑAS**  
Presiding Officer

*Manuel N. Beltran*  
**HON. MANUEL N. BELTRAN**  
Member

*Vianca Lita Yenzon-Gozon*  
**HON. VIANCA LITA YENZON-GOZON**  
Member

*Jernie Ject V. Nisay*  
**HON. JERNIE JECT V. NISAY**  
Member

*Val Joseph M. Fernandez*  
**HON. VAL JOSEPH M. FERNANDEZ**  
Member

*Ma. Liza A. Vasquez*  
**HON. MA. LIZA A. VASQUEZ**  
Member

*Victor R. Malibiran*  
**HON. VICTOR R. MALIBIRAN**  
Member

*Karl John B. Paguio*  
**HON. KARL JOHN B. PAGUIO**  
Member

*Anselmo J. Sanchez, Sr.*  
**HON. ANSELMO J. SANCHEZ, SR.**  
Member

*Antonio S. Tranate*  
**HON. ANTONIO S. TRANATE**  
Member

*Hubert B. Pizarro*  
**HON. HUBERT B. PIZARRO**  
Member

*Victor A. Baluyot, Jr.*  
**HON. VICTOR A. BALUYOT, JR.**  
Member/ABC President

APPROVED:

*Jose Enrique S. Garcia III*  
**HON. JOSE ENRIQUE S. GARCIA III**  
City Mayor

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1/21/16  
*[Signature]*