



REPUBLIC OF THE PHILIPPINES  
**SANGGUNIANG PANLUNGSOD**  
CITY OF MANDALUYONG



**ORDINANCE NO. 944, S-2023**

**AN ORDINANCE REGULATING THE USE, SALE, DISTRIBUTION, AND ADVERTISEMENT OF CIGARETTES, E-CIGARETTES, VAPE, AND OTHER TOBACCO PRODUCTS IN ALL PLACES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THERETO, AND OTHER PURPOSES**

WHEREAS, the 1987 Constitution of the Republic of the Philippines declares that the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, the Republic of the Philippines, under the World Health Organization Framework Convention on Tobacco Control (FCTC) to which she is a party, determined to give priority to the right to protect public health and to promote measures of tobacco control based on current and relevant scientific, technical, and economic considerations, and agreed to implement the measures provided in the treaty;

WHEREAS, the Philippines signed and ratified the Convention on the Rights of the Child (CRC) recognizing children as persons with Rights and Entitlements. Article 4 of the CRC mandates that "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation;"

WHEREAS, the Local Government Code of 1991 (Republic Act No. 7160) accords every local government unit power and authority to promote the general welfare within its territorial jurisdiction, including the promotion of health and safety of its constituents;

WHEREAS, the Philippine Clear Air Act of 1999 (Republic Act No. 8749) declares the right of every citizen to breathe clean air, prohibits smoking inside enclosed public places including public vehicles and other means of transport, and directs local government units to implement this provision;

WHEREAS, the Tobacco Regulation Act of 2003 (Republic Act No. 9211) prohibits smoking in certain public places whether enclosed or outdoors in certain places; prohibits the purchase and sale of cigarettes and other tobacco products to and by minors and in certain places frequented by minors; imposes bans and restrictions on advertising, promotion, and sponsorship activities of tobacco companies; and directs local government units to implement these provisions;



WHEREAS, the Civil Service Commission (CSC) Memorandum Circular No. 17 Series of 2009 prohibits smoking in premises, buildings, and grounds of government agencies providing health, education, or social welfare and development services such as hospitals, health centers, schools, universities, and colleges; provides for specific requirements for designated smoking areas;

WHEREAS, the Land Transportation Franchising and Regulatory Board (LTFRB) Memorandum Circular 2019-036 provides that drivers and operators of public utility vehicles are responsible for preventing smoking in public conveyances and posting specified "No Smoking" signs in their vehicles;

WHEREAS, the Metro Manila Council has issued Resolution No. 15, S-2015 urging all local government units of Metro Manila to enact ordinances in accord with the provisions of the WHO FCTC, a treaty which was ratified by the Philippine Senate on June 6, 2005, and entered into force on September 4, 2005;

WHEREAS, the Metro Manila Mayors' Council has issued Resolution No. 14-04, Series of 2014 urging the Metro Manila Local Government Units to pass an ordinance regulating the sale and distribution of Electronic Nicotine Delivery System/Electronic Non-Nicotine Delivery System (ENDS/ENNDS) or Electronic Cigarettes in Metropolitan Manila;

WHEREAS, the Universal Health Care Act of 2019 (Republic Act No. 11223) directs local government units to enact stricter ordinances that strengthen and broaden existing health policies, and implement effective programs that promote health literacy and healthy lifestyle among their constituencies to advance population health and individual well-being, reduce the prevalence of non-communicable diseases and their risk factors, particularly tobacco and alcohol use;

WHEREAS, the Seal of Good Local Governance Act of 2019 (RA 11292) measures, among others, the local government units' capability to effectively implement and deliver health services and information systems as well as pursue evidence-based health promotion and protection policies scientifically proven and accepted to advance population health and individual well-being. One of the indicators for this measurement is strict enforcement of laws and ordinances that regulate tobacco sale and use;

WHEREAS, Executive Order No. 106, Series of 2020, which amended Executive Order No. 26, Series of 2017, directs local government units to adopt and implement the nationwide smoking and vaping restrictions and to strengthen existing measures on access restriction, including the regulation on sales, distribution, and availability of cigarettes, electronic nicotine and non-nicotine delivery systems (ENDS/ENNDS), heated tobacco products (HTPs) and other tobacco products;



WHEREAS, the "Vaporized Nicotine and Non-Nicotine Products Regulation Act" or RA 11900 declared that it is the policy of the State to "protect the citizens from the hazards of regulated, unregulated and substandard Vapor Products and Heated Tobacco Products" and "promote a healthy environment, protect the citizens from any potential hazards of these novel consumer products, reduce the harm caused by smoking, and ensure that the sale to minors are prevented";

WHEREAS, the Civil Service Commission-Department of Health Joint Memorandum Circular No. 2010-01 prohibits government officials and personnel from interacting with the tobacco industry and those representing their interests unless strictly necessary to effectively regulate, control, or supervise them, and its guidelines shall be adhered to strictly;

WHEREAS, the City of Mandaluyong recognizes that local governments must act with urgency to denormalize the culture of smoking and tobacco consumption through comprehensive and proven effective tobacco control measures;

WHEREAS, the City of Mandaluyong recognizes the fundamental and irreconcilable conflict between the tobacco industry's interest and public health policy, and realizes the need to be alert, be informed, and neutralize any efforts by the tobacco industry to undermine, challenge, or subvert tobacco control efforts through bribery and intimidation in local health policy implementation;

WHEREAS, scientific evidence has unequivocally established that tobacco consumption and exposure to tobacco smoke cause death, disease, and disability; lead to devastating health, social, economic, and environmental consequences; and places burdens on families, the poor, and the national and local health systems;

WHEREAS, the enjoyment of the highest attainable standard of health is a fundamental right of every human being, and public health takes precedence over any commercial or business interest;

WHEREAS, an increasing number of Filipinos become afflicted with and die each year of tobacco-related diseases such as stroke, heart disease, emphysema, various cancers, and nicotine addiction, among others, and both the public and workers in facilities where smoking is allowed are most at risk from these and other tobacco-related diseases;

WHEREAS, it is well-documented that tobacco advertising, promotion, and sponsorship (TAPS) increase tobacco use, and that comprehensive bans on TAPS decrease tobacco use. Studies show that minors exposed to TAPS are also likely to initiate tobacco use. While it is the main thrust of Republic Act No. 9211 to regulate and subsequently ban all tobacco advertisement and sponsorships, the provisions only provided a transition by way of partial bans and restrictions and continue to expose minors to tobacco advertising and marketing. An effective ban on tobacco advertising, promotion, and sponsorship should, as recognized by parties to the FCTC in Articles 13.1 and 13.2, be comprehensive and applicable to all tobacco advertising, promotion, and sponsorship;



WHEREAS, heated tobacco products are being marketed with unproven and unvalidated claims of "reduced risk" and as "smoke-free" alternatives to smoking conventional cigarettes;

WHEREAS, the World Health Organization (WHO) and the Conference of Parties to the WHO FCTC recognize that heated tobacco products are tobacco products and are therefore subject to the provisions of the WHO FCTC;

WHEREAS, other tobacco products like electronic nicotine delivery systems (ENDS or 'vape') have gained increasing popularity in the Philippines, especially in cities and urban centers and among minors and young adults as reflected in the 2019 Global Youth Tobacco Survey and 2021 Global Adult Tobacco Survey;

WHEREAS, the scientific and medical evidence regarding the adverse health effects of electronic cigarettes, such as nicotine dependency and addiction, increased respiratory and cardiovascular disease risks, poisoning, seizure, burns, and trauma and death from faulty devices, among others, establish that these products pose a clear and direct harm to their users;

WHEREAS, the City of Mandaluyong recognizes that it must act with urgency and take appropriate countermeasures to break the culture of tobacco consumption, smoking, and vaping through comprehensive and proven effective tobacco control measures to prevent the initiation of non-users and the youth, and prevent exposure to harmful chemical and emissions that pose risks to health while providing a supportive environment to those attempting to quit smoking and vaping, as well as protect its health policies in accordance with the country's obligations under the Article 5.3 of the Framework Convention on Tobacco Control;

WHEREAS, in order to fully protect the health and welfare of the constituents of the City of Mandaluyong and at the same time safeguard the health of all stakeholders, including smokers and vapers, there is a need to pass a comprehensive ordinance covering tobacco products, electronic nicotine delivery systems, electronic non-nicotine delivery system, heated tobacco products and novel tobacco products regulating their use, sale, manufacture, distribution, advertisement and promotions, and providing penalties for violations.

NOW, THEREFORE, be it ENACTED, as it is hereby ENACTED, by the Sangguniang Panlungsod, in session assembled, by virtue of the power vested in it by law, that:

SECTION 1. TITLE. This Ordinance shall be known as the "Comprehensive Smoke-Free and Vape-Free Ordinance of the City of Mandaluyong."

- SECTION 2. PURPOSE.** It is the purpose of this Ordinance to safeguard public health and ensure the well-being of all its constituents by protecting them from the harmful effects of smoking, vaping, and tobacco consumption, reduce potential exposure to tobacco marketing and advertising, restrict its accessibility, and provide support and a conducive environment for tobacco users to quit.
- SECTION 3. COVERAGE.** This Ordinance shall apply to all persons, resident or not, natural and juridical, found in all places within the territorial jurisdiction of the City of Mandaluyong.
- SECTION 4. DEFINITION OF TERMS.** As used in this Ordinance, the terms below shall have the meanings ascribed in this Section. Any word or term not defined shall be given their plain customary meanings, unless the context requires otherwise, and shall be interpreted in a manner consistent with the purpose and spirit of this Ordinance.
- a. **ADVERTISING** - means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use, either directly or indirectly;
  - b. **CIVIL SOCIETY ORGANIZATION (CSO)** – refers to a legally constituted, voluntary, civic, and social organization or institution created with no participation of government, including but not limited to, charities, development non-governmental organizations (NGOs), community groups, women's organizations, faith-based organizations, professional associations, coalitions, and advocacy groups duly recognized by the Office of the Mayor. As used in this Ordinance, CSO does not include organizations, or associations related to, or connected with, or front groups of the tobacco industry;
  - c. **DESIGNATED SMOKING AREA** – refers to an outdoor space duly approved by the City Health Officer, where smoking may be allowed without violating this Ordinance;
  - d. **DESIGNATED VAPING AREA** – refers to an outdoor space duly approved by the City Health Officer, where vaping may be allowed without violating this Ordinance;



- e. **ELECTRONIC NICOTINE DELIVERY SYSTEMS (ENDS/ENNDS)** - otherwise known as electronics cigarettes or vapes, are e-liquids, solutions for refills, whether or not containing nicotine and an electronic delivery device, or any combination thereof that produce an aerosol, misted, or vapor that users inhale by mimicking the act of smoking. ENDS/ENNDS deliver nicotine and/or other chemicals to the lungs after one end of a plastic or metal cylinder is placed in the mouth, like a cigarette or cigar, and inhaled to draw a mixture of air and vapors from the device into the respiratory system. They contain electronic vaporization systems, rechargeable batteries and chargers, electronic controls and replaceable cartridges containing nicotine and/or other chemicals. For the avoidance of doubt, the term ENDS/ENNDS is coextensive with the term "vapor products" as defined in RA No. 11467.
- f. **ENCLOSED OR PARTIALLY ENCLOSED** - means being covered by a roof or other structure serving the purpose of a roof and having one or more walls or sides, wherein the openings on the walls or sides have an aggregate area that is less than half of the total wall space, regardless of the type of material used for the roof, wall or sides, and regardless of whether the structure is permanent or temporary. Doors and windows that can be opened and shut shall not be considered as openings under this paragraph. The enclosed character of a building or conveyance shall attach to all its areas, including its open spaces;
- g. **ENDS/ENNDS INDUSTRY/ELECTRONIC CIGARETTE INDUSTRY** - refers to organizations, entities, associations, and individuals that work for or in behalf of the ENDS/ENNDS/HTPS industry, such as, but not limited to, ENDS/ENNDS/HTPS product manufacturers, wholesale distributors, importers of ENDS/ENNDS/HTPS products, ENDS/ENNDS/HTPS product retailers, front groups and any other individuals or organizations, including, but not limited to lawyers, scientists, and lobbyists that work to further the interests of the ENDS/ENNDS/HTPS industry that compete with those of ENDS/ENNDS/HTPS product control.

- h. **ENDS/ENNDS INDUSTRY INTERFERENCE/ELECTRONIC CIGARETTE INDUSTRY INTERFERENCE** – refers to a broad array of tactics and strategies used by ENDS/ENNDS/HTPS industry to interfere with the setting and implementation of ENDS/ENNDS/HTPS product control measures.
- i. **HEATED TOBACCO PRODUCTS (HTPS)** – refers to a product that may be consumed through heating tobacco, either electronically or through other means, sufficient to release an aerosol that can be inhaled, without burning or combustion of the tobacco. HTPS include liquid solutions and gels that are part of the product and are heated to generate an aerosol.
- j. **MINOR** – refers to any person below eighteen (18) years old;
- k. **NOVEL TOBACCO PRODUCTS** – refers to all non-combusted substances in solid or liquid form, and innovations, either made partly of tobacco leaf as raw material or containing nicotine from tobacco, intended to be used as a substitute for cigarettes or other combusted tobacco products.
- l. **OPEN SPACES** – refers to those areas forming part of a building or conveyance, which are not covered by a roof or similar structure;
- m. **OUTDOOR ADVERTISEMENT** – refers to any sign, model, placard, board, billboard, banner, bunting, poster, streamer, paint-on, light display, device, structure, or representation, employed outdoors or visible from outside, wholly or partially to advertise or promote a tobacco product to the public;
- n. **PERSON-IN-CHARGE** – refers to: in case of public places, public outdoor spaces, workplaces, and point-of-sale, the president/ manager in case of a company, corporation, partnership or association, the owner/proprietor/operator in case of a single proprietorship, or the administrator in case of government property, facility, office or building; in case of public conveyances, the owner, driver, operator, conductor, or captain of the public conveyance; in case of schools, the city school superintendent, school president, dean or principal;



- o. **POINT-OF-SALE** – refers to any location at which an individual can purchase or otherwise obtain tobacco products;
- p. **PROMOTION** – refers to an event or activity organized by or on behalf of a tobacco manufacturer, distributor or retailer with the aim of promoting a brand of tobacco product, which event or activity would not occur but for the support given to it by or on behalf of the tobacco manufacturer, importer, distributor or retailer. It may also refer to the display of a tobacco product or manufacturer's name, trademark, logo, etc. on non-tobacco products. This includes the paid use of tobacco products bearing the brand names, trademarks, logos, etc. in movies, television and other forms of entertainment.
- q. **PUBLIC CONVEYANCES** – refers to modes of transportation servicing the general population, such as, but not limited to elevators, airplanes, ships, jeepneys, buses, taxicabs, trains, light rail transit, tricycles and other similar vehicles;
- r. **PUBLIC PLACES** – means all places, fixed or mobile that are accessible or open to the public or places for collective use, regardless of ownership or right to access, including but not limited to, school, workplaces, government facilities, establishments that provide food and drinks, accommodation, merchandise, professional services, entertainment, in the likes of Bingo Areas, Night Establishments, Cockpit Arenas, or other services. It also includes outdoor spaces where facilities are available for the public or where a crowd of people would gather, such as, but not limited to, playgrounds, sport grounds or centers, church grounds, health/ hospital compounds, transportation terminal, markets, parks, resorts, walkways/sidewalks, entrance ways, waiting areas, and the like;
- s. **SECONDHAND SMOKE** – means the smoke emitted from the burning end of a cigarette or from other tobacco products usually in combination with the smoke exhaled by the smoker;



- t. **SMOKE-FREE AIR** – (for purposes of this Ordinance) is 100% free from tobacco smoke. The definition includes, but is not limited to, air in which tobacco smoke cannot be seen, smelled, sensed or measured;
- u. **SMOKING** – means being in possession or control of a lit tobacco product regardless of whether the smoke is being actively inhaled or exhaled;
- v. **SPONSORSHIP** – means any form of contribution to any event, activity, or individual with the aim, effect, or likely effect of promoting a tobacco product or tobacco use, either directly or indirectly;
- w. **TOBACCO INDUSTRY** – refers to organizations, entities, associations, and individuals that work for or on behalf of the tobacco industry, such as, but not limited to, tobacco manufacturers, wholesale distributors, importers of tobacco products, tobacco retailers, front groups and any other individuals or organizations, including, but not limited to lawyers, scientists and lobbyists that work to further the interests of the tobacco industry that compete with those of tobacco control;
- x. **TOBACCO INDUSTRY INTERFERENCE** – refers to a broad array of tactics and strategies used by the tobacco industry to interfere with the setting and implementation of tobacco control measures;
- y. **TOBACCO PRODUCTS** – means products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for smoking, heating, sucking, chewing, or snuffing, such as but not limited to cigarette, cigar, pipe, shisha/hookah, and chew tobacco. This includes ENDS/ENNDS, heated and smokeless tobacco products, and novel tobacco products, and related consumer products.
- z. **WORKPLACE** – means any place used by people during their employment or work, whether done for compensation or voluntarily, including all attached or associated places commonly used by the workers in the course of their work (for example, corridors, elevators, stairwells, toilets, lobbies, lounges). Vehicles used in the source of work are considered workplaces;

- aa. **VAPING** – refers to the act of inhaling and exhaling aerosols or vapor produced by any electronic cigarette (e-cigarette) product, HTPS, or other electronic devices, whether or not it is used to deliver nicotine to the user and mimics the act of smoking.

**SECTION 5. STANDARDS OF DESIGNATED SMOKING AND VAPING AREAS.** The Designated Smoking and Vaping Areas must meet the following requirements:

- a. it shall be located in an open space outside the building with no permanent or temporary roof or walls in an outdoor area;
- b. it is not located in or within ten (10) meters from entrances, exits, or any place where people pass or congregate;
- c. it shall not have an area larger than 10 square meters;
- d. food or drinks are not served in the designated smoking area;
- e. no building shall have more than one designated smoking area;
- f. minors or persons below the age of eighteen (18) shall not be allowed inside;
- g. the designated smoking/vaping area has the following signage highly visible and prominently displayed:
  - g.i. "Smoking/Vaping Area" signage with message showing "Minors not allowed within these premises";
  - g.ii. Graphic health warnings on the effects of tobacco use.



- h. It shall not be located in places where absolute smoking bans are in effect, such as, but not limited to: centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for persons under eighteen (18) years old; locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials; within the premises of public and private hospitals, medical, dental, and optical clinics, health centers, nursing homes, dispensaries and laboratories; food preparation areas; public conveyances and in enclosed, partially enclosed and outdoor areas of transport terminals that are near entrances and exits or where people congregate; within the premises of churches and other places of worship; within the premises of all offices of the Department of Health, Department of Education, Commission on Higher Education, Department of Social Welfare and Development and the Civil Service Commission, and shall likewise include parks, plazas, playgrounds, sports and recreational facilities, and other facilities where an absolute smoking ban is imposed under special laws, administrative and executive orders, memorandum circulars and related policies.

**SECTION 6. PROHIBITED ACTS.** The following acts are declared unlawful and prohibited by its Ordinance:

- a. Smoking and/or vaping in enclosed or partially enclosed public places, workplaces, public conveyances (whether mobile or stationary), or other public places, such as those enumerated under Section 4(r), except in Designated Smoking Areas duly approved and fully compliant with the requirements under Section 5;
- b. For persons-in-charge to allow, abet or tolerate smoking/vaping in places enumerated in the preceding paragraph, outside of approved Designated Smoking/Vaping Area under Section 5 or in point-of-sales for purposes of conducting demonstrations;

- c. Selling or distributing tobacco or ENDS/ENNDS/HTPS products to minors; it shall not be a defense for the person selling, distributing, that he/she did not know or was not aware of the real age of the person he/she is transacting with. Neither shall it be a defense that they did not know nor had any reason to believe that the cigarette or any other tobacco product, ENDS/ENNDS, HTPS, or their components, was for the consumption of the person who received it;
- d. Use, sale, or purchase of cigarettes, ENDS/ENNDS other tobacco products by a minor, or of ENDS/ENNDS, HTPS, or their components by a person below eighteen (18) years old;
- e. Purchasing tobacco or ENDS/ENNDS/HTPS products from minors;
- f. Ordering, instructing, or compelling a minor to use, light up, buy, sell, distribute, deliver, advertise, or promote tobacco or ENDS/ENNDS/ HTPS products;
- g. Proof of Age Verification - In case of doubt as to the age of the buyer, retailers shall verify, by means of any valid form of photographic identification containing the date of birth of the bearer that no individual purchasing an ENDS/ENNDS product is a minor.
- h. Selling or distributing tobacco or ENDS/ENNDS/HTPS products in a school, public playground or other facility frequented by minors, offices of the Department of Health (DOH) and attached agencies, hospitals and health facilities, or within 100 meters from any point in the perimeter of these places;
- i. Selling of tobacco or ENDS/ENNDS/HTPS products within the premises of a government facility;



- j. Selling tobacco products without City permit to sell tobacco or ENDS/ENNDS/HTPS products;
- k. Selling of tobacco products as individual pieces or per stick, or in tobacco-product packs containing less than 20 sticks/pieces;
- l. Selling tobacco or ENDS/ENNDS/HTPS products removed from its original product packaging or without the proper government-regulated and approved health warning;
- m. Selling tobacco or ENDS/ENNDS/HTPS products by ambulant or street vendors, including other mobile or temporary stall, kiosks, stations, or units;
- n. Selling or distributing of sweets, snacks, toys or any other objects in the form of tobacco products which may appeal to minors;
- o. Manufacturing, importation, distributing, marketing, or selling of unregistered or adulterated electronic cigarettes and their components in the form of devices, e-liquids, solutions or refills whether physically part of or intended to be used with electronic cigarettes, heated tobacco products, and other novel tobacco products;
- p. Selling and distribution of electronic cigarette refills or pods that are not tamper resistant and child resistant compliant with prevailing international standards;
- q. Selling and distribution of vapor products containing more than sixty-five (65) milligrams per mL of nicotine;

- r. Selling and distribution of flavored electronic cigarettes, except those with menthol and tobacco flavors;
- s. The retail and use of nicotine shots and/or concentrates;
- t. Placing cinema or outdoor advertisement of tobacco or ENDS/ENNDS/HTPS products;
- u. Placing, posting, displaying, or distributing advertisement and promotional materials of tobacco products, such as but not limited to leaflets, posters, display structures and other materials within an establishment when such establishment or its location is prohibited from selling tobacco or ENDS/ENNDS/HTPS products;
- v. Placing, posting, displaying or distributing advertisement and promotional materials of tobacco or ENDS/ENNDS/HTPS products, such as but not limited to leaflets, posters, display structures and other materials that show a tobacco brand's name (including company name), logo, or indicia, such as in a point-of-sale establishment, where minors are allowed entry;
- w. Conducting promotional activities, campaigns, events, products sampling, and the like, where the establishment or its location is prohibited from selling or unauthorized to sell tobacco or ENDS/ENNDS/HTPS products and/or where minors are allowed entry;
- x. Displaying and placing tobacco or ENDS/ENNDS/HTPS products in open store shelves/racks, except in enclosed, opaque and single-colored storages/containments;



- y. Facilitation, participation or partnership engaged by any government official or personnel, regardless of employment status (permanent, casual, contractual, job order, consultant or special appointment) in any form of contribution, sponsorship, or Corporate Social Responsibility (CSR) activity, event, program, or project by a tobacco company, tobacco industry front groups, or any representation working to protect tobacco industry interests, executed for or within the territorial jurisdiction of the City of Mandaluyong, with the aim, effect, or likely effect of promoting a tobacco product, its use, either directly or indirectly;
- z. Refusal to allow entry of the members of the Smoke-Free Task Force or its duly deputized enforcers into places mentioned in Section 4 of this Ordinance for the purpose of implementing, monitoring, inspecting and enforcing the provisions of this Ordinance;
- aa. Defacing, tampering, or removal of signages and other materials without permission of the LGU.
- bb. Vaping inside private vehicles with open window(s);
- cc. Sale and/or distribution of non-compliant ENNDS/HTPS with fake tax stamps, or without tax stamp, or proof of payment of excise tax, as required by law or regulations;
- dd. Sale and/or distribution of non-compliant ENDS/HTPS without health warnings, as required by law or regulations.
- ee. No point-of-sale establishment shall display ENDS/HTPS without ensuring that the unit packets and outside wrapping of heated tobacco products, vapor products, HTPS, and other similar products are compliant with the health warnings required under national laws and regulations.

Point of sale establishments offering, distributing, or selling ENDS/HTPS to consumers shall post the following statement in the clear and conspicuous manner:

SALE/DISTRIBUTION TO OR PURCHASE  
BY ANY PERSON BELOW 18 YEARS  
OLD OF VAPOR AND HEATED TOBACCO  
PRODUCTS/ELECTRONICS CIGARETTES  
IS UNLAWFUL.

ff. Designating a smoking and/or vaping area without securing the necessary permit.

SECTION 7. DUTIES AND OBLIGATIONS OF PERSONS-IN-CHARGE. Persons-in-charge shall:

- a. Prominently post and display the "No Smoking/Vaping" signage in the locations most visible to the public in the areas where smoking/vaping is prohibited. At the very least, the "No Smoking/Vaping" signage must be posted at the entrance to the area, which shall be at least 8 x 11 inches in size, where the symbol/s shall occupy no less than 60% of the signage. The remaining 40% of the signage shall show the following information:

EX.



STRICTLY NO SMOKING/VAPING  
As per Ordinance No. \_\_\_\_\_  
Violators can be fined up to \_\_\_\_\_  
Report violations to [hotline number]

As for the Designated Smoking/Vaping Area, after complying with the specifications in Section 4(c) and (d), prominently display the following elements in the signage:

"DESIGNATED SMOKING/VAPING AREA" or  
"SMOKING/VAPING AREA"

"Minors not allowed within these premises"

(Place Graphic/Picture-Based Health warnings on the effects of Tobacco use within the signage)



- b. Prominently post and display the "No Smoking/Vaping" signage in the most conspicuous location within the public conveyance. At the very least, a three and a half (3.5) square inch "No Smoking/Vaping" signage shall be placed on the windshield and a ten (10) square inch "No Smoking/Vaping" sign at the driver's back seat;
- c. Remove from the places where smoking/vaping is prohibited all ashtrays and any other receptacles for disposing of cigarette, electronic cigarette, heated tobacco, and other tobacco product refuse;
- d. For persons-in-charge of government premises intending to establish Designated Smoking/Vaping Areas, secure a certification/permit from the duly authorized officer or representative of the Civil Service Commission; while for persons-in-charge of commercial establishments/buildings or other non-government facilities intending to establish a Designated Smoking/Vaping Area, secure a certification/permit from the Building/Engineering and Health Officers, after complying with the requirements for a Designated Smoking/Vaping Area, as stated in Section 4 (c) and (d);
- e. For persons-in-charge of schools, public playgrounds or other facilities frequented by minors, offices of the DOH and attached agencies, hospitals, and health facilities, post the following statement in a clear and conspicuous manner:

SELLING, ADVERTISING, AND PROMOTING  
CIGARETTES, E-CIGARETTES, OR OTHER  
TOBACCO PRODUCTS NOT ALLOWED WITHIN 100  
METERS FROM ANY POINT IN THE PERIMETER  
OF  
[NAME OF SCHOOL/PLAYGROUND/FACILITY FOR  
MINORS/HEALTH FACILITY/ETC.]

- f. For persons-in-charge of schools, public playgrounds, or other facilities frequented by minors, offices of the DOH and attached agencies, hospitals, and health facilities, report to the Smoke Free Task Force any tobacco product selling, advertising, and/or promotion located within 100 meters from its perimeter;

- g. For persons-in-charge of establishments intending to sell tobacco products secure a permit to retail/wholesale from the Business Permits and Licensing Department;
- h. For persons-in-charge of approved point-of-sale establishments, post the following notice, together with a graphic/picture-based health warning on the health consequences of tobacco use, as prescribed by the City Health Department, in a clear conspicuous manner:

**SALE/DISTRIBUTION OF TOBACCO PRODUCTS  
TO MINORS IS UNLAWFUL**

- i. For persons-in-charge of point-of-sale establishments, remove all forms of tobacco advertising/promotions paraphernalia deemed prohibited by this Ordinance;
- j. For persons-in-charge of point-of-sale establishments, secure approval from the City Health Department for storages or containments of tobacco products. Only a listing of available tobacco brands/ variants sold at the point-of-sale establishment are allowed to appear outside of the storage or containment, where such listing shall only be written/printed in any plain font, and devoid of any recognizable product or brand typefaces, logo, indicia, or markings. Such list shall not occupy more than (25%) of the exposed side of the storage or containment;
- k. For persons-in-charge of point-of-sale establishment, ensure that storages or containments of tobacco products are only opened by a store personnel/manager at the counter during actual purchase by an adult customer, or when being replenished, cleaned, or inspected;
- l. Establish internal procedure and measures through which this Ordinance shall be implemented and enforced within the area of which he or she is in charge. This includes compliance to the sales, distribution, advertising and promotions restrictions, i.e. warning smoking violators in banned areas and requesting to stop smoking and if they refuse to comply, asking them to leave the premises, and if they will refuse to comply, reporting the incident to the City Health Department, the nearest peace officer, or to any member of the Smoke Free Task Force through its hotline or by other means;



- m. Ensure that all the employees in the establishment are aware of this Ordinance and the procedure and measures for implementing and enforcing it;
- n. Allow inspectors acting under Section 13 hereof, which may include other members of the Task Force and the designated civil society organization under Section 14, entry into the establishment or public conveyance during regular business hours for the purpose of inspecting its compliance with this Ordinance;
- o. For all signage required to be posted under (a), (b), (e), and (h) above, provide for versions of them in the local dialect or in English;

**SECTION 8. PERSONS LIABLE.** The following persons shall be liable under this Ordinance:

- a. Any person or entity who commits any of the prohibited acts stated in Section 6 hereof;
- b. Persons-in-charge who knowingly allow, abet, authorize or tolerate the prohibited acts enumerated in Section 6, or who otherwise fails to fulfill the duties and obligations enumerated in Section 7 hereof;
- c. If the violator is a minor, the enforcer of this Ordinance shall report the incident to the school principal/dean exercising jurisdiction over the minor-offender where he shall be required to comply with disciplinary measures under the school where he/she is enrolled, and/or to the City Social Welfare and Development Department for appropriate action or intervention, pursuant to Republic Act No. 9344. Should the school have no policy for offenses committed by their pupils outside school premises or if the minor is an out-of-school youth, the enforcer shall ensure that the minor is treated in accordance with the provision of Ordinance No. 740, S-2019.

**SECTION 9. PENALTIES.** The following penalties shall be imposed on violators of this Ordinance:

a. Violation of Section 6(a), (b), and Section 7.

|                               |                                                                                                                                                                                                                                                                                                            |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FIRST OFFENSE                 | Two Thousand Pesos (P2,000.00)                                                                                                                                                                                                                                                                             |
| SECOND OFFENSE                | Three Thousand Pesos (P3,000.00)                                                                                                                                                                                                                                                                           |
| THIRD AND SUBSEQUENT OFFENSES | Four Thousand Pesos (P4,000.00) or imprisonment for a period not less than three (3) months but not more than six (6) months or both at the discretion of the court. Suspension or revocation of business license or permit (in case of a business entity or establishment), after due notice and hearing. |

b. Violation of Section 6(c) to (ff), Sales/Access Restriction and Advertising Promotions Ban.

|                               |                                                                                                                                                                                                                                                                                                            |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FIRST OFFENSE                 | Three Thousand Pesos (P3,000.00.)                                                                                                                                                                                                                                                                          |
| SECOND OFFENSE                | Four Thousand Pesos (P4,000.00)                                                                                                                                                                                                                                                                            |
| THIRD AND SUBSEQUENT OFFENSES | Five Thousand Pesos (P5,000.00) or imprisonment for a period not less than three (3) months but not more than six (6) months or both at the discretion of the court. Suspension or revocation of business license or permit (in case of a business entity or establishment), after due notice and hearing. |

c. Violation of Section 6(y), Sponsorship/Contribution/Partnership with the Tobacco Industry involving Government Officials/Personnel. Violators shall be proceeded as prescribed by Republic Act No. 3019, Republic Act No. 6714, Revised Penal Code (1932), and/or the CSC-DOH Joint Memorandum Circular 2010-01.

SECTION 10. SMOKING AND VAPING CESSATION PROGRAM. Smokers who are willing to quit and/or those found violating this Ordinance may be referred to the Smoking and Vaping Cessation program and its facilities in accordance with Ordinance No. 640, S-2016.



The City Health Officer, with the assistance of the Health Education and Promotion Officer, or other members of the Smoke Free Task Force, which includes the CSO representative designated under Section 14 hereof, shall include vapers/e-cigarette users, aside from tobacco users, into the City's Smoking Cessation Program and encourage the participation therein of public and private facilities which may be able to provide for its requirements. Vapers who may have developed dependence but who are willing to quit, including those who may be dual users of tobacco and electronic cigarette products, and those found violating the vaping prohibitions of this Ordinance may be referred to the city's Smoking Cessation service provider or to other facilities.

#### ENFORCEMENT

**SECTION 11. LOCAL TOBACCO AND ENDS/ENNDS CONTROL COUNCIL (LTECC).** A Local Tobacco and ENDS/ENNDS Control Council shall be created to aid in the implementation, enforcement, and monitoring of this Ordinance, and to protect the same from tobacco industry interference at all times, as well as to conduct educational awareness campaigns, information dissemination programs, and capacity building programs, that will inform the constituents and train enforcement officers.

The LTECC chaired by the Mayor shall have the following as members and may designate a Vice-Chair to serve as overall coordinator:

- a. City Health Officer;
- b. Health Education and Promotion Officer or equivalent designate;
- c. City Building/Engineering Officer;
- d. City Legal Officer;
- e. City Information Officer;
- f. City Business Permits and Licensing Officer;

- g. Representative/s of one or more civil society organization (CSO) designated by the Health Officer under Section 14 hereof;
- h. City Treasurer;
- i. Environment and Natural Resources Officer (ENRO);
- j. Representative/s from DepEd, CHED, and/or academic institutions;
- k. City Public Order and Safety Officer;
- l. City Ordinance Enforcement Division (COED)/Task Force Anti-Vice;
- m. City Welfare and Development Officer;
- n. City Human Resources Management Officer;
- o. City Administrator;
- p. Representatives from the Department of Trade and Industry (DTI), Department of the Interior and Local Government (DILG), and Metropolitan Manila Development Authority (MMDA);
- q. SK Federation President;
- r. Representative from the Negosyo Center;
- s. Other member/s identified by the Chair or Vice-Chair (whose specific function in the City and role may serve to effectively implement this Ordinance).



The LTECC shall not include as its member any person or entity upholding or accommodating tobacco industry interests or is connected in any way to the tobacco industry, in order to protect primary health objectives of this Ordinance from any and all interests prejudicial to tobacco control policies and to preserve its integrity. No member of the Task Force shall also receive for himself or for other individuals, beneficiaries or groups, any contribution or compensation, directly or indirectly, whether financial or otherwise, from the tobacco industry. Non-compliance of this provision governing the LTECC, shall serve as grounds for the removal of the erring LTECC member/s. If the erring LTECC member is, likewise, a public official or government personnel, they shall also be subject to sanctions prescribed under the CSC-DOH Joint Memorandum Circular 2010-001.

**SECTION 12. DUTIES AND RESPONSIBILITIES OF THE LTECC.** Other than

1. attending regular LTECC meetings; and
2. deputizing enforcers under Sections 13 and 14 hereof, and enforcing the other provisions of this Ordinance, the LTECC, headed by the Mayor, shall have the following respective duties and responsibilities:

a. The City Health Officer shall:

1. Make tobacco control, including the implementation of this Ordinance, a part of the health program and propose funding under the general budget of the City;
2. Establish baseline (preferably) annual data on tobacco use prevalence and other related studies, and recommend further action on the findings of such data;

3. Monitor, together with the Sanitary Inspector, Enforcers and/or Task Force members, the compliance of this Ordinance in public places, establishment, conveyances, point-of-sale, and including the approval/disapproval of permits in Designated Smoking/Vaping Areas as well as permits/licenses for tobacco point-of-sale;
4. Facilitate, together with the Sanitary Inspector, Enforcers and/or Task Force members, the serving of notices, imposition of fines, suspension, or revocation of permits/licenses for violations;
5. Assign a hotline or any other number and e-mail address to which violations of this Ordinance may be reported by e-mail, phone call or SMS, or other means, and a person to operate the line and record reports, while another hotline may be assigned for accepting calls or messages for Smoking and Vaping Cessation counseling;
6. Develop, promote, and implement a Smoking and Vaping Cessation Program, stated in Section 10;
7. Assist hospitals and other health facilities including any office of the DOH within the City, together with the Sanitary Inspector, Enforcers and/or Task Force members, in the monitoring of tobacco products sales, advertisements and promotions within 100 meters from the perimeter of schools, public playgrounds, facilities frequented by minors and health facilities.

b. The Health Education and Promotion officer shall:



1. Develop and produce information, education and communication materials and conduct activities on Tobacco Control, such as the harms of smoking, vaping, and second hand smoke, as well as on the provisions of this Ordinance;
2. Encourage constituents to monitor and report violations of this Ordinance;
3. Assist the Health Officer in developing, promoting and implementing a Smoking and Vaping Cessation Program.

c. The City Building/Engineering Officer shall:

1. Conduct, together with the Health Officer or on its own, inspection activities as provided in this Ordinance;
2. Determine whether or not enclosed/partially enclosed public places, workplaces, other public places, and point-of-sale establishments, comply with this Ordinance;
3. Recommend the approval, suspension, or revocation of licenses/permits for establishments/facilities, in compliance with this Ordinance.

d. The City Legal Officer shall:

1. Assist the Task Force in reviewing reports of and complaints for violations of this Ordinance and in determining liability or appropriate cases to file;
2. Extend any legal assistance and/or file cases on matters pertaining to this Ordinance.

e. The City Information Officer shall:

1. Assist in disseminating information pertaining to all aspects of this Ordinance, including the printing and distribution of copies of this Ordinance to the public;
  2. Make a printed materials summarizing the provisions of this Ordinance, and facilitate the development of related information materials and required signage;
  3. Publicize activities and reports related to implementation and enforcement.
- f. The City Business Permits and Licenses Officer shall:
1. Order the suspension or revocation of licenses/permits of establishments found to have violated this Ordinance, subject to the provisions of Section 8 hereof;
  2. Deny renewal of licenses/permits of repeat violators of this Ordinance;
  3. Establish procedure for identifying, informing, and marking establishments covered by the 100-meter ban on sale, distribution, and advertising of tobacco products.
- g. The Civil Society Organization (CSO) Representative/s shall:
1. Assist in inspections and in monitoring violations of this Ordinance;
  2. Assist in promoting awareness of this Ordinance and in encouraging public support and participation for its implementation and enforcement;
  3. Assist in promoting and, if capable, implementing a Smoking and Vaping Cessation Program;



4. Assist in developing and conducting orientation and training seminars for enforcers;
  5. Assist in evaluating the performance of the Task Force and the effectiveness of the implementation and enforcement of this Ordinance.
- h. The PNP Chief of Police shall:
1. Direct the Local PNP in the orderly enforcement of this Ordinance;
  2. Ensure apprehension of violators in accordance with the provisions of this Ordinance and other rules and procedures of engagement;
  3. Assist Task Force members, City officials and deputized civilians in apprehending violators and in filing the appropriate complaints when necessary;
  4. Assist in promoting awareness of this Ordinance and in encouraging public support and participation in its implementation and enforcement;
  5. Employ the assistance of the members of the Task Force and other police enforcers, such as those from other LGUs, during enforcement when coordination is necessary;
  6. Refer minors caught in violation of this Ordinance to the Social Services and Development Office and/or to the school authorities where the minor is enrolled;
  7. Use the OVR during apprehensions and maintain a record or log of violations/apprehensions made within particular periods, for purposes of reporting.

- i. The City Treasurer shall:
  - 1. Facilitate the printing and reprinting of the OVR;
  - 2. Collect/receive fines paid by violators and submit reports on its collection;
  - 3. Designate collection agents and guidelines for collections as necessary to assist in efficient collection of fines from the City;
  - 4. Facilitate the release and allocation of funds, and the remuneration of enforcers share in accordance with the provision for the sharing of proceeds, derived from the collection of fines, penalties, generated resources, and appropriated budget.
- j. The Environment and Natural Resources Officer shall:
  - 1. Assist in promoting awareness of this Ordinance as a component in the protection and conservation of the environment and in encouraging public support and participation in its implementation and enforcement;
  - 2. Assist in inspection and monitoring violations of the Ordinance on its own or with any other member of the Task Force;
  - 3. Conduct timely monitoring of air, water, soil quality and other studies pertinent to determining levels of exposure to tobacco smoke, residues, by products and litter, among others;



4. Provide expertise in the application and management of appropriate technologies to avert environmental/health risks, accidents and damage posed by tobacco smoke, residues, by-products, disposal, and litter, among others.
- k. The Representative from DepEd, CHED, and/or Academic Institutions shall:
1. Implement the Department/Commission Orders on the integration of tobacco control education into the school curricular;
  2. Ensure strict compliance of the Memos and Orders on the protection of the bureaucracy from industry interference as per FCTC Article 5.3;
  3. Ensure strict compliance of schools in enforcing 100% smoke-free campuses and school facilities including the schools' vehicles;
  4. Assist in the monitoring of tobacco products' sales, advertisements and promotions within 100-meters from the perimeter of schools, public playgrounds and facilities frequented by minors;
  5. Ensure the posting in clear and conspicuous manner "No Smoking" signs, and notices for the sales ban of tobacco products within 100-meters from the perimeter of schools, public playgrounds, facilities frequented by minors and health facilities.
- l. The Local President of the Liga ng mga Barangay ng Pilipinas shall:
1. Assist in promoting awareness of this Ordinance in encouraging public support and participation in its implementation and enforcement;

2. Coordinate with all Barangay Captains and the PNP, or other members of the Task Force in monitoring violations of the Ordinance within their jurisdictions;
  3. Provide the necessary coordination among the Barangay Health Workers, Kagawads, and Tanods and other enforcers (i.e Coast Guards) for the implementation of activities pertinent to the Ordinance;
  4. Assist in the facilitation of the referrals to the Smoking Cessation Program at the Barangay Level, if applicable.
- m. The Public Order and Safety Officer shall:
1. Assist in promoting awareness of this Ordinance in encouraging public support and participation in its implementation and enforcement;
  2. Monitor compliance in public places, establishments, conveyances, point-of-sale, Designated Smoking and Vaping Areas, together with other members of the Task Force;
  3. Coordinate with enforces and/or Task Force members regarding the imposition of fines, suspension, or revocation of licenses/permits for violations.
- n. The City Social Welfare and Development Officer shall:
1. Assist in the enforcement of this Ordinance when minors are involved;
  2. Provide the necessary interventions for minors implicated in violations.
- o. The City Human Resources and Management Officer shall:



1. Oversee the strict implementation of smoke-free government facilities;
  2. Evaluate for approval the proper establishment of Designated Smoking/Vaping Areas in government facilities where it may apply;
  3. Oversee the strict implementation of policy preventing tobacco industry interference, pursuant to the CSC-DOH Joint Memorandum Circular 2010-01;
  4. Monitor, supervise, and report on all concerns pertaining to tobacco industry activities, communications, and other related concerns;
  5. Assist in matters related to tobacco control policies as it applies to the performance of functions and duties affecting government officials/personnel.
- p. The City Administrator shall:
1. Assist the Mayor in overseeing the implementation and enforcement of this Ordinance, in close coordination with other members of the Task Force;
  2. Provide regular updates to the Mayor as to the status of implementation and enforcement of the Ordinance.
- q. The Coordinator, in the case of separate coordinating unit or Office of the Task Force, under the authority of the Mayor, shall:

1. Perform any of the functions assigned to it by the Mayor pertaining to the implementation, enforcement and promotion of this Ordinance;
  2. Coordinate with any/all members of the City Task Force as necessary, to any related function as required/instructed by the Mayor;
  3. Provide regular updates to the Mayor as to the status of implementation of Tobacco Control in the City and of the Ordinance.
- r. The Metropolitan Manila Development Authority shall:
1. Assist in the training of enforcers, communication development workshop and other capacity building activities;
  2. Assist in the enforcement activities by providing technical support and manpower, as requested;
  3. Assist in the monitoring and evaluation of activities related to this Ordinance;
  4. Provision of technical support for the implementation of this Ordinance, as requested.

**SECTION 13. INSPECTION OF ESTABLISHMENTS.** Ninety (90) calendar days after effectivity of this Ordinance, an inspection team composed of representatives from the Health Department, Engineering Department, Business Permits and License Department, and other members of the Task Force, shall conduct inspections of establishments and buildings to determine their compliance with the provisions of this Ordinance.



Regular inspection shall, thereafter, be conducted at least every month or simultaneously with other regular inspections done by the appropriate City office or department, whichever is more frequent, during normal hours of operation of the establishment.

The inspection team shall issue an OVR against the establishment upon finding of non-compliance with or of any violation of this Ordinance. An OVR may be issued for each day that the establishment is found to be non-compliant.

Re-inspection of the establishment shall be done on any day after the issuance of the OVR, but in no case more than ten (10) calendar days after such issuance. If the establishment fails to comply with the obligations stated in the OVR upon re-inspection, the inspection team shall recommend the suspension of its license/ permit.

In the course of inspection, the inspection team may apprehend individual violators and request the assistance of the PNP in doing so.

**SECTION 14. CIVILIAN PARTICIPATION IN ENFORCEMENT.** Within thirty (30) calendar days from the effectivity of the Ordinance, the Health Department shall designate, with the approval of the Office of the Mayor, one or more civil society organizations (CSO) to discharge the duties and responsibilities enumerated in Section 12(g) hereof.

The Task Force may deputize qualified civilians to serve as enforcers of this Ordinance. Any person can file with the Task Force a report or complaint, or present evidence for any violation of this Ordinance.

#### **INFORMATION CAMPAIGN**

**SECTION 15. INFORMATION DISSEMINATION.** Within sixty (60) calendar days of the effectivity of this Ordinance, the Task Force shall:

a. In coordination with the Office of the Mayor:

1. Provide at least two (2) copies of this Ordinance to every PNP station or precinct in the jurisdiction of the City;

2. Provide a primer on this Ordinance for every officer of the PNP/deputized enforcers; and
  3. Conduct lectures to brief officers of the PNP and other enforcers, the provisions of this Ordinance and of their responsibilities with respect to its enforcement.
- b. In coordination with the Business Permit and Licensing Department, provide a copy of this Ordinance and its primer to all existing establishments that are licensed to operate, as well as to those applying for new licenses or permits to operate, and/or permits to sell tobacco products;
  - c. In coordination with the Public Information Office, provide a copy of this Ordinance and its primer to all public utility vehicle operators plying within and through the territorial jurisdiction of the City.

**SECTION 16. PUBLIC BILLBOARDS, NOTICES IN BARANGAYS.** Upon effectivity of this Ordinance, the City Engineering Department shall put up billboards in conspicuous places within the City to notify the public of the restrictions and sanctions imposed by the Ordinance. The Public Information Office shall also immediately issue, for dissemination at the Barangay level, notices on obligations of persons under the Ordinance.

**SECTION 17. CONDUCT OF ORIENTATION, SEMINARS, AND TRAININGS.** Within sixty (60) calendar days from the effectivity of this Ordinance and periodically thereafter, the Health Officer, with the assistance of the Health Education and Promotion Officer, and the CSO representative designated under Section 14 hereof, with other members of the Task Force, shall develop and conduct a series of orientation seminars and trainings for the enforcers of this Ordinance, at least one for each group, including but not limited to, deputized enforcers like Barangay Health Workers, Barangay Tanods, and the Local PNP.

## FINANCING

**SECTION 18. FUNDING.** An initial funding to defray the expenses necessary for or incidental to the implementation of this Ordinance and Tobacco Control Program of the City of Mandaluyong in the amount of Five Million Pesos (P5,000,000.00) shall be sourced from the fund of the City Government and is hereby allocated. Every year thereafter, at least Five Million Pesos (P5,000,000.00) shall automatically be included in the Annual Budget of the City for the implementation and enforcement of this Ordinance and the City's Tobacco Control Program.

The initial funding, annual budget appropriated for this purpose, and funds generated from other sources, such as, but not limited to the proceeds from administrative penalties, shall be placed in a Trust Fund, specifically intended to defray expenses and operationalize activities of this Ordinance and the City's Tobacco Control Program. The Task Force shall be empowered to determine how the Trust Fund is to be utilized in furtherance of this Ordinance, subject, however, to the usual government accounting and auditing procedures.

The above expenses include, but are not limited to:

- a. Cost of printing copies of this Ordinance, the OVR, and information, education and communication materials pertaining to tobacco control;
- b. Cost of regular or periodic meetings of the Smoke Free Task Force;
- c. Cost of inspection and enforcement by the Smoke Free Task Force including allowances for meals and transportation, the amounts of which shall be set by the Office of the Mayor;
- d. Remuneration for the apprehending enforcer's share of the proceeds from penalties paid;
- e. Institutional and operating expenses of the Smoking and Vaping Cessation Program and facility;



- f. Other expenses associated with the implementation and enforcement of this Ordinance.

SECTION 19. APPLICATION FEE AND INSPECTION FEE. There shall be an annual fee of Ten Thousand Pesos (Php10,000.00) for the application of constructing a Designated Smoking Area or Designated Vaping Area in any existing establishment.

There shall be a fee of Ten Thousand Pesos (Php10,000.00) for an inspection to any Designated Smoking Area or Designated Vaping Area, prior to the declaration of a DSA Compliance.

The Order of Payment will be issued by the City Health Department and the payment will be received by the City Treasurer's Department.

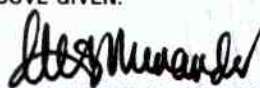
SECTION 20. SEPARABILITY CLAUSE. If for any reason or reasons, any part or provision of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 21. REPEALING CLAUSE. All Ordinances contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly.

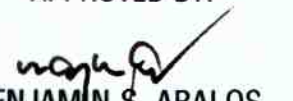
SECTION 22. EFFECTIVITY CLAUSE. This ordinance shall take effect after its approval and upon publication in a newspaper of general circulation in Metro Manila.

ENACTED on this 11<sup>th</sup> day of September 2023, in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN A REGULAR SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.

  
MA. TERESA S. MIRANDA  
Sanggunian Secretary

ATTESTED BY:  
  
CARMELITA A. ABALOS  
City Vice Mayor &  
Presiding Officer

APPROVED BY:  
  
BENJAMIN S. ABALOS  
City Mayor

Date: SEP 25 2023