



Republic of the Philippines  
CITY COUNCIL  
City of Manila

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REGULAR SESSION NO. 64

10<sup>th</sup> CITY COUNCIL

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Begun and held in the City Council on Thursday,  
the Nineteenth day of January, Two Thousand Seventeen

## ORDINANCE NO. 8521

**AN ORDINANCE PROHIBITING THE USE OF CIGARETTES, VAPES AND/OR OTHER TOBACCO PRODUCTS IN BUILDINGS OWNED, ADMINISTERED, AND USED BY THE CITY GOVERNMENT OF MANILA AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES**

SPONSORED BY:

**HON. CASIMIRO C. SISON**  
Majority Floor Leader

## PREAMBLE

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 consciousness among them;

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

WHEREAS, the Tobacco Regulation Act of 2003 (Republic Act No. 9211) prohibits smoking in certain public places whether enclosed or outdoors in certain places and directs local government units to implement these provisions;

WHEREAS, Civil Service Commission Memorandum Circular No. 17, Series of 2009, prohibits smoking in premises, buildings and grounds of government agencies except in open spaces designated as open areas;

WHEREAS, innovation and technology has brought new devices similar to smoking which produces smoke-like mist. Despite its non-tobacco based materials, the usage thereof, in places prohibited from smoking likewise causes nuisance and unwarranted exposure to the public, this device are more popularly known as vapes: NOW, THEREFORE,

Be it ordained by the City Council of Manila, in session assembled, *THAT*:

**SECTION 1. Title.** - This Ordinance shall be known as the “**Smoke Free Ordinance of the City Government of Manila**”.

**SEC. 2. Purpose.** – The purpose of this Ordinance is to ensure that all public buildings facilities and establishments owned, used, controlled or administered by the City Government of Manila shall be smoke free, to set an example to the private sector in promoting a smoke free environment and to safeguard the health of the public using such establishment from the harmful effects of smoking and tobacco consumption.

**SEC. 3. Coverage.** – This Ordinance shall cover all buildings, such as but not limited to, City Hall of Manila, public schools, hospitals, playgrounds, and all establishments and facilities owned, used, controlled or operated by the City Government of Manila (“City Government Buildings”).

**SEC. 4. Prohibited Acts.** – The following acts are prohibited:

- a. Smoking inside the premises of the City Government Buildings including all its offices, rooms, comfort rooms and corridors;
- b. Smoking inside the compound of City Government Buildings; and
- c. Smoking within 100 meters from the perimeter of the City Government Buildings.

**SEC. 5. Definition of Smoking.** – Smoking means being in possession or control of the following:

1. A lite tobacco product regardless of whether the smoke is being actively inhaled or exhaled; and
2. Use of vape devices.

**SEC. 6. Smoking Area.** – A smoking area in each City Government Building may be allowed without violating this Ordinance, provided the same meets the following requirements:

- a. It shall be located in an area outside of the building 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. Food or drinks are not served in the designated smoking area;
- d. No building shall have more than one designated smoking area;
- e. Minors shall not be allowed inside the smoking area; and
- f. The designated smoking area has the following signage highly visible and prominently displayed:
  - i. **“Smoking Area”** signage with message showing **“Minors not allowed within the premises”**.
  - ii. Graphic health warnings on the effects of tobacco use.

**SEC. 7. Penalty Clause.** – Penalties are as follows, to wit:

- a. **First Offense** – the person found guilty of this offense shall be punished by a fine of not more than Two Thousand Pesos (PhP. 2,000.00) and/or imprisonment of one day or both upon the discretion of the Court;
- b. **Second Offense** – the person found guilty of this offense shall be punished by a fine of not more than Three Thousand Pesos (PhP. 3,000.00) and/or imprisonment of two days or both upon the discretion of the Court; and
- c. **Third and Succeeding Offenses** – the person found guilty of this offense shall be punished by a fine of not more than Five Thousand Pesos (PhP. 5,000.00) and/or imprisonment of three days or both upon the discretion of the Court.

**SEC. 8.** All orders, rules, regulations and issuances, or parts thereof, which are inconsistent with this Ordinance, are hereby repealed, amended or modified accordingly.


**SEC. 9. Effectivity Clause.** - This Ordinance shall take effect fifteen (15) days after its publication.

Enacted by the City Council of Manila at its regular session on March 30, 2017.

PRESIDED BY:

  
**MARIA SHEILAH "Honey" LACUNA-PANGAN, MD, FPDS**  
Vice-Mayor and Presiding Officer  
City Council, Manila


ATTESTED:

  
**LUCH R. GEMPIS, JR.**  
City Government Department Head III  
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON 24<sup>th</sup> April 2017.

  
**JOSEPH EJERCITO ESTRADA**  
Mayor  
City of Manila

ATTESTED:

  
**EDWARD S. SERAPIO**  
City Government Department Head III  
(Secretary to the Mayor)

RNF:rrb/jvl/jok/cpf/rd