



Republic of the Philippines  
PROVINCE OF NEGROS OCCIDENTAL  
**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**  
South Wing, Provincial Capitol Building  
South Capitol Road, Bacolod City, Negros Occidental 6100  
Tel. Nos. 435-7698 \* 433-4894 \* 707-8075

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF NEGROS OCCIDENTAL HELD IN THE CITY OF BACOLOD ON THE 4TH DAY OF FEBRUARY 2025**

**PRESENT:**

Hon. Jeffrey P. Ferrer	Vice Governor/ Presiding Officer
Hon. Araceli T. Somosa	Member – 1 <sup>st</sup> District
Hon. Rommel T. Debulgado	Member - 1 <sup>st</sup> District
Hon. Sixto Teofilo Roxas V. Guanzon, Jr.	Member - 2 <sup>nd</sup> District
Hon. Andrew Gerard L. Montelibano	Member - 3 <sup>rd</sup> District
Hon. Manuel Frederick O. Ko	Member - 3 <sup>rd</sup> District
Hon. Jose Benito A. Alonso	Member - 4 <sup>th</sup> District
Hon. Rita Angela S. Gatuslao	Member - 5 <sup>th</sup> District
Hon. Julius Martin D. Asistio	Member – PCL Rep.
Hon. Richard Julius L. Sablan	Member – ABC Rep.
Hon. Mayvelyn L. Madrid	Member – SK Rep.

**ON OFFICIAL BUSINESS:**

Hon. Samson C. Mirhan	Member - 2 <sup>nd</sup> District
Hon. Andrew Martin Y. Torres	Member - 4 <sup>th</sup> District
Hon. Anthony Dennis J. Occeño	Member - 5 <sup>th</sup> District
Hon. Jeffrey T. Tubola	Member - 6 <sup>th</sup> District

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**ORDINANCE NO.002**  
**Series of 2025**

**A UNIFIED PROVINCE-WIDE ORDINANCE INSTITUTIONALIZING THE TOBACCO REGULATION ACT (REPUBLIC ACT NO. 9211) AND THE VAPORIZED NICOTINE AND NON-NICOTINE PRODUCTS REGULATION ACT (REPUBLIC ACT NO. 11900) IN ORDER TO PROMOTE A SMOKE-FREE ENVIRONMENT IN THE PROVINCE OF NEGROS OCCIDENTAL**

**Sponsored by:**

**HON. SIXTO TEOFILO ROXAS V. GUANZON, JR**  
Chairman, Committee on Rules, Laws, and Ordinances

**HON. ARACELI T. SOMOSA**  
Chairman, Committee on Health and Social Services

**WHEREAS**, the 1987 Constitution of the Republic of the Philippines provides 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 **Framework Convention on Tobacco Control** to which she is a party, is 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.





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**WHEREAS**, the Province of Negros Occidental has been granted power and authority by Republic Act No. 7160, otherwise known as the Local Government Code of the Philippines, to promote the general welfare of its constituents to include, among others, the promotion of their health and safety. Towards this end, it is the purpose of this ordinance to safeguard public health and ensure the physical well-being of all its constituents in relation to the Tobacco Regulation Act of 2003, referred to as Republic Act No. 9211, which recognizes the need for a balanced policy in the regulation and use of tobacco products that takes into account the need for both a healthful environment and the protection of citizens from the hazards of tobacco smoke, and at the same time to ensure that the interests of tobacco farmers, growers, workers and other stakeholders are not adversely compromised.

**WHEREAS**, Section 5 of Republic Act No. 9211, otherwise known as The Tobacco Regulation Act of 2003, prohibits smoking in certain public places whether enclosed or outdoors; imposes bans on tobacco advertising and access restrictions by banning sales in places frequented by minors and prohibiting the purchase from and sales to minors of tobacco products, and local government units are directed by law to implement these provisions. Furthermore, Section 39 of RA 9211 expressly provides that all ordinances that are inconsistent with the Republic Act are repealed or amended accordingly.

**WHEREAS**, Republic Act No. 11900, also known as the Vaporized Nicotine and Non-Nicotine Products Regulation Act was enacted to regulate the manufacture, sale, distribution, use and advertisement of vaporized nicotine and non-nicotine products.

**WHEREAS**, the 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 bans to strengthen existing measures on access restriction, including the regulation on sale, distribution and availability of cigarettes and other tobacco products, electronic nicotine and non-nicotine delivery systems (ENDS/ENNDS), heated tobacco products (HTPs) and other novel tobacco products.

**WHEREAS**, Title VI, Rule II, Section 2 of the Implementing Rules of Republic Act No. 9211 empowers provincial governors and municipal mayors, building officials, and members of the Philippine National Police to take the necessary steps to ensure full compliance with the provisions of the law;

**WHEREAS**, a number of Filipinos succumb each year due to tobacco-related illness caused by smoking and secondhand smoke, such as stroke, heart diseases, lung diseases and various forms of cancers, and the health issues related to tobacco-related illnesses result in productivity losses and contribute significantly to loss of income and poverty;

**WHEREAS**, the increase in prevalence of tobacco smoking among the youth necessitates enforcement of measures to protect them from being initiated to cigarette smoking and tobacco use by prohibiting advertising and restricting access to tobacco products by minors;





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**WHEREAS**, the Province of Negros Occidental recognizes that there is a fundamental and irreconcilable conflict of interest between the tobacco industry and public health, and that the Civil Service Commission and Department of Health Joint Memorandum Circular No. 2010-01 was enacted to protect the bureaucracy from tobacco industry interference. Furthermore, the Land Transportation Franchising & Regulatory Board Memorandum Circular No. 2009-036 prohibits smoking in all public utility vehicles and public transport terminals and requires holders of certificate of public convenience to prominently post No Smoking signages in their authorized units and premises;

**WHEREAS**, the Province of Negros Occidental recognizes that the participation of civil society is essential in achieving the objective of this ordinance;

**WHEREAS**, in order to fully protect the health and welfare of citizens in the Province of Negros Occidental and at the same time safeguard the interests of other stakeholders, there is a need to pass a local ordinance regulating smoking in public places and conveyances, advertising, promotion, sponsorship activities, in harmony with the basic policies and regulations laid down under RA 9211 as well as Section 24 of Republic Act No. 8749, otherwise known as the Philippines Clean Air Act of 1999, which prohibits smoking inside enclosed public places, including public vehicles, and local government units are directed by law to implement this provisions;

**WHEREAS**, cognizant of the imperative need to protect the health of the constituents, as well as the promotion of a clean air environment in support of the Clean Air Act, the need to reduce, indirectly if not directly, the global warming problem, and eventually contribute to enjoying a pollution-free environment in the Province of Negros Occidental. It is the direction of this ordinance that the entire Province of Negros Occidental, including the thirty-one (31) Local Government Units, is hereby enjoined all together for full participation in the province-wide drive against the anti-smoking and buffing problem in the entire Negros Occidental;

**WHEREAS**, the concept of more practical, workable, and effective legislation is realized through the enactment of a Unified Province-wide ordinance that is neither too centralized nor decentralized, with the involvement of the Province of Negros Occidental as the lead agency in the drive against smoking and vaping, where the thirty-one (31) Local Government Units are hereby enjoined altogether to work hand-in-hand in a common effort to implement this ordinance effectively and remarkably produce a diligent result over a given period.

#### **I. ORDAINING CLAUSE**

**NOW THEREFORE, BE IT ENACTED, AS IT IS HEREBY ENACTED BY THE SANGGUNIANG PANLALAWIGAN OF NEGROS OCCIDENTAL IN SESSION ASSEMBLED, BY VIRTUE OF THE POWERS VESTED IN IT BY LAW, THAT:**

#### **II. TITLE**

**This ordinance shall be known as "THE 2025 UNIFIED PROVINCE-WIDE SMOKE-FREE AND VAPE-FREE ORDINANCE OF THE PROVINCE OF NEGROS OCCIDENTAL"**





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### III. 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.

### IV. COVERAGE

This Ordinance shall apply to all persons, whether natural or juridical, whether resident or not, and in all places, found within the territorial jurisdiction of Negros Occidental, who smoke or allow smoking in a public and private utility vehicle, government-owned vehicle or any other means of public transport for passengers, accommodation and entertainment establishment, public building, public place, enclosed public place, or in any enclosed area outside of one's private residence;

### V. RULE OF INTERPRETATION

Any matter not explicitly addressed or properly stipulated in this ordinance shall be construed in favor of the Provincial Task Force.

### VI. DEFINITION OF TERMS

As used in this Ordinance, the following terms shall have the meanings ascribed to them in this section. Any words or terms not defined shall be given their plain and customary meanings, unless the context requires otherwise, and shall be interpreted in a manner consistent with the purpose and spirit of this Ordinance, to wit:

**Advertisement:** refers to any visual and/or audible message disseminated to the public about or on particular product that promote and give publicity by words, designs, images or any other means through broadcast, electronic, print or whatever form of mass media, including outdoor advertisements, such as, but not limited to, signs and billboards. For the purpose of this ordinance, advertisement shall be understood as tobacco advertisement.

1. **Advertising:** refers to the business of conceptualizing presenting, making available and communicating to the public, through any form of mass media, any fact, data or information about the attributes, features, quality or availability of consumer products, services or credit. For purposes of this Ordinance, advertising shall be understood as tobacco advertising. This shall specifically refer to messages and images promoting smoking; the purchase or use of cigarettes or tobacco products; and cigarette or tobacco trademarks, brand names, design and manufacturer's names.
2. **Celebrity:** refers to any natural person who, by his accomplishments or fame, or by reason of his profession or calling, gives the public a legitimate interest in his doings, affairs, and character. The term includes anyone who has arrived at a position where public attention is focused upon him as a person, such as, but not limited to, actors, athletes and other sports personalities, war heroes, famous inventors and explorers among others.





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3. **Cigarette:** refers to any roll or tubular constructions, which contains tobacco or its derivatives and that is intended to be burned or heated under ordinary conditions of use.
4. **Civil Society Organization:** 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, community groups, women's organization, faith-based organizations, professional associations, coalitions and advocacy groups. As used in this Ordinance, does not include organizations or associations related to or connected with the tobacco industry in any way.
5. **Distributor:** refers to any person to whom a tobacco product is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer or common carrier of such product.
6. **Designated Smoking/Vaping Area (DSVAs):** refers to an outdoor area, where a person is allowed to smoke or vape without violating this Ordinance that strictly meets the following requirements, at the minimum it shall be located in an open space with no permanent or temporary roof(s) or wall(s); shall not be located within ten (10) meters of entrances, exits, or any place where people usually congregate; shall not have an area larger than ten (10) square meters; minors or persons below the age of 18 shall not be allowed at or within the DSVA; and every DSVA shall have highly visible and prominently displayed "Smoking/Vaping Area" sign and a graphic depiction with a corresponding explanation of the ill effects of smoking on smokers health, passive smokers and third-hand smokers. All DVSA shall be covered by a certificate of compliance from the Office of the Governor through the Provincial Smoke-Free Task Force.
7. **Electronic Nicotine and Non-Nicotine Delivery System (ENDS/ENNDS):** are combinations of non-tobacco containing e-liquids, solutions or refills which may or may not contain nicotine and an electronic delivery device to produce aerosol, mist 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 vapor 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. They are also known as electronic cigarettes, vapor products, vapes, vape pens, electronic shisha, mods, and other similar related devices.





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8. **Enclosed or Partially Enclosed Area:** refers to an area that is physically separated from adjacent areas by walls or partitions and a roof or ceiling. The walls or partitions must be continuous, interrupted only by doors and windows. The mere presence of a roof or ceiling over the structure, but without walls or partitions surrounding said structure, does not constitute an enclosed area.
9. **Minor:** refers to any person under eighteen (18) years old.
10. **Outdoor Advertisement:** refers to any sign, model, placard, board, billboard, banner, bunting, light display, device, structure or representation employed outdoors wholly or partially advertise or promote a tobacco product to the public.
11. **Mass media:** refers to any medium of communication that reaches a mass of people. For this purpose, mass media includes print media such as, but not limited to, radio, television, cable television, and cinema; electronic media such as but not limited to, the Internet. For this Ordinance, communications designed to reach persons by private, postal or regular mail, electronic mail (e-mail), and similar means shall not be considered as mass media.
12. **Perimeter:** when used in this Ordinance in relation to sale of, and outdoor advertisements for, tobacco products, the term shall refer to any point in the boundaries as indicated in the Original Certificate of Title or Transfer Certificate of Title of the tract of land that is actually used or occupied by a public school, public playground owned by the government or other facility frequented particularly by person below eighteen (18) years of age who are or are intended to be the principal users or patrons of such facility, whether or not said tract of land is separated by adjacent tracts by a wall or fence.
13. **Premises:** refers to a tract of land and the building or building thereon, including the open spaces between the buildings located on the same tract of land within the perimeter of said tract of land.
14. **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, 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 brand names, trademarks, logos, etc. in movies, television and other forms of entertainment. For this Ordinance, promotion shall be understood as tobacco promotion.
15. **Public conveyances:** refers to modes of transportation servicing the general population, such as but not limited to, elevators, airplanes, buses, taxicabs, ships, jeepneys, light rail transits, tricycles, and similar vehicles.

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16. **Public places:** refers to enclosed or confined areas of all hospitals, medical clinics, schools, public transportation terminals and offices and buildings such as private and public offices, recreational places, shopping malls, movie houses, hotels, restaurants, and the like.
17. **Person in charge:** refers to any person who has control or responsibility over any place or means of public transport covered by this Ordinance, or any agent or designee of such person, including the proprietor, possessor, manager, or administrator. In case of public places, public outdoor spaces, or other establishments, it refers to the director, trustee, president, manager, or other officer of a corporation, the manager or partner of a partnership, the owner, proprietor or operator of a sole/single proprietorship, or the administrator of a government property, office or building, as the case may be. In case of a public transport, it refers to the owner, the driver, the conductor, or the captain of a public transport. In case of workplaces, it refers to the employer, who may be an individual employer, or a sole proprietor, or if the employer is a corporation, the director, trustee, president, manager or other officer of the corporation.
18. **Point-of-sale:** refers to any location at which an individual can purchase or otherwise obtain tobacco products. For the purpose of this Ordinance, itinerant/ambulant vendors are not covered by the term "point-of-sale".
19. **Public Transport:** refers to any vehicles, whether mobile or stationary, used in the transport of passengers or available to the public as a mode of transport, such as, but not limited to, jeepneys, buses, taxicabs, trains, ships, airplanes, light rail transits, vans, tricycles, trisikads, motorcycles, and other public utility vehicles, whether covered by a Certificate of Public Convenience or not.
20. **Public places:** refers to all places that are accessible or open to the public, whether or not by invitation or by payment, or all places for collective use, regardless of ownership or right to access, including but not limited to, establishments/stores that provide food, accommodation, drinks, professional services, merchandise, entertainment, or other services as well as gasoline stations, banks, malls, shopping/business arcades, town squares, terminals, airports, seaports, schools, places of worship, churches, hospitals, cinema houses, gymnasiums, covered courts, funeral parlors, barber shops, cockpits, gaming areas, internet cafes, recreational facilities, pedestrian lanes, overpasses, underpasses, parking areas, waiting sheds, sidewalks, and other places where people usually congregate.
21. **Public Outdoor Spaces:** refers to outdoor spaces that are open to the public, or places where facilities are available for the public, or where a crowd of people would gather, such as, but not limited to, playgrounds, sports grounds or centers, church grounds, health/hospital compounds, parks, gardens, resorts, markets, streets, sidewalks, walkways, entrance ways, waiting areas, and the like.





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22. **Smoking:** refers to the act of carrying a lighted cigarette or other tobacco products, whether or not it is being inhaled or smoked.
23. **Second-hand smoke** refers to the smoke emitted from the burning end or heated tobacco products usually in combination with the smoke exhaled by the smoker.
24. **Tobacco:** refers to agricultural components derived from tobacco plant, which are processed for use in the manufacture of cigarettes and other tobacco products.
25. **Tobacco product:** refers to products entirely or partially made of tobacco plant as raw material which are manufactured to be used for smoking, sucking chewing or snuffing, such as but not limited to cigarette, cigar, pipe, shisha/hookah and chew tobacco. The term shall exclude ENDS/ENNDS or vapor products, and include other novel tobacco products.
26. **Tobacco Advertising and Promotion:** refers to 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, including but not limited to, any message or image promoting smoking, tobacco use, tobacco products, brand names, or tobacco company names or any promotional materials or structure that contains these, such as but not limited to, posters, streamers, signages, standees, billboards, fliers, umbrellas, parasols, CDs, film, caps, t-shirts, sweatshirts, visors, backpacks, sunglasses, writing implements, towels, mugs, candies, stickers, and the like.
27. **Tobacco Industry:** refers to organizations, entities, associations, and individuals that work for or in 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.
28. **Vaping:** refers to the act of inhaling and exhaling vapor produced by any ENDS/ENNDS or other electronic device whether or not it is used to deliver nicotine to the user.
- 28.a) **Vapor Products-** refer to ENDS/ENNDS, which are a combination of (i) a liquid solution or gel that transforms into an aerosol without the combustion through the employment of a mechanical or electronic heating element, battery or circuit that can be used to heat such solution or gel and includes but not limited to (ii) a cartridge, (iii) a tank, and (iv) the device without the cartridge or tank. ENDS Devices employ nicotine, whether in freebase or salt forms, which may be derived from tobacco leaf or synthetically produced; ENDS solutions





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may contain other substances in addition to nicotine. ENNDS devices employ substances that does not contain nicotine.

28.b) **Workplace** - refers to any place where more than one person, regardless of employment status, performs work. Vehicles used in the course of work are considered workplaces.

28.c) **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.

## VII. PROHIBITED ACTS

The following acts shall be regulated within the territorial jurisdiction of the Province of Negros Occidental:

1. Smoking 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 (q), except in designated smoking areas duly approved and fully compliant with the requirements under section 4 (g) of this ordinance.
2. For persons-in-charge to allow, abet or tolerate smoking or vaping in places enumerated in the preceding paragraph, outside of approved Designated Smoking/Vaping Area under section 4 (g) of this ordinance.
3. Selling or distributing tobacco products and/or vapor products to minors.
4. Sale of tobacco products and/ vapor products within one hundred (100) meters from any point of the perimeter of a school, public playground owned by the government or other facility frequented particularly by minors who are intended to be the principal users or patrons of such facilities.
5. Ordering, instructing or compelling a minor to use, light up, buy, sell, distributing, deliver, advertise or promote tobacco products and/or vapor products.
6. Selling of tobacco products and/or vapor products within premises of a government facility.
7. Non-compliance with the required signage in point-of-sale establishments.
8. Non-compliance with the restrictions on tobacco advertising, print media advertising; outdoor advertising; cinema advertising; television and radio advertising; advertising in audio, video and computer cassettes/disc and similar medium; and advertising on the Internet.





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9. Non-compliance with the ban on advertisements; restrictions on tobacco promotions; and ban on naming rights.
10. Non-compliance with the restrictions on sponsorships and ban on sponsorships.
11. Placing, posting, displaying or distributing advertisements and promotional materials of tobacco products or vapor products such as but not limited to leaflets, posters, display structures and other materials that show a Tobacco/vapor product's brands name (including company name) logo or indicia, such as in a point-of-sale establishment, where minors are allowed entry.
12. Conduct promotional activities, campaigns, events, product sampling, and the like, where the establishment or its location is prohibited from selling or unauthorized to sell tobacco products and/or vapor products, and/or minors are allowed entry.
13. Displaying and placing tobacco products and/or vapor products in open store shelves/racks, except in enclosed, opaque and single-colored storages/containments.
14. Facilitation, participation or partnership engaged by any government official or personnel, regardless of employment status (permanent, casual, contractual, job order, consultant or special appointed) 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 Province of Negros Occidental, with the aim, effect or likely effect of promoting a tobacco product and/or vapor products, its use either directly or indirectly.

#### **VIII. DESIGNATED AREAS**

In all enclosed places that are open to the general public, public and private workplaces, and other places not covered by this Ordinance, where smoking/vaping may expose a person other than the smoker to tobacco/vape smoke, the owners, proprietors, operators, possessors, managers or administrators of such places shall establish smoking and non-smoking areas. Such areas may include a designated smoking/vaping area within the building, which may be in an open space, or in a separate area with proper ventilation, but shall not be located within the same room that has been designated as a non-smoking area. As such, the owners, proprietors, operators, possessors, managers, or administrators of establishments not covered this Ordinance shall determine the size and specifications of the smoking/vaping area: Provided, that the following standards shall be observed:





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1. The designated smoking/vaping area other than in an open space shall be completely enclosed or physically separated from the rest of the premises and equipped with adequate ventilation in conformity with the provisions of Presidential Decree No. 1096, otherwise known as the National Building Code, and the Philippine Society of Mechanical Engineers Code.
2. The absolute ban on smoking and vaping in public conveyances mentioned does not apply in interisland vessels, where smoking and vaping areas have been designated. Provided, said designated smoking/vaping areas conform to the specifications set forth under this Ordinance.
3. Separation of the designated smoking/vaping area other than in an open space shall be effected through any of the following means: The designated smoking/vaping area must be fully separated from smoke-free area by continuous floor-to-ceiling or floor-to-floor solid partitions which are interrupted only by doors equipped with door closers, and which must be constantly closed except when a person is entering or exiting the area; or the designated smoking/vaping area must be set apart, enclosed or confined by means other than those described. Provided, that said means enable compliance to air quality standards set forth in the National Building Code and the Philippine Society of Mechanical Engineers Code.
4. All designated smoking/vaping areas shall have at least one (1) legible and visible sign posted saying "SMOKING/VAPING AREA," in English or Filipino, for the information and guidance of all concerned. The sign shall be placed conspicuously at the entrance to the designated smoking/vaping area and shall be in accordance with the specifications set forth, as follows:

Overall size of sign	297 x 210 mm
Front and size for "NO SMOKING and NO VAPING AREA" or "SMOKING/VAPING AREA"	Arial Black, 122 pt.
Font and size for "GOVERNMENT WARNING"	Arial Black, 48 pt.
Font and size for "Tobacco Regulation act"	Arial Black 32 pt.

5. In addition, the sign or notice shall include a warning in English or Filipino about the ill effects of both direct and secondary exposure to tobacco smoke. Said warning may be any of the following:
  - a. GOVERNMENT WARNING: "Cigarette Smoking is Dangerous to Your Health" (BABALA: "Ang Paninigarilyo ay Mapanganib sa Iyong Kalusugan.").





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- b. GOVERNMENT WARNING: "Cigarettes/Electronic Cigarettes are Addictive" (BABALA: Ang Sigarilyo ay Nakaka-adik).
- c. GOVERNMENT WARNING: "Tobacco/Vape Smoke Can Harm Your Children" (BABALA: Ang Usok ng sigarilyo ay Mapanganib sa mga Bata).
- d. GOVERNMENT WARNING: "Smoking/Vaping Kills" (BABALA: Nakamamatay ang Paninigarilyo).
- e. Under no circumstances shall any mark, device, word, or image associated with any tobacco/vapor product company or product be included in any of these signs and materials. Nonsmoking or Vaping area shall likewise have at least one (1) legible and visible sign posted saying "NON-SMOKING/VAPING AREA" or "NO SMOKING AND NO VAPING"

## IX. SPECIAL PROVISION

### 1. DUTIES AND OBLIGATIONS OF PERSONS IN CHARGE

The person in charge of any enclosed or partially enclosed public place, workplace, public transport, or public outdoor space shall:

- a) For public places, workplaces, and outdoor spaces, at the minimum, a "No Smoking or No Vaping" sign must be posted at the entrance of the area. The "No Smoking or No Vaping" signage shall be at least eight (8) inches x eleven (11) inches in size and the International "No Smoking or No Vaping" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall occupy no less than seventy (70%) of the said signage. The remaining lower 30% of the signage shall show the following information:

example:

and /or

or as combined symbol



**"STRICTLY NO SMOKING AND NO VAPING"**  
as per ORDINANCE NO. 011, Series of 2014  
Violators can be fined up to P2,500.00  
Report violations to \_\_\_\_\_





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- b) For public transport, the "No Smoking or No Vaping" signages shall be in the form of a three and one-half (3.5) square inch-sized sticker to be placed on the windshield, in addition to a ten (10) square inch-sized "No Smoking or No Vaping" sign in the most conspicuous location within the vehicle facing the passengers.
2. **SELLING, ADVERTISING AND PROMOTING CIGARETTES OR OTHER TOBACCO PRODUCTS INCLUDING VAPOR PRODUCTS NOT ALLOWED WITHIN 100 METERS FROM ANY POINT IN THE PERIMETER OF [ name of SCHOOL / PLAYGROUND / FACILITY FOR MINORS / HEALTH FACILITY / ETC.]**
3. **SALE/DISTRIBUTION OF TOBACCO PRODUCTS AND/OR VAPOR PRODUCTS TO A MINOR IS UNLAWFUL**

**X. PENALTIES**

The penalties to be imposed on violators of this Ordinance shall be in strict compliance with the provisions outlined in the following laws:

1. Republic Act No. 9211, also known as the *Tobacco Regulation Act of the Philippines*; and Republic Act No. 11900, also known as the *Vaporized Nicotine and Non-Nicotine Products Regulations Act*.
2. The penalties for violations of the Ordinance are as follows:
  - a. **First Offense** – A fine of Three Thousand (P3,000) pesos.
  - b. **Second Offense** – A fine of Five Thousand (P5,000) pesos.
  - c. **Third Offense** – Revocation of Permit.
3. **Sharing of Collected Penalties**  
The Province of Negros Occidental shall be entitled to Sixty Percent (60%) and Forty Percent (40%) for the Local Government Unit for every amount collected from penalties.

**XI. LIFTING OF THE SUSPENSION/CLOSURE ORDER**

An order for the suspension or cancellation of the business permit/license and closure of any business entity or establishment shall be lifted only compliance with the following requirements:

1. Submission of a written request to the Provincial Health Office for re-inspection;
2. Payment of re-inspection fee of P500.00;
3. Full compliance with the Ordinance upon re-inspection;
4. Secure from the Provincial Smoke-Free Task Force an endorsement to lift the order of suspension or cancellation of business permit/license and closure unless the local government units have their existing local Tobacco Smoke-Free ordinances which provide for similar measures.





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## **XII. THE UNIFIED PROVINCE-WIDE TASK FORCE ON ANTI SMOKING AND VAPING**

### **1. CONCEPT OF UNIFIED PROVINCE-WIDE ORDINANCE**

Unified Province-wide Ordinance is designed to collectively involve the thirty-one (31) Local Government Units in the Province of Negros Occidental adjoining in the common pursuit to implement effectively and produce the desired results within a given period of time on the drive against anti-smoking and vaping activities.

Being province-wide as the nomenclature implies, it composed of the Provincial Government as well as the Local Government Units as part of a Unified Province-wide organization through participation in consonance with the delineated functions and objectives in order to effectively and efficiently produce results without necessarily overlapping its functions with one unit to another or with one local government unit to another, which will tend to be effective and sustainable on a long-term basis. It has an inherently oversight authority and functions to effectively monitor over respective local government units.

### **2. CHARACTERISTICS OF A UNIFIED PROVINCE-WIDE ORDINANCE**

- a. It is designed to be a directive considering that it is not a centralized neither a decentralized Ordinance but rather it is a unified one where the Province of Negros Occidental shall act as the leader and the Thirty-one (31) Local Government Units shall support as they are inter-connected to one another and adjoined altogether to perform the common goal of making the entire Province of Negros Occidental smoke-free and vape-free province.
- b. Being unified in its thrust, it has uniformity in the implementation of the content of the Ordinance to mention, the prohibited acts as well as the applicable penalties thereto.
- c. It will produce the entire Province of Negros Occidental as a model example where the new concept of a unified Province-Wide Ordinance can be implemented to produce the result that will create with a greater impact especially on the Seal of Good Local Governance (SGLG).
- d. Accountability-wise, it is easier and faster to prepare an evaluation of the results of the Ordinance for every Local Government Unit concerned in the implementation of this Ordinance.

### **3. SIGNIFICANCE OF THE UNIFIED PROVINCE-WIDE ORDINANCE**

The Unified Province-wide concept is hereby introduce to eliminate gray areas in terms of implementation problem that may be encountered as far as delineation of authority is concerned.





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Since this is a concerted effort, the province is the lead agency where inter-Local Government Unit shall participate actively in order to produce result with greater impact, hence, the Unified Province-wide Ordinance is more effective and more efficient in terms of desired results that may be produce in a given period of time.

#### 4. GENERAL OBJECTIVES

4a. The overall objectives of the task force are to effectively and efficiently deliver the necessary results in making the entire Province of Negros Occidental a smoke-free environment.

#### 5. THE FUNCTIONAL CHART ORGANIZATION

5a. This is a table of organization designed to include the functions as well as the personnel chart, indicating the role of every unit designed to effectively deliver efficient services without causing undue delay and unnecessary inefficiencies among the different offices or units mentioned in this organization.

5b. This is practically composed of a personnel organization, naming different sections or departments in an organized functional group of the Province of Negros Occidental, with defined functions specific to delivering every function mentioned therein.

#### 6. THE UNIFIED PROVINCE-WIDE POLICY-MAKING BODY

6a. This is the highest central policy-making body that will draft all the policies in accordance with the provisions of this ordinance and other interrelated laws, issuances, or orders as may be necessary for the implementation of the objectives of this ordinance.

6b. This will be chaired by the policy-making body, which will convene on a regular basis as determined by the chairman.

6c. **Composition:** As mentioned, it is a personnel organization as well as a functional chart combined into one table of organization that will define the overall structure, ensuring it is easily understandable and functional for the attainment of the objectives of this ordinance. Henceforth, it shall be composed of the following:

6c1. **Chairman:** The chairman shall be the Governor of the Province of Negros Occidental, who shall convene and preside over the regular meetings. The meeting schedule will be decided and announced to all members in advance.

6c2. **Members:** This shall be composed of collective members contributed by different inter-agency, inter-office, or inter-department groups that will collectively serve as members of this policy-making body, chaired by the governor of the Province of Negros Occidental.

- The Provincial Governor
- LGU Local Chief Executive
- The Provincial Health Officer
- Provincial Treasurer
- The Provincial Admin or Representative from the Governor's Office
- The Provincial Legal Office
- The Provincial Engineers Office





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- The CSO Representative
- Representative of the Provincial Philippine National Police
- Department of Education
- Department of Social Welfare and Development
- Provincial Information Officer
- Provincial Health Education and Promotion Office
- Provincial Business Permits and Licenses Officer
- Chairman Committee on Health of the Province of Negros Occidental
- Committee on Social Services of the Province of Negros Occidental
- Committee on Laws, Rules, and Ordinances of the Province of Negros Occidental
- Provincial Director of Philippine National Police

**6c2. LGU Chairman**

This will be chaired by the respective Local Government Unit chaired by Local Executive to institute policies in the respective locality

**6c2a. LGU Members**

This will be composed of the Local Health Officer, Treasurer, Administrator, Legal Office, Engineers Office, Philippine National Police, Social Welfare Office, Information Office, Education Office, and the Sangguniang Panlungsod/Bayan.

**7. THE UNIFIED PROVINCE-WIDE IMPLEMENTING ARM**

This is the Implementing Body responsible for ensuring that the tasks outlined in the policy are carried out effectively and diligently to achieve the desired results within a given timeframe. As the Implementing Body, it shall be composed of various support services to effectively and efficiently implement the objectives of this ordinance. As stated, it shall consist of different Local Government Unit and inter-departmental with multidisciplinary functions that will collectively work together in one cohesive, united effort to support the general objectives of the ordinance.

**7a. COMPOSITION:**

**7a1. Provincial Operations Manager** - The implementing arm shall be composed of the Provincial Health Officer, who will act as the chairman. The Provincial Health Officer will preside over regular meetings, monitor the activities of different functional groups, set guidelines, identify problems, and formulate strategies to address these issues. Additionally, the Provincial Health Officer shall regularly report to the Chairman of the Policy-Making body, providing updates, recommendations, and proposals for additional legislative actions as needed.

**7a1a. LGU Operation Manager** – This will be the LGU-respected Health Municipal or City Health Officer who shall act as a member and as an assistant operations manager in their respective jurisdiction. The 31 municipal and city health officers shall collectively act as one body, functioning as quasi-assistant managers and simultaneously as collective





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members of the provincial operations, which the Provincial Operation Manager shall head.

**7a2. Provincial Administrative Clerical/Secretarial Group** - This group serves as a staff function responsible for record-keeping, retrieval of records, and archival of necessary information for decision-making and future reference. The group shall report directly to the Operations Manager, who is the Provincial Health Officer, on a regular basis.

**7a2a. LGU Administrative Staff** – This functional group consists of the respective clerical and administrative secretarial personnel from the respected local government unit, who will be designated by the local chief executive to perform this function. Being a member of the local government administrative clerical secretarial staff, it also carries a quasi-function as a functional group in its own respective locality.

**7a3. Provincial Legal Support Group** - This is a staff function responsible for extending support in all legal aspects and providing guidance on appropriate legal actions for the smooth implementation of this ordinance. The Legal Support Group is composed of personnel from the Provincial Legal Office, as determined by the chairman of the Task Force, who, in this case, is the Governor of the Province of Negros Occidental.

**7a3a. LGU Legal Support Group** – This is composed of the LGU legal group that will act as a member of the provincial legal support group but likewise shall have a quassia function as the head of the respective local support group in their local government unit.

**7a4. Provincial Inspection, Evaluation, and Closure Group** - This group is responsible for inspecting business enterprises and all other establishments covered by this ordinance to ensure compliance with its provisions. It also evaluates these establishments and, when necessary, recommends closure or modifications to the Operations Manager, headed by the Provincial Health Officer. All recommendations shall be in written form and duly signed by the members, including representatives from the Provincial Health Office staff, the Provincial Social Welfare Development Office, and the Provincial Legal Department.

**7a4a. LGU Inspection, Evaluation, and Closure Group** – This is composed of the Local Government Unit, including the Provincial Social Welfare Development Office, the Provincial Legal Office, and the Provincial Health Office, as a staff function to support the Operation Manager. However, at a local level, they act as members while also having a quasi-function as the head of the local government unit in their respective territory.

**7a5. Provincial Enforcement Group** - The Enforcement Group is tasked with implementing the ordinance's provisions without prejudice to legal, ethical, or justifiable actions regarding decisions on closure, suspension, or disqualification of enterprises. This group is headed by the Provincial Philippine National Police, the Provincial Administrator, and the Provincial Engineering Office.





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**7a5a. LGU Enforcement Group** – This functional group acts as a member of the Provincial Enforcement Group but likewise carries a quasi-function as a local enforcement group in their respective locality.

**7a6. Provincial Information Dissemination Group** - This group employs a restorative approach following any act of retribution. It focuses on ensuring compliance with the ordinance by penalizing violations and implementing thorough restitutive programs or actions aimed at reforming violators. The goal is to promote adherence to the ordinance in a civil, reasonable, and justifiable manner. The approach ensures fairness to all constituents, participants, and beneficiaries. This group is composed of the Civil Service Organization, the Provincial Social Welfare Department, and the Provincial Information Office.

**7a6a. LGU Information Dissemination Group** – This functional group acts as a member of the Provincial Information Dissemination Group but likewise carries a quassia function as a local Information Dissemination Group in their respective locality.

*(Note: Kindly refer to the attached document at the end of the page titled "Functional Chart Organization of the Task Force on the Anti Smoking and Vaping Ordinance" for reference)*

### **XIII. SMOKING CESSATION PROGRAM**

The Health Officer, with the assistance of the Health Education and Promotion Officer, Information Officer, and CSO Representative(s), shall develop and promote a Smoking Cessation Program, and encourage the participation of public and private institutions and facilities in this program so that smokers who are found violating this Ordinance may be referred to said facilities.

### **XIV. HOTLINE**

There shall be established a local hotline to which violations of this Ordinance may be reported, either by phone call, short message service (SMS), email, or other forms of communication. A hotline coordinator will be designated to receive information reported in the hotline so that appropriate action may be taken.

### **XV. CITATION TICKET SYSTEM**

Any and all violators of this Ordinance shall be informed of their violation and the penalty corresponding thereto by means of a Citation Ticket System.

1. A citation ticket shall be issued to persons liable for any violation under the Ordinance. It shall contain, among others, the name and address of the violator, the specific violation committed, the corresponding administrative penalty, and the due date for compliance in accordance with the ordinance.
2. When a citation ticket is issued to a violator, the violator shall report to the provincial Treasurer on or before the due date stated in the citation ticket,

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which shall in no case be more than five (5) business days from the date of apprehension and issuance, in order to pay the fine imposed.

3. Members of the PNP and other enforcers duly commissioned or deputized by the Provincial Smoke-Free Task Force shall have the power to apprehend violators of the Ordinance and issue citation tickets.
4. PNP and deputized enforcers shall submit duplicates of the citation tickets issued to the Provincial Treasurer and the Provincial Health officer within three (3) business days.
  - a. The Provincial Treasurer and the Provincial Health Officer shall keep duplicates of all citation tickets issued to violators, and other records of violations of the Ordinance reported through other means, such as the hotline.
  - b. The citation ticket booklet shall be issued by the Provincial Treasurer and distributed by the Provincial Health Officer to enforcers and all other persons charged with the enforcement of the Ordinance.
5. *No Contest Provision* - Any person apprehended or cited for violation who does not wish to contest the violation and is willing to pay voluntarily the fine imposed upon him/her prior to the filing of formal charges with the proper court, shall be allowed to pay said fine with the Provincial Treasurer until the due date stated in the citation ticket, which shall in no case be more than five (5) business days from the date of apprehension and issuance of the citation ticket, to avoid being criminally prosecuted. Otherwise, the case shall be prosecuted in court.

#### **XVI. INFORMATION DRIVE**

Within sixty (60) calendar days of the effectivity of this Ordinance, the Provincial Health Officer, together with the Provincial Information Officer and the Provincial Health Education and Promotion Officer, together with the LGU counterpart shall:

1. Provide at least two (2) copies of this Ordinance to every PNP station or precinct within Negros Occidental;
2. Provide a primer on this Ordinance for every member of the PNP and every Smoke-Free enforcer in Negros Occidental; and
3. Conduct lectures and brief all members of the PNP and Provincial Tobacco Smoke-free Enforcers of the provisions of this Ordinance of their responsibilities with respect to its enforcement;





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4. In coordination with the Provincial Engineer's Office, put up billboards in conspicuous places in the province to notify the public of the restrictions and sanctions provided in the Ordinance;
5. Provide a copy of this Ordinance and its primer to all existing establishments that are currently licensed to operate and to every establishment applying for a new license to operate;
6. Provide a copy of this Ordinance and its primer to all operators of the public transport in the province of Negros Occidental.
7. Undertake an information and education campaign to raise awareness on and ensure compliance with this Ordinance. The Task Force to also assist the cities and municipalities on the local orientation, seminars, and trainings, at least one for each LGU, including but not limited to deputized enforcers like Barangay Health Workers and Barangay Tanod and local PNP.

#### **XVII. FUNDING REQUIREMENT**

The task force is hereby allocated amounting to One Million Pesos (Php 1,000,000.00) every year for it to carry out the task effectively.

#### **XVIII. ADOPTING CLAUSE**

All the Thirty-One (31) Local Government Units in the Province of Negros Occidental is hereby adjoin to adopt this Unified Province-wide Ordinance for implementation in their respective territory.

#### **XIX. IMPLEMENTING RULES AND REGULATIONS**

The Unified Province-wide Smoke-Free Task Force shall formulate and recommend, for the approval of the Provincial Governor, such rules and regulations as are necessary to ensure the effective implementation of this Ordinance. Any request for interpretation of the provisions of this Ordinance shall be referred to the Provincial Legal Officer. In cases of conflict between the provisions of this Ordinance and Republic Acts No. 9211 and RA11900, otherwise known as the Tobacco Regulation Act of the Philippines and Vaporized Nicotine and Non-Nicotine Products Regulations Act and their respective Implementing Rules and Regulations, the latter shall prevail being the national laws enacted for the purpose of regulating the use, sale, distribution and advertisement of tobacco products and vapor products.

#### **XX. REPEALING CLAUSE**

All Ordinances, rules and regulations, or any part thereof, which are contrary to or inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.





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**XXI. SEPARABILITY CLAUSE**

If any provision of this Ordinance is declared unconstitutional or illegal, the same shall not affect the validity and effectivity of the other provisions hereof.

**XXII. EFFECTIVITY CLAUSE**

This Ordinance shall take effect in accordance with the provision of Local Government Code of 1991.

**ADOPTED UNANIMOUSLY.**

CERTIFIED CORRECT:

  
**HON. VALENTINO MIGUEL J. ALONSO**  
Temporary Presiding Officer

ATTESTED:

  
**ATTY. MARK ANGEL O. ASCALON**  
Provincial Secretary

  
APPROVED:

**HON. EUGENIO JOSE V. LACSON**  
Governor  
Date: FEB 21 2025 

*Note: Hon. Jeffrey P. Ferrer, Vice-Governor/Presiding Officer relinquished the chair to the Temporary Presiding Officer, Hon. Valentino Miguel J. Alonso.*



## XXIII.THE UNIFIED PROVINCE-WIDE FUNCTIONAL CHART ORGANIZATION OF THE TASK FORCE ON THE ANTI SMOKING AND VAPING ORDINANCE

