



ORDINANCE NO. 56
Series of 2026

**“AN ORDINANCE REGULATING THE
SALE, DISTRIBUTION AND USAGE OF
ELECTRONIC VAPORIZED
NICOTINE/NON-NICOTINE AND
HEATED TOBACCO PRODUCTS IN
MUNICIPALITY OF CARMEN, SURIGAO
DEL SUR, PROVIDING PENALTIES FOR
VIOLATIONS AND PROVIDING FUNDS
THEREOF”**

MUNICIPALITY OF CARMEN
SURIGAO DEL SUR



Republic of the Philippines
Province of Surigao del Sur
MUNICIPALITY OF CARMEN

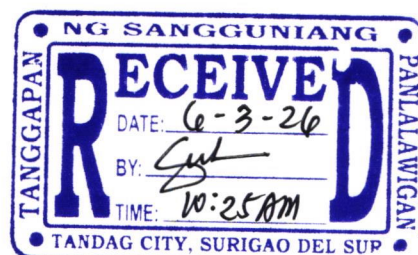
OFFICE OF THE SECRETARY TO THE SANGGUNIANG BAYAN

June 3, 2026

THE HONORABLE VICE-GOVERNOR

AND

THE HONORABLE SANGGUNIANG PANLALAWIGAN MEMBERS



THRU: **THE SECRETARY TO THE SANGGUNIANG PANLALAWIGAN**
Tanggapan Ng Sangguniang Panlalawigan,
Capitol Hills, Tandag City,
Surigao del Sur

Sirs/ Mesdames:

Respectfully submitting to your level, **ORDINANCE NO. 56, Series of 2026** entitled "**AN ORDINANCE REGULATING THE SALE, DISTRIBUTION AND USAGE OF ELECTRONIC VAPORIZED NICOTINE/NON-NICOTINE AND HEATED TOBACCO PRODUCTS IN MUNICIPALITY OF CARMEN, SURIGAO DEL SUR, PROVIDING PENALTIES FOR VIOLATIONS AND PROVIDING FUNDS THEREOF**" dated May 26, 2026.

Attached herewith is the Certificate of Posting.

For your review and favorable action.

Thank you and more power.

Very truly yours,


MA. JULINA T. BORDA- JUTILO, LLB., J.D.
Secretary to the Sangguniang Bayan



Republic of the Philippines
Province of Surigao del Sur
MUNICIPALITY OF CARMEN

POSTED:

DATE: 06-01-2026

BY:

MA. JULINA R. JUTILO
SB SECRETARY

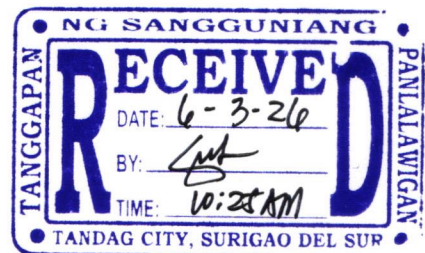
TANGGAPAN NG SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 43RD REGULAR SESSION OF THE 14TH SANGGUNIANG BAYAN OF CARMEN, SURIGAO DEL SUR HELD AT THE SB SESSION HALL, LEGISLATIVE BUILDING ON MAY 26, 2026

PRESENT:

REGULAR SANGGUNIANG BAYAN MEMBERS:

| | | |
|--------------------------|-------|-------------------------------------------|
| Hon. Carlos S. Estrada | | SB Member/ Temporary Presiding Officer |
| Hon. Harvey S. Manawatao | | SB Member |
| Hon. Tanie A. Quillano | | SB Member |
| Hon. Nilo S. Bigno | | SB Member |
| Hon. Daniel A. Tejol | | SB Member |
| Hon. Elvie U. Ohao | | SB Member |
| Hon. Rencio P. Valeroso | | SB Member |



EX-OFFICIO MEMBERS:

| | | |
|------------------------------|-------|-------------------------|
| Hon. Blandena V. Sugian | | ABC President |
| Hon. Jeff Anthony D. Beloria | | SK Federation President |

ON LEAVE:

| | | |
|--------------------|-------|-----------------------|
| Hon. Jane V. Plaza | | Municipal Vice- Mayor |
|--------------------|-------|-----------------------|

REGULAR SANGGUNIANG BAYAN MEMBER:

| | | |
|-------------------------|-------|-----------|
| Hon. Michael C. Escuyos | | SB Member |
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ORDINANCE NO. 56

Series of 2026

"AN ORDINANCE REGULATING THE SALE, DISTRIBUTION AND USAGE OF ELECTRONIC VAPORIZED NICOTINE/NON-NICOTINE AND HEATED TOBACCO PRODUCTS IN MUNICIPALITY OF CARMEN, SURIGAO DEL SUR, PROVIDING PENALTIES FOR VIOLATIONS AND PROVIDING FUNDS THEREOF"

Author: Hon. Elvie U. Ohao

Enacted: All Members Present

EXPLANATORY NOTE

Article II, Sections 15 and 16 of the 1987 Philippine Constitution mandates the State to protect and promote the right to health of the people and instill health consciousness among them, as well as protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Republic Act No. 7160 otherwise known as the Local Government Code of 1991 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.

(Handwritten signatures)



PROVINCE OF SURIGAO DEL SUR
Office of the Secretary to the Sangguniang Panlalawigan
Tel. No.: 086-2115832
Email: ossp@surigaoelSUR.gov.ph
OSSP-26-05922

Executive Order No. 106, Series of 2020 stated that the World Health Organization (WHO) issued a report in August 2016 on Electronic Nicotine and Non-Nicotine Delivery Systems (ENDS/ENNDS), which noted that (i) the use of adulterated and even unadulterated ENDS/ENNDS produces aerosol that ordinarily includes toxicants which trigger a range of significant pathological changes, and (ii) ENDS/ENNDS are unlikely to be harmless, such that long-term use is expected to increase the risk of chronic obstructive pulmonary disease, lung cancer, possible cardiovascular disease, as well as some other diseases associated with smoking. The World Health Organization (WHO) stated that evidence suggests that exhaled e-cigarette aerosol increases the background air level of some toxicants, nicotine and particles. Its other potential risks, in addition to addiction to nicotine, has not been fully determined and may pose further threat thereto.

Republic Act No. 8749 otherwise known as the Philippine Clean Air Act of 1999 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.

Republic Act No. 9211 otherwise known as the Tobacco Regulation Act of 2003 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.

Under Republic Act No. 11900 otherwise known as the Vaporized Nicotine and Non-Nicotine Products Regulation Act the government shall regulate the importation, assembly, manufacture, sale, packaging, distribution, use, advertisement, promotion and sponsorship of Vaporized Nicotine and Non-Nicotine Products, and their devices, and Novel Tobacco Products in order to 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 and the illicit trade of Vaporized Nicotine and Non-Nicotine Products, and their devices, and Novel Tobacco Products in the country are prevented.

Civil Service Commission (CSC) Memorandum Circular No. 17, Series of 2009, adopts and promulgates a 100% SMOKE FREE POLICY and a SMOKING PROHIBITION in all areas of government premises, buildings and grounds, except for open spaces designated as smoking areas, in order to ensure a healthy and productive workforce. Also, Civil Service Commission-Department of Health Joint Memorandum Circular No. 2010- 01 prohibits public officials and employees 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.

Land Transportation Franchising and Regulatory Board (LTFRB) Memorandum Circular 2009-036 provides a 100% Smoke Free Public Utility Vehicles (PUVs) and Public Land Transportation Terminals where: (a) holders of public convenience are mandated to prominently display NO SMOKING SIGNS inside their authorized units and (b) all persons who operate, administer, manage, own, operate and/ or possess public land transportation terminals are mandated to post at least one (1) NO SMOKING sign at each entrance to the terminal and at least another one (1) in a conspicuous location inside the waiting area of the public land transportation terminal.

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 place burdens on families, on the poor, and on national and local health systems. It has also shown that there is no safe level of exposure to tobacco smoke, that effective measures to protect from exposure to it, under Article 8 of the FCTC, requires the total elimination of smoking and tobacco smoke; and that approaches other than 100% smoke-free environments, including ventilation, air filtration and the use of designated smoking areas (whether or not with separate ventilation systems) have repeatedly been shown to be ineffective.



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 RA 9211 and RA 11900 to regulate and subsequently ban all tobacco advertisements and sponsorships, the provisions only provided a transition by way of partial bans and restrictions, and still 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 73.1 and 13.2, be comprehensive and applicable to all tobacco advertising, promotion and sponsorship;

Republic Act No. 11467 mandates the Food and Drug Administration (FDA) to periodically determine and regulate, consistent with evolving medical and scientific studies, the manufacture, importation, sale, packaging, advertising and distribution of heated tobacco products (HTPs) and ENDS/ENNDS, including banning the sale to persons below twenty- one (21) years old. Also, Republic Act No. 9711, otherwise known as the "Food and Drug Administration (FDA) Act of 2009," mandates the protection and promotion of the right to health of the Filipino people, including the regulation of products that may impact the health.

Republic Act No. 7394 or the "Consumer Act of the Philippines" declares it a policy of the State to ensure safe and good quality of food, drugs, cosmetics and devices and regulate their production, sale, distribution and advertisement to protect the health of consumers and designates the Department of Health (DOH), through the FDA, as implementing agency therefor.

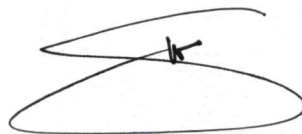
In order to minimize ease of access and affordability of tobacco products, Vaporized Nicotine and Non-Nicotine Products and their devices and Novel Tobacco Products particularly to minors, and in order to provide a more supportive environment for those who are attempting to quit tobacco use, there is a need to strengthen existing measures on access restriction, including the regulation of sales, distribution, availability and use and those prescribed under Article 16 of the FCTC. A wide range of electronic vaporized nicotine/non-nicotine and heated tobacco products have been introduced in the Philippines and globally which are hand-held consumer goods that generate a nicotine-containing or non-nicotine-containing aerosol without combustion.

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

The Local Government Unit of Carmen recognizes that local government units must act with urgency to deformalize the culture of smoking and tobacco consumption through comprehensive and proven effective tobacco control measures. It also recognizes the fundamental and irreconcilable conflict between the tobacco industry's interests 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, intimidation and interference in local health policy implementation. There is a need for the Local Government Unit of Carmen to prevent the growing numbers of users indulged in vaping- electronic cigarettes by prohibiting the sale and marketing of said products to persons below 18 years old.

BE IT ORDAINED, by the Sangguniang Bayan of Carmen, Surigao del Sur in Regular Session assembled, that:

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**CHAPTER I
PRELIMINARY PROVISIONS**

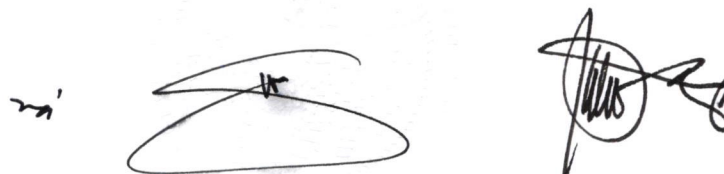
SECTION 1. Title- This ordinance shall be known as the "MUNICIPALITY OF CARMEN ELECTRONIC VAPORIZED NICOTINE/NON-NICOTINE AND HEATED TOBACCO PRODUCTS REGULATION ORDINANCE OF 2026."

SECTION 2. Declaration of Policy- It is hereby declared a policy of the Municipality of Carmen to safeguard its citizens from hazardous products consistent with the constitutional mandate to promote the general welfare of its inhabitants, especially for youth, the sale, distribution, marketing/advertising and use of electronic vaporized nicotine/non-nicotine and heated tobacco products.

SECTION 3. Coverage- This Ordinance shall apply to all persons, whether residents or not and in all places found within the territorial jurisdiction of the Municipality of Carmen.

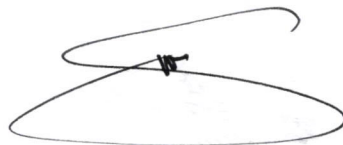
SECTION 4. Definition of Terms- As used in this Ordinance, the following terms shall mean:

- 1) **ADVERTISEMENT-** refers to the form through which the advertising information is disseminated, which includes, but is not limited to, print, broadcast, cinema, out-of-home, merchandising materials, digital, social media and mobile ads.
- 2) **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.
- 3) **CITATION TICKET-** refers to as the document issued to a person caught in the act of violating the said ordinance.
- 4) **DESIGNATED VAPING AREA (DVA) or DESIGNATED SMOKING AREA (DSA)-** refers to designated space, either indoors or outdoors, where the use of Vaporized Nicotine and Non-Nicotine Products and Heated Tobacco Products is permitted.
- 5) **DISTRIBUTOR-** refers to any entity to whom Vaporized Nicotine and Non-Nicotine Products, or their devices, is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer, retailer or common carrier of such product.
- 6) **ELECTRONIC VAPORIZED NICOTINE/NON-NICOTINE DELIVERY SYSTEMS (ENDS/ENNDS)-** otherwise known as electronic cigarettes or vapes, are e-liquids, solutions or refills, whether or not containing nicotine, and an electronic delivery device, or any combination therefore, that produce an 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 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. These 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. 1 1467.
- 7) **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 food or ceiling over the structure, but



without walls or partitions surrounding said structure, does not constitute an enclosed area.

- 8) 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 which include liquid solution and gels that are part of the product and are heated to generate an aerosol.
- 9) MASS MEDIA- refers to any medium of communication which reaches a mass of people. For this purpose, mass media includes print media such as, but not limited to, newspapers, magazines, and publications; broadcast media such as, but not limited to, radio, television, cable television, and cinema; electronic media such as, but not limited to, the internet. For the purpose of 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.
- 10) MINOR- refers to any person below eighteen (18) years old.
- 11) NICOTINE- refers to nicotinic alkaloids, which include any salt or complex of nicotine, whether synthetically produced or derived from tobacco.
- 12) NICOTINE MIXTURE- refers to any liquid, solid or non-tobacco substance in the product that contains nicotine.
- 13) NICOTINE RECEPTACLE- refers to bottles, boxes, cartons or containers of any kind in which a nicotine- containing solution or any related product is offered for sale to consumers for use with a Vaporized Nicotine and Non-Nicotine Products product system.
- 14) NICOTINE SHOTS/ CONCENTRATES- refers to nicotine liquid or any other form/substance that is added to or mixed with a vapor product or HTP refill or cartridge to increase the nicotine dosage or concentration in refill or cartridge.
- 15) NOVEL TOBACCO PRODUCTS (NTPs)- refer to all non-combusted substances, devices and innovations entirely or partly made of tobacco leaf as raw material, already existing or to be developed in the future, intended to be used as substitutes for cigarettes, conventional tobacco products.
- 16) PACKAGE- refers to packs, boxes, cartons or containers of any kind whereby Electronic Vaporized Nicotine/ Non-nicotine and Heated Tobacco Products are contained when made available for purchase by the consumers.
- 17) PARTIALLY ENCLOSED- means an area closed in by a roof or overhang or by permanent or temporary walls or windows (exclusive of doorways), on at least two sides, including but not limited to courtyards, patios and covered walkways.
- 18) PERSON-IN-CHARGE- refers to: in case of public places, public outdoor spaces, workplaces, and point-of-sale, (a) the president/manager in case of a company, corporation, partnership or association; (b) the owner/proprietor/operator in case of a single proprietorship, or (c) the administrator in case of government property, facility, office or building; (d) in case of public conveyances, the owner, driver, operator, conductor; (e) in case of schools, the school's superintendent, school president, dean or principal.
- 19) POINT OF SALE- refers to any location, whether physical or online at which an individual can purchase Vaporized Nicotine and Non-Nicotine products.



- 20) POST MARKETING SURVEILANCE (PMS)- refers to activities involved in the safety, efficacy and quality monitoring of health products which include adverse events reporting, product safety update reporting, collection and testing of health products in the market.
- 21) PREMISES- refer to a tract of land including its buildings thereon, including the open spaces between the buildings located on the same tract of land and within the perimeter of said tract of land including its immediate surroundings.
- 22) PRODUCT DEMONSTRATION- refers to the testing of an HTP System or Vapor Product System conducted by a trained product expert who shall examine and explain the characteristics, operation and maintenance of the product.
- 23) PROMOTION- refers to an event or activity organized by or on behalf of vapor products and heated tobacco products manufacturer, distributor or retailer with the aim of promoting a brand of vapor products and/or heated tobacco products, which event or activity would not occur but for the support given to it by or on behalf of the vapor products and/or heated tobacco products manufacturer, distributor or retailer. It may also refer to the display of vapor products and/or heated tobacco products or manufacturer's name, trademark, logo and the like on non-vapor product or non-heated tobacco product. This includes the paid use of vapor products and/or heated tobacco products bearing the brand names, trademarks, logos and the like in movies, television and other forms of entertainment.
- 24) PUBLIC CONVEYANCES- refer to modes of transportation servicing the general population, such as, but not limited to elevators, airplanes, buses, taxicabs, ships, jeepney, light rail transits, tricycles and similar vehicles.
- 25) 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, schools, workplaces, government facilities, establishments that provide food and drinks, accommodation, merchandise, professional services, entertainment 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, sports grounds or centers, church grounds, health/hospital compounds, transportation terminals, markets, parks, resorts, walkways/sidewalks, entrance ways, waiting areas and the like.
- 26) RADIUS- refers to one hundred (100) meters from any point in the boundaries as indicated in the Original Certificate of Title (OCT) or Transfer Certificate of Title (TCT) of the prohibited areas as defined in section 5 of this ordinance.
- 27) RETAILER/VAPE SHOP- refers to any establishment which sells or offers to sell any vapor products and/or heated tobacco products directly to an individual, group or the general public.
- 28) REFILLS AND CARTRIDGES- refer to articles, which may or may not contain nicotine, designed to be used in conjunction with vapor product or heated tobacco products electronic delivery devices for inhalation.
- 29) VAPING- refers to the act of using an Electronic Vaporized Nicotine and Non- Nicotine Products where a user inhales from the device and exhales the vapor.
- 30) VAPOR PRODUCTS SYSTEM- also referred to as Electronic Nicotine or Non-Nicotine Delivery Systems (ENDS/ENNDS), which are a combination consisting of the Vapor Product Refill and Vapor Product Device which, based on the information made available to the consumer by the provider, are intended to be used together.



- 31) VAPORIZED NICOTINE or NON-NICOTINE PRODUCTS- refer to both Heated Tobacco Products and Vapor Products, as defined herein, which are novel consumer goods.

**CHAPTER II
REGULATIONS ON VAPING**

SECTION 5. Prohibited Acts- The following acts are declared unlawful and prohibited by this Ordinance:

- 1) Vaping or smoking 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 (24).
- 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.
- 3) Selling or distributing tobacco products and/or ENDS/ENNDS to minors.
- 4) Purchasing tobacco products and/or ENDS/ENNDS from minors.
- 5) Ordering, instructing or compelling a minor to use, light up, buy, sell, distribute, deliver, advertise or promote tobacco products and/or ENDS/ENNDS.
- 6) Selling or distributing tobacco products and/or ENDS/ENNDS in a school, public playground or other facilities frequented by minors, government agencies, hospitals and health facilities, or within one hundred (100) meters from any point of the radius of these places.
- 7) Selling of tobacco products and/or ENDS/ENNDS within the premises of a government facility.
- 8) Selling tobacco products and/or ENDS without a permit to sell tobacco products or ENDS/ENNDS.
- 9) Selling of tobacco products and/or ENDS/ENNDS as individual pieces or per stick or in tobacco product packs containing less than twenty (20) sticks/pieces.
- 10) Selling tobacco products and/or ENDS/ENNDS by ambulant or street vendors, including other mobile or temporary stalls, kiosks, stations or units.
- 11) Selling or distributing of sweets, snacks, toys or any other objects in the form of tobacco products which may appeal to minors.
- 12) Placing cinema or outdoor advertisements of tobacco products and/or ENDS/ENNDS.
- 13) Placing, posting, displaying or distributing advertisement and promotional materials of tobacco products or ENDS, 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 products and/or ENDS/ENNDS.
- 14) Placing, posting, displaying or distributing advertisement and promotional materials of tobacco products or ENDS/ENNDS, such as, but not limited to, leaflets, posters, display structures and other materials that show a tobacco/ENDS/ENNDS brand's name (including company name), logo or indicia, such as in a point-of-sale establishment, where minors are allowed entry.



- 15) Conducting promotional activities, campaigns, events, product samplings and the like, where the establishment or its location is prohibited from selling or unauthorized to sell tobacco products and/or ENDS/ENNDS, and/or where minors are allowed entry.
- 16) 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 Municipality of Carmen, with the aim, effect or likely effect of promoting a tobacco product and/or ENDS, its use either directly or indirectly.
- 17) Vaping is prohibited within the premises of National and Local Government Offices conducting services within the municipality, except in designated vaping areas.
- 18) Vape shop and retailers who maintains social media account are prohibited to make advertisement in their social media pages.

SECTION 6. Minimum Age for Sales and Purchase- The minimum allowable age for the sales, purchase and use of Vaporized Nicotine and Non-Nicotine Products, their devices, or Novel Tobacco Products shall be eighteen (18) years old.

SECTION 7. Proof of Age Verification- In accordance with R.A. 11900, Section 7, retailers shall ensure that no individual below eighteen (18) years of age is allowed to purchase Vaporized Nicotine and Non-Nicotine Products, their devices, or Novel Tobacco Products. It shall be the responsibility of retailers to verify the age of buyers. For this purpose, the presentation of any valid government-issued identification card exhibiting the buyer's photograph and age or date of birth shall be required, further; the retailer keep a photocopy of the Identification Card (ID) presented. Retailers shall ensure direct delivery only to individuals who must be eighteen (18) years old and above.

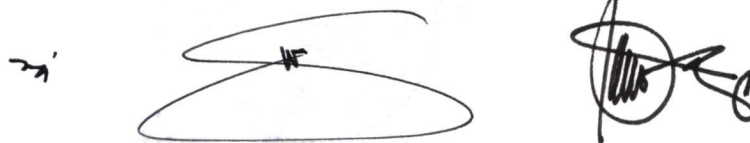
SECTION 8. Online Trade- In accordance with R.A. 11900, Section 8, the sale or distribution of Vaporized Nicotine and Non-Nicotine Products, their devices, and Novel Tobacco Products through internet websites or via e-commerce and/or other similar media platforms shall be allowed: Provided, That the retailer or distributor shall adopt measures to ensure that persons below eighteen (18) years of age are denied access thereto and that the internet website shall bear the signage's required under this Act.

SECTION 9. Use, Sale and Promotion Within School Premises- The use, sale promotion, advertising and product demonstration of Vaporized Nicotine and Non-Nicotine products or Novel Tobacco Products within one hundred (100) meters from any point of the perimeter of a school, playground or other facility frequented particularly by minors shall be prohibited within the radius.

CHAPTER III OBLIGATIONS AND LIABILITIES OF PERSON-IN-CHARGE

SECTION 10. Duties and Obligations of Person-in-Charge- Person-in- Charge shall:

- 1) Prominently post and display the "No Vaping" and/or "No Smoking" signage in the locations most visible to the public in the areas where smoking and vaping are prohibited. At the very least, the "No Smoking" and "No Vaping" signage must be posted at the entrance to the area, which shall be at least 8 x 16 inches in size, where the symbol/s shall occupy no less than seventy percent (70%) of the signage. The remaining thirty percent (30%) of the signage shall show the following information:

Three handwritten signatures or initials are present at the bottom of the page. The first is a small mark on the left. The second is a large, stylized signature in the center. The third is a signature on the right that includes a circular stamp or seal.



As for the Designated Smoking Area (DSA), the following elements in the signage shall be displayed the following:

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

"Minors not allowed within these premises"

- 2) Prominently post and display the "No Smoking" and "No 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" and "No Vaping" signage shall be placed on the windshield and a ten (10) square inch "No Smoking" and "No Vaping" sign.
- 3) For Persons-in-Charge of government premises intending to establish a Designated Smoking Area (DSA) and/or Designated Vaping Area (DVA), 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 DSA, to secure a certification/permit from the Municipal Engineering Office and Municipal Health Office, after complying with the requirements for a DSA/DVA, as stated in Section 4 (4).

- 4) 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 OR OTHER TOBACCO PRODUCTS AND VAPORIZED NICOTINE AND NON-NICOTINE PRODUCTS NOT ALLOWED WITHIN 100 METERS FROM ANY POINT IN THE PERIMETER OF
(Insert name of School / Playground / Facility for Minors / Health Facility / etc.)

- 5) For persons-in-charge of schools, public playgrounds or other facilities frequented by minors, government agencies, hospitals and health facilities, report to the enforcers (PNP and or Anti-Vaping Task Force any tobacco product/ENDS/ENNDS selling, advertising and/or promotion located within 100 meters from its perimeter.
- 6) For persons-in-charge of establishments intending to sell tobacco products and/or ENDS/ENNDS, secure a permit to retail/wholesale from the Business Permits and Licensing Office.
- 7) For persons-in-charge of approved point-of-sale establishments, post the following notice, tobacco use, as prescribed by the Municipal Health Office (MHO) or Department of Health (DOH), in a clear and conspicuous manner:

SALE/DISTRIBUTION OF TOBACCO PRODUCTS AND E-CIGARETTES TO MINORS IS UNLAWFUL

- 8) For persons-in-charge of point-of-sale establishments, remove all forms of tobacco or ENDS/ENNDS advertisement/promotions paraphernalia deemed prohibited by this Ordinance.
- 9) 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/vaping violators in banned areas and requesting them to stop smoking/vaping, and if they refuse to comply, asking them to leave the premises, and if they still refuse to comply, reporting the incident to the enforcers (PNP and or any member of the Anti-Vaping Task Force through their hotlines or by other means).
- 10) Ensure that all the employees in the establishment are aware of this Ordinance and the procedure and measures for implementing and enforcing it.
- 11) Allow inspectors acting under Sections 18 (a) (b) hereof, which may include other members of the Anti-Vaping Task Force and the designated civil society organization under Section 18 (c), entry into the establishment or public conveyance during regular business hours for the purpose of inspecting its compliance with this Ordinance.
- 12) For all signage required to be posted under (1), (2), (4), and (7) above, provide versions of them in the local dialect or in English.

SECTION 11. Designated Vaping Areas- Designated Vaping Areas (DVAs) shall comply with the following standards:

- 1) Minors shall not be allowed within the DVAs.
- 2) Every DVA shall have the following signages highly visible and prominently displayed:
 - 2a) "Vaping Area" signage
 - 2b) Prohibition on entry of a minor and pregnant women

- 3) Smoking shall not be allowed in DVAs.
- 4) The number of persons allowed inside shall be controlled by the establishment owner, taking into consideration the size of the DVA and its location.
- 5) The DVA shall be in an open space in an outdoor area, or in a separate indoor area with proper ventilation.
- 6) The DVA and its ventilation outlets shall not be located in or within ten (10) meters from entrances, exits or any place where people pass or congregate, or in front of air intake ducts.
- 7) The combined area of the DVA and the buffer zone shall not be larger than twenty percent (20%) of the total floor area of the building or conveyance: Provided, that in no case shall such area be less than ten (10) square meters.
- 8) No building or conveyance shall have more than one (1) DVA.
- 9) The ventilation system for the DVA, other than in open space and for the buffer zone, shall be independent of all ventilation systems for the rest of the building or conveyance.
- 10) Minors shall not be allowed inside the DVA and the buffer zone.
- 11) There shall be no selling, serving or offering of food and beverages in the DVA and its buffer zone unless the DVA is located in a point-of-sale.

Provided, that nothing in this Ordinance shall compel Person-in-Charge to establish DVAs, nor shall it prevent them from instituting more stringent measures to ensure a vape-free environment on their premises. No business permit shall be issued to any establishment unless they have complied with the DVA specifications provided herein.

SECTION 12. Designation of Smoking Areas for Electronic Vaporized Nicotine/Non-Nicotine and Heated Tobacco Products- Designated smoking area in line with **Section 4 (4.11) of Municipal Ordinance No. 22, Series of 2020** states that:

4.11- Designated Smoking Area – refer to an outdoor space where a person is allowed to smoke without violating this Ordinance that meets the following requirements, at the minimum:

- a. It shall be located in an open-space with no permanent or temporary roof or walls in an outdoor area;
- b. It shall not be located within ten (10) meters of entrances, exits or any places where people pass or where people congregate;
- c. It shall not have an area larger than five (5) square meters;
- d. It shall not have more than one (1) designated smoking area;
- e. No food and drinks shall be served in the designated smoking area;
- f. Every smoking area shall have highly visible and prominently displayed “Smoking Area” sign and a graphic depiction and corresponding explanation of the ill effects of smoking to the smoker’s health or exposure to secondhand smoke, under no circumstances shall any mark, device, word or image associated with tobacco company or product be included in any of these signs and materials.

All designated smoking areas shall be covered by certificate of compliance from the Office of the Municipal Mayor thru the Anti-Smoking Task Force.

SECTION 13. Point- of- Sale Signage- Point- of- Sale establishments offering, distributing or selling Vaporized Nicotine and Non- Nicotine products shall post the following statement in a clear and conspicuous manner:



"The sale or distribution of Vaporized Nicotine and Non-Nicotine Products to or by persons below eighteen (18) years of age is illegal. These products are harmful and contain nicotine which is a highly addictive substance. It is not recommended for use by nonsmokers."

SECTION 14. Restrictions on Advertisements for Vaporized Nicotine and Non-Nicotine Products- Advertisements shall be allowed in Points-of-Sale, through direct marketing, and on the internet. The following restrictions shall apply to all Vaporized Nicotine and Non-Nicotine product advertisements:

- 1) Advertisements, such as, but not limited to, product sampling or product offers, shall only be conducted by trained product experts and must be directed only to persons at least eighteen (18) years of age. Minor/s shall not participate in such advertisements. The participants in such advertisements shall be required to provide proof of their age: Provided, that the invitation to these promotional events and activities shall contain the appropriate health warnings.
- 2) Communications to consumers about promotional events for Vaporized Nicotine and Non-Nicotine Products shall comply with the provisions of this Act governing Vaporized Nicotine and Non-Nicotine Product advertising. In addition to the required health warning, the age requirement for participation in any advertising activity must be clearly marked on the program materials distributed to consumers.
- 3) No Vaporized Nicotine and Non-Nicotine Products shall have a medicinal claim on its marketing materials or packaging unless such claim is approved by the FDA.
- 4) All stalls, booths and other displays concerning Vaporized Nicotine and Non-Nicotine Product advertisements must be limited to point-of-sale locations or adult-only facilities.
- 5) Telecommunication concerning advertisement offers, programs or events must include a recorded health warning message in English or Filipino consistent with the warnings specified in this Ordinance, "This product may damage your health and is addictive." The health warning shall occupy ten percent (10%) of the bottom area of the advertisement.
- 6) No promotional merchandise such as, but not limited to, t-shirts, caps, sweatshirts, visors, backpacks, sunglasses, writing implements and umbrellas, may be distributed, sold or offered, directly or indirectly, with the name, logo or other indicia of a Vaporized Nicotine and Non-Nicotine Product or Novel Tobacco Product brand displayed so as to be visible to others when worn or used.
- 7) No name, logo, or other indicia of a Vaporized Nicotine and Non-Nicotine Product or Novel Tobacco Product brand may appear on promotional merchandise or element of a brand-related marketing activity that is marketed to or likely to be used by minors such as, but not limited to, sports equipment, toys, dolls, video games, and food. The manufacturer or company must take all available measures to prevent third parties from using the company's brand names, logos, or other proprietary symbol on products that are directed toward minors.
- 8) Advertisements shall only depict persons who are or who appear to be above twenty-five (25) years of age.
- 9) Advertisements shall not show, portray or depict scenes where the actual use of, act of using, or puffing of Vaporized Nicotine and Non-Nicotine Product is displayed.
- 10) Advertisements should not undermine quit- smoking messages and encourage non- tobacco or non-nicotine users to use the product.



- 11) Advertisements containing any information or element that is untrue or not scientifically substantiated, in particular with regard to product characteristics, health effects, risks or emissions.
- 12) Promotional communications shall allow for adult consumers to learn about the availability of Vaporized Nicotine and Non-Nicotine Products or, receive information about how to use them, try them before purchasing them, subject to proof of age and certification of smoker status, and receive pre-sale and after-sales support.

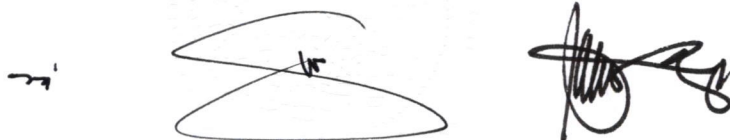
SECTION 15. Persons Liable- The following persons shall be liable under this Ordinance:

- 1) Any person or entity who commits any of the prohibited acts stated in Section 5 hereof.
- 2) Persons-in-Charge who knowingly allow, abet, authorize or tolerate the prohibited acts enumerated in Section 5, or who otherwise fails to fulfill the duties and obligations enumerated in Section 10 hereof.
- 3) 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/she shall be required to comply with disciplinary measures under the school where he/she is enrolled, and to the Municipal Social Welfare and Development Office for appropriate action or intervention, pursuant to Republic Act 9344 or the Juvenile Justice and Welfare Act of 2006. Should the school have no policy for offenses committed by their pupils/students, the minor is referred to the Municipal Social Welfare and Development Office, which may likewise involve the parents, guardians and Barangay Official where the minor is a resident.

**CHAPTER IV
PENAL PROVISIONS**

SECTION 16. Penalties- The following penalties shall be imposed on violators of this Ordinance:

- 1) VIOLATION OF SECTIONS 5 and 6
 - First offense - One Thousand Pesos (Php1, 000.00)
 - Second offense - One Thousand Five Hundred Pesos (Php1, 500.00)
 - Third offense - Two Thousand Five Hundred Pesos (Php2, 500.00)
- 2) MINOR OFFENDER- the tobacco/ENDS-ENNDS products shall be confiscated by the enforcers and shall be dealt with in accordance with the provisions of Section 20 of Republic Act No. 9344 or the Juvenile Justice and Welfare Act of 2006 and the Children’s Code of the Municipality of Carmen.
- 3) VIOLATION OF BUSINESS OWNER UNDER SECTIONS 11, 12 and 13
 - First offense - One Thousand Pesos (Php1,000.00) and ten (10) days suspension of business.
 - Second offense - One Thousand Five Hundred Pesos (Php1,500.00) and fifteen (15) days suspension of business.
 - Third offense - Two Thousand Five Hundred Pesos (Php2,500.00) and revocation and closure of business license or permit.



4) VIOLATION OF SECTION 5 (16). Sponsorship/Contribution/Partnership with the Tobacco Industry Involving Government Officials/Personnel

Apply Rules and Sanctions as prescribed by RA 3019, RA 6713, Revised Penal Code (1932), and/or CSC-DOH Joint Memorandum Circular 2010-01.

For violators of 1 and 3, a citation ticket shall be issued against the violators, to be paid to the Municipal Treasury Office, within five (5) days after the issuance, where he/she shall either pay the fine imposed, or else be charged in court.

SECTION 17. No Contest Clause- Parent, guardian or other adult person having custody or control of any minor who is charged with violating this ordinance may opt to be penalized by fulfilling or rendering the imposed counselling attendance or even administrative fine as prescribe under Section 16 (1) of this Ordinance, thus forfeiting their right to be heard in a court of law, or chance to be heard and contest the findings.

**CHAPTER V
IMPLEMENTATION AND ENFORCEMENT**

SECTION 18. Enforcement- The process of issuance of citation tickets shall be dealt with in accordance with the provisions of Section 9 of Municipal Ordinance No. 22, Series of 2020 entitled "THE NEW COMPREHENSIVE ANTI- SMOKING ORDINANCE AT THE TERRITORIAL JURISDICTION OF CARMEN, SURIGAO DEL SUR."

"Section 9. Citation Ticket System. Violators of this Ordinance shall be informed of their violation and the penalty associated with such violation by means of a Citation Ticket System with the following guidelines:

9.1- Official booklets of Citation Tickets -shall be issued by the Health Office to duly authorized enforcers within ten (10) calendar days from the effectivity of this Ordinance.

9.2- A Citation Ticket-shall be issued to the person/s liable for any violation of this Ordinance upon finding of the violation by duly authorized enforcers. A Citation Ticket shall contain the following information:

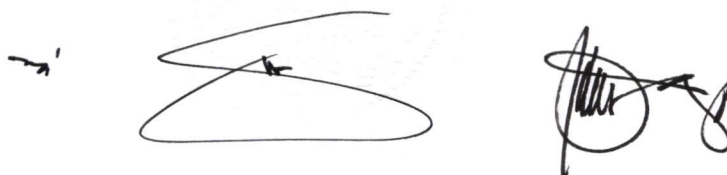
- a. A checklist of the violations under this Ordinance;
- b. The fines associated with each violation;
- c. Due date for compliance with the obligations imposed by the ticket.

9.3- The Philippine National Police (PNP), Deputized Volunteers/Enforcers as commissioned by the Municipal Mayor and members of the Anti-Smoking Task Force shall have the power to apprehend violators of this Ordinance and issue citation tickets.

9.4- When a Citation Ticket is issued to a violator, the violator shall report to the Barangay Government where the violation was committed or Municipal Health Office in case of violations committed in Barangay Poblacion, within 3 days after such issuance, where he/she shall be issued an order of payment under Section 8 hereof. Payment of fine shall be made at the Barangay Treasurer/Office of the Municipal Treasurer, as the case maybe.

9.5- The Health Office shall keep a duplicated of all Citation Tickets issued to violators as well as all other records of violations of this Ordinance."

1) Enforcement on Individuals- Members of the PNP and/or persons duly deputized by the Anti-Vaping Task Force shall apprehend and issue Citation Tickets against persons found in violation or have failed to comply with any provision enumerated under Sections 5 and 6 hereof. They shall forward copies of the tickets they issue to violators to the Municipal Treasury Office regularly or per week. If the violator is a minor, he or she must be brought



to the Municipal Social Welfare and Development Office for dispensation of appropriate action, subject to RA 9344 (Juvenile Justice and Welfare Law) and/or to the school authorities at the school where the minor is enrolled.

- 2) **Enforcement on Public Conveyances-** Members of the PNP and/or persons duly deputized by the Anti-Vaping Task Force shall inspect public conveyances during their regular hours of operation and shall issue Citation Ticket upon discovery of any violation of this Ordinance. They shall forward copies of the tickets they issue to violators to the Municipal Treasurer's Office regularly or at least once a week.

- 3) **Enforcement on Establishments-** Within ninety (90) calendar days after the effectivity of this Ordinance, an inspection team composed of representatives from the Municipal Health Office, Municipal Engineering Office, Business Permits and Licensing Office and other members of the Anti-Vaping Task Force, shall conduct inspections of establishments and buildings to determine their compliance with the provisions of this Ordinance.
 - (a) Regular inspection shall thereafter be conducted at least once every month or simultaneously with other regular inspections done by the appropriate office or unit, whichever is more frequent, during normal hours of operation of the establishment.
 - (b) The inspection team shall issue a Citation Ticket against the establishment upon finding of non-compliance with or of any violation of this Ordinance. A Citation Ticket may be issued for each day that the establishment is found to be non-compliant.
 - (c) Re-inspection of the establishment shall be done on any day after the issuance of the Citation Ticket, 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 Citation Ticket upon re-inspection, the inspection team shall recommend the suspension of its license/permit, consistent with Section 16 (3) hereof.
 - (d) In the course of inspection, the inspection team may apprehend individual violators and request the assistance of the PNP in doing so.

- 4) **Civilian Participation in Enforcement-** Within thirty (30) calendar days from the effectivity of this Ordinance, the Municipal Health Officer shall designate, with the approval of the Municipal Mayor, one or more Civil Society Organizations (CSOs) to discharge the duties and responsibilities enumerated in Section 22 thereof. The Anti-Vaping Task Force may deputize qualified civilians to serve as enforcers of this Ordinance. Any person can file with the Anti-Vaping Task Force a report or complaint or present evidence for any violation of this Ordinance.

SECTION 19. Citation Ticket System- Violators of this Ordinance shall be informed of their violation and the penalty associated with it by means of a Citation Ticket System with the following guidelines:

- 1) Official booklets of Citation Tickets shall be issued by the Municipal Treasurer to duly authorized enforcers.
- 2) A Citation Ticket shall be issued to the person/s liable for any violation of this Ordinance upon finding of the violation by duly authorized enforcers.
- 3) A Citation Ticket shall contain the following information:



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- (3.1) checklist of the violations under this Ordinance
 - (3.2) the fines associated with each violation
 - (3.3) Indicate the date, time, name and signature of issuing ticket officer
 - (3.4) due date for compliance with the obligations imposed by the ticket
- 4) When a Citation Ticket is issued to a violator, the violator shall report to the Municipal Treasurer's Office or its duly authorized collecting agent, within five (5) regular business days after such issuance, where he or she shall pay the fine under Section 16 hereof.
 - 5) The Municipal Treasurer's Office shall keep a duplicate of all Citation Tickets issued to violators as well as all other records of violations of this Ordinance.

Failure to pay the citation ticket, the Municipal Treasurer's Office shall download list of violators per barangay. The barangay shall not issue certification or any documents requested by the violator unless he/she will settle to the citation ticket.

SECTION 20. Implementing Rules and Regulations- Within fifteen (15) days from the approval of this Ordinance, the Implementing Rules and Regulations including the Creation of the Anti-Vaping Task Force shall be formulated by the Technical Working Group for the implementation of this Ordinance.

**CHAPTER VI
ANTI-VAPING TASKFORCE**

SECTION 21. Anti-Vaping Task Force- An Anti- Vaping Task Force 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 Anti- Vaping Task Force shall be composed of the following:

- | | | |
|----------------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chairperson | : | Municipal Mayor |
| Vice- Chairperson | : | Chairperson, Committee on Social Services (Women, Senior Citizens, PWD, Family, Health, Sanitation and Nutrition) |
| Co-Vice- Chairperson | : | Municipal Health Officer |
| Members | : | Business Permit and Licensing Officer Municipal Environment and Natural Resources Officer Municipal Social Welfare and Development Officer Municipal Treasurer PNP Chief of Carmen or any representative ABC President SK Federation President Representative from DepED Carmen District Representative from the Business Sector (Retailer of Vaporized Nicotine and Non-Nicotine) Municipal Information Officer/ Municipal Tourism Officer Representative from Civil Society Organization Municipal Sanitary Inspector Representative from Philippine Drug Enforcement Agency (PDEA) |





SECTION 22. Functions of the Anti-Vaping Task Force- Other than (a) receiving, reviewing and processing reports and complaints, serving of citations and notices, and filing of appropriate charges for violations under this Ordinance, (b) attending regular Anti-Vaping Task Force meetings and (c) deputizing enforcers under Sections 18 hereof, and enforcing the other provisions of this Ordinance, the Anti-Vaping Task Force shall have the following respective functions:

22.1 The Chairperson shall:

- a. Call and preside over meetings.
- b. Manage and administer the affairs of the council.
- c. Ensure that the decisions and policies of the council are implemented.
- d. Sign and represent the council.

22.2 The Vice- Chairperson shall:

- a. Assist, support the Chairperson in fulfilling his/her duties and responsibilities, providing assistance as needed to facilitate the effective operation of the Anti-Vaping Task Force.
- b. Assume the responsibilities of the Chairperson in his/her absence, including presiding over meetings, making decisions, and representing the Anti-Vaping Task Force as necessary.
- c. Provide support and guidance to the Task Force members, helping to foster a collaborative and inclusive environment that encourages participation, engagement and contribution to the Task Force's work.

22.3 The Co- Vice Chairperson shall:

- a. Make tobacco/vape control, including the implementation of this Ordinance, as part of the health program and propose funding under the general budget of the I-GU.
- b. Establish baseline (preferably) annual data on tobacco use prevalence and other related studies and recommend further action on the findings of such data.
- c. Monitor, with the Sanitary Inspector, Enforcers and/or Anti-Vaping Task Force members, the compliance of this Ordinance in public places, establishments, conveyances, points-of-sale, and including the approval/disapproval of permits in Designated Smoking Areas (DSAs) or Designated Vaping Areas (DVAs), as well as permits/licenses for tobacco/ENDS points-of-sale.
- d. Facilitate, 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.
- e. Assign a hotline or any other number and email address to which violations of this Ordinance may be reported by email, phone call or SMS, or other means and a person to operate the line and record reports.
- f. Assist hospitals and other health facilities including any office of the DOH within the LGU, together with the Sanitary Inspector, Enforcers and/or Task Force members, in the monitoring of tobacco/ENDS products' sales, advertisements and promotions within one hundred (100) meters from the perimeter of schools, public playgrounds, facilities frequented by minors and health facilities.
- g. Report and or present during Anti-Vaping Task Force meetings.

22.4 The Business Permits and Licensing Officer shall:

- a. Order the suspension or revocation of licenses/permits of establishments found to have violated this Ordinance, subject to the provisions of Section 16 hereof.
- b. Deny renewal of licenses/permits of repeat violators of this Ordinance.
- c. Establish procedure for identifying, informing and marking establishments covered by the 100-meter ban on sale, distribution and advertising of tobacco products and ENDS.
- d. Require installation of CCTV cameras.
- e. Require retailers to maintain logbook/record of sale.

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- f. Checking of certification from DTI.
- g. To require business retailer to provide vape disposal.

22.5 The Municipal Environment and Natural Resources Officer shall:

- a. 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.
- b. Assist in inspection and monitoring violations of the Ordinance on its own or with any other member of the Task Force.
- c. Conduct timely monitoring of air, water, soil quality and other studies pertinent to determining levels of exposure to tobacco smoke, ENDS vapor, residues, byproducts and litters, among others.
- d. Provide expertise in the application and management of appropriate technologies to avert environmental/health risks, accidents and damage posed by tobacco smoke, ENDS vapor, residues, by-products, disposal and litters, among others.
- e. Checking and monitoring of proper waste disposal.

22.6 The Municipal Social Welfare and Development Officer shall:

- a. Assist in the enforcement of this Ordinance when minors are involved.
- b. Provide the necessary interventions for minors implicated in violations.

22.7 The Municipal Treasurer shall:

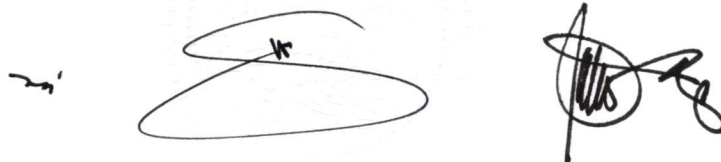
- a. Facilitate the printing and reprinting of Citation Tickets.
- b. Issue booklets of the Citation Tickets to the LGU enforcers and other deputized persons.
- c. Collect/receive fines paid by violators and submit reports on its collection.
- d. Facilitate the release and allocation of funds and the 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.

22.8 The PNP- Chief of the Municipality of Carmen or any representative shall:

- a. Direct the Local PNP for the strict implementation and enforcement this Ordinance.
- b. Ensure apprehension of violators in accordance with the provisions of this Ordinance and other rules and procedures of engagement.
- c. Assist Anti-Vaping Task Force members, LGU officials and deputized civilians in apprehending violators and in filing the appropriate complaints when necessary.
- d. Assist in promoting awareness of this Ordinance and in encouraging public support and participation in its implementation and enforcement.
- e. Refer minors caught in violation of this Ordinance to the Municipal Social Welfare Development Office and/or to the school authorities where the minor is enrolled.
- f. Use the Citation Tickets during apprehensions and maintain a record or log of violations/apprehensions made within particular periods, for purposes of reporting.

22.9 The ABC President shall:

- a. Assist in promoting awareness of this Ordinance in encouraging public support and participation in its implementation and enforcement.
- b. Coordinate with all Barangay Captains/Punong Barangays and the PNP, or other members of the Anti-Vaping Task Force, in monitoring violations of the Ordinance within their jurisdictions.
- c. Provide the necessary coordination to Barangay Health Workers, Kagawads and Tanods and other enforcers for the implementation of activities pertinent to the Ordinance.

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- d. Report to the Local Police and or Municipal Social Welfare Development Office if the apprehended person is a minor.
- e. The barangay shall not issue certification or any documents requested by the violator unless he/she will settle the citation ticket.
- f. Checking and monitoring of proper waste disposal.

22.10 The SK Federation President shall:

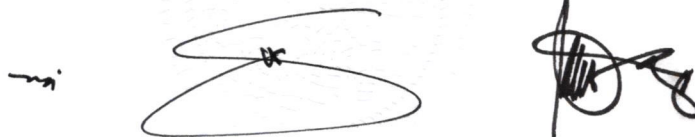
- a. Organize and lead educational campaigns aimed at raising awareness about the dangers of vaping and the specifics of this Ordinance or the Anti-Vape Law among the youth.
- b. Utilize social media platforms and other communication channels popular with the youth and to disseminate information about the law and its importance.
- c. Mobilize youth volunteers to participate in community outreach programs that inform Anti- Vape Law.
- d. Encourage youth participation in monitoring and reporting violations of the Anti- Vape Law.
- e. Assist in the implementation of this ordinance especially for youth violators, ensuring they have productive and educational experiences.
- f. Check proper disposal of vape cartridge.

22.11 The Representative from DepED Carmen District shall:

- a. Ensure that this ordinance is integrated into existing school policies, making it a part of school rules and regulations.
- b. Ensure strict compliance of school in enforcing 100% smoke free campuses and school facilities including school vehicles.
- c. Assist in the monitoring of tobacco/ENDS products use, sale, advertisement and promotions within one hundred (100) meters from the perimeter of school, public playgrounds and facilities frequented by minors.
- d. Ensure posting in a clear and conspicuous manner "No Smoking" signs, and notices from the sale ban of Tobacco Products within one hundred (100) meters from the perimeter of schools, public playgrounds and facilities frequented by minors and health facilities.

22.12 The Representative from the Business Sector (Retailer of Vaporized Nicotine and Non-Nicotine) shall:

- a. See to it that retailers must strictly comply with all regulations concerning the sale of vaping and smoking products, including verifying the age of customers and refusing sales to minors.
- b. Ensure that required health warnings and legal notices are prominently displayed in stores and on product packaging, as mandated by this ordinance and by Republic Act No. 11900 also known as "Vaporized Nicotine and Non-Nicotine Product Regulation Act."
- c. Make sure that retailers should only sell products that meet safety and quality standards, ensuring that all vaping and smoking products are sourced from reputable manufacturers.
- d. Implement internal monitoring systems to ensure compliance with the ordinance.
- e. Establish a mechanism for employees to report any violations of the ordinance within the business, ensuring prompt corrective actions are taken.
- f. Work closely with local government units (LGUs) and regulatory bodies to ensure that business practices are aligned with the ordinance and contribute to its effective enforcement.
- g. Maintain transparency in business operations, particularly regarding product sourcing, advertising and sales practices, ensuring that all activities are aligned with the spirit and letter of the ordinance.
- h. Periodically review business practices to ensure that they are in full compliance with the ordinance and make necessary adjustments as regulations evolve.
- i. Require retailers to install CCTV cameras.
- j. Require all retailers to maintain a logbook or records of sale.



22.13 Municipal Information Officer/ Municipal Tourism Officer shall:

- a. Print the Citation Tickets and copies of this Ordinance for distribution to the public.
- b. Make a primer summarizing the provisions of this Ordinance.
- c. Publicize activities related to the implementation and enforcement of this Ordinance.

22.14 Representative from Civil Society Organization

- a. Assist in preliminary inspections and in monitoring violations of this Ordinance.
- b. Assist in promoting awareness of this Ordinance and in encouraging public support and participation in its implementation and enforcement.
- c. Assist in developing and conducting orientation seminars and training seminars for enforcers.
- d. Assist in evaluating the performance of the Task Force and the effectiveness of the implementation and enforcement of this Ordinance.

22.15 The Municipal Sanitary Inspector shall:

- a. Develop and produce information, education and communication materials on the harms of second-hand smoke as well as on the provisions of this Ordinance.
- b. Encourage constituents of the Municipality of Carmen, Surigao del Sur to monitor and report violations of this Ordinance.
- c. Assist the Municipal Health Officer in developing and promoting a smoking cessation program.

22.16 Representative from Philippine Drug Enforcement Agency (PDEA) shall:

- a. To ensure that products on sale does not contain illegal chemicals and substances.

**CHAPTER VII
INFORMATION AND AWARENESS**

SECTION 23. Public Information and Awareness- Aside from the functions stated in the immediately preceding section, the following offices are further tasked for Public Information and Awareness purposes and their following duties:

23.1 The Office of the Municipal Mayor:

- a. Provide at least two (2) copies of this Ordinance to every barangay in the territorial jurisdiction of the Municipality of Carmen.
- b. Provide a primer on this Ordinance for every officer of the PNP/deputized enforcers.
- c. Conduct lectures to brief officers of the barangays and other enforcers, the provisions of this Ordinance and of their responsibilities with respect to its strict enforcement.

23.2 The Business Permits and Licensing Office (BPLO):

- a. 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/ENDS-ENNDS products.

23.3 The Municipal Information Office, in coordination with the Municipal Health Office and the Business Permit Licensing Office:

- a. Conduct massive information, education and communication campaigns (print, radio, and other social media platforms) and shall include the promotion of the non-use of Vaporized Nicotine and Non-Nicotine products especially to person below eighteen (18) years of age. The information and education campaign shall include the production and distribution of materials related and consistent with the provisions of this ordinance.



**CHAPTER VIII
APPROPRIATIONS**

SECTION 24. Source of Funds- The funding and appropriations of this Ordinance shall be sourced from the Annual Budget or any Supplemental Budget subject to availability of funds.

SECTION 25. Trust Fund- Fifty Percent (50%) of the collected fines in violation of the provisions of this ordinance shall be set aside in a Trust Fund which shall be used exclusively for the activities to be conducted by the Task Force created herein.

**CHAPTER IX
FINAL PROVISIONS**

SECTION 26. Repealing Clause- All other ordinances or parts thereof which are inconsistent with the provision of this Ordinance are hereby repealed, amended and/or modified accordingly.

SECTION 27. Separability Clause- If any provision of this Ordinance be subsequently declared unconstitutional or invalid, other provisions not affected by such declaration shall remain in full force and effect.

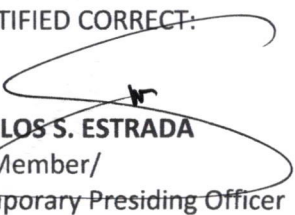
SECTION 28. Effectivity- This Ordinance shall take effect upon its approval and after its posting in at three (3) conspicuous places of the municipality.

ENACTED this 26th day of May, 2026 at Carmen, Surigao del Sur.

I HEREBY ATTEST to the correctness of the foregoing Ordinance.


MA. JULINA T. BORDA-JUTILO, LLB., J.D.
Secretary to the Sangguniang Bayan

CERTIFIED CORRECT:


CARLOS S. ESTRADA
SB Member/
Temporary Presiding Officer

APPROVED:


NESTOR S. VALEROSO
Municipal Mayor

06/01/2026



Republic of the Philippines
Province of Surigao del Sur
MUNICIPALITY OF CARMEN

TANGGAPAN NG SANGGUNIANG BAYAN

CERTIFICATE OF POSTING


In compliance to Section 59 of RA 7160, Article 113, IRR of ra 7160, the hereunder approved ordinance is hereby posted:

ORDINANCE NO. 56, SERIES OF 2026 entitled **"AN ORDINANCE REGULATING THE SALE, DISTRIBUTION AND USAGE OF ELECTRONIC VAPORIZED NICOTINE/NON-NICOTINE AND HEATED TOBACCO PRODUCTS IN MUNICIPALITY OF CARMEN, SURIGAO DEL SUR, PROVIDING PENALTIES FOR VIOLATIONS AND PROVIDING FUNDS THEREOF"**

Date Enacted : May 26, 2026
Date Approved : June 1, 2026
Date Posted : June 1, 2026
Place Posted : Carmen Municipal Hall, Carmen, Surigao del Sur

MA. JULINA T. BORDA- JUTILO, LLB., J.D.
Secretary to the Sangguniang Bayan

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Republic of the Philippines
Province of Surigao del Sur
MUNICIPALITY OF CARMEN
TANGGAPAN NG SANGGUNIANG BAYAN

POSTED:
DATE: 06-01-2026
BY: **MA. JULINA T. BORDA- JUTILO**
SB SECRETARY

EXCERPTS FROM THE MINUTES OF THE 43RD REGULAR SESSION OF THE 14TH SANGGUNIANG BAYAN OF CARMEN, SURIGAO DEL SUR HELD AT THE SB SESSION HALL, LEGISLATIVE BUILDING ON MAY 26, 2026

PRESENT:

| | | |
|-------------------------------------------|-------|-------------------------------------------|
| REGULAR SANGGUNIANG BAYAN MEMBERS: | | |
| Hon. Carlos S. Estrada | ----- | SB Member/ Temporary Presiding Officer |
| Hon. Harvey S. Manawatao | ----- | SB Member |
| Hon. Tanle A. Quillano | ----- | SB Member |
| Hon. Nilo S. Bigno | ----- | SB Member |
| Hon. Daniel A. Tejol | ----- | SB Member |
| Hon. Elvie U. Ohao | ----- | SB Member |
| Hon. Rencio P. Valeroso | ----- | SB Member |
| EX-OFFICIO MEMBERS: | | |
| Hon. Blandeno V. Sugian | ----- | ABC President |
| Hon. Jeff Anthony D. Beloria | ----- | SK Federation President |
| ON LEAVE: | | |
| Hon. Jane V. Plaza | ----- | Municipal Vice- Mayor |
| REGULAR SANGGUNIANG BAYAN MEMBER: | | |
| Hon. Michael C. Escuyos | ----- | SB Member |



ORDINANCE NO. 56
Series of 2026

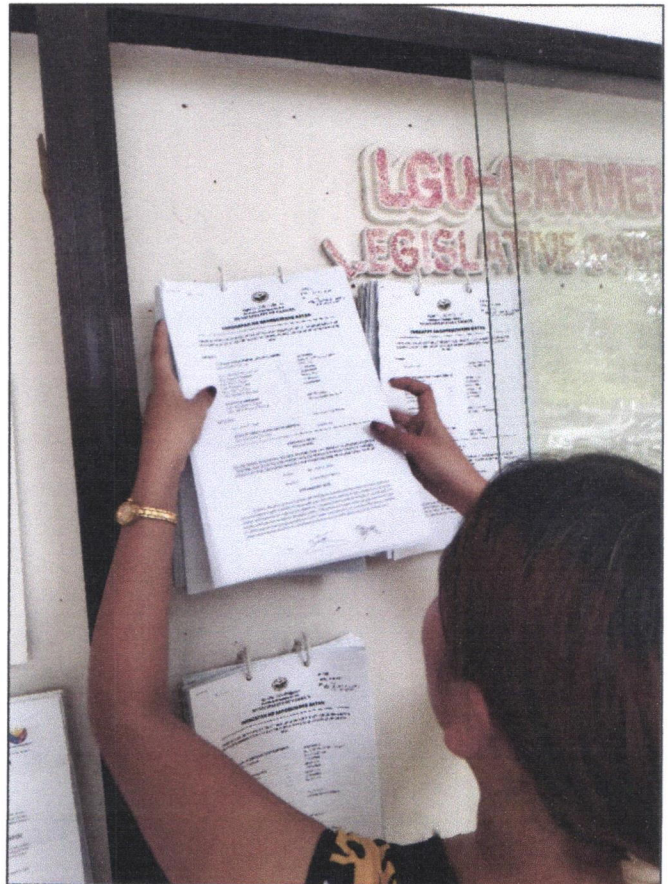
"AN ORDINANCE REGULATING THE SALE, DISTRIBUTION AND USAGE OF ELECTRONIC VAPORIZED NICOTINE/NON-NICOTINE AND HEATED TOBACCO PRODUCTS IN MUNICIPALITY OF CARMEN, SURIGAO DEL SUR, PROVIDING PENALTIES FOR VIOLATIONS AND PROVIDING FUNDS THEREOF"

Author: Hon. Elvie U. Ohao
Enacted: All Members Present

EXPLANATORY NOTE

Article II, Sections 15 and 16 of the 1987 Philippine Constitution mandates the State to protect and promote the right to health of the people and instill health consciousness among them, as well as protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Republic Act No. 7160 otherwise known as the Local Government Code of 1991 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.





Republic of the Philippines
Province of Surigao del Sur
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Date Enacted : May 26, 2026
Date Approved : June 1, 2026
Date Posted : June 1, 2026
Place Posted : Carmen Public Market, Carmen, Surigao del Sur


MA. JULINA T. BORDA- JUTILO, LLB., J.D.
 Secretary to the Sangguniang Bayan

Page


 Republic of the Philippines
 Province of Surigao del Sur
MUNICIPALITY OF CARMEN

TANGGAPAN NG SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 43RD REGULAR SESSION OF THE 14TH SANGGUNIANG BAYAN OF CARMEN, SURIGAO DEL SUR HELD AT THE SB SESSION HALL, LEGISLATIVE BUILDING ON MAY 26, 2026

PRESENT:

| | |
|-------------------------------------------|-------------------------------------------|
| REGULAR SANGGUNIANG BAYAN MEMBERS: | |
| Hon. Carlos S. Estrada | SB Member/ Temporary Presiding Officer |
| Hon. Harvey S. Manawatao | SB Member |
| Hon. Tanie A. Quillano | SB Member |
| Hon. Nilo S. Bigno | SB Member |
| Hon. Daniel A. Tajal | SB Member |
| Hon. Elvie U. Ohao | SB Member |
| Hon. Rencio P. Valeroso | SB Member |
| EX-OFFICIO MEMBERS: | |
| Hon. Blandina V. Suglan | ABC President |
| Hon. Jeff Anthony D. Beloria | SK Federation President |

ON LEAVE:

| | |
|--------------------|----------------------|
| Hon. Jane V. Plaza | Municipal Vice-Mayor |
|--------------------|----------------------|

REGULAR SANGGUNIANG BAYAN MEMBER:

| | |
|-------------------------|-----------|
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ORDINANCE NO. 56
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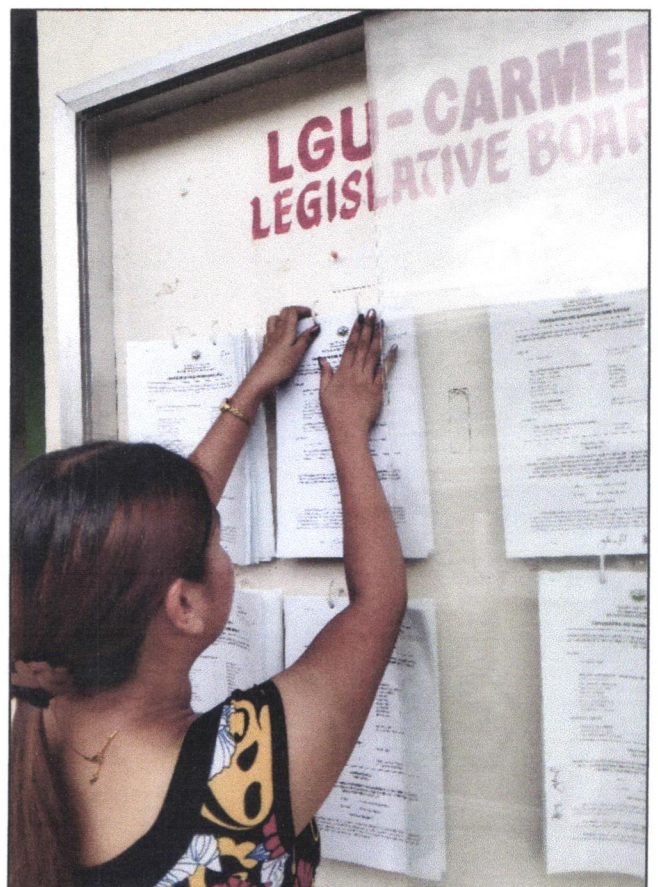
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Author: Hon. Elvie U. Ohao
 Enacted: All Members Present

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Date Enacted : May 26, 2026
Date Approved : June 1, 2026
Date Posted : June 1, 2026
Place Posted : Carmen Public Terminal, Carmen, Surigao del Sur

MA. JULINA T. BORDA- JUTILO, LLB., J.D.
Secretary to the Sangguniang Bayan

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Republic of the Philippines
Province of Surigao del Sur
MUNICIPALITY OF CARMEN

TANGGAPAN NG SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 43RD REGULAR SESSION OF THE 14TH SANGGUNIANG BAYAN OF CARMEN, SURIGAO DEL SUR HELD AT THE SB SESSION HALL, LEGISLATIVE BUILDING ON MAY 26, 2026

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