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IMPLEMENTING RA 9211 ALSO KNOWN AS THE TOBACCO ACT OF 2003 AND THE ANTI-SMOKING ORDINANCES OF THE LOCAL GOVERNMENT UNITS OF METRO MANILA

MMDA RESOLUTION NO. 11-19, June 23, 2011

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WHEREAS, an increasing number of Filipinos die each year due to tobacco related illness caused by smoking and second hand smoke such as stroke, heart diseases and various forms of cancer that contribute to low productivity, loss of income and poverty;

WHEREAS, scientific research has generated evidence that just like direct smoking, secondhand smoke causes the same health problems such as but not limited to lung cancer, cardiovascular disease, and lung ailments namely emphysema, bronchitis and asthma and also proved that non-smokers exposed to cigarette smoke in the workplace have the possibility of increased lung cancer by 16% to 19%;

WHEREAS, despite the staggering number of deaths caused by smoking and the study of medical science regarding its harmful effects, deaths remain high due to the prevalence of smoking, placing the Philippines as second in rank in Southeast Asia in terms of the number of smokers and among the top fifteen (15) worldwide;

WHEREAS, in view of the alarming statistics and the hazardous health risk brought about by cigarette and cigar smoking, the Metro Manila Council deems it necessary to fully support the implementation of RA 9211 also known as the Tobacco Act of 2003;

WHEREAS, Sec. 16 of Republic Act 7160, otherwise known as the Local Government Code provides that, “within their respective territorial jurisdictions, the LGUs shall ensure and support among other things, the promotion of health and safety, enhance the right of the people to a balance ecology and preserve the comfort and convenience of their inhabitants”;

WHEREAS, Article III, Sections 447 (a) and 458 (a), of the Local Government Code provide that the Sangguniang Panlungsod and Sangguniang Bayan, respectively, as the legislative body, shall enact ordinances and appropriate funds for the general welfare of the city and its inhabitants;

WHEREAS, among the scope of MMDA services under Section 3 paragraph (f), of RA 7924, includes health and sanitation, urban protection and pollution control which include the formulation and implementation of policies, rules and regulations, standard programs and projects for the promotion and safeguarding of the health and sanitation of the region and for the enhancement of ecological balance and the prevention, control and abatement of environments pollution;

WHEREAS, the Metro Manila Council, after due deliberation, in session duly assembled, recognized the need to implement RA 9211 and the Anti-Smoking ordinances of the local government units of Metro Manila.

NOW, THEREFORE, be it resolved as it is hereby resolved pursuant to Section 6 of RA 7924, that the Council hereby implements RA 9211 also known as the Tobacco Regulation Act of 2003 and the Anti-Smoking ordinances of the local government units of Metro Manila.

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RESOLVED FURTHER, that MMDA shall implement RA 9211 to metro manila LGUs without anti-smoking ordinance, and LGUs with anti-smoking ordinance the same shall be implemented and applied by MMDA within their respective territorial jurisdiction.

RESOLVED FURTHERMORE, that pursuant to paragraph (d), Section 6 of RA 7924 the Chairman is hereby authorized to issue implementing guidelines for the MMDA to enforce RA 9211 also known as The Tobacco Act of 2003 and the anti-smoking ordinances of the Local Government units of Metro Manila to achieve the 100% Smoke-Free environment Policy in Metropolitan Manila.

RESOLVED FINALLY, that if the LGU Ordinance does not define the term “public place” RA 9211 shall be implemented.

SEPARABILITY CLAUSE, should any provision of this resolution be subsequently declared unconstitutional or invalid, the other provisions not so declared shall remain in full force and effect.

This Resolution shall take effect upon approval.

Adopted: 23 June 2011

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(SGD.) VERGEL A. AGUILAR

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