



Republic of the Philippines
 Province of Aklan
MUNICIPALITY OF MALAY
Office of the Sangguniang Bayan



EXCERPT FROM THE MINUTES OF THE 12TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2010-2013) HELD AT THE SB SESSION HALL, POBLACION, MALAY, AKLAN ON MARCH 27, 2012.

Present:

- SB Member Rowen T. Aguirre, Acting Presiding Officer
- SB Member Natalie C. Paderes
- SB Member Dante C. Pagsuguiron
- SB Member Paterno S. Sacapaño Jr.
- SB Member Ric P. Calvario, Liga President
- SB Member Cristina R. Daguno, SK Federation President

Absent:

- Hon. Ceciron S. Cawaling, Municipal Vice Mayor (OB)
- SB Member Wilbec M. Gelito (OB)
- SB Member Member Jonathan C. Cabrera (OB)
- SB Member Esel L. Flores (OB)
- SB Member Jupiter Aelred G. Gallenero (OB)

X

X

X

MUNICIPAL ORDINANCE NO. 309
 Series of 2012

AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 272, SERIES OF 2009 (THE COMPREHENSIVE ANTI-SMOKING ORDINANCE OF THE MUNICIPALITY OF MALAY, AKLAN).

SECTION 1. - **RATIONALE.** A perusal of Section 7 of Municipal Ordinance No. 272, Series of 2009, requires the need to intensify the campaign against smoking to curtail its pernicious effects to health and society. The increase in penalty is deemed fitting to instill a sense of discipline, social responsibility, awareness and consideration for one's well-being and will serve as a strong deterrent to would-be violators.

SECTION 2. - **AMENDMENT.** Section 7 of Municipal Ordinance No. 272, Series of 2009 is hereby amended to read as follows

"SECTION 7. - **Penalties.** Violators of this Ordinance shall be subjected to a fine of ONE THOUSAND PESOS (Php1,000.00) or imprisonment of not less than ten (10) days nor more than thirty (30) days or both, at the discretion of the Court. For the second offense, a fine of ONE THOUSAND FIVE HUNDRED PESOS (Php1,500.00) or imprisonment of not less than twenty (20) days nor more than thirty (30) days or both, at the discretion of the Court. A fine of TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00) or imprisonment of not less than one (1) month nor more than six (6) months or both, at the discretion of the Court, shall be imposed for the third and subsequent offenses except for Paragraphs 2 & 3 hereunder.

- 1) In case of establishments which do not opt to declare their establishment as totally free from smoking but fails to provide the appropriate designated smoking areas as certified by the Municipal Health Office and Municipal Engineer's Office within the 60-day period specified in Section 6 hereof, their business permit may be revoked;

2) In case where there is failure to warn or advise would-be violators of this ordinance, or failure to report violators as required in Section 5 hereof or smoking is allowed, abetted or tolerated in the establishment in violation of this Ordinance, a penalty shall be imposed upon the President or Manager in case of corporations, partnerships or associations, or the owner, proprietor or operator in case of single proprietorship, whether tourism-accredited or not as follows:

FIRST OFFENSE - a fine of ONE THOUSAND PESOS (Php1,000.00) or imprisonment of not less than ten (10) days nor more than thirty (30) days or both, at the discretion of the Court.

SECOND OFFENSE - A fine of ONE THOUSAND FIVE HUNDRED PESOS (Php1,500.00) or imprisonment of not less than twenty (20) days nor more than thirty (30) days or both, at the discretion of the Court.

THIRD AND SUBSEQUENT OFFENSES - A fine of TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00) or imprisonment of not less than one (1) month nor more than six (6) months or both, at the discretion of the Court.

3) For drivers/passengers of Public Utility Vehicles (PUVs):

FIRST OFFENSE - a fine of ONE THOUSAND PESOS (Php1,000.00) or imprisonment of not less than ten (10) days nor more than thirty (30) days or both, at the discretion of the Court.

SECOND OFFENSE - A fine of ONE THOUSAND FIVE HUNDRED PESOS (Php1,500.00) or imprisonment of not less than twenty (20) days nor more than thirty (30) days or both, at the discretion of the Court.

THIRD AND SUBSEQUENT OFFENSES - A fine of TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00) or imprisonment of not less than one (1) month nor more than six (6) months or both, at the discretion of the Court.

4) Three (3) violations of this Ordinance shall be a ground for the revocation and cancellation of the establishment's business permit.

SECTION 3. - **AMENDMENT.** Section 9 of Municipal Ordinance No. 272, Series of 2009 is hereby amended to read as follows:

"SECTION 9. **Implementation.** The Office of the Mayor and its deputized representatives or the Malay Auxiliary Police (MAP) in coordination with the Philippine National Police (PNP) and other law enforcement agencies are tasked to properly and strictly implement this Ordinance.

SECTION 4. **EFFECTIVITY.** This Ordinance shall take effect upon its approval and proper publication.

ENACTED. OCTOBER 11, 2011.

APPROVED. MARCH 27, 2012.

APPROVED. SP RESOLUTION NO. 2012-124, dtd. 5-9-12

PUBLISHED. MADYAAS PEN, dtd. 6-9, 16, &23, 2012.

X

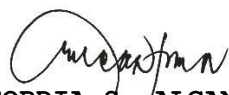
X

X

I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.

ATTESTED:


ROWEN T. AGUIREE
SB Member
Acting Presiding Officer


CONCORDIA S. ALCANTARA
Secretary to the Sangguniang Bayan

APPROVED:


JOHN P. YAP
Municipal Mayor