



Republic of the Philippines  
**OFFICE OF THE OMBUDSMAN**  
Agham Road, Diliman, Quezon City 1104

**OFFICE CIRCULAR NO. 12**  
Series of 2014

**PROHIBITION ON SMOKING CIGARETTES, CIGARS AND  
TOBACCO, AND USING ELECTRONIC CIGARETTES AND  
SIMILAR DEVICES WITHIN THE PREMISES OF THE  
OFFICE OF THE OMBUDSMAN**

WHEREAS, Article II, Section 15 of the 1987 Constitution states that the State shall protect and promote the right to health of the people and instill health consciousness among them.

WHEREAS, Article II, Section 16 of the 1987 Constitution states that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

WHEREAS, Article II, Section 13 of the 1987 Constitution states that the State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being.

WHEREAS, Article II, Section 14 of the 1987 Constitution states that the State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions.

WHEREAS, Republic Act No. 8749, otherwise known as the *Philippine Clean Air Act of 1999*, prohibits smoking inside public buildings, or in enclosed public places, or in any enclosed area outside of one's private residence, private place of work or any duly designated smoking area. Violators of the smoking ban shall be punished with six months and one day to one year imprisonment or a fine of Ten Thousand Pesos (P10,000.00).

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WHEREAS, Republic Act No. 9211, otherwise known as the *Tobacco Regulation Act of 2003*, prohibits smoking in public places. Violators of the smoking ban shall be punished with a fine ranging from Five Hundred Pesos (P500.00) to not more than Ten Thousand Pesos (P10,000.00), depending on how many times the offense is committed.

WHEREAS, the Food and Drug Administration, in its advisories, has cautioned the public as to the toxicants emitted by using electronic cigarettes and has warned that it should never be used in public places where smoking is also prohibited. Electronic cigarettes expose bystanders and non-smokers to nicotine, which is known to alter brain development, and other toxic substances such as formaldehyde and cadmium, which are cancer-causing agents, and nickel or acrolein, a respiratory irritant.

WHEREAS, Civil Service Commission Memorandum Circular (CSC MC) No. 17, series of 2009 promulgates a 100% smoke-free policy and a smoking prohibition in all government premises, buildings and grounds in order to ensure a healthy and productive workforce.

WHEREAS, the Republic of the Philippines is a signatory to the World Health Organization Framework Convention on Tobacco Control, a treaty that re-affirms the right of all people to the highest standards of health. Thus, the Philippines is obliged to inform every person of the health consequences of tobacco consumption and exposure to tobacco smoke; to enact effective measures to curb and reduce tobacco use, especially among the youth; and to protect public health policy from the commercial and vested interests of the tobacco industry.

WHEREAS, local governments that have jurisdiction over various offices of the Office of the Ombudsman have passed ordinances which prohibit smoking in public places, such as Quezon City Ordinance No. SP-1515, S-2005, Cebu City Ordinance No. 2241 and Davao City Ordinance No. 0367-12, Series of 2012.

WHEREAS, the Office of the Ombudsman previously issued Office Circular No. 34, Series of 2010 (A Policy Prohibiting Smoking Within the Premises of the Office of the Ombudsman and the Implementation of a Smoking Cessation Program for Affected Employees) and Office Circular No. 40, Series of 2011 which designated a Smoke Cessation Area in the Office of the Ombudsman; Office Circular Nos. 34 and 40, series of 2010 and 2011, respectively, do not appear to have been strictly observed by Office of the Ombudsman officials and employees.





WHEREAS, to ensure the success of the Anti-Smoking policy of the Office of the Ombudsman, smokers and non-smokers alike should be educated on the negative effects of smoking necessitating a need for the implementation of a smoking cessation program.

WHEREFORE, in consideration of these premises, this Office Circular is hereby issued.

1. *Policy Statement.* – Pursuant to the State's policy of protecting and promoting the right to health of the people and instilling health consciousness among them, **smoking shall be prohibited within the premises of the Office of the Ombudsman except in designated smoking areas** compliant with CSC MC No. 17, series of 2009 and other applicable laws, rules and regulations. The designation of smoking areas should take into consideration the premises where smoking is absolutely prohibited such as centers of youth activity, elevators and stairwells, location in which fire hazards are present, medical, dental, and optical clinics, and food preparation areas.

Smoking shall also be prohibited in government vehicles.

2. *Definition of terms.* –

2.1. Smoking refers to the act of lighting and/or puffing of any lighted cigarette, cigar, or any other form, kind, type of tobacco product. This includes the act of possessing or carrying a lighted cigarette or other tobacco products, whether or not it is being inhaled or smoked, and the act of using e-cigarette and similar devices.

2.2. Premises shall include, but not be limited to, office buildings, rooms, yard, grounds, compound, parking areas, garden, rooftop, vehicles and the like of the Office of the Ombudsman notwithstanding that the said structures or areas are owned by other agencies of the national government or privately-owned but leased by the Office of the Ombudsman for use by its sectoral/area/regional offices.

3. *Posting of Warning Signs and removal of ashtrays or any receptacle made for dispensing cigarette, cigar or any tobacco product refuse.* – Building Administrators/Supervisors are immediately directed:

3.1 To post "No Smoking" signs in conspicuous places of every floor of each building, including the outdoor rooftop, and "This is a Smoke-free Zone" in the entrance gates;



3.2 To remove ashtrays or any receptacle made for dispensing cigarette, cigar or any tobacco product refuse, except in designated smoking areas; and

3.3 To post a "Smoking Area" sign in the only designated outdoor smoking area deemed compliant with the CSC MC No. 17, series of 2009 and other applicable laws, rules and regulations.

The "No Smoking" signs shall be posted and displayed prominently in government vehicles, stairwells, elevators, entrances, exits and other conspicuous places in the buildings, grounds, premises of the Office of the Ombudsman. The "No Smoking" sign shall be at least 8 x 16 inches in size and the International No Smoking 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 70% of said sign. The remaining lower 30% of the sign shall show the following warning:

**STRICTLY NO SMOKING**  
**FINE up to ₱10,000.00**  
**under R.A. No. 8749 and R.A. No. 9211**  
**Report violations to \_\_\_\_\_**  
**(list names of responsible persons and their contact numbers)**

The "Smoking Area" sign shall be no more than 8 x 16 inches in size and shall contain the information regarding the hazardous effects of smoking on the smoker's health, and/or secondhand smoke on others. The sign shall indicate "SMOKING AREA" and shall include Graphic Health Warnings that shall have two components: a photographic picture warning and an accompanying textual warning that is related to the picture. The textual warnings may be as follows:

- GOVERNMENT WARNING: Cigarette Smoking is Dangerous to Your Health  
("BABALA: Ang Paninigarilyo ay Mapanganib sa Iyong Kalusugan")
- GOVERNMENT WARNING: Cigarettes are Addictive  
("BABALA: Ang Sigarilyo ay Nakaka-adik")
- GOVERNMENT WARNING: Smoking Kills  
("BABALA: Nakamamatay ang Paninigarilyo")

4. *Duties of the Building Administrators/Supervisors.* – It shall be the duty of the Building Administrator/Supervisor to:

4.1 To conduct daily inspection of the office premises and surrounding areas, including smoking areas, to ensure and maintain the cleanliness of office areas from discarded cigarette butts, cigarette ashes and other refuse; and





4.2 To ensure strict compliance with the requirements of the smoking area as provided herein.

5. *Penalties.* – Criminal and administrative actions shall be taken against those who violate the smoking ban, whether he/she is an employee of the Office of the Ombudsman or not. Violators shall be charged:

a. under Republic Act No. 8749 and/or Republic Act No. 9211 and its implementing rules and regulations, where applicable; and/or

b. under Rule XIV (Discipline) of the Omnibus Rules Implementing Book V of Executive Order No. 292.

Criminal and administrative actions shall likewise be taken against those who fail to implement this Office Circular.

6. *Mitigating and Aggravating circumstances.* – In the determination of the penalties to be imposed, the following mitigating and/or aggravating circumstances attendant to the commission of the violation shall be considered in the administrative case:

The following circumstances shall be appreciated:

a. The act of throwing or discarding cigarette butts, cigarette ashes and other refuse in areas which are not proper receptacles thereof, such as floors, grounds, walls, windows, and the like;

b. Taking undue advantage of official position;

c. First offense;

d. Length of service;

e. Other analogous circumstances.

7. *Smoking Cessation Program.* – To prevent further commission of the act herein penalized, an employee of the Office of the Ombudsman may join the Smoking Cessation Program provided by the Office.

The Medical and Dental Clinic shall:

7.1 Immediately implement a “Smoking Cessation Program” or a similar program, for employees desirous of quitting smoking, in coordination with



the Department of Health and its allied agencies. The program shall provide for medical, psychiatric and counseling support to employee-participants.

7.2 Conduct an education campaign, either in written or oral form, for all employees of the Office of the Ombudsman relative to the negative effects of smoking and the positive effects of smoking restrictions in public places.

8. *Enforcement.* – All heads of offices are enjoined to strictly implement this policy and immediately prohibit smoking among their employees and the general public in their respective premises.

Building Administrators/Supervisors are likewise enjoined to enforce this policy.

9. *Effectivity.* – This Office Circular shall take effect immediately, except for the penal provisions which shall take effect ten (10) days after publication in the bulletin boards or in the Office of the Ombudsman website, whichever is earlier. It shall remain valid until revoked or amended. All previous issuances inconsistent herewith are hereby revoked and/or modified accordingly.

  
CONCHITA CARPIO MORALES

Ombudsman

13 Apr 16