



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 (₱500.00) to not more than Ten Thousand Pesos (₱10,000.00), 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.



