

SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )



'16 JAN 25 P5 04

SENATE  
S. No. 3102

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
BANNING PUBLIC OFFICERS AND EMPLOYEES FROM SMOKING  
WITHIN THE WORK PREMISES DURING OFFICIAL WORK HOURS  
AND PROVIDING PENALTIES THEREFOR

EXPLANATORY NOTE

The Civil Service Commission, the central personnel agency of the government, has launched several programs, which include the imposition of smoking ban for public servants, to ensure honesty, integrity and dedication of the government workers as well as to promote efficiency in the delivery of public service.

It had been previously noted that workers who smoke are proven to be seven percent (7%) less productive because of the time they spend on their self-imposed cigarette breaks. For this reason, the Civil Service Commission reminded all smoking public servants of the existence of Memorandum Circular No. 30, Series of 1991 and issued a stern warning to those who would violate the same. Under the said Memorandum Circular, the first violation would lead to reprimand, while suspension could be given for the second and dismissal for the third. This Circular however, appears to have been ignored by smoking public servants either because agencies of the government did not cooperate in implementing the smoking ban or the Civil Service Commission itself is not too serious in implementing this policy.

In order to put more teeth to this government policy, this bill seeks to ban public officers and employees from smoking within the premises during office hours. Once approved, any person found guilty of violating the provision of this Act shall suffer the

penalty of *prision correccional* or temporary disqualification from holding public office or both at the discretion of the court. It is a recognized fact that every citizen, including smoking public servants, has the right to do what he pleases as long as he does not injure the right of others. Such individual right however, must yield to the police power of the State to protect the right to health of the people, both the smokers and non-smokers, and to promote efficiency and productivity in the delivery of public service.

This is a Senate counterpart bill to one filed in the House of Representatives by Rep. Emilio C. Macias II.<sup>1</sup>

  
MIRIAM DEFENSOR SANTIAGO

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<sup>1</sup> This bill was originally filed during the Fifteenth Congress, First Regular Session

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Office of the Secretary

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*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

1 SECTION 1. *Short Title.* - This Act shall be known as the "Public Officers and  
2 Employees Smoking Ban Act."

3 SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State  
4 to protect the right to health of the people and to promote efficiency in the delivery of  
5 public service by ensuring maximum utilization of designated official work hours.

6 SECTION 3. *Definition of Terms.* -For purposes of this Act, the term:

7 (A) "Official work hours" means the designated work hours in a day during which  
8 a public officer or employee performs his functions or duties and for which he expects to  
9 receive compensation;

10 (B) "Public officer or employee" means any person in the public service as defined  
11 under Executive order No. 292 otherwise known as the Administrative Code of 1987,  
12 which includes any person in the service of government or any of its agencies, divisions,  
13 subdivisions or instrumentalities;

1 (C) "Smoking" means the act of carrying a lighted cigar, cigarette, cigarillo, pipes  
2 or other smoking paraphernalia whether or no such is being puffed, inhaled or smoked;  
3 and

4 (D) "Work premises" refers to the office or work station, which includes building,  
5 grounds and the entire compound;

6 SECTION 4. *Prohibited Acts; Penalties.* - It shall be unlawful for any public  
7 officer or employee to smoke within the work premises during official work hours.

8 Any public officer or employee found in violation of any provision of this Act  
9 shall suffer the penalty of *arresto mayor*, or temporary disqualification from holding  
10 public office, or both at the discretion of the court, taking into consideration all the  
11 attending circumstances.

12 SECTION 5. *Separability Clause.* - If any provision of this Act is held invalid or  
13 unconstitutional, the same shall not affect the validity and effectivity of the other  
14 provisions hereof.

15 SECTION 6. *Repealing Clause.* - All laws, decrees, orders, and issuances, or  
16 portions thereof, which are inconsistent with the provisions of this Act, are hereby  
17 repealed, amended or modified accordingly.

18 SECTION 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after  
19 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/lfd 25Nov2015