

SENATE
S. No. **1944**

Introduced by Senator Miriam Defensor Santiago

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.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ This was originally filed during the 14th Congress 1st Regular Session

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

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

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

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

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

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

15 (B) "Official work hours" means the designated work hours in a day during which a
16 public officer or employee performs his functions or duties and for which he expects to receive
17 compensation;

18 (C) "Work premises" refers to the office or work station, which includes building,
19 grounds and the entire compound; and

20 (D) "Smoking" means the act of carrying a lighted cigar, cigarette, cigarillo, pipes or
21 other smoking paraphernalia whether or no such is being puffed, inhaled or smoked.

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

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

6 SECTION 5. Separability Clause. - If any part hereof, is held invalid or unconstitutional,
7 the remainder of the provision not otherwise affected shall remain valid and subsisting.

8 SECTION 6. Repealing *Clause*. - Any law, presidential decree or issuance, executive
9 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
10 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

11 SECTION 7. Effectivity *Clause*. - This Act shall take effect fifteen (15) days after its
12 publication in at least two (2) newspapers of general circulation.

Approved,