

SEVENTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

HOUSE OF REPRESENTATIVES  
H.B No. 3272

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Introduced by Representative Harry L. Roque Jr.

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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>



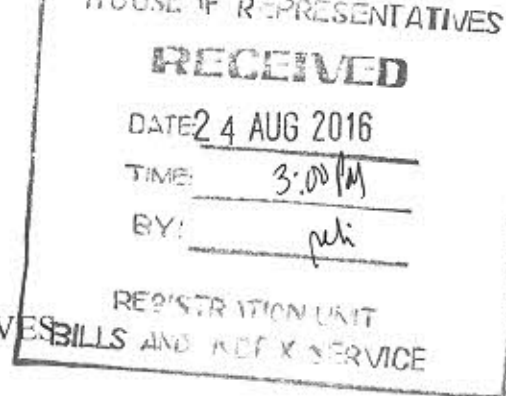
HARRY L. ROQUE JR.

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<sup>1</sup> This bill was originally filed during the Fifteenth Congress, First Regular Session, and refiled by Senator Miriam Defensor Santiago in the Sixteenth Congress, Third Regular Session.

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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 to  
4 protect the right to health of the people and to promote efficiency in the delivery of public  
5 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 a  
8 public officer or employee performs his functions or duties and for which he expects to receive  
9 compensation;

10 (B) "Public officer or employee" means any person in the public service as defined under  
11 Executive order No. 292 otherwise known as the Administrative Code of 1987, which includes

1 any person in the service of government or any of its agencies, divisions, subdivisions or  
2 instrumentalities;

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

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

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

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

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16 thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended or  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

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

Approved,