

THIRTEENTH CONGRESS
First Regular Session



49

Introduced by: **HON. EMILIO C. MACIAS II**

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.

In a radio interview, former Chairman Corazon Alma de Leon of the Civil Service Commission 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 it. 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.

It is important to note that the Committee on Health has already approved this bill during the last Congress.

In view of the foregoing reason, the immediate approval of this bill is earnestly sought.

EMILIO C. MACIAS II M.D.
Representative
Second District, Negros Oriental

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
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HOUSE BILL NO. 49

Introduced by: **HON. EMILIO C. MACIAS II**

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

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

SECTION 1. Short Title. – This Act shall be known as the “*Public Officers and Employees Smoking Ban Act of 2004.*”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to protect the right to health of the people and to promote efficiency in the delivery of public service by ensuring maximum utilization of designated official working period.

SEC. 3. Definition of Terms. – As used in this Act, the following terms shall mean:

- a) **Public Officer and Employee** – refer to any person in the public service as defined under Executive order No. 292 otherwise known as the Administrative Code of 1987, which includes any person in the service of government or any of its agencies, divisions, subdivisions or instrumentalities.
- b) **Office hours** – refer to the designated working period in which a public officer or employee perform his functions or duties and expects to receive compensation for the service rendered.
- c) **Work premises** – refers to the office or work station, which includes building, grounds and the entire compound.
- d) **Smoking** – the act of carrying a lighted cigar, cigarette, cigarillo, pipes or other smoking paraphernalia whether or not it is being puffed, inhaled or smoked.

SEC. 4. Prohibited Act. – All public officers and employees shall be banned from smoking within the work premises during office hours.

SEC. 5. Penalties. – Any public officer or employee found guilty of violating the provisions 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.

SEC. 6. Effectivity. – This Act shall take effect upon its approval.

Approved,