



Republic of the Philippines  
**SANGGUNIANG BAYAN**  
Taytay, Rizal

DO No. 2408 - 025

**ORDINANCE NO. 821 series of 2024**

**AN ORDINANCE IMPLEMENTING REPUBLIC ACT NO. 11900 OR THE  
“VAPORIZED NICOTINE AND NON-NICOTINE PRODUCTS REGULATION  
ACT” AND BANNING THE USE OF ELECTRONIC CIGARETTES OR VAPES,  
AND SIMILAR TOBACCO AND NON-TOBACCO PRODUCTS TO MINORS AND  
PROVIDING PENALTIES FOR VIOLATION THEREOF**

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WHEREAS, it is the policy of the State to protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, Republic Act No. 11900 or An Act Regulating the Importation, Manufacture, Sale, Packaging, Distribution, Use, and Communication of Vaporized Nicotine and Non-Nicotine Products, and Novel Tobacco Products was enacted by the Senate and the House of Representatives of the Philippines on July 2022;

WHEREAS, Section 6 of the same Act states that “the minimum allowable age to purchase, sale, and use vaporized nicotine and non-nicotine products, their devices, or novel tobacco products shall be eighteen (18) years old”. However, there is a prevalence of scenarios where minors are seen carrying and using such devices;

WHEREAS, the Department of Health (DOH) on regularly warns the public against the use of electronic cigarettes (e-cigarettes) and other vape products as they cause severe health risks and underscores the dangers brought about by the e-cigarettes and vape products especially among young people, even as international and local studies show that their use can cause significant harm to multiple body systems, leading to conditions like heart attacks, respiratory failure, and other e-cigarette or vaping-use associated lung injury (EVALI);

NOW THEREFORE, BE IT ORDAINED, by the 12<sup>th</sup> Sangguniang Bayan of Taytay, Rizal, in a session duly assembled, that:

**Section 1. Short Title** - This Ordinance shall be known as the “Prohibiting the Use of E-cigarette / Vape to Minors Ordinance”.

## **Section 2. Definition of Terms.**

- a. **Electronic cigarette or Vape** - refers to small hand-carry devices that convert liquid into mist that can be inhaled into the lungs
- b. **Minor** - refers to any person below eighteen (18) years of age

## **Section 3. Prohibited Acts** - The following acts are declared unlawful:

- a. For minors to use, sell, or buy e-Cigarette or Vape, or similar tobacco and non-tobacco products anywhere within the whole municipality of Taytay, Rizal including Designating Vaping / Smoking areas (DVA);
- b. For parents / guardian to tolerate their children to use such devices;
- c. For any person or establishment in the territorial jurisdiction of Taytay, Rizal to sell, distribute, or purchase e-Cigarette or Vape and similar tobacco and non-tobacco products to and from MINORS. The ignorance of the minor's age shall not be considered a defense for the violators;
- d. For K-12 students, regardless of age, to buy, sell, or use e-cigarette and other similar tobacco or non-tobacco products, and to enter establishments selling vapes all while wearing their respective school uniforms;
- e. Ordering or instructing a minor to use, light up, buy, sell, distribute, deliver, advertise, or promote e-Cigarette or Vape and similar tobacco or non-tobacco products whether traditionally or thru online platforms; and
- f. Placing, posting, displaying, selling, or distributing advertisements or promotional materials of vape or any similar tobacco or non-tobacco products within 100 meters of a school perimeter, playgrounds, parks and other facilities frequently occupied by minors.

**Section 4. Notice** - All establishments selling e-Cigarettes, vapes or any similar tobacco or non-tobacco products shall display in a conspicuous place in their store a visible notice that "THIS ESTABLISHMENT DOES NOT SELL TO MINORS (Ordinance No. 821 series of 2024)".

Likewise, private and public schools shall also display in a conspicuous place in their vicinity a visible notice that "Ordinance No. 821 Prohibits Minors from using VAPES Penalty of P1,000" and are recommended to include in their student handbooks the prohibition of using, selling, buying, and other similar acts of e-cigarettes and other similar tobacco and non-tobacco products within the school premises and give proper sanctions in accordance with the school's policies and penalties.

**Section 5. Random Inspection** – Random Inspection shall be conducted as often as necessary by the Business Permit and Licensing Office, with the supervision and assistance of the Municipal Public Safety Office.

**Section 6. Implementation** - The minors who are caught violating this ordinance shall be brought to the Municipal Social Welfare and Development Office to be released to the custody of their parents or legal guardian.

**6.1.** The provisions of R.A 7610 otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act", and the process flow chart in handling cases of Children at Risk (CAR) and Children in Conflict with the Law (CICL) shall be utilized;

**Section 7. Proof of Age Verification** - In case of doubt as to the age of the buyer, retailers or sellers shall verify, by means of any valid government-issued identification card containing the date of birth of the bearer shall be warranted as proof that the buyer is no longer a minor.



Retailers shall ensure direct delivery of items only to individuals who are eighteen (18) years old and above.

It shall not be a defense for the person selling or distributing that he/she did not know or was aware of the real age of the minor. Neither shall it be a defense that he/she did not know nor had any reason to believe that the E-Cigarette was for the consumption of the minor to whom it was sold.

**Section 8. Implementing Agencies** - The Members of the Philippine National Police - Taytay, Municipal Social Welfare and Development Office, Municipal Public Safety Office, Business Permit & Licensing Office, DepEd, Barangay Officials, Barangay Tanods and any taskforce deputized by the Mayor are hereby ordered to enforce the provisions of this Ordinance with the assistance of the BCPC Members and Barangay VAWC Desk.

**Section 9. Penalties for Noncompliance** - The following penalties shall apply:

- (a) For any person or establishment who violated Section 3(c), (e), (f); provided that if the violation is done by an establishment or business entity, the owner, president, manager, or the most senior officers thereof shall be held liable for the offense:
  - (i) For first offense, a written warning must be issued from the BPLO.
  - (ii) For second offense, a fine of One Thousand Pesos (P 1,000.00); a written warning from the BPLO for possible revocation of business permit for a subsequent violation.
  - (iii) On the third offense, a fine of Two Thousand Five Hundred Pesos (P 2,500.00); provided that the business permits and licenses, in case of a business entity or establishment, shall be revoked or canceled.
- (b) For parents or guardians who violates Section 3(b):
  - (i) for every offense committed, a penalty of One Thousand Pesos (P 1,000.00) shall be imposed.
- (c) For minors caught violating this ordinance:
  - (i) for every offense committed, a penalty of Five Hundred Pesos (P500.00) shall be imposed and a counseling be conducted by the BCPC or MSWD.

**Section 10. Payment** - Payment shall be made to the Barangay Treasurer where the violation is committed or at the Office of the Municipal Treasurer, as the case may be.

**Section 11. Data Base** - The BCPC, MSWD and BPLO shall create a database of the information of the violators for future reference of the implementing arms of this Ordinance.

**Section 12. Funding** - An initial funding to defray the expenses necessary for or incidental to the implementation of this Ordinance shall be sourced out from the General Fund of the Local Government Unit of Taytay.


**Section 13. Separability Clause** - If any provision of this Ordinance is found to be inconsistent with any law, other provision/s or part/s thereof not so affected shall remain in full force and effect.

**Section 14. Repealing Clause** - All ordinances, rules, regulations, issuances or parts thereof, in conflict with, or contrary to the provisions of this Ordinance is hereby repealed or modified accordingly.

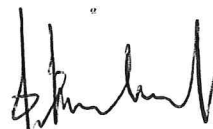
**Section 15. Effectivity Clause** - This Ordinance shall take effect 30 days upon its approval.

ENACTED, this 2<sup>nd</sup> day of October 2024, 2:56 PM at the Sangguniang Bayan Session Hall, Municipality of Taytay, Province of Rizal.

I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Bayan of Taytay on second reading on September 25, 2024 and was passed on third and final reading on October 2, 2024, during the 114<sup>th</sup> Regular Session held on the 2<sup>nd</sup> day of October 2024.

  
**ATTY. STANLEE D. CALMA**  
Secretary to the Sanggunian

ATTESTED AND CERTIFIED TO BE DULY  
ADOPTED BY HER HONOR

  
**HON. SOPHIA PRISCILLA L. CABRAL**  
Municipal Vice Mayor / Presiding Officer

APPROVED BY HIS HONOR  
DATE OCT 16 2024

  
**HON. ALLAN MARTINE S. DE LEON**  
Municipal Mayor