

Republic of the Philippines  
Bangsamoro Autonomous Region in Muslim Mindanao  
**BANGSAMORO TRANSITION AUTHORITY 2**  
Cotabato City

*Second Regular Session*

**BTA PARLIAMENT**  
**BTA Resolution No. 364**

Bangsamoro Autonomous Region in Muslim Mindanao  
Parliament  
BILLS AND INDEX DIVISION  
**RECEIVED**  
Name: WELAH DIRKUAN Signature:   
Date: JUL 24 2023 Time: 11:40 AM

---

**Introduced by**  
MP Engr. Baintan-Adil Ampatuan, MNSA

**Co-Authored by**  
MP Atty. Laisa M. Alamia, MP Amilbahar S. Mawallil, MP Atty. Suharto M. Ambolodto, MP Engr. Don Mustapha A. Loong, MP Atty. Rasol Y. Mitmug, Jr., MP Rasul E. Ismael, MP Tawakal B. Midtimbang, MP Jaafar Apollo Mikhail L. Matalam, MP Michael E. Midtimbang, and MP Bassir. D. Utto

---

**RESOLUTION**  
**PROHIBITING THE USE OF VAPORIZED NICOTINE AND NON-NICOTINE PRODUCTS (E.G. E-CIGARETTES, VAPES) IN ANY INDOOR PREMISES OF THE BANGSAMORO GOVERNMENT CENTER (BGC) EXCEPT IN DESIGNATED VAPING AREAS (DVAs)**

**WHEREAS**, Section 15, Article II of the 1987 Philippine Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them;

**WHEREAS**, Section 16, of the same article provides that it shall be the duty of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

**WHEREAS**, Section 3, Article V of Republic Act (R.A.) No. 11054, or the Bangsamoro Organic Law (BOL), categorically provides that, within its territorial jurisdiction, the Bangsamoro Government shall promote health and safety and enhance the right of the people to a balanced ecology;

**WHEREAS**, towards this end, Section 22, Article IX of the BOL states that the Parliament shall enact appropriate legislation including the regulation of the manufacture and distribution of food, drinks, drugs, and tobacco in accordance with policies, rules and regulations of concerned national government agencies;

**WHEREAS**, R.A. 11900, also known as the Vaporized Nicotine and non-Nicotine Products Regulation Act, which lapsed into law on July 25, 2022, regulates

the importation, manufacture, sale, packaging, distribution, use and communication of vaping products such as e-cigarettes and heated tobacco products;

**WHEREAS**, vapor products or vapor products refills shall refer to the liquid, solid, or gel, or any combination thereof, which may or may not contain nicotine, that is transformed into an aerosol without combustion by a Vapor Product Device<sup>1</sup>;

**WHEREAS**, a vapor product device shall refer to a device or a combination of devices used to heat a Vapor Product, to produce an aerosol, mist, or vapor that users inhale. These may include combinations of a liquid solution or gel that are heated and transformed into an aerosol without combustion through the employment of a mechanical or electronic heating element, battery, or circuit, and includes, but is not limited to, a cartridge, a tank, or a device without a cartridge or tank<sup>2</sup>;

**WHEREAS**, a Designated Vaping Area (DVA) refers to an assigned indoor or outdoor area where the use of Vaporized Nicotine and Non-Nicotine Products shall be allowed<sup>3</sup>;

**WHEREAS**, Section 15, of R.A. 11900 provides that the use of Vaporized Nicotine and Non-Nicotine Products shall be prohibited in **all indoor public places except in DVAs**, and shall be **absolutely prohibited** in the following public places:

- (a) Centers of youth activity such as play schools, preparatory schools, elementary schools, high schools, colleges and universities, youth hotels and recreation facilities for persons under eighteen (18) years old;
- (b) Elevators and stairwells;
- (c) Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas explosives or combustible materials;
- (d) Within the buildings and premises of public and private hospitals, medical, dental and optical clinics, health centers, nursing homes, dispensaries and laboratories;
- (e) Public conveyances and public facilities including airport and ship terminals and train and bus stations, restaurants and **conference halls**, except for DVAs;
- (f) Food preparation areas;
- (g) Churches and other similar places where people congregate for worship;  
and

---

<sup>1</sup> Section 3 of Republic Act (RA) 11900 or the Vaporized Nicotine and Non-Nicotine Products Regulation Act

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

(h) Within the building and premises of government offices, except for DVAs<sup>4</sup>;

WHEREAS, Section 17 of R.A. 11900 lays down standards that must be complied with by DVAs which includes, among others, subsections (b), (d), (e), (f), (g), (i), and (j), to wit:

(b) Every DVA shall have the following signages highly visible and prominently displayed:

(i) "Vaping Area" signage; and

(ii) Prohibition on entry of persons below eighteen (18) years of age and pregnant women.

(d) The number of persons allowed inside shall be controlled by the establishment owner, taking into consideration the size of the DVA and its location;

(e) The DVA shall be in an open space in an outdoor area, or in a separate indoor area with proper ventilation;

(f) If the DVA is located indoors, there shall be no opening that will allow air to escape from the DVA to the smoke- or vape-free area of the building or conveyance, except for a single door equipped with an automatic door close;

(g) The DVA and its ventilation outlets shall not be located in or within ten (10) meters from entrances, exits or any place where people pass or congregate, or in front of air intake ducts;

(i) No building or conveyance shall have more than one (1) DVA); and

(j) The ventilation system for the DVA, other than in open space and for the buffer zone, shall be independent of all ventilation systems for the rest of the building or conveyance<sup>5</sup>;

WHEREAS, Section 4, Rule XV of the Implementing Rules and Regulations (IRR) of R.A. 11900 provides that all government agencies shall strictly ensure that the use of Vaporized Nicotine and Non-Nicotine Products and Novel Tobacco Products are prohibited within the building and premises of their respective offices, except for DVAs<sup>6</sup>;

---

<sup>4</sup> Section 15 of RA 11900 or the Vaporized Nicotine and Non-Nicotine Products Regulations Act

<sup>5</sup> Section 17 of RA 11900 or the Vaporized Nicotine and Non-Nicotine Products Regulation Act

<sup>6</sup> Section 4 Rule XV of the Implementing Rules and Regulation (IRR) of RA 11900

**WHEREAS**, there is a need to establish DVAs in the government offices in accordance with Section 17 of R.A. No. 11900;

**WHEREAS**, vaping is defined as the inhaling of an aerosol (sometimes referred to as a vapor/vapour) created by an electronic cigarette (e-cigarette) or other vaping device. The aerosol is made up of a fine spray of chemicals and small particles. Vaping devices heat up a liquid (e-juice) to turn it into a mist (vapor), which is then inhaled<sup>7</sup>;

**WHEREAS**, some substances found in e-cigarette vapor have been linked to an increased risk of cancer. The aerosol that users inhale and exhale from e-cigarettes can expose both themselves and bystanders to harmful substances<sup>8</sup>;

**WHEREAS**, policymakers and the general public must be aware of the risks and dangers of e-cigarettes pose on an individual and general public's health;

**WHEREAS**, being the interim Government of the Bangsamoro Autonomous Region, and having been mandated by both the 1987 Philippine Constitution and Republic Act No. 11054 to protect and promote the right to health of the people and to instill health consciousness among them, the Bangsamoro Transition Authority (BTA) Parliament should take steps to prohibit the use of vaporized nicotine and non-nicotine products (e.g., e-cigarettes, vapes) in any indoor premises of the Bangsamoro Government Center (BGC) except in Designated Vaping Areas (DVAs);

**NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED**, by the BTA Parliament to pass and approve this Resolution Prohibiting the Use of Vaporized Nicotine and Non-Nicotine Products (e.g., e-cigarettes, vapes) in any indoor premises of the Bangsamoro Government Center (BGC) except in Designated Vaping Areas (DVAs).

**RESOLVED FURTHER** that a copy of this Resolution be furnished to the Office of the Chief Minister, for information and appropriate action.

Adopted,

  
**MP ENGR. BAJINTAN ADIL-AMPATUAN, MNSA**  
Author

<sup>7</sup> [https://www.health.wa.gov.au/Articles/F\\_I/Health-effects-of-vaping](https://www.health.wa.gov.au/Articles/F_I/Health-effects-of-vaping)

<sup>8</sup> <https://www.health.harvard.edu/blog/can-vaping-damage-your-lungs-what-we-do-and-dont-know-2019090417734>