

Public Utility Jeepney (PUJ) Drivers' Compliance to Smoking Regulation Ordinance in Zamboanga City, Philippines

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Abstract—The City Ordinance 469 titled *Ordinance Regulating Smoking in the City of Zamboanga* has been promulgated on January 2018. This ordinance prohibits smoking in all enclosed places that are open to the general public and in public conveyances such as the public utility jeepneys (PUJs). However, current observation on the compliance of jeepney drivers with the smoking ordinance is lax. Hence, this study intends to determine the status of compliance to the smoking ordinance (under section 8 of the City Ordinance 469) among public utility jeepney drivers in the locality of Zamboanga City. This study utilized a descriptive research design employing survey, focus group discussion and observation method of gathering data. Collection of data was done in 12 jeepney transit sites during the peak hour's operation of the public utility jeepneys to identify potential and/or actual violations as per the compliance guide. The study revealed that none of the drivers did ever receive a penalty for noncompliance. Heavy smoking, allowing passengers to smoke and deviating from prescribed size of signage predicted noncompliance. Hence, strengthening policies and their implementation are highly encouraged because a well implemented smoking regulation ordinance denotes high compliance. Compliance with smoking regulation ordinance contributes to improved ambient air quality that brings about a sustainable environment that ensures healthy lives and well-being of all individuals in the community.

Keywords: Compliance, Jeepney drivers, Ordinance, Smoking and Tobacco

INTRODUCTION

Globally, tobacco use kills roughly 7 million individuals every year [1], including more than 600,000 deaths of passive smokers per year who had been exposed to second hand smoke (SHS) [2]. By 2030, it is estimated that deaths linked to tobacco use will rise to 8 million annually if current trend of smoking will not change [3].

There are multiple health conditions that results from smoking, these are cancer, heart disease, stroke, lung diseases, diabetes, chronic obstructive pulmonary disease (COPD), tuberculosis, certain eye diseases and conditions of the immune system [4]. The smoke related diseases are not only affecting the active smokers but also the persons exposed to the SHS [5]. That is, SHS or passive smoking puts a person at equal risk as active smokers for developing respiratory and cardiovascular diseases.

Among ASEAN member countries, the Philippines ranked second in terms of smoking incidence [6]. Approximately 20,000 smoke-related deaths each year in the Philippines. That is, nearly 5

Filipinos die every 30 minutes due tobacco-related diseases [5].

In order to safeguard the peoples' health from the harmful effects of second-hand smoke, countries worldwide have enacted a number of smoke-free laws [7]. These smoke-free laws assist to prohibit smoking and exposure of the public to SHS especially in public places [8]. In addition, research evidences would show that smoke-free laws increase quitting rates and reduce overall smoking incidence [9]-[11]. Promoting a smoke-free environment creates a sustainable environment. That is to say, a sustainable environment leads to a healthful environment that breeds healthy individuals which consequently becomes productive workforce that propels sustainable development. Therefore, safeguarding the health and wellness of every individual in the community is imperative to bring about sustainable development. This is particularly reflected in goal number three (3) of the Sustainable Development Goals (SDGs), which centers on good health and well-being.

In response to the world-wide anti-tobacco campaign, the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) was developed. This was the first treaty on public health under the World Health Organization with 168 countries as signatory that provided guidelines for the supply and demand provisions of tobacco [5], [12]. In September 2005, the Philippines became part of the treaty [13].

In the Philippines there are specific legal mandates for smoke-free environment that are anchored on WHO FCTC. Among these are Republic Act (RA) No.8749 otherwise known as Philippine Clean Air Act of 1999; RA 9211 titled Tobacco Regulation Act of 2003; RA 10643 or the Graphic Health Warning Law; Executive Order No.26 of 2017 labelled as Providing for the Establishment of Smoke-Free Environments in Public and Enclosed Places; Land Transportation Franchising and Regulatory Board of the Department of Transportation and Communications (LTFRB of the DOTr Com) memo circular no. 2009-036; Civil Service Commission (CSC) memo circular no17, series of 2009; CSC and DOH joint memorandum circular no.2010-01 and DOH Administrative Order no. 2014-0037 as amended by DOH Administrative order no. 2014-003-A, 2014-0037-B and 2019-0009. Second half of these are moves from the government offices or agencies for compliance or information.

Republic Act (RA) No. 8749 also called as Philippine Clean Air Act of 1999 is an act concerning the air pollution policy [13]. Whereas, RA No. 9211 otherwise known as Tobacco Regulation Act of 2003, is an act regulating the use, sale and advertisement of tobacco products for the welfare of the citizens [13], [8]. While, RA 10643 or the Graphic Health Warning Law, is a law obliging that all tobacco packaging materials must display dangerous effects of smoking on the health of active and passive smokers. In addition, this law also enforces penalties to violators [13], [16]. In relation to this, formats for the graphic health warnings are stipulated in the Department of Health (DOH) Administrative Order No. 2014-0037-A, 2014-0037-B and 2019-0009 [13], [16].

Furthermore, Executive Order No.26 of 2017 labelled as Providing for the Establishment of Smoke-Free Environments in Public and Enclosed Places, is a move that bans and penalizes acts of smoking in public places and public conveyances as well as selling tobacco products to minors [13], [15].

On the other hand, Land Transportation Franchising and Regulatory Board of the Department

of Transportation and Communications (LTFRB of the DOTrCom) memo circular no. 2009-036 demand an absolute smoke free policy on all public conveyances and public transit stations [13], [14].

In like manner, Civil Service Commission Memo, Circular No. 17, s. 2009 enforces an absolute smoke-free policy and a smoking prohibition in all areas of government premises, buildings and grounds, except for open spaces designated as smoking areas, in order to ensure healthy and productive workforce [13], [15].

In June 2010, the Department of DOH and CSC provided a Joint Memorandum Circular 2010-01, this bars public officials and employees to relate with tobacco firms in order to prevent intrusion of tobacco industry in the government system [13].

In March 2011, the Food and Drug Authority (FDA) in collaboration with the DOH established new guidelines in controlling the manufacture, marketing, distribution and sale of tobacco products [13].

In terms of local ordinances, in January 2018, the city government of Zamboanga enacted City Ordinance No. 469 labelled as An Ordinance Regulating Smoking in the City of Zamboanga and Providing Penalties for Violation. The goals of this ordinance are to: encourage a clean environment; make known to all the harmful effects of tobacco use; control and later prohibit the all tobacco marketing strategies; and safeguard the youths' wellbeing by banning the sale of tobacco articles to minors[17].

After a year that the City Ordinance 469 come into force, no study on its compliance was conducted. Compliance studies are useful in the assessment of the implementation process of the ordinance, monitoring trends in compliance over time and identification of locality where educational and enforcement efforts should be amplified [18]. More so, compliance studies are essential to validate the development in the implementation of a smoke-free law [7]

Despite the implementation of the City Ordinance 469 in Zamboanga, informal conversations with jeepney passengers reveal a growing concern in keeping a smoke-free environment. Public utility jeepney drivers and other jeepney passengers can be noticed smoking inside the public conveyances, posing an obvious threat to other jeepney passengers' fragile health.

It was in consideration of the current status of the implementation of City Ordinance 469 particularly section 8 of the ordinance regulating smoking in the city that this study will be undertaken.

OBJECTIVES OF THE STUDY

The study determined the compliance of the PUJ drivers to the smoking regulation ordinance (under section 8 of City Ordinance 469) of Zamboanga City in order to identify the potential areas of violation and inform policy makers for strengthening enforcement measures. Specifically, it seeks to identify the: status of compliance of the selected PUJ drivers on the Smoking Regulation Ordinance; reasons of the selected PUJ drivers for complying with the Smoking Regulation Ordinance; sources of awareness of the selected PUJ drivers on the Smoking Regulation Ordinance.

METHODS

This study utilized a descriptive research design employing survey, focus group discussion and observation method of gathering data. The respondents of the study are the public utility jeepney drivers from the 12 rapidly urbanizing barangays in Zamboanga City. All of these drivers gave their consent for the study.

The instruments used in this study were adapted from the Evaluation Toolkit for Smoke-Free Policies and Assessing Compliance with Smoke-Free Laws. The Evaluation Toolkit for Smoke-Free Policies was prepared by the Centers for Disease Control and Prevention and useful in conducting tobacco control program evaluation impact assessment of smoke-free laws. Whereas, the Assessing Compliance with Smoke-Free Laws is a guide that was made through the joint venture of International Union against Tuberculosis and Lung Disease, Campaign for Tobacco-Free Kids, and John Hopkins Bloomberg School of Public Health. The guide presents comprehensive direction in designing a compliance study.

The observation at the jeepney transit sites lasted for 20 to 30 minutes and was done during the peak hours, 4:00pm to 8:00pm, in order to observe usual behaviour of the PUJ drivers. Informed consent was

requested from the transit site in-charge before information regarding the site was recorded.

The variables included in this study are: displayed signage in the wind shield; displayed signage at the back of the driver's seat; specification of the signage in the wind shield; specification of the signage at the back of the driver's seat; no smoking aids in the public conveyance; no cigarette butts in the public conveyance and no active smoking in the public conveyance. These variables were stipulated in section 8 of the city ordinance 469. That is to say, these were used as parameters in monitoring PUJ driver's compliance on the smoking regulation ordinance in Zamboanga City. Among the parameters included, the observation of smoking in a no smoking area is considered as the primary indicator of noncompliance [19].

RESULTS AND DISCUSSION

The compliance with the provisions under section 8 of the Smoking Regulation Ordinance of Zamboanga City and the presence and/or absence of these was used as parameters for determining the level of compliance. Seven (7) parameters were included in the study: display of signage in the wind shield, display of signage in the driver's backseat, size of signage in the wind shield, size of signage in the driver's back seat, presence of smoking aids; presence of cigarette butts and evidence of active smoking. Overall compliance was calculated by getting the average of each indicator. A total of 12 jeepney transit sites covering 12 rapidly urbanizing barangays were visited during the study. Over-all compliance rate for section 8 of the smoking regulation ordinance in Zamboanga City was found to be merely 55%. The poor compliance rating could be due poor enforcement of the smoking regulation ordinance. A poorly-enforced anti-smoking ordinance is susceptible to breaches, and highlights the need for clear and strong policies. As Vardavas [21] underlined a successful smoke-free legislation is dependent on political will, enforcement and societal support.

Table 1. Compliance of PUJ drivers

Parameters	Jeepney Transit Sites												Total (%)
	A	B	C	D	E	F	G	H	I	J	K	L	
Signages displayed-ws	3	19	11	30	23	3	30	30	11	30	12	19	221 (64)
Signages displayed-db	24	30	29	30	26	30	30	30	30	29	10	19	317 (92)
Size of displayed signage-ws	0	0	13	0	12	0	0	27	11	24	10	15	112 (33)
Size of displayed signage-db	0	2	4	0	21	13	0	26	30	2	10	13	121 (35)
No smoking aids	22	11	12	20	23	18	30	25	11	27	7	13	229 (67)
No cigarette butts	26	23	20	25	0	29	30	9	21	29	6	22	240 (70)
No active smoking	9	2	3	8	30	13	30	28	30	15	1	10	179 (52)

On the other hand, the compliance rate varied across various jeepney transit sites. The variability in the outturn of the compliance monitoring could be because of differences in study population, motivational factors and enforcement of smoke-free ordinance.

Only 221 (64%) of the jeepney drivers posted a No Smoking signage in the windshield whereas 317 (92%) of jeepney drivers posted a No Smoking signage in the driver’s back seat. The prescribed signage size of at least three and a half (3.5) square inch for the windshield was not complied by 232(67%) jeepney drivers. While a total 223 (64%) jeepney drivers are noncompliant to the stipulated size of the signage at the driver’s backseat of at least ten (10) square inch. Merely 67% of the public utility jeepneys had no smoking aids whereas 104 (30%) had evidences of cigarette butts in their jeepney. The study showed that a total of 165 (48%) of the public utility jeepney drivers actively smoked in their jeepney while in operation. The poor compliance to this parameter

can be due to the enforcement of the smoking regulation and absence of a reporting official responsible if noncompliance is observed. The prevalence of active smoking of the public utility jeepney drivers is a great concern that certainly needs the attention of the city government for immediate action. However, given that scenario, no public utility jeepney driver was penalized for such violation. This may be due to the enforcement team’s unwillingness to investigate or prosecute cases on noncompliance.

Figure 1 shows that the PUJ drivers were aware of the City Ordinance 469 through these medium: radio, television, friends, newspaper, billboard/ poster/ leaflet, social media, health workers and school. The radio was the major source of information regarding the smoking regulation ordinance. This implies that the radio is the widely used device for news and entertainment in the jeepney thus it was through this medium that the PUJ drivers learned the Smoking Regulation ordinance of the city.

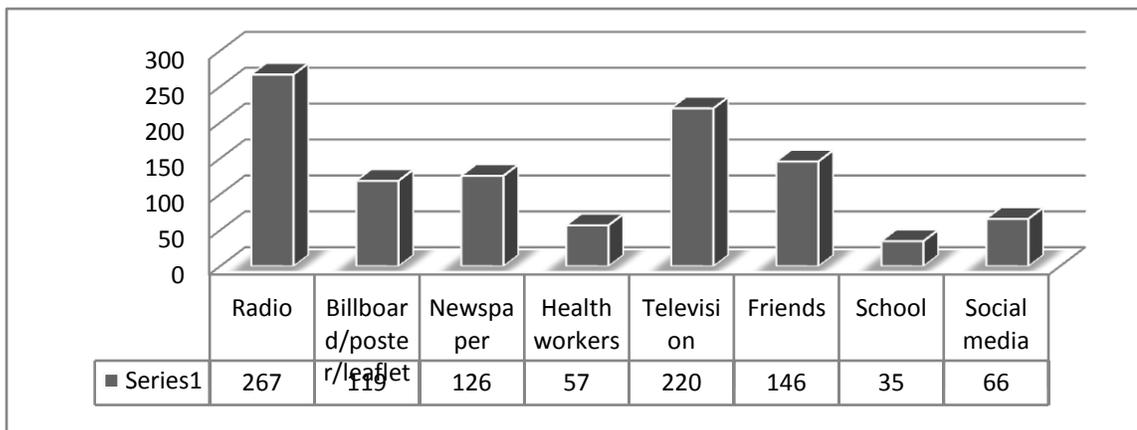


Figure 1. Sources of awareness of the PUJ drivers

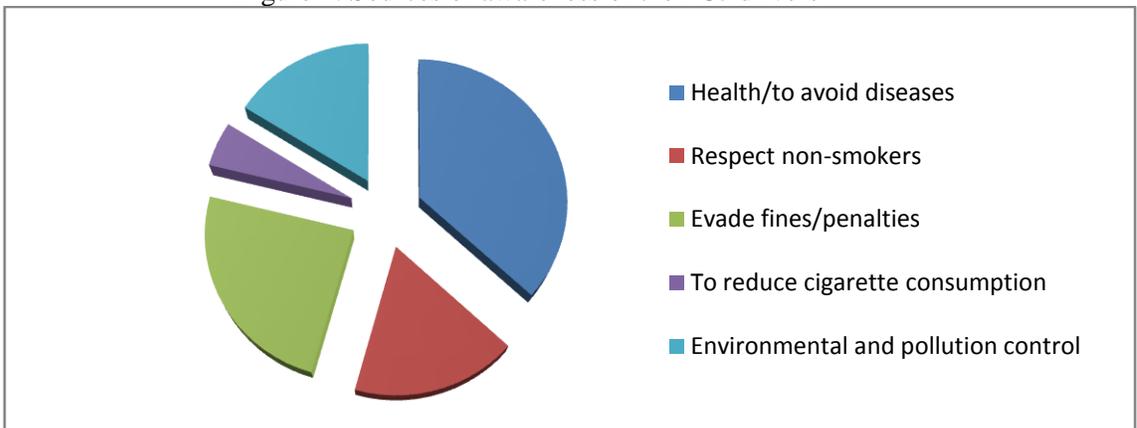


Figure 2. Reasons for complying with the City Ordinance 469

It can be gleaned from figure 2, that of those who comply with the city ordinance, the reasons for complying includes health reasons and/or to avoid diseases, to evade fines and/or penalties, respect for no-smokers, environmental and pollution control and to reduce cigarette consumption. This finding is pertinently expressed by the FGD participants in the following unedited vernacular statements: "*Para gende unrato tiene impermedad y queda pa largo el vida*" (So that we will not get sick easily and for our life to become longer), "*Para nuoay cancer*" (Not to have cancer), "*Bien karo gayot el multa, aquel kubra P5000.00 puede ya para aros diamon*" (The fine is pricey, the P5000.00 fine is already worth to buy rice), "*Ta affecta con otro pasahero espelcial mente si tiene maga bata tamunta na jeep*" (It affects other passengers health especially the children riding in the jeepney). Generally, this implies that PUJ drivers have personal motivations for complying with the smoking regulation ordinance of the city on public conveyance.

CONCLUSION AND RECOMMENDATIONS

By and large, the study showed a poor level of compliance of PUJ drivers on the Smoking Regulation Ordinance, which is a gross violation of the provisions of the ordinance that necessitate corrective actions. For this reason, strengthening smoking regulation policies and their implementation are highly encouraged because a well implemented smoking regulation ordinance denotes high compliance. Compliance with smoking regulation ordinance contributes to improved ambient air quality that brings about a sustainable environment that ensures healthy lives and well-being of all individuals in the community.

The current study also established that it is health reasons and/or to avoid diseases is the primary compelling reason for some of the PUJ drivers to comply with the Smoking Regulation Ordinance of Zamboanga City. For this reason, it is recommended that the city council should reinforce the educational campaign on the health risks of smoking. Moreover, it is through the radio that the PUJ drivers learned or were made aware of the Smoking Regulation Ordinance.

In addition, it is also recommended that: periodic compliance surveys should be carried out to closely monitor the adherence to the provisions of section 8 of the Smoking Regulation Ordinance of Zamboanga City; enforcement for the Smoking Regulation Ordinance should be strictly implemented by Smoke-Free Enforcement Team; make a provision to include

the name and contact number of the reporting official in the displayed signage; a study on the determinants of non compliance among PUJ drivers is needed and could also contribute to improve enforcement and implementation of the smoking ordinance; and a similar study should be conducted in other public places and/or establishments in Zamboanga City to promote healthful environment and to provide feedback to authorities regarding the tobacco control policies.

REFERENCES

- [1] World Health Organization (2017). WHO Report on the Global Tobacco Epidemic, 2017external icon. Geneva: World Health Organization.
- [2] World Health Organization (2011). WHO Report on the global Tobacco epidemic,2011. Warning about the dangers of tobacco. Retrieved from http://whqlibdoc.who.int/publications/2011/9789240687813_eng.pdf.
- [3] World Health Organization (2011a). WHO Report on the Global Tobacco Epidemic, 2011external icon. Geneva: World Health Organization.
- [4] Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion (2019). Retrieved from https://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/index.htm
- [5] Promoting Smoke Free Individuals (n.d.). Retrieved from <http://www.wpro.who.int/philippines/publications/module5.pdf>
- [6] Southeast Asia Tobacco Control Alliance SEATCA (2007) Retrieved from: resources.seatca.org/AboutSEATCA_CatalystforChange.pdf
- [7] Goel S, Ravindra K, Singh RJ, &Sharma,D . (2013) . Effective smoke-free policies in achieving a high level of compliance with smoke-free law: experiences from a district of North India. Retrivedfrom doi:10.1136/tobaccocontrol-2012-050673.
- [8] Tobacco free kids (2012). Retrieved from <http://www.tobaccofreekids.org/research/factsheets/pdf/0198.pdf>
- [9] Fichtenberg CM and Glantz SAL (2002) Conduct of smoke-free workplaces on smoking behaviour: systematic review. Biomedical Journal BMJ 325 (7357):188
- [10] Longo,DR, Johnson JC, Kruse RL, Brownson RC, Hewett JE (2001). A prospective investigation of the impact of smoking bans on tobacco cessation and relapse. Tab Control, 10 (3)267-272.
- [11] Movsisyan,NK, Petrosyan, V, Harutyunyan,A, Petrosyan, D, Stillman,F (2013) Clearing the air: Improving smoke free policy compliance at the national oncology hospital in Armenia. BMC Cancer

- Retrieved from
<http://web.b.ebscohost.com/ehost/detail/detail?vid=7&sid=f7b82005-06a9-409f-9fea-c459c449e66c%40pdc-vsessmgr05&bdata=JnNpdGU9ZWZWhvc3QtbGl2ZQ%3d%3d#AN=100326198&db=a9h>
- [12] WHO FCTC (2005). Retrieved from
<https://apps.who.int/iris/bitstream/handle/10665/42811/9241591013.pdf;jsessionid=BD4B57BD7F37DEF98C2072D130291B0B?sequence=1>
- [13] Philippine Tobacco Law (n.d.) Retrieved from
<https://www.tobaccocontrolaws.org/legislation/country/philippines/summary>
- [14] Land Transformation Regulatory Board Memorandum Circular (LTFRB MC) no. 2009-036 Retrieved from
<http://ltfrb.gov.ph/wp-content/uploads/Memorandum%20Circular/2009/2009-036.pdf>
- [15] Civil Service Commission Memorandum Circular (CSC MC) no.17, s.2009. Retrieved from
<https://www.tobaccocontrolaws.org/files/live/Philippines/Philippines%20-%20CSC%20Memo%20Circular%20-%20national.pdf>
- [16] Department of Health (2017). Executive order no.26. Retrieved from
<https://www.officialgazette.gov.ph/downloads/2017/05may/20170516-EO-26-RRD.pdf>
- [17] Republic Act No. 10643. Retrieved from
https://www.tobaccocontrolaws.org/files/live/Philippines/Philippines_20160209_Implementing%20Rules%20%26%20Regs%20of%20RA%2010643_WL_EN.pdf
- [18] Oficina del Consejo Local (2018). Ordinance no. 469 Retrieved from
<http://www.zamboangacity.gov.ph/citygovernment/category/ordinances/regulatory/>
- [19] Centers for Disease Control and Prevention(2008). Evaluation Toolkit for Smoke-Free Policies. Atlanta: U.S. Department of Health and Human Services. Retrieved from
<http://www.cdc.gov/tobacco>.
- [20] Sharma, N. &Chavan, B.S. (2018). Compliance to tobacco-free guidelines (Cigarettes and other tobacco products act) in medical institute of North India. *Indian J Soc Psychiatry* 34:213-6. Retrieved from
[doi:10.4103/ijsp.ijsp_87_17](https://doi.org/10.4103/ijsp.ijsp_87_17)
- [21] Vardavas CI, Agaku I, Patelarou E, Anagnostopoulos N, Nakou C, et al. (2013) Ashtrays and Signage as Determinants of a Smoke-Free Legislation's Success. *PLOS ONE* 8(9): e72945 Retrieved from
<https://doi.org/10.1371/journal.pone.0072945>