

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



Senate
Office of the Secretary

13 JUL -8 AM 11:40

SENATE
S.B. No. 564

RECEIVED BY: *ja*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 13 states that:

The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

To ensure that our nation's youth would fulfil their role in nation-building, the State must protect them from factors detrimental to their development and progress.

The Commission on Population, in its State of the Philippine Population Report 2nd Edition, confirmed that almost 70% of our young people (ages 10-24 years old) have tried drinking alcohol. The percentage is high among the younger male adolescents (ages 10-19 years old) at 93%; for young females, the percentages are increasing from 54% in 1994 to 70% in 2002. The report added that out-of-school or "idle" groups are more prone to drinking.

In the United States, recent research revealed that by the time they reach the eighth grade, nearly 50 percent of adolescents in America have had at least one drink, and over 20 percent report having been "drunk".

Underage drinking poses a high risk to both the individual and society. Adolescent alcohol abuse has also been linked to drunk driving, suicide, sexual assault, and unprotected or high-risk sex.

Adolescents are also vulnerable to alcohol-induced brain damage, which could contribute to poor performance at school or work. Medical studies show that exposing the brain to alcohol during the period of adolescence may interrupt key processes of brain development, possibly leading to mild cognitive impairment as well as to further escalation of drinking. In addition,

underage drinking is associated with an increased likelihood of developing alcohol abuse or dependence later in life.

American health authorities declare that a child who reaches age 21 without smoking, abusing alcohol, or using drugs is virtually certain never to do so. 2002 U.S. statistics show that minimum drinking age laws in the United States have proven to be effective in bringing down fatalities from alcohol-related traffic accidents.

Although socio-economic factors play a significant role in adolescent alcohol abuse and dependence, it is absolutely necessary for the State to initiate policies to curb alcohol consumption by minors. This bill seeks to nip this problem in the bud by prohibiting the access of minors to alcohol, penalizing establishments that sell alcohol to them, and penalizing those who aid minors to gain access to such drinks.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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¹ This bill was originally filed during the Fifteenth Congress, First Regular Session.

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SENATE
S. B. No. 564

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Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 PROHIBITING THE ACCESS OF MINORS TO ALCOHOL AND PENALIZING
3 ESTABLISHMENTS THAT FURNISH ALCOHOL TO MINORS

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Underage Drinking
5 Act.”

6 SECTION 2. *Declaration of Policy* – The State recognizes the vital role of the youth in
7 nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and
8 social well-being. Towards this end, the State shall undertake efforts to eliminate alcohol abuse
9 and reduce underage drinking by prohibiting minors’ access to alcohol.

10 SECTION 3. *Definition of Terms.* – For purposes of this Act, the term—

11 (a) “minors” – shall refer to one who is below eighteen (18) years old;

12 (b) “alcohol” – shall refer to ethyl alcohol, ethanol, or spirits of wine including all
13 dilutions, purifications and mixtures thereof, from whatever source by whatever process
14 produced and shall include whisky, brandy, rum gin tequila, and vodka and other similar
15 products or mixtures. It shall also include malt beverages, mixed or fermented liquors, including
16 tuba, basi, tapuy and lambanog;

17 (c) “alcoholic beverages” – shall refer to liquor or brew containing alcohol as the
18 active agent; and

1 (d) "establishment" – shall refer to a place used for commercial purposes, such as
2 bars, restaurants, dance clubs, hotels, retail stores, supermarkets, and other places with common
3 business areas.

4 SECTION 4. *Prohibited Acts* – The following acts are prohibited:

5 (a) The purchase of alcohol by minors from vendors or other sources.

6 (b) Purchasing or obtaining alcohol for minors.

7 (c) Misrepresentation of one's age by presenting false identification or otherwise
8 represent themselves as being of legal purchase age.

9 (d) Allowing the consumption or possession of any alcoholic beverages by a person
10 under eighteen (18) years of age on an establishment's premises, no matter who purchased the
11 alcoholic beverages or where they were purchased.

12 (e) Selling, giving, or otherwise providing alcohol to minors by an establishment
13 which is licensed to sell alcoholic beverages, or for any employee of that licensee, to sell or
14 furnish any alcoholic beverages at any time to a person under eighteen (18) years of age.

15 SECTION 5. *Penalties*. –

16 (a) Any minor who has violated any of the provisions of this Act shall be required to
17 render community service. Community service may consist of such acts as being required to
18 appear before school groups to explain the dangers of alcohol abuse. The objective is to require
19 the offenders to provide services that benefit society in a more constructive way and introduce
20 the idea of ethical action into the value system of the perpetrator.

21 Such minor shall then be committed to the care of his father or mother, or nearest relative
22 or family friend or the proper rehabilitation facility if so required.

23 (b) Suspension of driver's license for those who permitted unlawful or fraudulent use
24 of their license in connection with any of the violations listed above.

25 (c) Establishments that have violated any of the provisions of this law are subject to
26 fines of ten thousand pesos (P10,000) for the first offense and fifty thousand pesos (P50,000) for

1 a repeated offense. Suspension or revocation of the license of repeat offenders shall be
2 recommended to the appropriate local government unit.

3 SECTION 6. *Creation of the Anti-Underage Drinking Body.* – A body tasked with
4 monitoring the enforcement of this law shall be created. It shall be composed of a chair and four
5 (4) members, who shall be appointed by the President. The body shall have the following powers
6 and duties:

7 (a) To monitor the enforcement and compliance with this law;

8 (b) To recommend the suspension or revocation of permits for erring establishments.

9 Such recommendations will be submitted to the mayor's office, at the licensing office of the
10 local government unit concerned;

11 (c) To refer cases to the Department of Social Welfare so that adequate assistance
12 and care may be given to the minor and the minor's parents; and

13 (d) To make an annual report to Congress on the enforcement of the law.

14 SECTION 7. *Appropriations.* – The amount necessary for the initial implementation of
15 this Act shall be charged against the appropriations of the Department of Social Work and
16 Development (DSWD). Thereafter, such sum as may be necessary for its full implementation
17 shall be included in the annual General Appropriations Act as a distinct and separate item.

18 SECTION 8. *Separability Clause.* – If any provision or part hereof is held invalid or
19 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
20 valid and subsisting.

21 SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive
22 order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent
23 with the provision of this Act is hereby repealed, modified, or amended accordingly.

1 SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation.

Approved,