

THIRTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
First Regular Session

SENATE
OFFICE OF THE SECRETARY

04 JUN 30 P9:10

SENATE

S. No. 654

RECEIVED BY: Jalw

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

Tobacco and alcoholic products have proven to be hazardous to a person's health. Medical findings show that smoking could be fatal not only for the smoker but even for those who inhale second-hand smoke. Alcohol, on the other hand, can affect the thought process, judgment, and physical coordination of a person, and when taken frequently, it can cause damage to the liver, resulting to cirrhosis or hepatitis.

Despite this, tobacco and alcoholic products are made readily available to minors in sari-sari stores, supermarkets, restaurants and even through street vendors. Minors then easily take on the habit of consuming these products.

In order to protect the youth, this bill denies minors access to tobacco and alcoholic substances by banning their sale to minors. Persons who use minors to purchase these products for personal consumption shall be penalized.

The Philippine Constitution clearly gives priority to the youth's well-being. Article II Section 13 asserts 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." The State, therefore, must protect the youth from the influence of what is generally referred to as "vices" - cigars, cigarettes, and alcoholic or intoxicating liquor.

With the interest of the Filipino youth in mind, the passage of this bill is sought.


MANUEL B. VILLAR, JR.
Senator

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AN ACT
PROHIBITING THE SALE OF CIGARS, CIGARETTES AND ALCOHOLIC
OR INTOXICATING LIQUOR OR BEVERAGE TO MINORS

Be it enacted by the Senate and House of Representatives of the Philippines in Congress Assembled;

SECTION 1. *Short Title.* --This Act shall be known as the "Protection of Minors from Vices Act of 2004".

SECTION 2. *Declaration of Principles.* - Section 13 of Article 11 of the Philippine Constitution provides 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".

Furthermore, Section 15 of the same Article provides that "the State shall protect and promote the right to health of the people and instill health consciousness among them".

SECTION 3. *Prohibited Acts* -.The following shall be prohibited under this Act:

- a. To sell or entertain the purchase of cigars, cigarettes or any tobacco product and alcoholic or intoxicating liquor or beverage to minors.
- b. To cause a minor to purchase cigars, cigarettes or any tobacco product and alcoholic or intoxicating liquor or beverage.
- c. The smoking of cigars, cigarettes or any tobacco product and the consumption of alcoholic or intoxicating liquor or beverage by a minor.
- d. The sale of cigars, cigarettes or any tobacco products and alcoholic or intoxicating liquor or beverage by a minor.

SECTION 4. *Penalties* - Any person above 18 years old or any business entity violating the prohibited acts as prescribed in Section 3 of this Act shall suffer the penalty of imprisonment of not more than 3 days or a fine of not less than one thousand pesos (P 1,000.00). For succeeding offenses, both penalties shall apply in addition to the revocation of the license to operate a business connected with the selling of cigars, cigarettes or any tobacco product and alcoholic or intoxicating liquor.

If the violation of any provisions of this Act is committed by a corporation, partnership, association or similar entity, the president, General Manager or most senior officers shall be held liable for the offense.

For violations of (c) and (d) of Section 3 of this Act, The Child and Youth Welfare Code (Presidential Decree No. 603) as amended shall apply.

SECTION 5. *Repealing Clause* - All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 6. *Separability Clause* - If any part of provision of this Act shall be held unconstitutional or invalid, other provisions hereof which are not affected hereby shall continue to be in full force and effect.

SECTION 7. *Effectivity* --This act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approve,,