



Senate
Office of the Secretary

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

'16 JAN 25 P5 :09

SENATE
S. No. 3110

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING REPUBLIC ACT NO. 9211, OTHERWISE KNOWN AS THE
TOBACCO REGULATION ACT OF 2003, SECTIONS 6 AND 29

EXPLANATORY NOTE

The Constitution provides:

Article 2, Section 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

Article 13, Section 11. The State shall adopt an integrated and comprehensive approach to health development... There shall be priority for the needs of the underprivileged, sick, elderly, disabled, women, and children.

Studies show that exposure to secondhand tobacco smoke increases a person's chance of contracting respiratory ailments. Children are especially susceptible to the harmful effects of secondhand smoke because they are powerless to avoid exposure to it.

The purpose of this bill is to lessen, if not totally eliminate, children's exposure to cigarette smoke in public places and enclosed areas.¹

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

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

1 SECTION 1. Section 6 of Republic Act No. 9211, also known as the Tobacco
2 Regulation Act of 2003, on Designated Smoking and Non-Smoking Areas is hereby
3 amended to read as follows:

4 SECTION 6. *Designated Smoking and Non-smoking Areas.* – In all
5 enclosed places that are open to the general public, private workplaces and
6 other places not covered under the preceding section, where smoking may
7 expose a person other than the smoker to tobacco smoke, the owner,
8 proprietor, operator, possessor, manager or administrator of such places
9 shall establish smoking and non-smoking areas. Such areas may include a
10 designated smoking area within the building, which may be in an open
11 space or separate area with proper ventilation, but shall not be located
12 within the same room that has been designated as a non-smoking area,
13 **PROVIDED, THAT IN ALL SCHOOL-RELATED ACTIVITIES,**
14 **WHETHER WITHIN OR OUTSIDE THE SCHOOL PREMISES**
15 **AND WHETHER HELD INDOORS OR OUTDOORS, SMOKING**
16 **SHALL BE ABSOLUTELY PROHIBITED.**

1 All designated smoking areas shall have at least one (1) legible and
2 visible sign posted, namely "SMOKING AREA" for the information and
3 guidance of all concerned. In addition, the sign or notice posted shall
4 include a warning about the health effects of direct or secondhand exposure
5 to tobacco smoke. Non-Smoking areas shall likewise have at least one (1)
6 legible and visible sign, namely: [~~"NON-SMOKING AREA"~~ or ~~"NO
7 SMOKING."~~] "SMOKING IS ABSOLUTELY PROHIBITED IN
8 ENCLOSED AREAS UNDER R.A. NO. 9211."

9 THESE SMOKING AND NON-SMOKING SIGNAGES
10 SHOULD BE MADE PART OF THE REQUIREMENTS FOR THE
11 ISSUANCE AND/OR RENEWAL OF THE BUSINESS PERMITS
12 AND/OR PERMITS TO OPERATE OF ESTABLISHMENTS,
13 HEALTH FACILITIES OR SCHOOLS AND THE FAILURE TO
14 COMPLY THEREWITH IS A GROUND FOR THE DENIAL OR
15 REVOCATION OF SUCH PERMITS, *PROVIDED*, THAT FOR
16 SCHOOLS, THESE SIGNAGES SHOULD BE PROMINENTLY
17 DISPLAYED WHENEVER YOUTH ACTIVITIES ARE BEING
18 CONDUCTED DECLARING THAT THE AREA IS A SMOKE-
19 FREE ZONE.

20 SECTION 2. Section 29 of the same Act is also hereby amended to read as
21 follows:

22 SECTION 29. *Implementing Agency.* – An Inter-Agency Committee
23 – Tobacco (IAC-Tobacco), which shall have the exclusive power and
24 function to administer and implement the provisions of this Act, is hereby
25 created. The IAC-Tobacco shall be chaired by the Secretary of the

1 Department of HEALTH (DOH) [~~Trade and Industry (DTI)~~] with the
2 Secretary of the Department of TRADE AND INDUSTRY (DTI) [Health
3 (~~DOH~~)] as Vice Chairperson. The IAC-Tobacco shall have the following as
4 members:

- 5 a. Secretary of the Department of Agriculture (DA);
- 6 b. Secretary of the Department of Justice (DOJ);
- 7 c. Secretary of the Department of Finance (DOF);
- 8 d. Secretary of the Department of Environment and Natural
9 Resources (DENR);
- 10 e. Secretary of the Department of Science and Technology (DOST);
- 11 f. Secretary of the Department of Education (DepEd);
- 12 g. Administrator of the National Tobacco Administration (NTA);
- 13 h. A representative from the Tobacco Industry to be nominated by
14 the legitimate and recognized associations of the industry; and
- 15 i. A representative from a nongovernment organization (NGO)
16 involved in public health promotion nominated by DOH in
17 consultation with the concerned NGOs;

18 The Department Secretaries may designate their Undersecretaries as
19 their authorized representatives to the IAC.

20 SECTION 3. *Separability Clause.* – If any provision of this Act is held invalid or
21 unconstitutional, the same shall not affect the validity and effectivity of the other
22 provisions hereof.

23 SECTION 4. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
24 portions thereof, which are inconsistent with the provisions of this Act, are hereby
25 repealed, amended or modified accordingly.

1 **SECTION 5. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after
2 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/m11Dec2015