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10 JUL -8 P1:37

SENATE

S. No. 997

REGISTERED BY: 

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

The 1987 Constitution specifically provides that the "State recognizes the vital role of the youth in nation-building." As such, it is the duty of the State to promote and protect their physical, moral, spiritual, intellectual, and social wellbeing. Moreover, it is the duty of the State to promote the right to health and instill health consciousness among its citizenry. Towards this end, the State shall institute policies that will protect the general public from the health effects caused by the inhalation of hazardous products.

Various studies have indicated that cigarette smoking causes a variety of diseases and illnesses and that starting to smoke at a very young age naturally increases the risk of death from a smoking related-cause. According to a 2003 - 2004 study, tobacco use among the youth in the Philippines shows an increase in the accessibility of cigarettes to Filipino adolescents. Studies have further indicated that 2 out of 10 students aged 12 to 17 currently use some form of tobacco products. Moreover, almost half of Filipino youth smokers can buy their cigarettes in any stores and retail outlets all over the country despite the explicit provision in Republic Act No. 9211 which expressly prohibits the sale and distribution of tobacco products to minors. Although there is a regulatory provision which prohibits the sale of tobacco products to minors, the regulation does not seem to solve the problem because retail outlets are still very aggressive in increasing their sales.

A related study has indicated that the exposure to environmental tobacco smoke (ETS) decreases lung efficiency and impairs lung function in children and minors of all ages. ETS increases both the frequency and severity of childhood asthma. Moreover, environmental tobacco smoke (ETS) can aggravate sinusitis, rhinitis, cystic fibrosis, and chronic respiratory problems such as cough and postnasal drip and increases the number of children's colds and sore throats. Children and minors are particularly vulnerable to the effects of environmental tobacco smoke (ETS) because they are still developing physically, have higher breathing rates than adults, and have little control over their indoor environments. Children exposed to high doses of ETS run the greatest relative risk of experiencing damaging health effects.

To minimize if not totally prevent underage smoking, this proposed measure seeks to provide stiffer penalties to any person or any business entity or establishment selling to, distributing or purchasing a cigarette or any other tobacco products for a minor.

In view of the foregoing, the approval of this bill is earnestly requested.



MANUEL "LITO" M. LAPID
Senator

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S. No. 997

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Introduced by Senator Manuel "Lito" M. Lapid

AN ACT

IMPOSING STIFFER PENALTIES TO ANY PERSON OR ANY BUSINESS ENTITY OR ESTABLISHMENT SELLING TO, DISTRIBUTING OR PURCHASING A CIGARETTE OR ANY OTHER TOBACCO PRODUCTS FOR A MINOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9211, OTHERWISE KNOWN AS THE TOBACCO REGULATION ACT OF 2003, AND FOR OTHER PURPOSES

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

SEC. 1. *Section 32, paragraph (b) of Republic Act No. 9211, otherwise known as the "Tobacco Regulation Act of 2003", is hereby amended to read as follows:*

"b. Violation of Sections 7, 8, 9, 10, and 11. — On the first offense, any person or any business entity or establishment selling to, distributing or purchasing a cigarette or any other tobacco products for a minor shall be fined the amount of not less than [Five] **TEN** thousand pesos [(Php5,000.00)] **(PHP10,000) BUT NOT MORE THAN THIRTY THOUSAND PESOS (PHP30,000)** or an imprisonment of not more than [thirty (30)] **SIXTY (60) days, OR BOTH**, upon the discretion of the court. For succeeding offenses, both penalties shall apply in addition to the revocation of business licenses or permits in the case of a business entity or establishment.

If the violation is by an establishment or business entity, the owner, president, manager, or the most senior officers thereof shall be held liable for the offense.

If a minor is caught selling, buying or smoking cigarettes or any other tobacco products, the provisions of Article 189 of Presidential

Decree No. 603 otherwise known as The Child and Youth Welfare Code, as amended, shall apply.

SEC. 2. *Report to Congress.* - Within two (2) years from the date of effectivity of this Act, the Secretary of the Department of Health (DOH) shall conduct an evaluation of the implementation of the provisions of this Act. The Secretary of Health shall submit to both Houses of Congress a report on the effectiveness of the implementation of the provision of this act and the number of establishments penalized in compliance with the provisions of this measure.

SEC. 3. *Implementing Rules and Regulations (IRR).* - Within sixty (60) days from the date of effectivity of this Act, the Department of Health (DOH), in consultation with the various stakeholders, shall promulgate the necessary implementing rules and regulations to implement the provisions of this measure.

SEC. 4. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations or parts thereof not consistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 5. *Separability Clause.* - If any provision or part of this Act, or the application thereof to any person or circumstance, is held unconstitutional or invalid, the remainder of this Act shall not be affected thereby.

SEC. 6. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from the date of its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,