FIFTEENTH CONGRESS OF THE REPUBLIC

OF THE PHILIPPINES

First Regular Session

SENATE

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The rationale for smoke-free laws is to protect people from the effects of second-hand smoke, which include an increased risk of heart disease, cancer, emphysema, and other diseases. Laws implementing bans on indoor smoking have been introduced by many countries in various forms over the years, with some legislators citing scientific evidence that shows tobacco smoking is harmful to the smokers themselves and to those inhaling second-hand smoke.

The World Health Organization considers smoke-free laws to have an influence to reduce demand for tobacco by creating an environment where smoking becomes increasingly more difficult and to help shift social norms away from the acceptance of smoking in everyday life. Along with tax measures, cessation measures, and education, smoking ban policy is currently viewed as an important element in lowering smoking rates and promoting public health. When correctly and strictly implemented it is seen as one important policy agenda goal to change human behavior away from unhealthy behavior and towards a healthy lifestyle.

In the United States, prisons have increasingly been banning tobacco smoking some states with smoke-free prison policies only ban indoor smoking whereas others ban smoking on the entire prison grounds. In a sense the prison authorities in enforcing the ban are doing the prisoners a great big favor. Many people need a little bit of

encouragement to quit and what better way than to be locked up in a place where it is just impossible to get cigarettes.

The proposed bill seeks to prohibit smoking of cigarette and tobacco products inside the prison and jail systems in the Philippines.¹

MIRTAM DEFINISOR SANTIAGO

¹ This bill was originally filed in the third regular session of the 14th Congress.

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AN ACT PROHIBITTING THE SMOKING OF CIGARETTE AND TOBACCO PRODUCTS IN THE JAIL AND PRISON SYSTEMS IN THE PHILIPPINES

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

- SECTION 1. Title. This Act shall be known as the "Prison Smoking Ban Act." 4
- SECTION 2. Prohibition. The Director of the Bureau of Prisons and the 5
- 6 Director of the Bureau of Jail and Penology shall prohibited the possession and smoking
- 7 of tobacco and cigarette products of all prisoners and inmates in their custody within all
- jail and prison facilities under their control and supervision. 8
- 9 SECTION 3. Ban on Smoking. - The Director of the Bureau of Prisons and the Director of the Bureau of Jail and Penology shall also prohibit the use of Tobacco and 10
- 11 Cigarette Products of all its employees and visitors within the facilities under their
- 12 control and supervision.

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- 13 SECTION 4. Imposition of Fines. - To implement this Act, the Director of the
- 14 Bureau of Prisons and the Director of the Bureau of Jail and Penology may impose fines
- 15 to ensure compliance with this Act.
- 'SECTION 5. Penalties. Failure of the Director of the Bureau of Prisons and the 16
- Director of the Bureau of Jail and Penology to enforce the provisions of this Act within a 17
- period of three months from its enactment shall result to their suspension for a period of 18
- 19 one year without pay.

SECTION 10. Separability Clause. – If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 11. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 12. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved