

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

SENATE

S.B. No. 2356

INTRODUCED BY SENATOR PIA S. CAYETANO

EXPLANATORY NOTE

Republic Act No. 9211 otherwise known as "An Act Regulating The Packaging, Use, Sale, Distribution And Advertisements Of Tobacco Products And For Other Purposes" was enacted in 2003. During the hearings, technical working group meetings and consultations conducted by the Committee on Health and Demography in the 14th Congress, it was observed that there were loopholes and gaps in the law that need to be addressed in order to fully implement the intent of the law.

One is that the prohibition of smoking in certain public places does not mention public places such as parks and playgrounds, entertainment halls, concert grounds, convention centers, and sporting arenas where the general public, including children and pregnant women, spend time and perform different activities. Thus, this measure expands the prohibition. This bill also seeks to prohibit smoking in private vehicles where there are children, senior citizens and pregnant women, considering the ill-effects of second-hand smoke.

Another loophole found in RA 9211 is the composition of the IAC-T. It is a common fact that Republic Act No. 9211 is basically a health law. However, under RA 9211, the lead agency of the IAC-T is the Department of Trade and Industry (DTI) with the Department of Health (DOH) only as the vice chair and this gives rise to the difficulty in the enforcement of the law. Thus, the proposed measure seeks to mandate the Department of Health to take the lead in the implementation of the law.

This measure also removes the Philippine Tobacco Institute, the organization representing the tobacco companies, from its membership in the Inter-Agency Committee on Tobacco (IAC-T). The IAC-T is the agency that takes charge of regulating and monitoring the implementation of RA 9211. Indeed, it is ironic for the industry that is being regulated and monitored to be part of the monitoring and regulating authority.

To advance the health of the Filipino people, especially the victims of second-hand smoke, approval of this Bill is urgently sought.


PIA S. CAYETANO
Senator

SENATE

S. No. 2356

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**“AN ACT
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9211, OTHERWISE KNOWN
AS “AN ACT REGULATING THE PACKAGING, USE, SALE, DISTRIBUTION AND
ADVERTISEMENTS OF TOBACCO PRODUCTS AND FOR OTHER PURPOSES”**

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

1 **SEC. 1.** Section 5 of Republic Act No. 9211 is hereby amended to read as
2 follows:

3 Sec. 5. *Smoking in Public Places.* - Smoking shall be absolutely prohibited
4 in the following public places:

5
6 a. Centers of youth activity such as playschools, preparatory schools,
7 elementary schools, high schools, colleges and universities, youth
8 hostels, and recreational facilities for persons under eighteen (18)
9 years old, **SUCH AS PLAYGROUNDS AND PARKS, AMONG**
10 **OTHERS;**

11 **b. ENTERTAINMENT HALLS, CONCERT GROUNDS, AND**
12 **CONVENTION CENTERS;**

13 **c. SPORTING VENUES AND COMPLEXES;**

14 d. Elevator and stairwells;

15 e. Location in which fire hazards are present, including gas stations and
16 storage areas for flammable liquids, gas, explosives or combustible
17 materials;

18 f. Within the buildings and premises of public and private hospitals,
19 medical, dental, and optical clinics, health centers, nursing homes,
20 dispensaries and laboratories;

21 g. Public conveyance and public facilities including airport and ship
22 terminals and train and bus stations, restaurant and conference halls,
23 except for separate smoking areas; and

1 h. Food preparation areas.

2
3 **SEC. 2.** A new Section 6 is hereby added to read as follows:

4
5 **SEC. 6. SMOKING IN PRIVATE CONVEYANCES. -**
6 **SMOKING IS ABSOLUTELY PROHIBITED IN PRIVATE**
7 **CONVEYANCES WHERE THERE ARE MINORS, SENIOR**
8 **CITIZENS AND PREGNANT WOMEN. PRIVATE CONVEYANCE**
9 **SHALL REFER TO ANY VEHICLE THAT IS NOT CONSIDERED**
10 **A PUBLIC CONVEYANCE, AS DEFINED IN SECTION 4(M)**
11 **HEREIN.**

12
13 **SEC. 3.** Section 6 of Republic Act No. 9211 is hereby amended to read as
14 follows and the subsequent sections shall also be renumbered accordingly.

15 *Sec. 7 [6]. Designated Smoking And Non-Smoking Areas. -*
16 In all enclosed places that are open to the general public, private
17 workplaces, and other places not covered under the preceding
18 section, where smoking may expose a person other than the
19 smoker to tobacco smoke, the owner, proprietor, operator,
20 possessor, manager or administrator of such places shall establish
21 smoking and non-smoking areas. Such areas may include a
22 designated smoking area within the building, which may be in an
23 open space or separate area with proper ventilation, but shall not
24 be located within the same room that has been designated as a
25 non-smoking area, **PROVIDED, THAT IN ALL SCHOOL-**
26 **RELATED ACTIVITIES, WHETHER WITHIN OR OUTSIDE THE**
27 **SCHOOL PREMISES AND WHETHER HELD INDOORS OR**
28 **OUTDOORS, SMOKING SHALL BE ABSOLUTELY**
29 **PROHIBITED.**

30 All designated smoking areas shall have at least one (1)
31 legible and visible sign posted, namely "SMOKING AREA" for the
32 information and guidance of all concerned. In addition, the sign or
33 notice posted shall include a warning about the health effects of
34 direct or secondhand exposure to tobacco smoke. Non-smoking
35 areas shall likewise have at least one (1) legible and visible sign,
36 namely: **"SMOKING IS ABSOLUTELY PROHIBITED IN**
37 **ENCLOSED AREAS UNDER RA 9211."**

1 THESE SMOKING AND NON-SMOKING SIGNAGES
2 SHOULD BE MADE PART OF THE REQUIREMENTS FOR THE
3 ISSUANCE AND/OR RENEWAL OF THE BUSINESS PERMITS
4 AND/OR PERMITS TO OPERATE OF ESTABLISHMENTS,
5 HEALTH FACILITIES OR SCHOOLS AND THE FAILURE TO
6 COMPLY THEREWITH IS A GROUND FOR THE DENIAL OR
7 REVOCATION OF SUCH PERMITS, *PROVIDED*, THAT FOR
8 SCHOOLS, THESE SIGNAGES SHOULD BE PROMINENTLY
9 DISPLAYED WHENEVER YOUTH ACTIVITIES ARE BEING
10 CONDUCTED DECLARING THAT THE AREA IS A SMOKE-
11 FREE ZONE.

12
13 **SEC. 4.** Section 29 of Republic Act No. 9211 is hereby amended to read as
14 follows:

15 "Sec. 29. *Implementing Agency.* - An Inter-Agency Committee-
16 Tobacco (IAC-Tobacco), which shall have the exclusive power and
17 function to administer and implement the provisions of this Act, is hereby
18 created. The IAC-Tobacco shall be chaired by the Secretary of the
19 Department of **HEALTH (DOH)** with the Secretary of the Department of
20 **TRADE AND INDUSTRY (DTI)** as Vice Chairperson. The IAC-Tobacco
21 shall have the following members:

- 22
- 23 a. Secretary of the Department of Agriculture (DA);
 - 24 b. Secretary of the Department of Justice (DOJ);
 - 25 c. Secretary of the Department of Finance (DOF);
 - 26 d. Secretary of the Department of Environment and Natural
27 Resources (DENR);
 - 28 e. Secretary of the Department of Science and Technology
29 (DOST);
 - 30 f. Secretary of the Department of Education (DepEd);
 - 31 g. Administrator of the National Tobacco Administration (NTA);
 - 32 h. A representative from a non-government organization (NGO)
33 involved in public health promotion nominated by DOH in
34 consultation with the concerned NGOs;
- 35

36 The Department Secretaries may designate their Undersecretaries as their
37 authorized representatives to the IAC.

38
39 **SEC. 5.** Section 32 of RA 9211 is hereby amended to read as follows:
40

1 **Sec. 33** [32]. *Penalties* - The following penalties shall apply:

2
3 a. Violation of Sections 5, **6** and **7** [6]. – x x x

4
5 **SEC. 6. Separability Clause.** - If any part or provision of this Act shall be held
6 unconstitutional or invalid, other provisions thereof which are not affected thereby shall
7 continue to be in full force and effect.

8
9 **SEC. 7. Repealing Clause.** - All laws, presidential decrees, executive orders,
10 rules and regulations or parts thereof which are not consistent with this Act are hereby
11 repealed, amended or modified accordingly.

12
13 **SEC. 8. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its
14 publication in the Official Gazette or in at least two (2) newspapers of general
15 circulation, whichever comes earlier.

16
17 *Approved,*