



SENATE

'19 NOV 27 P3:46

S. No. 1208

REC'D

Introduced by Senator Ralph G. Recto

AN ACT
PROHIBITING FACILITATION OF THE USE, POSSESSION OR ACCESS BY,
OR THE SALE OR DISTRIBUTION TO MINORS, OF ALCOHOL AND TOBACCO
PRODUCTS, AND PROVIDING PENALTIES THEREFOR

EXPLANATORY NOTE

This proposed measure seeks to prohibit the use, possession or access by, or sale or distribution of alcohol and tobacco products including heated tobacco and vapor products to minors. These products sold in the market are more commonly called "sin products" for they are deemed harmful to society and to individuals consuming them.

As enshrined in our Constitution, 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.¹ Likewise, it is the policy of the State to protect and promote the right to health of the people and instill health consciousness among them.²

To enforce these constitutional precepts, various laws were enacted to protect the people especially the youth from the harmful effects of sin products. Presidential Decree No. 1619, Republic Act No. 9211 or the Tobacco Regulation Act of 2003, were enacted to regulate the use, possession and sale of alcohol and tobacco products, respectively.

¹ Sec. 13, Art. II, 1987 Constitution

² Sec. 15, Art. II, 1987 Constitution

Also, the government frequently uses the State's power of taxation to promote the health of the people. In our jurisdiction, sin products are heavily taxed to discourage consumption by the public.

However, taxation might not be an effective deterrent to the consumption of sin products by the youth including minors as claimed by some health advocates. Hence, the imposition of stiffer penalties to any person or establishment who facilitates the use, possession or access by a minor, or who sells or distributes to a minor, of alcohol and tobacco products, is necessary to protect them from the hazards of these products.

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



RALPH G. RECTO

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

1 Section 1. *Title* – This Act shall be known as the "Protection of Minors from
2 Sin Products Act".

3 Sec. 2. *Declaration of Policy*. – It is the policy of the State to promote and
4 protect the physical, moral, spiritual, intellectual, and social well-being of the youth.
5 It is likewise the policy of the State to protect and promote the right to health of the
6 people and instill health consciousness among them. For these purposes, the
7 government shall institute a policy to absolutely prohibit the use, possession, access
8 by, or the sale or distribution of alcohol and tobacco products to minors in order to
9 promote a healthful environment and protect them from the harmful effects of these
10 products.

11 Sec. 3. *Definition of Terms*. – As used in this Act:

12 (a) "*Alcohol Product*" – refers to a liquor or other beverage with alcohol
13 regardless of the level of its alcohol content such as fermented liquor, distilled
14 spirits, wines, alcopops and the like;

15 (b) "*Tobacco Product*" – refers to any product that consists of loose
16 tobacco that contains nicotine and is intended for use in a cigarette, including any

1 product containing tobacco or nicotine and intended for smoking or oral or nasal use
2 such as heated tobacco product or vapor product; and

3 (c) "*Minor*" – refers to any person below eighteen (18) years old.

4 Sec. 4. *Prohibited Acts.* – The following acts shall be considered unlawful:

5 (a) Facilitating the use, possession or access by a minor of any alcohol and
6 tobacco products; and

7 (b) Selling or distributing any alcohol or tobacco products to a minor.

8 Sec. 5. *Penalties.* – Any person or establishment who commits any of the acts
9 in the immediately preceding section shall, upon conviction thereof, be punished by
10 a fine of not less than One hundred thousand pesos (P100,000.00) but not more
11 than Five hundred thousand pesos (P500,000.00) and suffer imprisonment of not
12 less than six (6) years but not more than twelve (12) years: *Provided, That*, if the
13 prohibited act is committed by a juridical person, the penalty of imprisonment herein
14 provided shall be imposed upon the manager, representative, director, agent or
15 employee who directly violated or caused, directed, cooperated or participated in the
16 violation thereof.

17 Sec. 6. *Implementing Rules and Regulations.* – Within thirty (30) days from
18 the effectivity of this Act, the Department of Health (DOH) and the Department of
19 Justice, shall promulgate the necessary rules and regulations for its effective
20 implementation.

21 Sec. 7. *Separability Clause.* – If any provision or part hereof is declared
22 unconstitutional, the remainder of this Act or any provision not affected thereby,
23 shall remain in full force and effect.

24 Sec. 8. *Repealing Clause.* – All laws, acts, decrees, executive orders,
25 issuances, and rules and regulations or parts thereof which are contrary to and
26 inconsistent with this Act are hereby repealed, amended or modified accordingly.

27 Sec. 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its
28 complete publication in the *Official Gazette* or in at least two (2) newspapers of
29 general circulation.

Approved,