

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

'79 DEC 18 A10 :20

SENATE
S.B. No. 1248

RECEIVED

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT
PROVIDING PENALTIES FOR THE USE, POSSESSION, SALE, OR
DISTRIBUTION TO MINORS OF ALCOHOL AND TOBACCO PRODUCTS, AND
FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article II, Section 13 of the 1987 Constitution provides that, "*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.*" Further, it is the policy of the State to promote and protect the right to health of the people and instill health consciousness among them, especially the youth.

Tobacco and alcohol products are proven to be hazardous to a person's health. However, despite various warnings, by both the government and medical institutions, such products are readily available to minors in supermarkets, restaurants, and sari-sari stores, among others.

Thus, in order to attain the Constitution's mandate in protecting the youth and their well-being, this bill seeks to prohibit the use, possession, sale, or distribution of alcohol and tobacco products to minors to promote a healthful environment and to protect the youth from the harmful consequences of such products.


IMEE R. MARCOS
Senator



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

1 SECTION 1. *Short Title.* – This Act shall be known as the “*Illegal Use,*
2 *Possession, Sale, or Distribution of Alcohol and Tobacco Products to Minors Act of*
3 *2019.*”

4 Sec. 2. *Declaration of Policy.* – It is the policy of the State to promote and
5 protect the right to health of the people and instill health consciousness among
6 them, especially the youth. It is important that the government prohibit the use,
7 possession, sale, or distribution of alcohol and tobacco products to minors in order
8 to promote a healthful environment and protect the youth from the harmful
9 consequences of such products.

10 Sec. 3. *Prohibited Acts.* – The following acts shall be considered unlawful:
11 a) Facilitate the use, possession, or access by a minor of any alcohol or
12 tobacco products;
13 b) Assist or undertake the sale or distribution of any alcohol or tobacco
14 products to a minor; and
15 c) Knowingly leases an establishment to a person who distributes and sells
16 any alcohol or tobacco product to minors, or after having knowledge of
17 such, permits the person to continuously lease the premises without
18 reporting the same to any person in authority.

19 *Provided that,* the following terms shall be defined as follows:

- 1 1. "*Minor*" shall refer to any person below eighteen (18) years of age;
- 2 2. "*Alcohol Products*" shall refer to a liquor or other beverage with alcohol
3 regardless of the level of its alcohol content such as fermented liquor,
4 distilled spirits, wines, alcopops and the like; and
- 5 3. "*Tobacco Products*" shall refer to any product that consists of loose
6 tobacco that contains nicotine and is intended for use in a cigarette,
7 including any product containing tobacco or nicotine and intended for
8 smoking or oral or nasal use such as heated tobacco product or vapor
9 product.

10 Sec. 4. *Penalties.* – Any person who commits any of the acts in Sec. 3 of this
11 Act shall be punished by a fine of not less than one hundred thousand pesos
12 (P100,000.00) but not more than five hundred thousand pesos (P500,000.00) and
13 suffer imprisonment of not less than six (6) years but not more than twelve (12)
14 years. *Provided that*, if the offender is a corporation, partnership, association, club,
15 establishment, or any juridical person, the penalty shall be imposed upon the owner,
16 president, partner, manager, and/or any responsible officer who participated in the
17 commission of the crime or who shall have knowingly permitted or failed to prevent
18 its commission. *Provided further that*, the registration with the Securities and
19 Exchange Commission (SEC) and license to operate of the corporation, partnership,
20 association, club, establishment, or any juridical person shall be cancelled and
21 revoked permanently. The owner, president, partner or manager thereof shall not be
22 allowed to operate similar establishments in a different name.

23 Sec. 5. *Implementing Rules and Regulations.* – Within ninety (90) days from
24 the effectivity of this Act, the Department of Justice (DOJ) shall promulgate the
25 necessary rules and regulations for the effective implementation of this Act.

26 Sec. 6. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
27 other issuances or parts thereof inconsistent with the provisions of this Act are
28 hereby repealed or modified accordingly.

29 Sec. 7. *Separability Clause.* – If any portion or provision of this Act is declared
30 unconstitutional, the remainder of this Act or any provision not affected thereby shall
31 remain in force and effect.

1 Sec. 8. *Effectivity.* – This Act shall take effect after fifteen (15) days following
2 the completion of its publication either in the Official Gazette or in a newspaper of
3 general circulation in the Philippines.

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5 Approved,