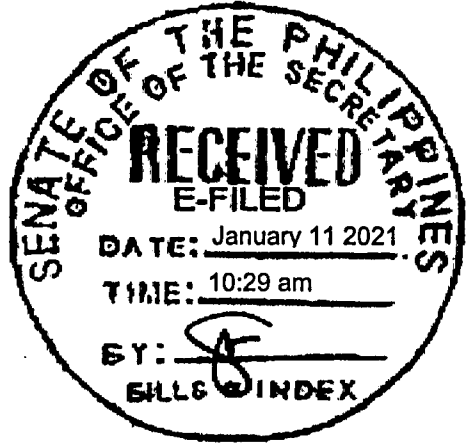


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

S. No. 1976



Introduced by SENATOR RONALD "BATO" DELA ROSA

AN ACT

MANDATING A SMOKE-FREE ENVIRONMENT IN ALL PUBLIC AND WORKPLACES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9211, OTHERWISE KNOWN AS THE "TOBACCO REGULATION ACT OF 2003"

EXPLANATORY NOTE

If there is anything that one can credit to the year 2020, it is certainly the year when all of us around the world were reminded of how fragile and vulnerable life really is. Indeed, with the emergence of the COVID-19 pandemic, we realized that when it comes to health and wellness, one can never really be too careful. This is especially true of those people who have pre-existing conditions such as hypertension, cardiovascular diseases, asthma, and others, for they are certainly made more vulnerable by these conditions.

Among the most common risk factors for the spread of the COVID-19 disease is tobacco use, according to scientific studies. Cigarette use alone already causes several diseases in its users, and these diseases in turn become the pre-existing conditions that make COVID-19 even deadlier. The Global Adult Tobacco Survey indicates that 21.5% of adults who work indoors are exposed to secondhand smoke in the workplace. 21.9% of them are exposed to it in restaurants, while 37.6% experience secondhand smoke in public transportation. Now since there is no risk-free level of secondhand smoke, it is

clear how such exposure in itself is already risky to our health and wellbeing. If we add in a pandemic to the equation, we see how tobacco use, especially in public and workplaces, poses a grave threat to our over-all health.

Article II Section 15 of the Philippine Constitution expressly states that the State shall promote the people's right to health and instill health consciousness among them. In light of this policy, it is then necessary that the establishment of smoke-free public places be taken seriously, not just as a preference, but as a need.

Pursuant to the above mentioned constitutional provision, President Rodrigo Duterte issued Executive Order No. 26 series of 2017 which provides for the establishment of smoke-free environments in public and enclosed places. In his EO 26, the President declared that "scientific evidence has unequivocally established the tobacco consumption and exposure to tobacco smoke cause death, disease and disability, lead to devastating health, social, economic and environmental consequences, and places burdens on families, on the port, and on national and local health systems."

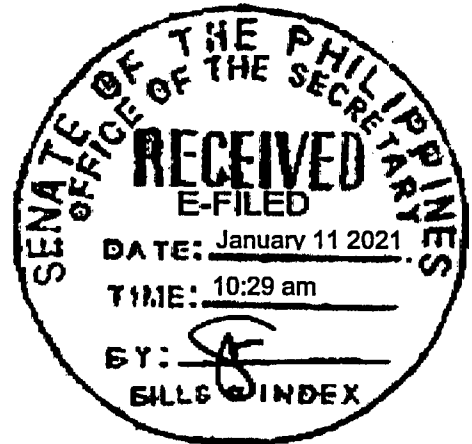
Following the constitution and the pronouncement of the President, this proposed measure aims to translate into legislation the duty to protect all Filipinos from exposure to tobacco smoke as it is a threat to their health. Through this, all indoor workplaces and indoor public places should be made smoke-free. Likewise, this policy should cover all places accessible to the general public or places for collective use, regardless of ownership or right to access.

In view of the foregoing, I earnestly seek the swift passage of this bill.


RONALD "BATO" DELA ROSA

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

SENATE
S. No. 1976



Introduced by SENATOR RONALD "BATO" DELA ROSA

AN ACT
MANDATING A SMOKE-FREE ENVIRONMENT IN ALL PUBLIC AND
WORKPLACES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
9211, OTHERWISE KNOWN AS THE "TOBACCO REGULATION ACT OF
2003"

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

1 **SECTION 1.** This Act shall be known as the "Smoke-Free Environment Act".
2

3 **SEC. 2. Declaration of Policy.** – It is the policy of the State to protect and promote
4 the right to health of the people and instill health consciousness among them.
5

6 The State also recognizes that effective measures to provide protection from
7 exposure to tobacco smoke, as envisioned by Article 8 of the World Health Organization
8 Framework Convention on Tobacco Control, require the total elimination of smoking and
9 tobacco smoke in a particular space or environment in order to create a 100% smoke
10 free environment. It is, therefore, the State's policy to protect all people from exposure
11 to tobacco smoke.
12

13 **SEC. 3. Construction.** – In case of doubt, the interpretation of any of the
14 provisions of this Act, including its implementing rules and regulations (IRRs), shall
15 be construed liberally in favor of the protection and promotion of public health.
16

17 **SEC. 4.** Section 4 of Republic Act No 9211 is hereby amended to read as follows:
18

19 **'SEC. 4. Definition of Terms.** - *As used in this Act:*
20

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

xxx

"n. *Public Places* - refers to all places fixed or mobile, that are accessible or open to the public or places for collective use, regardless of ownership or right to access, including but not limited to, schools, workplaces, government facilities, establishments that provide food and drinks, accommodation, merchandise, professional services, entertainment, or other services. It also includes outdoor spaces where facilities are available for the public or where facilities are available for the public or where a crowd of people would gather such as but not limited to playgrounds, sports grounds or centers, church grounds, health/hospital compounds, transportation, terminals, markets, parks, resorts, walkways/sidewalks, entrance ways, waiting areas and the like."

xxx

"v. *Persons-in-charge* - refers to the president, manager in case of a company, corporation, partnership or association, the owner/proprietor/operator in case of a single proprietorship, or the administrator in case of government or private property, facility, office or building, and the city/municipal schools superintendent, school president, dean or principal in case of schools.

"w. *Workplaces* - is any place used by people during employment or work, including voluntary work. It includes not only those place at which work is performed, but also attached or associated places commonly used by the workers in the course of their employment, including, but not limited to, corridors, lifts, lobbies, joint facilities, cafeterias, toilets, lounges, lunchrooms and also outbuildings such as sheds and huts. Vehicles used in the course of work are workplaces and should be specifically identified as such."

xxx

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

"SEC. 5. Smoke-free Public Places. – Smoking shall be prohibited in all public and work places:

- a. *Centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels, and recreational facilities for persons under eighteen (18) years old;*

- 1 **b. Elevator and stairwells;**
2 **c. Location in which fire hazards are present, including gas stations**
3 **and storage areas for flammable liquids, gas, explosives or**
4 **combustible materials;**
5 **d. Within the buildings and premises of public and private hospitals.**
6 **Medical, dental, and optical clinics, health centers, nursing homes,**
7 **dispensaries and laboratories;**
8 **e. Public conveyance and public facilities including airport and ship**
9 **terminals and train and bus stations, restaurant and conference**
10 **halls;**
11 **f. Food preparation areas;**
12 **g. Government offices; and**
13 **h. Other public places as may be designated as smoke-free through**
14 **an ordinance to promote general welfare.**

15
16 **SEC. 6.** Section 6 of Republic Act No. 9211 is hereby amended to read as
17 follows:

18 **'SEC. 6. Non-Smoking Areas and Smoking Areas - In all**
19 **enclosed places that are open to the general public, private workplaces, and**
20 **other places not covered under the preceding section, where smoking may**
21 **expose a person other than the smoker to tobacco smoke, the owner,**
22 **proprietor, possessor, manager or administrator of such places may establish**
23 **smoking areas. Such area must be in an outdoor space with the following**
24 **requirements:**

- 25
26 **a. It shall be located in an open space with no permanent or**
27 **temporary roof or walls in an outdoor areas;**
28 **b. It shall not be located within 10 meters of entrances, exits or**
29 **any place where people pass or where people congregate;**
30 **c. It shall not have an area larger than 10 square meters;**
31 **d. No more than one smoking area shall be designated in a**
32 **building or public place;**
33 **e. No food or drinks shall be served in the designated smoking**
34 **area; and,**
35 **f. Every smoking area shall have a highly visible and prominently**
36 **displayed "Smoking Area" signages.**

37
38 *Nothing in this Act shall compel persons-in-charge to establish DSAs nor*
39 *prevent them from instituting more stringent measures in their buildings*
40 *and establishments to better ensure a smoke-free environment.*

41
42 **SEC. 7. Obligations of Persons-in-Charge.** Persons-in-charge, operators and
43 owners of establishments within public and work places shall:
44

- 1 a. Prominently post and display "No Smoking" Signage in locations most
2 visible to the public. The sign shall be at least 8 x11 inches in size;
3 b. Remove ash trays and other receptacles for disposing cigarette refuse
4 in place where smoking is prohibited;
5 c. Establish internal procedure and measures in which this Act shall be
6 implemented and ordered within his or her areas of jurisdiction;
7 d. Ensure that all employees are aware of this Act before implementation
8 and enforcement; and,
9 e. For all signages to have several versions, including those written in
10 local dialects or in English.

11
12 **SEC. 8. *Prohibited Acts.*** The following are declared unlawful:
13

- 14 a. Smoking in public and work places;
15 b. Inducing, allowing or tolerating smoking in smoke-free areas provided in
16 Section 5 and 6 of this Act.
17 c. Establishment of smoking areas in smoke-free public places pursuant to
18 Section 5;
19 d. Failure to comply with the requirements provided under Section 6; and,
20 e. Other analogous acts or omissions in violation of this Act.
21

22 **SEC. 9. *Persons Liable.*** - The following are liable and shall be punished in
23 accordance with the governing provisions of this Act:
24

- 25 a. Any person or entity who commits prohibited acts; and
26 b. Persons-in-charge who knowingly allow, abet, authorize, or tolerate the
27 prohibited acts, or have failed to fulfill their duties and obligations
28 enumerated in this Act.
29

30 **SEC. 10. *Creation of Smoke-Free Task Forces.*** - All provinces, cities and
31 municipalities are mandated to establish a Smoke-Free Task Force. The Smoke-Free
32 Task Force, in coordination with Philippine National Police, shall be responsible in the
33 implementation, enforcement, and monitoring of this Act; *provided that*, the
34 effectivity and enforcement of this Act shall not be prejudiced by the lack of a Smoke-
35 Free Task Force in the local government unit.
36

37 The Smoke-Free Task Force shall include at least one representative from civil
38 society organizations, community and people organizations promoting public health
39 which should not be connected, directly or indirectly, or represent the interest of the
40 tobacco industry.
41

42 Local government units shall allocate a dedicated fund from the Local Health
43 Budget for the operation of the Smoke Free Task Force and shall enact measures
44 necessary to implement the provisions of this Act including the development and

1 implementation of supportive programs to promote smoke-free environment.

2
3 **SEC. 11.** – Section 32(a) of RA 9211 is hereby further amended to read as
4 follows:

5
6 **"SEC. 32. Penalties.** - *The following penalties shall apply:*

7
8 *a. Violation of Section 5 and 6 – A fine of not less than Two*
9 *Thousand Pesos (PHP 2,000.00) but not more than Three*
10 *Thousand Pesos (PHP 3,000.00) shall be imposed for every*
11 *infraction to any person who shall smoke, induce, abet or allow*
12 *someone to smoke in a prohibited place, together with the*
13 *confiscation and destruction of all tobacco products in his or her*
14 *possession.*

15
16 *"A fine of not less than Ten Thousand Pesos (PHP 10,000.00)*
17 *but not more than Twenty Thousand Pesos (PHP 20,000.00)*
18 *shall be imposed for every person, whether natural or juridical,*
19 *that shall establish or maintain an unlicensed or illegal*
20 *designated smoking area, together with the demolition or*
21 *destruction of the unlicensed or illegal designated smoking. This*
22 *is without prejudice to the suspension, cancellation and*
23 *revocation of licenses and/or permits that may be imposed upon*
24 *the business entity or establishment consistent to existing rules*
25 *and ordinances of the local government unit."*

26
27 **SEC. 12. Separability Clause.** - If any provision of this Act is held invalid or
28 declared unconstitutional, the other provisions which are not affected thereby shall
29 remain valid and subsisting.

30
31 **SEC. 13. Repealing Clause.** – Sections 4(n), 5, 6 and Section 32(a) of
32 Republic Act No. 9211 are hereby repealed or modified accordingly.

33
34 **SEC. 14. Effectivity.** - This Act shall take effect fifteen (15) days after its
35 complete publication in the Official Gazette or in two (2) newspapers of general
36 circulation.

Approved,