

TWELFTH CONGRESS OF THE REPUBLIC)
of the Philippines)
First Regular Session)

'01 OCT 22 P5:15

SENATE

RECEIVED BY: G

COMMITTEE REPORT NO. 7

Submitted jointly by the Committees on Health and Demography, Trade and Commerce,
and Finance on 22 OCT 2001

Re : Senate Bill 1859 , prepared by the Committees

Recommending its approval in substitution of S. Nos. 1, 660, 111, 1118, 1241, 1628 and
1715

Sponsors: **Senators Flavier, Legarda Leviste, Villar, Jr., Ejercito-Estrada,
Sotto III and Ople**

MR. PRESIDENT

The Committees on Health and Demography, Trade and Commerce, and Finance
to which were referred Senate Bill No. 1, introduced by Senator Flavier, entitled:

**“AN ACT
REGULATING THE LABELLING, SALE AND ADVERTISING OF
CIGARETTES (AND OTHER TOBACCO PRODUCTS),
PROHIBITING SMOKING IN PUBLIC CONVEYANCES AND IN
ENCLOSED PUBLIC PLACES, PROVIDING PENALTIES FOR
VIOLATIONS THEREOF AND FOR OTHER PURPOSES”**

Senate Bill No. 660, introduced by Sen. Legarda Leviste, entitled:

**“AN ACT
REGULATING THE LABELLING, SALE AND ADVERTISING OF
CIGARETTES AND OTHER TOBACCO PRODUCTS,
PROHIBITING SMOKING IN PUBLIC CONVEYANCES AND IN
ENCLOSED PUBLIC PLACES, PROVIDING PENALTIES FOR
VIOLATIONS THEREOF AND FOR OTHER PURPOSES”**

Senate Bill No. 1111, introduced by Sen. Villar, Jr., entitled:

**“AN ACT
RESTRICTING THE ACCESS OF YOUTH TO TOBACCO
PRODUCTS”**

Senate Bill No. 1118, introduced by Sen. Villar, Jr., entitled:

**“AN ACT
TO PROTECT THE PUBLIC FROM THE HEALTH HAZARDS
CAUSED BY EXPOSURE TO ENVIRONMENTAL SMOKE”**

Senate Bill No. 1241, introduced by Sen. Ejercito-Estrada, entitled:

**“AN ACT
TO PROTECT THE PUBLIC FROM THE HEALTH HAZARDS
CAUSED BY EXPOSURE TO ENVIRONMENTAL SMOKE”**

Senate Bill No. 1628, introduced by Sen. Sotto III, entitled:

**“AN ACT
TO REQUIRE ALL CIGARETTE MANUFACTURERS AND
DISTRIBUTORS TO SCIENTIFICALLY DETERMINE AND
TRUTHFULLY PRINT, ON EACH BOX OF CIGARS OR
CIGARETTES THAT THEY DISTRIBUTE OR SELL WITHIN
THE COUNTRY, THE LEVELS OF NICOTINE, TAR AND
CARBON MONOXIDE THAT COULD BE INHALED IN
SMOKING A STICK OF CIGAR OR CIGARETTE AND
PROVIDE PENALTIES FOR VIOLATIONS THEREOF”**

and Senate Bill No. 1715, introduced by Sen. Ople, entitled:


**“AN ACT
PENALIZING THE SALE OF CIGARETTES TO MINORS, AND
FOR OTHER PURPOSES”**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, S. No. 1859, prepared by the Committees, entitled:


**“AN ACT
REGULATING THE LABELLING, SALE AND ADVERTISING OF
CIGARETTES (AND OTHER TOBACCO PRODUCTS),
PROHIBITING SMOKING IN PUBLIC CONVEYANCES AND IN
ENCLOSED PUBLIC PLACES, PROVIDING PENALTIES FOR
VIOLATIONS THEREOF AND FOR OTHER PURPOSES”**

be approved in substitution of S. Nos. 1, 660, 1111, 1118, 1241, 1628 and 1715 with Senators Flavier, Legarda Leviste, Villar, Jr., Ejercito-Estrada, Sotto III and Ople as authors thereof.

Respectfully submitted:



RAIPH G. RECTO
Chairman, Committee on Trade
and Commerce
Member, Committee on Health and
Demography, and Finance



JUAN M. FLAVIER
Chairman, Committee on Health and
Demography
Member, Committee on Trade and
Commerce, and Finance

JOHN HENRY OSMEÑA
Chairman, Committee on Finance

Vice-Chairpersons:

Luisa P. Ejercito-Estrada

LUISA "Loi" EJERCITO-ESTRADA
Vice-Chair, Committee on Health and
Demography

RAMON B. MAGSAYSAY, JR.
Vice-Chair, Committee on Trade and
Commerce
Member, Committee on Health and
Demography, and Finance

Members:

Noli De Castro

NOLI "Kabayan" DE CASTRO
Committee on Health and Demography

Joker P. Arroyo

JOKER P. ARROYO
Committee on Trade and Commerce,
and Finance

Francis N. Pangilinan

FRANCIS N. PANGILINAN
Committee on Health and Demography,
Trade and Commerce, and Finance

Sergio R. Osmeña III

SERGIO R. OSMEÑA III
Committee on Trade and Commerce,
and Finance

RENATO L. "Compañero" CAYETANO
Committee on Health and Demography,
and Finance

Panfilo M. Lacson

PANFILO M. LACSON
Committee on Trade and Commerce,
and Finance

EDGARDO J. ANGARA
Committee on Health and Demography,
Trade and Commerce, and Finance

Robert S. Jaworski

ROBERT S. JAWORSKI
Committee on Trade and Commerce,
and Health and Demography

Teresa Aquino-Oreta

TERESA AQUINO-ORETA
Committee on Health and Demography,
and Finance

Ramon B. Revilla

RAMON B. REVILLA
Committee on Finance

Blas F. Ople

BLAS F. OPLE
Committee on Health and Demography,
and Finance

Robert Z. Barbers

ROBERT Z. BARBERS
Committee on Finance

Robolfo G. Biazon

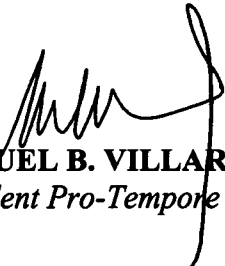
ROBOLFO G. BIAZON
Committee on Finance

Gregorio B. Honasan

GREGORIO B. HONASAN
Committee on Finance

VICENTE C. SOTTO III
Committee on Finance

Ex-Officio Members:



MANUEL B. VILLAR, JR.
President Pro-Tempore



LOREN LEGARDA LEVISTE
Majority Floor Leader



AQUILINO Q. PIMENTEL, JR.
Minority Floor Leader

FRANKLIN M. DRILON
Senate President
Senate of the Philippines
Pasay City

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

'01 OCT 22 P5:15

SENATE

RECEIVED BY: _____

S. NO. 1859

(In Substitution of Senate Bill Nos: 1, 660, 1111, 1118, 1241, 1628 and 1715)

Introduced by Senators Flavier, Legarda Leviste, Villar, Jr., Ejercito-Estrada,
Sotto III and Ople

**AN ACT
REGULATING THE LABELLING, SALES AND ADVERTISING OF
CIGARETTES (AND OTHER TOBACCO PRODUCTS), PROHIBITING
SMOKING IN PUBLIC CONVEYANCES AND IN ENCLOSED PUBLIC
PLACES, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR
OTHER PURPOSES**

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

SECTION 1. *Title.* – This Act shall be known as the “STOP for Health Act
(Stop Tobacco and Other Product for Health).”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the
State to protect and promote the right to health of the people and instill health
consciousness among them. Toward this end, it is the purpose of this Act to
establish a comprehensive program to safeguard public health and ensure the
physical well being of smokers and non-smokers alike by discouraging cigarette
smoking and tobacco use, whereby:

1. Smokers shall be adequately informed of the health risks associated
with cigarette smoking and tobacco use by the inclusion of a
prominent warning on each package or container of cigarettes or
tobacco, as well as the disclosure of the harmful ingredients
contained therein;
2. The youth shall be protected from being initiated to cigarette smoking
and tobacco use through the stringent regulation and a subsequent

ban of promotion and advertising of cigarettes and any other tobacco product; the prohibition of cigarette and tobacco sales to person under eighteen (18) years of age; a ban on cigarette smoking, tobacco use, sales and promotion in elementary and secondary schools, colleges, universities and other educational institutions; the integration of information on the health risks associated with cigarette smoking and tobacco use into health and science subjects in all elementary and secondary schools; and a ban on sports, cultural and art sponsorships by cigarette or tobacco companies to remove any misleading effect it may have on minors;

3. The right of the general public to a cigarette and tobacco smoke-free environment shall be ensured by a ban on smoking in public conveyances, in all public buildings and enclosed public places; and
4. Filipino tobacco farmers shall be assisted and encourage to cultivate food crops and agricultural products to prevent their economic dislocation arising from the worldwide decline in tobacco demand brought about by increasing public consciousness about the hazards of smoking.

SEC. 3. *Definition of Terms.* - As used in this Act, the following terms shall mean:

- (1) Advertisement- the prepared advertising matter subsequently applied, disseminated or circulated through any form of mass media.

- (2) Advertising – the business of conceptualizing, presenting or making available to the public any form of mass media, fact, data or information about the attributes, features, quality or availability of consumer products, service or credit.
- (3) Cigarette – roll of finely cut leaf tobacco, or any substitute therefore, wrapped in paper or any other material.
- (4) Cigarette or tobacco advertisement- any visual or audible message which promotes any words or designs closely associated with tobacco products whether or not they are closely associated with other kinds of products. This specifically includes any message and images promoting smoking; the purchase or use of cigarette or tobacco products; and cigarette or tobacco trademarks, brand names, design and manufacturer's names.
- (5) Minimum age requirement- refers to the age requirement that needs to be met before any sale of tobacco products to any individual can be made. In no case should this be lower than 18 years old.
- (6) Promotion- refers to the display of a tobacco product or manufacturer's name, trademark, logo, etc. on non-tobacco products. This includes the paid use of tobacco products bearing the brand names,

trademarks, logos, etc., in movies, television and other forms of entertainment.

- (7) Proof of Age Requirement- shall mean any identification card bearing a photograph, which can show proof that a purchase of cigarette or tobacco product is 18 years old or older.
- (8) Public Conveyance- mode of transport servicing the general population, such as, but not limited to, elevators, jeepneys, buses, light railway transit, trains, airplanes, ships, taxicabs, tricycles and other similar vehicles.
- (9) Enclosed Public Place- a room, building or any other structure that is open to the general population such as, but not limited to, offices, schools, hospitals, medical clinics, department stores, markets, supermarkets, restaurants, comfort rooms, theaters, auditoriums, session halls, bus or airport terminals, elevators, hotels, coliseum and other similar places where smoking may expose a person other than the smoker to tobacco smoke.
- (10) Smoking- the act of carrying a lighted cigarette, cigar, or a pipe whether or not it is being inhaled or smoked.

(11) Tobacco Product- cigar, cigarillos, small cigars, pipe tobacco, snuff, chewing tobacco, smoke-less tobacco and any product containing tobacco and intended for smoking or oral or nasal use.

(12) Tobacco use- the act of smoking cigarettes or chewing or sniffing tobacco products.

(13) Warning – the notice printed on the tobacco product or its immediate container, and/or displayed or aired during cigarette or tobacco advertisements, and which shall bear information on the hazards of tobacco use.

SEC. 4. *Labelling Requirements.* – All cigarette and tobacco products shall contain on their package or container a printed warning on the hazards of cigarette or tobacco use. This warning shall conspicuously bear on a rotating basis such message, as “smoking is hazardous,” “smoking during pregnancy may cause fetal damage,” “cigarettes are addictive,” “tobacco smoke can harm your children,” “cigarette cause cancer,” “smoking kills,” “cigarettes cause fatal lung diseases,” and other similar messages or their equivalent in Filipino, updated with new messages from time to time.

The sale, distribution, promotion, or advertisement of any cigarette or tobacco product without the prescribed printed warning is hereby prohibited.

SEC. 5. *Labelling Specifications.* – The printed warning in Filipino or English shall be located in front panel of every package of cigarettes and other tobacco products and shall appear in clearly legible type in contrast as in black text on the white background with a black border by topography, layout or color

to the other printed matters on the package. It shall be at the top portion of the front panel occupying at least thirty percent (30%) of the total area: *Provided*, That if the warning to be printed on the package is likely to be obscured or obliterated by a wrapper on the package, the warning must be printed on both the wrapper and the package.

In addition, cigarette or tobacco product shall provide clear information about their toxic contents, specifically tar, nicotine and carbon monoxide, including actual measurements of smoke yields. This disclosure of cigarette contents shall be printed on the side of a cigarette packet. The information must be printed in black typeface on a white background and should occupy the whole side of a typical cigarette packet. This message must occupy at least 25% of the side of cartons of cigarettes.

SEC. 6. *Advertising and Promotion.* - Upon effectivity of this Act, promotion and advertisement of cigarettes or any other tobacco product in any medium of electronic or print communication shall be strictly regulated. Promotions and advertisements using electronic media such as radio, television and cinema shall be required to prominently display the specified warning throughout the duration of the said advertisement; *Provided*, That cigarette or tobacco advertisements aired over the radio shall devote twenty percent (20%) of their total air time to the airing of the warning: *Provided*, That the promotions and advertisements using print media shall include a warning occupying at least thirty percent (30%) of the total advertisement space: *Provided, furthermore*, That cigarette or tobacco advertisements aired over television shall contain the warning at the lower portion of the screen equivalent to at least twenty percent (20%) thereof for the entire duration of the advertisement: *Provided, still*, That intentionally or unintentionally, no object shall in anyway or any angle, obscure, conceal, hide or hinder the visualization of the said warning: *Provided, finally*, That two (2) years after the effectivity of

this Act , all tobacco advertisements and promotions shall be prohibited in all print and electronic media, including cable television operating locally. Local television companies shall be required to incorporate in their contract with foreign entities providing television shows that tobacco advertisements are prohibited under Philippine laws, and therefore should not be transmitted as part of any programming that is covered by such contract.

For purposes of this Act, print communications include, but not limited to newspapers, journals, serials, magazines, books, pamphlets, booklets, static signs and streamers, circulars, notices, bills or letters. Electronic communications includes, but is not limited to, radio, television, video, moving picture and cinema.

SEC. 7. *Ban On Sports, Cultural And Art Sponsorship.* - Three (3) years from the effectivity of this Act, cigarette and tobacco companies are hereby prohibited from sponsoring any sport, concert, cultural or art event as well as individual and team athletes, artists or performers where such sponsorship shall require or involve the advertisement or promotion of any cigarette or tobacco company, tobacco product or tobacco use, name, logo or trademarks and other words, symbols, designs, colors or other depictions commonly associated with or likely to identify a tobacco product or its manufacturer.

SEC. 8. *Ban on Free Samples.* – No person shall offer or distribute to the public free samples of cigarettes or any other tobacco product for purposes of promotion and/or advertising. This ban shall extend to non-tobacco products but is not limited to caps, t-shirts, sporting goods, cigarette lighters and other paraphernalia which display or bear cigarette brand names or logos of tobacco products and intended to be distributed for purposes of promotion.

SEC. 9. *Education.* - All elementary and secondary schools shall include as part of their health and science subjects, the teaching on the health risks

associated with cigarette smoking and tobacco use, including tips on how to say no to smoking or tobacco use.

It shall be unlawful for any person to sell or offer to sell, distribute, smoke cigarettes or otherwise use any tobacco product within a radius of fifty (50) meters from the premises of elementary and secondary schools, college and universities and other educational institutions and inside the confines of the said establishments.

All colleges and universities shall be encouraged to design and implement programs to promote consciousness in college students of the health risks associated with cigarette smoking and tobacco use.

The Secretary of Education, Culture and Sports and the Chairperson of the Commission on Higher Education (CHED), in coordination with the Secretary of Health, shall issue rules and regulations to effect the provisions of this Section, including administrative, non-penal sanctions for violations thereof.

SEC. 10. *Sale or Distribution to Minors.* – It shall be unlawful for any person to sell or distribute, gratuitously or otherwise, to a minor any cigarette or any other tobacco product. It shall not be a defense for the person selling that he/she did not know or was not aware of the real age of the minor. Neither shall it be a defense that he/she did not know, nor had any reason to believe that the cigarette or any other tobacco product was for the consumption of the minor to whom it was sold.

For the purpose of this Section, retailers of tobacco products are required to prominently place in the areas of their establishments, where cigarettes or tobacco products are sold, signs which shall indicate the minimum age requirement for the purchase of cigarettes or tobacco products and the proof of age requirement: *Provided*, That only cigarettes in closed packages can be sold to customers.

Vending machines, which dispense cigarettes or other tobacco products, shall likewise be prohibited.

SEC. 11. *Smoking in Public Conveyances and Enclosed Public Places.* – Cigarette smoking in all public conveyances and public places as defined in Section 3 of this Act is hereby prohibited: *Provided*, That smoking areas may be designated in airport terminals, seaport terminals, train terminals, bus terminals, restaurant, hotels, shopping malls, except in hospitals and medical clinics: *Provided, finally*, That such smoking areas shall have adequate ventilation and shall not be located within the same room which have been designated as a non-smoking area.

An employer and any person acting on behalf of an employer shall inform employees and members of the public of their prohibition and location of the designated smoking areas by posting clearly and visibly smoking and non-smoking signs as appropriate.

SEC. 12. *Actions Available To Victims Of Smoking.* – Any person who, as a result of smoking cigarette and other tobacco products, or due to constant inhalation of cigarette smoke exhaled by smokers contracted ailments such as, but not limited to, cancer of the lung and respiratory organs; hardening of arteries; and other serious illness derived from smoking may file a civil suit individually or collectively against the makers, manufacturers and sellers of cigarettes and other tobacco products for damages.

Sec. 13. *Implementing Programs.* – The Department of Health in coordination with the Department of Trade and Industry shall promulgate such rules and regulations necessary for the effective implementation of this Act within six (6) months after the passage of this Act: *Provided*, That in the event that the implementing rules and regulations are not promulgated the specific provisions of this Act shall be immediately executory.

Consistent with the provisions of this Act, the Department of Health shall likewise formulate and implement a program to inform the public of the dangers and harmful effects caused by cigarette smoking and the use of tobacco to human health, and to assist people who wish to stop smoking. He/she shall enlist the active participation of the private sector and the media in the national effort to discourage cigarette smoking and tobacco use, giving ample assistance, resource and support to private entities and non-governmental organizations (NGOs) engaged in the said campaign and in the monitoring of the compliance to all the provisions of this Act.

The Department of Agriculture, within six (6) months from the effectivity of this Act, shall formulate a program to encourage and assist tobacco farmers to diversify into the cultivation of food crops and other agricultural products to prevent their economic dislocation due to the decline in the demand for tobacco products. Funding for the implementation of this program may be sourced by the affected provinces from their fifteen percent (15%) share in the incremental revenue collected from the excise tax on tobacco products under SEC. 288 (B) and SEC. 289 of R.A. 8424, other wise know as the "Tax Reform Act of 1997."

To further assist tobacco farmers, government banks and financial institutions shall provide credit assistance to tobacco farmers who wish to diversify into other food or agricultural crops.

SEC. 14. *Penalties.* - For violations of Sections 4,5,6 and 7, by imprisonment from six (6) months to six (6) years and a fine ranging from Fifty Thousand Pesos (PHP50,000.00) to One Hundred Thousand Pesos (PHP100,000.00): *Provided*, That if the offender is a corporation, firm, partnership or association, the penalty shall be imposed upon its responsible officer or officers, and, if the guilty officers is an alien, he shall summarily be deported after serving his sentence, and shall forever be barred from re-entering the Philippines.

For violation of Section 8, imprisonment from thirty (30) days to six (6) months and a fine ranging from Fifteen Thousand Pesos to Thirty Thousand Pesos (PHP 30,000.00): *Provided*, That if the offender is a corporation, firm, partnership or association, the penalty shall be imposed upon its responsible officer or officers, and, if the guilty officer is an alien, he shall be summarily deported after serving his sentence, and shall forever be barred from re-entering the Philippines .

For violation of Section 9, paragraph 2, by imprisonment from thirty (30) days to six (6) months and a fine ranging from Fifteen Thousand Pesos (PHP15,000.00) to Thirty Thousand Pesos (PHP 30,000.00): *Provided*, That if the offender is a corporation, firm, partnership or association, the penalty shall be imposed upon its responsible officer or officers: *Provided, further*, That the additional penalty of the immediate cancellation of its corresponding permits and licenses which enable it to conduct business in the Philippines shall be imposed.

For violation of Section 10, by imprisonment from six (6) months to six years and a fine ranging from Fifty Thousand Pesos (PHP 50,000.00) to One Hundred Thousand Pesos (PHP 100,000.00): *Provided*, That if the offender is a corporation, firm, partnership or association, the penalty shall be imposed upon its responsible officer or officers: *Provided, further*, That the additional penalty of the immediate cancellation of its corresponding permits and licenses which enable it to conduct business in the Philippines as well as the immediate confiscation of the subject vending machine shall be imposed: *Provided, finally*, That if the violation of this paragraph is accompanied by the violations of the preceding paragraph, the penalty of imprisonment from six (6) years and one (1) day to twelve (12) years, shall be imposed with an additional fine of One Hundred Thousand Pesos (PHP 100,000.00)

For violation of Section 11, by imprisonment from three (3) days to seven (7) days and a fine ranging from Two Hundred Pesos (PHP 200.00) to Five Hundred Pesos (PHP 500.00): *Provided*, That the same penalties shall be

imposed upon the owner, operator or manager of the public conveyance or enclosed public place, his employee or agent or any law enforcement officer who knowingly allows smoking in the place herein mentioned, or for failing to post a "no smoking" sign in a conspicuous place therein: *Provided, further*, That convictions for violation of Section 11 shall also mean the cancellation of the certificate of public convenience and necessity of the owner, operator or manager of said public conveyance or enclosed public place: *Provided, finally*, That of the offender is a public officer the additional penalty of suspension for at least seven (7) days but not more than thirty (30) days shall be imposed.

SEC 15. *Appropriation.* - The amount necessary to carry out the effective implementation of this Act shall be charged against the current appropriation of the Department of Health and, where covered by specific provisions of this Act, the Department of Trade And Industry, the Department of Education, Culture and Sports and the Department of Agriculture. Thereafter, such funds as may be needed for its continued implementation shall be included in the annual General Appropriations Act of the concerned agencies.

SEC. 16. *Separability Clause.* - Should any provision of this Act be subsequently declared unconstitutional, the other provision not so declared shall remain in full force and effect.

SEC.17. *Repealing Clause.* - All laws, decrees, orders, rules and regulations, or any part thereof, which are inconsistent herewith are hereby repealed or amended accordingly.

SEC 18. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation in the Philippines.

Approved,