

test, I believe that those who are also applying for driver's license with the LTO should also be subjected to a drug test. Perhaps, this might be too radical, but also a suggestion that would require all elective officials to undergo a drug test before they file their certificates of candidacy. That might be bringing it too far but I believe that is really setting an example that we are serious about curbing the drug problem. That is just my personal impression.

**Senator Pimentel.** Mr. President.

**The President.** Sen. Aquilino Q. Pimentel Jr. is recognized.

**Senator Pimentel.** Mr. President, I am very sorry but that demands a reply. I thought that we could finish the discussion by forming a committee but this reply puts all of us under a cloud of doubt.

**Senator Legarda Leviste.** I did not mean it at all, Mr. President.

**Senator Pimentel.** I have not touched drugs in any manner at all. I do not even smoke, Mr. President. But I refuse to be dragged into a situation where, as a senator, I have to prove that I am not a drug user. For heaven's sake! That is the net effect of the suggestion of the Majority Leader.

Certainly, I oppose the subjection of the senators to any drug test as an unnecessary intrusion into their personal lives, Mr. President, unless there is a just cause. That is why I said, the thing to do here—so that we are not, as Senator Arroyo pointed out, panicked into a situation where the whole Senate will be embroiled unnecessarily into this question—is to create that committee. Let us find out who is responsible and narrow it down to the people who have sat there in that particular area in yesterday's session, Mr. President.

If some senators stand here at the expense of the other senators, I am sorry, but I have to make a reply as forcefully as I can—that the remarks are uncalled for and unjustified at this point of our discussion.

**Senator Legarda Leviste.** Mr. President.

**The President.** The Majority Leader is recognized.

**Senator Legarda Leviste.** Mr. President, may I respond to the Minority Leader's expressions.

There was no intention whatsoever in the statements of this humble representation. As clearly said, it was on a voluntary basis that I was allowing myself to be subjected to a drug test. In fact, this idea came long before the incident today. So it has no bearing

on the incident today. In fact, I mentioned that some of my staff have been undergoing a drug test since last year because I believe, and they themselves also believe, that it is the proper thing to do. But as I said, this is not really mandatory on the part of each individual.

**Senator Osmeña III.** Mr. President.

**The President.** Sen. Serge Osmeña is recognized.

**Senator Osmeña III.** Yes, Mr. President. I just would like to put on record, for the information of the members of this Chamber, that traces of *shabu* and other drugs disappear after 72 hours from the bloodstream. Therefore, if one is a drug user and he applies for a firearm license, what one has to do is to wait for 72 hours before one takes the drug test. So, that is absolutely a useless test as far as we are concerned.

The same is true if one applies for a driver's license. If he knows that he has to take a drug test on Monday, he abstains on Thursday and by Monday he will be cleared in any drug test that he undertakes. So, Mr. President, if there is going to be a test, it has to be done very suddenly and unannounced.

**The President.** All right. Can we now put this issue to rest?

The Chair wishes to announce that, first, he is directing the Secretary of the Senate to review the security measures in the Session Hall so that this incident will not be repeated or will be minimized, if not totally prevented. Second, the Secretary of the Senate already directed the investigation of this incident yesterday and will report to the Chamber, through the Senate President, as soon as the investigation is over.

Third, the Sergeant-at-Arms had made an Incident Report which we received this morning, and we can share this with the entire Chamber. If the members of the Chamber finds it interesting, we will share this with everyone. It is just a chronological report of what transpired.

So, I hope that puts the matter to rest.

The Majority Leader is recognized.

BILL ON SECOND READING  
S. No. 1859 — Labelling, Sale and Advertising  
of Cigarettes

**Senator Legarda Leviste.** Mr. President, I move that we consider Committee Report No. 7 on Senate Bill No. 1859 as reported out by the Committees on Health and Demography; Trade and Commerce; and Finance.

**The President.** Is there any objection? [*Silence*] There being none, the motion is approved.

Consideration of Senate Bill No. 1859 is now in order. With the permission of the Body, the Secretary will read only the title of the bill without prejudice to inserting in the *Record* the whole text thereof.

**The Secretary.** Senate Bill No. 1859, entitled

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

*The following is the whole text of the bill:*

Senate Bill No. 1859

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 Representatives 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 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 manufacture'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 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 college 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 cigarette 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 cigarette in closed packages can be sold to customers.

Vending machines, which dispense cigarette 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, otherwise known 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 (P100,000.00): *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 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 (PhP30,000.00): *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 (6) 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 if 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,

The President. The Majority Leader is recognized.

Senator Legarda Leviste. I move that Senator Flavie be recognized for the sponsorship speech.

The President. Sen. Juan M. Flavie is recognized to sponsor the measure.

SPONSORSHIP SPEECH OF SENATOR FLAVIE

Senator Flavie. Mr. President and my dearly beloved colleagues in the Senate.

Today, I stand before this Chamber again to seek support for the speedy passage of Senate Bill No. 1859, under Committee Report No. 7, 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.

This is not a new proposal. The Bicameral Conference Committee Report for this bill was ratified by the Senate in the Tenth Congress. Unfortunately, our counterparts in the House of Representatives were not able to act on our Bicameral Conference Committee Report until it died a natural death. During the last Congress, we also passed this same measure on Third Reading, but again, no counterpart version was enacted in the House of Representatives. Thus, we, collectively, have delayed the passage of a life and health saving legislation.

I do not want to state the obvious but let me show the larger picture which I hope will convince all to support this measure again

id not let it languish in the filing cabinets of our Bills and  
index Division.

More than 70,000 scientific studies link smoking and tobacco  
use to some 30 diseases, including heart disease and cancer.  
Recent studies also associate smoking with several types  
of cancer not associated with smoking and with a range of  
childhood illnesses, including asthma, ear infections and sudden  
infant deaths.

More studies document the relationship between  
smoking and decreased lifespan. Significantly, the US Food  
and Drug Administration (FDA) determined in 1995 that  
nicotine in cigarettes was "addictive," even more addictive  
than known drugs like heroin, cocaine and marijuana. The FDA  
subsequently ruled in 1996 that cigarettes must be regulated  
and that tobacco companies must educate children and  
adolescents about the dangers of cigarettes and smokeless  
tobacco. This became a major breakthrough for health officials  
and anti-smoking advocates.

In the early part of 1997, an American tobacco firm,  
B&W T Co., admitted that it had always known—but publicly denied—  
that the nicotine in cigarettes is addictive. This confession  
led to countless lawsuits forcing the three big US tobacco  
companies, Philip Morris, RJR Nabisco, and British-American  
Tobacco, to enter into a settlement with the government  
worth US\$368.5 billion to cover claims and pay for anti-smoking  
programs. Apparently not content, the US Senate has  
proposed a legislation that would make the industry pay more:  
US\$10 billion now and US\$506 billion over 25 years.  
Moreover, damages for individual claims would be pegged at  
US\$6.5 billion annually instead of US\$5 billion plus, the industry  
will not be given immunity from other lawsuits. The most recent  
development on lawsuits versus the tobacco industry happened  
sometime in February 1999, when a US jury ordered Philip Morris,  
Inc. to pay a former smoker with inoperable cancer, US\$50  
million in punitive damages.

Recent research shows that the European Union's plan to  
phase out all tobacco advertising in Europe will reduce overall  
consumption by around 7 percent across the countries of the  
European Union.

As the chairman of the Committee on Health and Demography,  
I cannot comprehend why in our own country, no law exists to  
address the public health hazard that is smoking. Nevertheless, I  
remain optimistic that the Twelfth Congress will put an end to this  
prehensible state of affairs. There is no reason for us to remain  
indifferent in the face of major global changes on attitudes toward  
smoking and tobacco use. Our children and people deserve no  
less than the best of policy for health and development.

It is obvious that our country lacks a consistent government  
policy on smoking. On the one hand, it has carried out education  
and information drives against smoking. On the other hand, it  
has offered incentives to tobacco growers to produce more of the  
toxic product. Just recently, we allowed Philip Morris to set up a  
US\$300 million plant to make more of this poison. While the  
government wants to protect the people from tobacco, it  
also wants to generate and utilize badly needed revenues from  
the tobacco industry.

We have to draw the line somewhere.

We can start by opening our eyes to the many scientific  
studies, which have established that cigarette smoke is a more  
serious public health hazard than emissions from buses and  
factories. Let us recognize that cigarettes contain over 4,000  
chemicals, 43 of which have been proven to be carcinogenic or  
cancer-causing.

And let us look at the casualties. According to the American  
Heart Association, smoking has killed more people than the  
two world wars put together. It is the single leading preventable  
cause of death in the United States killing more than 400,000  
Americans each year. Our own Department of Health estimates  
that on the average, there are 20,000 smoking-related deaths  
every year in the Philippines or more than two Filipinos dying  
every hour due to smoking related diseases. In addition, 13,778  
new cases of lung, bronchial, oral and nasopharyngeal  
cancer have been diagnosed every year due to smoking in the  
Philippines. In 1998, tobacco was responsible for more than  
4,000,000 deaths. Currently the majority of these deaths are in  
the developed world, but within 20-25 years, 70 percent of the  
deaths will be in the developing world and the number being  
killed annually by tobacco will be 10 million. It is estimated that  
as of last year, 62 million persons worldwide have died of diseases  
caused by cigarette smoking.

Not surprisingly, the United States, Canada, Australia, and  
many European countries such as Britain, France, Norway and  
Finland have long passed legislation to curb tobacco consumption  
in order to protect their citizens from its many hazards. Prime  
Minister Tony Blair recently allocated 100 million pounds to assist  
British smokers to quit because of the cost effectiveness of  
getting people to stop smoking. In Asia, nine out of 15 countries  
have already enacted strong anti-smoking laws.

Until Senate Bill No. 1859 is enacted into law, the Philippines  
will remain impotent in terms of protecting the Filipino people  
against the hazards of tobacco. Until we enact a strong anti-  
tobacco legislation, our country will continue to be the dumping  
ground of tobacco manufacturers which exploit markets where its  
deadly products are not regulated.

It is true that many local government units have already passed ordinances banning smoking in public places within their territorial boundaries in response to a Clean Air Act provision which prohibits smoking in enclosed public places. Unfortunately, these are not enough as they only address one aspect of the problem. We need to transform these initiatives into a comprehensive national legislation. This way, anti-tobacco policies will gain not only strength and effectivity but also permanence.

Local governments can only do so much. They cannot compel tobacco companies to label their products. They certainly cannot regulate the advertising of cigarettes. We in Congress can, so let us do our share.

This proposal has been opposed by advertisers and the tobacco industry for being radical. I cannot agree more with how they describe the bill. It is so because it needs to be so. We are waging a campaign to prevent senseless deaths and diseases associated with tobacco use and abuse which, among others, include lung cancer, fetal abnormalities, emphysema, genetic deficiencies and cardiovascular diseases. We need to take action against the only legal product that, when used as intended, is lethal. The passage of this bill is therefore necessary if we are to save Filipinos from contracting deadly diseases and ultimately dying from smoking.

The objective of this proposal is foremost to protect the health of children and adults from exposure to the harms of smoking. The objective of this proposal is not to curtail the rights of smokers to smoke. Neither is it our intention to attack those who, by tradition or by lack of other suitable crops, grow tobacco in their fields. In fact, smokers are still allowed to smoke in designated areas as provided for in this Act. But if they want to quit, the Department of Health must assist them. Likewise, the Department of Agriculture and our financial institutions shall assist tobacco farmers who may wish to grow other crops.

One of the highlights of the proposal is the regulation on the labelling, sale and advertising of cigarettes. As such, it will become mandatory to adequately label the packs of cigarettes with different health warnings to caution the people on the hazardous effects of smoking on their health. Along this line, I am happy to note that the Supreme Court recently decided in favor of government by affirming the earlier administrative order requiring the placement of health warnings in the front and back panels of cigarette packs. Cigarette advertising shall likewise be regulated by requiring the placement of the health warnings in all tobacco ads within a two-year period after which a ban will be in place. The public supports this particular provision as evidenced in a survey conducted by the Social Weather Station. In that survey, 72 percent of those polled said that tobacco products, like cigarettes, should be

banned by law from advertising on mass media like newspapers, radio or tv.

An advertising ban is particularly important in light of the fact that smoking is a communicated disease especially among minors. It is communicated through advertisements. It is equally important to note that numerous evidences gathered from the tobacco industry reveal that the youth are the special targets of tobacco advertisers. Here is what they say:

Advertising and promotions should be aimed at entry level smokers to keep the franchise young and dynamic.

And it continues:

Young adult promotions could help us build the king-size franchise among entry-level smokers... Parliament Menthol could be a line extension to broaden appeal to younger smokers and women.

This was sourced from the 1990 Regional Overview of marketing opportunities by Philip Morris Asia as quoted in the Keynote Address of the World Health Organization Director General for the International Conference on Children and Tobacco, March 17-19, 1999, Washington, D.C.

The most recent evidence shows that a "limited set of bans has little or no effect" whereas a "comprehensive set of advertising bans can reduce tobacco consumption." The source of this is Saffer and Chaloupka, February 1999, National Bureau of Economic Research in Maine, USA. Countries such as Australia, New Zealand, Norway, Singapore, Malaysia and France have realized these and have immunized their children against the smoking epidemic by imposing a ban on cigarette advertising and promotions. We have to do the same if we want to succeed.

Moreover, if enacted into law, the proposed measure particularly shall: 1) prevent children from being induced to smoking by prohibiting cigarettes sales to minors; banning the distribution of free cigarette samples; making it unlawful to sell, distribute, smoke cigarettes within the premises of elementary and high schools; banning the operation of cigarette vending machines, and educating children on the hazards of smoking; 2) protect non-smokers by prohibiting smoking in enclosed public places and in public conveyances; 3) inform smokers of the risks by requiring the placement of bigger health warnings on the packages of tobacco products and requiring cigarette manufacturers to disclose information about the toxic contents of their cigarettes.

Let me underscore that all these are not really novel ideas. They have been tried and tested in other countries and have



proven to be able to help significantly reduce the incidence of smoking and therefore prevent diseases and deaths.

It is true that cigarettes and tobacco leaf exports play a role in our economy by generating jobs and revenue. But economic calculations in many countries now show that the overall costs of smoking and tobacco use far outweigh whatever perceived gains we derive from it. Medical costs alone for the treatment of smoking-attributable diseases for 90,000 people already amount to nearly P16 billion, not to mention the billions of pesos more lost in non-productive hours.

In addition, the best available research shows that where smoking declines, there is an increase in jobs within the economy because the available money is spent on purchasing other goods that require more employment inputs. Furthermore, there should be no compromise when it comes to the preservation of our people's health, and the containment and eradication of the single most serious threat to our people's health and the quality of their lives.

Our Constitution seeks to promote the right to health of the people and instill health consciousness among them. We are merely doing what the basic law of the land demands of us. To help us better achieve this, a comprehensive program must be instituted, as a matter of official government policy, to safeguard public health and ensure the physical well-being of smokers and non-smokers alike by discouraging cigarette smoking and tobacco use.

In closing, Mr. President, I would like to thank the cosponsors of Senate Bill No. 1859 whose bills have been incorporated into this present bill: Senator Legarda Leviste, Senator Villar Jr., Senator Ejercito Estrada, Senator Sotto III and Senator Ople, as well as my coauthors Senator Aquino-Oreta, Senator Angara, Senator Arroyo, Senator Barbers, Senator Biazon, Senator Cayetano, Senator De Castro, Senator Drilon, Senator Jaworski, Senator Honasan, Senator Lacson, Senator Magsaysay, Sen. John H. Osmeña, Sen. Jorge R. Osmeña III, Senator Pangilinan, Senator Pimentel, Senator Recto and Senator Revilla for heeding the call to unanimously support the passage of this very important measure.

Now rest assured that we, in the Senate, are united in our desire to safeguard the health and welfare of our people.

*Maraming salamat po*, Mr. President.

**The President.** The Majority Leader is recognized.

**Senator Legarda Leviste.** Mr. President, for interpellation, the Minority Leader wishes to be recognized.

**The President.** The Minority Leader is recognized.

**Senator Pimentel.** Mr. President, will Senator Flavie kindly allow a few questions?

**Senator Flavie.** With pleasure, Mr. President, to the man who introduced a very important provision in this bill; namely, Section 12 on the legal suits for the companies which have deprived them of their life and health because of smoking.

**Senator Pimentel.** I am tempted to sit down already, Mr. President, with that...

**Senator Flavie.** That is the intention, Mr. President.  
[Laughter]

**Senator Pimentel.** Nonetheless, I would like to ask the senator if smoking has any adverse effect on the height of the smoker.

**Senator Flavie.** Yes, Mr. President. In fact, I will be honest with the gentleman. My height was impeded because when I was shorter, I used to smoke. But let me explain that.

In the College of Medicine, we are supposed to have gloves for the cadaver dissection but that is very cumbersome. So we used to remove the gloves and the formalin would eat on our skin and when we eat, we smell the cadaver as though we were smelling the food. The only effective way to counteract the smell is to smoke and blow the smoke on my hands, thus addicting me to the smoking. However, later on, I had to stop because my wife was allergic to the cigarette smoke and it was a difficult choice which one to give up. [Laughter]

**Senator Pimentel.** All right. I would like to thank the gentleman for that answer.

Now, seriously, when we speak of banning, we are talking here of banning smoking in certain places, Mr. President?

**Senator Flavie.** Yes, Mr. President.

**Senator Pimentel.** All right. How do we enforce such a ban, for example, in a public restaurant? What do we expect the restaurant owner to do especially if it is an air-conditioned restaurant?

**Senator Flavie.** Yes, Mr. President. This was an issue that was very, very heatedly discussed especially represented by the Restaurant Association of the Philippines. They maintain that it will be expensive to put a barrier that will enclose those that would be smoking. But I have to insist on that because the problem is, these tables are for non-smoking and across the aisle are tables that are for smoking. The smoke permeates immediately.

Therefore, in this Act, if it is not clear, we have to make it clear. The intention is to have the smoking section completely enclosed, separate from those who are not smoking.

**Senator Pimentel.** And I suggest with no ventilation out, Mr. President.

**Senator Flavier.** Does the gentleman mean no ventilation from those who smoke?

**Senator Pimentel.** That is correct.

**Senator Flavier.** Well, that will be consistent with my view—that those who are smoking should be allowed to smoke, to inhale it, but they should not be allowed to exhale. *[Laughter]*

**Senator Pimentel.** Which is probably a good solution to the problem of second-hand smoking, Mr. President.

But nonetheless, kidding aside, I notice that most, if not all, airlines now which travel long distances and even the short distance routes in the Philippines, already banned smoking.

Apparently, I know for a fact that this has been a help for some smokers in the Senate who used to go to Qatar or Geneva for regular ILO conferences. But, apparently, it can be done over a 13-hour flight period, that even smokers who are placed in a circumstance where they have no choice but to comply will finally succumb to the inevitable, as it were.

**Senator Flavier.** That is a correct information, Mr. President. But the debate started with the short term. They defined it, first, that two-hour flight will not be allowed, then this was increased to five to six hours. And the claim originally was that the riders will decrease or will affect the business of the airlines. But this was not so when they increased it to eight hours and now to completely ban it. And this is now the norm worldwide.

**Senator Pimentel.** The gentleman also mentioned in his sponsorship speech that places near public schools, elementary schools and high schools, et cetera, would also be banned from selling cigarettes or probably even providing for smoking rooms, I suppose, especially if the purpose is to prevent the young from being contaminated into the habit of smoking.

Now, our problem again is how to enforce such a regulation, Mr. President.

**Senator Flavier.** That is true, Mr. President. That is why we have to start with the banning of the sale near the schools and for this, I propose that there be certain implementing rules and regulations so that it will be very specific, and also to ban now the

establishment of vending machines and also prohibit the distribution of free sample of cigarettes in very small packs of three or four so that we can contain this. But the idea is to start with 50-meter radius and this will be consistent with a similar ordinance regarding selling of liquor.

**Senator Pimentel.** Yes, alcohol. That would be a good idea and rather than leave it to the implementing rules, Mr. President, probably the better way would be to put it already in this bill that tobacco establishments are prohibited from being set up within 50-meter radius of any school.

**Senator Flavier.** That will be most welcome, Mr. President.

**Senator Pimentel.** That would probably be a better idea rather than leaving it to the implementing rules, Mr. President.

Do we have any statistics in this country, Mr. President, as to how many people have been afflicted by addiction to cigarette smoking?

**Senator Flavier.** Yes, more or less, Mr. President. The standard statistic that is bandied about is 20,000 cases dying every year or at an average of two Filipinos dying every hour. However, the more important statistics being gathered—although we do not have the exact figures—are diseases not directly related. For example, there are those that are related to the sudden death of children, and this will be a warning to the mothers. But here we have tentative figures on Filipinos who suffer from diseases caused by this phenomenon.

There are 252,640 Filipinos who will suffer from various diseases in a year. These will include 3,318 cases of lung cancer; 61,863 cases of chronic obstructive pulmonary diseases; 89,391 cases of coronary artery diseases; and 97,888 cases of stroke or cerebrovascular diseases. Nearly 80 percent of these cases will be males in their productive years of life, and approximately 5 percent of these or the 20,000 I earlier alluded to will be fatal, Mr. President.

On the tables of each senator, I took the liberty of distributing a white paper on cigarette smoking, and each will find that in some of the pages, there are very interesting statistics that each may want to peruse, Mr. President.

**Senator Pimentel.** More than the statistics, Mr. President, I like some of the pictures in the white paper because they are uncensored pictures.

**Senator Flavier.** Yes. That is why it shows that advertising is very effective, because if these pictures attracted Sen. "Nene" Pimentel, they must be good.

**Senator Pimentel.** Even if I am not a smoker.

Mr. President, the success of the prosecution against cigarette companies in the United States was primarily based on the consideration that a lot of public money is being used precisely for the health care of cigarette addicts. And I wonder if in this country we already have enough statistics to show that cigarette addicts are being taken care of in public hospitals, and this and that amount is spent every year for their health problems connected with smoking, Mr. President.

**Senator Flavier.** Yes, Mr. President. The one that I usually cite are figures that would also compare the relative economic returns; and that is, they claim that there are about P20 billion that accrues to the government because of the tobacco industry, which is a very impressive figure.

**Senator Pimentel.** P20 billion per annum?

**Senator Flavier.** Per annum, Mr. President.

**Senator Pimentel.** Is that right?

**Senator Flavier.** But we must now equate that with the fact that a total of P46 billion or more than double is estimated to be lost due to smoking, distributed in terms of P27 billion on health-care cost, productivity lost due to premature deaths at P18 billion, and almost P1 billion worth of expenses will arise from productivity lost due to illness. These are rough figures, Mr. President.

**Senator Pimentel.** I am more interested in the cost to health care because obviously this money is public money, and certainly, the State has an interest to make sure that unnecessary expenses connected with tobacco-related deaths should be avoided as much as possible.

So I wonder if we can firm up these statistics to focus on health-care services afforded to the tobacco addict, Mr. President.

**Senator Flavier.** Yes, Mr. President. The figure that we are using is P27 billion annually spent on health care. But if the distinguished gentleman wants to piece that down to details, the rough figure that the Department of Health uses for the treatment of this disease is about P90,000 per person, especially when it reaches the point of lung cancer and the chronic obstructive pulmonary diseases, they are very expensive to treat.

**Senator Pimentel.** I would assume that the data that were mentioned would be related to the treatment of ordinary, meaning to say, ordinary cigarette smokers—by “ordinary” I mean not well-to-do cigarette smokers—because it is the

ordinary tobacco addict who would need some support from the State for purposes of his medication. Would that not be true, Mr. President?

**Senator Flavier.** That is a correct assessment, Mr. President. In fact, these data were collected by the Department of Health and by and large, these are from the hospitals that they operate, and it stands to reason that majority of it, if not all, are from the classes that the distinguished gentleman alluded to.

**Senator Pimentel.** Mr. President, the ban against tobacco advertising would be worded in what manner? How would the ban against tobacco advertising appear in the bill that we are proposing for enactment?

**Senator Flavier.** Well, let me start by saying that the ban against tobacco advertising will commence two years after the approval of the bill or the enactment of this bill to give them a chance to phase out. But if the gentleman is referring to the way the wordings appear on the pack, there is already an administrative order that, by coincidence, is Administrative Order No. 10 which I promulgated when I was the secretary of Health. This, by the way, was brought to court by the Philippine Tobacco Institute.

**Senator Pimentel.** They challenged it, Mr. President?

**Senator Flavier.** They challenged the constitutionality of this particular administrative order that I made, and it took eight years for it to pass through the levels until it reached the Supreme Court. Happily, by a happy coincidence, two weeks ago, the Supreme Court sustained the police powers of the government and especially the greater-good doctrine. Therefore it is now going to be the frame of reference.

To answer the gentleman's question, it will mean that there will be no more microscopic warning on the edge. Instead, there will be warnings on a cyclical basis. In other words, several messages that will appear on both the front and the back that will measure one third of the whole surface.

**Senator Pimentel.** On the packet of these cigarettes.

**Senator Flavier.** On the packet, yes, Mr. President.

**Senator Pimentel.** During the interim period—the two-year period—of winding up, what kind of advertising, would the gentleman still allow over, let us say, television or radio, for that matter?

**Senator Flavier.** Yes. That is a valid question, Mr. President. Again that administrative order has certain guidelines that have to be followed as the minimum requirement before banning. That

is, in the TV, for example, there must be a warning at the end of the cigarette advertisement which will be of a certain size and a certain duration of time. This, by the way, is being grossly violated because it is a fraction of a minisecond that they use. It is a token observance. This we must correct, Mr. President. But, that would be allowed within the two-year period.

In terms of print, Mr. President, they have been much more faithful, but even the size is still not within the legal measurements that I promulgated eight years ago.

Senator Pimentel. May I just clarify this point, Mr. President. Apparently, when the gentleman was the secretary of Health, from what I gather from his responses, he had issued an administrative order.

Senator Flavier. Yes, Mr. President.

Senator Pimentel. Defining the kind of advertising.

Senator Flavier. Yes, Mr. President.

Senator Pimentel. Is it my understanding that the Supreme Court had upheld that right of the secretary to define the kind of advertising which the cigarette manufacturers will have to follow?

Senator Flavier. Yes, Mr. President. And the source of this is the fact that, if I must be candid, it was not a smoking-ban legislation. The basis for my action was a line in the consumers' law, that the gentleman had a hand to pass, that alluded to the need to safeguard the health of the people. I used that to introduce those guidelines which the Philippine Tobacco Institute questioned. Fortunately, I said the Supreme Court sustained my view because it felt that this was consistent with this Consumers' Act provision on Article 94 that the gentleman is very familiar with because he had a hand in crafting this very important consumers' bill.

Senator Pimentel. I would like to put on record, Mr. President, my words of congratulations to the sponsor because unlike other bureaucrats who would want to find a provision of law explicitly supporting what action they would take in their departments, he had taken the initiative to craft this administrative order based on a provision of the Consumer Code that may not even exactly be direct to the point that it is about tobacco but he was able to use it to the advantage of the people of this country, for the good of the people of this country, for their welfare which is a very good thing. Because truth to tell, sometimes as a senator, we get exasperated by people who come to us to ask us if they can do this or do that, asking that every aspect of life in effect be reduced to a provision of law, which is not at all possible.

So, I would like to place on record my own congratulations. I speak for the Minority in this case to congratulate the gentleman.

Senator Flavier. Thank you very much for the kind words, Mr. President. The Majority already told me their congratulations before I read my sponsorship speech.

Senator Pimentel. Yes, Mr. President.

Senator Flavier. Thank you, Mr. President. But I just want to respond by saying that as a result of that attitude of mine which was "Let's DOH it," I received 12 court suits. But fortunately, we won almost all because the greater good is supposed to be the supreme law of the land.

Senator Pimentel. Yes, Mr. President.

Senator Flavier. *Suprema lex*... I do not know the other lines.

Senator Pimentel. I must again put on record my appreciation for what the gentleman has done. But apparently, in the 24-man Chamber of the Senate, the gentleman is not that successful. There is still a need for a more thorough and effective drive against smoking in the Senate.

Thank you very much.

Senator Flavier. Thank you, Mr. President. I just want to mention that those whom the gentleman is referring to are both in the Minority and the Majority.

Senator Legarda Leviste. Mr. President, Sen. Joker P. Arroyo wishes to interpellate.

The President. Senator Arroyo is recognized.

Senator Arroyo. Mr. President, the proposed bill banning smoking in certain places has its antecedents in the City of Makati which is my former constituency. I am very happy that this bill is introduced. But much of it would depend upon its enforcement, as the Minority Leader said.

If the government is really serious about trying to reduce cigarette consumption—considering that from the information I got from Senator Recto who is the Ways and Means Committee chairman, the government collects P28 billion from cigarette taxes. We have the situation where the government collects P28 billion, that is a lot of money—at the same time we will also try to discourage the smoking of cigarettes.

Would it not be more prudent for the government to make

cigarettes unaffordable to minimize the consumption? Would the distinguished expert respond to that?

**Senator Flavie.** There are three reactions, Mr. President, which are all very important. I validate the statement of the good senator that Makati was in the forefront of this kind of initiative to do something about the problem. I also want to make of record the actions taken by the government of Quezon City, led by our colleague, Sen. Tito Sotto.

Regarding the policy of the government, I must be very candid. It is very mixed. In fact, during the budget hearing of the Department of Health, I asked the secretary of Health this very pointed question. I said, "What is the administration's policy on smoking?"

To be fair to him, he was having a hard time to answer but he made a mistake of answering this way: "Personally..." And I cut him by saying: "No it cannot be personally. You are the alter ego of the President on this matter and what you say must represent the whole administration and not your personal view."

He honestly admitted that there is this kind of ambivalence because, on the one hand, the Department of Health is dedicated to do something to control this. On the other hand, as exemplified by this Batangas project, there is a huge Philip Morris project of a new cigarette company that would produce cigarettes worth US\$300 million.

The last or third point of the distinguished gentleman is very interesting because the current studies, Mr. President, show that above all of these, in my bill the single most effective way to control tobacco smoking is through taxation. Meaning, if we make the price high for every 10 percent increase on the tax imposed, there will be a reduction of 4 percent to those who will smoke. Unfortunately, this kind of legislation can only emanate from the Lower House. The good news is that there is one brave congressman in the Lower House who has filed this bill to make it higher.

The other concomitant positive result of this, Mr. President, is that those who would desist from smoking are those from the lower-class level of the society and therefore, the bigger number who are smoking, meaning those who cannot afford, will be the ones hardest hit and will be the ones who will stop smoking.

**Senator Arroyo.** Thank you, Mr. President.

Mr. President, here is the picture. The President of the Philippines goes to Batangas, then inaugurates the Philip Morris cigarette plant and announces that we should welcome this project because it will earn revenues, etcetera. But we know very

well that that plant would be producing cigarettes which are hazardous to health.

We have the government, on the one hand, encouraging the establishment of a cigarette plant and then on the other hand, we have this problem of how to curtail, in fact, the consumption of cigarettes not only because it is not good for the health of the individual, but also because it affects those who do not smoke.

Senator Flavie has opened our eyes to the dilemma we face. Do we cut consumption through taxation which is the best way to minimize consumption, or just let it be and then try to enforce it through the bill that Senator Flavie has introduced?

Would that solve the problem or would it only minimize the problem, Mr. President?

**Senator Flavie.** Let me be very candid, Mr. President. The ideal would be all of the above—all that I have mentioned plus the taxation. However, because of the nature of our legislative process, I cannot be allowed to put in the taxation because of that.

**Senator Arroyo.** Yes, of course.

**Senator Flavie.** However, in answer to the question of the distinguished gentleman, having this alone would probably account for, say, 70 percent all told and the rest, the 30 percent, we shall take care after the taxation. The figures are not well-studied but these are the best "guesstimate," Mr. President.

**Senator Arroyo.** Thank you very much, Mr. President. Thank you very much, Senator Flavie.

**Senator Flavie.** The gentleman is welcome.

**The President.** Just for the clarification of the Chair.

When the gentleman says 70 percent, is he saying that this measure will reduce the smokers by 70 percent?

**Senator Flavie.** No, Mr. President. If we were to make a reduction, the reduction will be 100 percent. And of that reduction, my best guess is that 70 percent may be covered by this bill and the 30 percent would be by taxation.

**The President.** All right.

**Senator Legarda Leviste.** Mr. President, for his interpellation, Sen. Sergio R. Osmeña III wishes to be recognized.

**The President.** Sen. Sergio R. Osmeña III is recognized.

**Senator Osmeña III.** Thank you, Mr. President.

Will the distinguished gentleman from the Cordilleras yield for a few questions?

**Senator Flavier.** With pleasure, Mr. President, from the one I dreaded because he called me "distinguished," I will be extinguished by the time we are through. *[Laughter]*

**Senator Osmeña III.** Not necessarily, Mr. President. This is our third round on this particular bill.

**Senator Flavier.** Yes. That is true.

**Senator Osmeña III.** The Senate passed this on Third Reading in the Tenth Congress, in the Eleventh Congress and in the Twelfth Congress.

**Senator Flavier.** That is accurate, Mr. President.

**Senator Osmeña III.** And I guess we will have to keep on doing so until the end of our terms.

**Senator Flavier.** Yes. And for the record, the distinguished senator was fully supportive of the previous initiative, Mr. President.

**Senator Osmeña III.** I would like to make a slight correction about the comments earlier of the senator from Cagayan de Oro who said that as a member of the Minority, he is with the Majority on this bill. There are only five smokers in the Senate. We are in the Minority on this particular issue. *[Laughter]*

Mr. President, earlier I heard the gentleman say that higher taxation would tend to solve the problem of discouraging people or cutting down on smokers in this country. Did I hear the gentleman correctly?

**Senator Flavier.** That is correct, Mr. President.

**Senator Osmeña III.** Is there any evidence to this effect either here or in other countries?

**Senator Flavier.** There are several empirical studies made especially in the United States to this effect. The World Health Organization has also advised me that this has already been established through empirical studies, Mr. President.

**Senator Osmeña III.** I think those studies would be valid, Mr. President, if we are talking about the United States and countries which have very strict customs procedures.

But in this country, Mr. President, if we raise tobacco beyond the reach of the consumers, the smugglers come into play. And this has been our experience with any product.

The blue seal phenomenon was opposite. It was more expensive. People were willing to pay more because it was of a higher quality.

But in any product for which there is almost an inelastic demand, like rice and cigarettes, if the prices are high enough to merit smuggling the same product or even better-quality products from countries at a lower price, the taxation angle will not work.

In the United States, it is not easy to smuggle anything. One goes to jail. In this country, if one smuggles, he gets elected governor and mayor.

So, what I am saying is, while this particular observation of the gentleman is that higher taxation tends to bring down the consumption of cigarettes and other tobacco products in the developed countries, my opinion, Mr. President, is, it will not work in this country because of the porousness of our geographical boundaries.

**Senator Flavier.** That is a very real problem that we have to face in terms of...Unfortunately, we have no studies in the Philippines yet. But the gentleman's point about the smuggling angle and the porousness is...

**Senator Osmeña III.** We do not make any studies. I mean, it has happened time and again in other products and the moment... Mr. President, for example, if one takes a P40 per pack cigarette product, let us say, theoretically, add a P300-tax per pack and make that pack cost P340 at the retail level, we will find that the cigarettes that are manufactured in China or in the United States are going to find their way to our shores without having to pay that P300-tax.

**Senator Flavier.** That is a very big possibility, Mr. President.

**Senator Osmeña III.** It is not a possibility, Mr. President. It is a probability. It is an absolute probability because it has happened in the past and it keeps on happening today in rice, in sugar, in tires and in fertilizer. I mean, it happens everyday which is why in our economic-planning sessions, we have always tried to bring down the cost of doing business in this country. Because the temptation to bring in smuggled products is great when the rewards are great.

At the height of sugar shortage in 1998, Mr. President, when the world market prices for sugar dived to \$.04 a pound for refined sugar—No. 11 on the Chicago Future Exchange—and our cost of production—the equivalent of P26 to \$1—was about \$0.17 or \$0.18 cents a pound, the smugglers were having a field day because when we had that shortage locally, and sugar prices were going up from P15 per kilo to P20, P25, P30 per kilo. And the

smugglers computed that if they smuggle in three shiploads and two of those ships got caught, they would still make money on the remaining ship *na nakalusot*.

So, if the economic rewards are there, Mr. President, believe me, it will happen. It is an absolute certainty that it will happen.

But barring that, Mr. President, I commend the gentleman again for his persistence in passing this bill. Earlier, the gentleman did mention in his speech that the government has just probably bestowed tax benefits or tax incentives on a \$300-million cigarette factory that is being constructed by Philip Morris, which is the company that manufactures the most popular brand of cigarette in the world—Marlboro cigarettes—which is, by the way, what I smoke.

Would the gentleman know how much exactly the government stands to lose in tax incentives granted to Marlboro?

**Senator Flavio.** During the hearing, Mr. President, this issue came up, but the officials could not be more precise. They promised to give me more figures but they have not yet done it. All I can report is an oblique answer and that is, first, they told me that in terms of employment it will not do very much because this will be so mechanized to a point that the whole project of \$300-million will only employ, I understand, no more than 250 persons. Second, I was also informed that the agreement calls for the construction of a building that will require standards that would mean importation of practically all the materials, including every barren nail, and therefore, will negate some of the economic gains we were trying to establish. But the taxation incentives have not been given to me. I will be happy to...

**Senator Osmeña III.** But did they admit they have granted incentives to Marlboro?

**Senator Flavio.** They did not go that far, but they said there were incentives, Mr. President.

**Senator Osmeña III.** Well, Mr. President, it would seem to me—just off the top of my head—that since Marlboro is already being manufactured in China... As a matter of fact, what is known as fake Marlboro cigarettes are selling very well here in the blackmarket. It is cheaper, of course, than the US-made cigarettes. But if it already has a facility in China and seeing that there is handling and transportation expense, if such a gigantic factory were to be utilized to produce cigarettes for the other countries in the ASEAN region, I would tend to imagine that its main market would probably be the Philippines.

So here, we are establishing or we are giving tax incentives to

a manufacturer of cigarettes that intends to manufacture cigarettes for consumption or for smoking in the Philippines. Is this proper, Mr. President?

**Senator Flavio.** Well, that confirms my earlier remarks that our policies are ambivalent, Mr. President. It needs to be clarified.

**Senator Osmeña III.** The gentleman means schizophrenic?

**Senator Flavio.** Yes, that is the scientific medical term, that is appropriate, Mr. President.

**Senator Osmeña III.** Before we can even consider this bill further, Mr. President, it might be proper for the members of the Majority to talk with their fellow PPC members in Malacañang so that the right hand will know what the left hand is doing. I feel a little bit strange in helping push a bill when on the other hand Malacañang is giving tax incentives. I would have no problems if our policies were geared to help our indigenous growers of tobacco in the Ilocos Region for example, and some places in the Visayas and Mindanao. But not to give a new cigarette factory tax incentives to produce cigarettes for sale to Filipinos.

So, Mr. President, perhaps the distinguished chairman of the Health and Demography Committee could at least sit down with his counterpart in the Executive department to find out what is what.

**Senator Flavio.** Yes, I will be happy to do that, Mr. President.

**Senator Osmeña III.** And I would like maybe for him to make a formal request already to the BOI and to the Department of Finance on exactly how much incentives we are going to give this new cigarette manufacturer or this new cigarette manufacturing facility. Because I think that would be criminal for us on the one hand to be putting a clamp on the users of tobacco products and on the other hand for the government to be taking money out of the taxpayers' pocket by practically subsidizing, through tax incentives, manufacturers of cigarettes in the Philippines.

**Senator Flavio.** I like those two excellent suggestions, Mr. President. One, for me to sit down with my counterpart, the Department of Health secretary, which I already started by insisting on a written administration policy so we can have a starting point. Two, the gentleman's suggestion about the incentives granted by the BOI should be a transparent, open document, that I will make sure we would get and distribute to the whole members of the Senate.

**Senator Osmeña III.** Mr. President, in a situation such as this, tobacco is an economic product so we look at the supply side and the demand side. And the supply, of course, of tobacco comes

from the manufacturers. And the tobacco itself is in turn grown by farmers whether in the Philippines or abroad. On the demand side, are the consumers, the users of cigarettes, cigars, piped tobacco and other such products.

Now, on the demand side, Mr. President, perhaps, it is my experience as an on-and-off smoker, and believe me, it is very easy to stop smoking. I do it every night before I go to sleep but when I wake up I take it up again. But, it is really difficult for a smoker, someone who has taken up the habit, to easily give it up. But it is far easier to prevent the young men and women in their teens today to take up the habit. And what I would like to propose that the committee consider is to spend money on anti-cigarette ads, maybe 15-30 seconds TV clips to show the effects of smoking. Because it would be easier to ask, to scare the 13, 14, 15-year olds into not even try to smoke rather than to spend money on ads to tell somebody who has already been smoking for 30 to 40 years to stop smoking. We all know smoking causes cancer or tends to cause cancer; we all know that it causes respiratory illnesses; and we all know it can cause heart disease. But then, the addiction is usually more difficult to overcome. So, I hope that the money will be concentrated on spending for ads that will scare the youth from even daring to take up smoking. Will the gentleman consider that?

**Senator Flavier.** That is an excellent idea, Mr. President. And that is something that will be in keeping with what the DOH would like to do. And if the gentleman can help me craft it especially to make sure that the wherewithal is made available.

And the good news is that, at least in my talks and during the hearings, the Philip Morris executives told me that they were going to collaborate in that type of activity especially to discourage the young people to start the habit which is a diametrically opposed idea to what it was some years ago when their advertising really targeted the young. Now, they are saying, they will be happy to collaborate in a campaign to discourage this among the young.

I am happy to put that in the bill and be happy to make sure that the DOH gets to understand the spirit of the gentleman's suggestion, Mr. President.

**Senator Osmeña III.** Mr. President, I have been buying Philip Morris products for almost 40 years. I do not think the gentleman should believe them. Their target has always been the youth. They are losing cigarette consumption. It has been declining by about—correct me if I am wrong—2 percent a year in the United States.

**Senator Flavier.** Yes, the figure is correct. But the interesting phenomenon, Mr. President, related to that is that overall the smoking rate is going down by at least 2 percent as an average. But

the percentage of the young people smoking and women new smokers is going up.

**Senator Osmeña III.** That is correct because their advertising is targeted at the youth and the women. So, I do not think we should take at face value any assurance by any of their executives, even their chief executive officer, that yes, they will support us in advertising. They are probably trying to water down this bill, just as the anti-money laundering bill was watered down. So do not take it from them, believe me. I cannot point to any book but my recent readings on this has been that their target has always been the youth and the women.

**Senator Flavier.** It is consistent with the advertising plan that the WHO director general shared with us, Mr. President. Exactly the way the gentleman worded it.

**Senator Osmeña III.** Now, Mr. President, we are going to have to look at the specific tax on tobacco and alcohol. Because when we passed that tax in the last Congress, I think in 1996, the Tenth Congress, we had switched from the ad valorem to the specific type of taxation in order to... Well, remember there were some cigarette manufacturers accused of cheating on their taxes. Now, switching to specific tax seemed like a good idea at that time. But we did not take into consideration that the peso would depreciate so fast. And so now that specific tax as a percent of the manufacturing cost of that pack of cigarette is very low, and we are going to have to revisit that, maybe double the specific tax on various types of tobacco products.

Maybe during that time, because again that is a measure that must originate from the Bigger House. But during that time, perhaps, we can already include a specific campaign that make a target of the women and the kids to prevent them from even taking up the habit of smoking.

**Senator Flavier.** That would be most welcome, Mr. President.

**Senator Osmeña III.** Well, at this time, I would like to thank the distinguished giant of the Cordilleras for accommodating the smoker from Cebu.

Thank you, Mr. President.

**Senator Flavier.** Thank you, Mr. President.

#### SUSPENSION OF CONSIDERATION OF S. NO. 1859

**Senator Legarda Leviste.** Mr. President, we thank the distinguished sponsor. At this point, we move to suspend consideration of Senate Bill No. 1859, the Stop Tobacco and Other Products for Health bill under Committee Report No. 7.



**The President.** Is there any objection? [*Silence*] There being none, consideration of Senate Bill No. 1859 is suspended.

**BILL ON SECOND READING**

**S. No. 1858 — The Dangerous Drugs Act of 2001**  
(Continuation)

**Senator Legarda Leviste.** Mr. President, I move that we resume consideration of Senate Bill No. 1858 as reported out under Committee Report No. 6.

**The President.** Is there any objection? [*Silence*] There being none, resumption of consideration of Senate Bill No. 1858 is now in order.

**Senator Legarda Leviste.** I move that we recognize the sponsor, Sen. Robert Z. Barbers. For interpellation, I move that we recognize Sen. Joker P. Arroyo.

**The President.** The principal sponsor, Sen. Robert Z. Barbers, is recognized, and Sen. Joker P. Arroyo is likewise recognized for the period of interpellations.

**Senator Arroyo.** Mr. President...

**SUSPENSION OF SESSION**

**The President.** With the permission of the Chamber, the Chair declares a one-minute suspension of the session, if there is no objection. [*There was none.*]

*It was 5:16 p.m.*

**RESUMPTION OF SESSION**

*At 5:17 p.m., the session was resumed.*

**The President.** The session is resumed.

**Senator Arroyo.** Thank you, Mr. President. I will limit my interpellation to Section 9 of the proposed bill because the subject is a matter which has been discussed in the ongoing committee hearings of three committees; namely, the Committee on Public Order and Illegal Drugs; the Blue Ribbon Committee; and the Committee on National Defense and Security precisely on drugs.

Mr. President, at the moment, may I know from the distinguished sponsor what is the prohibited number of grams of drugs that would be considered a crime?

**Senator Barbers.** Mr. President, at present, the amount of 200 grams of *shabu* is prohibited. For marijuana, what is prohibited at

present is the amount of 750 grams or more. For cocaine, 40 grams. For opium and morphine, 40 grams. These are the amounts of drugs where an offender cannot post a bail bond.

**Senator Arroyo.** Mr. President, the common drugs that we have here is *shabu* and what else?

**Senator Barbers.** Marijuana and *shabu* are the most common drugs used in our country today, Mr. President.

**Senator Arroyo.** Mr. President, presently, if an offender is caught with 400 grams of *shabu*, he is not bailable. Is that correct?

**Senator Barbers.** That is correct, Mr. President, because that is over 200 grams.

**Senator Arroyo.** And if he is caught with 400 grams of marijuana, he is not also bailable. Is that also correct?

**Senator Barbers.** No, Mr. President. When we speak of marijuana, 750 grams is the requirement that he cannot post a bail anymore.

**Senator Arroyo.** So the bill now says that we should reduce the one for *shabu* from 400 grams to 10 grams, and in the case of marijuana...

**Senator Barbers.** Two hundred grams, Mr. President.

**Senator Arroyo.** Two hundred grams to 10 grams, in the case of *shabu*?

**Senator Barbers.** That is correct, Mr. President.

**Senator Arroyo.** And in the case of marijuana, from 750 grams to 10 grams?

**Senator Barbers.** No, 50 grams, Mr. President.

**Senator Arroyo.** Fifty grams.

Mr. President, in the ongoing hearings that we have, as I said earlier, there are two schools of thought. One school of thought, which is espoused by the PNP, is that we should try to reduce the demand for drugs as the solution to our problem. Meaning, we should reduce the demand, because if there is no demand, then the supply will also be reduced. And to do that, we should catch more of the offenders because if we catch more of the offenders, then that might discourage the consumption.

It is a good advocacy, but at the same time, Mr. President, if we allow that, then, as what happened this afternoon, it would be

SUSPENSION OF SESSION

Mr. President, I therefore move that we suspend the session for one minute.

The President. The session is suspended, if there is no objection. *[There was none.]*

It was 3:57 p.m.

RESUMPTION OF SESSION

At 3:59 p.m., the session was resumed.

The President. The session is resumed.

The Majority Leader is recognized.

SUSPENSION OF THE RULES

Senator Legarda Leviste. As mentioned earlier, Mr. President, copies of the measure have been distributed to the members of the Chamber. Considering the importance of the measure, I therefore move that we suspend the three-day rule with the concurrence of the members of the Chamber and the members of the Committee on Rules whom we just consulted a few minutes ago.

The President. Is there any objection? *[Silence]* There being none, the Rules are suspended to enable the Chamber to consider Proposed Senate Resolution No. 162.

RESOLUTION ON THIRD READING  
(Ratification of the UN Convention Against Transnational Organized Crime)  
*(Continuation)*

Senator Legarda Leviste. Mr. President, I move that we vote on Third Reading on Proposed Senate Resolution No. 162 under Committee Report No. 2. Copies of the resolution were distributed to the members on October 22, 2001. I ask for a nominal voting.

The President. Is there any objection? *[Silence]* There being none, voting on Third Reading on P.S. Resolution No. 162 is now in order.

The Secretary will please read only the title of the resolution and conduct the nominal voting.

The Secretary. Proposed Senate Resolution No. 162, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE UNITED NATIONS

CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND ITS TWO SUPPLEMENTING PROTOCOLS

The President. We shall now vote on the resolution and the Secretary will call the roll.

The Secretary. *Senators*

Angara .....	
Aquino-Oreta .....	
Arroyo .....	Yes
Barbers .....	Yes
Biazon .....	Yes
Cayetano .....	
De Castro .....	Yes
Ejercito Estrada .....	Yes
Flavier .....	Yes
Honasan .....	Yes
Jaworski .....	Yes
Lacson .....	Yes
Legarda Leviste .....	Yes
Magsaysay Jr. ....	
Ople .....	Yes
Osmeña (J.) .....	
Osmeña III .....	Yes
Pangilinan .....	Yes
Pimentel Jr. ....	Yes
Recto .....	
Revilla .....	
Sotto III .....	
Villar Jr. ....	Yes
The President .....	Yes

APPROVAL OF P. S. RES. NO. 162 ON THIRD READING

The President. With 16 affirmative votes, no negative vote, and no abstention, Proposed Senate Resolution No. 162 is approved on Third Reading.

MANIFESTATION OF SENATOR LEGARDA LEVISTE  
(Cosponsors and Coauthors of S. No. 1859)

Senator Legarda Leviste. Mr. President, just a manifestation with regard to the Stop Tobacco and Other Products for Health bill previously sponsored by Sen. Juan M. Flavie, Senate Bill No. 1859. Senator Flavie wishes to manifest that the following be made cosponsors of the measure: Senators Loren B. Legarda Leviste, Manuel B. Villar Jr., Luisa P. Ejercito Estrada, Vicente C. Sotto III and Blas F. Ople. I also manifest that the following be made coauthors: Senators Teresa Aquino-Oreta, Edgardo J. Angara, Joker P. Arroyo, Robert Z. Barbers, Rodolfo G. Biazon, Renato L.

*Compañero* Cayetano, Noli "Kabayan" De Castro, Franklin M. Drilon, Robert S. Jaworski, Gregorio B. Honasan, Panfilo M. Lacson, Ramon B. Magsaysay Jr., John H. Osmeña, Sergio R. Osmeña III, Francis N. Pangilinan, Aquilino Q. Pimentel Jr., Ralph G. Recto and Ramon B. Revilla.

The President. It is so noted.

#### SPECIAL ORDERS

**Senator Legarda Leviste.** Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders, Committee Report No. 8 on Senate Bill No. 1860, entitled

AN ACT CREATING THE INSTITUTE FOR HEARING, BALANCE AND COMMUNICATION DISORDERS WITHIN THE UNIVERSITY OF THE PHILIPPINES SYSTEM, DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.

The President. Is there any objection? [Silence] There being none, the motion is approved.

#### BILL ON SECOND READING

S. No. 1860 — Creating the Institute For Hearing, Balance and Communication Disorders Within the University of the Philippines System

**Senator Legarda Leviste.** Mr. President, I move that we now consider on Second Reading Senate Bill No. 1860 under Committee Report No. 8.

The President. Is there any objection? [Silence] There being none, the motion is approved.

The Secretary. Senate Bill No. 1860, entitled

AN ACT CREATING THE INSTITUTE FOR HEARING, BALANCE AND COMMUNICATION DISORDERS WITHIN THE UNIVERSITY OF THE PHILIPPINES SYSTEM, DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

**Senator Legarda Leviste.** I move that we recognize the sponsor of the measure, Sen. Juan M. Flavier, chairman of the Committee on Health and Demography.

The President. Sen. Juan M. Flavier is recognized to sponsor the measure.

#### SPONSORSHIP SPEECH OF SENATOR FLAVIER (Establishment of an Institute for Hearing, Balance and Communication Disorders)

**Senator Flavier.** A society that hears well is a healthy society. "Faith comes from hearing," says St. Paul in Romans 10:17.

Mr. President and dearly beloved colleagues, I rise this afternoon to sponsor Senate Bill No. 1860, under Committee Report No. 8, entitled "An Act Creating the Institute for Hearing, Balance and Communication Disorders Within the University of the Philippines System, Defining its Powers and Functions, Providing Funds Therefor and for Other Purposes," in substitution of Senate Bill No. 138 authored by this representation and Senate Bill No. 738 by Senator Legarda Leviste.

#### Preliminaries

Mr. President, I am sure that many will question the relevance of this bill. However, hearing loss, although the least recognized, is a physical ailment, which affects more people than we are aware of. A study done in the United States showed that one in every ten (1:10) people is affected by deafness to some degree.

Despite the magnitude, however, hearing studies attract the least amount to be spent on medical research, basically due to the fact that hearing loss is invisible and usually painless.

Worldwide, Mr. President, the prevalence of hearing loss is between six and twelve percent (6-12%). In Thailand, the reported prevalence is ten percent (10%). In the Philippines, there is a scant data on hearing loss. This is due to the fact that there are no community-based nor well-designed studies among different populations. Local data on hearing impairment reports mostly about school children. In a limited study done in Alfonso, Cavite two years ago, about fifty percent (50%) of those screened using audiologic examination were found to have hearing impairment. But even if we are to take the lower figure of six (6) percent prevalence worldwide as benchmark, that means there are about 4.4 million Filipinos suffering from various degrees of hearing impairment.

#### Hearing Impairment: Its Implications

Ear diseases are known to cause significant functional and communication disability with wide-ranging economic and social implications.

#### Economic Implications

Hearing-impaired individuals are generally forty percent

In effect, Mr. President, it is clear that on November 20, the date when there was supposed to have been a last attempt on the part of a staff member of the Senate Blue Ribbon Committee to locate Mr. Marcelo, Mr. Marcelo had written the Blue Ribbon Committee offering to testify, and the letter of Mr. Marcelo bears the stamp of receipt by the committee itself dated November 20.

**Senator Arroyo.** Mr. President, before the Minority Leader gets so excited, although he has made a point...

**Senator Pimentel.** I am not excited, I am just...

**Senator Arroyo.** Although, prematurely to think that he has scored a point.

Let me just—I hope the gentleman will listen to my letter. This is the letter of Atty. Pueyo. The letter cited by the gentleman is correct. It was sent to the Blue Ribbon Committee and referred to me as chairman. So, I gave it to Atty. Pueyo. And this is now what Atty. Pueyo did. This is Attorney Pueyo's letter dated November 20, 2001:

Mr. Pacifico U. Marcelo  
Fourth Floor, Fortune Building  
144 Pasig Boulevard  
Pasig City

"Dear Mr. Marcelo,

Your letter to the Chairman dated November 19, 2001 has been referred to me."

So, as the gentleman will see, that letter that he joyously read was referred to the committee's ComSec. I do not have to read this again because I have been reading this over and over.

Now, last paragraph reads:

"Further, please be informed that the Blue Ribbon Committee has no scheduled hearing on November 22, 2001—"

Marcelo expressed his preference for November 22, 2001.

—as Senator Joker P. Arroyo, the Chairman, will preside over a Finance Subcommittee hearing on the budget of certain offices under the Office of the President. The Committee hearing on Tuesday, November 27, 2001, involves another subject.

She was referring to the Blue Ribbon Committee. So, November 20, immediately, there was an answer and that was given to Mr. Marcelo.

So we can see that on the same day, the answer was given. As the gentleman knows, I inherited a very efficient staff from him.

**Senator Pimentel.** All right. Thank you, Mr. President.

**Senator Arroyo.** Thank you, Mr. President.

**Senator Barbers.** Mr. President.

**The President.** Sen. Robert Z. Barbers is recognized for a parliamentary inquiry.

PARLIAMENTARY INQUIRY OF SENATOR BARBERS  
(What Would Happen to Scheduled Committee Hearings as  
Priority Is Given to Budget Deliberations)

**Senator Barbers.** In the caucus this afternoon, Mr. President, the Chair made a pronouncement that we have to work double time to rush up the approval of the budget. And also in the same caucus this afternoon, as a reply to a query, the Chair was categorical in saying that all deliberations in the Commission on Appointments will push through.

Now, considering that our time within the week is confined to budget deliberations of the different departments, may I know, Mr. President, what would happen now to the scheduled committee hearings, especially on issues of national importance? We have already set our schedules and we are giving priority to budget deliberations. So may I know what the ruling of the Chair is?

**The President.** The Chair, in view of the caucus this morning, would request—and the Chair would underscore that—the committee chairpersons to defer the hearings on the other committees to give way to the hearings of the Committee on Finance in the next few days, meaning, Tuesday, Wednesday and Thursday.

**Senator Barbers.** Except the Commission on Appointments?

**The President.** Except the Commission on Appointments because that is a bicameral Body and it involves the other House.

**Senator Barbers.** Thank you very much, Mr. President.

BILL ON SECOND READING  
S. No. 1859—STOP for Health Act (Stop Tobacco  
and Other Products for Health)  
(Continuation)

**Senator Legarda Leviste.** Mr. President, I move that we

resume consideration of Senate Bill No. 1859 as reported out under Committee Report No. 7.

**The President.** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1859 is now in order.

**Senator Legarda Leviste.** Mr. President, we are in the period of interpellations. Since there are no more interpellations, I therefore move that we close the period of interpellations.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved.

SUSPENSION OF CONSIDERATION OF S. NO. 1859

**Senator Legarda Leviste.** Mr. President, I move that we suspend consideration of Senate Bill No. 1859.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved.

BILL ON SECOND READING  
S. No. 1860 — Philippine Ear Research Institute  
Act of 2001  
*(Continuation)*

**Senator Legarda Leviste.** Mr. President, I move that we resume consideration of Senate Bill No. 1860 as reported out under Committee Report No. 8.

**The President.** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1860 is now in order.

**Senator Legarda Leviste.** Mr. President, we are also in the period of interpellations. There being no more interpellations, I move that we close the period of interpellations.

**The President.** Is there any objection? *[Silence]* There being none, the period of interpellations is closed.

SUSPENSION OF CONSIDERATION OF S. NO. 1860

**Senator Legarda Leviste.** Mr. President, I move that we suspend consideration of Senate Bill No. 1860.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved.

BILL ON SECOND READING  
S. No. 1855 — Barangay Business Enterprises  
Act of 2001  
*(Continuation)*

**Senator Legarda Leviste.** Mr. President, I move that we resume consideration of Senate Bill No. 1855 as reported out under Committee Report No. 5.

**The President.** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1855 is now in order.

**Senator Legarda Leviste.** Mr. President, we are also in the period of interpellations.

I ask that the principal sponsor, Sen. Ralph G. Recto, be recognized for the Barangay Business Enterprises Act of 2001.

**The President.** Sen. Ralph G. Recto, the principal sponsor of Senate Bill No. 1855 under Committee Report No. 5, is recognized. We are in the period of interpellations.

SUSPENSION OF SESSION

**Senator Legarda Leviste.** Mr. President, I move that we suspend the session for one minute.

**The President.** Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

*It was 6:29 p.m.*

RESUMPTION OF SESSION

*At 6:30 p.m., the session was resumed with the Hon. Juan M. Flavie r presiding.*

**The Presiding Officer [Sen. Flavie r].** The session is resumed.

SUSPENSION OF CONSIDERATION OF S. NO. 1855

**Senator Legarda Leviste.** Mr. President, since the other senators who are scheduled to interpellate are either not in the hall or have opted to interpellate at a later date, I move that we suspend consideration of Senate Bill No. 1855.

**The Presiding Officer [Sen. Flavie r].** Is there any objection? *[Silence]* There being none, the motion is approved.

The President. Referred to the Committees on Constitutional Amendments, Revision of Codes and Laws; and Youth, Women and Family Relations

ADDITIONAL REFERENCE OF BUSINESS

MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

The Secretary.

December 19, 2001

HON. FRANKLIN M. DRILON
Senate President
Philippine Senate
Pasay City

Dear Senate President Drilon:

Pursuant to the provisions of Article VI, Section 26 (2) of the Constitution, I hereby certify to the necessity of the immediate enactment of Senate Bill No. 1949, entitled

AN ACT ESTABLISHING REFORMS IN THE REGULATION OF RENTALS OF CERTAIN RESIDENTIAL UNITS, PROVIDING MECHANISM THEREFOR AND FOR OTHER PURPOSES,

due to the critical need of extending assistance to low income house renters and protecting them from indiscriminate increases in rental rates, which could arise upon the expiration of Batas Pambansa Blg. 877 or the "Rent Control Law," as amended, on December 31, 2001.

Best wishes.

Very truly yours,

(Sgd.) GLORIA MACAPAGAL ARROYO

cc: Hon. JOSE C. DE VENECIA JR.
Speaker
House of Representatives
Quezon City

The President. Referred to the Committee on Rules

The Secretary may suspend the reading of the Additional Reference of Business so that we can take advantage of the presence of a majority and pass certain bills on Third Reading which are in the Calendar for Bills Pending Third Reading.

The Majority Leader is recognized.

BILL ON THIRD READING
S. No. 1859 — STOP for Health Act
(Stop Tobacco and Other Products for Health)

Senator Legarda Leviste. Mr. President, I move that we vote on Third Reading on Senate Bill No. 1859. Copies of the bill were distributed to the members on December 11, 2001.

The President. Is there any objection? [Silence] There being none, voting on Third Reading on Senate Bill No. 1859 is now in order.

The Secretary will please read only the title of the bill.

The Secretary. Senate Bill No. 1859, entitled

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

The President. We shall now vote on the bill and the Secretary will call the roll.

The Secretary. Senators

- Angara ..... Yes
Aquino-Oreta .....
Arroyo ..... Yes
Barbers ..... Yes
Biazon ..... Yes
Cayetano .....
De Castro ..... Yes
Ejercito Estrada ..... Yes
Flavier ..... Yes
Honasan ..... Yes
Jaworski ..... Yes
Lacson ..... Yes
Legarda Leviste ..... Yes
Magsaysay Jr. .... Yes
Ople ..... Yes
Osmeña (J.) .....
Osmeña III ..... Yes
Pangilinan ..... Yes
Pimentel ..... Yes
Recto ..... Yes

Revilla ..... Yes  
 Sotto III .....  
 Villar Jr ..... Yes  
 The President ..... Yes

APPROVAL OF S. NO. 1859 ON THIRD READING

The President. With 20 affirmative votes, no negative vote, and no abstention, Senate Bill No. 1859 is approved on Third Reading.

BILL ON THIRD READING

S. No. 1860—Philippine Ear Research Institute Act of 2001

Senator Legarda Leviste. Mr. President, I move that we vote on Third Reading on Senate Bill No. 1860. Copies of the bill were distributed to the members on December 11, 2001.

The President. Is there any objection? [Silence] There being none, voting on Third Reading on Senate Bill No. 1860 is now in order.

The Secretary will please read only the title of the bill.

The Secretary. Senate Bill No. 1860, entitled

AN ACT CREATING THE INSTITUTE FOR HEARING, BALANCE AND COMMUNICATION DISORDERS WITHIN THE UNIVERSITY OF THE PHILIPPINES SYSTEM, DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

The President. We shall now vote on the bill and the Secretary will call the roll.

The Secretary. Senators

Angara ..... Yes  
 Aquino-Oreta .....  
 Arroyo ..... Yes  
 Barbers ..... Yes  
 Biazon ..... Yes  
 Cayetano .....  
 De Castro ..... Yes  
 Ejercito Estrada ..... Yes  
 Flavier ..... Yes  
 Honasan ..... Yes  
 Jaworski ..... Yes  
 Lacson ..... Yes  
 Legarda Leviste ..... Yes

Magsaysay Jr. .... Yes  
 Ople ..... Yes  
 Osmeña (J.) .....  
 Osmeña III ..... Yes  
 Pangilinan ..... Yes  
 Pimentel Jr. .... Yes  
 Recto ..... Yes  
 Revilla ..... Yes  
 Sotto III .....  
 Villar Jr. .... Yes  
 The President ..... Yes

APPROVAL OF S. NO. 1860 ON THIRD READING

The President. With 20 affirmative votes, no negative vote, and no abstention, Senate Bill No. 1860 is approved on Third Reading.

Senator Legarda Leviste. Mr. President, may I request a one-minute suspension of the session.

The President. Maybe we can just resume the Reference of Business while the... There are still...

Senator Legarda Leviste. Mr. President, I now move that we resume the reading of the Reference of Business.

The President. Is there any objection? [Silence] There being none, the motion is approved. The Secretary is directed to continue reading the Reference of Business suspended earlier.

ADDITIONAL REFERENCE OF BUSINESS  
 (Continuation)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Secretary.

November 28, 2001

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

Dear Senate President Drilon:

Pursuant to Section 9 of Republic Act No. 8240, to wit:

“Sec. 9. An Oversight Committee is hereby created which shall be composed of the Chairmen of the Committees on Ways and

**The President.** It is so referred.

**BILL ON SECOND READING**  
**S. No. 1859 — STOP For Health Act**  
*(Continuation)*

**Senator Legarda Leviste.** Mr. President, I move that we resume consideration of Senate Bill No. 1859 as reported out under Committee Report No. 7, the STOP for Health Act. We are now in the period of committee amendments.

**The President.** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1859 is now in order.

**Senator Legarda Leviste.** Mr. President, I move that we recognize the sponsor of the bill, Sen. Juan M. Flavie.

**The President.** Sen. Juan M. Flavie is recognized. We are in the period of interpellations.

**Senator Legarda Leviste.** We are in the period of committee amendments, Mr. President.

**The President.** I am sorry, period of committee amendments.

**Senator Lacson.** Mr. President.

**The President.** Yes, what is the pleasure of Senator Lacson?

**MOTION OF SENATOR LACSON**  
**(To Reconsider the Termination of the Period of**  
**Interpellations on Senate Bill No. 1859)**

**Senator Lacson.** May I move to reconsider the termination of the period of interpellations. I would like to ask some questions.

**The President.** What is the pleasure of the Majority Leader?

**Senator Legarda Leviste.** Yes, Mr. President. I therefore withdraw my motion to resume consideration to open the period of committee amendments and proceed with the interpellations of Sen. Panfilo M. Lacson on the STOP for Health Act, Senate Bill No. 1859.

**The President.** The termination of the period of interpellations is reconsidered in the absence of any objection.

Senator Lacson is now recognized for the period of interpellations.

**Senator Lacson.** Thank you, Mr. President. This will be very short.

Will the gentleman from the Philippines yield for a few questions?

**Senator Flavie.** With pleasure to the dashing senator, second to me.

**Senator Lacson.** This is regarding Section 12 that provides, and I quote:

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.

Is cigarette smoking the only cause of the cancer of the lungs and respiratory organs, Mr. President?

**Senator Flavie.** No, Mr. President, but it is the leading cause of cancer. Incidentally, for the record, I would like to mention that this particular provision is an amendment sponsored by Sen. Aquilino Q. Pimentel Jr. which was accepted with appreciation. I received a lot of very positive adulations and encouragements around the world, and I am very happy for it. But the point of the distinguished senator is very valid that in rare instances, it may not be entirely due to smoking, but that will be part of the judicial process.

**Senator Lacson.** In effect, Mr. President, the distinguished sponsor is admitting that there is no indisputable proof or preponderance of evidence that cancer of the lungs and other respiratory organs are only due to smoking.

**Senator Flavie.** Mr. President, that statement is a bit too strong for me. There is preponderance of evidence that smoking is the major cause of lung cancer. But I am willing to admit that to make a 100 percent statement would not be entirely accurate, but if we make it 95 percent, I will accept.

**Senator Lacson.** Thank you, Mr. President.

The use of the conjunction "and" in the phrase "smoking cigarette and other tobacco products," does this mean that the complainant or group of complainants must have smoked both cigarette and other tobacco products to be able to sue for damages?

**Senator Flavie.** Mr. President, the implication of the conjunction "and"—the gentleman is right—seems to connote that it should be both. But if his point is he wants to change the



conjunction "and" to OR, which is the conjunction used in the latter part of the sentence, I would have no objection.

**Senator Lacson.** Thank you, Mr. President.

What do we mean by "constant inhalation of cigarette smoke?" Does this mean continuous and without letup?

**Senator Flavier.** Not necessarily, Mr. President, but often and frequent enough to trigger the cancer. An excellent example would be a driver of a bus which is enclosed. There are now cases being filed on the basis of this cancer because of the rather intensive... There are also groups of waiters in restaurants who have filed suits against the companies because of the same.

If the senator would have a qualifying phrase, I will be happy to consider.

**Senator Lacson.** Yes, thank you, Mr. President. I am just wondering: How long would a complainant be exposed to constant inhalation?

**Senator Flavier.** There is no exact time frame, but the literature marks this in terms of years. Beyond that, I am not able to be more specific, Mr. President.

**Senator Lacson.** How do we conclude or resolve? Suppose a complainant or a group of complainants smoke different brands of cigarettes. How do we resolve going against the manufacturers or the makers?

**Senator Flavier.** In the United States, Mr. President, there are cases of such situations, and in those cases, all the cigarette companies were included in the suit. But with preponderance of brand, that would be the lead tobacco companies that would be sued.

**Senator Lacson.** Very well said, Mr. President.

I will just introduce some amendments during the period of amendments. Thank you, Mr. President.

**Senator Flavier.** Thank you very much, Mr. President.

**Senator Legarda Leviste.** Mr. President.

**The President.** The Majority Leader is recognized.

**Senator Legarda Leviste.** Mr. President, I move that the Minority Leader, Sen. Aquilino Q. Pimentel Jr., be recognized.

**The President.** Sen. Aquilino Q. Pimentel Jr. is recognized.

**Senator Pimentel.** Mr. President, this is just for the purpose of inserting in the *Record* an observation that I have regarding the provision that was the subject of interpellation by Senator Lacson a few minutes ago.

Mr. President, the mere fact that a victim—or his heirs—of cigarette smoking is given the right to file a suit does not mean that automatically he will receive an award. He will have to prove that his ailment was caused either principally or solely by prolonged cigarette smoking. Therefore, I do not think that any right of anyone, including cigarette manufacturers or distributors, is necessarily invaded by this provision or prejudiced by this provision. Just for the record.

Thank you.

**Senator Flavier.** May I just add, Mr. President, that in fact there are many people who reacted during the hearing that this right is already in existence; but we are just jelling it or solidifying it so that there is a legal and lawful basis to make it easier and expedient.

**Senator Legarda Leviste.** Mr. President.

**The President.** The Majority Leader is recognized.

**Senator Legarda Leviste.** Mr. President, since we are at it, I just want to make one clarification from the good sponsor.

In his bill, he has indicated that a group of persons or a person may file suit or a class suit arising from damages which he may sustain as a result of cigarette smoking. I was just wondering, if a group of persons files a class or collective suit against several manufacturers of cigarettes because of the injuries which they sustained because of cigarette smoke, how can we measure the proportionate liability of each cigarette manufacturer if a class or collective suit is filed?

**Senator Flavier.** The classical cases that had been filed and succeeded in the United States generally based these on the brand smoked by the individuals and summed up mathematically. Meaning, if there are 10 people involved and each one is asked how many years they smoked one brand and how many years for another, then these are all summed up and this will then be taken cognizance of by the court to determine. This is related to Senator Lacson's point where the relative values are then assigned.

**Senator Legarda Leviste.** Is there a classic case in the US, for example, where a group of persons had filed a class suit and they had won in court and received damages?

**Senator Flavier.** Yes. There are several, Mr. President. The one that I read recently were, of course, individuals but the class suits were filed by a group of waiters.

**Senator Legarda Leviste.** Which the sponsor has mentioned.

**Senator Flavier.** Yes, Mr. President. And then another one filed by a group of bus drivers who claimed that the company... There were two subsidiary issues. One was the company operating the bus for allowing smoking and not providing enough ventilation. But the major one was the suit against the cigarette company.

**Senator Legarda Leviste.** Last point, Mr. President.

I want to be clarified—I am not sure whether it was asked during the period of interpellations—about a person who violates the law. Once the bill is enacted into law and that person continues to smoke and bothers nonsmokers with secondhand smoke in enclosed public areas, is there a provision in the gentleman's bill which would penalize such person?

**Senator Flavier.** Yes, Mr. President. There are several levels. One would be at the level of the individual. There will also be at the level of the institution. For example, in an auditorium where no adequate provision for "no smoking area" is provided, the individual is liable as well as the corporation.

**Senator Legarda Leviste.** Thank you, Mr. President.

If there are no more interpellations, I therefore move that we close the period of interpellations.

**The President.** Is there any objection? *[Silence]* There being none, the period of interpellations is closed.

**Senator Legarda Leviste.** I move once again that we resume the period of committee amendments.

**The President.** The period of committee amendments is in order. Is there any committee amendment?

**Senator Flavier.** Thank you, Mr. President. There are no committee amendments. May I suggest that we close the period of committee amendments.

**Senator Legarda Leviste.** I move that we close the period of committee amendments.

**The President.** Is there any objection? *[Silence]* There being none, the period of committee amendments is hereby closed.

**Senator Legarda Leviste.** I now move that we proceed to the period of individual amendments.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved.

**Senator Flavier.** There is an implied individual amendment by Sen. "Ping" Lacson, unless he would need time to frame his amendment.

**The President.** Are there any individual amendments that Senator Lacson would propose?

**Senator Legarda Leviste.** Senator Lacson has requested more time to formulate his individual amendment.

**Senator Flavier.** That would be welcome with me. Meanwhile, I am not aware of any other individual amendment. We made a cursory survey of individual amendments, and we did not receive any. But we would be happy to receive some of it.

#### SUSPENSION OF SESSION

There is a request for a one-minute suspension of the session, Mr. President.

**The President.** Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

*It was 3:27 p.m.*

#### RESUMPTION OF SESSION

*At 3:30 p.m., the session was resumed.*

**The President.** The session is resumed. The Majority Leader is recognized.

**Senator Legarda Leviste.** For the period of individual amendments, I move that we recognize Sen. Panfilo M. Lacson.

**The President.** Sen. Panfilo M. Lacson is recognized for the period of individual amendments.

**Senator Flavier.** Anyway, there are three individual amendments giving time for a fourth. Sen. Vicente C. Sotto III has an amendment which he is still studying just in time to be the fourth amender.

We are ready for the amendments of Senator Lacson.

## LACSON AMENDMENTS

**Senator Lacson.** Thank you, Mr. President.

On page 9, line 16, please insert the words DIRECT AND PROXIMATE between the words "a" and "result".

**Senator Flavier.** The amendment is accepted, Mr. President.

**The President.** DIRECT AND PROXIMATE. The amendment was accepted by the sponsor. Is there any objection? [Silence] There being none, the amendment is approved.

**Senator Lacson.** And on the same page, line 16, Mr. President, add the letter S after the word "cigarette".

**The President.** What does the sponsor say?

**Senator Flavier.** It is accepted, Mr. President.

**The President.** Is there any objection? [Silence] There being none, the amendment is approved.

**Senator Lacson.** And on the same page and line, insert the following phrase after the word "or": WHO, BECAUSE OF DIRECT AND.

**The President.** Please say it again, Senator Lacson.

**Senator Lacson.** On the same page and line, insert the following phrase after the word "or": WHO, BECAUSE OF DIRECT AND.

**Senator Flavier.** It is accepted, Mr. President.

**The President.** Is there any objection? [Silence] There being none, the amendment is approved.

**Senator Lacson.** On the same page and line, Mr. President, delete the words "due to" after the word "or".

**Senator Flavier.** Can the gentleman please read it as amended, including his prior amendments, Mr. President?

So it will read: ... products WHO, ...

**Senator Lacson.** ... Due to...

**The President.** What is the proposed amendment for the clarification of the Chair?

**Senator Lacson.** Delete the words "due to" after the word "or" in line 16.

**Senator Flavier.** Yes, Mr. President. I am just requesting that the sentence be read with the deletion of "due to" and the inclusion of the gentleman's immediate previous amendment so we can get the sense.

**Senator Lacson.** Yes, Mr. President. I will start with "and other tobacco products or WHO, BECAUSE OF DIRECT AND"...

**Senator Flavier.** ..."constant inhalation". It is accepted, Mr. President.

**The President.** Is there any objection? [Silence] There being none, the amendment is approved.

**Senator Lacson.** Thank you, Mr. President.

On the same page, line 17, insert the words SMOKE FROM after the word "inhalation".

**Senator Flavier.** Can the gentleman please repeat that, Mr. President? Insert the words...

**Senator Lacson.** SMOKE FROM after the word "inhalation".

**The President.** Maybe, after the word "of" not after the word "inhalation".

**Senator Lacson.** All right, Mr. President.

**The President.** The amendment should be after the word "of".

**Senator Flavier.** So, Mr. President, how then will it read? "Inhalation of smoke FROM cigarette..."

**Senator Lacson.** "cigaretteS or other".

**Senator Flavier.** Is the gentleman deleting the word "smoke"?

**Senator Lacson.** No, Mr. President, "exhaled by smokers".

**Senator Flavier.** Can the gentleman read it again, Mr. President? I am having a problem with the word "smoke" that is...

**Senator Lacson.** "Inhalation of..."

**The President.** smoke FROM...

**Senator Lacson.** --smoke FROM cigaretteS.

**Senator Flavier.** So delete the word "smoke" and continue to "exhaled".

**Senator Lacson.** Yes, Mr. President.

**Senator Flavier.** Under that understanding, it is accepted, Mr. President.

**The President.** Is there any objection? [*Silence*] There being none, the amendment is approved.

**Senator Lacson.** Again, on the same page and line, insert the letter S after the word "cigarette".

**The President.** What does the sponsor say?

**Senator Flavier.** Can the distinguished gentleman repeat that, Mr. President?

**The President.** Add the letter S to the word "cigarette" in line 17.

**Senator Flavier.** It is accepted, Mr. President.

**The President.** Is there any objection? [*Silence*] There being none, the amendment is approved.

**Senator Lacson.** On the same page and line, Mr. President, add OR OTHER TOBACCO PRODUCTS after the word "cigaretteS".

**Senator Flavier.** Subject to style, it is accepted, Mr. President.

**Senator Lacson.** Subject to style, of course, Mr. President.

**Senator Flavier.** It is accepted, Mr. President.

**The President.** Is there any objection? [*Silence*] There being none, the amendment is approved.

**Senator Lacson.** On the same page and line, delete the phrase "exhaled by smokers".

**Senator Flavier.** So how will it read now if we read it from the beginning of line 17 including the distinguished gentleman's deletions and insertions, Mr. President?

**Senator Lacson.** We will just delete the phrase "exhaled by smokers", Mr. President.

**Senator Flavier.** It will then read "inhalation of SMOKE FROM cigaretteS".

**Senator Lacson.** —OR OTHER TOBACCO PRODUCTS contracted ailments such as—and so forth and so on.

**Senator Flavier.** Subject to style, it is accepted, Mr. President.

**Senator Lacson.** Subject to style, Mr. President.

**The President.** Is there any objection? [*Silence*] There being none, the amendment is approved.

**Senator Lacson.** On the same page, line 18, replace the semicolon (;) with a COMMA (,).

**Senator Flavier.** How about the other semicolons, Mr. President?

**Senator Lacson.** The same thing, Mr. President.

**Senator Flavier.** There are two semicolons. The distinguished gentleman is suggesting to amend so that both—the one in line 18 and another in line 19—will become commas (,).

**Senator Lacson.** Yes, Mr. President.

**Senator Flavier.** It is accepted, subject to style, Mr. President.

**The President.** Is there any objection? [*Silence*] There being none, the amendment is approved.

**Senator Lacson.** On the same page, line 19, insert DIRECTLY AND PROXIMATELY CAUSED BY after the word "illnessES".

**Senator Flavier.** So the word "illness" will become "illnessES" and then we insert...

**Senator Lacson.** DIRECTLY AND PROXIMATELY CAUSED BY.

**Senator Flavier.** How about the word "derived"?

**Senator Lacson.** No more, Mr. President.

**Senator Flavier.** We delete the word "derived".

**Senator Lacson.** Delete "derived from".

**Senator Flavier.** The two words "derived" and "from". Subject to style, it is accepted, Mr. President.

**The President.** Is there any objection? [*Silence*] There being none, the amendment is approved.

**Senator Lacson.** On the same page and line, insert

CIGARETTES AND OTHER TOBACCO PRODUCTS between the words "smoking" and "may".

Senator Flavier. It is accepted, Mr. President.

The President. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Lacson. Thank you, Mr. President.

Senator Flavier. I would like to thank the distinguished gentleman for the improvement, Mr. President.

Senator Lacson. On the same page and line, insert FOR DAMAGES after the word "suit" and delete the words "individually or collectively" in line 20.

Senator Flavier. "May file a civil suit..." What is the word that the distinguished gentleman is suggesting, Mr. President?

Senator Lacson. Insert FOR DAMAGES after the word "suit" and delete the words "individually or collectively" in line 20.

Senator Flavier. My problem there, Mr. President, is that there are two kinds of suits. One filed by individuals and the other is a class suit which is generally a collective one. That is the spirit of these two words.

Senator Lacson. So, we would rather that these be retained, Mr. President.

Senator Flavier. I would like to appeal that we retain these for that reason, Mr. President.

Senator Lacson. I would like to thank the distinguished gentleman.

The President. Is the proponent withdrawing the proposed amendment?

Senator Lacson. Yes, Mr. President.

The President. The amendment is withdrawn.

Senator Lacson. On the same page, line 20, insert the word RESPONSIBLE between the words "the" and "makers".

Senator Flavier. It would now read: "against the RESPONSIBLEmakers".

Senator Lacson. Yes, Mr. President.

Senator Flavier. It is accepted, Mr. President.

The President. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Lacson. On the same page and line, insert the word THEREOF after the word "sellers" and delete the phrase "of cigarettes and other tobacco products for damages."

Senator Flavier. So, it will then read: "the RESPONSIBLE makers, manufacturers and sellers THEREOF."

Senator Lacson. Yes, Mr. President.

Senator Flavier. It is accepted, subject to style, Mr. President.

The President. What happens to the word "DAMAGES"? Is it being deleted? It does not appear in any sentence anymore because originally the proposal of Senator Lacson which he withdrew was to insert the phrase FOR DAMAGES at the start of line 20. Now, we delete the word "damages" at the end.

Senator Flavier. My understanding, Mr. President, was that the word "FOR DAMAGES" was inserted--

Senator Lacson. Yes, Mr. President.

Senator Flavier. --but the deletion of the words "individually or collectively" was withdrawn.

The President. All right.

Senator Flavier. Is that correct, Senator Lacson?

Senator Lacson. That is correct, Mr. President.

The President. So, for the record, in line 20, we will start with the words FOR DAMAGES.

Senator Lacson. Yes, Mr. President.

The President. All right. The record will reflect that this was accepted and approved by the Body. And the other amendments now have been accepted by the sponsor. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Lacson. Thank you, Mr. President. Thank you, Senator Flavier.

**Senator Flavier.** I would like to thank the gentleman for the improvements.

**Senator Sotto.** Mr. President.

**The President.** Sen. Vicente C. Sotto III is recognized.

**Senator Sotto.** Mr. President, there were actually a couple of amendments that I was about to propose in Section 12. But as we have noticed, there were six lines that were amended. So as not to lose track of what has transpired, may we ask either Senator Lacson, the sponsor, or the Secretary to read the present Section 12, as amended, so that we can be updated. My amendment might not be necessary.

**The President.** Yes. Will the Secretary read the proposed Section 12 now after the Lacson amendment?

**The Acting Secretary [Atty. Reyes].**

“SEC. 12. *Actions Available To Victims of Smoking.* -Any person who, as a DIRECT AND PROXIMATE result of smoking cigaretteS and other tobacco products, or WHO, BECAUSE OF DIRECT AND constant inhalation of SMOKE FROM cigaretteS OR OTHER TOBACCO PRODUCTS contracted ailments such as, but not limited to, cancer of the lung and respiratory organs, hardening of arteries, and other serious illnessES DIRECTLY AND PROXIMATELY CAUSED BY smoking CIGARETTES and tobacco products may file a civil suit for damages individually or collectively against the RESPONSIBLE makers, manufacturers and sellers THEREOF.”

**Senator Lacson.** Just one last comment, Mr. President.

**The President.** Sen. Panfilo M. Lacson is recognized.

**Senator Lacson.** CIGARETTES AND OTHER TOBACCO PRODUCTS.

**The President.** What line is that?

**Senator Lacson.** She did not mention the word “OTHER” after the word “AND”—CIGARETTES AND OTHER TOBACCO PRODUCTS.

**Senator Flavier.** In what line?

**Senator Lacson.** In line 21, Mr. President.

**Senator Sotto.** Mr. President, I think this is a very important section.

**The President.** Just a moment. We will take up first the Lacson amendment and then we will...

**Senator Sotto.** Precisely. My suggestion, Mr. President, is that we break for a minute and the Secretariat will give us a written copy of Section 12 so that we are not misled.

#### SUSPENSION OF SESSION

**The President.** The Chair would like to suspend the session for one minute.

Is there any objection? [*Silence*] There being none, the session is suspended for one minute.

*It was 3:45 p.m.*

#### RESUMPTION OF SESSION

*At 4:05 p.m., the session was resumed.*

**The President.** The session is resumed. Senator Sotto is recognized.

**Senator Sotto.** Mr. President, I have been given a copy of the bill. As I said, a couple of my proposed amendments have already been overtaken by this. But reading it as it is now, may I call the attention of the sponsor and the proponent of the amendments that were accepted. There is no numbering now of the line. But there is a second mention of “directly and proximately caused by smoking cigarettes and other tobacco products”.

If we will look at that line, may I be allowed to read, Mr. President, and then probably propose an amendment. It says:

“SEC. 12. *Actions Available To Victims Of Smoking.* - Any person who, as a DIRECT AND PROXIMATE result of smoking cigaretteS and other tobacco products, or WHO BECAUSE OF DIRECT AND constant inhalation of smoke FROM cigaretteS OR OTHER TOBACCO PRODUCTS contracted ailments such as, but not limited to, cancer of the lung and respiratory organs, hardening of arteries, and other serious illnessES DIRECTLY AND PROXIMATELY CAUSED BY smoking CIGARETTES and other tobacco products may file a civil suit for damages.”

Mr. President, would it not be proper at this point to remove the phrase “DIRECTLY AND PROXIMATELY CAUSED...” up to “...tobacco products...” so that it will read: “...not limited to, cancer of the lung and respiratory organs, hardening of arteries, and other serious illnessES, may file a civil suit for damages individually or collectively against the RESPONSIBLE makers, manufacturers and sellers THEREOF.”

**Senator Flavier.** Mr. President.

**The President.** Senator Flavier is recognized.

**Senator Flavier.** Mr. President, the same point was called to my attention by the original proponent of this provision, namely, Sen. "Nene" Pimentel. I am sure he would have some views on this.

**The President.** Sen. "Nene" Pimentel is recognized upon the request of the sponsor.

**Senator Pimentel.** Mr. President, may I just support the intent of Senator Sotto to make the deletions that he has already articulated.

I think it is important to show that the power or the right to sue is directly recognized by this provision for causes of ailments that are derived from smoking cigarettes and other tobacco products. But to insist that the diseases or illnesses be directly or proximately caused by smoking cigarettes and other tobacco products may not only be a damper but will actually be a killer amendment, Mr. President.

After all, the rights of the manufacturers and sellers of tobacco products are not directly prejudiced by a recognition of this right. The right will still be subjected to a court process where evidence of the cause of the ailment has to be established as traceable to tobacco smoking, Mr. President.

**Senator Flavier.** Yes, Mr. President. Not only that. I have been advised that there is a legal meaning to "direct and proximate" which says that it must be construed—as the word "direct" shows—as really a connected aspect; and the word "proximate" will mean that there will be no break in between.

With that explanation, I appreciate the points of Senators Sotto and Pimentel, although I must confess that I accepted it not fully understanding that legal meaning. Since I am now apprised of that legal meaning with the consent of Senator Lacson, I would like to reconsider because it will practically make it impossible to file a case if my understanding of the new explanation of Senators Sotto and Pimentel is considered.

So may I request that Senator Lacson be recognized.

**The President.** Senator Lacson is recognized, if he is willing to respond.

**Senator Lacson.** Am I to understand, Mr. President, that the phrase "DIRECTLY AND PROXIMATELY CAUSED BY smoking CIGARETTES" will be deleted? Just that phrase?

**The President.** The way the Chair understood it from the Minority Leader, that reference to the phrase "direct and proximate" will be deleted. Is that correct, Senator Pimentel?

**Senator Pimentel.** Yes, that is correct, Mr. President, and subject to the editorial amendment of Sen. Vicente C. Sotto III for the rest of the paragraph.

**The President.** Because the phrase "direct and proximate" appears also on top.

**Senator Pimentel.** Yes, Mr. President.

**Senator Lacson.** May we request Senator Sotto to read again the whole section?

#### SUSPENSION OF SESSION

**The President.** The Chair declares a one-minute suspension of the session so that this can be discussed, if there is no objection. *[There was none.]*

*It was 4:10 p.m.*

#### RESUMPTION OF SESSION

*At 4:37 p.m., the session was resumed.*

**The President.** The session is resumed. The Majority Leader is recognized.

**Senator Legarda Leviste.** Mr. President, we are still in the period of amendments and Senator Sotto has a middle ground on the amendment of Senators Lacson and Pimentel.

**The President.** Sen. Vicente C. Sotto III is recognized.

#### SOTTO AMENDMENT

**Senator Sotto.** Mr. President, upon consultation with Senators Lacson and Pimentel, we would now like to read into the *Record* the proposed amendment or the accepted amendment, as amended or editorialized, to read as follows:

"Any person who, as a result of AND BECAUSE OF DIRECT inhalation of CIGARETTES, cigarette smoke and other tobacco products, contracted ailments such as, but not limited to, cancer of the lung and respiratory organs, hardening of arteries, and other serious illnessES may file a civil suit FOR DAMAGES individually or collectively against the RESPONSIBLE makers, manufacturers and sellers THEREOF".

**The President.** What does the sponsor say?

**Senator Flavier.** I consulted my lawyer, Sen./Atty. "Nene" Jimenez, and Sen. "Ping" Lacson and the compromise phraseology of the master literalist "Tito" Sotto, is accepted, Mr. President.

**The President.** All right, the proposed wording of Section 12 is accepted. I assume that the original proponent, Senator Lacson, is in concurrence with the proposed amendment of Senator Sotto.

**Senator Lacson.** That is correct, Mr. President.

**The President.** Is there any objection? *[Silence]* There being none, Section 12, as read by Senator Sotto, is approved.

**The President.** The Majority Leader is recognized.

**Senator Legarda Leviste.** Senator Cayetano has reserved to propose his amendments.

**Senator Cayetano.** After Senator De Castro, Mr. President.

**Senator Legarda Leviste.** Sen. Noli "Kabayan" De Castro wishes to be recognized, Mr. President.

**The President.** Sen. Noli "Kabayan" De Castro is recognized for the period of individual amendments.

#### DECASTRO AMENDMENTS

**Senator De Castro.** Just a few amendments, Mr. President.

May I know from the good sponsor if school jeepneys and school buses *ay kasama rito sa* definition ng Public Conveyance on page 4, lines 7 to 11?

**The President.** Yes.

**Senator Flavier.** Page 4...

**Senator De Castro.** Page 4, lines 7 to 11—Public Conveyance.

**The President.** Yes.

**Senator De Castro.** If not, can we include school jeepneys and school buses? What is mentioned here are jeepneys and buses only. If we can include school jeepneys and school buses on page 4.

**Senator Flavier.** Yes, I found it, Mr. President.

The operative phrase here, Mr. President, is "but not limited to". So, if the gentleman is referring to an amendment to include these types of conveyances for clarity and specificity, I would be very happy to accept.

**Senator De Castro.** I would like to thank the distinguished gentleman.

**The President.** Before we act on that, just a comment from the Chair.

How about company buses? How about other buses which are carrying passengers? My point is...

**Senator De Castro.** Tourist buses.

**The President.** Tourist buses. My point is, maybe we can leave it as a general language and the record should indicate that it includes other forms of conveyances as school buses, company buses, tourist buses, et cetera. Otherwise, we will not have an end to the enumeration and those which are not mentioned might be excluded. That is the danger of...

**Senator Flavier.** What I hear the gentleman say is, we retain the generic term—

**The President.** That is correct.

**Senator Flavier.** —"buses". But on the record, we shall recognize the "Kabayan" remarks that it should include in spirit the school buses and other types of conveyances.

**Senator De Castro.** Yes. But the Senate President also included tourist buses and company buses.

**The President.** That is right.

**Senator Flavier.** Yes, Mr. President.

**The President.** Let the record reflect that.

**Senator De Castro.** Thank you very much, Mr. President.

On page 4, line 18, between the word "coliseum" and the word "and", I propose that we insert the following: LIBRARIES, COURTROOMS, GROCERY STORES AND SHIP TERMINALS, subject to style, Mr. President.

**Senator Flavier.** It is accepted, Mr. President.

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Flavier.** The only thing missing, Mr. President, is the Senate. *[Laughter]*

Please continue, Senator De Castro.



**Senator De Castro.** This is just an editorial amendment, Mr. President. On page 10, line 17, the words "other" and "wise" should be one word—OTHERWISE.

**The President.** All right. Is there any objection? *[Silence]* There being none, the editorial amendment is approved.

**Senator De Castro.** In the same line and page, the word "know" should be KNOWN.

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator De Castro.** On page 12, line 8, I propose that we delete the word "of" after the word "the" and replace it with the word IF. This is just an editorial amendment.

**Senator Flavier.** So it will now read: "That IF the offender..."

**The President.** IF THE OFFENDER...

**Senator Flavier.** IF THE OFFENDER...

**Senator De Castro.** "That IF the offender...."

**Senator Flavier.** It is accepted, Mr. President, subject to style.

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator De Castro.** Thank you very much, Mr. President. I also would like to thank the good sponsor.

**Senator Flavier.** I would like to thank the gentleman for the improvement.

**Senator Cayetano.** Mr. President.

**The President.** Sen. Renato L. *Compañero* Cayetano is recognized.

#### CAYETANO AMENDMENTS

**Senator Cayetano.** Thank you, Mr. President.

May I propose an anterior amendment on page 3, paragraph 5, Mr. President, regarding the minimum age requirement. I propose that the title be renamed MINOR and then hyphen (-), deleting the phrase "Minimum age requirement". And then the definition, "refers to the", after the words "to the age", add the phrase OF A PERSON UNDER EIGHTEEN (18) YEARS OLD.

Delete everything from the word "requirement" up to the word "old".

**Senator Flavier.** Will the gentleman read the amendment from beginning to end?

**Senator Cayetano.** Yes, Mr. President. The title will be MINOR—refers to the age OF A PERSON UNDER EIGHTEEN YEARS OLD.

**Senator Flavier.** It is accepted, Mr. President, subject to style.

**Senator Cayetano.** Thank you, Mr. President.

**The President.** Is it not that the style is enough?

Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Cayetano.** On page 4, paragraph 9, Mr. President, the definition of "Enclosed Public Place." For convenience, I will present my amendment and later on I will mention what should be deleted. This is the amendment: "Enclosed Public Place—REFERS TO A building COMMA (,) PRIVATE CLUBHOUSE COMMA (,) OR ANY OTHER ENCLOSED structure that is open to the PUBLIC OR TO THE MEMBERS THEREOF COMMA (,)".

Therefore, what would be deleted from that is the original phrase "a room," "or any other" and then followed by the deletion of the phrase "general population". That is it, Mr. President. The definition will now read as follows, assuming I am taking into consideration my individual amendment: "Enclosed Public Place"—REFERS TO A building COMMA (,) PRIVATE CLUBHOUSE COMMA (,) or any other ENCLOSED structure that is open to the PUBLIC OR TO THE MEMBERS THEREOF COMMA (,) SUCH AS... That is it, Mr. President.

**Senator Flavier.** It is accepted, Mr. President, subject to style.

**Senator Cayetano.** That is all. Thank you very much, Mr. President.

**Senator Sotto.** Mr. President.

**The President.** Sen. Vicente C. Sotto is recognized.

**Senator Sotto.** Mr. President, before the Chair bangs the gavel, may we be enlightened on what we mean by "private clubhouse?" Specifically, Section 9 says: "Enclosed Public Place" and then we mention a "private clubhouse."

**Senator Cayetano.** Yes, Mr. President.

We are referring, for instance, to the golf clubhouse and other forms of clubhouse. Because if we do not include this private clubhouse...Private in the sense that this is owned by members only. But nevertheless, the intent of this law is to really include nonsmoking in an enclosed public place. But if we include private clubhouse, then we will really expand the meaning of this phrase "Enclosed Public Place." For instance, in Alabang Country Club, we have a bar there, Mr. President, that is often used by members of the club anywhere from 20 to 30. It is a big bar and we are always having problems because some of the members smoke and some members do not. I myself brought up this particular provision because we have an ordinance in the City of Muntinlupa. But the present leadership of the Alabang Country Club says that this is not included in the ordinance because this is a private clubhouse. So, that is the meaning of that, Mr. President.

**Senator Sotto.** Mr. President, I have some worries about that because if that is the example, then the owners of the place, the place being a private establishment or a private place, can make their own rules, policies or regulations for their private areas and need not be a law. The board of directors can easily say, "There is no smoking in this area." Instead of including private places in the definition of public conveyance, in much the same way that if I occupy a certain room in a restaurant, it is considered a public area. But once I contract the room, it becomes a private room for the duration of the time that I have rented it. Therefore, if my guests would like to smoke, they can. That is what I mean, Mr. President. If we expand the meaning of "public conveyance" to include private area, would it not be bordering on legislating for private places?

**Senator Cayetano.** Mr. President, I said "private clubhouse" in the sense that it is owned by members only. But we also know for a fact that private clubhouses, such as what I have mentioned as an example, are really frequented by nonmembers, guests of members, their families, and so on and so forth.

In the definition, without taking into consideration my amendment, for instance, hospitals, these are private hospitals. I am sure it would include private hospitals, medical clinics and obviously, these are private in nature. Restaurants, department stores are really public in nature owned, at least, and operated by private individuals but open to the public.

Just to be consistent, Mr. President. I thought that in order to rid of the problem, we have to include private clubhouses. I do realize the point of my good friend, Senator Sotto. It is well and good if the boards of directors are cognizant of the danger of smoking. But the only problem there is, not all

the board of directors of different private clubhouses have the same, shall we say, idea of banning smoking. That is why I gave as an example my own clubhouse in Alabang. The directors are telling me that there is no law prohibiting this, and I think this is the truth. So, if the board of directors of, let us say, Manila Golf Club has already a standing resolution, well and good. But suppose the board of directors of other clubhouses would not, for any reason, impose a "no smoking" in these private places which cater also to the public? Because in most cases, a private clubhouse also caters to the public. It has function rooms, bars, and restaurants. So, that is the reason for that.

**Senator Sotto.** Well, I leave it to the leadership and to the sponsor. I just pointed it out. I was informed here that when we define public places, they said it is a public congregate, even if it is privately owned. So that would automatically include the clubhouses already. If the distinguished gentleman from Taguig and Muntinlupa would like to expressly place it there, then I will no longer object, Mr. President. I just pointed it out.

**Senator Cayetano.** I would like to thank the gentleman from Quezon City and Cebu, Mr. President.

**The President.** All right. Is there any other...

**Senator Cayetano.** No. May I know if there is...

**The President.** It is already accepted.

**Senator Flavier.** It is accepted, Mr. President.

**The President.** Is there any objection? [Silence] There being none, the amendment is approved.

**Senator Cayetano.** Thank you, Mr. President.

**The President.** Are there any other amendments, Madam Majority Leader?

#### MAGSAYSAY AMENDMENT

**Senator Legarda Leviste.** Mr. President, there are anterior amendments here from Senator Magsaysay. On page 2, No. 4, put D after the word "encourage" so that it will read: "Filipino tobacco farmers shall be assisted and encourageD."

**Senator Flavier.** It is accepted, Mr. President.

**The President.** Is there any objection? [Silence] There being none, the amendment is approved.

## LEGARDA LEVISTE AMENDMENTS

**Senator Legarda Leviste.** I also have an anterior amendment on page 1, Section 2, No. 1. Insert the words AND SUFFICIENT between "prominent" and "warning" so that the line would read: "Smokers shall be adequately informed of the health risks associated with cigarette smoking and tobacco use by the inclusion of a prominent AND SUFFICIENT warning on each package or container of cigarettes or tobacco,..."

**Senator Flavier.** It is accepted, Mr. President.

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda Leviste.** On page 5—that is my amendment. Section 5, insert the article THE between the words "in" and "front". So the paragraph now reads: "The printed warning in Filipino or English shall be located in THE front panel..."

**Senator Flavier.** What line is that?

**The President.** Editorial?

**Senator Legarda Leviste.** It is just an editorial...

**Senator Flavier.** It is accepted, Mr. President.

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda Leviste.** On page 6, line 6, add the letter S in the paragraph which says: "In addition, cigaretteS" with an S "or tobacco products" with an S.

**Senator Flavier.** It is accepted, Mr. President.

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

## MAGSAYSAY AMENDMENT

**Senator Legarda Leviste.** There is another amendment of Senator Masaysay on page 8, line 11. Delete the phrase "Education, Culture and Sports" and in lieu thereof, insert the words DEPARTMENT OF EDUCATION (DEPED).

**Senator Flavier.** It is accepted, Mr. President.

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda Leviste.** That is all, Mr. President. I think there are no more individual amendments. If there are no more individual amendments, I move that we close the period of individual amendments.

**The President.** Is there any objection? *[Silence]* There being none, the period of amendments is closed.

## APPROVAL OF S. NO. 1859 ON SECOND READING

**Senator Legarda Leviste.** Mr. President, I move that we vote on Second Reading on Senate Bill No. 1859, as amended, as reported out under Committee Report No. 7.

**The President.** Is there any objection? *[Silence]* There being none, we shall now vote on Second Reading on Senate Bill No. 1859, as amended.

As many as are in favor of the bill, say *aye*.

**Several Members.** *Aye*.

**The President.** As many as are against the bill, say *nay*. *[Silence]*

Senate Bill No. 1859, as amended, is approved on Second Reading.

The Majority Leader is recognized.

## SUSPENSION OF CONSIDERATION OF S. NO. 1859

**Senator Legarda Leviste.** Mr. President, I move that we suspend consideration of Senate Bill No. 1859.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved.

## BILL ON SECOND READING

S. No. 1860 — Philippine Ear Research  
Institute Act of 2001

*(Continuation)*

**Senator Legarda Leviste.** Mr. President, I move that we resume consideration of Senate Bill No. 1860 as reported out under Committee Report No. 8.

**The President.** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1860 is now in order.

**Senator Legarda Leviste.** We are now in the period of committee amendments.

There being none, the Reference of Business is deferred to a later hour.

CONFERENCE COMMITTEE REPORT ON  
S. NO. 1859/H.NO. 5950  
(Stop Tobacco and Other Products for Health Act)

Senator Pangilinan. Thank you, Mr. President. We are in receipt of the bicameral conference report of the disagreeing provisions of Senate Bill No. 1859 and House Bill No. 5950. Copies have already been distributed to the members of the Chamber.

Mr. President, I move that we recognize the chairman, our chairman of the Committee on Health, Sen. Juan M. Flavio, to give us the report.

The President. Sen. Juan M. Flavio is recognized to submit the report of the Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 1859 and House Bill No. 5950.

REPORT OF SENATOR FLAVIO

Senator Flavio. Mr. President, and my dear colleagues.

It is my honor to present the result of the conference committee on the disagreeing provisions of Senate Bill No. 1859 and House Bill No. 5950.

The Senate panel was composed of three people; namely, Sen. "Loi" Ejercito Estrada, Sen. "Kiko" Pangilinan, and yours truly.

On the part of the House, it was a panel of 11 people led by Cong. Harry Angping and Cong. Eric Singson. The meeting was characterized by great mutual respect and a very, very positive constructive spirit, Mr. President.

The complete text of the conference committee report, together with the final text of the bill as reconciled, has been distributed to all our colleagues. But I would like to highlight a few of the very important provisions of this landmark bill for which we have waited for about ten years to enact.

A very important section is Section 13 on the "Warnings on Cigarette Packages."

Under this Act:

a. All packages in which tobacco products are provided to consumers withdrawn from the manufacturing facility of all manufacturers or imported into the Philippines intended for sale to the market, starting 1 January 2004, shall be printed, in either English

or Filipino, on a rotating basis or separately and simultaneously, the following health warnings: "GOVERNMENT WARNING: Cigarette Smoking is Dangerous to Your Health;"

"GOVERNMENT WARNING: Cigarettes are Addictive;"

"GOVERNMENT WARNING: Tobacco Smoke Can Harm Your Children;" or

"GOVERNMENT WARNING: Smoking Kills."

This is a combination of both the House and Senate versions.

b. Upon effectivity of this act until 30 June 2006, the health warning shall be located on one side panel of every tobacco product package and occupy not less than fifty percent (50%) of such side panel including any border or frame.

The above provision was lifted from the House version. This is really a provision while we are waiting for the agreed period before we implement the final warning on the front. Therefore, it says:

c. BEGINNING 1 JULY 2006, THE HEALTH WARNING SHALL BE LOCATED ON THE BOTTOM PORTION OF ONE (1) FRONT PANEL OF EVERY TOBACCO PRODUCT PACKAGE AND OCCUPY NOT LESS THAN THIRTY PERCENT (30%) OF SUCH FRONT PANEL INCLUDING ANY BORDER OR FRAME. THE TEXT OF THE WARNING SHALL APPEAR IN CLEARLY LEGIBLE TYPE IN BLACK TEXT ON A WHITE BACKGROUND WITH A BLACK BORDER AND IN CONTRAST BY TYPOGRAPHY, LAYOUT OR COLOR TO THE OTHER PRINTED MATTERS ON THE PACKAGE. THE HEALTH WARNING SHALL OCCUPY A TOTAL AREA OF NOT LESS THAN FIFTY PERCENT (50%) OF THE TOTAL WARNING FRAME.

The above provision was lifted from the Senate version with amendments.

d. THE WARNINGS SHALL BE ROTATED PERIODICALLY, OR SEPARATELY AND SIMULTANEOUSLY PRINTED, SO THAT WITHIN ANY TWENTY-FOUR (24) MONTH PERIOD, THE FOUR (4) VARIATIONS OF THE WARNINGS SHALL APPEAR WITH PROPORTIONATE FREQUENCY.

e. IN ADDITION TO THE HEALTH WARNINGS, ALL PACKAGES OF TOBACCO PRODUCTS THAT ARE PROVIDED TO CONSUMERS SHALL CONTAIN, ON ONE SIDE PANEL, THE FOLLOWING STATEMENT IN A CLEAR, LEGIBLE AND CONSPICUOUS MANNER: "NO SALE TO MINORS" OR "NOT FOR SALE TO MINORS." THE STATEMENT SHALL OCCUPY AN AREA OF NOT LESS THAN TEN PERCENT (10%) OF SUCH

SIDE PANEL AND SHALL APPEAR IN CONTRAST BY COLOR, TYPOGRAPHY OR LAYOUT WITH ALL THE OTHER PRINTED MATERIAL ON THE SIDE PANEL.

The above provision is a combination of both the House and the Senate versions.

"SECTION 22, *BAN ON ADVERTISEMENTS*.—BEGINNING 1 JANUARY 2007, ALL TOBACCO ADVERTISING ON TELEVISION, CABLE TELEVISION AND RADIO SHALL BE PROHIBITED.

BEGINNING 1 JULY 2007, ALL CINEMA AND OUTDOOR ADVERTISING SHALL BE PROHIBITED. NO LEAFLETS, POSTERS AND SIMILAR OUTDOOR ADVERTISING MATERIALS MAY BE POSTED, EXCEPT INSIDE THE PREMISES OF POINT-OF-SALE RETAIL ESTABLISHMENTS.

BEGINNING 1 JULY 2008, ALL FORMS OF TOBACCO ADVERTISING IN MASS MEDIA SHALL BE PROHIBITED EXCEPT TOBACCO ADVERTISEMENTS PLACED INSIDE THE PREMISES OF POINT-OF-SALE RETAIL ESTABLISHMENTS.

On page 12, line 22, a new section lifted from the Senate version was adopted with some amendments to read as follows:

SECTION 26. *BAN ON SPONSORSHIPS*.—BEGINNING 1 JULY 2008, 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: *PROVIDED*, THAT THE ATTRIBUTION ONLY TO THE NAME OF THE COMPANY IN THE ROSTER OF SPONSORS SHALL BE ALLOWED: *PROVIDED FURTHER*, THAT NO MANUFACTURER MAY REGISTER A TOBACCO BRAND NAME AS A COMPANY NAME AFTER THE PASSAGE OF THIS ACT.

Section 30 of the House version was adopted and amended to read as follows:

Tobacco products intended or offered for export shall be subject only to the requirement that the shipping container shall be prominently marked on the outside "Export Only:" *PROVIDED*, THAT, TOBACCO PRODUCTS WHICH ARE MARKED FOR EXPORT, BUT ARE SOLD/TRADED OR DISTRIBUTED IN THE

PHILIPPINE MARKET, SHALL BE SUBJECT TO IMMEDIATE CONFISCATION AND DESTRUCTION.

Finally, Mr. President, the title of the bill shall read as follows:

AN ACT REGULATING THE PACKAGING, USE, SALE, DISTRIBUTION AND ADVERTISEMENTS OF TOBACCO PRODUCTS AND FOR OTHER PURPOSES.

In case of conflict between the statements/amendments stated in this Joint Explanatory Statement and that of the provisions of the reconciled version in the accompanying conference committee report, the provisions of the latter shall prevail.

Mr. President, I move that we approve the bicameral report as reported and printed and distributed.

The President. Thank you, Senator Flavier.

Senator Pimentel. Mr. President.

The President. Yes, Senator Pimentel.

Senator Pimentel. May we ask a few questions of the sponsor?

The President. If the sponsor will yield, Sen. Aquilino Q. Pimentel Jr. is recognized.

Senator Flavier. With trembling knees, Mr. President.

Senator Pimentel. With eager anticipation, Mr. President, may I ask the following questions. Number one, this bill does not regulate... It seems to me, I heard the gentleman say that this bill will also regulate the use of tobacco. Does that mean people smoking tobacco will also fall under the regulation here?

Senator Flavier. Yes, Mr. President, because according to our definitions, it will include cigarettes and tobacco because the addictive effect comes from the leaf from which it is derived.

Senator Pimentel. Insofar as the use of tobacco or smoking, let us say cigarettes and tobacco products, is concerned, is the smoking of tobacco prohibited in government buildings, Mr. President?

Senator Flavier. By and large, yes, Mr. President. But we have defined it...

Senator Pimentel. Where is the "by" and where is the "large?"

**Senator Flavier.** Both are in the sentence, Mr. President. I am making a distinction because we will allow some form of allowance in open spaces. But in close spaces, Mr. President, very clearly this will be prohibited, except under designated places that are closed including in restaurants.

**The President.** Maybe for the information of the public, if the sponsor can read Section 5 which enumerates where the ban will take place, also for the information of the public who are listening to us on this very important measure.

And may I bring to the attention of Senator Pimentel that the law will apply to tobacco products as specified in Section 30 of this measure.

**Senator Flavier.** I thank the Chair for that assistance. In answer to the good senator from Mindanao:

"Section 5. *Smoking Ban in Public Places.* — Smoking shall be absolutely prohibited in the following public 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;

b. Elevators and stairwells;

c. Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;

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

e. Public conveyances and public facilities including airport and ship terminals and train and bus stations, restaurants and conference halls, except for separate smoking areas; and

f. Food preparation areas."

**The President.** How about the Senate Hall?

**Senator Flavier.** It is included, Mr. President.

**Senator Pimentel.** And the Senate offices?

**The President.** And the Senate building as a whole, where that under this enumeration, Mr. Sponsor?

**Senator Flavier.** It is in the "conference halls."

**The President.** Where is that?

**Senator Flavier.** It is in line 28, page 4 under the section where the Chair requested me to read, it says, "and conference halls..."

**Senator Pimentel.** So the senator's office is not a conference hall?

**Senator Flavier.** No, unless, they confer, Mr. President. [Laughter] Meaning, if they use it for their personal business. But if they have other people meeting with them in conference, by the definition, it should be included. Because in the Clean Air Act, any place where 10 people meet is included.

**The President.** And what is the penalty for violating that?

**Senator Flavier.** It ranges from P1,000 to a penalty of P10,000; for companies, up to P100,000. Imprisonment is also included in the penalty, Mr. President.

**The President.** If it is in the Senate premises, who pays the fine and who gets imprisoned, Mr. Sponsor?

**Senator Flavier.** I will leave that to the Senate President. [Laughter]

Line 22, page 3, might be enlightening because it is part of the definition. It states: "Public places—refer to enclosed or confined areas of all hospitals, medical clinics, schools, public transportations, terminals and offices and buildings such as private and public offices, recreational places, shopping malls, movie houses, hotels, restaurants, and the like." That is rather comprehensive, Mr. President.

**Senator Pimentel.** Where is this, Mr. President, what line?

**Senator Flavier.** It is in line 22 of page 3, Mr. President.

**Senator Pimentel.** I thank the sponsor for that information.

It is very important that we emphasize that this particular bill applies to all, not only to people who are already sick with cancer and cannot in anyway get out from the addiction but for everyone. Meaning, whether one is a high public official or one is a lowly person in this community, in this nation, the bill should really cover all of us.

What I am really worried about, Mr. President, is the implementation of this bill, especially, in the Senate, in the House, in some offices of mayors who are more smoke belching than the dilapidated buses that we see here in Metro Manila.

**Senator Flavier.** That is true, Mr. President. But I am happy to report that one of the three smokers in the Senate already stopped effective this morning by virtue of this law. [Laughter]

**Senator Pimentel.** He did not die yet.

**Senator Flavier.** Not yet, Mr. President. [Laughter] And also as an accommodation during the interpellations, I allowed the three to have a special permit; they are allowed to inhale but they are not allowed to exhale. [Laughter]

**Senator Pimentel.** All right. That sounds like Clinton, Mr. President.

In any event, does this bill prohibit senators sponsoring advertisements on smoking? There are senators I see advertising "Huwag kang magkasakit. Bawal ang sakit." Something like that. [Laughter]

**Senator Flavier.** Ah, those are allowed, Mr. President, because "Bawal magkasakit, pero hindi po bawal mamatay."

Levity aside, I do not think they should. That is just the spirit, there is no specific line but the spirit, I think, is that, we should be the models in the prevention of this for the health of our people.

**Senator Pimentel.** Right. And I would like to put on record my appreciation that finally, this bill has come to pass.

I remember in my first term as senator, there was a similar bill but it never got around to first base, Mr. President.

In the gentleman's warnings, government warnings that will be put in the packets of tobacco products, there are four categories.

**Senator Flavier.** Yes, Mr. President.

**Senator Pimentel.** In other words, any of the four warnings may be chosen by the tobacco manufacturers, Mr. President?

**Senator Flavier.** Yes, Mr. President. However, it is very clear that this shall be in cycles so that all the four must be put in the warning over a period of 24 months. So more or less, every quarter there will be a change.

**Senator Pimentel.** Who is going to monitor whether the cycle is being followed?

**Senator Flavier.** There is a council that will be created under

this law, chaired by the secretary of the Department of Trade and Industry with the Department of Health as vice chairman, and about 10 or 12 agencies that will also be tasked to prepare an IRR or implementing rules and regulations which will cover the implementation, Mr. President.

**Senator Pimentel.** There are four choices.

**Senator Flavier.** Yes, Mr. President.

**Senator Pimentel.** "Cigarette smoking is dangerous to your health." This I think is what appears in American brand cigarettes, Mr. President, if I am not mistaken.

**Senator Flavier.** That is true. This is the worldwide warning that appears in most of the packages, Mr. President.

**Senator Pimentel.** The third one, "Tobacco smoke can harm your children" and the fourth one, "Smoking kills." It seems to me these are all right, but when we say "Cigarettes are addictive" I mean, that is a very mild warning, Mr. President.

**Senator Flavier.** Yes, Mr. President. However, this is a very important point because of the fact that many cigarettes now are found to be actually adding ingredients to their cigarettes to actually hook one into addiction. That is why we elected. But the gentleman is correct, these are of different values.

**Senator Pimentel.** And gravity, yes, in terms of warning.

**Senator Flavier.** Yes, Mr. President, but the strength of this is the cyclical rotation.

**Senator Pimentel.** Yes, which is provided in paragraph D in the gentleman's report on page 2—The warnings should be rotated periodically."

**Senator Flavier.** Yes, Mr. President.

**Senator Pimentel.** So let me thank the gentleman for his kindness in responding to the questions.

**Senator Flavier.** Thank you. May I just reiterate that when I defended this bill on the floor, all of the senators were coauthors, in that when this was approved, all the senators, including the three smokers, voted to approve this bill.

So thank you very much, Mr. President.

**The President.** And those three smokers are still alive?

**Senator Flavier.** So far. [Laughter]

APPROVAL OF BICAMERAL CONFERENCE COMMITTEE  
REPORT ON S. NO. 1859/H. NO. 5950

**Senator Pangilinan.** I therefore move, Mr. President that we approve the conference committee report.

**The President.** All right. There is a motion that the Chamber approve the bicameral conference committee report on the disagreeing provisions of Senate Bill No. 1859 and House Bill No. 5950. Is there any objection? [*Silence*] There being none, the same is approved.

*The following is the whole text of the Conference Committee report:*

Republic of the Philippines  
CONGRESS OF THE PHILIPPINES  
TWELFTH CONGRESS

Second Regular Session

CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of Senate Bill No. 1859 entitled:

**"AN ACT  
REGULATING THE LABELING, SALES AND  
ADVERTISING OF TOBACCO (AND OTHER  
TOBACCO PRODUCTS), PROHIBITING SMOKING  
IN PUBLIC CONVEYANCES AND IN EN-  
CLOSED PUBLIC PLACES, PROVIDING PENAL-  
TIES FOR VIOLATIONS THEREOF AND FOR  
OTHER PURPOSES"**

and House Bill No. 5950, entitled:

**"AN ACT  
AN ACT REGULATING THE USE, SALE AND  
ADVERTISEMENTS OF TOBACCO PRODUCTS,  
AND FOR OTHER PURPOSES"**

After having met and discussed the subject matter in full and free conference, has agreed and does hereby recommend to their respective Houses that Senate Bill No. 1859, in consolidation with House Bill No. 5950 be approved in accordance with the attached copy of the bill as reconciled and approved by the conferees.

Approved,

CONFEREES ON THE PART  
SENATE OF THE PHILIPPINES:

(SGD.) JUAN M. FLAVIER  
Chairman

(SGD.) FRANCIS "KIKO" PANGILINAN

(SGD.) LUISA "LOI" P. EJERCITO-ESTRADA

CONFEREES ON THE PART OF THE  
HOUSE OF REPRESENTATIVES:

(SGD.) HARRY C. ANGPIN  
Chairman

(SGD.) ANTONIO P. YAPHA, JR.

(SGD.) ROMUALDO T. VICENCIO

(SGD.) MAGTANGGOL T. GUNIGUNDO I

(SGD.) ERIC D. SINGSON

(SGD.) SALACNIB F. BATERINA

(SGD.) LUIS P. BERSAMIN, JR.

(SGD.) EDGAR M. CHATTO

(SGD.) DEL R. DE GUZMAN

(SGD.) ABRAHAM KAHLIL B. MITRA

(SGD.) GILBERT C. REMULLA

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

REPUBLIC ACT NO. \_\_\_\_\_

**AN ACT  
REGULATING THE PACKAGING, USE, SALE,  
DISTRIBUTION AND ADVERTISEMENTS OF TOBACCO  
PRODUCTS AND FOR OTHER PURPOSES**

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

**Section 1. Short Title.** - This Act shall be known as the Tobacco Regulation Act of 2003.

**Section 2. Policy.** - It is the policy of the State to protect the populace from hazardous products and promote the right to health



and instill health consciousness among them. It is also the policy of the State, consistent with the Constitutional ideal to promote the general welfare, to safeguard the interests of the workers and other stakeholders in the tobacco industry. For these purposes, the government shall institute a balanced policy whereby the use, sale and advertisements of tobacco products shall be regulated in order to promote a healthful environment and protect the citizens from the hazards of tobacco smoke, and at the same time ensure that the interests of tobacco farmers, growers, workers and stakeholders are not adversely compromised.

**Section 3. Purpose.** - It is the main thrust of this Act to:

- a. Promote a healthful environment;
- b. Inform the public of the health risks associated with cigarette smoking and tobacco use;
- c. Regulate and subsequently ban all tobacco advertisements and sponsorships;
- d. Regulate the labeling of tobacco products;
- e. Protect the youth from being initiated to cigarette smoking and tobacco use by prohibiting the sale of tobacco products to minors;
- f. Assist and encourage Filipino tobacco farmers to cultivate alternative agricultural crops to prevent economic dislocation; and
- g. Create an Inter-agency Committee on Tobacco (IAC-Tobacco) to oversee the implementation of the provisions of this Act.

**Section 4. Definition of Terms.** - As used in this Act:

- a. "Advertisement" - refers to any visual and/or audible message disseminated to the public about or on a particular product that promote and give publicity by words, designs, images or any other means through broadcast, electronic, print or whatever form of mass media, including outdoor advertisements, such as but not limited to signs and billboards. For the purpose of this Act, advertisement shall be understood as tobacco advertisement.
- b. "Advertising" - refers to the business of conceptualizing, presenting, making available and communicating to the public, through any form of mass media, any fact, data or information about the attributes, features, quality or availability of consumer products, services or credit.

For the purpose of this Act, advertising shall be understood

as tobacco advertising. This shall specifically refer to any messages 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;

c. "Advertiser" - refers to a person or entity on whose account or for whom an advertisement is prepared and disseminated by the advertising agency, which is a service established and operated for the purpose of counseling or creating and producing and/or implementing advertising programs in various forms of media;

d. "Cigarette" - refers to any roll or tubular construction, which contains tobacco or its derivatives and is intended to be burned or heated under ordinary conditions of use;

e. "Distributor" - refers to any person to whom a tobacco product is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer or common carrier of such product;

f. "Mass Media" - refers to any medium of communication designed to reach a mass of people. For this purpose, mass media includes print media such as, but not limited to, newspapers, magazines, and publications; broadcast media such as, but not limited to, radio, television, cable television, and cinema; electronic media such as but not limited to the internet;

g. "Minor" - refers to any person below 18 years old;

h. "Manufacturer" - refers to any person or entity, including a re-packer, who makes, fabricates, assembles, processes, or labels a finished product;

i. "Package" - refers to packs, boxes, cartons or containers of any kind in which any tobacco product is offered for sale to consumers;

j. "Person" - refers to an individual, partnership, corporation or any other business or legal entity;

k. "Point-of-Sale" - refers to any location at which an individual can purchase or otherwise obtain tobacco products;

l. "Promotion" - refers to an event or activity organized by or on behalf of a tobacco manufacturer, distributor or retailer with the aim of promoting a brand of tobacco product, which event or activity would not occur but for the support given to it by or on behalf of the tobacco manufacturer, distributor or retailer. It may also refer 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. For the purpose of this Act, promotion shall be understood tobacco promotion;

m. "Public Conveyances" - refer to modes of transportation servicing the, general population, such as, but not limited to, elevators, airplanes, buses, taxicab, ships, jeepneys, light rail transits, tricycles, and similar vehicles;

n. "Public Places" - refer to enclosed or confined areas of all hospitals, medical clinics, schools, public transportation terminals and offices, and buildings such as private and public offices, recreational places, shopping malls, movie houses, hotels, restaurants, and the like;

o. "Retailer" - refers to any person who or entity that sells tobacco products to individuals for personal consumption;

p. "Smoking" - refers to the act of carrying a lighted cigarette or other tobacco products, whether or not it is being inhaled or smoked;

q. "Sponsorship" - refers to any public or private contribution to a third party in relation to an event, team or activity made with the aim of promoting a brand of tobacco product, which event, team or activity would still exist or occur without such contribution. For the purpose of this Act, sponsorship shall be understood as tobacco sponsorship;

r. "Tobacco" - refers to agricultural components derived from the tobacco plant, which are processed for use in the manufacturing of cigarettes and other tobacco products;

s. "Tobacco Product" - refers to any product that consists of loose tobacco that contains nicotine and is intended for use in a cigarette, including any product containing tobacco and intended for smoking or oral or nasal use. Unless stated otherwise, the requirements of this Act pertaining to cigarettes shall also apply to other tobacco products;

t. "Tobacco Grower" - refers to any person who plants tobacco before the enactment of this Act and classified as such by the National Tobacco Administration (NTA); and

u. "Warning" - refers to the notice printed on the tobacco product or its container and/or displayed in print or aired in broadcast or electronic media including outdoor advertising and which shall bear information on the hazards of tobacco use.

#### HEALTHFUL ENVIRONMENT

**Section 5. Smoking Ban in Public Places.** - Smoking shall be absolutely prohibited in the following public places:

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

b. Elevators and stairwells;

c. Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;

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

e. Public conveyances and public facilities including airport and ship terminals and train and bus stations, restaurants and conference halls, except for separate smoking areas; and

f. Food preparation areas.

**Section 6. Designated Smoking and Non-smoking Areas.** - In all enclosed places that are open to the general public, private workplaces and other places not covered under the preceding section, where smoking may expose a person other than the smoker to tobacco smoke, the owner, proprietor, operator, non-smoking areas. Such areas may include a designated smoking area within the building, which may be in an open space or separate area with proper ventilation, but shall not be located within the same room that has been designated as a non-smoking area.

All designated smoking areas shall have at least one (1) legible and visible sign posted, namely "SMOKING AREA" for the information and guidance of all concerned. In addition, the sign or notice posted shall include a warning about the health effects of direct or secondhand exposure to tobacco smoke. Non-smoking areas shall likewise have at least one (1) legible and visible sign, namely: "NON-SMOKING AREA" or "NO SMOKING."

#### ACCESS RESTRICTIONS

**Section 7. Vending Machines, Self-Service Facilities.** - Unless the vending machine has a mechanism for age verification, the sale or distribution of tobacco products to minors by means of a vending machine or any self-service facility or similar contraption or device is prohibited, except at point-of-sale establishments.

**Section 8. Retailer Compliance with Respect to Self-Service Facilities** - Each retailer shall ensure that all tobacco-related self-service displays or facilities, advertising, labeling and other items that are located in the establishment of the retailer

and that do not comply with the requirements of this Act are removed or are brought into compliance with the requirements of this Act.

**Section 9. Minimum Age Sales.** - Under this Act, it shall be unlawful:

- a. For any retailer of tobacco products to sell or distribute tobacco products to any minor;
- b. For any person to purchase cigarettes or tobacco products from a minor;
- c. For a minor to sell or buy cigarettes or any tobacco product; and
- d. For a minor to smoke cigarettes or any other tobacco products.

It shall not be a defense for the person selling or distributing 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.

**Section 10. Sale of Tobacco Products Within School Perimeters.** - The sale or distribution of tobacco products is prohibited within one hundred (100) meters from any point of the perimeter of a school, public playground or other facility frequented particularly by minors.

**Section 11. Signage.** - Point-of-Sale establishments offering, distributing or selling tobacco products to consumers, shall post the following statement in a clear and conspicuous manner: **"SALE/DISTRIBUTION TO OR PURCHASE BY MINORS OF TOBACCO PRODUCTS IS UNLAWFUL"** or **"IT IS UNLAWFUL FOR TOBACCO PRODUCTS TO BE SOLD/DISTRIBUTED TO OR PURCHASED BY PERSONS UNDER 18 YEARS OF AGE."**

**Section 12. Proof of Age Verification.** - In case of doubt as to the age of the buyer, retailers shall verify, by means of any valid form of photographic identification containing the date of birth of the bearer, that no individual purchasing a tobacco product is below eighteen (18) years of age.

#### ADVERTISING AND PROMOTIONS

**Section 13. Warnings on Cigarette Packages.** - Under this Act:

- a. All packages in which tobacco products are provided to

consumers withdrawn from the manufacturing facility of all manufacturers or imported into the Philippines intended for sale to the market, starting 1 January 2004, shall be printed, in either English or Filipino, on a rotating basis or separately and simultaneously, the following health warnings:

**"GOVERNMENT WARNING: Cigarette Smoking is Dangerous to Your Health."**

**"GOVERNMENT WARNING: Cigarettes are Addictive;"**

**"GOVERNMENT WARNING: Tobacco Smoke Can Harm Your Children;"**

or

**"GOVERNMENT WARNING: Smoking Kills."**

- b. Upon effectivity of this Act until 30 June 2006, the health warning shall be located on one side panel of every tobacco product package and occupy not less than fifty percent (50%) of such side panel including any border or frame.

- c. Beginning 1 July 2006, the health warning shall be located on the bottom portion of one (1) front panel of every tobacco product package and occupy not less than thirty percent (30%) of such front panel including any border or frame. The text of the warning shall appear in clearly legible type in black text on a white background with a black border and in contrast by typography, layout or color to the other printed matters on the package. The health warning shall occupy a total area of not less than fifty percent (50%) of the total warning frame.

- d. The warnings shall be rotated periodically, or separately and simultaneously printed, so that within any twenty-four (24) month period, the four (4) variations of the warnings shall appear with proportionate frequency.

- e. The warning shall not be hidden or obscured by other printed information or images, or printed in a location where tax or fiscal stamps are likely to be applied to the package or placed in a location where it will be damaged when the package is opened. 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.

- f. In addition to the health warning, all packages of tobacco products that are provided to consumers shall contain, on one side panel, the following statement in a clear, legible and conspicuous manner: **"NO SALE TO MINORS"** or **"NOT FOR SALE TO MINORS."** The statement shall occupy an area of not less than ten percent (10%) of such side panel and shall appear in contrast by color, typography or layout with all the other printed material on the side panel.

- g. No other printed warnings, except the health warning and

the message required in this Section, paragraph f. shall be placed on cigarette packages.

**Section 14. Warnings in Advertising.** - Under this Act:

a. All tobacco advertising in mass media shall contain either in English or Filipino, the following health warning: "**GOVERNMENT WARNING: Cigarette Smoking is Dangerous to Your Health;**"

b. For print and outdoor advertisements, the warning frame shall be centered across the bottom of the advertisement and occupy a total area of not less than fifteen percent (15%) of such advertisement including any border or frame. The health warning shall occupy a total area of not less than fifty percent (50%) of the total warning frame. The text of the health warnings shall be clearly visible and legible, printed in a prominent color as appropriate and shall appear in contrast by color, typography or layout with all other printed material in the advertisement. The warning shall not be hidden or obscured by other printed information or images in the advertisement.

c. For television and cinema advertisements, the warning shall be clearly shown and voiced over in the last five (5) seconds of advertisement, regardless of the duration of the advertisement, even when such advertisement is silent. The health warning shall occupy a total area of not less than fifty percent (50%) of the television screen and shall be clearly visible, legible and audible, in black text on white background or white text on black background. No other images except the warning shall be included in the warning frame.

d. For radio advertisements, the warning stated after the advertisement shall be clearly and audibly voiced over in the last five (5) seconds of the advertisement, regardless of its duration.

**Section 15. Restrictions on Advertising.** - The following restrictions shall apply to all tobacco advertising:

a. Advertisements shall not be aimed at or particularly appeal to persons under eighteen (18) years of age.

b. Advertisements shall not feature a celebrity or contain an endorsement, implied or express, by a celebrity.

c. Advertisements shall not contain cartoon characters or subjects that depict humans or animals with comically exaggerated features or that attribute human or unnatural characteristics to animals, plants or other objects.

d. Advertisements shall only depict persons who are or who appear to be above twenty-five (25) years of age.

e. Advertisements shall not show, portray or depict scenes where the actual use of, or the act of using, puffing or lighting cigarettes or other tobacco products is presented to the public.

**Section 16. Restrictions on Print Media Advertising.** - The following restrictions shall apply to all print media tobacco advertisements:

a. Advertisements shall not be placed in any printed publication unless there is a reasonable basis to believe that at least seventy five percent (75%) of the readers of such publication are eighteen (18) years of age and above, and the number of youth who read it constitutes less than ten percent (10%) of all youth in the Philippines.

b. Advertisements shall not be placed on the packaging or outside covers (front and back) of a magazine, newspaper, journal or other publication printed for general circulation.

**Section 17. Restrictions on Outdoor Advertising.** - The following restrictions shall apply to all outdoor tobacco advertising

a. Outdoor advertisements shall not be placed on billboards, wall murals, or transport stops or stations which are within one hundred (100) meters from any point of the perimeter of a school, public playground or other facility frequented particularly by persons below eighteen (18) years of age.

b. Outdoor advertisements shall not, either individually or when placed in deliberate combination with other outdoor tobacco advertising, exceed seventy (70) square meters in total size.

c. Outdoor advertisements shall not be placed on taxis, buses, trains or other public conveyance or in stations, terminals or platforms thereof, except point-of-sale establishments.

**Section 18. Restrictions on Advertising in Cinemas.** - Tobacco advertisements are prohibited in connection with the showing of any film where persons below eighteen (18) years old are permitted admission.

**Section 19. Restrictions on Television and Radio Advertising.** - Advertisements shall not be broadcast on television, cable television, and radio between seven o'clock in the morning and seven o'clock at night

**Section 20. Restrictions on Advertising in Audio, Video and Computer Cassettes/Discs and Similar Medium.** - No electronic advertisements shall be incorporated within any video or audio cassette, videogame machine, optical disc, or any similar medium, unless access to the item is restricted to persons eighteen (18) years of age or older. For the purpose of this Section, video game

includes any electronic amusement device that utilizes a computer, microprocessor, or similar electronic circuitry and its own cathode ray tube, or is designed to be used with a television set or a monitor that interacts with the user of the device.

**Section 21. Restrictions on Advertising on the Internet and Similar Medium.** - Advertisements are prohibited on the Internet and other similar medium unless the Internet site is restricted to persons eighteen (18) years of age or older. A site will be deemed restricted if a person cannot obtain access beyond the first page of the website unless the person has established that he or she is at least eighteen (18) years old. This limitation applies to commercial communications and shall not prevent the use of company Internet websites to provide information regarding a company, its products and smoking and health related information. This Section shall not prohibit business-to-business transactions conducted on the Internet and other similar medium between tobacco manufacturers, retailers, and distributors.

**Section 22. Ban on Advertisements.** - Beginning 1 January 2007, all tobacco advertising on television, cable television and radio shall be prohibited.

Beginning 1 July 2007, all cinema and outdoor advertising shall be prohibited. No leaflets, posters and similar outdoor advertising materials may be posted, except inside the premises of point of sale retail establishments.

Beginning 1 July 2008, all forms of tobacco advertising in mass media shall be prohibited except tobacco advertisements placed inside the premises of point-of-sale retail establishments.

**Section 23. Restrictions on Tobacco Promotions.** - The following restrictions shall apply on all tobacco promotions:

a. Promotions must be directed only to persons at least eighteen (18) years old. No person below eighteen (18) years old or who appear to be below eighteen (18) years old may participate in such promotions. The participants in promotions must be required to provide proof of age.

b. Communications to consumers about tobacco promotions shall comply with the provisions of this Act governing tobacco advertising. In addition to the required health warning, the age requirement for participation in any promotion must be clearly marked on the program materials distributed to consumers.

c. All stalls, booths, and other displays concerning tobacco promotions must be limited to point-of-sale locations or adult-only facilities.

d. Telephone communications concerning promotional

offers, programs or events must include a recorded health warning message in English or Filipino consistent with the warnings specified in this Act.

e. No placement shall be made by any manufacturer, distributor, or retailer of any tobacco product or tobacco product package or advertisement as a prop in any television program or motion picture produced for viewing by the general public or in a video, optical disc or on a video game machine.

f. The name, logo, or other indicia of a cigarette brand may appear on cigarette lighters, ashtrays, or other smoking related items. If such name, logo, or other indicia of a cigarette brand is larger than fifty (50) square centimeters, the item must carry a health warning consistent with the warnings specified in this Act.

g. No merchandise such as, but not limited to, T-shirts, caps, sweatshirts, visors, backpacks, sunglasses, writing implements and umbrellas, may be distributed, sold or offered, directly or indirectly, with the name, logo or other indicia of a cigarette brand displayed so as to be visible to others when worn or used. Clothing items must be in adult sizes only.

h. No name, logo, or other indicia of a cigarette brand or element of a brand-related marketing activity, may appear on items that are marketed to or likely to be used by minors such as, but not limited to, sports equipment, toys, dolls, miniature replicas of racing vehicles, video games, and food. The manufacturer or company must take all available measures to prevent third parties from using the company's brand names, logos, or other proprietary material on products that are directed toward minors.

i. No tobacco advertisements may be placed on shopping bags.

**Section 24. Naming Rights.** - Subject to the provisions of this Act:

a. No manufacturer may enter into any agreement pursuant to which payment is made or other consideration is provided by such manufacturer to any sports league, or any team involved in any such league, in exchange for use of a tobacco product brand.

b. No manufacturer may enter into any agreement for the naming rights of any stadium or arena using a tobacco product brand name or otherwise cause a stadium or arena to be named with such a brand name.

**Section 25. Restrictions on sponsorships.** - Beginning 1 July 2006:

a. No sponsorship shall be provided for:

1) an event or activity which bears a tobacco product brand name, unless there is reasonable basis to believe that all persons who compete, or otherwise take an active part, in the sponsored events or activities are persons eighteen (18) years of age or older;

2) a team or an individual bearing a tobacco product name, unless all persons sponsored are eighteen (18) years of age or older; or

3) a sponsored event or activity reasonably believed to be of particular appeal to persons under eighteen (18) years old.

b. Tobacco brand sponsorships shall be prohibited except where there is a reasonable basis to believe that:

1) attendance at the sponsored event or activity will comprise no less than seventy-five-percent (75%) persons at least eighteen (18) years old;

2) the sponsored event or activity will not be of particular appeal to persons under eighteen (18) years old;

3) the sponsored event or activity will not receive exposure, other than as a news item, on television or radio or the Internet, unless such exposure complies with the provisions of this Act governing tobacco marketing through those media; and

4) the principal activity associated with the sponsorship does not require above-average physical fitness for someone of the age group of those taking part.

c. All persons authorized to bear tobacco product advertisements, logos or brand names at sponsored events shall be at least eighteen (18) years old.

d. All forms of advertising associated with or ancillary to sponsorship shall comply with the marketing provisions of this Act.

**Section 26. Ban on Sponsorships.** - Beginning 1 July 2008, 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: Provided, That the attribution only to the name of the company in the roster of sponsors shall be allowed: Provided further, That no manufacturer may register a tobacco brand name as a company name after the passage of this Act.

**Section 27. Restrictions on Sampling.** - The distribution of samples of tobacco products to persons below eighteen (18) years old is prohibited.

**Section 28. Legal Actions.** - Any legal action in connection with the tobacco industry shall be governed by the provisions of the Philippine Civil Code and other applicable laws.

#### IMPLEMENTING AGENCY AND APPLICATION

**Section 29. Implementing Agency.** - An Inter-Agency Committee Tobacco (IAC-Tobacco), which shall have the exclusive power and function to administer and implement the provisions of this Act, is hereby created. The IAC-Tobacco shall be chaired by the Secretary of the Department of Trade and Industry (DTI) with the Secretary of the Department Of Health as Vice-Chairperson. The IAC-Tobacco shall have the following as members

a. Secretary of the Department of Agriculture (DA);

a. Secretary of the Department of Justice (DOJ);

b. Secretary of the Department of Finance (DOF);

c. Secretary of the Department of Environment and Natural Resources (DENR);

d. Secretary of the Department of Science and Technology (DOST);

e. Secretary of the Department of Education (DepEd);

f. Administrator of the National Tobacco Administration (NTA); and

g. A Representative from the Tobacco Industry to be nominated by the legitimate and recognized associations of the industry;

h. A representative from a Non-Government Organization (NGO) involved in public health promotion nominated by DOH in consultation with the concerned NGOs;

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

**Section 30. Application to Tobacco Products.** - The provisions of this Act shall apply to all tobacco products placed into commerce in the Philippines. Except as provided below, no provision of this Act shall apply to tobacco products intended or offered by the manufacturer for export and not for [retail] sale in the Philippines.

Tobacco products intended or offered for export shall be subject only to the requirement that the shipping container shall be prominently marked on the outside "Export Only." Provided, That, tobacco products which are marked for export, but are sold/traded or distributed in the Philippine market, shall be subject to immediate confiscation and destruction.

**Section 31 Compliance Monitoring** - Not later than one (1) year after the date of the effectivity of this Act, and annually thereafter, the IAC-Tobacco shall submit to the President and to both Houses of Congress a Compliance Monitoring Report on the compliance of the manufacturers on all applicable laws and ordinances with respect to the manufacture and distribution of tobacco products.

The report shall contain pertinent information on the methods, goals and implementation program of said manufacturers with respect to the requirements of this Act.

#### PENAL PROVISIONS

**Section 32 Penalties.** - The following penalties shall apply:

a. Violation of Sections 5 and 6. - On the first offense, a fine of not less than five hundred pesos (Php500.00) but not more than one thousand pesos (Php1,000.00) shall be imposed.

On the second offense, a fine of not less than one thousand pesos (Php1,000.00) but not more than five thousand pesos (Php5,000.00) shall be imposed.

On the third offense, in addition to a fine of not less than five thousand pesos (Php5,000.00) but not more than ten thousand pesos (Php10,000.00), the business permits and licenses to operate shall be cancelled or revoked.

b. Violation of Sections 7, 8, 9, 10, and 11. - On the first offense, any person or any business entity or establishment selling to, distributing or purchasing a cigarette or any other tobacco products for a minor shall be fined the amount of not less than five thousand pesos (Php5,000.00) or an imprisonment of not more than thirty (30) days, upon the discretion of the court. For succeeding offenses, both penalties shall apply in addition to the revocation of business licenses or permits in the case of a business entity or establishment.

If the violation is by an establishment of business entity, the owner, president, manager, or the most senior officers thereof shall be held liable for the offense.

If a minor is caught selling, buying or smoking cigarettes or any other tobacco products, the provisions of Article 189 of

Presidential Decree No. 603 otherwise known as The Child and Youth Welfare Code, as amended, shall apply.

c. Violation of Sections 13 to 27. - On the first offense, a fine of not more than one hundred thousand pesos (Php100,000.00) or imprisonment of not more than one (1) year, or both, at the discretion of the court shall be imposed.

On the second offense, a fine of two hundred thousand pesos (Php200,000.00) or imprisonment of not more than two (2) years, or both, at the discretion of the court shall be imposed.

On the third offense, in addition to a fine of not more than four hundred thousand pesos (Php400,000.00) or imprisonment of not more than three (3) years, or both, at the discretion of the court, the business permits and licenses, in the case of a business entity or establishment, shall be revoked or cancelled.

In the case of a business entity or establishment, the owner, president, I manager or officials thereof shall be liable.

If the guilty officer is an alien, he shall summarily be deported after serving his sentence, and shall be forever barred from re-entering the Philippines.

#### PROGRAMS AND PROJECTS

**Section. 33. Programs and Projects.** - For a period not exceeding five (5) years, the National Government and the concerned departments and agencies shall provide the following programs and projects:

a. *Tobacco Growers' Assistance Program* - This program shall be utilized to support financially the tobacco farmers who may be displaced due to the implementation of this Act or has voluntarily ceased to produce tobacco. To avail of this program, a beneficiary shall present convincing and substantial evidence that:

1) He or she has been a tobacco farmer for the last three (3) years prior to January 1, 2004;

2) He or she belongs to the tobacco - producing provinces;

3) He or she has a certificate of eligibility to apply issued by the Local Government Unit and the National Tobacco Administration, and

4) He or she has ceased to plant tobacco for the next preceding season after the enactment of this Act.

b. *Tobacco Growers' Cooperative.* - This program shall

promote cooperative programs to assist tobacco farmers in developing alternative farming systems, plant alternative crops and other livelihood projects. The requirements of subsection a) shall likewise apply.

c. *National Smoking Cessation Program.* - A National Smoking Cessation Program shall be undertaken with the approval of the IAC-Tobacco. The implementing rules and guidelines to reinforce this program shall be submitted to the IAC-Tobacco by the Secretary of Health within three (3) months after the effectivity of this Act.

d. *Research and Development Program.* - The IAC-Tobacco shall establish a research and development program to be spearheaded by the National Tobacco Administration in cooperation with the Department of Science and Technology, which will undertake studies concerning technologies and methods to reduce the risk of dependence and injury from tobacco product usage and exposure, alternative uses of tobacco and similar research programs.

e. *National Tobacco-Free Public Education Program.* - State Universities and Colleges and Technical and Vocational Schools shall provide scholarship programs for dependents of tobacco growers for which the administrator of the NTA shall provide implementing rules and guidelines. The guidelines shall be submitted to the IAC-Tobacco within three (3) months after the effectivity of this Act.

f. *Displaced Cigarette Factory Workers' Assistance Program.* - The Secretary of Labor and Employment, with the concurrence of the IAC-Tobacco shall establish a program to assist displaced, terminated/separated or retrenched cigarette factory workers as a result of the enactment of this Act. The Secretary of Labor in coordination with the NTA and DTI shall provide the rules and guidelines to effectuate this program and submit the same to the IAC-Tobacco within three (3) months after the effectivity of this Act.

g. *Health Programs.* - The IAC-Tobacco, in consultation with the DOH, shall be responsible for awarding grants to all medical institutions for the purpose of planning, carrying out, and evaluating activities related to smoking-related illnesses. The IAC-Tobacco shall submit to Congress and the President the annual report of expenditures related to this program.

h. *Withdrawal Clinics.* - The DOH shall establish smoking withdrawal clinics to provide counseling regarding the hazardous health effects of tobacco/cigarette smoking and to rehabilitate smokers from the hazardous effects of such products.

If a smoker-minor voluntarily submits himself for treatment,

counseling, or rehabilitation in a smoking withdrawal clinic located in any medical institution in the Philippines, or through his parent/guardian, the expenses incurred shall be a reimbursable outpatient service of the Philippine Health Insurance Corporation.

#### INFORMATION PROGRAM

**Section 34. Information Drive.** - Consistent with the provisions of this Act, the DOH shall, in cooperation with the DepEd and with the assistance of the Philippine Information Agency (PIA), undertake a continuous information program on the harmful effects of smoking.

The DOH shall enlist the active participation of the public and private sectors in the national effort to discourage the unhealthy habit of smoking.

**Section 35. Instruction on the Hazardous Effect of Smoking as Part of School Curricula.** - Instruction on the adverse effects of cigarette/tobacco smoking, including their health, environmental and economic implications, shall be integrated into the existing curricula of all public and private elementary and high schools.

The DepEd Secretary shall promulgate such rules and regulations as may be necessary to carry out the abovementioned policy hereof, and, with the assistance of the Secretary of Health, and with the approval of the IAC-Tobacco, shall cause the publication and distribution of materials on the unhealthy effects of smoking to students and the general public.

#### MISCELLANEOUS PROVISIONS

**Section 36. Congressional Oversight Committee on Tobacco** - A Congressional Oversight Committee on Tobacco (COC-Tobacco) is hereby constituted which is mandated to monitor and review the implementation of this Act for a period not exceeding three (3) years. The COC-Tobacco shall be composed of the Chairpersons of the Senate Committees on Health, Trade and Commerce, Agriculture and Public Information and the House of Representatives Committees on Trade and Industry, Health, Public Information and Agriculture and a Member of the House of Representatives representing the tobacco producing provinces, to be nominated by all the Members of the House of Representatives from tobacco producing districts.

The Secretariat of the COC-Tobacco shall be drawn from the existing secretariat personnel of the standing committees comprising the Congressional Oversight Committee and its funding requirements shall be charged against the appropriations of both the House of Representatives and the Senate of the Philippines.

**Section 37. Implementing Rules.** - The IAC-Tobacco shall



promulgate such rules and regulations necessary for the effective implementation of this Act within six (6) months from the date of publication of this Act. The said rules and regulations shall be submitted to the COC- Tobacco for its review. The COC- Tobacco shall approve the implementing rules and regulations within thirty (30) working days of receipt thereof: Provided, That in the event the implementing rules and regulations are not promulgated within the specified period, the specific provisions of this Act shall immediately be executory.

**Section 38. Appropriations.** - The amount necessary to implement the provisions of this Act shall be charged against the current year's appropriations of the concerned national government agencies. Thereafter, such funds as may be necessary for the continued implementation of this Act shall be included in the budgets of the concerned national government agencies under the annual General Appropriations Act.

**Section 39. Repealing Clause.** - DOH Administrative Orders No. 10 s. 1993 and No. 24 s. 2003 are hereby repealed. Article 94 of Republic Act No. 7394, as amended, otherwise known as the Consumer Act of the Philippines, is hereby amended.

All other laws, decrees, ordinances, administrative orders, rules and regulations, or any part thereof, which are inconsistent with this Act are likewise repealed or amended accordingly.

**Section 40. Separability Clause.** - Should any provision of this Act be subsequently declared unconstitutional, the other provisions not so declared shall remain in full force and effect.

**Section 41. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in the Official Gazette and at least two (2) newspapers of national circulation.

Approved,

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

**JOINT EXPLANATION OF THE CONFERENCE  
COMMITTEE ON THE DISAGREEING PROVISIONS OF  
SENATE BILL 1859 AND HOUSE BILL 5950**

The Conference Committee on the disagreeing provisions of Senate Bill 1859 and House Bill No. 5950, after having met and fully discussed the subject matter, hereby report to both Houses the following, that:

1. House Bill 5950 was adopted as the working draft;

2. Section 2 of the House version was adopted with the following amendments:

On page 1, line 9, the word "healthy" was changed to "healthful". This shall be an omnibus amendment.

On the same page, line 10, delete the period, replace it with a comma and after the word "smoke", add the phrase: "AND AT THE SAME TIME ENSURE THAT THE INTERESTS OF TOBACCO FARMERS, GROWERS AND STAKEHOLDERS ARE NOT ADVERSELY COMPROMISED."

3. Section 3 - Purpose - of the House version was adopted with the following amendments:

On page 1, line 17, after the word "regulate", insert the phrase "AND SUBSEQUENTLY BAN."

On the same line, after the word "advertisements", add the phrase "AND SPONSORSHIPS."

4. Section 4 - Definition of Terms - of the House version was adopted with modification.

On page 3, line 25, after the word "schools," delete the phrase "public conveyances".

5. Section 9 - Minimum Age Sales - of the House version was adopted with the following modifications:

On page 5, line 27, between the words "sell" and "tobacco", add the phrase "OR DISTRIBUTE."

On the same page, line 32, between the words "selling" and "that", add the phrase "OR DISTRIBUTING."

6. Section 13 - Warnings on Cigarette Packages - is a combination of relevant provisions in both the House and Senate version. Section 13 shall read as follows:

**Section 13. Warnings on Cigarette Packages.** - Under this Act:

a. All packages in which tobacco products are provided to consumers withdrawn from the manufacturing facility of all manufacturers or imported into the Philippines intended for sale to the market, **STARTING 1 JANUARY 2004**, shall be printed, in either English or Filipino, on a rotating basis or separately and simultaneously, the following health warnings:

“GOVERNMENT WARNING: Cigarette Smoking is dangerous to Your Health;”

“GOVERNMENT WARNING: Cigarettes are Addictive;”

“GOVERNMENT WARNING: Tobacco Smoke Can Harm our Children;” or

“GOVERNMENT WARNING: Smoking Kills.”

This is a combination of both the House and Senate versions.

b. UPON EFFECTIVITY OF THIS ACT UNTIL 30 JUNE 2006, the health warning shall be located on one side panel of every tobacco product package and occupy not less than fifty percent (50%) of such side panel including any border or frame.

The above provision was lifted from the House version.

c. BEGINNING 1 JULY 2006, THE HEALTH WARNING SHALL BE LOCATED ON THE BOTTOM PORTION OF THE (1) FRONT PANEL OF EVERY TOBACCO PRODUCT PACKAGE AND OCCUPY NOT LESS THAN THIRTY PERCENT (30%) OF SUCH FRONT PANEL INCLUDING ANY BORDER OR FRAME. THE TEXT OF THE WARNING SHALL APPEAR IN CLEARLY LEGIBLE TYPE IN BLACK TEXT ON A WHITE BACKGROUND WITH A BLACK BORDER AND IN CONTRAST BY TYPOGRAPHY, LAYOUT OR COLOR TO THE OTHER PRINTED MATTERS ON THE PACKAGE. THE HEALTH WARNING SHALL OCCUPY A TOTAL AREA OF NOT LESS THAN FIFTY PERCENT (50%) OF THE TOTAL WARNING FRAME.

The above provision was lifted from the Senate version with amendments.

d. THE WARNINGS SHALL BE ROTATED PERIODICALLY, OR SEPARATELY AND SIMULTANEOUSLY PRINTED, SO THAT WITHIN ANY TWENTY-FOUR (24) MONTH PERIOD, THE FOUR (4) VARIATIONS OF THE WARNINGS SHALL APPEAR WITH PROPORTIONATE FREQUENCY.

The same was lifted from the Senate version with amendments.

e. THE WARNING SHALL NOT BE HIDDEN OR OBSCURED BY OTHER PRINTED INFORMATION OR IMAGES, OR PRINTED IN A LOCATION WHERE TAX OR POSTAL STAMPS ARE LIKELY TO BE APPLIED TO THE PACKAGE OR PLACED IN A LOCATION WHERE IT WILL BE DAMAGED WHEN THE PACKAGE IS OPENED. 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.

The same was lifted from the Senate version with amendments.

f. IN ADDITION TO THE HEALTH WARNING, ALL PACKAGES OF TOBACCO PRODUCTS THAT ARE PROVIDED TO CONSUMERS CONTAIN, ON ONE SIDE PANEL, THE FOLLOWING STATEMENT IN A CLEAR, LEGIBLE AND CONSPICUOUS MANNER: “NO SALE TO MINORS” OR “NOT FOR SALE TO MINORS.” THE STATEMENT SHALL OCCUPY AN AREA OF NOT LESS THAN TEN PERCENT (10%) OF SUCH SIDE PANEL AND SHALL APPEAR IN CONTRAST BY COLOR, TYPOGRAPHY OR LAYOUT WITH ALL THE OTHER PRINTED MATERIAL ON THE SIDE PANEL.

The above provision is a combination of both the House and Senate versions.

g. NO OTHER PRINTED WARNINGS, EXCEPT THE HEALTH WARNING AND THE MESSAGE REQUIRED IN THIS SECTION, PARAGRAPH F. SHALL BE PLACED ON CIGARETTE PACKAGES.

7. Section 16- *Print Media Advertising* - of the House version was adopted with some modifications. On page 9, line 4, between the words “back” and “of,” delete the word “pages.”

8. A new section, lifted from the Senate version was adopted, which shall read as follows:

**SECTION 22. BAN ON ADVERTISEMENTS. - BEGINNING 1 JANUARY 2007, ALL TOBACCO ADVERTISING ON TELEVISION, CABLE TELEVISION AND RADIO SHALL BE PROHIBITED.**

**BEGINNING 1 JULY 2007, ALL CINEMA AND OUTDOOR ADVERTISING SHALL BE PROHIBITED. NO LEAFLETS, POSTERS AND SIMILAR OUTDOOR ADVERTISING MATERIALS MAY BE POSTED, EXCEPT INSIDE THE PREMISES OF POINT OF SALE RETAIL ESTABLISHMENTS.**

**BEGINNING 1 JULY 2008, ALL FORMS OF TOBACCO ADVERTISING IN MASS MEDIA SHALL BE PROHIBITED EXCEPT TOBACCO ADVERTISEMENTS PLACED INSIDE THE PREMISES OF POINT-OF-SALE RETAIL ESTABLISHMENTS.**

9. Section 23 - *Restrictions on Tobacco Promotions* - of the House version was adopted with some amendments.

10. On page 11, line 28, (Section 25 - *Restrictions on Sponsorships*) - Insert the phrase "BEGINNING 1 JULY 2006:"
11. On page 12, line 22, a new section lifted from the Senate version was adopted with some amendments to read as follows:

**SECTION 26. BAN ON SPONSORSHIPS. - BEGINNING 1 JULY 2008, 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: PROVIDED, THAT THE ATTRIBUTION ONLY TO THE NAME OF THE COMPANY IN THE ROSTER OF SPONSORS SHALL BE ALLOWED: PROVIDED FURTHER, THAT NO MANUFACTURER MAY REGISTER A TOBACCO BRAND NAME AS A COMPANY NAME AFTER THE PASSAGE, OF THIS ACT.**

12. Section 29 of the House version was adopted with the following amendments:
  - The Secretary of the Department of Health shall be designated as Vice-Chairperson of the Inter-Agency Committee (IAC).
  - A representative from a non-government organization (NGO) involved in public health promotion shall be nominated by DOH in consultation with the concerned NGOs; and
  - The Department Secretaries may designate their Undersecretaries as their authorized representatives to the IAC.
13. Section 30 of the House version was adopted and amended to read as follows:

Tobacco products intended or offered for export shall be subject only to the requirement that the shipping container shall be prominently marked on the outside "Export Only:" **PROVIDED, THAT, TOBACCO PRODUCTS WHICH**

**ARE MARKED FOR EXPORT, BUT ARE SOLD/TRADED OR DISTRIBUTED IN THE PHILIPPINE MARKET, SHALL BE SUBJECT TO IMMEDIATE CONFISCATION AND DESTRUCTION.**

14. Section 32 - Penalties - of the House version was adopted with some modifications.

15. The title of the bill shall read as follows:

**"AN ACT  
REGULATING THE PACKAGING, USE, SALE,  
DISTRIBUTION AND ADVERTISEMENTS OF TOBACCO  
PRODUCTS AND FOR OTHER PURPOSES"**

In case of conflict between the statements/amendments stated in this Joint Explanatory Statement and that of the provisions of the reconciled version in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

**HARRYC. ANGPING**  
Chairman  
House Panel

**JUANM. FLAVIER**  
Chairman  
Senate Panel

The Secretary is directed to immediately place "No Smoking" signs in this building consistent with this law that we just passed.

The Majority Leader is recognized.

Senator Pangilinan. Thank you, Mr. President.

**ACKNOWLEDGEMENT OF THE OFFICIAL VISIT OF  
THE FEDERATION OF SENIOR  
CITIZENS ASSOCIATION, INC.**

Before we proceed, we would like to acknowledge the presence of the Federation of Senior Citizens Association of the Philippines, Inc. (FSCAP) headed by its president, Mr. Remigio A. Reyes.

The President. So acknowledged.

**SPECIAL ORDERS**

Senator Pangilinan. Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Order Committee Report No. 233 on Senate Bill No. 2586, entitled