

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**



**Thirteenth Congress
First Regular Session**

HOUSE BILL NO. 2886

Introduced by Honorable BIENVENIDO M. ABANTE, JR.

EXPLANATORY NOTE

Wine is a mocker, strong drinks is raging, and whosoever is deceived thereby is not wise; the drunkard and glutton shall come to poverty and drowsiness shall clothe a man with rags; and the drunkard shall not inherit the Kingdom of God, so the Holy Scriptures tell us. On the human side, the Fundamental Law of our land declares that it is the policy of the State to promote the physical, moral, spiritual and intellectual well-being of the youth, and to protect and promote the right to health of the people and instill health consciousness among them.

Alcohol can cause extensive damage to the body because it can go everywhere. It has been found out by medical researches and studies that there is no BODY CELL RESISTANT to alcohol. Alcohol moves quickly to the brain where it affects the neurons, causing judgmental problems. It is a depressant that lowers down brain activity. Alcohol's first effect as it reaches the outer brain is to distort one's judgment. Once the alcohol reaches the inner core of the brain, the heart rate drops and breathing ceases, resulting in death. The liver, due to its role in breaking down alcohol, suffers the most damage. Alcohol use leads to destruction of liver cells. Alcohol is toxic to unborn children causing permanent tissue and organ damage.

On the other hand, no less than the U.S. Surgeon General showed that SMOKING causes diseases in nearly every organ of the body, and CATARACTS, PNEUMONIA, ACCUTE MYELOID LEUKEMIA AND CANCER of the stomach, pancreas, cervix and kidney are diseases linked to smoking. Medical studies have shown that the toxins from cigarettes smoke GO EVERYWHERE the BLOOD FLOWS, and on average, men who smoke cut their lives short by 13.2 years. SMOKING is the leading preventable cause of death, and disease costing too many lives, too much money, and too many tears.

In the light of the foregoing, and if we want to give meaning to the STATE POLICY to promote the PHYSICAL and INTELLECTUAL well-being of the youth, and to protect the RIGHT TO HEALTH of the people and INSTILL HEALTH CONSCIOUSNESS among them, then we must DRIVE CIGARETTE SMOKING and taking ALCOHOLIC DRINKS DOWN by PROHIBITING AND PENALIZING advertisements on CIGARETTES AND ALCOHOLIC DRINKS and prevent our people, especially the YOUTH who are supposed to be the HOPE OF OUR FATHERLAND, from taking up these DANGEROUS HABITS, though the best way to avoid these HEALTH HAZARDS of SMOKING and taking ALCOHOLIC DRINKS is to quit completely or never start at all.

The immediate passage of this bill is therefore earnestly prayed for.



BIENVENIDO M. ABANTE, JR.

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**AN ACT
PROHIBITING RADIO, TELEVISION, NEWSPAPER, MOVIE HOUSE,
POSTER AND BILLBOARD ADVERTISEMENT ON CIGARETTE AND
ALCOHOLIC DRINKS**

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

Section. 1. Title. – This act shall be known as the “**ANTI-CIGARETTE AND ALCOHOLIC DRINKS ADVERTISEMENT ACT**”.

Section 2. Declaration of Policy. – It is the policy of the State to promote and safeguard the physical and intellectual well-being of its citizenry, particularly the youth, from the harmful effects of cigarettes and alcohol, to protect and promote the right to health of the people as enshrined in the Constitution.

Towards this end, the government shall undertake an intensive and unrelenting campaign against advertisements on cigarettes and alcohol drinks, and shall instill health consciousness among the people. Likewise, the government shall see to it that educational institutions are complying with the Constitutional mandate for them to strengthen ethical values, develop personal discipline, and encourage critical and creative thinking.

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

- (a.) Cigarette. – Finely cut tobacco or tobacco product for smoking rolled in a very thin paper of any kind or quality, whether filtered or not, locally manufactured or imported, and of whatever, label, name or brand.
- (b.) Alcoholic Drink. – Anything intended for drinking in liquid form, whether with or without color, with alcohol contents of at least 5% per volume, including beer as the term is commonly known or understood, of whatever label, name, or brand, and whether locally manufactured or imported.
- (c.) Advertise. - To make known or proclaim publicly by any means and in whatever form or material and in any place for the purpose of promoting, use, sale, or drawing public attention.
- (d.) Newspaper. – Any printed publication which contains reports on news events, opinions, advertisements, whether published daily, weekly, monthly or bi-monthly or quarterly, and whether of national, provincial, regional or local circulation and whether printed locally or abroad, including but not limited to, tabloids, newsletters, magazines, periodicals and comic books.
- (e.) Billboards. – A wall of planks for the display of advertisements, regardless of the materials used in the construction thereof, its heights and location.
- (f.) Poster. – A placard displayed in or given to the public of whatever size or form and regardless of the material used.
- (g.) Flyer. - A widely distributed handbill of whatever size, form or material used.

Section 4. Punishable Acts. - The following acts are declared unlawful and punishable under this Act:

- (a) Advertising or causing the advertisement of cigarette or alcoholic drinks, in any radio or television station, movie house, newspaper, billboard, poster or flyer, as the terms are defined under this Act;
- (b) Publishing or printing, or causing the publication or printing, of any advertisement on cigarette or alcoholic drinks in any newspaper, as the terms are defined in this Act;

- (c) Airing or showing in radio or television station or movie houses of such advertisements on cigarette or alcoholic drinks, as the terms are defined in this Act ; and
- (d) Posting or distributing posters or flyers containing advertisements on cigarettes or alcoholic drinks, as the terms are defined in this Act.

Section 5. Penalties – The following penalties shall be imposed upon any person found guilty of any of the acts declared unlawful under Sec. 4 hereof:

- (a) For advertising or causing the advertisement of cigarette or alcoholic drinks, the penalty of imprisonment of not less than six (6) years nor more than twelve (12) years and a fine of not less than Five Hundred Thousand Pesos (P500,000.00) nor more than One Million Pesos (1,000,000.00) shall be imposed: Provided, that if the offender is a juridical person, the President, General Manager, Sales, Marketing and Advertising Manager, or Head thereof, shall be held liable;
- (b) For publishing or printing, or causing the publication or printing, of any advertisement on cigarette or alcoholic drinks, in any newspaper, the penalty of imprisonment of not less than four (4) years nor more than seven (7) years and a fine of not less than Three Hundred Thousand Pesos (P300,000.00) nor more than Five Hundred Thousand Pesos (P500,000.00) shall be imposed: Provided, that if the offender is a juridical person, the President, Publications Manager and Editor-in-Chief of such newspaper shall be liable;
- (c) For airing or showing in radio or television station or movie house of any advertisement on cigarette or alcoholic drinks, the penalty of imprisonment of not less than five (5) years nor more than eight (8) years and a fine of not less than Four Hundred Thousand Pesos (P400,000.00) nor more than Seven Hundred Thousand Pesos (P700,000.00) shall be imposed: Provided that if the offender is a juridical person, the President, the General Manager, Sales, Marketing and Advertising Manager, or Head thereof, shall be liable;

(d) For posting or distributing posters or flyers containing advertisement on cigarette or alcoholic drinks, the penalty of imprisonment of no less than three (3) years nor more than five(5) years and a fine of not less than Fifty Thousand Pesos (P50,000.00) nor more than Two Hundred Thousand Pesos (P200,000.00) shall be imposed.

Section 6. Separability Clause. - If for any reason any section or provision of this Act, or any portion thereof, or the application of such section, provision or portion thereof to any person, group or circumstance is declared invalid or unconstitutional, the remaining provisions of this Act shall not be affected by such declaration and shall remain in force and effect.

Section. 7. Repealing Clause. - The provisions of laws, decrees, executive orders, rules or regulations inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section. 8. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.


Approved,