

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 4589

Introduced by Rep. MARY MITZI "MITCH" L. CAJAYON

EXPLANATORY NOTE

The Agence France-Presse has recently reported the findings made by the Independent Scientific Committee on Drugs, a United Kingdom-based independent drugs advisory committee, that alcohol is more harmful than heroin or crack when the overall dangers to the individual and society are considered.

According to a paper prepared by the U.S. Department of Health and Human Services, early drinking can cause later alcohol problems that is a major cause of death from injuries among young people. It also indicated that underage alcohol use increases the risk of carrying out, or being a victim of, physical or sexual assault, can harm the growing brain especially when teens drink a lot, plays a role in risky sexual behavior which can increase the chance of teen pregnancy and sexually transmitted diseases (STDs) including human immunodeficiency virus (HIV), and affects how well a young person judges risk and makes sound decision among many other problems.

In the Philippines, the World Health Organization (WHO) study found out that 2 out of 10 Filipinos ages 15-18 years of age drinks alcohol and 6 out of 10 are not content with two bottles of alcohol. According to the WHO Youth Violence and Alcohol Fact Sheet, 14% of 15-24 year olds reported physically hurting someone due to drinking. Dr. Ivanhoe Escartin, Chief of the Health Program Division of the Department of Health (DOH) explained that many Filipinos are binge drinkers which result in domestic violence, rape and physical abuse.

The harmful and hazardous use of alcohol and violence has indeed become key public health issues requiring urgent attention. Hence, it is imperative for the State to initiate proactive policies to curb alcohol consumption by children and teens, consistent with the Constitution's mandate to "protect their physical, moral, spiritual, intellectual, and social well-being" (Section 13, Article II).

In view of the foregoing, the passage of this bill is earnestly sought.



MARY MITZI "Mitch" L. CAJAYON

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AN ACT PROHIBITING THE ACCESS OF MINORS TO ALCOHOLIC OR INTOXICATING LIQUOR OR BEVERAGE AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* - This Act shall be known as the "Anti-Underage Drinking Act of 2011."

SEC. 2. *Declaration of Principles.* - The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well being. Towards this end, the State shall undertake efforts to eliminate alcohol abuse and reduce underage drinking by prohibiting minors' access to alcohol.

SEC. 3. *Definition of Terms.* - For purposes of this Act, the following terms are hereby defined:

- (a) "Minor" shall refer to one who is below eighteen (18) years old;
- (b) "Alcohol" shall refer to spirits of wine including all dilutions, purifications and mixtures thereof, from whatever source by whatever process produced and shall include whisky, brandy, rum, gin, tequila, and vodka and other similar products or mixtures. It shall also include malt beverages, mixed or fermented liquors, alcoholic beverages or liquor or brew containing alcohol as the active agent including tuba, basi, tapuy and lambanog;
- (c) "Establishment" shall refer to a place used for commercial purposes, such as bars, restaurants, dance clubs, hotels, retail stores, supermarkets, and other places with common business areas.

SEC. 4. *Prohibited Acts.* - The following shall be prohibited under this Act:

- (a) To sell or entertain the purchase of alcoholic or intoxicating liquor or beverage to minors;
- (b) To cause a minor to purchase alcoholic or intoxicating liquor or beverage;
- (c) The consumption of alcoholic or intoxicating liquor or beverage by a minor;
- (d) The sale of alcoholic or intoxicating liquor or beverage by a minor;
- (e) Misrepresentation of one's age by presenting false identification or otherwise represent themselves as being of legal age to purchase alcoholic or intoxicating liquor or beverage;
- (f) To allow the entry of minors within beer houses, videoke bars, night clubs, and/or any establishment that offer similar services, at any time and any day, whether or not they are in the company of their parents, guardians, elders, or relatives who are not otherwise covered by this prohibition.

SEC. 5. *Penalties.* - Any person of legal age or any business entity violating the prohibited acts as prescribed in the preceding section shall suffer the penalty of imprisonment of not more than three (3) months or a fine of not less than ten thousand pesos (P10,000.00).

For succeeding offenses, both penalties shall apply in addition to the revocation of the license to operate a business connected with the selling of alcoholic or intoxicating liquor or beverage. If the violation of any provisions of this Act is committed by a corporation, partnership, association or similar entity, the president, General Manager or most senior officers shall be held liable for the offense.

For offenses committed by minors, the provisions of Presidential Decree No. 603, otherwise known as the Child and Youth Welfare Code, as amended, shall apply.

SEC. 6. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 7. *Separability Clause.* - If any part of provision of this Act shall be held unconstitutional or invalid, other provisions hereof which are not affected hereby shall continue to be in full force and effect.

SEC. 8. *Effectivity.* - This act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,