

House of Representatives
FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

House of Representatives
HB No. **5599**



**INTRODUCED BY REPS. MARIANO U. PIAMONTE, JR.
AND JULIETA R. CORTUNA OF A TEACHER PARTY-LIST**

EXPLANATORY NOTE

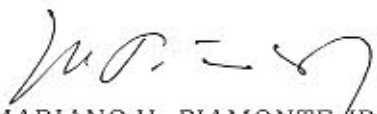
Republic Act No. 9211 otherwise known as "An Act Regulating The Packaging, Use, Sale, Distribution And Advertisements Of Tobacco Products And For Other Purposes" was enacted in 2003. It has been eight (8) years since the law was enacted but there are loopholes and gaps in the law that need to be addressed in order to fully implement the intent of the law and make such implementation effective.

One of the ineffective prohibitions is on the restriction of sales of tobacco products within 100 meters from schools. This is easily violated where students can access tobacco products beyond the restricted areas. Thus, this proposed measure provides the restricted areas for selling of tobacco products that are even beyond the 100 meters restricted area.

This bill also seeks to implement an absolute smoking ban on schools and other education establishments in both public and private sector.

This Bill also seeks to expand the composition of the Inter-Agency Committee on Tobacco (IAC-T) under RA 9211 to include the Commission on Higher Education (CHED) and the TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA). The IAC-T is the agency that takes charge of regulating and monitoring the implementation of RA 9211. While DepEd is currently a member of the IAC-T under RA 9211, the DepEd's jurisdiction extends only to elementary and high school institutions. It is worth including the CHED and TESDA so that these agencies can participate in the review of Implementing Rules applicable to higher education institutions and post secondary training centers where the propensity of students to smoke is higher than those in the elementary and high school institutions.

To provide a smoke free campus and smoke free students, the approval of this Bill is urgently sought.


MARIANO U. PIAMONTE, JR.


JULIETA R. CORTUNA

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**"AN ACT AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9211, OTHERWISE
KNOWN AS "AN ACT REGULATING THE PACKAGING, USE, SALE, DISTRIBUTION AND
ADVERTISEMENTS OF TOBACCO PRODUCTS AND FOR OTHER PURPOSES"**

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

1. SEC. 1. Section 5 of Republic Act No. 9211 is hereby amended to read as follows:

Sec. 5. Smoking 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 **SUCH AS PLAYGROUNDS AND PARKS, AMONG OTHERS** for persons under eighteen (18) years old,;

b. ENTERTAINMENT HALLS, CONCERT GROUNDS, AND CONVENTION CENTERS;

d. SPORTING VENUES AND COMPLEXES;

E. Elevator and stairWAYS;

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

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

H. Public conveyance and public facilities including airport and ship terminals and train and bus stations, restaurant and conference halls, except for separate smoking areas; and

I. Food preparation areas.

Sec. 2. A new section 7 is hereby added to read as follows:

SEC. 7. ABSOLUTE PROHIBITION ON SMOKING IN EDUCATIONAL INSTITUTIONS. SMOKING IS ABSOLUTELY PROHIBITED IN ALL PUBLIC AND PRIVATE SCHOOLS AND OTHER EDUCATIONAL INSTITUTIONS. THIS ABSOLUTE PROHIBITION ALSO APPLIES DURING ALL SCHOOL RELATED ACTIVITIES HELD OUTSIDE OF THE SCHOOL PREMISES.

Sec. 3. Section 10 is hereby amended to read as follow:

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. **IN ADDITION, SALE AND DISTRIBUTION OF TOBACCO PRODUCTS TO MINOR STUDENTS ARE PROHIBITED AT ALL TIMES EVEN BEYOND THE 100 METER RESTRICTION.**

SEC. 4. Section 29 of Republic Act No. 9211 is hereby amended to read as follows:

"Sec. 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 **HEALTH (DOH)** with the Secretary of the Department of **TRADE AND INDUSTRY (DTI)** as Vice Chairperson. The IAC-Tobacco shall have the following members:

- a. Secretary of the Department of Agriculture (DA);
- b. Secretary of the Department of Justice (DOJ);
- c. Secretary of the Department of Finance (DOF);
- d. Secretary of the Department of Environment and Natural Resources (DENR);
- e. Secretary of the Department of Science and Technology (DOST);
- f. Secretary of the Department of Education (DepEd);
- G. CHAIRPERSON OF THE COMMISSION ON HIGHER EDUCATION (CHED)**
- (H). DIRECTOR GENERAL OF TESDA;**
- g. **(I)** Administrator of the National Tobacco Administration (NTA);
- h. **(J)** 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.

Approved,