

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5801



Introduced by Rep. Eulogio "Amang" R. Magsaysay

EXPLANATORY NOTE

Article II, Section 15 of the Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them. Further, Article XIII, Section 11 of the same mandates that the State shall adopt an integrated and comprehensive approach to health development. However, there is still a need for more health-related legislation to achieve the aforementioned ideals. This is true especially in highly urbanized areas like Metro Manila and low-income local government units (LGUs) where various health problems are prevalent. One of these problems is the incidence of tuberculosis (TB), which, though curable, ranks 6th among the top leading causes of mortality and morbidity in the Philippines.

According to the World Health Organization (WHO), the Philippines has a long way to go in eradicating TB even if the Department of Health confidently announced that the country will be able to attain the millennium development goal of reducing TB deaths by 50% within five years or 2015. Recent data reveal that the number of deaths due to TB stands at an average of 75 Filipinos every day. It is contagious and airborne. Mycobacterium tuberculosis, the bacteria which causes TB, can survive in a dried state for weeks up to eight months. Spitting has been identified as one of the factors in the spread of TB.

While anti-spitting laws have been in existence in a number of jurisdictions like Singapore, India, Malaysia, and China, only Davao City has vigorously implemented a similar law in the country, which has been in place just in 2010. In 2003, through the suggestion of the Metro Manila Development Authority (MMDA), Metro Manila mayors approved a resolution prohibiting spitting in public places as a means to combat Severe Acute Respiratory Syndrome (SARS). Nonetheless, no significant change happened since its implementation.

With the occurrence of global pandemic like SARS, bird flu and other contagious and airborne diseases, there is an urgent need to change hazardous societal habits like spitting. This is further aggravated by natural disasters which, more often than not, bring contagion.

Within the purview of Articles 694 and 695 of the New Civil Code, spitting may be considered as a nuisance. A nuisance is any act, omission, establishment, business, condition of property or anything else which injures or endangers the health or safety of others or annoys or offends the senses. It may be classified as public if it affects a community or neighborhood or any considerable number of persons, although the extent of the annoyance, danger or damage upon individuals may be unequal.

By experience, as in the case of Singapore, India and the Philippines, nuisance such as spitting persist if enforcement and information dissemination are weak. This issue will be addressed by a coordinated implementing and monitoring arm headed by the LGUs, the Department of Health (DOH) and the Department of Science and Technology (DOST).

This bill seeks to prohibit spitting in public places to prevent the spread of TB and other contagious and airborne diseases. The same will also help spread environmental and health consciousness among the citizens apart from changing societal habits and lifestyles.

Hence, approval of this measure is earnestly sought.

EULOGIO "AMANG" R. MAGSAYSAY

House of Representatives

House Bill No. 5901

Introduced by Rep. Eulogio "Amang" R. Magsaysay

AN ACT PROHIBITING SPITTING IN PUBLIC PLACES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

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

Section 1. **Short Title.** This Act shall be known as "Anti-Spitting Act of 2012."

Section 2. **Declaration of Policy.** It is a policy of the State to protect and promote the right to health of the people and instill health consciousness among them. Thus, it shall adopt an integrated and comprehensive approach to health development.

Section 3. **Definition of Terms.** For the purposes of this Act, these terms are defined as follows:

- A. *Spitting* – the act of expectorating carelessly or intentionally saliva, phlegm, mucus or other substances
- B. *Saliva* - a clear, tasteless, odorless, slightly acidic (pH 6.8) viscid fluid, consisting of the secretion from the parotid, sublingual, and submandibular salivary glands and the mucous glands of the oral cavity
- C. *Phlegm* - abnormal amounts of mucus, especially as expectorated from the mouth
- D. *Mucus* -the clear viscid secretion of the mucous membranes, consisting of mucin, epithelial cells, leukocytes, and various inorganic salts dissolved in water
- E. *Other substances* – those not included in the foregoing definitions but are determined by the Department of Health as in the same class like the above
- F. *Public places* - generally an indoor or outdoor area, whether privately or publicly owned, to which the public have access by right or by invitation, expressed or implied, whether by payment of money or not. It shall include any highway, boulevard, avenue, road, street, bridge or other thoroughfare, park, plaza, square, and/or any open space of public ownership where the people are allowed access.

Section 4. **Prohibited Acts.** No person or persons shall carelessly or intentionally spit saliva, phlegm, mucus, or other substances from the mouth in the city streets, alleys, sidewalks, parks, malls, markets, streets, public carriers, public halls, and buildings, banks, public squares, terminals, shopping and business centers, schools, churches, hospital, and other similar public places.

Section 5. **Penalties.** Any person caught spitting in public places shall be charged with the corresponding penalties, to wit:

- A. First Offense – A fine of five hundred pesos (P500.00)
- B. Second Offense – A fine of one thousand pesos (P1000.00)
- C. Third Offense – A fine of two thousand pesos (P2000.00) and attendance in a health seminar conducted by the Department of Health in coordination with local health units or a subsidiary imprisonment not exceeding six months in case of insolvency, or both such fine and imprisonment at the discretion of the court.

Section 6. **Implementing and Monitoring Agency.** Local government units shall lead in implementing the provisions of this Act, whereas the Department of Health (DOH) and if necessary, in coordination with the Department of Science and Technology (DOST), shall conduct seminars and provide guidelines including the Implementing Rules and Regulations on how to go about the health hazards of spitting. The said agencies shall also conduct regular evaluation on the implementation of this Act.

Section 7. **Appropriations.** Appropriations needed for the implementation of this Act shall be derived from the Internal Revenue Allotment (IRA) of the LGUs and from sources provided by the Department of Health (DOH) and other government agencies.

Section 8. **Repealing clause.** All laws, decrees, orders, ordinances, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Section 9. **Separability clause.** If any provision of this Act is declared unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected thereof.

Section 10. **Effectivity.** This shall take effect fifteen (15) days after publication in at least two (2) newspapers of general circulation.

Approved,