

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3715**



Introduced by Hon. Jerry P. Treñas

EXPLANATORY NOTE

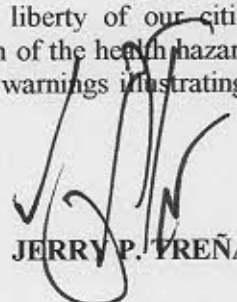
Cigarette smoking kills. This is a simple, undeniable and extremely horrific truth which we must accept. Our society, despite of the many dangers identified with smoking of tobacco products, is still very tolerant of cigarette smoking. We are still barraged with so many advertisements promoting cigarettes even with the rising number of deaths due to lung cancer and other smoking-related diseases.

The government must do its best to dissuade our people from smoking tobacco products. This is in keeping with the Constitutional mandate for the State to protect and promote the right to health of the people and to instill health consciousness among them.¹ Moreover, the Philippines is a signatory to the World Health Organization Framework Convention on Tobacco Control (FCTC).² The FCTC recognizes the spread of the tobacco epidemic as a global problem with serious consequences for public health and raises the international community's concern about the increase in the worldwide consumption and production of tobacco products, particularly in developing countries.

It is also a guiding principle of the FCTC to inform every person of the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke. Thus, States Parties are beckoned to enact effective legislation to protect all persons from exposure to tobacco smoke. Non-price measures, such as the inclusion of picture-based warnings in the packaging of tobacco products, are recognized by the FCTC and the international community as an effective means to reduce tobacco consumption.

The inclusion of picture-based warnings will definitely help educate the public of the dangers associated with cigarette smoking and second hand smoke. It is not an attack on the tobacco industry; rather, it is a public service information drive which factually and accurately describes the health consequences of smoking.

To smoke or not to smoke tobacco products is within the liberty of our citizens. But as responsible lawmakers and leaders, we must do our best to inform them of the health hazards associated with tobacco products. It is therefore a must to include graphic health warnings illustrating the harmful effects of smoking in all tobacco packages.


JERRY P. TREÑAS

¹ Section 15, Article II. The 1987 Philippine Constitution

² World Health Organization Framework Convention on Tobacco Control 2302 U.N.T.S.166 (Geneva, May 21, 2003) – signed by the Philippines on September 23, 2003 and ratified on June 6, 2005.

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**AN ACT MANDATING PICTURE-BASED WARNINGS ON ALL PACKAGES OF
TOBACCO PRODUCTS**

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

Section 1. Declaration of Policy. - It is hereby declared the policy of the State to protect and promote the right to health of the people and to instill health consciousness among them. The State shall endeavor to dissuade the people from using products which are hazardous to health.

Section 2. Definition of Terms –

“*tobacco products*” mean products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for smoking, sucking, chewing or snuffing;

“*tobacco product package*” means each unit packet and package of tobacco products, including all outside packaging and labelling of such products;

“*principal display area*” means the two largest surfaces of a package that has at least two equal sized sides, other than the top and bottom; or the largest surface area in the case of spherical, cylindrical or conical containers that do not have a particular side or surface; or all surfaces or panels of any tobacco product package design;

“*picture-based warnings*” mean graphic warnings in the form of pictures illustrating the health hazards related to tobacco use or exposure to tobacco smoke, accompanied by a textual warning related to the picture, as issued and approved by the Department of Health (DOH).

Section 3. Inclusion of Picture-Based Warnings. – Within ninety (90) days after the effectivity of this Act, each tobacco product package must have picture-based warnings describing the harmful effects of tobacco use.

- a. The picture-based warning must conform with the guidelines to be issued by the DOH, which shall include the minimum resolution, size and location within the principal display area of the warning; *provided*, that the picture-based warning should occupy at least fifty (50) percent of the principal display area in both the front and

back panel of the two largest surfaces;

- b. The picture-based warning must be large, clear and visible and the accompanying text warning must be easily readable and legible;
- c. There shall be a minimum of eight (8) variations which shall be printed simultaneously and rotated periodically for each brand family and each brand variation within a brand family for each package size and type, in accordance with the guidelines to be issued by the DOH.

Section 4. Costs. – All printing costs pertaining to the picture-based warnings shall be shouldered exclusively by the tobacco manufacturers and/or importers.

Section 5. Prohibition on Sales. – No person or legal entity shall sell, distribute or display any tobacco product without ensuring that the tobacco product package conforms with the provisions of this Act. Manufacturers, distributors and sellers of tobacco products shall ensure the removal from all displays of non-compliant tobacco products within one hundred and twenty (120) days from the effectivity of this Act.

Section 6. Prohibition on Obstruction of Display. – No person or legal entity shall obscure or cover in part or in whole the picture-based warning of the tobacco packages within the selling areas. The picture-based warning shall be prominently displayed whenever the said packages are commercially displayed.

Section 7. Penalties. – The following penalties shall apply to the manufacturers, importers and distributors of tobacco products for violations of this Act:

For the manufacturers and importers of tobacco packages who fail to comply with the requirements specified under Section 3 of this Act:

- a. A fine of One Million Pesos (P1,000,000) for the first offense;
- b. A fine of Five Million Pesos (P5,000,000) for the second offense;
- c. A fine of Twenty Million Pesos (P20,000,000) for the third offense and the revocation of the business permit and license to operate of the manufacturer or importer.

For persons or legal entities violating Sections 5 or 6 of this Act:

- a. A fine of One Hundred Thousand Pesos (Php100,000.00) for the first offense;
- b. A fine of Five Hundred Thousand Pesos (Php500,000.00) for the second offense;
- c. A fine of Two Million Pesos (Php2,000,000.00) for the third offense and the revocation of the business permit and license to operate of the offender.

Section 8. Implementing Rules and Regulations. – The DOH shall issue the rules and regulations for the proper implementation of this Act.

Section 9. Repealing Clause. – All provisions of laws, orders, decrees, including rules

79 and regulations inconsistent herewith are hereby repealed and/or modified accordingly.
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81 **Section 10. Separability Clause.** – If any part or provision of this Act shall be held
82 unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue
83 to be in full force and effect.
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85 **Section 11. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in
86 the *Official Gazette* or in a national newspaper of general circulation.
87

88 *Approved*