



HOUSE OF REPRESENTATIVES
H. B. No. **3881**

Introduced by Hon. Al Francis C. Bichara (2nd District of Albay), Hon. Evelina G. Escudero (1st District of Sorsogon), Hon. Maria Vida Espinosa-Bravo (1st District of Masbate), Hon. Salvio B. Fortuno (5th District of Camarines Sur), Hon. Fernando V. Gonzalez (3rd District of Albay), Hon. Edcel "GreX" B. Lagman, Jr. (1st District of Albay), Hon. Elmer E. Panotes (2nd District of Camarines Norte), Hon. Deogracias B. Ramos, Jr. (2nd District of Sorsogon), Hon. Maria Leonor Gerona-Robredo (3rd District of Camarines Sur), Hon. Christopher S. Co (Ako Bicol Partylist), Hon. Rodel M. Batocabe (Ako Bicol Partylist), Hon. Cesar V. Sarmiento (Lone District of Catanduanes), Hon. Elisa Olga T. Kho, (2nd District of Masbate), and Hon. Catherine Barcelona-Reyes (1st District of Camarines Norte)

EXPLANATORY NOTE

It has already been scientifically established that the use of tobacco products is significantly detrimental to public health. In both developed and developing countries, millions of people die every year from tobacco-related diseases. In the Philippines, tobacco kills approximately 87,600 Filipinos per year, or 240 persons a day.¹

Leaders around the world are now recognizing the fact that tobacco cannot be treated like any other consumer product. It is a product that has been scientifically proven to be addictive, and to cause disease, disability, and death. There is a rapidly growing global consensus that picture-based health warnings are a key tobacco control measure because these are more effective at communicating health messages and discouraging tobacco use than text only warnings. As of March 2013, more than 60 countries in the Americas, Asia, Europe, and Western Pacific regions have passed legislation requiring pictures or images on cigarette packs.² A number of sub-national jurisdictions, including Hong Kong and Taiwan, have likewise passed legislation requiring pictorial warnings.³ These actions are firmly supported by the wealth of solid and extensive evidence that picture-based health warnings on tobacco packages are effective in preventing, addiction, reducing disease, and saving lives.

¹ Department of Health National Tobacco Control Coordinating Office, data available at <http://www.beat-tobacco.ph/national-tobacco-control-strategy/introduction/>; Last accessed on 27 January 2014.

² Riordan, Meg (March 2013), *Tobacco Warning Labels: Evidence of Effectiveness*, The Campaign for Tobacco-Free Kids. Available at <http://www.tobaccofreekids.org/research/factsheets/pdf/0325.pdf>; Last accessed on 27 January 2014.

³ *Ibid.*

Longitudinal data from countries with established picture-based health warning labels reduce smoking prevalence, increase quit attempts, and reduce relapse among ex-smokers. The *International Tobacco Control Policy Evaluation Project* ("ITC"), an international cohort study that consists of surveys of adult smokers in **nineteen countries**,⁴ both adult and youth smokers report that large, comprehensive warning labels reduce smoking consumption, increase motivation to quit, and increase the likelihood that they will remain abstinent following a quit attempt.⁵ Another ITC study includes a study that consists of surveys of adult smokers in **four countries**⁶ that shows that prominent picture-based health warnings were associated with higher levels of awareness about the health risks of smoking when compared to text-only labels.⁷

As a State Party to the *World Health Organization Framework Convention on Tobacco Control* (WHO FCTC), the world's first public health treaty which aims to address the global tobacco epidemic and to provide protection to the world's population against the health hazards tobacco use and tobacco smoke, the Philippines has an international obligation to uphold the principles contained therein. Under Article 11 in relation to Article 7 of the WHO FCTC, the Philippines is obliged to adopt and implement, **within three years** from its entry into force in 2005 or until 2008, effective legislative, executive, administrative and/or other measures on tobacco packaging and labelling. The importance of adopting effective packaging and labeling measures for tobacco products is underscored by the fact that it is one of only two measures in the WHO FCTC that lays down an express deadline for compliance. It is now five (5) years after the 2008 deadline for compliance with Article 11 of the WHO FCTC, but the Philippines has not yet adopted and implemented the measures provided therein.

Moreover, Article II, Section 15 of the 1987 *Philippine Constitution* mandates that the State "shall protect and promote the right to health of the people and instill health consciousness among them." The Philippines has a solemn obligation to protect and promote the right to health in order to develop a healthy and alert citizenry.⁸ The Philippines should affirm its commitment to protect and promote the fundamental rights to health and life. In connection with the foregoing, the immediate approval of this Bill requiring the placement of picture-based health warnings on tobacco product labels and packages is urgently sought.

⁴ The study used nationally representative samples of adult smokers from Australia, Bangladesh, Brazil, Canada, China, France, Germany, Ireland, Malaysia, Mauritius, Mexico, Netherlands, New Zealand, Scotland, South Korea, Thailand, United Kingdom, the United States, and Uruguay. *Infra* at 5.

⁵ ITC Project (March 2012), *Health Warnings on Tobacco Packages: ITC Cross-Country Comparison Report*, University of Waterloo, Waterloo, Ontario, Canada. Available at http://itc.media-doc.com/files/ITC_Cross-Country_Report_-_Warning_Labels-Final.pdf; Last accessed on 27 January 2014.

⁶ The study used nationally representative samples of adult smokers from the United States, the United Kingdom, Canada, and Australia to examine variations in smokers' knowledge about tobacco risks and the impact of package warnings. *Infra* at 7.

⁷ Hammond, D., et al., "Effectiveness of cigarette warning labels in informing smokers about the risks of smoking: Findings from the International Tobacco Control Four Country Study," *Tobacco Control* 15 (Suppl III): 19-25, June 2006. Available at: http://tobaccocontrol.bmj.com/content/15/suppl_3/iii19.full; Last accessed on 27 January 2014.

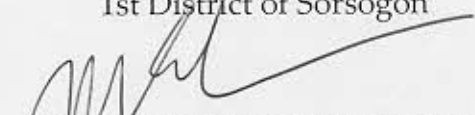
⁸ See 1987 Philippine Constitution, Article XIV, Section 19(1).



Hon. Al Francis Bichara
2nd District of Albay



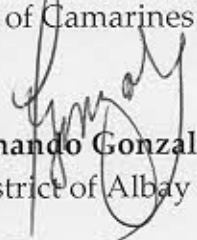
Hon. Evelina Escudero
1st District of Sorsogon



Hon. Maria Vida Espinosa-Bravo
1st District of Masbate



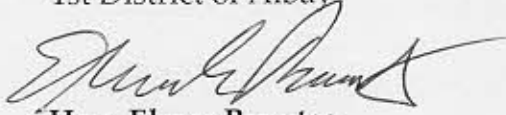
Hon. Salvio Fortuno
5th District of Camarines Sur



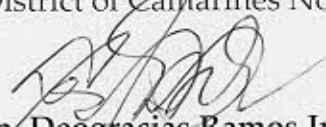
Hon. Fernando Gonzales
3rd District of Albay



Hon. Edcel Lagman, Jr.
1st District of Albay



Hon. Elmer Panotes
2nd District of Camarines Norte



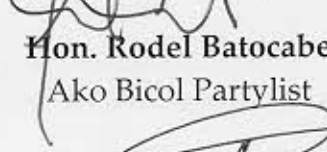
Hon. Deogracias Ramos Jr.
2nd District of Sorsogon



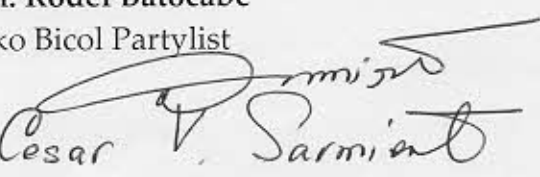
Hon. Maria Leonor Robredo
3rd District of Camarines Sur



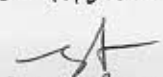
Hon. Christopher Co
Ako Bicol Partylist



Hon. Rodel Batocabe
Ako Bicol Partylist



Hon. Cesar V. Sarmiento
Catanduanes



Hon. Catherine Barcelona-Keays
1st D. Camarines Norte

KHO, ELISAT.
Catherine Barcelona-Keays
1st district, Masbate

Hon. Cesar V. Sarmiento
Lone District of Catanduanes

Hon. Elisa Olga T. Kho
2nd District of Masbate

Hon. Catherine Barcelona-Reyes
1st District of Camarines Norte

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**"AN ACT TO EFFECTIVELY INSTILL HEALTH CONSCIOUSNESS
THROUGH PICTURE-BASED HEALTH WARNINGS
ON TOBACCO PRODUCTS"**

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

1 **Section 1. Short Title.** – This Act shall be known as "The Picture-Based
2 Health Warning Law."

3
4 **Section 2. Declaration of Principles.** – The State shall protect and promote
5 the right to health of the people and instill health consciousness among them.

6
7 The State shall protect consumers from trade malpractices and from
8 substandard and hazardous products.

9
10 The State accepts that, as a State Party to the World Health Organization
11 (WHO) Framework Convention on Tobacco Control (FCTC), a treaty that
12 reaffirms the right of all people to the highest standards of health, the Philippines
13 is obliged to inform every person of the health consequences of tobacco
14 consumption and exposure to tobacco smoke; and to protect public health policy
15 from the commercial and vested interests of the tobacco industry.

16
17 The State is cognizant of the Philippines' duty under Article 11 of the
18 FCTC, which is to adopt and implement by September 2008 effective health
19 warnings on tobacco products that should describe the harmful effects of tobacco
20 use.

1 The State recognizes that based on empirical data, text warnings have
2 been shown to be insufficient in conveying the dangers of tobacco products,
3 while graphic or picture-based health warnings have been shown to be more
4 effective in conveying the truth about the dangers of consumption of tobacco and
5 of exposure to tobacco smoke.

6
7 **Section 3. Purpose.** – The purpose of this Act is:

- 8
9 a. To have health warnings that effectively warn of the devastating
10 effects of tobacco use and exposure to second-hand smoke;
11
12 b. To remove signs or terms or any other direct or indirect means on or in
13 tobacco product packages that create or are likely to create a false
14 impression about the health effects of tobacco products, including but
15 not limited to misleading or deceptive descriptors like “low tar,”
16 “light,” “ultra light,” or “mild;”
17
18 c. To further promote the right to health and information of the people;
19 and
20
21 d. To strengthen the role of the Department of Health in promoting the
22 right to health and instilling health consciousness among Filipinos.
23

24 **Section 4. Definition of Terms.** –

- 25
26 a. “DOH” refers to the Department of Health.
27
28 b. “Insert” means any communication inside an individual package
29 and/or carton purchased at either wholesale or retail by consumers,
30 such as a leaflet or brochure.
31
32 c. “Onsert” means any communication affixed to the outside of an
33 individual package and/or carton purchased at either wholesale or
34 retail by consumers, such as a brochure beneath the outer cellophane
35 wrapping or glued to the outside of the cigarette package.
36
37 d. “Picture-Based Health Warning” means warning labels that are
38 composed of a photographic picture warning on health dangers or
39 other problems related to tobacco use or exposure to tobacco smoke
40 and an accompanying textual warning that is related to the picture, as
41 issued by the DOH in accordance with Section 15 of this Act.
42
43 e. “Principal Display Area” means:
44
45 1. In the case of a package and carton that has at least two equal sized
46 sides or surfaces, other than the top and bottom, that may be
47

1 displayed or visible under normal or customary conditions of sale or use,
2 the areas of each of the two largest surfaces;

3 2. The largest surface of any spherical, cylindrical or conical container
4 of tobacco products and in the case of a package and carton that
5 does not have a particular side or surface that is predominantly
6 displayed or visible under normal or customary conditions of sale
7 or use, the total surface area of the package;
8

9 3. All surfaces or panels, exterior or interior, of any tobacco product
10 packaging or carton not specified above.
11

12 f. *"Tobacco Product Package"* means the packet and package of tobacco
13 products and any outside packaging and labeling of tobacco products
14 for sale, distribution, exportation, importation, trade, exchange, or
15 exhibition, such as, but not limited to, packs, tins, boxes, pouches, flip-
16 tops, slide and shell packages, cartons, transparent wrappers, clear
17 packaging, packages containing one product unit, master cases, or
18 other containers of tobacco products.
19

20 g. *"Tobacco Products"* means products entirely or partly made of leaf
21 tobacco as raw material, which are manufactured to be used for
22 smoking, sucking, chewing or snuffing, or by any other means of
23 consumption. The term also refers to any product, device or delivery
24 system which contains tobacco or any substance derived from tobacco,
25 and is intended for smoking or oral or nasal use. It includes any
26 product, device or delivery system that is designed, intended or
27 otherwise used as a substitute for any tobacco product or any product,
28 device or delivery system that resembles the outward appearance of
29 any tobacco product, whether or not it delivers nicotine or any other
30 substance derived from tobacco to the user, such as electronic
31 cigarettes, shisha, waterpipe, and similar products, devices or delivery
32 systems.
33

34 *Section 5. Picture-Based Health Warning.* – Ninety (90) days after the
35 effectivity of this Act, cigarette packages and other tobacco product packages
36 found in the market including package insert and onserts, and any outside
37 packaging and labeling, shall bear highly visible full-color "Picture-Based Health
38 Warnings," as prescribed, as to all particulars, that shall have two components: a
39 photographic picture warning and an accompanying textual warning that is
40 related to the picture.
41

42 a. The Picture-Based Health Warnings shall be printed on at least eight-
43 five percent (85%) of the principal display areas of any tobacco
44 package; it shall occupy no less than eighty-five percent (85%) of the
45 front and eighty-five percent (85%) of the back panel of the packaging,
46 as described in Section 4;
47

- 1 b. It shall be located on the top or upper portions of the said panels or
2 Principal Display Areas;
- 3
- 4 c. Nothing shall be printed or applied on a location where it is likely to
5 obscure or cover, in part or in whole, the Picture-Based Health
6 Warnings;
- 7
- 8 d. No part of the warning may be obliterated, obscured, folded, severed
9 or become unreadable when the tobacco package is opened or closed
10 or when a wrapper on the package is removed or by any other legally
11 required markings or by commercial inserts or onsets;
- 12
- 13 e. The Picture-Based Health Warning shall be printed in accordance with
14 guidelines prescribed by the DOH, or in the absence thereof, in full
15 color, with the minimum resolution of 600 dpi using at least 4-color
16 printing;
- 17
- 18 f. A minimum of eight (8) variations of Picture-Based Health Warnings
19 shall be printed simultaneously and these shall be rotated periodically,
20 not just for each brand family but also for each brand within the family
21 for each package size and type, so that at any time within the twelve
22 (12) month period, when a set of Picture-Based Health Warnings are
23 scheduled to be rotated, the variations of the warnings shall appear in
24 the market with proportionate frequency and equal display of health
25 warnings and messages on retail packages;
- 26
- 27 g. In no case shall the Picture-Based Health Warning measure less than
28 2475 square millimeters in size regardless of the type of tobacco
29 package. Furthermore, the shortest side of the health warning shall
30 measure no less than 55 millimeters;
- 31
- 32 h. Picture-Based Health Warning specifications:
- 33
- 34 1. The text warning accompanying the picture shall be
35 worded in such manner that an ordinary layman will
36 understand what the picture is about and what are the
37 ill-effects of smoking on the health of the smoker and of
38 the people around him;
- 39
- 40 2. The text warning shall be placed on areas of the
41 photograph where it will not obscure the picture itself
42 but will be prominently displayed;
- 43
- 44 3. The text shall use up to no more than 30% of the entire
45 area of the Picture-Based Health Warning and shall
46 appear in clearly legible type and in contrast by
47 typograph, layout and color, without the use of any

border, frame or any design that will effectively lessen the size of the textual warning; and

4. The accompanying text shall be printed in English on the front panel and Filipino on the back panel and alternately, Filipino on the front panel and English on the back panel. In the case of other containers where there is only one (1) external surface area, the accompanying text will likewise alternately be in English or Filipino.

Section 6. Side Panel. – In addition to the Picture-Based Health Warning, cigarette packages, as well as other tobacco product packages found in the market, shall bear, on one side panel, additional information designed to promote healthy behavior or to reduce tobacco use, as issued by the DOH according to Section 15 of this Act, such as, but not limited to, additional health warnings, hotlines or websites for tobacco-related concerns, or tips on how to stop smoking. This information shall be prominently displayed and the text thereto shall appear in clearly legible type and in contrast by typograph, layout and color, without the use of any border or frame or any other design that will effectively lessen the size of the additional health warnings.

Section 7. Descriptors. – Ninety (90) days after the effectivity of this Act, no cigarette packs or other tobacco product packages shall contain any term, descriptor, trademark, figurative or any other sign including colors, images, or numbers, or any other package or product design or feature, that directly or indirectly create or are likely to create the false impression that a particular tobacco product is less harmful than any other tobacco product or brand, or that promote a tobacco product by any means that are false, misleading, deceptive, or likely to create and erroneous impression about its characteristics, health effects, hazards or emissions, such as, but not limited to, “low tar,” “light,” “ultra-light,” or “mild,” “extra,” “ultra,” and similar terms in any language that might mislead consumers, or corresponding symbols or colors signifying the same.

No cigarette packs or other tobacco product packages shall contain information that may imply that one variant or brand is safer than the other, such as, but not limited to, statements indicating that the tobacco product contains “reduced levels” of contents, substances, and emissions. Figures for emission yields, such as for tar, nicotine and carbon monoxide, shall be prohibited, including when used as part of a brand name or trademark.

Section 8. Minimum Principal Display Area / Prohibition on Smaller Packages. – To ensure the visibility, prominence, and impact of Picture-Based Health Warnings, no person or legal entity shall make, fabricate, import, sell or distribute cigar, cigarette or other tobacco products with packages that have for its Principal Display Area, a total area of less than 4950 square millimeters for each of the two largest sides in the case of tobacco packages described in Section 4(e)(1). For other tobacco packages that fall under Section 4(e)(2) and 4(e)(3), the

1 minimum size for the principal display area shall also be 4950 square
2 millimeters.

3
4 **Section 9. Costs.** – All printing costs pertaining to packaging and labeling
5 shall be shouldered by tobacco manufacturers and/or importers.

6
7 **Section 10. Prohibition on Sales.** – No person or legal entity shall sell or
8 commercially distribute or display any cigarette or tobacco product without
9 ensuring that the labels and packages, as well as any other container used in
10 displaying the cigarette or tobacco products, meet the requirements under this
11 Act. Manufacturers and distributors of tobacco products shall ensure the removal
12 from all displays of non-compliant tobacco products manufactured and
13 distributed by them within one hundred twenty (120) days from the effectivity of
14 this Act.

15
16 **Section 11. Prohibition on Obstruction of Display.** – No person or legal
17 entity shall obscure or cover in part or in whole the Picture-Based Health
18 Warning in the selling areas. The Picture-Based Health Warnings shall be
19 prominently displayed whenever the said packages are commercially displayed.

20
21 Design features that tend to obscure or cover, in part or in whole, the
22 Picture-Based Health Warning, such as, but not limited to, any features of the
23 tobacco product package that are designed to change after retail sale, are likewise
24 prohibited, including, but not limited to:

- 25
26 a. Heat activated inks;
27 b. Inks or embellishments designed to appear gradually over time,
28 including on the product itself;
29 c. Inks that appear fluorescent in certain light, including on the product
30 itself;
31 d. Panels designed to be scratched or rubbed to reveal an image or text;
32 e. Removable or hidden tabs or panels;
33 f. Fold-out tables or panels; and
34 g. Any other misleading or promotional features or design of the
35 packaging, labeling, or product.

36
37 **Section 12. Liability of Manufacturers, Importers, and Distributors.** –
38 Manufacturers, importers, and distributors of tobacco products shall be directly
39 liable for any violations of the provisions of this Act. In the case of a business
40 entity or establishment, the chairperson of the Board of Directors, the owner,
41 president, manager and the corporate officials thereof shall be directly
42 responsible therefor and shall be made accountable and jointly and severally
43 liable with the offending entity or establishment. Agents or representatives of
44 the aforecited manufacturers, importers, and distributors who commit any
45 violation of the provisions of this Act and its implementing rules shall be jointly
46 and severally liable with the manufacturers, importers, and distributors.

1 **Section 13. Liability of Retailers and Sellers.** – Retailers and sellers of
2 tobacco products shall be directly liable for violations of Section 10 and 11 of this
3 Act. In the case of a business entity or establishment, the chair of the Board of
4 Directors, the owner, president, manager and the corporate officials thereof shall
5 be directly responsible and shall be made accountable and jointly and severally
6 liable with the offending entity or establishment.

7
8 **Section 14. Penalties for Non Compliance.** –

9
10 a. The following penalties shall apply to manufacturers, importers, and
11 distributors of tobacco products as well as their agents/representatives
12 for any violation of this Act:

- 13
14 1. On the first offense, a fine of not less than One Million Pesos (PhP
15 1,000,000.00) shall be imposed;
16 2. On the second offense, a fine of not less than Five Million Pesos
17 (PhP 5,000,000.00) shall be imposed;
18 3. On the third offense, in addition to a fine of not less than Twenty
19 Million Pesos (PhP 20,000,000.00) or imprisonment of not less than
20 one (1) year but not more than five (5) years, or both at the
21 discretion of the court, the business permits and licenses, in the case
22 of a business entity or establishment shall be revoked or cancelled.

23
24 If the guilty officer is a foreign national, he shall be deported after service
25 of sentence and/or payment of applicable fines without need of further
26 deportation proceedings and shall be forever barred from entering the
27 Philippines. Filing of the appropriate case may be commenced by the DOH; the
28 Philippine National Police (PNP); a Prosecutor by himself *motu proprio*; or any
29 private citizen.

30
31 Each batch of non-compliant tobacco packages, regardless of size, that are
32 withdrawn from the manufacturing facility, imported into the Philippines for
33 sale to the market, transferred to other facilities or delivered to the retail
34 establishments after the compliance date shall constitute one offense. An
35 additional penalty of One Hundred Thousand Pesos (PhP 100,000.00) per day
36 shall be made for each day the violation continues after having received the
37 order from the DOH or other appropriate body, notifying the company of the
38 infraction.

39
40 b. The following penalties shall individually apply to retailers/sellers of
41 tobacco products as well as their agents/representatives for any
42 violation of this Act:

- 43
44 1. On the first offense, a fine of not less than Five Thousand Pesos
45 (PhP 5,000.00) but not more than Ten Thousand Pesos (PhP
46 10,000.00) shall be imposed;

2. On the second offense, a fine of not less than Ten Thousand Pesos (PhP 10,000.00) but not more than Twenty Thousand Pesos (PhP 20,000.00) shall be imposed;
3. On the third offense, in addition to a fine of not less than Twenty Thousand Pesos (PhP 20,000.00) or imprisonment of not less than two (2) months, or both at the discretion of the court, the business permits and licenses, in the case of a business entity or establishment shall be revoked or cancelled.

If the guilty officer is a foreign national, he shall be deported after service of sentence and/or payment of applicable fines without need of further deportation proceedings and shall be forever barred from entering the Philippines. Filing of the appropriate case may be commenced by the DOH; the Philippine National Police (PNP); a Prosecutor by himself *motu proprio*; or any private citizen.

Each day that non-compliant tobacco packages are found in the retail establishments of the retailers after the compliance date shall constitute one offense. An additional penalty of Five Thousand Pesos (PhP 5,000.00) per day shall be made for each day the violation continues after having received the order from the DOH or other appropriate body, notifying the retailers of the infraction.

Section 15. Picture-Based Health Warning Guidelines. – Thirty (30) days after the effectivity of this Act, and every year thereafter, or as frequently as the need arises, the DOH shall issue a template of Picture-Based Health Warnings to be rotated, as well as guidelines respecting the printing instructions, specific pictures, design, or content of the information relating to the Picture-Based Health Warnings, and other information that must appear in the tobacco product packages. The DOH shall consider the recommendations of leading non-government organizations that have established and proven records of dealing with tobacco-related diseases and deaths; Provided, however, that the absence of recommendations shall not delay the issuance of the template and guidelines. All Picture-Based Health Warnings issued shall comply with the specifications above and must always present the devastating effects of tobacco use and exposure to tobacco smoke.

In light of technological developments in printing quality and package design, the DOH shall have the authority to provide additional printing guidelines beyond those specified in Section 5(e), to ensure that picture warnings remain effective and with impact.

Picture-Based Health Warning regulations issued by the Secretary of Health upon recommendation of non-government organizations shall be presumed compliant with the specifications listed above for purposes of implementation by the tobacco companies. Picture-Based Health Warnings duly approved by the WHO from other countries, for as long as they meet the specifications provided for under this Act, may likewise be used.

1 Tobacco manufacturers and importers shall have no more than two (2)
2 months to comply with any new templates issued.

3
4 **Section 16. Administrative Power.** – Within one (1) year from the
5 effectivity of this Act, the DOH shall issue Guidelines and Administrative
6 Sanctions to facilitate the implementation of this Act, but this should, in no case,
7 delay the implementation of this Act and the deadlines/time frames set herein.

8
9 The DOH, in coordination with the Food and Drug Administration, is
10 hereby charged with implementing and enforcing the provisions of this Act and
11 shall:

- 12
13 a. Promulgate rules governing the hearings on alleged violations of this
14 Act. The hearings shall be summary in nature and shall be conducted
15 by means of position papers and affidavits. Any decision must be
16 rendered by the DOH no longer than thirty (30) days from the date of
17 filing;
- 18
19 b. Impose, after notice and hearing and in accordance with the degree of
20 the offense and the nature of the business of the offender,
21 administrative fines of up to Twenty Million Pesos (PhP 20,000,00.00),
22 the proceeds of which will be used for health promotion campaigns on
23 tobacco control of the DOH. Provided, that manufacturers, importers,
24 and distributors of tobacco products as mentioned in Section 12 of this
25 Act, shall have a higher penalty compared to retailers and sellers, as
26 provided in Section 13 of this Act;
- 27
28 c. Issue other administrative rules and regulations it deems necessary to
29 effectively implement the provisions of this law, such as but not
30 limited to, seizure, forfeiture, and destruction of non-compliant
31 packages as described under this law.

32
33 The non-issuance of the Regulations and Administrative Sanctions by the
34 DOH shall not prevent the coming into force of this Act.

35
36 The DOH shall have the power to call upon law enforcement agencies,
37 and the managing authorities in the economic zones for assistance in the
38 implementation and enforcement of its decisions, orders, rules and regulations.
39 In addition, the DOH may also deputize, whenever necessary, local government
40 executives and representatives of the national government agencies, tobacco
41 control organizations and concerned sectors to help monitor compliance with
42 and report any violation of this Act.

43
44 The filing of an administrative case for the act constituting a violation of
45 the administrative regulations to be issued by the DOH shall not preclude the
46 simultaneous or subsequent filing of criminal charges for the same act
47 constituting a violation under this Act, through criminal proceedings authorized

under Section 14 of this Act. In the same manner, neither shall the filing of criminal charges preclude the filing of administrative cases.

Section 17. Strict Compliance and Inspections. – Absolutely no extensions of time to comply with the provisions of this Act shall be granted to tobacco manufacturers and importers or any other affected party.

For purposes of enforcing the law and ensuring compliance therewith, the DOH, through FDA or other deputized law enforcement agency, or its authorized representative, upon presenting appropriate credentials to the owner, manager, or agent in charge, is authorized:

- a. to enter, at reasonable hours, any factory, warehouse or establishment in which tobacco products are manufactured, processed, packed or held, for introduction into domestic commerce or are held after such introduction; or
- b. to enter any vehicle being used to transport or hold the tobacco products in question; and
- c. to inspect, in a reasonable manner, such factory, warehouse, or establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers and labeling therein.

If the officer, employee, or person designated to make any such inspection of a factory, warehouse or other establishment has obtained any sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises, he shall give the owner, manager, or agent-in-charge a receipt describing the samples obtained.

The DOH shall have the power to punish the refusal of the owner, manager, agent-in-charge or employee of the factory, warehouse, establishment, or vehicle who, despite the presentation of appropriate credentials by the officer or employee designated to conduct the inspection, refuses the entry of such officer or employee.

Section 18. Citizen Suits. – For purposes of enforcing the provisions of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts or administrative body against:

- a. Any person or entity who violates or fails to comply with the provisions of this Act, its implementing rules and regulations, including the template, guidelines, or other regulations;
- b. The DOH and other implementing agencies with respect to rules and regulations issued inconsistent with this Act; and/or

- 1 c. Any public officer who willfully or grossly neglects the performance of
2 an act specifically enjoined as a duty by this Act, its implementing
3 rules and regulations, including the template, guidelines, or other
4 regulations; or abuses his authority in the performance of his duty; or,
5 in any manner, improperly performs his duties under this Act or its
6 implementing rules and regulations including the template,
7 guidelines, or other regulations.
8

9 The administrative, civil and criminal actions allowed under this section
10 shall be alternative and cumulative and shall not preclude any other person from
11 filing a similar action.
12

13 **Section 19. Other Obligations of the Tobacco Industry.** – Compliance with
14 the Act shall not remove or diminish any other obligations of tobacco
15 manufacturers, importers, distributors, retailers, and sellers, including, but not
16 limited to, obligations to warn and inform consumers about the health hazards of
17 tobacco use and exposure to tobacco smoke.
18

19 **Section 20. Separability Clause.** – If any clause, provision, paragraph or
20 part thereof shall be declared unconstitutional or invalid, such judgment shall
21 not affect, invalidate or impair any other part hereof but such judgment shall be
22 merely confined to the clause, provision, paragraph or part directly involved in
23 the controversy in which such judgment has been rendered.
24

25 **Section 21. Repealing Clause.** – All other laws, degrees, executive order
26 and other administrative issuances and parts hereof which are inconsistent with
27 the provisions of this Act are hereby modified, superseded or repealed
28 accordingly.
29

30 **Section 22. Effectivity.** – This Act shall take effect fifteen (15) days
31 following its publication in the Official Gazette or in any major daily newspaper
32 of national circulation in the Philippines.

Approved.