

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8395



Introduced by Representative **John Marvin "Yul Servo" Nieto**

Explanatory Note:

It is the responsibility of the state to defend and protect the people's right to health. The 1987 Constitution further identifies the importance of safeguarding children for they belong to vulnerable sector.

Article II Sec 15

The State shall protect and promote the right to health of the people and instill health consciousness among them.

Article XV, Sec 3 (2)

The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development;

According to the Department of Health, children are more vulnerable to the dangers of inhaling second-hand smoke as compared to adults. This is due to their small stature and their developing respiratory system. Furthermore, several studies have also associated this early exposure to second-hand smoke to increased risk of lung cancer in adulthood. It is urgent that the state implement various safeguards to protect the future of the children in the country.

This measure seeks to protect children from the negative effects of second-hand smoke in public places and enclosed areas by amending the tobacco Regulation Act of 2003

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


JOHN MARVIN "YUL SERVO" NIETO

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AN ACT

**PROTECTING CHILDREN FROM CIGARETTE SMOKE EXPOSURE, AMENDING FOR
THE PURPOSE REPUBLIC ACT NO. 2911, OTHERWISE KNOWN AS THE
TOBACCO REGULATION ACT OF 2003, SECTIONS 6 AND 29**

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

Section 1. Section 6 of Republic Act No. 9211, also known as the Tobacco Regulation Act of 2003, on Designated Smoking and Non-Smoking Areas is hereby amended to read as follows:

Section 6. Designated Smoking and Non-Smoking Areas. - In all enclosed places that are open to the general public, private workplaces and other places not covered under the preceding section, where smoking may expose a person other than the smoker to tobacco smoke the owner, proprietor, operator, possessor, manager or administrator of such places shall establish smoking and non-smoking areas. Such areas may include a designated smoking area with proper ventilation, but shall not be located within the same room that has been designated as a non-smoking area, **PROVIDED, THAT IN ALL SCHOOL-RELATED ACTIVITIES, WHETHER WITHIN OR OUTSIDE THE SCHOOL PREMISES AND WHETHER HELD INDOORS OR OUTDOORS, SMOKING SHALL BE ABSOLUTELY PROHIBITED.**

All designated smoking areas shall have at least one (1) legible and visible sign posted, name "SMOKING AREA" for the information and guidance of all concerned. In addition, the sign or notice posted shall include a warning about the health effects of direct or secondhand exposure to tobacco smoke. Non-Smoking areas shall likewise have at least one (1) legible and visible sign, namely: [~~"NON-SMOKING AREA" or "NO SMOKING"~~] **"SMOKING IS ABSOLUTELY PROHIBITED IN ENCLOSED AREAS UNDER R.A. NO. 9211."**

THESE SMOKING AND NON-SMOKING SIGNAGES SHOULD BE MADE PART OF THE REQUIREMENTS FOR THE ISSUANCE AND/OR RENEWAL OF THE BUSINESS PERMITS AND/OR PERMITS TO OPERATE OF ESTABLISHMENTS, HEALTH FACILITIES OR SCHOOLS AND THE FAILURE TO COMPLY THEREWITH IS A GROUND FOR THE DENIAL OR

REVOCATION OF SUCH PERMITS, PROVIDED, THAT FOR SCHOOLS, THESE SIGNAGES SHOULD BE PROMINENTLY DISPLAYED WHENEVER YOUTH ACTIVITIES ARE BEING CONDUCTED DECLATRING THAT THE AREA IS A SMOKE-FREE ZONE.

Section 2. Section 29 of the same Act is also hereby amended to read as follows:

SECTION 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)** [~~Trade and Industry (DTI)~~] with the Secretary of the Department of **TRADE AND INDUSTRY (DTI)** [~~HEALTH (DOH)~~] as Vice Chairperson. The IAC-Tobacco shall have the following as 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. Administrator of the National Tobacco Administration (NTA);
- h. A representative from the Tobacco Industry to be nominated by the legitimate and recognized associations of the industry; and
- i. A representative from a nongovernment 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.

Section 3. Separability Clause. - If any provision of this Act is held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

Section 4. Repealing Clause. - All laws, decrees, orders, and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

Section 5. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,