

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 5315



Introduced by: **REPRESENTATIVE IRENE GAY F. SAULOG**
KALINGA PARTYLIST

EXPLANATORY NOTE

The Corona Virus Disease-2019 (COVID-19) pandemic has affected the lives of Filipino people in various ways. It has presented grave threats to the public health, livelihood, and Filipino people's way of life. Based on the Department of Health's COVID-19 tracker, the total COVID-19 cases in the country today is 3,940,000+, of which 38,000+ is still active, 3,840,000+ have been recovered from the virus, and 62,800+ have died¹.

It also poses great economic effects on the country. According to the 2021 study by the National Economic and Development Authority (NEDA), the long-run total cost of the COVID-19 pandemic to the country to the present and future generations of Filipinos is estimated at 41.4 trillion pesos². This year, the Philippine Government committed itself to fast-track its effort on recovering from the grave effects of the COVID-19 pandemic and providing a safer environment for the Filipino people. To fulfill this commitment, legislation must complement efforts toward providing safer public places and reducing the risk of COVID-19, and to further alleviating the future cost of the pandemic in the country.

¹ Department of Health. (n.d.). *Covid-19 tracker: Department of Health Website*. COVID-19 Tracker | Department of Health website. Retrieved September 29, 2022, from <https://doh.gov.ph/covid19tracker>

² NEDA. (2021, September 25). *Covid-19 pandemic to cost Php 41.4 T for the next 40 years – NEDA*. National Economic and Development Authority - Sentro ang Tao sa Ating Plano. Retrieved September 29, 2022, from <https://neda.gov.ph/covid-19-pandemic-to-cost-php-41-4-t-for-the-next-40-years-neda/#:~:text=Chua%20said%20the%20estimated%20long,estimated%20at%2041.4%20trillion%20pesos.>

It has been established that smoking and secondhand smoke are among the most critical risk factors for the worst progression of COVID-19 to a person. According to the World Health Organization (WHO), smoking damages the lungs and affects other organs of the body, therefore exposing smokers and second-hand smokers to getting COVID-19 and progressing it to severe symptoms. The Department of Health (DOH) also cited this warning of the WHO and calls for ceasing of tobacco use because of its long-term adverse effects, not just to the user's health, but also to the other people around them and the environment.

According to the Global Youth Tobacco Survey (GYTS) of 2019 and the Global Adult Tobacco Survey (GATS) of 2015, 12.5% of the 30 million youth population, or 3.75 million youths, while 23.8% of the 67 million adult population, or 15.9 million adults are smokers³⁴. Approximately 87,600 Filipinos died each year (240 per day) and tobacco-related treatment costs the Philippines around 50 trillion pesos each year⁵. This is just for tobacco users or smokers.

In the same survey, 29.3% of the youth's total population, or 8.75 million Filipino youths while 21.5% of the total adult population, or 14.4 million Filipino adults are being exposed to secondhand smoke. Each year, total deaths related to exposure to secondhand smoke would account for a total of 71,850 deaths, 3,000 of these from lung cancer.

Even before the COVID-19 pandemic, smoking has been accountable for millions of deaths and health problems to the people. According to the Johns Hopkins Bloomberg School of Public Health, chemicals found in tobacco products, tobacco flavors, and vapes are toxic, cancerous, and have been linked to various diseases like cardiovascular diseases, diabetes, and different types of cancer. It has also been also linked to prenatal development and cognitive issues

³ Department of Health. (2015). *Global Adult Tobacco Survey Philippines [Fact Sheet]*. World Health Organization. https://psa.gov.ph/sites/default/files/kmcd/GATS-PHL2016-Executive%20Summary_13Mar2017.pdf

⁴ Department of Health. (2021). *Global Youth Tobacco Survey Philippines 2019 [Fact Sheet]*. World Health Organization. [https://cdn.who.int/media/docs/default-source/ncds/ncd-surveillance/data-reporting/philippines/philippines-gyts-2019-factsheet-\(ages-13-15\)-final_508tag.pdf](https://cdn.who.int/media/docs/default-source/ncds/ncd-surveillance/data-reporting/philippines/philippines-gyts-2019-factsheet-(ages-13-15)-final_508tag.pdf)

⁵ The Union. (2021, April 14). *Tobacco control in Philippines: The union!* The Union. Retrieved September 29, 2022, from <https://theunion.org/our-work/tobacco-control/bloomberg-initiative-to-reduce-tobacco-use-grants-program/tobacco-control-in-philippines>

such as ADHD, decreased brain cells of infant children, delayed puberty in men, and also affecting the decision-making processes due to smoking or children being exposed to secondhand smoke.

In order to fulfill the country's commitment to recovering from the COVID-19 pandemic and being prepared to future pandemic that might hit to our country, we must ensure that we have strict measures in securing public safety against harmful effects of tobacco use. Creating smoke-free public spaces helps us to fulfill this commitment and the rights of the Filipino people as enshrined in the Philippine Constitution. It will also help us to institutionalize our commitment to the WHO-Framework Convention on Tobacco Control (FCTC), which seeks to protect public health by promoting tobacco control measures based on current and relevant scientific considerations.

Due to the dangers posed by tobacco use and exposure tobacco smoke, an effective and evidence-based smoke-free public places legislation to protect all Filipinos from exposure to tobacco products and its accompanied diseases and illnesses is crucial. With this policy, it is expected that there will be:

- a. Public spaces that are smoke-free and that will protect the citizens, especially children, from the harmful effects of secondhand smoke especially to children;
- b. Healthier and more productive members of society, immune from different types of diseases;
- c. Significant reduction of the number of people who will start smoking due to peer-pressure and mimicry.

For these reasons, the urgent passage of this measure is earnestly requested.



IRENE GAY F. SAULOG

Kalinga Partylist

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Introduced by: **REPRESENTATIVE IRENE GAY F. SAULOG**
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AN ACT MANDATING A SMOKE-FREE ENVIRONMENT IN ALL PUBLIC AND WORKPLACES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9211, OTHERWISE KNOWN AS THE "TOBACCO REGULATION ACT OF 2003"

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

SECTION 1. This Act shall be known as the "Smoke-Free Environment Act".

SEC. 2. Declaration of Policy. — It is the policy of the State to protect and promote the right to health of the people and instill health consciousness among them. The State also recognizes that effective measures to provide protection from exposure to tobacco smoke, as envisioned by Article 8 of the World Health Organization Framework Convention on Tobacco Control, require the total elimination of smoking and tobacco smoke in a particular space or environment in order to create a 100% smoke free environment. It is, therefore, the State's policy to protect all people from exposure to tobacco smoke.

SEC. 3. Construction — In case of doubt, the interpretation of any of the provisions of this Act, including its implementing rules and regulations (IRR), shall be construed liberally in favor of the protection and promotion of public health.

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

"SEC. 4. Definition of Terms. - As used in this Act;

"n. Public Places refers to all places fixed or mobile, that are accessible or open to the public or places for collective use, regardless of ownership or right to access, including but not limited to, schools, workplaces, government facilities, establishments that provide food and drinks, accommodation, merchandise, professional services; entertainment, or other services. It also includes outdoor spaces where facilities are available for the public or where a crowd of people would gather such as but not limited to playgrounds, sports grounds or centers, church grounds, health/ hospital compounds, transportation, terminals, markets, parks, resorts, walkways/ sidewalks, entrance ways, waiting areas and the like."

"xxx

"v. Persons-in-charge - refers to the president, manager in case of a company, corporation, partnership or association, the owner/ proprietor/ operator in. case of a single

proprietorship, or the administrator in case of government or private property, facility, office or building, and the city/ municipal schools superintendent, school president, dean or principal in case of schools.

"w. Workplaces – is any place used by people during employment or work, including voluntary work. It includes not only those places at which work is performed, but also attached or associated places commonly used by the workers in the course of their employment, including but not limited to corridors, lifts, lobbies, joint facilities, cafeterias, toilets, lounges, lunchrooms and also outbuildings such as sheds and huts. Vehicles used in the course of work are workplaces and should be specifically identified as such,"

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

"SEC. 5. Smoke-free Public Places. - Smoking shall be prohibited in all public and work places:

- a. Centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels, and recreational facilities for persons under eighteen (18) years old;
- b. Elevator and stairwells;
- c. Location in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives, or combustible materials;
- d. Within the buildings and premises of public and private hospitals, medical, dental, and optical clinics, health centers, nursing homes, dispensaries and laboratories;
- e. Public conveyance including all terminals and public facilities;
- f. Food preparation areas;
- g. Government offices; and
- h. Other public places as may be designated as smoke-free through an ordinance to promote general welfare.

SEC. 6. Section 6 of Republic Act No. 9211 is hereby amended to read as

"SEC 6. Non-Smoking Areas and Smoking Areas - In all enclosed places that are open to the general public, 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 may establish smoking areas. Such area must be in an outdoor space with the following requirements:

- a. It shall be located in an open space with no permanent or temporary roof or walls in an outdoor area;
- b. It shall not be located within 10 meters of entrances, exits or any place where people pass or where people congregate;
- c. It shall not have an area larger than 10 square meters;
- d. No more than one smoking area shall be designated in a building or public place;
- e. No food or drinks shall be served in the designated smoking area; and,
- f. Every smoking area shall have a highly visible and prominently displayed:
 - f.1) "Smoking Area" signage;
 - f.2) Graphic health warnings on the effects of tobacco use, and
 - f.3) Prohibition on the entry of minors.

Nothing in this Act shall compel persons-in-charge to establish designated smoking areas nor prevent them from instituting more stringent measures in their buildings and establishments to better ensure a smoke-free environment.

These smoking and non-smoking signages should be made part of the requirements for the issuance or renewal of a business permit to operate an establishment, health facilities or schools. Failure to comply therewith is a ground for the denial or revocation of such permit, Provided, that for schools, these signages should be prominently displayed whenever youth activities are being conducted declaring that the area is a smoke-free zone.

SEC. 7. Obligations of Persons-in-Charge. Persons-in-charge, operators and owners of establishments within public and workplaces shall:

- a. Prominently post and display "No Smoking" Signage in locations most visible to the public. The sign shall be at least 8 x 11 inches in size;
- b. Remove ash trays and other receptacles for disposing cigarette refuse in place where smoking is prohibited;
- c. Establish internal procedures and measures in which this Act shall be implemented and ordered within his or her areas of jurisdiction;
- d. Ensure that all employees are aware of this Act before implementation and enforcement; and,
- e. Have several signages versions, including those written in local dialects or in English.

SEC. 8. Prohibited Acts. The following are declared unlawful:

- a. Smoking in public and workplaces;
- b. Inducing, allowing; or tolerating smoking in smoke-free areas provided in Section 5 and 6 of this Act;
- c. Establishment of smoking areas in smoke-free public places pursuant to Section 5;
- d. Failure to comply with the requirements provided under Section 6, and,
- e. Other analogous acts or omissions in violation of this Act.

SEC. 9. Persons Liable. - The following are liable and shall be punished in accordance with the governing provisions of this Act:

- a. Any person or entity who commits prohibited acts; and
- b. Persons-in-charge who knowingly allow, abet, authorize, or tolerate the prohibited acts, or have failed to fulfill their duties and obligations enumerated in this Act.

SEC 10. Creation of Smoke-Free Task Forces, — All provinces, cities and municipalities are mandated to establish a Smoke-Free Task Force. The Smoke-Free Task Force, in coordination with Philippine National Police, shall be responsible in the implementation, enforcement, and monitoring of this Act; provided that the effectivity and enforcement of this Act shall not be prejudiced by the lack of a Smoke Free Task Force in the government unit.

Local government units shall allocate a 3% dedicated fund from the Local Health Budget for the operation of the Smoke Free Task Force and shall enact measures necessary to implement the provisions of this Act including the development and implementation of supportive programs to promote smoke-free environment. The Task Force is mandated to meet on a quarterly basis, or whenever necessary, to carry out the provisions of this Act and other relevant tobacco control laws and ordinances.

The Smoke-Free Task Force shall be chaired by the Mayor and co-chaired by the Municipal / City Health Office. The Task Force shall have the following members:

- a. Business Processing and Licensing Office

- b. Engineering Office
- c. Offices involved in Peace and Order
- d. Association of barangay Captains Chair
- e. SK Federation President
- f. School District Representative
- g. Tertiary Institution Representatives
- h. Environmental Protection Officer

The Smoke-Free Task Force shall include at least one representative from civil society organizations, community and people organizations promoting public health which should not be connected, directly or indirectly, or represent the interest of the tobacco industry.

SEC. 11 - Awards and Recognition. The Department of Health (DOH) and the Department of the Interior and Local Government (DILG) are hereby mandated to include the faithful implementation of this Act, particularly the performance of the Smoke-Free Task Force, as a requisite in the grant of the Red Orchid Awards and the Seal of Good Local Governance awards, or any other incentives program for the private sector for promoting smoke-free environment, as the Department of Health may approve.

SEC. 12 — Section 32(a) of RA 9211 is hereby further amended to read as follows:

"SEC. 32. Penalties. - The following penalties shall apply:

a. Violation of Section 5 and 6 - A fine of not less than Two Thousand Pesos (PHP 2,000.00) but not more than Three Thousand Pesos (PHP 3,000.00) shall be imposed for every infraction to any person who shall smoke, induce, abet or allow someone to smoke in a prohibited place, together with the confiscation and destruction of all tobacco products in his or her possession.

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 for every person, whether natural or juridical, that shall establish or maintain an unlicensed or illegal designated smoking area; together with the demolition or destruction of the unlicensed or illegal designated smoking. This is without prejudice to the suspension, cancellation and revocation of licenses and/or permits that may be imposed upon the business entity or establishment consistent to existing rules and ordinances of the local government unit."

SEC. 13. Separability Clause. If any provision of this Act is held invalid or declared unconstitutional, the other provisions which are not affected thereby shall remain valid and subsisting.

SEC. 14. Repealing Clauses Sections 4(n), 5, 6 and Section 32(a) of Republic Act No. 9211 are hereby repealed or modified accordingly.

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

Approved,