

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5245



Introduced by **HON. JORGE DANIEL S. BOCOBO**

EXPLANATORY NOTE

"I will instruct you and teach you in the way you should go; I will counsel you with my loving eye on you."

Psalm 32:8

Smoking remains one of the leading causes of preventable death worldwide. Scientific studies confirm that tobacco use kills not only the smoker but also those exposed to secondhand smoke. Children, youth, and families bear the disproportionate burden of these harms, which include heightened risks of respiratory illness, cardiovascular disease, and premature death.

The 1987 Constitution is clear that the State is constitutionally mandated to protect and promote the right to health of the people and instill health consciousness among them. This responsibility includes creating safeguards that prevent our youth from falling prey to harmful habits at an early age.

The City of Taguig has long championed preventive measures to curb tobacco use and promote public health. Among its initiatives is the Smoke-Free City Ordinance, which already covers vapes and e-cigarettes. This proactive stance reflects the city's commitment to safeguarding its youth and promoting a culture of health consciousness.

Building on these local efforts, this measure seeks to strengthen national policy by curbing tobacco use through the increased minimum age of access to tobacco products from eighteen (18) to twenty-one (21) years old. The bill likewise increases the distance restriction for tobacco sales near schools and playgrounds, and strengthens age-verification requirements at points of sale. Together, these provisions reinforce the country's commitment to protecting the health and well-being of the youth and ensure that young people are better safeguarded from the harms of tobacco and nicotine addiction.

Guidance, discipline, and protection of the young are not only the duty of parents but of society as a whole. As the adage goes, "it takes a village to raise a child." The collective responsibility of communities, institutions, and the State is to ensure that our children and young persons are given every chance to live long, healthy, and productive lives.

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


JORGE DANIEL S. BOCOBO

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AN ACT
INCREASING THE MINIMUM AGE OF ACCESS FOR TOBACCO PRODUCTS,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9211, OTHERWISE KNOWN AS
THE "TOBACCO REGULATION ACT OF 2003"

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

Section 1. Section 3 of Republic Act No. 9211 or the Tobacco Regulation Act of 2003 is hereby amended to read as follows:

“Sec. 3. Purpose. – It is the main thrust of this Act to:

XXX

e. Protect the youth from being initiated to cigarette smoking and tobacco use by prohibiting the sale of tobacco products to **YOUNG PERSONS** [minors];

XXX”

Section 2. Section 4 of Republic Act No. 9211 or the Tobacco Regulation Act of 2003 is hereby amended to read as follows:

“Sec. 4. Definition of Terms. - As used in this Act:

XXX

[g. “Minor” – refers to any person below eighteen (18) years old]

G. [h.] “Manufacturer” – refers to any person or entity, including a re-packer who makes, fabricates, assembles, processes, or labels a finished product;

H. [i.] “Package” — refers to packs, boxes, cartons or containers of any kind in which any tobacco product is offered for sale to consumers;

I. [j.] “Person” — refers to an individual, partnership, corporation or any other business or legal entity;

J. [k.] “Point-of-Sale” — refers to any location at which an individual can purchase or otherwise obtain tobacco products;

K. [l.] “Promotion” — refers to an event or activity organized by or on behalf of a tobacco manufacturer, distributor or retailer with the aim of promoting a brand of tobacco product, which event or activity would not occur but for the support given to it by or on behalf of the tobacco manufacturer, distributor or retailer. It may also refer to the display of a tobacco product or manufacturer's name, trademark, logo, etc. on non-tobacco products. This includes the paid use of tobacco products bearing the brand names, trademarks, logos, etc. in movies, television and other forms of entertainment. For the purpose of this Act, promotion shall be understood as tobacco promotion;

L. [m.] “Public Conveyances” — refer to modes of transportation servicing the general population, such as, but not limited to, elevators, airplanes, buses, taxicabs, ships, jeepneys, light rail transits, tricycles, and similar vehicles;

M. [n.] “Public Places” — refer to enclosed or confined areas of all hospitals, medical clinics, schools, public transportation terminals and offices, and buildings such as private and public offices, recreational places, shopping malls, movie houses, hotels, restaurants, and the like;

N. [o.] “Retailer” — refers to any person who or entity that sells tobacco products to individuals for personal consumption;

O. [p.] “Smoking” — refers to the act of carrying a lighted cigarette or other tobacco products, whether or not it is being inhaled or smoked;

P. [q.] “Sponsorship” — refers to any public or private contribution to a third party in relation to an event, team or activity made with the aim of promoting a brand of tobacco product, which event, team or activity would still exist or occur without such contribution.

For the purpose of this Act, sponsorship shall be understood as tobacco sponsorship;

Q. [r] “Tobacco” — refers to agricultural components derived from the tobacco plant, which are processed for use in the manufacturing of cigarettes and other tobacco products;

R. [s.] “Tobacco Product” — refers to any product that consists of loose tobacco that contains nicotine and is intended for use in a cigarette, including any product containing tobacco and intended for smoking or oral or nasal use. Unless stated otherwise, the requirements of this Act pertaining to cigarettes shall also apply to other tobacco products;

S. [t.] “Tobacco Grower” — refers to any person who plants tobacco before the enactment of this Act and classified as such by the National Tobacco Administration (NTA); and

T. [u.] "Warning" — refers to the notice printed on the tobacco product or its container and/or displayed in print or aired in broadcast or electronic media including outdoor advertising and which shall bear information on the hazards of tobacco use; AND

U. **"YOUNG PERSON" - REFERS TO ANY PERSON BELOW TWENTY-ONE (21) YEARS OLD.**

Sec. 3. Section 7 of the same Act is hereby amended to read as follows:

"Sec. 7. Vending Machines, Self-Service Facilities. — Unless the vending machine has a mechanism for age verification, the sale or distribution of tobacco products to **YOUNG PERSONS [minors]** by means of a vending machine or any self-service facility or similar contraption or device is prohibited, except at point-of-sale establishments."

Sec. 4. Section 9 of the same Act is hereby amended to read as follows:

"Sec. 9. *Minimum Age Sales.* — Under this Act, it shall be unlawful:

- a) For any retailer of tobacco products to sell or distribute tobacco products to any **YOUNG PERSON [minor]**;
- b) For any person to purchase cigarettes or tobacco products from a **YOUNG PERSON [minor]**;
- c) For a **YOUNG PERSON [minor]** to sell or buy cigarettes or any tobacco product; and
- d) For a **YOUNG PERSON [minor]** to smoke cigarettes or USE any other tobacco products.

It shall not be a defense for the person selling or distributing that he/she did not know or was not aware of the real age of the **YOUNG PERSON [minor]**. Neither shall it be a defense that he/she did not know nor had any reason to believe that the cigarette or any other tobacco product was for the consumption of the **YOUNG PERSON [minor]** to whom it was sold."

Sec. 5. Section 10 of the same Act is hereby amended to read as follows:

"Sec. 10. Sale of Tobacco Products Within School Perimeters. — The sale or distribution of tobacco products is prohibited within **TWO-HUNDRED (200) METERS [one hundred (100) meters]** from any point of the perimeter of a school, public playground or other facility frequented particularly by **YOUNG PERSONS [minors]**."

Sec. 6. Section 11 of the same Act is hereby amended to read as follows:

"Sec. 11. Signage. — Point-of-Sale establishments offering, distributing, or selling tobacco products to consumers, shall post the following statement in a clear and conspicuous manner: **"SALE/ DISTRIBUTION TO OR PURCHASE BY YOUNG PERSONS [MINORS] OF TOBACCO PRODUCTS IS UNLAWFUL"** or **"IT IS UNLAWFUL FOR TOBACCO PRODUCTS TO BE SOLD/DISTRIBUTED TO OR PURCHASED BY PERSONS UNDER 21 [18] YEARS OF AGE."**

Sec. 7. Section 12 of the same Act is hereby amended to read as follows:

“Sec. 12. Proof of Age Verification. – In case of doubt as to the age of the buyer, retailers shall verify, by means of any valid form of photographic identification containing the date of birth of the bearer, that no individual purchasing a tobacco product is below **TWENTY-ONE (21)** [eighteen (18)] years of age.”

Sec. 8. Section 13(f) of the same Act is hereby amended to read as follows:

"Sec. 13. Warnings on Cigarette Packages. — Under this Act:

XXX

f) In addition to the health warning, all packages of tobacco products that are provided to consumers shall contain, on one side panel, the following statement in a clear, legible, and conspicuous manner: “**NO SALE TO YOUNG PERSONS**” [MINORS] or “**NOT FOR SALE TO YOUNG PERSONS**” [MINORS]. The statement shall occupy an area of not less than ten percent (10%) of such side panel and shall appear in contrast by color, typography, or layout with all the other printed material on the side panel.”

Sec. 9. Sec. 23 (h) of the same Act is hereby amended to read as follows:

“Sec. 23. Restrictions on Tobacco Promotions. — The following restrictions shall apply on all tobacco promotions:

h) No name, logo, or other indicia of a cigarette brand or element of a brand-related marketing activity may appear on items that are marketed to or likely to be used by **YOUNG PERSONS** [minors] such as, but not limited to, sports equipment, toys, dolls, miniature replicas of racing vehicles, video games, and food. The manufacturer or company must take all available measures to prevent third parties from using the company's brand names, logos, or other proprietary material on products that are directed toward **YOUNG PERSONS** [minors].”

Sec. 10. Sec. 32 of the same Act is hereby amended to read as follows:

“Sec. 32. Penalties. – The following penalties shall apply:

XXX

b. Violation of Sections 7, 8, 9, 10, and 11. – On the first offense, any person or any business entity or establishment selling to, distributing or purchasing a cigarette or any other tobacco products for a **YOUNG PERSON** [minor] shall be fined the amount of not less than Five thousand pesos (Php5,000.00) or an imprisonment of not more than thirty (30) days, upon the discretion of the court.

For succeeding offenses, both penalties shall apply in addition to the revocation of business licenses or permits in the case of a business entity or establishment.

If the violation is by an establishment of business entity, the owner, president, manager, or the most senior officers thereof shall be held liable for the offense.

If a **YOUNG PERSON** [minor] is caught selling, buying, or smoking cigarettes or any other tobacco products, the provisions of Article 189 of Presidential Decree No. 603 otherwise known as The Child and Youth Welfare Code, as amended, shall apply.”

Sec. 11. Separability Clause. – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

Sec. 12. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

Sec. 13. Effectivity Clause. – This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or a newspaper of general circulation.

Approved,