



Republic of the Philippines  
Department of Education



Office of the Secretary

OCT 17 2007

DepED ORDER  
No. 75, s. 2007

ENSURING STRICT OBSERVANCE OF THE PROVISIONS OF REPUBLIC ACT NO. 9211  
(An Act Regulating the Packaging, Use, Sale, Distribution and Advertisements  
of Tobacco Products and Other Purposes)

To: Undersecretaries  
Assistant Secretaries  
Bureau Directors  
Directors of Services/Centers and Heads of Units  
Regional Directors  
Schools Division/City Superintendents  
All Others Concerned

1. For the information and guidance of all concerned, enclosed is a copy of Republic Act No. 9211 entitled "An Act Regulating the Packaging, Use, Sale, Distribution and Advertisements of Tobacco Products and for Other Purposes", also known as "Tobacco Regulation Act of 2003".

2. Attention is invited on the vital provisions of the said Act, herein quoted as follows:

**Section 5. Smoking in Pubic Places** - Smoking shall be absolutely prohibited in the following public 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. XXXXXXXX

**Section 10. Sale of Tobacco Products Within School Perimeters** - The sale or distribution of tobacco products is prohibited within one hundred (100) meters from any point of the perimeter of a school, public playground or other facility frequented particularly by minors.

**Section 32. Penalties** - The following penalties shall apply:

- a. **Violation of Sections 5 and 6** - on the first offense, a fine less than Five Hundred Pesos (PhP500.00) but not more than One Thousand Pesos (PhP1,000.00) shall be imposed.

On the Second Offense, a fine less than One Thousand Pesos (PhP1,000.00) but not more than Five Thousand Pesos (PhP5,000.00) shall be imposed.

On the third offense, in addition to a fine of not less than Five Thousand Pesos (PhP5,000.00) but not more than Ten Thousand Pesos (Php10,000.00), the business permits and licenses to operate shall be cancelled or revoked.

- b. **Violation of Sections 7, 8, 9, 10 and 11** - On the first offense, any person or business entity or establishment selling to, distributing or purchasing a cigarette or any other tobacco products for a minor shall be fined the amount of 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 establishment of business entity, the owner, president, manager, or the most senior officers thereof shall be liable for the offense.

If a minor is caught selling, buying or smoking cigarettes or any other tobacco products, the provisions of Article 189 of PD 603, otherwise known as "The Child and Youth Welfare Code", as amended shall apply. XXXXXXXXXXXX

3. Corollary thereto, all schools are directed to conduct advocacy campaign focusing on the adverse effects of smoking.
4. Likewise, wide dissemination of copies, particularly in schools, and strict observance and implementation of the law and its Implementing Rules and Regulations are hereby directed.
5. Strict and immediate compliance with this Order is desired.

*K. C. Bacani*  
**RAMON C. BACANI**  
Secretary  
Officer-in-Charge

Encl.:  
As stated

Reference:  
None

Allotment: 1—(D.O. 50-97)

To be indicated in the Perpetual Index  
under the following subjects:

CAMPAIGN  
LEGISLATION  
RULES & REGULATIONS  
SCHOOLS

Made by: RA 9211  
10-9-07  
Computer used: maricar

R.A. 9211

The Lawphil Project - Arellano Law Foundation

REPUBLIC ACT No. 9211 June 23, 2003

AN ACT REGULATING THE PACKAGING, USE, SALE DISTRIBUTION AND ADVERTISEMENTS OF TOBACCO PRODUCTS AND FOR OTHER PURPOSES

**Congress of the Philippines  
Twelfth Congress  
Second Regular Session**

Begun held in Metro Manila on Monday, the twenty-second day of July, two thousand two

**Republic Act No. 9211**      **June 23, 2003**

**AN ACT REGULATING THE PACKAGING, USE, SALE DISTRIBUTION AND  
ADVERTISEMENTS OF TOBACCO PRODUCTS AND FOR OTHER PURPOSES**

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

**Section 1. Short Title** - This Act shall be known as the "Tobacco Regulation Act of 2003."

**Section 2. Policy** - it is the policy of the State to protect the populace from hazardous products and promote the right to health and instill health consciousness among them. It is also the policy of the State, consistent with the Constitutional ideal to promote the general welfare, to safeguard the Interests of the workers and other stakeholders in the tobacco industry. For these purposes, the government shall institute a balanced policy whereby the use, sale, and advertisements of tobacco products shall be regulated in order to promote a healthful environment and protect the citizens from the hazards of tobacco smoke, and at the same time ensure that the interest of tobacco farmers, growers, workers and stakeholders are not adversely compromised.

**Section 3. Purpose** - It is the main thrust of this Act to:

- a. Promote a healthful environment;
- b. Inform the public of the health risks associated with cigarette smoking and tobacco use;
- c. Regulate and subsequently ban all tobacco advertisements and sponsorships;
- d. Regulate the labeling of tobacco products;
- e. Protect the youth from being initiated to cigarette smoking and tobacco use by prohibiting the sale of tobacco products to minors;
- f. Assists and encourage Filipino tobacco farmers to cultivate alternative agricultural crops to prevent economic dislocation; and
- g. Create an Inter-Agency Committee on Tobacco (IAC-Tobacco) to oversee the implementation of the provision of this Act.

**Section 4. Definition of Terms** - As used in this Act:

- a. "Advertisement" - refers to any visual and/or audible message disseminated to the public about or on a particular product that promote and give publicity by words, designs, images or any other means through broadcasts, electronic, print or whatever form of mass media, including outdoor advertisements, such as but no limited to signs and billboards. For the purpose of this Act, advertisement shall be understood as tobacco advertisement.
- b. "Advertising" - refers to the business of conceptualizing, presenting, making available and communicating to the public, through any form of mass media, any fact, data or information about the

attributes, features, quality or availability of consumers products, services or credit.

For the purpose of this Act, advertising shall be understood as tobacco advertising. This shall specifically refer to any messages and images promoting smoking; the purchase or use of cigarette or tobacco trademarks brand names, design and manufacturer's names;

c. "Advertiser" - refers to a person or entity on whose account of for whom an advertisement is prepared and disseminated by the advertising agency, which is service established and operated for the purpose of counseling or creating and producing and/or implementing advertising program in various forms of media;

d. "Cigarette" - refers to any roll or tubular construction, which contains tobacco or its derivatives and is intended to be burned or heated under ordinary conditions of use;

e. "Distributor" - refers to any person to whom a tobacco product is delivered or sold for purposes of distribution in commerce, except that such terms does not include a manufacturer or retailer or common carrier of such product;

f. "Mass Media" - refers to any medium of communication designed to reach a mass of people. For this purposes, mass media includes print media such as, but not limited to, newspapers, magazines, and publications; broadcast media such as, but not limited to, radio, television, cable television, and cinema; electronic media such as but not limited to the internet;

g. "Minor" - refers to any person below eighteen (18) years old;

h. "Manufacturer" - refers to any person entity, including a re-packer, who makes, fabricates, assembles, processes, or labels a finished product;

i. "Package" - refers to pack, boxes, cartons or containers of any kind in which any tobacco product is offered for sale to consumers;

j. "Persons" - refers to an individual, partnership, corporation or any other business or legal entity;

k. "Point-of-sale" - refers to any location at which an individual can purchase or otherwise obtain tobacco products;

l. "Promotions" - 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's name, trademark, logo, etc. on non-tobacco products. This includes the paid use of tobacco products bearing the brand names, tradenames, logos, etc. In movies, television and other forms of entertainment. For the purpose of thus Act, promotion shall be understood as tobacco promotion;

m. "Public Conveyance" - refers to mode 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;

n. "Public Places" - refer to enclose or confined areas of all hospitals, medical clinics, schools, public transportation terminals and offices, and building such as private and public offices, recreational places, shopping malls, movie houses, hotels, restaurants, and the like'

o. "Retailer" - refers to any person who or entity that sells tobacco products to individuals for personal consumption;

p. "Smoking" - refers to the act of carrying a lighted cigarette or other tobacco products, whether or not it is being inhale or smoked;

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;

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;

s. "Tobacco Products" - 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 smoking or oral or nasal use. Unless stated otherwise, the requirements of this Act pertaining to cigarettes shall apply to other tobacco products;

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

u. "Warning" - refers to the notice printed on the tobacco product or its container and/or displayed in print or alert in broadcast or electronic media including outdoor advertising and which shall bear information on the hazard of tobacco use;

### HEALTHFUL ENVIRONMENT

**Section 5. *Smoking in Public Places*** - Smoking shall be absolutely prohibited in the following public 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 and public facilities including airport and ship terminals and train and bus stations, restaurant and conference halls, except for separate smoking areas; and

f. Food preparation areas.

**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 to the other than the smoker to tobacco smoke, the owner, proprietor, possessor, manager or administrator of such places shall establish smoking areas. Such areas may include a designated smoking area within the building, which may be in an open space or separate area with proper ventilation, but shall not be located within the same room that has been designated as a non-smoking area.

All designated smoking areas shall at least one (1) legible and visible sign posted, namely "SMOKING AREA" for the information and guidance of all concerned. In addition, the sign or not 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: "NO SMOKING AREA" or "NO SMOKING".

### ACCES RESTRICTIONS

**Section 7. *Vending Machines, Self-Service Facilities*** - unless the vending machine has a mechanism for age verification, the sale or distribution of tobacco products to 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.

**Section 8. *Retailer Compliance With Respect To Self-Service Facilities.*** - Each retailer shall ensure that all

tobacco-related self-service displays or facilities, advertising, labeling and other items that are located in the establishment of the retailer and that do not comply with the requirements of this Act are removed or are brought into compliance with the requirements of this Act.

**Section 9. *Minimum Age Sales*** - Under this Act, It shall be unlawful:

- a. For any retailer or tobacco products to sell or distribute tobacco products to any minor;
- b. For any person to purchase cigarettes or tobacco products from a minor;
- c. For a minor to sell or buy cigarettes or any tobacco products; and
- d. For a minor to smoke cigarettes or any other tobacco products.

It shall not be a defense for the person selling or distributing that he/she did not know or was aware of the real age of the 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 minor to whom it was sold.

**Section 10. *Sale of Tobacco Products Within School Perimeters*** - The sale or distribution of tobacco products is prohibited within one hundred (100) meters from any point of the perimeter of a school, public playground or other facility frequented particularly by minors.

**Section 11. *Sinage*** - 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 OUR PURCHASE BY MINORS OF TOBACCO PRODUCTS IS UNLAWFUL" or " IT IS LAWFUL FOR TOBACCO PRODUCTS TO BE SOLD/DISTRIBUTED TO OR PURCHASED BY PERSONS UNDER 18 YEARS OF AGE".

**Section 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 is below eighteen (18) years of age.

## **ADVERTISING AND PROMOTIONS**

**Section 13. *Warning On Cigarette Packages*** - Under this Act:

- a. All packages in which tobacco products are provided to consumers withdrawn from the manufacturing facility of all manufacturers or imported into the Philippines intended for sale to the market, starting 1 January 2004, shall be printed, in either English or Filipino, on a rotating basis or separately and simultaneously, the following health warnings:

"GOVERNMENT WARNING; Cigarette are Addictive";

"GOVERNMENT WARNING; Tobacco Can harm your Children"; or

"GOVERNMENT WARNING; Smoking Kills."

- b. Upon effectivity of this Act until 30 June 2006, the health warning shall be located on one side panel of every tobacco product package and occupy not less than fifty percent (50%) of such side panel including any border of frame.

- c. Beginning 1 July 2006, the health warning shall be on the bottom portion of one (1) front panel of every tobacco product package and occupy not less than thirty percent (30%) of such panel including any border or frame. The text of the warning shall appear in clearly legible type in black text on a white background with a black border and in contrasts by typography; layout or color to the other printer materials on the package. The health warning shall occupy a total area of less than fifty percent (50%) of the total warning frame.

d. The warning shall be rotated periodically, or separately and simultaneously printed, so that within any twenty-four (24) month period, the four (4) variations of the warnings shall appear with proportionate frequency.

e. The warning shall not be hidden or obscured by other printed information or images, or printed in a location where tax or fiscal stamps are likely to be applied to the package or placed in a location where it will be damaged when the package is opened. If the warning to be printed on the package is likely to be obscured or obliterated by a wrapper on the package, the warning must be printed on both the wrapper and the package.

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 MINORS" or "NOT FOR SALE TO MINORS." The statement shall occupied 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.

g. No other printed warnings, except the health warning and the message required in this Section, paragraph F shall be placed on cigarette packages.

**Section 14. *Warning On Advertising*** - Under this Act:

a. All tobacco advertising in mass media shall contain either in English or Filipino, the following health warning; "GOVERNMENT WARNING: Cigarette Smoking is Dangerous to Your Health."

b. For print and outdoor advertisement, the warning frame shall be centered across the bottom of the advertisement and occupy a total area of not less than fifteen percent (15%) of such advertisement including any border or fame. The text of the health warnings shall be clearly visible and legible, printed in a prominent color as approximate and shall appear in contrast by color, typography or layout with all other printed material in the advertisement. The warning shall not be hidden or obscured by other printed information or images in the advertisement.

c. For television and cinema advertisements, the warning shall be clearly shown and voiced over in the last five (5) seconds of the advertisement, regardless of the duration of the advertisement, even when such advertisement is silent. The health warning shall occupy a total area of not less than fifty percent (50%) of the television screen and shall be clearly visible, legible, and audible, in black text on white background or white text on black background. No other images except in writing shall be included in the warning frame.

d. For radio advertisement, the warnings stated after the advertisement shall be clearly and audibly voiced over in the last five (5) seconds of the advertisement, regardless of its duration.

**Section 15. *Restrictions On Advertising*** - The following restrictions shall apply to all tobacco advertising:

a. Advertisement shall not be aimed at or particularly appeal to persons under eighteen (18) years of age.

b. Advertisement shall not feature a celebrity or contain an endorsement, implied or express by a celebrity.

c. Advertisement shall not contain cartoon characters or subjects that depict humans or animals with comically exaggerated features or that attribute human or unnatural characteristics to animals, plants or other objects.

d. Advertisement shall not show, portray or depict scenes where the actual use of, or the act of using, puffing or lighting cigarettes or other tobacco products is presented to the public.

**Section 16. *Restrictions on Print Media Advertising*** - The following restrictions shall apply to all print media tobacco advertisements:

a. Advertisements shall not be placed in any printed publication unless there is a reasonable basis to believe that at least seventy-five percent (75%) of the readers of such publication are eighteen (18) years of age and above, and the number of youth who read it constitutes less than ten percent (10%) of all youth in the Philippines.

b. Advertisements shall not be placed on the packaging or outside covers (front and back) of a magazine, newspaper, journal or other publication printed for general circulation.

**Section 17. *Restrictions on Outdoor Advertising*** - The following restrictions shall apply to all print media tobacco advertisements:

a. Outdoor advertisements shall not be placed on billboards, wall murals, or transport stops or stations which are within the one hundred (100) meters from any point of the perimeter of a school, public playground or other facility frequented particularly by persons below eighteen (18) years of age.

b. Outdoor advertisements shall not, either individually or when placed in deliberate combination with other outdoor tobacco advertising, exceed seventy (70) square meters in total size.

c. Outdoor advertisements shall not be placed on taxis, buses, trains or other public conveyance or in stations, terminals or platforms thereof, except point-of-sale establishments.

**Section 18. *Restrictions on Advertising In Cinemas*** - Tobacco advertisements are prohibited in connection with the showing of any film where persons below eighteen (18) years old are permitted admission

**Section 19. *Restrictions on Television*** - Advertisements shall not be broadcast on television, cable television, and radio between seven o' clock in the morning and seven o' clock at night.

**Section 20. *Restriction on Advertising In Audio, Video And Computer Cassettes/discs And Similar Medium*** - No electronic advertisements shall be incorporated within any video or audio cassette, videogame machine, optical disc or any similar medium, unless access to the item is restricted to persons eighteen (18) years of age or older. For the purpose of this Section, video game includes any electronic amusement device that utilizes a computer, microprocessor, or similar electronic circuitry and its own cathode ray tube, or is designed to be used with a television set or monitor that interacts with the user of the device.

**Section 21. *Restrictions on Advertising On The Internet And Similar Medium*** - Advertisement are prohibited on the internet and other similar medium unless that Internet site is restricted to persons eighteen (18) years of age or older. A site will be deemed restricted if a person cannot obtain access beyond the first page of the website unless the persons has established that he or she is at least eighteen (18) years old. This limitation applies to commercial communications and shall not prevent the use of company Internet websites to provide information regarding a company, its products and smoking and health related information. This Section shall prohibit business-to-business transactions conducted on the Internet, and other similar medium between tobacco manufactures, retailers and distributors.

**Section 22. *Ban On Advertisements*** - Beginning 1 January 2007, all tobacco advertising on television, cable television and radio shall be prohibited.

Beginning 1 July 2007, all cinema and outdoor advertising shall be prohibited. No leaflets, posters and similar outdoor advertising materials be posted, except inside the premises of point-of-sale retail establishments.

Beginning 1 July 2008, all forms of tobacco advertising in mass media shall be prohibited except tobacco advertisements placed inside the premises of point-of sale establishments.

**Section 23. *Restrictions on Tobacco Promotions*** - The following restrictions shall apply on all tobacco promotions.

a. Promotions must be directed only to persons at least eighteen (18) years old. No person below eighteen (18) years old or who appear to be below eighteen (18) years old may participate in such promotions. The participants in promotions must be required to provide proof of age.



- b. Communications to consumers about tobacco promotions shall comply with the provisions of this Act governing tobacco advertising. In addition to the required health warning, the age requirement for participation in any promotion must be clearly marked on the program materials distributed to consumers.
- c. All stalls, booths and other display concerning tobacco promotions must be limited to point-of-sale of adult only facilities.
- d. Telephone Communications concerning promotional offers, programs or events must include a recorded health warning message in English or Filipino consistent with the warnings specified in this Act.
- e. No placement shall be made by manufacturer, distributor, or retailer of any tobacco product or tobacco product packages and advertisement as a prop in any television program or motion picture produced for viewing by the general public or in a video, or optical disc or on video game machine.
- f. The name, logo or other indicia of a cigarette brand may appear on cigarette lighters, ashtrays, of other smoking related items. If such name, logo or other indicia of the cigarette brand is larger than fifty (50) square centimeters, the item must carry a health warning consistent with the warnings specified in this Act.
- g. No merchandise such as, but not limited to, t-shirts, caps, sweatshirts, visors, backpacks, sunglasses, writing implements and umbrellas, may be distributed, sold or offered, directly or indirectly, with the name, logo or other indicia of a cigarette brand displayed so as to be visible to others when worn or used. Clothing items must be in adult sizes only.
- 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 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 minors.
- i. No tobacco advertisements may be placed on shopping bags.

**Section 24. Naming Rights.** - Subject to the provision of this Act:

- a. No manufacturer may enter into any agreement pursuant to which payment is made or other consideration is provided by such manufacturer to any sports league, or any team involved in any such league, in exchange for use of tobacco products brand.
- b. No manufacturer may enter into any agreement for the naming rights of any stadium or arena using a tobacco product brand name or otherwise cause a stadium or arena to be name with such a brand name.

**Section 25. Restrictions on Sponsorships.** Beginning 1 July 2006:

- a. No sponsorship shall be provided for:
  - 1) an event or activity which bears a tobacco product brand name, unless there is reasonable basis to believe that all persons who compete, or otherwise taken an active part, in the sponsored events or activities, are person eighteen (18) years of age or older;
  - 2) a team or individual bearing a tobacco product name, unless all persons under eighteen (18) years of age or older;
  - 3) a sponsored event or activity reasonably believed to be particular appear to persons under eighteen (18) years old.
- b. Tobacco brand sponsorship shall be prohibited except where there is a reasonable basis to believe that:

- 1) attendance at the sponsored event or activity will comprise no less than seventy-five percent (75%) persons at least eighteen years of age or older;
  - 2) the sponsored event or activity will not be of particular appeal to persons under eighteen (18) years old;
  - 3) the sponsored event or activity will not receive exposure, other than as a news item, on television or radio or the Internet, unless such exposure complies with the provisions of this Act governing tobacco marketing through those media; and
  - 4) the principal activity associated with the sponsorship does not require above-average physical fitness for someone of the age group of those taking part.
- c. All persons authorized to bear tobacco product advertisement, logos and brand names at sponsored events shall be at least eighteen (18) years old.
- d. All forms of advertising associated with or ancillary to sponsorship shall comply with the marketing provisions of this Act.

**Section 26. *Ban on Sponsorships.*** - Beginning 1 July 2008, cigarette and tobacco companies are hereby prohibited from sponsoring any sport, concert, cultural art or event, as well as individual and team athletes, artists, or performers where such sponsorship shall required or involve the advertisement or promotion of any cigarette or tobacco company, tobacco product or tobacco use, name, logo or trademarks and other words, symbols, designs, colors or other depictions commonly associated with or likely to identify a tobacco product; Provided further, That no manufacturer may register a tobacco brand name as a company name after the passage of this Act.

**Section 27. *Restriction on Sampling.*** - The distribution of samples of tobacco products to persons below eighteen (18) years old is prohibited.

**Section 28. *Legal Action.*** - Any legal action in connection with the tobacco industry shall be governed by the provisions of the Philippine Civil Code and other applicable laws.

#### **IMPLEMENTING AGENCY AND APPLICATION**

**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 Trade and Industry (DTI) with the Secretary of the Department of Health (DOH) as Vice Chairperson. The IAC-Tobacco shall have the following members:

- a. Secretary of the Department of Agriculture (DA);
- b. Secretary of the Department of Justice (DOJ);
- c. Secretary of the Department of Environment and Natural Resources (DENR);
- d. Secretary of the Department of Science and Technology (DOST);
- e. Secretary of the Department of Education (DepEd);
- f. Administrator of the National Tobacco Administration (NTA);
- g. A representative from the Tobacco Industry to be nominated by the legitimate and recognized associations of the industry; and
- h. A representative from a nongovernment organization (NGO) involved in public health promotion nominated by DOH in consultation with the concerned NGO's;

The Department Secretaries may designate their Undersecretaries as their authorized representatives to the IAC.

**Section 30. *Application to Tobacco Products*** - This provision of this Act shall apply to all tobacco products placed into commerce in the Philippines. Except as provided below, no provision of this Act shall apply to tobacco products intended or offered by the manufacturer for export and not for (retail) sale in the Philippines.

Tobacco products intended or offered for export shall be subject only to the requirement that the shipping container shall be prominently marked on the outside "Export Only": Provided, that tobacco products which are marked for export, but are sold/traded or distributed in the Philippine market, shall be subject to immediate confiscation and destruction.

**Section 31. *Compliance Monitoring*** - Not later than one (1) year after the date of the effectivity of this Act, and annually thereafter, the IAC-Tobacco shall submit to the President of the Philippines and to both Houses of Congress a Compliance Monitoring Report on the compliance of the manufacturers on all applicable laws and ordinances with respect to the manufacture and distribution of tobacco products.

The report shall contain pertinent information on the methods, goals and implementation program of said manufacturers with respect to the requirements of this Act.

**Section 32. *Penalties*** - The following penalties shall apply:

a. Violation of Sections 5 and 6. - On the first offense, a fine of not less than Five Hundred Pesos (Php500.00) but not more than One Thousand (Php1,000.00) shall be imposed.

On the second offense, a fine of not less than One Thousand Pesos (Php1,000.00) but not more than Five Thousand Pesos (Php5,000.00) shall be imposed.

On the third offense, in addition to a fine of not less than Five Thousand Pesos (P5,000.00) but not more than Ten Thousand pesos (Php10,000.00), the business permits and licenses to operate shall be cancelled or revoked.

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 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 business licenses or permits in the case of a business entity or establishment.

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

If a 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.

c. Violation of Section 13 to 27 - On the first offense, a fine of not more than One Hundred thousand pesos (Php100,000.00) or imprisonment of not more than one (1) year, or both, at the discretion of the court shall be imposed.

On the second offense, a fine of Two hundred thousand pesos (Php200,000.00) or imprisonment of not more than two (2) years, or both, at the discretion of the court shall be imposed.

On the third offense, in addition to a fine of not more than Four Hundred thousand pesos (Php400,000.00) or imprisonment of not more than three (3) years, 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.

In the case of a business entity or establishment, the owner, president, manager or officials thereof shall

be liable.

If the guilty officer is an alien, he shall summarily be deported after serving his sentence and shall be forever barred from re-entering from the Philippines.

### PROGRAMS AND PROJECTS

**Section 33. *Programs and Projects*** - For a period not exceeding five (5) years, the National Government and the concerned departments and agencies shall provide the following programs and projects:

a. Tobacco Grower's Assistance Program - This program shall be utilized to support financially the tobacco farmers who may be displaced due to the implementation of this Act has voluntarily ceased to produce tobacco. To avail of this program, a beneficiary shall present convincing and substantial evidence that:

1. He or she has been a tobacco farmer for the last three (3) years prior to January 1, 2004;
2. He or she belongs to the tobacco producing provinces;
3. He or she has certificate of eligibility to apply issued by the local government Unit and the NTA; and
4. He or she has ceased to plant tobacco for the next preceding season after the enactment of this Act.

b. Tobacco Growers Cooperative.- This program shall promote cooperative programs to assist tobacco farmers in developing alternative farming systems, plant alternative crops and other livelihood projects. The requirements of subsection (a) shall likewise apply.

c. National Smoking Cessation Program - A National Smoking Cessation Program shall be undertaken with the approval of the IAC-Tobacco. The implementing rules and guidelines to reinforce this program shall be submitted to the IAC-Tobacco by the Secretary of Health within three (3) months after the effectivity of this Act.

d. Research and Development Program - The IAC-Tobacco shall establish a research and develop a program to be spearheaded by the NTA in cooperation with the DOST, which will undertake studies concerning technologies and methods to reduce the risk of dependence and injury from tobacco product usage and exposure, alternative uses of tobacco and similar research programs.

e. National Tobacco-Free Public Education Program.- State Universities and Colleges and technical and Vocational Schools shall provide scholarships programs to defendants of tobacco growers for which the administrator of the NTA shall provide implementing rules and guidelines. The guidelines shall be submitted to the IAC- Tobacco within three (3) months after the effectivity of this Act.

f. Displaced Cigarette Factory Workers' Assistance Program.- The Secretary of Labor and Employment with the concurrence of the IAC-Tobacco shall establish a program to assist displaced terminated/ separated or retrenched cigarette factory workers as result of the enactment of the Act. The Secretary of Labor in coordination with the NTA and DTI shall provide the rules as guidelines to effectuate this program and submit the same to the IAC-Tobacco within three (3) months after the effectivity of this Act.

g. Health Programs.- The IAC-Tobacco, in consultation with DOH, shall be responsible for awarding grants to all medical institutions for the purpose of planning, carrying out, and evaluating activities related to smoking-related illnesses. The IAC-Tobacco shall submit to Congress and President of the Philippines the annual report of expenditures related to this program.

h. Withdrawal Clinics.- The DOH shall establish smoking withdrawal clinics to provide counseling regarding the hazardous health effects of tobacco/ cigarette smoking and to rehabilitate smokers from the hazardous effects of such products.

If a smoker-minor voluntarily submits himself for treatment, counseling or rehabilitation in smoking withdrawal clinic located in any medical institution in the Philippines, or through the parents/ guardian, the expenses incurred shall be reimbursable outpatient service of the Philippine Health Insurance Corporation.

### INFORMATION PROGRAM

**Section 34. *Informative Drive.*** - Consistent with the provisions of this Act, the DOH shall, in cooperation with the DepEd and with the assistance of the Philippine Information Agency (PIA), undertake a continuous information program on the harmful effects of smoking.

The DOH shall enlist the active participation of the public and private sectors in the national effort to discourage the unhealthy habit of smoking.

**Section 35. *Instructions on the Hazardous Effect of Smoking as Part of School Curricula.*** - Instruction on the adverse effects of cigarette tobacco smoking, including their health, environmental and economic implications, shall be integrated into the existing curricula of all public and private elementary and high schools.

The DepEd Secretary shall promulgate such rules and regulations as may be necessary to carry out the abovestated policy hereof, and, with, the assistance of the Secretary of Health, and with the approval of the IAC-Tobacco, shall cause the publication and distribution of materials on the unhealthy effects of smoking to students and the general public.

### MISCELLANEOUS PROVISIONS

**Section 36. *Congressional Oversight Committee on Tobacco.*** - a Congressional Oversight Committee on Tobacco (COC-Tobacco) is hereby constituted which is mandated to monitor and review the implementation of this Act for a period not exceeding three (3) years. The COC-tobacco shall be composed of the Chairpersons of the Senate Committee on Health , Trade and Commerce, Agriculture and Public Information and the House of Representative Committees on Trade and Industry, Health, Public Information and Agriculture and a Member of the House of representatives representing the tobacco producing provinces, to be nominated by all the Members of the House of Representatives from tobacco producing districts.

The Secretariat of the COC-Tobacco shall be drawn from the existing secretariat personnel of the standing committees comprising the Congressional Oversight Committee and its funding requirements shall be charged against the appropriations of both the House of Representatives and the Senate of the Philippines.

**Section 37. *Implementing Rules.*** - The IAC-Tobacco shall promulgate such rules and regulations necessary for effective implementation of this Act within six (6) months from the date of publication of this Act. The said rules and regulations shall submitted to the COC- Tobacco for its review. The COC-Tobacco shall approve the implementing rules and regulations within thirty (30) working days of receipt thereof: Provided, That in the event the implementing rules and regulations are not promulgated within the specified period, the specific provisions of this Act shall immediately be executory.

**Section 38. *Appropriations.*** - The amount necessary to implement the provisions of this Act shall be charged against the current year's appropriations of the concerned national government agencies. Thereafter, such funds as may be necessary for the continued implementation of this Act shall be included in the budgets of the concerned national government agencies under the annual General Appropriations Act.

**Section 39. *Repealing Clause.*** - DOH Administrative Orders No. 10 s. 1993 and No. 24 s. 1993 are hereby repealed. Article 94 of Republic Act No. 7394, as amended, otherwise known as the Consumer Act of the Philippines, is hereby amended.

All other laws, decrees, ordinances, administrative orders, rules and regulations, or any part thereof, which are consistent with this Act are likewise repealed or amended accordingly.

**Section 40. *Separability Clause.*** - Should any provisions of this Act be subsequently declared unconstitutional, the other provisions not so declared shall remain in full force and effect.

**Section 41. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in the Official Gazette and at least two (2) newspapers of national circulation.

Approved,

**FRANKLIN DRILON**  
President of the Senate

**JOSE DE VENECIA JR.**  
Speaker of the House of  
Representatives

This Act, which is a consolidation of Senate Bill No. 1859 and House Bill No. 5960 was finally passed by the Senate and the House of Representatives on June 3, 2003 and June 2, 2003, respectively.

**OSCAR G. YABES**  
Secretary of Senate

**ROBERTO P. NAZARENO**  
Secretary General  
House of Representatives

Approved: June 23, 2003

**GLORIA MACAPAGAL-ARROYO**  
*President of the Philippines*

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