

SIXTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

Senate  
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SENATE

S. No. 27

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Introduced by SENATOR PIA S. CAYETANO

### EXPLANATORY NOTE

34.8% of our population is engaged in tobacco smoking<sup>1</sup>. 80% of Filipino households in the poorest quantile have at least one member who smokes<sup>2</sup>. In fact, their tobacco expenditure tops their monthly spending. In 2003, the poor spent roughly Php 92 per month for tobacco which accounts for the 2.5% of their monthly spending compared to clothing, education and health.<sup>3</sup> 61.1 % of the money they spend on cigarettes can buy an additional kilo of meat or fish, or an additional 22 chicken eggs or 53 pieces of bananas.<sup>4</sup>

In 1994, among 25 leading countries, we ranked 15th on apparent tobacco consumption with some 85.36 billion cigarette or about 1.6% of the world's total consumption.<sup>5</sup>

With these figures, it is not surprising that the result is a 'deadly' one. Indeed, 5 out of the top 10 death-causing diseases in our country can be attributed to tobacco smoking.<sup>6</sup>

The 11th Congress saw the need to protect the Filipinos from the harm brought about by tobacco products by approving Republic Act No. 9211' or "The Tobacco Regulation Act of 2003," which mandated textual health warnings on cigarettes.

<sup>1</sup> Food and Nutrition Research Institute, Global Youth Tobacco Survey, and World Health Organization

<sup>2</sup> Family Income and Expenditure Survey, 2003 as cited in the Power Point Presentation of Dr. Jessica de Leon of the Department of Health

<sup>3</sup> Family Income and Expenditure Survey, 2003.

<sup>4</sup> Family Income and Expenditure Survey, 2003.

<sup>5</sup> World Health Organization, 1997

<sup>6</sup> Leading causes of mortality: 1. diseases of the heart; 2. malignant neoplasms; 3. pneumonia; 4. cerebrovascular diseases (is a group of brain dysfunctions related to disease of blood vessels supplying the brain); 5. tuberculosis; 6. chronic lower respiratory diseases; 7. diabetes mellitus; 8. certain conditions originating in the perinatal period; 9. assault; 10. nephritis syndrome nephrosis (Nephrotic syndrome is a nonspecific disorder in which the kidneys are damaged, to leak large amounts of protein (at least 3.5 grams per day per 1.73m<sup>2</sup> body surface area) from the blood into the urine). (source: Philippines in Figures, NSO)

However, studies have shown that textual health warnings are not effective. While many smokers know that tobacco use is harmful, studies show that most are unaware of its true risks. As the saying goes, "a picture paints a thousand words." Studies have shown that picture based health warnings are more effective than text warnings alone. In fact, a study revealed that such health warnings are "60 times more effective in terms of encouraging cessation and prevention than text only labels<sup>7</sup>. As such, there is need to mandate a Picture-Based Health Warning will require all tobacco products to bear pictures illustrating the ill-effects of smoking.

The use of pictures and graphics will also effectively convey the message to those with literacy problems.

Pictorial health warnings on tobacco products already exist in 15 countries,<sup>8</sup> both developed and developing, all over the world. In fact, cigarette packages manufactured in the Philippines and sold in neighboring countries, such as Singapore and Thailand, already include picture-based health warnings simply because these two countries require picture-based health warnings. On the other hand, cigarette packages manufactured in Singapore and sold in the Philippines carry only textual health warnings because picture-based health warnings are not required in the Philippines.

This requirement is based Article 11 of the Framework Convention on Tobacco Control, an international treaty initiated by the World Health Assembly. It is the first global public health agreement devoted entirely to tobacco control and was participated in by 192 countries to which the Philippines is a signatory. The Philippines acceded to the FCTC in 2005 obliging us to comply with certain standards including the implementation of effective measures on packaging and labeling of tobacco products such as the adoption of a picture-based health warning on tobacco packages.

This proposed measure was first introduced in the 14th Congress by Senator Aquilino "Nene" Pimentel, Jr. The bill requires all cigarette packages and other tobacco product packages, found in the market, including cartons or master cases, to bear highly visible full-color "picture-based health warnings" that will

<sup>7</sup> Applied Economics. Cost-benefit analysis of proposed new health warnings on tobacco products Report prepared for Commonwealth Department of Health and Ageing. [online] 2004. Available from: <http://www.treasury.gov.au/documents/794/DOC/Cost Benefit Analysis.doc>

<sup>8</sup> Australia, Belgium, Brazil, Canada, Chile, Hong Kong, India, Jordan, New Zealand, Panama, Singapore, Thailand, Uruguay, Venezuela and Switzerland.

have two components: a photographic picture warning and an accompanying textual warning that explains in simple terms what the picture is all about. The bill will also prohibit the use of descriptors, including terms, trademarks, or any sign or feature that creates or is likely to create the false impression that a product or brand is less harmful.

In the same Congress, I filed a Committee Report on the bill as the Chair of the Committee on Health. The report was exhaustively and thoroughly discussed in the Plenary, but unfortunately was not passed on Third Reading. This bill is patterned on the Committee Report acknowledging the work done by the Committee on Health and Demography together with other government agencies and non-government organizations.

Section 15, Article II 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."

For this reason, approval of this Bill is urgently sought.

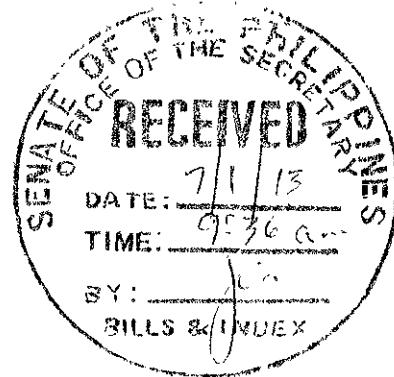


SENATOR PIA S. CAYETANO

SIXTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
First Regular Session

)  
SENATE

S. B. No. 017



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INTRODUCED BY SENATOR PIA S. CAYETANO

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**"AN ACT  
TO EFFECTIVELY INSTILL HEALTH CONSCIOUSNESS THROUGH PICTURE-  
BASED 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 Health  
2       Warning Law."

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

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

7       The State accepts that, as a State-Party to the World Health Organization's  
8       Framework Convention on Tobacco Control (FCTC), a treaty that reaffirms the right of  
9       all people to the highest standards of health, the Philippines is obliged to inform every  
10      person of the health consequences of tobacco consumption & exposure to tobacco  
11      smoke; to enact effective measures to curb and reduce tobacco use, especially among  
12      the youth; and to protect public health policy from the commercial and vested interests  
13      of the tobacco industry.

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

17       The State recognizes that based on empirical data, text warnings have been  
18      shown to be insufficient in conveying the dangers of tobacco products while graphic or

1 picture-based health warnings have been shown to be more effective in conveying the  
2 truth about the dangers of exposure and consumption of tobacco smoke.

3 **Section 3. Purpose.** - The purpose of this Act is:

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

14 **Section 4. Definition of terms.** –

- 15 a. "**Insert**" means any communication inside an individual package and/or  
16 carton purchased at either wholesale or retail by consumers, such as a leaflet  
17 or brochure.
- 18 b. "**Onsert**" means any communication affixed to the outside of an individual  
19 package and/or carton purchased at either wholesale or retail by consumers,  
20 such as a brochure beneath the outer cellophane wrapping or glued to the  
21 outside of the cigarette package.
- 22
- 23
- 24 c. "**Picture-based Health Warning**" means warning labels that are composed  
25 of a photographic picture warning on health dangers or other problems  
26 related to tobacco use or exposure to tobacco smoke and an accompanying  
27 textual warning that is related to the picture, as issued by the Department of  
28 Health (DOH) in accordance with Section 15 of this Act.
- 29
- 30 d. "**Principal Display Surface**", means:

- 1           1. in the case of a package and carton that has at least two equal  
2           sized sides or surfaces, other than the top and bottom, that may be  
3           displayed or visible under normal or customary conditions of sale or  
4           use, the areas of each of the 2 largest surfaces;
  - 5           2. the largest surface of any spherical, cylindrical or conical container  
6           of tobacco products and in the case of a package and carton that  
7           does not have a particular side or surface that is predominantly  
8           displayed or visible under normal or customary conditions of sale or  
9           use, the total surface area of the package;
  - 10          3. all surfaces or panels, exterior or interior, of any tobacco product  
11          packaging or carton not specified above.
- 12         e. **"Tobacco Product Package"** means the packet and package of tobacco  
13         products and any outside packaging and labelling of tobacco products for  
14         sale, distribution, exportation, importation, trade, exchange, or exhibition,  
15         such as, but not limited to, packs, tins, boxes, pouches, flip-tops, slide and  
16         shell packages, cartons, transparent wrappers, clear packaging, packages  
17         containing one product unit, master cases, or other containers of tobacco  
18         products.
- 19         f. **"Tobacco Products"** means products entirely or partly made of leaf tobacco  
20         as raw material, which are manufactured to be used for smoking, sucking,  
21         chewing or snuffing, or by any other means of consumption.

22         **Section 5. Picture-based Health Warning.** - Ninety (90) days after the  
23         effectivity of this Act, cigarette packages and other tobacco product packages found in  
24         the market including package insert and onserts, and any outside packaging and  
25         labelling, shall bear highly visible full-color "Picture-based Health Warnings," as  
26         prescribed, as to all particulars, that shall have two components: a photographic picture  
27         warning and an accompanying textual warning that is related to the picture.

28         a. The Picture-based Health Warnings shall be printed on at least 60% of the  
29         principal display surfaces of any tobacco package; it shall occupy no less

1           than 60% of the front and 60% of the back panel of the packaging, as  
2           described in Sec. 4;

3           b. It shall be located at the upper portions of the said panels or Principal Display  
4           Areas;

5           c. Nothing shall be printed or applied on a location where it is likely to obscure or  
6           cover, in part or in whole, the Picture-based Health Warnings;

7           d. No part of the warning may be obliterated, obscured, folded, severed or  
8           become unreadable when the tobacco package is opened or closed or when  
9           a wrapper on the package is removed;

10          e. The Picture-based Health Warning shall be printed in accordance with  
11           guidelines prescribed by the DOH, or in the absence thereof, in full color, with  
12           the minimum resolution of 600 dpi using at least 4-color printing;

13          f. A minimum of eight (8) variations of Picture-based Health Warnings shall be  
14           printed simultaneously and these shall be rotated periodically, not just for  
15           each brand family but also for each brand within the family for each package  
16           size and type, so that at any time within the twelve (12) month period, when a  
17           set of Picture-based Health Warnings are scheduled to be rotated, the  
18           variations of the warnings shall appear in the market with proportionate  
19           frequency and equal display of health warnings and messages on retail  
20           packages;

21          g. In no case shall the Picture-based Health Warning measure less than 2475  
22           square millimeters in size regardless of the type of tobacco package.  
23           Furthermore, the shortest side of the health warning shall measure no less  
24           than 55 millimeters;

25          h. Picture-based Health Warning specifications-

26           1. The text warning accompanying the picture shall be worded in such  
27           manner that an ordinary layman will understand what the picture is  
28           about and what are the ill-effects of smoking on the health of the  
29           smoker and of the people around him;

- 1           2. The text warning shall be placed on areas of the photograph where it  
2           will not obscure the picture itself but will be prominently displayed;
- 3           3. The text shall use up no more than 30% of the entire area of the  
4           Picture-based Health Warning and shall appear in clearly legible type  
5           and in contrast by typograph, layout and color, without the use of any  
6           border, frame or any other design that will effectively lessen the size of  
7           the textual warning; and
- 8           4. The accompanying text shall be printed in English on the front panel  
9           and Filipino on the back panel and alternately, Filipino on the front  
10          panel and English on the back panel. In the case of other containers  
11          where there is only one (1) external surface area, the accompanying  
12          text will likewise alternately be in English or Filipino.

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

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

31          No cigarette packs or other tobacco product packages shall contain information  
32          that may imply that one variant or brand is safer than the other, such as, but not limited  
33          to, statements indicating that the tobacco product contains "reduced levels" of contents,

1 substances, and emissions. Figures for emission yields, such as for tar, nicotine and  
2 carbon monoxide, shall be prohibited, including when used as part of a brand name or  
3 trademark.

4           ***Section 8. Minimum Principal Display Surface/ Prohibition on Smaller***  
5 ***Packages*** - To ensure the visibility, prominence, and impact of Picture-based Health  
6 Warnings, no person or legal entity shall make, fabricate, import, sell or distribute cigar,  
7 cigarette or other tobacco products with packages that have for its Principal Display  
8 Surface, a total area of less than 4950 square millimeters for each of the two largest  
9 sides in the case of tobacco packages described in Sec 4 d (1). For other tobacco  
10 packages that fall under Section 4 d (2) and 4 d (3), the minimum size for the principal  
11 display surface shall also be 4950 square millimeters.

12           ***Section 9. Costs.*** - All printing costs pertaining to packaging and labelling shall  
13 be shouldered by tobacco manufacturers and/or importers.

14           ***Section 10. Prohibition on Sales.*** - No person or legal entity shall sell or  
15 commercially distribute or display any cigarette or tobacco product without ensuring that  
16 the labels and packages, as well as any other container used in displaying the cigarette  
17 or tobacco products, meet the requirements under this Act. Manufacturers and  
18 distributors of tobacco products shall ensure the removal from all displays of non-  
19 compliant tobacco products manufactured and distributed by them within 120 days from  
20 the effectivity of this Act.

21           ***Section 11. Prohibition on Obstruction of Display.*** - No person or legal entity  
22 shall obscure or cover in part or in whole the Picture-based Health Warning in the  
23 selling areas. The Picture-based Health Warnings shall be prominently displayed  
24 whenever the said packages are commercially displayed.

25           ***Section 12. Liability of Manufacturers, Importers, and Distributor.*** -  
26 Manufacturers, importers, and distributors of tobacco products shall be directly liable for  
27 any violations of the provisions of this Act. In the case of a business entity or  
28 establishment, the chairperson of the Board of Directors, the owner, president, manager  
29 and the corporate officials thereof shall be directly responsible therefore and shall be  
30 made accountable. Agents/representatives of the aforecited manufacturers, importers,  
31 and distributors who commit any violation of the provisions of this Act and its  
32 implementing rules shall be jointly and severally liable with the manufacturers,  
33 importers, and distributors.

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

6           **Section 14. Penalties for Non Compliance. -**

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

10          1. On the first offense, a fine of not more than One Million Pesos (Php  
11           1,000,000.00) shall be imposed;

12          2. On the second offense, a fine of Five Million Pesos (Php  
13           5,000,000.00), shall be imposed;

14          3. On the third offense, in addition to a fine of not more than Twenty  
15           Million Pesos (Php 20,000,000.00) or imprisonment of not more than  
16           five (5) years, or both at the discretion of the court, the business  
17           permits and licenses, in the case of a business entity or establishment  
18           shall be revoked or cancelled.

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

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

1                   b. The following penalties shall individually apply to retailers/sellers of  
2                   tobacco products as well as their agents/representatives for any violation  
3                   of this Act:

4                   1. On the first offense, a fine of not more than Five Thousand Pesos (Php  
5                   5,000.00) shall be imposed;

6                   2. On the second offense, a fine of Ten Thousand Pesos (Php 10,000.00)  
7                   shall be imposed;

8                   3. On the third offense, in addition to a fine of not more than Twenty  
9                   Thousand Pesos (Php 20,000.00) or imprisonment of not more than  
10                  one (1) year, or both at the discretion of the court, the business permits  
11                  and licenses, in the case of a business entity or establishment shall be  
12                  revoked or cancelled.

13                  If the guilty officer is a foreign national, he shall be deported after service of  
14                  sentence and/or payment of applicable fines without need of further deportation  
15                  proceedings and shall be forever barred from re-entering from the Philippines. Filing of  
16                  the appropriate case may be commenced by the DOH; the PNP; a Prosecutor by  
17                  himself; or any private citizen.

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

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

1 the specifications above and must always present the devastating effects of tobacco  
2 use and exposure to tobacco smoke.

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

7 Picture-based Health Warning regulations issued by the DOH Secretary upon  
8 recommendation of non-government organizations shall be presumed compliant with  
9 the specifications listed above for purposes of implementation by the tobacco  
10 companies.

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

13 **Section 16. Administrative Power:** - Within one (1) year from the effectivity of  
14 this Act, the DOH shall issue Guidelines and Administrative Sanctions to facilitate the  
15 implementation of this Act, but this should, in no case, delay the implementation of this  
16 Act and the deadlines/time frames set herein.

17 The DOH, in coordination with the Food and Drug Administration, is hereby  
18 charged with implementing and enforcing the provisions of this Act and shall:

19 a. promulgate rules governing the hearings on alleged violations of this Act. The  
20 hearings shall be summary in nature and shall be conducted by means of  
21 position papers and affidavits. Any decision must be rendered by the DOH no  
22 longer than thirty (30) days from the date of filing;

23 b. impose, after notice and hearing and in accordance with the degree of the  
24 offense and the nature of the business of the offender, administrative fines of  
25 up to Ten Million Pesos (Php 10,000,000.00), the proceeds of which will be  
26 used for health promotion campaigns on tobacco control of the DOH.  
27 *Provided*, That manufacturers, importers, and distributors of tobacco products  
28 as mentioned in Section 12 of this Act, shall have a higher penalty compared  
29 to retailers and sellers, as provided in Section 13 of this Act;

1           c. issue other administrative rules and regulations it deems necessary to  
2           effectively implement the provisions of this law, such as but not limited to,  
3           seizure, forfeiture, and destruction of non-compliant packages as described  
4           under this law.

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

7           The DOH shall have the power to call upon law enforcement agencies, and the  
8           managing authorities in the economic zones for assistance in the implementation and  
9           enforcement of its decisions, orders, rules and regulations. In addition, the DOH may  
10          also deputize, whenever necessary, local government executives and representatives of  
11          the national government agencies, tobacco control organizations and concerned sectors  
12          to help monitor compliance with and report any violation of this Act.

13          The filing of an administrative case for an act constituting a violation of the  
14          administrative regulations to be issued by the DOH shall not preclude the simultaneous  
15          or subsequent filing of criminal charges for the same act constituting a violation under  
16          this Act, through criminal proceedings authorized under Section 14 of this Act. In the  
17          same manner, neither shall the filing of criminal charges preclude the filing of  
18          administrative cases.

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

22          For purposes of enforcing the law and ensuring compliance therewith, the DOH,  
23          through FDA or other deputized law enforcement agency, or its authorized  
24          representative, upon presenting appropriate credentials to the owner, manager, or  
25          agent in charge, is authorized (1) to enter, at reasonable hours, any factory, warehouse  
26          or establishment in which tobacco products are manufactured, processed, packed or  
27          held, for introduction into domestic commerce or are held after such introduction, or (2)  
28          to enter any vehicle being used to transport or hold the tobacco products in question;  
29          and (3) to inspect, in a reasonable manner, such factory, warehouse, or establishment  
30          or vehicle and all pertinent equipment, finished and unfinished materials, containers  
31          and labeling therein. If the officer, employee, or person designated to make any such  
32          inspection of a factory, warehouse or other establishment has obtained any sample in  
33          the course of the inspection, upon completion of the inspection and prior to leaving the

1 premises, he shall give the owner, manager, or agent-in-charge a receipt describing the  
2 samples obtained.

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

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

10      (a) Any person or entity who violates or fails to comply with the provisions of  
11 this Act, its implementing rules and regulations, including the template,  
12 guidelines, or other regulations; or

13      (b) The DOH and other implementing agencies with respect to rules and  
14 regulations issued inconsistent with this Act; and/or

15      (c) Any public officer who willfully or grossly neglects the performance of an  
16 act specifically enjoined as a duty by this Act, its implementing rules and  
17 regulations, including the template, guidelines, or other regulations; or abuses his  
18 authority in the performance of his duty; or, in any manner, improperly performs  
19 his duties under this Act or its implementing rules and regulations including the  
20 template, guidelines, or other regulations.

21       The administrative, civil and criminal actions allowed under this section shall be  
22 alternative and cumulative and shall not preclude any other person from filing a similar  
23 action.

24       **Section 19. Other obligations of the Tobacco Industry.** Compliance with the  
25 Act shall not remove or diminish any other obligations of tobacco manufacturers,  
26 importers, distributors, retailers, and sellers, including but not limited to, obligations to  
27 warn and inform consumers about the health hazards of tobacco use and exposure to  
28 tobacco smoke.

29       **Section 20. Separability Clause.** - If any clause, provision, paragraph or part  
30 thereof shall be declared unconstitutional or invalid, such judgment shall not affect,

1 invalidate or impair any other part hereof but such judgment shall be merely confined to  
2 the clause, provision, paragraph or part directly involved in the controversy in which  
3 such judgment has been rendered.

4         **Section 21. Repealing Clause.-** All other laws, decrees, executive order and  
5 other administrative issuances and parts thereof which are inconsistent with the  
6 provisions of this Act are hereby modified, superseded or repealed accordingly.

7         **Section 22. Effectivity.** - This Act shall take effect fifteen (15) days following its  
8 publication in the Official Gazette or in a major daily newspaper of national circulation in  
9 the Philippines.

Approved,

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