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Journal

SESSION NO. 70
Tuesday, May 13, 2014

SIXTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 70
Tuesday, May 13, 2014

CALL TO ORDER

At 3:14 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Cynthia A. Villar led the prayer, to wit:

This prayer was lifted from one of the masses of Pope Francis as he called for prayers for those who govern and those who are governed:

We pray, Lord, that those who are governed will “reflect on the service of authority.” And that we will always imbibe “the two virtues of a leader” — love for the people and humility.

We ask Your help that we acknowledge that “we can’t govern without loving the people and without humility.”

And ask that every man and woman who have to take up the service of government, must ask themselves two questions:

- Do I love my people in order to serve them better?
- Am I humble, and do I listen to everybody, to diverse opinions in order to choose the best path?

And that if we don’t ask those questions, our governance will not be good. The man or woman who governs, who loves his people, is a humble man or woman.

We also thank those who are governed, who lift up prayers for those in authority, so that they might be able to lead calm and peaceful lives.

For citizens cannot be indifferent to politics, but instead they also have to be responsible for the governance of those who govern.

Politics, according to the Social Doctrine of the Church, is one of the highest forms of charity, because it serves the common good. And the citizens should participate as was all have to give something for the common good.

Pray for all people and for all in authority. For a Christian who does not pray for those who govern us is not a good Christian.

Let us pray for our leaders that they might govern well, that they might advance our nation, and lead even our world forward, for the sake of peace and of the common good.

This, we ask through Your Son, Jesus Christ.

Amen.

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ROLL CALL

Upon direction of the Chair, the Secretary of the Senate, Atty. Oscar G. Yabes, called the roll to which the following senators responded:

Angara, S.	Lapid, M. L. M.
Aquino, P. B. IV. B.	Legarda, L.
Binay, M. L. N. S.	Marcos Jr. F. R.
Cayetano, A. P. C. S.	Osmeña III, S. R.
Drilon, F. M.	Pimentel III, A. K.
Ejercito, J. V. G.	Poe, G.
Enrile, J. P.	Recto, R. G.
Estrada, J.	Revilla Jr., R. B.
Escudero, F. J. G.	Sotto III, V. C.
Guingona III, T. L.	Villar, C. A.
Honasan, G. B.	

With 21 senators present, the Chair declared the presence of a quorum.

Senator Cayetano (P), who was on official mission, arrived after the roll call.

Senator Trillanes was on official mission abroad.

Senator Defensor Santiago was on sick leave.

APPROVAL OF THE JOURNAL

Upon motion of Senator Cayetano (A), there being no objection, the Body dispensed with the reading of the Journal of Session No. 69 (May 12, 2014) and considered it approved.

REFERENCE OF BUSINESS

The Secretary of the Senate read the following matters and the Chair made the corresponding referrals:

BILL ON FIRST READING

Senate Bill No. 2219, entitled

AN ACT TO IMPROVE AND TO PROMOTE QUALITY DELIVERY OF HEALTH SERVICES IN BARANGAYS, ENACTING THE BARANGAY HEALTH WORKERS AND SERVICES REFORM ACT OF 2014

Introduced by Senator Grace Poe

To the Committees on Health and Demography; Local Government; and Finance

COMMUNICATIONS

Letters from the *Bangko Sentral ng Pilipinas*, transmitting to the Senate copies of the following certified and authenticated BSP issuances in compliance with Section 15(a) of Republic Act No. 7653 (The New Central Bank Act):

Circular Letter Nos. CL-2014-021, 022, 023, 024 and 025 dated 5, 7, 10, 26 and 31 March 2014; CL-2014-029 dated 8 April 2014;

Circular Nos. 812 (corrected copy) dated 23 September 2013; 828 and 829 dated 11 and 13 March 2014; 830 dated 3 April 2014;

and Memorandum Nos. M-2014-009, 010, 011, 012, 015, 016 and 017 dated 7, 10, 14, 19, 21 and 24 March 2014; M-2014-018, 019 and 020 dated 3, 10 and 22 April 2014.

To the Committee on Banks, Financial Institutions and Currencies

ADDITIONAL REFERENCE OF BUSINESS**RESOLUTIONS**

Proposed Senate Resolution No. 640, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE UTILIZATION AND AUDIT PROCESSES OF MONETARY DONATIONS GIVEN BY INTERNATIONAL ORGANIZATIONS AND OTHER LOCAL NON-GOVERNMENT AGENCIES TO THE VICTIMS OF SUPER-TYPHOON YOLANDA TO PROMOTE TRANSPARENCY IN THE EFFECTIVE USE OF THE FUND FOR THE INTEREST OF THE PUBLIC AND FOR OTHER PURPOSES

Introduced by Senator Joseph Victor Ejercito

To the Committee on Local Government

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Proposed Senate Resolution No. 641, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO INVESTIGATE, IN AID OF LEGISLATION, THE ALLEGED MONOPOLY OF GAMCA PHILS ON MEDICAL EXAMINATIONS OF OFWs BOUND FOR GULF COUNTRIES SUCH AS KUWAIT, QATAR, SAUDI ARABIA, BAHRAIN, OMAN AND U.E.A. IN VIOLATION OF R.A. 10022 AN ACT AMENDING REPUBLIC ACT NO. 8042 OTHERWISE KNOWN AS MIGRANT WORKERS AND OVERSEAS FILIPINO ACT OF 1995

Introduced by Senator Joseph Victor Ejercito

To the Committee on Labor, Employment and Human Resources Development

Proposed Senate Resolution No. 642, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON LOCAL GOVERNMENT TO CONDUCT A COMPREHENSIVE MANDATORY REVIEW OF REPUBLIC ACT 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, IN ORDER TO PROVIDE A MORE RESPONSIVE AND ACCOUNTABLE LOCAL GOVERNMENT STRUCTURE

Introduced by Senator Marcos Jr.

To the Committee on Local Government

Proposed Senate Resolution No. 643, entitled

RESOLUTION CONGRATULATING DONNIE "AHAS" NIETES FOR WINNING AND RETAINING THE WORLD BOXING ORGANIZATION LIGHT-FLYWEIGHT TITLE AT THE MALL OF ASIA ARENA

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committee on Rules

Proposed Senate Resolution No. 644, entitled

RESOLUTION HONORING AND COMMENDING THE CONTRIBUTIONS OF VETERAN FILIPINO BROADCAST JOURNALISTS ANGELO CASTRO, JR. AND HARRY GASSER IN ELEVATING THE STANDARDS OF PHILIPPINE BROADCAST MEDIA

Introduced by Senator Legarda

To the Committee on Rules

SECOND ADDITIONAL REFERENCE OF BUSINESS

COMMITTEE REPORT

Committee Report No. 28, submitted by the Committee on Public Services on House Joint Resolution No. 10, introduced by Representative Aggabao *et al.*, entitled

JOINT RESOLUTION APPROVING THE TRANSFER, SALE OR ASSIGNMENT OF THE CONTROLLING INTEREST OF ZEST AIRWAYS, INC., FORMERLY KNOWN AS ASIAN SPIRIT, INC. TO AIR ASIA, INC.,

recommending its approval without amendment.

Sponsor: Senator Ramon Bong Revilla Jr.

To the Calendar for Ordinary Business

SUSPENSION OF SESSION

Upon motion of Senator Cayetano (A.), the session was suspended.

It was 3:23 p.m.

RESUMPTION OF SESSION

At 3:23 p.m., the session was resumed.

COMMITTEE REPORT NO. 19 ON SENATE BILL NO. 27 (Continuation)

Upon motion of Senator Cayetano (A), there

being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 27 (Committee Report No. 19), entitled

**AN ACT TO EFFECTIVELY INSTILL
HEALTH CONSCIOUSNESS THROUGH
PICTURE-BASED WARNINGS ON
TOBACCO PRODUCTS.**

Senator Cayetano (A) stated that the parliamentary status was still the period of interpellations.

Thereupon, the Chair recognized Senator Cayetano (P), Sponsor of the measure, and Senator Enrile for his interpellation.

INTERPELLATION OF SENATOR ENRILE
(Continuation)

Senator Enrile recalled that during his last interpellation on the bill, he delved on the explanatory note and the countries that ratified the Framework Convention on Tobacco Control, WHO-sponsored convention, and those that have already passed legislation to comply with the convention.

Thereafter, Senator Enrile adverted to the provision from lines 17 and 18 of page 1, to lines 1 and 2 of page 2 and asked whether empirical data is available to support the provision under Section 2 (*Declaration of Principles*).

Senator Cayetano (P) replied that the chart in her possession shows that 90% of adults noticed the text warnings, however, only 38% of them think of quitting smoking because of it. She stated that the move to introduce a new set of warnings originated in Canada which actually started with text warnings that were more creative and then later on, moved on to graphic warnings.

Senator Enrile asked how the study was done to determine the impact of text warning on the number of cigarette smokers, those who are already in the habit and the new entrants. He said that he wanted to know how the study was done in order to allow them as legislators to understand the data and decide on whether to adopt and incorporate it into a legislation being crafted for the country.

Senator Cayetano (P) recalled that during the hearings that were conducted over the last three Congresses, there were repeated presentations to the

Committee which showed that the incidence of smoking has not gone down with the current text warnings that were available. She said that she will submit the data that was shown in the different hearings. But she pointed out that clearly, based on the current practices over the decades, that even with those text warning on the packaging of the cigarettes, it can be concluded that there has not been any significant effect as far as the warnings were concerned on the smokers, and this, she said, prompted the move to change the text warnings to graphic warnings.

Asked whether the study showed the starting point of the text warning, the level of smokers and the number of potential smokers, new entrants into smoking at that point in time, and the growth or reduction of the market for cigarettes over time when the text warning system was adopted, Senator Cayetano (P) believed that based on the data presented during the Committee hearings, there continues to be an increase in the number of smokers particularly the youth.

Senator Enrile asked whether the Committee has an actual date when the text warning was introduced and which country first adopted the text warning on label system. He said that there has to be a comparative study of the two systems of warnings — the text warning and the picture-based warning — based on the empirical data or experience of other countries that adopted both systems ahead of the Philippines to see whether this would have a salutary impact on the country and if it is worth the effort to reduce the source of tax revenue for the government because it would mean, in time, a reduction of tax revenue from the source which have an impact on the social services that the government will provide the people.

Senator Cayetano (P) stated that in 1965, the United States Congress passed the Cigarette Labeling and Advertising Act which mandated that every cigarette pack must contain the label, among others, "Cigarette smoking may be hazardous to your health."

Asked when the United States adopted the picture-based warning, Senator Cayetano (P) replied that the U.S. passed a law on graphic health warnings but its constitutionality was questioned by tobacco companies and that the case is still pending in court.

Senator Enrile asked when the case was filed as he noted that text warnings started in 1965, while graphic warnings still have not after almost half a century. He asked whether there are studies in the United States that would determine and compare any perceptible decrease as regards the number of cigarette users due to picture-based warning even if it has not been adopted because of a case in court. Senator Cayetano (P) stated that the data requested were still being sourced out. However, she recalled that when the measure was crafted, data were presented showing the rise of young smokers even with the presence of text warnings. Thus, she surmised that the measures adopted that time were not sufficient, the reason for the shift to graphic-based warning all over the world.

Senator Enrile asked what country in the world could be used as a best example for a comparative study on the impact of a text warning system vis-à-vis picture-based warning. Senator Cayetano (P) replied that the data are still being researched. However, she said that it was quite logical to conclude that if the response of health advocates and authorities in terms of healthier population is not reflected in current practices, then the responsible thing to do would be to shift to some other methods.

Senator Cayetano (P) recalled that when she cosponsored the measure in 2007 and in 2008, at a time when the proposal was still new in most countries, the data as regards the response of the users or the potential consumers to the graphic warning were reflected in the *Journal and Record of the Senate*. She asked that the *Journal* reflecting the interpellations on the topic be retrieved as she recalled that there was a much bigger impact of graphic warnings especially among the youth.

Senator Enrile reiterated his query on the date when the picture-based warning case was filed in the U.S. to be able to determine whether it was filed in the state courts or federal courts and, if in the latter, whether it was filed in the circuit court or in the Supreme Court. He noted that with the efficiency of the U.S. judicial system and given the social impact of the case, the U.S. court would have acted on the case with dispatch. He expressed surprise that the case was still pending before the courts up to the present time. In reply, Senator Cayetano (P) said that she was not surprised that the case has not been resolved because tobacco lobby is quite strong. She said that similar cases take more time to resolve

because of strong lobbying and resistance from certain groups. She said that she would be reading into the record a report containing a comparison between text and graphic warnings in cigarette packages done in four countries.

At this point, Senator Enrile confirmed that a case was filed before the U.S. Supreme Court as regards picture-based, but he refused to believe that any kind of lobby in the world could influence the U.S. courts. He stated that the case was resolved a long time ago and the U.S. court struck down a proposed law establishing a 50-50 picture-based warning system in cigarette packages. Senator Cayetano (P) said that she was still asking her resource persons for more information on the matter. Senator Enrile said that given the impact of the decision of the U.S. court on the consumers, the Sponsor should inform the Body about the status of the case. Senator Cayetano (P) expressed confidence that her resource persons could provide the answers which she could report back to the Body.

Relative thereto, Senator Enrile noted that one of the purposes of the bill is to minister to the health of the nation, which he supports. However, he opined that there would be a clash of two general functions of government, which are (a) to raise money to support government programs, and (b) to minister to the security, safety, health and other social concerns of the people. He surmised that the tendency of the bill would be to clamp down on smoking, which is a noble objective considering the ill-effects of smoking on the health of the people. However, he believed that the direction of the bill as regards ministering to the health of the people was actually to legislate on all ingestible or disease-causing products such as alcohol.

Asked whether Congress would also legislate picture-based warnings for alcohol and other spirits considering the dangers of drinking alcohol, Senator Cayetano (P) answered in the affirmative, pointing out that there are many misconceptions among people about the food that they ingest and that everything should be regulated. She stated that there are countries, including the U.S. and Europe, that require certain types of labeling in their food products to lessen or to address confusion, such as calorie content, while some restaurants and coffee shops were also asked to indicate on their menus the nutritional contents of their breads and pastries. She stated that the practice around the world is for the government to provide information to the people, and

that there are many other such moves that could be seen in terms of providing more information either by way of legislation or in administrative levels all over the world.

Adverting to the statement of purpose to “further promote the right to health and information of the people,” Senator Enrile believed that it is a very general statement of policy. He cited cholesterol as one of the well-known causes of heart attack and of problems of the blood vessels, including cerebral stroke. He asked whether a law could also be passed to affect people who are marketing cholesterol-producing products. Senator Cayetano (P) replied that while the scope of the measure is limited to tobacco, she was willing to legislate in the future other health-related measures.

Senator Enrile explained that he was trying to figure out what the current Congress and the future congresses would do if bills of such kind would be passed. He expressed apprehension that the picture-based warning law might serve as a precedent which Congress may use to curtail products that would affect the health of the people. In reply, Senator Cayetano (P) reiterated that the subject matter of the current measure is limited to addressing tobacco-based health effects through graphic warnings. She assured that the Committee on Health and Demography would entertain similar bills that would address other health issues, including harmful practices and products.

At this point, Senator Cayetano (P) showed to the Body an example of a cigarette pack and the area where the picture-based health warning would be displayed. She explained that the bill specifies that the picture-based warning should be printed on the lateral face of the rectangular solid-shaped pack, or the two largest surfaces, so that it would be easily visible to the consumers.

Senator Enrile asked if the picture-based warnings would be displayed on the surface only and not in the interior of the packs, recalling that as a heavy cigarette smoker in the past, the cigarette packaging includes the cigarette sticks wrapped in thin foil inside, and either a soft or hard pack outside covered by a cellophane wrapper, which are then placed in cartons and transported to various locations in container vans. Senator Cayetano (P) replied that the picture-based warning would be put in the two largest surfaces of the cigarette pack.

At this point, Senator Enrile showed two packs of cigarettes, soft-packed and hard-packed, both covered with clear cellophane. He then inquired if the manufacturers would be required to put the picture-based health warnings on the cellophane as well. Senator Cayetano (P) answered in the negative, stating that the cellophane does not obstruct the picture printed on the soft or hard-paper pack.

Senator Enrile pointed out that Section 4, subsection (e) included the phrase “transparent wrappers” in the definition of “tobacco product package,” and so if the packaging material is only transparent cellophane, then the picture-based warning would be printed therein. He then proceeded to enumerate the other tobacco product packages as enumerated in subsection (e), and suggested that bales, as a form of packaging, should also be included. Senator Cayetano (P) clarified that the intention of subsection (e) was to ensure that a graphic warning would be displayed clearly regardless of the type of packaging used, so that it would be easily seen by consumers. She explained that if the picture would be printed on the soft or hard-paper pack, then there would be no need to duplicate it in the cellophane wrapper.

Senator Cayetano (P) explained that a cigarette pack pertains to one unit which contains about 20 sticks of cigarettes. She said that the normal practice is to print the graphic warning on the hard or soft-paper pack which contains the cigarette sticks.

Asked for an example of a “clear packaging,” Senator Cayetano (P) explained that the provision was worded as such because there had been instances when the graphic warning was printed on the paper pack and on the cellophane wrapper, which effectively obstructed the graphic warning. She reiterated that the objective is to have a clear and visible picture-based warning, and the manufacturer may choose to print it on the cellophane wrapper or on the paper pack.

Asked on the meaning of the phrase “packages containing one product unit,” Senator Cayetano (P) replied that it pertains to one pack of cigarette which contains 20 sticks as generally sold in the market, and that each unit must have the graphic warning. She clarified that the graphic warning would not be printed per stick, despite the usual practice of Filipinos buying cigarettes piece by piece, because the smallest unit, as described in the bill, refers to a pack of 20 cigarette sticks.

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Adverting to Section 4, subparagraph 2, Senator Enrile asked where the picture-based warning would be printed for unusually shaped packs, like spherical, cylindrical or conical containers, noting that such packaging is common only to pipe tobacco. Senator Cayetano (P) replied that the graphic warning should be printed on the curved surface of the cylinder-shaped container, and the sellers should display the unit in such a way that the graphic warning would be visible to the consumers. She added that good faith on the part of the merchants and manufacturers should be assumed, as she revealed that in her discussions with them, such technicalities were quite understood; Senator Enrile said that in order to craft a better law, the text of the bill should be properly worded to avoid any confusion or doubt.

Adverting to the phrase on lines 10 and 11, subsection 3 on page 3 which states, "all surfaces or panels, exterior or interior, of any tobacco product packaging or carton not specified above," Senator Enrile asked for an example of such packaging. Senator Cayetano (P) replied that its objective is to ensure compliance with the picture-based warnings in case there is any packaging that does not conform to what is traditionally used. She said that in the committee report, a phrase would be included that would state "in the event of a new kind of packaging, the actual placement of the graphic warning should be cleared with the DOH to ensure compliance." She added that since the rectangular-shaped cartons or packs are usually used in the traditional market all over the world, and in case of variation, subsection 3 would be able to cover it. She nonetheless expressed willingness to adopt Senator Enrile's suggestion to amend the provision during the period of amendments in order to clarify, limit or eliminate any confusion on the description of the requirements.

With regard to the transition period in Section 5, Senator Enrile asked if 90 days is a reasonable enough period to withdraw the products currently marketed and noncompliant with the law after it has been enacted, given the fact that cigarettes are distributed nationwide. He suggested amending the provision to a more reasonable time so that it would not hamper the financial position of the operating companies. Senator Cayetano (P) stated that the objective of the Committee is to be able to pass a law that could be implemented with the least amount of confusion and difficulty on the part of the parties involved. She said that the Committee would be open to accommodating a longer time frame if it

would assist a smooth transition. Senator Enrile said that despite the express need to immediately implement the law, the Body should take into consideration the welfare of the people who will be affected.

Noting that the bill used the terms "no less than," "at least," "a minimum of," and "in no case," Senator Enrile suggested to limit the discretion of the implementing agencies, otherwise, it might constitute undue delegation of legislative powers to the administrative agencies.

Senator Cayetano (P) pointed out that Section 5, subparagraph (a), which states that at least 60% of the principal display shall occupy the picture-based warning, was not meant to be discretionary on the part of the implementing agencies. She clarified that the intent was to set the minimum requirement for the manufacturers who, in fact, shall have the liberty to make the principal display of the warning up to 70% or 80% if they believe that it is their moral obligation to further promote health. However, she expressed willingness to provide in the law a provision to limit such discretion.

Senator Enrile suggested the use of the minimum and maximum percentages so that the discretion would be within bounds. Senator Cayetano (P) reiterated that she was merely clarifying the intention of the bill and that the Committee would be happy to introduce amendments to avoid confusion or undue delegation to agencies in the future.

Senator Enrile observed that the picture-based warnings would be located at the upper portions of the panel or principal display areas, but that in case of spherical, cylindrical or conical packages or other types of packages, they might not be able to place it in the upper portion where they might not be prominent, especially in conical containers. Senator Cayetano (P) said that the spherical container which has a flat base will have a portion that will contain the graphic warning which would be prominently displayed facing the consumers. She said that during the period of amendments, a phrase could be inserted that would clarify that other shapes, to the extent possible, would conform with the guidelines intended for the more traditional rectangular shape. She said that the Committee was guided by Section 11 that requires that whatever the packaging is, the picture-based warning should always be prominently displayed.

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Senator Cayetano (P) also stressed the need to insert a phrase that would also describe shapes that not been sufficiently described in the measure so that the underlying principle of prominent display of at least 60% of the surface should be complied with.

On line 13, subsection (f) on page 4, Senator Enrile asked on the meaning of the eight variations of picture-based health warnings. Senator Cayetano (P) said that it meant eight different pictures, for instance, a picture of a mouth with decaying teeth, another picture of a throat afflicted with cancer, another of a stomach with cancer and such other pictures depicting different medical conditions which are the effects of smoking on the body.

Asked if all the eight pictures would be printed simultaneously on the display surfaces, Senator Cayetano (A) said that one picture at a time would be printed on the display surface. She explained that the tobacco manufacturers would be given eight different pictures which they would be required to rotate, for instance, picture 1 in January, picture 2 in February, and so on within a twelve-month period.

Asked if the manufacturers could use only one picture during the twelve-month period, Senator Cayetano (P) replied that the manufacturers would be given specific guidelines and the eight pictures shall have to be rotated. She clarified that the idea is to ensure that people would not be desensitized because when they see the same picture over and over again, it would no longer have any impact on them. She explained that what would happen is that if a batch of cigarettes is printed which is good for four months supply, the eight variations of pictures would have to be included, and that in the succeeding batches, the eight variations will be continually rotated among the different products of one manufacturer to ensure that when one is smoking a particular brand and a particular variant, he would be exposed to different pictures every time he picks it up throughout the year.

Senator Enrile supposed that if one is smoking the Camel brand, variation 1 would be printed on that brand perhaps for three months, and then variation 2 would be printed the next time, and so on until the eight pictures have been used before using the first one again. Senator Cayetano (P) affirmed that it is what the Committee would want to happen, that within a 12-month period, one's chances of receiving different graphic warnings when purchasing

the product are high. She added that the manufacturer would have to keep rotating the pictures so that there will always be a chance that the buyer would get a different label.

Asked if the eight variations would be printed by a brand manufacturer simultaneously, once the law is passed, Senator Cayetano (P) said that if 20,000 of a particular size and variant is produced, it would be divided by eight types of graphic warnings, so there would be eight templates for each division. For instance, she said that if 24,000 were printed, 3,000 each would carry one picture-based warning, and if one goes to a store, 24 packs of the brand would bear eight different pictures, three of them with similar pictures. She added that at any given time, when the manufacturers reprint the packages, all eight pictures would be printed again for a period of 12 months. She said that there would be one of each template and a duplicate of the other.

Senator Enrile said that he was only trying to figure out how the proposal would work in the market to avoid confusion, and he suggested that the Department of Health consult the people in the industry in order to have a smooth transition in case the measure is eventually adopted.

Asked about cigars, Senator Cayetano (P) said that the measure describes the types of default packaging, namely: the rectangular shape with two dominant surfaces and the cylindrical shape, and the third type with the catch-all phrase.

Asked how the picture-based warning would be displayed on cigars like Alhambra or Tabacalera brands, Senator Cayetano (P) said that the cigar manufacturers would be required to put the picture-based warning on the dominant surface which is the one on top. She clarified that graphic warning display on the predominant surface would be considered sufficient compliance. She said that if somebody bought the top carton on a pile, the next one on display, and the rest of the stock, must likewise contain the graphic warning.

On whether Section 5(a) should be construed to refer to each of the variations, Senator Cayetano (P) answered in the affirmative, explaining that the picture-based health warning would have to adjust to the size of the box but in no case shall it be less than 2475 square millimeters in size.

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Senator Enrile asked whether setting a percentage limit would be a better alternative, Senator Cayetano (P) concurred, but she stated that the Committee was concerned that the manufacturers would come up with a very small packaging that would effectively negate the impact of cigarettes which would also negate the impact of the sign.

Senator Enrile clarified that he was referring to cigars. He opined that it would be very cumbersome for the administrator and implementer of the law to enforce compliance with definitive measures for each tobacco product such as chewing tobacco, sucking tobacco, snuffing tobacco, or smoking tobacco unlike in merely providing a certain percentage of the packaging material.

Senator Cayetano (P) replied that the suggestion would be referred to the resource persons as regards the common type of packaging of cigars. She stressed, however, the importance of imposing a minimum requirement to discourage packaging of products in such small quantity containing a very small surface area that would render graphic warnings ineffective.

Senator Enrile suggested the inclusion of a provision in the bill that would limit the minimum size of packaging for tobacco products and thereafter change the size of the proposed limit for graphic warnings to percentage, to which Senator Cayetano (P) expressed her amenability.

Senator Enrile pointed out that the width of a soft-pack cigarette is only 53 millimeters in contrast with the proposed size of 2475 square millimeter and the 55 millimeter size on the shortest side of the health warning. He said that the measure would effectively change the standard size of the soft-pack cigarettes which is 86 millimeters long and 53 millimeters wide, while the flip-top type measures 88 millimeters long and 55 millimeters wide. He opined that following the standards currently offered in the market would no longer impose the burden of changing the sizes of packaging materials.

In reply, Senator Cayetano (P) said that she would be open to an amendment as long as the objective of the law would be met and provided that setting a percentage limit would not necessarily mean agreeing to very small packaging materials with smaller surface space for the graphic warnings. She said that setting a definite count by way of square millimetres would ensure that the size of the

health warning would be visible and clear to a consumer.

As regards the actual measurement of a pack of cigarette that would be compliant with the requirement set forth in the bill, Senator Cayetano (P) asked for more time so that she could confer with the resource persons.

Asked about the level of literacy of an ordinary layman contemplated in Section 5(h), Senator Cayetano (P) stated that the main target of the bill would be the youth — not a child who has no understanding of medical terms — and that the aim was to ensure that the graphic warnings would be in the simplest possible form. She said that the bill seeks to avoid terms such as “carcinogenic” and “emphysema,” but something very basic that would convey the message that cigarette smoking could cause cancer of the throat, and translated in Filipino as “*puwede kang magkaroon ng kanser sa lalamunan*” since the law would require warnings to be indicated both in English and Filipino. She said that the graphic warning may depict a picture showing an infected throat.

Senator Enrile suggested that the translation in Filipino be placed on the front panel of the packaging with the English translation at the back. In reply, Senator Cayetano (P) said that the bill provides that the warnings be placed alternately on the packagings so that the English and Filipino translations would be available on both sides.

As to the requirement of limiting the size of the text at 30% of the entire area of the picture-based health warning as provided for under Section 5(h)(3), Senator Enrile said that setting an x percentage of the prominent surface area would be easier to understand for administrators of the law. Senator Cayetano (P) expressed her amenability to an amendment.

At this point, Senator Enrile reserved his right to continue his interpellation next time starting with Section 6 of the measure.

At this juncture, Senator Cayetano (P) stated for the record the summary of the U.S. case that Senator Enrile has previously requested. She narrated that in 2009, the U.S. passed into law the Family Smoking Prevention and Tobacco Control Act, several provisions of which were eventually challenged by a

retailer and five tobacco manufacturers in a law suit filed at the U.S. District Court in Kentucky; this was upheld by the U.S. District Court and the U.S. Court of Appeals for the Sixth Circuit. She said that in June 2011, the FDA published the implementing rules; in August 2011, the regulations governing graphic warning labels were again challenged by five tobacco manufacturers before the U.S. District Court of Columbia which later on ruled on the unconstitutionality of the graphic warning; the ruling was upheld by the Court of Appeals and the case is still pending before the U.S. Supreme Court.

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 27**

Upon motion of Senator Cayetano (A), there being no objection, the Body suspended consideration of the bill.

**MANIFESTATION
OF SENATOR CAYETANO (A)**

Senator Cayetano (A) manifested that Senators Angara and Estrada have agreed to continue the interpellations on House Bill No. 4084 (granting Philippine citizenship to Andray Blatche) on Monday, May 19, 2014. He said that the measure should be prioritized because there is a deadline set by the leagues which are going to be participated in by the Gilas Pilipinas Team.

SUSPENSION OF SESSION

Upon motion of Senator Cayetano (A), the session was suspended.

It was 4:54 p.m.

RESUMPTION OF SESSION

At 4:55 p.m., the session was resumed.

COAUTHOR

Senator Sotto manifested that Senator Recto is a coauthor of Senate Bill Nos. 2 and 2161.

**MANIFESTATION
OF SENATOR CAYETANO (A)**

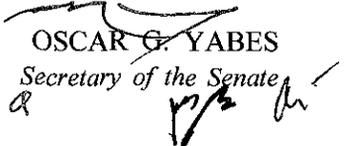
Senator Cayetano (A) manifested the presence in the gallery of the coaching staff of the Gilas Pilipinas Basketball Team and Mr. Quinito Henson for House Bill No. 4084 (granting Philippine citizenship to Andray Blatche) but they have been advised that the bill would be taken up on Monday, May 19, 2014.

ADJOURNMENT OF SESSION

Upon motion of Senator Cayetano (A), there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of the following day.

It was 4:56 p.m.

I hereby certify to the correctness of the foregoing.

OSCAR G. YABES
Secretary of the Senate


Approved on May 14, 2014