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SENATE

Senate Bill No. 1122

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**INTRODUCED BY SEN. MANNY VILLAR**

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**EXPLANATORY NOTE**

Secondhand smoke, also known as environmental tobacco smoke (ETS), is a mixture of the smoke given off by the burning end of a cigarette, pipe or cigar and the smoke exhaled from the lungs of smokers. It is involuntarily inhaled by nonsmokers, lingers in the air hours after cigarettes have been extinguished and can cause or exacerbate a wide range of adverse health effects, including cancer, respiratory infections, and asthma.

The exposure to ETS decreases lung efficiency and impairs lung function in children of all ages. It increases both the frequency and severity of childhood asthma. Secondhand smoke can aggravate sinusitis, rhinitis, cystic fibrosis, and chronic respiratory problems such as cough and postnasal drip. It also increases the number of children's colds and sore throats. In children under two years of age, ETS exposure increases the likelihood of bronchitis and pneumonia.

In fact, a study says ETS causes 150,000 to 300,000 lower respiratory tract infections each year in infants and children under 18 months of age. These illnesses result in as many as 15,000 hospitalizations. Children of parents who smoke half a pack a day or more are at nearly double the risk of hospitalization for a respiratory illness.

Likewise, exposure to ETS increases both the number of ear infections a child will experience, and the duration of the illness. Inhaled smoke irritates the eustachian tube, which connects the back of the nose with the middle ear. This causes swelling and obstruction which interferes with pressure equalization in the middle ear, leading to pain, fluid and infection. Ear infections are the most common cause of children's hearing loss. When they do not respond to medical treatment, the surgical insertion of tubes into the ears is often required.

Children are particularly vulnerable to the effects of secondhand smoke because they are still developing physically, have higher breathing rates than adults, and have little control over their indoor environments. Children exposed to high doses of secondhand smoke, such as those whose mothers smoke, run the greatest relative risk of experiencing damaging health effects.

In view of the foregoing, the approval of this bill is earnestly requested.

  
**MANNY VILLAR**

10 JUL 12 A8:34

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**AN ACT  
PROHIBITING SMOKING TOBACCO PRODUCTS IN A MOTOR VEHICLE  
WHEN A MINOR IS PRESENT AND PROVIDING GRADUATED PENALTIES  
THEREFOR**

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

**SECTION 1.** State Policy. It shall unlawful for any person to smoke tobacco products in any motor vehicle when a minor is present.

**SECTION 2.** Penalties. Any person found guilty of violating the provisions of this Act shall be sentenced to suffer any of the following penalties:

- a. For the first offense, a fine of One Thousand Pesos and imprisonment of one (1) month;
- b. For the second offense, a fine of Two Thousand Pesos and imprisonment of two (2) months;
- c. For the third and all subsequent offenses, a fine of Five Thousand Pesos and imprisonment of one to three years.

**SECTION 3.** Promulgation of Rules and Regulations. The Department of Transportation and Communication (DOTC) in cooperation with the Metropolitan Manila Development Authority (MMDA) and the Department of Health (DOH), shall promulgate rules and regulations to implement the provisions of this Act.

**SECTION 4.** Separability Clause. If any provisions, or part hereof, is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

**SECTION 5.** Repealing Clause. Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule and regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

**SECTION 6.** Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in at least two newspaper of general circulation.

Approved.