

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2453



Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

AN ACT
PROHIBITING THE ACCESS OF CHILDREN TO ALCOHOL OR ALCOHOLIC
BEVERAGES AND PRESCRIBING PENALTIES THEREFOR

EXPLANATORY NOTE

The Agence France-Presse has reported the findings made by the Independent Scientific Committee on Drugs, a United Kingdom-based independent drugs advisory committee, that alcohol is more harmful than heroin or crack when the overall dangers to the individual and society are considered.

According to a paper prepared by the U.S. Department of Health and Human Services, early drinking can cause later alcohol problems that can be a major cause of death and injury among young people. It also indicated that underage alcohol use increases the risk of carrying out, or being a victim of, physical or sexual assault; can harm the growing brain especially when teens drink a lot; plays a role in risky sexual behavior which can increase the chance of teen pregnancy and sexually transmitted diseases (STDs) including human immunodeficiency virus (HIV); and affects how well a young person judges risk and makes sound decision among many other problems.

In the Philippines, a study of the World Health Organization (WHO) reveals that 2 out of 10 Filipinos ages 15 to 18 years of age drink alcohol and 6 out of 10 are not content with two bottles of alcohol. According to the WHO Youth Violence and Alcohol Fact Sheet, 14% of 15-24 year olds reported physically hurting someone due to drinking. It was also discovered that many Filipinos are binge drinkers which result in domestic violence, rape and physical abuse.

Alcoholism and violence have become key public health issues that require urgent attention. Hence, it is imperative for the State to initiate proactive policies to curb alcohol consumption by children and teens consistent with the Constitution's mandate to "protect their physical, moral, spiritual, intellectual, and social well-being" (Section 13, Article II).

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

ANGELINA "HELEN" D.L. TAN, M.D.
4th District, Quezon

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

SECTION 1. *Short Title.* - This Act shall be known as the "Anti-Underage Drinking Act."

SEC. 2. *Declaration of Policy.* - The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. Towards this end, the State shall undertake efforts to eliminate alcohol abuse and reduce underage drinking by prohibiting children's access to alcohol.

SEC. 3. *Definition of Terms.* - As used in this Act:

(1) "Alcohol" refers to ethyl alcohol, ethanol, or spirits of wine including all dilutions, purifications and mixtures thereof, from whatever source by whatever process produced and shall include whisky, brandy, rum, gin, tequila, and vodka and other similar products or mixtures. It shall also include malt beverages, mixed or fermented liquors, including tuba, basi, tapuy and lambanog;

(2) "Alcoholic beverages" refer to liquor or brew containing alcohol as the active agent;

(3) "Children" refers to persons below eighteen (18) years of age, or those over eighteen (18) years old but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition; and

(4) "Establishment" refers to a place used for commercial purposes, such as bars, restaurants, dance clubs, hotels, retail stores, supermarkets, and other places with common business areas.

SEC. 4. *Prohibited Acts.* - The following acts are hereby prohibited and declared unlawful:

(1) The purchase of alcohol or alcoholic beverages by children from vendors and other sources;

(2) Purchasing or obtaining alcohol or alcoholic beverages for children;

(3) Misrepresentation of one's age by presenting false identification or otherwise represent themselves as being of legal age to purchase alcohol or alcoholic beverages;

(4) Allowing the consumption or possession of any alcohol or alcoholic beverages by a person under eighteen (18) years of age on an establishment's premises, no matter who purchased the alcohol or alcoholic beverages or where they were purchased; and

(5) Selling, giving, or otherwise providing alcohol or alcoholic beverages to children by an establishment which is licensed to sell alcohol or alcoholic beverages, or for any employee of that licensee, to sell or furnish any alcohol or alcoholic beverages at any time to a person under 18 years of age.

SEC. 5. *Interventions for Children.* - Any children who has violated any of the provisions of this Act shall be afforded the following interventions:

For the first offense, the Barangay Council for the Protection of Children (BCPC) will counsel the child before such child is properly handed over to the parent/s or guardian/s;

A child found violating this Act for the second time will be required to attend, together with the parent/s or guardian/s, two (2) consecutive regular sessions of counselling conducted by the BCPC, which shall include this matter as part of its session's agenda: *Provided, That* the BCPC Chairperson shall issue a certificate of compliance on the penalty by the concerned child with the parent/s or guardian/s. *Provided further, That* the child with the parent/s or guardian/s shall be required to submit the certification issued by the BCPC Chairperson to the Punong Barangay and the apprehending officer within two (2) months from the date of violation. *Provided finally, That* non-compliance with the counselling requirement will elevate the matter to the DSWD for proper disposition.

For the third and every subsequent offense the child shall be handed over to the DSWD office with jurisdiction over the locality of the residence of the child, for appropriate counselling and proper disposition on the matter.

SEC. 6. *Penalties.* - Any person of legal age or any establishment who violates any of the provisions of this Act shall be punished by a fine of Ten thousand pesos (P10,000.00) or imprisonment of not more than three (3) months.

For succeeding offenses, both penalties shall apply in addition to the revocation of the license to operate a business connected with the selling of alcohol or alcoholic beverages. If the violation of any provisions of this Act is committed by a corporation, partnership, association or similar entity, the president, General Manager or most senior officers shall be held liable for the offense.

SEC. 7. *Community Involvement.* - Any person who has personal knowledge of the existence of any person or children violating any provisions of this Act must immediately call the attention of any official from the closest barangay, police officer, or other person in authority in order to report the incident.

SEC. 8. *Non-implementation or Violations of this Act.* - Any public officer vested with the duty to implement the law, who shall knowingly and maliciously prevent, prohibit, refuse, discontinue, or violate the implementation of any provisions of this Act, or any of the rules and regulations promulgated in accordance thereof, shall be punished by imprisonment of not less than one (1) month but not more than six (6) months, and temporary suspension from public service.

The public officer liable under this Section shall, in addition to the imprisonment, be held administratively liable under applicable laws.

SEC. 9. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the Department of Interior and Local Government, in consultation with the Liga ng mga Barangay sa Pilipinas, Council for the Welfare of Children, National Youth Commission, Department of Social Welfare and Development, and other concerned agencies of government and the private sector shall promulgate the rules and regulations to effectively implement the provisions of this Act.

SEC. 10. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 11. *Separability Clause.* – If any part of provision of this Act shall be held unconstitutional or invalid, other provisions hereof which are not affected hereby shall continue to be in full force and effect.

SEC. 12. *Effectivity.* - This act shall take effect fifteen (15) days after its publication in the Official Gazette or in newspaper of general circulation.

Approved,