

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
1st Regular Session

House Bill No. 1753



Introduced by Representatives ERIC G. YAP and PAOLO Z. DUTERTE

EXPLANATORY NOTE

The 1987 Constitution guarantees the protection and promotion of the physical, moral, spiritual, intellectual, and social well-being of the nation's youth.

In its *Global Strategy to Reduce the Harmful Use of Alcohol*, the World Health Organization (WHO) states that alcohol use is the third leading risk factor for poor health globally as it causes an estimated 2.5 million deaths every year, of which a significant proportion occur in the young. WHO further highlights that apart from the physical well-being, a wide variety of alcohol-related problems can have devastating impacts on individuals and their families and can seriously affect community life.

WHO defines adolescence as the phase between childhood and adulthood, a very unique and critical stage of human development where one experiences rapid physical, cognitive and psychosocial growth. WHO further added that a variety of risk factors are associated in alcohol use in the adolescent stage such as delay in puberty and bone growth, psychiatric disorder, compromised brain activity, and the like.

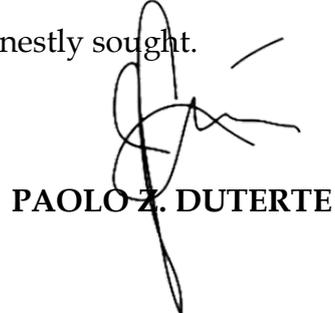
The Philippines is among the member states of the WHO Resolution WHA63.13 or the *Global Strategy to Reduce the Harmful Use of Alcohol*, which primarily provides for a global strategy towards improved health and social outcomes for individuals, families and communities to considerably reduce morbidity and mortality due to harmful use of alcohol and their ensuing social consequences. Tasked with the constitutional mandate to adopt generally accepted principles of international law as part of the law of the land, policymakers are herein prompted by the said resolution to establish an appropriate minimum age for purchase or consumption of alcoholic beverages and other policies in order to raise barriers against sales to, and consumption of alcoholic beverages by, adolescent.

Hence, this bill seeks to impose a minimum legal drinking age in the country, in pursuit to mitigate and regulate the availability of alcohol to Unqualified Individuals. This proposed measure also provides for penal sanctions against any person, particularly private entities, that would act in contrary of this legislation.

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



ERIC G. YAP



PAOLO Z. DUTERTE

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

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 "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 Unqualified Individuals' access to alcohol.

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

- a. "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;
- b. "Alcoholic beverages" refer to liquor or brew containing alcohol as the active agent;
- c. "Unqualified Individuals" refers to persons under age of twenty-one (21) years of age, or those over twenty-one (21) 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

- d. "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:

- a. The purchase of alcohol or alcoholic beverages by Unqualified Individuals from vendors and other sources;
- b. Purchasing or obtaining alcohol or alcoholic beverages for Unqualified Individuals;
- c. Misrepresentation of one's age by presenting false identification or otherwise represent themselves as being of legal age to purchase alcohol or alcoholic beverages;
- d. Allowing the consumption or possession of any alcohol or alcoholic beverages by a person under twenty-one (21) years of age on an establishment's premises, no matter who purchased the alcohol or alcoholic beverages or where they were purchased; and
- e. Selling, giving, or otherwise providing alcohol or alcoholic beverages to Unqualified Individuals 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 Unqualified Individuals.* - Any Unqualified Individuals 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 Unqualified Individual before such one is properly handed over to the parent/s or guardian/s;

An Unqualified Individual 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 Unqualified Individual with the parent/s or guardian/s. *Provided further,* That the Unqualified Individual 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 unqualified individual 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 Fifty thousand pesos (P50,000.00) 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 Unqualified Individuals 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 Unqualified Individuals, 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 alter its publication in the *Official Gazette* or in newspaper of general circulation.

Approved,