

**[ DTI INTER-AGENCY COMMITTEE- TOBACCO  
MEMORANDUM CIRCULAR NO. 1, February 26,  
2004 ]**

**RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO.  
9211, OTHERWISE KNOWN AS THE TOBACCO REGULATION ACT  
OF 2003**

WHEREAS, it is the policy of the State to protect the populace from hazardous products and promote the right to health and instill health consciousness;

WHEREAS, it is also the policy of the State, consistent with the Constitutional ideal to promote the general welfare, to safeguard the interests of the workers and other stakeholders in the tobacco industry;

WHEREAS, there is a need for the government to institute a balanced policy whereby the use, sale and advertisements of tobacco products shall be regulated in order to promote a healthful environment and protect the citizens from the hazards of tobacco smoke, and at the same time ensure that the interests of tobacco farmers, growers, workers and other stakeholders are not adversely compromised;

NOW, THEREFORE, pursuant to Section 37 of Republic Act No. 9211, the following rules and regulations are hereby promulgated:

**Title I - GENERAL PROVISIONS**

**Rule I - Title**

*SECTION 1. Title* - These Rules shall be referred to as the Implementing Rules and Regulations of the Tobacco Regulation Act of 2003.

**Rule II - Coverage**

*SECTION 1. Coverage* - These Rules shall apply to all types of tobacco products placed into commerce in the Philippines, whether locally manufactured or imported.

**Rule III - Definition of Terms**

*SECTION 1. Definition of Terms* - For purposes of these Rules, the term:

1.1 "Act" - refers to Republic Act No. 9211, otherwise known as the Tobacco Regulation Act of 2003;

1.2 "Advertisement" - refers to any visual and/or audible message disseminated to the public about or on a particular product that promote and give publicity by words, designs, images or any other means through broadcast, electronic, print or whatever form of mass media, including outdoor advertisements, such as, but not limited to, signs and billboards. For the purpose of these Rules, advertisement shall be understood as tobacco advertisement;

1.3 "Advertising" - refers to the business of conceptualizing, presenting, making available and communicating to the public, through any form of mass media, any fact, data or information about the attributes, features, quality or availability of consumer products, services or credit. For the purpose of these Rules, advertising shall be understood as tobacco advertising. This shall specifically refer to any messages and images promoting smoking; the purchase or use of cigarette or tobacco products; and cigarette or tobacco trademarks, brand names, design and manufacturer's names;

1.4 "Advertiser" refers to a person or entity on whose account or for whom an advertisement is prepared and disseminated by the advertising agency, which is a service established and operated for the purpose of counseling or creating and producing and/or implementing advertising programs in various forms of media;

1.5 "Celebrity" refers to any natural person who, by his accomplishments or fame, or by reason of his profession or calling, gives the public a legitimate interest in his doings, affairs and character. The term includes anyone who has arrived at a position where public attention is focused upon him as a person, such as, but not limited to, actors, athletes and other sports personalities, war heroes, famous inventors and explorers, among others.

1.6 "Cigarette" refers to any roll or tubular construction, which contains tobacco or its derivatives and is intended to be burned or heated under ordinary conditions of use;

1.7 "Distributor" refers to any person to whom a tobacco product is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer or common carrier of such product;

1.8 "Enclosed area" refers to an area that is physically separated from adjacent areas by walls or partitions and a roof or ceiling. The walls or partitions must be continuous, interrupted only by doors and windows. The mere presence of

a roof or ceiling over the structure, but without walls or partitions surrounding said structure, does not constitute an enclosed area;

1.9 "IAC-Tobacco" - refers to the Inter-Agency Committee-Tobacco;

1.10. "Indicia" refers to any name, logo or trademark and other words, symbols, designs, colors or other depictions of tobacco products which are registered, or although unregistered are either considered "well known", as defined under the Intellectual Property Code of the Philippines and its implementing rules and regulations, or have become distinctive in relation to the tobacco product arising from substantially exclusive and continuous use in commerce in the Philippines for at least five (5) years;

1.11 "Mass Media" refers to any medium of communication designed to reach a mass of people. For this purpose, mass media includes print media such as, but not limited to, newspapers, magazines, and publications; broadcast media such as, but not limited to, radio, television, cable television, and cinema; electronic media such as, but not limited to, the internet. For the purpose of these Rules, communications designed to reach persons by private, postal or regular mail, electronic mail (e-mail), and similar means shall not be considered as mass media;

1.12 "Minor" refers to any person below eighteen (18) years old;

1.13. "Manufacturer" refers to any person or entity, including a re-packer, who makes, fabricates, assembles, processes, or labels a finished product.

1.14 "Package" refers to packs, boxes, cartons or containers of any kind in which any tobacco product is offered for sale to consumers;

1.15 "Perimeter" when used in these Rules in relation to the sale of, and outdoor advertisements for, tobacco products, the term shall refer to any point in boundaries as indicated in the Original Certificate of Title or Transfer Certificate of Title of the tract of land that is actually used or occupied by a school, public playground or other facility frequented particularly by persons below eighteen (18) years of age, whether or not said tract of land is separated from adjacent tracts by a wall or fence;

1.16. "Person" refers to an individual, partnership, corporation or any other business or legal entity;

1.17 "Point-Of-Sale" refers to any location at which an individual can purchase or otherwise obtain tobacco products. For the purpose of these Rules, itinerant/ambulant vendors are not covered by the term "point-of-sale";

1.18 "Premises" refers to a tract of land and the building or buildings thereon, including the open spaces between the buildings located on the same tract of land and within the perimeter of said tract of land;

1.19 "Principal display panel" refers to that part of the package of a tobacco product that is most likely to be displayed, presented or shown or examined under normal and customary conditions;

1.20 "Promotion" refers to an event or activity organized by or on behalf of a tobacco manufacturer, distributor or retailer with the aim of promoting a brand of tobacco product, which event or activity would not occur but for the support given to it by or on behalf of the tobacco manufacturer, distributor or retailer. It may also refer to the display of a tobacco product or manufacturer's name, trademark, logo, etc. on non-tobacco products. This includes the paid use of tobacco products bearing the brand names, trademarks, logos, etc. in movies, television and other forms of entertainment. For the purpose of these Rules, promotion shall be understood as tobacco promotion;

1.21. "Public Conveyances" refer to modes of transportation servicing the general population, such as, but not limited to, elevators, airplanes, buses, taxicabs, ships, jeepneys, light rail transits, tricycles, and similar vehicles;

1.22 "Public Places" refer to enclosed or confined areas of all hospitals, medical clinics, schools, public transportation terminals and offices, and buildings such as private and public offices, recreational places, shopping malls, movie houses, hotels, restaurants, and the like;

1.23 "Publication of general circulation" refers to a publication that is published for the dissemination of local news and general information with a bona fide subscription list of paying subscribers and published at regular intervals. When used in these Rules, the term does not include trade or professional journals and similar publications that are geared towards a limited audience, such as tobacco trade publications;

1.24 "Retailer" refers to any person who or entity that sells tobacco products to individuals for personal consumption;

1.25 "Secretariat" refers to the secretariat of the IAC-Tobacco;

1.26 "Smoking" refers to the act of carrying a lighted cigarette or other tobacco products, whether or not it is being inhaled or smoked;

1.27 "Sponsorship" refers to any public or private contribution to a third party in relation to an event, team or activity made with the aim of promoting a brand of tobacco product, which event, team or activity would still exist or occur without such contribution. For the purpose of these Rules, sponsorship shall be understood as tobacco sponsorship;

1.28 "Tobacco" refers to agricultural components derived from the tobacco plant, which are processed for use in the manufacturing of cigarettes and other tobacco products;

1.29 "Tobacco Product" refers to any product that consists of loose tobacco that contains nicotine and is intended for use in a cigarette, including any product containing tobacco and intended for smoking or oral or nasal use. Unless stated otherwise, the requirements of these Rules pertaining to cigarettes shall also apply to other tobacco products;

1.30 "Tobacco Grower" refers to any person who plants tobacco before the enactment of the Tobacco Regulation Act of 2003 and classified as such by the National Tobacco Administration (NTA); and

1.31 "Warning" refers to the notice printed on the tobacco product or its container and/or displayed in print or aired in broadcast or electronic media including outdoor advertising and which shall bear information on the hazards of tobacco use.

## **Title II - HEALTHFUL ENVIRONMENT**

### **Rule 1 - Smoking Ban and Designation of Smoking Areas**

*SECTION 1. Smoking ban in public places* - Smoking shall be absolutely prohibited in the following public places:

1.1 Centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels, and recreational facilities for person under eighteen (18) years old. Such recreational facilities for persons under eighteen (18) years old shall include, but are not limited to, playgrounds;

1.2 Elevators and stairwells;