

**[DOH MEMORANDUM CIRCULAR NO. 2010-0028,
July 02, 2010]**

**JOINT MEMORANDUM CIRCULAR NO. 2010-01 BETWEEN THE
CIVIL SERVICE COMMISSION AND THE DEPARTMENT OF HEALTH
ENTITLED "PROTECTION OF THE BUREAUCRACY AGAINST
TOBACCO INDUSTRY INTERFERENCE"**

Attached for your reference and guidance is a copy of the Joint Memorandum Circular No. 2010-01 between the Civil Service Commission and the Department of Health entitled "Protection of the Bureaucracy Against Tobacco Industry Interference".

Dissemination of the information to all concerned is desired.

By Authority of the Secretary of Health

(SGD.) MARIO C. VILLAVERDE, MD, MPH, MPM, CESO I
Undersecretary of Health

Attachment:

CSC-DOH Joint Memorandum Circular No. 2010-01

**Protection of the Bureaucracy Against Tobacco Industry
Interference**

Pursuant to Article IX-B, Section 3 of the Constitution, the Civil Service Commission, as the central personnel agency of the government, is responsible for the promotion of morale, efficiency, integrity, responsiveness, and courtesy in the civil service and the institutionalization of management climate conducive to public accountability.

Pursuant to Section 2, Title IX, Chapter 1 of the Administrative Code, the Department of Health is primarily responsible for the formulation, planning, implementation, and coordination of policies and programs in the field of health, whereas Section 3 (4) thereof gives the DOH the power to administer laws, rules and regulations in the field of health.

Pursuant to the World Health Organization Framework Convention on Tobacco Control (WHO FCTC), which was ratified by the President on September 23, 2003 and concurred in by the Senate on April 25, 2005, specifically under the title General Obligations, Article 5.3; the Parties, in setting and implementing their public health policies with respect to tobacco control, shall act to protect these policies from commercial and vested interests of the tobacco industry.

Pursuant to the Article 5.3 Guidelines, which was adopted by the Conference of the Parties in November 2008 to assist Parties in implementing Article 5.3, government

personnel must avoid interaction with the tobacco industry and if any dealing is necessary for the latter's regulation, supervision and control, it must be transparent and accountable.

Further, in relation to the WHO FCTC and Article 5.3 Guidelines, the Civil Service Commission, pursuant to Section 12 of RA 6713, shall have the primary responsibility for the administration and enforcement of the 'Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees.'

The WHO FCTC encourages Parties to implement additional measures in consonance with those required by the treaty and its guidelines.

NOW, THEREFORE, the Civil Service Commission and the Department of Health hereby promulgate this policy on ***Protection of the Bureaucracy against Tobacco Industry Interference.***

1.0 Coverage

This policy covers all government officials and employees, regardless of status, in the national or local government including government-owned and controlled corporations, with original charters, state colleges and universities.

2.0 Definition of Terms

2.1 Tobacco Industry shall refer to organizations, entities, associations, and individuals that work for or in behalf of the tobacco industry, such as, but not limited to, tobacco manufacturers, wholesale distributors, importers of tobacco products, tobacco retailers, front groups and any other individuals or organizations, including, but not limited to lawyers, scientists and lobbyists that work to further the interest of the tobacco industry.^[i]

2.2 Tobacco Industry Interference refers to a broad array of tactics and strategies used by the tobacco industry to interfere with the setting and implementing of tobacco control measures.

3.0 Prohibitions

3.1 Unnecessary Interaction with the Tobacco Industry

Public officials and employees shall interact with the tobacco industry only when strictly necessary for the latter's effective regulation, supervision or control. Transparency in all interactions with the tobacco industry shall be observed. Any necessary interaction with the tobacco industry should be carried out in such a way as to avoid the creation of any perception of a real or potential partnership or cooperation resulting from or on account of such interaction. In the event the tobacco industry engages in any conduct that may create such a perception, public officials and employees shall act to prevent or correct this perception.^[ii]

3.2 Preferential Treatment to the Tobacco Industry

Public officials and employees shall serve the public interest and are prohibited from providing incentives, privileges, benefits or exemptions to the tobacco industry, except as otherwise provided by law.

3.3 Accepting Gifts, Donations and Sponsorship

Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity favor, entertainment, loan or anything of monetary value in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office from any person or business related to the tobacco industry.

3.4 Financial Interest in the Tobacco Industry

Public officials and employees shall not, directly or indirectly, have any financial or material interest in any transaction involving the tobacco industry requiring the approval of their office. In relation to this, public officials and employees shall declare any interest in the tobacco industry in their annual declaration of assets and liabilities.

3.5 Accepting Other Favors Analogous to those mentioned above, like, but not limited to the following:

Public officials and employees shall not accept or have any member of his/her family accept employment or recommend any one to any position in any private enterprise connected with the tobacco industry, which has a regular or pending official transaction with their agency.

3.6 Conflict of Interest with the Tobacco Industry

Public officials and employees, regardless of status, shall avoid conflicts of interest with the tobacco industry at all times. When a conflict of interest arises, he/she shall resign from his position in the tobacco industry within thirty (30) days from his/her assumption of office and/or divest himself/herself of his/her shareholdings or interest within sixty (60) days from assumption.

3.7 Engaging in an Occupational Activity within the Tobacco Industry

Public officials and employees of agencies that have a role in setting and implementing public health policies with respect to tobacco control, shall inform their institutions about any intention to engage in an occupational activity within the tobacco industry, whether gainful or not, within a specified period of time after leaving the service; and to require applicants for such public office positions to declare any current or previous occupational activity with any tobacco industry whether gainful or not.

4.0 Responsibilities of the Head of Agency

The head of agency shall be responsible for the following:

4.1 Informing officials and employees of this policy against tobacco industry interference, and;

4.2 Amending their respective Codes of Conduct by incorporating the rules provided for in Annex A of this Joint Memorandum Circular.

5.0 Information Dissemination Program

5.1 Agencies are enjoined to disseminate information about the addictive and harmful nature of tobacco products, tobacco industry interference with tobacco control policies, and the true purpose and scope of activities described as "socially responsible."

5.2 They shall give information about any type of agreement with the tobacco industry or any information that would facilitate the enforcement of policy against tobacco industry interference. Information shall include reports on any interaction with the tobacco industry, any preferential treatment given to the tobacco industry and any offer of donation to the public official or employee by the tobacco industry. To encourage transparency and accountability, the agency shall make sure that copies of these documents will be accessible to the public.

6.0 Implementation of the Program

6.1 **Submission of Annual Reports.** Agencies shall include in its Annual Report their compliance with this Joint Memorandum Circular.

6.2 **Funding & Technical Assistance.** The Department of Health shall provide a start-up fund and technical assistance to assist the Civil Service Commission in its capacity-building and advocacy programs for the different agencies of the government. Each agency is enjoined to allocate resources for its own monitoring and advocacy campaign to ensure sustainability of the programs.

6.3 **Participation of Civil Society.** Each agency shall encourage the participation of civil society not affiliated with the tobacco industry in achieving the objective of this Joint Memorandum Circular.

Any violation of this Circular shall be considered a ground for administrative disciplinary action pursuant to Rule XIV (Discipline) of the Omnibus Rules Implementing Book V of Executive Order No. 292, without prejudice to the filing of criminal as well as civil actions under existing laws, rules and regulations.

This Circular shall amend all issuances inconsistent herewith.

This Circular shall take effect fifteen (15) days after publication in a newspaper of general circulation.

(SGD.) FRANCISCO T. DUQUE III,
MD, MSC.
Chairman
Civil Service Commission

(SGD.) ESPERANZA I. CABRAL, MD
Secretary
Department of Health

Annex A

Rules which shall be included in the Amendment of the Code of Conduct of Each Agency