

Philippines



SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

The tobacco industry (TI) is directly represented in the Inter-Agency Committee (IAC) Tobacco under Republic Act No. (RA) 9211 (the Tobacco Regulation Act), which is the principal regulatory body for tobacco products. Section 29(h) of the law provides for the membership of “a representative from the tobacco industry to be nominated by the legitimate and recognized associations of the industry.” The Philippine Tobacco Institute is the TI representative on the IAC.

In the case of *Department of Health vs. Philip Morris Philippines Manufacturing, Inc.*, G.R. No. 202943, March 25, 2015, the Philippine Supreme Court ruled that RA 9211 is a special law that exclusively regulates tobacco products and related activities, and that the IAC Tobacco, not the Department of Health, has primary jurisdiction over sales promotion activities.

2. Industry CSR Activities

The TI, primarily Japan Tobacco International (JTI), Philip Morris Fortune Tobacco Corporation (PMFTC), and affiliated groups such as the Lucio Tan Group and Jaime V. Ongpin Foundation Inc., are engaged in frequent corporate social responsibility (CSR) activities. These include rice donations, hygiene kits, medical equipment, and event sponsorships. Beneficiaries of tobacco-related CSR have included local government units (LGUs), the Philippines National Police, jails, Indigenous communities, disaster-affected groups, and educational institutions.

3. Benefits to the Industry

While there is no publicly available evidence that the government granted the TI longer timeframes for implementing laws, tobacco control advocates documented several instances of benefits given to the TI through privileges, incentives, and potential policy advantages. These benefits, often facilitated by government recognition or legislative actions, reflect TI efforts to secure favorable treatment, undermining public health protections.

4. Unnecessary Interaction

Top-level officials engaged with TI representatives or participated in industry-sponsored events, lending legitimacy to companies like JTI, PMFTC, and their affiliates. These interactions often aligned with TI economic agendas, such as combating illicit trade or promoting tobacco production. The participation of the First Lady and Cabinet Secretaries in TI-related events signals government endorsement of the TI. These interactions, frequently tied to economic arguments such as farmer support and tax revenue, legitimize the TI's presence in policy spaces and risk conflicts of interest.

5. Transparency

Joint Memorandum Circular No. 2010-01, issued by the Civil Service Commission (CSC) and the Department of Health (DOH), establishes comprehensive rules to limit interactions with the TI to only those necessary for regulation. It requires transparency in all such engagements to prevent perceptions of partnership. Public officials and employees are prohibited from accepting gifts, donations, or sponsorships from the TI, holding financial interests in it, or engaging in activities that create conflicts of interest.



6. Conflict of Interest

Philippine laws have no specific prohibition against campaign contributions from the TI, requiring only the disclosure of general campaign donations. Under the Omnibus Election Code and other special laws, prohibitions on political contributions are limited to foreign nationals, foreign governments, public and government entities, financial institutions, public utility corporations, educational institutions, NGOs receiving government funds, and broadcast and media companies.

7. Preventive Measures

The Philippine government has implemented a multi-faceted approach to prevent TI interference, focusing on regulatory frameworks, disclosure mechanisms, investigations, enforcement, and public health advocacy. DOH-CSC JMC 2010-01 is a cornerstone policy, serving as a code of conduct to limit government interactions with the TI. It aims to protect public health policies from TI interference, aligning with Article 5.3 of the WHO FCTC. It underscores the responsibility of the CSC to uphold integrity and accountability in the bureaucracy and the DOH's role in health policy coordination. It curbs TI tactics to undermine tobacco control measures, emphasizing the need to shield government officials from undue influence and ensure that public health policies prioritize the public interest over commercial interests.

RECOMMENDATIONS

1. Strengthen adherence to DOH-CSC JMC 2010-01 to limit unnecessary interactions with the TI.
2. Counter-TI narratives on electronic nicotine delivery systems (ENDS) and heated tobacco products (HTPs) by reinforcing evidence-based public health messaging.
3. Address illicit trade without granting preferential treatment to the TI, ensuring that legislation such as the Anti-Illicit Tobacco Trade Bill (House Bill No. 10329) does not create loopholes for the industry.
4. Reject TI partnerships and donations, ensuring that government agencies and local government units do not legitimize industry tactics through acceptance of support.