2025 TOBACCO INDUSTRY INTERFERENCE INDEX

The Philippine Report on the Implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control

HealthJustice
Bridging Health and Law

2025 TOBACCO INDUSTRY INTERFERENCE INDEX

The Philippine Report on the Implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control

October 2025

HealthJustice
Bridging Health and Law

Editorial Team
HealthJustice Philippines

Date of Publication
October 2025

Acknowledgments
HealthJustice would like to acknowledge and express gratitude to its partners for their very valuable and insightful comments, suggestions, and contributions to this report.

HealthJustice Philippines would like to thank Southeast Asia Tobacco Control Alliance (SEATCA) for its support and guidance in developing the report. SEATCA is a multisectoral non-governmental alliance. SEATCA promotes health and saves lives by assisting Association of Southeast Asian Nations (ASEAN) countries in accelerating and effectively implementing the evidence-based tobacco control measures contained in the World Health Organization Framework Convention on Tobacco Control (WHO FCTC).

The following experts are hereby also acknowledged for their invaluable inputs: Atty. Allan Chester Nadate, Dr. Mary Assunta and Atty. Irene Patricia Reyes of SEATCA, Atty. Karl Carumba, Atty. Benedict Nisperos, Atty. Fatima Laperal, Ralph Emerson Degollacion, and Anelle Cortez.

Suggested Citation
HealthJustice. Tobacco Industry Interference Index 2025: The Philippine Report on the Implementation of the WHO Framework Convention on Tobacco Control. October 2025. Quezon City, Philippines.

Cover Design
Zachary Borromeo (@cartoonistzach)

Layout
Pauline Marie Villar

About HealthJustice
HealthJustice is a non-stock, non-profit organization created to fulfill the vision of bridging the gap between public health and law through policy development and research. It is committed to be the leading resource in research and capacity-building for priority public health policies.

Published by
HealthJustice Philippines
Room 106-B, Philippine Social Science Center Building, Commonwealth Avenue, Diliman, Quezon City, Philippines
www.healthjustice.ph

Contents

Abbreviations

ASEAN	Association of Southeast Asian Nations
CSC	Civil Service Commission
DepEd	Department of Education
DOH	Department of Health
DSWD	Department of Social Welfare and Development
EO	Executive Order
FDA	Food and Drug Administration
HB	House Bill
I-ACT	Inter-Agency Committee on Tobacco
JMC	Joint Memorandum Circular
JTI	Japan Tobacco International
NTA	National Tobacco Administration
PMFTC	Philip Morris Fortune Tobacco Corporation
PTI	Philippine Tobacco Institute
RA	Republic Act
ULPI	Universal Leaf Philippines
WHO FCTC	World Health Organization Framework Convention on Tobacco Control

Introduction

The 2025 Tobacco Industry Interference Index report for the Philippines reveals an intensified influence of the tobacco industry on policy setting—presenting a growing threat to effective tobacco control in the country and public health in general.

Despite the country's commitment to the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC), particularly Article 5.3, transnational tobacco companies continue to exert substantial influence through direct and indirect participation in policymaking, strategic corporate social responsibility (CSR) activities, and partnerships with government entities.

The Tobacco Industry Interference Index, developed by the Southeast Asia Tobacco Control Alliance (SEATCA), is a crucial tool for tobacco control advocates. Using a 20-question framework based on FCTC Article 5.3 guidelines, it systematically evaluates industry interference, scoring from 0 (no interference) to 5 (high interference). The Index exposes tactics such as undisclosed meetings with officials, former government figures advocating industry agendas, and violations through CSR partnerships, empowering advocates to counter these influences and promote transparency.

With a total score of 70, indicating significant interference, the Index underscores the urgent need for robust safeguards to protect public health policies in the Philippines, especially in view of the country's deteriorating scores, which culminated in its highest in 2025. It equips advocates to hold policymakers accountable, enforce policies like the DOH-CSC JMC 2010-001, and prioritize public welfare over industry profits; thus, safeguarding Filipinos from the tobacco epidemic.

To address the high level of interference documented in this report, immediate actions are critical. First, the tobacco industry should be removed as a member of the Inter-Agency Committee-Tobacco. Second, strengthen enforcement of DOH-CSC JMC 2010-001 through training for officials to ensure compliance and reject industry partnerships. Third, enhance transparency by mandating public disclosure of all industry interactions, with violations reported to the Civil Service Commission. Fourth, counter industry narratives on harm reduction (e.g., vaping) through public health campaigns and stricter enforcement, as well as their use of illicit trade as justification for reduced taxation. Fifth, advocate for legislative oversight to ensure FCTC-compliant policies. Finally, engage media and civil society to monitor and expose industry tactics, fostering accountability and prioritizing public health over industry interests.

Methodology

The report is based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance. There are 20 questions based on the Article 5.3 guidelines. Information used in this report is obtained from the public domain only. A scoring system is applied to make the assessment.

The score ranges from 0 to 5, where 5 indicates highest level of industry interference, and 1 is low or no interference. Hence the lower the score, the better for the country. The 0 score indicates absence of evidence or not applicable. Where multiple pieces of evidence are found, the score applied reflects an average.

To increase readability, the references to pieces of evidence are placed at the end of the report. The report covers information on incidents from **April 2023** up to **March 2025**, but also includes incidents prior to **2023** that still have relevance today.

Summary of Findings

Industry Participation in Policy Development

The tobacco industry 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, through the Philippine Tobacco Institute. Section 29(h) of the said law provides the membership of "[a] representative from the Tobacco Industry to be nominated by the legitimate and recognized associations of the industry."

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 legislation which exclusively deals with the subject of tobacco products and related activities and it is the IAC-Tobacco and not the Department of Health which has the primary jurisdiction to regulate sales promotion activities.

Industry CSR Activities

Philippine government agencies, from local government units (LGUs) to national government agencies (NGAs), and other government instrumentalities, have accepted varying CSR activities and engagements by the tobacco industry and their front groups.

The tobacco industry's CSR activities in the Philippines reveal a strategic pattern of engagement with communities, government agencies, and educational institutions to enhance their corporate image and influence public and policy perceptions, often coopting law enforcement, uniformed personnel, as well as LGU officials. These CSR activities include:

- *Rice and Food Donations*: The most frequent CSR activity involved donating rice (typically 5 kg or 10 kg packs) and food packs to communities, government institutions, and disaster-affected groups, often in collaboration with local government units (LGUs) or police. These donations target vulnerable populations and public institutions, fostering goodwill and potential influence over local officials, which may weaken tobacco control enforcement.[1]
- *Medical and Hygiene Support*: Contributions included hygiene kits, medical consultations, and health-related equipment, often through high profile government-led programs. Involvement in health-related initiatives, especially with government agencies, normalizes industry presence in public health spaces, contradicting FCTC guidelines.[2]
- *Educational and Community Sponsorships*: The industry sponsored educational programs, journalism awards, and community events to promote its image and engage youth or professionals. Sponsoring educational and youth-focused events risks normalizing tobacco industry influence and promoting harm reduction narratives, particularly through vaping awareness campaigns.[3]
- *Environmental Initiatives*: The industry supported environmental conservation

activities, such as tree planting and cleanups, to project social responsibility. Environmental CSR activities distract from the industry's health harms and may garner favor with communities and LGUs, facilitating industry access to policymakers.[4]

- *Disaster Relief*: Donations of food, water, and supplies were made to support communities affected by natural disasters. Disaster relief efforts exploit vulnerable situations to build positive industry associations, potentially influencing local governance and public perception.[5]
- *Police and Community Outreach*: Donations of rice, computers, and other supplies to police units and community programs, often with direct engagement with law enforcement. Engaging law enforcement risks compromising their independence in anti-smuggling efforts and aligns police with industry interests, undermining public health objectives.[6]

Benefits to the Industry

Tobacco control advocates report several instances of benefits granted to the tobacco industry, primarily PMFTC and JTI, through privileges, incentives, and potential policy advantages. These benefits include:

- *Privileges*: The tobacco industry received significant privileges through public recognition and partnerships, with PMFTC's recognized as a top taxpayer.[7]
- *Incentives*: HB 451's passage in the House of Representatives incentivizes tobacco industry CSR by removing restrictions and mandating LGU support, enhancing the industry's ability to engage in image-laundering activities.[8]
- *Infrastructure Support*: The Department of Trade and Industry's (DTI) proposal to position the Philippines as an HTP manufacturing hub represents a potential incentive that could lead to tax breaks or infrastructure support if implemented.[9]
- *Legitimacy via CSR*: DOJ and DSWD policy changes enabled industry donations, enhancing public image and access to government networks.

Unnecessary Interaction

Tobacco control advocates report multiple unnecessary interactions between the Philippine government and the tobacco industry across several categories.

- *Top-Level Government Officials*: Top-level officials engaged with tobacco industry representatives or participated in industry-sponsored events. These interactions often aligned with industry economic agendas, such as combating illicit trade or promoting tobacco production.[10] The participation of top-level officials in industry events or meetings signals government endorsement of tobacco industry activities. These interactions, often tied to economic arguments (e.g., farmer support, tax revenue), legitimize the industry's presence in policy spaces, risking conflicts of interest and weakening tobacco control efforts.
- *Offers of Enforcement Assistance*: Tobacco companies offered or participated in enforcement activities, such as raids or inspections against illicit tobacco trade, alongside government agencies like the Bureau of Internal Revenue (BIR) and police units, fostering direct collaboration that compromises government independence.[11]
- *Accepting Partnerships or Non-Binding Agreements*: Government agencies and LGUs entered into partnerships or accepted non-binding agreements

with the tobacco industry or its front groups, often for CSR activities, media campaigns, or policy advocacy, embedding industry influence in public institutions.[12]

- Partnerships with industry-affiliated groups, such as ASCRA Consulting[13], embed tobacco industry perspectives in public health and media initiatives. These agreements, often framed as supporting economic or regulatory goals, risk promoting industry narratives (e.g., harm reduction, anti-smuggling) while sidelining health priorities, contravening WHO FCTC guidelines.

Transparency

Disclosure of meetings is required but several lapses in disclosure where documented, including:

- *Undisclosed Presence of PMI Executive at Senate Committee Hearing*: A Philip Morris International (PMI) executive attended a Senate Committee hearing discussing amendments to the Anti-Agricultural Smuggling Act of 2016, providing data on tobacco smuggling.[14] The report does not indicate whether this participation was publicly disclosed by the Senate or documented in official records, such as hearing transcripts or attendee lists, as required for transparency under FCTC Article 5.3.
- *Undisclosed Meeting with Representative Rida Robes*: PMFTC executives (Atty. Noel De Luna, Atty. Anicka Zaragoza, and Erdie Ambrocio) met with Representative Rida Robes of San Jose Del Monte, Bulacan, to discuss strategies to prevent the sale and distribution of smuggled cigarettes.[15]
- *Undisclosed Meeting with Bureau of Customs Commissioner*: Executives from PMI and PMFTC met with Bureau of Customs (BOC) Commissioner Bienvenido Rubio to affirm collaboration on combating illicit trading activities, emphasizing information-sharing.[16]
- *Meeting with Department of Finance Secretary*: Executives of Japan Tobacco International (JTI) met with Department of Finance (DOF) Secretary Ralph G. Recto on September 11, 2024, to discuss combating illicit trade and improving regulation of tobacco and vape products. The DOF assured JTI of continued efforts against illegal trade.[17]
- *Department of Justice (DOJ) Legal Opinion Process*: The Department of Social Welfare and Development (DSWD) sought a DOJ legal opinion in May 2024 on whether accepting PMFTC's donation of three mobile clinics violated DOH-CSC JMC 2010-01. The DOJ issued an opinion in July 2024 allowing agencies to accept such donations, leading to DSWD's acceptance and policy amendment.[18]

Conflict of Interest

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

Public health advocates monitored instances of possible conflicts of interest:

- *Former officials' industry ties leverage past authority to promote tobacco agendas*. Several former government officials, including retired lawmakers and regional leaders, have taken roles within or aligned with the tobacco industry, leveraging their influence to promote industry interests. These affiliations create conflicts of interest by bridging government and industry networks.[19]

- There were no explicit incidents in the documents where current government officials or their relatives were directly reported to hold positions in the tobacco business or consultancy roles. However, the involvement of current officials in events and partnerships with the tobacco industry suggests potential indirect conflicts of interest through association.

Preventive Measures

The Philippine government has implemented a multi-faceted approach to prevent tobacco industry interference, focusing on regulatory frameworks, disclosure mechanisms, investigations, enforcement, and public health advocacy. These efforts align with the WHO FCTC, particularly Article 5.3, which seeks to protect public health policies from tobacco industry influence.

DOH-CSC JMC 2010-001 is a cornerstone policy, serving as a code of conduct to limit government interactions with the tobacco industry. Issued by the Civil Service Commission and the Department of Health of the Philippines, it aims to protect public health policies from tobacco industry interference, aligning with the WHO FCTC. It underscores the responsibility of the Civil Service Commission to uphold integrity and accountability in the bureaucracy, as mandated by the Constitution and the Administrative Code, and the Department of Health's role in health policy coordination. It addresses the tobacco industry's tactics to undermine tobacco control measures, emphasizing the need to shield government officials and employees from undue influence to ensure public health policies prioritize public interest over commercial interests.

The Senate investigation and scrutiny of the Philippine delegation at the WHO FCTC COP also demonstrate efforts to address industry influence in policymaking. However, the inclusion of tobacco industry representatives in bodies like the Anti-Smuggling Council (RA 12022) raises concerns about potential lobbying opportunities, indicating a gap in preventing industry access to policymaking spaces.

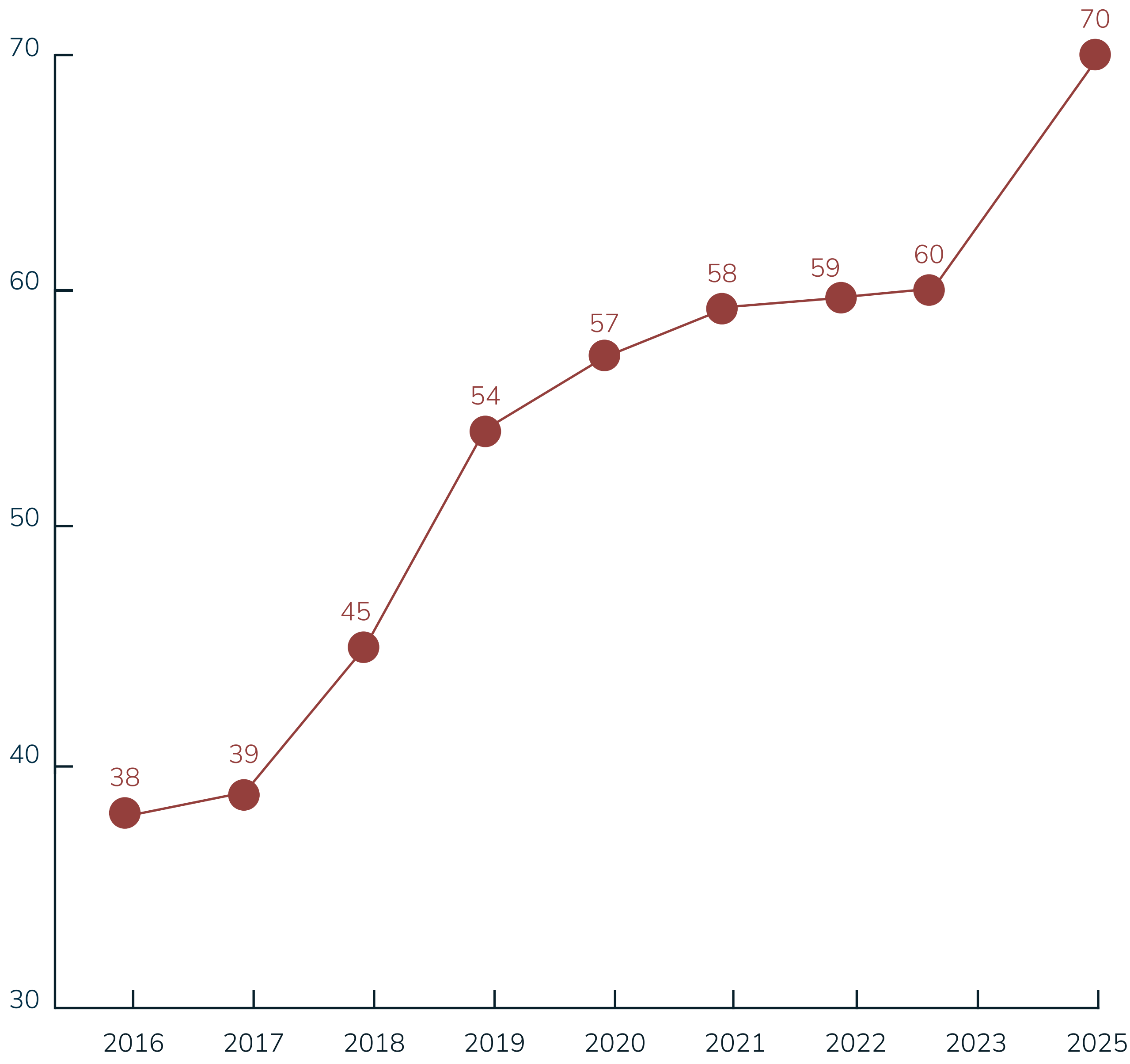


Figure 1. Philippines' score over time on the Tobacco Industry Intereference Index

Lower scores show better implementation of Article 5.3, higher scores indicate higher levels of interference

Summary of Tobacco Industry Interference Indicators in the Philippines

INDICATOR		Score
1. Level of Industry Participation in Policy-Development		
1	The government accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests in setting or implementing public health policies in relation to tobacco control. (Rec 3.4)	5
2	The government accepts, supports or endorses policies or legislation drafted by or in collaboration with the tobacco industry. (Rec 3.4)	5
3	The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)	5
4	The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year.	5
	Subtotal	**20**
2. Industry CSR activities		
5	A. Government agencies or their officials endorse, support, form partnerships with or participates in activities of the tobacco industry described as socially responsible. For example, environmental programs. (Rec 6.2) B. The government (its agencies and officials) receives CSR contributions (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests (eg political, social, financial, educational, community or other contributions (Rec 6.4), including environmental or EPR activities (COP10 Dec). *NOTE: Exclude enforcement activities as this is covered in another question*	5
	Subtotal	**5**
3. Benefits to the Tobacco Industry		
6	The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)	0
7	The government gives privileges, incentives, tax exemptions, subsidies, financial incentives, or benefits to the tobacco industry (Rec 7.3)	5
	Subtotal	**5**
4. Forms of Unnecessary Interaction		
8	Top level government officials (such as President, Prime Minister, or Minister) either meet with or foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)	5
9	The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors (including monetary contribution for these activities). (Rec 4.3)	5

	INDICATOR	Score
10	The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1) NOTE: This must not involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.	5
	Subtotal	**15**
5. Transparency		
11	The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)	1
12	The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)	5
	Subtotal	**6**
6. Conflict of Interest		
13	The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11) 1 Never 5 Yes	5
14	Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	5
15	Current government officials and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)	0
	Subtotal	**10**
7. Preventive Measures		
16	The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)	1
17	The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2); Yes – for whole of government code; Yes but partial if only MOH	1
18	The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other TAPS activities such as CSR or EPR (COP10), as well as on tobacco industry entities, affiliated organizations and individuals acting on their behalf, and tobacco industry funded groups and their research and marketing activities (Rec 5.2, 5.3, and COP9 and 10 Decision)	5
19	The government has a program/system/plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)	1
20	The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)	1
	Subtotal	**7**
	TOTAL	**70**

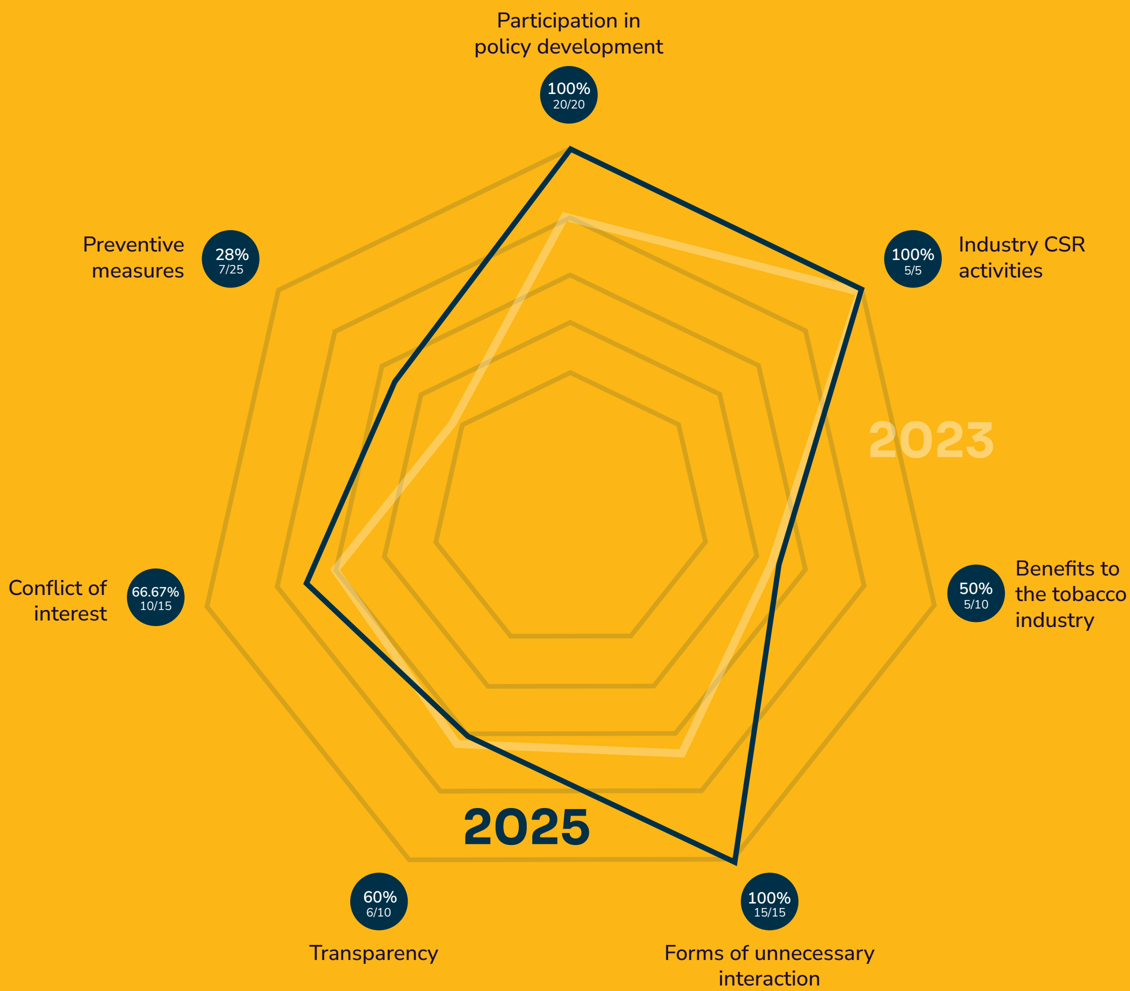


Figure 1. Philippines' score per category on the Tobacco Industry Interference Index 2025

The farther out from the center, the higher the level of interference

Understanding the polygon chart

With all figures based on statistics in Table 1, all polygon charts represent tobacco industry interference in the Philippines. Each corner represents an indicator group. Inner polygons represent the degree of interference, the level of interference increasing as one moves toward the outward corners of the biggest polygon.

In the figure above, each increase in size represents an increase of 20% from the center, the biggest polygon being 100% or the highest score. For the succeeding figures in the following pages, they instead represent an increase in 1 point based on the Summary Table on Summary of Tobacco Industry Interference Indicators in the Philippines from pages 14 to 16, with 5 represented by the biggest polygon being the highest score.

Computing interference percentages

All percentages in Figure 2 are computed based on the perfect score per indicator, as shown in the Summary Table. For example, for Indicator 2: Industry CSR Activities, the highest interference score is 5/5. The PH scores are exactly this, or 100%, and thus the sharpest corner in this indicator. In Indicator 5: Transparency, 10/10 is the perfect score, and the PH scores 3 here, making the percentage score for this indicator 30%. Lower scores are closer to the center, meaning a lower level of tobacco industry interference.

1 Industry Participation in Policy-Development

1.1 The government[20] accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests[21] in setting or implementing public health policies in relation to tobacco control[22] (Rec 3.4)

The Philippine government, through the Inter-Agency Committee (IAC) Tobacco, directly collaborates with the tobacco industry in setting tobacco control policies because of the industry's direct policymaking participation under the Tobacco Regulation Act.

The tobacco industry is directly represented in the IAC Tobacco under Republic Act No. (RA) 9211 (the Tobacco Regulation Act), which is the principal regulatory body for tobacco products, through the Philippine Tobacco Institute. Section 29(h) of the said law provides the membership of "[a] representative from the Tobacco Industry to be nominated by the legitimate and recognized associations of the industry."

Under Section 29(g) of RA 9211, the Administrator of the National Tobacco Administration (NTA) is also a member of the IAC Tobacco. The NTA is an agency created to promote the development of the tobacco industry. Under Executive Order No. 245, s. 1987, the NTA was established to, among others, administer the tobacco industry in the Philippines (§3(a)), provide incentives and other financial assistance to tobacco farmers (§3(b)(4)), improve the economic conditions of tobacco farmers (§2(a)), and promote the growth and development of the tobacco industry (§2(b)). The Executive Order also declares it a "policy of the government" to "promote the development of the tobacco industry" (§1).

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 legislation which exclusively deals with the subject of tobacco products and related activities and it is the IAC-Tobacco and not the Department of Health (DOH) which has the primary jurisdiction to regulate, for instance, sales promotion activities. This regulation of over distribution, access, sale, labeling, advertisements, sponsorships, and promotions of tobacco products was affirmed in *Department of Health v. Philippine Tobacco Institute, Inc.*, G.R. No. 200431, July 13, 2021, which also affirmed the Food and Drugs Administration's (FDA) jurisdiction over the health aspects of tobacco products.

The tobacco industry's direct participation in policy setting, as affirmed by the Philippine Supreme Court in these decisions, has been criticized as logically increasing the risks for "regulatory capture," leading to absurd results, contrary to international obligations under the WHO FCTC.[23]

1.2 The government accepts, supports or endorses policies or legislation drafted by or in collaboration with the tobacco industry. (Rec 3.4)

The Philippine government, through legislators in both the House of Representatives and the Senate, accepts, supports, and endorses legislation in collaboration with the tobacco industry, as seen in the Anti-Agricultural Smuggling Act Amendments (HB 9284 and SB 2432) and Corporate Social Responsibility Bill (HB 451).

The tobacco industry exerted significant influence through direct and indirect participation in Senate deliberations for the Anti-Agricultural Smuggling Act Amendments (HB 9284 and SB 2432). A PMI executive's presence at a Senate committee hearing (May–June) and the advocacy of industry-linked groups like Philippine Tobacco Growers Association (PTGA), the National Federation of Tobacco Farmers Association and Cooperatives (NAFTAC),[24] Nicotine Consumers Union of the Philippines (NCUP),[25] and individuals like Jericho Nograles[26] and Bienvenido Oplas[27] demonstrate concerted efforts to shape HB 9284 and SB 2432.

These bills, which include tobacco in anti-smuggling measures, align with industry narratives that emphasize illicit trade over comprehensive tobacco control, potentially diverting policy focus from FCTC-compliant regulations like higher taxes or advertising bans.

Throughout 2024, the tobacco industry actively participated in policy development at the national level. Key participants included JTI, PMFTC, and allied groups like NAFTAC and PECIA, who focused primarily on the Anti-Agricultural Economic Sabotage Act (RA 12022) and amendments to RA 11900's IRR. JTI and NAFTAC's advocacy for RA 12022 secured industry-friendly provisions, notably a seat in the Anti-Smuggling Council's Advisory Body, ensuring ongoing policy influence.

The law's passage reflects direct industry engagement with Congress. PECIA's alignment with RA 11900 IRR amendments suggests industry input in shaping vape regulations, potentially easing market access under the guise of consumer protection.[28]

The third reading approval of HB 451 (Corporate Social Responsibility Bill) in May 2023,[29] which removes restrictions on CSR activities and compels LGUs to assist corporations, indirectly benefits the tobacco industry by legitimizing their CSR efforts, which are often used to gain political and public favor. While no direct industry participation in drafting is noted, the bill's provisions align with industry interests, as seen in their extensive CSR activities documented across the reports.

1.3 The government allows/invites the tobacco industry to sit in either a government interagency, multi-sectoral committee, or advisory group body that sets public health policy. (Rec 4.8)

The government allows the industry to directly sit in government inter-agency and advisory group that sets public health policy through the IAC Tobacco and invites tobacco industry representative in legislative committee deliberations.

Based on RA 9211, the IAC Tobacco "shall have the exclusive power and function to administer and implement the provisions" of the Tobacco Regulation Act, and includes as a member the Philippine Tobacco Institute, which is a trade association composed of leading tobacco companies in the country, including: PMFTC, Inc. (the Philippine affiliate of Philip Morris International), La Suerte Cigar and Cigarette Factory, Sterling Tobacco Company, JT International (Philippines), Inc., British American Tobacco, Anglo-American Tobacco Corporation, and Altasia.

The tobacco industry, including JTI, PMFTC, and allied groups like NAFTAC and PECIA, actively participated in policy development at the national level, primarily through the Anti-Agricultural Economic Sabotage Act (RA 12022) and amendments to RA 11900's IRR. JTI and NAFTAC's advocacy for RA 12022 secured industry-friendly provisions, notably a seat in the Anti-Smuggling Council's Advisory Body, ensuring ongoing policy influence. The law's passage reflects direct industry engagement with Congress. PECIA's alignment with RA 11900 IRR amendments suggests industry input in shaping vape regulations, potentially easing market access under the guise of consumer protection.[30]

Anti-Agricultural Economic Sabotage Act Deliberations (Congress):

- The National Federation of Tobacco Farmers Association and Cooperatives (NAFTAC), an industry-aligned group, expressed support for the Anti-Agricultural Economic Sabotage Act, urging President Marcos Jr. to sign it before his July 2024 congressional address. The act addressed unfair competition from smuggled tobacco products, a key industry concern
- NAFTAC, known for opposing tobacco control measures, leveraged its influence to push for legislation that protects tobacco market interests. Special Assistant to the President Frederick Go endorsed amendments to include tobacco products, reflecting industry-aligned priorities.
- The act's development involved consultations with industry stakeholders, as evidenced by NAFTAC's public advocacy and government endorsements.[31]

Anti-Agricultural Economic Sabotage Act (RA 12022) (Congress):

- The Anti-Agricultural Economic Sabotage Act was signed into law as RA 12022, incorporating tobacco products as protected goods. Tobacco executives from PMFTC and JTI praised the law for deterring illegal cigarette proliferation, protecting tobacco farmers' livelihoods, and increasing excise tax revenue.[32] The law granted the industry a seat in the Advisory Body to provide expert assistance to the Anti-Smuggling Council
- The industry's direct benefit—a formal role in the Advisory Body—ensures ongoing influence in policy enforcement, a result of earlier advocacy by JTI and NAFTAC during the bill's legislative process.

- The law's passage reflects successful industry participation in shaping national legislation, embedding tobacco interests in anti-smuggling policy.

Amendments to RA 11900 Implementing Rules and Regulations (Department of Trade and Industry):

- The Department of Trade and Industry (DTI) amended the Implementing Rules and Regulations (IRR) for Republic Act No. 11900 (Vape Regulation Law), introducing measures like establishing an Office for the Special Mandate on Vaporized Nicotine and Non-Nicotine Products, a 100-meter restriction from schools, and designated vaping area approvals. Initial analysis suggested these changes might favor the industry by complicating enforcement
- While not explicitly legislative, the IRR amendments involved industry-aligned groups like the Philippine E-Cigarette Industry Association (PECIA), which has historically supported RA 11900 and promoted vaping as a harm reduction tool.
- The tobacco industry's influence is indirect but evident through PECIA's advocacy, which likely shaped the IRR to balance regulation with industry interests, potentially easing vape market access.

1.4 The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG)[33] (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year.

The Philippine contingent espoused pro-tobacco or pro-nicotine industry positions during the WHO FCTC COP10.

The Philippine delegation was given another "Dirty Ashtray" award for statements inclined to favor the tobacco industry during the 10th Conference of the Parties (COP10) to the WHO FCTC held in Panama. Participants included Congressman Rodante Marcoleta and officials from the agriculture department and the National Tobacco Administration: Deogracias Victor Savellano (Undersecretary for Livestock of the Department of Agriculture), Belinda Sanchez (Administrator, National Tobacco Administration), Benedicto Savellano (Deputy Administrator, National Tobacco Administration), Giovanni Palabay (OIC, Deputy Administrator For Operations/ Department Manager III, National Tobacco Administration), Robert Ambrose (Lawyer, Department of Agriculture-National Tobacco Administration).[34]

Observers noted that "only 'a fourth' of the Philippine contingent were pro-health. They claimed the remaining members often questioned experts and caused a delay in the official proceedings" and Philippine representatives "promoted viewpoints and changes in key decisions at the COP which would weaken regulations for harmful tobacco and nicotine products, and the calls of civil society fell on deaf ears." (Philippine Star, February 12, 2024)

Rep. Rodante Marcoleta (Sagip Party-list) participated in the Philippine delegation of COP, espousing e-cigarette and tobacco interests. The Philippine contingent was composed of officials from the Departments of Foreign Affairs, Interior and Local Government, Trade and Industry, Agriculture, Education and Health. It allegedly "parrotted the narratives of the tobacco industry and derailed what should have been a public health event should tell us all we need to know" (Tony Leachon).

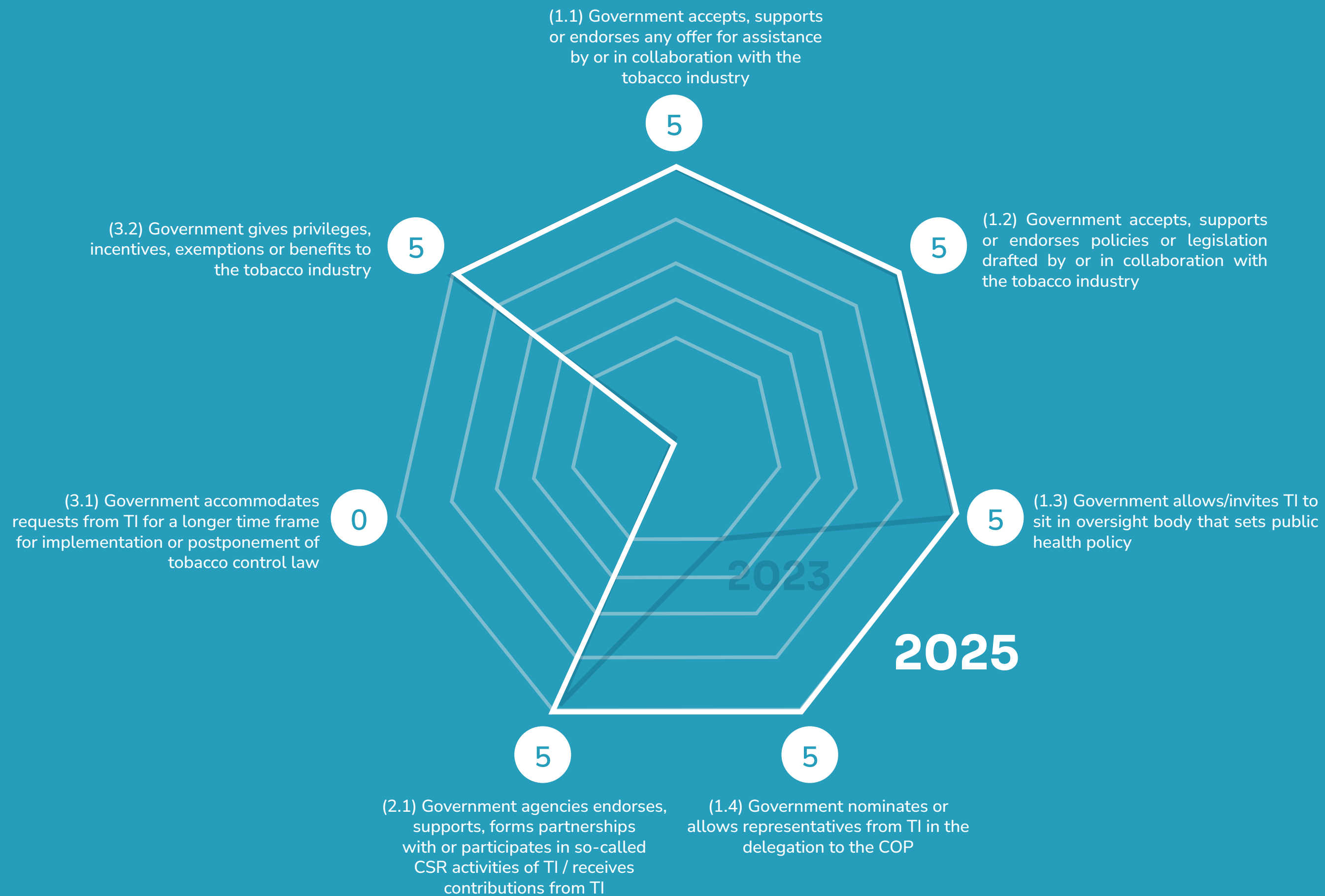


Figure 2. PH TII score per indicator in Industry Participation in Policy Development (1.1-1.4), Industry CSR Activities (2.5), and Benefits to the Tobacco Industry (3.6-3.7)

The higher the score and the farther out from center, the higher the level of interference

Scores displayed above are out of 5 per indicator

2 Industry CSR Activities

2.1

A. Government agencies or their officials endorse, support, form partnerships with or participates in activities of the tobacco industry described as socially responsible. For example, environmental programs. (Rec 6.2)

B. The government (its agencies and officials) receives CSR contributions[35] (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests (eg political, social, financial, educational, community or other contributions (Rec 6.4) including environmental or EPR activities (COP10 Dec).

NOTE: exclude enforcement activities as this is covered in another question

The tobacco industry and affiliated groups engaged in frequent CSR activities, predominantly rice donations, hygiene kits, medical equipment, and event sponsorships. Beneficiaries included local government units (LGUs), police stations, jails, indigenous communities, disaster-affected groups, and educational institutions. These CRS activities were consistent and diverse.

Local government units (LGUs), police stations, jails, indigenous communities, disaster-affected groups, and educational institutions engaged with the tobacco industry, primarily Japan Tobacco International (JTI), Philip Morris Fortune Tobacco Corporation (PMFTC), and affiliated groups like the Lucio Tan Group and Jaime V. Ongpin Foundation Inc. (JVOFI),[36] in CSR activities, predominantly rice donations, hygiene kits, medical equipment, and event sponsorships. These activities often involved high profile government officials or agencies, raising concerns about undue influence and normalization of tobacco industry interactions with public entities, which can weaken tobacco control measures.

Types of CSR Activities:

- *Rice and Food Donations*:[37] The most frequent CSR activity involved donating rice (typically 5-kg or 10-kg packs) and food packs to communities, government institutions, and disaster-affected groups, often in collaboration with local government units (LGUs) or police. These donations target vulnerable populations and public institutions, fostering goodwill and potential influence over local officials, which may weaken tobacco control enforcement.
- *Medical and Hygiene Support*:[38] Contributions included hygiene kits, medical consultations, and health-related equipment, often through high profile government-led programs. Involvement in health-related initiatives, especially with government agencies, normalizes industry presence in public health spaces, contradicting FCTC guidelines.

- *Educational and Community Sponsorships*: The industry sponsored educational programs, journalism awards, and community events to promote its image and engage youth or professionals. Sponsoring educational and youth-focused events risks normalizing tobacco industry influence and promoting harm reduction narratives, particularly through vaping awareness campaigns.
- *Environmental Initiatives: The industry supported environmenta*l conservation activities, such as tree planting and cleanups, to project social responsibility. Environmental CSR activities distract from the industry's health harms and may garner favor with communities and LGUs, facilitating industry access to policymakers.
- *Disaster Relief and Community Support*: Donations of rice, water stations, and solar lights to disaster-affected or marginalized communities (e.g., Talisay, Batangas;[39] Mauraro Evacuation Center[40]) position the industry as a benevolent actor, particularly in vulnerable areas.
- *Police and Community Outreach*: Donations of rice, computers, and other supplies to police units and community programs, often with direct engagement with law enforcement. Engaging law enforcement risks compromising their independence in anti-smuggling efforts and aligns police with industry interests, undermining public health objectives.

***PMFTC via the Lucio Tan Group donated a mobile clinic to Quezon City LGU under "Lab for All" program** in August 2024. First Lady Liza Marcos is seen with other Quezon City LGU officials such as Mayor Joy Belmonte inside the mobile clinic they had donated under her Laboratoryo, Konsulta, at Gamot para sa Lahat program. Photo courtesy of the Quezon City Government Facebook page, as shsared in this Philippine Daily Inquirier Plus article.*

3 Benefits to the Tobacco Industry

3.1 The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)

While there is no finding that the government accommodated industry requests for a longer time frame in implementing laws, tobacco control advocates documented several instances of benefits granted to the tobacco industry, primarily PMFTC and JTI, through privileges, incentives, and potential policy advantages.

These benefits, often facilitated by government recognition or legislative actions, reflect tobacco industry efforts to secure favorable treatment, undermining public health protections.

JTI Philippines inaugurated its new office in Bonifacio Global City, Taguig *in October 2023. NTA administrator Belinda Sanchez (left most) and PEZA Director General Tereso Panga (second from right) are seen alongside JTI officials and the Japan Ambassador to the Philippines Koshikawa Kazuhiko (third from left). Photo courtesy of BusinessWorld Online.*

3.2 The government gives privileges, incentives, tax exemptions, subsidies, financial incentives, or benefits to the tobacco industry (Rec 7.3)

Several instances of benefits granted to the tobacco industry, primarily PMFTC and JTI, through privileges, incentives, and potential policy advantages. These benefits, often facilitated by government recognition or legislative actions, reflect tobacco industry efforts to secure favorable treatment.

- *Privileges*: The tobacco industry received significant privileges through public recognition and partnerships.[41] PMFTC's recognition as a top taxpayer in Subic (August) and JTI's office inauguration attended by PEZA and NTA officials (September–October) elevate their status as economic contributors, fostering political goodwill. JVOFI's MOU with government entities (November–December) further legitimizes tobacco industry involvement in public initiatives. The Candon City tobacco beauty pageant implicitly privileges the industry by promoting its interests through government partnership.[42]
- *Legislative Exemptions*: Section 9 of R.A. 12022 also confers a unique privilege to the tobacco industry: "Profiteering shall not apply to price increase, set by manufacturers of tobacco as a consequences of mandated excise tax increases in accordance with law."
- *Infrastructure Support*: As noted, the DTI's proposal to position the Philippines as an HTP manufacturing hub represents a potential incentive that could lead to tax breaks or infrastructure support if implemented.
- *Government Facilitation*: The DTI's HTP manufacturing proposal further reflects government willingness to grant economic advantages to tobacco firms. At the local level, Subic's recognition of PMFTC and Candon City's partnership with PTI demonstrate local government complicity in granting privileges that enhance industry influence. The NTA, PEZA, and DTI's engagement with the industry highlights agency-level facilitation of benefits, often under the guise of economic development, which conflicts with public health priorities.
- *Subsidies and Funding*: Proposals to allocate tobacco tax revenue and reactivate the Tobacco Fund, alongside STEP funding, directly subsidized tobacco cultivation, reinforcing the industry's economic role.
- *Tax Relief*: BIR's floor price reduction lowered tax obligations, benefiting industry profitability.
- *Legitimacy via CSR*: DOJ and DSWD policy changes enabled industry donations, enhancing public image and access to government networks.

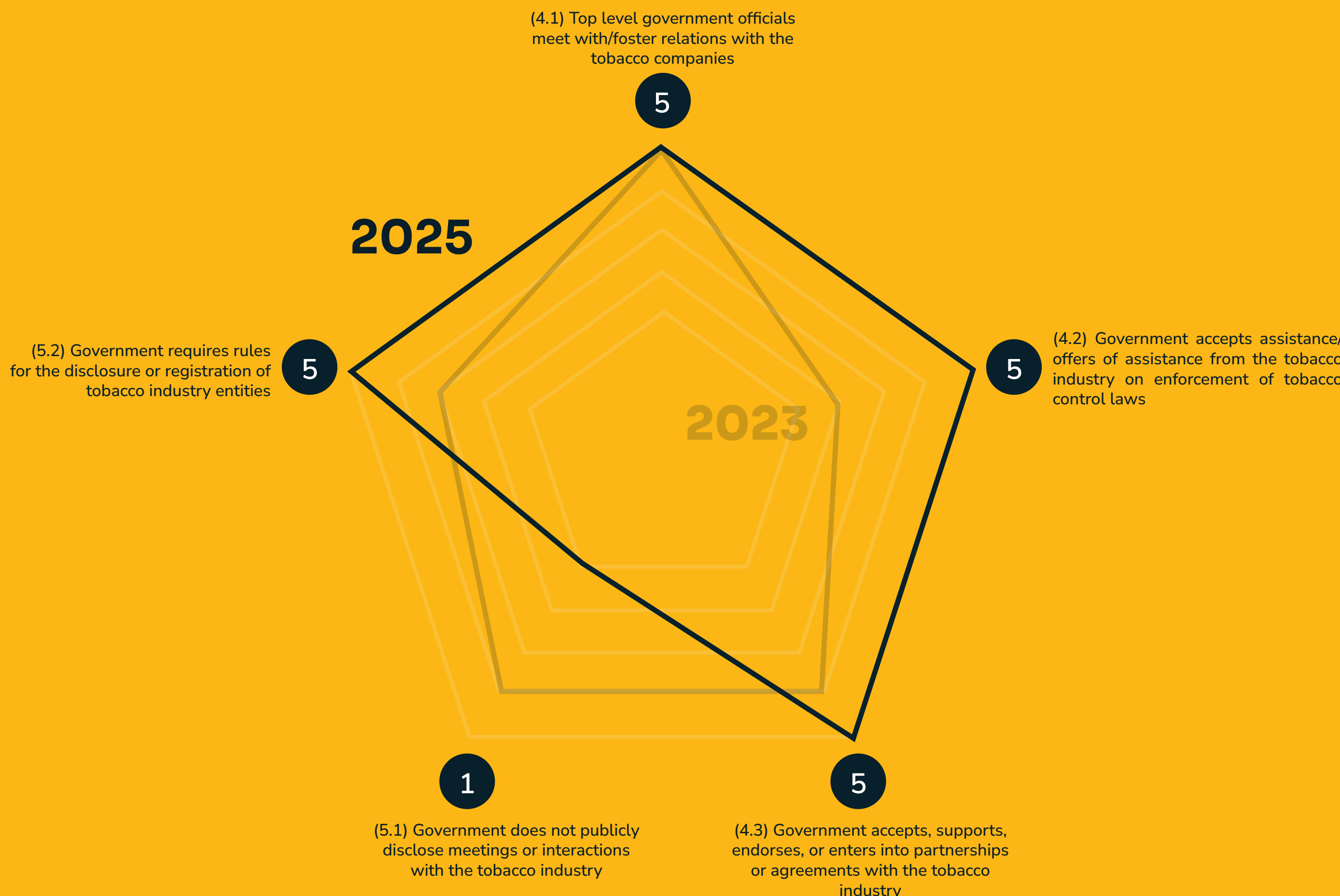


Figure 3. PH TII score per indicator in Forms of Unnecessary Interaction (4.8-4.10), **and Transparency** (5.11-5.12)

The higher the score and the farther out from center, the higher the level of interference

Scores displayed above are out of 5 per indicator

4 Forms of Unnecessary Interaction

4.1 Top level government officials (such as President/ Prime Minister or Minister[43]) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)

The participation of top-level officials, including the First Lady and Cabinet Secretaries, in industry events or meetings signals government endorsement of tobacco industry activities. These interactions, often tied to economic arguments (e.g., farmer support, tax revenue), legitimize the industry's presence in policy spaces, risking conflicts of interest and weakening tobacco control efforts.

- As discussed, Special Assistant to the President on Economic Affairs Frederick Go, following a Private Sector Advisory Council meeting, endorsed amendments to the Anti-Agri Smuggling Act to include tobacco products and supported funding for the National Tobacco Administration's (NTA) Sustainable Tobacco Enhancement Program (STEP)
- As discussed, Department of Social Welfare and Development (DSWD) Secretary Rex Gatchalian was involved in accepting PMFTC's donation of three mobile clinics, facilitated by a Department of Justice legal opinion
- As reported, Department of Health (DOH) Secretary Teodoro Herbosa and DSWD Secretary Rex Gatchalian attended a Quezon City "Lab for All" event where a mobile clinic was donated by the Lucio Tan Group (PMFTC affiliate), though DOH clarified Herbosa's attendance was a courtesy.
- As reported, JTI executives met with Department of Finance (DOF) Secretary Ralph G. Recto to discuss combating illicit trade and improving regulation, with DOF assuring continued action against illegal tobacco and vape products
- The participation of top-level officials, including Cabinet Secretaries, in industry events or meetings signals

Finance Secretary Ralph G. Recto engaged with senior officials of the Japan Tobacco International (JTI) Philippines. *In a meeting with senior officials of the Japan Tobacco International (JTI) Philippines, Finance Secretary Ralph G. Recto discussed ways with them to combat illicit tobacco trade and improve regulation on the said product in the country on 11 September 2024. Photo courtesy of the Department of Finance Facebook page.*

government endorsement of tobacco industry activities. These interactions, often tied to economic arguments (e.g., farmer support, tax revenue), legitimize the industry's presence in policy spaces, risking conflicts of interest and weakening tobacco control efforts.

4.2 The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors (including monetary contribution for these activities). (Rec 4.3)

Tobacco companies offered or participated in enforcement activities, such as raids or inspections against illicit tobacco trade, alongside government agencies like the Bureau of Internal Revenue (BIR) and police units, fostering direct collaboration that compromises government independence. This is also seen in enforcement through the Bureau of Customs (BOC).

- As reported, PMFTC met with Rep. Rida Robes and BOC Commissioner Rubio to discuss anti-smuggling strategies. PMI executive provided smuggling data at a Senate Committee hearing. The industry's offers to assist in anti-smuggling efforts (e.g., PMFTC's BOC meeting, PMI's Senate testimony) position it as a government partner, despite enforcement being a state responsibility. These interactions risk skewing priorities toward industry interests, such as targeting competitors' products.
- Industry involvement in enforcement activities, such as raids, creates unnecessary partnerships that blur the line between public and private interests. These collaborations allow companies like PMFTC and JTI to influence anti-smuggling efforts, potentially prioritizing their market protection over public health, in violation of FCTC Article 5.3's call for independent policymaking.

4.3 The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1)

NOTE: This must not involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.

Various government agencies and LGUs entered into partnerships or accepted non-binding agreements with the tobacco industry or its front groups, often for CSR activities, media campaigns, or policy advocacy, embedding industry influence in public institutions.

- Government agencies and LGUs entered into partnerships or accepted non-binding agreements with the tobacco industry or its front groups, often for CSR activities, media campaigns, or policy advocacy, embedding industry influence in public institutions.[44]

- Partnerships with industry-affiliated groups, such as ACSRA Consulting; and with a government agency like the NTA embed tobacco industry perspectives in public health and media initiatives. These agreements, often framed as supporting economic or regulatory goals, risk promoting industry narratives (e.g., harm reduction, anti-smuggling) while sidelining health priorities, contravening FCTC guidelines.

5 Transparency

5.1 The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)

Disclosure of meetings is required but several lapses in disclosure where documented, including:

- *Undisclosed Presence of PMI Executive at Senate Committee Hearing*: As reported, a Philip Morris International (PMI) executive attended a Senate Committee hearing discussing amendments to the Anti-Agricultural Smuggling Act of 2016, providing data on tobacco smuggling. The report does not indicate whether this participation was publicly disclosed by the Senate or documented in official records, such as hearing transcripts or attendee lists, as required for transparency under FCTC Article 5.3. The interaction appears regulatory, as it pertains to legislation affecting tobacco smuggling, a legitimate area for government-industry engagement. However, the lack of explicit mention of public disclosure suggests a transparency gap.
- *Undisclosed Meeting with Bureau of Customs Commissioner*: As reported, executives from PMI and PMFTC met with Bureau of Customs (BOC) Commissioner Bienvenido Rubio to affirm collaboration on combating illicit trading activities, emphasizing information-sharing. The report does not confirm whether this meeting was publicly disclosed through BOC's official channels or documented with details on its necessity, agenda, or outcomes, as mandated by FCTC guidelines. The interaction is regulatory, as it involves customs enforcement of smuggling laws, but the absence of transparency details suggests a lack of public accountability.
- *Meeting with Department of Finance Secretary*: As reported, executives of Japan Tobacco International (JTI) met with Department of Finance (DOF) Secretary Ralph G. Recto on September 11, 2024, to discuss combating illicit trade and improving regulation of tobacco and vape products. The DOF assured JTI of continued efforts against illegal trade. No public disclosure of the meeting's details, agenda, or outcomes was reported, despite the interaction being framed as regulatory in nature (addressing illicit trade). The

lack of a public record, such as minutes or a press release, obscures whether the meeting was strictly necessary or served broader industry interests. Illicit trade discussions are a legitimate regulatory concern, but FCTC Article 5.3 requires transparency to prevent undue influence. The absence of formal disclosure raises questions about the meeting's scope and potential industry lobby.

- *Department of Justice (DOJ) Legal Opinion Process*: The Department of Social Welfare and Development (DSWD) sought a DOJ legal opinion in May 2024 on whether accepting PMFTC's donation of three mobile clinics violated DOH-CSC JMC 2010-01. The DOJ issued an opinion in July 2024 allowing agencies to accept such donations, leading to DSWD's acceptance and policy amendment. No public disclosure was made about the interactions between DSWD, DOJ, and PMFTC during the opinion's formulation, including any consultations or industry input. The process appeared opaque, with the opinion's release only noted after DSWD acted on it. While not a direct regulatory meeting, the opinion addressed tobacco industry engagement with government, necessitating transparency to ensure compliance with FCTC guidelines. The lack of openness obscures whether PMFTC influenced the process.

5.2 The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf, including lobbyists (Rec 5.3)

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

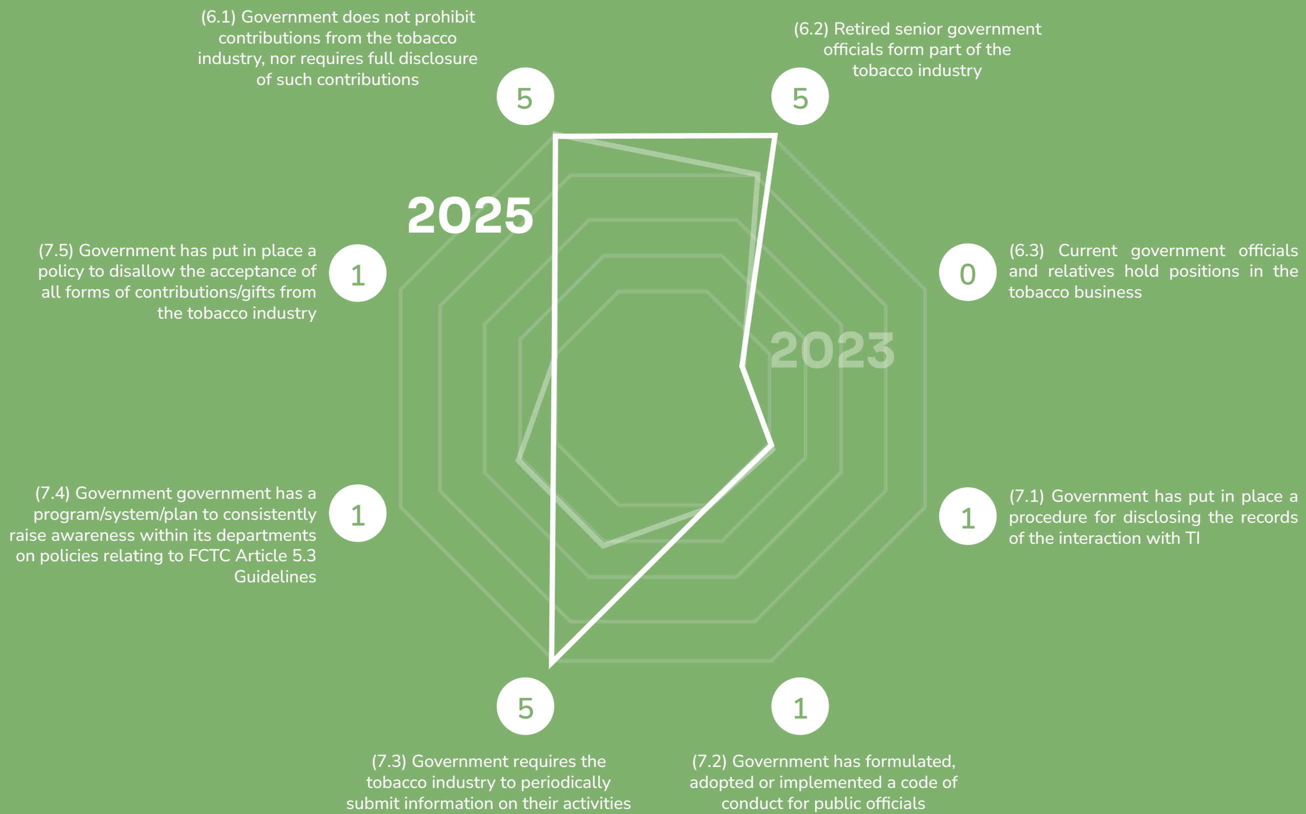


Figure 4. PH TII score per indicator in Conflict of Interest (6.13-6.15), and Preventive Measures (7.16-7.20)

The higher the score and the farther out from center, the higher the level of interference

Scores displayed above are out of 5 per indicator

6 Conflict of Interest

6.1 The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11)

There is no specific prohibition against campaign contributions by the tobacco industry and only the disclosure of general campaign donations is required by election laws.

Under the Omnibus Election Code and other special laws, prohibitions on political contributions are limited to the following: foreign nationals, foreign governments, public and government entities, financial institutions, public utility corporations, educational institutions, NGOs receiving government funds, and broadcast and media companies.

Candidates and political parties are required to file a Statement of Contributions and Expenditures (SOCE) within 30 days after the elections, detailing all contributions received and expenditures made during the campaign. Failure to file the SOCE is penalized with fines, and repeated violations may lead to disqualification from holding public office.

6.2 Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)

Former officials' industry ties leverage past authority to promote tobacco agendas.

- Several former government officials, including retired lawmakers and regional leaders, have taken roles within or aligned with the tobacco industry, leveraging their influence to promote industry interests. These affiliations create conflicts of interest by bridging government and industry networks.
    - o Deogracias Victor Savellano, former Representative of the 1st District of Ilocos

Former Partylist Representative Koko Nograles, now Philippine Tobacco Institute (PTI) President, reports on illicit tobacco trade in North, Central, and South Luzon *in November 2024. Photo courtesy of Pampanga News Now.*

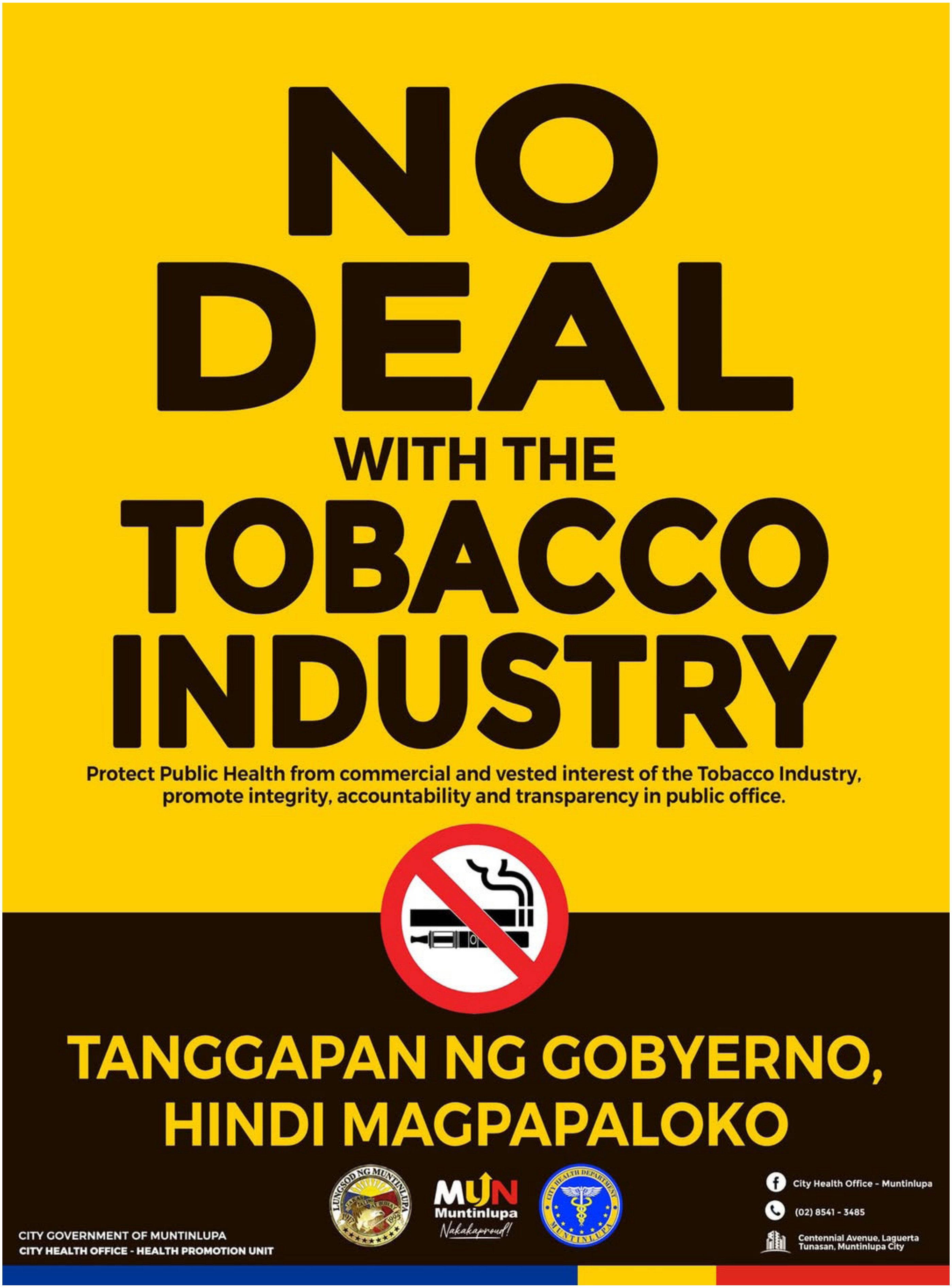
Sur (2016–2022) and head of the Northern Luzon Alliance, served as Department of Agriculture Undersecretary. He advocated for the Sustainable Tobacco Enhancement Program (STEP) to expand tobacco production in Mindanao, aligning with industry goals.[45]

- o Jericho “Koko” Nograles, former Representative of the PBA Partylist, served as President of the Philippine Tobacco Institute (PTI). He spoke at the National Press Club’s “Media in the Time of Fakes” workshop, highlighting cigarette smuggling issues, a narrative that supports industry interests.[46]

6.3 Current government officials and relatives hold positions in the tobacco business, including consultancy positions. (Rec 4.5, 4.8, 4.10)

There were no explicit incidents in the documents where current government officials or their relatives were directly reported to hold positions in the tobacco business or consultancy roles. However, the involvement of current officials in events and partnerships with the tobacco industry suggests potential indirect conflicts of interest through association.

- *Current Government Officials or Relatives in Tobacco Business*: There were no explicit incidents in the documents where current government officials or their relatives were directly reported to hold positions in the tobacco business or consultancy roles. However, the involvement of current officials in events and partnerships with the tobacco industry suggests potential indirect conflicts of interest through association.
  - o Then-DTI Undersecretary Sharon Garin endorsed PMFTC’s Vape Law efforts at a PMI briefing and spoke at PMI’s Global Forum on Nicotine. Garin’s DTI role and industry support risk biased trade regulations.[47] Implication: Threatens FCTC compliance, favoring industry over public health.
  - o Special Assistant to the President on Economic Affairs Frederick Go, following a Private Sector Advisory Council (PSAC) meeting, endorsed amendments to the Anti-Agri Smuggling Act to include tobacco products and supported funding for the National Tobacco Administration’s STEP program, aligning with industry priorities.[48]
  - o DSWD Secretary Rex Gatchalian was involved in accepting PMFTC’s mobile clinic donation, facilitated by the DOJ’s legal opinion (07/2024), and attended the Quezon City “Lab for All” event where a mobile clinic was donated by the Lucio Tan Group. DOH Secretary Teodoro Herbosa attended the Quezon City “Lab for All” event with PMFTC’s donation, though DOH clarified his attendance was a courtesy and not an endorsement.[49]



No Deal with the Tobacco Industry poster courtesy of the *Muntinlupa City Health Office Facebook pa*ge.

7 Preventive Measures

7.1 The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)

The DOH-CSC JMC 2010-001 provide specific guidelines for necessary meetings include setting clear agendas, documenting interactions through minutes or recordings, and ensuring meetings occur on government premises with legal oversight.

- Joint Memorandum Circular No. 2010-01, issued by the Civil Service Commission and the Department of Health of the Philippines, aims to protect public health policies from tobacco industry interference, aligning with the WHO FCTC. It underscores the responsibility of the Civil Service Commission to uphold integrity and accountability in the bureaucracy, as mandated by the Constitution and the Administrative Code, and the Department of Health's role in health policy coordination. It addresses the tobacco industry's tactics to undermine tobacco control measures, emphasizing the need to shield government officials and employees from undue influence to ensure public health policies prioritize public interest over commercial interests.
- The circular establishes comprehensive rules to limit interactions with the tobacco industry to only those necessary for regulation, requiring transparency in all such engagements to prevent perceptions of partnership. Public officials and employees are prohibited from accepting gifts, donations, or sponsorships from the tobacco industry, holding financial interests in it, or engaging in activities that create conflicts of interest.
- Specific guidelines for necessary meetings include setting clear agendas, documenting interactions through minutes or recordings, and ensuring meetings occur on government premises with legal oversight.
- Agencies must amend their Codes of Conduct to incorporate these rules, and heads of agencies are tasked with informing employees and

ensuring compliance through annual reports. Additionally, officials must declare any tobacco industry interests and divest within specified timelines (30 days for resignations, 60 days for shareholdings) upon assuming office.

- The circular also mandates information dissemination programs to educate about the harmful nature of tobacco products and the industry's interference tactics, encouraging public access to records of interactions for transparency.
- Agencies are required to involve civil society unaffiliated with the tobacco industry to support policy objectives and allocate resources for sustained advocacy and monitoring. The Department of Health provides initial funding and technical assistance to bolster these efforts. Violations are subject to administrative disciplinary actions under existing laws, with potential for civil and criminal penalties, ensuring robust enforcement.
- These safeguards collectively aim to maintain the integrity of public health policymaking by minimizing tobacco industry influence and fostering accountability across government institutions.

7.2 The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2)

Yes – for whole of government code; Yes but partial if only MOH

Under the same circular, agencies must amend their Codes of Conduct to incorporate these rules, and heads of agencies are tasked with informing employees and ensuring compliance through annual reports. Additionally, officials must declare any tobacco industry interests and divest within specified timelines (30 days for resignations, 60 days for shareholdings) upon assuming office.

7.3 The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other TAPS activities such as CSR or EPR (COP10), as well as on tobacco industry entities, affiliated organizations and individuals acting on their behalf, and tobacco industry funded groups and their research and marketing activities (Rec 5.2, 5.3, and COP9 and 10 Decision)

No specific requirement apart from income disclosure for taxation purposes.

7.4 The government has a program/system/plan to consistently[50] raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)

The JMC mandates information dissemination programs to educate about the harmful nature of tobacco products and the industry's interference tactics, encouraging public access to records of interactions for transparency. Agencies are required to involve civil society unaffiliated with the tobacco industry to support policy objectives and allocate resources for sustained advocacy and monitoring. Violations are subject to administrative disciplinary actions under existing laws, with potential for civil and criminal penalties, ensuring robust enforcement.

7.5 The government has put in place a policy to disallow the acceptance of all forms of contributions or gifts from the tobacco industry (monetary or otherwise), including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)

Prohibition is in place under existing Anti-Graft and Corrupt Practices Act and Code of Ethical Conduct of Public Employees.

Additional Questions

Based on COP9 and COP10 Decisions Highlighting Article 5.3 Recommendations

A LIABILITY: Government has adopted or enforced mandatory penalties for the tobacco industry in case it provided false or misleading information (Rec 5.4)

[5.4 Parties should impose mandatory penalties on the tobacco industry in case of the provision of false or misleading information in accordance with national law.]

No evidence of mandatory penalties, except for general application of perjury rules for regulatory filings with the Securities and Exchange Commission (SEC) and Philippine Stock Exchange (SEC) for publicly listed companies.

B KH RESOURCE DATABASE: Government adopted and implemented measures to ensure public access to information on TI activities

[5.5 Parties should adopt and implement effective legislative, executive, administrative and other measures to ensure public access, in accordance with Article 12(c) of the Convention, to a wide range of information on tobacco industry activities as relevant to the objectives of the Convention, such as in a public repository.]

No evidence of public access to information on TI activities except for general application of Freedom of Information requests under an existing executive order.

Recommendations

Policy Reforms Needed

1. **Removal of the Tobacco Industry in Policymaking**: The Tobacco Regulation Act should be amended to completely remove the participation of representatives of the tobacco industry, including those espousing their interests, in the regulation of tobacco products. Action Needed: Engage government officials to push for amendments to R.A. 9211

2. **Strengthen Adherence to DOH-CSC JMC 2010-001**: Government officials must strictly adhere to the DOH-CSC Joint Memorandum Circular (JMC) 2010-001, which aligns with WHO FCTC Article 5.3 to limit unnecessary interactions with the tobacco industry. This policy aims to prevent industry influence in public health policymaking, as tobacco industry interests—promoting products like cigarettes and vaping devices—directly undermine public health by perpetuating addiction and related diseases. For agencies that have yet to issue their specific issuances, action should be taken to do so to bolster transparency and accountability. Action Needed: Engage government officials to reinforce compliance through training and sanctions, ensuring public officials prioritize public welfare over industry partnership.

3. **Counter Industry Narratives on ENDS and HTPs**: Public health institutions must actively counter tobacco industry claims that electronic nicotine delivery systems (ENDS) and heated tobacco products (HTPs) reduce harm. These claims, often propagated by industry-linked groups, mislead the public and policymakers, prioritizing industry profits over health risks, especially for youth. Action Needed: Encourage robust public health campaigns to debunk misinformation and strengthen regulations under Republic Act No. 11900 (Vape Regulation Law), such as enforcing Graphic Health Warnings (GHWs) and restricting vape access near schools

4. **Address Illicit Trade Without Industry Favoritism**: While acknowledging the need to combat illicit tobacco trade, it is stressed that solutions like the Anti-Illicit Tobacco Trade Bill (House Bill No. 10329) must not grant preferential treatment to the tobacco industry. The industry's support for laws like the Anti-Agricultural Economic Sabotage Act (RA 12022) often serves its market interests, not public welfare. Action Needed: Support policies that enhance tax administration and enforcement (e.g., digital tracking systems, inter-agency collaboration) while maintaining bureaucratic independence to prevent industry lobby.

5. **Reject Tobacco Industry Partnerships**: It is strongly recommended that government agencies and local government units (LGUs) reject partnerships or donations from the tobacco industry, as these are often used to gain influence and legitimize industry presence. Such interactions conflict with public health goals and erode public trust. Action Needed: Enforce policies prohibiting acceptance of industry donations and partnerships, aligning with FCTC Article 5.3 to protect public welfare.

Greater Transparency Measures

6. **Public Disclosure of Industry Interactions**: Documenting and publicly disclosing government interactions with the tobacco industry should be advocated, including corporate social responsibility (CSR) activities. Transparency ensures accountability, as public officials must serve the public, not industry interests that promote harmful products. Action Needed: Report violations of JMC 2010-001 to the Civil Service Commission (CSC) Regional Offices expose undue influence and hold officials accountable.

7. **Engage Media and Opinion-Makers**: To enhance transparency, it is encouraged for advocates to work with media and opinion-makers to call out public officials violating FCTC Article 5.3. Public scrutiny reinforces that public office is a trust, compelling officials to prioritize public health over industry ties. Action Needed: Leverage media platforms to highlight instances of industry interference, such as officials attending industry-sponsored events or accepting donations.

8. **Monitor and Report Vape Law Violations**: Advocates should monitor and report violations of RA 11900 to the Department of Health (DOH) or to the Department of Trade and Industry (DTI). This promotes transparency by ensuring industry non-compliance is documented and addressed, countering efforts to normalize vaping as a “safer” alternative. Action Needed: Strengthen community-led monitoring to expose industry tactics that undermine public health regulations.

9. **Support Legislative Oversight**: It is recommended that there be continued engagement with legislators, particularly the Senate Blue Ribbon Committee, to ensure investigations (e.g., February 2024 probe into the WHO FCTC COP delegation) produce pro-health outcomes. Transparent investigations hold officials accountable for aligning with public health goals over industry interests. Action Needed: Advocate for legislative reports that reinforce FCTC compliance and expose industry influence in policymaking.

Endnotes

1 For example, Japan Tobacco International (JTI) Philippines donated rice to displaced residents of Talisay, Batangas who were affected by the Taal Volcano eruption more than three(3) years ago. The rice donation was coursed through Lipa City Councilor Mike Morada and distributed through the Office of Talisay Mayor Nestor Natanauan. Source: https://www.facebook.com/kabarkadasimorada/posts/.

2 For example, a Medical Mission was conducted in Tondo, Manila on May 20, 2023, with the support of various organizations including the Joint Task Force National Capital Region, 11th Civil-Military Operations Battalion, Jaime V Ongpin Inc., 1Life Inc., Local Government Unit of Manila, and Manila Police District. Source: https://www.facebook.com/watch/?v=645193143799247.

3 For example, Inquirer.net published an article about the Best Story Award they received from Bright Leaf Agriculture Journalism Awards. The recognized story was about a special report on the vaping law due to its “balanced view of the Vape Bill”, highlighting the debate on the risks and benefits of vaping. Philip Morris Philippines Manufacturing Inc. launched the Bright Leaf Agriculture Journalism Awards, in 2007. It is continued by the resulting company, PMFTC, Inc, from the merger between Philip Morris Philippines Manufacturing Inc. and Fortune Tobacco Corporation.

4 For example, The BSES Environmental Conservationist Organization (ECO) conducted a Mangrove Tree Planting and Coastal Clean-up Drive on June 23, 2024, at Caranan, Pasacao, Camarines Sur. Japan Tobacco International sponsored the event together with the PCGA 902 Squadron, Municipal Local Government of Pasacao in Camarines Sur, AFP-Pasacao, Maritime Police, Coast Guard Pasacao, PNP Pasacao, BLGU- Caranan, and SK Caranan. Source: https://www.facebook.com/permalink.php?story_fbid=pfbid0xCEb5vSodygMvx6jRiRN8cGxQS6tMVaJmVACPvonMZA3CMYR8rQrNVtjvYQJkAZ7l&id=100089911791203&rdid=-JoXSHyhYSpintuEv.

5 For example, The Jaime Ongpin V. Foundation Inc. (JVOFI), with assistance from the City Government of Bacolod, donated sacks of rice to Barangay Singcang-Airport in Bacolod City to provide assistance to the flood victims.

6 For example, JTI Philippines donated sacks of rice for the personnel of the Municipal Police Station in Pudtol, Apayao. Source: https://www.facebook.com/100009051972028/posts/pfbid0RvWd2jaJRySDmcBiL6FqKr8B7CJJu2bhrnPvgtZ7hcKvciJt4Naz1Eh7aEZDbAQCl/?_rdc=1&_rdr.

7 The Municipality of Subic has recognized the top 10 taxpayers in the town for the year 2023, with Philip Morris Fortune Tobacco Corp. being one of the companies receiving this recognition. The top ten taxpayers were recognized “for their big contributions to the social services programs of the local government.” Source: https://centralluzon.politiko.com.ph/2023/09/27/mayor-khonghun-commends-top-10-taxpayers-in-subic/daily-feed/.

8 The House of Representatives approved on Third reading on May 29, 2023, House Bill No. 451 or also known as the Corporate Social Responsibility (CSR) Bill. The bill encourages and incentivize all private companies doing CSR in the Philippines. However, the bill repealed existing restrictions to conduct CSR activities and compel local government units to provide assistance to corporations doing CSR within the latter’s territorial jurisdiction. The unrestricted provision on who will conduct CSR, compulsion on the

part of LGUs to provide assistance to CSR activities, and repeal of restrictions to conduct CSR activities undermine public health protections against the interest of unhealthy industries (e.g. tobacco). The Senate received the bill on May 30, 2023 on the same day when the House of Representative transmitted it.

9 A senior official of the Department of Trade and Industry (DTI) believes that the Philippines can become globally competitive and attract multinational companies to set up manufacturing facilities for Heated Tobacco Products (HTPs). During the National Tobacco Administration organized 1st International Tobacco Agriculture Summit held last August, DTI Undersecretary Ceferino Rodolfo said that the country can specialize in heated tobacco products (HTPs) as demand for conventional tobacco products decreases. The Department of Health through a media statement opposed the proposal.

10 For example, Department of Agriculture (DA) Secretary Francisco P. Tiu Laurel Jr. and First Lady Luisa Araneta-Marcos were guests of honor in the opening of the manufacturing facility of Philip Morris International and PMFTC in Batangas last April. According to the company press statement, the facility in Tanauan City is expected to produce tobacco sticks for PMI's smoke-free products. They also emphasized their support for farmers. The DA Secretary thanked the tobacco company for "fulfilling" its investment commitment to the President. Source.

11 For example, PMFTC and JTI joined the CIDG 7 Mandaue City Field Unit, the BIR, AFP, MCPO in the inspection of a warehouse in Barangay Looc, Mandaue City, Cebu. The warehouse allegedly stores illegally manufactured cigarettes with counterfeit stamps and machines used to facilitate the production of counterfeit stamps. Source: https://www.facebook.com/thefreemannews/posts/pfbid06UGPdefQ3WXsKDwKogZBbDNaPjs7He3busRVt5oGV1qqDzZFnBeHn7tGtHDS5biNl?rdid=tJTii7jMhhMVyRkZ.

12 For example, the Jaime Ongpin Foundation participated in the Social Innovation Laboratory and Business Inclusion Program to support the growth of Creative and Science Innovations in the Cordillera Region. In December 2023, the Jaime Ongpin Foundation signed a Memorandum of Understanding (MOU) to collaborate with the University of the Philippines Baguio, TESDA-CAR, DOST, DTI, Harvest Community Hub, VIVITA, Baguio Arts and Crafts Collective, Inc., and Creative Baguio City Council. The Jaime Ongpin Foundation is a private organization that is known to accept financial support from PMFTC.

13 ASCRA Consulting Inc., a grantee of the Foundation for a Smoke-Free World Foundation (FSFW), conducted a focus group discussion with media representatives in the Philippines. The discussion aimed to assess the extent of their awareness regarding tobacco harm reduction or THR. This raises questions about the ethics of tobacco industry funding in research, as well as the influence of the media on public perception of tobacco harm reduction and the impact of tobacco industry funding on health policies. FSFW is known to be fully funded by Philip Morris International. Source: https://www.facebook.com/ascraconsultingph/photos/a.105692085270570/243394728166971.

14 A PMI executive was present during a Committee hearing of the Senate tackling the proposed amendments to the Agricultural Anti-Smuggling Act of 2016. He shared that a significant portion, up to 73 percent, of tobacco consumption in the Philippines is the result of smuggling. He also identified Indonesia, Vietnam, and India as the main sources of smuggling, and the Bureau of Customs officials seized smuggled goods upon arrival in the Philippines. He also highlighted that smuggling contributes to increased

tobacco consumption due to its accessibility. Source. Source: .

15 Philip Morris Fortune Tobacco Corporation (PMFTC) executives met with Representative Rida Robes representing the Lone District of San Jose Del Monte, Bulacan to address the issue of illegal and smuggled cigarettes in the country. According to the post of the official FB page of Congresswoman Rida Robes, strategies were discussed on how to prevent the sale and distribution of smuggled cigarettes in the city and province of Bulacan. Atty. Noel De Luna, Atty. Anicka Zaragoza, and Erdie Ambrocio represented PMFTC during the meeting. Source: https://www.facebook.com/CongwRidaRobes/posts/pfbid02d75gkDkacFrddZTZjnX1boHsxDGB1cBapEujefXi1LnhRASsLAf66QaEffmHB45hl.

16 Executives of Philip Morris International and Philip Morris Fortune Tobacco Corp. met with Bureau of Customs' (BOC) commissioner to affirm the need for collaboration to combat illegal trading activities in the Philippines. BOC Commissioner Bienvenido Rubio highlighted the importance of information-sharing in order to carry out the directive of President Ferdinance Marcos Jr. to prevent agricultural smuggling. Source: https://www.pna.gov.ph/articles/1206668.

17 Executives of Japan Tobacco International (JTI) met with Department of Finance (DOF) Secretary Ralph G. Recto on September 11, 2024, to "discuss ways to combat illicit trade and improve regulation in the country." The DOF assured JTI that the department will continue to address illicit trade of tobacco, including illegal vape products. Source: https://web.facebook.com/story.php?story_fbid=822554033380915&id=100068789787117&rdid=WwZIb6qCCzOwLoht.

18 The Department of Justice (DOJ) released in July 2024 a legal opinion following a request for guidance from the Department of Social Welfare and Development (DSWD) in May on whether the agency will violate the CSC-DOH Joint Memorandum Circular (JMC) No. 2010-01 should they accept the donation of Philip Morris Fortune Tobacco Corporation (PMFTC) for three mobile clinics. The request for legal opinion was sent by the Office of the Secretary of DSWD even after their Legal Affairs unit advised not to accept the donation in compliance with the JMC and the Framework Convention on Tobacco Control in February 2024. Source. Source: .

19 For example, the Department of Agriculture's (DA) proposal for a five-year roadmap, the Sustainable Tobacco Enhancement Program (STEP), aims to expand tobacco production areas in Northern Regions of Mindanao. According to DA Undersecretary Deogracias Victor Savellano, this initiative intends to boost the tobacco industry's presence in the region through collaboration with local government units. DA Undersecretary Savellano is a former lawmaker representing the 1st District of Ilocos Sur from 2016-2022 and the former head of the Northern Luzon Alliance which is a political bloc consist of tobacco-growing provinces in Congress. The Philippine Tobacco Institute (PTI), led by its president Jericho "Koko" Nograles, highlighted the dangers of cigarette smuggling during the National Press Club's (NPC) "Media in the Time of Fakes" workshop in Clark, Pampanga. Nograles, who is a former Representative of the PBA Partylist, emphasized that smuggling not only costs the government PHP 90 billion annually but also increases the accessibility of cheap, untaxed cigarettes to minors, particularly in Mindanao, where illegal trade surged by 51% during the pandemic. Source: https://tribune.net.ph/2024/11/10/underage-smoking-risks-increase-due-to-fake-cigarette-smuggling.

20 The term "government" refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

21 The term "tobacco industry' includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

22 "Offer of assistance" may include draft legislation, technical input, recommendations, oversees study tour

23 Lencucha, R., J. Drope & J.J. Chavez. 'Whole-of-government approaches to NCDs: the case of the Philippines Interagency Committee-Tobacco,' Health Policy and Planning 2015;30(7):844-852.

24 In December 2023, the Senate approved its version of the amendatory bill to the Agricultural Anti-Smuggling Act of 2016. Senate Bill No. 2432 or also known as the Agriculture Economic Sabotage Bill included tobacco (defined as unmanufactured and manufactured tobacco that includes cigars, cigarettes, or heated tobacco products) in the list of agricultural products that will carry a stiffer penalty if smuggled. An Anti-agricultural Economic Sabotage Council will also be convened that consist of various government agencies and the private sector. Tobacco industry-linked groups such as the Philippine Tobacco Growers Association (PTGA) and National Federation of Tobacco Farmers Association and Cooperatives (NAFTAC) supported and called for the immediate approval of the bill.

25 The Philippine E-cigarette Industry Association (PECIA) and the Nicotine Consumers Union of the Philippines (NCUP) both published statements that appear to support the efforts of the Department of Trade and Industry in implementing RA 11900. They called on online shopping website Lazada to follow the alleged initiative of its rival Shopee in purging its platform of over a million unregistered vape listings. The supposed action of Shopee was done in response to the meeting the DTI conducted with various e-commerce platforms such as Facebook/Meta, Grab Express, Carousell, Shoppee, Lazada to address the proliferation of prohibited vaporized nicotine and non-nicotine products that are advertised and sold online. Both PECIA and NCUP are known to push for weak regulations on vape. Source: https://mb.com.ph/2023/3/15/groups-urge-lazada-to-take-down-illicit-vapes.

26 The Philippine Tobacco Growers Association (PTGA), Rights Action Philippines (RAP), former PBA Partylist Representative Jericho Nograles, and the National Tobacco Administration (NTA) have expressed support for the passage of Senate Bill 1812. Senator Lito Lapid is the sponsor of this version of the proposal to include tobacco in the list of agricultural products that require adequate protection against smuggling The NTA believes that the proposed measure against illicit tobacco trade and smuggling would protect the local tobacco industry and increase revenue collected from the Sin Tax for tobacco products. The PTGA is historically known to be an ally of the Philippine Tobacco Institute (PTI) and the Northern Luzon Alliance. Former PBA Partylist Representative Jericho Nograles is a recipient of the PMFTC's corporate social responsibility (CSR) program called Embrace. Source: https://malaya.com.ph/news_news/farmers-support-tougher-anti-agri-smuggling-bill-in-the-senate/.

27 A columnist and a former Partylist legislator both made public statements claiming that tobacco illicit trade is a big problem in the country that needed special attention from policymakers. Mr. Bienvenido Oplas in his opinion column cited a report from the Transnational Alliance to Combat Illicit Trade (TRACIT) stating that tobacco products are among the "five sectors or products subject to heavy counterfeiting and smuggling". TRACIT is an organization known to list tobacco companies as their members.

28 For example, the e-cigarette and vape industry in the Philippines support the Department of Finance's efforts to

enhance tax compliance and curb tax evasion within their sector. Joey Dulay of PECIA and industry representatives affirm their adherence to regulations such as RA 11900 and RA 11467. They underscore their role in helping the government meet revenue targets as more individuals adopt alternative smoking methods, with contributions from product taxes aiding in funding healthcare programs. The Philippine E-cigarette Industry Association (PECIA) is a local organization known to consist of manufacturers and retailers of new nicotine products and is an ally of the tobacco industry in promoting alternative products to smokers and consumers. Quit for Good is a Philippine-based group that has actively supported the passage of the Vape Regulation Law (RA11900) while R Street Institute is a beneficiary of donations from US-based tobacco manufacturer Altria. Source: https://mb.com.ph/2024/1/23/dof-s-stronger-tax-collection-efforts-garner-approval.

29 The House of Representatives approved on Third reading on May 29, 2023, House Bill No. 451 or also known as the Corporate Social Responsibility (CSR) Bill. The bill encourages and incentivize all private companies doing CSR in the Philippines. However, the bill repealed existing restrictions to conduct CSR activities and compel local government units to provide assistance to corporations doing CSR within the latter's territorial jurisdiction. The unrestricted provision on who will conduct CSR, compulsion on the part of LGUs to provide assistance to CSR activities, and repeal of restrictions to conduct CSR activities undermine public health protections against the interest of unhealthy industries (e.g. tobacco). The Senate received the bill on May 30, 2023 on the same day when the House of Representative transmitted it.

30 For example, executives of tobacco companies such as Philip Morris Fortune Tobacco Corporation and Japan Tobacco International praised the Anti-Agricultural Economic Sabotage Act or Republic Act (RA) 12022 for the inclusion of tobacco products as one of the agricultural goods that will be protected from large-scale smuggling. The tobacco executives claim that RA 12022 will help deter the proliferation of "illegal" cigarettes in the country, protect the livelihood of tobacco farmers, and will help raise the excise tax revenue of the government. The law also gives the tobacco industry a seat in the Advisory Body that will provide expert assistance and advice to Anti-Agricultural Economic Sabotage Council.

31 National Federation of Tobacco Farmers Association and Cooperatives (NAFTAC) expressed support for the Anti-Agricultural Economic Sabotage Act, citing the need to address unfair competition from smuggled tobacco products, and asked the President to sign the measure before he addresses Congress. NAFTAC is an allied group of the industry that has a history of opposing tobacco control measures in the country. Source: https://www.bworldonline.com/economy/2024/05/02/592496/tobacco-farmers-press-for-signing-of-economic-sabotage-bill-before-sona/#google_vignette.

32 HealthJustice, in its Tobacco Industry Monitoring report, describes: Executives of tobacco companies such as Philip Morris Fortune Tobacco Corporation and Japan Tobacco International praised the recently signed Anti-Agricultural Economic Sabotage Act or Republic Act (RA) 12022 for the inclusion of tobacco products as one of the agricultural goods that will be protected from large-scale smuggling. The tobacco executives claim that RA 12022 will help deter the proliferation of "illegal" cigarettes in the country, protect the livelihood of tobacco farmers, and will help raise the excise tax revenue of the government. The law also gives the tobacco industry a seat in the Advisory Body that will provide expert assistance and advice to Anti-Agricultural Economic Sabotage Council.

33 Please annex a list since 2009 so that the respondent can quantify the frequency, http://www.who.int/fctc/cop/en/.

34 List of participants may be accessed at https://iris.who.int/bitstream/handle/10665/377693/fctc-cop10-div-1-list-of-participants-en.pdf?sequence=1.

35 Political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

36 For example, Jaime V. Ongpin Foundation Inc. (JVOFI) donated mattresses and washing machines to children of "Bahay Kalinga ng Valenzuela". Bahay Kalinga is a home for the abused and neglected children in Valenzuela City. JVOFI also donated three (3) units of 50" Samsung TV and 100 pieces of monobloc chairs to Maasin National Comprehensive High School in Iloilo. Dr. Marlo C. Quidato, the school principal, and Mr. Juan Tamano, Senior Educ. Program Specialists of the DEPED Division of Iloilo received the donated items. Sources: https://www.facebook.com/weslie.gatchalian/posts/, https://www.facebook.com/bahaykalingang.valenzuela/posts/, https://www.facebook.com/MNCHSontheRISE/posts/, and https://www.facebook.com/john.mondejar.9/posts/.

37 For example, Japan Tobacco International (JTI) donated 70 bags, each containing 5 kilograms of rice to Barangay Batasan Hills, Quezon City. The donation was accepted by Barangay Chairman Jojo Abas. Source: https://www.facebook.com/100072214610077/posts/386132080470609/.

38 Japan Tobacco International (JTI), Jaime V. Ongpin Foundation Inc,. and the Lucio Tan Group joined the Lab for All Caravan at the Subic Bay Exhibition (SBECC) on May 23. JTI donated 750 hygiene kits while the PMFTC-affiliated groups contributed in the free medical consultations and laboratory services.

39 Japan Tobacco International (JTI) Philippines donated rice to displaced residents of Talisay, Batangas who were affected by the Taal Volcano eruption more than three(3) years ago. The rice donation was coursed through Lipa City Councilor Mike Morada and distributed through the Office of Talisay Mayor Nestor Natanauan. Source: https://www.facebook.com/kabarkadasimorada/posts/.

40 As part of Operation Mayon 2023, the Lucio Tan Group of Companies, Inc., which include PMFTC, provided a Mobile Water Station to the Mauraro Evacuation Center in Guinobatan, Albay. This station has the capacity to supply 3000 gallons of water daily and will be stationed at Guinobatan Community College. Source: https://www.facebook.com/paul.c.garcia1/posts/pfbid02tyWD2Jf8uWGfNd7BjTEybTPoT-FJimXP5ZeJZ5NxrtMfH6fc912phUtJ9x-RCSmeGbl.

41 For example, The Bureau of Internal Revenue (BIR) has reduced the minimum floor prices for cigarettes, heated tobacco, and vape products, citing lower production and landed costs. The new regulation provides that the floor prices will only be used as reference for taxation purposes such as excise and value added taxes in the absence of other documents/proofs as to the actual price of the product that is higher than the identified floor price. The minimum floor price of cigarettes is P78.58 per pack of 20 sticks and Php780.80 per ream of 10 packs down from Php114.60/pack or P1,146/ream; for heated tobacco products, the new floor price is P60.11 for every 20 sticks down from P120.40, and for nicotine salt vape products the minimum price is P180.67 per 2ml pod down from P200 per 2ml pod. Despite these changes, the BIR expects to collect higher excise taxes on tobacco products this year, forecasting revenue of P141.73 billion, up from P134.91 billion in 2023. Source: https://milyonaryo.com.ph/philippines-cuts-minimum-prices-for-tobacco-and-vape-products-after-cost-review/.

42 In March 2023, the City Government of Candon in Ilocos Sur partnered with the Philippine Tobacco Institute (PTI) and the National Tobacco Administration (NTA) in organizing a tobacco beauty pageant to sustain the continuing advocacy on the development of the tobacco industry and help boost farm tourism in the countryside. The City's Mayor, Eric Singson, is a former legislator and known to lead the Northern Luzon Alliance bloc during his term in Congress. The PTI is a business association of tobacco manufacturers that included PMFTC and Japan Tobacco International, among others. Source: https://mb.com.ph/2023/3/21/miss-tobacco-ph-crowned-in-candon-city-on-march-25.

43 Includes immediate members of the families of the high-level officials

44 HealthJustice reports the following instances: Candon City partnered with PTI and NTA for a tobacco beauty pageant (March–April 2023). JVOFI signed an MOU with DTI, DOST, and others for an innovation program (November–December 2023). Local and national partnerships (e.g., Candon's pageant, JVOFI's MOU) integrate the industry into government activities, leveraging CSR and cultural events to normalize its presence and influence policy environments. August 2024: Mandaue City Government, through its Business Permits and Licensing Office, partnered with ASCRA Consulting (a grantee of PMI-funded Global Action to End Smoking) to hold a media forum on the Smoking Cessation Education Series, aimed at retailer compliance with RA 11900. September 2024: The Presidential Communications Office (PCO) and National Press Club (NPC) collaborated with the NTA in a Mindanao seminar to address fake news and illegal cigarette trade, aiming to support the legal tobacco sector and secure tax revenues. October 2024: The Bureau of Internal Revenue (BIR) reduced minimum floor prices for cigarettes, heated tobacco, and vape products, citing lower production costs, a move praised by tobacco executives as supporting tax compliance. November 2024: ASCRA Consulting, in collaboration with Cagayan de Oro City Health Office, conducted a Focus Group Discussion on smoking and vaping dangers, promoting industry-aligned harm reduction narratives.

45 The Department of Agriculture's (DA) proposal for a five-year roadmap, the Sustainable Tobacco Enhancement Program (STEP), aims to expand tobacco production areas in Northern Regions of Mindanao. According to DA Undersecretary Deogracias Victor Savellano, this initiative intends to boost the tobacco industry's presence in the region through collaboration with local government units. DA Undersecretary Savellano is a former lawmaker representing the 1st District of Ilocos Sur from 2016-2022 and the former head of the Northern Luzon Alliance which is a political bloc consist of tobacco-growing provinces in Congress. Philippine News Agency, available at https://www.pna.gov.ph/articles/1217720?fbclid=IwAR1C-g6LS2Zv8Pij1S4lS5KkfV-_k1x_hIs83tng-hC3eQDz2-iwoU0ZrtLzs.

46 The Philippine Tobacco Growers Association (PTGA), Rights Action Philippines (RAP), former PBA Partylist Representative Jericho Nograles, and the National Tobacco Administration (NTA) have expressed support for the passage of Senate Bill 1812. Senator Lito Lapid is the sponsor of this version of the proposal to include tobacco in the list of agricultural products that require adequate protection against smuggling The NTA believes that the proposed measure against illicit tobacco trade and smuggling would protect the local tobacco industry and increase revenue collected from the Sin Tax for tobacco products. The PTGA is historically known to be an ally of the Philippine Tobacco Institute (PTI) and the Northern Luzon Alliance. Former PBA Partylist Representative Jericho Nograles is a recipient of the PMFTC's corporate

social responsibility (CSR) program called Embrace. Source: https://malaya.com.ph/news_news/farmers-support-tougher-anti-agri-smuggling-bill-in-the-senate/.

47 HealthJustice's tobacco industry monitoring report revealed that former Representatives Sharon Garin and Alfredo Garbin were among the resource speakers of the PMI-sponsored Global Forum on Nicotine (GFN) in Poland. Garin, who is currently an Undersecretary of the Department of Energy, talked about the Philippine experience in passing the Vape Regulation Law of 2022 or RA 11900. During the forum, a PMI executive named the Philippines as one of its key markets for heated tobacco products. They were joined in the forum by Dr. Rafael Castillo, Dr. Lorenzo Mata of Quit for Good Foundation, Mr. Peter Dator of Vapers PH, and Philippine Star columnist Ms. Mary Ann Reyes. Source: https://web.facebook.com/1406344058/posts/pfbid026b6KK4RGPGHzndCexJm-zYGEdgzKTT1KHgCdSa76W4HVJw2Ur-SUBuCiKdMEKXaZxhl/?_rdc=2&_rdr.

48 President Ferdinand Marcos Jr. ordered the Bureau of Customs (BoC) and Bureau of Internal Revenue (BIR) to heighten their efforts against the smuggling of tobacco and vape products following the Private Sector Advisory Council (PSAC)- Agriculture Sector Group meeting. In response, Special Assistant to the President on Economic Affairs Frederick Go mentioned the following: (1) Assurances from the Department of Trade and Industry (DTI) Consumer Protection Group that it will assign a significant number of personnel to monitor the vape industry, (2) Recommended the release of funds under Republic Act 4155 to finance the National Tobacco Authority (NTA) Sustainable Tobacco Enhancement Program (STEP); and (3) Endorsed the amendments to the Anti-Agri Smuggling Act of 2016 to include tobacco products, citing provisions on minimum retail price (MRP) and penalties for distributing and selling smuggled products. The PSAC is a government advisory council established by President Marcos Jr. in 2022 to assist in the achievement of the Administration's priority economic issues. There are 6 PSAC sectoral groups that are being led by top business leaders chosen by the President. The Sustainable Tobacco Enhancement Program (STEP), is a 5-year program (2021- 2025) of the NTA that aims at boosting domestic tobacco cultivation, particularly in Mindanao.

49 The Quezon City government announced the turnover of one mobile clinic from the DSWD as part of the "Lab for All" program of First Lady Liza Marcos. Social Welfare Secretary Rex Gatchalian and Health Secretary Teodoro Herbosa, QC Mayor Joy Belmonte, QC Vice Mayor Gian Sotto, Eton Properties Philippines Inc. President and CEO Kyle Tan and PMFTC director for external affairs Atty. Chita Herce attended the event. The QC government said the donation came from the "Lucio Tan Group of Companies," Both Eton Properties Philippines, Inc and PMFTC are part of the Lucio Tan Group of Companies. The Department of Health (DOH), through its spokesperson Albert Domingo, sought to downplay the appearance of Secretary Herbosa in the event. Herbosa's attendance was a "courtesy and kindness to all who invite him for a photograph taken in good faith". Domingo asserted that the DOH did not accept any donations from the tobacco/vape industry and that Secretary Herbosa and the Department' strong positions against tobacco/vape industry remain. Source: https://newsinfo.inquirer.net/1971731/dswd-hit-for-accepting-tobacco-firms-donations.

50 For purposes of this question, "consistently" means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.

HealthJustice
Bridging Health and Law

www.healthjustice.ph