

Republic of the Philippines
Department of Education
Region VII, Central Visayas



DIVISION OF CEBUPROVINCE
Sudlon, Lahug, CebuCity

January 4, 2018

DIVISION MEMORANDUM

No. 013, s. 2018

**REITERATION OF THE POLICIES ON PROTECTION AGAINST TOBACCO INDUSTRY
INTERFERENCE IN THE DEPARTMENT PURSUANT TO DEPED ORDER NOS. 48, S. 2016
AND 6, S. 2012 AND CSC-DOH JMC 2010-01**

To: Assistant Superintendents
Education Program Supervisors/Coordinators
District Supervisors/OICs
Elementary and Secondary School Heads

- 1 For information and guidance of all concerned, attached is Regional Memorandum No. 0990 s. 2017, entitled **“Reiteration of the Policies on Protection Against Tobacco Industry Interference in the Department Pursuant to DepEd Order Nos. 48, s. 2016 and 6, s. 2012 and CSC-DOH JMC 2010-01”**, which is self-explanatory.
- 2 For details, refer to the attached Memorandum.
- 3 Immediate, wide dissemination of this Memorandum is desired.


RHEA MARIA ANGTUD, Ed. D., CESO VI
Schools Division Superintendent

Telephone Numbers:

Schools Division Superintendent: (032) 255-6405
Asst. Schools Division Superintendent: (032) 414-7457
Accounting Section: (032) 254-2632
Disbursing Section: (032) 255-4401
Admin/Legal: (032) 253-7847
Promotional Staff Section: (032)520-3217

Website : www.depedcebuprovince.com

E-mail Add : depedcebuprovince@yahoo.com

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REPUBLIKA NG PILIPINAS
REPUBLIC OF THE PHILIPPINES
KAGAWARAN NG EDUKASYON
DEPARTMENT OF EDUCATION
REHIYON VII, GITNANG VISAYAS
REGION VII, CENTRAL VISAYAS
Sudlon, Lahug, Cebu City



REGIONAL MEMORANDUM
No. 0990, s. 2017

**REITERATION OF THE POLICIES ON PROTECTION AGAINST TOBACCO INDUSTRY
INTERFERENCE IN THE DEPARTMENT PURSUANT TO DEPED ORDER
NOS. 48, S. 2016 AND 6, S. 2012, AND CSC-DOH JMC 2010-01**

To: Schools Division Superintendents
Officers-in-Charge of Regular and Interim Divisions
Public Elementary and Secondary School Heads
All Others Concerned

1. For information and guidance of all concerned, attached is DepEd Memorandum No. 197, s. 2017, entitled, "Reiteration of the Policies on Protection Against Tobacco Industry Interference in the Department Pursuant to DepEd Prder Nos.48, s. 2016 and 6, s. 2012, and CSC-DOH JMC 2010-01", which is self-explanatory.
2. For details, refer to the attached Memorandum.
3. Immediate dissemination of this Memorandum is desired.

Juliet A. Jeruta
JULIET A. JERUTA, PH.D., CESO V
Director III
Officer-In-Charge

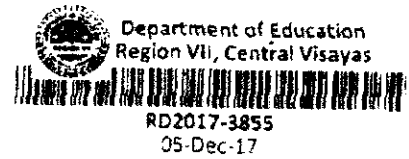
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Office of the Director (ORDir), Tel. Nos.: (032) 231-1433; 231-1309; 414-7399; 414-7325; Office of the Assistant Director, Tel. No.: (032) 255-4542
Field Technical Assistance Division (FTAD), Tel. Nos.: (032) 414-7324 Curriculum Learning Management Division (CLMD), Tel. Nos.: (032) 414-7323
Quality Assurance Division (QAD), Tel. No.: (032) 231-1071 Human Resource Development Division (HRDD), Tel. No.: (032) 255-5239
Education Support Services Division (ESSD), Tel. No.: (032) 254-7062 Planning, Policy and Research Division (PPRD), Tel. Nos.: (032) 233-9030;
414-7065 Administrative Division, Tel. Nos.: (032) 414-7326; 414-4367; 414-7366; 414-7322; 414-4367
Finance Division, Tel. Nos.: (032) 256-2175; 253-8061; 414-7321

"EFA 2015: Karapatan ng Lahat, Pananagutan ng Lahat"



Republic of the Philippines
Department of Education



04 DEC 2017

DepEd MEMORANDUM
No. **197**, s. 2017

**REITERATION OF THE POLICIES ON PROTECTION AGAINST TOBACCO INDUSTRY
INTERFERENCE IN THE DEPARTMENT PURSUANT TO DEPED ORDER
NOS. 48, S. 2016 AND 6, S. 2012, AND CSC-DOH JMC 2010-01**

To: Undersecretaries
Assistant Secretaries
Bureau and Service Directors
Regional Directors
Schools Division Superintendents
Public Elementary and Secondary School Heads
All Others Concerned

1. The Tobacco Industry Interference Index Philippine Report 2017 showed that *"there has been no decrease in so-called Corporate Social Responsibility (CSR) activities by the tobacco industry or its groups."* The report cited that they *"engaged in several activities such as school feeding, donations to police stations and schools."*
2. The Department of Education (DepEd) reiterates the policies on the protection against tobacco industry interference in the Department to ensure the strict implementation of DepEd Order (DO) No. 48, s. 2016 entitled Policy and Guidelines on Comprehensive Tobacco Control; DO 6, s. 2012 entitled Guidelines on the Adoption and Implementation of Public Health Policies on Tobacco Control and Protection Against Tobacco Industry Interference; and Civil Service Commission (CSC)-Department of Health (DOH) Joint Memorandum Circular (JMC) 2010-01 entitled Protection of the Bureaucracy Against Tobacco Industry Interference.
3. Tobacco Industry refers to organizations, entities, associations, and individuals who work for and in behalf of the tobacco industry, such as, but not limited, to tobacco manufacturers, wholesale distributors, importers of tobacco products, tobacco retailers, from groups and /or organizations, including, but not limited to lawyers, scientists, and lobbyists who work to further the interests of the tobacco industry.
4. Tobacco Industry Interference refers to the broad array of tactics and strategies utilized by the tobacco industry to influence or interfere with the setting and implementation of tobacco control policies.

5. Pursuant to DO Nos. 48, s. 2016; 6, s. 2012; and CSC-DOH JMC 2010-01, the following acts are hereby prohibited and shall be penalized in administrative proceedings as Grave or Simple Misconduct depending on the gravity of the act and its consequences, under existing laws, rules, and regulations, namely:

- a. Unjustified refusal by persons concerned to report tobacco control policy violations, including so-called tobacco industry Corporate Social Responsibility (CSR) activities in schools or provide any related information that would facilitate enforcement of policies on the protection against tobacco industry interference;
- b. Having unnecessary interaction with the tobacco industry;
- c. Failure to conduct a necessary transaction with the tobacco industry in a public and transparent manner;
- d. Unjustified refusal by persons concerned to correct any perception of partnership with the tobacco industry;
- e. Extending preferential treatment to the tobacco industry;
- f. Accepting gifts, donations, and sponsorships directly and indirectly from the tobacco industry, including those that may be coursed through DepEd stakeholders, partners, or third parties in the guise of CSR projects;
- g. Failure to disclose any financial interest in the tobacco;
- h. Accepting any favors analogous to those mentioned above—such as having any conflict of interest with the tobacco industry;
- i. Failure to disclose engagement in any occupational activity within the tobacco industry or any intention to engage in the same to past and current superiors; and
- j. Any analogous or similar acts.

6. To address cases related to the above, concerned school and DepEd authorities shall follow the Civil Service Commission's Guide for Resolving/Filing Cases of Tobacco Industry Interference in the Bureaucracy (Enclosure No. 1).

7. Pursuant to DO 48, s. 2016, the central, regional, and schools division offices, and schools shall include a provision in all Memoranda of Agreement entered into with donors and partners stating full commitment of all parties concerned to tobacco control implementation and stipulating that said donor or partner does not represent the interests of or receive funding from the tobacco industry (Enclosure No. 2).

8. Immediate dissemination of this Memorandum is desired.


LEONOR MAGTOLIS BRIONES
Secretary

Encls: As stated

References: DepEd Order: (Nos. 48, s. 2016 and 6, s. 2012)

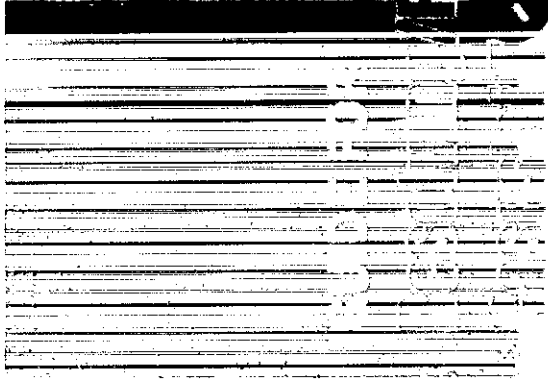
To be indicated in the Perpetual Index
under the following subjects:

HEALTH EDUCATION

POLICY

SCHOOLS

18-03586-1 (10/2018) (Case No. 197, s. 2017)



Filing



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INTERFERENCE

RETRIBUTION




FOREWORD

In response to the tobacco epidemic, the Philippines has taken big steps to forward its agenda in setting and implementing public health policies. A big leap was made when the country became a party to the World Health Organization-Framework Convention on Tobacco Control in 2005. Article 5.3 of the Convention requires all parties to protect their tobacco control policies from the commercial and other vested interests of the tobacco industry.

As the central human resource institution of the Philippine bureaucracy, the Civil Service Commission partnered with the Department of Health to issue the Joint Memorandum Circular No. 2010-01 (JMC) entitled "Protection of the Bureaucracy Against Tobacco Industry Interference". The JMC upholds the integrity in the public service by insulating government agencies involved in the implementation of tobacco control policies from the interest of the tobacco industry. It limits the government's interaction with the tobacco industry only to that which is necessary for the purpose of regulation, control, and supervision of the industry. Government officials and employees can be held accountable when violation of the JMC is committed.

This Guide was developed specifically to facilitate initiation and resolution of cases involving violations of the JMC and the CSC Memorandum Circular No. 17, s. 2009 (Smoking Prohibition Based on the 100% Smoke Free Environment Policy). It intends to assist the CSC Regional Offices, the Office of the Ombudsman, Sandiganbayan, Office of the President and heads of government agencies/disciplining authorities who will act on violations subject to their respective jurisdictions. It is envisioned that the Guide will not just serve as reference for the action officers, but will also encourage the public to file complaints as necessary to fully enforce the tobacco control policies.

We hope that the Guide will be able to contribute to the accountability and transparency among the government agencies. The JMC and CSC will continue to be a constant priority which we will continue to pursue.


Director
Civil Service Commission

**Prohibitions under the Joint CSC and DPH
Memorandum Circular No. 2010-01***

(quoted from Item 3.0 Prohibitions of the CSC-DPH JMC 2010-01)

- 3.1 Unnecessary interaction with the Tobacco Industry
Public officials and employees shall interact with the tobacco industry only when strictly necessary for the latter's effective regulator, supervision or control. Transparency in all interactions with the tobacco industry shall be observed. Any necessary interaction with the tobacco industry should be carried out in such a way as to avoid the creation of any perception of a real or potential partnership or cooperation resulting from, or on account of, such interaction. In the event the tobacco industry engages in any conduct that may create such a perception, public officials and employees shall act to prevent or correct this perception.
- 3.2 Preferential Treatment to the Tobacco Industry
Public officials and employees shall serve the public interest and are prohibited from providing incentives, privileges, benefits or exemptions to the tobacco industry, except as otherwise provided by law.
- 3.3 Accepting Gifts, Donations and Sponsorship
Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity favor, entertainment, loan or anything of monetary value in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office from any person or business related to the tobacco industry.
- 3.4 Financial Interest in the Tobacco Industry
Public officials and employees shall not, directly or indirectly, have any financial or material interest in any transaction involving the tobacco industry requiring the approval of their office. In relation to this, Public officials and employees shall declare any interest in the tobacco industry in their annual declaration of assets and liabilities.

*Published on July 8, 2010. Revised Administrative Register.

- 3.5 Prohibited Gifts, Donations and Sponsorship
Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity favor, entertainment, loan or anything of monetary value in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office from any person or business related to the tobacco industry.
- 3.6 Conflict of Interest
Public officials and employees shall not engage in any activity that may create a conflict of interest with their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office from any person or business related to the tobacco industry.
- 3.7 Engaging in a Business
Public officials and employees shall not engage in any business that may create a conflict of interest with their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office from any person or business related to the tobacco industry.
- 3.8 Financial Interest in the Tobacco Industry
Public officials and employees shall not, directly or indirectly, have any financial or material interest in any transaction involving the tobacco industry requiring the approval of their office. In relation to this, Public officials and employees shall declare any interest in the tobacco industry in their annual declaration of assets and liabilities.

**Responsibilities of the Public Officials and Employees
CSC and DPH**

- a. Inform the public of the policies, procedures, and guidelines of the CSC and DPH.
- b. Advise the public of the results of the investigations conducted by the CSC and DPH.