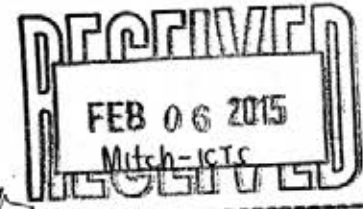




Republic of the Philippines
Department of Agriculture
OFFICE OF THE SECRETARY
Elliptical Road, Diliman
Quezon City 1100, Philippines



ADMINISTRATIVE ORDER NO. 07
Series of 2015

SUBJECT : AMENDMENT TO ADMINISTRATIVE ORDER NO. 07, SERIES OF 2009, RE: CODE OF CONDUCT FOR THE OFFICIALS AND EMPLOYEES OF THE DEPARTMENT OF AGRICULTURE, TO INCORPORATE RULES PROTECTING AGAINST TOBACCO INDUSTRY INTERFERENCE IN THE SETTING AND IMPLEMENTATION OF TOBACCO CONTROL MEASURES PURSUANT TO THE JOINT MEMORANDUM CIRCULAR NO. 2010-01 OF THE CIVIL SERVICE COMMISSION AND THE DEPARTMENT OF HEALTH

WHEREAS, Civil Service Commission (CSC) -- Department of Health (DOH) Joint Memorandum Circular No. (JMC) 2010-01, treating of the subject "*Protection of the Bureaucracy Against Tobacco Industry Interference*," provides that heads of agencies shall be responsible for the following: (a) Informing officials and employees of the policy against tobacco industry interference; and (b) Amending their respective Codes of Conduct by incorporating the rules provided for in Annex A¹ of the said JMC. These rules provide for responsibilities of, or proper practices for, public officials and employees to protect against tobacco industry interference in the setting and implementation of tobacco control measures by government.

WHEREAS, JMC 2010-01 defines "**Tobacco Industry Interference**" as constituting a broad array of tactics and strategies used by the tobacco industry to interfere with the setting and implementing of tobacco control measures (Item 2.0). This definition is consistent with the signification attached to the phrase under the *World Health Organization Framework Convention on Tobacco Control (WHO-FCTC)*, a treaty to which the Philippines is a Party² and the *Guidelines for the Implementation of Article 5.3 of the WHO-FCTC (Article 5.3 Guidelines)*, which was adopted by the Conference of the Parties in November 2008.

WHEREAS, as stated in one of the preambular clauses of the *WHO-FCTC*, the parties thereto recognize the "*need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts*".³ In this relation, the parties has the obligation under **Article 5.3 of the Convention** as follows:

"In setting and implementing...public health policies with respect to tobacco control...to protect these policies from the commercial and other vested interests of the tobacco industry in accordance with national law."

¹ Rules which shall be included in the Amendment of the Code of Conduct of Each Agency.

² The treaty was ratified by the President on September 23, 2003 and concurred in by the Senate on April 25.

³ As declared in one of the preambular clauses of the Convention.



WHEREAS, the *Article 5.3 Guidelines* outline guiding principles and recommendations to assist the WHO-FCTC parties in meeting their legal obligations under Article 5.3 of the Convention. The guidelines draw on the best available scientific evidence and the experience of Parties in addressing tobacco industry interference.⁴

WHEREAS, through the CSC-DOH JMC No. 2010-01, the Philippines promulgated the policy on Protection of the Bureaucracy against Tobacco Industry Interference in accordance with the WHO-FCTC and the Article 5.3 Guidelines. Among others, it prescribed the amendment by government agencies of their respective Codes of Conduct to incorporate rules to protect against Tobacco Industry Interference as outlined in Annex "A" thereof.

NOW, THEREFORE, in accordance with the WHO-FCTC and the Article 5.3 Guidelines, and as prescribed under CSC-DOH JMC No. 2010-01, Administrative Order No. 07, Series of 2009, RE: CODE OF CONDUCT FOR THE OFFICIALS AND EMPLOYEES OF THE DEPARTMENT OF AGRICULTURE is hereby amended as follows:

- (1) Rule II captioned "Definition of Terms" is amended to incorporate the items provided below. Accordingly, Rule II is amended to read as follows (*new provisions are in italicized / bold case*):

Rule II
Definition of Terms

Terms as used in these guidelines shall have the following definition:

- 1) DA refers to xxx
- 2) xxx
- 3) xxx

xxx xxx xxx
xxx xxx xxx

- 9) xxx

10) *Tobacco Industry refers to organizations, entities, associations, and individuals that work for or in behalf of the tobacco industry, such as, but not limited to tobacco manufacturers, wholesale distributors, importers of tobacco products, tobacco retailers, front groups and any other individuals or organizations, including but not limited to lawyers, scientists and lobbyists that work to further the interests of the tobacco industry.*

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

⁴ Paragraph 7 of the Introduction of the Guidelines for the Implementation of Article 5.3 of the WHO-FCTC.

- (2) A Rule captioned "Conduct Relative to Tobacco Industry Interference" shall be inserted into the Code of Conduct as Rule X thereof. Rules X, XI, XII, and XIII of the Code prior to this amendment shall be renumbered as Rules XI to XIV, respectively. The new Rule X shall read as follows:

Rule X

Conduct Relative to Tobacco Industry Interference

- Section 1. DA officials and employees shall limit interactions with the tobacco industry to those strictly necessary for its regulation to ensure the transparency of those that occur.*
- Section 2. In the event that a meeting is strictly necessary, DA officials and employees shall abide by the following rules / procedures:*
- (a) Set the meeting agenda;*
 - (b) Ask the industry about what they want to discuss in writing; thereafter, decide whether or not to agree to the conduct of the meeting. If the meeting is to be eventually conducted, stick to the agenda and make the meeting brief;*
 - (c) Clarify the goal and structure of the meeting;*
 - (d) Before the meeting, it must be made clear that such interaction does not imply partnership, dialogue or collaboration and indicate in writing to the tobacco industry that they may not mischaracterize the nature of the meeting;*
 - (e) Hold the meeting at the premises of the department/ agency. Ensure that any photograph taken of this meeting is strictly for documentation purposes only and not for the public relations activities of the tobacco industry;*
 - (f) Predetermine the meeting participants by asking for the names and positions of those who will attend the meeting;*
 - (g) Moderate the meeting. A lawyer must be present and must closely advise the official/employee/representative during the same;*
 - (h) Write the official minutes. A voice recording of the meeting may be made to assist the staff in preparing the transcript of the meeting. The transcript of the meeting must be filed for record purposes and be made available to the public upon request;*
 - (i) Maintain the right to terminate the meeting at any point;*
 - (j) Distribute information on the meetings as appropriate. Publicly correct any misinformation regarding the meeting;*
 - (k) Decide on follow up questions that must be answered after the meeting.*
 - (l) All non-mediated exchanges (in person, phone, or email) between officials, employees and representatives of the agency should be avoided.*

Section 3. DA officials and employees shall declare any interest in the tobacco industry. They shall resign from his/her position in the tobacco industry within thirty (30) days from his assumption of office and/or divest himself/herself of shareholdings or interest therein within sixty (60) days from such assumption.

For the purpose of this rule, interest in the tobacco industry means personal, financial or other interest, including but not limited to:

- (a) Having an existing ownership or investment in the tobacco industry;*
- (b) Being a member of the Board of Directors or an officer of a corporation or a partner in a partnership in the tobacco industry;*
- (c) Receiving any contribution from the tobacco industry.*

Section 4. DA officials and employees shall not demand or receive any contribution from the tobacco industry for themselves, their families, relatives, friends, or any other persons or organizations. Contributions shall include, but are not limited to, payments, gifts and services, monetary or in kind, research funding, financial aid, policy drafts and legal advice.

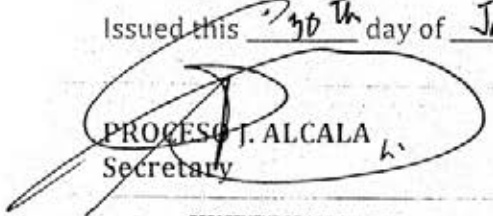
Section 5. DA officials and employees shall avoid the creation of any perception of real or potential partnership or cooperation with the tobacco industry, and shall publicly correct any perception of partnership that may have been created.

Section 6. DA officials and employees of agencies which have a role in setting and implementing public health policies with respect to tobacco control, shall inform their Chiefs of Office about any intention to engage in an occupational activity within the tobacco industry, whether gainful or not, within a specified period of time after leaving service; and to require applicants for such public office positions to declare any current or previous occupational activity with any tobacco industry whether gainful or not.

All existing administrative orders, rules and regulations or portions thereof inconsistent with the provisions of this Order are hereby revoked or modified accordingly.

This Order shall take effect immediately.

Issued this 30th day of January 2015 at Quezon City.


PROCESO J. ALCALA
Secretary