



Republic of the Philippines  
**Department of Education**

**DIVISION OF MISAMIS ORIENTAL**

January 22, 2019

**DIVISION MEMORANDUM**

No. 049 s., 2019

**TO: Public Schools District Supervisors  
Elementary/ Secondary School Principals  
Teachers and Non-Teaching Personnel  
School Health Personnel**

**FROM:   
RANDOLPH B. TORTOLA  
Schools Division Superintendent**

**SUBJECT: REITERATING DEPED ORDER NO. 48, s., 2016 RE: POLICY AND  
GUIDELINES ON COMPREHENSIVE TOBACCO CONTROL**

The Department of Education issued the enclosed DepED Order No. 48 s., 2016 entitled **Policy and Guidelines on Comprehensive Tobacco Control** for information and guidance of all concerned.

This Policy aims to:

1. Educate and inform all learners, teaching and non-teaching personnel and staff on the hazards of tobacco use and exposure to second hand smoke, adverse socio- economic and environmental consequences of tobacco production and consumption, and tobacco control policies and tactics of tobacco industry;
2. Make effective cessation intervention services available and accessible to all learners, teachers and non-teaching personnel in need of such services;
3. Facilitate enforcement of tobacco control policies in schools and offices such as absolute smoking bans, access restrictions, ban on sponsorships, including Corporate Social Responsibility (CSR) of the tobacco industry, outdoor advertising ban, ban on the promotional items for minors and sampling restrictions as well as protection against tobacco industry interference; and
4. Ensure strict implementation of policies on the protection against tobacco industry interference in the department.

All Orders, Memoranda and other issuances inconsistent with this policy are deemed repealed, rescinded or amended accordingly.

For information and strict compliance.

## POLICY AND GUIDELINES ON COMPREHENSIVE TOBACCO CONTROL

### I. Rationale

Smoking is a leading cause of diseases, including cancer, cardiovascular disease, and chronic obstructive pulmonary disease, and death in the country. This is due to the presence of over 70 carcinogens or cancer-causing ingredients, including asbestos, arsenic and polonium, in a cigarette stick. Smoking-related illnesses and deaths, however, are highly preventable.

Research has shown that 90 percent of smokers start at a young age due to exposure to cigarette marketing in media, tobacco industry-sponsored activities, neighborhood stores, family members who smoke, and peer pressure. It has been found that young people are three times more vulnerable to smoking than adults. The Philippines Global Youth Tobacco Survey 2011 (GYTS), a school-based national survey, showed that 13.7 percent of students are currently using tobacco products. This was projected to increase in the oncoming year.

A local survey<sup>1</sup> conducted by the School Health Division of the Department of Education found that among the selected public schools in certain provinces in Central Luzon, only 20 percent of the school representatives are aware of the policy on tobacco control and protection against tobacco industry interference.<sup>2</sup> The figure is lower (15 percent) among the respondents in selected public schools in provinces where tobacco manufacturing plants are located. Hence, some forms of sponsorship, through the so-called corporate social responsibility (CSR) of the tobacco companies, were observed. It was found that Tobacco control was not a priority in schools, Division Offices, and local government units. This can be observed in their lack of budget for tobacco control activities, knowledge and observance of policies. Campaigns against tobacco use were found to be limited to the display of the "No Smoking" sign.

On a positive note, the same survey also showed that 92 percent of the surveyed schools already included tobacco control in their curriculum. The lessons focus on harmful substances and health hazards of smoking. The role of the guidance counselor was identified as crucial for intervention. Coordination and collaboration between the schools, families, and the community were acknowledged to be important in handling cases of tobacco use.

Illnesses resulting from smoking weigh heavily on a nation's health care system, economic output, labor force, and the overall quality of life of those who develop smoking-related illnesses and their dependents. The personal and social costs of smoking are so considerable that the prevention, management, and control of tobacco use have become a paramount public concern.

This Policy is pursuant to Article XV, Sections 2 and 3.2 of the 1987 Constitution, which declares that the State shall defend the right of children to assistance including proper care, nutrition and special protection from all forms of exploitation and other conditions prejudicial to their development. Article II, Section 15 of said Constitution further provides that the State shall protect and promote the right to health of the people and instill health consciousness among them.

This Policy is likewise guided by the following laws and issuances, namely:

- A. Republic Act No. 9211, otherwise known as the "*Tobacco Regulation Act of 2003*" (RA 9211), which mandates an absolute smoking ban in schools and public places frequented by minors, and a ban on selling and outdoor advertising of tobacco within the 100-meter perimeter of schools, on tobacco advertising and promotions targeted at minors, and on tobacco industry sponsorship in the arts, culture, sports, and concerts;

<sup>1</sup> The survey covered selected schools in Pasig City; Makati City; Sto. Tomas and Tanauan City in Batangas; Hermosa, Abucay, Dinalupihan, and Orani in Bataan; Floridablanca, Santa Rita, Sasmuan, Lubao, and Mabalacat in Pampanga; and Paombong, Malolos and Guiguinto in Bulacan.

<sup>2</sup>DOH-CSC Joint Memorandum Circular No. 2010-01, "Protection of the Bureaucracy against Tobacco Industry Interference."

- B. The World Health Organization (WHO) *Framework Convention on Tobacco Control* (FCTC), ratified by the Philippines in 2004, which reiterates the right of the child to the enjoyment of the highest attainable standard of health under the Convention of the Rights of the Child, emphasizes the escalation of smoking among children, underscores the adverse effect on developmental conditions of children, and recognizes the need to be informed of the tobacco industry efforts that have a negative impact on tobacco control (FCTC Preamble, pars. 8, 9, 18, 24). Pursuant to the FCTC, the State is obligated to adopt and implement effective legislative, executive, administrative, and/or other measures in order to prevent and reduce tobacco consumption, nicotine addiction, and exposure to tobacco smoke. Among the Guidelines for the Implementation of the FCTC are the need to adopt and implement a comprehensive ban on tobacco advertising, promotion and sponsorship (TAPS), including the so-called corporate social responsibilities (CSR) of the tobacco industry (FCTC Article 13 Guidelines), and to take effective measures to promote cessation of tobacco use and adequate treatment of tobacco dependence (FCTC Art. 14), such as designing cessation programs for use in educational institutions and workplaces (FCTC Art. 14 a), including diagnosis, treatment and counseling services in national health and education programs;
- C. Civil Service Commission (CSC) Memorandum Circular 17, s. 2009, which requires a 100-Percent Smoke-Free Environment in all government premises, ensures the placement of No Smoking signage, requires the head of agencies to establish reporting and monitoring procedures, and establishes violations of the circular as a ground for administrative disciplinary action;
- D. Civil Service Commission and Department of Health Joint Memorandum Circular (CSC-DOH JMC) No. 2010-01 on *Protection of the Bureaucracy Against Tobacco Industry Interference*, which, pursuant to FCTC Article 5.3 and its Guidelines, requires government officials to avoid unnecessary interaction with the tobacco industry, not to accept direct or indirect contributions from the tobacco industry, avoid conflict of interest with the tobacco industry, disclose financial interests with the tobacco industry, submit information about tobacco industry interference in annual reports, and establish violations of the circular as a ground for administrative disciplinary action;
- E. Republic Act No. 10643 of 2014, otherwise known as "*The Graphic Health Warnings Law*" (RA 10643), which directs the Department of Education (DepEd) to use Graphic Health Warnings (GHW) templates to educate children, among others, on the ill effects of tobacco and to ensure that these are included in relevant subjects under the K-12 or Basic Education Curriculum; and
- F. The series of issuances on tobacco use and related concerns released by the DepEd over a period of more than two decades.

## II. Scope

These Guidelines shall apply to all DepEd officials, including the DepEd Secretary, Undersecretaries, Assistant Secretaries, Bureau Directors, Regional Directors, Directors of Services/Centers and Heads of Units, Schools Division/City Superintendents, and Heads of Public Elementary and Secondary Schools, as well as teaching and non-teaching personnel. The same shall cover DepEd and school activities held outside DepEd or school premises.

Likewise, these Guidelines shall apply to private elementary and secondary schools as well as their respective school heads and management except where provisions are applicable only to public officials.

Pupils in all elementary and students secondary schools shall also be subject to these Guidelines.

The same shall apply to visitors and other persons who are within the premises of elementary and secondary schools and the DepEd offices.

### III. Definition of Terms

- A. **Absolute smoking ban** refers to the absolute ban in all schools in accordance with the 100% Smoke-Free Policy under CSC Memo 17 and Section 5 of RA 9211: "*Smoking shall be absolutely prohibited....in centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels, and recreational facilities for persons under 18 years old.*"
- B. **Access restrictions** refers to the prohibitions to sell or distribute tobacco products to a minor; to buy tobacco products from a minor; for a minor to sell, buy or smoke tobacco products (RA 9211, Section 9); for anyone to sell or distribute tobacco products *within 100 meters from any point of the perimeter of a school, public playground or other facility frequented particularly by minors*" (RA 9211, Section 10). Access restrictions shall also refer to related policies such as those provided for in local ordinances and the FCTC, including the ban on cigarettes sold individually or in small packets which increase the affordability of tobacco products (FCTC Article 16.3).
- C. **Advertisement** refers to any visual and/or audible message disseminated to the public on a particular product that promotes and gives publicity by words, designs, images, sounds, colors or any other means through broadcast, electronic, print or whatever form of mass media.
- D. **Arts and culture** refers to a broad range of artistic creations and other products of human creativity by which a people and a nation reveal their identity, including practices, representations, expressions, knowledge and skills, as well as the instruments, objects and artifacts associated therewith, that communities, groups and individuals recognize as part of their cultural heritage.
- E. **Ban on promotional items for minors** refers to the prohibition against items marketed to or likely used by children that bear a name, logo, *indicia*, or element of a brand or marketing activity for tobacco products. Such items include but are *not limited to sports equipment, toys, dolls, miniature replicas of racing vehicles, video games, and food...that are directed toward minors*" (RA 9211, Section 17): This also refers to the ban on *the sale of sweets, snacks, toys or other objects in the form of (or likeness to) tobacco products which appeal to minors* (FCTC Art 16c).
- F. **Ban on Sponsorships** refers to the prohibition against donations/ contributions of any kind from the tobacco industry as this is a form of advertising, enhances the image of the tobacco company, and provides access to influence policy makers. RA9211, Sec. 23 bans sponsorship of sports, concert, cultural or art events and artists while the JMC prohibits all forms of contributions or donations to public offices or officials, including those given under the so-called CSR activities of the tobacco industry.
- G. **Cessation Interventions** refers to the treatment of tobacco dependence which includes a range of techniques such as motivation, advise and guidance, counseling, telephone and internet support, and appropriate pharmaceutical aids all of which aim to encourage and help tobacco users to stop using tobacco and to avoid subsequent relapse.

- H. *Outdoor Advertising Ban* refers to the prohibition against the placement of outdoor advertisements on billboards, wall murals, or transport stops or stations within 100 meters from any point of the perimeter of a school, public playground or other facility frequented particularly by persons below eighteen (18) years of age.
- I. *Sampling Restriction* refers to the prohibition on the distribution of samples of tobacco products to persons below 18 years old" (RA 9211, Section 27).
- J. *Smoking* refers to the act of carrying a lighted cigarette or other tobacco products, whether or not it is being inhaled or smoked.
- K. *Sponsorship* refers to any public or private contribution to a third party in relation to an event, team, or activity made with the aim of promoting a brand of tobacco product or the name of a tobacco company, which event, team or activity would still exist or occur without such contribution.
- K. *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, front groups and/or organizations, including, but not limited to lawyers, scientists, and lobbyists who work to further the interests of the tobacco industry.
- L. *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.
- M. *Protection against tobacco industry interference* refers to measures to protect policies from the commercial and vested interests of the tobacco industry including but not limited to measures found in CSC-DOH JMC 2010-01 and DepEd Order No. 6, s. 2012 and similar policies. These policies prohibit unnecessary interaction with, receiving contributions from, according preferential treatment to, engaging in occupational activity within the tobacco industry; and require conducting necessary interaction publicly and transparently, taking efforts to prevent or correct any perception of partnership with the tobacco industry, disclosing interests with the tobacco industry, and raising awareness about and reporting on tobacco industry interference.

#### IV. Statement of Policy and Objectives

This policy aims to ensure effective implementation of a cohesive and comprehensive tobacco control policy in order to promote a healthy environment in and around the premises of schools and DepEd offices.

##### Objectives:

- A. Educate and inform all students, teachers, and non-teaching personnel on the hazards of tobacco use and exposure to second-hand smoke, adverse socio-economic and environmental consequences of tobacco production and consumption, and tobacco control policies and tactics of the tobacco industry.
- B. Make effective cessation intervention services available and accessible to all students, teachers, and non-teaching personnel in need of such services.
- C. Facilitate enforcement of tobacco control policies in schools such as absolute smoking bans, access restrictions, ban on sponsorships, including so-called CSRs of the tobacco industry, outdoor advertising ban, the ban on promotional items for

minors, and sampling restrictions, as well as protection against tobacco industry interference.

- D. Ensure strict implementation of policies on the protection against tobacco industry interference in the Department.

**V. Procedures**

Strategies adopted pursuant to the implementation of this Order are as follows:

**A. Information, Education and Communication**

The DepEd shall undertake the following activities:

1. Conduct education and information activities to raise awareness on the harms of tobacco use and exposure to second-hand smoke, tobacco control policies and tactics of the tobacco industry, through creative endeavors, lectures, seminars, and projects involving the participation of students;
2. Develop an evidence-based effective education program, including the use of graphic health warning templates and information on the strategies of the tobacco industry, that can be integrated into the existing curricula of all public and private elementary and secondary schools and alternative delivery modes of education;
3. Conduct advocacy campaign activities, such as:
  - a. Promoting the implementation of comprehensive tobacco control policies and promoting awareness among stakeholders including parents, visitors in school grounds, and retailers in the 100-meter perimeter;
  - b. Promoting and participating in the DOH's tobacco control activities, including the annual Red Orchid Awards for 100-Percent Smoke-Free Environment in all DepEd offices and schools; and
  - c. Conducting other awareness-raising activities to warn against smoking, promote healthy lifestyles, (and counter-efforts of the tobacco industry) tactics to circumvent tobacco control measures, glamorize smoking, and downplay or deny the addictive, harmful nature of tobacco products.
4. Include the DOH-CSC Joint Memorandum Circular (JMC) No. 2010-01 on the "Protection of the Bureaucracy Against Tobacco Industry Interference" in the agenda of Regional and Schools Division Office meetings on DepEd's Tobacco Control Policy; and
5. Put up signs indicating that the school or office is a "smoke-free zone" in prominent and strategic locations within school and DepEd premises.

**B. Cessation Interventions**

With assistance from DOH, PhilHealth, and other partners, the Department shall make cessation intervention services, particularly brief interventions, available and accessible to students and personnel in need of such services.

### **C. Collaborations, Partnerships and Linkages**

Promoting collaboration among various stakeholders, except those with tobacco industry interests, is critical for effective implementation of tobacco control policies.

The Department shall coordinate closely with other agencies, organizations, local government units (LGUs), and other institutions for:

1. Enforcing the ban on tobacco advertising, promotion, and sponsorship (TAPS) and access restrictions within the 100-meter perimeter of schools, particularly for monitoring and reporting of violations;
2. Identifying individuals, organizations, and institutions that are using tobacco industry funds or representing the interests of the tobacco industry; and
3. Pushing for legislation on tobacco control through Advocacy campaigns through media and other venues.

The central office (CO), regional offices (ROs), schools division offices (SDOs), and schools shall include a provision in all Memoranda of Agreement (MOA) 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 (Annex A).

### **D. Capacity Building of School Officials, Personnel and Students**

1. All schools shall build the capacities of school personnel, students, learners, parents and guardians to raise awareness on the harms of smoking and exposure to tobacco smoke, the tobacco control policies, and the tobacco industry's activities which serve to undermine tobacco control efforts; and
2. The Department and all schools shall provide training to counselors and guidance teachers for brief cessation interventions for children, adolescents, and adults as well as coordinate with the DOH for assistance. Private elementary and secondary schools shall be encouraged to do the same.

### **E. Child Protection Committee**

1. The Department's **Child Protection Committee (CPC)**, created through DepEd Order No. 40, s. 2012 also known as the DepEd Child Protection Policy, shall lead in the implementation of this Policy at the school level. In this regard, the CPC shall:
  - a. Identify, refer, and report to the appropriate offices cases of non-compliance with tobacco control policies;
  - b. Coordinate closely with the DOH, LGUs, NGOs and other partners as appropriate to report violations and ensure compliance on the absolute smoking ban, access restrictions, ban on sponsorships, including so-called CSR of tobacco companies, ban on promotional items for minors, outdoor advertising restrictions, sampling restrictions, and other pertinent tobacco control policies and ordinances;
  - c. Develop and implement a school-based referral system for cessation interventions, including counseling and treatment, and provide referrals for students and personnel interested in or in need of cessation programs; and

- d. Provide recommendations for effective education, communication, and public awareness programs, campaigns, and other related activities.

#### **F. Reporting and Monitoring**

All schools, through the **Child Protection Committee (CPC)**, shall monitor compliance with and report violations of tobacco control policies such as:

1. Absolute smoking ban in the premises of schools, including canteens as stipulated in DepEd Order No. 8, s. 2007, outdoor spaces, toilets, and vehicles parked on school premises;
2. Access restrictions or the ban on the sale of cigarettes and other tobacco products in and within the 100-meter perimeter of the premises of all public and private elementary and secondary schools;
3. Outdoor advertising ban or the ban on advertising within the 100-meter perimeter of public and private elementary and secondary schools;
4. Sponsorship bans or the ban on tobacco sponsorships of the arts, culture, sports and concerts in all private and public elementary and secondary schools as well as the prohibition on public officials against receiving any form of contribution directly or indirectly from the tobacco industry;
5. Ban on promotional items for minors;
6. Sampling restrictions; and
7. Protection against tobacco industry interference measures, such as reporting interactions with the tobacco industry, disclosing interests in the tobacco industry, and refusing or rejecting any offers or contributions from the tobacco industry.

To achieve this, the CPC shall serve as the focal group that will prepare compliance or violation reports and collaborate with local government units (LGUs) and partners to ensure that action is taken on violations.

The Department, its partners, and the schools shall assist in identifying individuals, organizations, and institutions that are using tobacco industry funds or representing the interests of the tobacco industry.

#### **G. Roles and Responsibilities**

The **DepEd Central Office** shall:

1. Oversee nationwide implementation of this Program, including program oversight, monitoring and evaluation, through the Bureau of Learner Support Services (BLSS);
2. Devise effective education, communication, and public awareness programs, campaigns, and activities on the ill effects of tobacco use for both students and DepEd personnel;
3. Formulate a system of standard reporting, prescribe standards and procedures for monitoring and evaluation, and maintain the central repository of regional reports on violations of tobacco control measures in schools and DepEd DOs/ROs;



9. Exercise disciplinary jurisdiction, where appropriate, pursuant to the Revised Rules of Procedure of the DepEd in Administrative Cases and other existing laws, rules, and regulations; and
10. Submit an annual report consolidating the yearly reports from DOs within its jurisdiction, no later than the first week of December each year to the CO-BLSS.

The **Regional Director (RD)** shall serve as the Focal Person and shall ensure effective implementation of the Department's Comprehensive Tobacco Control Policy at the regional level.

**DepEd Schools Division Offices (SDOs)** shall:

1. Implement and monitor the Program at the schools division level through the School Governance and Operations Division (SGOD);
2. Provide technical assistance to schools in coordination with partners;
3. Conduct training and capacity development for program implementers;
4. Actively initiate and maintain partnerships in providing support and building capacity for implementers, including participating in program advocacy with LGUs;
5. Exercise due diligence in ensuring that sponsorships for any DepEd project or program extended by partners and stakeholders are not sourced directly or indirectly from tobacco, the tobacco industry;
6. Implement incentives and awards for the Best School Implementor;
7. Consolidate reports on incidents and cases in all schools and submit a Schools Division Report to the Regional Director and facilitate the referral of violation reports to the appropriate offices;
8. Submit progress reports as needed and an annual report consolidating yearly reports from schools within its jurisdiction no later than the first week of December of each year to the RO.

The **Schools Division Superintendent (SDS)** shall serve as the Focal Person and shall ensure effective implementation of the Department's Comprehensive Tobacco Control Policy at the schools division level.

**All schools** shall:

1. Ensure effective implementation and strict compliance with tobacco control measures in the school setting;
2. Coordinate support and participation of the community, including the Parent-Teacher Associations (PTAs) and other stakeholders for policy implementation;
3. Ensure implementation of this order and the local tobacco control ordinances;
4. Exercise due diligence in ensuring that sponsorships for any school project or program extended by partners and stakeholders are not sourced directly or indirectly from tobacco the tobacco industry;

5. Promote awareness of this Order including its posting in conspicuous areas of the school;
6. Conduct self-assessment of the degree of implementation of this policy in the school and incorporate it into the Work and Financial Plan (WFP) and Annual Implementation Plan (AIP) efforts to improve implementation of comprehensive tobacco control in school; and
7. Submit progress reports as needed and an annual report not later than the first week of December each year to the Division Office.

The CPC shall be the Focal Group and shall ensure effective implementation of the Department's Comprehensive Tobacco Control Policy at the school level.

#### **H. Funding**

Funding for the effective and sustainable implementation of this program may be sourced from the budget for school maintenance and other operating expenses (MOOE), subject to the usual accounting and auditing policies, procedures, and standards.

The same accounting procedures and standards shall be applied to funds from other sources.

#### **I. Prohibitions**

The following acts as defined in this Order, DO No. 6, s. 2012, CSC MC 17, and the CSC-DOH JMC 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:

1. Smoking in and on the premises, buildings, and grounds of the DepEd and all schools;
2. Establishing or allowing smoking areas within ten meters of entrances and exits of such premises;
3. Selling tobacco products in the premises, including buildings and grounds, of public elementary and secondary schools and all DepEd offices;
4. Unjustified refusal by persons concerned to report tobacco control policy violations including so-called tobacco industry CSR activities in schools or provide any related information that would facilitate enforcement of the tobacco industry interference policy and this Order;
5. Having unnecessary interaction with the tobacco industry;
6. Failure to conduct a necessary transaction with the tobacco industry in a public and transparent manner;
7. Unjustified refusal by persons concerned to correct any perception of partnership with the tobacco industry;
8. Extending preferential treatment to the tobacco industry;
9. 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;

10. Failure to disclose any financial interest in the tobacco industry;
11. Accepting any favors analogous to those mentioned above -- such as having any conflict of interest with the tobacco industry;
12. 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
13. Any analogous or similar acts.

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*.

## **J. Violations**

DepEd Order No. 49, s. 2006, or the *Revised Rules of Procedure in Administrative Cases*, shall apply to all cases involving violations of tobacco control policies in this Order, where the offense was committed by DepEd personnel, without prejudice to the filing of criminal and civil actions under existing laws, rules, and regulations.

## **VI. References**

- A. DECS Order No. 2, s. 1991 entitled *No Smoking Rule To Be Observed in All DECS Offices and Attached Agencies*;
- B. DECS Order No. 63, s. 1998 entitled *Enforcement of Smoking Ban and Other Restrictions at DECS*;
- C. DepEd Order No. 33, s. 2003 entitled *Youth Smoking Prevention (YSP) Program*;
- D. DepEd Order No. 62, s. 2007 entitled *Integration of Instructions on the Hazardous Effects of Smoking in the School Curricula*;
- E. DepEd Order No. 75, s. 2007 entitled *Ensuring Strict Observance of the Provisions of R.A. 9211 (An Act Regulating the Packaging, Use, Sale, Distribution and Advertisements of Tobacco Products and Other Purposes)*;
- F. DepEd Order No. 8, s. 2007 entitled *Revised Operating Guidelines on the Operation and Management of School Canteens in Public Elementary and Secondary Schools*;
- G. DepEd Order No. 73, s. 2010 entitled *Smoking Ban in Public Schools*;
- H. DepEd Memorandum No. 124, s. 2011 entitled *Integrating the Anti-Smoking Campaign in the Oplan Balik-Eskuwela Program*;
- I. DepEd Memorandum No. 230, s. 2011 entitled *Dissemination of Memorandum from the Office of the Department of the Interior and Local Government (DILG) Re: Guidance in the Proper Implementation of Republic Act (R.A.) 9211 in support of the CSC's Smoke-Free Environment policy*;
- J. DepEd Order No. 6, s. 2012 entitled *Guidelines on the Adoption and Implementation of Public Health Policies on Tobacco Control and Protection Against Tobacco Industry Interference*; and
- K. DepEd Order No. 40, s. 2012 entitled *DepEd Child Protection Policy*;
- L. DepEd Baseline Survey 2016 entitled *Instituting Implementation Mechanisms to Enforce Smoke Free Ban, Tobacco Advertising Ban, and Protection against Tobacco Industry Interference in Key School Districts*.

## **VII. Separability Clause**

If for any reason, any portion or provision of this Order is declared unconstitutional, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

### **VIII. Effectivity**

This Policy shall take effect fifteen (15) days after its publication in the Official Gazette or a newspaper of general circulation, and shall be registered with the Office of the National Administrative Register (ONAR) at the University of the Philippines (UP) Law Center, UP Diliman, Quezon City.

**Provision on No Tobacco Industry Interests by Partners and Donors<sup>3</sup>**

In line with the policy enunciated under Joint Memorandum Circular 2010-01 issued by the Civil Service Commission and the Department of Health, and DepEd Order No. 6, s. 2012 and DepEd Order No.\_\_\_\_, s. 2015, the Department of Education does not deal with the tobacco industry, or any individual or entity that works to further the interests of the tobacco industry, except to the extent strictly necessary to effectively regulate the tobacco industry and tobacco products.<sup>i</sup>

The First/Second Party confirms that he/she/it (as well as all members of its board and senior management) does not knowingly represent or have any affiliation with or receive any support, financial or otherwise, from the tobacco industry and/or those representing its interests, and has not done so in the past year.<sup>ii</sup>

The First/Second Party hereby undertakes to notify the Department immediately if it or any of its members and senior management discovers that it/he/she represents, is affiliated with, or receives support from the tobacco industry.

For this purpose,

1. Tobacco Industry refers to organizations, entities, associations, and individuals that 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, front groups and/or organizations, including but not limited to lawyers, scientists, and lobbyists who work to further the interests of the tobacco industry.
2. Interest and affiliation 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, an officer of the corporation, or a partnership in the tobacco industry;
  - c. Receiving any contribution from the tobacco industry.<sup>iii</sup>

Any violation of this undertaking shall constitute valid and reasonable grounds for the Department to terminate the Agreement with the First/Second Party immediately upon written notice.

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<sup>i</sup>CSC DOH JMC 2010-01, 3.1 Unnecessary Interaction with Tobacco Industry – Public officials and employees shall interact with the tobacco industry only when strictly necessary for the latter's effective regulation, supervision or control.

<sup>ii</sup>FTC Article 5.3, Guidelines, Par 27, 6.4 Parties should not allow acceptance by any branch of government or the public sector of political, social, financial, educational, community or other contributions from the tobacco industry or from those working to further its interests, except for compensations due to legal settlements or mandated by law or legally binding and enforceable agreements.

**DepEd Policy and Guidelines for Comprehensive Tobacco Control, IV. Statement of Policy and Objectives.** D. Ensure strict implementation of policies on the protection against tobacco industry interference in the Department.

**DepEd Policy and Guidelines for Comprehensive Tobacco Control V (D). Collaborations, Partnerships and Linkages.** The Central Office, Regional and Division Offices, and Schools shall include a provision in all Memoranda of Agreement (MOA) 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.