

**ADMINISTRATIVE ORDER**No. 07  
Series of 2018

**Subject: Policy on the Protection of the Bureaucracy against Tobacco Industry Interference supplementing the Enhanced Guidelines on the Code of Conduct for Personnel of the Department of Social Welfare and Development**

The Department of Social Welfare and Development (DSWD) strongly upholds the rights and promotes the interests of the poor, vulnerable and disadvantaged individuals, families and communities. This include, among others, the promotion of public health towards greater and sustainable development through tobacco control measures. As a national government agency, DSWD supports the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) Article 5.3 and the Civil Service Commission and Department of Health Joint Memorandum Circular (CSC-DOH JMC) No. 2010-01 or the Protection of the Bureaucracy against Tobacco Industry Interference to ward off interference from tobacco industry. Tobacco industry refers to a broad array of tactics and strategies used by the tobacco industry to interfere with the setting and implementing to tobacco control measures.

Pursuant to these policy issuances, the DSWD hereby adopts the Policy on the Protection of the Bureaucracy against Tobacco Industry Interference<sup>1</sup> supplementing the Enhanced Guidelines on the Code of Conduct for Personnel of the Department of Social Welfare and Development per Memorandum Circular No. 21, series of 2012, as amended by Administrative Order No. 8, series of 2016, as follows:

1. DSWD personnel, regardless of rank and status, shall limit interactions with the tobacco industry to those strictly necessary for its regulation. DSWD personnel shall ensure the transparency of engagement to avoid negative perceptions.
2. In the event that a meeting is strictly necessary, DSWD personnel with approval from the head of office shall abide by the following rules:
  - a. Set the meeting agenda. If the tobacco industry called for a meeting, DSWD official/employee/representative should clear the extent of his/her participation in the meeting.
  - b. Clarify the goals and structure of the meeting in writing prior to the actual meeting; then decide whether to agree with the meeting or not. Stick to the agenda and make the meeting brief.
  - c. 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.
  - d. Hold the meeting at the premises of the Department during office hours.

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<sup>1</sup> Adopted from CSC-DOH JMC No. 2010-01 Annex A

- e. Only the official photographer of the DSWD shall be allowed to take photographs during such meeting/s. Ensure that any photograph taken of the said meeting is strictly for documentation purposes only and not for the public relations activities of the tobacco industry. Photograph/s should not be uploaded to any social media platform.
  - f. Predetermine the meeting participants from the tobacco industry by asking for the names and positions of those who will attend the meeting.
  - g. Moderate the meeting. A lawyer, either engaged as a retainer lawyer or hired by the Department, must be present and must closely advise the official/employee/representative during the meeting.
  - h. Write the official minutes of the meeting. A voice recording of the meeting may be made to assist the staff in preparing the transcript of the meeting. Transcript of the meeting must be filed for record purposes and be made available in accordance with duly established protocols on disclosures and not 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.
3. DSWD personnel shall declare any interest in the tobacco industry. When a conflict of interest arises, the concerned personnel shall resign from his/her position in the tobacco industry within thirty (30) days from his/her assumption of office and/or divest him/herself of his/her shareholdings or interest within sixty (60) days from such assumption.

For purpose of this rule, interest in 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 partner in a partnership in the tobacco industry; and
  - c. Receiving any contribution, whether in cash or in kind, from the tobacco industry.
4. DSWD personnel 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.
5. DSWD personnel 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.

6. DSWD personnel who have a role in setting and implementing public health policies with respect to tobacco control, shall inform the Department 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.

This Administrative Order shall form part of the DSWD Code of Conduct. Any violation of which may be a ground for disciplinary action under Administrative Order No. 13, series of 2011 or the Rules of Administrative Procedure in the DSWD, without prejudice to the filing of criminal as well as civil actions under existing laws, rules and regulations. A report of any violation shall be submitted to the Human Resource Development Service in writing per prescribed complaint form (please see attached) and shall be acted upon by the DSWD Technical Working Group on CSC-DOH JMC No. 2010-01.

This Order shall take effect immediately.

Issued this 5th of April 2018, Quezon City, Philippines.



**EMMANUEL A. LEYCO**

Certify True Copy:

  
**MYRNA H. REYES**

Old-Division Chief  
Records and Archives Mgt. Division

**REPUBLIC OF THE PHILIPPINES**  
(REPUBLIKA NG PILIPINAS)

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**COMPLAINT FORM**  
(PORMULARYO NG REKLAMO)

1. **The Personal circumstances of the party/parties concerned are as follows:**  
(Mga personal na impormasyon ng mga panig:)

<b>Name of the person/s complained of:</b> (Pangalan ng tao/ mga taong inireklamo)	
<b>Position:</b> (Katungkulan:)	
<b>Office:</b> (Tanggapan:)	

2. **It is alleged that the person/s complained of violated the following provisions/s of the JMC 2010-01 or CSC MC No.17, S. 2009 (please check):**  
(Sinasabi na nilabag ng tao/mga taong inireklamo ang sumusunod na tadhana/mga tadhana ng JMC 2010-01 o CSC MC No.17, S. 2009 (Mangyaring markahan ng tsek)

<input type="checkbox"/>	Unnecessary Interaction with the Tobacco Industry (tobacco industry refers to manufacturers, distributors, importers, and supporters of tobacco products.) (Nakikipag-ugnayan nang hindi kinakailangan sa Industriya ng Tabako (ang industriya ng tabako ay tumutukoy sa mga manggagawa, tagapamahagi, tagaangkat, at mga tagapagtaguyod ng mga produktong tabako.)
<input type="checkbox"/>	Preferential treatment to the Tobacco Industry (May pagkiling na pagtrato sa Industriya ng Tabako)
<input type="checkbox"/>	Accepting Gifts, Donations and Sponsorship from the Tobacco Industry (Tumatanggap ng mga regalo, donasyon at tulong mula sa Industriya ng Tabako)
<input type="checkbox"/>	Having financial interest in the Tobacco Industry (May pakinabang na salapi sa Industriya ng Tabako)
<input type="checkbox"/>	Accepting other favors from the Tobacco Industry (Tumatanggap ng iba pang kabutihang loob mula sa Industriya ng Tabako)
<input type="checkbox"/>	Having a conflict of interest with the Tobacco Industry (May ibang hangaring salungat sa Pamahalaan at pabor sa Industriya ng Tabako)
<input type="checkbox"/>	Engaging in an occupational activity within the Tobacco Industry (May isinasagawang gawain sa loob ng Industriya ng Tabako)
<input type="checkbox"/>	Others prohibitions under the JMC 2010-01 (Mga iba pang ipinagbabawal sa ilalim ng JMC 2010-01 (mangyaring tiyakin): _____
<input type="checkbox"/>	CSC MC No. 17, S. 2009 (Smoke Prohibition based on 100% Smoke-Free Environment (Paghabawal sa Paninigarilyo batay sa Patakarang 100% Smoke-Free Environment Policy)

3. **(A) The alleged violation is committed as follows (narrate the relevant facts):**  
Ang sinasabing paglabag ay nagawa gaya ng sumusunod (isalaysay ang mga kaugnay na pangyayari):

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- (B) When did the violation of the JMC 2010-01 or CSC MC No. 17, S. 2009 occur?**  
Kailan nangyari ang paglabag sa JMC 2010-01 o CSC MC No. 17?

- (C) If no specific date, give the time period:**  
Kung walang tiyak na petsa, ibigay ang saklaw na panahon:

Date started (Petsa ng Simula): \_\_\_\_\_ Through (Hanggang): \_\_\_\_\_

4. **What is the proof that the person complained of violated the provision/s under JMC 2010-01 or CSC MC No. 17, S. 2009 (please check)?**

Ano ang inyong katibayan na nilabag ng tao/mga taong inireklamo ang alinmang ipinagbabawal sa ilalim ng JMC 2010-01 o CSC MC No. 17? (mangyaring lagyan ng tsek)

Memorandum of Agreement/Understanding and other Agreements between the Tobacco Industry and the Agency Concerned (Memorandum ng Kasunduan/Unawaan at iba pang mga Kasunduan ng Industriya ng Tabako at ng Kinaukulang ahensiya)
Pictures of the Government Officers together with Tobacco Industry Representatives (Mga larawan ng mga Opisyal ng Pamahalaan na kasama ng mga kinatawan ng Industriya ng Tabako)
Letters from/to the Tobacco Industry (Mga liham mula/sa Industriya ng tabako)
Financial documents showing receipt of funds from Tobacco Industry (Mga dokumentong pampananalapi na nagpapakita ng pagtanggap ng salapi mula sa Industriya ng Tabako)
Statements of Assets, Liabilities and Net worth (SALN) (Mga Pahayag ng Ari-arian at Pananagutan o SALN)
Employment/Consultancy Contract with the Tobacco Industry (Kontrata ng Pagkakaempleo/pagiging kasangguni sa industriya ng tabako)
Pictures of the person complained of smoking within government premises/Affidavits of witnesses (Mga larawan ng taong inireklamong nagsisigarilyo sa loob ng gusaling pampamahalaan/Mga Affidavit ng mga saksi)
Others (Iba pa) _____

(B) Is the proof attached to this form? Yes (OO)  No (Hindi)

(Kalakip ba ng pormularyong ito ang katibayan)

**PRAYER**  
(PAGSAMO)

WHEREFORE, complainant respectfully prays judgment that:

(Dahil sa mga binanggit sa anahan, magalang na nagsusumamo ang nagrereklamo na ang hatol ay maging gaya ng sumusunod)

- The person/s complained of be held liable for violation of JMC 2010-01/CSC MC No.17, S. 2009, and impose the necessary administrative sanctions;  
(Panagutin ang tao/mga taong inireklamo dahil sa paglabag sa JMC 2010-01/CSC MC No. 17, s. 2009 at ipataw ang kinakailangang mga batas administratibo;)
- Grant all other reliefs allowed by law.  
(Pagkalooban ng lahat ng iba pang tulong na ipinahihintulot ng batas.)

City of \_\_\_\_\_, \_\_\_\_\_ of (\_\_\_\_\_, 20\_\_\_\_.  
(Lungsod ng) (ng)

Complainant's Name (Pangalan ng Nagrereklamo)	
Address (Tirahan)	
Signature (Lagda)	

**Verification and Certification of Non-Forum Shopping**

(Pagpapatotoo at Pagpapatunay na Walang Forum Shopping)

I, \_\_\_\_\_, of legal age, after having been duly sworn in  
(Ako si \_\_\_\_\_, nasa hustong gulang, pagkaraang manumpa gaya ng nararapat)  
accordance with law, depose and state that:  
(alinsunod sa batas, ay nagsasabi na:)

1. I am the complainant in the above-stated case and I have caused the preparation of the foregoing complaint. (Ako ang nagrereklamo sa kaso na binabanggit sa itaas at ako ang nagsagawa ng naunang reklamo.)
2. I have read the contents thereof and the facts stated therein are true and correct of my personal knowledge and/or on the basis of copies of documents and records in my possession; (Nabasa ko ang nilalaman ng reklamo at ang mga nakasaad doon ay totoo at tama sa pagkakaalam ko at/o nakabatay sa mga sipi ng mga dokumento at kasulatang hawak ko:
3. I have not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or any other tribunal or agency; (Wala akong isinagawang iba pang aksiyon o demanda na tungkol sa mga usapin ding ito sa Korte Suprema, Hukuman sa Paghahabol, o sa alinang iba pang hukuman o ahensiya;)
4. To the best of my knowledge and belief, no such action or proceeding is pending in the Supreme Court, the Court of Appeals, or any other tribunal or agency; (Sa aking pagkakaalam at paniniwala, walang gayong aksiyon o demanda ang nakabinbin sa Korte Suprema, Hukuman sa Paghahabol, o iba pang hukuman o ahensiya;)
5. If I should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or any other tribunal or agency, I undertake to report that fact within five (5) days therefrom to the Civil Service Commission. (Sakaling malaman ko na may nakahain o nakabinbin na katulad na aksiyon o demanda sa Korte Suprema, Hukuman sa Paghahabol, o alinang iba pang hukuman o ahensiya, iuulat ko ang bagay na ito sa loob ng limang (5) araw mula sa araw na malaman ito sa Komisyon sa Serbisyo Sibil;)

\_\_\_\_\_  
**Complainant**  
(Nagreklamo)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, here at \_\_\_\_\_.  
(Sumumpa sa harap ko ngayong) (araw ng) sa lungsod ng

NOTARY PUBLIC  
(NOTARYO PUBLIKO)

REPUBLIC OF THE PHILIPPINES  
(REPUBLIKA NG PILIPINAS)

**ANONYMOUS COMPLAINT FORM**  
(PORMULARYO NG REKLAMO NA HINDI PINANGALANAN)

1. **The Personal circumstances of the party/parties concerned are as follows:**  
(Mga personal na impormasyon ng mga panig:)

<b>Name of the person/s complained of:</b> (Pangalan ng tao/ mga taong inireklamo)	
<b>Position:</b> (Katungkulan:)	
<b>Office:</b> (Tanggapan:)	

2. **It is alleged that the person/s complained of violated the following provisions/s of the JMC 2010-01 or CSC MC No.17, S. 2009 (please check):**  
(Sinasabi na nilabag ng tao/mga taong inireklamo ang sumusunod na tadhana/mga tadhana ng JMC 2010-01 o CSC MC No.17, S. 2009  
(Mangyaring markahan ng isek)

<input type="checkbox"/>	Unnecessary Interaction with the Tobacco Industry (tobacco industry refers to manufacturers, distributors, importers, and supporters of tobacco products.) (Nakikipag-ugnayan nang hindi kinakailangan sa Industriya ng Tabako (ang industriya ng tabako ay tumutukoy sa mga manggagawa, tagapamahagi, tagaangkat, at mga tagapagtaguyod ng mga produktong tabako.)
<input type="checkbox"/>	Preferential treatment to the Tobacco Industry (May pagkiling na pagtrato sa Industriya ng Tabako)
<input type="checkbox"/>	Accepting Gifts, Donations and Sponsorship from the Tobacco Industry (Tumatanggap ng mga regalo, donasyon at tulong mula sa Industriya ng Tabako)
<input type="checkbox"/>	Having financial interest in the Tobacco Industry (May pakinabang na salapi sa Industriya ng Tabako)
<input type="checkbox"/>	Accepting other favors from the Tobacco Industry (Tumatanggap ng iba pang kabutihang loob mula sa Industriya ng Tabako)
<input type="checkbox"/>	Having a conflict of interest with the Tobacco Industry (May ibang hangaring salungat sa Pamahalaan at pabor sa Industriya ng Tabako)
<input type="checkbox"/>	Engaging in an occupational activity within the Tobacco Industry (May isinasagawang gawain sa loob ng Industriya ng Tabako)
<input type="checkbox"/>	Others prohibitions under the JMC 2010-01 (Mga iba pang ipinagbabawal sa ilalim ng JMC 2010-01 (mangyaring tiyakin): _____
<input type="checkbox"/>	CSC MC No. 17, S. 2009 (Smoke Prohibition based on 100% Smoke-Free Environment (Pagbabawal sa Paninigariyo batay sa Patakarang 100% Smoke-Free Environment Policy)

3. **(A) The alleged violation is committed as follows (narrate the relevant facts):**  
Ang sinasabing paglabag ay nagawa gaya ng sumusunod (isalaysay ang mga kaugnay na pangyayari):

\_\_\_\_\_  
\_\_\_\_\_  
**(B) When did the violation of the JMC 2010-01 or CSC MC No. 17, S. 2009 occur?**  
Kailan nangyari ang paglabag sa JMC 2010-01 o CSC MC No. 17?

\_\_\_\_\_  
**(C) If no specific date, give the time period:**  
Kung walang tiyak na petsa, ibigay ang saklaw na panahon:

Date started (Petsa ng Simula): \_\_\_\_\_ Through (Hanggang): \_\_\_\_\_

4. **What is the proof that the person complained of violated the provision/s under JMC 2010-01 or CSC MC No. 17, S. 2009 (please check)?**

Ano ang inyong katibayan na nilabag ng tao/mga taong inirereklamo ang alinmang ipinagbabawal sa ilalim ng JMC 2010-01 o CSC MC No. 17? (mangyaring lagyan ng tsek)

	Memorandum of Agreement/Understanding and other Agreements between the Tobacco Industry and the Agency Concerned (Memorandum ng Kasunduan/Unawaan at iba pang mga Kasunduan ng Industriya ng Tabako at ng Kinaukulang ahensiya)
	Pictures of the Government Officers together with Tobacco Industry Representatives (Mga larawan ng mga Opisyal ng Pamahalaan na kasama ng mga kinatawan ng Industriya ng Tabako)
	Letters from/to the Tobacco Industry (Mga liham mula/sa Industriya ng tabako)
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	Pictures of the person complained of smoking within government premises/Affidavits of witnesses (Mga larawan ng taong inirereklamong nagsisigarilyo sa loob ng gusaling pampamahalaan/Mga Affidavit ng mga saksi)
	Others (Iba pa) _____

(B) Is the proof attached to this form? Yes (OO)  No (Hindi)

(Kalakip bu ng pormularyong ito ang katibayan)