

WHO Framework Convention on Tobacco Control (FCTC) Article 5.3

“In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.”

Multi-level interference in the Philippines

There is no more perfect place than the Philippines, a country that has the “strongest tobacco lobby in Asia”¹, to test the implementation of FCTC Article 5.3. Tobacco industry interference is present in different forms in all branches of the government.

An emerging strategy of the tobacco industry is to attempt to get another ‘seat at the table’. In particular, this means having representatives who push for tobacco industry interests in government delegations to the Conference of Parties to the FCTC, its subsidiary bodies and its working groups.^{2 3 4} Meanwhile, initiatives to implement stricter tobacco control laws at the local level are thwarted by industry lobbying of officials in local government units.

In terms of legislation, a strong tobacco lobby prevents the passage of effective tobacco control laws, or ensures that laws passed are watered down.⁵ An example is Republic Act No. 9211, the Tobacco Regulation Act, which declares the need for a policy that balances the needs of health with tobacco industry interests. RA 9211 also created the Interagency Committee-Tobacco (IAC-T) to oversee implementation. However, the IAC-T cannot be expected to be effective as long as its members include a representative of the tobacco industry, the National Tobacco Administration, and other agencies that have consistently promoted tobacco industry interests.

¹ K. Alechnowicz & S. Chapman, “The Philippine tobacco industry: the strongest tobacco lobby in Asia”.

² Letter of Secretary Alcala to Secretary Enrique Ona, “Philippine Delegation for Article 6 of the FCTC” dated 15 November 2011.

³ Letter of Secretary Alcala to President Benigno Aquino III “Draft Guidelines for Articles 9 and 10 of the WHO Framework Convention on Tobacco Control” dated 22 October 2010.

⁴ Letter of Administrator Edgardo Zaragosa to the WHO FCTC Secretariat “Philippine Delegation for Article 6 of the Framework Convention on Tobacco Control” dated 5 December 2011.

⁵ “Well-entrenched interest”, Lilita Balane ad Jesus Llanto, *Newsbreak* “Smoked Out, Where do ‘presidentiables’ stand?” pp. 15 - 17 (March- April 2010).

The tobacco industry has also become more litigious, actively challenging tobacco control measures being adopted or implemented by the government.⁶ Multiple and duplicitous lawsuits filed against tobacco control measures include:

- 5 cases against the Department of Health (DOH) Administrative Order on Graphic Health Information;
- A case against the Food and Drug Administration (FDA) Implementing Rules and Regulations;
- A case against the Metro Manila Development Authority (MMDA) for its enforcement of smoke-free environment policies;
- Cases questioning the DOH rule prohibiting the grant of permits for tobacco promotions.

The Philippines has been taking steps to counter tobacco industry interference by enacting and implementing policies that adopt the recommendations of FCTC Article 5.3 and its Guidelines. However, it is necessary to sustain the efforts to raise awareness and to report industry interference in order to further denormalise the strategies of the tobacco industry. To see real progress in tobacco control, the government should recognize that priority must be given to public health over tobacco industry interests.

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⁶ HealthJustice, “An Uphill Battle, Shadow Report on the Implementation of the WHO Framework Convention on Tobacco Control in the Philippines” p.20, (2011).

