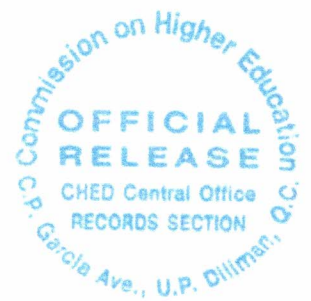




Republic of the Philippines  
OFFICE OF THE PRESIDENT  
**COMMISSION ON HIGHER EDUCATION**



**CHED MEMORANDUM ORDER**

No. 06  
Series of 2021

**Subject: POLICY AND GUIDELINES ON ANTI-SMOKING AND TOBACCO CONTROL**

Pursuant to Section 8 (n) and (o) of Republic Act No. 7722, the Higher Education Act of 1994, in relation to Section 5 (a) of Republic Act No. 9211, the Tobacco Regulation Act of 2003, Civil Service Commission (CSC) Memorandum Circular No. 17, s. 2009, the Smoking Prohibition Based on 100% Smoke-Free Environment Policy, Civil Service Commission and Department of Health (CSC-DOH) Joint Memorandum Circular 2010-01, the Protection of the Bureaucracy Against Tobacco Industry Interference, Executive Order No. 26, s. 2017, "Providing for the Establishment of Smoke-Free Environments in Public and Enclosed Places", and Article 5.3 of the World Health Organization Framework Convention on Tobacco Control (WHO-FCTC), the Commission on Higher Education (CHED) issues this Policy and Guidelines on Anti-Smoking and Tobacco Control for the effective implementation of a cohesive anti-smoking and tobacco control program to promote a healthy environment in and around the premises of CHED and all Higher Education Institutions (HEIs).

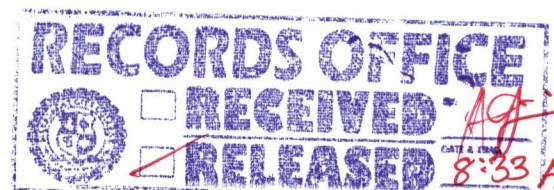
**RULE I. SCOPE/COVERAGE:**

This CHED Memorandum Order (CMO) shall prohibit all forms of tobacco consumption and smoking such as but not limited to vaping or e-cigarettes, Hooka smoking in CHED and HEIs premises, and shall apply to CHED officials and employees, Heads of Public and Private HEIs and their teaching and non-teaching personnel, their students, as well as visitors and other persons inside their vehicles within the premises of CHED and HEIs. This CMO shall also apply to CHED and HEI personnel undertaking official activities held outside their premises.

**RULE II. OBJECTIVES**

- a. Educate and inform all persons covered by this CMO particularly the students, teaching and non-teaching personnel of HEIs, on the hazards of tobacco use and exposure to second-hand and third-hand smoke, adverse socio-economic and environmental consequences of tobacco consumption, and tobacco control policies and tactics of the tobacco industry;
- b. Make effective cessation intervention services available and accessible to persons in need of such services;

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- c. Facilitate enforcement of tobacco control policies in CHED and HEIs such as absolute smoking bans, access restrictions, ban on sponsorships, including so-called Corporate Social Responsibility (CSR) of the tobacco industry, outdoor advertising ban, the ban on promotional items for students, and sampling restrictions, as well as protection against tobacco industry interference; and;
- d. Ensure strict implementation of policies on the protection against tobacco industry interference in HEIs and CHED premises.

### RULE III. DEFINITION OF TERMS

- a. **Absolute smoking ban** refers to the absolute ban in CHED and HEIs in accordance with the 100% Smoke-Free Policy under CSC Memo 17 and Section 5 of RA 9211;
- b. **Access restrictions** refers to the prohibitions to sell or distribute tobacco products to a student, to buy tobacco products from a student, for a student 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 HEIs, their extensions, or partner institutions* (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 students** refers to the prohibition against items marketed to or likely used by students 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, miniature replicas of racing vehicles, video games, and food, etc... that are directed toward students'* (RA 9211, Section 17).
- 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. RA No. 9211, Sec. 23 bans sponsorship of sports, concert, cultural or art events and artists while the CSC-DOH 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. **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.
- h. **Sampling Restriction** refers to the prohibition on the distribution of samples of tobacco products to any person.
- i. **Smoking** refers to the act of using a lighted cigarette or other tobacco products including vaping or other forms of smoking.
- j. **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, electronic cigarette 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/ electronic cigarette manufacturer, 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 in the setting and implementation of the 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. These policies prohibit unnecessary interaction with, receiving contributions from, according preferential treatment to, engaging in occupational activity within the tobacco industry, electronic cigarette manufacturer; 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.
- n. **Corporate Social Responsibility (CSR)** is a model that makes a company to be socially accountable — to itself, its stakeholders, and the general public. By practicing CSR, companies can be conscious of the kind of impact they are having on all aspects of society including economic, social, and environmental.

#### RULE IV. PROCEDURES

Strategies adopted for the implementation of this CMO are as follows:

- A. **Information, Education and Communication.** The CHED shall undertake the following activities:
  - 1. Conduct advocacy campaign 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. Participating in the DOH's tobacco control activities, including the annual Red Orchid Awards for 100-Percent Smoke-Free Environment; and
- c. Organizing awareness-raising activities to warn against smoking, promote healthy lifestyles, and downplay or deny the addictive, harmful nature of tobacco products.
- d. Adopting the DOH-CSC Joint Memorandum Circular (JMC) No. 2010-01 on the "Protection of the Bureaucracy Against Tobacco Industry Interference" in the agenda of CHED and HEIs meetings on Tobacco Control Policy, and;
- e. Providing information indicating that the school or office is a "smoke-free zone" in prominent and strategic locations within CHED and HEI premises.

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

The CHED shall coordinate closely with other agencies, organizations, local government units (LGUs), HEIs and other concerned institutions, for the enforcement of the ban on tobacco/e-cigarettes advertising, promotion, and sponsorship and restrictions within the 100-meter perimeter of HEIs particularly for monitoring and reporting of violations, and in pushing for legislation on tobacco control through advocacy campaigns through media and other venues.

### **C. Capacity Building of HEI Personnel and Students**

All HEIs shall conduct seminars and build the capacities of school personnel, students, parents and guardians to raise awareness on the harms of smoking and exposure to tobacco smoke/e-cigarettes, the tobacco control policies, and the tobacco industry's activities which serve to undermine tobacco control efforts; and to establish mechanisms on how to assist students to stop smoking.

### **D. Reporting and Monitoring**

Within their jurisdiction, all HEIs shall monitor compliance with this CMO and other related tobacco control policies and report to CHED all violations thereof, such as but not limited to the following:

1. Absolute smoking ban in the premises of HEIs;
2. Access restrictions or the ban on the sale of cigarettes, e-cigarettes, and other tobacco products in and within the 100-meter perimeter of the premises of all HEIs;
3. Sponsorship bans or the ban on tobacco sponsorships of the arts, culture, sports and concerts in all HEIs;
4. Ban on promotional items for students;
5. Sampling restrictions; and
6. 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.

#### RULE V. ROLES AND RESPONSIBILITIES

- The CHED Central Office shall oversee the nationwide implementation of this CMO;
- The CHED Administrative, Financial and Management Service (AFMS)-Human Resource Development Division (HRDD) and all concerned CHED Regional Offices (CHEDROs) shall cause the posting of "No Smoking" signages in the conspicuous places in CHED Central and Regional Offices respectively;
- The CHED Central and Regional Offices, by authority of the Commission en banc, shall enter into a Memorandum of Agreement (MOA) with the concerned Local Government Units (LGUs) to ensure the effective implementation of the prohibition on access restrictions or the ban on the sale of cigarettes, e-cigarettes, and other tobacco products in and within 100 meters from any point of the perimeter of CHED Central and Regional Offices;
- The CHED Regional Offices shall, in the exercise of its monitoring function, ensure that all HEIs within their jurisdiction have an existing MOA with the concerned LGUs, in connection with Rule V (f) hereof, and;
- The CHED Regional Offices shall implement and monitor compliance with this CMO at the regional level, exercise due diligence in ensuring that sponsorships for any CHED project or program extended by partners and stakeholders are not sourced directly or indirectly from the tobacco industry; and consolidate and submit reports on incidents and cases of violations of this CMO and other related tobacco control policies to CHED Central Office at the end of every semester of a given Academic Year.
- All HEIs shall ensure the effective implementation and strict compliance of this CMO and other related tobacco control policies in the school setting through the following:
  - a. Institutionalize in the school Student Handbook and/or Internal Rules of Discipline a policy on total smoking ban, prohibition on sponsorship, access restrictions within the 100 meters from the perimeter, outdoor advertising ban, advertisement of tobacco products/e-cigarettes, ban on promotional items for students, and sampling restrictions;
  - b. Post "No Smoking" signages in the conspicuous places in the school;
  - c. Promote awareness, coordinate support and participation of the community and other stakeholders;
  - d. Conduct orientation of students every academic year on the non-smoking policy of the school;
  - e. Submit compliance report of the above roles and responsibilities to the concerned CHED Regional Office not later than thirty (30) days before the end of every academic year, and;
  - f. Enter into a Memorandum of Agreement (MOA) with the concerned Local Government Units (LGUs) to ensure the effective implementation of the prohibition on access restrictions or the ban on the sale of cigarettes, e-cigarettes, and other tobacco products in and within 100 meters from any point of the perimeter of HEIs, their extensions, or partner institutions.





## **RULE VI. PROHIBITIONS**

The following acts as defined in this CMO and in other related tobacco control policies are hereby prohibited and shall be penalized depending on the gravity of the act and its consequences, under existing laws, rules, and regulations, namely:

1. Smoking within the premises of CHED and HEIs;
2. Establishing or designating smoking areas in any point or place within such premises;
3. Selling, advertising, promoting tobacco products and e-cigarettes in the premises, including buildings and grounds, of public and private HEIs and all CHED offices;
4. Failure to report violations of this CMO or tobacco control policy violations including so-called tobacco industry interference activities in schools;
5. Extending preferential treatment in favor of the tobacco industry;
6. Accepting gifts, donations, or sponsorships directly and indirectly from the tobacco industry, including those that may be coursed through CHED stakeholders, partners, or third parties in the guise of projects;
7. Failure to disclose any financial interest in the tobacco industry;
8. Any act or acts analogous to the foregoing.

In case of violation of the foregoing prohibitions, the schools' Student Handbook/Internal Rules of Discipline, or applicable policy of CHED, shall be followed. In the absence thereof, the Civil Service Commission's Guide for Resolving/Filing Cases of Tobacco Industry Interference in the Bureaucracy shall have supplementary application.

## **RULE VII. IMPLEMENTING DETAILS**

All HEIs are directed to institutionalize in the school Student Handbook and/or Internal Rules of Discipline a policy on total smoking ban, prohibition on sponsorship, access restrictions within the 100 meters from the perimeter, outdoor advertising ban, advertisement of tobacco products/e-cigarettes, ban on promotional items for students, and sampling restrictions; their respective implementing details of this CMO taking into consideration their mandates, within one hundred twenty (120) days from the effectivity of this CHED Memorandum Order.

## **RULE VIII. FUNDING**

Funding for the effective and sustainable implementation of this CMO may be sourced from the respective funds of CHED and public HEIs, subject to the usual accounting and auditing rules and procedures. In the private HEIs, funding may be sourced from their private funds, subject to their internal accounting rules and procedures.

## **RULE IX. VIOLATIONS AND SANCTIONS**

The 2017 Rules of Administrative Cases in the Civil Service (RACCS) shall apply to all cases involving violations of this CMO, where the offense was committed by personnel of CHED and Public HEIs, without prejudice to the filing of appropriate criminal and/or civil actions under existing laws, rules, and regulations. For violations committed by personnel in the Private HEIs, the same shall be subject to their internal rules or other applicable laws.



For violations of this CMO committed by Public/ Private HEIs, the Commission pursuant to Section 8 (n) of R.A. 7722 may, after due process, impose the appropriate fines in the exercise of its function as a regulatory body amounting to Php10,000 for the first offense and additional Php 10,000.00 for every succeeding offense(s).

For violations committed by visitors and other persons while within the premises of CHED, the tobacco products or prohibited items shall be confiscated and the violators ordered to vacate the premises.

#### **RULE X. REPEALING CLAUSE**

All CHED issuances inconsistent with this Memorandum Order are deemed repealed accordingly upon the effectivity of this CMO.

#### **RULE XI. SEPARABILITY CLAUSE**

If for any reason, any portion or provision of this CMO is declared invalid, other parts or provisions thereof not affected thereby shall continue to be in full force and effect.

#### **RULE XII. EFFECTIVITY**

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

Immediate dissemination of, and strict compliance with, this CMO is hereby ordered.



**J. PROSPERO E. DE VERA III, DPA**  
Chairman

