



5 June 2021

**The Committee on Good Government
and Public Accountability**

House of Representatives
Quezon City

Dear Honorable Committee Members,

Since time immemorial, we have been emphasizing that consumer's rights, specifically to choose Tobacco Harm Reduction (THR) products to be able to quit smoking, fall under the tenets of human rights. This has been pointed out, not only in the Philippines, but across the globe.

Smoking, as many would say, is a hard habit to kick. Due to the accessibility to cigarettes, most Filipinos choose smoking over THR products. As we continue to harbor cigarette smoking—in effect—we have a hand in the piling number of deaths and illnesses in the country.

This is the very reason why we urge this government to understand, accept, and protect THR, as it all boils down to a public health issue. However, despite the efforts that consumers have been exerting, we remain to be blindsided by big organizations, not to mention foreign ones, such as The Union and Bloomberg Initiative.

It shall be recalled that the Food and Drug Administration (FDA), along with other entities such as LGUs and government agencies, have accepted grants from The Union, which is funded by the anti-tobacco advocacy Bloomberg Initiative.

FDA Director-General Dr. Rolando Enrique D. Domingo stated that, in 2016, the FDA applied for and received a grant of \$150,430 from the Union. This fund was, subsequently, used to hire “job order” employees, who would draft tobacco control policies of the agency.



While the FDA has vehemently denied bias and partiality during the deliberation conducted on 16 March 2021, majority of the members of this Committee has probed into this issue. It is glaring that a regulatory agency, i.e., the FDA, has deviated from its own mandate. It is the FDA's duty to ensure the safety, efficacy or quality of health products which include but are not limited to food, drugs, and consumer products. Yet, despite public knowledge on The Union and Bloomberg Initiative's antagonistic advocacy, the FDA continued to apply for the grant—and even use such awarded grant for the benefit of The Union and Bloomberg Initiative, *ala quid pro quo*.

It begs the question, is the FDA at the service of The Union and Bloomberg Initiative? Or of Filipinos who are trying to quit smoking and are hoping to do this by choosing THR products?

The answer remains to be unknown.

The FDA's, along with the other entities' association with The Union and Bloomberg Initiative taints their reputation as well as their obligation to Filipinos—more specifically, Filipinos who are trying to quit smoking through THR products.

With the recent passage of House Bill No. 9007, or the proposed “Non-Combustible Nicotine Delivery Systems Regulation Act”, it is even more imperative now to inquire into the questionable receipt of private funding by the FDA and other government agencies and institutions, in exchange for the issuance of specific and pre-defined policies directed against a legitimate industry under Philippine laws. This receipt of private funding from The Union and Bloomberg Initiative clearly casts a doubt on the agencies' regard for consumer rights and welfare.

A conflict of interest is present since Bloomberg Initiative is known to be disbursing millions of dollars around the world to demonize vaping without



the benefit of any scientific validation. In its acceptance of grants, the FDA has taken upon itself to subject e-cigarettes and HTPs to the most strict regulations despite the lack of any meaningful discussions.

To reiterate, LMICs are deliberately being targeted by these grants due to its dire need of funds to implement effective public health programs. This makes LMICs particularly vulnerable and often fall prey to grant-for-policy schemes, such as in this case of FDA. Consequently, Filipino consumers' rights to choose better products for their health is compromised.

The FDA, being a government agency, is obligated to recognize and respect Filipino consumers' rights. However, instead of doing this, the FDA, in accepting grants from The Union and Bloomberg Initiative, has violated Filipino consumers' rights—quite the opposite from what the Constitution also mandates government agencies, i.e., public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives.

Under present Philippine laws, public officials and employees are prohibited from soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office. It cannot be gainsaid that the funds received by the FDA from anti-vaping groups is aimed to jeopardize its treatment of THR products, such as e-cigarettes and HTPs.

We are grateful that this questionable funding remains to be under the microscope and we strongly urge this Committee to continue its utmost efforts into probing an evident conflict of interest concerning the FDA and other agencies and institutions.



Further, we implore the committee to not only address the possibility of the laws that may have been broken by the acceptance of the funds by the FDA, but also the right to health and well being afforded to all Filipinos as a human right guaranteed by the United Nations and the World Health Organization FCTC.

Respectfully,

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