



OCT 14 2011

DepED MEMORANDUM  
No. **230**, s. 2011

**DISSEMINATION OF MEMORANDUM FROM THE OFFICE OF THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) RE: GUIDANCE IN THE PROPER IMPLEMENTATION OF REPUBLIC ACT (RA) NO. 9211**

To: Undersecretaries  
Assistant Secretaries  
Bureau Directors  
Directors of Services, Centers and Heads of Units  
Regional Directors  
Schools Division/City Superintendents  
Heads, Elementary and Secondary Schools  
All Others Concerned

1. For the information and guidance of all concerned, enclosed is a copy of **Memorandum from the Office of the Department of Interior and Local Government (DILG) Re: Guidance in the Proper Implementation of Republic Act (RA) No. 9211** entitled "*An Act Regulating the Packaging, Use, Sale, Distribution and Advertisement of Tobacco Products and for Other Purposes*" and also known as the "*Tobacco Regulation Act of 2009*" which is self-explanatory.
2. Immediate dissemination of this Memorandum is desired.

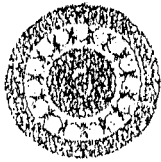
  
**BR. ARMIN A. LUISTRO FSC**  
Secretary

Encl.: As stated  
Reference: None  
To be indicated in the Perpetual Index  
under the following subjects:

LEGISLATION  
OFFICIALS  
SCHOOLS

D-MCR/DM-DILG Memo  
October 11, 2011





OFFICE OF THE SECRETARY

**MEMORANDUM**

To : ALL REGIONAL DIRECTORS AND OTHERS CONCERNED  
Re : GUIDANCE IN THE PROPER IMPLEMENTATION OF  
R.A. 9211  
Date : AUG 23 2011

It has come to the attention of the Department that certain DILG Regional Offices have issued joint memorandum circulars with regional offices of the Department of Health encouraging LGUs to enact local ordinances following the "Model Smoke-free Ordinance" developed by the DOH, in consultation with tobacco control advocates and other concerned government agencies.

This model ordinance's definition of "enclosed area" and "public place" departed from the definition provided under R.A. 9211 and its Implementing Rules and Regulations (IRR). Instead, it adopted the expanded definition as provided under the World Health Organization Framework Convention on Tobacco Control (WHO-FCTC) Guidelines.

Please be advised that tobacco regulation implementation should be in accordance with RA 9211 and its IRR. This law regulates the packaging, use, sale, distribution and advertising of tobacco products.

It bears stressing that while the Philippines is a party to the WHO-FCTC, this treaty should be implemented in accordance with the domestic law of party-states on tobacco regulation. Therefore local ordinances expanding the scope of the prohibitions under R.A. 9211 are invalid.

In view thereof, kindly ensure that all issuances on tobacco regulation and control at your level issued in conjunction with regional offices of other agencies should observe the provisions of R.A. No. 9211 and its IRR.

For your guidance, DILG Memorandum Circular No. 2004-85 dated 02 July 2004 and DILG Memorandum Circular dated 17 September 2007 are hereby reiterated.

  
JESSE M. ROBREDO  
Secretary