



Republic of the Philippines  
Department of Health  
**FOOD AND DRUG ADMINISTRATION**



## **PRESS RELEASE**

### **FDA lauds SC decision upholding the agency's regulatory authority over tobacco products**

23 June 2022

The Food and Drug Administration (FDA) lauds the Supreme Court decision upholding the agency's jurisdiction over tobacco products reaffirming the primordial right of all Filipinos to health.

The Supreme Court decision reversed and set aside an earlier decision of the regional trial court which incorrectly voided the FDA's mandate to regulate tobacco products and its industry. The Supreme Court ruled that tobacco products are classified as health products, as defined under Republic Act (RA) No. 9711, otherwise known as "The FDA Act of 2009", due to its harmful effects on health, and is rightfully placed under the regulatory purview of the FDA. Further, it was ruled that the Department of Health (DOH) and the FDA did not exceed their authority to promulgate the Implementing Rules for Section 25 of RA 9711. . In the same decision, it was also clarified that the country's commitments to the ratified WHO Framework Convention on Tobacco Control is operative as part of national law and must be considered in exercising the DOH and FDA's regulatory powers over health products.

The FDA expresses its utmost gratitude to the honorable Senators, Senator Pia Cayetano and Senator Franklin Drilon, who filed for their Petitions-in-Intervention, the Office of the Solicitor General, health advocates, medical and allied health professionals, who have supported the DOH and the FDA during the case. The FDA also thanks the magistrates of the Supreme Court for deciding in favor of health by a vote of 10-3, and showing the whole-of-government's commitment to President Rodrigo Duterte's campaign to protect the youth and all Filipinos against the perils of smoking. This legal victory, the results of their hard work will be felt not just by this generation, but by future generations to come, who will benefit from the health impact of this decision.

The FDA shall remain true and committed to its mandate to protect and promote the right to health of all Filipinos through the regulation of health products, and shall uphold the country's commitments to the WHO Framework Convention on Tobacco Control to its best capacity.

