

OB

CONGRESS OF THE PHILIPPINES }
First Regular Session }

HOUSE OF REPRESENTATIVES

H. No. 10900

INTRODUCED BY CONGRESSMEN MONFORT, CONGRESSWOMAN
GONZALEZ, CONGRESSMEN TY, CAMASURA, JR., BAGATSING,
JR., DUREZA, CONGRESSWOMAN LABARIA, CONGRESSMEN
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LOBREGAT, CONGRESSMEN WEBB, DE PEDRO III, JOSON,
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REYES, CONGRESSMEN DAYANGHIRANG, GUANZON,
CONGRESSWOMAN ROA, CONGRESSMEN SANTOS, PAYUMO,
CONGRESSWOMAN COSETENG, CONGRESSMAN MONTEJO,
CONGRESSWOMAN REYES, CONGRESSMEN JAVIER (R.),
AGUILAR, BACALTOS, DEL MAR, LEGASPI, APACIBLE,
CONGRESSWOMAN AGANA, CONGRESSMAN PUNZALAN,
CONGRESSWOMAN BAKUNAWA, CONGRESSMEN DOMINGUEZ,
PILAPIL, CONGRESSWOMAN ACOSTA, CONGRESSMEN DANGWA,
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NUNEZ, CAINGLET, CONGRESSWOMAN ECLEO, CONGRESSMEN
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ADASA, JR., ALBANO, ALFELOR, AMANTE, AMATONG,
ANDAYA, ANGELES (D.), ANGELES (R.), ANIAG, JR.,
ANNI, ANTONINO, AQUINO (A.), AQUINO (F.), AQUINO
(H.S.), AQUINO (H.Y.), CONGRESSWOMAN AQUINO-ORETA,
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BANDON, JR., BAUTISTA, SR., BELTRAN, JR., BENGSON
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CALINGASAN, CARLOTO, CHAVES, CHIONGBIAN, CLAVER,
COJUANGCO, JR., CONCEPCION, JR., CUA, CUENCO, DANS,
DAZA, DIANALAN, DIMAPORO (M.A.B.), DOMINGO, JR.,
DRAGON, DUPAYA, ESCUDERO III, ESPINOSA (M.),
ESPINOSA (T.), ESTRELLA, JR., ESTRELLA III, ESTRELLA
(E.), FUA, FUGOSO, GARCIA (E.), GARCIA (P.), GARCIA,
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JR., IMPERIAL, ISIDRO, JABAR, JAVIER (E.), JOAQUIN,
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LAGUDA, CONGRESSWOMAN LAUREL-TRINIDAD, CONGRESSMEN
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MITRA, NALUPTA, JR., OCAMPO, OJEDA, ORBOS, ORTEGA,
OZAMIZ, PADILLA, PALACOL, PARAS, PELAEZ, PEREZ,



PINEDA, CONGRESSWOMAN PLAZA (C.), CONGRESSMEN PUEY, PUZON, RAMIREZ, JR., RESPICIO, RIVERA, JR., ROBLES, ROCO, RODRIGUEZ, ROMERO, ROMUALDO, RONO, DEL ROSARIO, ROXAS, JR., SARMIENTO, SR., SARTE, SATOR, SERAPIO, DE LA SERNA, SINGSON (E.), SINGSON (L.), SISON, CONGRESSWOMAN STARKE, CONGRESSMEN SUMULONG, SR., TAGARAO, TAN, TANJUATCO, JR., TEVES, TINGA, TIRADOR, TIROL, TUPAS, TUZON, UNICO, VALDEZ, VALENCIA, VELOSO, DE VENECIA, JR., CONGRESSWOMAN VERANO-YAP, CONGRESSMEN VILLAREAL, SR., YAP (J.), YAP (R.), YULO, ZAMORA, ZARRAGA, ZUBIRI, JR., AND ARTECHE, PER COMMITTEE REPORT NO. 181

AN ACT TO REQUIRE THE USE OF GENERIC DRUGS IN THE COUNTRY

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. Title. - This Act shall be known as
2 "The Generic Drugs Act of 1988."

3 SEC. 2. Statement of Policy. - It is the policy of
4 the State to promote and encourage the use of generic
5 terminology (names) in the importation, manufacture,
6 marketing, promotion, prescription, dispensation and
7 utilization of pharmaceutical products.

8 SEC. 3. Generic Terminology (Names). Defined. -

9 (a) Generic terminology (name) is the identification of
10 drugs by their scientifically and internationally
11 recognized active ingredients in their chemical
12 composition or by their official generic name as
13 determined by the Bureau of Food and Drugs or the
14 appropriate agency concerned.

15 (b) Branded generics refers to drug products which

1 will be presented in their generic format, also carry the
2 name of the company or manufacturer preceding the
3 product's generic name.

4 (c) Branded products refer to drug products which
5 are presented under their own brand names.

6 SEC. 4. Who Shall Use Generic Terminology (Names).

7 - A. Medical practitioners, in writing prescriptions
8 must indicate the generic name of the drug. Such
9 prescription must not be substituted when served in any
10 drugstore in order to ensure the responsibility of the
11 manufacturer, prescriber or retailer, as the case may be.

12 B. Any organization or company involved in the
13 process of manufacturing, importation, repacking, and/or
14 distribution of drugs or medicines shall indicate
15 prominently the generic names in identifying
16 manufactured drugs on the product labels.

17 C. In the promotion of the use of generic names for
18 pharmaceuticals, special consideration shall be given to
19 those which are included in the essential drug lists
20 prepared and annually updated by the Department of
21 Health on the basis of internationally accepted criteria
22 as well as the prevalent health problems of the
23 Philippines.

24 D. Incentives and other special promotive privi-
25 leges shall be granted to producers of these essential
26 drugs as may be allowed by law: Provided, That generic
27 terminology is exclusively used in their manufacture,
28 distribution, marketing and sales.

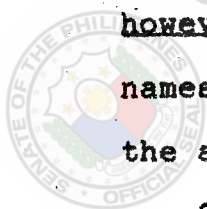


1 SEC. 5. Posting and Publications. - The Department
2 of Health shall publish in at least two (2) newspapers
3 of general circulation the list of all pharmaceutical
4 products with their corresponding generic name.

5 Subject to the rules and regulations promulgated by
6 the Department of Health, all drug outlets including
7 drugstores, hospitals and non-hospital pharmacists may
8 inform any buyer of drugs and medicines about any or all
9 other drug products having the same generic name
10 together with their corresponding prices so that the buyer
11 may exercise his option and they shall also post in
12 conspicuous places in their business establishment a
13 list of drug products having the same generic name with
14 their corresponding prices.

15 SEC. 6. Requiring Government Health Agencies To Be
16 and Make Available Drugs With Generic Names. - Govern -
17 ment health agencies and their personnel shall use gene-
18 ric terminology (names) in all transactions including
19 purchasing, prescribing, dispensing and administering of
20 drug related to the use of pharmaceuticals: Provided,
21 however, That the quality of such drugs with generic
22 names is duly certified by the Department of Health, or
23 the appropriate agency concerned.

24 SEC. 7. Penalty. - Any person who violates any
25 provision of this Act shall suffer the penalty of
26 imprisonment of not less than six (6) months nor more
27 than one (1) year, or a fine of not less than Five



1 thousand pesos (P5,000.00), nor more than Ten thousand
2 pesos (P10,000.00), or both such fine and imprisonment
3 at the discretion of the Court. In case of corporations,
4 the officers directly responsible for such violation
5 shall be liable under this Act. If the guilty party is
6 an alien, he shall be ipso facto deported after service
7 of sentence without need of further proceedings.

8 Establishments or firms found violating the
9 provisions of this Act shall likewise suffer appropriate
10 administrative sanctions such as suspension or
11 cancellation of license, as the case may be.

12 SEC. 8. Rules and Regulations. - The implementation
13 of the provisions of this Act shall be in accordance
14 with rules and regulations to be promulgated by the
15 Department of Health in consultation with the affected
16 sectors.

17 SEC. 9. Separability Clause. - If any provision
18 of this Act is declared invalid, the remainder hereof
19 not affected thereby shall remain in force and effect.

20 SEC. 10. Repealing Clause. - All laws, decrees,
21 executive orders, rules and regulations contrary to any
22 of the provisions of this Act are hereby repealed or
23 modified accordingly.

24 SEC. 11. - Effectivity. - This Act shall take
25 effect fifteen (15) days after its complete publication
26 in two (2) newspapers of general circulation, except
27 Section 7 hereof, which shall take effect five (5) years
28 after the effectivity of this Act in order to give ample
29 time for the dissemination of information necessary
30 therefor.

Approved,