4 Pages

REPUBLIC OF THE PHILIPPINES)87

SENATE

MANILA

SENATE BILL NO. 197

- -

Introduced by Honorable Orlando S. Mercado

- -

EXPLANATORY NOTE

Section 11 of Article XIII of the 1987 Constitution on Social Justice and Human Rights, states:

> "The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social service available to all people at affordable cost. There shall be priority for the needs of the underprivileged sick, elderly disabled, women and children. x x x "

Section 12 of the same Article, further states:

> "The State shall establish and maintain an effective food and drug regulatory system and undertake appropriate health manpower development and research, responsive to the country's health needs and problems."

A careful reading of the abovequoted provisions shows that the government has to take steps to provide better health services to the people, with special concern to the poor. The tremendous increase of the prices of drugs during the past few years has made this very basic need almost beyond the reach of the poor.

It is claimed that brand-named drugs are more expensive because of the higher advertising and promotional costs of marketing them, among others. Furthermore, the "psuedo-illicit-doctor-drug supplier relation" comes into focus when we consider the "fringe benefits" continually offered by drug firms in exchange for the doctor's

continued patronage of their products by prescribing brand-named drugs to their patients. This is done despite some doctor's knowledge that there are many other drugs which are not only better but cheaper as well.

While the bill is not as radical as to altogether outlaw the manufacture of brand-named drugs, it still aims to bring the prices of drugs down to a considerable level by mandating the printing of the generic name above the brand name and the posting in conspicuous places in drugstores the list of brand-named drugs with their corresponding generic names. The bill likewise requires medical practitioners to state the drug's generic name in giving out prescriptions. In doing so, the public may be guided accordingly in making the right choice.

It is important to state that 70% of the market has been cornered by multinationals; 25% by UNILAB, and the remaining 5% by Filipinos. This is a glaring example of our country's minimal hold on the drug market.

By rationalizing the drug industry, the author believes that there is still hope left to rectify this gross imbalance.

The immediate approval of this bill is earnestly requested.

ORLANDO S. MERCADO
Senator

/pfe

REPUBLIC OF THE PHILIPPINES

SENATE

MANILA

SENATE BILL NO. 197

- -

Introduced by Honorable Orlando S. Mercado

- -

AN ACT
REQUIRING DRUGS AND PHARMACEUTICAL COMPANIES TO PRINT ABOVE THE BRAND NAME, THE DRUG'S CORRESPONDING GENERIC NAME AND DIRECTING MEDICAL PRACTITIONERS IN PRESCRIBING MEDICINES, TO INDICATE THE DRUG'S GENERIC NAME, AND FOR OTHER PURPOSES.

SECTION 1. Statement of Policy. It is the policy of this Act to make drugs available to all the people at affordable cost by providing them with a list of all drugs with their corresponding generic names with the end in view of giving them the opportunity to choose what drugs to purchase. For purposes of this Act, drugs shall include medicines.

SECTION 2. Who shall use generic names.

A. Drug and pharmaceutical companies shall indicate above the brand name, the generic names in identifying and labelling certain manufactured drugs.

B. Registered medical practitioners in giving out prescription, must indicate the drug's generic name.

SECTION 3. Listing of drugs. The Department of Health and the Bureau of Food and Drug Administration shall, within six (6) months from the approval of this Act, provide a list of all drugs that shall be manufactured not only with their brand names but also with their corresponding generic names.

SECTION 4. Postings/Publications. The Department of Health shall publish in at least two (2) newspapers of general circulation the list of all brand-named drugs with their corresponding generic names.

All drugstores shall be required to post in a conspicuous places readily accessible to the public the required list for the proper guidance of customers.

SECTION 5. Rules and Regulations. The Department of Health shall promulgate rules and regulations to implement the objectives of this Act with special emphasis on monitoring effectively its strict compliance.

SECTION 6. Prohibited Act. No manufactured or repacked drug shall be sold to the public unless the generic name in bold letters is placed above the brand name.

SECTION 7. Penalty. Any person who violates any of the provisions of this Act or the Rules and Regulations issued in implementation of this Act, shall suffer the penalty of prision mayor in its minimum period and a fine of not less than ₱10,000.00 or more than ₱15,000.000; Provided, that in case of corporations or any other juridical person, the President or the manager shall suffer the penalty of prision mayor in its maximum period and a fine of not less than ₱20,000.00 or more than ₱30,000.00.

SECTION 8. Separability Clause. If any provision of this Act is declared invalid, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

SECTION 9. Repealing Clause. The provisions of any law, executive order, presidential decree, or other issuances inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 10. Effectivity. This Act shall take effect 15 days after its complete publication in two (2) newspapers of general circulation.