

SENATE

S. NO. 301

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Introduced by Senator AQUILINO Q. PIMENTEL, JR.

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EXPLANATORY NOTE

The price of medicine ought not to be a deterrent to good health. Unfortunately, the cost of many common and life-saving drugs is beyond the reach of the masses of our people as a result of difficult economic times and the dwindling purchasing power of the peso.

As a result, many of those who are ill are unable to comply with prescribed medical regimens, which, in turn, worsen their physical conditions. Also, the high cost of drugs makes it difficult for us to control or eradicate many diseases that have already been wiped out in other countries. Tuberculosis, for example, which is no longer a killer disease in many parts of the world, still endangers six out of every thousand Filipinos.

It is easy to imagine the number of man-hours and income opportunities, and even of lives that are lost due to poor health and illness, which ought to be curable but for the inability of many of our people to afford the high cost of drugs.

This bill proposes maximum utilization, where appropriate, of low-cost alternatives to high priced drugs by encouraging, for a start, our government health institutions and workers to buy and make available for, prescribe, dispense, administer or use generic drugs upon their patients.

Generic drugs are unbranded medicines or drugs identifiable by their chemical compositions and active ingredients as opposed to their branded equivalents which normally come in fancy packages and are aggressively advertised and promoted.

It is said that packaging, advertising and promotion costs account for about 40 percent of the cost of brand drugs. In a very real sense, generic drugs can be considered conscience products since they provide affordable alternatives to high-cost drugs.

There is already a perceptible trend towards the use of generic drugs in many advance countries. The U.S. pharmaceutical market, for example, has seen the rise of generic drug prescriptions over the past ten years and sales are expected to exceed \$8.7 billion by 1989.

There is, therefore, no reason why we, as a people should

not use generic drugs whenever these are appropriate and available.

This bill, then, seeks to encourage that use by our government health institutions and people.

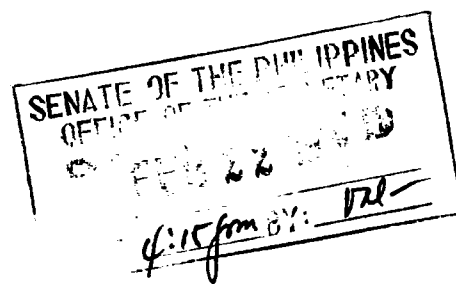
Its approval is earnestly requested.



AQUILINO Q. PIMENTEL, JR.  
Senator



Senate Archives (LRAS)



S E N A T E

S. NO. 301

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AN ACT  
TO ENCOURAGE 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 called the  
2 Generic Drugs Act of 1988.

3 SECTION 2. Statement of Policy. It is hereby  
4 declared a policy of the State to encourage the use of  
5 generic drugs in appropriate circumstances.

6 SECTION 3. Generic Drugs, defined. Generic drugs  
7 are non-proprietary or unbranded medicines, identified by  
8 their scientifically recognized active ingredients of  
9 chemical compositions, as opposed to proprietary drugs  
10 which are registered and protected by a trademark or brand  
11 name.

12 SECTION 4. Requiring Government Health Agencies To  
13 Use and Make Available Generic Drugs. All government  
14 physicians, nurses, nursing aides, dentists, and people  
15 employed in the field of public health services shall  
16 prescribe, dispense, administer or use generic drugs or the  
17 equivalents thereof to drugs with brand names, whenever  
18 appropriate, in ministering to the needs of patients in  
19 public hospitals, clinics, health centers and other health  
20 delivery outlets, provided, however, that the quality of

1 such generic drugs are duly certified to by the Department  
2 of Health.

3 SECTION 5. The Department of Health shall set aside  
4 thirty percent of its annual budgetary allocation for the  
5 acquisition and purchase of generic medicine and drug  
6 equivalents of brand name medicines and drugs which are  
7 commonly prescribed by and used in government hospitals,  
8 clinics, health centers and other health outlets.

9 SECTION 6. Private Hospitals. All private hospitals  
10 shall, whenever appropriate, prescribe, dispense,  
11 administer and use generic drug equivalents on their  
12 charity ward patients and shall encourage their use by non-  
13 charity patients.

14 SECTION 7. Private Medical or Dental Practitioners.  
15 The Secretary of Health shall encourage private physicians,  
16 dentists, nurses, nursing aides, and medical assistants to  
17 prescribe, dispense, administer and use generic drugs on  
18 their patients whenever appropriate.

19 SECTION 8. Drugstores. Drugstores shall include  
20 generic drugs in their product mix and shall make them  
21 regularly available to the public; provided that,  
22 drugstores shall also post in conspicuous places in their  
23 places of business a list of generic drug equivalents to  
24 drugs with brand names being sold therein.

25 SECTION 9. Medical Missions and Charity  
26 Organizations. Only medical missions and charity  
27 organizations which agree to prescribe, dispense,  
28 administer or use generic drugs whenever appropriate shall  
29 be allowed by the Secretary of Health to operate in the  
30 Philippines or to treat or minister to patients.

1           SECTION 10. Education Drive. The Department of Health  
2 shall conduct a continuous information campaign to make the  
3 public, particularly the poor, aware of generic drugs as a  
4 low-cost alternative to the more expensive brand name  
5 drugs.

6           SECTION 11. Safeguards. The Department of Health  
7 shall issue within one month from the approval of this Act  
8 such rules as are necessary to ensure that manufacturers or  
9 suppliers of generic drugs comply with the quality  
10 standards of medical products which are prescribed,  
11 dispensed, administered or used in the Philippines.

12          SECTION 12. Penalties. Any person or entity who  
13 violates any provision of this Act or any regulation issued  
14 by the Secretary of Health to carry out the purposes of  
15 this Act shall be punished by imprisonment of not less than  
16 thirty days or more than six months or by a fine of not  
17 less than P5,000.00 but not more than P15,000.00 or both  
18 such fine and imprisonment at the discretion of the court.

19          SECTION 13. Repealing Clause. All laws, decrees,  
20 executive orders, rules or regulations contrary to the  
21 provisions of this Act are hereby repealed.

22          SECTION 14. Effectivity. This Act shall take  
23 effect upon its approval.

24          APPROVED.