Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

725



THIRTEENTH CONGRESS

First Regular Session

House Bill No. 725

Introduced by REP. JUDY J. SYJUCO

EXPLANATORY NOTE

The Philippine Constitution unequivocally declares that the State shall protect and promote the right of the people to health. Furthermore, the State shall establish and maintain an effective food and drug regulatory system that is responsive to the country's health needs and problems.

The proliferation and distribution of fake drugs in the market continues. There are many bogus medicines that are being sold in the drugstores that do not have any active ingredient at all, while others contain the wrong dosage or are manufactured in such a way as to be ineffective.

The International Federation of Pharmaceutical Manufacturers Associations declares that the illegal trade in counterfeit medicines has affected both branded and generic medicines. Nearly forty percent of anti-malaria pills sampled and distributed in Southeast Asia did not contain any single active drug. They added further that almost two percent of all prescription medicines sold worldwide are fakes---jeopardizing people's lives in developing, and third world countries where counterfeiting is rife.

The Bureau of Food and Drugs of the Department of Health is tasked to monitor matters pertaining to drugs and traditional medicines, among others, and to prescribe general standards and guidelines with respect to the veracity of nutritional and medicinal claims in the advertisement of drugs. Hence, the Bureau of Food and Drug should ensure that the people are taking only life-saving and not life-taking medicines.

This proposed measure seeks to classify "fake drugs" as a dangerous drug punishable under Republic Act 6425 otherwise known as the "Dangerous Drugs Act of 1972" as amended and its importation, manufacture, sale, administration, dispensation, delivery and distribution be classified as heinous crime punishable by death.

In view of the disastrous effect to the people's health brought about by the proliferation of fake medicines, immediate consideration and passage of this proposed measure is earnestly sought.

JUDY J. SYJUCO

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AN ACT
DECLARING "FAKE DRUGS" (MEDICINES) AS DANGEROUS DRUGS AND ITS IMPORTATION, MANUFACTURE, SALE, ADMINISTRATION, DISPENSATION, DELIVERY AND DISTRIBUTION BE CLASSIFIED AS HEINOUS CRIME PUNISHABLE BY DEATH, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6425, AS AMENDED, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AND FOR OTHER PURPOSES

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

SECTION 1. Section 2, paragraph (e) of Republic Act No. 6425, as amended, is hereby amended to be read as follows:

(e) "Dangerous Drugs" --- refers to either:

1. "Prohibited drug" XXX

2. "FAKE DRUG" REFERS TO MEDICINES THAT HAVE NO ACTIVE INGREDIENT OR THOSE MANUFACTURED IN SUCH A WAY TO BE INEFFECTIVE.

3. "Regulated drug" XXX

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SECTION 2. The following amendments are hereby inserted to Republic Act No. 6425, as amended, to be read as follows:

ARTICLE III
FAKE DRUGS

SECTION 14. *IMPORTATION OF FAKE DRUGS*. – THE PENALTY OF *RECLUSION PERPETUA* TO DEATH AND A FINE RANGING FROM FIVE HUNDRED THOUSAND TO TEN MILLION PESOS SHALL BE IMPOSED UPON ANY PERSON WHO SHALL IMPORT OR BRING ANY FAKE DRUG INTO THE PHILIPPINES.

SECTION 15. *MANUFACTURE OF FAKE DRUGS*. – THE PENALTY OF *RECLUSION PERPETUA* TO DEATH AND A FINE RANGING FROM FIVE HUNDRED THOUSAND TO TEN MILLION PESOS SHALL BE IMPOSED UPON ANY PERSON WHO SHALL ENGAGE IN THE MANUFACTURE ANY FAKE DRUG.

SECTION 16. *SALE, ADMINISTRATION, DISPENSATION, DELIVERY, TRANSPORTATION AND DISTRIBUTION OF FAKE DRUGS*. - THE PENALTY OF *RECLUSION PERPETUA* TO DEATH AND A FINE RANGING FROM FIVE HUNDRED THOUSAND TO TEN MILLION PESOS SHALL BE IMPOSED UPON ANY PERSON WHO SHALL SELL, DISPENSE, DELIVER, TRANSPORT OR DISTRIBUTE ANY FAKE DRUG.

ARTICLE IV
Regulated Drugs

SECTION 17. *Importation of Regulated Drugs*. - XXX

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SECTION 3. This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation. The publication shall not be later than seven (7) days after approval hereof.

Approved,