Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1883

Introduced by Rep. Ferjenel G. Biron, M.D.

EXPLANATORY NOTE

Section 12, Article 13 of the 1987 Constitution provides that: "*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*". To ensure safety and purity of food, drugs and cosmetics, the Bureau of Food and Drugs (BFAD) was established by virtue of R.A. 3720 as amended by R.A. 7394. BFAD which is under the jurisdiction of the Department of Health (DOH) implemented the State policy on safeguarding the health of the populace considering that food, drugs and cosmetics can contribute to the well-being or to the deterioration of a person's health.

Considering that BFAD is constrained from enforcing their mandate in the regional level, it is about time that field offices of the Bureau of Food and Drugs be established in provinces and cities which shall be responsible in conducting rigorous inspection, verifying the correct brands and ensuring the safety and purity of food, drugs and cosmetics sold and distributed in the provinces.

This bill seeks to strengthen the Bureau of Food and Drugs by upgrading its equipment, creating a drug enforcement unit (DEU) under its operational and administrative control and by establishing adequate testing laboratories and field offices in all provinces and cities throughout the country.

In view of the foregoing, immediate approval of this measure is earnestly sought.

FERJENEL G. BIRON, M.D.
Representative
Fourth District of Iloilo

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AN ACT
STRENGTHENING THE CAPABILITY OF THE BUREAU OF FOOD AND DRUGS (BFAD) BY ESTABLISHING ADEQUATE TESTING LABORATORIES AND FIELD OFFICES IN ALL REGIONS, UPGRADING ITS EQUIPMENT, CREATING A DRUG ENFORCEMENT UNIT (DEU) UNDER ITS OPERATIONAL AND ADMINISTRATIVE CONTROL AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. ***Title*** - This Act shall be known as the "***BFAD Empowerment Act of 2004".***

SEC. 2. ***Declaration of Policy***. - It is hereby declared a policy of the State to adopt, support, establish, institutionalize, improve and maintain structures, processes, mechanisms and initiatives that are aimed, directed and designed to a) protect and promote the right to health of the Filipino people, and b) help 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. Pursuant to this policy, the state must enhance its regulatory capacity and strengthen its capability with regard to the licensing, registration and monitoring of drugs, food, cosmetics and hazardous substances.

SEC. 3. ***Increased Testing Facilities***. - The Department of Health (DOH) is hereby mandated to improve, upgrade and increase the capability of the Bureau of Food and Drugs (BFAD), to test, assay and examine samples of pharmaceutical, cosmetics and food products being applied for registration, as well as monitor pharmaceutical, cosmetic and food products already in the market.

For the purpose of achieving the above mandate, there shall be established at least one (1) testing laboratory in each region of the country, which shall have all the necessary and appropriate state-of-the-art laboratory equipment and personnel complement. The main testing laboratory at the Bureau's central office shall continue to be maintained.

SEC. 4. ***BFAD's Regulatory Field Offices***. - The BFAD shall establish field offices in all the regions of the country to effectively implement its regulatory functions. The present Regional Food and Drug Regulatory Office (RFDRO) in every regional office of the DOH shall now be put under the BFAD's sole administrative control. All Regional Food and Drugs Regulatory Officers (RFDROs) shall now be designated as Food and Drug Regulatory Officers (FDROs) at-large and shall likewise be under the BFAD's administrative control. The DOH, in collaboration with the BFAD, shall seek the creation of additional plantilla positions as may be necessary to support the said BFAD Field Offices, subject to the rules and regulations of the Civil Service Commission.

SEC. 5. ***Drug Enforcement Unit***. - The BFAD shall establish a Drug Enforcement Unit (DEU) which will be composed of not less than ten (10) qualified personnel in every region and who will be directly under the supervision of the FDRO. They shall bear arms, wear official uniforms and insignias and shall be classified as law enforcement agents. Their authority and functions shall be strictly limited to the implementation of BFAD's regulatory functions.

SEC. 6. ***Work Program***. - The Department of Health, the Bureau of Food and Drugs, the Department of Budget and Management and the Department of Finance shall prepare the necessary work programs to cover the staggered implementation of this Act for a period not exceeding five (5) years.

SEC. 7. ***Appropriations.*** - The Appropriations for the Bureau of Food and Drugs included in the Department of Health under the current General Appropriations Act shall be used to carry out the initial implementation of this Act. Thereafter, such sums as may be necessary for its staggered implementation shall be included in the Annual General Appropriations Act.

All receipts derived from registration and licensing fees, sale of publications and services, assessment, fees, fines, penalties and other fees and charges authorized and imposed in this Act are hereby constituted as a special account in the General Fund, for the implementation of this Act: Provided, no amount shall be disbursed to cover personal services expenses and purchase of motor vehicles.

The fund may be augmented by grants, donations, endowments from various sources, domestic or foreign, for purpose related to their functions.

SEC. 8. ***Implementing Rules and Regulations***. - The Department of Health, in collaboration with the Bureau of Food and Drugs, shall promulgate the rules and regulations to implement this Act within ninety (90) days from the approval of this Act.

SEC. 9. ***Separability Clause***. - If, for any reason, any provision or part of this Act is declared unconstitutional or invalid, such other parts not affected thereby shall remain in full force and effect.

SEC. 10. ***Repealing Clause***. - All laws, presidential decrees, administrative orders and executive issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 11. ***Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,