

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

House Bill No. 2157



Introduced by Honorable Catalino V. Figueroa

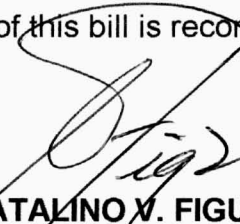
EXPLANATORY NOTE

This bill seeks to create a Product Standards Board charged with monitoring and evaluating the manufacture and processing of consumer products with a view of minimizing wholesale fraud perpetrated by unscrupulous businessmen in the consuming public. Monitoring product of "fake" and substandard products poses grave hazards to the life and health of the unwary public.

To date, it appears that the so-called bottled pure mineral water failed to pass the Department of Health (DOH) administered test for safety and purity. In the same way, fake medical instruments have found their way in most public and private hospitals throughout the country. The consequence of this erroneous diagnosis by medical practitioners who use fake or substandard medical equipment is alarming, that it may result in unnecessary deaths or serious physical injuries.

The creation of a Product Standards Board is designed to check and curb these nefarious business practices. The Board shall be conferred with certain powers among them, to conduct investigation on suspected manufacturers or sources of "fake" or substandard products, to take custody of the products and initiate the filing of appropriate charges against those responsible for the violation. It is also tasked with providing technical standards information to the general public in order to instill quality product consciousness among our people.

In view thereof, the approval of this bill is recommended.


CATALINO V. FIGUEROA

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**AN ACT
CREATING A PRODUCT STANDARDS BOARD, DEFINING ITS POWERS
AND FUNCTIONS, APPROPRIATING FUNDS THEREFORE AND FOR OTHER
PURPOSES**

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

SECTION 1. This Act shall be known as the "Product Standards Act of 2004".

SECTION 2. *Declaration of State Policy* – It is the policy of the State to protect the interest of the consuming public, promote general welfare and to establish sufficient standards in the production and manufacture of all products offered for sale which shall include but not limited to food, drugs, cosmetics and devices.

SECTION 3. *Definition of Terms* - As used in this Act, the term –

a) **Products** – refers to any kind of goods for personal, family, households or agricultural use such as food, drugs, cosmetics and devices.

b) **Standards** – refers to a set of conditions to be satisfied in order to ensure the quality and safety of a product.

c) **Food** – means any substance, whether processed, semi-processed or raw, intended for human consumption and includes chewing gum, drinks and beverages and any substance which has been used as an ingredient or a component in the manufacture, preparation or treatment of food.

d) **Drugs** – refers to 1) articles intended for use in the diagnosis, cure, medication, treatment or prevention of diseases, injury or defect in man or animals; 2) articles intended to affect the structure or any function of the body of man or animals, and 3) articles from indigenous plants used in folk medicine.

e) **Cosmetics** – means articles intended to be rubbed, poured, sprinkled on, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance.

f) **Devices** – means an instrument, apparatus, implement, machine, contrivance, implant, or other similar or related article which is 1) intended for use in the diagnosis of disease or other condition or in the cure, medication, treatment or prevention of disease in man or animals and 2) intended to affect the structure or any function of the body of man or animals.

SECTION 4. *Product Standards Board* – to carry into effect the purposes of this Act, there is hereby created under the office of the President, a Product Standards Board, hereinafter referred to as the Board.

SECTION 5. *Composition* – The Board shall be composed of representatives from the following government and non-government agencies:

- a) Department of Health
- b) Department of Agriculture
- c) Department of Trade and Industry
- d) National Bureau of Investigation
- e) A representative from a consumer organization, and
- f) A representative from the manufacturing sector.

SECTION 6. *Chairman* – The Board shall be headed and presided by a Chairman who shall be elected by the members themselves.

SECTION 7. *Meetings* – The Board shall meet at least once a month or as often as maybe necessary as it may determine.

SECTION 8. *Per Diems of Members* – The members of the Board shall be entitled to an allowance of Five Hundred Pesos (P500.00) but not more than One Thousand Pesos (P1,000.00) for every meeting actually attended.

SECTION 9. *Powers and Functions* – The Board shall have the following powers and functions:

a) To formulate rules and regulations as maybe necessary to carry out the purposes of this Act.

b) To monitor and evaluate the manufacture and production of consumer goods and products in order to promote their quality and efficiency.

c) To conduct investigation on suspected producers and manufacturers of fake and substandard products, goods or devices, and thereafter, take custody of all such fake or substandard goods, products and devices.

d) To initiate the filing of appropriate charges in court and/or prescribe administrative remedies or sanctions for violation of such rules and regulations.

e) To provide information services to the general public and to instill quality standard consciousness among the people.

f) To appoint its personnel and prescribe their qualifications, salaries and other emoluments subject to the provision of existing laws.

g) To seek the assistance of the Philippine National Police or the military authorities in carrying into effect the provisions of this Act; and

h) To perform such other functions as maybe necessary for the effective implementation of this act.

SECTION 10. *Penalties and Sanctions* – In formulating the necessary rules and regulations for the effective implementation of this Act, the Board shall prescribe the appropriate penalties and sanctions for violations thereof.

SECTION 11. *Appropriations* – For the initial expenses of the Board, the sum of Five Million Pesos (P5,000,000.00) shall be appropriated out of the funds of the Office of the President, thereafter, such amount as maybe necessary to

carry out the purposes or functions of the Board shall be included in the General Appropriations Act.

SECTION 12. *Separability Clause* – If, for any reason, any part of this Act is declared invalid or unconstitutional, the remainder shall not be affected by such declaration.

SECTION 13. *Effectivity* – This Act shall take effect upon its approval.

Approved,