

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1089

Introduced by HON. PHILIP A. PICHAY

EXPLANATORY NOTE

Republic Act No. 6675, otherwise known as the Generic Drugs Act of 1988, was passed into law in 1988. After nearly two decades of effectivity, the noble objectives of the law remain, well, objectives. Except for the record high of 80 percent compliance in 1988, shortly after it became effective, observance of the law has since been dismal.

This miserable state of affairs ultimately adversely affects our people who are long deprived of affordable medicines, and renders nugatory the constitutional right to health granted to them.

This bill removes the discretion given to physicians, dentists and veterinarians in the manner of prescribing medicines. The existing law allows them to include in the prescription the brand name "if so desired." This seemingly harmless phrase has actually afforded doctors the opportunity to circumvent the law by not following the guidelines set by the Department of Health on this matter. It is not uncommon to hear reports of the audacity of some who prescribe only branded products. Equally unfortunate are accounts of failure, if not utter refusal, by some drug outlets, to dispense medicines in accordance with established rules, in open defiance of the law granting consumers better choice or affordable alternatives [Section 6 (d), RA 6675].

Also, this measure requires manufacturers, traders and importers of medicines to produce and make available to the market the generic label or counterparts of their patented products at costs lower by at least 20% to 25%.

The proposal has a two-fold purpose. First, to effect a paradigm shift in the minds of the Filipino consumer that generic drugs are of the same quality as their branded counterparts. As part of the defective education of Juan de la Cruz, majority of Filipinos erroneously believe that generic medicines are inferior to the branded ones. In fact, the former have the same active ingredients, undergo identical manufacturing process, and pass through equally strict regulation and monitoring by the Bureau of Food and Drugs (BFAD).

Corollary to the first point, this bill seeks to make medicines affordable to the people as far as the generic counterparts are concerned. The resulting change in the people's perspective, that is, that generic drugs are as potent and effective, and are of the same quality as the branded products, would impact significantly on the health needs of the people. The reduced rates of generic labeled products by at least 20% to 25% would benefit the public immediately, instead of waiting for 20 years for the patent to expire before such product would be availed of by the people. And since the generic equivalents would no longer require aggressive promotional or marketing efforts, manufacturers, traders and importer, it is hoped, would embrace this proposal.

Simply put, this bill endeavors to strengthen the Generic Drugs Act of 1988, and make medicines truly affordable to the public. It is prayed that the government agencies tasked to implement the law, like the BFAD, shall strictly monitor compliance therewith and firmly enforce the same.

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



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AN ACT
AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 6675, OTHERWISE KNOWN AS
THE GENERIC DRUGS ACT OF 1988 AND FOR OTHER PURPOSES

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

SECTION 1. Section 6 (b) of Republic Act No. 6675, otherwise known as the "Generics Act of 1988" is hereby amended to read as follows:

"Sec. 6 Who Shall Use Generic Terminology. —

(a) x x x

(b) All medical, dental and veterinary practitioners, including private practitioners, shall write prescriptions using generic name. [The brand name maybe included if so desired.]"

(c) x x x

(d) x x x"

SEC. 2. Every drug importer, trader and manufacturer operating in the Philippines, which will introduce a new patented product, shall be required to manufacture its generic labeled or equivalent and make available the same to the market: *Provided*, That the price of the latter shall be at least 20% to 25% lower than the former.

SEC. 3. The penal sanctions provided in Sec. 12 of Republic Act No. 6675 shall likewise apply to violations of Section 2 of this Act.

SEC. 4. The implementation of the provisions of this Act shall be in accordance with the rules and regulations to be promulgated by the Department of Health. Rules and regulations with penal sanctions shall be promulgated within one hundred eighty (180) days after approval of this Act and shall take effect (15) days after publication in the Official Gazette or in two (2) newspapers of general circulation.

SEC. 5. Any laws, decrees, ordinances or rules and regulations which are inconsistent with or contrary to the provisions of this Act is hereby amended or repealed.

SEC. 6. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,