

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 2101

Introduced by AKBAYAN Party-List Representatives
Hon. Kaka Bag-ao and Hon. Walden Bello

EXPLANATORY NOTE

Nineteen years since the passage of the Generics Act, the share of generic drugs in the Philippine pharmaceutical market remains meager of 3%. There is a consensus within the healthcare industry that flaws in the Generics Act and implementation problems have rendered the law ineffective.

While it compels doctors to issue generic prescriptions, the Generic Act ironically also gives them the option to include the brand name along with the generic name. This option, a result of lobbying of pharmaceutical companies, has clearly been abused. Coupled with the lax implementation of the law, doctors have been negligent in prescribing the generic name of drugs and medicines. Furthermore, the inclusion of the brand name has reduced the chance of patients and buyers to demand for generic products.

The connivance between doctors, pharmacies, and marketing agents of pharmaceuticals has also marginalized generic products and has led to expensive drugs and medicines in the Philippines. Pharmaceuticals would use medical representatives to promote their products, and offer various incentives, from free travel to corporate sponsorship of hospital events, to make sure that doctors would prescribe their products. Drugstores, on the other hand, would assure doctors of a cut from the sale of the branded products that they have prescribed.

This practice can be stopped by preventing doctors from prescribing branded medicine altogether. By enhancing access to cheap medicines, Filipinos would be able to address illness that can already be cured or treated but still cause debilitation and death due to the inaccessibility of medicines and drugs.

At the same time, there is a need to increase the penalties imposed under the Generic Act to make it effective. To date, the existing fines are miniscule compared to the gains

49 that doctors, drugstores and pharmaceuticals gain form violating the law. Scaling up
50 the penalties by increasing the fines and by granting the Department of Health broad
51 power to impose administrative sanction would prevent doctors, pharmaceuticals, and
52 drugstores from abusing the law.

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54 In view of the foregoing, the prompt passage of this bill is earnestly sought.
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HON. KAKA BAG-AO
AKBAYAN Party-list Representative


HON. WALDEN BELLO
AKBAYAN Party-list Representative

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**AN ACT STRENGTHENING THE USE OF GENERIC DRUGS AND MEDICINES,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6675, OR THE GENERICS
ACT OF 1988**

Section 1. Who shall use generic Terminology – Section 6 (b) of Republic Act No. 6675 is hereby amended to read as follows:

Sec. 6. Who shall use generic Terminology. – (a) XXX

(b) ALL MEDICAL, DENTAL AND VETERINARY PRACTITIONERS, INCLUDING PRIVATE PRACTITIONERS, SHALL WRITE PRESCRIPTIONS USING GENERIC NAME ALONE.

Section 2. Penalty – Section 12 of Republic Act No. 6675 is hereby amended to read as follows:

Sec. 12 Penalty – (A) Any person who shall violate Section 6(a), or 6(b) of this Act shall suffer the penalty graduated hereunder, viz:

(a) XXX

(b) The second convictions, the penalty of fine in the amount of not less than TEN THOUSAND PESOS (P10,000) BUT NOT MORE THAN TWENTY THOUSAND PESOS (P20,000)

(c) For the third conviction, the penalty of fine in the amount of not less than TWENTY THOUSAND PESOS (P20,000) but not exceeding FIFTY

THOUSAND PESOS (P50,000) and suspension of his/her license to practice his/her profession for thirty days at the discretion of the court.

- (d) For the fourth subsequent convictions, the penalty of fine not less than FIFTY THOUSAND PESOS (P50,000) BUT NOT MORE THAN ONE HUNDRED THOUSAND PESOS (P100,000) and suspension of his license to practice his profession one year or longer at the discretion of the court.

Any juridical person which violates Section 6(c), 6(d), 7 or 8 shall suffer the penalty of a fine of not less than FIFTY THOUSAND PESOS (P50,000) AND NOT MORE THAN ONE HUNDRED THOUSAND PESOS (P100,000) and suspension or revocation of license to operate such drug establishment or drug outlet at the discretion of the Court: XXX.

(B) The DEPARTMENT OF HEALTH shall have broad powers to impose administrative sanctions such as THE IMPOSITION OF FINE AND/OR suspension or cancellation of license, as the case may be, for the violation of this Act, WITHOUT PREJUDICE TO THE FILING OF CRIMINAL CHARGES AGAINST ERRING PERSONS OR ENTITIES BY THE DEPARTMENT OR BY ANY INDIVIDUAL.

Sec. 3. Separability Clause – If any provision of this Act is declared invalid, the remainder of any provision hereof not affected thereby shall remain in force and effect.

Sec. 4. Repealing Clause – The provisions of any law, executive order, presidential decree or other issuance inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 5. Effectivity – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or two (2) newspapers of general circulation.

Adopted,