

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
EIGHTEENTH CONGRESS
Third Regular Session



HOUSE BILL NO. 10674

Introduced by: **CONG. "KUYA" JOSE ANTONIO R. SY-ALVARADO**

EXPLANATORY NOTE

There were reports regarding fake medicine circulating in the Philippine market following the issue of shortages of supplies of paracetamol and other drugs for flu and cold.

After hoarding and engaging themselves into cartel to manipulate the prices of these medicine, now they resort to the sale of counterfeit medicines.

This bill aims to enhance the enforcement of existing laws regarding counterfeit drugs by increasing the penalty in committing such crimes for it is the policy of the State to protect and promote the right to health of Filipino people.

Thus, the immediate passage of this bill is earnestly sought.

CONG. "KUYA" JOSE ANTONIO R. SY-ALVARADO
Representative
1st District, Bulacan

A handwritten signature in black ink, written over the printed name of the Representative. The signature is stylized and appears to be a cursive representation of the name "Jose Antonio R. Sy-Alvarado".

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AN ACT
ENHANCING THE PROTECTION AGAINST COUNTERFEIT MEDICINE,
AMENDING FOR THE PURPOSE R.A. 8203

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

SECTION 1. Short Title. This Act shall be known as “Lingkod Enhance Law on Counterfeit Drugs Act of 2022”

SECTION 2. Declaration of Policy. It is hereby the policy of the State to protect and promote the right to health of the people and instill health consciousness among them.

Towards this end, the State shall provide measures to ensure their protection against counterfeit drugs.

SECTION 3. Section 8 of Republic Act No. 8203, otherwise known as the “Special Law on Counterfeit Drugs”, as amended, is hereby further amended and read as follows:

- “a) imprisonment of not less than one (1) year; but not more than six (6) years for more possession of counterfeit drugs as provided for in Section 4(b) hereof; or*
- b) imprisonment of six (6) years and one (1) day, but not more than ten (10) years or a fine of not less than Two hundred and fifty thousand pesos (P250,000) but not more than Five hundred thousand pesos (P500,000) or both such imprisonment and fine at the discretion of the court in any other case mentioned in Section 4 hereof; or*
- c) imprisonment of not less than six (6) months and one (1) day, but not more than two (2) years and four (4) months if the counterfeit drug is intended for animals; or*
- d) imprisonment of not less than six (6) years and one (1) day but not more than ten (10) years for any manufacturer, seller or distributor who shall conceal, substitute, dispose or destroy any drug as may have been segregated and sealed by the Bureau or who shall break, alter or tamper any mark or seal used by the Bureau to identify those segregated drugs as provided for under Section 6(a) of this Act. Any other person who breaks, alters or tampers any mark or seal used by the Bureau to identify the segregated drugs shall suffer the penalty of not less than six (6) months and one (1) day, but not more than six (6) years imprisonment; or*
- e) if, as a result of the use of the drug found to be counterfeit, the illness sought to be cured is aggravated or physical injury or suffering results therefrom, a punishment of imprisonment from fifteen (15) years to twenty (20) years and a fine ranging from Five hundred thousand pesos (P500,000) to One million pesos (P1,000,000) shall be meted out; or*
- f) should a counterfeit drug be the proximate cause of death of a victim, who unknowingly purchased and took a counterfeit drug, the penalty of life imprisonment and a fine of one million pesos (P1,000,000) to Five million pesos (P5,000,000) shall be imposed.*

In case any act prohibited in Section 4 hereof is also punishable under other laws, the offender shall, if warranted by the evidence, be prosecuted under the law prescribing the highest penalty.”

SECTION 4. Implementing Rules and Regulations. Within thirty (30) days from the effectivity of this Act, the Department of Health (DOH), Food and Drug Administration (FDA) and Department of Trade and Industry (DTI), in consultation with the other relevant government agencies and stakeholders, shall issue necessary rules and regulations to implement the provisions of this Act.

SECTION 5. Separability Clause. If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SECTION 6. Repealing Clause. All laws, decrees, orders, issuances or portion thereof, which are inconsistent with the provisions of this Act are repealed or modified accordingly.

SECTION 7. Effectivity. This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,

