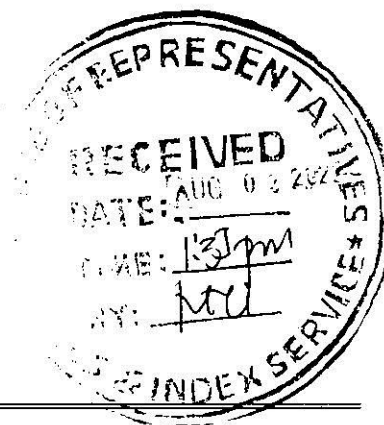


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. **3111**



Introduced by Representative Rosanna "Ria" V. Vergara

EXPLANATORY NOTE

It has been over twenty years since the enactment of Republic Act No. 8423 (RA 8423) or more commonly known as the "Traditional and Alternative Medicine Act (TAMA) of 1997." Notably, this significant law paved the way for the establishment of the Philippine Institute of Traditional and Alternative Healthcare (PITAHC) that has been noted to have developed policies, standards, and guidelines for the practice of various traditional medicine modalities as well as for clinics and training centers.¹ Reportedly, the PITAHC has also developed the Strategic Map 2017-2021 on traditional and complementary medicine (T&CM).²

Notwithstanding the gains of RA 8423 through the PITAHC, stakeholders have identified critical gaps in government regulation of T&CM, which have seemingly impeded the envisioned benefits of this pivotal law for a populace that remains daunted by issues of accessibility, affordability, and efficacy of healthcare products and systems. In a 2019 National Health Sector Meeting Brief of the Department of Health, foremost among the current issues cited is that "PITAHC currently lacks regulatory and enforcement powers to regulate the practice of T&CM in the country, which is important to ensure the provision of quality, safe, and effective T&CM services."³

Indeed, proper government regulation is imperative in the Philippines where there is a growing interest in and increasing use of T&CM products and services, particularly in rural areas where T&CM is sometimes the only affordable and

¹ WHO Global Report on Traditional and Complementary Medicine 2019. Geneva: World Health Organization; 2019. (Last accessed via <https://www.who.int/publications/i/item/978924151536> on 03 August 2022). In its 2019 Report, the WHO cited acupuncture, homeopathy, homotoxicology, chiropractic, naturopathy and hilot to comprise these modalities.

² *Ibid.*

³ Menina Barbara Santiago, et.al. "Integrating Traditional and Complementary Medicine in Universal Health Care" (National Health Sector Meeting Brief, 27-28 March 2019, Cagayan De Oro City). (Last accessed via <https://doh.gov.ph/sites/default/files/publications/08%20Integrating%20Traditional%20and%20Complementary%20Medicine%20in%20Universal%20Health%20Care.pdf> on 03 August 2022)

available source of health care. Unfortunately, it appears that the apparent rise in the demand for T&CM is not presently met with a simultaneous increase in safeguards.

In view of the foregoing, this proposed measure thus aims to strengthen the country's traditional and alternative health care system in order to provide the people with a wider range of health services and products that are proven to be safe, effective and at much affordable prices. Moreover, it specifically seeks to further empower the PITAHC and grant such agency with adequate regulatory powers in order to curb dangerous practices and unsafe products related to T&CM.

As the Filipino nation perseveres in its continuing fight against the current pandemic, the collective concern for the health and welfare of the Filipino people has been underscored like never before. Numerous legislative measures have been recently pursued to strengthen our health sector in order to combat not only COVID-19 but also to equally manage other illnesses that have remained pressing concerns for many. Given the prevailing circumstances and socio-economic developments in our country in the last two decades, it has truly become all the more crucial for Congress to revisit RA 8423 and consider key amendments thereto as a parallel and complementary reinforcement for the Philippine health system.

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


ROSANNA "RIA" V. VERGARA
3rd District of Nueva Ecija

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. **3111**

Introduced by Representative Rosanna "Ria" V. Vergara

1 **AN ACT STRENGTHENING THE TRADITIONAL AND COMPLEMENTARY**
2 **MEDICINE SYSTEM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.**
3 **8423, OTHERWISE KNOWN AS THE "TRADITIONAL AND ALTERNATIVE**
4 **MEDICINE ACT OF 1997"**
5

6 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
7 *assembled:*
8

9 **SECTION 1.** Section 2 Republic Act No. 8423, otherwise known as the
10 "Traditional and Alternative Medicine Act (TAMA) of 1997", is hereby amended to
11 read as follows:
12

13 "Section 2. Declaration of Policy. – It is hereby declared the policy of the
14 State to improve the quality and delivery of health care services to the
15 Filipino people through the development **AND PROPER**
16 **REGULATION** of traditional and alternative health care **IN THE**
17 **COUNTRY** and its integration into the national health care delivery
18 system **THAT WILL PROVIDE THE PEOPLE WITH A WIDER**
19 **RANGE OF HEALTH SERVICES AND PRODUCTS THAT ARE**
20 **PROVEN TO BE HIGH-QUALITY, SAFE, EFFICIENT, EFFECTIVE,**
21 **AND AFFORDABLE.**
22

23 It shall also be the policy of the State to seek a legally workable basis by
24 which indigenous societies would own their knowledge of traditional
25 medicine. When such knowledge is used by outsiders, the indigenous
26 societies can require the permitted users to acknowledge its source and
27 can demand a share of any financial return that may come from its
28 authorized commercial use."
29
30

31 **SECTION 2.** Section 4 of Republic Act No. 8423 is hereby amended to read as
32 follows:
33

1 "Section 4. Definition of Terms. - As used in this Act, the following terms
2 shall mean:

- 3
4 (a) "Traditional and Alternative Health Care **SYSTEM**" - the sum
5 total of knowledge, skills, and practices on health care other than
6 those embodied in biomedicine, used in the prevention, diagnosis
7 and elimination of physical or mental disorder.

8
9 xxx

- 10
11 (d) "*Alternative health care modalities*" - other forms of non-allopathic,
12 occasionally non-indigenous or imported healing methods, though
13 not necessarily practiced for centuries nor handed down from one
14 generation to another [~~Some alternative health care modalities~~
15 ~~include~~], **WHICH SHALL INCLUDE BUT NOT BE LIMITED**
16 **TO** reflexology, **ACUPUNCTURE**, **MASSAGE**, acupressure,
17 chiropractic[s], nutritional therapy, **HILOT**, **NATUROPATHY**,
18 **HOMEOPATHY/ HOMOTOXICOLOGY**, **TUINA MASSAGE**,
19 **OSTEOPATHY**, **ANTHROPOSOPHIC MEDICINE** and other
20 similar [~~methods~~] **MODALITIES**.

21
22 xxx

- 23
24 (h) "*PHILIPPINE Traditional healers*" - [~~the relatively old, highly~~
25 ~~respected people with a profound knowledge of traditional~~
26 ~~remedies~~] **PERSONS WITH KNOWLEDGE IN INDIGENOUS**
27 **AND/OR PHILIPPINE BELIEF SYSTEMS, ORAL**
28 **TRADITIONS AND HEALTH PRACTICES, WHO USE THE**
29 **TRADITIONAL MEDICINE OF THE INDIGENOUS**
30 **CULTURAL COMMUNITIES/ INDIGENOUS PEOPLES**
31 **(ICCS/IPS) AND/OR OTHER ETHNO-LINGUISTIC GROUPS**
32 **IN THE PHILIPPINES.**

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- 35
36 (j) "**COMPLEMENTARY MEDICINE**" - **A BROAD SET OF**
37 **HEALTH CARE PRACTICES THAT ARE NOT PART OF THE**
38 **COUNTRY'S OWN TRADITIONAL OR CONVENTIONAL**
39 **MEDICINE AND ARE NOT FULLY INTEGRATED INTO THE**
40 **DOMINANT HEALTH CARE SYSTEM. IT SHALL BE USED**
41 **INTERCHANGEABLY WITH THE TERMS "ALTERNATIVE**
42 **MEDICINE".**

- 43
44 (K) "**TRADITIONAL AND COMPLEMENTARY MEDICINE**
45 **(T&CM)" - MERGES THE TERMS TRADITIONAL MEDICINE**

1 **AND COMPLEMENTARY MEDICINE, ENCOMPASSING**
2 **PRACTICES, PRACTITIONERS, AND PRODUCTS."**
3
4

5 **SECTION 3.** Section 6 of Republic Act No. 8423, is hereby amended by
6 inserting additional powers and functions and the same are hereby renumbered
7 accordingly:
8

9 "Section 6. Powers and Functions. – In furtherance of its purposes and
10 objectives, the Institute shall have the following powers and functions:
11

12 xxx
13

14 (i) To formulate, **ESTABLISH, AND PRESCRIBE RULES,**
15 **REGULATIONS,** code of ethics, **REQUIREMENTS,** and
16 standards for the practice of traditional and alternative health care
17 modalities ~~[for approval and adoption by the appropriate~~
18 ~~professional and government agencies]~~. **FOR THIS PURPOSE,**
19 **THE INSTITUTE SHALL BE VESTED WITH QUASI-JUDICIAL**
20 **POWER;**
21

22 (j) **TO INSPECT AND MONITOR ALL T&CM FACILITIES TO**
23 **ENSURE THEIR CONTINUED COMPLIANCE WITH THE**
24 **RULES AND REGULATIONS IN ACCORDANCE WITH THIS**
25 **ACT AND TO MAKE RECOMMENDATIONS FOR THE**
26 **CORRECTION OF DEFICIENCIES FOUND DURING**
27 **INSPECTION AND MONITORING;**
28

29 (k) **TO PROMULGATE AND IMPLEMENT RULES AND**
30 **REGULATIONS GOVERNING THE LICENSURE OF T&CM**
31 **PRACTICES AND OPERATION OF T&CM FACILITIES AND**
32 **TO PERIODICALLY REVIEW AND AMEND THE SAME,**
33 **SUBJECT TO THE APPROVAL OF THE BOARD OF**
34 **TRUSTEES AND IN CONSULTATION WITH THE SECTORS**
35 **CONCERNED;**
36

37 (l) **TO GRANT LICENSES FOR THE PRACTICE OF T&CM**
38 **MODALITIES AND FOR THE OPERATION AND**
39 **MAINTENANCE OF T&CM FACILITIES, AND TO SUSPEND**
40 **OR REVOKE THE SAME IN ACCORDANCE WITH THE**
41 **PROVISIONS OF THIS ACT;**
42

43 (m) **TO PRESCRIBE THE NECESSARY GUIDELINES, CRITERIA,**
44 **PRODUCT STANDARDS AND REQUIREMENTS TO BE**
45 **COMPLIED WITH IN THE REGISTRATION OF T&CM**
46 **PRODUCTS;**
47

- (n) TO ASSUME PRIMARY AUTHORITY TO INSPECT, COLLECT AND ANALYZE SAMPLES OF ALL T&CM PRODUCTS COVERED BY THIS ACT;
- (o) TO ISSUE CERTIFICATES OF COMPLIANCE OR GRANTS OF AUTHORITY TO MANUFACTURERS, IMPORTERS, EXPORTERS, DISTRIBUTORS, WHOLESALERS, AND OTHER ESTABLISHMENTS AND FACILITIES OF T&CM PRODUCTS AFTER SPOT-CHECK AND/OR AFTER THEIR DUE COMPLIANCE WITH TECHNICAL AND REGULATORY REQUIREMENTS. THESE CERTIFICATES OR GRANTS SHALL SERVE AS LICENSES OF THE COVERED ENTITIES TO OPERATE AND/OR TO CONTINUE OPERATING.
- ~~[(f)]~~ (P) To formulate standards and guidelines for the manufacture, marketing and quality control of different traditional and alternative health care materials and products for approval and adoption by the ~~[Bureau of Food and Drugs]~~ FOOD AND DRUG ADMINISTRATION (FDA);
- ~~[(k)]~~ (Q) To coordinate with other institutions and agencies involved in the research on herbal medicines;
- ~~[(h)]~~ (R) To adopt and use a corporate seal;
- ~~[(m)]~~ (S) To sue and be sued in its corporate name;
- ~~[(n)]~~ (T) To succeed by its corporate name;
- ~~[(o)]~~ (U) To adopt its bylaws and promulgate such rules and regulations as may be necessary or proper to implement this Act, and to amend or repeal the same from time to time;
- ~~[(p)]~~ (V) To enter into, make and execute contracts and agreements of any kind or nature;
- ~~[(q)]~~ (W) To borrow, raise or obtain funds, or to enter into any financial or credit arrangement in order to support or carry out its research programs, finance its capital and operating expenses, subject to pertinent laws governing public debts and expenditure;
- ~~[(t)]~~ (X) To invest in, purchase or otherwise acquire, own, hold, use, mortgage, pledge, encumber, sell, assign, convey, exchange, or otherwise deal in real and/or personal properties of whatever kind and nature, or any interest therein, including shares of stock, bonds, notes, securities and other evidence of indebtedness of

1 natural or juridical persons, whether domestic or foreign and
2 whether government or private;

3
4 **[(s)] (Y)** To exercise all the powers of a corporation under the General
5 Corporation Law, insofar as such powers are not in violation of the
6 provisions of this Act; and

7
8 **[(t)] (Z)** To exercise such other powers and functions and perform other
9 acts as may be necessary, proper or incidental to the attainment of
10 its purposes and objectives.”

11
12 **SECTION 4.** Section 8(d) of Republic Act No. 8423 is hereby deleted and the
13 succeeding portions of Section 8 are hereby renumbered accordingly.

14
15 **SECTION 5.** Section 9 of Republic Act No. 8423 is hereby amended to read as
16 follows:

17
18 “Section 9. Director General and Other Officers - The Institute shall be
19 headed by a Director General who shall be appointed by the President
20 of the Philippines upon recommendation of the Secretary of Health.
21 The Director General shall have a term of six (6) years **AND SHALL**
22 **ENJOY THE BENEFITS, PRIVILEGES, AND EMOLUMENTS**
23 **EQUIVALENT TO THE RANK OF UNDERSECRETARY.**

24
25 **AS CHIEF EXECUTIVE OFFICER OF THE INSTITUTE, THE**
26 **DIRECTOR GENERAL SHALL EXERCISE GENERAL**
27 **SUPERVISION AND CONTROL OVER THE OPERATIONS OF**
28 **THE INSTITUTE SAVE THOSE AFFAIRS THAT ARE**
29 **EXCLUSIVELY WITHIN THE FUNCTIONS OF THE BOARD.**

30
31 The Director General shall be assisted by such Deputy Director
32 General(s) ~~[and program managers/ coordinators as the Board may~~
33 ~~determine to carry out the purposes and objectives of this Act.]~~
34 **WHOSE TERM SHALL BE DETERMINED BY THE BOARD. THE**
35 **DEPUTY DIRECTOR GENERAL(S) SHALL BE CAREER**
36 **OFFICIAL(S) AND SHALL ENJOY THE BENEFITS, PRIVILEGES,**
37 **AND EMOLUMENTS EQUIVALENT TO THE RANK OF AN**
38 **ASSISTANT SECRETARY.**

39
40 **THE DIRECTOR GENERAL SHALL LIKEWISE BE**
41 **ASSISTED BY DEPARTMENT MANAGERS/ COORDINATORS**
42 **AND SUCH OTHER OFFICERS AS THE BOARD MAY**
43 **DETERMINE TO CARRY OUT THE PURPOSES AND**
44 **OBJECTIVES OF THIS ACT.”**

45
46 **SECTION 6.** A new subsection under Section 10 of Republic Act No. 8423 is
47 hereby added and such section shall thus be amended to read as follows:

1
2 "Section 10. *Powers, Functions and Duties of the Director General.* – The
3 Director General shall have the following powers, functions and
4 duties:

5
6 xxx

7
8 (G) TO APPOINT, TRANSFER, PROMOTE, SUSPEND, REMOVE
9 OR OTHERWISE DISCIPLINE ANY SUBORDINATE OFFICER
10 OR EMPLOYEE OF THE INSTITUTE."

11
12 SECTION 7. New provisions are hereby introduced to be inserted after
13 Section 15 of Republic Act No. 8423 and these new provisions shall be read as follows:

14
15 "SECTION 16. *SPECIAL RULES AND EXEMPTIONS* -
16 RECOGNIZING THE UNIQUE MANNER OF OBTAINING THE
17 KNOWLEDGE AND SKILLS OF TRADITIONAL MEDICINE, IT
18 BEING HANDED DOWN FROM ONE GENERATION TO
19 ANOTHER WITHOUT THE INFLUENCE OF FORMAL
20 EDUCATION OR TRAINING, PHILIPPINE TRADITIONAL
21 HEALERS BELONGING TO THIS CATEGORY SHALL BE EXEMPT
22 FROM THE STANDARD EXAMINATION REQUIRED BY THIS
23 ACT. NONETHELESS, THEY ARE STILL MANDATED TO
24 ACQUIRE THE NECESSARY GRANT OF AUTHORITY IN
25 ACCORDANCE WITH THE GUIDELINES TO BE PRESCRIBED BY
26 THE INSTITUTE. IT SHALL BE NECESSARY FOR PHILIPPINE
27 TRADITIONAL HEALERS TO ESTABLISH THE LENGTH OF TIME
28 FOR WHICH THEY HAVE BEEN KNOWN TO HAVE PRACTICED
29 TRADITIONAL MEDICINE AND PROVE THAT, IN THE COURSE
30 OF THEIR PRACTICE, NO RELATED COMPLAINT, WHETHER
31 REPORTED OR NOT, WAS MADE AGAINST THEM.

32
33 FURTHER, SHOULD SUCH PHILIPPINE TRADITIONAL
34 HEALERS OFFER, WHETHER FOR A FEE OR NOT, OR USE AS A
35 MODALITY HEALTH PRODUCTS, THEY MUST SEEK FOR THE
36 APPROVAL OF THE SAME.

37
38 SECTION 17. *PROHIBITED ACTS* - THE FOLLOWING
39 ACTS ARE HEREBY PROHIBITED :

40
41 A. WITH RESPECT TO T&CM MODALITIES:

42
43 (1) THE PRACTICE OF ANY OF THE APPROVED
44 T&CM MODALITIES BY ANY PERSON OR
45 T&CM FACILITIES WITHOUT THE
46 APPROPRIATE LICENSE OR GRANT OF
47 AUTHORITY TO PRACTICE;

- (2) THE CONTINUOUS PRACTICE OF ANY OF THE APPROVED T&CM MODALITIES BY ANY PRACTITIONER OR T&CM FACILITIES WHOSE ACCREDITATION OR GRANT OF AUTHORITY HAS ALREADY EXPIRED OR HAS BEEN CANCELLED OR REVOKED;
- (3) THE PRACTICE OF ANY UNAPPROVED T&CM MODALITIES BY ANY PERSON, WHETHER CERTIFIED OR NOT TO PRACTICE IN THE PHILIPPINES;
- (4) THE MERE ACT OF INTRODUCING TO THE PUBLIC BY ANY PERSON, CERTIFIED OR NOT, OF A T&CM MODALITY THAT IS NOT VALIDLY APPROVED BY THE INSTITUTE;
- (5) THE ACT OF A CERTIFIED PRACTITIONER OF ALLOWING A PERSON TO COMMIT AN UNAUTHORIZED PRACTICE OF T&CM WHETHER IT BE UNDER THE DIRECT OR INDIRECT SUPERVISION OF THE CERTIFIED PRACTITIONER;
- (6) THE ACT OF ASSISTING OR PERFORMING IN AN UNAUTHORIZED PRACTICE OF T&CM, WHETHER FOR PROFIT OR NOT;
- (7) THE ACT OF USING T&CM SERVICES TO CAUSE INJURY, ILLNESS OR DEATH TO A CONSUMER/CUSTOMER;
- (8) OFFERING T&CM PROGRAMS AND TRAININGS OR RENDERING T&CM SERVICES BY SCHOOLS OR TRAINING CENTERS WITHOUT THE APPROPRIATE LICENSE OR AUTHORITY FROM THE INSTITUTE;
- (9) RENDERING T&CM SERVICES BY ACCREDITED SCHOOLS OR TRAINING CENTERS THAT ARE BEYOND THE SCOPE OF THEIR APPROVED PROGRAMS AND TRAININGS;

- 1 (10) THE ACT OF INTENTIONALLY COMMITTING
2 FRAUD AND MISREPRESENTATION OR USE
3 OF FALSIFIED OR FORGED DOCUMENTS IN
4 OBTAINING THE NECESSARY APPROVAL OR
5 CERTIFICATE OR GRANT OF AUTHORITY
6 FROM THE INSTITUTE;
7

8 B. WITH RESPECT TO T&CM PRODUCTS:

- 9 (1) THE MANUFACTURE, IMPORTATION,
10 EXPORTATION, SALE, OFFERING FOR SALE,
11 DISTRIBUTION, TRANSFER, USE,
12 PROMOTION, ADVERTISING, OR
13 SPONSORSHIP OF ANY T&CM PRODUCT
14 THAT IS ADULTERATED, UNAPPROVED,
15 UNREGISTERED OR MISBRANDED;
16
17 (2) THE ADULTERATION OR MISBRANDING OF
18 ANY T&CM PRODUCT;
19
20 (3) FORGING, COUNTERFEITING, SIMULATING,
21 OR FALSELY REPRESENTING OR, WITHOUT
22 PROPER AUTHORITY, USING ANY MARK,
23 STAMP, TAG, LABEL, OR OTHER
24 IDENTIFICATION DEVICE AUTHORIZED OR
25 REQUIRED BY REGULATIONS
26 PROMULGATED UNDER THE PROVISIONS OF
27 THIS ACT;
28
29 (4) THE USE, ON THE LABELING OF ANY T&CM
30 PRODUCT OR IN ANY ADVERTISEMENT
31 RELATING TO THE SAME, OF ANY FALSE OR
32 MISLEADING REPRESENTATION OR
33 SUGGESTION WITH RESPECT TO THE
34 REGISTRATION OF SUCH PRODUCT;
35
36 (5) THE SALE, OFFERING FOR SALE,
37 IMPORTATION, EXPORTATION,
38 DISTRIBUTION OR TRANSFER OF ANY T&CM
39 PRODUCT BEYOND ITS EXPIRATION OR
40 EXPIRY DATE, IF APPLICABLE;
41
42 (6) THE ACT OF INTENTIONALLY COMMITTING
43 FRAUD AND MISREPRESENTATION OR USE
44 OF FALSIFIED OR FORGED DOCUMENTS IN
45 OBTAINING THE NECESSARY APPROVAL OR

1 CERTIFICATE OR GRANT OF AUTHORITY
2 FROM THE INSTITUTE AND THIS IS WITHOUT
3 PREJUDICE TO THE EXERCISE OF THE
4 INSTITUTE OF ITS POWER TO REVOKE OR
5 CANCEL CERTIFICATES, GRANTS OR
6 APPROVAL IT HAS ISSUED;
7

8 C. ANY OTHER ACT WHICH VIOLATES OR
9 UNDERMINES ANY OF THE EXPLICIT POWERS OF
10 OR WHICH TENDS TO IMPEDE THE INSTITUTE
11 FROM EXERCISING ANY OF ITS FUNCTIONS
12 PROVIDED FOR IN THIS ACT.

13
14 SECTION 18. *PENALTIES* - ANY NATURAL OR
15 JURIDICAL PERSON FOUND IN VIOLATION OF THE
16 FOLLOWING PROHIBITED ACTS SHALL HAVE THE
17 FOLLOWING PENALTIES:
18

19 A. PROHIBITED ACTS UNDER SECTION 17 (A) AND (C)
20 - ANY PERSON WHO VIOLATES ANY OF THE
21 PROVISIONS OF PARAGRAPHS (A) AND (C) OF
22 SECTION 17 HEREOF SHALL, UPON CONVICTION,
23 SUFFER THE PENALTY OF IMPRISONMENT
24 RANGING FROM ONE (1) YEAR BUT NOT MORE
25 THAN TEN (10) YEARS OR A FINE OF NOT LESS THAN
26 FIFTY THOUSAND PESOS (P50,000.00) BUT NOT
27 MORE THAN FIVE HUNDRED THOUSAND PESOS
28 (P500,000.00), OR BOTH, AT THE DISCRETION OF THE
29 COURT.
30

31 THE IMPOSITION OF PENALTIES UNDER THIS
32 SECTION SHALL BE WITHOUT PREJUDICE TO THE
33 ISSUANCE OF CEASE AND DESIST ORDERS OR TO
34 THE EXERCISE OF THE INSTITUTE OF ITS POWER TO
35 REVOKE OR CANCEL CERTIFICATES, APPROVALS
36 OR GRANTS IT HAS ISSUED AND/OR TO THE FILING
37 OF APPROPRIATE CIVIL OR CRIMINAL ACTION,
38 WHENEVER NECESSARY.
39

40 IN CASE, HOWEVER, OF ILLNESS, INJURY OR DEATH
41 AS PROVIDED FOR UNDER PARAGRAPH (A)(7) OF
42 SECTION 17, THE INTENTIONAL USE OF T&CM
43 SERVICES SHALL NOT CONSTITUTE A SEPARATE
44 CRIME. RATHER, THE USE OR EMPLOYMENT OF
45 SUCH SERVICE SHALL SERVE AS AN

1 AGGRAVATING CIRCUMSTANCE TO QUALIFY THE
2 APPLICABLE CRIME/S AS PROVIDED FOR BY THE
3 REVISED PENAL CODE.
4

5 SHOULD THE OFFENSE BE COMMITTED BY A
6 JURIDICAL PERSON, THE CHAIRMAN OF THE
7 BOARD OF DIRECTORS, THE PRESIDENT, GENERAL
8 MANAGER, OR THE PARTNERS AND/OR THE
9 PERSONS DIRECTLY RESPONSIBLE THEREFORE
10 SHALL BE PENALIZED.
11

12 SHOULD THE OFFENSE BE COMMITTED BY A
13 FOREIGN NATIONAL, HE/SHE SHALL, IN ADDITION
14 TO THE PENALTIES PRESCRIBED, BE DEPORTED
15 WITHOUT FURTHER PROCEEDINGS AFTER SERVICE
16 OF SENTENCE.
17

18 B. PROHIBITED ACTS UNDER SECTION 17 (B) - ANY
19 PERSON WHO VIOLATES ANY OF THE PROVISIONS
20 OF PARAGRAPH (B) OF SECTION 17 HEREOF SHALL,
21 UPON CONVICTION, SUFFER THE PENALTY OF
22 IMPRISONMENT RANGING FROM ONE (1) YEAR
23 BUT NOT MORE THAN TEN (10) YEARS OR A FINE OF
24 NOT LESS THAN FIFTY THOUSAND PESOS
25 (P50,000.00) BUT NOT MORE THAN FIVE HUNDRED
26 THOUSAND PESOS (P500,000.00), OR BOTH, AT THE
27 DISCRETION OF THE COURT: PROVIDED, THAT IF
28 THE OFFENDER IS A MANUFACTURER, IMPORTER
29 OR DISTRIBUTOR OF ANY T&CM PRODUCT, THE
30 PENALTY OF AT LEAST FIVE (5) YEARS
31 IMPRISONMENT BUT NOT MORE THAN TEN (10)
32 YEARS AND A FINE OF AT LEAST FIVE HUNDRED
33 THOUSAND PESOS (P500,000.00) BUT NOT MORE
34 THAN FIVE MILLION PESOS (P5,000,000.00) SHALL BE
35 IMPOSED: PROVIDED, FURTHER, THAT AN
36 ADDITIONAL FINE OF ONE PERCENT (1%) OF THE
37 ECONOMIC VALUE/COST OF THE VIOLATIVE
38 PRODUCT OR VIOLATION, OR ONE THOUSAND
39 PESOS (P1,000.00), WHICHEVER IS HIGHER, SHALL BE
40 IMPOSED FOR EACH DAY OF CONTINUING
41 VIOLATION.

42 SECTION 19. *HUMAN RESOURCE* - THE INSTITUTE
43 SHALL REVIEW ITS EXISTING ORGANIZATIONAL
44 STRUCTURE WITH ITS STAFFING PATTERN, POSITIONS,

1 AND TITLES. NEW OR ADDITIONAL POSITIONS, TITLES, OR
2 RANKS, SHALL BE CREATED IF THERE SHALL BE A NEED FOR
3 ADDITIONAL MANPOWER AS IDENTIFIED AND
4 DETERMINED BY THE DIRECTOR GENERAL AND APPROVED
5 BY THE BOARD.
6

7 SECTION 20. *RETENTION OF INCOME* - THE INSTITUTE
8 SHALL HAVE THE RIGHT TO RETAIN ALL OF ITS INCOME
9 DERIVED FROM THE OPERATIONS OF ITS HERBAL
10 PROCESSING PLANTS AND ITS OTHER INCOME
11 GENERATING SERVICES/ACTIVITIES. SUCH INCOME SHALL
12 BE UTILIZED TO AUGMENT THE NEEDED MAINTENANCE
13 AND OPERATING EXPENSES, CAPITAL OUTLAYS,
14 UPGRADING AND MODERNIZATION OF THE INSTITUTE."
15

16
17 SECTION 8. The succeeding sections of Republic Act No. 8423 are hereby
18 renumbered accordingly.
19

20 SECTION 9. *Appropriations* - The amount necessary for the initial
21 implementation of this Act shall be charged against the current appropriations of the
22 Philippine Institute of Traditional and Alternative Health Care (PITAHC). Thereafter,
23 the amount needed for the operations and maintenance of the PITAHC shall be
24 included in the General Appropriations Act.
25

26 SECTION 10. *Implementing Rules and Regulations* - Within ninety (90)
27 calendar days from the effectivity of this Act, the PITAHC in collaboration with the
28 concerned agencies and stakeholders, shall promulgate the rules and regulations to
29 effectively implement the provisions of this Act.
30

31 SECTION 11. *Transitory Provision* - Within three (3) years from the
32 effectivity of this Act, during the transformation of PITAHC into a regulatory body,
33 the FDA shall implement, in a hold-over capacity, the registration of T&CM products
34 until PITAHC is reconstituted and capacitated.
35

36 SECTION 12. *Separability Clause* - If any portion or provision of this Act is
37 declared unconstitutional or invalid, the remainder of this Act or any provision not
38 affected thereby, shall remain in force and effect.
39

40 SECTION 13. *Repealing Clause* - Chapter XIII of Presidential Decree No. 856,
41 otherwise known as the "Code of Sanitation of the Philippines," is hereby repealed.
42 Any law, decree, issuance, order, letter of instruction, ordinances, rule and regulation
43 or parts thereof, which are inconsistent with or contrary to the provisions of this Act,
44 are hereby repealed, amended or modified accordingly.
45

1 **SECTION 14. *Effectivity*** - This Act shall take effect fifteen (15) days following
2 its complete publication in the Official Gazette or in any newspaper of general
3 circulation.

4
5 *Approved,*