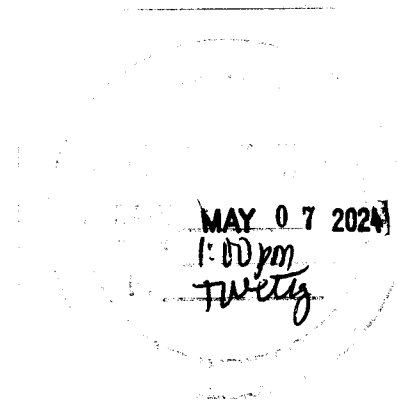


**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

**19th CONGRESS
Second Regular Session**

HOUSE BILL NO. 10363



Introduced by HONORABLE MILAGROS AQUINO-MAGSAYSAY

**AN ACT INSTITUTIONALIZING THE ESTABLISHMENT OF COMMUNITY
DRUGSTORES IN EVERY BARANGAY, OTHERWISE KNOWN AS
“BOTIKA NG BARANGAY”**

EXPLANATORY NOTE

This bill seeks to institutionalize the establishment of the Department of Health (DOH) initiative of community drugstores known as “Botika ng Barangay” to maximize the program and ensure access to affordable medicines by marginalized sectors like the poor, the elderly, and Persons with Disabilities (PWDs) especially in far-flung communities.

The Social Protection framework to which the Philippines subscribes requires the development of policies and programs which shall reduce poverty and vulnerability to risks, and enhance the social status and rights of marginalized sectors like the senior citizens and PWDs. Unfortunately, health care and services remain inaccessible to a great majority of people, especially the poor and those living in the rural areas. Drugstores and pharmacies are few, if not non-existent, in communities outside the poblacion or town proper. As such, local government units (LGUs) without established and fully-functioning community drugstores leave their residents without access to available and affordable basic drugs and medicines.

The Generics Medicines Act or Republic Act (RA) No. 6675 was passed in 1988 prescribed that it shall be the duty of the State to “ensure the adequate supply of drugs with generic names at the lowest possible cost.” The Local Government Code of 1991 or RA 7160 aimed to promote local autonomy, delegation and devolution of delivery of basic services. Under these two (2) laws, the Department of Health (DOH) issued Administrative Order No. 23-A in July 1996 to promote the concept of the establishment of Botika ng Barangay (BnB), and in January 2002, DOH Administrative Order No. 70 was issued to provide for the licensing procedures of Botikas ng Barangay and

supervision of LGUs. Later on, DOH AO No. 159, dated October 2022 was issued to provide for policy guidelines and procedures for the utilization of financial assistance for the purchase of BnB drugs through the registration of Pharmaceutical Distribution Networks (PDNs). Subsequently, DOH AO No. 64 was issued on July 2003 in response to the available funds from Philippine Charity Sweepstakes Office (PCSO) and the partnership with the Philippine International Trading Corporation (PITC) to serve as procurement agent, as well as to provide mechanisms on how the funds shall be utilized to sustain the operations of BnBs.

However, in spite of the DOH's best efforts and the great prospects of the BnB program, implementers are still plagued by public health challenges, limited resources, complicated institutional arrangements and coordination difficulties. There is a need for a law which will institutionalize and expand the BnB program that will certainly benefit more Filipinos by making basic medicines available and accessible to them.

This bill, if enacted into law, will institutionalize and expand the DOH's current Botika ng Bayan program, giving marginalized sectors more opportunities to access basic medicines and provide better chances of survival from curable ailments.

In view of the foregoing, the passage of this bill is earnestly recommended.



MILAGROS AQUINO-MAGSAYSAY

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Nineteenth Congress
Second Regular Session

HOUSE BILL NO. 10363

Introduced by Representative Milagros Aquino-Magsaysay

**AN ACT INSTITUTIONALIZING THE ESTABLISHMENT OF COMMUNITY
DRUGSTORES IN EVERY BARANGAY, OTHERWISE KNOWN AS
“BOTIKA NG BARANGAY”**

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

SECTION 1. SECTION 1. Short Title – This Act shall be known as the “*Botika ng Barangay (BnB) Act of 2024*”.

SECTION 2. Declaration of Policy – It shall be the declared policy of the State to protect and promote the health and well-being of Filipino senior citizens, and ensure a decent and dignified standard of living and quality of life by providing a comprehensive and holistic healthcare and welfare system, with accessible programs and affordable services.

The 1987 Constitution, Article II, Section IX, mandates: “*The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.*” In addition, Article II, Section X declares: “*The State shall promote social justice in all phases of national development.*”

Moreover, Article XIII, Section XI commits: “*The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged sick, elderly, disabled, women and children.*” It is likewise declared under Section 12 that “The State shall establish and maintain an effective food and drug regulatory system and ***undertake appropriate***

health, manpower development, and research, responsive to the country's health needs and problems."

SECTION 3. Definition of Terms – As used in this Act, the following terms shall mean:

- a. **Botika ng Barangay (BnB)** - refers to a drug outlet managed by a legitimate community or barangay-level local government unit (LGU), with a trained operator and a supervising pharmacist specifically established in accordance with DOH AO No. 144, Series of 2004.
- b. **Center for Health Development (CHD)** – an Office of the DOH, headed by a Director who acts as the alter-ego of the Secretary of the DOH, which is responsible in undertaking Public Health Relations, Health Regulatory Functions, and other rules and responsibilities within a defined administrative and geographical boundary as embodied and implied in Executive Order 102.
- c. **Pharmaceutical Distribution Network (PDN)** – a non-profit, non-stock, non-governmental organization licensed by the Food and Drug Administration (FDA) as a drug distributor or supplier (carrying only generic drugs) and has a list of BnBs as a network of beneficiaries or partners. The PDN has a resident pharmacist as drug distributor and a separate pharmacist(s) for its network of BnBs.

SECTION 4. Botika ng Barangay – The Department of Health (DOH) shall undertake a three (3) year program for the establishment of barangay drugstores or Botika ng Barangay (BnB) in every barangay, giving priority to barangays on the basis of population, poverty incidence, extent of medical health care and/or services, geographical conditions, financial and other socio-economic factors and such other considerations as may be deemed necessary in undertaking the program within the context of national plans and policies on social services, health, and medical care.

SECTION 5. Establishment Priority – The Department of Health (DOH) shall, in the establishment of the BnB, undertake prior consultations with the Municipal or City Development Council concerned, Provided, That in the establishment of the BnB, highest priority shall be given to those economically depressed barangays. Existing BnBs shall be maintained and shall be covered by relevant provisions of this Act.

SECTION 6. Drugs Available – The BnB shall make available, only those drugs included in the "core list" of the national drug formulary, and the names thereof listed in their respective generic and trade names made available in the public.

Essential medicines for common allergies like asthma and maintenance drugs for metabolic syndrome illnesses like hypertension and diabetes, and/or dyslipidemia shall be made available. BnBs shall also have a sustained supply of vitamins, micronutrients, antacids, paracetamols, antibiotics, topical ointments, anti-thrombotic, anti-inflammatory, antihelminthic, and hypoglycemic.

All medicines available at the BnB are free, provided a doctor's prescription can be presented.

SECTION 7. Institutional Arrangements – The following general guidelines as previously practiced under existing DOH Administrative Orders governing the BnB program shall continue to apply:

- a. The CHD, in coordination with FDA, shall be responsible in identifying and evaluating the BnB applicants that have passed all documentary, legal, and regulatory requirements, as directed by DOH AO 144, S. 2004.
- b. The CHD shall assure that the necessary structural arrangements such as the assigning of personnel and the creation of a functional committee for the purpose of coordination and monitoring are clearly identified and established.
- c. The CHDs may allow PDNs operating under their area of responsibility to conduct bidding and awarding drug suppliers whenever the circumstance is more advantageous to the public.
- d. BnBs may be established under the initiatives of the CHDs or the PDNs or as an independent initiative by the LGUs themselves. BnBs may be directly established by the CHDs or through the PDNs.
- e. The BnBs nationwide shall operate within the responsibilities it is bound to perform as prescribed by the DOH BnB guidelines and monitored by CHD/FDA.
- f. Each BnB shall be allocated a unit package of drugs and medicines, the equivalent price and combination of quantities of which shall be determined under the DOH BnB program guidelines and subject to the LGU's budget allocation.

SECTION 8. Responsibility of Local Government Units (LGUs) – Local Government Units (LGUs), particularly cities and municipalities, shall take charge of ensuring the establishment and sustained operation of BnBs in their respective areas. They shall continue to supervise the BnBs through local community officials, in coordination with the CHDs and PDNs.

SECTION 9. Botika ng Bayan Personnel/Attendant – To serve as Focal Person and main staffing complement, a Botika ng Bayan Aide shall be designated and trained by the City or Municipal Health Officer, and shall be under the guidance and supervision of the Punong Barangay and the Head of the Barangay Health Center.

SECTION 10. Funding and Sustainability – Pursuant to the Supreme Court's Mandanas ruling on the just and equitable share of local government units to some national tax revenues, LGUs must ensure the appropriate funding and resources to sustain their respective Botika ng Barangays.

In addition, LGUs may utilize a portion of their mandated allocation for senior citizens and Person with Disabilities (PWDs) to support their Botika ng Barangay and provide for the medical needs of the above-mentioned vulnerable sectors. LGUs are likewise enjoined to integrate and consider this program in their local development plans.

SECTION 11. Implementing Rules and Regulations – The Department of Health (DOH) shall, in coordination with the Food and Drug Administration (FDA), the Department of Interior and Local Government (DILG), the Department of Budget and Management (DBM), and the Department of Social Welfare and Development (DSWD), shall formulate and promulgate relevant rules and regulations for effective implementation of this Act within ninety (90) days of its effectivity.

SECTION 12. Separability Clause – If any portion or provision of this Act is declared invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

SECTION 13. Repealing Clause – All laws, decrees, executive orders, rules or regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 14. Effectivity – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in newspaper of general circulation.

Approved