

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. 4060



Introduced by Representative Richard I. Gomez, DPA

EXPLANATORY NOTE

In 1992, then Health Secretary Juan M. Flavier established the Traditional Medicine Program through Department of Health (DOH) Administrative Order No. 12. The program was envisioned to promote and advocate traditional medicine in the Philippines. With the support of former President Fidel V. Ramos, this program was institutionalized in 1997 through the enactment of Republic Act No. 8423 or the "Traditional and Alternative Medicine Act (TAMA) of 1997." The law recognizes the importance of traditional and alternative medicine in providing essential health care to Filipinos.

RA 8423 has succeeded in institutionalizing traditional and alternative health care in the country, formalizing the bounds of Traditional and Alternative Medicine as "any knowledge, skill and practice, other than those in biomedicine, which is used in the prevention, diagnosis and elimination of physical or mental disorder." In fact, the Philippine Standard Occupational Classification (PSOC), at present, recognizes traditional and alternative medicine practitioners and assigned them in two categories: (a) Associate professional of traditional and complementary medicine practitioners, which includes drugless treatment healer, bonesetter, faith healer, healer of indigenous people (i.e. Mansi-bok, Mansip-ok), herbalist, scraping and cupping therapist, village healer, witch doctor, and acupressure therapist; and (b) Traditional and complementary medicine professionals, which includes Acupuncturist, Ayurvedic practitioner, Chinese herbal medicine practitioner, chiropractor, homeopath, hydrotherapist, naturopath, and unani practitioner.

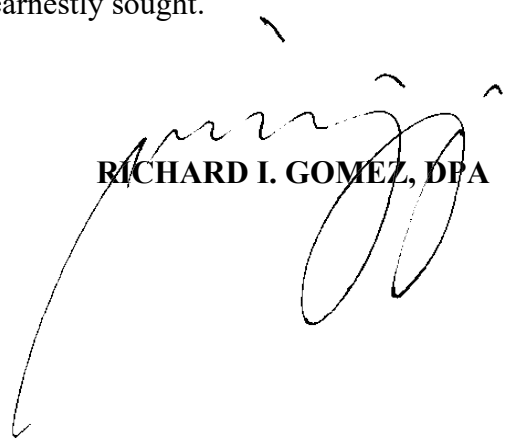
However, the growing interest in, and use of traditional and complementary medicine (T&CM) necessitates government intervention not only to ensure the safety of practitioners, but also to encourage consumers to seek services from qualified practitioners, clinics, and training centers. Proper regulation of Republic Act No. 8423 is critical to the delivery of high-quality, safe, and effective T&CM services. This is especially important in rural areas, where T&CM services are sometimes the only affordable and accessible source of health care.

This bill seeks to empower the Philippine Institute of Traditional and Alternative Health Care (PITAHC) by vesting the same with regulatory powers. One of these powers is to formalize the registration of TC&M practitioners in the country. This would protect both the consumers and practitioners. For the consumers, they would be assured that registered TC&M practitioners are verified and qualified with respect to a specific healing art or modality. Conversely, such registration process would also protect authentic professionals by providing them with the proper government certifications.

Similarly, according to the World Health Organization (WHO), registering products, practices, and practitioners will promote better understanding and respect for traditional medicine, as well as its safe and effective use. WHO reported that in the Western Pacific, Australia, Hong Kong, and Singapore have already established a practitioner registration system.

The enactment of this bill would increase protection for the consumers of TC&M and enable them to make informed choices in alternative healthcare. This would benefit the entire industry by providing standardization of products, guaranteeing safety and efficacy.

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



RICHARD I. GOMEZ, DPA

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**AN ACT VESTING REGULATORY POWERS TO THE PHILIPPINE INSTITUTE OF
TRADITIONAL AND ALTERNATIVE HEALTH CARE (PITAHC), AMENDING FOR
THE PURPOSE REPUBLIC ACT NO. 8423, OTHERWISE KNOWN AS THE
“TRADITIONAL AND ALTERNATIVE MEDICINE ACT OF 1997”**

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

**SECTION. 1. IN GENERAL, THIS ACT AIMS TO STRENGTHEN THE
TRADITIONAL AND ALTERNATIVE HEALTH CARE SYSTEM IN THE
PHILIPPINES TO PROVIDE THE PEOPLE WITH A WIDER RANGE OF HEALTH
SERVICES AND PRODUCTS THAT ARE PROVEN TO BE SAFE, EFFICIENT,
EFFECTIVE AND OF QUALITY AT MUCH AFFORDABLE PRICES.**

**AS SUCH, THIS ACT PRIMARILY AND SPECIFICALLY SEEKS TO
EMPOWER THE PHILIPPINE INSTITUTE OF TRADITIONAL AND ALTERNATIVE
HEALTH CARE (PITAHC) BY VESTING UPON PITAHC, ON TOP OF ALL ITS
OTHER EXISTING POWERS, THE NECESSARY REGULATORY POWERS TO BE
EXERCISED OVER THE TRADITIONAL AND COMPLEMENTARY MEDICINE
(T&CM) PRACTICES, PRACTITIONERS, AND PRODUCTS;**

SEC. 2. Section 4 of the Traditional and Alternative Medicine Act (TAMA) of 1997, is
hereby amended by inserting new definition:

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

*“Traditional and Alternative Health Care **SYSTEM**”* – the sum total of knowledge, skills, and practices on health care other than those embodied in biomedicine, used in the prevention, diagnosis and elimination of physical or mental disorder;

“Alternative health care modalities” – other forms of non-allopathic, occasionally non-indigenous or imported healing methods, though not necessarily practiced for centuries nor handed down from one generation to another. ~~Some alternative health care modalities include~~ **WHICH SHALL INCLUDE BUT NOT LIMITED TO,** reflexology, acupuncture, massage, acupressure, chiropractic, nutritional therapy, **HILOT, NATUROPATHY, HOMEOPATHY/HOMOTOXICOLOGY, TUINA MASSAGE, OSTEOPATHY, ANTHROPOSOPHIC MEDICINE** and other similar methods **MODALITIES**;

“COMPLEMENTARY MEDICINE” – A BROAD SET OF HEALTHCARE PRACTICES THAT ARE NOT PART OF THE COUNTRY’S OWN TRADITIONAL OR CONVENTIONAL MEDICINE AND ARE NOT FULLY INTEGRATED INTO THE DOMINANT HEALTH CARE SYSTEM. IT SHALL BE USED INTERCHANGEABLY WITH THE TERMS ALTERNATIVE MEDICINE;

*“**PHILIPPINE** Traditional healers”* – ~~the relatively old, highly respected people with a profound knowledge of traditional remedies~~ **A PERSON WITH KNOWLEDGE IN INDIGENOUS AND/OR PHILIPPINE BELIEF SYSTEMS, ORAL TRADITIONS AND HEALTH PRACTICES, WHO USES THE TRADITIONAL MEDICINE OF THE INDIGENOUS CULTURAL COMMUNITIES/ INDIGENOUS PEOPLES (ICCS/IPS) AND/OR OTHER ETHNO- LINGUISTIC GROUPS IN THE PHILIPPINES;**

“TRADITIONAL AND COMPLEMENTARY MEDICINE” – MERGES THE TERMS TRADITIONAL MEDICINE AND COMPLEMENTARY MEDICINE, ENCOMPASSING PRACTICES, PRACTITIONERS AND PRODUCTS;

SEC. 4. Section 6 of the same Act, is hereby amended by inserting additional powers and functions and the same are hereby renumbered accordingly:

(i) To formulate, **ESTABLISH, AND PRESCRIBES RULES, REGULATIONS,** standards, code of ethics and **REQUIREMENTS** for the practice of traditional and alternative health care modalities. **FOR THIS PURPOSE, PITAHC SHALL BE VESTED WITH QUASI JUDICIAL POWER;** ~~for approval and adoption by the appropriate professional and government agencies;~~

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

(k) TO PROMULGATE AND IMPLEMENT RULES AND REGULATIONS GOVERNING THE LICENSURE OF T&CM PRACTICES AND OPERATION OF T&CM FACILITIES AND TO PERIODICALLY REVIEW AND AMEND THE SAME, SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES AND IN CONSULTATION WITH THE SECTORS CONCERNED;

(l) TO GRANT LICENSE FOR THE PRACTICE OF T&CM MODALITIES AND FOR THE OPERATION AND MAINTENANCE OF T&CM FACILITIES, AND TO SUSPEND OR REVOKE THE SAME IN ACCORDANCE WITH THE PROVISION OF THIS ACT;

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

(n) TO ASSUME PRIMARY AUTHORITY TO INSPECT, COLLECT AND ANALYZE SAMPLES OF ALL T&CM PRODUCTS COVERED BY THIS ACT; AND

(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 LICENSE OF THE COVERED ENTITIES TO OPERATE AND/OR TO CONTINUE OPERATING.

SEC. 5. A new provision is hereby added to read as follows:

SEC. 7 SPECIAL RULES AND EXEMPTIONS - RECOGNIZING THE UNIQUE MANNER IN WHICH THE KNOWLEDGE AND SKILLS OF TRADITIONAL MEDICINE ARE HANDED DOWN FROM ONE GENERATION TO ANOTHER WITHOUT THE INFLUENCE OF FORMAL EDUCATION OR TRAINING, PRACTITIONERS IN THIS CATEGORY SHALL BE EXEMPT FROM CERTIFICATION REQUIRED BY THIS ACT. NONETHELESS, THEY ARE STILL

MANDATED TO OBTAIN THE NECESSARY REQUIREMENTS FOR RECOGNITION IN ACCORDANCE WITH THE PITAHC GUIDELINES. THE TRADITIONAL PRACTITIONERS MUST DEMONSTRATE THAT NO RELATED COMPLAINTS, WHETHER REPORTED OR NOT, WERE MADE AGAINST THEM OVER THE COURSE OF THEIR PRACTICE AS WELL AS THE LENGTH OF TIME FOR WHICH THEY HAVE BEEN KNOWN TO HAVE PRACTICED TRADITIONAL MEDICINE.

SEC. 8. PROHIBITED ACTS

(1) THE PRACTICE OF ANY OF THE APPROVED T&CM MODALITIES BY ANY PERSON OR T&CM FACILITIES WITHOUT THE APPROPRIATE LICENSE, CERTIFICATE OR GRANT OF 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 CANCELED 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 ANYPERSON, CERTIFIED OR NOT, OF A T&CM MODALITY THAT IS NOT VALIDLY APPROVED BY PITAHC;

(5) THE ACT OF A CERTIFIED PRACTITIONER OF ALLOWING A PERSON TO COMMIT AN UNAUTHORIZED PRACTICE OF T&CM WHETHER IT BE UNDER HIS/HER DIRECT OR INDIRECT SUPERVISION;

(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 TRAINING CENTERS WITHOUT THE APPROPRIATE LICENSE OR AUTHORITY FROM PITAHC;

(9) RENDERING T&CM SERVICES BY ACCREDITED TRAINING CENTERS THAT ARE BEYOND THE SCOPE OF THEIR APPROVED PROGRAMS AND TRAININGS;

(10) THE ACT OF INTENTIONALLY COMMITTING FRAUD AND MISREPRESENTATION OR USE OF FALSIFIED OR FORGED DOCUMENTS IN OBTAINING THE NECESSARY PITAHC APPROVAL OR CERTIFICATE OR GRANT OF AUTHORITY; AND

(11) ANY OTHER ACT WHICH VIOLATES OR UNDERMINES ANY OF THE EXPLICIT POWERS OF OR WHICH TENDS TO IMPEDE PITAHC FROM EXERCISING ANY OF ITS FUNCTIONS PROVIDED FOR IN THIS ACT.

SEC. 9. PENALTIES

ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF SECTION 8 HEREOF SHALL, UPON CONVICTION, SUFFER THE PENALTY OF IMPRISONMENT RANGING FROM ONE (1) YEAR BUT NOT MORE THAN TEN (10) YEARS OR A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00), OR BOTH, AT THE DISCRETION OF THE COURT.

THE IMPOSITION OF PENALTIES UNDER THIS SECTION SHALL BE WITHOUT PREJUDICE TO THE ISSUANCE OF CEASE-AND-DESIST ORDER OR TO THE EXERCISE OF PITAHC OF ITS POWER TO REVOKE OR CANCEL CERTIFICATES, APPROVALS OR GRANTS IT HAS ISSUED AND/OR TO THE FILING OF APPROPRIATE CIVIL OR CRIMINAL ACTION, WHENEVER APPROPRIATE OR NECESSARY.

IN CASE, HOWEVER, OF ILLNESS, INJURY OR DEATH AS PROVIDED FOR UNDER PARAGRAPH (A)(7) OF SECTION 8, THE INTENTIONAL USE OF TAHC SERVICES SHALL NOT CONSTITUTE A SEPARATE CRIME. RATHER, THE USE OR EMPLOYMENT OF SUCH SERVICE SHALL SERVE AS AN AGGRAVATING CIRCUMSTANCE TO QUALIFY THE APPLICABLE CRIME/S AS PROVIDED FOR BY THE REVISED PENAL CODE.

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

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

SEC. 10. HUMAN RESOURCE - THE PITAHC SHALL REVIEW ITS EXISTING ORGANIZATIONAL STRUCTURE WITH ITS STAFFING PATTERN, POSITIONS, AND TITLES. NEW OR ADDITIONAL POSITIONS, TITLES, OR RANKS, SHALL BE CREATED IF THERE BE A NEED FOR ADDITIONAL MANPOWER AS IDENTIFIED AND DETERMINED BY THE DIRECTOR GENERAL AND APPROVED BY THE BOARD.

SEC. 11. RETENTION OF INCOME – PITAHC SHALL HAVE THE RIGHT TO RETAIN ALL OF ITS INCOME DERIVED FROM THE OPERATIONS OF THE HERBAL PROCESSING PLANTS AND ITS OTHER INCOME GENERATING SERVICES/ACTIVITIES AND SHALL BE UTILIZED TO AUGMENT ITS NEEDED MAINTENANCE AND OPERATING EXPENSES, CAPITAL OUTLAYS, UPGRADING AND MODERNIZATION.

SEC. 12. APPROPRIATION - THE AMOUNT NECESSARY FOR THE INITIAL IMPLEMENTATION OF THIS ACT SHALL BE CHARGED AGAINST THE CURRENT APPROPRIATIONS OF THE PHILIPPINE INSTITUTE OF TRADITIONAL AND ALTERNATIVE HEALTH CARE. THEREAFTER, THE AMOUNT NEEDED FOR THE OPERATIONS AND MAINTENANCE OF PITAHC SHALL BE INCLUDED IN THE GENERAL APPROPRIATIONS ACT.

SEC. 6. Section 8 (d) of this Act, is hereby amended and to be read as follows:

The power to appoint, transfer, promote, suspend, remove or otherwise discipline any subordinate officer or employee of the Institute shall be **TRANSFERRED FROM THE BOARD AND BE VESTED UPON THE DIRECTOR GENERAL,** thereby, effectively amending Sections 8 (d) and 10 of the Act.

SEC. 7. Section 9 of this Act, IS hereby amended to read as follows:

SEC. 9. (a) Director General - The Institute shall be headed by a Director General who shall be appointed by the President of the Philippines upon the recommendation of the Secretary of Health for a term of six (6) years. **THE DIRECTOR GENERAL SHALL ENJOY THE BENEFITS, PRIVILEGES AND EMOLUMENTS EQUIVALENT TO THE RANK OF UNDERSECRETARY.**

AS CHIEF EXECUTIVE OFFICER OF THE INSTITUTE, THE DIRECTOR GENERAL SHALL EXERCISE GENERAL SUPERVISION AND CONTROL OVER THE OPERATIONS OF THE INSTITUTE SAVE THOSE AFFAIRS THAT ARE EXCLUSIVELY WITHIN THE FUNCTION OF THE BOARD.

(b) Deputy Directors General - The Director General shall be assisted by such Deputy Director(s) General(s) **WHOSE TERM SHALL BE DETERMINED BY THE BOARD. THE DEPUTY DIRECTOR GENERAL(S) SHALL BE CAREER OFFICIAL(S) AND SHALL ENJOY THE BENEFITS, PRIVILEGES AND EMOLUMENTS EQUIVALENT TO THE RANK OF AN ASSISTANT SECRETARY.**

(c) Other Officers - **THE DIRECTOR GENERAL SHALL LIKEWISE BE ASSISTED BY DEPARTMENT MANAGERS/COORDINATORS AND SUCH OTHER OFFICERS AS THE BOARD DETERMINE TO CARRY OUT THE PURPOSES AND OBJECTIVES OF THIS ACT.**

SEC. 8. *Implementing Rules and Regulations.* - Within ninety (90) days from the effectivity of this Act, PITAHC in collaboration with the concerned agencies and stakeholders, shall promulgate the rules and regulations to effectively implement the provisions of this Act.

SEC. 9. *Transitory Provision.* - Within three (3) years from the effectivity of this Act, during the transformation of PITAHC into a regulatory body, the Food and Drug Administration shall serve in a hold-over capacity the registration of T&CM products until PITAHC is reconstituted and capacitated.

SEC. 10. *Separability Clause.* - If any part or provision of this Act is declared invalid or unconstitutional, all other provisions not affected thereby shall remain valid.

SEC. 11. *Repealing Clause.* - Chapter XIII of Presidential Decree No. 856, otherwise known as the “Code on Sanitation of the Philippines,” is hereby repealed. All laws, decrees, executive orders and issuances, ordinances, rules and regulations, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 12. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,