

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 4789

Introduced by: REP. FERJENEL G. BIRON, M.D.

**AN ACT
REGULATING THE ESTABLISHMENT AND OPERATION
OF ONLINE PHARMACIES IN THE PHILIPPINES**

This bill seeks to regulate the establishment and operation of online pharmacies—referred to in this proposed measure as “eBotika”—for the sale and distribution of pharmaceutical products, including but not limited to, drugs, medicines, and medical devices in the Philippines.

The online ordering of medicines proved to be a lifeline during the COVID-19 pandemic. It provided a safe and convenient alternative for vulnerable groups such as persons with disabilities (PWDs), individuals with compromised immune systems, senior citizens, and those residing in remote or underserved areas without access to physical pharmacies. The pandemic highlighted the critical role of digital solutions in healthcare delivery. Even in its aftermath, many Filipinos continue to prefer the convenience of purchasing products, including medicines, through online platforms rather than visiting brick-and-mortar stores.

However, the rise of e-commerce has also led to the unchecked proliferation of unlicensed and illegal online sellers of pharmaceutical products, many of whom operate without the proper oversight or authorization. This has posed serious risks to public health, including the circulation of counterfeit, substandard, or unregistered drugs and medical devices.

Currently, the Philippine Pharmacy Act (Republic Act No. 10918) governs the practice of pharmacy in the country but is largely focused on traditional, physical establishments. While the Food and Drug Administration (FDA) has taken steps to address the online sale of pharmaceuticals, including the issuance of FDA Advisory No. 2019-154 (11 June 2019) and FDA Circular No. 2020-010 (20 March 2020), these regulations fall short of providing a comprehensive legal framework for the regulation of online pharmacy services.

The lack of a dedicated, responsive legislation has resulted in regulatory ambiguity and enforcement gaps that threaten public safety. This bill, therefore, proposes the establishment of a legal and regulatory framework tailored specifically for online pharmacies, with the following objectives:

1. Prevent the illegal online sale of drugs and medicines, including those used in drug trafficking and other unlawful activities;
2. Curb the proliferation of unregistered pharmaceutical products, medical devices, cosmetics, and food supplements being sold online;
3. Establish a streamlined and responsive licensing system and ensure the regular monitoring of online pharmacy operations;
4. Mandate operational capacity requirements, including minimum capitalization and regional presence, to ensure that online pharmacies maintain a secure platform, adequate inventory, and efficient service delivery;
5. Enable public verification mechanisms so consumers can easily identify legitimate and FDA-authorized online pharmacies;
6. Implement patient and prescription verification systems to authenticate the identities of patients, prescribers, and caregivers, validate prescriptions (including electronic prescriptions), and prevent duplicate dispensing across multiple pharmacies;
7. Require secure handling and protection of patient data, ensuring the confidentiality and integrity of personal and sensitive information transmitted over the internet;
8. Establish standards for safe and appropriate shipping and delivery of pharmaceutical products; and

9. Impose stricter penalties and sanctions against violators of the proposed law and its implementing rules.

Through this measure, we aim to promote public health and consumer safety in the digital age by establishing a trustworthy and accountable system for the online distribution of medicines and other pharmaceutical products.

This bill was originally introduced by this Representation during the 19th Congress and was subsequently deliberated upon by the Committee on Trade and Industry, which introduced amendments that are now incorporated into this revised version.

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



REP. FERJENEL G. BIRON, M.D.
4th District, Iloilo

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 4739

Introduced by: REP. FERJENEL G. BIRON, M.D.

**AN ACT
REGULATING THE ESTABLISHMENT AND OPERATION
OF ONLINE PHARMACIES IN THE PHILIPPINES**

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

1 **SECTION 1. *Short Title.*** - This Act shall be known as the "Online Philippine
2 Pharmacy (eBotika) Act".

3 **SEC. 2. *Statement of Policy.*** - It is the declared policy of the State to protect
4 and promote the right to health of the people and instill health consciousness among
5 them. The State shall likewise adopt an integrated and comprehensive approach to
6 health development which shall endeavor to make essential goods, health and other
7 social services available to all the people at affordable costs.

8 Towards this end, the State shall adopt, establish, promote and maintain an
9 effective regulatory system and viable mechanism responsive to the country's health
10 needs and problems. In so doing, the State shall ensure safe, reliable, and convenient
11 access to quality pharmaceutical products and medical devices through online
12 pharmacies nationwide.

13 **SEC. 3. *Definition of Terms.*** – As used in this Act:

1 (a) *Accredited professional organization (APO)* refers to the duly integrated
2 and accredited professional organization of registered and licensed pharmacists, of
3 which there shall be only one (1), as prescribed under Section 41, Article V of Republic
4 Act (R.A.) No. 10918 or the “Philippine Pharmacy Act”;

5 (b) *Active ingredient* refers to any substance or mixture of substances that
6 is designated to be used in the manufacture of a medicine;

7 (c) *Antimicrobials or Antimicrobial agents* refer to medicines which kill or
8 inhibit the growth of germs and are used in treating infectious diseases. These include
9 antibiotics, antivirals, antifungals, antiparasitics and disinfectants.;

10 (d) *Cold chain management requirements* refer to the standards set by the
11 FDA for all establishments engaged in the manufacture, importation, distribution, and
12 outlets involved in the selling of pharmaceutical products for the safe storage and
13 distribution of time- and temperature- sensitive pharmaceutical products;

14 (e) *Dangerous drugs* refer to those listed in the (1) Schedules annexed to
15 the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol; (2)
16 Schedules annexed to the 1971 Single Convention on Psychotropic Substances; and
17 (3) Annex of R.A. No. 9165, as amended, or the “Comprehensive Dangerous Drugs
18 Act of 2002”;

19 (f) *DOH* refers to the Department of Health;

20 (g) *Drugs* refer to pharmaceutical products that pertain to chemical
21 compounds or biological substances, other than food, intended for use in treatment,
22 prevention, or diagnosis of disease in humans or animals, including the following:

23 (1) Any article recognized in the official United States Pharmacopeia/
24 National Formulary, Homeopathic Pharmacopeia of the United States of
25 America, Philippine Pharmacopeia, Philippine National Drug Formulary,
26 British Pharmacopoeia, Japanese Pharmacopoeia, and any official
27 compendium or any supplement to them;

- 1 (2) Any article intended for use in diagnosis, cure, mitigation, treatment, or
2 presentation of disease of man or animals;
- 3 (3) Any article other than food, intended to affect the structure or any
4 function of the human body or animals;
- 5 (4) Any article intended for use, as a component of articles, specified in
6 clauses (1), (2), and (3), not including devices or their components, parts
7 and accessories; and
- 8 (5) Herbal or traditional drugs as defined in R.A. No. 9502 or the "Universally
9 Accessible Cheaper and Quality Medicines Act of 2008";
- 10 (h) *eBotika* refers to a physical pharmaceutical outlet with a license to
11 operate providing online pharmaceutical services involving the sale of finished
12 pharmaceutical and biological products, medical devices, milk formula, home
13 remedies and galenicals, disinfectants, antiseptics, toiletries, over-the-counter
14 medicines and food supplements over the Internet. The term shall be synonymous
15 with and can be used interchangeably with the words "ePharmacy" or "Online
16 pharmacy";
- 17 (i) *eBotika services* refer to pharmaceutical services of a duly licensed
18 pharmaceutical outlet done over the Internet;
- 19 (j) *eBotika warehouse* refers to a place where eBotika merchandise is
20 stored, whether owned by the business owner or by a third-party provider, suitably
21 designed and well-maintained to carry out online pharmacy activities, compliant with
22 Good Distribution Practices (GDP) and Good Storage Practices (GSP) guidelines
23 and subject to periodic inspection by the FDA;
- 24 (k) *eCommerce platform* refers to a natural or juridical person that solicits
25 the purchase, procurement, or use of goods and services through the internet with the
26 presence and use of monetary transactions, including using, developing, creating, or
27 promoting digital content through digital platforms, websites and marketplaces, with
28 functions which connect and encourage consumers, online merchants, sellers, and
29 retailers to enter into commercial transactions;

1 (l) *eMarketplace* refers to an online intermediary that allows participating
2 merchants to exchange information about products to enter into an electronic
3 commerce transaction, which may or may not provide information/services about
4 payments and logistics;

5 (m) *ePrescription* refers to a written, printed, or typed order for the
6 preparation and administration of a drug or medicine for a patient, issued by or made
7 by a licensed physician, dentist, or veterinary doctor which is received, recorded,
8 scanned, photographed, transmitted, stored, processed, retrieved or produced
9 electronically. The term may be used synonymously with electronic prescription.;

10 (n) *FDA* refers to the Food and Drug Administration;

11 (o) *FDRO* refers to the Food and Drug Regulation Officer of the FDA;

12 (p) *Food/dietary supplement* refers to a processed food product intended to
13 supplement the diet that bears or contains one or more of the following dietary
14 ingredients: vitamin, mineral, herb, or other botanical, amino acid, and dietary
15 substance to increase the total daily intake in amounts conforming to the latest
16 Philippine recommended energy and nutrient intakes or internationally agreed
17 minimum daily requirements. It usually is in the form of capsules, tablets, liquids, gels,
18 powders or pills and not represented for use as a conventional food or as the sole item
19 of a meal or diet or replacement of drugs and medicines.;

20 (q) *Generic name* refers to the scientifically and internationally recognized
21 name of the active ingredients as approved by the FDA pursuant to R.A. No. 6675 or
22 the "Generics Act of 1988";

23 (r) *Good Distribution Practices or GDP* refer to that part of quality assurance
24 which ensures that the quality of a pharmaceutical product is maintained through
25 adequate control throughout numerous activities which occur during the distribution
26 process;

1 (s) *Good Storage Practices or GSP* refer to that part of quality assurance
2 which ensures that the quality of a pharmaceutical product is maintained through
3 adequate control throughout storage;

4 (t) *Licensed physician* refers to a Filipino individual with a valid license
5 authorized to practice medicine as defined by R.A. No. 2382, as amended, or “The
6 Medical Act of 1959”;

7 (u) *Medical device* refers to any instrument, apparatus, implement,
8 machine, appliance, implant, in vitro reagent or calibrator, software, material or other
9 similar or related article intended by the manufacturer to be used alone, or in
10 combination, for human beings, for one (1) or more of the specific purposes of:
11 diagnosis, prevention, monitoring, treatment, or alleviation of disease; diagnosis,
12 monitoring, treatment, or alleviation of or compensation for an injury; investigation,
13 replacement, modification or support of the anatomy of a physiological process,
14 supporting or sustaining life; preventing infection; control of conception; disinfection of
15 medical devices; and providing information for medical or diagnostic purposes by
16 means of in vitro examination of specimens derived from the human body. This device
17 does not achieve its primary intended action in or on the human body by
18 pharmacological, immunological, or metabolic means, but which may be assisted in
19 its intended function by such means, as defined under R. A. No. 9711 or the “Food
20 and Drug Administration (FDA) Act of 2009” .;

21 (v) *Medicines* refer to any substance, or combination of substances:

22 (1) presented as having properties for treating or preventing disease in
23 humans or animals; or

24 (2) that may be used in or administered to human beings or animals with a
25 view to either restoring, correcting or modifying physiological functions
26 by exerting a pharmacological, immunological or metabolic action, or
27 making a medical diagnosis.

28 For purposes of this Act, medicines shall also include traditional medicines that
29 are used in treating illnesses.;

1 (w) *Over-the-counter (OTC) medicines* refer to medicines used for
2 symptomatic relief of minor ailments and which may be dispensed without a
3 prescription;

4 (x) *Pharmaceutical establishment* refers to a natural or juridical person
5 licensed by appropriate government agencies involved in the manufacture,
6 importation, exportation, repacking, and distribution of pharmaceutical products to
7 pharmaceutical outlets;

8 (y) *Pharmaceutical outlet* refers to a natural or juridical person licensed by
9 appropriate government agencies, and which are involved in compounding and/or
10 dispensing and selling of pharmaceutical products directly to patients or end-users;

11 (z) *Pharmaceutical products* refer to drugs, medicines, biologicals,
12 pharmaceutical and biopharmaceutical products/specialties, veterinary biologics and
13 veterinary medicinal products;

14 (aa) *Pharmacist* refers to a health professional who has been registered and
15 issued a valid Certificate of Registration (COR) and Professional Identification Card
16 (PIC) by the PRC and the Professional Regulatory Board of Pharmacy;

17 (bb) *Prescription/ethical drugs/medicines* refer to drugs or medicines which
18 can only be dispensed by a pharmacist to a patient, upon the presentation of a valid
19 prescription from a physician, dentist, or veterinary doctor and for which a pharmacist's
20 advice is necessary;

21 **SEC. 4. Online Sale of Pharmaceutical Products, Food Supplements and**
22 **Medical Devices.** - The online sale of pharmaceutical products, food supplements
23 and medical devices, except regulated and dangerous drugs as defined by the Food
24 and Drug Administration (FDA) and regulated by the Philippine Drug Enforcement
25 Agency (PDEA), shall only be allowed to be conducted by a duly licensed eBotika in
26 the Philippines.

1 **SEC. 5. General Requirements for the Establishment and Operation of an**
2 **eBotika. –**

3 (a) The establishment and operation of an eBotika shall be subject to the
4 requirements provided for in this Act and the rules and regulations prescribed by the
5 FDA.

6 (b) All pharmaceutical outlets engaged or intending to engage in the selling
7 of all pharmaceutical products, food supplements and medical devices to consumers
8 and patients over the internet shall be required to secure a License to Operate (LTO)
9 as an eBotika from the FDA. The application for the LTO shall not be approved unless
10 applied for by a Filipino registered and licensed pharmacist, either as owner or as
11 pharmacist-in-charge.

12 (c) Only FDA-registered products are allowed to be offered for sale or
13 distribution through the eBotika. The eBotika shall create their own website or mobile
14 app in accordance with the minimum requisites provided under Section 8 of this Act.

15 (d) All pharmaceutical outlets with additional activity as an eBotika shall
16 maintain the same PRC-licensed pharmacist to act as pharmacist-in-charge who shall
17 be responsible and accountable for compliance with FDA laws, rules and regulations
18 pertaining to product safety, efficacy and quality. Such pharmacist-in-charge shall be
19 declared and updated with the FDA.

20 (e) The eBotika shall comply with GDP and GSP, including cold chain
21 management requirements as may be applicable, to ensure the integrity and stability
22 of all pharmaceutical products and medical devices supplied. Approval and issuance
23 of the LTO shall require prior FDA inspection to be conducted.

24 **SEC. 6. Minimum Capitalization Requirement.** - In order to ensure the
25 financial stability, accountability, and quality of service provided by online pharmacies,
26 any natural or juridical person seeking to establish an eBotika as defined by this Act
27 shall be required to meet a minimum capitalization of One Hundred Million Pesos
28 (₱100,000,000.00) upon initial application and approval, which shall be further

1 increased to Two Hundred Million Pesos (₱200,000,000.00) on its second year of
2 operation.

3 The capitalization requirement shall be in the form of cash or its equivalent,
4 which must be fully paid-up before the issuance of the necessary license to operate
5 an eBotika.

6 Failure to comply with the minimum capitalization requirement shall result in the
7 denial or revocation of the permits and licenses necessary to operate an online
8 pharmacy.

9 **SEC. 7. Minimum Regional Presence Requirement. –**

10 (a) To ensure accessibility and availability of pharmaceutical services across
11 different regions in the country, including those in remote or underserved areas, any
12 individual or entity seeking to establish an eBotika in the country must demonstrate a
13 presence in at least ten (10) regions in the Philippines, distributed in at least four (4)
14 regions in Luzon, three (3) regions in Visayas, and three (3) regions in Mindanao.

15 (b) Regional presence shall be fulfilled by establishing physical
16 pharmaceutical outlets, including franchised stores, and warehouses in the designated
17 regions. The physical pharmaceutical outlets, including franchised stores, and
18 warehouses must enable prompt and efficient delivery of pharmaceutical products,
19 food supplements and medical devices to customers within the specified regions.

20 (c) Failure to maintain a presence in the required number of regions in
21 Luzon, Visayas and Mindanao shall be a ground for the suspension or revocation of
22 the permits and licenses necessary to operate an online pharmacy.

23 **SEC. 8. Requisites of an eBotika Platform, Website or Application. -** The
24 eBotika platform, website or app shall comply with the following minimum requisites:

25 (a) All eBotikas shall render services through digital platforms or websites
26 hosted only in the Philippine domain;

1 (b) An eBotika shall display in a visible and clear manner on its homepage
2 a statement that it complies with the requirements of this Act with respect to the
3 delivery and sale or offer for sale of pharmaceutical products, food supplements and
4 medical devices through an eBotika as well as the fact of its registration as an eBotika;

5 (c) Each online pharmacy shall post in a visible and clear manner on the
6 homepage of each internet platform, site or mobile app it operates, or on a page
7 directly linked thereto in which a hyperlink is also visible and clear on the homepage,
8 the following information:

- 9 i. The registered name and principal office or warehouse address of the
10 eBotika as it appears on the pharmacy's LTO;
- 11 ii. The registered contact number and email address of the eBotika; and
- 12 iii. The registered name, professional degree and licensure of the
13 pharmacist-in-charge and the contact number at which the pharmacist-
14 in-charge can be contacted.

15 (d) All FDA-required information, education, and communication campaign
16 materials shall be displayed in the eBotika page, website, or application;

17 (e) All pharmaceutical products, food supplements and medical devices
18 offered for sale must bear illustrations of the product including its primary and
19 secondary packaging, if any, and must provide all information required by existing FDA
20 rules and regulations on labeling: *Provided*, That all online pharmacies are
21 encouraged to share useful information about medicines and illnesses, provide links
22 to useful information as well as important medical resources and government
23 agencies;

24 (f) For prescription drugs, the display shall bear a note clearly indicating
25 that the drug or medicine requires a prescription: *Provided*, That there shall be a
26 mechanism by which an electronic copy of the valid prescription must be uploaded or
27 attached prior to adding to cart or checkout;

1 (g) The page or website shall provide a mechanism by which photos of
2 government-issued Senior Citizen or Person With Disability (PWD) identification card
3 (ID), Philippine National ID, and IDs of other individuals who are entitled to discounts
4 as mandated by law, and in the case of Senior Citizens, the page of last entry of their
5 Purchase Booklets, can be uploaded for the application of discounts, subject to
6 verification as to its authenticity; and

7 (h) All consumers who shall purchase pharmaceutical products, food
8 supplements and medical devices from an eBotika shall be required to sign in an
9 account which shall be used for proper recording of patient medication profiles:
10 *Provided, That* all information given shall be used and kept confidential in accordance
11 with R. A. No. 10173 or the "Data Privacy Act of 2012".

12 **SEC. 9. Issuance of ePrescription.-**

13 (a) All licensed physicians, dentists and veterinary doctors shall be authorized
14 to issue electronic prescriptions pursuant to this Act by issuing it via email or any other
15 alternative modes considered electronic document acceptable under R. A. No. 8792
16 or the "Electronic Commerce Act of 2000", and other pertinent laws. The electronic
17 prescription shall be deemed an equivalent of a written prescription.

18 (b) All licensed physicians, dentists and veterinary doctors shall issue a
19 separate electronic prescription for all antimicrobials particularly, antibiotics, anti-
20 infectives, and anti-viral preparations.

21 (c) All ePrescriptions shall contain the name of the individual to whom the
22 prescription/ethical drugs/medicines, biological products and medical devices are
23 prescribed, his or her age, complete address, the generic name of the medicines or
24 drugs prescribed in accordance with R.A. No. 6675, the dosage, the form of
25 medication, the route and timing of administration, the quantity, and the date of
26 prescription.

27 (d) All ePrescriptions shall contain the digital signature, name, license
28 number, professional tax receipt (PTR) number, and the contact number, including the

1 cellular phone number and clinic telephone number, and office address of the issuing
2 licensed physician, dentist or veterinary doctor.

3 (e) Every licensed physician, dentist and veterinary doctor who shall make
4 use of the electronic prescription shall keep records of all ePrescriptions he or she
5 issues pursuant to this Act and subject to the provisions of R.A. No. 10173.

6 **SEC. 10. Recognition, Verification and Recording of ePrescription. -**

7 (a) All eBotikas shall recognize the validity and effectivity of ePrescriptions
8 issued by a licensed physician, dentist or veterinary doctor subject to reasonable
9 verification. An optical electronic copy, a scanned or captured image in Portable
10 Document Format (PDF), Joint Photographic Experts Group (JPEG) or other photo file
11 format of the traditional written prescription uploaded on the platform, website or app
12 shall likewise be recognized. ePrescriptions containing anti-biotic, anti-infective, and
13 anti-viral preparations shall only be valid for one (1) week after its issuance.

14 (b) The eBotika shall strictly dispense prescription/ethical drugs or
15 medicines, biological products and medical devices as prescribed by the licensed
16 physician, dentist and veterinary doctor in the ePrescription, and the latter shall be
17 deemed equivalent to a written prescription for all intents and purposes.

18 (c) The eBotika shall dispense pharmaceutical products, food supplements
19 and medical devices only if the ePrescription is complete and complies with the
20 requirements of a valid ePrescription as provided in Section 9 of this Act.

21 (d) All ePrescriptions involving prescription/ethical drugs or medicines,
22 biological products and medical devices shall be verified from the licensed physician,
23 dentist or veterinary doctor through his/her official contact information indicated in the
24 ePrescription before dispensing. The ePharmacy shall further verify the identity of the
25 licensed physician, dentist or veterinary doctor issuing the ePrescription and the
26 validity of his or her license with the Philippine Regulation Commission (PRC).

1 (e) The eBotika shall ensure an accurate and secure record of all
2 ePrescriptions it receives and for which prescription/ethical drugs or medicines,
3 biological products and medical devices have been dispensed and sold.

4 **SEC. 11. Prohibited Acts and Penalties.** – The commission of any of the
5 following acts shall be punishable as follows:

6 a) Any person or individual who shall establish and operate an eBotika
7 without a valid LTO as required under Section 5 (b) of this Act shall suffer the penalty
8 graduated hereunder, to wit:

9 i. for the first offense, the payment of fine in the amount of not less than
10 One Hundred Thousand Pesos (₱100,000.00) but not more than Three
11 Hundred Thousand Pesos (₱300,000.00) at the discretion of the court.

12 ii. for the second offense, imprisonment of not less than six (6) months and
13 one (1) day but not more than six (6) years or the payment of a fine in
14 the amount of not less than Three Hundred Thousand and One Pesos
15 (₱300,001.00) but not more than Five Hundred Thousand Pesos
16 (₱500,000.00) and/or suspension or revocation of the business
17 registration and permit, if applicable, at the discretion of the court.

18 iii. for the third offense, imprisonment of not less than six (6) years and one
19 (1) day but not more than twelve (12) years or the payment of a fine in
20 the amount of not less than Five Hundred Thousand and One Pesos
21 (₱500,001.00) but not more than One Million Pesos (₱1,000,000.00)
22 and/or revocation of the business registration and permit and permanent
23 closure of the establishment, if applicable, at the discretion of the court.

24 b) As to the following punishable acts: (1) Any corporation, entity or firm
25 who shall establish and operate an eBotika without a valid LTO as required under
26 Section 5 (b) or those who being a duly licensed pharmaceutical outlet violates Section
27 5 (c), (d) and (e) of this Act; (2) Any duly licensed pharmaceutical outlet operating as
28 an eBotika who sells pharmaceutical products, biological products and medical
29 devices, through digital platforms established and operated by other persons,
30 corporations, entities or firms, other than their own eBotika platform, website or
31 application as required under Section 5 (c) and Section 8 of this Act; and (3) Any

1 corporation, entity or firm who shall facilitate the online sale, through digital platforms
2 such as, but not limited to e-marketplaces, mobile application platforms and other
3 social media platforms, of pharmaceutical products, biological products and medical
4 devices of another corporation, entity, firm or individual providing eBotika services to
5 the public, the following graduated penalties shall be imposed:

6 i. for the first offense, payment of fine in the amount of Five Million Pesos
7 (₱5,000,000.00) but not more than Ten Million Pesos (₱10,000,000.00)
8 at the discretion of the court.

9 ii. for the second offense, payment of fine in the amount of not less than
10 Ten Million and One Pesos (₱10,000,001.00) but not more than Fifteen
11 Million Pesos (₱15,000,000.00) and suspension of its LTO as an eBotika
12 and Securities and Exchange Commission (SEC) Registration and
13 License at the discretion of the court.

14 iii. for the third offense, payment of fine in the amount of not less than
15 Fifteen Million and One Pesos (₱15,000,001.00) but not more than
16 Twenty Million Pesos (₱20,000,000.00), revocation of its LTO as an
17 eBotika and SEC Registration and License and permanent closure of the
18 business or establishment at the discretion of the court.

19 *Provided, however, that the imposition of the penalties in this Section shall not*
20 *preclude the institution of administrative and criminal charges and penalties under*
21 *applicable laws, such as, but not limited to, R.A. No. 6675 or the "Generics Act of*
22 *1988", R.A. No. 7394 or the "Consumer Act of the Philippines", R.A. No. 8293 or the*
23 *"Intellectual Property Code of the Philippines", R.A. No. 9502 or the "Universally*
24 *Accessible Cheaper and Quality Medicines Act of 2008", R.A. No. 9711 or the "Food*
25 *and Drug Administration Act of 2009", R.A. No. 10175 or the "Cybercrime Prevention*
26 *Act of 2012", R.A. No. 10863 or the "Customs Modernization and Tariff Act (CMTA)",*
27 *R.A. No. 10918 or the "Philippine Pharmacy Act", R.A. No. 11967 or the "Internet*
28 *Transactions Act of 2023", and other pertinent laws, and upon conviction, be adjudged*
29 *the maximum of the penalty imposed under the applicable laws, as said violation is a*
30 *matter of great public health and safety concern.*

1 **SEC.12. Congressional Oversight Committee.** - A Congressional Oversight
2 Committee, hereinafter referred to as the eBotika Congressional Oversight Committee
3 (eBotika-COC), shall be constituted to monitor and ensure the proper implementation
4 of this Act.

5 It shall be composed of five (5) members from the Senate, which shall include
6 the Chairpersons of the Committee on Trade, Commerce and Entrepreneurship,
7 Health and Demography, and Finance, and five (5) members from the House of
8 Representatives, which shall include the Chairperson of the Committees on Trade and
9 Industry, Health, and Appropriations. The Chairpersons of the Senate Committee on
10 Trade, Commerce and Entrepreneurship, and the House of Representatives
11 Committee on Trade and Industry shall jointly chair the Committee.

12
13 The eBotika-COC shall cease to exist after five (5) years from the effectivity of
14 this Act.

15 **SEC.13. Implementing Rules and Regulations.** - Within one hundred twenty
16 (120) days from the effectivity of this Act, the FDA shall promulgate the rules and
17 regulations to effectively implement the provisions of this Act.

18 **SEC. 14. Transitory Provisions.** - A transitory period of six (6) months from
19 the effectivity of this Act shall be provided to all affected pharmaceutical outlets and
20 eCommerce platforms to comply with the requirements of the law.

21
22 **SEC. 15. Enforcement and Implementation.** - The FDA is hereby authorized
23 to administer and supervise the implementation of this Act.

24 **SEC. 16. Suppletory Application of the "Philippine Pharmacy Act".** - The
25 provisions of Republic Act No. 10918 shall apply suppletorily to the provisions of this
26 Act.

27 **SEC. 17. Reports and Information.** - The FDA shall annually report to the
28 President, DOH and Congress on its activities in carrying out the provisions of this Act,

1 in addition to the regular bulletins it may publish for the same. The FDA shall undertake
2 whatever efforts it may determine to be necessary or appropriate to inform and
3 educate the public on falsified medicines.

4 **SEC. 18. Appropriations.** - The amount necessary to carry out the provisions
5 of this Act shall be included in the General Appropriations Act for the year following its
6 enactment and every year thereafter.

7 **SEC. 19. Separability Clause.** - If any provision of this Act is declared
8 unconstitutional, inoperative, the other provisions not so declared shall remain in force
9 and effect.

10 **SEC. 20. Repealing Clause.** - All laws, decrees, orders, rules and regulations
11 or parts thereof inconsistent with this Act or the rules and regulations promulgated
12 pursuant thereto are hereby repealed or amended accordingly.

13 **SEC. 21. Effectivity.** - This Act shall take effect fifteen (15) days after its
14 publication in the Official Gazette or in a newspaper of general circulation.

15 Approved,