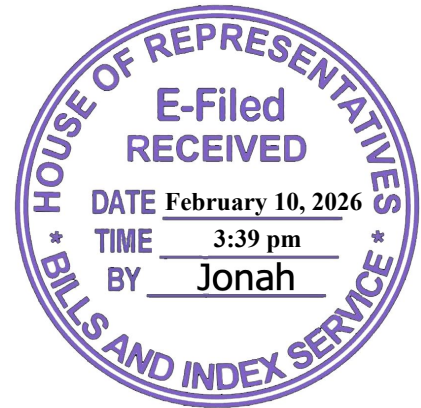


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. 7711



Introduced by Honorable Ma. Alana Samanta Taliño Santos

AN ACT STRENGTHENING ACCESS TO AFFORDABLE MEDICINES FOR PERSONS WITH DISABILITY THROUGH SUPPLY, AVAILABILITY, AND COMPLIANCE MEASURES, PROVIDING FOR MONITORING AND ENFORCEMENT, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Persons with disability (PWDs) face disproportionate health burdens and recurring out-of-pocket expenses for essential medicines. While existing laws recognize PWD rights and provide mechanisms to lower medicine prices generally, significant gaps remain in availability, navigation of benefits, uniform compliance with mandated discounts, and monitoring/enforcement at the community level.

Republic Act No. 11228 mandates PhilHealth coverage for all PWDs and expressly requires the Department of Health (DOH), in coordination with other agencies and LGUs, to conduct periodic monitoring and evaluation and to maintain an updated database of PWDs and their health and development needs. It also directs LGUs, PhilHealth, the NCDA, and other agencies to submit PWD data to DOH. This statutory architecture supports a coherent, data-driven program addressing medicine access for PWDs.

Further, the Supreme Court has upheld the constitutionality of the mandatory twenty percent (20%) discount on medicines for PWDs, recognizing it as a valid exercise of police power for public welfare and integration of PWDs, and sustaining reasonable safeguards such as presentation of identification and prescription requirements.¹ The Court likewise recognized the legitimacy of such social welfare regulation and clarified that the right to profit is not a vested right that defeats reasonable government regulation for vulnerable sectors.²

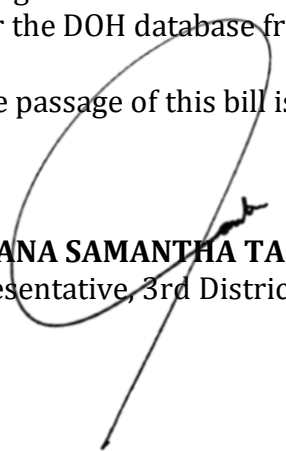
Finally, Republic Act No. 9502 institutionalizes a policy environment for cheaper and quality medicines, supporting government action to address high prices and access barriers, including through legal tools that prioritize public health. RA 9502 (2008)

¹ Drugstores Association of the Philippines., et al. v. National Council on Disability Affairs, et. al., G.R. No. 194561, September 14, 2016

² Southern Luzon Drug Corporation v. Department of Social Welfare and Development, et al., G.R. No. 199669, April 25, 2017

This proposed measure operationalizes these policies specifically for PWDs by: (1) setting minimum availability and access mechanisms in public facilities; (2) strengthening benefit navigation and coordination with PhilHealth; (3) standardizing compliance support and complaint handling for lawful discounts; and (4) requiring measurable reporting and monitoring under the DOH database framework.

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



MA. ALANA SAMANTHA TALIÑO SANTOS
Representative, 3rd District of Cotabato

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

SEC 1. Short Title. - This Act shall be known as the “*PWD Medicines Affordability and Access Act.*”

SEC. 2. Declaration of Policy. - It is the policy of the State to protect and promote the right to health of persons with disability (PWDs) by ensuring the availability, accessibility, and affordability of essential medicines; strengthening inter-agency coordination and monitoring; and supporting lawful compliance with existing PWD privileges consistent with public welfare.

SEC. 3. Definition of Terms. - As used in this Act:

- a. Persons with Disability (PWDs) refer to persons suffering from restriction or different abilities as a result of a mental, physical, or sensory impairment, consistent with statutory definitions recognized in jurisprudence. *Drugstores Association of the Philippines v. NCDA* (2016)
- b. Exclusive use and enjoyment refer to medicine purchases intended for the personal use of the PWD-beneficiary consistent with existing rules and jurisprudence on PWD medicine discounts. *Southern Luzon Drug Corporation v. DSWD* (2017)
- c. Essential medicines for PWDs refer to medicines identified by the Department of Health (DOH) as essential for disability-related conditions and comorbidities, including those identified through program monitoring and database evidence under Republic Act No. 11228.

- d. Public health facility includes DOH hospitals and facilities and LGU-run health facilities authorized to dispense medicines, including rural health units and similar facilities.

SEC. 4. PWD Essential Medicines Access Program. - There is hereby created a PWD Essential Medicines Access Program to be led by the DOH, in coordination with the Department of Social Welfare and Development (DSWD), the Department of Labor and Employment (DOLE), the National Council on Disability Affairs (NCDA), PhilHealth, the Department of Trade and Industry (DTI), and local government units (LGUs), consistent with the monitoring and evaluation framework under Republic Act No. 11228.

SEC. 5. Minimum Availability and Stock Management Standards in Public Health Facilities. - Within six (6) months from effectivity, the DOH shall issue minimum availability and stock management standards for essential medicines for PWDs in public health facilities.

The standards shall include, at a minimum: (1) baseline essential medicine lists for PWD-related conditions; (2) stock monitoring and replenishment protocols; and (3) referral pathways when medicines are unavailable at point of care.

LGUs operating public health facilities shall align procurement planning and inventory systems with DOH standards, subject to applicable budgeting, procurement, and auditing rules.

SEC. 6. PWD Medicines Navigation and Assistance Desk. - All DOH hospitals and facilities, and all provincial/city/municipal hospitals, shall establish a PWD Medicines Navigation and Assistance Desk, which may be integrated into existing patient relations, social service, or PWD help desks.

The Desk shall assist PWDs in:

- a. understanding generic options and therapeutic equivalents when medically appropriate;
- b. accessing PhilHealth benefits and facility-based support;
- c. referral to appropriate public facilities or accredited providers; and
- d. filing and tracking complaints for unlawful discount denial or other access barriers.

SEC. 7. Price and Affordability Evidence-Base. - The DOH and the DTI shall integrate outputs of their independent periodic surveys and studies of selling prices of drugs and medicines as data support for government efforts to promote access to affordable medicines, including for PWD-focused interventions.

The DTI shall furnish the DOH copies of the independent reports and updates to support responsive policy action.

SEC. 8. Data Reporting, Monitoring, and Evaluation. - The DOH, in coordination with DSWD, DOLE, NCDA, LGUs, PhilHealth, and other relevant agencies, shall conduct periodic monitoring and evaluation of the implementation of this Act and shall maintain and update relevant data on PWD medicine needs and access barriers, consistent with Republic Act No. 11228.

For this purpose, LGUs, PhilHealth, the NCDA, and other relevant government agencies are directed to submit their relevant data on PWDs to the DOH.

SEC. 9. Compliance Support for Lawful PWD Medicine Discounts. - The DOH, in coordination with the NCDA, DSWD, DTI, and the Department of the Interior and Local Government (DILG), shall issue uniform and accessible guidelines to support lawful compliance with mandatory PWD medicine discounts.

Such guidelines shall recognize reasonable safeguards against abuse consistent with jurisprudence, including the requirement of PWD identification, a doctor's prescription containing pertinent details, and a purchase booklet requirement for over-the-counter medicines as may be applicable under existing rules.

No additional documentary requirement shall be imposed that is inconsistent with the uniform guidelines issued under this section.

SEC. 10. Complaint Mechanism and Administrative Enforcement. - The DOH shall establish a national and regional PWD Medicine Access Complaint System (hotline and online), with LGU-based intake points, to address:

- a. unlawful denial of lawful discounts;
- b. discriminatory refusal to serve;
- c. unreasonable or non-uniform documentary requirements; and
- d. other medicine access barriers reported by PWDs.

Complaints shall be resolved within timelines to be set in the Implementing Rules and Regulations (IRR), with due process to respondents.

The DOH shall coordinate with appropriate agencies for enforcement and referral, including with LGUs for business permit-related actions when warranted under existing laws and ordinances.

SEC. 11. Implementing Rules and Regulations. - Within three (3) months upon effectivity, PhilHealth, in consultation with the DOH, DSWD, DOLE, NCDA, and the various national leagues of LGUs, shall promulgate or update relevant portions of the IRR to ensure alignment with PWD coverage and benefit navigation components of this Act, consistent with Republic Act No. 11228.

Within one hundred twenty (120) days from effectivity, the Secretary of Health, in consultation with the DTI and other appropriate government agencies, shall promulgate the rules necessary to effectively implement the affordability, monitoring, price survey

integration, compliance support, and enforcement components of this Act, consistent with Republic Act No. 9502's rule-making framework.

SEC. 12. **Appropriations.** - The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the DOH and PhilHealth, subject to applicable budget rules. Thereafter, such sums as may be necessary shall be included in the annual General Appropriations Act.

SEC. 13. **Separability Clause.** - If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

SEC. 14. **Repealing Clause.** - All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed, amended, or modified accordingly. RA 11228 (2019)

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