


13TH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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RECEIVED BY: 

SENATE

S. BILL NO. 1394

Introduced by Senator Ralph G. Recto

AN ACT

STRENGTHENING THE CAPABILITY OF THE BUREAU OF FOOD AND DRUGS (BFAD) BY ESTABLISHING ADEQUATE TESTING LABORATORIES AND FIELD OFFICES IN ALL PROVINCES AND CITIES, UPGRADING ITS EQUIPMENT, CREATING A DRUG ENFORCEMENT UNIT (DEU) UNDER ITS OPERATIONAL AND ADMINISTRATIVE CONTROL, AND APPROPRIATING FUNDS THEREFOR

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

1 SECTION 1. *Title.* – This Act shall be known as the “BFAD
2 Empowerment Act of 2004”

3 SEC. 2. *Declaration of Policy.* – It is hereby declared a policy of the
4 State to adopt, support, establish, institutionalize, improve and maintain
5 structures, processes, mechanisms and initiatives that are aimed, directed
6 and designed to (a) protect and promote the right to health of the Filipino
7 people, and (b) help establish and maintain an effective food and drug
8 regulatory system and undertake appropriate health manpower
9 development and research, responsive to the country's health needs and
10 problems. Pursuant to this policy, the State must enhance its regulatory
11 capacity and strengthen its capability with regard to the licensing,
12 registration and monitoring of drugs, food, cosmetics and hazardous
13 substances.

14 SEC. 3. *Increased Testing Facilities.* – The Department of Health
15 (DOH) is hereby mandated to improve, upgrade and increase the
16 capability of the Bureau of Food and Drugs (BFAD) to test, assay and
17 examine samples of pharmaceutical, cosmetics and food products being
18 applied for registration, as well as monitor pharmaceutical, cosmetic and
19 food products already in the market.

20 For the purpose of achieving the above mandate, there shall be
21 established at least one (1) testing laboratory each in Luzon, Visayas and
22 Mindanao, which shall have at the necessary and appropriate state-of-
23 the-art laboratory equipment and personnel complement. The main
24 testing laboratory at the Bureau's central office shall continue to be
25 maintained.

26 SEC. 4. *BFAD's Regulatory Field Offices.* – The BFAD shall establish
27 field offices in all provinces and cities to effectively implement its
28 regulatory functions. The present Regional Food and Drug Regulatory
29 Office (RFDRRO) in every regional office of the DOH shall now be put under
30 the BFAD's sole administrative control. All Regional Food and Drug
31 Regulatory Officers (RFDRROs) shall now be designated as Food and Drug
32 Regulatory Officers (FDROs) at-large and shall likewise be under the
33 BFAD's administrative control. The DOH, in collaboration with the BFAD,
34 shall seek the creation of additional plantilla positions as may be
35 necessary to support the said BFAD Field Offices, subject to the rules and
36 regulations of the Civil Service Commission.

37 SEC. 5. *Drug Enforcement Unit.* – The BFAD shall establish a Drug
38 Enforcement Unit (DEU) which will be composed of not less than ten (10)
39 qualified personnel in every region and who will be directly under the
40 supervision of the FDRO. They shall bear arms, wear official uniforms and

41 insignias and shall be classified as law enforcement agents. Their authority
42 and functions shall be strictly limited to the implementation of BFAD's
43 regulatory functions.

44 SEC. 6. *Work Program.* – The DOH, the BFAD, the Department of
45 Budget and Management and the Department of Finance shall prepare
46 the necessary work programs to cover the staggered implementation of
47 this Act for a period not exceeding five (5) years.

48 SEC. 7. *Appropriations.* – The appropriations for the BFAD included in
49 the DOH under the current General Appropriations Act shall be used to
50 carry out the initial implementation of this Act. Thereafter, such sums as
51 may be necessary for its staggered implementation shall be included in
52 the annual General Appropriations Act.

53 All receipts derived from registration and licensing fees, sale of
54 publications and services, assessment, fees, fines, penalties and other fees
55 and charges authorized and imposed in Act are hereby constituted as a
56 special account in the General Fund, for the implementation of this Act:
57 *Provided*, that no amount shall be disbursed to cover personal services
58 expenses and purchases of motor vehicles.

59 The fund may be augmented by grants, donations, endowments
60 from various sources, domestic or foreign, for purposes related to their
61 functions.

62 SEC. 8. *Implementing Rules and Regulations.* – The DOH, in
63 collaboration with the BFAD, shall promulgate the rules and regulations to
64 implement this Act within ninety (90) days from the approval of this Act.

65 SEC. 9. *Separability Clues.* If, for any reason, any provision or part of
66 this Act is declared unconstitutional or invalid, such other parts not
67 affected thereby shall remain in full force and effect.

68 SEC. 10. *Repealing Clause.* – All laws, presidential decrees,
69 administrative orders and executive issuances or parts thereof inconsistent
70 with the provisions of this Act are hereby repealed or modified
71 accordingly.

72 SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after
73 its publication in at least two (2) newspapers of general circulation.

74 Approved,