


S.B. No. 1308

20 FEB -3 P 3 :09

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INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

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RECEIVED BY: 

**AN ACT  
STRENGTHENING THE TRADITIONAL AND ALTERNATIVE HEALTH CARE  
SYSTEM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8423,  
OTHERWISE KNOWN AS THE "TRADITIONAL AND ALTERNATIVE  
MEDICINE ACT OF 1997"**

EXPLANATORY NOTE

The Department of Health, through former Health Secretary and Senator Juan M. Flavio, first came with Traditional Medicine Program by virtue of Administrative Order No. 12 on 1992. The program was set to promote and advocate traditional medicine in the Philippines. On 1997, with the appreciation of President Fidel V. Ramos to include traditional medicine in the health and economy, Republic Act No. 8423 "Traditional and Alternative Medicine Act (TAMA)" law was enacted. The law recognizes the importance of traditional and alternative medicine in providing health care to the people.

Traditional and alternative health care, as defined in R.A. 8423, is "any knowledge, skill and practice, other than those in the biomedicine, which is used in the prevention, diagnosis and elimination of physical or mental disorder." As listed in the Philippine Standard Occupational Classification (PSOC), associate professional of traditional and complementary medicines include 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. On the other hand, traditional and complementary medicine professionals include acupuncturist, ayurvedic practitioner, Chinese herbal medicine practitioner, homeopath, hydrotherapist, naturopath and unani practitioner.

According to the World Health Organization (WHO), the registration of products, practices and practitioners will facilitate better understanding and respect for traditional medicine, as well as support its safe and effective use<sup>1</sup>. In the Western Pacific, Australia, Hong Kong, and Singapore have already established a registration system for practitioners.

In the Philippines, there is an undeniable rise in the demand for traditional and alternative health care (TAHC) services. This is particularly true in rural areas where TAHC is the only affordable and available source of health care. Despite the foregoing, traditional and alternative health care in the country is not provided with adequate safeguards that will ensure

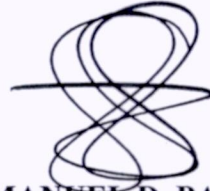
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<sup>1</sup> World Health Organization (2012). The Regional Strategy for Traditional Medicine in the Western Pacific (2011-2020). WHO Press, World Health Organization, Switzerland.

the safety, the standardization, efficacy, quality and availability of the practice, of the practitioners, clinics and training centers.

Considering the growing interest in TAHC over the years and the increasing demand in accessing the same, there is a need for firmer government regulation and a revisit of the Traditional and Alternative Medicine Act of 1997.

In view of the foregoing, the approval of this proposed bill is earnestly sought.

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line across the middle, characteristic of Emmanuel D. Pacquiao's signature.

**EMMANUEL D. PACQUIAO**



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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:*

1 **SECTION 1.** Section 4 of Traditional and Alternative Medicine Act (TAMA) of 1997,  
2 is hereby amended by inserting new definition:

3  
4 Section 4. Definition of Terms. As used in this Act, the following terms shall  
5 mean:

6  
7 (a) "Traditional and Alternative Health Care **SYSTEM**" – the sum total of  
8 knowledge, skills, and practices on health care other than those embodied in  
9 biomedicine, used in the prevention, diagnosis and elimination of physical  
10 or mental disorder.

11 "XXX"

12 (d) "Alternative health care modalities" – other forms of non-allopathic,  
13 occasionally non-indigenous or imported healing methods, though not  
14 necessarily practiced for centuries nor handed down from one generation to  
15 another [. Some alternative health care modalities include], **WHICH SHALL**  
16 **INCLUDE BUT NOT LIMITED TO**, reflexology, **ACUPUNCTURE**,  
17 **MASSAGE**, acupressure, chiropractic, nutritional therapy, **HILOT**,  
18 **NATUROPATHY**, **HOMEOPATHY/HOMOTOXICOLOGY**, **TUINA**  
19 **MASSAGE**, **OSTEOPATHY**, **ANTHROPOSOPHIC MEDICINE** and  
20 other similar [methods] **MODALITIES**.

21  
22 "XXX"

1 (h) “**PHILIPPINE** traditional healers” – [The relatively old, highly respected  
2 people with a profound knowledge of traditional remedies.] **A PERSON**  
3 **WITH KNOWLEDGE IN INDIGENOUS AND/OR PHILIPPINE**  
4 **BELIEF SYSTEMS, ORAL TRADITIONS AND HEALTH**  
5 **PRACTICES, WHO USES THE TRADITIONAL MEDICINE OF THE**  
6 **INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLES**  
7 **(ICCS/IPS) AND/OR OTHER ETHNO-LINGUISTIC GROUPS IN THE**  
8 **PHILIPPINES.**

9 “XXX”

10  
11 **SEC. 2** Section 6 of the same Act is hereby amended with letters M to T being  
12 deleted and renumbered accordingly:

13  
14 *Sec. 6. Power and Functions.* – In furtherance of its purposes and objectives,  
15 the Institute shall have the following powers and functions:

16  
17 (a) “xxx”

18 .  
19 .  
20 .

21  
22  
23 (i) To formulate [a], **ESTABLISH AND PRESCRIBE RULES,**  
24 **REGULATIONS, STANDARDS,** code of ethics and  
25 **REQUIREMENTS** for the practice of traditional and alternative health  
26 care modalities [for approval and adoption by the appropriate professional  
27 and government agencies];

28  
29 (j) [To formulate standards and guidelines for the manufacture, marketing and  
30 quality control of different traditional and alternative health care materials  
31 and products for approval and adoption by the Bureau of Food and Drugs;]  
32 **TO INSPECT AND MONITOR ALL TRADITIONAL AND**  
33 **ALTERNATIVE HEALTH CARE (TAHC) FACILITIES TO ENSURE**  
34 **THEIR CONTINUED COMPLIANCE WITH THE RULES AND**  
35 **REGULATIONS IN ACCORDANCE WITH THIS ACT AND TO**  
36 **MAKE RECOMMENDATIONS FOR THE CORRECTION OF**  
37 **DEFICIENCIES FOUND DURING INSPECTION AND**  
38 **MONITORING;**

39  
40 (k) [To coordinate with other institutions and agencies involved in the  
41 research on herbal medicines ] **TO PROMULGATE AND IMPLEMENT**  
42 **RULES AND REGULATIONS GOVERNING THE LICENSURE OF**  
43 **TAHC PRACTICES AND OPERATION OF TAHC FACILITIES AND**  
44 **TO PERIODICALLY REVIEW AND AMEND THE SAME,**

1           **SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES**  
2           **AND IN CONSULTATION WITH THE SECTORS CONCERNED;**

3           (l) [To adopt and use a corporate seal;] **TO GRANT LICENSE FOR THE**  
4           **PRACTICE OF TAHC MODALITIES AND FOR THE OPERATION AND**  
5           **MAINTENANCE OF TAHC FACILITIES, AND TO SUSPEND OR**  
6           **REVOKE THE SAME IN ACCORDANCE WITH THE PROVISION OF**  
7           **THIS ACT.**

8           [(m) ... "xxx" ... (t)]

9  
10          **SEC. 3** A new provisions are hereby added to read as follows:

11  
12          **SEC. 7. *QUASI-JUDICIAL POWERS.* – TO CARRY OUT ITS TASKS**  
13          **MORE EFFECTIVELY, THE INSTITUTE SHALL BE VESTED WITH**  
14          **THE FOLLOWING QUASI-JUDICIAL POWERS:**

15  
16          **A) TO INVESTIGATE, HEAR AND DECIDE ADMINISTRATIVE**  
17          **CASES INITIATED BY THE INSTITUTE OR FILED BY ANY**  
18          **PERSON AGAINST A TAHC PRACTITIONER AND TAHC FACILITY**  
19          **OR ESTABLISHMENT VIOLATING ANY PROVISION OF THIS ACT**  
20          **AND ITS IMPLEMENTING RULES AND REGULATIONS AND TO**  
21          **IMPOSE APPROPRIATE ADMINISTRATIVE SANCTIONS OR**  
22          **PENALTIES PROVIDED IN THIS ACT;**

23  
24          **B) TO PROMULGATE RULES GOVERNING THE CONDUCT OF**  
25          **ADMINISTRATIVE HEARINGS: PROVIDED, THAT IN SUCH**  
26          **PROCEEDINGS, THE INSTITUTE SHALL NOT BE BOUND BY THE**  
27          **TECHNICAL RULES OF EVIDENCE OF THE RULES OF COURT:**  
28          **PROVIDED, FURTHER, THAT THE LATTER MAY BE APPLIED IN**  
29          **A SUPPLETORY MANNER;**

30  
31          **C) TO ADMINISTER OATHS AND AFFIRMATIONS, AND TO ISSUE**  
32          **SUBPOENA DUCES TECUM AND AD TESTIFICANDUM,**  
33          **REQUIRING THE PRODUCTION OF SUCH BOOKS, CONTRACTS,**  
34          **CORRESPONDENCE, RECORDS, STATEMENT OF ACCOUNTS AND**  
35          **OTHER DOCUMENTS AND THE ATTENDANCE AND TESTIMONY**  
36          **OF PARTIES AND WITNESSES, AS MAY BE MATERIAL TO THE**  
37          **INVESTIGATION BEING CONDUCTED BY THE INSTITUTE;**

38  
39          **D) TO EXERCISE CONTEMPT POWERS AND IMPOSE**  
40          **APPROPRIATE PENALTIES;**  
41

1 E) TO CAUSE THE PROSECUTION OF ALL CASES INVOLVING  
2 VIOLATIONS OF THIS ACT AND IT'S IMPLEMENTING RULES  
3 AND REGULATIONS,  
4

5 F) TO SUMMARILY ORDER THE CLOSURE OF TAHC  
6 FACILITIES AND OTHER RELATED FACILITIES OPERATING  
7 WITHOUT A LICENSE;  
8

9 G) TO PREVENTIVELY SUSPEND TAHC FACILITIES FOUND  
10 DURING INSPECTION OR MONITORING TO HAVE COMMITTED  
11 GROSS VIOLATIONS OF THE STANDARDS OR RULES AND  
12 REGULATIONS; ANY FRAUDULENT, UNSCRUPULOUS  
13 ACTIVITIES, FALSE CLAIMS OR MISREPRESENTATIONS;  
14 OPERATING WITH UNLICENSED OR UNQUALIFIED TAHC  
15 PERSONNEL; AND THE COMMISSION OR OMISSION OF ANY ACT  
16 WHICH MAY RESULT TO SERIOUS INJURY, PERMANENT  
17 DISABILITY OR LOSS OF LIFE OF A PATIENT OR STAFF, OR  
18 WOULD COMPROMISE PUBLIC SAFETY  
19

20 **SEC. 8. LIABILITY UNDER OTHER LAWS -** A PROSECUTION UNDER  
21 THIS ACT SHALL BE WITHOUT PREJUDICE TO ANY LIABILITY  
22 FOR VIOLATION OF ANY PROVISIONS OF OTHER LAWS.  
23

24 **SEC. 9 SPECIAL RULES AND EXEMPTIONS -** RECOGNIZING THE  
25 UNIQUE MANNER OF OBTAINING THE KNOWLEDGE AND  
26 SKILLS OF TRADITIONAL MEDICINE, IT BEING HANDED DOWN  
27 FROM ONE GENERATION TO ANOTHER WITHOUT THE  
28 INFLUENCE OF FORMAL EDUCATION OR TRAINING,  
29 PRACTITIONERS BELONGING TO THIS CATEGORY SHALL BE  
30 EXEMPT FROM THE STANDARD EXAMINATION REQUIRED BY  
31 THIS ACT. NONETHELESS, THEY ARE STILL MANDATED TO  
32 ACQUIRE THE NECESSARY GRANT OF AUTHORITY IN  
33 ACCORDANCE WITH THE GUIDELINES TO BE PRESCRIBED BY  
34 PITAHC. IT SHALL BE NECESSARY FOR TRADITIONAL  
35 PRACTITIONERS TO ESTABLISH THE LENGTH OF TIME FOR  
36 WHICH THEY HAVE BEEN KNOWN TO HAVE PRACTICED  
37 TRADITIONAL MEDICINE AND PROVE THAT, IN THE COURSE  
38 OF THEIR PRACTICE, NO RELATED COMPLAINT, WHETHER  
39 REPORTED OR NOT, WAS MADE AGAINST THEM.  
40

41 FURTHER, SHOULD THEY DISPENSE, WHETHER FOR A FEE OR  
42 NOT, OR USE AS A MODALITY TRADITIONAL HEALTH  
43 PRODUCTS, PRACTITIONERS MUST SEEK FOR THE APPROVAL  
44 OF THE SAME.  
45

46 **SEC. 10. PROHIBITED ACTS.**

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**(A) THE PRACTICE OF ANY OF THE APPROVED TAHC MODALITIES BY ANY PERSON OR TAHC FACILITIES WITHOUT THE APPROPRIATE LICENSE OR GRANT OF AUTHORITY TO PRACTICE.**

**(B) THE CONTINUOUS PRACTICE OF ANY OF THE APPROVED TAHC MODALITIES BY ANY PRACTITIONER OR TAHC FACILITIES WHOSE ACCREDITATION OR GRANT OF AUTHORITY HAS ALREADY EXPIRED OR HAS BEEN CANCELLED OR REVOKED.**

**(C) THE PRACTICE OF ANY UNAPPROVED TAHC MODALITIES BY ANY PERSON, WHETHER CERTIFIED OR NOT TO PRACTICE IN THE PHILIPPINES.**

**(D) THE MERE ACT OF INTRODUCING TO THE PUBLIC BY ANY PERSON, CERTIFIED OR NOT, OF A TAHC MODALITY THAT IS NOT VALIDLY APPROVED BY PITAHC.**

**(E) THE ACT OF A CERTIFIED PRACTITIONER OF ALLOWING A PERSON TO COMMIT AN UNAUTHORIZED PRACTICE OF TAHC WHETHER IT BE UNDER HIS/HER DIRECT OR INDIRECT SUPERVISION.**

**(F) THE ACT OF ASSISTING OR PERFORMING IN AN UNAUTHORIZED PRACTICE OF TAHC, WHETHER FOR PROFIT OR NOT.**

**(G) THE ACT OF USING TRADITIONAL AND ALTERNATIVE HEALTH SERVICES TO CAUSE INJURY, ILLNESS OR DEATH TO A CONSUMER/CUSTOMER.**

**(H) OFFERING TAHC PROGRAMS AND TRAININGS OR RENDERING TAHC SERVICES BY SCHOOLS OR TRAINING CENTERS WITHOUT THE APPROPRIATE LICENSE OR AUTHORITY FROM PITAHC.**

**(I) RENDERING TAHC SERVICES BY ACCREDITED SCHOOLS OR TRAINING CENTERS THAT ARE BEYOND THE SCOPE OF THEIR APPROVED PROGRAMS AND TRAININGS.**

**(J) THE ACT OF INTENTIONALLY COMMITTING FRAUD AND MISREPRESENTATION OR USE OF FALSIFIED OR FORGED DOCUMENTS IN OBTAINING THE NECESSARY**

1           PITAHC APPROVAL OR CERTIFICATE OR GRANT OF  
2           AUTHORITY.

3  
4           (K) ANY OTHER ACT WHICH VIOLATES OR UNDERMINES  
5           ANY OF THE EXPLICIT POWERS OF OR WHICH TENDS TO  
6           IMPEDE THE PITAHC FROM EXERCISING ANY OF ITS  
7           FUNCTIONS PROVIDED FOR IN THIS ACT.

8  
9  
10          **SEC. 11. PENALTIES**

11  
12           ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS  
13           OF SECTION 11 HEREOF SHALL, UPON CONVICTION, SUFFER  
14           THE PENALTY OF IMPRISONMENT RANGING FROM ONE (1)  
15           YEAR BUT NOT MORE THAN TEN (10) YEARS OR A FINE OF  
16           NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT  
17           NOT MORE THAN FIVE HUNDRED THOUSAND PESOS  
18           (P500,000.00), OR BOTH, AT THE DISCRETION OF THE COURT.

19  
20           THE IMPOSITION OF PENALTIES UNDER THIS SECTION  
21           SHALL BE WITHOUT PREJUDICE TO THE ISSUANCE OF  
22           CEASE AND DESIST ORDER OR TO THE EXERCISE OF PITAHC  
23           OF ITS POWER TO REVOKE OR CANCEL CERTIFICATES,  
24           APPROVALS OR GRANTS IT HAS ISSUED AND/OR TO THE  
25           FILING OF APPROPRIATE CIVIL OR CRIMINAL ACTION,  
26           WHENEVER APPROPRIATE OR NECESSARY.

27  
28           IN CASE, HOWEVER, OF ILLNESS, INJURY OR DEATH AS  
29           PROVIDED FOR UNDER PARAGRAPH (G) OF SECTION 9, THE  
30           INTENTIONAL USE OF TAHC SERVICES SHALL NOT  
31           CONSTITUTE A SEPARATE CRIME. RATHER, THE USE OR  
32           EMPLOYMENT OF SUCH SERVICE SHALL SERVE AS AN  
33           AGGRAVATING CIRCUMSTANCE TO QUALIFY THE  
34           APPLICABLE CRIME/S AS PROVIDED FOR BY THE REVISED  
35           PENAL CODE.

36  
37           SHOULD THE OFFENSE BE COMMITTED BY A JURIDICAL  
38           PERSON, THE CHAIRMAN OF THE BOARD OF DIRECTORS, THE  
39           PRESIDENT, GENERAL MANAGER, OR THE PARTNERS AND/OR  
40           THE PERSONS DIRECTLY RESPONSIBLE THEREFORE SHALL BE  
41           PENALIZED.

42  
43           SHOULD THE OFFENSE BE COMMITTED BY A FOREIGN  
44           NATIONAL, HE/SHE SHALL, IN ADDITION TO THE PENALTIES  
45           PRESCRIBED, BE DEPORTED WITHOUT FURTHER  
46           PROCEEDINGS AFTER SERVICE OF SENTENCE.



1  
2       **SEC. 12. HUMAN RESOURCE - THE PITAHC SHALL REVIEW ITS**  
3 **EXISTING ORGANIZATIONAL STRUCTURE WITH ITS STAFFING**  
4 **PATTERN, POSITIONS, AND TITLES. NEW OR ADDITIONAL**  
5 **POSITIONS, TITLES OR RANKS SHALL BE CREATED IF THERE**  
6 **BE A NEED FOR ADDITIONAL MANPOWER AS IDENTIFIED AND**  
7 **DETERMINED BY THE DIRECTOR GENERAL AND APPROVED BY**  
8 **THE BOARD.**  
9

10       **SEC. 4.** Section 8 (d) and Section 10 of this Act, are hereby amended:

11       **Section 8. Powers and Functions of the Board.** – The Board shall exercise the  
12 following powers and functions:

13       “xxx ”

14       (d) To appoint, transfer, promote, suspend, remove or otherwise discipline any  
15 subordinate officer or employee of the Institute [, upon recommendation of the  
16 Director General] **SHALL BE TRANSFERRED FROM THE BOARD**  
17 **AND BE VESTED UPON THE DIRECTOR GENERAL.**  
18

19       **SEC. 5. APPROPRIATION - THE AMOUNT NECESSARY FOR THE**  
20 **INITIAL IMPLEMENTATION OF THIS ACT SHALL BE CHARGED**  
21 **AGAINST THE CURRENT APPROPRIATIONS OF THE PHILIPPINE**  
22 **INSTITUTE OF TRADITIONAL AND ALTERNATIVE HEALTH CARE.**  
23 **THEREAFTER, THE AMOUNT NEEDED FOR THE OPERATIONS AND**  
24 **MAINTENANCE OF PITAHC SHALL BE INCLUDED IN THE**  
25 **GENERAL APPROPRIATIONS ACT.**  
26

27       **SEC. 6. Separability Clause.** - If any part or provision of this Act is declared  
28 invalid or unconstitutional, all other provisions not affected thereby shall remain  
29 valid.  
30

31       **SEC. 7. Repealing Clause.** - Chapter XIII of Presidential Decree No. 856,  
32 otherwise known as the “Code on Sanitation of the Philippines,” is hereby  
33 repealed. All laws, decrees, executive orders and issuances, ordinances, rules and  
34 regulations, or parts thereof which are inconsistent with the provisions of this Act  
35 are hereby repealed or modified accordingly.  
36

37       **SEC. 8. Effectivity.** - This Act shall take effect fifteen (15) days after its  
38 publication in the Official Gazette or in any newspaper of general circulation.

*Adopted,*