



SENATE
S. No. 2513

Introduced by Senator Francis "Tol" N. Tolentino

AN ACT
AMENDING SECTION 478(B)(4) OF REPUBLIC ACT NO. 7160, OTHERWISE
KNOWN AS THE "LOCAL GOVERNMENT CODE OF 1991"

EXPLANATORY NOTE

The 1987 Constitution mandates the State to protect and promote the right to health of every Filipino by instilling health consciousness among them,¹ and adopting an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health, and other social services available to all at affordable cost.² The State is likewise empowered by the Constitution to establish and maintain an effective food and drug regulatory system and undertake appropriate health manpower development and research, which are responsive to the country's health needs and problems.³

The provision of basic health services has been devolved to local government units (LGUs). Section 16 of Republic Act (R.A.) No. 7160, otherwise known as the "Local Government Code of 1991" (LGC), authorizes LGUs to exercise such powers that are necessary, appropriate, or incidental to the efficient and effective provision of basic services and facilities, including health services. Section 478(b) of the LGC further enjoins the LGU health officer in every province, city, and municipality to take charge of the office on health services.

¹ Section 15, Article II of the 1987 Constitution.

² *Id.*, Section 11, Article XIII.

³ *Id.*, Section 12.

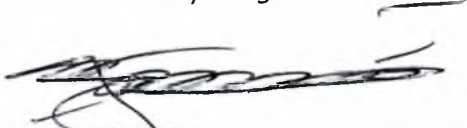
In its Advisory No. 2022-0611 dated 16 March 2022, the Food and Drug Administration (FDA) warned the public against the purchase and use of verified counterfeit versions of drug products, including Bioflu, Alaxan FR, Medicol Advance, Decolgen Forte, Neozep Forte, among others, that are circulating in the market.

It was likewise reported that the FDA received 185 reports on sari-sari stores that were illegally selling medicines, among which 78 were adjudged guilty.⁴ This prompted the Department of Interior and Local Government to release a statement dated 17 February 2022, urging LGUs to enact ordinances banning the sale of medicines in sari-sari stores and direct the Philippine National Police to arrest violators.⁵

The sale of counterfeit products poses potential danger to consumers and is penalized under R.A. No. 9711, otherwise known as the "Food and Drug Administration Act of 2009," and R.A. No. 8203, or the "Special Law on Counterfeit Drugs."

Hence, to ensure that sari-sari store operators only purchase from duly registered and licensed drugstores and prevent the proliferation of counterfeit, adulterated, and unapproved medicines in the market, LGU health officers of each barangay, municipality, and city should be authorized to monitor the sale of medicines in their localities. This bill directs local health officers to monitor sari-sari stores, kiosks, and other micro-enterprises engaged in the sale of over-the-counter medicines and ensure that their products are sourced from duly registered and licensed drugstores and pharmacies, whether in-store or online.

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



FRANCIS "TOL" N. TOLENTINO

⁴ Statement accessible at: <https://dilg.gov.ph/news/DILG-urges-LGUs-to-enact-ordinances-banning-sale-of-medicines-in-sari-sari-stores-directs-PNP-to-arrest-violators/NC-2022-1019>

⁵ <https://newsinfo.inquirer.net/1557933/duterte-reiterates-dont-buy-medicines-from-sari-sari-stores-your-ailment-may-get-worse-instead>

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

1 SEC. 1. Section 478(b) of Republic Act No. 7160, otherwise known as the "Local
2 Government Code of 1991," is hereby amended to read, thus:

3 "SECTION 478. *Qualifications, Powers and Duties.* —

4 x x x

5 (b) The health officer shall take charge of the office on health and shall: x x x

6 (4) In addition to the foregoing duties and functions, the health
7 officer shall:

8 x x x

9 **(IX) MONITOR ALL MICRO-ENTERPRISES, INCLUDING**
10 **SARI-SARI STORES AND KIOSKS, ENGAGED IN**
11 **THE SALE OF OVER-THE-COUNTER OR NON-**
12 **PRESCRIPTION MEDICINES AND ENSURE THEIR**
13 **PROPER REGISTRATION WITH THE FOOD AND**
14 **DRUG ADMINISTRATION;**

15 **(X) CONDUCT REGULAR INSPECTION OF ALL MICRO-**
 ENTERPRISES, INCLUDING SARI-SARI STORES
 AND KIOSKS, ENGAGED IN THE SALE OF OVER-

1 **THE-COUNTER AND NON-PRESCRIPTION**
2 **MEDICINES AND ENSURE THAT THEIR PRODUCTS**
3 **ARE SOURCED FROM DULY REGISTERED AND**
4 **LICENSED DRUGSTORES AND PHARMACIES; AND**

5 **(XI)** In the case of the provincial health officer, exercise
6 general supervision over health officers of component
7 cities and municipalities; and x x x"

8 SEC. 2. *Repealing Clause.* - All laws, decrees, executive issuances, rules, and
9 regulations inconsistent with this Act are hereby repealed or modified accordingly.

10 SEC. 3. *Effectivity.* - This Act shall take effect fifteen (15) days after its
11 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,