

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
***First Regular Session*)**



'22 JUL 14 P4 :09

SENATE
S. No. 656

RECEIVED BY: _____

Introduced by SENATOR FRANCIS "TOL" N. TOLENTINO

AN ACT
STRENGTHENING TRADITIONAL AND COMPLEMENTARY MEDICINE IN
THE PHILIPPINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
8423, OTHERWISE KNOWN AS THE "TRADITIONAL AND ALTERNATIVE
MEDICINE ACT (TAMA) OF 1997"

Explanatory Note

Republic Act No. 8423, or the "Traditional and Alternative Medicine Act (TAMA) Act of 1997," was enacted over 20 years ago to promote and develop traditional medicine practice in the Philippines. The law was created to improve the quality and delivery of health care services to the Filipino people through the development of traditional and alternative health care (TAHC) and its integration into the national health delivery system. The law, through the Philippine Institute of Traditional and Alternative Healthcare (PITAHC) aims to develop policies, standards, and guidelines for the practice of various traditional medicine modalities including acupuncture, homeopathy, homotoxicology, chiropractic, naturopathy and *hilot* -as well as for clinics and training centers.¹

Nonetheless, despite the advances introduced by TAMA law, the current pandemic still showed the gaps in government regulation of traditional and

¹ WHO Global Report on Traditional and Complementary Medicine in 2019 available at <https://apps.who.int/iris/bitstream/handle/10665/312342/9789241515436-eng.pdf?sequence=1&isAllowed=y>

complementary medicine (T&CM). Our country is still afflicted with issues of accessibility, affordability, and efficiency of its health care systems and products offered in the market.

Considering that many, particularly those in rural areas, still turn to T&CM as an accessible and inexpensive source of health care, it is imperative that the government provide safeguards to the practice of T&CM. Moreover, under the current legal framework, PITAHC has no regulatory and enforcement powers to regulate T&CM practice. This remains critical in ensuring the provision of quality, safe, and effective T&CM services.²

This bill aims to strengthen the traditional and alternative health care system in the Philippines by vesting in the PITAHC the necessary regulatory powers over T&CM practices, practitioners, and products.

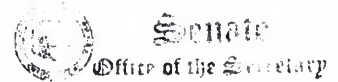
In view of the foregoing, the passage of this bill is earnestly sought.



FRANCIS "TOL" N. TOLENTINO

² National Health Sector Meeting Brief dated 27-28 March 2019, available at <https://doh.gov.ph/sites/default/files/publications/08%20Integrating%20Traditional%20and%20Complementary%20Medicine%20in%20Universal%20Health%20Care.pdf>

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8423, OTHERWISE KNOWN AS THE "TRADITIONAL AND ALTERNATIVE
MEDICINE ACT (TAMA) OF 1997"

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

1 **Section. 1.** Section 4 of Republic Act No. 8423, otherwise known as the
2 "Traditional and Alternative Medicine Act (TAMA) of 1997," is hereby amended to read
3 as follows:

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

6 "(a) x x x

7 "x x x

8 "(d) "Alternative health modalities" – other forms of non-allopathic,
9 occasionally non-indigenous or imported healing methods, though not
10 necessarily practiced for centuries nor handed down from one generation to
11 another, [~~Some alternative health care modalities include~~] **WHICH SHALL**
12 **INCLUDE BUT ARE NOT LIMITED TO**, reflexology, acupressure,
13 chiropractics, nutritional therapy, **HILOT, NATUROPATHY,**

1 **HOMEOPATHY/HOMOTOXICOLOGY, TUINA MASSAGE, OSTEOPATHY,**
2 **ANTHROPOSOPHIC MEDICINE, and other similar [methods]**
3 **MODALITIES.**

4 "x x x

5 "(h) **"PHILIPPINE Traditional healers"** – ~~[the relatively old, highly~~
6 ~~respected people with a profound knowledge of traditional remedies]~~
7 **PERSONS WITH KNOWLEDGE OF INDIGENOUS AND/OR PHILIPPINE**
8 **BELIEF SYSTEMS, ORAL TRADITIONS, AND HEALTH PRACTICES,**
9 **WHO USE THE TRADITIONAL MEDICINE OF THE INDIGENOUS**
10 **CULTURAL COMMUNITIES/INDIGENOUS PEOPLES (ICCS/IPS)**
11 **AND/OR OTHER ETHNO-LINGUISTIC GROUPS IN THE PHILIPPINES.**

12 "x x x

13 **"(J) "COMPLEMENTARY MEDICINE" – A BROAD SET OF**
14 **HEALTH CARE PRACTICES THAT ARE NOT PART OF THE COUNTRY'S**
15 **OWN TRADITIONAL OR CONVENTIONAL MEDICINE AND ARE NOT**
16 **FULLY INTEGRATED INTO THE DOMINANT HEALTH CARE SYSTEM.**
17 **IT SHALL BE USED INTERCHANGEABLY WITH THE TERM**
18 **"ALTERNATIVE MEDICINE."**

19 **"(K) "TRADITIONAL AND COMPLEMENTARY MEDICINE" OR**
20 **"T&CM" – MERGES THE TERMS TRADITIONAL MEDICINE AND**
21 **COMPLEMENTARY MEDICINE, ENCOMPASSING PRACTICES,**
22 **PRACTITIONERS, AND PRODUCTS.**

23 **"(L) "TRADITIONAL AND COMPLEMENTARY MEDICINE**
24 **HEALTH PRODUCT" – ANY MEDICINAL PRODUCT FOR HUMAN USE**
25 **CONSISTING OF ACTIVE INGREDIENTS DERIVED FROM NATURAL**
26 **SOURCES (PLANTS, ANIMALS, AND/OR MINERALS) USED IN THE**
27 **SYSTEM OF TRADITIONAL PRACTICE. IT SHALL NOT INCLUDE ANY**
28 **STERILE PREPARATION, VACCINES, ANY SUBSTANCE DERIVED**
29 **FROM HUMAN PARTS, OR ANY ISOLATED AND CHARACTERIZED**
30 **CHEMICAL SUBSTANCES."**

1 **Section 2.** Section 6 of the same Act is hereby amended to read as follows:

2 "Section 6. *Powers and Functions.* – In furtherance of its purposes and
3 objectives, the Institute shall have the following powers and functions:

4 "(a) x x x

5 "x x x

6 "(i) To formulate [~~a code of ethics~~] **AND PRESCRIBE RULES AND**
7 **REGULATIONS**, a code of ethics, [~~and~~] standards, **AND REQUIREMENTS**
8 for the practice of traditional and alternative health care modalities [~~for~~
9 ~~approval and adoption by the appropriate professional and government~~
10 ~~agencies~~];

11 "~~(j)~~ **TO INSPECT AND MONITOR ALL T&CM FACILITIES TO**
12 **ENSURE THEIR CONTINUED COMPLIANCE WITH THE RULES AND**
13 **REGULATIONS IN ACCORDANCE WITH THIS ACT AND TO MAKE**
14 **RECOMMENDATIONS FOR THE CORRECTION OF DEFICIENCIES**
15 **FOUND DURING INSPECTION AND MONITORING;**

16 "~~(k)~~ **TO PROMULGATE AND IMPLEMENT RULES AND**
17 **REGULATIONS GOVERNING THE LICENSURE OF T&CM PRACTICES**
18 **AND OPERATION OF T&CM FACILITIES AND TO PERIODICALLY**
19 **REVIEW AND AMEND THE SAME, SUBJECT TO THE APPROVAL OF**
20 **THE BOARD OF TRUSTEES AND IN CONSULTATION WITH THE**
21 **SECTORS CONCERNED;**

22 "~~(l)~~ **TO GRANT LICENSES FOR THE PRACTICE OF T&CM**
23 **MODALITIES AND FOR THE OPERATION AND MAINTENANCE OF**
24 **T&CM FACILITIES, AND TO SUSPEND OR REVOKE THE SAME IN**
25 **ACCORDANCE WITH THE PROVISIONS OF THIS ACT;**

26 "~~(m)~~ **TO PRESCRIBE THE NECESSARY GUIDELINES, CRITERIA,**
27 **PRODUCT STANDARDS, AND REQUIREMENTS TO BE COMPLIED**
28 **WITH IN THE REGISTRATION OF T&CM PRODUCTS;**

29 "~~(n)~~ **TO ISSUE CERTIFICATES OF COMPLIANCE OR GRANTS OF**
30 **AUTHORITY TO MANUFACTURERS, IMPORTERS, EXPORTERS,**
31 **DISTRIBUTORS, WHOLESALERS, AND OTHER ESTABLISHMENTS**

1 AND FACILITIES OF T&CM PRODUCTS AFTER SPOT-CHECK AND/OR
2 AFTER THEIR DUE COMPLIANCE WITH TECHNICAL AND
3 REGULATORY REQUIREMENTS. THESE CERTIFICATES OR GRANTS
4 SHALL SERVE AS LICENSE OF THE COVERED ENTITIES TO OPERATE
5 AND/OR TO CONTINUE OPERATING;

6 "(O) TO EXERCISE THE FOLLOWING QUASI-JUDICIAL
7 POWERS:

8 "(1) TO INVESTIGATE, HEAR, AND DECIDE
9 ADMINISTRATIVE CASES INITIATED BY ANY PERSON
10 AGAINST A T&CM PRACTITIONER, FACILITY, OR
11 ESTABLISHMENT VIOLATING ANY PROVISION OF THIS ACT
12 AND ITS IMPLEMENTING RULES AND REGULATIONS, AND TO
13 IMPOSE APPROPRIATE ADMINISTRATIVE SANCTIONS OR
14 PENALTIES PROVIDED IN THIS ACT;

15 "(2) TO PROMULGATE RULES GOVERNING THE
16 CONDUCT OF ADMINISTRATIVE HEARINGS: PROVIDED, THAT
17 IN SUCH PROCEEDINGS, THE INSTITUTE SHALL NOT BE BOUND
18 BY TECHNICAL RULES OF EVIDENCE UNDER THE RULES OF
19 COURT: PROVIDED, FURTHER, THAT THE LATTER MAY BE
20 APPLIED IN A SUPPLEMENTARY MANNER;

21 "(3) TO ISSUE SUBPOENA DUCES TECUM AND AD
22 TESTIFICANDUM, REQUIRING THE PRODUCTION OF SUCH
23 BOOKS, CONTRACTS, CORRESPONDENCE, RECORDS,
24 STATEMENTS OF ACCOUNTS, AND OTHER DOCUMENTS AND
25 THE ATTENDANCE AND TESTIMONY OF PARTIES AND
26 WITNESSES MATERIAL TO THE INVESTIGATION BEING
27 CONDUCTED BY THE INSTITUTE. FOR THIS PURPOSE, THE
28 INSTITUTE IS VESTED WITH THE POWER TO CITE ANY PARTY
29 FOR CONTEMPT WHICH SHALL BE EXERCISED PURSUANT TO
30 THE APPLICABLE PROVISIONS OF RULE 71 OF THE RULES OF
31 COURT;

1 “(4) TO CAUSE THE PROSECUTION OF ALL CASES
2 INVOLVING VIOLATIONS OF THIS ACT AND ITS
3 IMPLEMENTING RULES AND REGULATIONS;

4 “(5) TO SUMMARILY ORDER THE CLOSURE OF T&CM
5 AND OTHER RELATED FACILITIES AND ESTABLISHMENTS
6 OPERATING WITHOUT A LICENSE; AND

7 “(6) TO PREVENTIVELY SUSPEND T&CM FACILITIES
8 FOUND DURING INSPECTION OR MONITORING TO HAVE
9 COMMITTED VIOLATION OF THE RULES AND REGULATIONS;
10 FRAUDULENT MISREPRESENTATIONS; OPERATING WITH
11 UNLICENSED PERSONNEL; USING AND PROMOTING T&CM
12 PRODUCTS WITHOUT AUTHORITY FROM THE FOOD AND
13 DRUG ADMINISTRATION; AND THE COMMISSION OR
14 OMISSION OF ANY ACT WHICH MAY RESULT TO SERIOUS
15 INJURY, PERMANENT DISABILITY, OR LOSS OF LIFE OF A
16 PATIENT OR STAFF, OR WOULD COMPROMISE PUBLIC
17 SAFETY.

18 “~~(j)~~ (P) To formulate standards and guidelines for the manufacture,
19 marketing and quality control of different traditional and alternative health
20 care materials and products for approval and adoption by the Bureau of Food
21 and Drugs;

22 “~~(k)~~ (Q) To coordinate with other institutions and agencies involved
23 in the research on herbal medicines;

24 “~~(l)~~ (R) To adopt and use a corporate seal;

25 “~~(m)~~ (S) To sue and be sued in its corporate name;

26 “~~(n)~~ (T) To succeed by its corporate name;

27 “~~(o)~~ (U) To adopt its bylaws and promulgate such rules and
28 regulations as may be necessary or proper to implement this Act, and to
29 amend or repeal the same from time to time;

30 “~~(p)~~ (V) To enter into, make and execute contracts and agreements
31 of any kind or nature;

1 “~~[(a)]~~ (W) To borrow, raise or obtain funds, or to enter into any
2 financial or credit arrangement in order to support or carry out its research
3 programs, finance its capital and operating expenses, subject to pertinent
4 laws governing public debts and expenditures;

5 “~~[(r)]~~ (X) To invest in, purchase or otherwise acquire, own, hold, use,
6 mortgage, pledge, encumber, sell, assign, convey, exchange, or otherwise
7 deal in real and/or personal properties of whatever kind and nature, or any
8 interest therein, including shares of stock, bonds, notes, securities and other
9 evidences of indebtedness of natural or juridical persons, whether domestic or
10 foreign and whether government or private;

11 “~~[(s)]~~ (Y) To exercise all the powers of a corporation under the
12 General Corporation Law, insofar as such powers are not in violation of the
13 provisions of this Act; and

14 “~~[(t)]~~ (Z) To exercise such other powers and functions, and perform
15 such other acts as may be necessary, proper or incidental to the attainment
16 of its purposes and objectives.”

17 **Section 3.** Section 8 of the same Act is hereby amended, with the sub-
18 sections renumbered accordingly, to read as follows:

19 “Section 8. *Powers and Functions of the Board.* – The Board shall
20 exercise the following powers and functions:

21 “(a) x x x

22 “x x x

23 “~~[(d) To appoint, transfer, promote, suspend, remove or otherwise~~
24 ~~discipline any subordinate officer or employee of the Institute, upon~~
25 ~~recommendation of the Director General;]~~

26 “~~[(e)]~~ (D) x x x

27 “x x x.”

28 **Section 4.** Section 9 of the same Act is hereby amended to read as follows:

29 “Section 9. *Director General and Other Officers.* –

1 “(A) The Institute shall be headed by a Director General who shall be
2 appointed by the President of the Philippines upon recommendation of the
3 Secretary of Health. The Director General shall have a term of six (6) years.
4 **THE DIRECTOR GENERAL SHALL ENJOY THE BENEFITS, PRIVILEGES,
5 AND EMOLUMENTS EQUIVALENT TO THE RANK OF
6 UNDERSECRETARY.**

7 “AS CHIEF EXECUTIVE OFFICER OF THE INSTITUTE, THE
8 **DIRECTOR GENERAL SHALL EXERCISE GENERAL SUPERVISION AND
9 CONTROL OVER THE OPERATIONS OF THE INSTITUTE EXCEPT
10 MATTERS WHICH ARE EXCLUSIVELY WITHIN THE FUNCTION OF
11 THE BOARD.**

12 “(B) **DEPUTY DIRECTOR GENERAL.** – The Director General shall be
13 assisted by such Deputy Director General(s) [~~and—~~program
14 managers/coordinators] as the Board may determine to carry out the
15 purposes and objectives of this Act. **THE DEPUTY DIRECTOR GENERAL(S)
16 SHALL BE CAREER OFFICIAL(S) AND SHALL ENJOY THE BENEFITS,
17 PRIVILEGES AND EMOLUMENTS EQUIVALENT TO THE RANK OF AN
18 ASSISTANT SECRETARY.**

19 “(C) **OTHER OFFICERS – THE DIRECTOR GENERAL SHALL
20 LIKEWISE BE ASSISTED BY DEPARTMENT
21 MANAGERS/COORDINATORS AND SUCH OTHER OFFICERS AS THE
22 BOARD MAY DETERMINE TO CARRY OUT THE PURPOSES AND
23 OBJECTIVES OF THIS ACT.”**

24 **Section 5.** Section 10 of the same Act is hereby amended, with the
25 subsections renumbered accordingly, to read as follows:

26 “Section 10. *Powers, Functions and Duties of the Director General.* –
27 The Director General shall have the following powers, functions and duties:

28 “(a) x x x

29 “x x x

1 “(c) TO APPOINT, TRANSFER, PROMOTE, SUSPEND, REMOVE
2 OR OTHERWISE DISCIPLINE ANY SUBORDINATE OFFICER OR
3 EMPLOYEE OF THE INSTITUTE;

4 “[(e)] (D) x x x

5 “x x x.”

6 **Section 6.** A new Section 12 under Article III of the same Act is hereby
7 inserted to read as follows:

8 “SECTION 12. HUMAN RESOURCE. – THE PITAHC SHALL
9 REVIEW ITS EXISTING ORGANIZATIONAL STRUCTURE AND
10 STAFFING PATTERN. NEW OR ADDITIONAL POSITIONS SHALL BE
11 CREATED IF THERE BE A NEED FOR ADDITIONAL MANPOWER AS
12 IDENTIFIED AND DETERMINED BY THE DIRECTOR GENERAL AND
13 APPROVED BY THE BOARD.”

14 **Section 7.** A new Section 13 under Article III of the same Act is hereby
15 inserted to read as follows:

16 “SECTION 13. RETENTION OF INCOME. – PITAHC SHALL HAVE
17 THE RIGHT TO RETAIN ALL OF ITS INCOME DERIVED FROM THE
18 OPERATIONS OF HERBAL PROCESSING PLANTS AND OTHER
19 INCOME GENERATING SERVICES/ACTIVITIES. SUCH INCOME SHALL
20 BE UTILIZED TO AUGMENT ITS NEEDED MAINTENANCE AND
21 OPERATING EXPENSES, CAPITAL OUTLAYS, UPGRADING, AND
22 MODERNIZATION.”

23 **Section 8.** Sections 12, 13, 14, and 15 of the same Act are hereby
24 renumbered as Sections 14, 15, 16, and 17.

25 **Section 9.** A new Section 18 under Article IV of the same Act is hereby
26 inserted to read as follows:

27 “SECTION 18. SPECIAL RULES AND EXEMPTIONS. –
28 RECOGNIZING THE UNIQUE MANNER OF OBTAINING THE

1 KNOWLEDGE AND SKILLS OF TRADITIONAL MEDICINE, IT BEING
2 HANDED DOWN FROM ONE GENERATION TO ANOTHER WITHOUT
3 THE INFLUENCE OF FORMAL EDUCATION OR TRAINING,
4 PRACTITIONERS BELONGING TO THIS CATEGORY SHALL BE
5 EXEMPT FROM THE STANDARD EXAMINATION REQUIRED BY THIS
6 ACT. NONETHELESS, THEY ARE STILL MANDATED TO ACQUIRE THE
7 NECESSARY GRANT OF AUTHORITY IN ACCORDANCE WITH THE
8 GUIDELINES TO BE PRESCRIBED BY PITAHC. IT SHALL BE
9 NECESSARY FOR TRADITIONAL PRACTITIONERS TO ESTABLISH THE
10 LENGTH OF TIME FOR WHICH THEY HAVE BEEN KNOWN TO HAVE
11 PRACTICED TRADITIONAL MEDICINE AND PROVE THAT, IN THE
12 COURSE OF THEIR PRACTICE, NO RELATED COMPLAINT, WHETHER
13 REPORTED OR NOT, WAS MADE AGAINST THEM. FURTHER, SHOULD
14 THEY OFFER, WHETHER FOR A FEE OR NOT, OR USE AS A MODALITY
15 HEALTH PRODUCTS, PRACTITIONERS MUST SEEK APPROVAL FOR
16 THE SAME FROM THE PITAHC."

17 **Section 10.** Sections 16 and 17 under Article V of the same Act are hereby
18 deleted.

19 **Section 11.** A new Section 19 under Article V of the same Act is hereby
20 inserted to read as follows:

21 **"ARTICLE V**

22 **"PENAL PROVISIONS**

23 **"SECTION 19. PROHIBITED ACTS. –**

24 **"(A) TRADITIONAL AND COMPLEMENTARY MEDICINE**
25 **MODALITIES**

26 **"(1) THE PRACTICE OF ANY OF THE APPROVED T&CM**
27 **MODALITIES BY ANY PERSON OR OPERATION OF**
28 **T&CM FACILITIES WITHOUT THE APPROPRIATE**
29 **LICENSE OR GRANT OF AUTHORITY TO PRACTICE.**

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“(2) THE CONTINUOUS PRACTICE OF ANY OF THE APPROVED T&CM MODALITIES BY ANY PRACTITIONER OR OPERATION OF T&CM FACILITIES WHOSE ACCREDITATION OR GRANT OF AUTHORITY HAS ALREADY EXPIRED OR HAS BEEN CANCELLED OR REVOKED.

“(3) THE PRACTICE OF ANY UNAPPROVED T&CM MODALITIES BY ANY PERSON, WHETHER CERTIFIED OR NOT TO PRACTICE IN THE PHILIPPINES.

“(4) THE MERE ACT OF INTRODUCING TO THE PUBLIC BY ANY PERSON, CERTIFIED OR NOT, OF A T&CM MODALITY THAT IS NOT VALIDLY APPROVED BY PITAHC.

“(5) THE ACT OF A CERTIFIED PRACTITIONER OF ALLOWING A PERSON TO COMMIT AN UNAUTHORIZED PRACTICE OF T&CM WHETHER IT BE UNDER HIS/HER DIRECT OR INDIRECT SUPERVISION.

“(6) THE ACT OF ASSISTING IN OR PERFORMING UNAUTHORIZED PRACTICE OF T&CM, WHETHER FOR PROFIT OR NOT.

“(7) THE ACT OF USING T&CM SERVICES TO CAUSE INJURY, ILLNESS, OR DEATH TO A CONSUMER/CUSTOMER.

“(8) OFFERING T&CM PROGRAMS AND TRAINING OR RENDERING T&CM SERVICES BY SCHOOLS OR TRAINING CENTERS WITHOUT THE APPROPRIATE LICENSE OR AUTHORITY FROM PITAHC.

“(9) RENDERING T&CM SERVICES BY ACCREDITED SCHOOLS OR TRAINING CENTERS THAT ARE

1 BEYOND THE SCOPE OF THEIR APPROVED
2 PROGRAMS AND TRAININGS.

3 "(10) FRAUD, MISREPRESENTATION, OR USE OF
4 FALSIFIED OR FORGED DOCUMENTS IN OBTAINING
5 THE NECESSARY PITAHC APPROVAL OR
6 CERTIFICATE OR GRANT OF AUTHORITY.

7 "(B) TRADITIONAL AND COMPLEMENTARY MEDICINE
8 PRODUCTS

9 "(1) THE MANUFACTURE, IMPORTATION,
10 EXPORTATION, SALE, OFFERING FOR SALE,
11 DISTRIBUTION, TRANSFER, NON-CONSUMER USE,
12 PROMOTION, ADVERTISING, OR SPONSORSHIP OF
13 ANY T&CM PRODUCT THAT IS ADULTERATED,
14 UNAPPROVED, UNREGISTERED, OR MISBRANDED.

15 "(2) THE ADULTERATION OR MISBRANDING OF ANY
16 T&CM PRODUCT.

17 "(3) FORGING, COUNTERFEITING, SIMULATING, OR
18 FALSELY REPRESENTING OR, WITHOUT PROPER
19 AUTHORITY, USING ANY MARK, STAMP, TAG,
20 LABEL, OR OTHER IDENTIFICATION DEVICE
21 AUTHORIZED OR REQUIRED BY REGULATIONS
22 PROMULGATED UNDER THE PROVISIONS OF THIS
23 ACT.

24 "(4) THE USE, ON THE LABELING OF ANY T&CM
25 PRODUCT OR IN ANY ADVERTISEMENT RELATING
26 TO THE SAME, OF ANY FALSE OR MISLEADING
27 REPRESENTATION OR SUGGESTION WITH RESPECT
28 TO THE REGISTRATION OF SUCH PRODUCT.

29 "(5) THE SALE, OFFERING FOR SALE, IMPORTATION,
30 EXPORTATION, DISTRIBUTION, OR TRANSFER OF
31 ANY T&CM PRODUCT BEYOND ITS EXPIRATION OR
32 EXPIRY DATE, IF APPLICABLE.

1 **"(6) FRAUD, MISREPRESENTATION, OR USE OF**
2 **FALSIFIED OR FORGED DOCUMENTS IN OBTAINING**
3 **THE NECESSARY PITAHC APPROVAL OR**
4 **CERTIFICATE OR GRANT OF AUTHORITY. THIS IS**
5 **WITHOUT PREJUDICE TO THE EXERCISE OF PITAHC**
6 **OF ITS POWER TO REVOKE OR CANCEL**
7 **CERTIFICATES, GRANTS, OR APPROVAL IT HAS**
8 **ISSUED.**

9 **"(C) ANY OTHER ACT WHICH VIOLATES OR UNDERMINE ANY**
10 **OF THE EXPLICIT POWERS OF OR WHICH TENDS TO IMPEDE**
11 **PITAHC FROM EXERCISING ANY OF ITS FUNCTIONS PROVIDED FOR**
12 **IN THIS ACT."**

13 **Section 12.** A new Section 20 under Article V of the same Act is hereby
14 inserted to read as follows:

15 **"SECTION 20. PENALTIES. –**

16 **"(A) FOR ACTS PROHIBITED UNDER SECTION 9 (A) AND (C)**

17 **"ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF**
18 **SECTION 9 (A) AND (C) HEREOF SHALL, UPON CONVICTION,**
19 **SUFFER THE PENALTY OF IMPRISONMENT RANGING FROM ONE (1)**
20 **YEAR BUT NOT MORE THAN TEN (10) YEARS OR A FINE OF NOT**
21 **LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT NOT MORE**
22 **THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00), OR BOTH,**
23 **AT THE DISCRETION OF THE COURT.**

24 **"THE IMPOSITION OF PENALTIES UNDER THIS SECTION**
25 **SHALL BE WITHOUT PREJUDICE TO THE ISSUANCE OF A CEASE-**
26 **AND-DESIST ORDER OR TO THE EXERCISE BY PITAHC OF ITS**
27 **POWER TO REVOKE OR CANCEL CERTIFICATES, APPROVALS, OR**
28 **GRANTS IT HAS ISSUED AND/OR TO THE FILING OF APPROPRIATE**
29 **CIVIL OR CRIMINAL ACTION, WHENEVER APPROPRIATE OR**
30 **NECESSARY.**

1 **"IN CASE, HOWEVER, OF ILLNESS, INJURY, OR DEATH AS**
2 **PROVIDED FOR UNDER PARAGRAPH (A)(7) OF SECTION 9, THE**
3 **INTENTIONAL USE OF T&CM SERVICES SHALL NOT CONSTITUTE A**
4 **SEPARATE CRIME. RATHER, THE USE OR EMPLOYMENT OF SUCH**
5 **SERVICE SHALL SERVE AS AN AGGRAVATING CIRCUMSTANCE TO**
6 **QUALIFY THE APPLICABLE CRIME/S AS PROVIDED FOR BY THE**
7 **REVISED PENAL CODE.**

8 **"SHOULD THE OFFENSE BE COMMITTED BY A JURIDICAL**
9 **PERSON, THE CHAIRPERSON OF THE BOARD OF DIRECTORS OR**
10 **TRUSTEES, THE PRESIDENT, GENERAL MANAGER, OR THE**
11 **PARTNERS AND/OR THE PERSONS DIRECTLY RESPONSIBLE**
12 **THEREFOR SHALL BE PENALIZED.**

13 **"SHOULD THE OFFENSE BE COMMITTED BY A FOREIGN**
14 **NATIONAL, HE/SHE SHALL, IN ADDITION TO THE PENALTIES**
15 **PRESCRIBED HEREIN, BE DEPORTED WITHOUT FURTHER**
16 **PROCEEDINGS AFTER SERVICE OF SENTENCE.**

17 **"(B) FOR ACTS PROHIBITED UNDER SECTION 9 (B)**

18 **"ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF**
19 **PARAGRAPH B OF SECTION 9 HEREOF SHALL, UPON CONVICTION,**
20 **SUFFER THE PENALTY OF IMPRISONMENT RANGING FROM ONE (1)**
21 **YEAR BUT NOT MORE THAN TEN (10) YEARS OR A FINE OF NOT**
22 **LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT NOT MORE**
23 **THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00), OR BOTH,**
24 **AT THE DISCRETION OF THE COURT: PROVIDED, THAT IF THE**
25 **OFFENDER IS A MANUFACTURER, IMPORTER, OR DISTRIBUTOR OF**
26 **ANY T&CM PRODUCT, THE PENALTY OF AT LEAST FIVE (5) YEARS**
27 **IMPRISONMENT BUT NOT MORE THAN TEN (10) YEARS AND A FINE**
28 **OF AT LEAST FIVE HUNDRED THOUSAND PESOS (P500,000.00) BUT**
29 **NOT MORE THAN FIVE MILLION PESOS (P5,000,000.00) SHALL BE**
30 **IMPOSED: PROVIDED, FURTHER, THAT AN ADDITIONAL FINE OF**
31 **ONE PERCENT (1%) OF THE ECONOMIC VALUE/COST OF THE**
32 **VIOLATIVE PRODUCT OR VIOLATION, OR ONE THOUSAND PESOS**

1 (P1,000.00), WHICHEVER IS HIGHER, SHALL BE IMPOSED FOR
2 EACH DAY OF CONTINUING VIOLATION: PROVIDED, FINALLY,
3 THAT T&CM PRODUCTS FOUND IN VIOLATION OF THE
4 PROVISIONS OF THIS ACT AND OTHER RELEVANT LAWS AND
5 RULES AND REGULATIONS MAY BE SEIZED AND HELD IN CUSTODY
6 PENDING PROCEEDINGS, WITHOUT HEARING OR COURT ORDER,
7 WHEN THE DIRECTOR GENERAL OF THE PITAHC HAS REASONABLE
8 CAUSE TO BELIEVE FROM FACTS FOUND BY HIM/HER THAT SUCH
9 T&CM PRODUCTS MAY CAUSE INJURY OR PREJUDICE TO THE
10 CONSUMING PUBLIC.”

11 **Section 13.** A new Section 21 under Article V of the same Act is hereby
12 inserted to read as follows:

13 “SECTION. 21. LIABILITY UNDER OTHER LAWS. – A
14 PROSECUTION UNDER THIS ACT SHALL BE WITHOUT PREJUDICE
15 TO ANY LIABILITY FOR VIOLATION OF ANY PROVISIONS OF
16 OTHER LAWS.”

17 **Section 14.** Section 18 of the same Act is hereby renumbered as Section 22.

18 **Section 15. *Implementing Rules and Regulations.*** – Within ninety (90)
19 days from effectivity of this act, the PITAHC, in consultation with concerned agencies
20 and stakeholders, shall promulgate the rules and regulation to effectively implement
21 the provisions of this Act.

22 **Section 16. *Separability Clause.*** – If any part or provision of this Act is
23 declared unconstitutional or invalid, other parts or provisions which are not affected
24 thereby shall continue in full force and effect.

25 **Section 17. *Repealing Clause.*** – All laws, decrees, executive orders,
26 issuances, ordinances, rules and regulations, or parts thereof which are inconsistent
27 with the provisions of this Act are hereby amended, repealed, or modified accordingly.

1 **Section 18. Effectivity Clause.** – This Act shall take effect fifteen (15) days
2 after its publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,