**FOURTEENTH CONGRESS OF THE )**
**REPUBLIC OF THE PHILIPPINES )**
**Second Regular Session )**



**SENATE**



**S. No 2550**

**Introduced by Senator Antonio "Sonny" F. Trillanes IV**

## EXPLANATORY NOTE

This bill seeks to amend Republic Act No. 6675, otherwise known as the Generics Act of 1988 by strictly requiring that only generic names of drugs be written in medical prescriptions by all medical, dental, and veterinary practitioners.

After twenty years since its enactment, the so-called "true generics" still account for a measly three percent of nominal drug sales in this country. Prices of branded medicines should decrease by 50-60 percent when a generic equivalent is introduced in the market — but only if consumers start buying the latter in sizeable quantities, thereby putting a challenge before the branded-drug makers.[1] Although the framers of the Generics Drugs Act have attempted to cover all bases to ensure that generics brand will compete squarely in the market vis-à-vis the more expensive, well-known brands, the law has not empowered the Filipino people enough.

The shortcoming falls mainly on the implementation of the law insofar as Section 6, on who shall use Generic Terminology, is concerned. Although the procurement of generic brand is strictly observed, by virtue of E0 49 (1993), which directs the mandatory use of the Philippine National Drug Formulary as basis for government's drug procurement, the provision on the prescription of generics brand is weakly executed due to poor monitoring and to medical practitioners' refusal to comply with the law. Furthermore, while the law compels doctors to issue generic prescriptions, it also allows them to continue prescribing the branded equivalent of their choice, the net effect of which has been to nullify generics altogether.[2] It is in this light that this legislation seeks to amend the Generics Act by mandating the exclusive use of generics medicine. It is hoped that with the passage of this bill, the Filipino masses can now enjoy their right to health.

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

**ANTONIO "SONNY" F. TRILLANES**
Senator

[1] Pabico, Alecks. *New Rx needed for generics movement.* Information retrieved from: http://www.pcij.org/i-report/2006/generics.html. Retrieved on: 15 July 2008.
[2] Quoted from Undersecretary Alexander Padilla, Department of Health. *Ibid.*

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**AN ACT**
**REQUIRING THAT ONLY GENERIC NAMES OF DRUGS BE WRITTEN IN MEDICAL PRESCRIPTIONS, AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED 6675, OTHERWISE KNOWN AS THE GENERICS ACT OF 1988**

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

**SECTION 1.** Section 6 of Republic Act No. 6675, otherwise known as the Generics Act of 1988 is hereby amended to read as follows:

**SECTION 6.** ***Who Shall Use Generic Terminology.*** **–**

a. All government health agencies and their personnel as well as other government agencies shall use **ONLY** generic terminology or generic names in all transactions related to purchasing, prescribing, dispensing and administering of drugs and medicines.

b. All medical, dental and veterinary practitioners, including private practitioners, shall write prescriptions using the generic name **ONLY**. [The brand name may be included if so desired.]

**NOTHING IN THIS ACT SHALL BE CONSTRUED TO PREVENT A PRACTITIONER FROM INFORMING A PATIENT OF HIS PROFESSIONAL OPINION AS TO THE CAPABILITIES, EFFECTIVENESS AND ACCEPTABILITY OF AN EQUIVALENT DRUG OF THE SAME GENERIC NAME, IF, IN HIS OPINION, IT IS TO THE BEST INTEREST OF HIS PATIENT."**

c. Any organization or company involved in the manufacture, importation, repacking, marketing and/or distribution of drugs and medicines shall indicate prominently the generic name of the product. In the case of brand name products, the generic name shall appear prominently and immediately above the brand name in all product labels as well as in advertising and other promotional materials.

d. Drug outlets, including drugstores, hospital and non-hospital pharmacies and non-traditional outlets such as supermarkets and stores, shall inform any buyer about any and all other drug products having the same generic name, together with their corresponding prices so that the buyer may adequately exercise, his option. Within one (1) year after approval of this Act, the drug outlets referred to herein, shall post in conspicuous places in their establishments, a list of drug products with the same generic name and their corresponding prices.

**SEC. 2.** ***Separability Clause.*** – If any provision or part hereof is held invalid or unconstitutional, the remainder of this Act or the provision not otherwise affected shall remain valid and subsisting.

**SEC. 3.** ***Repealing Clause.*** – Section 6 of Republic Act No. 6675, otherwise known as the Generics Act of 1988, and all laws, presidential decrees or issuances, executive orders, rules or regulations contrary to, or inconsistent with, the provisions of this Act, are hereby repealed, modified, or amended accordingly.

**SEC. 4.** ***Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,