

FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SENATE  
OFFICE OF THE SECRETARY

10 JUL 19 1952

SENATE  
S. No. 1622

RECEIVED BY: *[Signature]*

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

US and Australian researchers said in a study conducted that 25% of doctors surveyed revealed that they had received direct payments from pharmaceutical producers. In addition, 94% of practicing doctors have at least one type of relationship with the drug industry, this most often means receiving food in the workplace or sample prescription drugs.

Relationships with pharmaceutical industry are a fundamental part of the way medicine is practiced today. These relationships benefit physicians and industry, but the important policy question is to what extent do these relationships benefit patients in terms of the care they receive?

The possibility of having conflicts of interest may exist between a physician's duty to prescribe a proper drug against an ineffective one manufactured by a pharmaceutical producer who has influenced the physician through the gifts given.

This bill is intended to prevent health manufacturers from having too much influence over doctors by prohibiting any person who manufactures or distributes prescription drugs from giving, or offering to give, anything of monetary value to any medical practitioners to encourage the medical practitioner to issue prescriptions for that manufacturer's drugs. <sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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<sup>1</sup> This bill was originally filed in the Fourteenth Congress, Second Regular Session

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1 AN ACT  
2 PROHIBITING THE GIVING OF GIFTS OFFERED BY PRESCRIPTION DRUG  
3 MANUFACTURERS AND DISTRIBUTORS TO ENCOURAGE PRACTITIONERS TO  
4 PRESCRIBE CERTAIN DRUGS AND PROVIDING A PENALTY.  
5

6 *Be it enacted by the Senate and the House of Representatives of the Philippines in*  
7 *Congress assembled:*  
8

9 SECTION 1. *Short Title.* This Act may be known as the "Medical Gift Giving Ban Act".

10 SECTION. 2. *Definitions.* In this Act, the term:

11 (a) Medical Practitioners – means physicians and surgeons authorized by law to practice  
12 medicine and treat illness and injury by prescribing medication, performing diagnostic tests and  
13 evaluations, performing surgery, and providing other medical services and advice.

14 (b) Prescription Drug - means drug requiring a prescription to be presented before  
15 purchase.

16 (c) Drug Manufacturer - means a person or business entity engaged in making,  
17 assembling, processing or modifying devices, or mixing, producing or preparing drugs in dosage  
18 forms by encapsulating, entableting or other process, or packaging, repackaging or otherwise  
19 changing the container, wrapper or label of any package containing a drug or device in  
20 furtherance of the distribution of the drug or device from the original place of manufacture to the  
21 person who makes final delivery or sale to the ultimate consumer.

22 (d) Drug Distributor – is a person or business entity who delivers and supplies the drugs  
23 produced by a Drug Manufacturer.

24 (e) Medical Sales Representative - a person employed to represent a Drug Manufacturer  
25 or Drug distributor and to sell its merchandise.

26 SECTION 3. *Prohibitions.* Except as provided in the succeeding section, no Drug  
27 Manufacturer, Drug Distributor, or Medical Sales Representative may give, or offer to give,  
28 anything of monetary value to any Medical Practitioner to encourage that Medical Practitioner to  
29 issue prescription orders for a drug manufactured or distributed by that Drug Manufacturer or  
30 Drug Distributor.

31 SECTION 4. *Exceptions.* Section 3 does not apply to any of the following:

- 32 a) Product samples given by a drug Manufacturer or Drug Distributor to a Medical  
33 Practitioner for delivery to a patient.  
34 b) Scientific literature for use by a Medical Practitioner.

35 SECTION 5. *Penalties.*

36 (a) Any person who shall violate any provision of this Act shall upon conviction, be  
37 subject to a fine of not less than One thousand pesos (P1,000.00) but not more than ten thousand  
38 pesos (P10,000.00) or imprisonment of not less than two (2) months but not more than one (1)  
39 year, or both upon the discretion of the court.

40 If the offender is an alien, he shall be deported after service of sentence and payment of  
41 fine without further deportation proceedings.

42 (b) In case the offender is a naturalized citizen, he shall, in addition to the penalty  
43 prescribed herein, suffer the penalty of cancellation of his naturalization certificate and its  
44 registration in the civil register and immediate deportation after service of sentence and payment  
45 of fine.

46 (c) Any director, officer or agent of a corporation who shall authorize, order or perform  
47 any of the acts or practices constituting in whole or in part a violation of Section 3, shall be  
48 subject to penalties to which that corporation may be subject.

49 In case the violation is committed by, or in the interest of a foreign juridical person duly  
50 licensed to engage in business in the Philippines, such license to engage in business in the  
51 Philippines shall immediately be revoked.

52 SECTION 6. *Separability Clause.* – If any provision or part thereof, is held invalid or  
53 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
54 valid and subsisting.

55 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
56 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent  
57 with the provisions of this Act is hereby repealed, modified or amended accordingly.

58 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
59 publication in at least two (2) newspapers of general circulation.

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61 Approved.