

SENATE

S. B. No. 3361

INTRODUCED BY SENATOR MANNY VILLAR

EXPLANATORY NOTE

Under the 1987 Constitution, "*the State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being.*" (Section 13, Article II)

Misoprostol or cytotec is a drug that is used for the treatment of peptic ulcers particularly those caused by nonsteroidal anti-inflammatory drugs (NSAID). It was registered in many countries during the second half of the 1980s, and its use for the said purpose is contraindicated for pregnant women as it may cause uterine contractions and miscarriage.

In Brazil, as in many other countries, where abortion is illegal, employees of retail pharmacies are accustomed to selling a wide range of drugs to "bring on periods". In the 1980s they realized that the uterine "side-effect" of cytotec made it a highly effective drug for "bringing on periods" in cases of delayed menses. The knowledge that misoprostol was very effective at causing abortions spread rapidly and, by the end of the 1980s, a high proportion of clandestine abortions in Brazil were induced by misoprostol. Similar experiences have been described in other Latin American countries.¹

Misoprostol's undisputed ability to bring on uterine contractions led to it being evaluated as a means of inducing abortion or labor with a dead or live fetus or to interrupt pregnancy. Its potential was especially promising in the developing world where maternal mortality is high and where an effective, low-cost and stable prostaglandin is urgently needed.²

In the Philippines, after reports that the said drug is being used as an abortifacient, the Bureau of Food and Drugs (now FDA) limited its sale and dispensation to tertiary hospital pharmacies and big drugstore chains in 1994. Thereafter, the manufacturer withdrew the product from the market.

In 2002, FDA warned the public against dispensing, selling and using the drug because it was no longer registered with FDA, thus, the safety, efficacy and quality of the said drug is not assured.

¹ Introduction: Misoprostol in Obstetrics and Gynecology, *International Journal of Gynecology and Obstetrics*, 99, S156-S159

² *Supra*.

However, to this day, the said drug is being sold by sidewalk vendors and in this age of information technology, through internet, thus, the risk of being caught is almost nil, not to mention that the offense of selling this prohibited drug only carries the penalty of imprisonment of not less than six months and one day, but not more than five years, or a fine of not less than one thousand pesos, or both such imprisonment and fine, which, to this author's mind, is not enough to deter the sale of said drugs, as provided by Republic Act 3720.

In view of the grave and harmful effects of using the said drugs to pregnant women and unborn children, the bill seeks to prohibit the sale of said drugs and to increase the penalty therefor.

Thus, the immediate passage of this bill is earnestly sought.



MANNY VILLAR

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Introduced by **SENATOR MANNY VILLAR**

**AN ACT
TO PROHIBIT AND PENALIZE THE SALE AND DISPENSING OF CYTOTEC
OR MISOPROSTOL DRUG, AND FOR OTHER PURPOSES**

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

1 **SECTION 1. Declaration of Policy.**- It is the policy of the State to
2 recognize the sanctity of family life and to protect and strengthen the family as a
3 basic autonomous social institution. It shall equally protect the life of the mother
4 and the life of the unborn from conception.
5

6 It is also the policy of the State to protect consumers from trade
7 malpractices and from substandard or hazardous products.
8

9 **SECTION 2. Unlawful Act/s.** – It shall be unlawful for any person to sell
10 and dispense, for whatever purpose and whatever manner, cytotec or misoprostol
11 drug.
12

13 **SECTION 3. Penalties.** -Any person who willfully or knowingly does or
14 who shall aid, permit, or cause to be done any of the acts declared to be unlawful
15 in the preceding section or any order issued thereunder, shall, upon conviction
16 thereof, be punished by imprisonment of not less than six years and a fine of not
17 less than P 50,000.00.
18

19 If the offender is a licensed professional, the concerned agency is hereby
20 mandated to sanction appropriate measures on the offender.
21

22 If the offender is an alien, he shall be subject to deportation proceedings,
23 after complying with the penalty of imprisonment and fine for such violation.
24

25 **SECTION 4.** - Any laws, decrees, ordinances or rules and regulations
26 which are inconsistent with or contrary to the provision of this Act is hereby
27 amended or repealed.
28

29 **SECTION 5.** - This Act shall take effect fifteen (15) days after its complete
30 publication in at least two (2) national newspapers of general circulation.
31

32 Approved,