

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



73 AUG 15 P3:07

SENATE
S. No. 1310

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

US and Australian researchers said in a study 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 the pharmaceutical 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 practitioner to encourage the medical practitioner to issue prescriptions for that manufacturer's pharmaceutical products.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
evs

* This bill was originally filed in the Fourteenth Congress, Second Regular Session.

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



Senate
Office of the Secretary

13 AUG 15 P3:07

SENATE
S. No. 1310

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 PROHIBITING THE GIVING OF GIFTS BY PHARMACEUTICAL DRUG
3 MANUFACTURERS AND DISTRIBUTORS TO ENCOURAGE MEDICAL
4 PRACTITIONERS TO PRESCRIBE CERTAIN PHARMACEUTICAL DRUGS AND
5 PRODUCTS

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

6 SECTION 1. *Short Title.* – This Act may be known as the “Medical Gift Giving Ban
7 Act”.

8 SECTION 2. *Definition of Terms.* – For purposes of this Act, the term:

9 (A) “Medical practitioners” means physicians and surgeons authorized by law to
10 practice medicine and treat illness and injury by prescribing medication, performing diagnostic
11 tests and evaluations, performing surgery, and providing other medical services and advice.

12 (B) “Prescription drug” means drug requiring a prescription to be presented before
13 purchase.

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

20 (D) “Drug distributor” is a person or business entity that delivers and supplies the
21 drugs produced by a drug manufacturer.

22 (E) "Medical sales representative" is a person employed to represent a drug
23 manufacturer or drug distributor and to sell its merchandise.

24 SECTION 3. *Prohibitions.* – Except as provided in the succeeding section, no drug
25 manufacturer, drug distributor, or medical sales representative may give or offer to give anything
26 of monetary value to any medical practitioner.

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

28 (A) Product samples given by a drug manufacturer or drug distributor to a medical
29 practitioner for delivery to a patient.

30 (B) Scientific literature for use by a medical practitioner.

31 SECTION 5. *Penalties.* –

32 (A) Any person who shall violate any provision of this Act shall upon conviction, be
33 subject to a fine of not less than fifty thousand pesos (P50,000.00) or treble the amount of the
34 market value of the gift, whichever is higher, or imprisonment of not less than six (6) months but
35 not more than one (1) year, or both, upon the discretion of the court.

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

38 (B) Any director, officer, or agent of a corporation, association, partnership, or any
39 other entity who shall authorize, order, or perform any of the acts or practices constituting in
40 whole or in part a violation of Section 3 shall be subject to penalties to which that corporation,
41 association, partnership, or any other entity may be subjected to.

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

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

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

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

Approved,