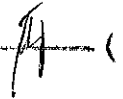


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

8 SEP -2 1001

SENATE
S. No. **2584**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

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.


MIRIAM DEFENSOR SANTIAGO

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

8 SEP -2 P 3:17

SENATE
S. No. **2584**

RECEIVED BY

[Signature]

Introduced by Senator Miriam Defensor Santiago

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

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

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

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

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

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

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

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

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

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

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

34 a) Product samples given by a drug Manufacturer or Drug Distributor to a
35 Medical Practitioner for delivery to a patient.

36 b) Scientific literature for use by a Medical Practitioner.

37 SECTION 5. *Penalties.*

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

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

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

48 (c) Any director, officer or agent of a corporation who shall authorize, order or
49 perform any of the acts or practices constituting in whole or in part a violation of Section
50 3, shall be subject to penalties to which that corporation may be subject.

51 In case the violation is committed by, or in the interest of a foreign juridical

52 person duly licensed to engage in business in the Philippines, such license to engage in
53 business in the Philippines shall immediately be revoked.

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

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

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

63

64 Approved.