REPUBLIC ACT NO. 5921

AN ACT REGULATING THE PRACTICE OF PHARMACY AND SETTINGS STANDARDS OF PHARMACEUTICAL EDUCATION IN THE PHILIPPINES AND OF OTHER PURPOSES.

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

ARTICLE I
OBJECTIVES AND IMPLEMENTATION

SECTION 1. - *Objectives* - This act provides for and shall govern (a) the standardization and regulation of pharmaceutical education; (b) the examination for registration of graduates of school of pharmacy and (c) the supervision, control and regulation of the practice of pharmacy in the Philippines.

SECTION 2. - ***Enforcement*** - For the purpose of implementation of provisions of this Act, the Council of Pharmaceutical Education and the board of Pharmacy are hereby created.

ARTICLE II
THE COUNCIL OF PHARMACEUTICAL EDUCATION

SECTION 3. - *The Council of Pharmaceutical Education and its composition.* - The Council of Pharmaceutical Education shall be composed of the Secretary of Education, Chairman, the Undersecretary of Health Services, the Food and Drug Administrator, the Chairman of the Board of Pharmacy, the Dean of the Collage of Pharmacy, representing duty accredited private schools of pharmacy, and representative of bona fide national pharmaceutical organization in the Philippines.

It shall be incumbent upon all deans of duly accredited colleges of pharmacy of private colleges or universities by agreement among themselves to promulgate rules and regulations regarding the selection of one from among their group to represent them in the said Council and it shall be incumbent upon all presidents of bona fide national pharmaceutical organization regarding the selection of one from among them to represent them in the said Council.

The members of the Council shall hold office until their successors have been appointed, elected or designated and duly qualified.

SECTION 4. - ***Functions***. - The functions of the Council shall be:

a. To promulgate rules and regulations relative to Pharmaceutical Education in the Philippines:

b. To submit such rules and regulations, which shall have a binding effect, for implementation to the proper agencies such as the Department of Education, the Board of pharmacy, the bona fide national pharmaceutical organizations in the Philippines and others;

c. To recognize and accredit colleges of pharmacy in the different private colleges and universities; and

d. To approve the accreditation of community or prescription pharmacies, pharmaceutical manufacturing laboratories and hospital pharmacies for purposes of pharmacy internship.

SECTION 5. ***Meeting and travelling expenses.*** - The council of pharmaceutical Education shall meet at least once a month for regular business and as often as the Council may decide. The Chairman and members of the Council shall not be entitled for any compensation except for travelling expenses in connection with their official duties as herein provided.

ARTICLE II
THE BOARD OF PHARMACY & EXAMINATION
& REGISTRATION OF PHARMACISTS

SECTION 6. ***The Board of Pharmacy and its composition*** - The Board of Pharmacy shall be composed of a Chairman and two members who shall be appointed by the President of the Philippines with the consent of the Commission on Appointments, from a list of nominees recommended by the Commissioner of Civil Service who shall secure such list from bona fide professional national organizations of pharmacists which should be certified in accordance with Republic Act Numbered Five Hundred And Forty Six.

SECTION 7. ***Qualifications of Board Members*** - To be appointed a member of the Board of Pharmacy, a person shall be:

a. A natural-born citizen of the Philippines ;
b. A duly registered pharmacist and has been in the practice of pharmacy for at least ten years;
c. Of good moral character and of recognized standing in the pharmaceutical profession;
d. At the time of appointment, not a member of the faculty of any school, college or university offering courses in pharmacy or college of pharmacy; and
e. A member of good standing of any bona fide national pharmaceutical association of the Philippines.

SECTION 8. ***Tenure of office and fees of board of members.*** - The Chairman and members of the Board of Pharmacy shall hold office for three years after appointment or until their successor shall have been appointed and duly qualified; Provided, that members of the first Board to be appointed after the approval of this Act shall hold office for the following terms; Chairman for three years, one member for one year; Provided, further, that any chairman or member may be reappointed for another term of three years but no case shall he serve continuously for more than six year. The most senior member of the Board will automatically be the chairman.

The Chairman and members of the Board shall each receive the sum of ten pesos for each applicant examined regardless of whether or not he is already in the government service when appointed.

SECTION 9. ***Removal of the Board members.***- The chairman or member of the Board may be removed by the President if found guilty of neglect of duty, incompetence, malpractice, or unprofessional, unethical, immoral or dishonorable conduct, after having been given the opportunity to defend himself in a proper administrative investigation. The President may in

his discretion suspend such member under investigation: Provided, however, that the period of suspension shall not exceed sixty days after which the latter shall be automatically reinstated pending the outcome of the investigation.

SECTION 10. ***Executive Officer of the Board.-*** The Commissioner of Civil Service shall be the Executive Officer of the Board and shall conduct the examination given by it according to the rules and regulations promulgated by him and, approved by the President of the Philippines. The Secretary of the Board of Examiners in accordance with Republic Act Numbered Five Hundred and Forty-Six shall also be the Secretary of the Board. To assist both officials, there shall be appointed from the ranking employees of the Board of Examiners, an Assistant Secretary, a Legal Officer and a Record Officer with compensation of eight thousand eight hundred thirty-two pesos, seven thousand two hundred pesos, respectively, who may also perform identical functions for other existing examining boards. All records of the of the Board, including examination papers, minutes of deliberation and records of administrative proceedings shall be kept by the Secretary of the Board.

SECTION 11. ***Powers and duties of the Board.-*** The Board of Pharmacy, conformably with the provisions of this Act, is vested with authority:

a. To examine applicants for the practice of pharmacy;
b. To issue certificates of registration of pharmacists;
c. To reprimand any pharmacist or to suspend or revoke his certificate of registration on the grounds as provided for in Section thirteen hereof, after a formal administrative investigation has been conducted by it;
d. To promulgate from time to time the necessary rules &regulation for the effective enforcement of this Act, subject to the approval of the President upon advice of the Commissioner of Civil Service;
e. To study the conditions affecting the practice of pharmacy in the Philippines;
f. To check the employment of qualified personnel in drug stores, hospital pharmacies, drug or pharmaceutical laboratories and similar establishments for which the Board may designate inspectors from the Board of Pharmacy; and
g. To encourage the development of botanical gardens and their inspection, particularly the propagation of Philippine medical plants with the cooperation of the Dept. of Agriculture and Natural Resources.

SECTION 12. ***Detailmen requirements, qualifications and fees***.- Any person who shall be employed as detailman by any pharmaceutical or drug laboratory or other manufacturers of medical, dental pharmaceutical, biological and veterinary products and by distributors, dealers or wholesalers of said product, doing business directly in the Philippines, shall be required at the beginning of each year, to register with the Board of pharmacy that he is employed as such:

a. An applicant for registration shall be, preferably, a graduate of a college of pharmacy.

There shall be an initial fee of twenty pesos upon registration and thereafter fifteen pesos shall be charged annually for renewal. Upon payment of said fees, the proper credential shall be issued to the applicant.

b. It shall be incumbent upon the drug establishment referred to in this section to require that detailmen employed or to be employed by them possess the necessary credentials issued by the Board of Pharmacy as provided for herein.

For purposes of this section, a detailman is one who represents any duly authorized manufacturer, dealer, distributor, representative or wholesaler of drugs, pharmaceuticals, biological products and devices, whose primary duty is to introduce or reacquaint a product or products prepared, distributed or made by said manufacturer, dealer, distributor, representative or wholesaler to the physician, dentist, pharmacist, veterinarian or any other qualified person and which form part of their program for promotion by describing its use, composition, action, dosage, administration, contraindication, advantages and other salient information relative to said drug, pharmaceutical, biological product or device.

SECTION 13. ***Grounds for reprimand, suspension or revocation of registration certificate.-*** Any of the following shall be sufficient ground for reprimanding s pharmacist, or for suspending or revoking his certificate of registration:

a. Conviction by a court of competent jurisdiction of any violation as penalized in sections forty and forty-one hereof;

b. Immoral or dishonorable conduct which includes conviction by a competent court of any criminal offense involving moral turpitude;

c. Fraud or deceit in the acquisition of the certificate of registration;

d. Gross negligence, ignorance or incompetence in the practice of this profession resulting in the injury, damage or death of another;

e. Malpractice, including aiding or abetting the commission of criminal abortion or sex crimes through illegal compounding, dispensing or sale of abortive or sex drugs, as the case may be;

f. Acting as a dummy of an alien or a person who is not qualified to establish and operate a retail drugstore;

g. Addiction to alcoholic beverage or to any habit- forming drug rendering him incompetent to practice his profession;

h. Insanity;

i. False or extravagant or unethical advertisements wherein other things than his name, profession, limitation of practice, office and same address and the like are mentioned; and

j. Violations of any provision of the Code of Ethics which may be adopted as part of the Rules and Regulations of the Board.

SECTION 14. ***Administrative Investigation***.- Administrative investigations shall be conducted by all the members of the Board sitting en banc. The existing rules or evidence shall be observed as far as practicable during administrative investigations.

If the Board, by majority veto of the members shall find that the charges are sustained by evidence adduced, it may at its discretion reprimand the respondent or revoke or suspend his certificate of registration. In case of suspension, it shall be for a period of not more than six months. Where the certificate of registration has been revoked as herein provided, the Board may, after the expiration of six months and upon application, issue a new certificate

of registration in place of a revoked certificate without the necessity of undergoing any examination of the respondent in the meanwhile he has conducted himself in an exemplary manner.

SECTION 15. ***Procedure and rules***.- The Board of Pharmacy upon receipt of a formal complaint under oath against any pharmacist, shall furnish the latter a copy of the complaint which he shall answer within ten days from receipt hereof .Then, the Board of Pharmacy, after careful study of the records, find that there is a valid ground to the charge it shall conduct a formal investigation setting the dates of hearing thereof. Then, the Board of Pharmacy, after careful study of the records, find that there is a valid ground to the charge it shall conduct a formal investigation setting the dates of hearing thereof. For this purpose, a subpoena duces tecum may be issued by the Chairman of the Board. The proceedings shall at all times be recorded. The investigation shall be terminated and resolved within ninety days from the time the first date of hearing has been set and heard.

SECTION 16. ***Right of respondent.-*** The respondent pharmacist shall be entitled to be heard or be represented by counsel; to have speedy and public hearing to confront and to cross-examine the witness against him; to summon and present witness in his behalf; or any other process for the protection of his individual or civil rights.

SECTION 17. ***Appeal from judgement.-*** The decision of the Board of Pharmacy shall automatically become final thirty days from notice to respondent, unless the latter after receipt of the decision and within the same period has appealed to the President of the Philippines.

SECTION 18. ***Candidate for board examination***.- A candidate for board examination in Pharmacy shall have the following qualification:

a. He shall be a natural-born citizen of the Philippines.

b. He shall be of good moral character;

c. He shall have completed an Internship Program which shall be spent equally distributed in a prescription pharmacy, a pharmaceutical manufacturing laboratory and a hospital pharmacy duly accredited by the Council of Pharmacy, the rest of the hours of internship shall be spent in any or all the said establishments at the choice of the candidate.

   For this purpose, the above-mentioned prescription pharmacy, pharmaceutical manufacturing laboratory and hospital pharmacy shall keep a separate record of pharmacy students who have undergone said internship program directly under their control and as a result thereof shall issue the proper certificate of said hours of internship. It shall also be the duty of said establishments to submit annually a complete report of the names of those who have undergone training under their supervision and the corresponding number of hours of internship credit of each of the pharmacy students to their respective colleges or schools and to the Board of Pharmacy for proper accreditation; and

d. He shall have graduated with a degree of Bachelor of Science in Pharmacy or with an equivalent degree from a school, college or university duly accredited by the Council of Pharmaceutical Education after satisfactory completing a standard pharmacy course of not less than five academic years.

SECTION 19. ***Scope of examination***.- The pharmacist examination shall consist of both theoretical and practical examinations. The theoretical examination shall include subjects in Chemistry, Biological Science and Pharmacy.

The Chemistry subjects shall include (1) General Inorganic Pharmaceutical and Physical Chemistry, (2) Organic and Medical or Pharmaceutical Chemistry, (3) Qualitative, Quantitative and Drug Assaying. The Biological Science subjects shall include (4) Physiology Biochemistry, (5) Microbiology and Public Health, (6) Pharmacology and Toxicology. The pharmacy subjects shall include (7) Botany and Pharmacognosy, (8) General Pharmacy, (9) Compounding and Dispensing, (10) Physical and Manufacturing Pharmacy, (11) Pharmacy Administration, and (12) Pharmaceutical Jurisprudence and Ethics. The subjects shall be weighed as follows: Chemistry, thirty per cent; Biological Science, twenty per cent; Pharmacy, fifty per cent.

The practical examination shall consist of (1) Identification and Analysis of Drugs, (2) Preparation of Official Pharmaceuticals, (3) Compounding and Dispensing of Prescriptions and fixing of Prices of Prescriptions, and (4) Manufacturing Pharmacy and Quality Control. The practical examination shall be weighed as follows: Identification and Analysis of Drugs, thirty per cent; Compounding of Official Pharmaceutical Preparations, Dispensing and Fixing of Price of Prescription and Manufacturing Pharmacy and Quality Control, seventy per cent.

It shall be the duty of the Board of Pharmacy to prepare the schedules of the theoretical and practical examinations and the syllabus of each subject to be given two months before the dates of the examination wherein they are to be used.

SECTION 20. ***Ratings required.-*** In order to pass the examination, a candidate must obtain on the basis of hundred per cent a general average of seventy-five per cent or over in both the theoretical and practical examinations, with no ratings below fifty percent in more than 2 subjects in the theoretical examinations: Provided, that any candidate who passed in the theoretical, may, upon taking a re- examination, repeat only the practical examination and vice-versa: Provided, further, that any candidate who fails to pass the theoretical and practical examination in three successive attempts shall not be admitted in the fourth examination unless he could present to the Board a certification that he had enrolled and undergone within the year preceding, a pre-board review course from a duly accredited college of Pharmacy.

SECTION 21. ***Holding of examination.*** - Examination for registration to practice Pharmacy in the Philippines shall be given twice a year in the City of Manila and environs as the Board of Pharmacy may fix.

SECTION 22. ***Fees for examination and registration.*** - The Board of Pharmacy shall charge for each applicant for examination the sum of fifty pesos, after passing the Board examination, for each certificate of registration, ten pesos. All fees shall be paid to the cashier of the Board of Examiners and all expenses, including the fees of the Board of Examiners shall be disbursed by him from such funds.

ARTICLE IV
PRACTICE OF PHARMACY

SECTION 23. ***Definition of practice of pharmacy***. - A person shall be deemed to be practicing pharmacy within the meaning of this Article, who shall, for a fee, salary,

percentage or other reward paid or given directly to himself or indirectly through another, prepare or manufacture, analyze, assay, preserve, store, distribute or sell any medicine, drug chemicals, cosmetics, pharmaceuticals, devices or contrivances used in pursuance thereof; or render pharmaceutical service in any office or drug and cosmetic establishment where scientific, technological or professional knowledge of pharmacy is applied; or engage in teaching scientific, technological or professional pharmacy subject in a college of pharmacy; or conduct or undertake scientific pharmaceutical research for biological and bacteriological testings and examinations.

However, persons performing executive manager or administrative functions and their subordinate personnel employed in the pharmaceutical laboratories referred to in the second paragraph of Section twenty-seven hereof, shall not be considered for purposes of this definition, persons in the practice of pharmacy.

SECTION 24. ***Prerequisite for the practice of pharmacy.***- No person shall engage in the practice of pharmacy in the Philippines unless he is at least twenty-one years of age, has satisfactorily passed the corresponding examination given by the Board of Pharmacy, and is a holder of a valid certificate of registration duly issued to him by said Board.

SECTION 25. ***Sales of medicine, pharmaceuticals, drugs, devices***. - No medicine, pharmaceutical or drug whatever nature and kind or device shall be compounded, dispensed, sold or resold, or otherwise be made available to the consuming public except through a prescription drug store or hospital pharmacy duly established in accordance with the provisions of this Act.

Pharmaceutical, drug or biological manufacturing establishments, importers & wholesalers of drugs medicines, or biological products are authorized to sell their products only at wholesale to duly established retail drugstore or hospital pharmacies.

SECTION 26. ***Markings and inhibition to the sale of drug samples.***- No sample of any drug, biologic product, proprietary medicine, given or intended to be given for free to the physician and other qualified person by any manufacturer or distributor or its representative or detailman as part of its program of promotion, may be sold.

SECTION 27. ***Pharmacist required & compensation.*** - Every pharmacy, drugstore or hospital pharmacy whether owned by the government or a private person or firm shall at all times when open for business be under the personal and immediate supervision of a registered pharmacist: Provided, that no pharmacist shall have personal supervision of more than one such establishment. In case where a drug establishment operates in more than one shift, each shift must be under the supervision and control of a registered pharmacist.

Drug or pharmaceutical laboratories or similar establishments engaged in the repacking, manufacture or sale drugs, biologic products and pharmaceutical products of quantities greatly in excess of the therapeutic doses of such substance, such processes involving the preparation, quality control or repacking of said products shall for each respective operation be under the direct and immediate supervision of a registered pharmacist, or, in the sale of pharmaceuticals, medicines and drugs, at wholesale, such business shall be conducted under the immediate supervision of a registered pharmacist practicing only in such establishment.

Every pharmacist employed as such in any of the establishment mentioned in this section whose capitalization is not less than ten thousand pesos shall received notwithstanding any provision of law contrary, a minimum of similar to that of government pharmacists.

SECTION 28. ***Display of certificate required. -*** It shall be the duty of every pharmacist engaged in the practice of pharmacy either on his own account or under the employ of another to display his certificate of registration in a prominent and conspicuous place in pharmacy, drugstore, hospital pharmacy or drug establishment which he operates or in which he is employed. No pharmacist shall with his knowledge allow his certificate of registration to be displayed in such establishments when he is not actually employed or operating therein in his professional capacity.

SECTION 29. ***Responsibility for quality of drugs.*** - In case of drugs, pharmaceuticals or poisons sold in their original packings, the seal of which has not been broken or tampered with, the liability that may arise because of their quality and purity, rests upon the manufacturer or in his absence, upon the importer, the distributor, representative or dealer who was responsible for their distribution or sale.

It shall be unlawful for any person, whatsoever, to manufacture, prepare, sell or administer any prescription, drug, pharmaceutical or poison under any fraudulent name, direction or pretense or to adulterate any drug, pharmaceutical, medicine or poison so used, sold or offered for sale. Any drug, pharmaceutical, medicine or poison shall be held to be adulterated or deteriorated within the meaning of this section if it differs from the standard or quality or purity given in the United States Pharmacopoeaia or National Formulary, both in their latest edition, or, in lieu thereof, in any standard reference for drugs and medicines given official recognition; and those which fall within the meaning as provided for in the Food, Drug and Cosmetic Act (R.A.3720)

SECTION 30. ***Filling and refilling of prescription.*** - No prescription shall be filled or compounded except by a registered pharmacist in the employ of the drug store or pharmacy. It shall be incumbent upon the pharmacist so compounding or filling the prescription to see to it that every component of the prescription called for meets the standard of purity and quality given in the standard references. Student undergoing pharmaceutical internship may assist said pharmacist in the compounding & dispensing of the prescription called for.

No prescription shall be refilled except upon express order of the person prescribing.

SECTION 31. ***Label of dispensed medicine.*** - Upon every box, bottle or package containing medicine sold or dispensed by a pharmacist based on prescription, there shall be pasted, affixed or imprinted a seal or label bearing, among others, the name of the prescriber, date and the number of prescription; and the direction for its use.

Every prescription which in its preparation, contains any quantity of a drug which is habit-forming, or a derivative of such drug, shall have in the label attached to the container added statement, "Warning- may be habit forming."

Every prescription for external use filled in the drugstore shall bear a red label showing in black ink the components for such prescription and the words "For external use only " at the bottom of the label.

SECTION 32. ***Record books of prescription.-*** All prescriptions dispensed in the drugstore shall be recorded in the books kept for the purpose indicating therein among others, the

name of the manufacturer, the original stock, lot and control numbers of the main ingredients of the prescriptions, which book shall be open to inspection by the proper authorities at any of the day when the pharmacy is open to the public and must be preserved for a period of not less than two years after the last entry in it has been made. All prescription shall be attached to said book for prescriptions and numbered consecutively and shall be preserved for the same length of time as the prescription book.

SECTION 33. ***Inhibition against use of cipher or unusual terms in prescription and prescription switching.*** - No pharmacist shall compound or dispense, prescriptions, recipes, or formulas which are written in ciphers, codes or secret keys or in which there are employed unusual name of drugs which differ from the names ordinarily used for such drugs in standard pharmacopoeia as or formularies.

No pharmacist dispensing or compounding prescription shall substitute the drug or drugs called for in the prescription with any other drug or substance or ingredient without prior consultation with, and with a written consent of the person prescribing.

SECTION 34. ***Provisions relative to dispensing of violent poisons***. - Every pharmacist who dispenses, sells or otherwise delivers any of the violent poisons intended for medicinal use, to wit: Arsenical preparations, phosphorus, corrosive sublimate, atropine, strychnine, or any of their salts, hydrocyanic acid or prussic acid, oil mirbane (nitrobenzene), and such other poisonous substances which may from time to time be classified under this category by the Food and Drug Administration, shall do so only upon prescription of a duly licensed physician, dentist or veterinarian. He shall make or cause to be made in the separate book, kept for the purpose, an entry stating the date of each sale and the name and address of the purchaser, the name and quantity of the poison sold and the purpose for which it was claimed to be purchased, before delivering it to the purchase.

No prescription, the prescribed dose of which contains a dangerous quantity of poison, shall be filled without first consulting the prescribing authority and verifying the prescription. The pharmacist before delivery of such poison to the purchaser shall acquaint the latter of its poisonous character.

The pharmacist shall also affix to every box, bottle or other package containing any dangerous or poisonous drug, another label of red paper upon which shall be printed in large letter the word "Poison" and a vignette representing a skull and bones before delivering it to the purchaser.

No poison specified in this section shall be sold or otherwise delivered to any person less than eighteen years of age or who is mentally deranged or under the influence of liquor or one who is apparently addicted to opiates and other habit-forming drugs.

The books kept for the purpose of recording the sale of poisons shall be open at all times to the inspection of the proper authorities, and every such book shall be preserved for at least five years after the last entry in it has been made.

Should any of the poisons above-stated be intended for purposes other than medicinal, the same may be sold without a prescription by the pharmacist but the other requirements of this section must be complied with.

SECTION 35. ***Provisions relative to dispensing of less violent poisons.*** Every pharmacist who dispenses, sell or delivers any poison which is less violent in category as classified by the Food and Drug Administration may do so even without the prescription of

a physician & its sale may be recorded in the poison book. The other requirements as provided for in Section thirty-four hereof, however, shall be complied with.

SECTION 36. ***Receptacle for poisonous drugs***. – The poisonous drugs specified in Section thirty-four and thirty-five hereof shall be kept in a cabinet to be provided in every pharmacy carrying such drugs in stock and the same shall be kept in a cabinet to be provided in every pharmacy carrying such drugs in stock and the shall be kept securely locked when not in use.

SECTION 37. ***Provisions relative to dispensing of anti-conceptional substances and devices***. No drug or chemical product or device capable of provoking abortion or preventing conception as classified by the Food and Drug Administration shall be delivered or sold to any person without a proper description by a duly licensed physician.

The pharmacist in charge of a drugstore or pharmacy after filling a prescription containing abortive or anti-conceptional substances or devices shall record in a separate register book for abortives and anti-conceptionals the following data.

a. Number and date of prescription;
b. Name and address of the physician;
c. Name, quantity and manufacture of the drug;
d. Name and address of the purchaser;
e. Date of filling the prescription; and
f. Signature of the pharmacist filling the prescription

SECTION 38. ***Provisions relative to dispensing of potent drugs.***- Every pharmacist who dispenses, sells or delivers any drug which falls under the classification of the Food and Drug Administration as potent drugs shall do so only upon prescription of a duly licensed physician, dentist or veterinarian.

SECTION 39.- ***Requirements for the opening & operations of drugstores and pharmacies.*** – The minimum requirements necessary for the opening and operation of drugstores and pharmacies shall be in accordance with the rules and regulations to be prescribed by the Food and Drug Administration in accordance with the provisions of this Act. Only natural born-Filipino citizens who are registered pharmacists can apply for the opening of a retail drugstore.

SECTION 40. ***Penal provisions***. Any person who shall violate any provisions of Section twelve, twenty-four, twenty-five, twenty-six, twenty-seven and twenty-nine, of this Act or any person who shall make false representation to procure a registration certificate as pharmacist for himself of for another; or any person shall allow anyone to his employ who is not a registered pharmacist to engage in the practice of pharmacy; or any person who shall freely display within the establishment the certificate of registration of a pharmacist who is not actually and regularly employed therein as such or to act as a dummy for an alien or an unqualified person for the purpose of opening and operating a retail drugstore; shall upon conviction thereof, be sentenced to a fine of not less than one thousand pesos but not exceeding four thousand pesos or to an imprisonment of not less than six months and one day but not more than four years, in the discretion of the court.

SECTION 41 ***Other penalties***..– Any pharmacist who shall violate any of the provisions of Sections twenty-eight, thirty-one, thirty-three, thirty-four, thirty-seven, and thirty-eight of this Act or any pharmacist, after his certificate of registration has been lawfully suspended or revoked, who continues to engage in the practice of pharmacy, pended or revoked, who

continues to engage in the practice of pharmacy, shall upon conviction thereof, be sentenced to a fine of not less than thirty days but not more than four months, in the discretion of thecourt.

Any person other than the citizens of the Philippines having been found guilty of any violation as provided for in this and the preceding section shall after having paid the fine or having served his sentence or both when so required be also subject to deportation.

SECTION 42. ***Definition of terms.*** - For purposes of this Act, the term

a ***"Pharmacy"*** or ***"Drug Store"*** means a place of establishment where drugs, chemical products, active principles of drugs, pharmaceuticals, proprietary medicines or pharmaceutical specialties, devices, and poisons are sold at retail and where medical, dental and veterinary prescriptions are compounded and dispensed.

b. ***"Drug or Pharmaceutical Laboratory"*** or ***"Pharmaceutical Manufacturing Laboratory"*** means an establishment where pharmaceuticals, propriety medicines or pharmaceutical specialties are prepared, compounded, standardized and distributed or sold.

c. ***"Wholesaler"*** means and includes every person who acts as merchant, broker or agent, who sells or distributes for resale pharmaceuticals, propriety medicines or pharmaceutical specialties.

e. "***Drug***" means (1) article recognized in the official United States Pharmacopoeia or the United States Official National Formulary, or any of their supplements; (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) articles (other than food) intended to affect the structure or function of the body of man or animals; and articles intended for use as a component of any articles specified in clauses (1), (2) or (3), but do not include devices or their components, parts or accessories.

f. ***"Pharmaceuticals", "Proprietary Medicines"*** or ***"Pharmaceutical Specialties"*** means any drug, preparation or mixture of drugs marked under a trade name and intended for the cure, mitigation, treatment, or prevention of disease in man or animals.

g***. "Device"*** means instrument, apparatus, or contrivances including their components, parts and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; or (2) to affect the structure or any function of the body in man or animals.

h. ***"Biological Products"*** are viruses, sera, toxins and analogous products used for the prevention or cure of human diseases.

i. ***"Poison"*** is any drug, active principle or preparation of the same, capable of destroying life or seriously endangering health when applied externally to the body or introduced internally in moderate doses.

j. ***"Cipher"*** means a method of secret writing that substitutes other letters or characters for the letter intended or transposes the letter after arranging them in blocks or squares.

k. ***"Code"*** means a system of words or other systems arbitrarily used to represent words.

l. ***"Secret Keys"*** means characteristics styles or symbols kept from the knowledge of others or disclosed confidentially to but one or few.

SECTION 43. ***Final Provisions.*** – To carry out the provisions of this Act, there is hereby authorized to be appropriated, out of any funds in the National Treasury not otherwise appropriated, the sum of thirty thousand pesos within the fiscal year of the approval hereof. Thereafter, such funds as are necessary for the maintenance and operation of the Board of Pharmacy and of the Council of Pharmaceutical Education shall be include in the annual General Appropriation Act.

SECTION 44. ***Repealing Clause.*** – the following are hereby repealed: Selections Seven hundred seventeen to seven hundred fifty-seven inclusive, Selections two thousand six hundred seventy-five to two thousand six hundred seventy-seven inclusive the Revised Administrative Code, as amended: and such other laws or part of law, executive orders, circulars, regulations and memoranda inconsistent or incompatible with this Act.

SECTION 45. ***Separability of provisions.*** If any part, section or provisions of this Act shall be held invalid or unconstitutional, no other part, section or provision thereof shall be affected thereby.

SECTION 46. ***Effectivity***. – This Act shall take effect upon its approval. Approved,

GIL J. PUYAT **J.B. LAUREL, JR.**
President of the Senate Speaker of the House of Representatives

Finally passed by the Senate on
May 22, 1969

ELISEO M. TENZA
Secretary of the Senate

This Act, which originated in the House of Representatives, was finally
Passed by the same on May 21, 1969

FERDINAND E. MARCOS
President of the Philippines
(Signed, June 23, 1969)

MALACAÑANG
MANILA

EXECUTIVE ORDER NO. 174

FURTHER AMENDING REPUBLIC ACT NO. 5921, ENTITLED "AN ACT REGULATING THE PRACTICE OF PHARMACY AND SETTING STANDARDS OF PHARMACEUTICAL EDUCATION IN THE PHILIPPINES AND FOR OTHER PURPOSES, " AS AMENDED.

WHEREAS, consistent with the State policies as enunciated in Article II, Section 15 of the 1987 Constitution, that: "The State shall protect and promote the right to health of the people and instill health consciousness among them" and Article XIII, Section 12, that: "The State shall establish and maintain an effective food and drug regulatory system and undertake appropriate health manpower development and research, responsive to the country's health needs and problems", the Pharmacy Law must be further amended to strengthen the legal basis of the regulation of drugs and devices;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. Section 29 of the Republic Act No. 5921 is hereby amended to read as follows:

> SECTION 29. Responsibility for safety, efficacy, quality and purity of drugs. - In cases of drugs, pharmaceuticals, poisons or devices sold in their original packings, the seal of which has not been broken or tampered with, the liability that may arise because of their safety, efficacy, quality, and purity, rests upon the manufacturer or in his absence, upon the importer, the distributor, representative, or dealer, who was responsible for their distribution or "sale".

SECTION 2. Section 40 of the Republic Act No. 5921 is hereby amended to read as follows:

> "SECTION 40. Penal provisions. Any person who shall violate any provisions of Section twelve, twenty-four, twenty-five, twenty-six, twenty-seven and twenty-nine, of this Act or any person who shall make false representation to procure a registration certificate as pharmacist for himself of for another; or any person shall allow anyone to his employ who is not a registered pharmacist to engage in the practice of pharmacy; or any person who shall freely display within the establishment the certificate of registration of a pharmacist who is not actually and regularly employed therein as such or to act as a dummy for an alien or an unqualified person for the purpose of opening and operating a retail drugstore; shall upon conviction thereof, be sentenced to a fine of not less than one thousand pesos but not exceeding four thousand pesos or to an imprisonment of not less than six months and one day but not more than four years, in the discretion of the court.

SECTION 3. Section 42. (e) of the Republic Act No. 5921 is hereby amended to read as follows:

> (e) "Drug" means (1) Articles recognized in the current official United States Pharmacopoeia or the United States Official National Formulary(USP-NF), official Homeopathic Pharmacopoeia of the United States, official National Drug Formulary, or any supplement to any of them; and (2) articles intended for use in the prevention of disease in man or animals; (3) articles (other than food) intended to

affect the structure or function of the body of man or animals; and articles intended for use as a component of any articles specified in clauses (1), (2) or (3), but do not include devices or their components, parts or accessories.

SECTION 4. All laws, orders, issuances, rules and regulations or parts thereof inconsistent with this Executive Order are hereby repealed or modified accordingly.

SECTION 5. This Executive Order shall take effect fifteen days after publication in the Official Gazette.

DONE in the City of Manila, this 22nd day of May, in the year of our Lord, nineteen hundred and eighty-seven.

(Sgd) CORAZON C. AQUINO
President of the Philippines

By the President:

(Sgd) JOKER P. ARROYO
Executive Secretary