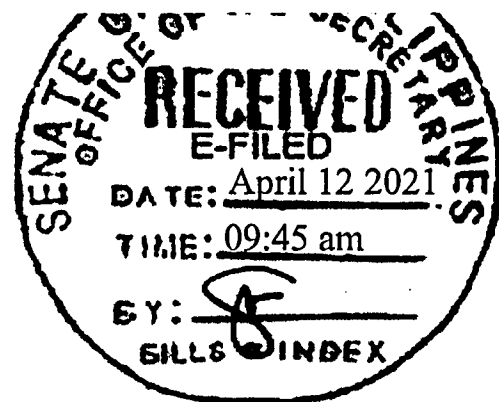


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

S. No. 2127



Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
STRENGTHENING THE TRADITIONAL AND COMPLEMENTARY MEDICINE
SYSTEM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8423,
OTHERWISE KNOWN AS THE "TRADITIONAL AND ALTERNATIVE MEDICINE
ACT OF 1997"**

EXPLANATORY NOTE

Republic Act No. 8423 or the Traditional and Alternative Medicine Act (TAMA) was enacted on 1997 which recognized the role of traditional medicine in further improving the quality and delivery of health care services to the Filipino people. The law aimed to promote the use of traditional, alternative, preventive and curative health care modalities that have been proven safe, effective, cost effective and consistent with government standards; to formulate standards and guidelines appropriate for the practice of traditional and alternative health care; to encourage scientific research on and develop traditional and alternative health care systems that have direct impact on public health care, among others.

Two decades after, many have taken interest and turned into these alternative modalities in search of cure for their ailments or in pursuit of healthier lifestyles. Degree and graduate programs in traditional and complementary medicine and indigenous health practices are now being offered in various universities. Wellness centers and herbal supplements promising improved state of health have entered the Philippine market and have grown prominence. Aside from these recent developments, our country is inherently blessed with abundant plant species with known medicinal

properties and a diverse heritage of cultural and indigenous health practices which allowed the traditional medicine to thrive and develop.

We also note of the skyrocketing costs of hospitalization and consultation from conventional medical practitioners, issues in health insurance coverage, and chronic lack of critical infrastructure in primary health care in the countryside that all contribute to the popularity of traditional and alternative medicine.

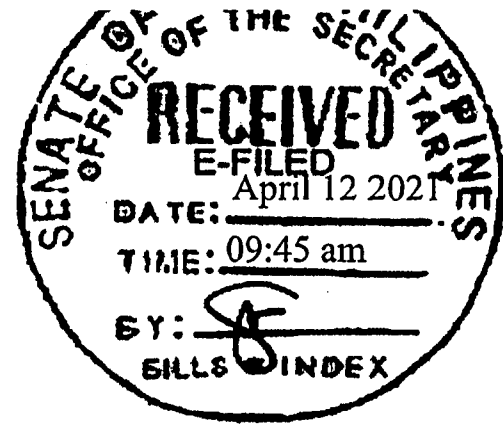
This proposed measure seeks to update the 1997 law to respond to the growing awareness and consumption of alternative care systems. It aims to empower the Philippine Institute of Traditional and Alternative Health Care (PITAHC) with the necessary regulatory powers to ensure the safety, effectiveness and quality of the products and services under the traditional and alternative care systems. It also aims to strengthen the presence of traditional and complementary medicine in the national health care front as a reliable, accessible and safe option for the people.

In view of the foregoing, consideration of this bill is earnestly sought.


RAMON BONG REVILLA, JR.

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

SENATE
S. No. 2127



Introduced by SENATOR RAMON BONG REVILLA, JR.

AN ACT
STRENGTHENING THE TRADITIONAL AND COMPLEMENTARY MEDICINE
SYSTEM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8423,
OTHERWISE KNOWN AS THE "TRADITIONAL AND ALTERNATIVE MEDICINE
ACT OF 1997"

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

1 Section 1. Section 4 of Republic Act No. 8423 is hereby amended to read as
2 follows:

3 "Section 4. *Definition of Terms.* – As used in this Act, the
4 following terms shall mean:

5 a) "Traditional and alternative health care **SYSTEM**" – the sum
6 total of knowledge, skills and practices on health care, other
7 than those embodied in biomedicine, used in the prevention,
8 diagnosis and elimination of physical or mental disorder.

9 xxx

10 d) "Alternative health care modalities" – other forms of non-
11 allopathic, occasionally non-indigenous or imported healing
12 methods, though not necessarily practiced for centuries nor
13 handed down from one generation to another[.–Some
14 alternative health care modalities include] **WHICH SHALL**
15 **INCLUDE BUT NOT LIMITED TO** reflexology, acupressure,

1 chiropractics, nutritional therapy, **HILOT, NATUROPATHY,**
2 **HOMEOPATHY/HOMOTOXICOLOGY,** **TUINA**
3 **MASSAGE, OSTEOPATHY, ANTHROPOSOPHIC**
4 **MEDICINE** and other similar [methods] **MODALITIES.**

5 xxx

6 h) **"PHILIPPINE Traditional healers"** – [~~the relatively old,~~
7 ~~highly respected people with a profound knowledge of~~
8 ~~traditional remedies] **A PERSON WITH KNOWLEDGE IN**
9 **INDIGENOUS AND/OR PHILIPPINE BELIEF SYSTEMS,**
10 **ORAL TRADITIONS AND HEALTH PRACTICES, WHO**
11 **USES THE TRADITIONAL MEDICINE OF THE**
12 **INDIGENOUS CULTURAL**
13 **COMMUNITIES/INDIGENOUS PEOPLES (ICCS/IPS)**
14 **AND/OR OTHER ETHNOLINGUISTIC GROUPS IN THE**
15 **PHILIPPINES.**~~

16 xxx

17 j) **"COMPLEMENTARY MEDICINE"** – **A BROAD SET OF**
18 **HEALTH CARE PRACTICES THAT ARE NOT PART OF**
19 **THE COUNTRY'S OWN TRADITIONAL OR**
20 **CONVENTIONAL MEDICINE AND ARE NOT FULLY**
21 **INTEGRATED INTO THE DOMINANT HEALTH CARE**
22 **SYSTEM. IT SHALL BE USED INTERCHANGEABLY**
23 **WITH THE TERM ALTERNATIVE MEDICINE.**

24 k) **"TRADITIONAL AND COMPLEMENTARY MEDICINE"** –
25 **MERGES THE TERMS TRADITIONAL MEDICINE AND**
26 **COMPLEMENTARY MEDICINE, ENCOMPASSING**
27 **PRACTICES, PRACTITIONERS AND PRODUCTS.**

28
29 **Sec. 2.** Section 6 of the same Act, is hereby amended by inserting additional
30 powers and functions and the same is hereby renumbered accordingly:

31 **"Sec. 6. Powers and Functions.** – In furtherance of its purposes
32 and objectives, the Institute shall the following functions:

- 2 i) To formulate a code of ethics, ~~[and]~~ **ESTABLISH** standards
3 **AND PRESCRIBE RULES, REGULATIONS,** and
4 **REQUIREMENTS** for the practice of traditional and
5 alternative health care modalities. **FOR THIS PURPOSE,**
6 **PITAHC SHALL BE VESTED WITH QUASI JUDICIAL**
7 **POWER** ~~[for approval and adoption by the appropriate~~
8 ~~professional and government agencies];~~
- 9 j) **TO INSPECT AND MONITOR ALL T&CM FACILITIES**
10 **TO ENSURE THEIR CONTINUED COMPLIANCE WITH**
11 **THE RULES AND REGULATIONS IN ACCORDANCE**
12 **WITH THIS ACT AND TO MAKE RECOMMENDATIONS**
13 **FOR THE CORRECTION OF DEFICIENCIES FOUND**
14 **DURING INSPECTION AND MONITORING.**
- 15 k) **TO PROMULGATE AND IMPLEMENT RULES AND**
16 **REGULATIONS GOVERNING THE LICENSURE OF**
17 **T&CM PRACTICES AND OPERATION OF T&CM**
18 **FACILITIES AND TO PERIODICALLY REVIEW AND**
19 **AMEND THE SAME, SUBJECT TO THE APPROVAL**
20 **OF THE BOARD OF TRUSTEES AND IN**
21 **CONSULTATION WITH THE SECTORS CONCERNED.**
- 22 l) **TO GRANT LICENSE FOR THE PRACTICE OF T&CM**
23 **MODALITIES AND FOR THE OPERATION AND**
24 **MAINTENANCE OF T&CM FACILITIES, AND TO**
25 **SUSPEND OR REVOKE THE SAME IN ACCORDANCE**
26 **WITH THE PROVISION OF THIS ACT.**
- 27 m) **TO PRESCRIBE THE NECESSARY GUIDELINES,**
28 **CRITERIA, PRODUCT STANDARDS AND**
29 **REQUIREMENTS TO BE COMPLIED WITH IN THE**
30 **REGISTRATION OF T&CM PRODUCTS.**

1 n) TO ASSUME PRIMARY AUTHORITY TO INSPECT,
2 COLLECT AND ANALYZE SAMPLES OF ALL T&CM
3 PRODUCTS COVERED BY THIS ACT;

4 o) TO ISSUE CERTIFICATES OF COMPLIANCE OR
5 GRANTS OF AUTHORITY TO MANUFACTURERS,
6 IMPORTERS, EXPORTERS, DISTRIBUTORS,
7 WHOLESALERS, AND OTHER ESTABLISHMENTS AND
8 FACILITIES OF T&CM PRODUCTS AFTER SPOT-
9 CHECK AND/OR AFTER THEIR DUE COMPLIANCE
10 WITH TECHNICAL AND REGULATORY
11 REQUIREMENTS. THESE CERTIFICATES OR GRANTS
12 SHALL SERVE AS LICENSE OF THE COVERED
13 ENTITIES TO OPERATE AND/OR TO CONTINUE
14 OPERATING;

15 ~~[(j)]~~ p) To formulate standards and guidelines for the
16 manufacture, marketing and quality control of different
17 traditional and alternative health care materials and
18 products for approval and adoption by the Bureau of Food
19 and Drugs;

20 ~~[(k)]~~ q) To coordinate with other institutions and agencies
21 involved in the research on herbal medicines;

22 ~~[(l)]~~ r) To adopt and use a corporate seal;

23 ~~[(m)]~~ s) To sue and be sued in its corporate name;

24 ~~[(n)]~~ t) To succeed by its corporate name;

25 ~~[(o)]~~ u) To adopt its bylaws and promulgate such rules and
26 regulations as may be necessary or proper to implement
27 this Act, and to amend or repeal the same from time to
28 time;

29 ~~[(p)]~~ v) To enter into, make and execute contracts and
30 agreements of any kind or nature;

31 ~~[(q)]~~ w) To borrow, raise or obtain funds, or to enter into any
32 financial or credit arrangement in order to support or carry

1 out its research programs, finance its capital and operating
2 expenses, subject to pertinent laws governing public debts
3 and expenditure;

4 ~~[(+)]~~ x) To invest in, purchase or otherwise acquire, own, hold,
5 use, mortgage, pledge, encumber, sell, assign, convey,
6 exchange, or otherwise deal in real and/or personal
7 properties of whatever kind and nature, or any interest
8 therein, including shares of stock, bonds, notes, securities
9 and other evidences of indebtedness of natural or juridical
10 persons, whether domestic or foreign and whether
11 government or private;

12 ~~[(s)]~~ y) To exercise all the powers of a corporation under the
13 General Corporation Law, insofar as such powers are not in
14 violation of the provisions of this Act; and

15 ~~[(t)]~~ z) To exercise such other powers and functions, and
16 perform other acts as may be necessary, proper or
17 incidental to the attainment of its purposes and objectives.
18

19 Sec. 3. New sections are hereby introduced to read as follows:

20 **SECTION 7. SPECIAL RULES AND EXEMPTIONS. --**
21 **RECOGNIZING THE UNIQUE MANNER OF OBTAINING THE**
22 **KNOWLEDGE AND SKILLS OF TRADITIONAL MEDICINE, IT**
23 **BEING HANDED DOWN FROM ONE GENERATION TO ANOTHER**
24 **WITHOUT THE INFLUENCE OF FORMAL EDUCATION OR**
25 **TRAINING, PRACTITIONERS BELONGING TO THIS CATEGORY**
26 **SHALL BE EXEMPT FROM THE STANDARD EXAMINATION**
27 **REQUIRED BY THIS ACT. NONETHELESS, THEY ARE STILL**
28 **MANDATED TO ACQUIRE THE NECESSARY GRANT OF**
29 **AUTHORITY IN ACCORDANCE WITH THE GUIDELINES TO BE**
30 **PRESCRIBED BY PITAHC. IT SHALL BE NECESSARY FOR**
31 **TRADITIONAL PRACTITIONERS TO ESTABLISH THE LENGTH**
32 **OF TIME FOR WHICH THEY HAVE BEEN KNOWN TO HAVE**

1 PRACTICED TRADITIONAL MEDICINE AND PROVE THAT, IN
2 THE COURSE OF THEIR PRACTICE, NO RELATED COMPLAINT,
3 WHETHER REPORTED OR NOT, WAS MADE AGAINST THEM.
4 FURTHER, SHOULD THEY OFFER, WHETHER FOR A FEE OR NOT,
5 OR USE AS A MODALITY, HEALTH PRODUCTS, PRACTITIONERS
6 MUST SEEK FOR THE APPROVAL OF THE SAME.

7
8 **SEC. 8. PROHIBITED ACTS. -**

9 **A. TRADITIONAL AND COMPLEMENTARY MEDICINE**
10 **MODALITIES**

11 **1) THE PRACTICE OF ANY OF THE APPROVED T&CM**
12 **MODALITIES BY ANY PERSON OR T&CM**
13 **FACILITIES WITHOUT THE APPROPRIATE**
14 **LICENSE OR GRANT OF AUTHORITY TO**
15 **PRACTICE.;**

16 **2) THE CONTINUOUS PRACTICE OF ANY OF THE**
17 **APPROVED T&CM MODALITIES BY ANY**
18 **PRACTITIONER OR T&CM FACILITIES WHOSE**
19 **ACCREDITATION OR GRANT OF AUTHORITY HAS**
20 **ALREADY EXPIRED OR HAS BEEN CANCELLED**
21 **OR REVOKED;**

22 **3) THE PRACTICE OF ANY UNAPPROVED T&CM**
23 **MODALITIES BY ANY PERSON, WHETHER**
24 **CERTIFIED OR NOT, TO PRACTICE IN THE**
25 **PHILIPPINES;**

26 **4) THE MERE ACT OF INTRODUCING TO THE**
27 **PUBLIC BY ANY PERSON, CERTIFIED OR NOT, OF**
28 **A T&CM MODALITY THAT IS NOT VALIDLY**
29 **APPROVED BY PITAHC;**

30 **5) THE ACT OF A CERTIFIED PRACTITIONER OF**
31 **ALLOWING A PERSON TO COMMIT AN**
32 **UNAUTHORIZED PRACTICE OF T&CM**

1 **WHETHER IT BE UNDER HIS/HER DIRECT OR**
2 **INDIRECT SUPERVISION;**

3 **6) THE ACT OF ASSISTING OR PERFORMING IN AN**
4 **UNAUTHORIZED PRACTICE OF T&CM, WHETHER**
5 **FOR PROFIT OR NOT;**

6 **7) THE ACT OF USING T&CM SERVICES TO CAUSE**
7 **INJURY, ILLNESS OR DEATH TO A**
8 **CONSUMER/CUSTOMER;**

9 **8) OFFERING T&CM PROGRAMS AND TRAININGS**
10 **OR RENDERING T&CM SERVICES BY SCHOOLS**
11 **OR TRAINING CENTERS WITHOUT THE**
12 **APPROPRIATE LICENSE OR AUTHORITY FROM**
13 **PITAHC;**

14 **9) RENDERING T&CM SERVICES BY ACCREDITED**
15 **SCHOOLS OR TRAINING CENTERS THAT ARE**
16 **BEYOND THE SCOPE OF THEIR APPROVED**
17 **PROGRAMS AND TRAININGS;**

18 **10) THE ACT OF INTENTIONALLY COMMITTING**
19 **FRAUD AND MISREPRESENTATION OR USE OF**
20 **FALSIFIED OR FORGED DOCUMENTS IN**
21 **OBTAINING THE NECESSARY PITAHC APPROVAL**
22 **OR CERTIFICATE OR GRANT OF AUTHORITY;**

23
24 **B. TRADITIONAL AND COMPLEMENTARY MEDICINE**
25 **PRODUCTS**

26 **1) THE MANUFACTURE, IMPORTATION,**
27 **EXPORTATION, SALE, OFFERING FOR SALE,**
28 **DISTRIBUTION, TRANSFER, NON-CONSUMER**
29 **USE, PROMOTION, ADVERTISING, OR**
30 **SPONSORSHIP OF ANY T&CM PRODUCT THAT IS**
31 **ADULTERATED, UNAPPROVED, UNREGISTERED**
32 **OR MISBRANDED;**

- 1 2) THE ADULTERATION OR MISBRANDING OF ANY
2 T&CM PRODUCT;
- 3 3) FORGING, COUNTERFEITING, SIMULATING, OR
4 FALSELY REPRESENTING OR, WITHOUT PROPER
5 AUTHORITY, USING ANY MARK, STAMP, TAG,
6 LABEL, OR OTHER IDENTIFICATION DEVISE
7 AUTHORIZED OR REQUIRED BY REGULATIONS
8 PROMULGATED UNDER THE PROVISIONS OF
9 THIS ACT;
- 10 4) THE USE, ON THE LABELING OF ANY T&CM
11 PRODUCT OR IN ANY ADVERTISEMENT
12 RELATING TO THE SAME, OF ANY FALSE OR
13 MISLEADING REPRESENTATION OR
14 SUGGESTION WITH RESPECT TO THE
15 REGISTRATION OF SUCH PRODUCT;
- 16 5) THE SALE, OFFERING FOR SALE, IMPORTATION,
17 EXPORTATION, DISTRIBUTION OR TRANSFER
18 OF ANY T&CM PRODUCT BEYOND ITS
19 EXPIRATION OR EXPIRY DATE, IF APPLICABLE;
- 20 6) THE ACT OF INTENTIONALLY COMMITTING
21 FRAUD AND MISREPRESENTATION OR USE OF
22 FALSIFIED OR FORGED DOCUMENTS IN
23 OBTAINING THE NECESSARY PITAHC APPROVAL
24 OR CERTIFICATE OR GRANT OF AUTHORITY.
25 THIS IS WITHOUT PREJUDICE TO THE EXERCISE
26 OF PITAHC OF ITS POWER TO REVOKE OR
27 CANCEL CERTIFICATES, GRANTS OR APPROVAL
28 IT HAS ISSUED;
- 29 C. ANY OTHER ACT WHICH VIOLATES OR UNDERMINE
30 ANY OF THE EXPLICIT POWERS OF OR WHICH
31 TENDS TO IMPEDE PITAHC FROM EXERCISING ANY
32 OF ITS FUNCTIONS PROVIDED FOR IN THIS ACT.

1
2 **SEC. 9. PENALTIES. –**

3 **A. FOR ACTS PROHIBITED UNDER SECTION 8 (A) AND**
4 **(C)**

5 **ANY PERSON WHO VIOLATES ANY OF THE**
6 **PROVISIONS OF SECTION 8 HEREOF SHALL, UPON**
7 **CONVICTION, SUFFER THE PENALTY OF**
8 **IMPRISONMENT RANGING FROM ONE (1) YEAR BUT**
9 **NOT MORE THAN TEN (10) YEARS OR A FINE OF NOT**
10 **LESS THAN FIFTY THOUSAND PESOS (P50,000.00)**
11 **BUT NOT MORE THAN FIVE HUNDRED THOUSAND**
12 **PESOS (P500,000.00), OR BOTH, AT THE**
13 **DISCRETION OF THE COURT.**

14 **THE IMPOSITION OF PENALTIES UNDER**
15 **THIS SECTION SHALL BE WITHOUT PREJUDICE TO**
16 **THE ISSUANCE OF CEASE-AND-DESIST ORDER OR**
17 **TO THE EXERCISE OF PITAHC OF ITS POWER TO**
18 **REVOKE OR CANCEL CERTIFICATES, APPROVALS OR**
19 **GRANTS IT HAS ISSUED AND/OR TO THE FILING OF**
20 **APPROPRIATE CIVIL OR CRIMINAL ACTION,**
21 **WHENEVER APPROPRIATE OR NECESSARY.**

22 **IN CASE, HOWEVER, OF ILLNESS, INJURY**
23 **OR DEATH AS PROVIDED FOR UNDER PARAGRAPH**
24 **(A)(7) OF SECTION 8, THE INTENTIONAL USE OF**
25 **TAHC SERVICES SHALL NOT CONSTITUTE A**
26 **SEPARATE CRIME. RATHER, THE USE OR**
27 **EMPLOYMENT OF SUCH SERVICE SHALL SERVE AS**
28 **AN AGGRAVATING CIRCUMSTANCE TO QUALIFY**
29 **THE APPLICABLE CRIME/S AS PROVIDED FOR BY**
30 **THE REVISED PENAL CODE.**

31 **SHOULD THE OFFENSE BE COMMITTED BY A**
32 **JURIDICAL PERSON, THE CHAIRMAN OF THE**

1 BOARD OF DIRECTORS, THE PRESIDENT, GENERAL
2 MANAGER, OR THE PARTNERS AND/OR THE
3 PERSONS DIRECTLY RESPONSIBLE THEREFORE
4 SHALL BE PENALIZED.

5 SHOULD THE OFFENSE BE COMMITTED BY A
6 FOREIGN NATIONAL, HE/SHE SHALL, IN ADDITION
7 TO THE PENALTIES PRESCRIBED, BE DEPORTED
8 WITHOUT FURTHER PROCEEDINGS AFTER SERVICE
9 OF SENTENCE.

10
11 **B. FOR ACTS PROHIBITED UNDER SECTION 8 (A)**

12 ANY PERSON WHO VIOLATES ANY OF THE
13 PROVISIONS OF PARAGRAPH B OF SECTION 8
14 HEREOF SHALL, UPON CONVICTION, SUFFER THE
15 PENALTY OF IMPRISONMENT RANGING FROM ONE
16 (1) YEAR BUT NOT MORE THAN TEN (10) YEARS OR
17 A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS
18 (P50,000.00) BUT NOT MORE THAN FIVE HUNDRED
19 THOUSAND PESOS (P500,000.00), OR BOTH, AT THE
20 DISCRETION OF THE COURT: PROVIDED, THAT IF
21 THE OFFENDER IS A MANUFACTURER, IMPORTER
22 OR DISTRIBUTOR OF ANY T&CM PRODUCT, THE
23 PENALTY OF AT LEAST FIVE (5) YEARS
24 IMPRISONMENT BUT NOT MORE THAN TEN (10)
25 YEARS AND A FINE OF AT LEAST FIVE HUNDRED
26 THOUSAND PESOS (P500,000.00) BUT NOT MORE
27 THAN FIVE MILLION PESOS (P5,000,000.00) SHALL
28 BE IMPOSED: PROVIDED, FURTHER, THAT AN
29 ADDITIONAL FINE OF ONE PERCENT (1%) OF THE
30 ECONOMIC VALUE/COST OF THE VIOLATIVE
31 PRODUCT OR VIOLATION, OR ONE THOUSAND
32 PESOS (P1,000.00), WHICHEVER IS HIGHER, SHALL

1 BE IMPOSED FOR EACH DAY OF CONTINUING
2 VIOLATION: PROVIDED, FINALLY, THAT T&CM
3 PRODUCTS FOUND IN VIOLATION OF THE
4 PROVISIONS OF THIS ACT AND OTHER RELEVANT
5 LAWS, RULES AND REGULATIONS MAY BE SEIZED
6 AND HELD IN CUSTODY PENDING PROCEEDINGS,
7 WITHOUT HEARING OR COURT ORDER, WHEN THE
8 DIRECTOR-GENERAL HAS REASONABLE CAUSE TO
9 BELIEVE FROM FACTS FOUND BY HIM/HER OR AN
10 AUTHORIZED OFFICER OR EMPLOYEE OF THE
11 PITAHC THAT SUCH T&CM PRODUCTS MAY CAUSE
12 INJURY OR PREJUDICE TO THE CONSUMING
13 PUBLIC.
14

15 SEC. 10. HUMAN RESOURCE - THE PITAHC SHALL
16 REVIEW ITS EXISTING ORGANIZATIONAL STRUCTURE WITH
17 ITS STAFFING PATTERN, POSITIONS, AND TITLES. NEW OR
18 ADDITIONAL POSITIONS, TITLES, OR RANKS, SHALL BE
19 CREATED IF THERE BE A NEED FOR ADDITIONAL MANPOWER
20 AS IDENTIFIED AND DETERMINED BY THE DIRECTOR
21 GENERAL AND APPROVED BY THE BOARD.
22

23 SEC. 11. RETENTION OF INCOME – PITAHC SHALL HAVE
24 THE RIGHT TO RETAIN ALL OF ITS INCOME DERIVED FROM
25 THE OPERATIONS OF THE HERBAL PROCESSING PLANTS AND
26 ITS OTHER INCOME GENERATING SERVICES/ACTIVITIES
27 AND SHALL BE UTILIZED TO AUGMENT ITS NEEDED
28 MAINTENANCE AND OPERATING EXPENSES, CAPITAL
29 OUTLAYS, UPGRADING AND MODERNIZATION.
30

31 SEC. 12. APPROPRIATION - THE AMOUNT NECESSARY
32 FOR THE INITIAL IMPLEMENTATION OF THIS ACT SHALL BE

1 **CHARGED AGAINST THE CURRENT APPROPRIATIONS OF THE**
2 **PHILIPPINE INSTITUTE OF TRADITIONAL AND ALTERNATIVE**
3 **HEALTH CARE. THEREAFTER, THE AMOUNT NEEDED FOR THE**
4 **OPERATIONS AND MAINTENANCE OF PITAHC SHALL BE**
5 **INCLUDED IN THE GENERAL APPROPRIATIONS ACT.**
6

7 Sec. 4. Section 8 (d) of this Act is hereby deleted:

8 "Section 8. *Powers and Functions of the Board.* – The Board shall
9 exercise the following powers and functions:

10 xxx

11 ~~{d) To appoint, transfer, promote, suspend, remove or otherwise~~
12 ~~discipline any subordinate officer or employee of the Institute,~~
13 ~~upon recommendation of the Director General;}~~
14

15 Sec. 5. Section 9 of this Act, is hereby amended to read as follows:

16 "Sec. 9. *Director General and Other Officers.* – The Institute
17 shall be headed by a Director General who shall be appointed by the
18 President of the Philippines upon the recommendation of the Secretary
19 of Health for a term of six (6) years. **THE DIRECTOR GENERAL**
20 **SHALL ENJOY THE BENEFITS, PRIVILEGES AND EMOLUMENTS**
21 **EQUIVALENT TO THE RANK OF UNDERSECRETARY.**

22 **AS CHIEF EXECUTIVE OFFICER OF THE INSTITUTE, THE**
23 **DIRECTOR GENERAL SHALL EXERCISE GENERAL**
24 **SUPERVISION AND CONTROL OVER THE OPERATIONS OF THE**
25 **INSTITUTE SAVE THOSE AFFAIRS THAT ARE EXCLUSIVELY**
26 **WITHIN THE FUNCTION OF THE BOARD.**

27 The Director General shall be assisted by such Deputy Director
28 General(s) ~~[and program managers/coordinators as the Board may~~
29 ~~determine to carry out the purposes and objectives of this Act]~~ **WHOSE**
30 **TERM SHALL BE DETERMINED BY THE BOARD. THE DEPUTY**
31 **DIRECTOR GENERAL(S) SHALL BE CAREER OFFICIAL(S) AND**

1 **SHALL ENJOY THE BENEFITS, PRIVILEGES AND EMOLUMENTS**
2 **EQUIVALENT TO THE RANK OF AN ASSISTANT SECRETARY.**

3 **THE DIRECTOR GENERAL SHALL LIKEWISE BE ASSISTED**
4 **BY DEPARTMENT MANAGERS/COORDINATORS AND SUCH**
5 **OTHER OFFICERS AS THE BOARD MAY DETERMINE TO CARRY**
6 **OUT THE PURPOSES AND OBJECTIVES OF THIS ACT.**

7
8 Sec. 6. A new subsection under Section 10 of this Act is hereby added:

9 "Section 10. *Powers Functions and Duties of the Director*
10 *General.* – The Director General shall have the following powers,
11 functions and duties:

12 xxx

13 **g) TO APPOINT, TRANSFER, PROMOTE, SUSPEND,**
14 **REMOVE OR OTHERWISE DISCIPLINE ANY SUBORDINATE**
15 **OFFICER OR EMPLOYEE OF THE INSTITUTE.**

16
17 Sec. 7. *Implementing Rules and Regulations.* – Within ninety (90) days from
18 the effectivity of this Act, PITAHC in collaboration with the concerned agencies and
19 stakeholders, shall promulgate the rules and regulations to effectively implement the
20 provisions of this Act.

21 Sec. 8. *Transitory Provision.* – Within three (3) years from the effectivity of
22 this Act, during the transformation of PITAHC into a regulatory body, the Food and
23 Drug Administration (FDA) shall serve in a hold-over capacity the registration of T&CM
24 products until PITAHC is reconstituted and capacitated.

25 Sec. 9. *Separability Clause.* If any portion of this Act is declared unconstitutional
26 or invalid, the portions or provisions which are not affected shall continue to be in full
27 force and effect.

28 Sec. 10. *Repealing Clause.* Chapter XIII of Presidential Decree No. 856,
29 otherwise known as the "Code on Sanitation of the Philippines," is hereby repealed.
30 All laws, decrees, executive orders and rules and regulations or parts thereof which
31 are inconsistent with this Act are hereby repealed or modified accordingly.

1 **Sec. 11. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or in at least two (2) national newspapers of general
3 circulation.

Approved.