

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
EIGHTEENTH CONGRESS
Third Regular Session
House Bill No. **10059**



Introduced by **Hon. ROSANNA “RIA” V. VERGARA**

EXPLANATORY NOTE

It has been over twenty years since the enactment of Republic Act No. 8423 (RA 8423) or more commonly known as the “Traditional and Alternative Medicine Act (TAMA) of 1997.” Notably, this significant law paved the way for the establishment of the Philippine Institute of Traditional and Alternative Healthcare (PITAHC) that has been noted to have developed policies, standards, and guidelines for the practice of various traditional medicine modalities as well as for clinics and training centers.¹ Reportedly, the PITAHC has also developed the Strategic Map 2017-2021 on traditional and complementary medicine (T&CM).²

Notwithstanding the gains of RA 8423 through the PITAHC, stakeholders have identified critical gaps in government regulation of T&CM, which have seemingly impeded the envisioned benefits of this pivotal law for a populace that remains daunted by issues of accessibility, affordability, and efficacy of healthcare products and systems. In a 2019 National Health Sector Meeting Brief of the Department of Health, foremost among the current issues cited is that “PITAHC currently lacks regulatory and enforcement powers to regulate the practice of T&CM in the country, which is important to ensure the provision of quality, safe, and effective T&CM services.”³

Indeed, proper government regulation is imperative in the Philippines where there is a growing interest in and increasing use of T&CM products and services, particularly in rural areas where T&CM is sometimes the only affordable and available source of health care. Unfortunately, it appears that the apparent rise in the demand for T&CM is not presently met with a simultaneous increase in safeguards.

In view of the foregoing, this proposed measure thus aims to strengthen the country’s traditional and alternative health care system in order to provide the people with a wider range of health services and products that are proven to be safe, effective and at much affordable prices. Moreover, it specifically seeks to further empower the PITAHC and grant such agency with adequate regulatory powers in order to curb dangerous practices and unsafe products related to T&CM.

¹ WHO Global Report on Traditional and Complementary Medicine 2019. Geneva: World Health Organization; 2019. (Last accessed via <https://www.who.int/traditional-complementary-integrative-medicine/WhoGlobalReportOnTraditionalAndComplementaryMedicine2019.pdf> on 23 August 2021). In its 2019 Report, the WHO cited acupuncture, homeopathy, homotoxicology, chiropractic, naturopathy and hilot to comprise these modalities.

² *Ibid.*

³ Menina Barbara Santiago, et. al. “Integrating Traditional and Complementary Medicine in Universal Health Care” (National Health Sector Meeting Brief, 27-28 March 2019, Cagayan De Oro City). (Last accessed via <https://doh.gov.ph/sites/default/files/publications/08%20Integrating%20Traditional%20and%20Complementary%20Medicine%20in%20Universal%20Health%20Care.pdf> on 23 August 2021)

As the Filipino nation perseveres in its continuing fight against the current pandemic, the collective concern for the health and welfare of the Filipino people has been underscored like never before. Numerous legislative measures have been recently pursued to strengthen our health sector in order to combat not only COVID-19 but also to equally manage other illnesses that have remained pressing concerns for many. Given the prevailing circumstances and socio-economic developments in our country in the last two decades, it has truly become all the more crucial for Congress to revisit RA 8423 and consider key amendments thereto as a parallel and complementary reinforcement for the Philippine health system.

In view of the foregoing, the immediate approval of this measure is earnestly sought.



ROSANNA "RIA" V. VERGARA
Representative, 3rd District of Nueva Ecija

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1 **AN ACT STRENGTHENING THE TRADITIONAL AND COMPLEMENTARY**
2 **MEDICINE SYSTEM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.**
3 **8423, OTHERWISE KNOWN AS THE “TRADITIONAL AND ALTERNATIVE**
4 **MEDICINE ACT OF 1997”**
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6 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
7 *assembled:*
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9 **SECTION 1.** Section 2 Republic Act No. 8423, otherwise known as the “Traditional
10 and Alternative Medicine Act (TAMA) of 1997”, is hereby amended to read as follows:
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12 “Section 2. Declaration of Policy. – It is hereby declared the policy of the State
13 to improve the quality and delivery of health care services to the Filipino people
14 through the development **AND PROPER REGULATION** of traditional and
15 alternative health care **IN THE COUNTRY** and its integration into the national
16 health care delivery system **THAT WILL PROVIDE THE PEOPLE WITH**
17 **A WIDER RANGE OF HEALTH SERVICES AND PRODUCTS THAT**
18 **ARE PROVEN TO BE HIGH-QUALITY, SAFE, EFFICIENT,**
19 **EFFECTIVE, AND AFFORDABLE.**
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21 It shall also be the policy of the State to seek a legally workable basis by which
22 indigenous societies would own their knowledge of traditional medicine. When
23 such knowledge is used by outsiders, the indigenous societies can require the
24 permitted users to acknowledge its source and can demand a share of any
25 financial return that may come from its authorized commercial use.”
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28 **SECTION 2.** Section 4 of Republic Act No. 8423 is hereby amended to read as
29 follows:
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31 “Section 4. Definition of Terms. - As used in this Act, the following terms shall
32 mean:
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- 34 (a) “Traditional and Alternative Health Care **SYSTEM**” – the sum total of
35 knowledge, skills, and practices on health care other than those embodied
36 in biomedicine, used in the prevention, diagnosis and elimination of
37 physical or mental disorder.
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3 (d) “*Alternative health care modalities*” – other forms of non-allopathic,
4 occasionally non-indigenous or imported healing methods, though not
5 necessarily practiced for centuries nor handed down from one generation
6 to another [~~Some alternative health care modalities include~~],
7 **WHICH SHALL INCLUDE BUT NOT BE LIMITED TO**
8 reflexology, **ACUPUNCTURE**, **MASSAGE**, acupressure,
9 chiropractic[s], nutritional therapy, **HILOT**, **NATUROPATHY**,
10 **HOMEOPATHY/ HOMOTOXICOLOGY**, **TUINA MASSAGE**,
11 **OSTEOPATHY**, **ANTHROPOSOPHIC MEDICINE** and other
12 similar [~~methods~~] **MODALITIES**.

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16 (h) “*PHILIPPINE Traditional healers*” – [~~the relatively old, highly~~
17 ~~respected people with a profound knowledge of traditional remedies~~]
18 **PERSONS WITH KNOWLEDGE IN INDIGENOUS AND/OR**
19 **PHILIPPINE BELIEF SYSTEMS, ORAL TRADITIONS AND**
20 **HEALTH PRACTICES, WHO USE THE TRADITIONAL**
21 **MEDICINE OF THE INDIGENOUS CULTURAL**
22 **COMMUNITIES/ INDIGENOUS PEOPLES (ICCS/IPS) AND/OR**
23 **OTHER ETHNO-LINGUISTIC GROUPS IN THE PHILIPPINES.**

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27 (J) “**COMPLEMENTARY MEDICINE**” – **A BROAD SET OF**
28 **HEALTH CARE PRACTICES THAT ARE NOT PART OF THE**
29 **COUNTRY’S OWN TRADITIONAL OR CONVENTIONAL**
30 **MEDICINE AND ARE NOT FULLY INTEGRATED INTO THE**
31 **DOMINANT HEALTH CARE SYSTEM. IT SHALL BE USED**
32 **INTERCHANGEABLY WITH THE TERMS “ALTERNATIVE**
33 **MEDICINE”.**

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35 (K) “**TRADITIONAL AND COMPLEMENTARY MEDICINE**
36 **(T&CM)**” – **MERGES THE TERMS TRADITIONAL MEDICINE**
37 **AND COMPLEMENTARY MEDICINE, ENCOMPASSING**
38 **PRACTICES, PRACTITIONERS, AND PRODUCTS.”**

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41 **SECTION 3.** Section 6 of Republic Act No. 8423, is hereby amended by inserting
42 additional powers and functions and the same are hereby renumbered accordingly:

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44 “Section 6. Powers and Functions. – In furtherance of its purposes and
45 objectives, the Institute shall have the following powers and functions:

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49 (i) To formulate, **ESTABLISH, AND PRESCRIBE RULES,**
50 **REGULATIONS**, code of ethics, **REQUIREMENTS**, and standards for

1 the practice of traditional and alternative health care modalities ~~[for~~
2 ~~approval and adoption by the appropriate professional and~~
3 ~~government agencies]~~. FOR THIS PURPOSE, THE INSTITUTE
4 SHALL BE VESTED WITH QUASI-JUDICIAL POWER;
5

6 (j) TO INSPECT AND MONITOR ALL T&CM FACILITIES TO
7 ENSURE THEIR CONTINUED COMPLIANCE WITH THE
8 RULES AND REGULATIONS IN ACCORDANCE WITH THIS
9 ACT AND TO MAKE RECOMMENDATIONS FOR THE
10 CORRECTION OF DEFICIENCIES FOUND DURING
11 INSPECTION AND MONITORING;
12

13 (k) TO PROMULGATE AND IMPLEMENT RULES AND
14 REGULATIONS GOVERNING THE LICENSURE OF T&CM
15 PRACTICES AND OPERATION OF T&CM FACILITIES AND
16 TO PERIODICALLY REVIEW AND AMEND THE SAME,
17 SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES
18 AND IN CONSULTATION WITH THE SECTORS CONCERNED;
19

20 (l) TO GRANT LICENSES FOR THE PRACTICE OF T&CM
21 MODALITIES AND FOR THE OPERATION AND
22 MAINTENANCE OF T&CM FACILITIES, AND TO SUSPEND OR
23 REVOKE THE SAME IN ACCORDANCE WITH THE
24 PROVISIONS OF THIS ACT;
25

26 (m) TO PRESCRIBE THE NECESSARY GUIDELINES, CRITERIA,
27 PRODUCT STANDARDS AND REQUIREMENTS TO BE
28 COMPLIED WITH IN THE REGISTRATION OF T&CM
29 PRODUCTS;
30

31 (n) TO ASSUME PRIMARY AUTHORITY TO INSPECT, COLLECT
32 AND ANALYZE SAMPLES OF ALL T&CM PRODUCTS
33 COVERED BY THIS ACT;
34

35 (o) TO ISSUE CERTIFICATES OF COMPLIANCE OR GRANTS OF
36 AUTHORITY TO MANUFACTURERS, IMPORTERS,
37 EXPORTERS, DISTRIBUTORS, WHOLESALERS, AND OTHER
38 ESTABLISHMENTS AND FACILITIES OF T&CM PRODUCTS
39 AFTER SPOT-CHECK AND/OR AFTER THEIR DUE
40 COMPLIANCE WITH TECHNICAL AND REGULATORY
41 REQUIREMENTS. THESE CERTIFICATES OR GRANTS
42 SHALL SERVE AS LICENSES OF THE COVERED ENTITIES TO
43 OPERATE AND/OR TO CONTINUE OPERATING.
44

45 ~~(j)~~ (P) To formulate standards and guidelines for the manufacture, marketing
46 and quality control of different traditional and alternative health care
47 materials and products for approval and adoption by the ~~[Bureau of Food~~
48 ~~and Drugs]~~ FOOD AND DRUG ADMINISTRATION (FDA);
49

1 ~~[(H)]~~ (Q) To coordinate with other institutions and agencies involved in the
2 research on herbal medicines;

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4 ~~[(H)]~~ (R) To adopt and use a corporate seal;

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

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8 ~~[(H)]~~ (T) To succeed by its corporate name;

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10 ~~[(H)]~~ (U) To adopt its bylaws and promulgate such rules and regulations as may
11 be necessary or proper to implement this Act, and to amend or repeal the
12 same from time to time;

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14 ~~[(H)]~~ (V) To enter into, make and execute contracts and agreements of any kind
15 or nature;

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17 ~~[(H)]~~ (W) To borrow, raise or obtain funds, or to enter into any financial or
18 credit arrangement in order to support or carry out its research programs,
19 finance its capital and operating expenses, subject to pertinent laws
20 governing public debts and expenditure;

21
22 ~~[(H)]~~ (X) To invest in, purchase or otherwise acquire, own, hold, use, mortgage,
23 pledge, encumber, sell, assign, convey, exchange, or otherwise deal in real
24 and/or personal properties of whatever kind and nature, or any interest
25 therein, including shares of stock, bonds, notes, securities and other
26 evidence of indebtedness of natural or juridical persons, whether domestic
27 or foreign and whether government or private;

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29 ~~[(H)]~~ (Y) To exercise all the powers of a corporation under the General
30 Corporation Law, insofar as such powers are not in violation of the
31 provisions of this Act; and

32
33 ~~[(H)]~~ (Z) To exercise such other powers and functions and perform other acts as
34 may be necessary, proper or incidental to the attainment of its purposes
35 and objectives.”

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37 **SECTION 4.** Section 8(d) of Republic Act No. 8423 is hereby deleted and the
38 succeeding portions of Section 8 are hereby renumbered accordingly.

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40 **SECTION 5.** Section 9 of Republic Act No. 8423 is hereby amended to read as follows:

41
42 “Section 9. Director General and Other Officers - The Institute shall be
43 headed by a Director General who shall be appointed by the President of the
44 Philippines upon recommendation of the Secretary of Health. The Director
45 General shall have a term of six (6) years **AND SHALL ENJOY THE**
46 **BENEFITS, PRIVILEGES, AND EMOLUMENTS EQUIVALENT TO**
47 **THE RANK OF UNDERSECRETARY.**

48
49 **AS CHIEF EXECUTIVE OFFICER OF THE INSTITUTE, THE**
50 **DIRECTOR GENERAL SHALL EXERCISE GENERAL**

1 SUPERVISION AND CONTROL OVER THE OPERATIONS OF THE
2 INSTITUTE SAVE THOSE AFFAIRS THAT ARE EXCLUSIVELY
3 WITHIN THE FUNCTIONS OF THE BOARD.
4

5 The Director General shall be assisted by such Deputy Director
6 General(s) [~~and program managers/ coordinators as the Board may~~
7 ~~determine to carry out the purposes and objectives of this Act.~~] WHOSE
8 TERM SHALL BE DETERMINED BY THE BOARD. THE DEPUTY
9 DIRECTOR GENERAL(S) SHALL BE CAREER OFFICIAL(S) AND
10 SHALL ENJOY THE BENEFITS, PRIVILEGES, AND
11 EMOLUMENTS EQUIVALENT TO THE RANK OF AN ASSISTANT
12 SECRETARY.
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14 THE DIRECTOR GENERAL SHALL LIKEWISE BE
15 ASSISTED BY DEPARTMENT MANAGERS/ COORDINATORS
16 AND SUCH OTHER OFFICERS AS THE BOARD MAY DETERMINE
17 TO CARRY OUT THE PURPOSES AND OBJECTIVES OF THIS
18 ACT.”
19

20 SECTION 6. A new subsection under Section 10 of Republic Act No. 8423 is hereby
21 added and such section shall thus be amended to read as follows:
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23 “Section 10. *Powers, Functions and Duties of the Director General.* – The
24 Director General shall have the following powers, functions and duties:
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28 (G) TO APPOINT, TRANSFER, PROMOTE, SUSPEND, REMOVE
29 OR OTHERWISE DISCIPLINE ANY SUBORDINATE OFFICER OR
30 EMPLOYEE OF THE INSTITUTE.”
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32 SECTION 7. New provisions are hereby introduced to be inserted after Section 15 of
33 Republic Act No. 8423 and these new provisions shall be read as follows:
34

35 “SECTION 16. *SPECIAL RULES AND EXEMPTIONS* -
36 RECOGNIZING THE UNIQUE MANNER OF OBTAINING THE
37 KNOWLEDGE AND SKILLS OF TRADITIONAL MEDICINE, IT
38 BEING HANDED DOWN FROM ONE GENERATION TO ANOTHER
39 WITHOUT THE INFLUENCE OF FORMAL EDUCATION OR
40 TRAINING, PHILIPPINE TRADITIONAL HEALERS BELONGING
41 TO THIS CATEGORY SHALL BE EXEMPT FROM THE STANDARD
42 EXAMINATION REQUIRED BY THIS ACT. NONETHELESS, THEY
43 ARE STILL MANDATED TO ACQUIRE THE NECESSARY GRANT
44 OF AUTHORITY IN ACCORDANCE WITH THE GUIDELINES TO BE
45 PRESCRIBED BY THE INSTITUTE. IT SHALL BE NECESSARY FOR
46 PHILIPPINE TRADITIONAL HEALERS TO ESTABLISH THE
47 LENGTH OF TIME FOR WHICH THEY HAVE BEEN KNOWN TO
48 HAVE PRACTICED TRADITIONAL MEDICINE AND PROVE THAT,
49 IN THE COURSE OF THEIR PRACTICE, NO RELATED

1 COMPLAINT, WHETHER REPORTED OR NOT, WAS MADE
2 AGAINST THEM.

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4 FURTHER, SHOULD SUCH PHILIPPINE TRADITIONAL HEALERS
5 OFFER, WHETHER FOR A FEE OR NOT, OR USE AS A MODALITY
6 HEALTH PRODUCTS, THEY MUST SEEK FOR THE APPROVAL OF
7 THE SAME.

8
9 SECTION 17. *PROHIBITED ACTS* – THE FOLLOWING ACTS
10 ARE HEREBY PROHIBITED :

11 A. WITH RESPECT TO T&CM MODALITIES:

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13
14 (1) THE PRACTICE OF ANY OF THE APPROVED
15 T&CM MODALITIES BY ANY PERSON OR T&CM
16 FACILITIES WITHOUT THE APPROPRIATE
17 LICENSE OR GRANT OF AUTHORITY TO
18 PRACTICE;
- 19
20 (2) THE CONTINUOUS PRACTICE OF ANY OF THE
21 APPROVED T&CM MODALITIES BY ANY
22 PRACTITIONER OR T&CM FACILITIES WHOSE
23 ACCREDITATION OR GRANT OF AUTHORITY
24 HAS ALREADY EXPIRED OR HAS BEEN
25 CANCELLED OR REVOKED;
- 26
27 (3) THE PRACTICE OF ANY UNAPPROVED T&CM
28 MODALITIES BY ANY PERSON, WHETHER
29 CERTIFIED OR NOT TO PRACTICE IN THE
30 PHILIPPINES;
- 31
32 (4) THE MERE ACT OF INTRODUCING TO THE
33 PUBLIC BY ANY PERSON, CERTIFIED OR NOT,
34 OF A T&CM MODALITY THAT IS NOT VALIDLY
35 APPROVED BY THE INSTITUTE;
- 36
37 (5) THE ACT OF A CERTIFIED PRACTITIONER OF
38 ALLOWING A PERSON TO COMMIT AN
39 UNAUTHORIZED PRACTICE OF T&CM
40 WHETHER IT BE UNDER THE DIRECT OR
41 INDIRECT SUPERVISION OF THE CERTIFIED
42 PRACTITIONER;
- 43
44 (6) THE ACT OF ASSISTING OR PERFORMING IN
45 AN UNAUTHORIZED PRACTICE OF T&CM,
46 WHETHER FOR PROFIT OR NOT;
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- (7) THE ACT OF USING T&CM SERVICES TO CAUSE INJURY, ILLNESS OR DEATH TO A CONSUMER/CUSTOMER;**
- (8) OFFERING T&CM PROGRAMS AND TRAININGS OR RENDERING T&CM SERVICES BY SCHOOLS OR TRAINING CENTERS WITHOUT THE APPROPRIATE LICENSE OR AUTHORITY FROM THE INSTITUTE;**
- (9) RENDERING T&CM SERVICES BY ACCREDITED SCHOOLS OR TRAINING CENTERS THAT ARE BEYOND THE SCOPE OF THEIR APPROVED PROGRAMS AND TRAININGS;**
- (10) THE ACT OF INTENTIONALLY COMMITTING FRAUD AND MISREPRESENTATION OR USE OF FALSIFIED OR FORGED DOCUMENTS IN OBTAINING THE NECESSARY APPROVAL OR CERTIFICATE OR GRANT OF AUTHORITY FROM THE INSTITUTE;**

B. WITH RESPECT TO T&CM PRODUCTS:

- (1) THE MANUFACTURE, IMPORTATION, EXPORTATION, SALE, OFFERING FOR SALE, DISTRIBUTION, TRANSFER, USE, PROMOTION, ADVERTISING, OR SPONSORSHIP OF ANY T&CM PRODUCT THAT IS ADULTERATED, UNAPPROVED, UNREGISTERED OR MISBRANDED;**
- (2) THE ADULTERATION OR MISBRANDING OF ANY T&CM PRODUCT;**
- (3) FORGING, COUNTERFEITING, SIMULATING, OR FALSELY REPRESENTING OR, WITHOUT PROPER AUTHORITY, USING ANY MARK, STAMP, TAG, LABEL, OR OTHER IDENTIFICATION DEVICE AUTHORIZED OR REQUIRED BY REGULATIONS PROMULGATED UNDER THE PROVISIONS OF THIS ACT;**
- (4) THE USE, ON THE LABELING OF ANY T&CM PRODUCT OR IN ANY ADVERTISEMENT RELATING TO THE SAME, OF ANY FALSE OR MISLEADING REPRESENTATION OR**

1 SUGGESTION WITH RESPECT TO THE
2 REGISTRATION OF SUCH PRODUCT;
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4 (5) THE SALE, OFFERING FOR SALE,
5 IMPORTATION, EXPORTATION, DISTRIBUTION
6 OR TRANSFER OF ANY T&CM PRODUCT
7 BEYOND ITS EXPIRATION OR EXPIRY DATE, IF
8 APPLICABLE;
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10 (6) THE ACT OF INTENTIONALLY COMMITTING
11 FRAUD AND MISREPRESENTATION OR USE OF
12 FALSIFIED OR FORGED DOCUMENTS IN
13 OBTAINING THE NECESSARY APPROVAL OR
14 CERTIFICATE OR GRANT OF AUTHORITY
15 FROM THE INSTITUTE AND THIS IS WITHOUT
16 PREJUDICE TO THE EXERCISE OF THE
17 INSTITUTE OF ITS POWER TO REVOKE OR
18 CANCEL CERTIFICATES, GRANTS OR
19 APPROVAL IT HAS ISSUED;
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21 C. ANY OTHER ACT WHICH VIOLATES OR UNDERMINES
22 ANY OF THE EXPLICIT POWERS OF OR WHICH
23 TENDS TO IMPEDE THE INSTITUTE FROM
24 EXERCISING ANY OF ITS FUNCTIONS PROVIDED FOR
25 IN THIS ACT.

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27 SECTION 18. *PENALTIES* – ANY NATURAL OR JURIDICAL
28 PERSON FOUND IN VIOLATION OF THE FOLLOWING
29 PROHIBITED ACTS SHALL HAVE THE FOLLOWING
30 PENALTIES:
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32 A. PROHIBITED ACTS UNDER SECTION 17 (A) AND (C) –
33 ANY PERSON WHO VIOLATES ANY OF THE
34 PROVISIONS OF PARAGRAPHS (A) AND (C) OF
35 SECTION 17 HEREOF SHALL, UPON CONVICTION,
36 SUFFER THE PENALTY OF IMPRISONMENT RANGING
37 FROM ONE (1) YEAR BUT NOT MORE THAN TEN (10)
38 YEARS OR A FINE OF NOT LESS THAN FIFTY
39 THOUSAND PESOS (P50,000.00) BUT NOT MORE THAN
40 FIVE HUNDRED THOUSAND PESOS (P500,000.00), OR
41 BOTH, AT THE DISCRETION OF THE COURT.
42

43 THE IMPOSITION OF PENALTIES UNDER THIS
44 SECTION SHALL BE WITHOUT PREJUDICE TO THE
45 ISSUANCE OF CEASE AND DESIST ORDERS OR TO THE
46 EXERCISE OF THE INSTITUTE OF ITS POWER TO
47 REVOKE OR CANCEL CERTIFICATES, APPROVALS

1 OR GRANTS IT HAS ISSUED AND/OR TO THE FILING
2 OF APPROPRIATE CIVIL OR CRIMINAL ACTION,
3 WHENEVER NECESSARY.
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5 IN CASE, HOWEVER, OF ILLNESS, INJURY OR DEATH
6 AS PROVIDED FOR UNDER PARAGRAPH (A)(7) OF
7 SECTION 17, THE INTENTIONAL USE OF T&CM
8 SERVICES SHALL NOT CONSTITUTE A SEPARATE
9 CRIME. RATHER, THE USE OR EMPLOYMENT OF
10 SUCH SERVICE SHALL SERVE AS AN AGGRAVATING
11 CIRCUMSTANCE TO QUALIFY THE APPLICABLE
12 CRIME/S AS PROVIDED FOR BY THE REVISED PENAL
13 CODE.
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15 SHOULD THE OFFENSE BE COMMITTED BY A
16 JURIDICAL PERSON, THE CHAIRMAN OF THE BOARD
17 OF DIRECTORS, THE PRESIDENT, GENERAL
18 MANAGER, OR THE PARTNERS AND/OR THE
19 PERSONS DIRECTLY RESPONSIBLE THEREFORE
20 SHALL BE PENALIZED.
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22 SHOULD THE OFFENSE BE COMMITTED BY A
23 FOREIGN NATIONAL, HE/SHE SHALL, IN ADDITION
24 TO THE PENALTIES PRESCRIBED, BE DEPORTED
25 WITHOUT FURTHER PROCEEDINGS AFTER SERVICE
26 OF SENTENCE.
27

28 **B. PROHIBITED ACTS UNDER SECTION 17 (B) - ANY**
29 **PERSON WHO VIOLATES ANY OF THE PROVISIONS**
30 **OF PARAGRAPH (B) OF SECTION 17 HEREOF SHALL,**
31 **UPON CONVICTION, SUFFER THE PENALTY OF**
32 **IMPRISONMENT RANGING FROM ONE (1) YEAR BUT**
33 **NOT MORE THAN TEN (10) YEARS OR A FINE OF NOT**
34 **LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT**
35 **NOT MORE THAN FIVE HUNDRED THOUSAND PESOS**
36 **(P500,000.00), OR BOTH, AT THE DISCRETION OF THE**
37 **COURT: PROVIDED, THAT IF THE OFFENDER IS A**
38 **MANUFACTURER, IMPORTER OR DISTRIBUTOR OF**
39 **ANY T&CM PRODUCT, THE PENALTY OF AT LEAST**
40 **FIVE (5) YEARS IMPRISONMENT BUT NOT MORE**
41 **THAN TEN (10) YEARS AND A FINE OF AT LEAST FIVE**
42 **HUNDRED THOUSAND PESOS (P500,000.00) BUT NOT**
43 **MORE THAN FIVE MILLION PESOS (P5,000,000.00)**
44 **SHALL BE IMPOSED: PROVIDED, FURTHER, THAT AN**
45 **ADDITIONAL FINE OF ONE PERCENT (1%) OF THE**
46 **ECONOMIC VALUE/COST OF THE VIOLATIVE**
47 **PRODUCT OR VIOLATION, OR ONE THOUSAND PESOS**

1 (P1,000.00), WHICHEVER IS HIGHER, SHALL BE
2 IMPOSED FOR EACH DAY OF CONTINUING
3 VIOLATION.

4 SECTION 19. *HUMAN RESOURCE* - THE INSTITUTE SHALL
5 REVIEW ITS EXISTING ORGANIZATIONAL STRUCTURE WITH
6 ITS STAFFING PATTERN, POSITIONS, AND TITLES. NEW OR
7 ADDITIONAL POSITIONS, TITLES, OR RANKS, SHALL BE
8 CREATED IF THERE SHALL BE A NEED FOR ADDITIONAL
9 MANPOWER AS IDENTIFIED AND DETERMINED BY THE
10 DIRECTOR GENERAL AND APPROVED BY THE BOARD.
11

12 SECTION 20. *RETENTION OF INCOME* – THE INSTITUTE
13 SHALL HAVE THE RIGHT TO RETAIN ALL OF ITS INCOME
14 DERIVED FROM THE OPERATIONS OF ITS HERBAL
15 PROCESSING PLANTS AND ITS OTHER INCOME GENERATING
16 SERVICES/ACTIVITIES. SUCH INCOME SHALL BE UTILIZED TO
17 AUGMENT THE NEEDED MAINTENANCE AND OPERATING
18 EXPENSES, CAPITAL OUTLAYS, UPGRADING AND
19 MODERNIZATION OF THE INSTITUTE.”
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21
22 SECTION 8. The succeeding sections of Republic Act No. 8423 are hereby
23 renumbered accordingly.
24

25 SECTION 9. *Appropriations* – The amount necessary for the initial implementation of
26 this Act shall be charged against the current appropriations of the Philippine Institute of
27 Traditional and Alternative Health Care (PITAHC). Thereafter, the amount needed for the
28 operations and maintenance of the PITAHC shall be included in the General Appropriations
29 Act.
30

31 SECTION 10. *Implementing Rules and Regulations* – Within ninety (90) calendar
32 days from the effectivity of this Act, the PITAHC in collaboration with the concerned agencies
33 and stakeholders, shall promulgate the rules and regulations to effectively implement the
34 provisions of this Act.
35

36 SECTION 11. *Transitory Provision* – Within three (3) years from the effectivity of
37 this Act, during the transformation of PITAHC into a regulatory body, the FDA shall
38 implement, in a hold-over capacity, the registration of T&CM products until PITAHC is
39 reconstituted and capacitated.
40

41 SECTION 12. *Separability Clause* – If any portion or provision of this Act is
42 declared unconstitutional or invalid, the remainder of this Act or any provision not affected
43 thereby, shall remain in force and effect.
44

45 SECTION 13. *Repealing Clause* – Chapter XIII of Presidential Decree No. 856,
46 otherwise known as the “Code of Sanitation of the Philippines,” is hereby repealed. Any law,
47 decree, issuance, order, letter of instruction, ordinances, rule and regulation or parts thereof,
48 which are inconsistent with or contrary to the provisions of this Act, are hereby repealed,
49 amended or modified accordingly.

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SECTION 14. *Effectivity* - This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in any newspaper of general circulation.

Approved,