

[REPUBLIC ACT NO. 5921, June 21, 1969]

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

Be it enacted by the Senate and House of Representatives 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 schools of pharmacy and (c) the supervision, control and regulation of the practice of pharmacy in the Philippines.

SEC. 2. Enforcement.—For the purposes of implementing the provisions of this Act, the Council of Pharmaceutical Education and the Board of Pharmacy are hereby created.

ARTICLE II.—The Council of Pharmaceutical Education

SEC. 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 College of Pharmacy, University of the Philippines, the dean of a college of pharmacy, representing duly accredited private schools of pharmacy, and a representative of the *bona fide* national pharmaceutical organizations in the Philippines.

It shall be incumbent upon all deans of duly accredited colleges of pharmacy of private colleges and 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 organizations in the Philippines by agreement to promulgate rules and regulations 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.

SEC. 4. Functions.—The functions of the Council of Pharmaceutical Education 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.

SEC. 5. *Meetings and traveling 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 of Pharmaceutical Education shall not be entitled to any compensation except for travelling expenses in connection with their official duties as herein provided.

ARTICLE III.—*The Board of Pharmacy and Examination and Registration of Pharmacists*

SEC. 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 lists from *bona fide* professional national organizations of pharmacists which should be certified in accordance with Republic Act Numbered Five hundred forty-six.

SEC. 7. *Qualification 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; nor have any direct or indirect pecuniary interests in such school or college of pharmacy; and
- (e) A member of good standing of any *bona fide* national pharmaceutical association of the Philippines.

SEC. 8. *Tenure of office and fees of board members.*—The Chairman and members of the Board of Pharmacy shall hold office for three years after appointment or until their successors 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 two years and one member for one year: *Provided, further*, That any chairman or member may be reappointed for another term of three years but in no case shall he serve continuously for more than six years. The most senior member of the Board shall 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.

SEC. 9. *Removal of the Board members.*—The chairman or member of the Board may be removed by the President of the Philippines 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.

SEC. 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 Records Officer with compensation of eight thousand eight hundred thirty-two pesos, seven thousand two hundred thirty-six pesos and five thousand nine hundred twenty-eight pesos, respectively, who may also perform identical functions for the other existing examining boards. All the records of the Board, including examination papers, minutes of deliberation and records of administrative proceedings shall be kept by the Secretary of the Board.

SEC. 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) 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 and regulations 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, cosmetic 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 medicinal plants with the cooperation of the Department of Agriculture and Natural Resources.

SEC. 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 products, doing business directly or indirectly 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 establishments 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, biologic products and devices, whose primary duty is to introduce or reacquaint a product or products prepared, distributed or made by said manufacturers, dealer, distributor, representative or wholesaler to the physician, dentist, pharmacist, veterinarian or any other qualified person and which forms part of their program for promotion by describing its use, composition, action, dosage, administration, contra-indication, advantages and other salient information relative to said drug, pharmaceutical, biological product or device.

SEC. 13. *Grounds for reprimand, suspension or revocation of registration certificate.*—Any of the following shall be sufficient ground for reprimanding a 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 his 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 of 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 home 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.

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

If the Board, by majority vote 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 if the respondent in the meanwhile has conducted himself in an exemplary manner.

SEC. 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. If the Board of Pharmacy, after careful study of the records, finds 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* or *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 of the first date of hearing has been set and heard.

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

SEC. 17. *Appeal from judgment.*—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.

SEC. 18. *Candidate for board examination.*—A candidate for the board examination in Pharmacy shall have the following qualifications:

- (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 consist of at least nine hundred sixty hours, one-half of 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 and the rest of the hours of internship shall be spent in any or all of the said establishments at the choice of the candidate.

For this purpose, the above-mentioned prescription pharmacy, pharmaceutical