



Republic of the Philippines
City Government of Meycauayan
Province of Bulacan

Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE 3RD SPECIAL SESSION IN THE YEAR 2023
OF THE 7TH SANGGUNIANG PANLUNGSOD OF THE CITY OF MEYCAUAYAN, BULACAN,
HELD AT THE SESSION HALL OF THE CITY HALL BUILDING ON JULY 31, 2023.

Present:

JOSEFINA O. VIOLAGO	City Vice Mayor (Presiding Officer)
ANNA KATHRINA M. HERNANDEZ	City Councilor
RONALD S. PALOMARES	City Councilor
JERIMECO S. DULALIA	City Councilor
RAOUL M. ATADERO	City Councilor
MARIO T. BERBOSO	City Councilor
DANILO B. ABACAN, JR.	City Councilor
LARISSA DS. ABRACERO-SAN DIEGO	City Councilor
WILFREDO DS. MACATULAD	City Councilor
ROVIELYN A. CABIGQUEZ	City Councilor
OLIVERT Y. DUYA	President, LnB
CRISANTO NIÑO D. CAPARAS	President, SK Federation

Absent:

MARIANO V. ALARILLA II	City Councilor
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CITY ORDINANCE NO. 360 (OF 2023)

AN ORDINANCE REGULATING THE DISPENSING, SELLING AND RESELLING OF PHARMACEUTICAL PRODUCTS IN THE TERRITORIAL JURISDICTION OF THE CITY OF MEYCAUAYAN PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES.

WHEREAS, the Department of Interior and Local Government (DILG) has issued Memorandum Circular No. 2022-025 with the purpose of enforcing the regulations set forth in R.A. No. 10918 (otherwise known as *An Act regulating and Modernizing the Practice of Pharmacy in the Philippines* or the Philippine Pharmacy Act) on the dispensing, selling, or reselling of pharmaceutical products;

WHEREAS, Section 30 of R.A. No. 10918 clearly states that: “No pharmaceutical products of whatever nature and kind, shall be compounded, dispensed, sold or resold, or otherwise be made available to the consuming public, except through a retail drug outlet duly licensed by the Food and Drug Administration (FDA). More so, compounding and dispensing shall be done only by duly registered and licensed pharmacists, in accordance with current Good Manufacturing Practice, laboratory practice, Philippine Practice Standards for Pharmacists and dispensing guidelines”;

WHEREAS, Section 39 of the same Act states that: “persons handling pharmaceutical products other than the Pharmacist shall be duly certified by appropriate government agencies after undergoing an accredited training program”;

WHEREAS, Section 15 of the 1987 Philippine Constitution mandates that the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, the FDA issued an Advisory No. 2020-1348 as a public health warning against the purchase and use of several counterfeit drug products that are rapidly increasing in the market including the common medicines for common body pains;

WHEREAS, it shall be the responsibility of the City of Meycauayan to make sure that no counterfeit pharmaceutical products or fake medicines are manufactured, distributed, donated or sold within its territorial jurisdictions;

WHEREAS, it is the policy of the City together with the national government that all Pharmaceutical Products shall only be handled by licensed or certified personnel and the same shall only be made available in stores with a License to Operate (LTO) issued by the FDA.

NOW, THEREFORE, be it **ORDAINED**, as it is hereby **ORDAINED**, by the Sangguninang Panlungsod of the City of Meycauayan, in a Special Session, THAT:

SECTION 1. DECLARATION OF POLICY. It is the policy of the City Government of Meycauayan to regulate the manufacture, distribution and sale of Pharmaceutical products for the improvement of public health and safety, giving the utmost guarantee that the same is of the highest quality.

SECTION 2. DEFINITION OF TERMS. The following terms, as applied in this Ordinance, shall be understood to mean:

- 2.1. **Counterfeit Pharmaceutical Products** - pharmaceutical products which do not contain the amounts as claimed; with wrong ingredients; without active ingredients; or with insufficient quantity of active ingredients which results in the reduction of the product's safety, efficacy, quality, strength, or purity. These also refer to the products that are deliberately and fraudulently mislabeled with respect to identity and/or source or with fake packaging, and can apply to both branded and generic products.
- 2.2. **Household Remedies** - any preparation containing pharmaceutical substances of common or ordinary use to relieve common physical ailments and which may be dispensed without any medical prescription in original packages, bottles or containers, of which the nomenclature has been duly approved by the FDA.
- 2.3. **Over-The-Counter (OTC) Medicines** - medicines used for symptomatic relief of minor ailments and which may be dispensed without a prescription.
- 2.4. **Pharmaceutical Products** - are drugs, medicines, biological, pharmaceutical and bio-pharmaceutical products/specialties, veterinary products, veterinary biologics and veterinary medicinal products.
- 2.5. **Pharmacist** - a registered health professional who has been issued a valid Certificate of Registration (COR) and Professional Identification Card (PIC)

by the Professional Regulation Commission (PRC) and the Professional Regulatory Board of Pharmacy.

- 2.6. **Pharmacist-only OTC Medicines** - are over-the-counter medicines classified by the appropriate government agencies to be obtained only from a licensed pharmacist, with mandatory pharmacist's advice on their selection and proper use.
- 2.7. **Prescription Medicines** - medicines which can only be dispensed by a pharmacist to a patient upon the presentation of a valid prescription from a physician, dentist, or veterinarian and for which a pharmacist's advice is necessary.
- 2.8. **Sari-sari Stores** - are retail stores of a general line of consumer products and merchandise, classified as micro enterprises.

SECTION 3. COVID 19 DRUGS. The distribution of COVID 19 drugs shall be governed by policies set forth by the Food And Drug Administration (FDA) and the Department of Health (DOH).

SECTION 4. PRESCRIPTION MEDICINES. Sari-sari stores and other similar retail outlets and micro-enterprises are prohibited from dispensing, selling or reselling Prescription Medicines and Pharmacist-only OTC medicines, as defined and classified by the FDA. These medicines may only be dispensed by or obtained from a licensed pharmacist with a mandatory pharmacist's advice, pursuant to R.A. No. 10918.

SECTION 5. RETAIL OUTLETS FOR NON-PRESCRIPTION DRUGS (RONPD). RONPD are limited to dispensing, selling or reselling household remedies and OTC drugs which are not pharmacist-only OTC medicines. Any store from small to medium enterprises, including the micro-enterprise, the Sari-sari store or other stores of similar kind may apply as an RONPD, provided that they accomplish the requirements prescribed by the FDA for the application of a License to Operate (LTO), and other relevant requirements stipulated by the City.

SECTION 6. LICENSE TO OPERATE (LTO) APPLICATION. The requirements to obtain a License to Operate an RONPD are as follows:

- 6.1. A complete, filled out and notarized application form signed by the pharmacist and owner /authorized representative;
- 6.2. Proof of Business Name Registration; and
- 6.3. Employment of a Registered and Licensed Pharmacist to supervise the RONPD.

SECTION 7. OTHER REQUIREMENTS. Other requirements imposed by the City and the FDA CIRCULAR 2014-028 on its LTO applicants. The same applies to the following types of application:

- 7.1. Renewal LTO application;
- 7.2. Reissuance of lost or destroyed LTO;
- 7.3. Voluntary cancellation of LTO; and
- 7.4. Major and minor variations.

SECTION 8. MULTIPLE RONPD SUPERVISION. A single pharmacist is allowed to supervise multiple RONPDs provided that:

- 8.1. The pharmacist is required to be physically present in an RONPD a minimum of two (2) hours in a week;
- 8.2. The location of every RONPD under the supervising pharmacist must be within the territorial jurisdiction of the Province of Bulacan and the Northern part of Metro Manila which includes Valenzuela, Caloocan, Malabon, Navotas, Quezon City, Mandaluyong, Pasig, Marikina, San Juan and Manila;
- 8.3. A maximum of fifteen (15) RONPD is allowed to be supervised by a single Pharmacist.

SECTION 9. RESPONSIBILITIES OF THE SUPERVISING PHARMACIST. The supervising pharmacist must be responsible in assuring the safety, efficacy, and quality of the drug products. These include the following:

- 9.1. Observe good storage, good distribution, good dispensing, and good pharmacy practices;
- 9.2. Monitor the inventory of products especially the dates of expiration;
- 9.3. Handle, document, and report to the FDA any adverse drug reaction experienced by a patient or consumer;
- 9.4. Ensure that the establishment is updated with the latest issuances and advisories from the FDA;
- 9.5. Guarantee that all pharmaceutical products available for selling and dispensing in the store are registered with the FDA; and
- 9.6. Ensure that the establishment is compliant with the existing regulations.

SECTION 10. LIST OF NON-PRESCRIPTION DRUGS. The official list of drugs allowed for sale in RONPD shall be posted in the FDA website, and shall be reviewed and revised regularly as more recent evidence becomes available.

SECTION 11. THE BARANGAYS. The Barangay Government Units are directed to assist the City in the enforcement of these regulations and guidelines through the following:

- 11.1. Giving information and education through regular communications to the owners of sari-sari stores and similar outlets within the barangay about the FDA regulations;
- 11.2. In cases that may occur, refer violators to the City Government and/or to the PNP for proper investigation and apprehension; and
- 11.3. Integration of the FDA guidelines and regulations in the requirement for settling barangay permits.

SECTION 12. THE PHILIPPINE NATIONAL POLICE (PNP). The Local Operating Units of the PNP are hereby directed to coordinate with the FDA regarding the investigation and apprehension of violators in line with RA 10918 and work with the City for the enforcement of this Ordinance.

SECTION 13. PENALTIES. Dispensing or allowing to dispense or to offer for sale prescription drugs or pharmaceutical products in any store from small to medium enterprises, including the micro-enterprise or the Sari-sari store or similar not licensed by the FDA and without the supervision of a duly registered and licensed pharmacist, shall be punishable with the following penalties:

- a) *First Offense* - FIVE HUNDRED PESOS (P500) Fine;
- b) *Second Offense* - THREE THOUSAND PESOS (P3,000); and
- c) *Third Offense* - FIVE THOUSAND PESOS (P5,000) or ONE (1) YEAR IMPRISONMENT or BOTH at the discretion of the court.

SECTION 14. SEPARABILITY CLAUSE. If, for any reason, any part or provision of this Ordinance is held to be unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 15. REPEALING CLAUSE. All ordinances, rules and regulations or parts thereof, in conflict with or inconsistent to the provisions of this ordinance are hereby repealed or modified accordingly.

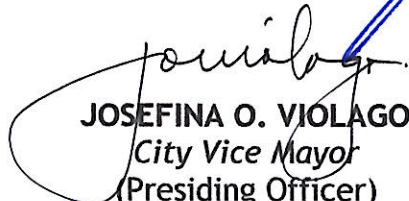
SECTION 16. EFFECTIVITY CLAUSE. This ordinance shall take effect after the posting thereof in the bulletin board at the entrance of the city hall and at other prominent places in the City of Meycauayan for three (3) consecutive weeks and the publication thereof in a newspaper of general circulation, where available, within the territorial jurisdiction of the City.

APPROVED UNANIMOUSLY.

I hereby CERTIFY that this Ordinance was approved by the Sangguniang Panlungsod.


ATTY. BERNARD JOSEPH E. DOMINGO
Secretary to the Sangguniang Panlungsod

ATTESTED BY:


JOSEFINA O. VIOLAGO
City Vice Mayor
(Presiding Officer)

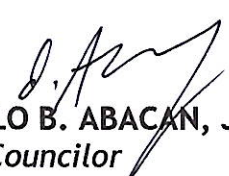

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OLIVERT Y. DU YA
President, LnB

CRISANTO NIÑO D. CAPARAS
President, SK Federation

APPROVED by the City Mayor this _____ day of _____ AUG 01 2023 _____, 2023:


ATTY. HENRY R. VILLARICA
City Mayor