

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**EIGHTEENTH CONGRESS**  
First Regular Session

House Bill No. 4794



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Introduced by Representative Cyrille "Beng" F. Abueg-Zaldivar

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**EXPLANATORY NOTE**

The State espouses the advancement of a healthy population. Article XVIII, Section 11 of the 1987 Philippine Constitution asserts that, "the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social service available to all the people at affordable cost. There shall be priority for the needs of the under-privileged, sick, elderly, disabled, women, and children."


This measure is crafted to mandate the local government units (LGUs) to apportion a fraction of their Internal Revenue Allotment for the procurement and distribution of free medicines to indigent patients in their jurisdictions. This is a poverty alleviation program to increase access of the people to unrestricted distribution of medicines. This is to provide assistance to indigent patients so that they can immediately avail of needed medicines. Truly, the public should be accorded the right to adequate healthcare as provided for by the Constitution, with the goal of improving the overall health and well-being of the people, especially those in need.

According to some studies, medicines are generally expensive in the Philippines. Medicines in the Philippines are 5 to 30 times more expensive than those in other parts of Asia. In public facilities and community-based outlets where generic drugs are more widely available, and could be accessed free or at lower-prices by the poor, inadequate and irregular supplies limit access to medicines. Despite some serious efforts, generic drugs have made little headway in the country since the Generics Act of 1988 was passed. Other efforts to improve procurement and distribution of drugs at the community level, such as the Botika sa Barangay, have been attempted, but these are largely small-scale and unsustainable in the long run. Thus, patients

with serious illnesses that require prescription medicines may be unable to purchase and take medicines. To address the problem of equity and poverty, the LGUs need to adopt a program that meets the basic needs of the marginalized sector such as easy access to quality medicines.

Better health outcome of the poor would contribute to wider poverty reduction, would enable more of the poor to participate in and benefit from economic growth, and would address a major source of dissatisfaction among the poor, thereby contributing to greater social stability in the country.

In view of the import of this measure, its immediate passage into law is earnestly sought.

  
**CYRILLE "BENG" F. ABUEG-ZALDIVAR**  
Representative  
Second District of Palawan



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AN ACT

MANDATING LOCAL GOVERNMENT UNITS TO EARMARK A PORTION  
OF THEIR INTERNAL REVENUE ALLOTMENT FOR FREE MEDICINES TO  
INDIGENT PATIENTS IN THEIR JURISDICTIONS

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

**SECTION 1.** It shall be the declared policy of the State to protect and promote the right to health of the people through the adoption of an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health, and other social services available to all the people, especially the underprivileged at affordable cost.

**SEC. 2.** All local government units (LGUs) are hereby mandated to earmark a portion of their Internal Revenue Allotments (IRA) for the purchase of medicines for free distribution to indigent patients through the public hospitals, clinics, health centers, and dispensaries within their jurisdictions.

Indigent patient refers to one who has no means of visible income or whose income is insufficient for the subsistence of his or her family as certified by the barangay concerned and the city or municipal social welfare and development office.

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2 The concerned barangay shall maintain a directory of indigent patients  
3 residing within its jurisdiction.  
4

5 **SEC. 3.** In the distribution of free medicines, the LGU shall issue the  
6 appropriate document to ensure that the free medicines are properly dispensed to  
7 deserving recipients.  
8

9 Public hospitals, health centers, clinics, and dispensaries shall cooperate and  
10 coordinate with the LGUs concerned in the implementation of this Act.  
11

12 **SEC. 4.** The following acts shall constitute offenses under this Act:  
13

- 14 1. Diversion or the use for other purposes of the funding allocated for free  
15 medicines as mandated in this Act;
- 16 2. The dispensing or distribution of the medicines acquired under this Act  
17 other than to indigent patients;
- 18 3. Falsification of the indigency of a patient;
- 19 4. Falsification of procurement or distribution of free medicines under this  
20 Act;
- 21 5. Procurement of expired medicines or those expiring within one (1) year  
22 from the date of purchase for purposes of this Act.  
23

24 **SEC. 5.** Any person found guilty of committing any of the offenses  
25 enumerated in the preceding section shall be meted the penalty of not less than one  
26 (1) year but not more than ten (10) years of imprisonment, perpetual  
27 disqualification from public office, and/or fine of not less than one hundred  
28 thousand pesos, at the discretion of the court.  
29

1           **SEC. 6.** Within sixty (60) days from the effectivity of this Act, the Department  
2 of Interior and Local Government, in coordination with the Department of Health,  
3 shall promulgate the necessary rules and regulations for the proper  
4 implementation of this Act.

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6           **SEC. 7.** If any provision of this Act is declared unconstitutional, the  
7 remainder of this Act or any provisions not affected thereby shall remain in full  
8 force and effect.

9  
10          **SEC. 8.** All laws, executive orders, presidential decrees, proclamations,  
11 rules, regulations, issuances and enactments of parts thereof inconsistent with this  
12 Act are hereby repealed or modified accordingly.

13  
14          **SEC. 9.** This Act shall take effect fifteen (15) days after its publication in the  
15 Official Gazette or in a newspaper of general circulation.

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17   *Approved,*