

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

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **4313**



Introduced by Representatives
ESTRELLITA B. SUANSING and HORACIO P. SUANSING, JR.

EXPLANATORY NOTE

The Food and Drug Administration or FDA is an essential government agency tasked with the regulation and monitoring of the health products industry and its products under its jurisdiction. The FDA's functions and powers include the following, such as, but are not limited to: collecting samples of health products; analyzing and inspecting health products, establishing analytical data to serve as basis for the preparation of health products standards, and to recommend standards of identity, purity, safety, efficacy, quality and full of container; issuing certificates of compliance with technical requirements and the like.

The FDA was recently strengthened by establishing adequate testing laboratories and field offices, its equipment upgraded, its human resource complement augmented and has been authorized to retain its income by RA 9711 thereby amending RA 3720.


Now, a review of RA 9711 reveals Sec. 4, to wit:

"SEC.4 To carry out the provisions of this Act, there is hereby created an office to be called the Food and Drug Administration (FDA) in the Department of Health (DOH). Said Administration ***shall be under the Office of the Secretary...***"

Given this organizational structure in the Department of Health vis-à-vis the Food and Drug Administration or FDA, there can be instances of potential conflicts of interest here and may affect the independence and autonomy of the agency in making its decisions if it is under the Secretary of Health's supervision. To ensure the FDA's independence and free it from the clout of the Secretary of Health, it would be prudent, to transfer the supervision and control of the FDA from the Department of Health to the Office of the President of the Republic of the Philippines.

Hence, the passage of this bill is sought.


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1st District, Nueva Ecija


REP. HORACIO P. SUANSING, JR.
2nd District, Sultan Kudarat

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AN ACT
TRANSFERRING THE FOOD AND DRUG ADMINISTRATION FROM THE
DEPARTMENT OF HEALTH TO THE OFFICE OF THE PRESIDENT OF THE
REPUBLIC OF THE PHILIPPINES

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

SECTION 1. **Transferring the Supervision and Control of the Food and Drug Administration.** – The supervision and control including the applicable funds and appropriations, records, equipment, property and personnel of the Food and Drug Administration (FDA) are hereby transferred from the Department of Health to the Office of the President of the Republic of the Philippines.

All agreements and contracts entered into by the Food and Drug Administration shall remain in full force and effect unless otherwise terminated, modified or amended by the Office of the President of the Republic of the Philippines.

SECTION 2. **Powers and Functions.** – The Food and Drug Administration shall continue to exercise its full powers and functions under existing laws.

SECTION 3. **Director General of the Administration.** – The current Director General including all Deputy Director Generals of the Food and Drug Administration shall continue their respective duties and functions.

SECTION 4. **Implementing Rules and Regulations.** – The Office of the President in close coordination with the Food and Drug Administration shall promulgate the Implementing Rules and Regulations for the effective

implementation of this Act within ninety (90) days upon the approval of this Act.

SECTION. 5. **Repealing Clause.** – All, laws, decrees orders, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 6. **Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,