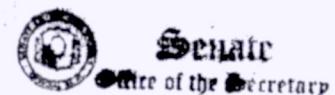


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



S.B. No. 1308

20 FEB -3 PM 3:09

RECEIVED BY
INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

**AN ACT
STRENGTHENING THE TRADITIONAL AND ALTERNATIVE HEALTH CARE
SYSTEM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8423,
OTHERWISE KNOWN AS THE "TRADITIONAL AND ALTERNATIVE
MEDICINE ACT OF 1997"**

EXPLANATORY NOTE

The Department of Health, through former Health Secretary and Senator Juan M. Flavier, first came with Traditional Medicine Program by virtue of Administrative Order No. 12 on 1992. The program was set to promote and advocate traditional medicine in the Philippines. On 1997, with the appreciation of President Fidel V. Ramos to include traditional medicine in the health and economy, Republic Act No. 8423 "Traditional and Alternative Medicine Act (TAMA)" law was enacted. The law recognizes the importance of traditional and alternative medicine in providing health care to the people.

Traditional and alternative health care, as defined in R.A. 8423, is "any knowledge, skill and practice, other than those in the biomedicine, which is used in the prevention, diagnosis and elimination of physical or mental disorder." As listed in the Philippine Standard Occupational Classification (PSOC), associate professional of traditional and complementary medicines include drugless treatment healer, bonesetter, faith healer, healer of indigenous people (i.e. Mansi-bok, Mansip-ok), herbalist, scraping and cupping therapist, village healer, witch doctor, and acupressure therapist. On the other hand, traditional and complementary medicine professionals include acupuncturist, ayurvedic practitioner, Chinese herbal medicine practitioner, homeopath, hydrotherapist, naturopath and unani practitioner.

According to the World Health Organization (WHO), the registration of products, practices and practitioners will facilitate better understanding and respect for traditional medicine, as well as support its safe and effective use¹. In the Western Pacific, Australia, Hong Kong, and Singapore have already established a registration system for practitioners.

In the Philippines, there is an undeniable rise in the demand for traditional and alternative health care (TAHC) services. This is particularly true in rural areas where TAHC is the only affordable and available source of health care. Despite the foregoing, traditional and alternative health care in the country is not provided with adequate safeguards that will ensure

¹ World Health Organization (2012). The Regional Strategy for Traditional Medicine in the Western Pacific (2011-2020). WHO Press, World Health Organization, Switzerland.

the safety, the standardization, efficacy, quality and availability of the practice, of the practitioners, clinics and training centers.

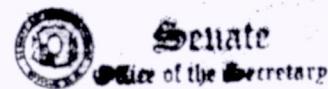
Considering the growing interest in TAHC over the years and the increasing demand in accessing the same, there is a need for firmer government regulation and a revisit of the Traditional and Alternative Medicine Act of 1997.

In view of the foregoing, the approval of this proposed bill is earnestly sought.



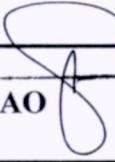
EMMANUEL D. PACQUIAO

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**AN ACT
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OTHERWISE KNOWN AS THE "TRADITIONAL AND ALTERNATIVE
MEDICINE ACT OF 1997"**

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

1 **SECTION 1.** Section 4 of Traditional and Alternative Medicine Act (TAMA) of 1997,
2 is hereby amended by inserting new definition:

3 Section 4. Definition of Terms. As used in this Act, the following terms shall
4 mean:

5 (a) "Traditional and Alternative Health Care **SYSTEM**" – the sum total of
6 knowledge, skills, and practices on health care other than those embodied in
7 biomedicine, used in the prevention, diagnosis and elimination of physical
8 or mental disorder.

9 "XXX"

10 (d) "Alternative health care modalities" – other forms of non-allopathic,
11 occasionally non-indigenous or imported healing methods, though not
12 necessarily practiced for centuries nor handed down from one generation to
13 another [Some alternative health care modalities include], **WHICH SHALL**
14 **INCLUDE BUT NOT LIMITED TO**, reflexology, **ACUPUNCTURE**,
15 **MASSAGE**, acupressure, chiropractic, nutritional therapy, **HILOT**,
16 **NATUROPATHY**, **HOMEOPATHY/HOMOTOXICOLOGY**, **TUINA**
17 **MASSAGE**, **OSTEOPATHY**, **ANTHROPOSOPHIC MEDICINE** and
18 other similar [methods] **MODALITIES**.

19

20 "XXX"

1 (h) “**PHILIPPINE** traditional healers” – [The relatively old, highly respected
2 people with a profound knowledge of traditional remedies.] **A PERSON**
3 **WITH KNOWLEDGE IN INDIGENOUS AND/OR PHILIPPINE**
4 **BELIEF SYSTEMS, ORAL TRADITIONS AND HEALTH**
5 **PRACTICES, WHO USES THE TRADITIONAL MEDICINE OF THE**
6 **INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLES**
7 **(ICCS/IPS) AND/OR OTHER ETHNO-LINGUISTIC GROUPS IN THE**
8 **PHILIPPINES.**

9 “XXX”

10 SEC. 2 Section 6 of the same Act is hereby amended with letters M to T being
11 deleted and renumbered accordingly:

12 Sec. 6. *Power and Functions.* – In furtherance of its purposes and objectives,
13 the Institute shall have the following powers and functions:

14 (a) “xxx”

15 .

16 .

17 .

18 (i) To formulate [a], **ESTABLISH AND PRESCRIBE RULES,**
19 **REGULATIONS, STANDARDS,** code of ethics and
20 **REQUIREMENTS** for the practice of traditional and alternative health
21 care modalities [for approval and adoption by the appropriate professional
22 and government agencies];

23 (j) [To formulate standards and guidelines for the manufacture, marketing and
24 quality control of different traditional and alternative health care materials
25 and products for approval and adoption by the Bureau of Food and Drugs;]
26 **TO INSPECT AND MONITOR ALL TRADITIONAL AND**
27 **ALTERNATIVE HEALTH CARE (TAHC) FACILITIES TO ENSURE**
28 **THEIR CONTINUED COMPLIANCE WITH THE RULES AND**
29 **REGULATIONS IN ACCORDANCE WITH THIS ACT AND TO**
30 **MAKE RECOMMENDATIONS FOR THE CORRECTION OF**
31 **DEFICIENCIES FOUND DURING INSPECTION AND**
32 **MONITORING;**

33 (k) [To coordinate with other institutions and agencies involved in the
34 research on herbal medicines] **TO PROMULGATE AND IMPLEMENT**
35 **RULES AND REGULATIONS GOVERNING THE LICENSURE OF**
36 **TAHC PRACTICES AND OPERATION OF TAHC FACILTIES AND**
37 **TO PERIODICALLY REVIEW AND AMEND THE SAME,**

1 **SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES**
2 **AND IN CONSULTATION WITH THE SECTORS CONCERNED;**

3 **(l) [To adopt and use a corporate seal;] TO GRANT LICENSE FOR THE**
4 **PRACTICE OF TAHC MODALITIES AND FOR THE OPERATION AND**
5 **MAINTENANCE OF TAHC FACILITIES, AND TO SUSPEND OR**
6 **REVOKE THE SAME IN ACCORDANCE WITH THE PROVISION OF**
7 **THIS ACT.**

8 [(m) ... “xxx” ... (t)]

9
10 **SEC. 3** A new provisions are hereby added to read as follows:

11
12 **SEC. 7. QUASI-JUDICIAL POWERS. – TO CARRY OUT ITS TASKS**
13 **MORE EFFECTIVELY, THE INSTITUTE SHALL BE VESTED WITH**
14 **THE FOLLOWING QUASI-JUDICIAL POWERS:**

15
16 **A) TO INVESTIGATE, HEAR AND DECIDE ADMINISTRATIVE**
17 **CASES INITIATED BY THE INSTITUTE OR FILED BY ANY**
18 **PERSON AGAINST A TAHC PRACTITIONER AND TAHC FACILITY**
19 **OR ESTABLISHMENT VIOLATING ANY PROVISION OF THIS ACT**
20 **AND ITS IMPLEMENTING RULES AND REGULATIONS AND TO**
21 **IMPOSE APPROPRIATE ADMINISTRATIVE SANCTIONS OR**
22 **PENALTIES PROVIDED IN THIS ACT;**

23
24 **B) TO PROMULGATE RULES GOVERNING THE CONDUCT OF**
25 **ADMINISTRATIVE HEARINGS: PROVIDED, THAT IN SUCH**
26 **PROCEEDINGS, THE INSTITUTE SHALL NOT BE BOUND BY THE**
27 **TECHNICAL RULES OF EVIDENCE OF THE RULES OF COURT:**
28 **PROVIDED, FURTHER, THAT THE LATTER MAY BE APPLIED IN**
29 **A SUPPLETORY MANNER;**

30
31 **C) TO ADMINISTER OATHS AND AFFIRMATIONS, AND TO ISSUE**
32 **SUBPOENA DUCES TECUM AND AD TESTIFICANDUM,**
33 **REQUIRING THE PRODUCTION OF SUCH BOOKS, CONTRACTS,**
34 **CORRESPONDENCE, RECORDS, STATEMENT OF ACCOUNTS AND**
35 **OTHER DOCUMENTS AND THE ATTENDANCE AND TESTIMONY**
36 **OF PARTIES AND WITNESSES, AS MAY BE MATERIAL TO THE**
37 **INVESTIGATION BEING CONDUCTED BY THE INSTITUTE;**

38
39 **D) TO EXERCISE CONTEMPT POWERS AND IMPOSE**
40 **APPROPRIATE PENALTIES;**

1 E) TO CAUSE THE PROSECUTION OF ALL CASES INVOLVING
2 VIOLATIONS OF THIS ACT AND IT'S IMPLEMENTING RULES
3 AND REGULATIONS,

5 F) TO SUMMARILY ORDER THE CLOSURE OF TAHC
6 FACILITIES AND OTHER RELATED FACILITIES OPERATING
7 WITHOUT A LICENSE;

9 G) TO PREVENTIVELY SUSPEND TAHC FACILITIES FOUND
10 DURING INSPECTION OR MONITORING TO HAVE COMMITTED
11 GROSS VIOLATIONS OF THE STANDARDS OR RULES AND
12 REGULATIONS; ANY FRAUDULENT, UNSCRUPULOUS
13 ACTIVITIES, FALSE CLAIMS OR MISREPRESENTATIONS;
14 OPERATING WITH UNLICENSED OR UNQUALIFIED TAHC
15 PERSONNEL; AND THE COMMISSION OR OMISSION OF ANY ACT
16 WHICH MAY RESULT TO SERIOUS INJURY, PERMANENT
17 DISABILITY OR LOSS OF LIFE OF A PATIENT OR STAFF, OR
18 WOULD COMPROMISE PUBLIC SAFETY

20 **SEC. 8. LIABILITY UNDER OTHER LAWS - A PROSECUTION UNDER**
21 THIS ACT SHALL BE WITHOUT PREJUDICE TO ANY LIABILITY
22 FOR VIOLATION OF ANY PROVISIONS OF OTHER LAWS.

24 **SEC. 9 SPECIAL RULES AND EXEMPTIONS - RECOGNIZING THE**
25 UNIQUE MANNER OF OBTAINING THE KNOWLEDGE AND
26 SKILLS OF TRADITIONAL MEDICINE, IT BEING HANDED DOWN
27 FROM ONE GENERATION TO ANOTHER WITHOUT THE
28 INFLUENCE OF FORMAL EDUCATION OR TRAINING,
29 PRACTITIONERS BELONGING TO THIS CATEGORY SHALL BE
30 EXEMPT FROM THE STANDARD EXAMINATION REQUIRED BY
31 THIS ACT. NONETHELESS, THEY ARE STILL MANDATED TO
32 ACQUIRE THE NECESSARY GRANT OF AUTHORITY IN
33 ACCORDANCE WITH THE GUIDELINES TO BE PRESCRIBED BY
34 PITAHC. IT SHALL BE NECESSARY FOR TRADITIONAL
35 PRACTITIONERS TO ESTABLISH THE LENGTH OF TIME FOR
36 WHICH THEY HAVE BEEN KNOWN TO HAVE PRACTICED
37 TRADITIONAL MEDICINE AND PROVE THAT, IN THE COURSE
38 OF THEIR PRACTICE, NO RELATED COMPLAINT, WHETHER
39 REPORTED OR NOT, WAS MADE AGAINST THEM.

41 FURTHER, SHOULD THEY DISPENSE, WHETHER FOR A FEE OR
42 NOT, OR USE AS A MODALITY TRADITIONAL HEALTH
43 PRODUCTS, PRACTITIONERS MUST SEEK FOR THE APPROVAL
44 OF THE SAME.

46 **SEC. 10. PROHIBITED ACTS.**

- 1
2 (A) THE PRACTICE OF ANY OF THE APPROVED TAHC
3 MODALITIES BY ANY PERSON OR TAHC FACILITIES
4 WITHOUT THE APPROPRIATE LICENSE OR GRANT OF
5 AUTHORITY TO PRACTICE.
- 6
7 (B) THE CONTINUOUS PRACTICE OF ANY OF THE APPROVED
8 TAHC MODALITIES BY ANY PRACTITIONER OR TAHC
9 FACILITIES WHOSE ACCREDITATION OR GRANT OF
10 AUTHORITY HAS ALREADY EXPIRED OR HAS BEEN
11 CANCELLED OR REVOKED.
- 12
13 (C) THE PRACTICE OF ANY UNAPPROVED TAHC MODALITIES
14 BY ANY PERSON, WHETHER CERTIFIED OR NOT TO PRACTICE
15 IN THE PHILIPPINES.
- 16
17 (D) THE MERE ACT OF INTRODUCING TO THE PUBLIC BY ANY
18 PERSON, CERTIFIED OR NOT, OF A TAHC MODALITY THAT IS
19 NOT VALIDLY APPROVED BY PITAHC.
- 20
21 (E) THE ACT OF A CERTIFIED PRACTITIONER OF ALLOWING A
22 PERSON TO COMMIT AN UNAUTHORIZED PRACTICE OF TAHC
23 WHETHER IT BE UNDER HIS/HER DIRECT OR INDIRECT
24 SUPERVISION.
- 25
26 (F) THE ACT OF ASSISTING OR PERFORMING IN AN
27 UNAUTHORIZED PRACTICE OF TAHC, WHETHER FOR PROFIT
28 OR NOT.
- 29
30 (G) THE ACT OF USING TRADITIONAL AND
31 ALTERNATIVE HEALTH SERVICES TO CAUSE INJURY,
32 ILLNESS OR DEATH TO A CONSUMER/CUSTOMER.
- 33
34 (H) OFFERING TAHC PROGRAMS AND TRAININGS OR
35 RENDERING TAHC SERVICES BY SCHOOLS OR TRAINING
36 CENTERS WITHOUT THE APPROPRIATE LICENSE OR
37 AUTHORITY FROM PITAHC.
- 38
39 (I) RENDERING TAHC SERVICES BY ACCREDITED
40 SCHOOLS OR TRAINING CENTERS THAT ARE BEYOND THE
41 SCOPE OF THEIR APPROVED PROGRAMS AND TRAININGS.
- 42
43 (J) THE ACT OF INTENTIONALLY COMMITTING FRAUD
44 AND MISREPRESENTATION OR USE OF FALSIFIED OR
45 FORGED DOCUMENTS IN OBTAINING THE NECESSARY

1 PITAHC APPROVAL OR CERTIFICATE OR GRANT OF
2 AUTHORITY.

3
4 (K) ANY OTHER ACT WHICH VIOLATES OR UNDERMINES
5 ANY OF THE EXPLICIT POWERS OF OR WHICH TENDS TO
6 IMPEDE THE PITAHC FROM EXERCISING ANY OF ITS
7 FUNCTIONS PROVIDED FOR IN THIS ACT.
8
9

10 SEC. 11. PENALTIES
11

12 ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS
13 OF SECTION 11 HEREOF SHALL, UPON CONVICTION, SUFFER
14 THE PENALTY OF IMPRISONMENT RANGING FROM ONE (1)
15 YEAR BUT NOT MORE THAN TEN (10) YEARS OR A FINE OF
16 NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT
17 NOT MORE THAN FIVE HUNDRED THOUSAND PESOS
18 (P500,000.00), OR BOTH, AT THE DISCRETION OF THE COURT.
19

20 THE IMPOSITION OF PENALTIES UNDER THIS SECTION
21 SHALL BE WITHOUT PREJUDICE TO THE ISSUANCE OF
22 CEASE AND DESIST ORDER OR TO THE EXERCISE OF PITAHC
23 OF ITS POWER TO REVOKE OR CANCEL CERTIFICATES,
24 APPROVALS OR GRANTS IT HAS ISSUED AND/OR TO THE
25 FILING OF APPROPRIATE CIVIL OR CRIMINAL ACTION,
26 WHENEVER APPROPRIATE OR NECESSARY.
27

28 IN CASE, HOWEVER, OF ILLNESS, INJURY OR DEATH AS
29 PROVIDED FOR UNDER PARAGRAPH (G) OF SECTION 9, THE
30 INTENTIONAL USE OF TAHC SERVICES SHALL NOT
31 CONSTITUTE A SEPARATE CRIME. RATHER, THE USE OR
32 EMPLOYMENT OF SUCH SERVICE SHALL SERVE AS AN
33 AGGRAVATING CIRCUMSTANCE TO QUALIFY THE
34 APPLICABLE CRIME/S AS PROVIDED FOR BY THE REVISED
35 PENAL CODE.
36

37 SHOULD THE OFFENSE BE COMMITTED BY A JURIDICAL
38 PERSON, THE CHAIRMAN OF THE BOARD OF DIRECTORS, THE
39 PRESIDENT, GENERAL MANAGER, OR THE PARTNERS AND/OR
40 THE PERSONS DIRECTLY RESPONSIBLE THEREFORE SHALL BE
41 PENALIZED.
42

43 SHOULD THE OFFENSE BE COMMITTED BY A FOREIGN
44 NATIONAL, HE/SHE SHALL, IN ADDITION TO THE PENALTIES
45 PRESCRIBED, BE DEPORTED WITHOUT FURTHER
46 PROCEEDINGS AFTER SERVICE OF SENTENCE.

1
2 **SEC. 12. HUMAN RESOURCE - THE PITAHC SHALL REVIEW ITS**
3 **EXISTING ORGANIZATIONAL STRUCTURE WITH ITS STAFFING**
4 **PATTERN, POSITIONS, AND TITLES. NEW OR ADDITIONAL**
5 **POSITIONS, TITLES OR RANKS SHALL BE CREATED IF THERE**
6 **BE A NEED FOR ADDITIONAL MANPOWER AS IDENTIFIED AND**
7 **DETERMINED BY THE DIRECTOR GENERAL AND APPROVED BY**
8 **THE BOARD.**

9
10 **SEC. 4.** Section 8 (d) and Section 10 of this Act, are hereby amended:

11 **Section 8. Powers and Functions of the Board.** – The Board shall exercise the
12 following powers and functions:

13 “XXX”

14 (d) To appoint, transfer, promote, suspend, remove or otherwise discipline any
15 subordinate officer or employee of the Institute [, upon recommendation of the
16 Director General] **SHALL BE TRANSFERRED FROM THE BOARD**
17 **AND BE VESTED UPON THE DIRECTOR GENERAL.**

18
19 **SEC. 5. APPROPRIATION - THE AMOUNT NECESSARY FOR THE**
20 **INITIAL IMPLEMENTATION OF THIS ACT SHALL BE CHARGED**
21 **AGAINST THE CURRENT APPROPRIATIONS OF THE PHILIPPINE**
22 **INSTITUTE OF TRADITIONAL AND ALTERNATIVE HEALTH CARE.**
23 **THEREAFTER, THE AMOUNT NEEDED FOR THE OPERATIONS AND**
24 **MAINTENANCE OF PITAHC SHALL BE INCLUDED IN THE**
25 **GENERAL APPROPRIATIONS ACT.**

26
27 **SEC. 6. Separability Clause.** - If any part or provision of this Act is declared
28 invalid or unconstitutional, all other provisions not affected thereby shall remain
29 valid.

30
31 **SEC. 7. Repealing Clause.** - Chapter XIII of Presidential Decree No. 856,
32 otherwise known as the “Code on Sanitation of the Philippines,” is hereby
33 repealed. All laws, decrees, executive orders and issuances, ordinances, rules and
34 regulations, or parts thereof which are inconsistent with the provisions of this Act
35 are hereby repealed or modified accordingly.

36
37 **SEC. 8. Effectivity.** - This Act shall take effect fifteen (15) days after its
38 publication in the Official Gazette or in any newspaper of general circulation.

37
38 *Adopted,*