

EXECUTIVE ORDER NO. 174

FURTHER AMENDING REPUBLIC ACT NO. 5921, ENTITLED  
"AN ACT REGULATING THE PRACTICE OF PHARMACY  
AND SETTING STANDARDS OF PHARMACEUTICAL  
EDUCATION IN THE PHILIPPINES AND FOR OTHER  
PURPOSES", AS AMENDED

WHEREAS, consistent with the State policies as enun-  
ciated in Article II, Section 15 of the 1987 Constitution, that:  
"The State shall protect and promote the right to health of the  
people and instill health consciousness among them", and  
Article XIII, Section 12, that: "The State shall establish and  
maintain an effective food and drug regulatory system and under-  
take appropriate health manpower development and research,  
responsive to the country's health needs and problems", the  
Pharmacy Law must be further amended to strengthen the  
legal basis of the regulation of drugs and devices;

NOW, THEREFORE, I, CORAZON C. AQUINO, President  
of the Philippines, do hereby order:

SECTION 1. Section 29 of Republic Act No. 5921 is  
hereby amended to read as follows:

"SEC. 29. Responsibility for safety, efficacy,  
quality and purity of drugs. - In cases of drugs,  
pharmaceuticals, poisons or devices sold in their  
original packings, the seal of which has not been broken  
or tampered with, the liability that may arise because  
of their safety, efficacy, quality and purity, rests upon  
the manufacturer or in his absence, upon the importer,  
the distributor, representative, or dealer, who was  
responsible for their distribution or sale."

SECTION 2. Section 40 of Republic Act No. 592 is  
hereby amended to read as follows:

"SEC. 40. Penal provisions. - Any person who shall violate any of the provisions of Sections twelve, twenty-four, twenty-five, twenty-six and twenty-seven of this Act or any person who shall make false representation to procure a registration certificate as pharmacist for himself or for another; or any person who shall allow anyone in his employ who is not a registered pharmacist to engage in the practice of pharmacy; or any person who shall falsely display within the establishment the certificate of registration of a pharmacist who is not actually and regularly employed therein as such or to act as a dummy for any alien or an unqualified person for the purpose of opening and operating a retail drugstore; shall, upon conviction thereof, be sentenced to a fine of not less than one thousand pesos but not exceeding four thousand pesos or to an imprisonment of not less than six months and one day but not more than four years, in the discretion of the court."

SECTION 3. Section 42(e) of Republic Act No. 5921 is hereby amended to read as follows:

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x x x

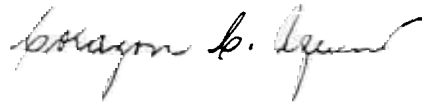
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"(e) 'Drugs' mean (1) articles recognized in the current official United States Pharmacopeia-National Formulary (USP-NF), official Homeopathic Pharmacopeia of the United States, official National Drug Formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or animals; and (4) articles intended for use as a component of any articles specified in clauses (1), (2), or (3) but do not include devices or their components, parts or accessories."

SECTION 4. All laws, orders, issuances, rules and regulations or parts thereof inconsistent with this Executive Order are hereby repealed or modified accordingly.

SECTION 5. This Executive Order shall take effect fifteen days after publication in the Official Gazette.

Done in the City of Manila, this 22nd day of May in the year of Our Lord, nineteen hundred and eighty-seven.



the President:



JOKER P. ARROYO  
Executive Secretary