Republic Act No. 5921

An Act Regulating the Practice of Pharmacy and Setting Standards of Pharmaceutical Education in the Philippines and for Other Purposes.

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

Article I
OBJECTIVES AND IMPLEMENTATION

Section 1. *Objectives.*- This Act provides for and shall govern (a) the standardization and regulation of pharmaceutical education; (b) the examination for registration of graduates of schools of pharmacy and (c) the supervision, control and regulation of the practice of pharmacy in the Philippines.

Section 2. *Enforcement.*- For the purpose of implementation of this Act, the council of Pharmaceutical Education and the Board of Pharmacy are hereby created.

Article II
THE COUNCIL OF PHARMACEUTICAL EDUCATION

Section 3. *The Council of Pharmaceutical Education and its Composition.*- The Council of Pharmaceutical Education shall be composed of the Secretary of Education,[1] Chairman, the Undersecretary of Health Services,[2] the Food and Drug Administrator, the Chairman of the Board of Pharmacy, the dean of the College of Pharmacy, University of the Philippines, the dean of a college of pharmacy, representing duly accredited private schools of pharmacy, and a representative of the *bona fide* national pharmaceutical organizations of the Philippines. It shall be incumbent upon all deans of duly accredited colleges of pharmacy of private colleges or universities by agreement among themselves to promulgate rules and regulations regarding the selection of one from among their group to represent them in the said Council and it shall be incumbent upon all presidents of bona fide national pharmaceutical organizations in the Philippines by agreement to promulgate rules and regulations regarding the selection of one from among them to represent them in the said Council. The members of the Council shall hold office until their successors have been appointed, elected or designated and duly qualified.

Section 4. *Functions.*- The functions of the Council shall be:

a. To promulgate rules and regulations relative to Pharmaceutical Education in the Philippines;
b. To submit such rules and regulations, which shall have a binding effect, for implementation to the proper agencies such as the Department of Education,[3] the Board of Pharmacy, the bona fide national pharmaceutical organizations in the Philippines and others;
c. To recognize and accredit colleges of pharmacy in the different private colleges and universities; and
d. To approve the accreditation of community or prescription pharmacies, pharmaceutical manufacturing laboratories and hospital pharmacies for purposes of pharmacy internship.

Section 5. *Meeting and Traveling Expenses.*- The Council of Pharmaceutical Education shall meet at least once a month for regular business and as often as the Council may decide. The Chairman and members of the Council of Pharmaceutical Education shall not be entitled to any compensation except for traveling expenses in connection with their official duties as herein provided.

Article III
THE BOARD OF PHARMACY AND EXAMINATION AND REGISTRATION OF PHARMACISTS

Section 6. *The Board of Pharmacy and its Composition.* - The Board of Pharmacy shall be composed of a Chairman and two members who shall be appointed by the President of the Philippines from a list of nominees recommended by the Professional Regulation Commission who shall secure such list from the accredited professional organization of pharmacists.

Section 7. *Qualification of Board Members.*- To be appointed a member of the Board of Pharmacy, a person shall be:

a. Be a natural born citizen of the Philippines;

b. A duly registered pharmacist and has been in the practice of pharmacy for at least ten years;

c. Of good moral character and of recognized standing in the pharmaceutical profession;

d. At the time of appointment, not a member of the faculty of any school, college or university offering courses in pharmacy or college of pharmacy; and

e. A member of good standing of a bona fide national pharmaceutical association of the Philippines.

Section 8. *Tenure of Office and Fees of Board Members.* - The Chairman and members of the Board of Pharmacy shall hold office for three years after appointment or until their successors shall have been appointed and duly qualified: *Provided*, That members of the first Board to be appointed after the approval of this Act shall hold office for the following terms: Chairman for three years, one member for one year: *Provided, further*, that any chairman or member may be reappointed for another term of three years but in no case shall he serve continuously for more than six years. The most senior member of the Board will automatically be the Chairman. The Chairman and members of the Board shall each receive the sum of seventy pesos (variable) for each applicant examined regardless of whether or not he is already in the government service when appointed.

Section 9. *Removal of the Board Members.*- The chairman or member of the Board may be removed by the President of the Philippines if found guilty of neglect of duty, incompetence, malpractice, or unprofessional, unethical, immoral, or dishonorable conduct after having been given the opportunity to defend himself in a proper administrative investigation. The President may, in his discretion, suspend such member under investigation: *Provided, however*, that the period of suspension shall not exceed sixty days after which the latter shall be automatically reinstated pending the outcome of the investigation.

Section 10. *Executive Officer of the Board.*-

Section 11. *Power and Duties of the Board.*- The Board of Pharmacy, conformably with the provisions of this Act, is vested with authority;

a. To examine applicants for the practice of pharmacy;
b. To issue certificates of registration of pharmacists;
c. To reprimand any pharmacist or to suspend or revoke his certificate of registration on the grounds as provided for in Section 13 hereof, after a formal administrative investigation has been conducted by it.
d. To promulgate from time to time the necessary rules and regulations for the effective enforcement of this Act, subject to the approval of the President[6] upon advice of the Professional Regulation Commission;
e. To study the conditions affecting the practice of pharmacy in the Philippines;
f. To check the employment of qualified personnel in drugstores, hospital pharmacies, drug or pharmaceutical laboratories, cosmetic laboratories and similar establishments for which the Board may designate inspectors from the Board of Pharmacy; and
g. To encourage the development of botanical gardens and their inspection particularly the propagation of Philippine medical plants with the cooperation of the Department of Agriculture and Natural Resources.[7]

Section 12. *Detailmen, Requirements, Qualification and Fees.*- Any person who shall be employed as detailman by any pharmaceutical or drug laboratory or other manufacturers of medical,

dental, pharmaceutical, biological and veterinary products and by distributors, dealers or wholesaler of said products, doing business directly or indirectly in the Philippines shall be required, at the beginning of each year, to register with the Board of Pharmacy that he is employed as such.

a. An applicant for registration shall be, preferably, a graduate of a college of pharmacy. There shall be an initial fee of 150.00 pesos upon registration and thereafter fifteen pesos shall be charged annually for renewal. Upon payment of said fees, the proper credential shall be issued to the applicant.
b. It shall be incumbent upon the drug establishment referred to in this section to require that detailmen employed or to be employed by them possess the necessary credentials issued by the Board of Pharmacy as provided for herein.

For purposes of this section, a detailmen is one who represents any duly authorized manufacturer, dealer, distributor, representative or wholesaler of drugs pharmaceuticals, biologic products and devices, whose primary duty is to introduce or reacquaint a product or products prepared, distributed or made by said manufacturer, dealer, distributor, representative or wholesaler to the physician, dentist, pharmacist, veterinarian or any other qualified person and which form part of their program for promotion by describing its use, composition, action, dosage, administration, contraindication, advantages and other salient information relative to said products.

Section 13. *Grounds for Reprimand, Suspension or Revocation of Registration Certificate.*- Any of the following shall be a sufficient ground for reprimanding a pharmacist, or for suspending or revoking his certificate of registration;

a. Conviction by a court of competent jurisdiction of any violation as penalized in sections forty and forty-one hereof;
b. Immoral or dishonorable conduct which includes conviction by a competent court of any criminal offense involving moral turpitude;
c. Gross negligence, ignorance or incompetence in the practice of his profession resulting in the injury, damage or death of another;
d. Fraud or deceit in the acquisition of the certificate of registration;
e. Malpractice, including aiding or abetting the commission of criminal abortion or sex crimes through illegal compounding, dispensing or sale of abortive or sex drugs, as the case may be;
f. Acting as a dummy of an alien or of a person who is not qualified to establish and operate a retail drugstore;
g. Addiction to alcoholic beverage or to any habit-forming drug rendering him incompetent to practice his profession;
h. Insanity;
i. False or extravagant or unethical advertisements wherein other things than his name, profession, limitation of practice, office and home address are mentioned; and
j. Violations of any provision of the Code of Ethics which may be adopted as part of the Rules and Regulations of the Board.

Section 14. *Administrative Investigation.*- Administrative investigations shall be conducted by all the members of the Board. If the Board, by majority shall find that the charges are sustained by evidence, it may reprimand the respondent or revoke/suspend his certificate of registration. In case of suspension, it shall be for a period of not more than six months. When the certificate of registration has been revoked, the Board, after the expiration of six months and upon
application, issues a new certificate of registration in place of a revoked certificate without the necessity of undergoing any examination.

Section 15. *Procedure and Rules.*- The Board of Pharmacy upon receipt of a formal complaint under oath against any pharmacist, shall furnish the latter a copy of the complaint which he shall answer within ten days from receipt.

Section 16. *Right of Respondent.*- The respondent pharmacist shall be heard or be represented by counsel to have a speedy and public hearing.

Section 17. *Appeal from Judgment.*- The decision of the Board of Pharmacy shall automatically become final thirty days from notice to respondent, unless appeal to the President of the Philippines is done.

Section 18. *Candidate for Board Examination.*- A candidate for the board examination in Pharmacy shall have the following qualifications:

a. He shall be a natural-born citizen of the Philippines; (as amended by P.D. 1363 on May 2, 1978)
b. He shall be of good moral character;
c. He shall have completed an Internship Program which shall consist of at least nine hundred sixty hours, one half of which shall be spent equally distributed in a prescription pharmacy, a pharmaceutical laboratory and a hospital pharmacy duly accredited and the rest of the hours of internship shall be spent in any or all of the said establishments at the choice of the candidate.
d. He shall have graduated with a degree of Bachelor of Science in Pharmacy or with an equivalent degree from a school, college or university duly accredited after satisfactorily completing a standard pharmacy course of no less than four academic years, as amended by P.D. 1926 on May 30, 1984.

Section 19. *Scope of Examination*. - The pharmacist examination shall consist of the theoretical examination Chemistry, Biological Sciences and Pharmacy. It shall be the duty of the Board of Pharmacy to prepare the schedules of the examination and the syllabus of each subject to be given two months before the dates of examination wherein they are to be used.

Section 20. *Ratings Required.*- In order to pass the examination, a candidate must obtain on the basis of one hundred percent a general average of seventy-five percent or over with no ratings below fifty percent in more than two subjects: *Provided*, That any candidate who fails to pass in three successive attempts shall not be admitted in the fourth examination unless he could present to the Board a certification that he had enrolled and undergone within the year preceding, a pre-board review course from a duly accredited college of Pharmacy.

Section 21. Holding of Examination. – Examination for registration to practice pharmacy in the Philippines shall be given twice a year in the City of Manila and environs as the Board of Pharmacy may fix.

Section 22. *Fees for Examination and Registration.*- The Board of Pharmacy shall charge for each applicant for examination the sum of fifty pesos after passing the Board examination, for each certificate of registration, ten pesos. All fees shall be paid to the cashier of the Board of Examiners and all expenses, including the fees of the Board of Examiners shall be disbursed by him from such funds.[9]

Article IV
PRACTICE OF PHARMACY

Section 23. *Definition of Practice of Pharmacy.*- A person shall be deemed to be practicing pharmacy within the meaning of this Article, who shall, for a fee, salary, percentage or other reward paid or given directly to himself or indirectly through another (1) prepare or manufacture, analyze, assay, preserve, store, distribute or sell any medicine, drug, chemicals, cosmetics, pharmaceuticals, devices or contrivances used in pursuance thereof; or (2) render pharmaceutical service in any office or drug and cosmetic establishment where scientific, technological or professional knowledge of Pharmacy is applied; or (3) engage in teaching scientific, technological or professional pharmacy subject in a college of pharmacy; or (4) conduct or undertake scientific pharmaceutical research for biological and bacteriological testings and examinations.

However, persons performing executive managerial or administrative functions and their subordinate personnel employed in the pharmaceutical laboratories referred to in the second paragraph of Section 27 thereof, shall not be considered for purposes of this definition, persons in the practice of pharmacy.

Section 24. *Prerequisite for the Practice of Pharmacy.*- No person shall engage in the practice of pharmacy in the Philippines unless: (1) he is at least twenty-one years of age ; (2) has satisfactorily passed the corresponding examination given by the Board of Pharmacy ; (3) is a holder of a valid certificate for registration duly issued to him by said Board.

Section 25. *Sale of Medicine, Pharmaceuticals, Drugs and Devices.*- No medicine, pharmaceutical, or drug of whatever nature and kind or device shall be compounded, dispensed, sold or resold, or otherwise be made available to the consuming public except through a prescription drugstore or hospital pharmacy, duly established in accordance with the provisions of this Act. Pharmaceutical, drug or biological manufacturing establishments, importers and wholesalers of drugs, medicines, or biologic products shall not sell their products for resale except only to retail drugstores, hospital pharmacies or to other drug wholesalers under the supervision of registered pharmacists duly established and licensed under the Retail Drug Law (as amended by P.D. 1363 on May 2, 1978).

Section 26. *Markings and Inhibition to the Sale of Drug Samples.*- No sample of any drug, biological produce, propriety medicine, given or intended to be given for free to the physician and other qualified person by any manufacturer or distributor or its representative or detailman as part of its program of promotion, may be sold.

Section 27. *Pharmacist required and compensation.*- Every pharmacy, drugstore or hospital pharmacy whether owned by the government or a private person or firm shall at all times when open for business be under the personal and immediate supervision of a registered pharmacist: *Provided*, That no pharmacist shall have personal supervision of more than one such establishment. In cases where a drug establishment operates in more than one shift, each shift must be under the supervision and control of a registered pharmacist.

Drug or pharmaceutical laboratories or similar establishments engaged in the repacking, manufacture or sale of drugs, biological products and pharmaceutical products of quantities greatly in excess of the therapeutic doses of such substance, such processes involving the preparation, quality control or repacking of said products shall for each respective operation be under the direct and immediate supervision of a registered pharmacist, or in the sale of pharmaceuticals, medicines and drugs, at wholesale, such business shall be conducted under the immediate supervision of a registered pharmacist practicing only in such establishment.

Section 28. *Display of Certificate Required.*- (a) It shall be the duty of every pharmacist engaged in the practice of pharmacy either on his own account or under the employ of another, to display his certificate of registration in a prominent and conspicuous place in the pharmacy, drugstore, hospital pharmacy or drug establishment which he operates or in which he is employed. (b) No pharmacist shall with his knowledge allow his certificate of registration to be displayed in such establishments when he is not actually employed or operating therein in his professional capacity.

Section 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, quality, efficacy 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 (as amended by E.O. No. 174, May 22, 1987.

Section 30. *Filling and Refilling of Prescription.*- No prescription shall be filled or compounded except by a registered pharmacist in the employ of the drugstore or pharmacy. Students undergoing pharmaceutical internship may assist said pharmacist in the compounding and dispensing the prescription called for. No prescription shall be refilled except upon express order of the person prescribing.

Section 31. *Label of Dispensed Medicine.*- Upon every box, bottle, or package containing medicine sold or dispensed by a pharmacist based on prescription, there shall be pasted, or imprinted a seal or label bearing, among others, the name of the prescriber, date, and number of the prescription and the direction for its use. Every prescription, which in its preparation, contains any quantity of a drug which

is habit-forming, or a derivative of such drug, shall have in the label attached to the container the added statement “Warning - may be habit forming.“ Every prescription for external use filled in the drugstore shall bear a red label showing in black ink the components of such prescription and the words “For external use only” at the bottom of the label.

Section 32. *Record Books for Prescription.*- All prescriptions disperse in the drugstore shall be recorded in the book, kept for the purpose indicating therein, among others, the name of the manufacturer, the original stock, lot and control numbers of the main ingredients of the prescriptions, which book shall be open to inspection by the proper authorities at any time of the day when the pharmacy is open to the public and must be preserved for a period of not less than two years after the last entry in it has been made. All prescriptions shall be attached to said book
for prescriptions and numbered consecutively and shall be preserved for two years.

Section 33. *Inhibition Against Use of Cipher or Unusual Terms in Prescriptions and Prescription Switching.*- No pharmacist shall compound or dispense prescriptions recipes or formulas which are written in ciphers, codes or secret keys or in which they are employed unusual names of drugs which differ from the names ordinarily used for such drugs in USP/NF. No pharmacist dispensing or compounding prescriptions shall substitute the drug or drugs called for in the prescription with any other drug or substance or ingredient without prior consultation with, and a written consent of, the person prescribing.

Section 34. *Provisions Relative to Dispense of Violent Poisons.*- Every pharmacist who dispenses, sells or otherwise delivers any of the violent poisons intended for medicinal use, to wit:

(1) arsenical preparations,
(2) phosphorus;
(3) corrosive sublimate;
(4) atrophine,
(5) strychnine,
(6) or any of their salts;
(7) hydrocyanic acid or prussic acid;
(8) oil of mirbane (Nitro-benzene); and
(9) such other poisonous substances which may be classified as violent by the BFAD; shall do so only upon prescription of a duly licensed physician, dentist or veterinarian. He shall enter into a separate book, the date of each sale and the name and address of purchaser, the name and quantity of the poison sold and the purpose of the purchase.

No prescription, the prescribed dose of which contains a dangerous quantity of poison, shall be filled without first consulting the prescribing authority and verifying the prescription. The pharmacist shall affix to every box, bottle or other package containing any dangerous or poisonous drug, another label of red paper upon which shall be printed in large letters the word “Poison” and a vignette representing a skull and bones.

No poison mentioned shall be sold or otherwise delivered to any person less than eighteen years of age or who is mentally deranged or under the influence of liquor or one who is apparently addicted to opiates and other habit forming drugs.

The books kept for the purpose of recording the sale of violent poisons shall be open at all times to the inspection of the proper authorities, and such book shall be preserved for at least five years after the last entry.

Should any of the poisons above-stated be intended for purposes other than medical, the same may be sold without a prescription by the pharmacist but the other requirements of this section must be complied.

Section 35. *Provisions Relative to Dispensing of Less Violent Poisons.*- Every pharmacist who dispenses, sells or delivers any poison which is less violent in category as classified by the BFAD may do so even without the prescription of a physician and its sale may be recorded in the poison book. The other requirements as provided for in

Section 36. *Receptacle for Poisonous Drugs.*- The poisonous drugs specified in Sections 34 and 35 shall be kept in a cabinet kept securely locked when not in use.

Section 37. *Provisions Relative to Dispensing of Anticonceptional Substances and Devices.*- No drug or chemical product or device capable of provoking abortion or preventing conception as classified by the BFAD shall be delivered or sold to any person without a proper prescription by a duly licensed physician. The pharmacist in charge of a drugstore or pharmacy after filling a prescription containing abortive or anticonceptional substance or devices shall record in a separate register book for abortives and anti-conceptionals, the following data:

a. Number and date of the prescription;
b. Name and address of the physician;
c. Name, quantity and manufacturer of the drug;
d. Name and address of the purchaser;
e. Date of filing the prescription; and
f. Signature of the pharmacist filling the prescription.

Section 38. *Provisions Relative to Dispensing of Potent Drugs.*- Every pharmacist who dispenses, sells or delivers any drug which falls under the classification of the BFAD as potent drugs shall do so only upon prescription of a duly licensed physician, dentist or veterinarian.

Section 39. *Requirements for the Opening and Operation of Drugstores and Pharmacies.*- The minimum requirements necessary for the opening and operation of drugstores and pharmacies shall be in accordance with the rules and regulations prescribed by the BFAD. No application for opening of a retail drugstore shall be approved unless it is signed by a Filipino registered pharmacist, either as owner or as supervising pharmacist (as amended by P.D. 1363 on May 2, 1978).

Section 40. *Penal Provisions.*- (As amended by E.O. 174 on May 22, 1987) (1) any person who shall violate any of the provisions of Sections 12, 24, 25, 26, 27, and 29 of this Act or (2) any person who shall make false representation to procure a registration certificate as pharmacist for himself or for another or (3) any person who shall allow anyone in him employ who is not a registered pharmacist to engage in the practice of pharmacy or (4) any person who shall falsely display within the establishment the certificate of registration of a pharmacist not actually and regularly employed therein as such or (5) any person that acts 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 on day but not more than four years, in the discretion of the court.

Section 41. *Other Penalties.*- Any citizen or person other than the citizens of the Philippines having been found guilty of any violation as provided for in this Act shall, after having paid the fine or having served his sentence or both as required, be also subject to deportation.

Section 42. *Definition of Terms.*- For purposes of this Act, the term

a. “Pharmacy” or “Drug Store” means a place or establishment where drugs, chemical products, active principles of drugs, pharmaceuticals, proprietary medicines or pharmaceutical specialties, devices and poisons are sold at retail and where medical, dental and veterinary prescriptions are compounded and dispensed.
b. “Drug or Pharmaceutical Laboratory” or “Pharmaceutical Manufacturing Laboratory” means an establishment where pharmaceuticals, proprietary medicines or pharmaceutical specialties are prepared, compounded, standardized and distributed or sold.
c. “Wholesaler” means and includes every person who acts as a merchant, broker or agent, who sells or distributes for resale pharmaceuticals, proprietary medicines or pharmaceutical specialties.

d. “Person” includes an individual, partnership, corporation or association.
e. “Drug” means (as amended by E.O. 174 on May 22, 1987):
   (1) articles recognized in the current official United States Pharmacopoeia/NF, official Hemeophathic Pharmacopoeia of the United States, official National Formulary, or any of their supplement;
   (2) articles intended for use in the 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 component parts or accessories.
f. “Pharmaceuticals” “Proprietary Medicines” or “Pharmaceutical Specialties” means any drug, preparation or mixture of drugs marked under a trade name and intended for the cure, mitigation or prevention of disease in man or animals.
g. “Device” means instruments, apparatus or contrivances including their components, parts and accessories, intended
   (1) for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; or
   (2) to affect the structure or any function of the body of man or animals.
h. “Biological Products” are viruses, sera, toxins and analogous products used for the prevention or cure of human diseases.
i. “Poison” is any drug, active principles, or preparation of the same, capable of destroying life or seriously endangering health when applied externally to the body or introduced internally in moderate doses.
j. “Cipher” means a method of secret writing that substitutes other letters or characters for the letter intended or transposes the letter after arranging them in blocks or squares.
k. “Code” means a system of words or other symbols arbitrarily used to represent words.
l. “Secret Keys” means a characteristic style or symbols kept for the knowledge of others or disclosed confidentially to but one or a few.

Section 43. *Final Provisions.*- To carry out the provisions of this Act, there is hereby authorized to be appropriated, out of any funds in the Nation Treasury not otherwise appropriated the sum of thirty thousand pesos (P30,000.00) within the Fiscal year of the approval hereof. Thereafter, such funds as are necessary for the maintenance and operation of the Board of Pharmacy and the Council of the Pharmaceutical Education shall be included in the annual General Appropriations Act.

Section 44. *Repealing Clause.*- The following are hereby repealed: Sections seven hundred seventeen to seven hundred fifty-seven inclusive, Sections two thousand six hundred seventy-seven inclusive of the Revised Administrative Code, as amended; and such other laws or part of law, executive orders, circulars, regulations and memoranda inconsistent or incompatible with this Act.

Section 45. *Separability of provisions.*- If any part, section or provisions of this Act shall be held invalid or unconstitutional, no other part, section or provision there of shall be affected thereby.

Section 46. *Effectivity.*- This Act shall take effect upon its approval.

Approved, June 21, 1969.