

FURTHER IMPROVING ACCESS TO HEALTHCARE THROUGH THE REGULATION OF PRICES IN THE RETAIL OF DRUGS AND MEDICINES

EXECUTIVE ORDER NO. 155, December 07, 2021

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WHEREAS, Section 2 of Republic Act (RA) No. 9502 or the "Universally Accessible Cheaper and Quality Medicines Act of 2008," declares it a policy of the State to protect public health and, when public interest or circumstances of extreme urgency so require, to adopt appropriate measures to promote and ensure access to affordable quality drugs and medicines for all;

WHEREAS, Executive Order (EO) No. 104 (s. 2020) imposed Maximum Retail Price (MRP) and/or Maximum Wholesale Price (MWP) on 87 drug molecules or 133 drug formulas of selected drugs and medicines which address the leading causes of morbidity among Filipinos;

WHEREAS, EO No. 104 created a Technical Working Group (TWG), composed of representatives from the Department of Health (DOH) and the Department of Trade and Industry (DTI), for the purpose of reviewing, in consultation with stakeholders, the prices of other drug molecules or drug formulas;

WHEREAS, after conducting a price review using the methods of international reference pricing among ASEAN countries, mark-up regulation, and stakeholders' consultation, the TWG recommended, and the DOH endorsed the imposition of MRP and MWP on the remaining drug formulas of selected drugs and medicines; and

WHEREAS, consistent with the overall strategy under RA No. 11223 or the "Universal Health Care Act," to improve access to affordable and quality medicines and reduce health-related out-of-pocket expenses of Filipinos, there is a need to further impose MRP and MWP on other drugs and medicines commonly used for the leading causes of morbidity in the country;

NOW THEREFORE, I, RODRIGO ROA DUTERTE, President of the Republic of the Philippines, by the power vested in me by the Constitution and existing laws, do hereby order:

Section 1. Price Regulation on the Retail and Wholesale of Drugs and Medicines. The price regulation through MRP and/or MWP under EO No. 104 shall be imposed on the 34 drug molecules or 71 drug formulas indicated in Annex A of this Order.

Section 2. Labelling Requirement for MRP Drugs and Medicines. Every manufacturer, importer, distributor, wholesaler, trader or retailer of a drug/medicine intended for sale shall display the retail price which shall not exceed the MRP. The MRP, preceded by the words "RETAIL PRICE NOT TO EXCEED," and "UNDER DRUG PRICE REGULATION," on a red strip, shall be clearly printed on the label of the immediate container of the drug and medicine and the minimum pack thereof offered for retail. The labelling shall also be applied to drug formulas or medicines under MRP through EO No. 104.

Section 3. Review. The list of medicines and their corresponding MRPs and/or MWPs, and those covered by EO No. 104, shall be subject to the review of the DOH, in consultation with the DTI, six (6) months after the effectivity of this Order, and every 6 months thereafter.

Section 4. Measures to Improve Access to Medicines. The DOH, in consultation with relevant government agencies, including the DTI and the Philippine Competition Commission, is hereby directed to study and propose measures, including, but not limited to pooled procurement, price negotiation and other mechanisms, which will influence the supply, demand and expenditure on drugs and medicines, in accordance with RA No. 9502, and other relevant laws and regulations.

Section 5. Implementing Guidelines. As may be necessary, the DOH shall formulate guidelines for the effective implementation of this Order.

Section 6. Agency Support. The Presidential Communications Operations Office is hereby directed to provide the necessary support and assistance to the DOH for the dissemination of information relative to this Order.

All other government agencies and instrumentalities including government- owned or-controlled corporations, government financial institutions and state colleges and universities, are hereby directed to provide the necessary support to the DOH in the information dissemination, enforcement and implementation of this Order.

Section 7. Violations. Any violation of this Order shall be dealt with in accordance with RA No. 9502, and other related laws. Pursuant to Section 19 of RA No. 9502, the Secretary of Health is directed to investigate alleged violations of the MRP and/or MWP under this Order, impose administrative fines and penalties, and call upon and deputize government entities for assistance necessary to carry out the purpose of this Order.

Section 8. Transition. Within a non-extendable period of ninety (90) days from the effectivity of this Order, existing inventory stock shall be disposed of at prevailing prices. Thereafter, regardless of the status of the existing stock, the MRP and/or MWP under this Order shall be strictly implemented.

Section 9. Separability. If any part or provision of this Order shall be held unconstitutional or invalid, the other parts not affected thereby shall continue to be in full force and effect.

Section 10. Repeal. EO No. 821 (s. 2009) is hereby repealed. All executive issuances, orders, rules and regulations or parts thereof inconsistent with this Order are hereby revoked or modified accordingly.

Section 11. Effectivity. This Order shall take effect upon its publication in the Official Gazette or in a newspaper of general circulation.

DONE, in the City of Manila, this 7th day of December in the Year of Our Lord, Two Thousand and Twenty-One.

(SGD.) RODRIGO ROA DUTERTE

By the President:

(SGD.) SALVADOR C. MEDIALDEA
Executive Secretary

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