PHARMACEUTICAL LAW AND PRACTICE

BY

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FOREWORD

During the last two decades, interrupted by three dark years of enemy occupation, there has developed among local authors a keen interest in the compilation and codification of our laws. Law books covering a variety of subjects are abundant, but the realm of pharmacy is still unexplored. Obviously, this explains the reason why local legislation on the subject is scant although there are strong indications that the profession will receive increased attention from the Government in view of the changed conditions that came in the wake of World War II and the militant activities of the Philippine Pharmaceutical Association.

In modern life, convenience has become one of the great goals, and even in the cultural field, professionals and students alike are growing impatient over the waste in time and labor. This book has been published to fill a need and is intended primarily for practicing pharmacists and students of pharmacy. The general public, however, may find some good use for it either for cultural or business purposes.

No pretense is here made that this book is complete. Personal limitations and the destruction of many public and private records by the war have rendered it most difficult to make any work of this kind complete. Yet, inspite of the many difficulties that attended its preparation, the book has been brought as up-to-date and thorough as possible with the use of available materials.

The author takes this occasion to express his grateful acknowledgment to Dr. Juan Rosales for important data supplied referring particularly to the history of the practice of pharmacy in the Philippines, and to Atty. Arturo Zialcita for the revision of the draft and for valuable suggestions made to improve the quality of the work.

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CHAPTER I

THE PHARMACEUTICAL PROFESSION IN THE PHILIPPINES

Authentic records as to how the practice of pharmacy in the Philippines started are not available. It is, however, to be admitted that like the Egyptians, the Arabs, the Indians, the Chinese, the Oceanians, and the rest of the Malayans and other races in the Orient, the aborigines of the Philippines practised the art of healing simultaneously with the art of preparing, compounding, and mixing of remedies that they had at the time for the alleviation and cure of human ailments. Those dedicated to these occupations acquired their knowledge on supposed or real virtues of remedies, either through tradition, inheritance, verbal transmission from one generation to another, or by individual experiences. These remedies were, in their majority, of plant origin like trees, herbs, musk (bark, cortex, roots, leaves, flowers, fruits); some from animals (blood, bone, horn, skin, external and internal organs); and some from minerals (lime, sulphur, iron, etc.). The inroads of civilization have thrown these remedies into wide disuse, but their traces may still be found in remote places and in a few unchartered regions where the inhabitants stubbornly cling to enchantment, superstition, faith, religion, custom, and the like, as necessary if not indispensable accessories to the practice of healing.

When the Iberian conquerors landed for the first time and walked on Filipino soil, Spanish remedies and medicinal preparations of common use, came with them. The expedition had among its members, if not physicians or pharmacists, persons, usually priests, who had some knowledge of medicine and pharmacy, to look after the health of its members. Missionaries who arrived later on were the first to study native medicinal plants and learned from our

old *curanderos* or *herbolarios* the procedure of mixing or preparing them for the treatment of different kinds of diseases.

Spanish culture and civilization fundamentally of Latin origin had been firmly and continuously instilled into our country. The increasing Spanish colony had, by its culture and customs, to seek for facilities and comfort they enjoyed in their motherland. In a foreign land like ours, very much distinct in climatic conditions and in many other aspects from their own, the Spaniards were naturally exposed to diseases, especially those that were common in the tropics. These conditions forced the Spanish government in the Islands to secure the services of private physicians and pharmacists from Spain not only to minister to the health of the conquerors but also for the benefit of the whole community.

In 1830, during the reign of King Ferdinand VII of Spain, Dr. Lorenzo Negrao, a Spanish citizen, made his way to Manila by the only known route, from Europe to the Far East, around the Cape of Good Hope, in a sailing vessel of light tonnage and established a drug store at the Escolta. The establishment of "Dr. Negrao's Pharmacy" marked the beginning of the practice of pharmacy in the Philippines as it is presently understood.(1) To open a *botica* or pharmacy, an application for that purpose had to be submitted to the government, thru the *direccion de beneficencia.* The inspection was made by the *delegados de farmacia* who were to recommend the approval or disapproval of the application. In case of approval, the permit was to be issued and signed by the Governor General himself with the official seal of the Government of the Philippines. Several drug stores had been established subsequently, among them being the Botica Boie, Botica Zobel,

(1) Note: Exact data or even reliable information about the establishment of the first botica previous to that of Dr. Negrao are not available, although the Spanish army was provided with the services of army pharmacists and the necessary medicines and drug supply, according to the Spanish Military Law.

Botica Antigua de Ramirez, and in the latter part of the 19th century, the Botica de Binondo, Botica Ampuero, Botica de San Fernando, Botica de Quiapo de Ocampo y Arevalo, Botica de Rama y Perez, Botica de Leon, all in Manila, and Botica Alandy in Tayabas.

In 1871, the facultad de Farmacia of the Real y Pontificia Universidad de Santo Tomas, was founded. Among the first Filipino pharmacists who graduated in 1876 was the late Don Leon Ma. Guerrero of world fame as botanist and chemist. It was then that Filipino pharmacists participated in the real and active practice of pharmacy in our country. At the outbreak of the Philippine Revolution, there were approximately 150 Filipino pharmacists in the Islands.

When the Republic of the Philippines was proclaimed in Malolos, the Universidad de Filipinas was already organized and functioning first at Tambobong, and later in Barasoain, Bulacan, with its *facultad de farmacia,* the second school of pharmacy to be established. However, during the Philippine Revolution and the short life of the first republic, the Spanish Pharmacy Law governed the practice of pharmacy throughout the Archipelago.

"At those times there was no Board of Pharmaceutical Examiners; diploma issued by the University of Sto. Tomas or by the University of the Philippines during the first republic was sufficient for one to practice his profession, with the restrictions imposed by the *direccion de beneficencia* and by the so-called *delegados de farmacia* of the Spanish government, with the official pharmaceutical *petitorios* and *tarifas* or price schedules; the profession seemed to have a ministerial character with many responsibilities imposed by the State."

"According to the Spanish pharmacy law, not only the simultaneous practice of pharmacy and medicine was prohibited, but that the pharmacist neither could own nor manage a *botica* in a locality where a physician related to

him by first degree is practicing medicine."(1) Moreover, the widow or heirs of a deceased pharmacist who owned the *botica,* were given one year to dispose of said *botica* after which, if not sold, it could not continue operating."

"The Spanish law also provided that no physician should be appointed as *medico titular* of a province if in the capital of said province there is only one established botica owned by a pharmacist who is closely related to the candidate physician for the position; nor the pharmacist can practice his profession in a locality if in that place there is but only one physician who is a relative of the former. The pharmacist was required by the law to live in his establishment. He was not allowed to sell articles or merchandise other than medicines and apparel or objects of curative application or of immediate use for the cure of ill persons. The sale of secret remedies was prohibited. It was also prohibited to advertise remedies and medicines in periodicals other than professional, medical, pharmaceutical or veterinarian publications; prices were regulated by official schedules or *tarifas;* old medicines that by their age and bad preparation or replacements were altered or deteriorated, had to be condemned, destroyed or burned in the presence of the *visitador* or *subdelegado de farmacia;* the pharmacist had also to be forensic chemist when so required by the Government; there was a rigid morale in the practice of his profession; and the pharmacist saturated of knowledge, surrounded with certain mystery within his laboratory and kept apart, in some way, from the public, was considered like the old priests who monopolized Alchemy in remote ages."

"In the said epoch, the country was tributary of foreign element in regard the *boticas* or pharmacies. This existed only in the province of Manila and some other provinces and the rest of the country was at the mercy of the *curanderos* and *herbolarios.*(1)

(1) M. Manalo — Proceedings of the I Phil. Pharm. Convention, 1921.

The Spanish Pharmacy Law was repealed when ORDEN NUMERO DOCE, CUARTEL GENERAL, PREBOSTE MARISCAL GENERAL, CIUDAD DE MANILA, was proclaimed by the American Military Government established in the Philippines. This order was, however, short-lived in regard to the practice of pharmacy as after the Treaty of Paris of 1898 and when the Civil Government was organized, the Philippine Civil Commission approved in 1903, Act No. 597, An Act Regulating the Practice of Pharmacy in the Philippines. This act which created the Board of Pharmaceutical Examiners, may now be considered as the basic pharmacy law in the Philippines. Subsequent enactments (Acts Nos. 1655, 1761, 1921, 2236, 2342, 2382, 2680, 2762, 3272, 3536, 3704, 3740, 4007, and 4162) relating to pharmacy merely amended or supplemented this act, and with the exception of a few which are treated separately elsewhere in this book, had been incorporated in Chapter 30 of Act 2711, otherwise known as the Revised Administrative Code of 1917.

The Food and Drugs Act which sets the standard of purity of food and drugs, the Opium Law which includes provisions for the control of the traffic in opium in the legitimate as well as in the illicit trade, and the Biologic Products Law are enactments passed during the first quarter of the 20th century adaptable to conditions then existing. The pharmaceutical profession has progressed tremendously during the second quarter of the century, and conditions have gradually changed rendering most of the provisions of our present pharmacy law obsolete. Aware of the growing importance of the pharmaceutical profession, and feeling the imperative need of a thorough revision of the law, the Filipino pharmacists, in their last annual convention held in Cebu City in December, 1947, adopted a resolution approving in principle the integration of the Philippine Pharmaceutical Association.

CHAPTER II

THE BOARD OF PHARMACEUTICAL EXAMINERS AND INSPECTORS

Brief Historical Sketch

The Board of Pharmaceutical Examiners was first constituted in 1903 by the then Commissioner of Health with the approval of the Board of Health. It was composed of a chairman and two members. The first board was appointed for a term of one, two and three years. Subsequent appointments were for a term of three years. The members of the board then received two dollars for each candidate examined and one dollar and fifty cents for each candidate for examination as *Practicante de Farmacia.* As thus constituted, the Board had for its main function, the giving of examination to persons desiring to practice pharmacy in the Philippines.

With the passage of Act No. 2762, the Board of Pharmaceutical Examiners was also made a pharmacy inspection board with additional duties. Hence, the name Board of Pharmaceutical Examiners and Inspectors. The members of the board were appointed by the Secretary of the Interior, and its Chairman was given an annual salary not to exceed four thousand pesos. As constituted by Section 10 of Act 4007, otherwise known as the Reorganization Act of 1932, the Chairman and the two members of the board were to be appointed by the Secretary of Public Instruction for a term of one year and to receive a compensation not to exceed five pesos per capita of the candidates examined as may be determined by the Secretary of Public Instruction.

By virtue, however, of Executive Order No. 317, creating the Department of Health in 1941, and Executive Order No. 94 of October 4, 1947, the members of the Board of Pharmaceutical Examiners and Inspectors are now ap-

pointed by the Secretary of Health, also for a term of one year.

Qualifications of the members of the Board

As originally provided in Act 597 which was incorporated in Chapter 30 of the Revised Administratice Code, the members of the Board of Pharmaceutical Examiners shall, at the time of their appointment, be registered first class pharmacists in good standing, with five consecutive years of practical experience in compounding and dispensing physicians' prescriptions. A pharmacist who is a member of the faculty of any school, college or university where any branch of pharmacy is taught or who has any pecuniary interest in such an institution, is barred from membership in the Board. In addition to this and pursuant to Section 5 of Act 2762, as amended by Act 3272, the chairman of the board shall not be "owner, manager or employee of a pharmacy, dispensary, drug store, or a similar establishment nor be directly or indirectly interested in such establishment." Section 10 of Act 4007, which is a later enactment, provides that members of the various boards of examiners shall be appointed "from among persons of recognized standing in their respective professions."

The Secretary of Justice, in his indorsement dated June 3, 1936, to the then Commissioner of Health and Welfare, expressed the opinion, in construing Section 10 of Act 4007, that the power to make appointments to the Board of Pharmaceutical Examiners is restricted only by the requirement that the appointees should be persons of recognized standing in their profession. Thus:

> *"It is to be noted in this connection that prior to the passage of Act No. 4007, the qualifications of the members of the different boards of examiners were not standardized. While, in some, it was required that they should have had a number of years of actual practice of their respective professions; in some, there was a disqualification on the ground of membership in the faculty of any college, school, or university where the branch of the examination to be given by them is taught;*

in others, no such disqualification existed. It is probably to correct these inequalities that the Legislature standardized the qualification for membership in all the boards of examiners, leaving to the appointing power the discretion in the choice of the members of such boards, limited only by the requirement that they all be persons of recognized standing in their respective professions,—a requirement which, in the hands of a discreet appointing power, is all that would be needed to insure the appointment of honest and impartial examiners."

The above-quoted opinion of the Secretary of Justice has raised the question of implied repeal of the provisions of Act No. 597, referring to the qualifications of the members of the Board of Pharmaceutical Examiners. For the purposes of this treatise, no elaborate discussion is considered necessary. The provisions of Section 1 of Act No. 597 are not repugnant to the provisions of Section 10 of Act No. 4007, and this belief finds support in an opinion of the Acting Solicitor-General, dated May 22, 1918, which reads:

x x x "the same is based on the rule that there must be a repugnancy between the two statutes, resulting from the fact that they relate to the same subject and are enacted for the same purpose; in other words, that there must be a conflict between different acts on the same specific subject. This is the general doctrine regarding this subject."

At all events, since Act No. 4007 went into effect, appointments to the Board of Pharmaceutical Examiners have invariably followed the spirit and letter of the law, the object being to protect the integrity of every examination and to secure absolute impartiality and fairness to all schools and colleges engaged in the teaching of pharmacy.

Removal of Members of the Board

The Secretary of Health may remove any member of the Board of Pharmaceutical Examiners for continued neglect of duty or incompetency, or for unprofessional or dishonorable conduct.

Secretary of the Board

The duties of the Secretary of the Board contemplated in Section 723 of the Revised Administrative Code are not

the same as those provided in Section 10 of Act No. 4007. Moreover, in the former, a member of the Board is designated as Secretary while by virtue of Act No. 4007, a subordinate officer of the Bureau of Civil Service acts as Secretary. Under Section 723, the Secretary is required to keep a record of the proceedings of the Board and a register of all persons to whom certificates of registration as pharmacist, second-class pharmacist, registered apprentice in pharmacy, or Chinese druggist have been granted, stating further the name, age, sex, and place of business of each, his post-office address, the name of the pharmaceutical school, college, or university from which he graduated, or in which he has studied pharmacy, if any, and the date of such graduation or length and date of such graduation or length and date of such term of study together with the time spent in the study of pharmacy elsewhere, if any, and the names and locations of all institutions which have granted to him degrees or certificates of lectures in pharmacy, and all other degrees granted to him from institutions of learning. On the other hand, Section 10 of Act No. 4007 aforementioned requires that all the records of the Board of Pharmaceutical Examiners including the examination papers and the minutes of the deliberations of the board be kept in the bureau. It is to be noted, however, that the duties of the Commissioner of Civil Service as Executive Officer of the Boards of Examiners is premised upon the statement that *"he shall conduct the examinations* given by the various boards of examiners." The records referred to in Section 10 of Act No. 4007, therefore, are records relating to the conduct of examination and do not include those which pertain to the other functions of the board. This view is strengthened by the latter part of section 10 of Act No. 4007, wherein it is provided that after the results of the examination are submitted to the Department Secretary concerned and approved by him, "he shall issue a license

or certificate entitling the person to whom it is issued to practice the profession for which he has taken the examination." The registration, therefore, of the successful candidates in the examination is the prerogative of the Secretary of Health and it follows that all records pertaining thereto should be kept in the Department of Health. The records of the Board of Pharmaceutical Examiners in its capacity as Pharmacy Inspection Board and as Board of Drugs are also kept in the Department of Health.

CHAPTER III

FUNCTIONS AND DUTIES OF THE BOARD

The Board of Pharmaceutical Examiners is vested with authority to perform functions and duties covering not merely the examination and registration of pharmacists but also such functions and duties with regard to the inspection and regulation of pharmacies, drug stores, dispensaries and similar establishments, the dispensing and sale of drugs, medicines, poisons, and acts as an inspection board and as Board of Drugs in passing upon questions having relation to the Pharmacy Law and the regulations. Specifically, the Board of Pharmaceutical Examiners has the following functions and duties, most of which are provided in Act No. 2762:

1. To examine candidates desiring to practice pharmacy in the Philippines.

2. To recommend the issuance and to revoke certificates of registration for practitioners of pharmacy.

3. To study the conditions affecting the practice of pharmacy in the Philippines with a view to maintaining an efficient technical and ethical standards in the pharmaceutical profession.

4. To promulgate such rules and regulations as may be necessary to carry into effect the provisions of the Pharmacy Law and for the exercise of the pharmaceutical profession subject to the approval of the Secretary of Health.

5. To prepare a program of subjects three months before the date of the examination when it is to be used in such manner that the same shall contain all of the knowledge that ought to be required from the candidates to show him capable of practising pharmacy, subject to the approval of the Secretary of Health.

6. To authorize the opening of pharmacies, drug stores, and dispensaries, and similar establishments, after inspection by persons authorized by law.

7. To inspect at least once each year the pharmacies, dispensaries, drug stores, and similar establishments established in the Philippines and the pharmacies and dispensaries belonging to hospitals, asylums, prisons, sanatoria, and similar establishments.

8. To collect samples of drugs, medicines, specifics, remedies, beauty preparations, toilet articles and similar products displayed for sale or imported through the custom houses of the Philippines for medicinal or aesthetic purposes for the purpose of forwarding the same in accordance with the provisions of the law and the regulations issued thereunder and of the Pure Food and Drugs Act to the Division of Laboratories, Department of Health, for analysis and examination and to exclude from sale those not conforming to the standards of quality, concentration, and purity established by the Pharmacopoeia of the United States, last edition, or by recognized formulary, provided the person concerned certifies in writing to the authenticity of the formula taken from a foreign formulary.

9. To classify, regulate and issue license to persons of good moral character for the sale of drugs, medicines, and household remedies of common use upon examination satisfactory to the Board in pueblos or barrios in which no pharmacy exists and which are situated not less than five kilometers away from any pharmacy.

10. To report, if called upon, on any conflict that may arise between pharmacists or druggists and the Bureau of Internal Revenue or any other office or bureau of the insular government.

11. To classify and regulate the sale of poisonous, abortive, corrosive, and anticonceptional substances, in

accordance with section fifteen hundred and seventy-five of the Administrative Code.

12. To conduct investigations of violations of the Pharmacy Law and the regulations issued thereunder and to make a written decision or report of its findings to the Secretary of Health, furnishing the respondent a copy of the same.

13. To act as a technical advisory committee to the Bureau of Private Schools on matters affecting technical and professional education in private colleges of pharmacy.

On the question as to whether or not the provisions of Act 2762 are still in force in view of the passage of Act 4007, commonly known as the Reorganization Act of 1932, the Secretary of Justice, on April 24, 1934, rendered the following opinion:

> *"Opinion is requested on the question as to whether or not the provisions of Act No. 2762 are still in force in view of the passage of Act No. 4007, commonly known as the Reorganization Act.*
>
> *"The original Pharmacy Law, found in Chapter XXX of the Revised Administrative Code of 1917, provides for a Board of Pharmaceutical Examiners. Subsequently, with the enactment of Act 2762, the aforesaid Board was made to act at the same time as a Pharmacy-Inspection Board with additional duties, powers, and attributes, and its name changed to Board of Pharmaceutical Examiners and Inspectors (Sec. 3 of Act 2762).*
>
> *"The passage of Act 2762, however, did not have the effect of repealing in its entirety the provisions of Chapter XXX of the Revised Administrative Code as could be clearly seen in the enactment by the Philippine Legislature of Act 3272 which amends section 744 of the aforementioned Chapter XXX of the Revised Administrative Code (Pharmacy Law) and section 5 of Act 2762.*
>
> *"Now then, what effect, if any, did the passage and approval of Act 4007 have upon the provisions of Act 2762? Section 10, paragraph 2, of said Act makes reference to a Board of Pharmaceutical Examiners. Nowhere in it can a provision be found regarding the Board of Pharmaceutical*

Examiners and Inspectors provided for in Act 2762. Does this change in name necessarily imply that Act 2762 has thereby been repealed? Obviously not, for the last paragraph of section 10 of Act 4007 clearly and specifically provides that 'Except as modified by this Act (4007), all laws governing examinations given by the above-mentioned boards (among which is the Board of Pharmaceutical Examiners) shall continue in force.' The only modifications introduced by Act 4007 with regard to the Board of Pharmaceutical Examiners are to be found in the second, third, and fourth paragraphs of section 10 thereof. The provisions, therefore, of Act 2762 which have not been modified by section 10 of Act 4007 or are not inconsistent with it are to be considered in force (Section 44, Act 4007), for it is a cardinal rule of statutory construction that repeals by implication are not favored. (Martin v. Nacianceno, 19 Phil. 238; Lichauco & Co. v. Apostol, 44 Phil. 138, 147, 149.)"

1. *To examine candidates desiring to practice pharmacy in the Philippines.*

Examination requirement.—Unless otherwise provided, all applicants for registration as pharmacist will have to undergo an examination. A foreign pharmacist may be admitted to examination upon presentation of satisfactory evidence that the country of which he is a subject or citizen permits Filipino pharmacists to practice within its territorial limits. Evidence of reciprocity is admissible only when the foreign applicant submits such evidence in accordance with Section 41, Rule 123, of the Rules of Court, as follows:

"Proof of public or official record.—An official record or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody. If the office in which the record is kept is in a foreign country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent, or by any officer in the foreign service of the

Philippines stationed in the foreign country in which the record is kept, and authenticated by the seal of his office."

Exemption from examination.—Persons are exempt from examination who can present to the Board of Pharmaceutical Examiners evidence that they had, prior to the ratification of the Treaty of Paris, been qualified under the Spanish law to practice pharmacy in the Philippines or that prior to the ratification of the Treaty of Paris, received the degree of licentiate of pharmacy from the University of Santo Tomas in Manila.

Conduct of Examination.—Examinations for those desiring to practice pharmacy in the Philippines are given by the Board on the first Tuesdays of January and July of each year. Section 10 of Act No. 4007 makes it the duty of the Commissioner of Civil Service, who is designated Executive Officer of the Boards of Examiners, to conduct the examinations given by the Board of Pharmaceutical Examiners. All records of examinations are kept in the Bureau of Civil Service under the custody of the person designated Secretary of the Boards of Examiners who is a subordinate employee of the Bureau of Civil Service. The chairman of the Board of Pharmaceutical Examiners reports the results of the examination to the Executive Officer (the Commissioner of Civil Service) who shall submit such results to the Secretary of Health.

Qualifications of candidates. — Any person applying for examination must establish to the satisfaction of the Board:

(a) That he is of good moral character;

(b) That he is registered in the office of the Board as an apprentice in pharmacy at least three years before applying for examination;

(c) That he has had at least three years' practical experience in a pharmacy where the prescriptions of physicians, dentists, or veterinarians are compounded and where drugs, medicines, and poisons are sold at retail;

(d) That he has been graduated from a legally chartered school, college or university in which professional pharmacy is taught for a period of not less than four years of nine months' course each: PROVIDED, That this provision shall be in force from the date of the examination in pharmacy to take place in July of nineteen hundred and thirty-four; PROVIDED, further, That any person admitted to examination before the Board prior to the examination in pharmacy of July, nineteen hundred and thirty-four, may hereafter take the examination without fulfilling the requisites provided for in this paragraph; and

(e) That he has satisfactorily completed the secondary course in a public high school or one duly recognized by the Government.

Subjects covered.—The applicants are examined on the following subjects:

General chemistry
Inorganic chemistry and organic chemistry applied to pharmacy
Botany
Pharmacology
Pharmacognosy
Qualitative analytical chemistry and its special application to the analysis of medicines
Quantitative analytical chemistry
Toxicology
Pharmaceutical practice
Compounding of prescriptions
Bacteriology and hygiene
Pharmaceutical legislation

The examination given by the Board of Pharmaceutical Examiners now consists only of one exercise—the theoretical exercise—the practical examination as heretofore given having been abolished by the following resolution of the Board of Pharmaceutical Examiners which was approved by the Secretary of Health on December 24, 1947:

"Resolution No. 9
Series of 1947

"The Board of Pharmaceutical Examiners, in its session held today, had for consideration Sections 4 and 5 of the REGULATIONS GOVERNING THE EXAMINATION OF CANDIDATES FOR REGISTRATION AS PHARMACIST, and after a careful deliberation, resolved to amend the aforecited sections of the regulations, so as to read as follows:

'Sec. 4. The examination shall consist of one exercise, the theoretical examination.

'Sec. 5. The theoretical examination shall last three days and shall include the following subjects:

General Chemistry
Organic Chemistry applied to pharmacy
Inorganic Chemistry applied to pharmacy
Pharmaceutical Legislation
Botany
Pharmacology and Pharmacognosy
Toxicology
Bacteriology and Hygiene
Qualitative Analytical Chemistry and its special application to the analysis of medicines
Quantitative Analytical Chemistry
Practice of Pharmacy
Dispensing of Prescriptions

"Each subject shall have a value of 100% and shall be given a period of two hours with the exception of Practice of Pharmacy, Dispensing of Prescriptions, Qualitative Analytical Chemistry, and Pharmacology and Pharmacognosy, which shall be given in 2-1/2 hours each to include questions which are heretofore given in the practical examination: PROVIDED, however, That those who failed in the practical examination prior to the effectivity of this amendment shall be required to take a practical examination as prescribed in the regulations being amended.

"All provisions of the regulations inconsistent with the present amendment are hereby repealed.

"This amendment shall take effect upon approval by the Secretary of Health.

"Done in the City of Manila on this 20th day of December, nineteen hundred and forty-seven."

As amended, the Regulations Governing the Examination of Candidates for Registration as Pharmacist, reads as follows:

"Section 1. *The Board of Pharmaceutical Examiners shall hold examinations for those desiring to practice pharmacy in the Philippines, which shall be on the first Tuesday of January and July of each year. Those examinations shall be given in the City of Manila, in a place to be announced officially in the press.*

"Sec. 2. *The filing of applications with the Executive Officer of the Boards of Examiners shall begin forty days before the examination, and applications shall only be received during the first thirty days. The applications shall be duly accomplished, accompanied by exhibits A, B, C, and D as required in B.P.E. Form No.* 11 (*application for examination*) *and in addition the candidate shall submit two photographs* 2" x 2-1/2" *which shall hereafter be designated as exhibit "E" of said application blank. The candidate shall possess the requirements provided for in section* 733 *of the Administrative Code as amended. Five days before the examination, the list of candidates admitted shall be made, and candidates not admitted shall be notified.*

"Sec. 3. *For the purposes of admission of candidates in connection with Sec.* 733 *of the Administrative Code as amended, the Board shall only receive certificates and credentials required previous to the study of pharmacy issued by a college or university recognized by the Government.*

"Sec. 4. *The examination shall consist of one exercise, the theoretical examination.*

"Sec. 5. *The theoretical examination shall last three days and shall include the following subjects:*

General Chemistry
Organic Chemistry applied to pharmacy
Pharmaceutical Legislation
Botany
Pharmacology and Pharmacognosy
Toxicology

Bacteriology and Hygiene
Qualitative Analytical Chemistry and its special application to the analysis of medicines
Quantitative Analytical Chemistry
Practice of Pharmacy
Dispensing of Prescriptions

Each subject shall have a value of 100% *and shall be given a period of two hours with the exception of Practice of Pharmacy, Dispensing of Prescriptions, Qualitative Analytical Chemistry, and Pharmacology and Pharmacognosy, which shall be given in* 2-1/2 *hours each to include questions which are heretofore given in the practical examination: PROVIDED, however, That those who failed in the practical examination prior to the effectivity of this amendment shall be required to take a practical examination as prescribed in the regulations being amended.*

"Sec. 6. *Repealed.*

"Sec. 7. *The theoretical examination shall be in writing and the answers may be either in English or Spanish. The answers shall be written with a left margin of not less than ten centimeters. The examination papers are not to be signed nor should they contain symbols, indications, marks or whatever signs that may serve to distinguish one from another, or otherwise identify the candidate. On the contrary, they shall be cancelled and declared null and void. Candidates should bring pen and blue or blue-black ink, and the papers shall be furnished by the Board.*

"Sec. 8. *A candidate should obtain a general average of* 70% *and should not have less than* 50% *in more than one subject in the theoretical examination on the basis of* 100%.

"Sec. 9. *Repealed.*

"Sec. 10. *Repealed.*

"Sec. 11. *Repealed.*

"Sec. 12. *Candidates shall not be allowed to bring to the place of the examination books, notes, memoranda, papers or any other object that may serve them as guide and aid in the examination. Likewise, candidates are strictly prohibited to communicate to each other by words, signs or gestures, papers, writings, or whatever other irregularities that in some way facilitate intelligence among them.*

"Sec. 13. *When the examinations are through and the results are published, the examination papers shall be deposited with the records of the secretary of the Office.*

"Sec. 14. *Candidates are strictly prohibited to communicate directly or indirectly to the members of the Board after the examinations and before the publication of the results, and any complaint or information regarding the examination shall be made in writing and addressed to the Executive Officer of the Boards of Examiners.*

"Sec. 15. *A candidate violating any of the provisions of these regulations shall be summarily expelled from the place of the examination or shall be debarred from taking further examination and may, at the discretion of the Board, be brought to judicial court.*

"Sec. 16. *These revised regulations shall take effect on the day approved by the Honorable, the Secretary of the Interior, and any regulations or orders of the Board inconsistent with any of the foregoing provisions are hereby considered repealed.*

(Promulgated in Manila, P.I., November 7, 1931 *and amended on December* 20, 1947.)

Regulations regarding the conduct of examination are promulgated by the Commissioner of Civil Service subject to the approval of the Secretary of Health.

Fees.—An examination fee of twenty pesos (₱20.00) is collected from each applicant for examination as pharmacist.

2. *To recommend the issuance and to revoke certificates of registration for practitioners in pharmacy.*

Upon approval of the ratings submitted by the Board of Pharmaceutical Examiners and the Executive Officer of the Boards of Examiners, the Secretary of Health issues a license or certificate entitling the person to whom it is issued to practice pharmacy, if he has attained the age of twenty-one years.

Prior to the registration of an applicant who passes an examination, he is required to take the following oath before the Board of Pharmaceutical Examiners:

"I, ... of ....., hereby solemnly swear that I will support and defend the Constitution of the Philippines; that I will bear true faith and allegiance to the same; that I will obey the laws, legal orders, and decrees promulgated by the duly constituted authorities of the Republic of the Philippines; and that I impose this obligation upon myself voluntarily, without mental reservation or purpose of evasion. SO HELP ME GOD.

"I further solemnly swear that at all times and places I will adhere closely to the ethical and professional rules generally accepted by the pharmaceutical profession in the Philippines, and that I will well and faithfully discharge to the best of my ability the duties and obligations incumbent upon a legally authorized pharmaceutical practitioner."

Exemption from registration.—Pharmacists of other countries called for consultation are not required to register.

Certificates issued by the Board.—The Board issues the following certificates:

1. Certificate as apprentice in pharmacy to any person of good habits and moral character reported by a registered pharmacist as having been taken into his employment as a student of pharmacy or an apprentice for the purpose of becoming a pharmacist.

2. Certificate as Chinese Druggist to any citizen of the Republic of China, twenty-one years or more of age, and of good habits and moral character who shall submit to the Board of Pharmaceutical Examiners a certificate from the Chinese Consul at Manila that he is competent and qualified to conduct a Chinese drug store in accordance with the laws and customs of the Chinese Republic together with such other evidence as to his fitness to conduct such a store as the Board may require.

Previously, applicants for Chinese druggist certificates were required to undergo an examination on the following:

a. Notions of weights and measures of the metric decimal system.

b. General knowledge of poisons of Chinese origin and their antidotes.

c. Pharmaceutical legislation and regulations applied to Chinese druggists.

On November 10, 1945, however, the Board abolished the examination requirement for registration as Chinese druggist upon approval by the Secretary of Health. The reason for this action of the Board is contained in the following letter of its Chairman, dated November 10, 1945:

> *"Heretofore, in accordance with the above-mentioned sections, the Board of Pharmaceutical Examiners gives examination to an applicant desiring to be issued a certificate of registration as Chinese Druggist. This examination is conducted by the Board with the aid of an interpreter and translator. The candidates are examined on their knowledge of the Chinese drugs and medicines with which the Board is not acquainted. It has to depend upon practising Chinese druggists for information as to the names and therapeutic effects of the said medicines. It is obvious, therefore, that the secrecy of the subject matter to be taken up in the examination cannot be guaranteed, everything being dependent upon outsiders and the interpreter and translator. Moreover, it seems ridiculous for the members of the Board to give an examination on matters which are foreign to themselves. On the other hand, section 741 of the Revised Administrative Code merely requires the applicant, who must be at least twenty-one years of age and of good moral character, to submit to the Board a certificate from the Chinese Consul in Manila stating that he is competent and qualified to conduct a Chinese drug store in accordance with the laws and customs of the Republic of China together with such evidence as to his fitness to conduct such a store as the Board may require. The additional evidence required by the attached resolution as to the applicant's fitness is the certificate signed by a practising Chinese druggist to the effect that the applicant has practised for a peroid of at least two years in his drug store. There is no better person than the Consul for China himself who can determine the fitness of the applicant to conduct a Chinese drug store accord-*

ing to the laws of China, and with the added requirement that the applicant must have practised for at least two years in a Chinese drug store, it is believed that such an examination as that described above becomes ineffectual."

3. A temporary certificate of registration which shall not remain in force longer than sixty days after the examination next succeeding the date of its issuance, may be issued by any two members of the Board of Pharmaceutical Examiners to an applicant presenting evidence that he possesses the necessary qualifications to practice pharmacy and that he has not failed in any examination before the Board. This certificate cannot be issued when the regular semi-annual examination is pending or is to take place within thirty days.

Fees.—A fee of twenty pesos is collected for each certificate of registration as pharmacist, two pesos for a certificate as apprentice in pharmacy, and twenty pesos for a certificate as Chinese druggist.

When may the Board refuse to issue a certificate.—The Board may refuse to issue a certificate to any person convicted by a court of competent jurisdiction of any criminal offense, or to any person guilty of immoral or dishonorable conduct, or to any person of unsound mind; a written statement setting forth its reason for such action shall be incorporated in the record of the Board.

Grounds for the revocation of certificates of registration.—

1. Conviction of any criminal offense involving moral turpitude.

2. Incompetency, serious ignorance or malicious negligence in the practice of pharmacy;

3. Unprofessional conduct or malpractice;

4. Making exaggerated or false advertisements;

5. Conviction of a crime or misdemeanor involving immoral or dishonorable conduct;

6. Failure to keep a true and correct record of opium, opium compounds, or other prohibited drugs received and dispensed or transferred by him;

7. When the certificate is obtained through error or fraud.

The Board may reprimand any holder of a certificate of registration as druggist, pharmacist, or *practicante de farmacia,* or holder of a license to sell drugs, medicines, or household remedies lawfully obtained from practice, or suspend or revoke at its discretion such certificates of registration or licenses to sell drugs, medicines, or household remedies.

Proceedings for revocation.—Administrative charges may be preferred by any person or persons, firm or corporation, or the Board of Pharmaceutical Examiners *motu propio* may, through its executive officer, prefer said charges. The complaint shall set out distinctly, correctly, and concisely the facts complained of, or supported by affidavits, if any, of persons having personal knowledge of the facts therein alleged, and shall be accompanied with copies of documents which may substantiate the facts. Said complaint shall be filed with the Board of Pharmaceutical Examiners in duplicate, and a copy thereof shall be served upon the respondent or his counsel, at least, two weeks before the date actually fixed for said hearing.

The Board shall make a written decision or report of its findings, signed by the majority members thereof, to the head of the Department and shall furnish the respondent a copy of the same.

If the Board, by majority vote of the members, shall find that the charges are sustained by the evidence adduced, it may at its discretion reprimand the respondent, suspend or revoke his certificate of registration, or license to sell drugs, medicines, or household remedies. In case of suspension, it shall be for a period of not more than six

months. Any person who shall practice pharmacy after his certificate of registration or license has been suspended by the Board, shall be deemed to have practised pharmacy without registration.

For this purpose, the Board may issue subpoena and subpoena *duces tecum* to have witnesses appear and testify before them under oath.

Appeal.—Decisions of the Board of Pharmaceutical Examiners may be brought on appeal to the Secretary of Health whose decision shall be final.

Reissuance of a certificate of registration.—After the expiration of one year and upon application, the Board may issue a new certificate of registration in place of a revoked certificate in the same manner that new ones are issued without the necessity of requiring the applicant to undergo any examination.

(C A S E S)

Conviction of a crime involving moral turpitude

Like the Board of Pharmaceutical Examiners, one of the grounds for the revocation of a certificate of registration of a physician is conviction of a crime involving moral turpitude. The Court of First Instance of Cebu, in a decision rendered on March 21, 1938, which was affirmed by the Court of Appeals in its decision promulgated on March 29, 1940, found a practising physician "guilty of seduction as charged" and was sentenced to suffer the penalty of three months of *arresto mayor*, and to indemnify the complainant in the amount of five hundred pesos with subsidiary imprisonment in case of insolvency and to pay the cost. Copy of this decision was furnished the Board of Medical Examiners and the crime committed being one involving moral turpitude, without any further investigation, the certificate of the practising physician was revoked.

Negligence

Negligence was proven in the following case:

"This is a case of an alleged sale of a drug which was found not to be as represented on the label.

"From the records of the case and the documentary evidence submitted, it appears that F. T. was a co-owner of the F. T. Enterprise, a drug department authorized to operate in Manila during the enemy occupation. Believing that the permit of the corporation to deal in drugs was still good after the liberation, F. T., while traveling in Laguna, acceded to the request of B.T.G., owner and pharmacist of Botica T. G. of the said province, to buy for her two hundred (200) *grams of Calcium Chloride. Accordingly, F. T., on his return trip, delivered to B.T.G. two hundred* (200) *grams of the drug which he secured from one M. whose present whereabouts are unknown and who, after diligent efforts, could not be located. In a prescription calling for 'Calcium Chloride,* 10% *solution' dispensed by B.T.G. on August* 10, 1945, *a portion of the drug bought from F. T. was used. On the same day, Dr. J.G., the prescribing physician, called the attention of the pharmacist to the untoward effect of the medicine prepared in her drug store, stating that 'when the patient took a dose of table-spoonful of the solution he felt a severe burning sensation of the throat.' The matter was reported to the District Health Officer of Laguna by the pharmacist herself and referred to this Board by the former. Upon analysis, the medicine sold by F.T. was found to be Caustic Soda. It also appears that the injured party, for and in consideration of the sum of* ₱240.00, *waived any claim or claims against the drug store. In view of which, B.T.G. withdrew her complaint filed with the District Health Officer.*

"It is clear from the foregoing that there had been a sale of an adulterated drug contrary to Sec. 1113 *of the Revised Administrative Code and the fact that the pharmacist of Botica T.G. withdrew her complaint does not remove the case from the jurisdiction of the Board. Neither can good faith on the part of the parties concerned be availed of to justify their acts, for it has been repeatedly held that good faith in cases of adulteration and misbranding falling under the Food and Drugs Act does not constitute a defense.*

"With respect to F.T., not being a registered pharmacist, this Board is without jurisdiction to impose the punishment

commensurate with the offense committed. His case, therefore, will be referred to the proper authorities for prosecution on two counts, namely: for operating without a permit contrary to Sec. 6 of the Pharmacy Regulations, and for illegal practice of pharmacy (Sec. 727 and 728 of the Revised Administrative Code.) The pharmacist of Botica T.G., on the other hand, is especially enjoined by law to see to it that only drugs and medicines of standard quality and purity are kept or sold in her drug store. Sec. 751 of the Revised Administrative Code provides:

> *'Responsibility for quality of drugs.—Every pharmacist shall be responsible for the quality of all drugs, chemicals, medicines, and poisons he may sell or keep for sale;* x x x x '

When she dispensed the prescription of Dr. G., with her knowledge and skill, as a pharmacist, she should have detected that the drug she was to use for the solution was not the proper drug. She, therefore, did not exercise the necessary diligence and precaution when she dispensed the prescription in question. The Board, therefore, finds B.T.G. negligent in the practice of her profession.

"Wherefore, the Board resolved to warn her, as she is hereby warned that a repetition of a similar offense in the future shall be dealt with severely.

"Done in the City of Manila, this twelfth day of December, nineteen hundred and forty-five."

Unprofessional Conduct or Malpractice

The following case shows unprofessional conduct or malpractice:

"The Board of Pharmaceutical Examiners and Inspectors, in its capacity as Board of Drugs, had for consideration, in its session held today, the case of Mr. O. A., owner and pharmacist of A's DRUG AND LABORATORY, who allegedly sold a bottle of paregoric which, upon analysis, was not in accordance with the U.S.P. specifications. An investigation of the case was made and Mr. O. A. was given an opportunity to be heard in accordance with Section 1124 of the Revised Administrative Code.

"An examination of the records of the case and the evidence submitted reveals that sometime in October of this year,

C. P. purchased from the drug store 250 *cc. of paregoric. C. P. who, besides being a physician, is also a duly registered pharmacist, suspected from a physical examination of the preparation that it was not properly prepared. The matter was brought to the attention of the Board and, after analysis of the paregoric in question, the folowing report was submitted by the Manila Public Health Laboratory:*

> *'The sample submitted does not conform with USP specifications; it contains only traces of opium.'*

"In the hearing, Mr. O. A. admitted that sometime in March, 1945, *due to the scarcity of opium he was forced to buy from a peddler* 1,000 *tablets of Camphor Et Opii, each tablet containing* 130 *milligrams of Camphor and* 65 *milligrams of opium. Out of these* 1,000 *tablets, he prepared* 16 *liters of paregoric. Theoretically, the opium content of the paregoric prepared by Mr. O. A. would be in accordance with the U.S.P. specifications, that is,* 4 *grams per liter. However, considering that the tablets used were imported before the outbreak of the war, there is a possibility that its opium content had been reduced to a certain extent by the action of heat, light, and other similar factors. It is not suprising, therefore, that only traces of opium was found in the paregoric in question. The camphor content of Mr. O. A.'s preparation, on the other hand, is double the amount required by the U.S.P. Mr. O. A. knows this fact but did not desist in preparing the paregoric claiming that the excess of camphor would not do any harm to the patient and stating further that he did it for the good of the ailing public. From the foregoing, it is evident that the paregoric prepared by the A'S DRUG AND LABORATORY was not in accordance with the U.S.P. specifications. This fact was admitted by Mr. O. A. and confirmed by the report on analysis of the Manila Public Health Laboratory. While it is true that the excess of camphor in the preparation in question will not adversely affect the patient, the resulting dose per take being* 0.032 *as compared with the average dose of* 0.2 *Gm., yet, the fact remains that the preparation is adulterated in accordance with sub-section (a), section* 1115 *of the Revised Administrative Code. However, this Board is of the opinion and so holds that the adulteration is not of such character as to warrant a criminal prosecution. The Board resolved, therefore, to reprimand Mr. O. A., as he is hereby reprimanded, and to warn him*

as he is hereby warned that a repetition of a similar offense in the future will be dealt with severely.

"Done in the City of Manila this eighteenth day of December, nineteen hundred and forty-five."

Exaggerated or False Advertisements

Advertisements of any drug or proprietary medicine should be in accordance with Act 2342 as amended by Act 2680. Noncompliance with the requirements of this Act will subject the offender not only to the revocation of his certificate of registration but also to the penalty imposed by the penal provisions of the said act.

Conviction of a crime or misdemeanor involving dishonorable conduct

In an opinion of the Secretary of Justice rendered on March 9, 1936, maintaining a jueteng joint "being a wilfull violation of law, constitutes 'dishonorable conduct' within the meaning of paragraph 3 of Act No. 4162. The fact that the disgraceful conduct has no connection with the practice of pharmacy is of no consequence, for the law is couched in general terms and its import is clear." The certificate of registration, therefore, of a pharmacist who is found guilty of maintaining a jueteng joint may be revoked.

Error or Fraud

A certificate of registration obtained through error or fraud has to be revoked as the holder thereof, from the start, is not entitled to possess such a certificate.

Failure to keep record of Opium and its derivatives

Failure to keep a true and correct record of opium, opium compounds, or other prohibited drugs received and dispensed or transferred by him, is illustrated in a case decided by the Board Board of Pharmaceutical Examiners as follows:

"This is a case of alleged violation of Section 747 of the Revised Administrative Code committed by Mrs. C. G. R., a duly registered pharmacist, who, having been duly provided with an opium license, failed to keep a true and correct record of all prohibited drugs received and dispensed or transferred by her. This action was filed by the Board "motu-propio." Upon being summoned, the respondent admitted her omission. For such an offense, the Baord may revoke her certificate of registration as pharmacist. Considering, however, the fact that she voluntarily admitted her guilt which may be taken as a mitigating circumstance, and, considering further, that she was fined by the Court of First Instance of Manila for the same charge in its decision on Criminal Case No. 1777, dated December 20, 1946, this Board resolved, as it is hereby resolved, to merely suspend her from the practice of her profession for a period of two months from the date hereof.

"Done in the City of Manila, this twentieth day of January, nineteen hundred and forty-seven."

3. *To study the conditions affecting the practice of pharmacy in the Philippines with a view to maintaining an efficient technical and ethical standards in the pharmaceutical profession.*

The Board of Pharmaceutical Examiners, in its desire to maintain a high standard in the pharmaceutical profession has actively cooperated with the Philippine Pharmaceutical Association in the promotion of the welfare of the profession, and form part of its Committee on Pharmaceutical Education, the other members being the deans of all the colleges of pharmacy in the Philippines. As a result of this cooperation, the Association, in its convention held in Cebu City in December, 1947, has committed itself to the publication of a Philippine National Formulary, the integration of all pharmacists in the Philippines, and the extension of the pharmacy course to five years to give prospective pharmacists better educational and technical training.

The Board of Pharmaceutical Examiners adopted the following Code of Ethics which was recommended by the

Philippine Pharmaceutical Association and submitted to the Secretary of Health for approval:

"CODE OF ETHICS FOR THE PHARMACEUTICAL PROFESSION"

Declaration of Principles

"Pharmacy is a highly specialized technical calling, the primary function of which is to render to the public efficient service in compounding, and filling of prescriptions and the dispensing of drugs, chemicals, and medicines. As practised in all of its branches, pharmacy also embraces the collection, identification, preservation, analysis, and standardization of drugs and medicines; the synthesis of medicinal chemicals; and the preparation of biologic products. In the practice of the profession of pharmacy, special knowledge, skill, and integrity are demanded on the part of those engaged in it. For this reason, pharmacists should pursue a prescribed course of study and should pass a professional examination in order to qualify under the laws of the land. Such laws grant qualified pharmacists certain inalienable rights, exclusively their own and denied to others, in return for which the state demands of pharmacists a full recognition of their responsibility for the preservation of public health, the strict and absolute compliance of their professional ethics and the maintenance of the dignity, honesty and respect that society requires. The pharmacists should, therefore, ever bear in mind that he is more than a merchant, and that his is a real mission which must be performed with devotion, unselfishness and personal sacrifice for the benefit of his fellow men.

ARTICLE I

The Duties of the Pharmacist Towards the Public

"SECTION 1. *The pharmacist should maintain all standards established by the latest edition of the Pharmacopoeia of the United States of America and the latest edition of the National Formulary, and should encourage the use of official drugs and their preparations as much as possible, refraining from the use of substitutes or drugs of substandard strength. In case the preparations and drugs required are not included in the Pharmacopoeia of the United States of America and the National Formulary, he should follow the standard of other recognized pharmacopoeias and formularies.*

"SECTION 2. Drugs of inferior quality should never be used or dispensed for medicinal purposes and for the filling of prescriptions, nor should drugs of low standard be secured, purchased or distributed for use in any manner related to medicinal purposes when such drugs are liable to be either injurious or of no effect to the patient.

"SECTION 3. Active and poisonous drugs should not be sold or dispensed to persons not properly qualified to administer the same, and all necessary precautions should be taken to protect the public from harm through the use of such potent medicines.

"SECTION 4. Having been entrusted by law with the dispensing and sale of narcotics and abortives, the pharmacist should strictly comply with the laws and regulations governing the distribution of prohibited and restricted drugs.

"SECTION 5. The pharmacist should endeavor to gain the confidence of his customers by attending promptly to their wants and by not over-charging them nor using private formularies instead of those in current use, and having once gained such confidence, he should zealously endeavor to keep and never violate the same. He should also consider that the confidence of his customers is based upon the knowledge acquired by him in the practice of his profession and that they rely upon his honor.

"SECTION 6. The pharmacist is entitled to just and fair compensation for his knowledge, skill and efficiency in filling prescriptions, and in the computation of such professional fee, he should consider the time consumed, his serious responsibility, and the cost of the ingredients used.

"SECTION 7. The pharmacist should be concerned about the health and safety of his customers; he should not give medical advice or attempt to prescribe nor treat disease or dispense drugs or remedies of any kind for the sole purpose of gain.

"SECTION 8. He should keep his establishment clean, neat and sanitary and the drugs and medicines arranged systematically in their proper and suitable places, in order to facilitate the filling of prescriptions, and should exercise strict supervision over them. He should have good scales and other appropriate equipment in order to avoid errors in the quantities of the medicines dispensed, and be able to perform the duties of his profession in a proper manner.

"SECTION 9. The conduct of a pharmacist having a secret agreement with a physician to share with him his profits in prescriptions received by said pharmacist from such physician, or to fill prescriptions written in either foreign or unusual terms or otherwise illegible and undecipherable, should be considered inimical to public welfare and deserving of censure and condemnation.

"SECTION 10. The pharmacist should be a good citizen and should uphold and defend the laws of the land. He should inform himself of the laws in force, especially those concerning the adulteration and misbranding of drugs and foods. He should also know the laws relative to public health and hygiene and should voluntarily cooperate with the authorities in the strict enforcement of said laws.

"SECTION 11. The pharmacist should be ready to join in any constructive movement, such as the improvement of the pharmaceutical preparations dispensed by him, in order to attain the object pursued, which is the safe-guarding of public health. He should so conduct himself in public and in private as to gain the respect, affection, and confidence of the community in which he practises his profession.

ARTICLE II

The Duties of the Pharmacist Towards the Physician

"SECTION 12. The pharmacist should not prescribe or diagnose disease even when urgently requested to do so, but should in such cases refer the patient to a reputable qualified physician. In extreme emergencies, as for instance in cases where a person who has had an accident or has suddenly become ill is taken to the pharmacy to await medical treatment, the pharmacist may take such prompt action to prevent suffering as is indicated by humanitarian impulse and guided by scientific knowledge and common sense.

"SECTION 13. The pharmacist should under no consideration, substitute one article for another or replace one substance by another in a prescription, except with the consent of the prescriber. No change should be made in a prescription unless properly guaranteed to be correct and not liable to alter or obstruct in any manner the therapeutic action the prescriber desires to obtain.

"SECTION 14. *The dispensing pharmacist should follow strictly and thoroughly the instructions of the prescriber relative to the filling of the prescription, copying the formula correctly on the label and giving a copy of the prescription to the patient when so requested. He should not add or leave out anything in the directions, instructions or label on the medicines, even in the case of poisons, without the proper consent of the prescriber, provided such prescription will not endanger the life of the patient if filled and used as prescribed.*

"SECTION 15. *In case there is any doubt regarding the proper interpretation of a prescription, the pharmacist should consult the prescriber, in order to avoid an error. This must never be done with the knowledge of the patient. Neither should he discuss the therapeutic effect of a prescription nor describe any details of the compound that the prescriber may have forgotten, nor suggest to the patient that such details can be properly discussed with the prescriber.*

"SECTION 16. *In case the pharmacist discovers any error or omission in a prescription, he must consult the physician confidentially and secretly on this matter, using the greatest precaution and tact, in the interest of his customer as well as of the reputation of the physician.*

ARTICLE III

The Duties of the Pharmacist towards his Colleagues and the Profession in General

"SECTION 17. *The pharmacist should endeavor to improve and advance his professional knowledge. He should contribute to the progress of his profession and whenever possible participate in, or support research work and investigations undertaken for the purpose of improving old or discovering new remedies.*

"SECTION 18. *He should join pharmaceutical organizations whose aims and purposes are not incompatible with this Code of Ethics for the Pharmaceutical Profession and to which he may be eligible. He should devote part of his time and effort and even money to aid in carrying on the work of those organizations and should keep himself informed upon professional matters by reading domestic and foreign pharmaceutical, medical, and allied literature.*

"SECTION 19. *He should not perform any act or be party to any transaction that may bring discredit to himself, nor*

should he criticize any colleague for the same or do anything that will bring discredit to a colleague.

"SECTION 20. The pharmacist should expose any corrupt or incorrect conduct on the part of a member of the profession that may come to his certain knowledge, by the proper means provided by civil laws and the rules and regulations of the pharmaceutical organizations.

"SECTION 21. He should not accept commissions for the distribution of secret remedies nor allow his name to be used in connection with advertisements or correspondence to promote their sale.

"SECTION 22. He should cooperate courteously with any colleague asking for his advice, information or professional aid or in need of assistance or who, in an emergency, needs supplies.

"SECTION 23. He should not accept the managership of pharmacies in any locality where such acceptance may be detrimental to other pharmacists owning establishments.

"SECTION 24. He should not imitate the labels, brands or factory marks of other manufacturers or profit improperly by the professional merit or commercial success of others. Whenever a bottle or container comes to him for the preparation of the same medicine, he should remove all labels thereon and replace them by his own, though the customer may ask him to do otherwise.

"SECTION 25. He should endeavor to comply with all business regulations and to fulfill all his obligations and contracts.

"SECTION 26. He should not resort to exaggerated advertisement in newspapers and other publications, or in shingles and signboards. It would be unprofessional for a pharmacist if he promises or boasts of radical cures by his preparations or if he exhibits publicly testimonial of success in the use of his products.

ARTICLE IV

The Duties of the Pharmacist Towards His Assistants

"SECTION 27. Special attention must be given to the selection of assistants.

"SECTION 28. Every pharmacist should take interest, instruct and train his apprentices in professional practice and

should keep a register for recording the time and kind of employment of such apprentices and the efficiency rating obtained by each while connected with the establishment."

4. *To promulgate Rules and Regulations*

From time to time and as circumstances require, regulations for the practice of pharmacy are promulgated by the Board of Pharmaceutical Examiners. These are adopted in the form of resolutions which, after approval by the Secretary of Health, become part of the law and the regulations. One such regulation which covers every phase of the practice of pharmacy is that entitled "Drug and Cosmetic Regulations" adopted by the Board on October 25, 1946, approved by the Secretary of Health on February 6, 1947, and published in the Official Gazette of February, 1947, which is reproduced in its entirety in Appendix B of this book.

5. *To prepare a program of examination*

Pursuant to the provisions of Section 735 of the Revised Administrative Code, the Board of Pharmaceutical Examiners, with the cooperation of the Committee on Pharmaceutical Education of the Philippine Pharmaceutical Association, revised the existing program of examination, the revision taking effect in July, 1947. The revised program of examination appears in Appendix "D" of this book.

6. *To authorize the opening of drug establishments*

Having been found by pharmacy inspectors of the Department of Health that a proposed drug store complies with the requirements prescribed in Chapter III of the Drug and Cosmetic Regulations, the Board, through its Chairman, issues a permit for its opening. However, before starting to transact business in the premises, the owners thereof must comply with the Internal Revenue laws and the health regulations.

7. *To inspect drug establishments*

Under the present set-up, pharmacy inspectors of the Department of Health undertake the inspection of drug stores and similar establishments all over the Philippines. The Department maintains a drug inspection service. District and City Health Officers are also ex-oficio agents of the Board in their respective districts and localities. Drug establishments have to be inspected at least once a year to determine whether they maintain the same conditions as those obtaining at their opening.

8. *To collect samples of drugs, medicines, etc.*

In addition to the inspection of drug establishments to determine if they comply with the requirements prescribed by the Drug and Cosmetic Regulations, board members and pharmacy inspectors collect samples of drugs and medicines on display in the drug store to ascertain, with the cooperation of the Division of Laboratories, if they conform to the standard purity and strength. The Drug and Cosmetic Regulations require that before any pharmaceutical specialty is placed in the market or advertised for sale two samples thereof should be submitted to the Board for the purpose of determining whether the preparation may be allowed for sale to the public. If, in accordance with the findings of the Division of Laboratories, it is safe for human use and possesses the therapeutic value claimed in the label, a permit for its sale is issued by the Board. Otherwise, prohibition of its sale is ordered.

9. *To authorize the sale of household remedies*

In places five kilometers distant from the nearest drug store, household remedy stores may be authorized to be established if the applicant possesses the qualifications prescribed by the law and the regulations. While the law requires possession of good moral character as the only qualification of a person desiring to open a household re-

medy store, the Board of Pharmaceutical Examiners, in a resolution, added the following qualifications:

1. That he is 21 years of age.

2. That he is a person of good moral conduct, as attested by two well-known residents of the place.

3. That he is not suffering from any contagious or mental disease and is not addicted to alcoholic beverages, to which he must annex a medical certificate or a certificate by the municipal health president.

4. That the applicant has a diploma or certificate showing that he has graduated from a recognized high school and that he has been practising uninterruptedly in an established pharmacy or drug store for a period of one year, as shown by the certificate of the pharmacist in charge of said pharmacy or drug store, or that he is registered with this Board either as pharmacist or pharmacy clerk. In lieu of evidence of high school graduation, applicant may submit a certificate showing that he had been a school teacher or is a registered nurse.

The applicant must, further, indicate the sitio, place, barrio, municipality and province where his place of business is located, and the approximate distance thereof from the nearest established pharmacy.

Following is the list of household remedies that may be sold in a household remedy store:

(1) Internal Medicines:

1. Aspirin-caffeine tablets
2. Aspirin tablets
3. Bitter drops (gotas amargas)
4. Borated honey
5. Calcined magnesia
6. Castor oil
7. Castoria
8. Chamomile flowers
9. Cod liver oil
10. Cod liver oil emulsion

11. Compound effervescent powder of magnesia (Magnesia doble)
12. Cream of tartar
13. Dr. Bautista's Mixture
14. Esencia maravillosa
15. Ethereal tincture of tolu (Esencia eterea balsamica)
16. Extract of tikitiki
17. Lime water
18. Magnesium carbonate
19. Magnesium sulphate
20. Milk sugar
21. Quinine sulphate capsules or tablets
22. Senna leaves
23. Sodium bicarbonate
24. Sodium sulphate
25. Tonic wines
26. Cortal tablets

(2) External Medicines and Remedies:

1. Aceite de Manzanilla
2. Adhesive plaster
3. Alcohol
4. Ammonia water
5. Aromatic spirit of ammonia
6. Aromatic vinegar
7. Bandages
8. Boric acid
9. Boric acid solution 2% and 4%
10. Camphor
11. Camphor liniment
12. Camphorated oil
13. Carron oil
14. Chlorinated lime (bleaching powder)
15. Collodion
16. Corn cure
17. Cotton
18. Creolin
19. Dermatol
20. Glycerin
21. Hydrogen peroxide solution

22. Iodoform
23. Lycopodium
24. Medicated plaster
25. Medicated soaps
26. Menthol
27. Mercurochrome solution 2%
28. Oil of Cloves
29. Oil of eucalyptus
30. Ointment of carbolic acid
31. Ointment of iodoform
32. Phenol water
33. Plain and medicated gauzes
34. Plain vaseline
35. Powdered white mustard
36. Salicylic acid solution, 10%
37. Soap liniment
38. Spirit of creosote
39. Sublimed sulphur
40. Sulfur ointment
41. Tincture of arnica
42. Tincture of iodine
43. Toothache drops
44. Zinc oxide
45. Zinc sulphate solution, 0.5%

10. *To report, if called upon, on controversial points*

When conflicts arise between pharmacists or druggists and the Bureau of Internal Revenue or any other branch or office of the national government, the Board of Pharmaceutical Examiners may be called upon for an expert opinion with the end in view to solving the conflict or the points of controversy.

11. *To classify and regulate the sale of poisonous, abortive, corrosive, and anticonceptional substances*

The pharmacy law classifies poisons into violent and less violent, and specify the requirements for their sale. This provision is carried in the Drug and Cosmetic Regulations promulgated by the Board of Pharmaceutical Examiners, and, in addition, provides a list of abortive and anticonceptional substances and the manner of their disposal.

12. *To conduct investigations of violations of the Pharmacy Law and the Regulations*

Violations of the pharmacy law and the regulations are punishable under Sections 2676 and 2677 of the Revised Administrative Code. Such violations are investigated by the Board through its pharmacy inspectors and if the findings so warrant, the case is referred to the fiscal for prosecution. In the conduct of the investigation by the Board, it is empowered to issue subpoenas and subpoena *duces tecum* to have witnesses appear and testify before them under oath, and the testimony of an absent or contumaceous witness may be enforced by application to the Justice of the Peace Court or the Court of First Instance.

13. *To act as technical advisory committee*

The Board of Pharmaceutical Examiners acts as an advisory committee to the Bureau of Private schools on matters affecting colleges of pharmacy in the Philippines as may be noted from the following executive order of the President issued on June 2, 1947:

Executive Order No. 56

"Designating the government boards of examiners as Technical Advisory committees to the office of Private Education, and Empowering the Director of Private Education to call upon technical and professional employees of the government for advice on matters affecting technical, professional and/or vocational courses in private educational institutions, and for assistance in the inspection of said institutions offering technical, professional, and/or vocational courses.

"In the interest of efficiency of service, as well as to unify and coordinate Government control and supervision of technical, professional and vocational education given in private educational institutions, I, MANUEL ROXAS, President of the Philippines, by virtue of the authority vested in me by law, do hereby designate each and every government board of examiners as a technical advisory committee to the Office of Private Education, and empower the Director of Private Education to

call from time to time as the needs of the service may require upon any technical and/or professional employee of any department, bureau, office, agency, or instrumentality of the Government, including the corporations owned or controlled by the Government, with the consent of the corresponding Head, Chief or Manager thereof, to give advice on matters affecting technical, professional and/or vocational education in private educational institutions, and to render assistance in the inspection of said institutions offering technical, professional and/or vocational courses.

"Executive Order No. 193, *dated March* 13, 1939, *is hereby amended accordingly.*

"Done in the City of Manila, this 2nd *day of June, in the year of Our Lord, nineteen hundred and forty-seven, and of the Independence of the Philippines, the first."*

CHAPTER IV

THE FOOD AND DRUGS ACT

As orignially passed, the Food and Drugs Act, Act No. 1655, vests upon the Board of Food and Drug Inspection the power to give hearings and conduct investigations relative to matters touching the administration of the Food and Drugs Act, to investigate processes of food and drug manufacture, and to submit reports to the Director of Health recommending food and drug standards for adoption, and gives it additional functions properly within the scope of the administration of the act, as may be assigned to it by the Director of Health. The decisions of the Board are advisory to the Director of Health.

In Executive Order No. 7, series of 1911, the Board of Food and Drug Inspection composed of the Assistant Director of Health as Chairman, and the Food and Drug Chemist of the Bureau of Science, the appraiser of the port of the Bureau of Customs at Manila, and the chief city internal-revenue agent, Bureau of Internal Revenue, as members, was created.

Upon approval of Act No. 2762, however, providing that the Board of Pharmaceutical Examiners shall at the same time be a pharmacy inspection board and increasing its duties, powers and attributes, the functions of the Board of Food and Drug Inspection with respect to drugs and medicines were assumed by the Board of Pharmaceutical Examiners. On May 9, 1919, the Board of Food and Drug Inspection passed the following resolution:

> *"In view of the fact that the control of drugs and proprietary medicines was transferred to the Board of Pharmaceutical Examiners and Inspectors by Act 2762, the Board decided to drop the words 'and Drugs' from its name, and that the Board in the future would be called 'Board of Food Inspection'."*

With this additional function the Board of Pharmaceutical Examiners now acts in three capacities, namely, as examiner, as a pharmacy inspection board, and as board of drugs. Except for this transfer of jurisdiction over drugs, the Food and Drugs Act has suffered very little change, all the other provisions remaining intact. However, the provisions of the Food and Drugs Act with respect to adulteration and misbranding had been supplemented by the following sections of the Drug and Cosmetic Regulations:

"Adulteration"

"Sec. 36. Any drug, preparation or cosmetic shall be deemed to be adulterated if it consists in whole or in part of any filthy, putrid or decomposed substance.

"Sec. 37. A drug, preparation or cosmetic compounded from two or more ingredients may be deemed adulterated if any incompatibility among such ingredients exists which renders such drug, preparation or cosmetic useless for the purpose it is intended to be used, or where such drug, preparation or cosmetic, due to the mixing together of such ingredients, may become dangerous or poisonous even if the ingredients, when taken separately, are not dangerous or poisonous.

"Sec. 38. A drug, preparation or cosmetic may be deemed adulterated if in the process of manufacture, packing, handling, due to lack of sanitary precautions, any foreign substance may have been incorporated in such drug, preparation or cosmetic which is not a normal component.

"Sec. 39. A drug or preparation shall be deemed to be adulterated if it is sold under or by a name recognized in the United States Pharmacopoeia or other accepted formularies, and such drug or preparation does not conform to the standard of strength, quality or purity, as determined by the test laid down in the said pharmacopoeia or other accepted formularies.

"However, a drug or preparation which differs from the standard of strength, quality or purity of such drugs as defined in the official pharmacopoeia or other accepted formularies, may be sold under or by such names provided it is plain-

ly stated on the label immediately following the name of such official drug or preparation and that a complete qualitative and quantitative formula appears on the same label.

"Sec. 40. A drug or preparation shall be deemed to be adulterated if it differs from or falls below the professed standards or quality under which it is sold."

"Misbranding"

"Sec. 41. (a) No drug, preparation or cosmetic shall be an imitation of, nor shall be offered for sale under the name of any duly approved article.

"(b) A simple substance should be designated solely by a name recognized in an official compendium. Such a name should be or should include (among other descriptions, synonyms, abbreviations, etc.) the principal name or title under which such substance is described in such compendium. If it is a non-official drug or substance, it should be designated by its ordinary name or customary chemical term, and not by a fancy or proprietary name.

"(c) The name by which a drug, preparation or cosmetic may be designated shall be clearly distinguished and differentiated from any name recognized in an official compendium unless such drug, preparation or cosmetic complies in identity with that described in an official compendium under such recognized name.

"(d) The labeling of a drug, preparation or cosmetic which contains two or more ingredients may be misleading by reason (among other reasons) of the designation of such drug, preparation or cosmetic in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the name of all such ingredients are stated elsewhere in the labeling."

The Acting Solicitor General, on May 22nd, 1918, rendered the following opinion with respect to the apparent conflict between the powers, duties and functions to be exercised and performed by the Board of Pharmaceutical Examiners and Inspectors under Act No. 2762 and the technical board mentioned in Section 1 of Act No. 2680 amending Section 1 of Act 1655 of the Food and Drugs Act:

"Section 1 of Act No. 2680, in amending section 1 of Act No. 1655, the Pure Food and Drugs Act, and prescribing rules for the examination and analysis of simple or compounded substances for the prevention, alleviation or cure of human ailments, provides that 'in case the manufacturer or his agent shall not accept the result of the analysis made by the Bureau of Science, the Director of Science shall appoint a technical board, composed of a physician and two duly qualified pharmacists, which shall verify the accuracy of the formula questioned, the decision of which shall be final and unappealable.' Said Act No. 2680 was approved on March 9, 1917, and, in accordance with section 2 thereof, took effect on its approval.

"Subsequently, on February 28, 1918, the Philippine Legislature enacted Act No. 2762 providing that the Board of Pharmaceutical Examiners created by Chapter XXX of the Administrative Code of 1917, should at the same time act as a Pharmacy Inspection Board under the supervision and control of the Secretary of the Interior. Section 1 of said Act No. 2762 says: x x x 'All powers, duties, and functions not inconsistent with this Act prescribed by existing laws with regard to the inspection and regulation of pharmacies, drug stores, dispensaries, and other establishments of a similar nature, the dispensing and sale of drugs, medicines, poisons, and, in general, all functions and duties not merely the examination and registration of pharmacists, shall be exercised and performed by said Board.' Section 2 of the same Act provides that 'The Board shall, moreover, have the following duties, powers, and attributes:

"'(a) To collect samples of drugs, medicines, specifics, remedies, and similar products displayed for sale or imported through the customhouses of the Philippine Islands for medicinal purposes, for the purposes of forwarding the same, in accordance wtih the provisions of this Act and the regulations issued thereunder and of the Pure Food and Drugs Act, to the Bureau of Science for analysis and examination; and to exclude from sale those not conforming to the standards of quality, concentration, and purity established by the Pharmacopoeia of the United States, last edition, or by recognized formularies, provided the person concerned certify in writing to the authenticity of the formula taken from a foreign formulary."

"Furthermore, section 3 of Act No. 2762 says that, upon approval thereof, the present Board of Pharmaceutical Examiners (the Board created by Chapter XXX of the Administrative Code of 1917) shall cease to perform its functions, and the Secretary of Public Instruction shall proceed to appoint the new members of the Board of Pharmaceutical Examiners and Inspectors, in the same manner prescribed by existing law.

"Organized in accordance with the last-named section of Act No. 2762, the Board of Pharmaceutical Examiners and Inspectors, in a communication addressed by its president to the Secretary (of Public Instruction), raises a question relative to an apparent conflict between the powers, duties and functions to be exercised and performed by said Board under Act No. 2762 and the technical board mentioned in the above-quoted proviso of section 1 of Act No. 2680, amendatory to section 1 of Act No. 1655, the Pure Food and Drugs Act.

"The point raised herein is as to whether the provisions of Act No. 2762 have repealed inconsistent provisions of the Pure Food and Drugs Act as amended by Act No. 2680. In the first place, it is observed that section 8 of Act No. 2762 provides that 'All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed'; and inasmuch as this section fails to expressly mention the acts or parts of acts repealed thereby, it must be admitted that the matter under consideration must be discussed in the light of principles concerning implied repeals.

"It is a general rule of Statutory Construction that repeals by implication are not favored, so that, in order to recognize an implied repeal as intended by the Legislature, it is necessary to ascertain the latter's intention to repeal, as the legislative intent is ascertained, in other respects, when not expressly declared, by construction. 'An implied repeal results from some enactment the terms and necessary operation of which cannot be harmonized with the terms and necessary effect of an earlier act. In such case, the latter law prevails as the last expression of the legislative will; therefore, the former law is constructively repealed, since it cannot be supposed that the law-making power intends to enact or continue in force laws which are contradictions. The repugnancy being ascertained, the latter act or provision in date or position has full force, and displaces by repeal whatever in the antecedent law is inconsistent with it.' (Suther-

land on Statutory Construction, sec. 247). In laying down this principle, it is noted, however, that the same is based on the rule that there must be a repugnancy between the two statutes, resulting from the fact that they relate to the same subject and are enacted for the same purpose; in other words, that there must be a conflict between different acts on the same specific subject. This is the general doctrine regarding this subject (Id. Id·).

"In the case at bar, we have section 1 of Act No. 2680, amending section 1 of Act No. 1655, the Pure Food and Drugs Act, which provides for the appointment by the Director of Science of a technical board, to be composed of a physician and two duly qualified pharmacists, which, in case the manufacturer or importer shall not accept the result of the analysis made by the Bureau of Science, shall verify the accuracy of the formula questioned. Moreover, by Section 3 of the Pure Food and Drugs Act, the Insular Collector of Customs, the Director of Health, and the Collector of Internal Revenue of the Philippine Islands, shall make uniform rules and regulations to be approved by the Secretary (of Public Instruction) for carrying out the provisions of said Act, including the collection and examination of specimens of drugs manufactured or offered for sale in these Islands; while under section 11, it is made the duty of the Insular Collector of Customs to deliver to the Director of Health, upon his request from time to time, samples of drugs imported or offered for import into the Philippine Islands.

"On the other hand, the recently created Board of Pharmaceutical Examiners and Inspectors, vested by Act No. 2762 with powers, duties and functions regarding the inspection and regulation of pharmacies, drug stores, etc., the dispensing of drugs, medicines, etc., (Section 1), is, by section 2 of the same Act, empowered with the collection of samples of drugs, medicines, etc., displayed for sale or imported through the customhouses of the Philippine Islands for medicinal purposes, for the purpose of forwarding the same, in accordance with the provisions of Act 2762 and the regulations issued thereunder and of the Pure Food and Drugs Act (Act No. 1655 as amended by Act No. 2680), to the Bureau of Science for analysis and examination.

"As may be seen, while the amended section 1 of the Pure Food and Drugs Act, imposes upon importers and manufactu-

rers the duty to furnish the Bureau of Science, for its analysis, with a specimen of the preparation as is to be exhibited for sale, under Act No. 2762, it is made the function of the Board of Pharmaceutical Examiners and Inspectors to collect samples of drugs, etc., displayed for sale or imported, for the purpose of forwarding the same to the Bureau of Science for analysis and examination. It is evident that such parts of the Pure Food and Drugs Act, as amended, and Act No. 2762 relate to the same subject and were enacted for the same purpose, and if both are to be allowed to stand, a conflict will result, in that should the provisions of section 1 of Act No. 1655 as amended by section 1 of Act No. 2680 be complied with by the appointment by the Director of Science, of the technical board mentioned therein, the functions, duties, and powers to be exercised by such technical board will be the same functions, duties, and powers to be exercised by the Board of Pharmaceutical Examiners created by virtue of the provisions of Act No. 2762.

"'x x x An intention will not be ascribed to the law-making power to establish conflicting and hostile systems upon the same subject, or to leave in force provisions of law by which the later will of the legislature may be thwarted and overthrown. Such a result would render legislation a useless and idle ceremony, and subject the law to the reproach of uncertainty and unintelligibility. x x x'

"'A statute creating a board of public works for cities of the first class and conferring powers on such boards impliedly repeals so much of former statutes as confers the same powers upon the city councils. And generally an act vesting the control of a thing in one body or board is repealed by a subsequent act vesting the same control in another body or board. x x x'

"The consideration of the language used by the Legislature in Act No. 2762 shows unmistakably that that body had in mind the existence of Acts Nos. 1655 and 2680, as witness the reference to the Pure Food and Drugs Act found in section 2(c) of Act No. 2762, and by virtue of the above authorities, I have the honor to advise you that, pursuant to the provisions of section 8 of said Act, such parts of the Pure Food and Drugs Act, as amended by Act No. 2680, as are inconsistent with the provisions of Act No. 2762, have been repealed by the latter."

The Food and Drugs Act, Article XVII (Sec. 1108-1129) of the Revised Administrative Code, is reproduced in its entirety hereinbelow. In all its provisions, the terms "Director of Health and Board of Food and Drug Inspection" should be understood as referring to the Board of Pharmaceutical Examiners and Inspectors insofar as drugs are concerned:

ARTICLE XVII.—FOOD AND DRUGS ACT

"SEC. 1108. *Title of article.—This article shall be known as the Food and Drugs Act.*

"SEC. 1109. *Terms defined.—'Person,' as herein used, includes corporations, companies, societies, associations, and other commercial or legal entities.*

'Food,' as herein used, includes all articles, whether simple, mixed, or compounded, which are used for food, drink, confectionery, or condiment by man or other animals.

'Drug,' as herein used, includes all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

"SEC. 1110. *Imputation of act of agent to principal.—In applying the provisions of this article, the act, omission, or failure of any officer, agent, servant, or other representative acting for or employed by any principal, shall, if within the scope of the office, agency, employment, be deemed to be the act, omission, or failure of the principal as well as of the immediate actor.*

"SEC. 1111. *Inhibtion against manufacture of adulterated or misbranded food or drug.—It shall be unlawful for any person to manufacture within the (Philippine Islands) Philippines any adulterated or misbranded article of food or any adulterated or misbranded drug.*

"SEC. 1112. *Inhibition against shipment of adulterated or misbranded food or drug.—The introduction into the (Philippine Islands) Philippines from the United States or from any foreign country or the shipment to the United States or any foreign country from the (Philippine Islands) Philippines,*

of any adulterated or misbranded article of food or any adulterated or misbranded drug is prohibited.

"SEC. 1113. Inhibition against sale or transfer of adulterated or misbranded food or drug. — It shall be unlawful for any person to sell or offer for sale in the (Philippine Islands) Philippines any adulterated or misbranded article of food or any adulterated or misbranded drug. It shall also be unlawful for any person, after importing or receiving any such article of food or drug from abroad, to transfer or deliver, or offer to transfer or deliver the same to any other person in an original unbroken package, whether for pay or otherwise.

"SEC. 1114. Forfeiture of adulterated or misbranded food or drug.—When any adulterated or misbranded article of food or any adulterated or misbranded drug is manufactured in the (Philippine Islands) Philippines or introduced therein from abroad, or when any such article or drug is sold or offered for sale in the (Philippine Islands) Philippines or is intended for export to the United States or a foreign country, the same be subject to seizure and forefeiture.

"SEC. 1115. When article deemed to be adulterated.— For the purposes hereof an article shall be deemed to be 'adulterated':

(a) *In case of drug:*

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary, official at the time of investigation: but no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

Secondly. It its strength or purity falls below the professed standard or quality under which it is sold.

(b) *In case of confectionery:*

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance of poisonous color or flavor, or other

ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

(c) *In case of food:*

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Secondly. If any substance has been substituted wholly or in part for the article.

Thirdly. If any valuable constituent of the article has been wholly or in part abstracted.

Fourthly. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifthly. If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health: but when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for removal of said preservative shall be printed on the covering or the package, the provisions of this article shall be construed as applying only when said products are ready for consumption.

Sixthly. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

"SEC. 1116. When article deemed to be misbranded.—'Misbranded,' as herein used, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredient or substances contained therein, which is false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

For the purposes hereof an article shall also be deemed to be misbranded:

(a) *In case of drugs:*

First. If it be an imitation of, or offered for sale, under, the name of another article.

Secondly. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

(b) *In the case of food:*

First. If it be an imitation of, or offered for sale under, the distinctive name of another article.

Secondly. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide or any derivative or preparation of any of such substance contained therein.

Thirdly. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: but reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by proper regulation.

Fourthly. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device is false or misleading in any particular.

"SEC. 1117. Reservation in favor of certain articles of food.—An article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of, or offered for sale under, the distinctive name of another

article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Secondly. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word 'compound,' 'imitation,' or 'blend,' as the case may be, is plainly stated on the package, in which it is offered for sale. The terms 'blend,' as here used, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only.

"SEC. 1118. Reservation in favor of articles prepared according to specifications of foreign purchaser.—No article shall be deemed misbranded or adulterated within the meaning hereof when intended for export to the United States or to any foreign country and prepared or packed according to the specifications or directions of the purchaser in the United States or in any foreign country when no substance is used in the preparation or packing thereof in conflict with the laws of the United States or of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption in the (Philippine Islands) Philippines, then this reservation shall not exempt said article from the operation of any of the other provisions of this article.

"SEC. 1119. Reservation in favor of secrecy in trade formulas.—Nothing herein shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this article may so require to secure freedom from adulteration or misbranding.

"SEC. 1120. Reservation in favor of dealer protected by guaranty of original vendor.—No dealer shall be prosecuted for a violation of the provisions of this article when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the (Philippine Islands) Philippines, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of the Food and Drugs Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall

be amenable to the prosecutions, fines, and other penalties which would otherwise attach, in due course, to the dealer.

"SEC. 1121. *Regulations for enforcement of Food and Drugs Act—With the approval of the Secretary of Public Instruction, the Director of Health, the Insular Collector of Customs, and the Collector of Internal Revenue shall make and promulgate regulations for the enforcement of the Food and Drugs Act. In such regulations provisions shall be made for the collection of samples of foods and drugs for examination.*

"SEC. 1122. *Board of Food and Drug Inspection.—There shall be a board to be known as the Board of Food and Drug Inspection consisting of such number of persons as may be thereunto designated from the Government service by the (Governor-General) President of the Philippines.*

It shall be the duty of this Board, conformably with law and regulations, to give hearings and conduct investigations relative to matters touching the administration of the Food and Drugs Act, to investigate processes of food manufacture, and to submit reports to the Director of Health, recommending food and drug standards for adoption. Said Board shall also perform such additional functions, properly within the scope of the administration hereof, as may be assigned to it by the Director of Health.

The decisions of the Board shall be advisory to the Director of Health.

"SEC. 1123. *Examination for determining character of goods.—The technical examination of samples of foods and drugs made for the purpose of ascertaining whether the same are adulterated or misbranded shall be conducted in the Bureau of Science or under the direction and supervision of the Director of the Bureau of Science. The report of the persons making such examination shall be verified by oath when the article examined is found to be obnoxious to the provisions hereof.*

"SEC. 1124. *Opportunity for hearing before Board.—When it appears to the Director of Health from the report of the examining chemist or otherwise that any article of food or any drug is adulterated or misbranded, he shall cause notice thereof to be given to the person or persons concerned, and such person or persons shall be given an opportunity to be heard before the Board of Food and Drug Inspection and to*

submit evidence impeaching the correctness of the finding or charge in question

"SEC. 1125. *Institution of criminal prosecution.—When a violation of any provision of the Food and Drugs Act comes to the knowledge of the Director of Health of such character that a criminal prosecution ought to be instituted against the offender, he shall certify the facts to the (Attorney-General) Solicitor-General, through the Secretary of Public Instruction, together with the chemist's report, the finding of the Board of Food and Drug Inspection, or other documentary evidence on which the charge is based.*

"SEC. 1126. *Judicial proceedings for condemnation of forfeited articles.—Judicial proceedings for the condemnation of articles or goods subject to seizure and forfeiture under the provisions hereof shall be instituted by the proper prosecuting officer in the Court of First Instance of the judicial district within which the goods may be found; and when their obnoxious character has been established, an order of condemnation shall be entered by said court, and the goods shall be disposed of by destruction or by sale for industrial or other lawful use, as the court may direct. If a sale is made, the proceeds, less the legal costs and charges, shall be paid into the (Insular) National Treasury.*

"SEC. 1127. *Owner's bond.—Upon the payment of costs in a proceeding under the preceding section and upon the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to law, the court may by order direct that such articles be delivered to the owner thereof.*

"SEC. 1128. *Attempted importation of obnoxious articles.—When adulterated or misbranded articles of foods or drugs are being imported into the (Philippine Islands) Philippines or offered for import, the Insular Collector of Customs shall seize the same, and after their obnoxious character has been verified by chemical examination or otherwise, as the case may require, he shall exclude the goods from admission and refuse delivery to the consignee.*

The consignee in such case shall be at liberty to ship the goods away from the (Philippine Islands) Philippines, if not an immediate menace to the public health, within three months from the date of notice of such refusal, under regulations prescribed by the Insular Collector; and if such exportation be not made

within said period, the Insular Collector shall dispose of the goods by destruction or by sale for industrial or other lawful use.

All charges for storage, cartage, and labor on goods of which delivery is thus withheld shall be paid by the owner or consignee, and in default of payment the obligation therefor, if not satisfied from the proceeds of sale hereunder, shall constitute a lien against any future importation made by such owner or consignee.

"SEC. 1129. *Forthcoming bond.—The Insular Collector of Customs may deliver to the consignee such goods pending examination and decision in the matter, on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Insular Collector of Customs, when demanded, for any lawful purpose, said consignee shall forfeit the amount of the bond."*

CHAPTER V

LABELS AND ADVERTISEMENTS

Labels of Medicines Dispensed

Upon every box, bottle or other package containing medicine sold or dispensed by a pharmacist, there shall be pasted, affixed, or imprinted a seal or label bearing the name of the pharmacy and showing the character of the medicine and proper doses thereof. The label of medicines sold upon prescription shall also show the name of the prescriber and the number of the prescription. (Section 752, Revised Administrative Code).

Labels of Poisons

To every box, bottle, or other package containing any dangerous or poisonous drug, a label of red paper upon which shall be printed in large black letters the word "poison," and a vignette representing a skull and bones shall be affixed, before delivering it to any person. (Section 755 and 756 Revised Administrative Code and Sec. 56, Drug and Cosmetic Regulations).

At the foot of the label showing the name of the poison, and below the words "Veneno", "Lason", or "Poison", there shall be placed the word "Antidote" followed by the name or names of the antidote or antidotes of said poison. (Section 57, Drug and Cosmetic Regulations.)

In addition to the above requirements, Chapter VIII of the Drug and Cosmetic Regulations prescribe the following rules for labeling of pharmaceutical preparations:

> *"Sec. 42. (a) Any drug or preparation compounded or fabricated from two or more ingredients should bear a qualitatively and quantitatively correct description of the principal drugs and toxic substances to which said drug or preparation owes its action. The name to be used for each ingredient should be in accordance with sub-section* (b) *of the preceding section.*

"(b) *If the drug or preparation is in tablet, capsule, ampul or other unit form, the statement of the quantity or proportion of a substance contained therein shall express the weight or measure of such substance in each unit. If the drug or preparation is not in such unit form the statement shall express the weight or measure of such substance in a specified unit of weight or measure of the drug or preparation or the percentage of such substance in such drug or preparation. Such statement shall be in terms which are informative to the ordinary consumer and user of the drug or preparation.*

"(c) *If the drug, preparation or cosmetic contains alcoholic ingredients as any added alcohol, tinctures and the like, the total alcoholic strength in per cent by volume be stated separately in the label, although such alcoholic ingredients are already stated separately in the formula.*

"*Sec. 43. The label should bear in addition to other requirements prescribed, the name and place of business of the manufacturer, packer or distributor. If a drug, preparation, or cosmetic is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such drug, preparation or cosmetic, such as 'Manufactured for and packed by————,' 'Distributed by ————,' or other similar phrase which expresses the facts.*

"*Where a person manufactures, packs or distributes a drug, preparation or cosmetic at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such drug, preparation or cosmetic was manufactured or packed or is to be distributed, if such a statement is not misleading in any particular.*

"*Sec. 44. (a) If in package form, the label should bear an accurate statement of the quantity of the contents in terms of weight, measure or numerical count. The statement of the quantity of the contents of a package of a drug, preparation or cosmetic shall reveal the quantity of such drug, preparation or cosmetic in the package, exclusive of wrappers and other material packed with such drug, preparation or cosmetic. The statement shall be expressed in terms of weight, measure, numerical count or a combination of numerical count and weight or measure which are generally used by consumers and users of such drug, preparation or cosmetic to express quantity there-*

of, and which give accurate information as to the quantity. But if no general usage in expressing accurate information as to the quantity of such drug, preparation or cosmetic exists among consumer and users thereof, the statement of the quantity of the drug, preparation or cosmetic which is not in tablet, capsule, ampul or other unit form shall be in terms of weight if the drug, preparation or cosmetic is solid, semi-solid or viscous or in terms of measure if it is liquid; the statement of the quantity of a drug, preparation or cosmetic which is in such unit form shall be in terms of the numerical count of such units, supplemented, whenever necessary, to give accurate information as to the quantity of such drug, preparation or cosmetic in the package, by such statement (in such terms, manner and form as are not misleading) of the weight or measure of such units, or of the quantity of such active ingredient in each unit, as will give such information.

"(b) *The container of a drug, preparation or cosmetic should not be so made, formed or filled as to be misleading with respect to the contents present.*

"*Sec.* 45. *The labeling of a drug, preparation or cosmetic may be considered as liable to mislead or cause injury if—*

(a) *The labeling does not bear adequate directions for use.*

(b) *The labeling does not bear adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods of durations of administration or applications, such manner and form, as necessary for the protection of users which may be by reason (among other reasons) of omission in whole or in part, or incorrect specification of:*

1. *Directions for use in all conditions for which such drug, preparation or cosmetic is prescribed, recommended or suggested, in its labeling, or in its advertisement disseminated or sponsored by or on behalf of its manufacturer or packer, or in such other conditions, if there by any, for which such drug, preparation or cosmetic is commonly and effectively used;*

2. *Quantity or dose (including quantities for persons of different ages and physical conditions);*

3. *Frequency of administration of application;*

4. *Duration of administration or application;*

5. *Time of administration or application (in relation to time of meals, time of onset of symptoms, or other time factor)*; *or*

6. *Preparation for use (shaking, dilution, adjustment of temperature, or other manipulation of process).*

However, a drug, preparation or cosmetic may be exempt with respect to direction for use if—

1. *The use of such drug, preparation or cosmetic is known by the ordinary individual;*

2. *The label of such drug or preparation bears the statement: 'Caution: To be taken only by or on the prescription of a ————————' (the blank to be filled in by the word 'physician', 'dentist' or 'veterinarian'.)*

3. *The label of such drug or preparation bears the statement 'For manufacturing use only', and the labeling thereof contains no representation or suggestion with respect to the effect of such drug or preparation.*

(c) *The drug, preparation or cosmetic is dangerous to health when used in the dosage or with frequency or duration prescribed, recommended or suggested in the labeling thereof.*

(d) *It contains any quantity of a drug or derivative of any such drug which is habit forming and its label fails to bear the statement 'Warning—May be habit forming.'*

(d) *It contains in the labeling any representation by implication or otherwise, or that the name suggest that it is a cure or is effective for the treatment of disease or pathologic conditions for which no known cure is effective in the light of present knowledge.*

(f) *It contains in the labeling any unwarranted, exaggerated or misleading claims as to therapeutic value.*

"Sec. 46. All information required to appear on the label or labeling shall be placed thereon in the Tagalog, English or Spanish language plainly and legibly with such conspicuousness (as compared with other words, statements, designs or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. A word, statement or other information may lack that prominence and conspicuousness by reasons (among other reasons) of:

(a) *The failure of such word, statement or information to appear on the part of panel of the label which is presented or displayed under customary conditions of purchase;*

(b) *The failure of such word, statement or information to appear on two or more parts or panels of the label, each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditions of purchase, the part or panel displayed;*

(c) *The failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement or information;*

(d) *Insufficiency of label space (for the prominent placing of such word, statement or information) resulting from the use of label space for any word, statement, design or device which is not required by or under authority of the law to appear on the label;*

(e) *Insufficiency of label space (for the prominent placing of such word, statement or information) resulting from the use of label space to give materially greater prominence and conspicuousness to any other word, statement or information or to any design or device; or*

(f) *Smallness of style in which such word, statement or information appears, insufficient background contrast, obscuring designs or vignettes or crowding with other written, printed or graphic matter."*

Formula

The qualitative and quantitative formula of any pharmaceutical preparation intended for the prevention, alleviation, or cure of human ailments, whether of simple substance or of compound substances, must appear on its label. This is required by Section 1 of Act 2342 as amended by Act 2680, as follows:

"It shall hereafter be unlawful to import, sell or offer for sale any preparation, whether a simple substance or of compound substances, for the prevention, alleviation or cure of human ailments unless a qualitatively and quantitatively correct description of the principal drugs and toxic substances to which said preparation owes its action, expressed in the language, descriptions, and abbreviations used in the United States Pharmacopoeia or other accepted pharmacopoeias or formularies, appears plainly and legibly upon the bottle, label or pack-

age immediately containing the preparation, in such wise that it shall reach the purchaser at each and every purchase. If any non-official drug or substance be used in the preparation, it shall be plainly described under its ordinary name or customary chemical term, and not by any fancy or proprietary name. It shall be the duty of every importer and manufacturer of any of the preparations above-mentioned to forthwith furnish the Bureau of Science with a specimen of the preparation as it is to be exhibited for sale and immediately upon the receipt thereof, the Bureau of Science shall analyze such preparation. In case the analysis made by the Bureau of Science shows the statement of the principal drugs and toxic substances on the bottle, label, or package to be false, fraudulent or incorrect to the extent of being liable to mislead and cause injury, it shall be the duty of the Director of Science to inform the manufacturer or importer of the result and it shall thereafter be unlawful to have possession of such preparation except for re-exportation within such period of time as the Director of Science may designate: Provided, that in case the manufacturer or his agent shall not accept the result of the analysis made by the Bureau of Science, the Director of Science shall appoint a technical board, composed of a physician and two duly qualified pharmacists, which shall verify the accuracy of the formula questioned and the decision of which shall be final and unappealable."

Advertisements

Exaggerated and false advertisements is one of the grounds for the revocation of a certificate of registration. If the offender is not a pharmacist, the remaining provisions of Act 2342 and of Act 3740 as amended by Commonwealth Act No. 46, quoted below, are applicable.

Act 2342

"Sec. 2. No preparation, whether of a simple substance or compound substances, or any fraudulent therapeutic appliance or device for the prevention, alleviation, or cure of human ailments shall be accompanied by any advertisement, announcement, persuasion, recommendation, testimonial, reference, certificate of merit, declaration of merit or efficacy, mark of distinction, or picture, symbol, or emblem signifying or suggesting any of these, either upon or in the article itself, or upon

the bottle, box, container, cork, capsule, label, or attachment, or upon the invoice, bill, advice, notification, or otherwise by any device or method which is false, fraudulent, exaggerated or misleading in any way.

"Sec. 3. No advertisement or announcement of any proprietary, patent or secret cure or any fraudulent therapeutic appliance or device shall be published or circulated in any newspaper, journal, serial, book, pamphlet, handbill, poster, wall plate, or by painting, impressing, embossing, or otherwise, within the jurisdiction of the Government of the Philippine Islands which is false, fraudulent, misleading, or exaggerated in any way, and every such advertisement or announcement shall be accompanied with the formula as provided in section one of this Act.

"Sec. 4. The Director of Health, with the approval of the Secretary of the Interior, shall make uniform rules and regulations for carrying out the provisions of this Act.

"Sec. 5. It shall be the duty of the Attorney-General or any fiscal to whom the Director of Health shall report any violation of this Act to cause appropriate proceedings to be conducted and prosecuted in the proper courts of the Philippine Islands, without delay, for the enforcement of the penalties as in such cause herein provided.

"Sec. 6. Any person, corporation, or company violating any provisions of this Act, or any regulation made in accordance therewith, shall be punished by a fine of not to exceed two hundred pesos, or six months' imprisonment, or by both, such fine and imprisonment in the discretion of the court, for its offense.

"Sec. 7. All acts and ordinances and parts thereof inconsistent with this Act are hereby repealed." (Director of Health should be understand as referring to the Board of Pharmaceutical Examiners and Inspectors.

Act 3740 as amended by Commonwealth Act No. 46

"Sec. 1. It shall be unlawful for any person, firm or corporation, either as principal or agent, to display, sell, barter, or exchange, or to offer or expose for display, sale, barter, or exchange in the Philippines; or to possess with intent to sell; or to cause to be sent, carried, or brought for display, sale, barter, or exchange from any foreign country into the Philippines, or from the Philippines into any foreign country, any article which is falsely packed, labeled, marked or branded, or

is packed, labeled, marked or branded in such a way as to misrepresent the character, amount, value, contents, properties or condition of the article contained or of the materials of which the article is composed; or any article which is accompanied by advertising matter which misrepresents the character, amount, value, contents, properties or condition of the articles advertised, or of the materials of which it is composed whether or not the article or the container thereof is mislabeled, misrepresented or misbranded.

"The possession of any of the articles herein mentioned in quantities in excess of the reasonable needs of the possessor shall constitute prima facie evidence of possession with intent to sell." (Amended by C.A. 46)

"Sec. 2. It shall be unlawful for any person, firm or corporation, either as principal or agent, to insert or cause to be inserted in any newspaper, book or periodical printed in the Philippine Islands any advertising which misrepresents the character, value, properties or condition of the article advertised or of the materials of which it is composed.

"Sec. 3. It shall be unlawful for any person, firm, or corporation, either as principal or agent, in any handbill, billboard, sign, pamphlet circular, projected lantern slides or any other form of advertising whatsoever printed, displayed, or circulated in the Philippine Islands, to misrepresent the character, value, properties or condition of any article offered or exposed for sale, barter, or exchange, or of the materials of which the article is composed.

"Sec. 4. It shall be unlawful for any person, firm, or corporation, either as principal or agent, in any prospectus, handbill, billboard, sign, pamphlet, circular, projected lantern slides, or any other form of advertising whatsoever printed, displayed, or circulated in the Philippine Islands, to misrepresent the character or value of any stocks, bonds, or shares of any firm or corporation or of the properties or prospects of any firm or corporation.

"Sec. 5. It will be unlawful for any person, firm, or corporation, whether as principal or agent, to use the mails of the Philipine Islands for the circulation of any advertising matter prohibited by this Act, but nothing in this Act shall be interpreted as prohibiting the sale or delivery through the mails in the Philippine Islands of standard books, magazines or periodicals published in the United States or foreign countries, but

all the provisions of this Act shall apply to all classes of publications issued by persons, firms or corporations, either as principal or agent, for the advertisement or the promotion of the sale of their own merchandise, stocks, bonds, shares, etc.

"Sec. 7. This Act shall take effect six months after approval.

"Approved, November 22, 1930. (*Amendment, C.A.* 46 *was approved in October* 13, 1936.)

CHAPTER VI

PRESCRIPTIONS

Filling of Prescriptions

The pharmacist, under the law, is not authorized to prescribe, but only to fill prescriptions. From a reading of Section 27 of the Drug and Cosmetic Regulations, a prescription may be filled only in the presence of the pharmacist in charge of the drug store. It is implied from this provision that such filling may be delegated to a pharmacy clerk or to any person provided that the filling is done under the direct supervision of the pharmacist. A person dispensing a prescription in the presence of the pharmacist in charge of the drug store is not necessarily practising pharmacy as contemplated in Section 728 of the Revised Administrative Code.

Record Books for Prescriptions

All prescriptions dispensed in the drug store must be recorded in a book kept for the purpose, which shall be open to inspection by the Board or its duly authorized representatives 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. Prescriptions shall be numbered and the original or copy of the same shall be preserved. Prescription books kept for the purpose of recording the sale of opium and poison should be kept for a period of not less than five years after the last entry in it has been made.

Uses of Ciphers or Unusual Terms

Prescriptions are required to be written plainly and legibly, expressed in the language, description, and abbreviation used in the United States Pharmacopoeia or other accepted pharmacopoeias or formularies. It is thus un-

lawful for a physician to prescribe and for a pharmacist to dispense prescriptions which are written in ciphers or secret keys or in which there are used unusual names of drugs which differ from the names ordinarily used for such drugs in a standard pharmacopoeia or formulary.

The Code of Ethics for the Pharmaceutical Profession sets forth the following principles to be adhered to by a pharmacist in filling prescriptions:

> *"The pharmacist should under no consideration, substitute one article for another or replace one substance by another in a prescription, except with the consent of the prescriber. No change should be made in a prescription unless properly guaranteed to be correct and not liable to alter or obstruct in any manner the therapeutic action the prescriber desires to obtain.*
>
> *"The dispensing pharmacist should follow strictly and thoroughly the instructions of the prescriber relative to the filling of the prescription, copying the formula correctly on the label, and giving a copy of the prescription to the patient when so requested. He should not add or leave out anything in the directions, instructions or label on the medicines, even in the case of poisons, without the proper consent of the prescriber, provided such prescription will not endanger the life of the patient if filled and used as prescribed.*
>
> *"In case there is any doubt regarding the proper interpretation of a prescription, the pharmacist should consult the prescriber, in order to avoid an error. This must never be done with the knowledge of the patient. Neither should he discuss the therapeutic effect of a prescription nor describe any details of the compound that the prescriber may have forgotten, nor suggest to the patient that such details can be properly discussed with the prescriber.*
>
> *"In case the pharmacist discovers any error or omission in a prescription, he must consult the physician confidentially and secretly on this matter, using the greatest precaution and tact, in the interest of his customer as well as of the reputation of the physician."*

Opium Prescriptions — Limitations

Physicians may at any one time and in one prescription in which the patient's name should be indicated pres-

cribe one box of 6 ampules of pantopon ampules, one box of 10 ampules of pulmosan ampules, or one tube of 6 tablets of one-third (1/3) grain each of pantopon hypodermic tablets (not for oral administration), only. The doses of pantopon being about one-half of that of morphine, the number of morphine ampules which may be dispensed by means of medical prescription should be equal to one-half of that of pantopon ampules. As pantopon ampules locally sold contain 0.02 gram of narcotic per ampule, 6 morphine ampules of 0.01 gram each or 3 morphine ampules of 0.02 gram each may be dispensed on prescription by a physician, dentist, or veterinarian, the number of the ampules to be increased or decreased according to their narcotic content. Ampules containing other kinds of prohibited drugs, such as codeine, papaverine, etc., or may be dispensed at 19 ampules per prescription written by a physician, dentist, or veterinarian, in accordance with the requirement contained in section 19 (a) hereof, provided that the total doses of narcotic prescribed do not exceed the equivalent doses mentioned in this paragraph." (Section 5 (b), Prohibited Drug Regulations, Department of Finance)

CHAPTER VII

POISONS

Poisons are classified into violent and less violent poisons as follows:

Violent poisons:

- arsenic
- arsenical solutions
- phosphorus
- corrosive sublimate
- cyanide of potassium or other cyanide
- atropine
- cocaine
- morphine
- strychnine, or any of their salts
- all other poisonous vegetable alkaloids or any of their salts
- hydrocyanic acid
- prussic acid
- oil of bitter almonds containing hydrocyanic or prussic acid
- oil of mirbane (nitro-benzene)
- opium and its preparations, except paregoric and such others as contain less than four hundred and fifty milligrams of opium per one hundred cubic centimeters (two grains to the ounce)

Less violent poisons:

- aconite
- belladonna
- cantharides
- colchicum
- conium
- cotton root
- digitalis
- ergot
- hellebore
- henbane
- phytolaca

strophantus
oil of tansy
veratrum viride, or their pharmaceutical preparations
carbolic acid (Phenol)
chloral hydrate
chloroform
creosote
croton oil
mineral acids
oxalic acid
paris green
salts of lead
salts of zinc
tartar emetic
white hellebore,

or any drug, chemical, or preparation which according to standard works of medicine or *materia medica* is liable to be destructive to human adult life in quantities of four grams (sixty grains) or less.

In the following circulars of the Board of Pharmaceutical Examiners and Inspectors, chenopodium oil was classified as a violent poison:

'Circular No. 1
Series of 1936

"To all practising pharmacists in the Philippine Islands:

In view of the fact that quite a number of accidents has been caused by the administration of Chenopodium Oil mixed with other medicines, according to the report made to this Board by the 'Colegio Medico-Farmaceutico de Filipinas', this Board has decided to classify 'Chenopodium Oil' as a violent poison and as such, the dispensing or sale of the same should be recorded in a registry book in accordance with section 755 of the Administrative Code. The entry of the sale should be made in black ink in the registry book. No person except a registered pharmacist shall sell, distribute, or dispense 'Chenopodium Oil' or its mixture with other substances.

Violation of the above circular shall be dealt with administratively by the Board.

Manila, March 29, 1935."

"Circular No. 4
Series of 1937

"*In its Circular No.* 1, *series of* 1935, *this Board classified Chenopodium Oil as a violent poison due to a number of accidents caused by its administration. Since then, there were still cases of poisoning reported in connection with the administration of patent medicines containing this drug. While the dose of Chenopodium specified in the formula of preparations approved by this Board is within the average therapeutic dose and is safe under ordinary circumstances, their indiscriminate use by patients is not advisable. In view of the foregoing, this Board hereby requires all manufacturers of preparations containing chenopodium to print on the label of each and every bottle the following statement*: "*TO BE TAKEN UPON PHYSICAN'S ADVICE.*'

"*This circular shall take effect on February* 1, 1938, *and samples of the preparation with the above requirements shall be submitted to this Board on or before that date for approval.*

January 3, 1938."

Under the Pharmacy Law, prescriptions are not required in order to dispense, sell or deliver any of the violent poisons. It is for this reason that the Board of Pharmaceutical Examiners and Inspectors in promulgating the Drug and Cosmetic Regulations deemed it imperative to include therein provisions making it a requirement that violent poisons intended for medicinal use should be sold only on a physician's prescription, thus:

"*No poison specified in Table A hereunder and intended for medicinal use shall be delivered or sold to any person without a prescription from a duly licensed physician. Should the poison be intended for purposes other than medicinal, the same may be sold without a prescription only by the pharmacist in charge, but record of the sale shall be made in accordance with the next following section.*

"*Table A—Arsenic, arsenical solutions, phosphorus, corrosive sublimate, cyanide of potassium or other cyanides, hydro-*

cyanic acid, atropine, cocaine, morphine, strychnine, or any of their salts, mirbane oil (nitro benzene), oil of chenopodium, opium and its preparations except paregoric and such others as contain less than 450 *milligrams of opium per* 100 *cubic centimeters* (2 *grains to the ounce*)."

Receptacle for Poisonous Drugs

Violent and less violent poisons should be kept in a cabinet to be provided in a pharmacy carrying such drug in stock for retail trade and the same shall be kept securely locked when not in use.

Delivery of Poisonous Drugs

The regulations require that a pharmacist selling any of the violent and less violent poisons should ascertain from the puchaser the use for which the poison is intended and shall not deliver it if the poison is intended for some unlawful purpose. It makes it his duty to explain to the buyer the nature of the drug and in all cases the purchaser should be informed of the antidotes of the poison.

In cases where a prescription calls for an amount of poisonous drug which, in the judgment of the pharmacist, is excessive and may cause injury to the patient, he shall not fill the prescription without first consulting the physician.

Record of Sale of Poisonous Substances

Every person who dispenses, sells, or delivers any of the violent poisons shall make or cause to be made in a book kept for the purpose of recording the sale of such poisons an entry stating the date of its sale and the name and address of the purchaser, the name and quantity of the poison sold, and the purpose for which it was claimed to be purchased, before delivering it to the purchaser. He shall not deliver any such poison to any person without satisfying himself that such person is aware of its poisonous character, and that the poison is to be used for a legitimate purpose,

and he shall affix to every box, bottle, or other package containing any dangerous or poisonous drug, a label of red paper upon which shall be printed in large black letters the word "poison," and a vignette representing a skull and bones, before delivering it to any person.

Every person who dispenses, sells, or delivers any of the less violent poisons without the prescription of a physician, shall label the receptacles containing them as is above provided for violent poisons, but shall not be required to register the same. This provision is not applicable to the dispensing of medicines, drugs, or poisons on physicians' prescriptions, but no prescription, the prescribed dose of which contains a dangerous quantity of poison, shall be filled without first consulting the prescribing physician and verifying the prescription.

CHAPTER VIII

OPIUM AND OTHER PROHIBITED DRUGS

Since 1900, the first law in the Philippines to touch on the subject of opium is Act No. 82, passed in 1901, wherein in its Article 39, the municipal councilor is authorized to close opium joints, to prohibit and punish the possession of the same. Visit to opium dens and the selling of opium for the purpose of smoking are penalized. Subsequently, several acts were passed on the subject, until 1914 when Act 2381 took effect. This again, with the exception of sections 1, 7, 10, 11, and 12, has been repealed by the Revised Penal Code.

In 1914, the Congress of the United States passed the Harrison Narcotic Act which was made applicable to the Philippines. The provisions of the Harrison Narcotic Act are still observed here in the absence of new legislation on the subject.

The Revised Penal Code gives the following provisions on opium:

> *"Art.* 190. *Possession, preparation and use of prohibited drugs, and maintenance of opium dens.—The penalty of arresto mayor in its medium period to prision correccional in its minimum period and a fine ranging from* 300 *to* 10,000 *pesos shall be imposed upon:*
>
> 1. *Anyone who, unless lawfully authorized shall possess, prepare, administer or otherwise use any prohibited drug.*
>
> *" 'Prohibited drug,' as used herein, includes opium, cocaine, alfa and beta eucaine, their derivatives, and all preparations made from them or any of them.*
>
> *'Opium' embraces every kind, class, and character of opium, whether crude or prepared; the ashes or refuse of the same; narcotic preparations thereof or therefrom; morphine or alkaloid of opium; preparations in which opium, morphine or alkaloid of opium, enter as an ingredient, and also opium*

leaves or wrappings of opium leaves, whether prepared or not, for their use.

2. *Anyone who shall maintain a dive or resort where any prohibited drug is used in any form, in violation of the law.*

"*ART.* 191. *Keeper, watchman and visitor of opium den. —The penalty of arresto mayor and a fine ranging from* 100 *to* 300 *pesos shall be imposed upon:*

1. *Anyone who shall act as keeper or watchman of a dive or resort where any prohibited drug is used in any manner contrary to law; and*

2. *Any person who, not being included in the provisions of the next preceding article, shall knowingly visit any dive or resort of the character referred to above.*

"*Art.* 192. *Importation and sale of prohibited drugs.— The penalty of prision correccional in its medium and maximum periods and a fine ranging from* 300 *to* 10,000 *pesos shall be imposed upon any person who shall import or bring into the Philippine Islands any prohibited drug.*

The same penalty shall be imposed upon any person who shall unlawfully sell or deliver to another any prohibited drug.

"*Art.* 193. *Illegal possession of opium pipe or other paraphernalia for the use of any prohibited drug.—The penalty of arresto mayor and a fine not exceeding* 500 *pesos shall be imposed upon any person who, not being authorized by law, shall possess any opium pipe or other paraphernalia for smoking, injecting, administering or using opium or any prohibited drug.*

The illegal possession of an opium pipe or other paraphernalia for using any other prohibited drug shall be prima facie evidence that its possessor has used said drug.

"*Art.* 194. *Prescribing opium unnecessarily for a patient. —The penalty of prision correccional or a fine ranging from* 300 *to* 10,000 *pesos or both, shall be imposed upon any physician or dentist who shall prescribe opium for any person whose physical condition does not require the use of the same.*"

The Department of Finance approved Prohibited Drug Regulations No. 107, on October 5, 1938, which took effect on April 27, 1939. These regulations, which are quoted in their entirety in Appendix C of this book including a minor amendment which was introduced on November 26, 1947,

provides for the manner opium and prohibited drugs should be disposed of in the legitimate trade.

International Cooperation

Opium has been the subject of international cooperation between nations with the end in view to regulating the traffic in and suppressing the abuse of narcotic drugs and limiting its use for medicinal purposes. Parties to the various opium conventions and those adhering thereto render statistical reports to the Permanent Central Opium Board which was, prior to the outbreak of World War II, functioning under the auspices of the League of Nations. This Board, by a Protocol of December 11, 1946, became part of the administrative machinery of the United Nations. It is to this Board that the Philippines now submits statistical reports on Imports and Exports (General), Imports and Exports (Codeine & Dionine), Estimates of Raw Materials, Estimates of Drugs, Consumption, Production and Manufacture, Stocks, and Confiscations for illegal imports or exports, as well as an annual narrative report based on the following outline:

A. *General*

1. Laws and Publications
2. Administration
3. Control of International Trade
4. International Cooperation
5. Illicit Traffic
6. Other Information

B. *Raw Materials*

7. Raw Opium
8. Coca Leaf
9. Indian Hemp

C. *Manufactured Drugs*

10. Internal Control of Manufactured Drugs

D. *Other Questions*

11. Chapter IV of the Hague Opium Convention of 1912
12. Prepared Opium
13. Miscellaneous

Executive Order No. 107 makes it the duty of the Commissioner of Health and Public Welfare, now Secretary of Health, "to gather and prepare on forms prescribed for the purpose, all the necessary reports of detailed statistics on import, export, manufacture, stocks, seizures and estimated needs of narcotic drugs and other such statistical data on said drugs as may be periodically required by the Permanent Central Opium Board." Following is the full text of Executive Order No. 107, series of 1937:

"Malacañan Palace
Manila

By the President of the Philippines

Executive Order No. 107

Designating the Commissioner of Health and Welfare to take charge of collecting the information and furnishing the reports required by the Permanent Central Opium Board.

In order to enable the Government of the Commonwealth of the Philippines to cooperate with the Permanent Central Opium Board at Geneva, Switzerland, for the purpose of regulating the traffic in, and suppressing the abuse of narcotic drugs, the Commissioner of Health and Welfare is hereby designated to gather and prepare on forms prescribed for the purpose all the necessary reports of detailed statistics on import, export, manufacture, stocks, seizures and estimated needs of narcotic drugs and other such statistical data on said drugs as may be periodically required by the United States Government for the use of the said Permanent Central Opium Board.

The Commissioner of Health and Welfare shall also report the particulars of individual cases of illicit traffic on narcotic drugs. The particulars given shall indicate as far as possible:

(a) *The kind and quantity of drugs involved;*

(b) *The origin of the drugs, their marks and labels;*

(c) *The points at which the drugs were diverted into the illicit traffic;*

(d) *The place from which the drugs were dispatched, and names of shipping or forwarding agents or consigners; the methods of consignment and the name and address of consignees, if known;*

(e) *The methods and routes used by smugglers and names of ships, if any, in which the drugs have been shipped;*

(f) *The action taken by the Government in regard to the persons involved, particularly those possessing authorizations or licenses and the penalties imposed;*

(g) *Any other information which would assist in the suppression of illicit traffic.*

In addition to these statistical reports and to the reports of individual cases of illicit traffic, the Commissioner of Health and Welfare shall likewise render a general annual report on the traffic in narcotic drugs.

For the purpose of carrying out the provisions of this Order, the Commissioner of Health and Welfare shall be guided by the agreement reached at the Narcotics Limitation Convention held at Geneva on July 13, 1931, *to which the United States was a party and the memorandum of the United States Department of State attached hereto and made a part of this Order.*

The Collector of Customs, the Collector of Internal Revenue, the Chairman of the Board of Pharmaceutical Examiners, the Opium Committee, the Chief of Staff of the Philippine Army, the Commissioner of Public Safety and all Chiefs of Police of chartered cities and municipalities shall from time to time furnish the Commissioner of Health and Welfare such data or information as may be required by the latter official in the preparation of his statistical and annual reports. The Commissioner of Health and Welfare is hereby empowered to require from any official, instrumentality or agency of the Government such data or information as he may need in carrying out the provisions of this Order.

Upon completion of the several reports called for in this Order, the same shall be forwarded by the Commissioner of Health and Welfare to the Office of the President of the Philippines for transmittal to the United States Government.

The Memorandum Order dated October 21, 1930 of the former Governor-General, regarding the preparation of a statement of seizures of narcotics, is hereby revoked.

Done at the City of Manila, this 24th day of August, in the year of our Lord, nineteen hundred and thirty-seven, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON
President of the Philippines

By the President:
ELPIDIO QUIRINO
Secretary of the Interior

Sections 339-342 of the National Internal Revenue Code, quoted below, repealed Sections 1574-1577 of the Revised Administrative Code:

"Sec. 339. Words and phrases defined.—The term 'prohibited drugs' as herein used, includes opium, cocaine, alpha and beta eucaine, their derivatives, and all preparations made from them.

" 'Opium' embraces every kind, class, and character of opium, whether crude, prepared, ash, or refuse, and all narcotic preparations thereof or therefrom, and all morphine or alkaloids of opium, and all preparations in which opium, morphine, or any alkaloid of opium enters as an ingredient, together with all opium leaves and wrappings of opium leaves, whether such leaves or wrappings are prepared for use or not.

"Sec. 340. Lawful possession and uses of prohibited drugs specified.—Prohibited drugs may be lawfully kept, used, administered, and dealt in under the following conditions and by the following persons only:

(a) Duly licensed and practicing physicians, dentists, and veterinarians may, in the proper course of their professional practice only, prescribe and administer, or cause to be administered, prohibited drugs as medicine or anaesthetic and may receive and keep the same in their possession for such use.

(b) Government bureaus or offices of the Government duly designated in writing for such purpose by the President of the Philipines may receive, keep, use, and dispose of such drugs in accordance with law, and the same may be lawfully sold, transferred, or delivered to them.

(c) *Pharmacists may receive, keep, and dispense prohibited drugs upon the prescription of a duly licensed and practicing physician, dentist, or veterinarian, and upon permit from the Collector of Internal Revenue may transfer and deliver the same to other pharmacists or to any person or institution lawfully authorized to receive the same.*

"Sec. 341. Importation of opium—Storage of same.—Opium shall be imported only by the Government of the Philippines through the Bureau of Internal Revenue; and all imported opium, after the payment of duties, taxes, and charges, shall be delivered by the customs authorities to the Collector of Internal Revenue for storage in a place to be approved by him. Except in case of fire or similar necessity, opium so stored shall be removed only for delivery to a person authorized to receive the same, and before removal from storage the drug shall be marked or labeled in such manner as may be prescribed in the regulations of the Department of Finance.

A reasonable charge may be made for such storage, to be paid before the opium is removed.

"Sec. 342. Record to be kept by physicians, pharmacists, dentists, and veterinarians—Inspection of same.—Physicians, dentists, veterinarians, and pharmacists shall keep true and correct records of all prohibited drugs received and dispensed or transferred by them, in such form and manner as may be prescribed in the regulations of the Department of Finance

Such record and the stock of prohibited drugs on hand shall be subject to inspection at all times by the duly authorized officers, agents, or deputies of the Bureau of Internal Revenue."

Executive Order No. 94, dated October 4, 1947, in its section 125, provides:

"The Department of Health shall be charged with the protection of the health of the people, the maintenance of sanitary conditions, and the proper enforcement of the laws and regulations relative to health, sanitation, food, drugs and narcotics, slum housing, garbage and other waste disposal, and for these purposes, it shall exercise executive supervision over the Bureau of Health; the Bureau of Quarantine; the Bureau of Hospitals; the Board of Medical Examiners; the Board of Pharmaceutical Examiners; the Board of Dental Examiners;

the Board of Optical Examiners; the Board of Examiners for Nurses; the National Advisory Health Council; the Alabang Vaccine and Serum Laboratories; the health departments of chartered cities; the national, provincial, city and municipal hospitals, dispensaries and clinics except the Philippine General Hospital; the public markets and slaughter-houses; hotels, restaurants, and other food establishments; and health resorts and similar establishments."

CHAPTER IX

BIOLOGIC PRODUCTS

The control of biologic products is placed in a board known as Biologic Products Board composed of the Secretary of Public Instruction (now Secretary of Health) as chairman, and the Director of Health and the Director of the Institute of Science as members.

Act 3073

"AN ACT TO REGULATE THE SALE OF VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS IN THE PHILIPPINE ISLANDS:

"Section 1. From and after six months after the promulgation of the regulations authorized by section four of this Act, no person, firm, or corporation shall sell, barter, or exchange, or offer for sale, barter, or exchange in the Philippine Islands, or send, carry, or bring for sale, barter, or exchange from any foreign country into the Philippine Islands or from the Philippine Islands into any foreign country any virus, therapeutic serum, toxin, antitoxin or analogous product applicable to the prevention and cure of disease in man, unless (a) such virus, serum, toxin, antitoxin, or analogous product has been propagated and prepared by any person, firm, or corporation holding an unsuspended and unrevoked license issued by the Secretary of Public Instruction on recommendation of the Director of Health, as hereinafter authorized, to propagate and prepare such virus, serum, toxin, antitoxin or analogous product for sale in the Philippines, or for sending, bringing or carrying from or to any foreign country; (b) unless each package of such virus, serum, toxin, antitoxin or analogous product is plainly marked with the proper name of the article contained therein, the name, address and license number of the manufacturer and the date beyond which the contents cannot be expected beyond reasonable doubt to yield their specific results: PROVIDED, That the suspension or revocation of any license shall not prevent the sale, barter, or exchange of any virus, serum, toxin, or antitoxin, or analogous product aforesaid which has been sold and delivered by the licensee prior to such suspension or revocation, unless the owner or custodian of such virus, serum, toxin,

antitoxin or analogous product as aforesaid has been notified by the Secretary of Public Instruction not to sell, barter, or exchange the same.

"Sec. 2. No person shall falsify, relabel or remark any package or container of any virus, serum, toxin, antitoxin or analogous product aforesaid so as to falsify such label or mark.

"Sec. 3. Any officer, agent, or employee of the Bureau of Health duly authorized by the Director of Health for that purpose, may, for the safeguarding of the public health, enter and inspect any establishment for the propagation and preparation of any virus, serum, toxin, antitoxin or analogous product aforesaid or sale, barter, or exchange in the Philippine Islands into any foreign country or from any foreign country into the Philippine Islands.

"Sec. 4. A board is hereby created, composed of the Secretary of Public Instruction as chairman, and the Director of Health and the Director of the Bureau of Science as members, with authority to promulgate from time to time such rules as may be necessary in the judgment of said board to govern the issue, suspension, and revocation of licenses for the propagation and preparation of viruses, serums, toxins, antitoxins, and analogous products, applicable to the cure of disease of man and intended for sale in the Philipine Islands or any other country: PROVIDED, That all licenses issued for the propagation and preparation of any virus, serum, toxin, antitoxin or analogous product aforesaid imported for sale, barter, or exchange in the Philippine Islands shall be issued upon condition that licenses shall permit the inspection of the establishments where said articles are propagated and prepared in accordance with section three of this Act. Applications in accordance with the provisions of this Act shall be submitted to the Secretary of Public Instruction, who is hereby authorized and directed to issue, suspend, or revoke, upon recommendation of the Director of Health, licenses issued in accordance with this Act.

"Sec. 5. No person shall interfere with any officer, agent, or any employee of the Philippine Government in the performance of any duty imposed upon him by this Act, or by regulations made by authority thereof.

"Sec. 6. Any person who shall violate, or aid or abet in violating any of the provisions of this Act shall be punished by a fine not exceeding one thousand pesos, or by imprisonment not

exceeding one year, or both such fine and imprisonment, in the discretion of the court.

"Approved, March 16, 1923."

("Bureau of Science" and "Secretary of Public Instruction" in this Act should be read Institute of Science and Secretary of Health respectively.)

ACT. No. 3101

AN ACT AUTHORIZING THE DIRECTOR OF AGRICULTURE, SUBJECT TO THE APPROVAL OF THE SECRETARY OF AGRICULTURE AND NATURAL RESOURCES, TO PROMULGATE REGULATIONS FOR THE PREPARATION, SALE, TRAFFIC IN, SHIPMENT, AND IMPORTATION OF VIRUSES, SERUMS, TOXINS OR ANALOGOUS PRODUCTS USED FOR THE TREATMENT OF DOMESTIC ANIMALS:

"Section 1. *It shall be unlawful for any person, firm or corporation to prepare, sell, traffic in or in any manner dispose of, in the Philippine Islands, for the treatment of domestic animals, any virus, serum, toxin, or analogous products that are of no value or the value whereof is inferior to that announced on the label, or which are contaminated or adulterated or dangerous or noxious. It shall likewise be unlawful for any person, firm or corporation to sell, traffic in or in any manner dispose of any virus, serum, toxin, or analogous products prepared in the Philippine Islands and used for the treatment of domestic animals, unless such virus, serum, toxin or analogous products have been prepared in accordance with regulations to be promulgated by the Director of Agriculture, subject to the approval of the Secretary of Agriculture and Natural Resources, in an establishment licensed by said Director of Agriculture, such license being neither suspended nor revoked.*

"Sec. 2. *It is hereby prohibited to import into the Philippine Islands, without permission of the Director of Agriculture, any virus, serum, toxin, or analogous products for the use in the treatment of domestic animals, and to import, for such treatment, any virus, serum, toxin or analogous products that are worthless or inefficacious or the value whereof is inferior to that announced on the label, or which are contaminated or adulterated or dangerous or noxious. The Director of Agriculture or his authorized agent is hereby empowered to examine*

and inspect all viruses, serums, toxins and analogous products imported or to be imported into the Philippines for use in the treatment of domestic animals, in order to determine whether they are worthless or inefficient, or whether their value is inferior to that announced on the label, or whether they are adulterated or contaminated or dangerous or noxious, and if they are, to prohibit their entry and order them destroyed or returned to their place of origin at the expense of the owner or importer.

"Sec. 3. The Director of Agriculture is hereby authorized, subject to the approval of the Secretary of Agriculture and Natural Resources, to draft and promulgate from time to time such regulations as he may deem necessary to prevent the preparation, sale, traffic in or shipment of any virus, serum, toxin or analogous products, intended for the treatment of domestic animals, that are worthless or inefficacious or the the value whereof is inferior to that announced on the label, or which are adulterated or contaminated or dangerous or noxious, and also, to issue, suspend and revoke licenses for the dispensing or the maintenance of establishment for the preparation for use in the treatment of domestic animals, of viruses, serums, toxins, and analogous products for sale, traffic or shipment. The Director of Agriculture is also authorized to issue licenses for the importation into the Philippine Islands, for the treatment of domestic animals, of viruses, serums, toxins and analogous products when not in violation of the provisions of section two of this Act.

"Sec. 4. The licenses provided for in this Act shall be issued to persons engaged in the preparation of viruses, toxins and analogous products for sale, traffic or shipment, on the condition that the licenses shall permit the inspection of the same and their products and of the manner of preparing the same; and the Director of Agriculture may suspend or revoke any license issued under this Act after giving the licensee an opportunity to be heard, when, in the judgment of said Director, such licensee uses his license, or permits the same to be used, for facilitating or carrying on the preparation, sale, traffic in, or shipment, or importation into the Philippines for use in the treatment of domestic animals, of any virus, serums, toxin or analogous products having no value or efficacy or the value whereof is inferior to that announced on the label, or adulterated, contaminated, or dangerous or noxious. Any

officer, agent or employee of the Bureau of Agriculture, duly authorized by the Director of Agriculture, may enter any establishment licensed to prepare, sell, traffic in or ship virus, serum, toxin or analogous products for use in the treatment of domestic animals, at any hour of the day or night.

"Sec. 5. Any person, firm or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than two thousand pesos or by imprisonment for not more than two years, or both, in the discretion of the court.

"Sec. 6. This Act shall take effect on its approval.

"Approved, March 16, 1923."

Pursuant to Act 3073, the following regulations were promulgated by the Biologic Products Board:

"REVISED REGULATIONS CONTROLLING THE PREPARATION, FOR SALE IN THE PHILIPPINE ISLANDS, OF BIOLOGIC PRODUCTS FOR USE OF MAN.

Licenses

1. *Licenses will be issued, suspended, and revoked by the Secretary of Public Instruction as Chairman of the Biologic Products Board upon the recommendation of the Director, Philippine Health Service, based upon the written report of the inspectors (Min. 21, April* 25, 1930.)

2. *Licenses shall be issued only after examination of the products for which licenses is desired and inspection of the establishment where such products are prepared: Provided that a license or inspection fee of five pesos (₱5.00) shall be charged for each biologic product to be licensed. (Min. 34, Feb.* 25, 1941.)

3. *License shall be valid until suspended or revoked. The following form of license shall be prescribed:*

Upon the recommendation of the Director, Philippine Health Service, M ....., *of* ....., *is hereby licensed to prepare and propagate for sale in the Philippine Islands, under the terms and conditions of Act No.* 3073 *of the Philippine Legislature, the following:*

....

....

(and so on)

This license is valid until the 31st day of December, 19.., or until suspended and revoked in accordance with the above-mentioned Act and the regulations thereunder.

This license shall be renewed every year.

Issued at ..... *on* .....
....., 19...

Secretary of Public Instruction
Chairman, Biologic Products Board

. . . . . .

Published in Volume XXVII, No. 43 of the Official Gazette dated April 9, 1929. The original was promulgated on October 27, 1925, XXIII Off. Gaz., 129, page 2211.

Persons, firms, or corporations whose license has been suspended or revoked may upon application be issued a new license on compliance with the terms and conditions required by the law and the regulations, the same as new applicants for license.

4. *Persons, firms, or corporations shall be subject to license when one or more of their products is held by the Secretary of Public Instruction upon the advice of the Biologic Products Board to be a virus, a serum, a toxin, an antitoxin, or a product analogous to any of these and applicable to the prevention and cure of disease in man.*

5. *For the purpose of these regulations, viruses, serums, toxins, and analogous products applicable to the prevention or cure of disease of man are referred to as biologic proudcts and defined as follows:*

I. *A virus is a product containing the minute living cause of an infectious disease.*

II. *A serum is the product obtained from the blood of an animal by removing the clot or clot components and the blood cells.*

III. *A toxin is a product containing a soluble substance poisonous to the laboratory animals or to man in doses of 1 milliliter or less of the product, and having the property, following the injection of non-fatal doses into an animal, of producing therein another soluble substance which specifically neutralizes the poisonous substance and which is demonstrable in the serum of the animal thus immunized.*

IV. *An antitoxin is a product containing the soluble substance in the serum or other body fluid of an immunized animal which specifically neutralizes the toxin against which the animal is immune.*

V. *A product is analogous* (a) *TO A VIRUS, if prepared from a virus, including micro-organisms actually or potentially virulent;* (b) *TO A SERUM, if prepared from some PROTEIN constituent of the blood, AND INTENDED FOR PARENTERAL ADMINISTRATION;* (c) *TO A TOXIN OR ANTITOXIN, if intended, BY PARENTERAL ADMINISTRATION FOR THE PREVENTION OR TREATMENT OF DISEASE THROUGH SPECIFIC IMMUNIZATION.*

6. *Instances of propagation, and preparation, for sale in the Philippine Islands, of unlicensed products contrary to law or of labeling unlicensed products as licensed or as if subject to license, shall be reported by the officers of the Philippine Health Service, physicians, and others to the Director of the Philippine Health Service, who will thereupon institute investigation.*

7. *Any person, firm, or corporation applying for a license under the terms of Act No.* 3073 *shall comply with the following*:

If the establishment is located in the Philippine Islands, a written application for said license shall be made on prescribed forms and a prescribed questionnaire answered setting forth the information therein requested. There shall accompany said application adequate samples of the products for which license to propagate and prepare is desired. After receipt of the application and samples, an inspection of the establishment shall be made under the rules and regulations herein prescribed.

If the establishment is located outside of the Philippine Islands, the application for license shall be made on a specially prescribed form. In lieu of the inspection required in section 4 *of Act No.* 3073, *the applicant shall answer a questionnaire which when completed, shall be submitted together with the application for license, and shall also submit adequate samples of the products for which license to propagate and prepare is desired. There shall also be filed with the Director of Health the name and address of one or more representatives in the Philippine Islands authorized by the establishment to distribute their products in the Philippine Islands and said*

representatives shall keep records of the distribution of their products.

8. *All biologic products imported from foreign countries or the United States meeting the standard requirements of the Hygienic Laboratory of the United States Public Health Service may, at the discretion of the Biologic Products Board, be admitted to the Philippine Islands without further examination.*

9. *Biologic Products imported from foreign countries shall be stopped at the port of entry by the Collector of Customs unless produced by a licensee holding an unsuspended and unrevoked license.*

10. *Each importation of biologic products prepared and propagated by a person, firm, or corporation not holding a license issued in accordance with Act No.* 3073 *shall be stopped at the port of entry by the Collector of Customs. He shall obtain from the importation two sample package (total contents,* 10 *cc. if liquid or* 10 *g. if dry) from each variety of biologic products to be imported and send the same to the Director of the Philippine Health Service who shall have the necessary tests performed. If they are found satisfactory, this fact shall be reported by the Director of the Philippine Health Service to the Chairman of the Biologic Products Board. The Chairman may then permit the sale of the imported biologic products under consideration, on condition that subsequent importation of biologic products from the same manufacturer shall be denied entry until said manufacturer has applied for license and has properly complied with the terms and conditions of the law and the regulations.*

Inspection

11. *The board shall detail an inspector or inspectors from among the officers of the Philippine Health Service or the Bureau of Science upon recommendation of the Director of Health and with the consent of the respective head of the Department.*

12. *The inspection shall cover the following general lines:*

(a) *Appliances, stables, barns, warehouses, and records.*

(b) *Methods and other details in the preparation and propagation, filling, storing, and dispensing of biologic products.*

(c) *Location, construction, and administration of the establishment.*

(d) *Technical personnel and their training and competence.*

13. *Inspections shall be unannounced.*

14. *Inspectors are authorized to interrogate the proprietors and personnel of the establishment under oath.*

In case the said inspectors are not authorized to administer oaths, they may submit written interrogations and the same shall be answered under oath.

15. *In case faulty methods of preparation and propagation, location, construction, administration, or any other faulty conditions are observed during inspection, the inspector shall bring the matter to the attention of the applicant, or person, firm, or corporation concerned and shall forward a report of same together with his recommendation to the Secretary of Public Instruction through the Director, Philippine Health Service.*

16. *Should the faulty conditions discovered during the inspection and upon laboratory test made upon the products be found upon review by the Biologic Products Board to be of sufficient importance, the Biologic Products Board shall recommend to the Secretary of Public Instruction as Chairman of the Biologic Products Board, that license be refused or suspended. In case of suspension, if the said faulty conditions are not corrected within sixty days, he shall recommend that said license be revoked*

17. *The fact of suspension and revocation of license, with causes therefor, may be made public by the Secretary of Public Instruction.*

Biologic Products Establishment

18. *The organization of an establishment shall be such that the responsible head is actually in permanent control of the buildings, grounds, equipment, and personnel, and good discipline shall prevail.*

19. *In granting a license, regard shall be had of the training and competence of the technical workers concerned in the establishment.*

20. *Permanent records shall be kept, with dates, of the various steps in the propagation and preparation, testing and disposition of each lot of biologic products, so that at any time*

those steps may be traced by an inspector as regards any lot number found on the market.

21. *Laboratory cultures and other materials used in the preparation of biologic products shall be labeled and preserved in a safe and orderly manner.*

22. *All work with spore-bearing pathogenic micro-organisms shall be so separated from other work, and the containers permanently so marked, as to avoid the possibility of interchange of infection.*

23. *Laboratory procedures of a diagnostic nature shall, if conducted in the establishment, be entirely separated from those for the production of biologic products.*

24. *Laboratories for the production of biologic products shall be efficiently screened and protected from flies and other insects to the satisfaction of the Director of Health.*

25. *Sterilization and subsequent handling of containers, filling apparatus, and other materials which may come in contact with biologic products during manufacture, shall be such as to insure the absence of living bacterial spores; except that the concentration of antitoxin may be conducted with scrupulous cleanliness rather than with absolute sterility.*

25-A. *ALL LABORATORIES, DISTRIBUTING DEPOTS,, DRUG STORES AND OTHER PLACES THAT KEEP OR STORE CURATIVE OR PROPHYLACTIC IMMUNE SERA; VACCINES OR VIRUSES FOR MORE THAN 24 HOURS SHALL BE EQUIPPED WITH AN ADEQUATE DEPENDABLE REFRIGERATOR PROVIDED WITH AN EFFICIENT THERMOSTATIC CONTROL IN WHICH SUCH PRODUCTS SHALL BE KEPT. THE SIZE OF THE REFRIGERATOR SHALL BE COMMENSURATE TO THE LARGEST VOLUME OF PRODUCTS THAT ARE TO BE KEPT IN STORAGE. THE TEMPERATURE OF THE REFRIGERATOR FOR BIOLOGIC PRODUCTS MUST AT ALL TIMES BE NOT HIGHER THAN* 10° C.

26. *Records of the date, duration, and temperature of each sterilization shall be kept. Such records shall be made by means of automatic devices or by the personnel of the sterilization room.*

27. *Details of sanitary standards, methods of manufacturing and testing, and methods of keeping records may be communicated to licensees by the Biologic Products Board or its technical personnel.*

28. *All containers used in the preparation of biologic products shall be of such construction as will readily permit inspection for cleanliness.*

29. *The construction of bleeding rooms and rooms for vaccine animals shall be such as to permit thorough hosing down and cleaning*

30. *Hot water shall be provided in the bleeding rooms and vaccine stables.*

31. *Stable floors shall be so constructed and cared for as to insure cleanliness.*

32. *No manure shall be so stored as to permit the breeding of flies on the premises of any establishment.*

33. *All personnel, animals, and equipment, used in the propagation of rinderpest and hog-cholera serum shall be kept entirely separated from personnel, animals, and materials used in the production of biologic products for human use.*

34. *Animals used in the production of biologic products shall be kept under competent daily inspection; before use they shall be held in quarantine by the establishment for a period of at least seven days. Only healthy animals free from any communicable disease shall be used; during the quarantine period those of the equine genus must give a negative reaction to mallein injected subcutaneously and those of the bovine genus must give a negative reaction to tuberculin injected subcutaneosly.*

35. *All horses used in the production of biologic products except those horses which are actively immune to tetanus, shall be given not less than* 500 *units of tetanus antitoxin semi-monthly or* 2,000 *units monthly.*

36. *Necropsy records shall be kept of all animals which die or are killed after having been used in the production of biologic products.*

37. *In case of actual or suspected infection with foot-and mouth disease, glanders, tetanus, anthrax, gas gangrene, rinderpest, or surra among animals used by establishments in the Philippine Islands for the production of biologic products, the licensee shall immediately notify the Director of the Philippine Health Service and the Director of Agriculture.*

38. *Animals used for propagation of vaccine virus shall be thoroughly cleansed with soap and water at the beginning of the quarantine and at its conclusion. No part of the animal which is liable to be contaminated by faeces shall be vaccinated.*

39. *All vaccine material from any animal having, or suspected of having, a communicable disease, other than vaccinia, shall be destroyed.*

40. *The personnel who care for the vaccine animals shall be excluded from horse stables and paddocks and from contact with horses while vaccine is being propagated.*

41. *Extraneous materials shall not be stored or permitted in or about vaccination stables or operating rooms.*

Labeling

42. *For purposes of labeling, all labels, instructions for use and other data as requested in paragraph 50 shall be printed in English or Spanish and shall contain information as to their nature. The proper name of the product to be used shall be that specified in the license.*

43. *The proper name of each product shall be given precedence on the label over any other descriptive or trade name, and the size of type and display used for the proper name shall be at least as conspicuous as that used for such other descriptive or trade name.*

44. *In the case of products prepared by methods other than the usual or standard methods, the proper name used to designate the product in the license and on the label shall be sufficiently descriptive to indicate such deviation. Should the species of animal used differ from that usually or originally employed, the name of the species shall be included as part of the proper name on the label.*

45. *In case of products for which an official standard of potency has been adopted, the potency shall be expressed on the label in terms of the official standard. In case no official test is made prior to the release of the products for sale, the label shall bear the following: 'No U.S. standard of potency.' This provision shall not be held to apply to vaccine virus.*

46. *The requirement, that each package shall be marked with the date after which the contents cannot be expected beyond reasonable doubt to yield their specific results, shall be held to be complied with if the label bears the date of manufacture or date of issue as defined in paragraphs 47 and 48 of these regulations, and statement of the period in months, or days from date of preparation or date of issue during which they may be expected to yield their specific results.*

47. *For the purpose of fixing the expiration date (the date beyond which the contents of the package cannot be ex-*

pected beyond reasonable doubt to yield their specific results), the date of manufacture or preparation shall be as follows: (1) For products for which an official standard of potency exists, or which are subject to official potency tests, the last date of passing satisfactory potency tests; (2) For products for which no official standard of potency exists and which are not subject to official potency tests, the date of removal from the animal in the case of animal products or the date of cessation of growth in the case of other products, except products used for specific desensitization, in which case the data of extraction shall be used.

48. *The date of issue from the cold storage of the factory shall be accepted in lieu of the date of manufacture or preparation, provided such date of issue, shall, unless otherwise specifically provided, be not more than 3 months after the date of manufacture if the product is kept constantly at a temperature not exceeding 15°C., or not more than 6 months after the date of manufacture if the product is kept constantly at a temperature not exceeding 10°C., or not more than 1 year after the date of manufacture of the product is kept constantly at a temperature not exceeding 50°C., or no more than 2 years after the date of manufacture if the product is kept constantly at a temperature not exceeding 0°C.*

49. *Decisions shall be issued from time to time by the Secretary of Public Instruction upon the advice of the Biologic Products Board regarding the dating of special products in accordance with tests made thereon.*

50. *All labels affixed to containers shall bear the number of the lot products contained therein.*

The following items shall appear on the outside label:

(a) *Name of person, firm, or corporation responsible for the product.*

(b) *Address of person, firm, or corporation responsible for the product.*

(c) *License number (if licensed).*

(d) *Proper name of the product.*

(e) *Minimum potency of product.*

(f) *'No U.S. standard of potency' if no such standard is established.*

(g) *Lot number.*

(h) *Date of manufacture or issue, with period of potency or expiration date. The dates beyond which the different products cannot be expected, beyond reasonable doubt, to yield*

their specific results (expiration dates) shall not be later than the following:

Antitoxins with official standards, or subject to official potency tests.—One year after date of manufacture or date of issue, with a 20 per cent excess of potency; 2 years with a 30 per cent excess; 30 years with 40 per cent excess; or 4 years with a 50 per cent excess.

Antitoxin without official standards and not subject to official potency tests.—One year after date of manufacture or date of issue.

Antidysenteric serum.—Eighteen months after date of manufacture or date of issue.

Antimeningococcic serum.—Six months after date of issue.

All other immune serums.—One year after date of manufacture or date of issue.

Nonimmune serums.—Three years after date of manufacture or date of issue.

Smallpox vaccine.—Smallpox vaccine, which has been kept constantly below 0°C., may be issued more than 2 years after date of manufacture, provided that the filled and completed product, tested for potency within 9 months of the date of issue by the technic described in Hygienic Laboratory Bulletin No. 149, pages 12-16 meets the requirements for smallpox vaccine stored less than 2 years, and provided further that it shows a potency not materially less than that of a lot of freshly prepared highly potent vaccine used on each rabbit for control test.

The date of issue may be used instead of the date of manufacture only if the product is kept constantly below 0°C., between the date of manufacture and the date of issue. The expiration date shall be stated on the package as 1 week from the date of manufacture or date of issue, if not accompanied by the following quoted provision as to temperature of storage. If immediately followed by the word 'If kept below 5°C. (41°F.)', the expiration date shall be stated on the package as not more than 3 months from the date of manufacture or date of issue. Dried smallpox vaccine, preserved in a vacuum, may be given a date not to exceed 6 months from date of manufacture or date of issue.

Rabies vaccine.—Twenty-one days after emulsification in the case of an emulsion of living virus containing less than 50

per cent glycerin; 1 month after emulsification in the case of an emulsion of living virus containing at least 50 per cent glycerin; 6 months after date of issue in the case of frozen, desiccated living virus in vacuo, or from date of emulsification thereof; 6 months after date of issue in the case of dead virus; the first 7 doses of any form of treatment being considered, for the purpose of dating, as dead virus. Virus known to be living may be kept in cold storage before final preparation as follows: 6 months below 0°C., 3 months below 5°C., 6 weeks below 10°C., or 3 weeks below 15°C. The date of issue shall be not more than 6 months after the date of emulsification provided the product is kept constantly at a temperature not exceeding 5°C.

Tuberculins.—Five years after date of manufacture or date of issue in case of concentrated tuberculins containing at least 50 per cent glycerin; 1 year after date of manufacture or date of issue in the case of other tuberculins.

Bacterial vaccines.—Eighteen months after date of manufacture or date of issue.

Sensitized bacterial vaccines.—Eighteen months after date of manufacture or date of issue.

Modified bacterial derivatives.—Eighteen months after date of manufacture or date of issue.

Toxoids.—Two years after date of manufacture or date of issue.

Diphtheria toxin—antitoxin mixture.—Six months after date of manufacture or date of issue.

Diphtheria toxin for the Schick Test.—Six months after date of manufacture or date of issue for undiluted toxin; 1 year after date of manufacture or date of issue for diluted toxin; the label for each product to bear the following: the expiration date 'if kept between 0° and 8°C. (32° and 46.4°F.)'.

Scarlet fever streptococcus toxin for the Dick test.—Six months after date of dilution for diluted toxin; 5 years after date of manufacture for undiluted toxin if the product is kept constantly at a temperature not exceeding 5°C.

Scarlet fever streptococcus toxin for immunization.—Six months after date of dilution for diluted toxin; 5 years after date of manufacture for undiluted toxin if the product is kept constantly at a temperature not exceeding 5°C.

Leucocytic extract.—One year after date of manufacture or issue.

Pollen extracts, animal epidermal extracts, animal food extracts, and vegetable food extracts.—Eighteen months after date of manufacture or date of issue. For extracts, containing at least 50 per cent glycerin, the date of issue shall be not more than 4 years after the date of manufacture if the product is kept constantly at a temperature not exceeding 10° C.

Animal oil extracts and vegetable oil extracts.—Five years after date of manufacture or date of issue.

Fungus extracts.—Three years after date of manufacture or date of issue.

Venoms.—Eighteen months after date of manufacture or date of issue.

Examination of Products

51. *Licensees whenever requested by the Board or its authorized representative or inspector shall furnish, free of charge, adequate samples of products for examination.*

52. *Samples of special lots of products or of all lots of particular products, may be required to be sent free of charge, to the Director of the Philippine Health Service for examination prior to being placed on the market for sale in the Philippine Islands.*

53. *The tests to be performed on samples shall be determined by the Biologic Products Board. The Director of the Philippine Health Service shall have said tests performed on the samples. Biologic products offered for sale in the Philippine Islands shall be obtained from time to time in the open market by the inspectors who shall have the necessary tests made on them.*

54. *In examining biologic products consideration shall be given to the character and safety of containers and to those materials accompanying them which are intended to facilitate administration of their contents.*

55. *The official standards of potency for all forms of diphtheria antitoxin and tetanus antitoxin shall be those distributed by the Hygienic Laboratory of the United States Public Health Service.*

56. *Diphtheria antitoxin shall have a potency of not less than 250 units per cubic centimeter if in liquid form, and not*

less than 4,000 *units per gram if in solid form. Tetanus antitoxin shall have a potency of not less than* 150 *units per cubic centimeter if in liquid form, and not less than* 2,400 *units per gram if in solid form.*

57. *Tests for potency, if applicable, shall be made after the completion of all the processes of manufacture except filling the final containers.*

58. *No liquid serum shall contain more than* 20 *per cent total solids, nor more than* 0.5 *per cent preservative.*

59. *Products intended to be used intraspinally or intravenously shall be clear, and free from excessive coloration or excessive viscosity, and those to be used intraspinally shall contain not more than* 0.35 *per cent of preservative.*

60. *Containers of products intended to be used intraspinally or intravenously shall be of such material that the presence of objectionable color or of sediment in the contents can be detected.*

61. *When impurities, lack of potency, improper labeling, or any other condition rendering a biologic product unsafe shall have been demonstrated, this fact shall be reported by the Director of Philippine Health Service to the Chairman of the Biologic Products Board if of sufficient importance to require administrative action.*

Upon the discovery of lack of purity or potency of a product from a licensee, the fact shall be communicated immediately to the licensee to enable him to withdraw the product from the market; in case he should fail to do so, the lot numbers of said products may be made public by the Secretary of Public Instruction.

Approved, August 14, 1923.

Revised, February 19, 1929.

CHAPTER X

PRACTICE OF PHARMACY

With the exception of pharmacists of other countries called for consultation in the Philippines, any person desiring to practice pharmacy in the Philippines must obtain the proper certificate of registration from the Board of Pharmaceutical Examiners.

Practice of Pharmacy Defined

A person shall be deemed to be practising pharmacy who shall, for a fee, salary, or other reward paid to himself or to another person, prepare, distribute, or sell any medicine, drug, or pharmaceutical preparation, or fill any prescription therefor.

This definition is subject to the following limitations:

(a) A person shall not be deemed to be practising pharmacy by reason of being engaged in the selling of mineral medicinal waters.

(b) Registered physicians with legal practice shall not be deemed to be engaged in the practice of pharmacy in putting up their own prescriptions or dispensing medicines to their patients in their own offices, or if there is no pharmacy within a minimum radius of five kilometers from the residence of the patient who request medical treatment at his home, or in emergency cases and where medicines to be applied immediately are concerned.

(c) In a pharmacy or store where medicines are dispensed, prescriptions filled, or drugs and chemicals sold at retail, it shall be sufficient for the purposes of this section that the work of filling prescriptions and the preparation of medicinal compounds be effected in all cases by a registered pharmacist practising in such pharmacy or store.

(d) In drug stores engaged exclusively in the manufacture or sale of simple drugs and chemical products in quantities greatly in excess of the therapeutic doses of each substance or in the sale of galenic prescriptions or medicinal preparations at wholesale, it shall be sufficient for the purposes of this section that such business be conducted under the immediate supervision of a registered pharmacist practising only in such store.

(e) A person shall not be deemed to be practising pharmacy by reason of being engaged in the selling of non-poisonous household remedies in any store or place more than five kilometers from an established pharmacy; but the preparations which may be so dealt in must be specified in regulations promulgated pursuant to section seven hundred and twenty-six of the Revised Administrative Code, and the sale of such non-poisonous household remedies by other persons than registered pharmacists is strictly prohibited in places that are not more than five kilometers distant from an established pharmacy.

(Sec. 728, Revised Administrative Code)

The following opinion of the Attorney General was rendered on February 28, 1919:

> *"The official in charge of the drug department of the Bureau of Supply falls within the definition of pharmacist in this section and is subject to the provisions of the Pharmacy Law. A mere storekeeper, however, may continue in charge of such drug department provided that he be placed under the immediate supervision of a registered pharmacist practising only in the department, in accordance with the provisions of paragraph (d) of this section." (Sec. 728, Revised Administrative Code)."*

In another opinion of the Attorney-General under date of March 14, 1911, it was held that:

> *"A merchant or mercantile firm engaged in dispensing, selling, and delivering drugs, medicines, chemicals, and other medicinal and pharmaceutical substances and products at re-*

tail is subject to the restrictions and penalties contained in the provisions of the Pharmacy Law.

"A merchant or mercantile firm holding a general business license may engage in the business of importing and selling drugs, medicine, chemicals, and other medicinal and pharmaceutical substances and products at wholesale only."

Again, on July 16, 1923, the Attorney-General rendered the following opinion:

"The Lambert Sales Company, Inc., sells B. K. Disinfectant, Lysol, Petroleum Jelly, Nuxated Iron Tablets, Listerine, and Eno's Fruit Salt. The Board of Pharmaceutical Examiners and Inspectors required said company to employ a registered pharmacist to take charge of the sales of those articles. The company answered alleging that it is under no legal obligation to employ a registered pharmacist. The question is now referred to the undersigned for opinion.

"Section 727 of Act No. 2711 prohibits the practice of pharmacy by persons who are not registered pharmacists. Section 728 of the same Act provides that 'a person shall be deemed to be practising pharmacy within the meaning of this chapter who shall, for a fee, salary, or other reward paid to himself or to another person, prepare, distribute, or sell any medicine, drug, or pharmaceutical preparation, or fill any prescription therefor.' However, subsection (e) of said section says:

'A person shall not be deemed to be practising pharmacy by reason of being engaged in the selling of non-poisonous household remedies in any store or place more than five kilometers from an established pharmacy; but the preparation which may be dealt in must be specified in regulations promulgated pursuant to section seven hundred and twenty-six hereof, and the sale of such non-poisonous household remedies by other persons than registered pharmacists is strictly prohibited in places that are not more than five kilometers distant from an established pharmacy.'

"This subsection in so far only as it refers to the places where household remedies may be sold has been superseded by subsection (f) of section 2 of Act No. 2762, which authorizes and requires the Board of Pharmaceutical Examiners 'to classify and regulate the sale of drugs and household remedies of common use by persons of good character and morals,

upon examination satisfactory to the Board. Such licenses shall be good for one year only for pueblos or barrios in which no pharmacy exists and which are situated not less than ten (now five) kilometers away from any pharmacy.'

"The Board of Pharmaceutical Examiners under the authority of subsection (f) of section 728 of Act No. 2711, in so far as said subsection refers to the specification of household remedies, in connection with Section 726 of said Act, issued Circular No. 38, dated September 5, 1922, specifying the household remedies that may be dealt with in subject to the provisions of subsection (f) of section 2 of Act No. 2762.

"It will be noted that under said subsection the Board may issue licenses to persons of certain qualifications, who are not registered pharmacists, to deal in household remedies of common use in pueblos or barrios in which no pharmacy exists and which are situated not less than ten (now five) kilometers away from any pharmacy. It will further be noted that listerine is one of the household remedies specified in Circular No. 38 above-mentioned.

"We gather from the enclosed papers that the Lambert Sales Company makes its sales in Manila and not in a pueblo or barrio situated not less than ten (now five) kilometers from a pharmacy; hence, said company cannot be authorized, under subsection (f) of section 2 of Act No. 2762, to sell household remedies in said city without employing a registered pharmacist.

"The Lambert Sales Company, however, through its counsel, attacks the validity of subsection (e) of section 728 and subsection (f) of section 2 of Act No. 2762, and the regulations issued thereunder, on the ground that they are an unreasonable exercise of the police power, and, for that reason, are contrary to our organic law.

"Counsel for Lambert Sales Company relies, in support of his contention, principally upon the cases of Noel v. People (58 N. E. 616, 187 Ill. 587, 52 L. R. A. 287, 79 Am. St. Rep. 238), People v. Wilson (35 L. R. A. N. S. 1077-1078), and Board of Pharmacy v. Cassidy (115 Ky. 690). An examination of said decisions will show that the conclusion laid down therein is based substantially on the following reasoning set forth in the case of Noel v. People (supra):

'The manifest purpose of the act was to protect the public against the mistakes and ignorance of incompetent and

unskilled persons in the preparation and sale of drugs and medicines. x x x x This is the expressed object of the general provisions of this act. They all look to the protection of the health and lives of the public by restricting the business of preparing and dispensing or selling drugs and medicines to those who have the requisite knowledge and skill on the subject. x x x Now, it is a matter of common knowledge that what are called 'patent' or 'proprietary' medicines are prepared ready for immediate use by the public, put up in packages or bottles labeled with the name, and accompanied with wrappers containing direction for their use and the conditions for which they are specified. x x x There is nothing that calls into use any skill or science on the part of the one who sells them. One man can do it just as well as another. x x x The fact that the seller is a pharmacist, of itself, furnishing no protection to the public. x x x Merely to limit their sale to pharmacists would furnish no protection to the public without some further regulation as to inspection or analysis that would tend to exclude from sale those that might be injurious to health, or something requiring pharmacists to exercise their skill and science in determining the quality and properties of such as they sold. If we turn to our statute, we find an entire absence of any such provisions. x x x Had the act made pharmacists responsible for their quality, this might have had some tendency to protect the public.'

"The above remarks cannot apply to the Philippine statute regulating the practice of pharmacy, for section 751 of Act No. 2711 makes a pharmacist responsible for the quality of the drugs that he sells, without excepting patent, proprietary, or household remedies. Sections 1113 and 2700 of the same Act also prohibit the sale or transfer of adulterated drugs. From these provisions it can be seen that our statute requiring dealers in patent medicines to employ registered pharmacists, unlike the statute considered in the above decisions, tends effectively to protect the public against adulterated or misbranded drugs.

"In the case of People v. Abraham (44 N. Y. S. 1074, 16 App. Div. 58, 12 N. Y. Cr. R. 351), the court said:

'The undisputed evidence shows that the defendants, composing the firm of Abraham and Straus, were engaged in business in a store on Fulton street, Brooklyn, where they had a counter on which were displayed articles known as

drugs. In February last, one Cameron purchased at this counter a bottle of paregoric and a bottle of quinine pills, which are medicines, the bottles being corked, sealed, and unopened.

'x x x It was also conceded on the trial that the defendants were registered pharmacists, and that these articles were not sold under the immediate supervision of a registered pharmacist. The prosecution admitted that the bottles were sold by the defendants in the original packages of the manufacturer, and on the argument it was further conceded that these bottles were original packages, not put up by Abraham and Straus. It is not claimed that the defendants dispensed or compounded any medicine, and the question arising on this appeal is whether the defendants conducted a store for the retailing of medicines, or sold at retailed medicines, within the meaning and purpose of the statute.

'At common law, the retailing of medicines was not a crime; and, so far as the city of Brooklyn is concerned, only the statute in question makes the act of the defendants criminal. The general rule for the construction of penal statutes is that they should be construed strictly, and not extended by implication; and where the statute is made for the public good, although it be penal, it should receive an equitable construction. 9 *Bac. Abr.* 254.

'x x x It makes little difference, under these decisions, whether the statute be construed strictly or equitably, because under either construction the defendants were conducting a store for, and were selling or retailing medicines, not under the supervision of a licensed or registered pharmacist, although the medicines were in the original packages of the manufacturer. It is to be observed that this exception in the sixth section relates only to sales by registered pharmacists, and not to those by general merchants.

'The appellants contend that the word retailing involves the opening of the ultimate original package, and the dividing of its contents in connection with the ordinary dispensing or compounding of medicines, and that this word must be interpreted in connection with the words dispensing and compounding on the principle of noscitur a sociis. The three words have their separate meanings; at least, the word retailing differs radically in meaning from the other two words of

the collocation, and has additional meaning. To retail is differentiated from to wholesale and there can be no doubt that the selling of one bottle is a clear sale at retail. The defendants contend that, while dispensing and compounding require the experience and skill of a registered pharmacist, the retailing of medicines in original packages, within the meaning of the whole statute, implies no necessity for the exercise of similar skill; that the statute does not relate to such a sale; that section 8 of the statute provides that it does not apply to or interfere with the business of wholesale dealers; and that, if any other construction of the act is to be made, we shall be compelled to the logical conclusion that it is a crime to sell a single bottle of paregoric or quinine in its original package, although it is no crime to wholesale a hundred bottles of the same medicine. We cannot agree with this contention. The manufacturers of well-known and authenticated remedies, prepared under the sanction of a chemist and physician, is not likely to work any injury to the public; and the eighth section of the statute was intended to except such manufactures from the operation of the act. The general purpose of the act was to prevent the conducting of stores for the sale of drugs and medicines except under the supervision of a registered pharmacist, who had passed an examination as to his skill and capacity, although even a registered pharmacist was not to be held responsible for the quality of drugs, chemicals, and medicines in the original packages of the manufacturers; and this is the extent of the exception in that respect. But the sale of medicines under the circumstances in question is not within either of the exceptions to the statute. The bottle of paregoric had upon it the different amounts of a single dose for infants of one to three months of age, for those six months and a year, respectively. Surely, this is one of the very practices which the statute had in view, and the legislature intended to prevent such sales except by registered pharmacists. An ignorant person purchasing the paregoric might well rely, as it was intended he should rely, upon these directions, and administer the medicine accordingly; and, while the particular directions are probably correct and safe, other medicines of a more dangerous character might be put up and sold in the same manner, with directions not safe, and not approved by a pharmacist, and thus the statutory province of the pharmacist is usurped, to the detriment of the public.'

"In the case of State Board of Pharmacy v. Matthews (90 *N. E.* 966, 197 *N. Y.* 353, 26 *L. R. A. N. S.* 1013), *we find the following doctrine*:

'1. *The tinctures of iodine and arnica and spirits of camphor, contained in sealed bottles, are within the provisions of a statute forbidding the sale of medicines and poisons except in the presence and under the supervision of a licensed pharmacist.*

'2. *Restricting the sale of domestic remedies or perfectly harmless medicinal preparations to licensed pharmacists is within the police power of the state, and does not infringe the constitutional rights of the citizens.*

'3. *A statute limiting the sale of medicines to licensed pharmacists is not void for constitutional discrimination because it permits the sale of certain remedies by merchants in villages, if their places of business are more than three miles distant from a drug store.*' (*Syllabus*, 26 *L. R. A. N. S.* 1013.)

"In view of the foregoing, the undersigned is of the opinion that the Lambert Sales Company, Inc., should employ a registered pharmacist if it sells listerine or other household remedies specified in Circular No. 38 *of the Board of Pharmaceutical Examiners and Inspectors."*

The Drug and Cosmetic Regulations makes it the duty of a pharmacist in charge of a drug establishment (1) to be present:

(a) in a drug store, pharmaceutical laboratory, chemical pharmaceutical laboratory, at least seven (7) hours a day, during business hours;

(b) in a drug department, at least five hours a day;

(c) in a cosmetic laboratory, at least five hours a day and while manufacturing is in process.

(2) To display his certificate of registration in a conspicuous place within the establishment and his practice shall be limited within the premises thereof. (Also required by section 750 of the Revised Administrative Code.)

(3) To be responsible, together with the owner of a drug establishment in case the pharmacist is not the owner thereof, for the observation of the specified office hours.

(4) To communicate to the Board within the first fifteen (15) days of the month of January of each year, the name and address of the establishment of which he is in charge or where he is employed, together with the number of his certificate of registration and the date of issue and his post-office address.

(5) To report to the Board within ten (10) days after he shall have ceased to be employed or to manage a drug establishment, stating therein in addition, the name and address of the drug establishment wherein he is to assume management, if any.

(6) To keep a record of the apprentices in pharmacy practising in the drug store together with the time they spend in practising.

(7) To keep up-to-date all records required by the regulations.

Apprentice in Pharmacy

Students of pharmacy are required to practice in a drug store under the direct supervision of the pharmacist in charge. Such is not, however, considered practice of pharmacy.

Duties of Students in Pharmacy

1. To register with the Board of Pharmaceutical Examiners as apprentice in pharmacy at least three years before applying for examination, and to pay the registration fee of two pesos.

2. To practice at least 1,500 hours for three consecutive years provided that the period of practice in one day shall not exceed eight hours, the total of which for one year shall not be less than five hundred (500) hours.

(3.) To submit to the Board his practice cards during the first fifteen days of June and December of each year, signed and certified by the pharmacist in charge of the drug store.

(4) To submit after the second year of his practice, prescription book I, showing that he has filled and dispensed at least 50 medical prescriptions, including therein a complete list of all drugs in the pharmacy where he has practised.

(5) To submit after his third year of practice, prescription book II showing that he has filled and dispensed at least 50 medical prescriptions.

(6) To display his certificate of registration as apprentice in pharmacy in the drug store where he is practising.

Chinese Druggist

A Chinese druggist who sells Chinese drugs and medicines is not practising pharmacy. His sale, however, is limited to persons of Chinese blood and their families only. He cannot display in his store any of the drugs and medicines ordinarily used in pharmacy.

CHAPTER XI

COSMETICS

Cosmetic is defined as:

(a) Any article intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance; and

(b) Any article intended for use as component of any such article.

The control of cosmetics was placed under the Board of Pharmaceutical Examiners and Inspectors only on December 1, 1934, when Act 4162 which is amendatory to Act 2762, took effect. In Section 2, subsection (c) of this Act, "beauty preparations" and "toilet articles" were included among the preparations of which the Board may collect samples for the purpose of determining whether they conform to the standard purity and strength and whether they contain harmful ingredients. Taking into consideration this amendment and pursuant to the power of the Board to issue regulations, the Board included a chapter (Chapter IV) in cosmetics when it promulgated the Drug and Cosmetic Regulations now in force.

In accordance with these regulations, the following, in addition to the list that the Board may issue from time to time, shall be considered as cosmetics:

1. Brillantines
2. Creams for the skin and face
3. Dental creams, powders and liquids
4. Deodorants
5. Depilatories
6. Dusting powders
7. Eyelash and eyelid preparations

8. Face powders
9. Hair pomades, creams and dyes
10. Lipsticks
11. Mouthwashes
12. Nail polishes, enamels, and enamel removers
13. Perfumes and lotions
14. Rouges
15. Shaving creams
16. Skin bleaches
17. Solutions to curl and keep the hair fixed and in place
18. Sunburn and freckle remedies
19. Theatrical face paints
20. Toilet soaps and toilet waters.

Before cosmetics are displayed in the market or advertised for sale to the public, approval of the Board of Pharmaceutical Examiners and Inspectors, in its capacity as Board of Drugs, is required.

CHAPTER XII

INTERNAL REVENUE LAWS APPLICABLE TO PHARMACY

Besides the permit issued by the Board of Pharmaceutical Examiners and Inspectors, an owner of a drug establishment has to comply with certain laws and regulations of the Bureau of Internal Revenue.

* * *

"Merchant means a person engaged in the sale, barter, or exchange of personal property of whatever character. Except as specially provided, the term includes manufacturers who sell articles of their own production. (Sec. 194 (w) National Internal Revenue Code)

"Manufacturer" include every person who by physical or chemical process, alters the exterior texture or form or inner substance of any raw material or manufactured or partially manufactured product in such manner as to prepare it for a special use or uses to which it could not have been put in its original condition, or who by any such process alters the quality of any such raw material or manufactured or partially manufactured product so as to reduce it to marketable shape or prepare it for any of the uses of industry, or who by any such process combines any such raw material or manufactured or partially manufactured products, or combines the same to produce such finished products for the purpose of their sale or distribution to others and not for his own use or consumption. (Sec. 194 (x) National Internal Revenue Code)

Tax on Business

Tax on preparations containing distilled spirits as chief ingredient.—Medicinal and toilet preparations, flavoring extracts, and all other preparations, of which, excluding water, distilled spirits form the chief ingredient,

shall be subject to the same tax as such chief ingredient.
x x x

(Sec. 127, National Internal Revenue Code)

Exemption in favor of domestic denatured alcohol.—Domestic alcohol of not less than one hundred eighty degrees proof (ninety per centum absolute alcohol) may, when denatured, be withdrawn from a registered distillery or bonded warehouse of the distiller or of the Government without the payment of the specific tax prescribed in section 133, for the purpose of being used for fuel, or light, or for use generally in the arts and industries. (Sec. 128, National Internal Revenue Code).

Specific tax on distilled spirits.—On distilled spirits there shall be collected, except as hereinafter provided, specific taxes as follows:

(a) If produced from sap of the nipa, coconut, cassava, camote, or buri palm, or from the juice, sirup, or sugar of the cane, per proof liter, forty-five centavos.

(b) If produced from any other material, per proof liter, one peso and seventy centavos.

This tax shall be proportionally increased for any strength of the spirits taxed over proof spirits.

"Distilled spirits," as here used, includes all substances known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, which are commonly produced by the fermentation and subsequent distillation of grain, starch, molasses, or mixtures; and the tax shall attach to this substance as soon as it is in existence as such, whether it be subsequently separated as pure or impure spirits, or be immediately or at any subsequent time transformed into any other substances either in process of original production or by any subsequent process.

"Proof spirits" is liquor containing one-half of its volume of alcohol or a specific gravity of seven thousand nine hundred and thirty-nine ten-thousandths at fifteen de-

grees centigrade. A proof liter means a liter of proof spirits. (As amended by sec. 2, Republic Act No. 56.) Sec. 133, National Internal Revenue Code)

Specifc tax on saccharine.—On saccharine, there shall be collected a tax of seventy-five pesos per kilogram. (Sec. 148, National Internal Revenue Code, as amended by sec. 14, Republic Act No. 56.)

Payment of privilege taxes.—A privilege tax must be paid before any business or occupation hereinafter specified can be lawfully begun or pursued. The tax on business is payable for every separate or distinct establishment or place where business subject to the tax is conducted; and one occupation or line of business does not become exempt by being conducted with some other occupation or business for which such tax has been paid.

The occupation tax must be paid by each individual engaged in a calling subject thereto; the tax on a business by the person, firm, or company conducting the same. (Sec. 178, National Internal Revenue Code)

Legality of business as affected by payment of tax.—The payment of a business or occupation tax shall not exempt any person from any tax, penalty, or punishment provided by law or ordinance in places where such business or occupation is prohibited or regulated by municipal law, nor shall the payment of any such tax be held to prohibit any municipality from placing a tax upon the same business or occupation, for local purposes, where the imposition of such tax is authorized by law. (Sec. 179, National Internal Revenue Code).

Time for payment of fixed taxes.—The yearly fixed taxes are due on the first of January of each year, and, if tendered in semi-annual installments, on or before the twentieth of January and July, or if in quarterly installments, on or before the twentieth of January, April, July, and October. But any person first beginning a business

or occupation must pay the tax before engaging therein. (Sec. 180, National Internal Revenue Code, as amended by sec. 6, Republic Act No. 48.)

Reckoning of tax for business first begun or abandoned during year.—When an occupation or business subject to a fixed tax is newly begun during any year the tax shall be reckoned from the commencement of the current semester or quarter, or, in case of a business subject to a monthly tax, from the first of the month; and when either is at any time abandoned, the tax shall not be exacted for a longer period than to the end of the semester, quarter, or month, as the case may be. (Sec. 181, National Internal Revenue Code.)

Fixed tax upon business.—Unless otherwise provided, every person engaging in a business on which the percentage tax is imposed shall pay in full a fixed annual tax of ten pesos for each calendar year or fraction thereof in which such person shall engage in said business.

Every person who is not required to pay the percentage tax prescribed in sections on hundred eighty-four, one hundred eighty-five and one hundred eighty-six shall pay in full for each calendar year or fraction thereof in which such person shall engage in business a fixed annual tax based upon his gross annual sales during the preceding calendar year, as follows:

Six pesos, if the amount of the gross annual sales exceeds two thousand pesos but does not exceed ten thousand pesos;

Fifteen pesos, if the amount of the gross annual sales exceeds ten thousand pesos but does not exceed twenty-five thousand pesos;

Thirty pesos, if the amount of the gross annual sales exceeds twenty-five thousand pesos but does not exceed fifty thousand pesos;

Seventy-five pesos, if the amount of the gross annual sales exceeds fifty thousand pesos but does not exceed one hundred thousand pesos;

One hundred-fifty pesos, if the amount of the gross annual sales exceeds one hundred thousand pesos but does not exceed two hundred thousand pesos;

Three hundred pesos, if the amount of the gross annual sales exceed two hundred thousand pesos but does not exceed five hundred thousand pesos; and

Four hundred-fifty pesos, if the amount of the gross annual sales exceeds five hundred thousand pesos: PROVIDED, That if a merchant is engaged in two or more businesses, one or more of which is subject to, and the others exempt from, the percentage tax, he shall pay the graduated fixed annual tax, provided above, based on the sales not subject to the percentage tax under this Title.

This tax shall be payable before the person subject to the same begins to engage in the business, and thereafter within the regulation period in the month of January during which the other fixed privilege taxes may be paid without penalty.

The following shall be exempt from the tax imposed in this section:

(a) Persons whose gross quarterly sales do not exceed four hundred-fifty pesos.

x x x x (Sec. 182, National Internal Revenue Code, as amended by sec. 1, Republic Act No. 42.)

Payment of percentage taxes — Quarterly report of earnings or value of output. — The percentage taxes on business shall be payable at the end of each calendar quarter in the amount lawfully due on the business transacted during each quarter; and it shall be the duty of every person conducting a business on which a percentage tax is imposed under this Title, within twenty days after the end of each calendar quarter, to make a true and complete return of the gross sales, receipts, or earnings, or gross va-

lue of output actually removed from the factory or mill warehouse, during the preceding calendar quarter and pay the tax due thereon: PROVIDED, That it shall be the duty of any person retiring from a business subject to the percentage tax to notify immediately the nearest internal-revenue officer thereof and, within ten days after closing his business, file his return or declaration, and pay the tax due thereon.

If the percentage tax on any business is not paid within the time prescribed above, the amount of the tax shall be increased by twenty-five *per centum,* the increment to be a part of the tax.

In case of willful neglect to file the return within the period prescribed therein, or in case a false or fraudulent return is willfully made, there shall be added to the tax or to the deficiency tax, in case any payment has been made on the basis of such return before the discovery of the falsity or fraud, a surcharge of fifty *per centum* of its amount. The amount so added to any tax shall be collected at the same time and in the same manner and as part of the tax unless the tax has been paid before the discovery of the falsity or fraud, in which case the amount so added shall be collected in the same manner as the tax. (Sec. 183, National Internal Revenue Code, as amended by sec. 7, Republic Act No. 48.)

Percentage tax on sales of jewelry, toilet preparations, and others.—There is levied, assessed and collected once only on every original sale, barter, exchange, or similar transaction intended to transfer ownership of or title to, the articles hereinbelow enumerated, a tax equivalent to twenty *per centum* of the gross selling price or gross value in money of the articles so sold, bartered, exchanged, or transferred, such tax to be paid by the manufacturer, producer, or importer: PROVIDED, That where the articles are manufactured out of materials subject to tax under this section, the total cost of such materials, as duly

established, shall be deductible from the gross selling price or gross value in money of the manufactured articles:

x x x

(b) Perfumes, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, and any similar substance, article, or preparation, by whatsoever name known or distinguished, except tooth and mouth washes, dentifrices, tooth pastes, and talcum or medicated toilet powders; and any of the above which are used or applied or intended to be used or applied for toilet purposes: PROVIDED, That the tax herein imposed shall not apply to toilet preparation on which the specific tax established in section one hundred twenty-seven has been paid. (Section 184, National Internal Revenue Code, as amended by sec. 1, Republic Act No. 41.)

Continuation of business of deceased person.—When any individual paying a business tax dies and the same business is continued by the person or persons interested in his estate, no additional payment shall be required for the residue of the term for which the tax was paid. (Sec. 198, National Internal Revenue Code.)

Removal of business to other location.—Any business for which the privilege tax has been paid may, subject to the regulations of the Department of Finance be removed and continued in any other place without the payment of additional tax during the term for which the payment was made. (Sec. 199, National Internal Revenue Code)

Tax on Occupation

Amount of privilege tax on occupation. — Privilege taxes on occupation shall be collected as follows, the amount stated being the sum due for the whole year which may be paid annually or semi-annually:

x x x

(b) Chief mates, marine second engineers, pharmacists, chiropodists, tattooers, and masseurs, twenty-four pe-

sos. (Sec. 201, National Internal Revenue Code, as amended by sec. 4, Republic Act No. 42.)

Exemption of persons employed by Government or engaged in work of charity.—No occupation tax shall be imposed upon persons in any branch of the service of the Government of the United States or of the Government of the Philippines whose entire professional services are devoted exclusively to such Governments or are applied under their directions, or upon persons devoting their entire professional services to any religious, educational, or charitable institution, or hospital, sanitarium, or to any similar establishment, not conducted for private gain. (Sec. 202, National Internal Revenue Code.)

Registration of name or style with provincial revenue agent or provincial treasurer.—Every person engaged in any business or occupation on which a privilege tax is imposed by law shall register with the provincial revenue agent, or with the provincial treasurer, in case no provincial revenue agent is assigned to the province, his name or style, place of residence, business or occupation, and the place where such business or occupation is carried on. In case of a firm, the names and residences of the various persons constituting the same shall also be registered. (Sec. 203, National Internal Revenue Code.)

Persons subject to percentage tax, to issue sales invoices.—All persons subject to percentage tax, shall, for each sale or transfer of merchandise or for services rendered valued at two pesos or more, prepare and issue sales or commercial invoices or receipts serially numbered in duplicate, showing, among other things, their names, or styles, if any, and business addresses: PROVIDED, That in case of sales, receipts or transfers in the amount of fifty pesos or more, the invoices shall further show the name, or style, if any, and business address of the purchaser. The original of each sales invoice or receipt shall be issued to the purchaser or customer who, if engaged in

any taxable business, shall keep and preserve the same in his place of business for a period of five years from the date of the invoice, the duplicate to be kept and preserved by the person subject to percentage tax, also in his place of business for a like period: PROVIDED, That persons subject to percentage tax, whose gross sales or receipts during the last preceding year exceed twenty thousand pesos shall, for each sale or transaction, issue an invoice, irrespective of the value of the article sold or service rendered.

The Collector of Internal Revenue may, in meritorious cases, exempt any person subject to percentage tax, from compliance with the provisions of this section. (Sec. 204, National Internal Revenue Code, as amended by Commonwealth Act No. 526 and sec. 9, Republic Act No. 48.)

Exhibition of certificate of payment at place of business.—The certificate or receipt showing payment of tax issued to a person engaged in a business or occupation subject to a privilege tax shall be kept conspicuously exhibited in plain view in or at the place where the business is conducted or occupation complied; and, in case of a peddler or other person not having a fixed place of business, shall be kept in the possession of the holder thereof, subject to production upon the demand of any internal-revenue officer. (Sec. 207, National Internal Revenue Code.)

Fees for Sealing of Weights and Measures

Sealing and licensing of weights and measures.—The duties incident to the official inspection of weights and measures, and the sealing and licensing of the same for use, shall be performed under the supervision of the Bureau of Internal Revenue. (Sec. 274, National Internal Revenue Code.)

Fees for sealing linear metric measures. — Fees for sealing linear measures of the metric system shall be as follows:

(a) Measures not over one and one-half meters, ten centavos.

(b) Measures over one and one-half meters, twenty centavos. (Sec. 275, National Internal Revenue Code.)

Fees for sealing English linear measures.—Fees for sealing linear measures of the English system, allowable only when such measures are to be used in measuring manufactured lumber, shall be as follows:

(a) Measures not over one yard, ten centavos.

(b) Measures over one yard, twenty centavos. (Sec. 276, National Internal Revenue Code.)

Fees for sealing metric measures of capacity.—Fees for sealing metric measures of capacity shall be as follows:

(a) For a measure not over ten liters, twenty centavos.

(b) For a measure over ten liters, thirty centavos. (Sec. 277, National Internal Revenue Code.)

Fees for sealing metric instruments of weight.—Fees for sealing instruments for determining weight graduated solely in the metric system shall be as follows:

(a) Those having a capacity of over three thousand kilograms, three pesos.

(b) Those having a capacity of not over three thousand but over three hundred kilograms, one peso and twenty centavos.

(c) Those having a capacity of not over three hundred but more than thirty kilograms, sixty centavos.

(d) Those with a capacity not greater than thirty kilograms, thirty centavos.

For an apothecary balance or other balance of precision the charge shall be doubled.

With each scale or balance, a complete set of weights for use therewith shall be sealed free of charge. For each

extra weight, the charge shall be five centavos. (Sec. 278, National Internal Revenue Code.)

Form and duration of license for use of weights and measures.—The receipt for the fee charged for the sealing of weights and measures shall serve as a license to use such instrument for one year from the date of sealing, unless deterioration or damage which renders the weight or measure inaccurate occurs in that period. When a license is renewed, the same shall expire on the same day and month of the year following its original issuance. Such license shall be preserved by the owner and, together with the weights and measures covered by the license, shall be exhibited on demand of any internal-revenue officer. (Sec. 279, National Internal Revenue Code.)

Secondary standards preserved by provincial treasurers—Testing of same.—For use in the testing of weights and measures in the provinces, provincial treasurers shall keep full sets of secondary standards in the provincial buildings. The Collector of Internal Revenue shall be responsible for the inspection and proper testing of all provincial and municipal standards of weights and measures. (Sec. 280, National Internal Revenue Code.)

Comparison of secondary and fundamental standards.—The comparison of the secondary and fundamental standards shall be made in the Bureau of Science at the instance of the Collector of Internal Revenue. When found to be sufficiently accurate, the secondary standard shall be distinguished by a label, tag, or seal, and shall be accompanied by a certificate showing the amount of its variation from the fundamental standard. If the variation is of sufficient magnitude to impair the utility of the instrument, it shall be destroyed in the Bureau of Science. (Sec. 281, National Internal Revenue Code.)

Inspectors of weights and measures.—Internal-revenue agents shall inspect and test balances or scales, weights, and measures, and report upon the condition

thereof in the territory assigned to them. It shall be their duty to secure evidence of infringements of the law or of fraud in the use of weights and measures or of neglect of duty on the part of any officer engaged in sealing weights and measures. Evidence so secured by them shall be presented forthwith to the Collector of Internal Revenue and also to the proper prosecuting officer. (Sec. 282, National Internal Revenue Code.)

Sealers of weights and measures.—The sealing and licensing of weights and measures shall be the duty of the city or provincial treasurers and their deputies, and for the purposes of this law such officers shall be termed sealers of weights and measures. (Sec. 283, National Internal Revenue Code.)

Destruction of defective instrument of weight or measure.—Any defective instrument of weight or measure may be destroyed by any inspector or sealer of weights and measures if its defect is such that it can not readily and securely be repaired. (Sec. 284, National Internal Revenue Code.)

Testing of instruments used in Government work. — All measures and instruments for determining weight used in the Government work or maintained for public use by any province, city, or municipality shall be tested and sealed free of charge. (Sec. 285, National Internal Revenue Code.)

Dealer's permit to keep unsealed weights and measures.—Upon obtaining written permission from the Collector of Internal Revenue any dealer may keep instruments of weight or measure in stock for sale without sealing, until sold or used. (Sec. 286, National Internal Revenue Code.)

Fraudulent practices relative to weights and measures.—Any person other than an official sealer of weights and measures who places an official tag or seal upon any instrument of weight or measure, or attaches it thereto;

or who fraudulently imitates any mark, stamp, brand, tag, or other characteristic sign used to indicate that weights and measures have been officially sealed; or who alters in any way the certificate given by the sealer as an acknowledgement that the weights and measures mentioned therein have been duly sealed; or who makes or knowingly sells or uses any false or counterfeit stamp, tag, certificate, or license, or any die for printing or making stamps, tags, certificates, or licenses which is an imitation of or purports to be a lawful stamp, tag, certificate, or license of the kind required by the provisions of this Chapter; or who alters the written or printed figures or letters on any stamp, tag, certificate, or license used or issued; or who has in his possession any such false, counterfeit, restored, or altered stamp, tag, certificate, or license for the purpose of using or reusing the same in the payment of fees or charges imposed in this Chapter; or who procures the commission of any such offense by another, shall for each such offense be fined not less than two hundred pesos nor more than ten thousand pesos or imprisoned for not less than one month nor more than five years, or both. (Sec. 287, National Internal Revenue Code.)

Unlawful possession or use of instrument not sealed before using and not sealed within twelve months from last sealing.—Any person making a practice of buying or selling goods by weight, or measure, or of furnishing services the value of which is estimated by weight or measure, who has in his possession without permit any unsealed scale, balance, weight or measure, and any person who uses, in any purchase or sale or in estimating the value of any service furnished, any instrument of weight or measure that has not been officially sealed, or if previously sealed, the license therefor has expired and has not been renewed in due time, shall be punished by a fine not exceeding five hundred pesos or by imprisonment for not exceeding one year, or both; but if such scale, balance,

weight, or measure so used has been officially sealed at some previous time and the seal and tag officially affixed thereto remain intact and in the same position and condition in which they were placed by the official sealer, and the instrument is found not to have been altered or rendered inaccurate but still to be sufficiently accurate to warrant its being sealed without repairs or alteration, such instrument shall, if presented for sealing promptly on demand of any authorized sealer or inspector of weights and measures, be sealed, and the owner, possessor, or user of same shall be subject to no penalty except a surcharge equal to five times the regular fee fixed by law for the sealing of an instrument of its class, this surcharge to be collected and recounted for by the same official and in the same manner as the regular fees for sealing such instruments. (Sec. 287, National Internal Revenue Code.)

Alteration or fraudulent use of instrument of weight or measure.—Any person who with fraudulent intent alters any scale or balance, weight, or measure after it is officially sealed, or who knowingly uses any false scale or balance, weight, or measure, whether sealed or not, shall be punished by a fine of not less than two hundred pesos nor more than four thousand pesos or by imprisonment for not less than three months nor more than two years, or both.

Any person who fraudulently gives short weight or measure in the making of a scale, or who fraudulently takes excessive weight or measure in the making of a purchase, or who, assuming to determine truly the weight or measure of any article bought or sold by weight or measure, fraudulently misrepresents the weight or measure thereof, shall be punished by a fine of not less than two hundred pesos nor more than two thousand pesos or by imprisonment for not less than three months nor more than two years, or both. (Sec. 289, National Internal Revenue Code.)

CHAPTER XIII

PENALTIES

General Provisions

General violation of Pharmacy Law.—Any person engaging in the practice of pharmacy in the (Philippine Islands) Philippines contrary to any provision of the Pharmacy Law or violating any provision of said law for which no specific penalty is provided shall, for each offense, be punished by a fine not to exceed five hundred pesos, or by imprisonment for not more than six months, or both, in the discretion of the court. (Sec. 2676, Revised Administrative Code.)

Violation of regulations

Violation of penal regulations of Board of Pharmaceutical Examiners.—Any person who shall violate any lawful penal regulation promulgated by the Board of Pharmaceutical Examiners shall be punished by a fine of not more than two hundred pesos or by imprisonment for not more than two months, or both, in the discretion of the court. (Sec. 2677, Revised Administrative Code).

* * *

Any pharmacist found to have falsely certified the record cards and notebooks of any apprentice or student pharmacist shall be suspended from the practice of his profession for a period of not more than six (6) months, and the student pharmacist concerned shall be disqualified from taking the Board examination for a period of not more than one year after his graduation. (Sec. 35, Drug and Cosmetic Regulation).

Offenses committed in dispensing of poisons

Violation of provisions relative to dispensing of poisons.—Any person who shall violate any provision of sec-

tion seven hundred and fifty-five or seven hundred and fifty-six of this Code (Revised Administrative Code) shall, upon conviction, be punished by a fine of not more than one thousand pesos, or by imprisonment for not more than ninety days, or both, in the discretion of the court. (Sec. 2675, Revised Administrative Code).

Offenses Against Food and Drugs Act

Unlawful manufacture of adulterated or misbranded food or drug.—Any person who shall manufacture within the Philippines any adulterated or misbranded article of food or any adulterated or misbranded drug contrary to the provisions of section one thousand one hundred and eleven of this Code, shall be punished for the first offense by a fine not to exceed one thousand pesos or by imprisonment for one year, or by both, in the discretion of the court and for each subsequent offense he shall be punished by a fine of not less than two thousand pesos nor more than five thousand pesos, or by imprisonment for one year, or by both, in the discretion of the court. (Sec. 2698, Revised Administrative Code).

Unlawful shipment of adulterated or misbranded food or drug.—Any person who shall export, ship, or deliver for shipment from the Philippines to the United States or to a foreign country any adulterated or misbranded article of food or any adulterated or misbranded drug, contrary to the provisions of section one thousand one hundred and twelve of this Code, shall be punished for the first offense by a fine not to exceed four hundred pesos, and for each subsequent offense by a fine not to exceed six hundred pesos, or by imprisonment not to exceed one year, or by both, in the discretion of the court. (Sec. 2699, Revised Administrative Code.)

Unlawful sale or transfer of adulterated or misbranded food or drug.—Any person who shall sell or offer for sale in the Philippines any adulterated or misbranded article

of food or any adulterated or misbranded drug, contrary to the provisions of section one thousand one hundred and thirteen of this Code, or who shall, after importing or receiving any such article of food or drug from abroad, transfer or deliver, or offer to transfer or deliver the same to any other person in an original unbroken package, whether for pay or otherwise, contrary to the provisions of said section shall be punished for the first offense by a fine not to exceed four hundred pesos, and for each subsequent offense by a fine not to exceed six hundred pesos, or by imprisonment not to exceed one year, or by both, in the discretion of the court. (Sec. 2700, Revised Administrative Code).

OFFENSES CONNECTED WITH OTHER LAWS

Any person, corporation, or company violating any provisions of Act No. 2342, entitled, An Act Regulating the Labeling, Sale and Advertising of Patent and Proprietary Medicines, Fraudulent Therapeutic Appearances and Devices, or any regulation made in accordance therewith, shall be punished by a fine of not to exceed two hundred pesos or six months' imprisonment or by both, such fine and imprisonment, in the discretion of the court, for each offense. (Act 2342.)

Any person who shall violate any provision of this Act shall, upon conviction, be penalized by a fine of not less than two hundred pesos and not more than five thousand pesos, or by imprisonment for not less than one month nor in excess of six months, or both such fine and imprisonment in the discretion of the court. (Act 3740 as amended by Commonwelath Act No. 46.)

OFFENSES AGAINST THE NATIONAL INTERNAL REVENUE CODE

General

Violation of other provisions of this Code or regulations in general.—A person who violates any provision of this

Code or any regulation of the Department of Finance made in conformity with the same, for which delinquency no specific penalty is provided by law, shall be punished by a fine of not more than three hundred pesos or by imprisonment for not more than six months, or both. (Sec. 352, National Internal Revenue Code.)

Subsidiary Penalty

If the person convicted for violation of any of the provisions of this Code has no property with which to meet the fine imposed upon him by the court, or is unable to pay such fine, he shall be subject to a subsidiary personal liability at the rate of one day for each two pesos and fifty centavos, subject to the rules established in article 39 of the Revised Penal Code. (Sec. 353, National Internal Revenue Code.)

Prescription for violations of any provisions of this Code.—All violations of any provision of this Code shall prescribe after five years.

Prescription shall begin to run from the day of the commission of the violation of the law, and if the same be not known at the time, from the discovery thereof and the institution of judicial proceedings for its investigation and punishment.

The prescription shall be interrupted when proceedings are instituted against the guilty persons and shall begin to run again if the proceedings are dismissed for reasons not constituting jeopardy.

The term of prescription shall not run when the offender is absent from the Philippines. (Sec. 354, National Internal Revenue Code.)

Making false entries; failure to keep required books, etc., or writing false or fictitious names in books or records.—Any person who knowingly shall make a false entry or enter a false or fictitious name in the books or records mentioned in sections three hundred thirty-four and three

hundred thirty-five of this Code, or shall abet or aid in any manner in the making or writing thereof, shall be fined in a sum of not less than five hundred pesos nor more than five thousand pesos or imprisoned for a term of not less than six months and one day nor more than five years, or both.

Any person who fails to keep the books or records mentioned in section three hundred and thirty-four in a native language, English, or Spanish, or to make a true and complete translation as required in section three hundred and thirty-six of this Code, or whose books or records kept in a native language, English, or Spanish are found to be at material variance with books or records kept by him in another language, shall be fined in a sum of not less than two thousand pesos nor more than ten thousand pesos or imprisoned for a term of not less than two years nor more than six years, or both. (Sec. 355, National Internal Revenue Code, as amended by sec. 13, Republic Act No. 48.)

* * *

Failure to keep pharmacist's record.—A physician, dentist, veterinarian, or pharmacist who fails to keep a true and correct record of prohibited drugs received and dispensed or transferred by him, as required by law and prescribed in the regulations of the Department of Finance, or who fails to allow the immediate inspection of his entire stock of such drugs upon the demand of any internal-revenue officer or agent shall be punished by a fine of not less than fifty pesos nor more than one thousand pesos. (Sec. 356, National Internal Revenue Code.)

Specific Provisions

Unlawful pursuit of business or occupation.—Any person who distills, rectifies, repacks, compounds, or manufactures any article subject to a specific tax, without having paid the privilege tax therefor as required by law, or who knowingly aids or abets in the conduct of illicit distilling,

rectifying, repacking, compounding, or illicit manufacture of any article subject to a specific tax shall, in addition to being liable for the payment of such tax, be punished by a fine in a sum not less than five hundred pesos nor more than five thousand pesos, or by imprisonment for a term of not less than six months nor more than six years, or both; and all articles distilled, rectified, repacked, compounded, or manufactured, and all personal property found at the distillery, repacking, rectifying, compounding, or manufacturing establishment or in any building, room, yard, or inclosure connected therewith and used with or constituting a part of the premises on which the distilling, repacking, rectifying, compounding, or manufacturing of said article is carried on, and all the right, title, and interest of such person in the lot or tract of land in which such distillery, repacking, rectifying, compounding, or manufacturing establishment is situated, and all the right, title, and interest therein of every person who knowingly or with negligence has suffered or permitted the business of a distiller, repacker, rectifier, compounder, or manufacturer of any article subject to a specific tax to be there carried on or has connived at the same, shall be forfeited.

In case of reincidence, the offender under the first paragraph hereof shall be punished by a fine of not less than two thousand pesos nor more than fifteen thousand pesos, or by imprisonment of not less than two years nor more than twelve years or both.

Any person who carries on any other business, or pursues any calling for which a fixed privilege tax is imposed without paying such tax as required by law or who knowingly aids or abets in the conduct of such business, shall, in addition to being liable to the payment of such tax, be punished by a fine in a sum not exceeding one thousand pesos or by imprisonment for a term not exceeding six months, or both. (Sec. 208, National Internal Revenue Code.)

Failure to make return of receipts, sales, or gross value of output removed, or pay the tax due thereon.—Any person who, being required under this Title to make a return of the amount of his receipts, sales, business, or gross value of output actually removed, or pay the tax due thereon, shall fail or neglect to make such return or pay such tax within the time required, shall be punished by a fine not exceeding two thousand pesos or by imprisonment for a term not exceeding one year, or both.

Any such person who shall make a false or fraudulent return shall, besides being liable to the surcharge prescribed in section one hundred eigthy-three of this Title, be punished by a fine of not less than five hundred pesos nor more than ten thousand pesos or by imprisonment of not less than six months but not more than six years, or both. (Sec. 20, National Internal Revenue Code)

Fraudulent practices relative to weights and measure.—Any person other than an official sealer of weights and measures who places an official tag or seal upon any instrument of weight or measure, or attaches it thereto; or who fraudulently imitates any mark, stamp, brand, tag, or other characteristic sign used to indicate that weights and measures have been officially sealed; or who alters in any way the certificate given by the sealer as an acknowledgment that the weights and measures mentioned therein have been duly sealed; or who makes or knowingly sells or uses any false or counterfeit stamp, tag, certificate, or license, or any die for printing or making stamps, tags, certificates, or licenses which is an imitation of or purports to be a lawful stamp, tag, certificate, or license of the kind required by the provisions of this Chapter; or who alters the written or printed figures or letters on any stamp, tag, certificate, or license used or issued; or who has in his possession any such false, counterfeit, restored, or altered stamp, tag, certificate, or license for the purpose of using or reusing the same in the payment of fees or charges imposed in this

Chapter; or who procures the commission of any such offense by another, shall for each such offense be fined not less than two hundred pesos nor more than ten thousand pesos or imprisoned for not less than one month nor more than five years, or both. (Sec. 287, National Internal Revenue Code.)

Unlawful possession or use of instrument not sealed before using and not sealed within twelve months from last sealing.—Any person making a practice of buying or selling goods by weight, or measure, or of furnishing services the value of which is estimated by weight or measure, who has in his possession without permit any unsealed scale, balance, weight or measure, and any person who uses, in any purchase or sale or in estimating the value of any service furnished, any instrument of weight or measure that has not been officially sealed, or if previously sealed, the license therefor has expired and has not been renewed in due time, shall be punished by a fine not exceeding five hundred pesos or by imprisonment for not exceeding one year, or both; but if such scale, balance, weight, or measure so used has been officially sealed at some previous time and the seal and tag officially affixed thereto remain intact and in the same position and condition in which they were placed by the official sealer, and the instrument is found not to have been altered or rendered inaccurate but still to be sufficiently accurate to warrant its being sealed without repairs or alteration, such instrument shall, if presented for sealing promptly on demand of any authorized sealer or inspector of weights and measures, be sealed, and the owner, possessor, or user of same shall be subject to no penalty except a surcharge equal to five times the regular fee fixed by law for the sealing of an instrument of its class, this surcharge to be collected and accounted for by the same official and in the same manner as the regular fees for sealing such instruments. (Sec. 288, National Internal Revenue Code.)

Alteration or fraudulent use of instrument of weight or measure.—Any person who with fraudulent intent alters any scale or balance, weight, or measure after it is officially sealed, or who knowingly uses any false scale or balance, weight, or measure, whether sealed or not, shall be punished by a fine of not less than two hundred pesos nor more than four thousand pesos or by imprisonment for not less than three months nor more than two years, or both.

Any person who fraudulently gives short weight or measure in the making of a sale, or who fraudulently takes excessive weight or measure in the making of a purchase, or who, assuming to determine truly the weight or measure of any article bought or sold by weight or measure, fraudulently misrepresents the weight or measure thereof, shall be punished by a fine of not less than two hundred pesos nor more than two thousand pesos or by imprisonment for not less than three months nor more than two years, or both.

AGAINST THE OPIUM LAW

Possession, preparation and use of prohibited drugs, and maintenance of opium dens.—The penalty of *arresto mayor* in its medium period to *prision correccional* in its minimum period and a fine ranging from 300 to 10,000 pesos shall be imposed upon:

1. Anyone who, unless lawfully authorized shall possess, prepare, administer or otherwise use any prohibited drug.

"Prohibited drug," as used herein, includes opium, cocaine, alfa and beta eucaine, their derivatives, and all preparations made from them or any of them.

"Opium" embraces every kind, class, and character of opium, whether crude or prepared; the ashes or refuse of the same; narcotic preparations thereof or therefrom; mor-

phine or alkaloid of opium; preparations in which opium, morphine or alkaloid of opium, enter as an ingredient, and also opium leaves or wrappings of opium leaves, whether prepared or not, for their use.

2. Anyone who shall maintain a dive or resort where any prohibited drug is used in any form, in violation of the law. (Sec. 190, Revised Penal Code.)

Keeper, watchman and visitor of opium dens.—The penalty of *arresto mayor* and a fine ranging from 100 to 300 pesos shall be imposed upon:

1. Anyone who shall act as keeper or watchman of a dive or resort where any prohibited drug is used in any manner contrary to law; and

2. Any person who, not being included in the provisions of the next preceding article, shall knowingly visit any dive or resort of the character referred to above. (Sec. 191, Revised Penal Code.)

Importation and sale of prohibited drugs.—The penalty of *prision correccional* in its medium and maximum periods and a fine ranging from 300 to 10,000 pesos shall be imposed upon any person who shall import or bring into the Philippine Islands any prohibited drug.

The same penalty shall be imposed upon any person who shall unlawfully sell or deliver to another any prohibited drug. (Sec. 192, Revised Penal Code.)

Illegal possession of opium pipe or other paraphernalia for the use of any prohibited drug.—The penalty of *arresto mayor* and a fine not exceeding 500 pesos shall be imposed upon any person who, not being authorized by law, shall possess any opium pipe or other paraphernalia for smoking, injecting, administering or using opium or any prohibited drug.

The illegal possession of an opium pipe or other paraphernalia for using any other prohibited drug shall be

prima facie evidence that its possessor has used said drug. (Sec. 193, Revised Penal Code.)

Prescribing opium unnecessarily for a patient.—The penalty of *prision correccional* or a fine ranging from 300 to 10,000 pesos, or both, shall be imposed upon any physician or dentist who shall prescribe opium for any persons whose physical condition does not require the use of the same. (Art. 194, Revised Penal Code.)

APPENDIX "A"

THE REVISED ADMINISTRATIVE CODE

(CHAPTER 30)

BOARD OF PHARMACEUTICAL EXAMINERS

Preliminary Article.—Title of Chapter

SEC. 717. *Title of chapter.*—This chapter shall be known as the Pharmacy Law.

Article I.—Organization of Board of Pharmaceutical Examiners

SEC. 718. *Board of Pharmaceutical Examiners.*—The Board of Pharmaceutical Examiners shall consist of three members, to be appointed by the Department Head.[1] They shall at the time of their appointment be registered first-class pharmacists in good standing, with five consecutive years of practical experience in compounding and dispensing physicians' prescriptions.[2]

No pharmacist shall be eligible for appointment upon said Board who is a member of the faculty of any school, college, or university where any branch of pharmacy is taught, or who has any pecuniary interest in such an institution.

(589—1; 2382.)

SEC. 719. *Functions and duties of Board.*[3] — The Board of Pharmaceutical Examiners is vested with authority, conformably with the provisions of this chapter, to issue and revoke certificates of registration for practitioners of pharmacy. The Board shall study the conditions affecting the practice of pharmacy in all parts of the (Philippine Islands) Philippines and shall exercise the powers herein conferred upon them with a view to the maintenance of efficient ethical and technical standards in the pharmaceutical profession.

(2382—1.)

SEC. 720. *Term of members of Board.*—The members of the Board of Pharmaceutical Examiners shall hold office for three[4] years after their appointment and until their successors are appointed and

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(1) Secretary of Public Instruction — See third paragraph of section 10, Act No. 4007.

(2) Section 10 of Act No. 4007 provides that members of the various Boards of Examiners shall be appointed "from among persons of recognized standing in in their respective professions."

(3) The Board also acts as a Pharmacy Inspection Board pursuant to Act No. 2762, section 1.

(4) Section 10 of Act No. 4007 provides that the term of office of the members of the various Boards of Examiners shall be one year.

qualified. No member of said Board may be reappointed until three years shall have passed since the expiration of his last term. Interim vacancies shall be filled by appointment for the unexpired term only.

(2382—1.)

SEC. 721. *Removal of member of Board.*—The Department Head may remove any member of the Board of Pharmaceutical Examiners for continued neglect of duty or incompetency, or for unprofessional or dishonorable conduct.

(2382—1.)

SEC. 722. *Annual election of officers.*[1]—At its annual meeting the Board shall elect from its members a president and a secretary-treasurer for the current year. The president shall be the chief executive officer of the Board.

(597—3; 2382—2.)

SEC. 723. *Duties of secretary-treasurer.*[2]—The secretary-treasurer shall keep a record of the proceedings of the Board and a register of all persons to whom certificates of registration as pharmacist, second-class pharmacist, registered apprentice in pharmacy, or Chinese druggist have been granted, setting forth the name, age, sex, and place of business of each, his post-office address, the name of the pharmaceutical school, college, or university from which he graduated, or in which he has studied pharmacy, if any, and the date of such graduation or length and date of such term of study together with the time spent in the study of pharmacy elsewhere, if any, and the names and locations of all institutions which have granted to him degrees or certificates of lectures in pharmacy, and all other degrees granted to him from institutions of learning.

(597—2.)

SEC. 724. *Compensation of members.*[3]—The members of the Board, except the secretary-treasurer, shall receive from (insular) national funds as compensation the sum of four pesos each for each candidate examined for registration as pharmacist. The secretary-treasurer shall receive from (insular) national funds compensation

(1) Section 10 of Act No. 4077 provides that the Executive Officer of the various Boards of Examiners is the Commissioner of Civil Service. The Chairman of each Board is appointed by the proper Department Head and the secretary is a subordinate officer of the Bureau of Civil Service. Fees are now paid "to the officer designated by the proper authority as the disbursing officer for the Bureau of Civil Service." As for the proper Department Head of the Board of Pharmaceutical Examiners, see footnote to section 718 ante.

(2) As for the office of the secretary-treasurer, see section 10 of Act No. 4007 and footnote to section 722, ante.

(3) Section 10 of Act No. 4007 provides the compensation of the members of the various Boards of Examiners at "not to exceed five pesos per capita of the candidates examined, as the proper Department Head may fix."

at the rate of three pesos per year, one-half of which amount shall be paid on the thirtieth of June and one-half on the thirty-first of December of each year.[1]

(597—2.)

SEC. 725. *Annual report.*—The Board shall make an annual report to the Department Head, giving an account of its proceedings during the year covered by the report and a statement of moneys received and expenses incurred by it during such period.

(597—6.)

SEC. 726. *Regulations.*—Regulations governing pharmaceutical examinations[2] and determining the standards to be attained in them and generally such other regulations as may be necessary to carry the provisions of this chapter into effect shall be promulgated by the Board of Pharmaceutical Examiners, with the approval of the Department Head. Penal provisions may be included in said regulations the violation of which shall be punishable as prescribed in section two thousand six hundred and seventy-seven of this Code.

ARTICLE II.—Examination and Registration of Pharmacists

SEC. 727. *Inhibition against practice of pharmacy by uncertificated person.*—Unless exempt from registration, no person shall practice pharmacy in the (Philippine Islands) Philippines without having previously obtained the proper certificate of registration from the Board of Pharmaceutical Examiners.

(597—7, 16; 2382—6.)

SEC. 728. *Definition of practice of pharmacy.*—A person shall be deemed to be practicing pharmacy within the meaning of this chapter who shall, for a fee, salary, or other reward paid to himself or to another person, prepare, distribute, or sell any medicine, drug, or pharmaceutical preparation, or fill any prescription therefor.

This definition shall, however, be construed subject to the following limitations:

(a) A person shall not be deemed to be practicing pharmacy by reason of being engaged in the selling of mineral medicinal waters.

(b) Registered physicians with legal practice shall not be deemed to be engaged in the practice of pharmacy in putting up their own

(1) The secretary now acts for all (16) Boards of Examiners and receives 8,000 pesos per annum.

(2) Section 10 of Act No. 4007 provides that "the Director of Civil Service x x x x shall conduct the examinations given by any of these boards, according to rules and regulations promulgated by him and approved by the respective Department Heads."

prescriptions or dispensing medicines to their patients in their own offices, or if there is no pharmacy within a minimum radius of five kilometers from the residence of the patient who request medical treatment at his home, or in emergency cases and where medicines to be applied immediately are concerned.

(c) In a pharmacy or store where medicines are dispensed, prescriptions filled, or drugs and chemicals sold at retail, it shall be sufficient for the purposes of this section that the work of filling prescriptions and the preparation of medicinal compounds be effected in all cases by a registered pharmacist practicing in such pharmacy or store.

(d) In drug stores engaged exclusively in the manufacture or sale of simple drugs and chemical products in quantities greatly in excess of the therapeutic doses of each substance or in the sale of galenic prescriptions or medicinal preparations at wholesale, it shall be sufficient for the purposes of this section that such business be conducted under the immediate supervision of a registered pharmacist practicing only in such store.

(e) A person shall not be deemed to be practicing pharmacy by reason of being engaged in the selling of non-poisonous household remedies in any store or place more than five kilometers from an established pharmacy; but the preparations which may be so dealt in must be specified in regulations promulgated pursuant to section seven hundred and twenty-six hereof, and the sale of such nonpoisonous household remedies by other persons than registered pharmacists is strictly prohibited in places that are not more than five kilometers distant from an established pharmacy.

(597—12, 23; 2236—1; 2382—7.)

SEC. 729. *Persons exempt from registration.* — A certificate of registration shall not be required for any pharmacist in the service of the United States in the (Philippine Islands) Philippines.

SEC. 730. *Examination requirement.*—Except as allowed under the provisions of this chapter, all applicants for registration as pharmacists shall be subjected to examination: PROVIDED, however, That no foreign pharmacist shall be admitted to examination unless the country of which he is a subject or citizen, permits Filipino pharmacists to practice within its territorial limits.

(597—16; 2382—6; 3680—1.)

SEC. 731. *Persons exempt from examination.*—No examination shall be required of any person who shall, with his application for registration, present to the Board of Pharmaceutical Examiners a

proper diploma or other sufficient proof, as the case may require, showing either that:

(a) He had, prior to the ratification of the Treaty of Paris, been qualified under the Spanish law to practice pharmacy in the (Philippine Islands) Philippines; or that

(b) He had, prior to the ratification of the Treaty of Paris, received the degree of licentiate of pharmacy from the University of Santo Tomas in the City of Manila.

(597—9; 2382—3.)

SEC. 732. *Semiannual examinations.*—The Board of Pharmaceutical Examiners shall meet in the City of Manila for the purpose of examining candidates desiring to practice pharmacy in the (Philippine Islands) Philippines on the first Tuesdays, of July and January of each year, after giving thirty days' written or printed notice of such meeting to each candidate who has filed his name and address with the secretary-treasurer of the Board, and after publishing such notice in Manila in one newspaper published in the English language and one newspaper published in the Spanish language, at least once per week for a like period.

(597—3; 2382—2.)

SEC. 733. *Prerequisite qualifications for examination.*—Any person applying for examination and for a certificate as pharmacist, shall prior to admission to examination, establish to the satisfaction of the Board:

(a) That he is of good moral character;

(b) That he is registered in the office of the secretary of the Board as an apprentice in pharmacy at least three years before applying for examination;

(c) That he has had at least three years' practical experience in a pharmacy where the prescriptions of physicians, dentists, or veterinarians are compounded and where drugs, medicines, and poisons are sold at retail;

(d) That he has been graduated from a legally chartered school, college, or university in which professional pharmacy is taught for a period not less than four years of nine months' course each: PROVIDED, That this provision shall be in force from the date of the examination in pharmacy to take place in July of nineteen hundred and thirty-four; PROVIDED, further, That any person admitted to examination before the Board prior to the examination in pharmacy of July, nineteen hundred and thirty-four, may hereafter take the examination without fulfilling the requisites provided for in this paragraph; and

(e) That he has satisfactorily completed the secondary course in a public high school or one duly recognized by the Government.

(597—3; 2236—1; 2382—6; 3536—1; 3704—1.)

SEC. 734. *Pharmacists' examination.*—The examination to be given to applicants for a pharmacist's certificate shall comprise the following subjects: General chemistry, inorganic chemistry and organic chemistry applied to pharmacy; botany, pharmacology, pharmacognosy; qualitative analytical chemistry and its special application to the analysis of medicines; quantitative analytical chemistry; toxicology; pharmaceutical practice; compounding of prescriptions; bacteriology and hygiene, and pharmaceutical legislation: PROVIDED, however, That candidates having completed their studies of pharmacy in a duly recognized college prior to the approval of this Act, shall not be obliged to submit to examination in the three subjects last mentioned.

(597—16; 2382—6; 2967—1.)

SEC. 735. *Programme of examination.*—It shall be the duty of the Board to prepare a programme of subjects above mentioned in such manner that the same shall contain all of the knowledge that ought to be required from the candidate to show him capable of practicing pharmacy, which programme, after being approved by the Department Head, shall be published three months before the date of the examination when it is to be used.

Any alteration that the Board may later wish to introduce in said programme shall also be approved by the Department Head and published three months before the date of the examination.

(2382—6.)

SEC. 736. *Report of rating.*—The Board of Pharmaceutical Examiners shall immediately upon the completion of the examinations revise the work of the candidates and shall, within the term of two months after the date of the completion of the examinations, report the rating obtained by each examinee, for the information of the persons interested.

(597—3; 2382—2.)

SEC. 737. *Reexamination of failed candidate.*—A candidate who thrice fails to pass the pharmacist's examination shall not again be examined until at least one year has elapsed after his last examination.

(2336—1; 2382—6.)

SEC. 738. *Forms of certificates—Authentication.*—Certificates of registration issued[1] by the Board of Pharmaceutical Examiners

(1) Section 10 of Act No. 4007 provides that "the Secretary of the Department shall issue the license or certificate entitling the person to whom it is issued to practice the profession for which he has taken the examination."

shall be of three grades, namely, pharmacist, apprentice in pharmacy, and Chinese druggist.

All certificates shall be signed by a majority of the members of the Board and shall be attested by its official seal.

(597—3; 2382—2; 2382—6.)

SEC. 739. *Issuance of pharmacist's certificate.*—An applicant who shall successfully pass the pharmacist's examination hereinabove prescribed shall receive a certificate of registration as pharmacist: PROVIDED, however, That if the applicant who passed the examination has not completed the age of twenty-one years, a certificate of registration as pharmacist shall not be issued to him until he shall have completed said age of twenty-one years, and he shall in the meantime not be allowed to practise as pharmacist.

(2382—6; 3704—2.)

SEC. 740. *Issuance of certificate to apprentice in pharmacy.*—A certificate as apprentice in pharmacy shall be issued by the Board of Pharmaceutical Examiners to any person of good habits and moral character reported by a registered pharmacist as having been taken into his employment as a student of pharmacy or an apprentice for the purpose of becoming a pharmacist.

(596—3; 2382—2.)

SEC. 741. *Issuance of certificate to Chinese druggist.*—A certificate as Chinese druggist shall be issued to any person twenty-one or more years of age and of good habits and moral character who shall submit to the Board of Pharmaceutical Examiners a certificate from the Chinese consul at Manila that he is competent and qualified to conduct a Chinese drug store in accordance with the laws and customs of the Chinese Republic, together with such other evidence as to his fitness to conduct such a store as the Board may require.

(597—3; 2383—2.)

SEC. 742. *Limitation on business of Chinese druggist.*—A person holding a certificate as Chinese druggist shall not engage in the general practice of pharmacy, and his sales of Chinese drugs and medicines shall be limited to persons of Chinese blood and their families.

(597—22.)

SEC. 743. *Issuance of temporary certificate.*—Subject to the conditions hereinbelow prescribed, any two members of the Board of Pharmaceutical Examiners may issue a temporary certificate of registration as pharmacist to any applicant upon presentation by such applicant of satisfactory evidence that he possesses the neces-

sary qualifications to practise pharmacy, and that he has not failed to pass any examination before the board.

A temporary certificate shall not be granted when the regular semiannual examination is pending or is to take place within thirty days, and such certificate shall not remain in force longer than sixty days after the examination next succeeding the date of its issuance. In no case shall a temporary certificate of registration be renewed or extended; nor shall two temporary certificates of registration be granted to any person.

Each applicant for temporary registration shall file with the secretary-treasurer of the Board an affidavit to the effect that it is his intention to appear at the next regular meeting of the Board and to submit to an examination with a view of obtaining a permanent certificate.

(2382—5.)

SEC. 743-A. *Persons exempt from registration.*—Pharmacists of other countries called for consultation shall not be required to register.

(3704—3.)

SEC. 744. *Fees for pharmacist's examination and issuance of certificate of registration as pharmacist.*—Every applicant for examination as pharmacist shall pay to the secretary-treasurer[1] a fee of twenty pesos.

When an applicant successfully passes the pharmacist's examination or when an applicant is registered without examination, he shall be required to pay twenty pesos for the issuance of the certificate of registration.

When a person to whom a temporary certificate has been issued passes a satisfactory examination at the next examination after the issuance of such temporary certificate, a permanent certificate shall be granted to him upon payment of a registration fee of twenty pesos.

(597—5; 2236—1; 2382—5; 3272—1.)

SEC. 745. *Fee for other certificates.*—For each certificate issued by the Board of Pharmaceutical Examiners for an apprentice in pharmacy a fee of two pesos shall be charged, and for each certificate for a Chinese druggist, a fee of twenty pesos.

(597—5.)

SEC. 746. *Refusal of certificate for certain causes.*—The Board of Pharmaceutical Examiners shall refuse to issue a certificate to any person convicted by a court of competent jurisdiction of any cri-

(1) Under section 10 of Act No. 4007 fees are now paid "to the officer designated by proper authority as the disbursing officer for the Bureau of Civil Service."

minal offense, or to any person guilty of immoral or dishonest conduct, or to any person of unsound mind; and, in the event of such refusal, shall give to the applicant a written statement setting forth its reason for such action, which statement shall be incorporated in the record of the Board.

(597—14.)

SEC. 747. *Revocation of certificate.*—The Board may also revoke a certificate for any cause specified in the preceding section, or for unprofessional conduct, after due notice to the person interested, and a hearing subject to an appeal to the Department Head, whose decision shall be final.

It shall be sufficient ground for the revocation of a certificate issued to any pharmacist that he has failed to keep a true and correct record of opium, opium compounds, or other prohibited drugs received and dispensed or transferred by him, as prescribed by law.

(597—14; 1761—11; see Act 4162—3.)

ARTICLE III.—Sundry Provisions Relative to Practice of Pharmacy

SEC. 748. *Reservation in favor of pharmacists heretofore certificated.*—Pharmacists and second-class pharmacists who are holders of certificates lawfully issued since the twenty-sixth day of January, nineteen hundred and three, shall not be required to register anew under the provisions of this chapter; and no certificate of the grade of second-class pharmacist shall be issued in the future.

(597—11; 2382—4, 6.)

SEC. 749. *Status of second-class pharmacist.*—Except as provided in the second paragraph of the next succeeding section hereof, a second-class pharmacist shall in the conduct of his business, be subject to the same regulations and have the same responsibility as other pharmacists.

(597—23; 2382—7.)

SEC. 750. *Display of name and certificate of practicing pharmacist.*—Every practising pharmacist shall display his certificate of registration in a conspicuous place within the house, office, or pharmacy, where he practices; and his practice shall be confined to such place. Where a pharmacy contains more than one practicing pharmacist therein the owner or manager shall cause the registration certificate of each of them to be displayed in the same manner.

Every second-class pharmacist shall display conspicuously upon the outside of his place of business a sign on which shall appear his name, followed by the words "second-class pharmacist."

(597—15, 21.)

SEC. 751. *Responsibility for quality of drugs.*—Every pharmacist shall be responsible for the quality of all drugs, chemicals, medicines, and poisons he may sell or keep for sale; and it shall be unlawful for any person whomsoever to manufacture, prepare, sell, or administer any prescription, drug, chemical, medicine, or poison under any fraudulent name, direction, pretense or to adulterate any drug, chemical, medicine, or poison so used, sold, or offered for sale. Any drug, chemical, medicine, or poison shall be held to be adulterated or deteriorated within the meaning of this section if it differs from the standard of quality or purity given in the United States Pharmacopoeia.

(597—17; 1921—2.)

SEC. 752. *Label of medicines dispensed.*—Upon every box, bottle, or other package containing medicine sold or dispensed by a pharmacist there shall be pasted, affixed, or imprinted a seal or label bearing the name of the pharmacy and showing the character of the medicine and proper doses thereof. The label of medicines sold upon prescription shall also show the name of the prescriber and the number of the prescription.

(597—18.)

SEC. 753. *Record of prescriptions.*—All prescriptions dispensed shall be numbered and the original or a copy thereof shall be preserved in a book or file kept for such purpose.

(597—18.)

SEC. 754. *Inhibition against use of cipher or unusual terms in prescription.*—It shall be unlawful to prescribe, compound, or dispense prescriptions, recipes or formulas which are written in cipher, or secret keys, or in which there are employed unusual names of drugs which differ from the names ordinarily used for such drugs in standard pharmacopoeias or formularies.

(1921—2.)

SEC. 755. *Provisions relative to dispensing of violent poisons.*—Every person who dispenses, sells, or delivers any of the following violent poisons, to wit, arsenic, arsenical solutions, phosphorus, corrosive sublimate, cyanide of potassium or other cyanide, atropine, cocaine, morphine, strychnine, or any of their salts, and all other poisonous vegetable alkaloids or any of their salts, hydrocyanic acid, prussic acid, oil of bitter almonds containing hydrocyanic acid or prussic acid, oil of mirbane (nitro-benzene), opium and its preparations, except paregoric and such others as contain less than four hundred and fifty milligrams of opium per one hundred cubic centimeters (two grains to the ounce), shall make or cause to be made

in a book kept for the purpose of recording the sale of such poisons an entry stating the date of each sale and the name and address of the purchaser, the name and quantity of the poison sold, and the purpose for which it was claimed to be purchased, before delivering it to the purchaser. He shall not deliver any such poison to any person without satisfying himself that such person is aware of its poisonous character, and that the poison is to be used for a legitimate purpose, and he shall affix to every box, bottle, or other package containing any dangerous or poisonous drug, a label of red paper upon which shall be printed in large black letters the word "poison," and a vignette representing a skull and bones, before delivering it to any person. Books kept for the purpose of recording the sale of poisons shall be open at all times to the inspection of the Board of Pharmaceutical Examiners, and of health officers or officers of the law, and every such book shall be preserved for at least five years after the last entry in it has been made.

(597—19.)

SEC. 756. *Provisions relative to dispensing of less violent poisons.*—Every person who dispenses, sells, or delivers any aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolaca, strophanthus, oil of tansy, veratrum viride, or their pharmaceutical preparations, carbolic acid (Phenol), chloral hydrate, chloroform, creosote, croton oil, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, tartar emetic, white hellebore, or any drug, chemical, or preparation which according to standard works of medicine or materia medica is liable to be destructive to human adult life in quantities of four grams (sixty grains) or less, without the prescription of a physician, shall label the receptacles containing them as is above provided for violent poisons, but shall not be required to register the same.

Nothing in this section shall be construed as applying to the dispensing of medicines, drugs, or poisons on physicians' prescriptions, but no prescription the prescribed dose of which contains a dangerous quantity of poison shall be filled without first consulting the prescribing physician and verifying the prescription.

(597—20.)

SEC. 757. *Receptacle for poisonous drugs.*—The poisonous drugs specified in the two next preceding sections shall be kept in a cabinet to be provided in every pharmacy carrying such drugs in stock for the retail trade; and the same shall be kept securely locked when not in use.

(597—18.)

APPENDIX "B"

DRUG AND COSMETIC REGULATIONS

PRELIMINARY CHAPTER

Title of These Regulations

These regulations shall be known as the "DRUG AND COSMETIC REGULATIONS."

CHAPTER I

Definitions

SECTION 1. Unless otherwise specified, the words hereinafter mentioned shall have the following meaning:

"Board" or "Pharmacy Board" means the Board of Pharmaceutical Examiners and Inspectors of the Philippines.

"Person" includes individuals, corporations, companies, societies, associations, and other commercial or legal entities.

"Drug Establishments" include pharmacy or drug store, drug department, dispensary, chemical-pharmaceutical laboratory, pharmaceutical laboratory, cosmetic laboratory, household remedy store, and Chinese drug store.

"Pharmacy" or "Drug Store" means a place or establishment where drugs, chemical products, active principles, medicinal and galenical preparations, proprietary medicines or pharmaceutical specialties, and poisons are sold at retail and where medical, dental, and veterinary prescriptions are compounded and dispensed.

"Drug Department" means an establishment or part of an establishment where drugs, medicines, pharmaceutical specialties, chemicals are imported, for itself or for other drug establishments, repacked, stored, and distributed or sold at wholesale only.

"Chemical-Pharmaceutical Laboratory" means an establishment where chemical products or active principles of plants or their derivatives are obtained, analyzed or identified, and where medicinal, galenical or officinal preparations or compound drugs, proprietary medicines or pharmaceutical specialties are prepared, compounded, standardized, and distributed or sold at wholesale.

"Pharmaceutical Laboratory" means an establishment where galenical preparations, proprietary medicines or pharmaceutical specialties are prepared, compounded, standardized, and distributed or sold.

"Cosmetic Laboratory" means a place or establishment where beauty preparations and toilet articles are prepared, compounded, analyzed or identified, and bottled or packed for sale or distribution.

"Pharmacopoeia" and "Formulary" means, so far as the former is concerned, the Pharmacopoeia of the United States, latest revision, and as to the latter, the National Formulary of the United States, latest revision.

"Drug" or "Preparation" means:

(a) Any article recognized in the United States Pharmacopoeia, the National Formulary and their supplements and other accepted formularies.

(b) Any article intended for use in the diagnosis, cure, mitigation, treatment or prevention of diseases in man or animals.

(c) Any article (other than food) intended to affect the structure or any function of the body of man or animals; and

(d) Any article intended for use as component of any article specified in clauses (a), (b), and (c) of this section.

"Crude Drug" means any drug that has not suffered any alteration, except through desiccation or pulverization.

"Cosmetic" means:

(a) Any article intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance; and

(b) Any article intended for use as component of any such article.

"New Drug," "New Preparation," or "New Cosmetic," means:

(a) Any drug, preparation or cosmetic the composition of which is such that such drug, preparation or cosmetic is not generally recognized among experts qualified by scientific training and experience to evaluate the safety of such product as safe for use under the conditions prescribed, recommended or suggested in the labeling thereof.

(b) Any drug, preparation or cosmetic the composition of which is such that such drug, preparation or cosmetic as a result of investigations has been determined safe for use under the above specified conditions, but has not, except in such investigations, been used to a material extent or for a material time under such conditions.

"Label" means a display of written, printed or graphic matter upon the immediate container of any article; and a requirement made by law or regulation that any word, statement or other information appearing on the label shall not be considered to be complied with unless such word, statement or other information also appear on the outside container or wrapper, if there be any, of the retail package of such article, or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed or graphic matter (a) upon any article or any of its containers or wrappers, or (b) accompanying such article.

"Medicine" or "Remedy" means any drug, active principle, chemical product, preparation, mixture or combination of drugs in due form, intended for curative use in man or animals.

"Household Remedy" means any drug, mixture of drugs, galenic or officinal preparation of common or ordinary use, sold without medical prescription in original packages, bottles or containers, the nomenclature whereof is determined by the Board.

"Proprietary Medicine" means any drug, preparation or mixture of drugs marketed under a trade name and intended for the cure, mitigation or prevention of disease in man or animals.

"Poison" is any drug, chemical, active principle, or preparation of the same, capable of destroying life or of seriously endangering health when applied to the body externally or in moderate doses internally.

"Abortive" means any drug, chemical product or active principle, or mixture or preparation of the same, capable of provoking abortion if taken in one or several doses.

"Anticonceptional Remedy" means any object, device, drug, chemical substance or active principle, or any mixture of the same, capable of preventing conception if used or taken.

"Practising Pharmacist" or "Pharmacist in Charge" means any person registered as pharmacist by the Board and engaged in the practice or employed as pharmacist in any private or public drug establishment.

"Chinese Pharmacy" or "Chinese Drug Store" is a pharmacy or drug store where only crude Chinese drugs and Chinese medicines are sold to Chinese nationals only at wholesale or at retail.

"Chinese Druggist" means a person who possesses a certificate as Chinese druggist in accordance with Section 741 of the Revised Administrative Code.

CHAPTER II

Application for a Permit to Open Drug Establishments

SEC. 2. Any person desiring to open a drug establishment shall file with the Board a sworn petition specifying the place, municipality, and province where it is to be established; the name of the establishment; the name or names of the pharmacist or pharmacists in charge, and in the case of a Chinese drug store the name or names of the Chinese druggists; the number of their certificates of registration and dates of issue; and the name and domicile of the owner. The application should be accompanied with a copy of the partnership or corporation papers if the applicant is a partnership or a corporation. A pharmacy inspector shall, within a reasonable time after the receipt of said application, proceed to inspect the establishment to see if same complies with the requirements of these Regulations.

SEC. 3. All hospitals, asylums, sanatoria, and other institutions established or shall hereafter be established in the Philippines, having a dispensary for the use of their patients or of the public, shall, through their director, manager, owner, administrator or legal representative, file with the Board a sworn petition specifying the name and location of the hospital, asylum or sanatorium; the name of the pharmacist in charge; and the number and date of issue of his certificate of registration. A pharmacy inspector shall proceed to make an inspection of the establishment to see if same complies with the provisions of these Regulations.

SEC. 4. If after inspection the establishment is found not to conform to the provisions of these Regulations, the Board may refuse to issue the necessary permit, in which case it shall give not more than sixty (60) days to the owner thereof if the establishment is located in the City of Manila, and not more than one hundred and twenty (120) days if in the province, to put his establishment under the requirements of these Regulations.

SEC. 5. A fee of ten pesos (₱10.00) shall be charged for every permit issued by the Board to open a drug establishment. This permit shall be subject to renewal within the first two months of each year upon payment of a renewal fee of five pesos (₱5.00).

SEC. 6. No drug establishment shall be opened to the public without having secured the proper permit from the Board.

SEC. 7. Any owner, administrator or manager of any drug establishment desiring to transfer to another place shall report this fact to the Board stating the place where he intends to move, and shall establish his new place of business in accordance with the requirements of these Regulations.

CHAPTER III

Requirements for the Opening and Operation of Drug Establishments

SEC. 8. All drug stores shall have the following requirements:

A. Premises:

1. An adequate well-ventilated room for the public with concrete, tile or wooden flooring.
2. A place suitable for the compounding of medical prescriptions.
3. A suitable place for the adequate storage of drugs, biologic products, and medicinal substances.
4. A place for washing and sterilizing bottles.
5. Suitable cabinets for keeping poisons and narcotics.
6. Adequate heating facilities.
7. Water installations.
8. Sanitary facilities.

B. Reference Books:

1. Pharmacopoeia, latest revision.
2. Dispensatory, latest revision.
3. Formulary, latest revision.
4. Pharmacy Laws and Drug and Cosmetic Regulations.
5. Board Formulary.
6. Other reference books (optional).

C. Record Books:

1. Prescription Book
2. Opium Book
3. Additional Opium Book
4. Poison Book
5. Book for Abortive and Anti-Conceptional Substances

D. Utensils, Apparatus, and other equipment:

1. Balances—
   a. Prescription balance of one milligram sensitiveness.
   b. Prescription balance of one gram sensitiveness.
   c. One set of weights.
2. Glass measures—a set of not less than six (6) from 5 cc. to 1000 cc.
3. Mortars—a set of not less than three (3) assorted sizes.
4. Glass funnels—a set of not less than three (3) assorted diameters.

5. Porcelain dishes—a set of not less than three (3) assorted capacities.
6. Glass rods—a set of not less than six (6).
7. Test tubes—a set of not less than six (6).
8. Pill tile.
9. Spatulas—a set of not less than three (3) assorted sizes.
10. Seal of the drug store.
11. Container for distilled water.
12. Red and White labels and the vignette of a skull.

E. Minimum drug requirements:

1. Crude Vegetable Drugs

Aconite Root	250 Gm.
Aloe	250 Gm.
Asafoetida	100 Gm.
Balsam of Peru	100 Gm.
Balsam of Tolu	100 Gm.
Benzoin	500 Gm.
Buchu Leaves	250 Gm.
Chrysarobin	250 Gm.
Cinchona Bark	500 Gm.
Cinnamon Bark	250 Gm.
Gentian Root	500 Gm.
Ipecac Root	250 Gm.
Krameria Root	250 Gm.
Lycopodium	500 Gm.
Manzanilla Flowers	500 Gm.
Rhubarb Root	500 Gm.
Senega Roots	250 Gm.
Senna Leaves	500 Gm.
Uva Ursi Leaves	500 Gm.

2. Prescription Chemicals:

Acacia Powder	250 Gm.
Acetone	500 cc.
Acetophenetidin	100 Gm.
Acid, Acetylsalicylic	250 Gm.
Acid, Citric	1 K
Acid, Benzoic	250 Gm.
Acid, Boric powder	1 K
Acid, Hydrochloric diluted	250 cc.
Acid, Lactic	100 cc.
Acid, Salicylic	250 Gm.
Acid, Tannic	500 Gm.

Acid, Carbolic	500 Gm.
Alcohol, Ethyl	1 L
Aminopyrine	100 Gm.
Ammonium Acetate	250 Gm.
Ammonium Carbonate	250 Gm.
Ammonium Chloride	250 Gm.
Ammonium Bromide	250 Gm.
Antipyrine	100 Gm.
Argyrol	60 Gm.
Arsenic Trioxide	10 Gm.
Betanaphtol	250 Gm.
Bismuth Subcarbonate	500 Gm.
Bismuth Subnitrate	500 Gm.
Bismuth Subgallate (Dermatol)	250 Gm.
Bismuth Subsalicylate	500 Gm.
Bromoform	30 cc.
Caffeine Alkaloid	50 Gm.
Caffeine Citrate	50 Gm.
Calcium Carbonate	500 Gm.
Calcium Chloride	500 Gm.
Calcium Lactate	1 K
Calamine	500 Gm.
Camphor	500 Gm.
Charcoal, Vegetable	250 Gm.
Chloral Hydrate	50 Gm.
Collargol	25 Gm.
Copper Sulphate	500 Gm.
Cryogenine	25 Gm.
Ether Sulphuric	500 cc.
Eucalyptol	50 cc.
Euquinine	25 Gm.
Ferrous Sulphate	500 Gm.
Gentian Violet	50 Gm.
Glucose C.P.	500 Gm.
Glycerine	1 L
Iodoform	100 Gm.
Iodine Crystals	50 Gm.
Kaolin	250 Gm.
Lactose	500 Gm.
Lithium Benzoate	100 Gm.
Lithium Carbonate	100 Gm.
Luminal	50 Gm.
Luminal Sodium	50 Gm.
Magnesium Carbonate	1 K

Magnesium Sulphate	2 K
Magnesium Oxide	1 K
Magnesium Peroxide	200 Gm.
Menthol	100 Gm.
Mercury Bichloride	100 Gm.
Mercurous Chloride (Calomel)	200 Gm.
Mercury Ammoniated	250 Gm.
Mercurochrome crystals	30 Gm.
Methenamine (Urotropin)	250 Gm.
Methylene Blue	50 Gm.
Methyl Salicylate	500 Gm.
Migrainine	25 Gm.
Oil of Anise	30 cc.
Oil of Chenopodium	30 cc.
Oil of Cinnamon	30 cc.
Oil of Clove	30 cc.
Oil of Cottonseed	1 K
Oil of Lavander	30 cc.
Oil of Lemon	30 cc.
Oil of Orange	30 cc.
Oil of Eucalyptus	30 cc.
Oil of Thyme	30 cc.
Oil of Peppermint	30 cc.
Oil of Rosemary	30 cc.
Oil of Orange Flower	30 cc.
Oleoresina Aspidium	30 Gm.
Pancreatin	100 Gm.
Pepsin	100 Gm.
Phenyl Salicylate (Salol)	250 Gm.
Petrolatum	1 K
Potassium Bromide	250 Gm.
Potassium Chlorate	250 Gm.
Potassium Citrate	250 Gm.
Potassium Bitartrate	250 Gm.
Potassium Iodide	250 Gm.
Potassium Nitrate	500 Gm.
Potassium Permanganate	250 Gm.
Protargol	50 Gm.
Quinine Bisulphate	100 Gm.
Quinine Hydrochloride	100 Gm.
Quinine Sulphate	100 Gm.
Resorcine	250 Gm.
Santonine	10 Gm.
Sodium Benzoate	250 Gm.

Sodium Bromide	250 Gm.
Sodium Bicarbonate	1 K
Sodium Borate	500 Gm.
Sodium Chloride	250 Gm.
Sodium Citrate	250 Gm.
Sodium Iodide	100 Gm.
Sodium Salicylate	250 Gm.
Sodium Sulphate	2 K
Spartein Sulphate	10 Gm.
Strychnine Sulphate	10 Gm.
Sulphur	500 Gm.
Silver Nitrate Crystals	50 Gm.
Silver Nitrate Sticks	10 Sticks
Starch	500 Gm.
Spermaceti	100 Gm.
Sulfadiazine Powder	250 Gm.
Sulfaguanidine	250 Gm.
Sulfanilamide	250 Gm.
Sulfathiazole	250 Gm.
Sulfapyridine	250 Gm.
Terpinol	50 Gm.
Thymol	50 Gm.
Thymol Iodide (Aristol)	100 Gm.
Theobromine	100 Gm.
Terpine Hydrate	250 Gm.
Thiamine Hydrochloride	50 Gm.
Totaquina	250 Gm.
Tragacanth Powder	250 Gm.
Thiocol	25 Gm.
Wax, Yellow	250 Gm.
Wax, White	250 Gm.
Wool Fat, anhydrous	500 Gm.
Wool Fat, hydrous	500 Gm.
Zinc Oxide	500 Gm.
Zinc Sulphate	50 Gm.

3. Galenical Preparations:

Aqua Camphorae	1 L
Aqua Chloroformi	1 L
Aqua Destillata	5 L
Aqua Phenolata	1 L
Collodium Flexible	100 cc.
Elixir Aromaticum	1 L
Elixir Ferri, Quininae et Strychninae	1 L
Elixir Pepsini	500 cc.

Elixir Terpini Hydratis	500 cc.
Elixir Terpini Hydratis et Codeinae	500 cc.
Extractum Belladonnae	100 Gm.
Extractum Hyoscyami	50 Gm.
Extractum Perpolitionum Oryzae	1 doz. of 15 cc. and 1/2 doz. each of other sizes
Fluidextractum Cascarae Sagradae Aromaticum	500 cc.
Fluidextractum Ergotae	120 cc.
Fluidextractum Glycyrrhizae	120 cc.
Fluidextractum Hydrastis Canadensis	120 cc.
Fluidextractum Ipecacuanhae	120 cc.
Fluidextractum Krameriae	120 cc.
Fluidextractum Pruni Virginianae	120 cc.
Fluidextractum Rhei	120 cc.
Fluidextractum Senegae	120 cc.
Fluidextractum Viburni Prunifolii	120 cc.
Linimentum Calcis	1 L
Linimentum Camphorae	1 L
Linimentum Camphorae et Saponis	1 L
Linimentum Chloroformi	1 L
Liquor Acidi Borici	2 L
Liquor Alumini Acetatis	I L
Liquor Ammoniae Fortis	500 cc.
Liquor Calcii Hydroxidi	1 L
Liquor Formaldehydi	1 L
Liquor Hydrogenii Peroxidi	1 doz. of 4 oz.
Liquor Iodii Fortis	500 cc.
Liquor Potasii Arsenitis	250 cc.
Liquor Sodii Chloridi Isotonicus	1 L
Liquor Sodii Boratis Compositus	1 L
Lotio Calaminae	1 L
Magma Magnesiae	1 L
Mistura Bromoformi	1 L
Mistura Opii et Glycyrrhizae Composita	1 L
Oil of Chamomile	500 cc.
Spiritus Ammoniae Anisatus	500 cc.
Spiritus Ammoniae Aromaticus	500 cc.
Spiritus Anisi	100 cc.
Spiritus Aurantii Compositus	100 cc.
Spiritus Aurantii Florum	100 cc.
Spiritus Camphorae	1 L

Spiritus Vini Vitis	1 L
Syrupus Acaciae	500 cc.
Syrupus Acidi Citrici	500 cc.
Syrupus Aurantii	500 cc.
Syrupus Balsami Tolutani	1 L
Syrupus Glycyrrhizae	500 cc.
Syrupus Ipecacuanhae	500 cc.
Syrupus Pruni Virginianae	500 cc.
Tinctura Aconiti	100 cc.
Tinctura Belladonnae	100 cc.
Tinctura Aloes et Camphorae Comp.	1 L
Tinctura Arnicae	500 cc.
Tinctura Auranti Amari Composita	1 L.
Tinctura Asafoetidae	100 cc.
Tinctura Benzoini	500 cc.
Tinctura Benzoini Composita	500 cc.
Tinctura Capsici	100 cc.
Tinctura Digitalis	100 cc.
Tinctura Gentianae Composita	250 cc.
Tinctura Hyoscyami	100 cc.
Tinctura Ferri Citrochloridi	500 cc.
Tinctura Iodi	500 cc.
Tinctura Lobelia	100 cc.
Tinctura Myrrhae	100 cc.
Tinctura Nucis Vomicae	100 cc.
Tinctura Opii Camphorata	500 cc.
Unguentum Acidi Borici	500 Gm.
Unguentum Acidi Benzoici et Salicylici	500 Gm.
Unguentum Album	500 Gm.
Unguentum Belladonnae	500 Gm.
Unguentum Belladonnae et Ichthyolis	500 Gm.
Unguentum Hydrargyri Ammoniati	500 Gm.
Unguentum Hydrargyri Mite	500 Gm.
Unguentum Ichthammolis	500 Gm.
Unguentum Phenolis	500 Gm.
Unguentum Sulfuris	500 Gm.
Unguentum Zinci Oxidi	500 Gm.
Pulvis Magnesiae Effervescens Compositus	500 Gm.
Acetum Aromaticum	1 L

SEC. 9. Every pharmaceutical laboratory shall have:

A. Premises:

1. An adequate room for the public with concrete, tile or wooden flooring.

2. A suitable well-ventilated room for the manufacture and standardization of pharmaceutical products.
3. An adequate place for the storage of drugs, chemicals and other raw materials.
4. A suitable place for packing and labeling of manufactured products.
5. An adequate place for cleaning and washing bottles and other containers.
6. Water installations.
7. Sanitary facilities.

B. Reference Books:

1. Pharmacopoeia, latest revision.
2. Dispensatory, latest revision.
3. Formulary, latest revision.
4. Pharmacy Laws and Drug and Cosmetic Regulations.
5. A standard book on toxicology.
6. A standard book on pharmacology.
7. Board Formulary.

C. Record Books:

1. Opium Book.
2. Additional Opium Book.

D. Apparatus, Utensils, Equipment, and Machineries:

1. One analytical balance of 1/10 milligram sensitiveness and its corresponding set of weights.
2. One prescription balance of 1/10 gram sensitiveness and its corresponding set of weights.
3. Glass measures—a set of from 5 cc. to 2 liters.
4. Glass or porcelain mortars—a set of not less than three (3) assorted sizes.
5. Glass funnels—a set of not less than four (4) assorted diameters, ranging from 2-1/2 inches to 10 inches.
6. Porcelain dishes—a set of not less than three (3) assorted diameters ranging from 5 inches to 15 inches.
7. Burettes—a set of two (2) sizes, 25 cc. and 50 cc.
8. A set of six (6) glass rods, assorted sizes.
9. A set of three (3) spatulas, assorted sizes.
10. Beakers—a set of four (4) assorted capacities from 100 cc. to 1000 cc.
11. Flasks—(a) Erlenmayer—a set of four (4) assorted capacities from 100 cc. to 1000 cc. (b) Florence—a set of four (4) assorted capacities from 100 cc. to 1000 cc.
12. Percolators—a set of three (3) assorted sizes.
13. One dozen test tubes and a test tube rack.

14. One water bath.
15. One set of laboratory thermometer.
16. One water still and a container for distilled water.
17. One sterilizer.
18. Such other equipment as may be needed in the manufacture and standardization of particular products in the laboratory.
19. Adequate heating facilities.

SEC. 10. Every chemical-pharmaceutical laboratory shall have:

A. All the requirements of section 9.

B. Additional requirements:

1. A suitable room for working with poisonous substances and obnoxious gases.
2. Reagents required by the official pharmacopoeia for the identification and testing of drugs.
3. One autoclave.

SEC. 11. The requirements for the opening of dispensaries of hospitals, asylums, sanatoria, and similar establishments shall be the same as those governing pharmacies or drug stores, according to section 8.

SEC. 12. Every cosmetic laboratory shall have the following requirements:

A. Premises:

1. An adequate room with concrete, tile or wooden floor to serve as a laboratory.
2. A suitable place wherein to keep substances used in the manufacture of cosmetics.
3. Adequate heating facilities.
4. Water installations.
5. Sanitary facilities.

B. Utensils, apparatus, and other equipments:

1. Balances: a. One 1/10 gram sensitiveness
   b. One one gram sensitiveness
   c. One set of weights
2. Glass measures—a set of not less than six (6) from 5 cc. to 1000 cc.
3. Mortars—a set of not less than three (3).
4. Glass funnels—a set of not less than three (3).
5. Porcelain dishes—a set of not less than three (3).
6. Glass rods—a set of not less than six (6).
7. Test tubes—a set of not less than six (6).

C. Reference Books:

1. Pharmacopoeia, latest revision.

2. Formulary, latest revision.
3. Pharmacy Laws and Drug and Cosmetic Regulations.

SEC. 13. Chinese drug stores must comply with the following requirements:

A. Premises:
1. A signboard in front of the place of business bearing in Chinese characters the words "Chinese Drug Store".
2. An adequate well-ventilated room for the public, with concrete, tile or wooden flooring.
3. A suitable place or room with concrete, tile or wooden flooring wherein Chinese drugs or Chinese medical prescriptions may be mixed or compounded.

B. Equipment:
1. Prescription balance.
2. Mortars and pestles.
3. Sieves—at least two.
4. Knives for cutting crude drugs.

SEC. 14. All drug departments shall have the following requirements:

1. An adequate well-ventilated room for the public, with concrete, tile or wooden flooring.
2. A place suitable for the storage of drugs, chemicals, biologic products and pharmaceutical specialties, separate from the general merchandise.
3. Suitable cabinets for keeping poisons and narcotics.
4. A suitable place for repacking drugs and chemicals.
5. Sanitary facilities.

B. Equipment:
Such equipment for measuring and weighing as may be needed for the repacking of drugs and chemicals.

C. Reference Books:
1. Pharmacopoeia, latest revision.
2. Pharmacy Laws and Drug and Cosmetic Regulations.

D. Record Books:
1. Opium Book.
2. Additional Opium Book.
3. Poison Book.

SEC. 15. Unless otherwise provided, every drug establishment shall have in its employ, during business hours, at least seven (7) hours a day, a duly licensed pharmacist. He shall display his certificate of registration in a conspicuous place within the establishment and his practice shall be limited within the premises thereof. Every drug department and cosmetic laboratory shall be managed by a duly registered pharmacist who shall be present in the labora-

tory at least five (5) hours a day and in the case of the latter, while manufacturing is in process.

SEC. 17. Every pharmacist employed or managing a drug establishment shall report or communicate to the Board within the first fifteen (15) days of the month of January of each year the name and address of the establishment of which he is in charge or where he is employed, together with the number of his certificate of registration and date of issue, and his office address.

SEC. 18. Within ten (10) days after a pharmacist shall have ceased to be employed or to manage a drug establishment, the owner, administrator or manager thereof shall report the fact to the Board, together with the name, the number of the certificate of registration and date of issue, and the post-office address of the pharmacist who has taken the former's place. The outgoing pharmacist shall also make a similar report to the Board stating therein in addition, the name and address of the establishment of which he is to assume management, if any.

SEC. 19. No drugs or chemical products, galenical preparations, proprietary medicines or pharmaceutical specialties in any form, shall be compounded, distributed or sold at any place except in a drug establishment duly authorized by the Board.

SEC. 20. The owner of a drug establishment, who, after due investigation, has been found guilty of violation of any provision of these Regulations under this Chapter and who has been ordered to close his establishment by reason of such guilt, shall not be allowed to reopen to the public his establishment without first securing from the Board a new permit which shall be issued upon payment of a fee of ten pesos (₱10.00) and upon satisfactory evidence that such owner has already complied with the requirements prescribed in these Regulations.

CHAPTER IV

Sale of Proprietary Medicines or Pharmaceutical Specialties and Cosmetics

SEC. 21. Before any proprietary medicine or pharmaceutical specialty or cosmetic is placed on sale or advertised for sale to the public, two (2) samples thereof shall be sent to the Board who shall determine whether the same may be placed on sale. For each preparation submitted to the Board for approval, a fee of ten pesos (₱10.00) shall be charged to cover the cost of service and charges for analysis of the samples.

SEC. 22. Specimens of "new drug", "new preparation" or "new cosmetic" furnished by every importer or manufacturer for analysis

for compliance with the Pure Food and Drugs Act, and with Act 2342 as amended by Act 2680, as well as with section 21, should be accompanied by:

1. Full reports of investigations which have been made to show whether or not such drug, preparation or cosmetic is safe for use;

2. A full list of the articles used as components of such drug, preparation or cosmetic;

3. A full statement of the composition of such drug, preparation or cosmetic;

4. A full description of the facilities and control used for the manufacture, processing, and packing of such drug, preparation or cosmetic;

5. Specimens of the labeling proposed to be used for such drug, preparation or cosmetic.

SEC. 23. No proprietary medicine, pharmaceutical specialty or cosmetic shall be accepted for analysis and approval from any person unless such person is a holder of a permit issued by the Board to engage in the manufacture, sale or distribution of such medicinal or cosmetic product.

SEC. 24. Pharmaceutical specialties or proprietary medicines, whether imported or made locally, shall be governed by the same rules governing the labeling of medical prescriptions but after approval thereof, the laboratory number of the preparation and the date of its approval must be printed on the labels and in the accompanying literature.

SEC. 25. For the purposes of these Regulations and in addition to the list that the Board may issue from time to time, the following shall be considered cosmetics:

1. Brillantines
2. Creams for the skin and face
3. Dental creams, powders and liquids
4. Deodorants
5. Depilatories
6. Dusting powders
7. Eyelash and eyelid preparations
8. Face powders
9. Hair pomades, creams and dyes
10. Lipsticks
11. Mouthwashes
12. Nail polishes, enamels, and enamel removers
13. Perfumes and lotions
14. Rouges
15. Shaving creams

16. Skin bleaches
17. Solutions to curl and keep the hair fixed and in place
18. Sunburn and freckle remedies
19. Theatrical face paints
20. Toilet soaps and toilet waters

SEC. 26. No person shall, in any public street, highway or park in the Philippines, peddle, hawk or offer for sale or sell any proprietary medicine or pharmaceutical specialty nor shall any person distribute, free of charge, or throw away any drug or device in any street or public place, or from door to door, or by depositing or leaving the same upon private premises, except that this provision shall not apply to the distribution by manufacturers or wholesale dealers of samples of drugs or devices to physicians, dentists, veterinarians and drug stores. However, such samples, in addition to other labeling requirements, must be conspicuously labeled "Sample not to be sold", and no person shall sell or offer for sale any such sample.

CHAPTER V

Dispensing of Prescriptions

SEC. 27. No prescription shall be filled in the absence of the pharmacist in charge of the drug store.

SEC. 28. The components of every prescription shall be stated qualitatively and quantitatively on the label of the container.

SEC. 29. Any medical prescription filled in a pharmacy, the entry whereof in the prescription book shall not conform qualitatively and quantitatively to the components of such prescription, shall be deemed unlawful and fraudulent.

SEC. 30. Every prescription for external use filled in a drug store shall bear a red label showing in blank ink the components of such prescription with the words "For External Use" at the bottom of the label.

SEC. 31. No medical and dental prescription shall be refilled except upon express order of the prescriber, provided, however, that in cases of prescriptions calling for proprietary medicines or pharmaceutical specialties or for medicines which may be taken ad libitum, no such order is necessary.

SEC. 32. The record book for prescriptions provided for in section 753 of the Revised Administrative Code shall be open to inspection by the Board or its duly authorized representatives at any time of the day during which the pharmacy shall be open to the public. All prescriptions dispensed in the drug store shall be preserved for at least two years.

CHAPTER VI

Apprentices or Student Pharmacists and Their Obligations

SEC. 33. Every apprentice or student pharmacist shall have at least one thousand five hundred (1,500) hours of practice in a duly established pharmacy for three (3) consecutive years, provided, however, that the period of practice in one day shall not exceed eight (8) hours, the total of which for one year shall not be less than five hundred (500) hours. During the first 500 hours' practice, the apprentice or student pharmacist shall receive training in handling or dispatching simple drugs, galenical preparations and poisons, including the labeling and packing of the same; the last 1,000 hours shall be devoted to filling and dispensing at least 100 medical prescriptions and to training in the management and business administration of pharmacy under the immediate supervision of the pharmacist in charge of the drug store.

SEC. 34. Every apprentice or student pharmacist shall provide himself with record cards and prescription notebooks for recording the hours and days of actual practice and the work performed by him in the pharmacy.

SEC. 35. During the first fifteen (15) days of June and December of each year, every apprentice or student pharmacist shall file with the Chairman of the Board or his authorized delegate his record cards and notebooks showing the hours and days of practice and the records of the prescriptions dispensed by him, signed and certified by the pharmacist in charge of the drug store in which he has been practicing.

Each apprentice or student pharmacist, upon filing for the first time the records of the prescriptions prepared by him, shall also file a complete list of all drugs in the pharmacy where he has practised, classified according to the capacity of their containers and specifying whether or not they are United States Pharmacopoeial preparations. Any pharmacist found to have falsely certified the record cards and notebooks of any apprentice or student pharmacist shall be suspended from the practice of his profession for a period of not more than six (6) months, and the student pharmacist concerned shall be disqualified from taking the Board examination for a period of not more than one year after his graduation.

CHAPTER VII

Adulteration and Misbranding

Adulteration

SEC. 36. Any drug, preparation or cosmetic shall be deemed to be adulterated if it consists in whole or in part of any filthy, putrid or decomposed substance.

SEC. 37. A drug, preparation or cosmetic compounded from two or more ingredients may be deemed adulterated if any incompatibility among such ingredients exists which renders such drug, preparation or cosmetic useless for the purpose it is intended to be used, or where such drug, preparation or cosmetic, due to the mixing together of such ingredients, may become dangerous or poisonous even if the ingredients, when taken separately, are not dangerous or poisonous.

SEC. 38. A drug, preparation or cosmetic may be deemed adulterated if in the process of manufacture, packing, handling, due to lack of sanitary precautions, any foreign substance may have been incorporated in such drug, preparation or cosmetic which is not a normal component.

SEC. 39. A drug or preparation shall be deemed to be adulterated if it is sold under or by a name recognized in the United States Pharmacopoeia or other accepted formularies, and such drug or preparation does not conform to the standard of strength, quality or purity, as determined by the test laid down in the said pharmacopoeia or other accepted formularies.

However, a drug or preparation which differs from the standard of strength, quality or purity of such drug as defined in the official pharmacopoeia or other accepted formularies, may be sold under or by such names provided it is plainly stated on the label immediately following the name of such official drug or preparation and that a complete qualitative and quantitative formula appears on the same label.

SEC. 40. A drug or preparation shall be deemed to be adulterated if it differs from or falls below the professed standard or quality under which it is sold.

Misbranding

SEC. 41. (a) No drug, preparation or cosmetic shall be an imitation of, nor shall be offered for sale under the name of any duly approved article.

(b) A simple substance should be designated solely by a name recognized in an official compendium. Such a name should be or should include (among other descriptions, synonyms, abbreviations, etc.)

the principal name or title under which such substance is described in such compendium. If it is a non-official drug or substance, it should be designated by its ordinary name or customary chemical term, and not by a fancy or proprietary name.

(c) The name by which a drug, preparation or cosmetic may be designated shall be clearly distinguished and differentiated from any name recognized in an official compendium unless such drug, preparation or cosmetic complies in identity with that described in an official compendium under such recognized name.

(d) The labeling of a drug, preparation or cosmetic which contains two or more ingredients may be misleading by reason (among other reasons) of the designation of such drug, preparation, or cosmetic in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the name of all such ingredients are stated elsewhere in the labeling.

CHAPTER VIII

Labeling

SEC. 42. (a) Any drug or preparation compounded or fabricated from two or more ingredients should bear a qualitatively and quantitatively correct description of the principal drugs and toxic substances to which said drug or preparation owes its action. The name to be used for each ingredient should be in accordance with sub-section (b) of the preceding section.

(b) If the drug or preparation is in tablet, capsule, ampule or other unit form, the statement of the quantity or proportion of a substance contained therein shall express the weight or measure of such substance in each unit. If the drug or preparation is not in such unit form the statement shall express the weight or measure of such substance in a specified unit of weight or measure of the drug or preparation. Such statement shall be in terms which are informative to the ordinary consumer and user of the drug or preparation.

(c) If the drug, preparation or cosmetic contains an alcoholic ingredient as any added alcohol, tinctures and the like, the total alcoholic strength in per cent by volume should be stated separately in the label, although such alcoholic ingredients are already stated separately in the formula.

SEC. 43. The label should bear in addition to other requirements prescribed, the name and place of business of the manufacturer, packer or distributor. If a drug, preparation or cosmetic is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such

person has with such drug, preparation or cosmetic, such as "Manufactured for and packed by .....," "Distributed by .....", or other similar phrase which expresses the facts.

Where a person manufactures, packs or distributes a drug, preparation or cosmetic at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such drug, preparation or cosmetic was manufactured or packed or is to be distributed, if such a statement is not misleading in any particular.

SEC. 44. (a) If in package form, the label should bear an accurate statement of the quantity of the contents in terms of weight, measure or numerical count. The statement of the quantity of the contents of a package of a drug, preparation or cosmetic shall reveal the quantity of such drug, preparation or cosmetic in the package, exclusive of wrappers and other material packed with such drug, preparation or cosmetic. The statement shall be expressed in terms of weight, measure, numerical count or a combination of numerical count and weight or measure which are generally used by consumers and users of such drug, preparation or cosmetic to express quantity thereof, and which give accurate information as to the quantity. But if no general usage in expressing accurate information as to the quantity of such drug, preparation or cosmetic exists among consumers and users thereof, the statement of the quantity of the drug, preparation or cosmetic which is not in tablet, capsule, ampul, or other unit form shall be in terms of weight if the drug, preparation or cosmetic is solid, semi-solid or viscous or in terms of measure if it is liquid; the statement of the quantity of a drug, preparation or cosmetic which is in such unit form shall be in terms of the numerical count of such units, supplemented, whenever necessary, to give accurate information as to the quantity of such drug, preparation or cosmetic in the package, by such statement (in such terms, manner and form as are not misleading) of the weight or measure of such units, or of the quantity of such active ingredient in each such unit, as will give such information.

(b) The container of a drug, preparation or cosmetic should not be so made, formed or filled as to be misleading with respect to the contents present.

SEC. 45. The labeling of a drug, preparation or cosmetic may be considered as liable to mislead or cause injury if—

(a) The labeling does not bear adequate directions for use.

(b) The labeling does not bear adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods of dura-

tions of administration or application, such manner and form, as necessary for the protection of users which may be by reason (among other reasons) of omission in whole or in part, or incorrect specification of:

1. Directions for use in all conditions for which such drug, preparation or cosmetic is prescribed, recommended or suggested, in its labeling, or in its advertisement disseminated or sponsored by or on behalf of its manufacturer or packer, or in such other conditions, if there be any, for which such drug, preparation or cosmetic is commonly and effectively used;

2. Quantity or dose (including quantities for persons of different ages and physical conditions);

3. Frequency of administration or application;

4. Duration of administration or application;

5. Time of administration or application (in relation to time of meals, time of onset of symptoms, or other time factor); or

6. Preparation for use (shaking, dilution, adjustment of temperature, or other manipulation of process).

However, a drug, preparation or cosmetic may be exempt with respect to directions for use if—

1. The use of such drug, preparation or cosmetic is known by the ordinary individual;

2. The label of such drug or preparation bears the statement: "Caution: To be taken only by or on the prescription of a ....." (the blank to be filled in by the word "Physician", "Dentist" or "Veterinarian".)

3. The label of such drug or preparation bears the statement "For manufacturing use only", and the labeling thereof contains no representation or suggestion with respect to the effect of such drug or preparation.

(c) The drug, preparation or cosmetic is dangerous to health when used in the dosage or with frequency or duration prescribed, recommended or suggested in the labeling thereof.

(d) It contains any quantity of a drug or derivative of any such drug which is habit forming and its label fails to bear the statement "Warning—May be habit forming."

(e) It contains in the labeling any representation by implication or otherwise, or that the name suggest that it is a cure or is effective for the treatment of diseases or pathological conditions for which no known cure is effective in the light of present knowledge.

(f) It contains in the labeling any unwarranted, exaggerated or misleading claims as to therapeutic value.

SEC. 46. All information required to appear on the label or labeling shall be placed thereon in the Tagalog, English or Spanish language plainly and legibly with such conspicuousness (as compared with other words, statements, designs or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. A word, statement or other information may lack that prominence and conspicuousness by reason (among other reasons), of:

(a) The failure of such word, statement or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(b) The failure of such word, statement or information to appear on two or more parts or panels of the label, each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditions of purchase, the part or panel displayed;

(c) The failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement or information.

(d) Insufficiency of label space (for the prominent placing of such word, statement or information) resulting from the use of label space for any word, statement, design or device which is not required by or under authority of the law to appear on the label;

(e) Insufficiency of label space (for the prominent placing of such word, statement or information) resulting from the use of label space to give materially greater prominence and conspicuousness to any other word, statement or information or to any design or device; or

(f) Smallness of style in which such word, statement or information appears, insufficient background contrast, obscuring designs or vignettes or crowding with other written, printed or graphic matter.

CHAPTER IX

Sale of Abortive and Anticonceptional Substances

SEC. 47. No drug or chemical product capable of provoking abortion or preventing conception shall be delivered or sold to any person without a proper prescription by a duly licensed physician.

SEC. 48. For the purposes of these Regulations, the following substances or any preparation thereof shall be considered as abor-

tives: Rue, sabine, mugwort, Ergo-Apiol Smith, Apioline Chapoteaut, Quinine pessaries, or any preparation containing any one or more of said abortives or other substances which, according to standard formularies, are abortives.

SEC. 49. The following substances shall be considered as anticonceptionals: Koromex, Orthogynol, or any substance or preparation thereof, intended for the same purpose.

SEC. 50. The pharmacist in charge of a drug store or dispensary, after filling a prescription containing abortive or anticonceptional substances, shall record the following items in the register book for abortives and anticonceptionals:

(a) Number of the prescription;
(b) Name of the physician;
(c) Name and quantity of the abortive or anticonceptional substance;
(d) Name and address of the purchaser;
(e) Date and time of filling the prescription; and
(f) Signature of the pharmacist filling the prescription.

SEC. 51. Register book for abortives and anticonceptional substances shall be preserved for two years after the last entry therein and shall always be subject to inspection by the Board or its duly authorized representative at any time of the day during business hours.

CHAPTER X

Dispensing of Poisons

SEC. 52. No poison specified in Table A hereunder and intended for medicinal use shall be delivered or sold to any person without a prescription from a duly licensed physician. Should the poison be intended for purposes other than medicinal, the same may be sold without a prescription only by the pharmacist in charge, but record of the sale shall be made in accordance with the next following section.

TABLE A.—Arsenic, arsenical solutions, phosphorus, corrosive sublimate, cyanide of potassium or other cyanides, hydrocyanic acid, atropine, cocaine, morphine, strychnine, or any of their salts, mirbane oil (nitro benzene), oil of chenopodium, opium and its preparations except paregoric and such others as contain less than 450 milligrams of opium per 100 cubic centimeters (2 grains to the ounce). As amended by Res. No. 7, series 1947.)

SEC. 53. Any of the above poisons dispensed or sold shall be recorded in a register book, in which shall be entered the name of the poison, the quantity sold or dispensed, the use for which the poison is intended, the name and address of the purchaser, his signature, the signature of the pharmacist who dispensed or sold the poison, and the date and time when the same was dispensed or sold.

SEC. 54. No person except the pharmacist shall sell, deliver or distribute the poisons specified in Table B hereunder but the same need not be entered in the poison register book:

TABLE B.—Aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolaca, strophantus, oil of tansy, veratrum viride, or their pharmaceutical preparations, carbolic acid (Phenol), chloral hydrate, chloroform, creosote, croton oil, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, tartar emetic, white hellebore, or any drug, chemical or preparation which according to standard works of medicine or materia medica is liable to be destructive to human adult life in quantities of four grams (60 grains) or less.

SEC. 55. None of the poisons specified in Tables A and B shall be delivered to persons less than fifteen (15) years of age or to persons mentally derranged or under the influence of liquor.

SEC. 56. All the poisons specified in Tables A and B shall be dispensed in containers with a red label bearing the words "Lason", "Veneno" or "Poison" in bold black letters and a design representing a skull.

SEC. 57. At the foot of the label showing the name of the poison, as provided in the last preceding section, and below the words "Veneno," "Lason", or "Poison", there shall be placed the word "Antidote" followed by the name or names of the antidote or antidotes of said poison.

SEC. 58. Any pharmacist selling any of the poisons specified in Tables A and B shall ascertain from the purchaser the use for which the poison is intended and shall not sell the same unless it is to be used for some lawful purpose. He shall likewise explain to the purchaser the poisonous nature of the drug and shall in every case call his attention to the antidote for the poison.

SEC. 59. When a prescription calls for a poison or poisonous drug which in the judgement of the pharmacist shall constitute a dangerous quantity of the poison in excess of the therapeutic dose or in case the pharmacist shall have any doubt concerning the use

and application of the poison, he shall not fill such prescription without first consulting the prescriber.

SEC. 60. It shall be unlawful for any person buying any poison to give a fictitious name or represent himself to be another person: PROVIDED, That this provision shall not be applicable to an employee or pharmacy inspector acting in the performance of his duties.

CHAPTER XI

Household Remedies

SEC. 61. No person shall be permitted to sell or distribute household remedies unless authorized by the Board, and such sale and distribution shall be limited within the premises of the establishment so authorized.

SEC. 62. In any place where a drug store is established, the sale or distribution of household remedies is prohibited within a radius of five (5) kilometers from such drug store.

SEC. 63. Household remedies may be sold only by persons authorized by the Board, in original packages or containers bearing the label of the pharmacy, drug store or pharmaceutical laboratory where said household remedies were obtained.

For the purposes of these Regulations the following medicines are hereby considered household remedies:

(1) Internal Medicines:

1. Aspirin-caffeine tablets
2. Aspirin tablets
3. Bitter drops (gotas amargas)
4. Borated honey
5. Calcined magnesia
6. Castor oil
7. Castoria
8. Chamomile flowers
9. Cod liver oil
10. Cod liver oil emulsion
11. Compound effervescent powder of magnesia (Magnesia doble)
12. Cream of tartar
13. Dr. Bautista's Mixture
14. Esencia maravillosa
15. Ethereal tincture of tolu (Esencia eterea balsamica)
16. Extract of tikitiki
17. Lime water
18. Magnesium carbonate

19. Magnesium sulphate
20. Milk sugar
21. Quinine sulphate capsules or tablets
22. Senna leaves
23. Sodium bicarbonate
24. Sodium sulphate
25. Tonic wines
26. Cortal tablets

(2) External Medicines and remedies:

1. Aceite de manzanilla
2. Adhesive plaster
3. Alcohol
4. Ammonia water
5. Aromatic spirit of ammonia
6. Aromatic vinegar
7. Bandages
8. Boric acid
9. Boric acid solution 2% and 4%
10. Camphor
11. Camphor liniment
12. Camphorated oil
13. Carron oil
14. Chlorinated lime (bleaching powder)
15. Collodion
16. Corn cure
17. Cotton
18. Creolin
19. Dermatol
20. Glycerin
21. Hydrogen peroxide solution
22. Iodoform
23. Lycopodium
24. Medicated plaster
25. Medicated soaps
26. Menthol
27. Mercurochrome solution 2%
28. Oil of cloves
29. Oil of eucalyptus
30. Ointment of carbolic acid
31. Ointment of iodoform
32. Phenol water
33. Plain and medicated gauzes
34. Plain vaseline

35. Powdered white mustard
36. Salicylic acid solution, 10%
37. Soap liniment
38. Spirit of creosote
39. Sublimed sulphur
40. Sulfur ointment
41. Tincture of arnica
42. Tincture of iodine
43. Toothache drops
44. Zinc oxide
45. Zinc sulphate solution 0.5%

SEC. 64. Any person desiring to sell household remedies shall file with the Board directly or through the District Health Officer of the province or City Health Officer of the city where such person resides, a sworn petition stating the following:

(a) That he is at least 21 years of age.

(b) That he is a person of good moral character as attested to by two well-known residents of the place.

(c) That he is not suffering from any contagious disease as certified by a duly registered physician.

(d) That he is a high school graduate as evidenced by his high school diploma to be attached to his application or by a certification of the principal of the high school where he graduated. In lieu of a high school diploma, the applicant may show credentials that he is a graduate nurse or that he formerly taught in a public school.

(e) That previous to the date of the filing of the application he had been practising uninterruptedly in an established pharmacy for a period of at least one year as shown by the certificate of the pharmacist under whose supervision he has had his practice, or that he is registered with the Board of Pharmaceutical Examiners as pharmacy clerk.

(f) He must further indicate the sitio, place, barrio, municipality and province where his place of business is to be located, and the approximate distance thereof from the nearest duly established drug store.

SEC. 65. Every person authorized by the Board to sell household remedies shall display in a conspicuous place on the outside of his place of business a sign with the following legend in large letters "Medicinas Caseras" or "Household Remedies" or "Lunas Pangbahay".

SEC. 66. Upon satisfactory evidence showing that the applicant meets all the requirements enumerated in section 64 of these

Regulations, he shall be granted a permit upon payment of a fee of ten pesos (₱10.00).

SEC. 67. All permits for the sale of household remedies issued by the Board shall expire on December thirty-first of each year and any person whose permit so expires shall apply for renewal to the Board on or before the date of expiration the application to be accompanied by a fee of five pesos (₱5.00).

SEC. 68. Any person desiring to remove his place of business for the sale of household remedies shall notify the Board, complying with the requirements of sub-section (f) of section 64.

SEC. 69. Upon the establishment of a drug store within a radius of five (5) kilometers from the place where a household remedy store is located, the licensee thereof must cease to operate such store within sixty (60) days after the drug store had been duly authorized to open to the public and shall surrender his permit to the Board.

Manila, October 25, 1946.

(SGD.) PAULINO M. TANINGCO
Chairman

(SGD.) ANTONIO E. SORIANO
Member

(SGD.) RAFAEL HIZON
Member

APPROVED: February 6, 1947.

(SGD.) ANTONIO VILLARAMA
Secretary of Health and Public Welfare

(Published in the Official Gazette of February, 1947.)

APPENDIX "C"

DEPARTMENT OF FINANCE
Manila

October 5, 1938

Subject: PROHIBITED DRUG REGULATIONS
REGULATIONS NO. 107

TO ALL INTERNAL-REVENUE OFFICERS AND OTHERS CONCERNED:

SECTION 1. *Scope.*—In accordance with the provisions of the Act of Congress approved December 17, 1914, as amended by the Revenue Acts of 1918, 1926, and 1928, and sections 79-B, 1574 to 1577, 2738, and 2741 of the Administrative Code, and with a view to making the requirements of the Commonwealth of the Philippines with respect to the importation and exportation of prohibited drugs conform with the system of import certificates and export authorizations prescribed by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs of the League of Nations, the following regulations are promulgated to supersede all precedents, rulings, regulations, general circulars and administrative orders heretofore published on the same subject, and shall be known as Regulations No. 107, or "Prohibited Drug Regulations."

SEC. 2. *Definitions.—When used in these regulations.*—The term "prohibited drugs" includes opium, cocaine, alpha and beta eucaine, Indian hemp, their derivatives, and all preparations made from them.

The term "opium" includes every kind, class, and character of opium, whether crude, prepared ash, or refuse and all narcotic preparations thereof or therefrom and all morphine or alkaloids of opium and all preparations in which opium, morphine, or any alkaloid of opium enters as an ingredient, together with all opium leaves and wrapping of opium leaves whether such leaves or wrappings are prepared for use or not.

"Indian hemp" is the dried flowering or fruiting tops of the pistillate plant Cannabis Sativa L. from which the resin has not been extracted. The term includes Indian hemp in any form whether as resin extract, and tincture.

The term "importer", "exporter," "manufacturer," "compounder," or "producer" includes every person who imports, exports, manufactures, compounds, or otherwise produces for sale or distribution any of these aforesaid drugs.

The term "purchasing agent" means the Government official referred to in section 2040 of the Administrative Code.

The term "physician" includes all persons duly authorized to practice medicine or surgery but excludes *cirujanos ministrantes* in medicine.

The term "dentist" includes all persons duly authorized to practice dental medicine or surgery but excludes *cirujanos ministrantes* in dentistry.

The term "veterinarian" includes all persons duly authorized to practice veterinary medicine or surgery.

The term "pharmacist" includes all persons duly authorized to practice pharmacy.

SEC. 3. (a) *Who shall register*—All persons not specifically exempted in section 4 hereof, who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away prohibited drugs shall first register and pay the taxes as prescribed in section 5 hereof. These requirements shall be applicable to physicians, dentists, and veterinarians even if they are in the service of the Government of the United States or of the Commonwealth of the Philippines whenever they prescribe or dispense prohibited drugs in their private capacity.

(b) *Administrative designation.*—The registration of the persons embraced in these regulations and the collection of the taxes shall be effected under the following administrative designation:

Schedule S, paragraph 1: Amount of the tax, ₱2 per annum or fractional part thereof—for persons mentioned in section 5 (d) hereof.

Schedule S, paragraph 2: Amount of the tax, ₱2 per annum—for physicians, dentists, veterinarians, and other professionals lawfully entitled to distribute, dispense, give away, or administer any prohibited drugs.

Schedule S, paragraph 3: Amount of the tax, ₱6 per annum—for retail dealers.

Schedule S, paragraph 4: Amount of the tax, ₱24 per annum—for wholesale dealers.

Schedule S, paragraph 5: Amount of the tax, ₱48 per annum—for importers, or manufacturers, compounders, and producers.

Schedule S, paragraph 6: For persons paying a specific tax of 2 centavos per ounce in accordance with section 5 (c) hereof.

SEC. 4. *Exemption from registration and tax.*—The exemption from registration and from the payment of the taxes specified in the fourth proviso of the first section of the Act of Congress approved December 17, 1914, as amended by the Revenue Acts of 1918, 1926, and 1928, apply to the following persons in the Philippines:

1. Officials of any branch of the Government of the United States, who in the exercise of their official duties engage in any of the business described in these regulations.

2. The Purchasing Agent when making purchases of prohibited drugs solely within the scope of his official duties. He shall be considered the only purchasing officer of the Commonwealth of the Philippines.

3. Insular, provincial, and municipal officials who secure from the Purchasing Agent their entire supply of prohibited drugs intended to be used in connection with their official duties or who secure, in their official capacity, their supply from local dealers.

4. Common carriers engaged in transporting any prohibited drugs.

5. Persons who deliver drugs which have been prescribed or dispensed by authorized physicians, dentists, or veterinarians, registered in accordance with the provisions of section 3 (a) hereof.

6. Employees of registered persons acting within the scope of their employment and not mentioned in section 3 (a) hereof.

SEC. 5. (a) *Time and place for registration and amount of taxes.*—Persons required to register and pay the taxes as set forth in section 3 (a) hereof, shall register with the local deputy provincial treasurer and, in chartered cities, with the city treasurers thereof. The annual privilege taxes prescribed in section 3 (b) hereof shall be paid before the persons liable thereto may distribute, dispense, give away, administer, compound, manufacture, or import any of the prohibited drugs: PROVIDED, That a person first engaging in such business or occupation shall pay the proportionate part of the tax for the period ending on the following June 30th, on the basis of the table herein below given:

Commencing in Business	Number of Months	₱48 (S-5) Tax	₱24 (S-4) Tax	₱6 (S-3) Tax	₱2 (S-2) Tax
June	1	₱ 4	₱ 2	₱0.50	₱0.17
May	2	8	4	1.00	.33
April	3	12	6	1.50	.50
March	4	16	8	2.00	.67
February	5	20	10	2.50	.83
January	6	24	12	3.00	1.00
December	7	28	14	3.50	1.17
November	8	32	16	4.00	1.33
October	9	36	18	4.50	1.50
September	10	40	20	5.00	1.67
August	11	44	22	5.50	1.83
July	12	48	24	6.00	2.00

The taxes specified in this subsection shall be paid on the date when the business, trade, or occupation subject to the same is commenced, and in July of each year thereafter. Renewals of tax-receipts must be made not later than July 31st of each year.

(b) *Tax-receipts to be issued to persons handling or dealing in prohibited drugs.*—The S-2 tax-receipt should be issued only to physicians, dentists, veterinarians, and other professionals lawfully entitled to distribute, dispense, give away, or administer any prohibited drugs to patients upon whom they are in attendance in the course of their professional practice. However, such of those professionals who, in pursuance of their own prescriptions, prepare medicines containing prohibited drugs for sale or distribution should secure the S-3 tax-receipt as retail dealers in prohibited drugs. If they compound medicines containing prohibited drugs not in pursuance of prescriptions, they should secure the S-5 tax-receipt as compounders besides the S-2 tax-receipt.

Physicians may at any one time and in one prescription in which the patient's name should be indicated prescribe one box of 6 ampules of pantopon ampules, one box of 10 ampules of pulmosan ampules, or one tube of 6 tablets of one-third (1/3) grain each of pantopon hypodermic tablets (not for oral administration), only. The dose of pantopon being about one-half of that of morphine, the number of morphine ampules which may be dispensed by means of a medical prescription should be equal to one-half of that of pantopon ampules. As pantopon ampules locally sold contain 0.02 gram of narcotic per ampule, 6 morphine ampules of 0.01 gram each or 3 morphine ampules of 0.02 gram each may be dispensed on prescription by a physician, dentist, or veterinarian, the number of the ampules to be increased or decreased according to their narcotic con-

tent. Ampules containing other kinds of prohibited drugs, such as codeine, papaverine, etc., may be dispensed at 10 ampules per prescription written by a physician, dentist, or veterinarian, in accordance with the requirement contained in section 19 (a) hereof, provided that the total doses of narcotic prescribed do not exceed the equivalent doses mentioned in this paragraph.

The S-3 tax-receipt should be issued only to persons who sell or dispose of a portion of prohibited drugs from the original packages or containers, except when the package does not contain more than the number of ampules or tablets specified in the next preceding paragraph. A retail dealer is not allowed to compound or mix up any of the prohibited drugs that he has purchased from a manufacturer, producer, or compounder, or from a wholesale dealer. For making medicinal preparations containing any quantity of prohibited drugs in pursuance of prescriptions, pharmacists, should secure the S-3 tax-receipt as retail dealers in prohibited drugs. Holders of S-4 tax-receipts, when engaged in the business of compounding medicines containing prohibited drugs for the purpose of keeping them in stock for sale or disposition should secure the S-5 tax-receipt as compounders of prohibited drugs: PROVIDED, however, That such holders of S-3 tax-receipts who are engaged in the business of manufacture, sale, distribution, giving away, dispensing, or possession of preparation and remedies, which do not contain more than two grains (0.1296 gram) of opium, or more than one-fourth of a grain (0.0162 gram) of morphine, or more than one-eighth of a grain (0.0081 gram) of heroin, or more than one grain (0.0648 gram) of codeine, or any salt or derivative of any of them in one fluid ounce (29.57 cubic centimeters) or, if a solid or semi-solid preparation, in one avoirdupois ounce (28.3495 grams), or preparations and remedies of Indian hemp for external use only, provided that such preparations and remedies are manufactured, sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of the law, need not secure the S-5 tax-receipt. When a pharmacist in charge of prohibited drugs in a drug store transfers such drugs to his successor, he shall not be considered, with respect to such transfer, as wholesale dealer in prohibited drugs.

The S-4 tax-receipt should be issued only to wholesale dealers who sell or offer for sale any prohibited drugs in the original packages or containers. A wholesale dealer, as such, is not allowed to import, manufacture, produce, compound, or mix up in any manner any prohibited drugs. His business consists in buying and selling prohibited drugs in the original package or containers. He cannot

open the original packages or containers and dispose of a portion only of any of their contents without providing himself with an S-3 tax-receipt.

The S-5 tax-receipt should be issued only to importers, manufacturers, producers, or compounders of prohibited drugs. Two kinds of S-5 tax-receipts may be issued, one for importers and the other for manufacturers, producers, or compounders. An importer, as such, cannot manufacture, produce, or compound any prohibited drugs or medicines containing them without securing another S-5 tax-receipt as manufacturer, producer, or compounder; and neither can a manufacturer, producer, or compounder, as such, import prohibited drugs or medicines containing them without securing another S-5 tax-receipt as importer. An importer, under an importer's tax-receipt only, cannot purchase prohibited drugs from local firms for sale or distribution at wholesale without first securing an S-4 tax-receipt as wholesale dealer in prohibited drugs. Importers, manufacturers, producers, or compounders or prohibited drugs will not be required to secure privilege tax-receipts as wholesale dealers for the disposal of the drugs imported, manufactured, produced, or compounded by them. But those desiring to dispose of said drugs at retail should secure reail dealer's privilege tax-receipts. A pharmacist holding an S-3 tax-receipt as a retail dealer in prohibited drugs and who fills prescriptions of registered physicians, in the preparation of which he used a portion of prohibited drugs from the original packages or containers, is not required to secure an S-5 tax-receipt as compounder.

(c) *Specific tax.*—An internal-revenue tax at the rate of 2 centavos per ounce (31.10348 grams) and any fractional part thereof in a package, shall be paid by the importer, manufacturer, producer, or compounder of opium, coca leaves, any compound, salt, derivative, or preparation thereof, imported into or produced in the Philippines and sold or removed for consumption or sale. The tax mentioned in this subsection shall be in addition to any import duty due on such prohibited drugs and shall be paid immediately before removal from the place of production, if produced in the Philippines, or, if imported, before the release of such drugs from the customhouse.

(d) *Special tax.*—A special tax of ₱2 (S-1) for each year or a fractional part thereof is due from other persons possessing or disposing of preparations and remedies which do not contain more than two grains (0.1296 gram) of opium, or more than one-fourth of a grain (0.0162 gram) of morphine, or more than one-eighth of a grain (0.0081 gram) of heroin, or more than one grain (0.0648 gram) of codeine, or any salt or derivative of any of them in one

fluid ounce (29.57 cubic centimeters) or, if a solid or semi-solid preparation, in one avoirdupois ounce (28.3495 gram); or preparations and remedies of Indian hemp for external use only; or liniments, ointments, or other preparations which are prepared for external use only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine or any of their salts or any synthetic substitute for them: PROVIDED, That such remedies and preparations are manufactured, sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of the law.

Preparations designed for or capable of internal use to be exempt shall not contain more than two grains (0.1296 gram) of opium, or more than one-fourth of a grain (0.0162 gram) of morphine, or more than one-eighth of a grain (0.0081 gram) of heroin, or more than one grain (0.0648 gram) of codeine, or any salt or derivative, or any of them in one fluid ounce (29.57 cubic centimeters) or, if a solid or semi-solid preparation, in one avoirdupois ounce (28.3495 grams). The preparation shall contain active medicinal drugs other than narcotics in sufficient proportion to confer upon the preparation valuable medicinal qualities other than those possessed by the narcotic drug alone. Use for aural, nasal, ocular, rectal, urethral, or vaginal purposes is not regarded as external use and, therefore, preparations manufactured or used for such purposes containing more than the percentages of narcotic drugs as above indicated are not within the exemption.

There is no limitation upon the percentage of narcotic drugs external preparations may contain. In order to be within the exemption a preparation for external use, containing more than the maximum percentage of narcotic drugs above specified, shall contain ingredients rendering it unfit for internal administration.

The S-1 tax-receipt should be issued only to those persons who do not possess any other Schedule S tax-receipt. Hence, if one is already in possession of an S-3 tax-receipt as a retail dealer in prohibited drugs, or any other tax-receipt under Schedule S issued under these regulations, he need not secure an S-1 tax-receipt. Furthermore, the provisions of the next preceding paragraph apply strictly to medicines already prepared at the time they are acquired by the dealer. If the dealer or pharmacist himself mixes medicines containing prohibited drugs in pursuance of prescriptions or otherwise, the said provisions are not applicable, although the amount of prohibited drugs mixed with said medicines does not exceed the

amount fived in said provisions. In that case, he should pay either the S-3 tax as retail dealer if he mixes the medicines in pursuance of prescriptions, or the S-5 tax as compounder if he prepares the medicines himself not in pursuance of prescriptions.

Household remedies containing negligible quantities of prohibited drugs, except paregoric mixture (syn. Anti-Coleric Mixture of Dr. Bautista), shall be sold only by duly registered pharmacists, or by persons having in their employ a registered pharmacist, provided that they have the necessary written permit issued therefor by the Board of Pharmaceutical Examiners and Inspectors, and they possess the required S tax-receipt. Paregoric mixture (syn. Anti-Coleric Mixture of Dr. Bautista) may be sold by persons who, not being registered pharmacists, have obtained from the Board of Pharmaceutical Examiners and Inspectors a special permit therefor, and have provided themselves with the necessary S-1 privilege tax-receipt.

SEC. 6. *Medical schools and colleges.*—Medical schools and colleges using prohibited drugs primarily for demonstration purposes in order to familiarize students with the physical and chemical properties of various preparations containing the same, and those maintaining departments which use prohibited drugs almost exclusively for research and experimental purposes shall be considered as compounders and pay the tax, as such. Medical schools and colleges which merely use prohibited drugs as a part of their activities shall provide themselves with an S-2 privilege tax-receipt.

SEC. 7. *Display of tax-receipt.*—The person to whom a tax-receipt has been issued shall at all times keep it conspicuously displayed in his office or place of business during the period for which the tax was paid.

SEC. 8. *Retirement of tax-payer.*—Holders of Schedule S tax-receipts who desire to retire from business or occupation on or before the expiration of the period covered by such tax-receipts shall execute the retiring tax-payer's certificate printed thereon and present them to the deputy provincial treasurer of the municipality where they are at the time. The deputy provincial treasurer shall note on the body of the privilege tax-receipt the fact of retirement and return the same to the tax-payer who shall retain it. That official should promptly mail the certificate to the Collector of Internal Revenue.

No refund will be made for any tax or part thereof paid in advance.

Holders of S-3, S-4, and S-5 tax-receipts before retiring from business should inform the Collector of Internal Revenue of their intention to do so, and report the kind and quantity of prohibited drugs that they may still have in their possession. Before actually retiring from business, or in any event within ten days after the date of such retirement, the retiring taxpayer shall effect the transfer of his stock of prohibited drugs to another pharmacist possessing an S-3, S-4, or S-5 privilege tax-receipt, who should execute an order on B. I. R. Form No. 364, New B. I. R. Form No. 26.01; addressed to the retiring pharmacist. The order which should contain a complete list of the kind and quantity of the prohibited drugs to be transferred shall then be forwarded to the Collector of Internal Revenue for approval. If the prohibited drugs cannot be transferred for lack of a transferee, the retiring pharmacist shall deposit within the time hereinabove prescribed his stock of prohibited drugs with the provincial commander, Philippine Constabulary, of the province in which he has his place of business.

In case an S-3 privilege tax-receipt has been issued in the name of a drug store and opium orders are filed, only for and in its name by a pharmacist in its employ, the owner of the drug store shall, upon the resignation of the said pharmacist, merely notify the Collector of Internal Revenue of this fact and of the name of the new pharmacist whom he has employed and authorized to order and dispense prohibited drugs for and in the name of his drug store. If the drug store retires from the business covered by an S privilege tax-receipt, the procedure outlined in the next preceding paragraph shall be strictly observed.

SEC. 9. *Deputy provincial and city treasurers' report of registration.*—Immediately after the issue of each Schedule S tax-receipt, deputy provincial and city treasurers shall mail a report direct to the Collector of Internal Revenue furnishing a copy thereof to the provincial treasurer in the case of deputy provincial treasurers. The report shall contain the following:

1. Name or style of the person or firm to whom the tax-receipt was issued.
2. Date of issue.
3. Paragraph and assessment number of the tax-receipt issued.
4. Amount of tax paid.
5. Period for which such tax is paid.
6. Kind of business, occupation, or profession.
7. Place of business (street, number, municipality, and province).

8. The number and the date of the certificate of registration issued by the Board of Medical Examiners, the Board of Dental Examiners, the Board of Veterinary Examiners, or the Board of Pharmaceutical Examiners and Inspectors authorizing the taxpayer to engage in the business or follow the occupation or profession for which the tax-receipt was issued. If he has no such certificate issued by any of the said boards, it shall be so stated.

SEC. 10. (a) *Supply of order and import certificate books.*—Upon requisition by provincial and city treasurers, the Collector of Internal Revenue will furnish them, on memorandum receipts, with blank opium order books (B. I. R. Form No. 364, New B. I. R. Form No. 26.01) and import certificate books (B. I. R. Form No. 26.08) to be distributed to their deputies for sale in numerical order at ₱1 per book.

(b) *Report of sales of order and import certificate book.*—Immediately upon the sale of each order or import certificate book, the city or deputy provincial treasurer shall report directly to the Collector of Internal Revenue the inclusive serial numbers of the form in the book sold and the name and the assessment number of the current S privilege tax-receipt of the person to whom sold, furnishing, in the case of deputy provincial treasurers, a copy of said report to the provincial treasurer.

(c) *Accounting of proceeds of the sales of order and import certificate books.*—Provincial and city treasurers shall account for the proceeds of the sale of opium order and import certificate books in accounts payable. They shall forward to the Collector of Internal Revenue a monthly statement showing the number of books carried forward from the preceding month, of books reecived, of books sold, and of books returned to the Collector of Internal Revenue during the current month, and the number of books on hand at the end of the current month. Such statement shall be made immediately at the end of each month covered by the same, and if there were sales during the month, the statement shall be accompanied by remittance of the proceeds.

(d) *Restriction of sales of opium order and import certificate books.*—Deputy provincial treasurers shall sell opium order books only to persons holding current Schedule S tax-receipts except S-1, and import certificate books only to persons holding current Schedule S-5 tax-receipts, as importers.

(e) *Order and import certificate books not transferable.*—A taxpayer to whom an opium order or an import certificate book has

been issued cannot transfer it to another except when no part of the book has been used, in which case the authority of the Collector of Internal Revenue must be secured before effecting the transfer.

SEC. 11. *Disposition of prohibited drugs.*—It shall be unlawful for any person to sell, barter, exchange, or give away any prohibited drugs, except in pursuance of an opium order and a permit from the Collector of Internal Revenue as provided for in these regulations. This requirement shall also apply to transfers of prohibited drugs from one pharmacist to another in the same pharmacy. Nothing contained in this section shall apply to:

1. A dealer selling, dispensing, or distributing any prohibited drugs to a consumer under and in pursuance of an original prescription of a registered physician, dentist, or veterinarian registered under these regulations or of a Government official authorized to prescribe prohibited drugs.

2. Officials of any branch of the Government of the United States who, in the exercise of their official duties, engage in any of the business stated in these regulations.

3. Physicians, dentists, or veterinarians registered under these regulations who, in the course of their professional practice, dispense or distribute such drugs to patients upon whom they personally attend.

4. Physicians, dentists, or veterinarians who, in the course of their professional practice, administer such drugs to their patients without such an order and permit.

5. The Purchasing Agent when he fills orders for prohibited drugs made directly or indirectly by Insular, provincial, or municipal officials in their official capacity.

6. Duly registered persons with a current Schedule S tax-receipt who dispose of prohibited drugs on personal written emergency orders in accordance with and under the circumstances outlined in section 16 (c) of these regulations.

SEC. 12. (a) *Preparation of orders for importation of prohibited drugs.*—Persons who wish to import prohibited drugs which cannot be dispensed, sold, transferred, or disposed of without a medical prescription or on opium permit shall accomplish and submit to the Collector of Internal Revenue for approval the order portion of an import certificate (B. I. R. Form No. 26.08) in quintuplicate, for each separate lot ordered from each person. If approved, the Col-

lector of Internal Revenue or his duly authorized representative will sign it by executing the certificate portion of all the copies of the form. The original and duplicate will be returned to the importer, one copy will be sent to the Insular Collector of Customs, one to the office in charge of regulating the lawful traffic of prohibited drugs in the exporting country, and one retained in the Bureau of Internal Revenue. The importer shall then forward the original copy of the order, which constitutes his import certificate, to the person to whom the order is addressed. Upon the receipt of the prohibited drugs so ordered in the Bureau of Customs, the importer shall present to the Insular Collector of Customs duplicate copy of the import certificate as his authority to take delivery of the said prohibited drugs.

It shall be the duty of the importer to notify in writing the Collector of Internal Revenue within ten days from the date of his receipt from the Insular Collector of Customs of the prohibited drugs ordered by him, furnishing the following data: The serial number of the import certificate issued by the Bureau of Internal Revenue covering the particular shipment received by him, the date of clearance from the customhouse, the import entry number, name of the person from whom imported, country from which imported, and the kinds and quantities of the prohibited drugs received by him. Prohibited drugs shall be imported in a separate package clearly labelled "PROHIBITED DRUGS—I. C. No. ———."

Upon the receipt in the Bureau of Customs of a package of imported prohibited drugs, and before the delivery of the same to the importer, the Insular Collector of Customs, or the authorized representative, shall examine the contents thereof and verify the same against his copy of the import certificate issued by the Bureau of Internal Revenue, noting the result of such verification upon his said copy of the import certificate which he should return to the Collector of Internal Revenue during the first ten days of the month following that in which the verified shipment of prohibited drugs has been received in the customhouse.

Persons who wish to import preparations or remedies specified in section 5 (d) of these regulations shall submit for approval to the Collector of Internal Revenue an order in the form of a letter prepared in quintuplicate for each separate lot ordered. If approved, the Collector of Internal Revenue or his duly authorized representative will issue in quintuplicate a certificate in the following form:

Commonwealth of the Philippines
Department of Finance

BUREAU OF INTERNAL REVENUE
Manila

CERTIFICATE AUTHORIZING IMPORTATION OF NON-TAXABLE PROHIBITED DRUGS

Manila, ——————, 19——

To whom it may concern:

This to certify that .....
(Name of Importer)

with principal place of business at .....
(Street and number)

....., ..., Philippines, (is) (are) duly authorized under the Act of Congress approved December 17, 1914, as amended by the Revenue Acts of 1918 and 1926, to deal in prohibited drugs in the Philippines (he) being the (they)
(Municipality) (Province)

holder of privilege tax-receipt S-5 ..... tax-receipt which authorizes (him) to import prohibited drugs, and
(Assessment Number) (them)

that (his) order on ..... upon
(their) (date)

..... of .....
(Name of seller) (Address of seller)

....., for the following articles is hereby approved:

Quantity	Description of articles
.....	.....
.....	.....

COLLECTOR OF INTERNAL REVENUE
OF THE PHILIPPINES

By .....

The 20-centavo documentary stamp to be affixed to this certificate shall be at the expense of the importer. The original and duplicate of the order will be returned to the importer together with the original and duplicate of the certificate issued, the triplicate of both the order and the certificate sent to the Insular Collector of Customs, the quadruplicate of both the order and the certificate sent to the office in charge of regulating the lawful traffic of prohibited drugs in the exporting country, and the quintuplicate of both the order and the certificate retained in the Bureau of Internal Revenue. The importer shall then forward the original copies of the order and of the certificate to the person to whom the order is addressed.

(b) *Cancellation of import certificate.*—If on the date an import certificate expires the prohibited drugs listed therein have not been received in the Bureau of Customs, the import certificate is automatically cancelled, and no subsequent importation of prohibited drugs by virtue of the said cancelled import certificate shall be allowed. Any prohibited drug received in the Bureau of Customs after the date of expiration of the import certificate previously authorizing its importation into the Philippines shall be returned immediately to the exporter at the expense of the importer.

(c) *Forfeiture of a shipment of prohibited drugs.*—A shipment of prohibited drugs may be forfeited for any of the following grounds: (1) Failure of the importer to obtain an import certificate from the Bureau of Internal Revenue before sending his order for the said prohibited drugs: (2) Unauthorized alteration or erasure on the import certificate, or failure of the shipment to correspond with the terms and conditions embodied in the said certificate; (3) Importation of prohibited drugs in excess of the quantity authorized in the import certificate, in which case the excess shall be subject to forfeiture.

(d) *Importation of heroin.*—Importations of heroin and its salts shall be consigned and delivered only to the Collector of Internal Revenue, who will take charge of delivering the same to the importer.

The provisions of this section shall not apply to officials of the Government of the United States or to the Purchasing Agent, when acting in their official capacity.

SEC. 13. *Local purchases of prohibited drugs.*—For local purchases of prohibited drugs the purchaser shall forward to the Collector of Internal Revenue an opium order (B.I.R. Form No. 364, New B.I.R. Form No. 26.01) in quintuplicate, and, if approved, that official will signify it by executing the permit portion of all the

copies of the form. The original and duplicate will be sent to the person on whom the order is made, who will furnish the purchaser with the duplicate that should accompany the drugs, one copy will be sent to each of the provincial revenue agents, of the buyer's province and the seller's province, and the remaining copy filed. The provisions of this section shall apply to domestic purchases made by the purchasing agent and by Insular, provincial, or municipal officials in their official capacity.

SEC. 14. *Orders to be used consecutively* — Opium orders (B.I.R. Form No. 364, New B.I.R. Form No. 26.01) and orders for importation of prohibited drugs (B.I.R. Form No. 26.08) shall be used consecutively. If an order is cancelled or spoiled, all copies thereof shall be forwarded to the Collector of Internal Revenue, or if it is lost or destroyed, an affidavit setting forth the circumstances of such loss or destruction shall be submitted to him. No order bearing a number following that of the order cancelled, spoiled, or missing, shall be acted upon by the said official unless the foregoing requirements are complied with.

SEC. 15. *Government officials required to use order forms.*— Officials of the Government of the United States or of the Government of the Philippine Islands who purchase prohibited drugs from local firms, shall secure opium orders (B.I.R. Form No. 364, New B.I.R. Form No. 26.01) and use them in the purchase of such drugs in the manner prescribed in Section 12 hereof. Government officials authorized to purchase prohibited drugs from local firms will be furnished by the Collector of Internal Revenue with opium order books (B.I.R. Form No. 364, New B.I.R. Form No. 26.01) free of charge upon application therefor. Such application should contain a statement or be accompanied by a certificate to the effect that the opium order book applied for will be used for official purposes.

SEC. 16. (a) *Failure to fill an order.*—If for any reason whatever, a dealer could not fill an order for prohibited drugs duly approved by the Collector of Internal Revenue, the dealer shall return both copies of the order to the Bureau of Internal Revenue within fifteen days from the date of the approval of the said order, with a statement of the reason for such failure. This obligation, however, shall devolve upon the purchaser in case the opium order duly approved by this Office is presented personally by him or through his representative to the dealer who is unable to fill the same.

(b) *Incomplete filling of order.*—Should the person on whom an order for prohibited drugs is made, supply less than the quantity ordered, he shall note in red ink on both copies of the order form

received by him the exact kind and quantity supplied, and initial such notation. At the same time he shall inform the Collector of Internal Revenue in writing of the quantity of each kind of drugs furnished, the number of the permit, and the name and the Schedule S tax-receipt number of the purchaser.

(c) *Procedure in case of loss*—Where prohibited drugs are lost by theft, or otherwise lost or destroyed in transit, the consignee shall immediately file with the Collector of Internal Revenue a sworn statement of the facts, including a list of the narcotic stolen, lost, or destroyed, and documentary evidence that the local authorities were notified. A copy of the sworn statement shall be retained and filed with the other narcotic records of the consignee.

A loss in transit does not authorize a vendor to duplicate a shipment on the same order form. A separate form covering each and every shipment of narcotic is required.

(d) *Filling of an emergency order.*—In cases of emergency where life or health is endangered an order in any form duly signed by the purchaser may be sent to the dealer who may supply the kind and quantity of the prohibited drugs ordered. The dealer shall then prepare a signed statement fully explaining the circumstances of the case and shall submit said statement together with the regular opium order (B.I.R. Form No. 364, New B.I.R. Form No. 26.01), in quintuplicate, properly accomplished by the purchaser immediately after receiving the drugs, to the Collector of Internal Revenue not later than the business day following the day the order was filled, if in the City of Manila or within a reasonable time, if in the provinces. The disposition of the copies of the opium order will be the same as that outlined in section 13 hereof, except that one copy will be sent to the purchaser and one to the dealer who filled the order. Should such explanation be unsatisfactory or should there be an indication of an abuse of this privilege, the corresponding action will be taken by the Collector of Internal Revenue.

SEC. 17. *Returned goods.*—A person registered in any class may return narcotics to the person from whom obtained on an order form of the latter addressed to the former, who shall not be considered a wholesale dealer by reason thereof, and approved by the Collector of Internal Revenue. The order form should, however, contain a notation that the drugs therein described are merely returned goods.

SEC. 18. (a) *Exportation of prohibited drugs.*—A dealer desiring to export prohibited drugs shall present to the Collector of Internal Revenue an import certificate signed by the authority in

charge of regulating the lawful traffic of prohibited drugs in the importing country. If the Collector of Internal Revenue is satisfied that the import certificate is genuine and regular in every respect, he shall issue an export authorization (B.I.R. Form 26.07), in quintuplicate, with a 20-centavo documentary stamp affixed on the original at the expense of the exporter. The original and duplicate copies of the export authorization shall be delivered to the exporter, the original to accompany the shipment, and the duplicate to be retained by him for his file. The triplicate shall be forwarded to the Insular Collector of Customs or to the Director of Posts, according as to whether the prohibited drugs are to be exported through the Bureau of Costoms or by parcel post, who shall return the same to the Bureau of Internal Revenue during the first ten days of the month following the month in which the prohibited drugs listed therein have been exported, with his notation as to the date on which the shipment left the country, the name of the vessel on which the shipment was made, and the export entry or parcel post number of such shipment. The quadruplicate shall be sent to the office or authority incharge of regulating the lawful traffic of prohibited drugs in the importing country, and the quintuplicate shall be retained in the Bureau of Internal Revenue for its permanent file.

The exportation, however, of heroin is hereby prohibited.

(b) *In transit shipments.* — No shipment of prohibited drugs from one country to another shall be allowed to pass any port of the Commonwealth of the Philippines unless it is accompanied by an export authorization issued by the proper authorities of the exporting country, and it shall be the duty of the Collector of Customs of the port through which such shipment passes to demand the exhibition of the export authorization covering the same and to note on any convenient space therein the fact that the said authorization has been exhibited to him.

SEC. 19. *Forms to be preserved.*—Persons giving or accepting orders for prohibited drugs shall preserve the order forms (B.I.R. Form No. 364, New B.I.R. Form No. 26.01), Import Certificates (B.I.R. Form No. 26.04 and 26.08) and Export Authorizations (B.I.R. Form No. 26.07) for a period of two years in such a way as to be readily accessible to inspection by the drug inspectors of the Bureau of Internal Revenue.

SEC. 20. (a) *Information required in prescriptions.* — Every prescription for prohibited drugs or medicinal preparations containing them issued by physicians, dentists, and veterinarians shall show the exact quantity of the drugs prescribed, the numbers of the cur-

rent Schedule S-2 tax-receipts, the location of the offices of such persons, and the names and addresses of the persons for whom written. Such prescriptions shall be written personally, dated and signed by the practitioner issuing the same. All prescriptions shall be dated as of and signed on the day when issued and shall bear the full name and address of the patient and the name, address, and registry number of the practitioner. A physician may sign a prescription in the same manner as he would sign a check or legal document, as, for instance, J. G. Reyes, Jose G. Reyes, or Jose Garcia Reyes. Prescriptions should be written with ink or indelible pencil or typewritten and signed personally by the practitioner. The duty of properly preparing prescription is upon the practitioner, and he is liable to the penalties provided by the act in case of failure to insert the information required by the law. A corresponding liability rests upon the druggist who fills a prescription not prepared in the form prescribed by law. Every prescription issued by a physician, veterinarian, and dentist in the Government service, when acting in their official capacity, shall contain a notation on its face: "Issued in my official capacity."

(b) *Preservation of filled prescription.*—The dealers filling prescriptions for prohibited drugs or medicinal preparations containing them shall keep such prescriptions separate from other papers and prescriptions and shall carefully file them in the order in which they are filled and recorded.

(c) *Refilling a prescription or filling fraudulent prescriptions prohibited.*—No dealer shall refill a prescription for prohibited drugs or medicinal preparations containing them or fill a similar prescription which he suspects to have been fraudulently issued or obtained.

(d) *Responsibility of certain persons under these regulations*—Physicians, dentists, veterinarians, and pharmacists registered under the provisions of these regulations shall be held strictly responsible for any prohibited drugs or any preparation containing them dispensed by themselves or their employees.

SEC. 21. *Records to be kept by dealers.*—Every registered dealer in prohibited drugs shall provide himself with a suitable book of not less than 20 centimeters in width in which he shall record each of his transactions in such drugs, except that nothing contained in this section shall apply to the dispensing or distribution of any of the aforesaid drugs to a patient by a physician, dentist, or veterinarian registered as prescribed in these regulations, in the course of his professional practice only: PROVIDED, That such phy-

sician, dentist, or veterinarian who may have in his possession on orders approved by the Collector of Internal Revenue, prohibited drugs for administration to his patients, shall keep a record of such drugs received, dispensed, or distributed, showing the amount received, the person from whom the prohibited drugs were ordered, the date of receipt, the amount dispensed or distributed, the date and the name and address of the patient to whom such drugs are dispensed or distributed; and such record shall be kept for a period of two years from the date of dispensing or distributing such drugs subject to inspection, as provided in the Act of the United States Congress approved December 17, 1914, as amended.

SEC. 22. *Manner of keeping records.*—For each kind and each size of prohibited drugs or preparations, the dealer must keep a separate record consisting of debit and credit amounts. The drugs or preparations on hand, if any, and those subsequently received shall constitute the debit entries in the record. The drugs or preparations sold or disposed of shall constitute the credit. A separate line shall be used for each entry which must be made legibly in ink and in chronological order. At the end of each month a balance shall be struck showing in red ink the stock on hand of each particular kind of prohibited drugs or preparations, the size of the containers thereof, and the total narcotic contents of all the packages covered in the entry, which shall be carried forward to the account for the succeeding month. No balance, however, need be stricken for the succeeding month, if after the last balance no sale or purchase of the particular prohibited drug mentioned in the corresponding account has been made. Records shall be preserved by the persons required to keep them for two years after the date of the last entry for inspection by the drug inspectors of the Bureau of Internal Revenue.

(a) *Debit entries.*—Each entry of prohibited drugs or preparations received shall be made on the date of receipt of the drugs or preparations and shall show:

1. Date of receipt of the drugs or preparations.
2. Number of permit from the Collector of Internal Revenue.
3. Name of the person from whom the drugs or preparations were received.
4. Quantity of drugs or preparations received.

(b) *Credit entries.*—Each entry of prohibited drugs or preparations disposed of shall be made within twenty-four hours after disposal of the drugs or preparations and it shall show:

1. Date and hour of disposal.
2. Authority for disposal, whether by permit or by prescription.

3. Number of the permit issued by the Collector of Internal Revenue or the date of prescription and the name and the number of the Schedule S tax-receipt of the person issuing the prescription.

4. Name and address of the person to whom disposed of.

5. Quantity of drugs or preparations disposed of.

6. Daily balance in case transactions have been effected during the day.

(c) *Additional records to be kept by importers.*—Importers of prohibited drugs who also sell the same at retail shall keep separate records of their wholesale and their retail sales of the said prohibited drugs. At the beginning of each month, they shall estimate the kind and quantity of the prohibited drugs which they may need for their retail business during the month, and after separating the same from their wholesale stock, credit their corresponding amount in their wholesale record of prohibited drugs, with a notation that the same is intended for the sale at retail. The same quantity shall then be entered in the debit side of the corresponding account of their record of prohibited drugs for sale at retail, and all their sales at retail of the said prohibited drugs shall be credited against the accounts in this record.

(d) *Filling of annual report.*—All wholesale dealers in and importers of prohibited drugs and preparations containing such drugs in quantities greater than those specified in section 5 (d) of these regulations are hereby required to submit to the Collector of Internal Revenue an annual report of the drugs or preparations handled by them at the close of the calendar year (December 31) on or before the 15th day of January next following, substantially in the form and manner indicated below.

Annual report of prohibited drugs or preparations: for the period from January 1, 19....., to December 31, 19.....

DEBIT CREDIT BALANCE

Name of drug or preparation	Number of packages	Size of packages	Drug content		On hand on first day of year	Amount imported during the year	Total amount	Quantity sold during the year		Balance on hand at the end of the year
			Solid in grams, pills, or tablets	Liquid in cubic centimeters				At wholesale	At retail	

..... (Date)

..... (Signature of wholesale dealer)

SEC. 23. *Drugs to which these regulations do not apply.*—These regulations shall not be construed to apply to the sale, distribution, giving away, dispensing, or possession of preparations and remedies mentioned in section 5 (d) hereof: PROVIDED, That such remedies and preparations are sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of the law: PROVIDED, further, That any manufacturer, producer, compounder, or vendor (including dispensing physicians) of the aforesaid preparations and remedies shall keep separate records in which the following data are to be shown:

Debit

1. Name of person from whom the drugs were received.
2. Date of receipt.
3. Quantity received.

Credit

1. Name and address of person to whom the drugs were sold or disposed of.
2. Date of sale or disposal.
3. Quantity sold or disposed of.

At the end of each month a balance shall be struck showing in red ink the stock on hand which shall be carried forward to the account of the succeeding month.

SEC. 24. *Penalties.*—Persons required by the Act of Congress approved December 17, 1914, as amended, and by these regulations, to register and pay the taxes imposed upon them who fail to do so or who purchase any of the drugs herein mentioned without permit, except as otherwise provided by law, or who fail to preserve copies of said permits or orders as required by the said Act of Congress are subject, upon conviction, to a fine not to exceed ₱4,000, or to imprisonment for not more than five years, or both, in the discretion of the court

Violations of the provisions of those regulations which are not covered by the provisions of the aforesaid Act of Congress are punishable under either section 2738 or 2741 of the Administrative Code.

Should the offender, however, desire to extra-judicially settle his violation of the law or regulations, he may offer as compromise an amount satisfactory to the Collector of Internal Revenue.

SEC. 25. *Violation to be reported.*—Internal Revenue officers shall report to the Collector of Internal Revenue every violation of these regulations coming to their knowledge.

SEC. 26. These regulations shall become effective upon promulgation in the Official Gazette.

A. DE LAS ALAS
Secretary of Finance

Recommended by:

A. L. YATCO
Collector of Internal Revenue

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE
MANILA

November 26, 1947

SUBJECT: Compounding of preparations containing prohibited drugs.

GENERAL CIRCULAR No. V-43

To all internal-revenue officers and others concerned:

This circular to supplement the provisions of section 11 of Regulations No. 107 of the Department of Finance is hereby published for the guidance of all internal-revenue officers, pharmacists, physicians, drugstores or laboratories.

1. Holders of S-5 privilege tax-receipts as compounders of preparations and remedies containing prohibited drugs for sale at wholesale should file with this Office an opium order (B.I.R. Form No. 26.01) covering the drugs used in the preparations or remedies. The order should clearly show the kind and quantity of narcotic drugs to be used, the name of the preparation or remedy, the quantity of the finished product and the date when the compounding is to begin. This requirement should be observed whether the narcotics used in the preparation are to be purchased from another dealer or taken from the stock of the compounder or drugstore.

2. Preparations containing prohibited drugs in excess of the quantities prescribed in section 5 (d) of Regulations No. 107 of the Department of Finance made by registered dealers must be recorded in the manner provided for in sections 21 and 22 of the said Regulations.

3. Likewise, preparations containing prohibited drugs in quantities less than those provided in section 5 (d) of Regulations No. 107 of the Department of Finance made by registered dealers must be recorded in the manner provided for in section 23 of said Regulations. All dealers are enjoined to keep a complete record of all disposals made by them to persons and entities to whom such preparations are sold or disposed of.

4. Strict compliance with the provisions of this circular, which takes effect immediately, is hereby enjoined.

(SGD.) BIBIANO L. MEER
Collector of Internal Revenue

APPENDIX "D"

PROGRAM OF EXAMINATION

General Chemistry

Scope: Definition, branches, relation to other sciences

Matter: Concept, properties, kinds, changes, relation to energy

Molecular constitution: Gaseous, liquid, solid

Atomic Constitution: Fundamental laws, atoms and molecules, molecular weights and atomic weights, symbols, formulas

Valence: Chemical equations and calculations

Solutions: Definition, types, concentration, gases in liquids, solids in liquids, properties, determination of molecular weights of solutes

Colloidal State of Matter: Definitions, preparation, properties, stability, precipitation, adsorption, gels, emulsions

Velocity of Reaction and Chemical Equilibrium

Atomic Structure, Chemical Behaviors, and valence

Theory of Ionization

Reactions between ions: Acids, bases, and salts, equilibrium of ionic reactions, conditions necessary for completion of ionic reactions, the periodic system

Electrochemistry: Mechanism of electrical conduction, units of electricity, Faraday's laws of electrolysis, electric current from chemical energy

Oxidation-Reduction reactions

Radioactivity and radioactive elements

Inorganic Chemistry

(Applied to Pharmacy)

Elements: Official name, symbol, formula, atomic weight, molecular weight, occurrence, preparation, properties, uses

Definition and explanation of terms

Official Preparations: Hydrogen, oxygen and ozone, carbon, silicon, boron, the alkali metals, the alkaline earth metals, magnesium and its compounds, zinc and its compounds, cadmium, mercury, aluminum, tin, lead and its compounds, chromium and its compounds, manganese, iron, copper, silver, gold

Organic Chemistry

(Applied to Pharmacy)

Historical development of organic chemistry

Organic compounds: Sources, composition, purification, physical properties, nomenclature, classification

Elementary qualitative and quantitative analysis

Formulas: Empirical, molecular, structural

Structural theory of organic chemistry

Radical

Electronic conception of valence

Polymerism—Isomerism—Stereoisomerism

Aliphatic, fatty or open chain compounds: Hydrocarbons, alcohols, ethers, aldehydes and ketones, monobasic carboxylic acids, polybasic acids, amines

Carbocyclic compounds: Cyclo-paraffines and cyclo-olefines, hydroaromatic compounds

Heterocyclic compounds

Alkaloids

Glycosides and Saponins

Vitamins and hormones

Botany

Botany: Morphology, histology, physiology, ecology, taxonomy, plant geography, economic botany

Difference between plants and animals

Vegetable Nutrition: Absorption, circulation, respiration, transpiration, assimilation, secretion

Cell: Parenchyma, mechanical, conducting, protective; structure, transformation, chemical composition, osmosis, chlorophyll, physiology

Seed: Morphology, dispersal, germination

Root: Division, classification, functions and specialized functions, tropism, substances absorbed, nutrition of plants

Stem: Division according to its duration, division according to medium or place in which it develops, climbing and twining stems, rhizome

Bud—Classes

Leaf: Parts, forms, simple and compound, nervation, tropism, photosynthesis, bulb

Flower: Complete and incomplete, definition and division, kinds, reproduction

Fertilization—General ways
Floral envelope: Leaves, petals and sepals
Bract
Nectaries
Fruit: Parts, morphology, classification
Heredity and variation
Thallophytes: Bacteria, algae, fungi, lichen
Bryophytes
Pteridophytes
Spermatophytes: Gymnosperms, angiosperms
Evolution
Description of general characters of official plant families
Collection and preservation of medicinal plants
General principles of the taxonomy of flowering plants
Medicinal uses and active constituents of official drugs

Pharmacology and Pharmacognosy

Definitions: Materia medica, pharmacology, pharmacognosy, therapeutics, pharmacodynamics
Methods of administration of drugs: Methods, time, dosage, therapeutic action
Weights and Measures
Constituents of drugs: Active constituents, inert constituents
Vegetable drugs: English title, latin name, synonyms, botanical name including family, habitat and pharmacopoeial definition, active constituents, action and dose, official preparations
Cellular Drugs: Barks, bulbs, corms
Flowers and Petals
Fruits
Grains
Hairs
Leaves and Leaflets
Leaves and Tops
Rinds
Rhizomes
Roots and Tubers
Rhizomes and Roots
Seeds
Schlerotium
Spores
Woods
Herbs
Polishings

Non-Cellular Drugs: Glucosides, neutral principles, resins, gums, gum-resins, oleoresin (natural), balsams, psidium guajava, extracts, juices, exudates, and pastes, starches

Alkaloidal Drugs: Sources, therapeutic properties and uses, dose, general methods of assay

Animal Drugs: Whole animals, secretions, glands

Ferments or enzymes: Pepsin, pancreatin, papain

Serums, Vaccines and Antitoxins

Animal Oils and Fats

Fungi

Algae

Miscellaneous: Gelatin

Fixed Oils, Fats and Derivatives: General considerations

Vegetable Oils

Soaps and Gycerin

Official Volatile Oils with Derivatives: Allied compounds, volatile oils

Volatile Oil Derivatives and allied compounds

Preservation of volatile oils

Official Organic Acids: General considerations, organic acids, organic acids from animal sources, sugars

Alcohol Derivatives: General considerations

Wood and Wood Tar Derivatives

Petroleum Derivatives

Coal Tar Derivatives

Amide Derivatives

Amine Derivatives

Vitamins

Vitamin Preparations (Owing activity to vitamin content)

Sulfonamides: Sulfanilamide, sulfapyridine, sulfathiazole, sulfadiazine, sulfamerazine, sulfaguanidine, sulfasuxidine

Other Antimalarial Drugs: Quinacrine, chloroquine, totaquine, pamaquine

New Cholinergic Drugs: Acetylcholine, neostigmine (Prostigmine)

Antibiotics: Penicillin, streptomycin

New Hormones: Estrone (Theelin), estriol (theelol), Diethylstilbestrol, testosterone, progesterone

Qualitative Analytical Chemistry and Its Special Application To the Analysis of Medicines

Principles involved: Theory of ionization, oxidation and reduction, law of mass action, law of chemical equilibrium, solubility product principle

Qualitative analytical methods: Preliminary qualitative tests, dry methods, wet methods, organoleptic test, biological test

Analysis of cations—including precipitation, separation and test or identification: Silver group, copper, aluminum, alkaline earth group, alkali group

U. S. P. Test: For acid radicals, qualitative test for some elements in organic compounds, U.S.P. tests for organic compounds, special qualitative tests

Quantitative Analytical Chemistry

Quantitative analysis

Pharmaceutical assaying: Gravimetric method of analysis, volumetric method of analysis, oxidation-reduction methods, dichromate method, ceric sulfate method, iodometric method, gasometric method

Physico-Chemical methods of analysis: Determination of physical constants, determination of constants of fats, oils, waxes, balsams, resins, and other similar substances

Special methods: Photometric methods of analysis (colorimetric, nephelometric, turbidimetric), determination of (ash, moisture, volatile and non-volatile extractivities, crude fiber), U.S.P. assays of volatile oils for (ester content, alcohol content, aldehyde content, ketone content, phenol content, ascaridol content, allyl isothiocyanate content)

Alkaloidal assay: By immiscible solvent, biological method, vitamin assay, assay of enzymes, U.S.P. assays of sulfa-drugs, other especial assays

Toxicology

Brief historical account of poisoning

Definition of toxicology, its scope and divisions

Chemical toxicology

Definition of a poison: legal and scientific aspects

Comparative and critical discussion of the various definitions given for a poison

Classification of poisons according to different bases

General symtoms of poisoning

Factors affecting the absorption of poisons

Localization of poisons, elimination of poison

Posology (see also Pharmacology and Pharmacognosy)

Evidences of poisoning. The *corpus delicti*

Treatment of poisoning: role of the pharmacist

Use or contraindications of the stomach tube or pump

Emetics, cathartics demulcents, antidotes

Forensic analysis, preliminary tests

Detection of poisons based upon their behavior towards isolation

Tests for identification, symptoms, antidotes

Volatile poisons; Organic non-volatile; metallic

Other poisons: Inorganic (mineral acids, bromine and alkali bromides, iodine and alkali iodides, hydrogen, sulfide, sulfur dioxide and sulfurous acid, boric acid, oxalic acid, nitrous gases and nitrites, free alkalies, carbon monoxide), Organic substances (Organic arsenic compounds, cantharidin, synthetic hypnotics and sedatives, certain rare alkaloids such as aconitine, acecoline, pelletierine, emetine, and yohimbine, cocaine substitutes, derivatives of morphine like dionine, heroin, etc., toxalbumine, glycosides like digitalis and strophanthus glycosides, lead poisons, saponins, certain natural products like ergot, opium, ptomaine.)

Practice of Pharmacy

Pharmaceutical definitions: Pharmacy, theoretical pharmacy, practical pharmacy, magistral or extemporaneous pharmacy, galenical pharmacy, manufacturing pharmacy, pharmaceutical economics

Pharmaceutical Literature: The United States Pharmacopoeia (U. S. P.), the National Formulary (N.F.), dispensatory

Official substance: Official Latin title, official English title, synonyms, botanical origin or name for vegetable drugs, zoological origin or name for animal drugs, chemical formula, purity rubric, physical and chemical descriptions

Metrology: Weights and Measures, balances

Specific gravity: Definition, determination, utilization

Specific Volume

Heat: Sensible, latent, baths, unit of measurement, combustion, refrigeration, temperature (thermometers), boiling point, melting point, freezing point

Application of Heat to Solids: Different procedures

Application of Heat to Liquids: Different procedures

Garbling and Comminution: Various procedures

Solution: Classification, rate of solution, U.S.P. standard of solubility, gaseous solution of adsorption, miscibility and immiscibility

Lotions

Separation of solids from liquids: Filtration, filtering media, colation or straining, decantation, expression, centrifugalizing, siphoning, suction filtration, distillation

Separation of liquids from liquids

Clarification and decoloration

Precipitation: Objects, methods

Absorption, fermentation, crystallization

Water of crystallization, dialysis or osmosis, extraction

Galenical Preparations

(Official and Non-Official but approved by the Board of Pharmaceutical Examiners and Inspectors and still in common use)

Aquae—Water: Medicated, aromatic

Liquores—Liquors—Solutions: Preparation

Infusae—Infusions: General Formula

Decoctae—Decoctions: General Formula

Mucilago—Mucilage

Emulsae—Emulsions: Classification, packaging and preservation

Syrupi—Syrups: Flavored, medicated, general methods of preparation

Succi—Juices; Glycerites, glycerogelatin, honeys, vinegars

Fluidextracta—Fluidextracts—Concentration, processes, storage

Tinctura—Tinctures: Processes

Spiritus—Spirits; Elixirs, collodions, wines, oleoresins

Official liquids containing undissolved matter

Solid and semi-solid galenical preparations

Triturations; Powders, pills, tablets, suppositories, troches, magmas

Solid Galenical Preparations for external use

Liquid Preparations for External Use

Compounding of Prescriptions

The Prescription: Definition, parts, language used and reasons, classification, compounding and dispensing of prescription, pricing methods, translation of compounding instructions, translation of direction for patients, dosage, importance of physician's signature, procedure the pharmacist should take in case of illegibility, ownership, custody, refilling, care the pharmacist must take when receiving a prescription, legal requirements regarding prescriptions containing: Opium and other prohibited

drugs, abortives, dispensing of poisons, compounding and dispensing of prescriptions in solid or in semi-solid form
Incompatibilities: Classification, evidence
Problems related to compounding

Bacteriology, Hygiene and Sanitation

Bacteriology: Organism, microorganism, function of bacteria, fermentation, putrefaction, saprophytes, parasites, pathogens, higher bacteria, bacteria (normal forms, characteristic forms, classification)
Reproduction
Infection, Virulence, intoxication
Immunity: Natural, acquired
Morphology of pathogenic Bacteria and organisms
Serum and serum therapy—purpose
Varieties of serum: Normal, immune
Official preparations and unofficial most commonly used
Hypersensitiveness: Anaphylaxis, vaccine, rabies

Hygiene

Hygiene: Medicine, preventive medicine (Hygiene, Sanitation)
Disease: Classification (communicable, non-communicable, preventable, non-preventable)
Modes of transmission; Portals of entry, portals of exit,
Refuse: Methods of disposal; Collection
Water: Physiological and hygienic importance, classification, analysis
Air: Vitiated, inspired, analysis
Foods: Classification, requirements, poisoning
Disinfection, personal hygiene
Vital statistics and data
Hygienic measures to prevent spread of certain diseases
Sanitary control of diseases
Amoebiasis; Hook worm, Fly control

Sanitation

Diseases: Epidemic, endemic, pandemic, sporadic, epizootic
Factors in the development of epidemics
Factors that aid in controlling an epidemic
Methods of control; Types of Epidemics
Modes or manners of transmission of disease germ
Classification of diseases

Effective agents; Sources of infection, mode of transmission, incubation period, period of communicability, methods of control

Pharmaceutical Legislation

Board of Pharmaceutical Examiners: History, composition, qualifications for membership, term of office, duties

"Pharmacy Inspection Board": Membership, duties

Practice of Pharmacy: Definition, exemption

Registration and Examination of pharmacists

Certificate of registration: Issuance, suspension, revocation

Proceedings for revocation

Labels: Text, prescription, poison, external use, internal use, proprietary medicine, advertisement

Prescriptions: Record, use of cipher or unusual terms, refilling

Poisons: Violent poisons, less violent poisons, receptacle for poisonous drugs

Responsibility for quality and purity of drugs

Food and Drugs Act relating to drugs

Opium and other prohibited drugs

Taxes and fees

Drug and Cosmetic Regulations

Code of Ethics for the Pharmaceutical Profession

Penal Provisions: Administrative Code, National Internal Revenue Code, other acts

Illustrative cases decided by the Board

(This outline has been condensed from the original Programme of Examination which was adopted by the Board of Pharmaceutical Examiners and Inspectors composed of Dr. Paulino M. Taningco, Chairman, and Dr. Juan Rosales and Mrs. Josefa Chuapoco-de Leon, members, on March 22, 1947, and approved by the Secretary of Health on March 28, 1947. As simplified, it leaves out minor details leaving to the students the initiative to study the topics falling under the general headings included herein).

APPENDIX "E"

ACT NO. 2762 as Amended by Act No. 4162.

AN ACT PROVIDING THAT THE BOARD OF PHARMACEUTICAL EXAMINERS SHALL AT THE SAME TIME BE A PHARMACY INSPECTION BOARD, INCREASING ITS DUTIES, POWERS, AND ATTRIBUTES, AND APPROPRIATING FUNDS FOR THIS PURPOSE.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. The Board of Pharmaceutical Examiners established in chapter thirty of the Administrative Code of Nineteen hundred and seventeen shall at the same time act as a Pharmacy Inspection Board, under the supervision and control of the Secretary of the Interior (Now Secretary of Health). All powers, duties, and functions not inconsistent with this Act prescribed by existing laws with regard to the inspection and regulation of pharmacies, drug stores, dispensaries, and other establishments of a similar nature, the dispensing and sale of drugs, medicines, poisons, and, in general, all functions and duties not merely the examination and registration of pharmacists, shall be exercised and performed by said Board.

SEC. 2. The Board shall, moreover, have the following duties, powers, and attributes:

(a) To authorize, after inspection, the opening of pharmacies, drug stores, and dispensaries by persons authorized therefor by law.

(b) To inspect, at least once each year, the pharmacies, dispensaries, drug stores, and similar establishments established in the Philippine Islands and the pharmacies and dispensaries belonging to hospitals, asylums, prisons, sanatoria, and similar establishments.

(c) To collect samples of drugs, medicines, specifics, remedies, beauty preparations, toilet articles, and similar products displayed for sale or imported through the customhouses of the Philippine Islands for medicinal or aesthetic purposes, for the purpose of forwarding the same, in accordance with the provisions of this Act and the regulations issued thereunder and of the Pure Food and Drugs Acts, to the Bureau of Science (now Division of Laboratories, Department of Health) for analysis and examination; and to exclude from sale

those not conforming to the standards of quality, concentration, and purity established by recognized formularies, provided the person concerned certify in writing to the authenticity of the formula taken from a foreign formulary. (As amended by Act 4162.)

(d) To issue regulations for the exercise of the pharmaceutical profession and for the enforcement of this Act, subject to the approval of the Secretary of the Interior (now Secretary of Health).

(e) To classify and regulate the sale of poisonous, abortive, corrosive, and anticonceptional substances, in accordance with section fifteen hundred and seventy-five of the Administrative Code.

(f) To classify, regulate and issue license to persons of good moral character for the sale of drugs, medicines, and household remedies of common use, upon examination satisfactory to the Board. Such license shall be good for one year only for pueblos or barrios in which no pharmacy exists and which are situated not less than five kilometers away from any pharmacy. (As amended by Act 4162).

(g) To investigate such violations of the present Act and the regulations issued thereunder as may come to their knowledge, and for this purpose to issue subpoenas and subpoenas *duces tecum* to have witnesses appear and testify before them under oath, (and the appearance or testimony of an absent or contumaceous witness may be enforced by application to the justice of the peace court or the Court of First Instance), and to report the result of their investigation to the fiscal of the province, for the prosecution of those found to be guilty.

(h) To report, if called upon, on any conflict that may arise between pharmacists or druggists and the Bureau of Internal Revenue or any other office or bureau of the Insular Government.

(i) To revoke certificate of registration obtained through error or fraud. It may reprimmand, suspend or revoke at its discretion any holder of a certificate of registration as druggist, pharmacist, or practicante de farmacia or holder of a license to sell drugs, medicines, or household remedies lawfully obtained from practice for any of the following grounds:

1. Conviction of any criminal offense involving moral turpitude;
2. Incompetency, serious ignorance or malicious negligence in the practice of pharmacy;
3. Unprofessional conduct or malpractice;
4. Making exaggerated or false advertisements;
5. Conviction of a crime or misdemeanor involving immoral or dishonorable conduct.

Proceedings for the suspension or revocation of certificate of registration, or license to sell drugs, medicines, or household remedies shall be begun by filing a written charge or charges against the respondent. These charges may be preferred by any person or persons, firm, or corporation or the Board of Pharmaceutical Examiners *motu propio* may direct its executive officer to prepare said charges. The complaint shall set out distinctly, clearly, and concisely the facts complained of, or supported by affidavits, if any, of persons having personal knowledge of the facts therein alleged, and shall be accompanied with copies of documents which may substantiate said facts. Said complaint shall be filed with the secretary of the Board of Pharmaceutical Examiners in duplicate, a copy thereof shall be served upon the respondent or his counsel, at least, two weeks before the date actually fixed for said hearing.

The Board shall give the respondent a hearing at which he shall have the right to appear personally, or by counsel, to cross-examine witnesses and to procure witnesses in his defense. The Board shall have authority to subpoena witnesses.

The Board shall make a written decision or report of its findings, signed by the majority members thereof, to the head of the Department and shall furnish the respondent a copy of the same. The respondent shall have the right to appeal to the Department Head whose decision shall be final.

If the Board, by majority vote of the members, shall find that the charges are sustained by the evidence adduced it may at its discretion reprimand the respondent, suspend or revoke his certificate of registration, or license to sell drugs, medicines, or household remedies. In case of suspension it shall be for a period of not more than six months. Any person who shall practise pharmacy after his certificate of registration or license has been suspended by the Board, shall be deemed to have practised pharmacy without registration. Where the certificate of registration has been revoked as herein provided, the Board may, after the expiration of one year, entertain an application for a new certificate of registration, in the same manner that new ones are issued, without the necessity of undergoing any examination. (As amended by Act 4162)

SEC. 3. Upon the approval of this Act, the present Board of Pharmaceutical Examiners shall cease to perform its functions and the Secretary of the Interior shall proceed to appoint the new members of the Board of Pharmaceutical Examiners and Inspectors, in the same manner as prescribed by existing law. In the appointments, the Secretary of the Interior shall designate the chairman and the

secretary-treasurer of the Board. Each member of the Board shall hold office for a term of three years from and after the date of his appointment, but the Secretary of the Interior may reappoint any member whose term has expired for three years more, and so on, successively, in the discretion of said Secretary of the Interior. (Repealed by Section 10 of Act 4007).

SEC. 4. The chairman and the secretary-treasurer shall be the executive officers of the Board and shall see to the strict enforcement of the laws in force and of the regulations, instructions, and orders issued by said Board. In the performance of these duties and powers, the chairman of the Board shall be the chief of the office and the secretary-treasurer his assistant, who shall take his place in case of illness, absence, or other impediment. The third member shall act as member and shall have a voice and vote in the deliberations of the Board. (Repealed by Section 10 of Act 4007)

SEC. 5. The chairman of the Board shall receive an annual salary of not to exceed four thousand pesos and the secretary-treasurer an annual salary of not to exceed three thousand pesos. The third member shall be entitled to a *per diem* of ten pesos for each meeting of the Board actually attended by him, but shall not receive in aggregate more than forty pesos per month. No member of the Board shall receive additional compensation in the performance of his duties as examiner of candidates for pharmacist. Neither the chairman nor the secretary-treasurer shall be owners, managers, or employees of pharmacies, dispensaries, drug stores, or similar establishments, nor be directly or indirectly interested in such establishments. (Modified by Sec. 10 of Act 4007)

SEC. 6. For the purposes of this Act, the district health officers shall be *ex-oficio* agents of the Board of Pharmaceutical Examiners and Inspectors and as such it shall be their duty to see to the enforcement of the provisions of this Act and of any orders and regulations for carrying out the provisions of the same.

SEC. 7. There is hereby appropriated, out of any funds in the Insular Treasury not otherwise appropriated, the sum of twelve thousand pesos or so much thereof as may be necessary to carry out the purposes of this Act. (Repealed by Section 10 of Act 4007)

SEC. 8. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 9. This act shall take effect on its approval.

APPROVED, February 28, 1918.

(Act 4162 was approved December 1, 1934.)

APPENDIX "F"

ACT NO. 4007

AN ACT TO REORGANIZE THE DEPARTMENTS, BUREAUS AND OFFICES OF THE INSULAR GOVERNMENT, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. This Act shall be known as "The Reorganization Law of 1932".

x x x x

SEC. 10. The Director of Civil Service shall be the executive officer of all boards of examiners hereinafter named and shall conduct the examinations given by any of these boards, according to rules and regulations promulgated by him and approved by the respective Department Heads. The Bureau shall keep all the records of the boards of examiners, including the examination papers and the minutes of the deliberations of the boards. The director shall designate any subordinate officer of his bureau to act as secretary. Examination fees shall be paid to the officer designated by proper authority as the disbursing officer for the Bureau of Civil Service, and such officer shall pay all authorized expenses of the different boards including the compensation provided for by law for the examiners.

The Board of Accountancy, the Board of Examiners for Marine Officers, the Board of Examiners for Marine Engineers, the Board of Medical Examiners, the Board of Pharmaceutical Examiners, the Board of Dental Examiners, the Board of Optical Examiners, the Board of Examiners for Nurses, the Veterinary Examining Board, the Board of Examiners for Surveyors, the Board of Examiners for Civil Engineers, the Board of Examiners for Mechanical Engineers, the Board of Examiners for Electrical Engineers, the Board of Examiners for Chemical Engineers, the Board of Examiners for Min-

ing Engineers, and the Board of Examiners for Architects, shall each be composed of a chairman and two members, who shall be appointed by the different Secretaries of Department, as hereinbelow provided, from among persons of recognized standing in their respective professions, who shall serve for a period of one year, and who shall receive compensation not to exceed five pesos per capita of the candidates examined, as the proper Department Head may fix.

The chairman and members of the following boards shall be appointed by the Secretary of Finance:

(a) Board of Accountancy;

(b) Board of Examiners for Marine Officers; and

(c) Board of Examiners for Marine Engineers.

The chairman and members of the following boards shall be appointed by the Secretary of Public Instruction (Now Secretary of Health).

(a) Board of Medical Examiners;

(b) Board of Pharmaceutical Examiners;

(c) Board of Dental Examiners;

(d) Board of Optical Examiners; and

(e) Board of Examiners for Nurses.

The chairman and members of the following boards shall be appointed by the Secretary of Agriculture and Commerce:

(a) Veterinary Examining Board; and

(b) Board of Examiners for Surveyors.

The chairman and members of the following boards shall be appointed by the Secretary of Public Works and Communications:

(a) Board of Examiners for Civil Engineers;

(b) Board of Examiners for Mechanical Engineers;

(c) Board of Examiners for Electrical Engineers;

(d) Board of Examiners for Chemical Engineers;

(e) Board of Examiners for Mining Engineers; and

(f) Board of Examiners for Architects.

The chairmen of the boards of examiners aforementioned shall report the results of the examinations to the Director of Civil Service, who shall submit such results to the corresponding Secretary of Department, and upon approval by the Secretary of the results

of the examination, the Secretary of the Department shall issue the license or certificate entitling the person to whom it is issued to practice the profession for which he has taken the examination.

Except as modified by this Act, all laws governing examinations given by the above-mentioned boards shall continue in force.

x x x x x

SEC. 44. All acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed.

SEC. 45. This Act shall take effect on January first, nineteen hundred and thirty-three: PROVIDED, That whenever necessary in the interest of economy and orderly procedure in the required reorganization, the Governor-General may, with the approval of the Council of State, postpone the effectivity of any provision or provisions of this Act to a subsequent date not later than July thirty-first, nineteen hundred and thirty-three, except those contained in sections two, three, four, five, six, seven, eight, and nine hereof.

Approved, December 5, 1932.

APPENDIX "G"

GUIDES

HOW TO SECURE A CERTIFICATE OF REGISTRATION AS APPRENTICE IN PHARMACY

1. Secure printed petition forms from the Board.
2. Accomplish this form before a notary public.
3. Secure a certificate (Exhibit "A") signed by the registrar of the college of pharmacy where he is enrolled stating that he is a *bona fide* student of the college; and a certificate (Exhibit "B") from the pharmacist of the drug store where he intends to practice stating that he has been taken as apprentice in pharmacy.
4. Affix thirty centavos worth of documentary stamps to the petition and to each of the exhibits.
5. Return the petition form and exhibits "A" and "B" to the Board and pay the registration fee of two pesos (₱2.00).
6. Sign the registration book for apprentices.

HOW TO APPLY FOR ADMISSION TO THE BOARD EXAMINATION

1. Secure printed application form from the Board.
2. Accomplish this application before a notary public, or a person authorized to administer oath.
3. Secure the following:

   Exhibit "A"—a certificate of good moral character signed by two well-known persons.

   Exhibit "B"—a certificate stating that he is a graduate of a high school duly recognized by the Secretary of Public Instruction.

   Exhibit "C"—a certificate stating that he has graduated from an institution duly recognized by the Government with the degree of Bachelor of Science in Pharmacy.

   Exhibit "D"—a certificate signed by the managing pharmacist stating that he has had more than three years of practical experience in a pharmacy.

A certificate from the Board stating that he is registered as an apprentice in Pharmacy with Certificate No. ———— issued on ————.

4. Submit the application form together with the exhibits to the Board at least ten days before the date of the examination.
5. Pay the examination fee of twenty pesos (₱20.00).

HOW TO ESTABLISH A DRUG ESTABLISHMENT (This includes drug store, drug department, Chinese drug store, dispensary, Pharmaceutical laboratory, chemical-pharmaceutical laboratory, and toilet article laboratory)

1. Secure printed petition form from the Board of Pharmaceutical Examiners and Inspectors.
2. Accomplish this form before a notary public and return the same to the Board.
3. Wait for a representative of the Board who will inspect the establishment.
4. If approved, pay the permit fee of ten pesos (₱10.00).
5. When in possession of the permit and before opening the drug establishment, secure necessary licenses from the municipal treasurer and the Bureau of Internal Revenue, and comply with additional health regulations, if any, in the locality.
6. Open the drug establishment to the public.
7. Renew permit every year by remitting the amount of five pesos (₱5.00) to the Board.

HOW TO ESTABLISH A HOUSEHOLD REMEDY STORE

1. Secure printed petition form from the Board of Pharmaceutical Examiners and Inspectors.
2. Accomplish the petition form before a notary public.
3. Secure the following exhibits:

Exhibit "A"—a certificate signed by two well-known persons stating that he is more than twenty-one years of age and a person of good moral character.

Exhibit "B"—a certificate signed by a duly registered phy-

sician stating that he does not suffer from any contagious disease.

Exhibit "C"—a certificate signed by the proper authorities stating that he is a high school graduate, a graduate nurse, or an ex-school teacher.

Exhibit "D"—a certificate signed by a duly registered pharmacist stating that he has had more than one year's experience as apprentice in a drug store and knows the uses, doses, qualities and properties of household remedies.

4. Affix thirty centavos worth of documentary stamps to the petition and to each of the exhibits.
5. Return the petition together with the exhibits to the Board with a remittance of ten pesos (₱10.00) as permit fee.
6. Renew permit at the beginning of each year by remitting five pesos (₱5.00) as renewal fee, to the Board.

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