JOINT MEMORANDUM CIRCULAR NO. 22-01
Series of 2022

SUBJECT : **SETTING OF PURCHASE LIMIT/CAP FOR PARACETAMOL, PHENYLEPHRINEHYDROCHLORIDE, CARBOCISTEINE, AND CHLORPHENAMINE MALEATE PARACETAMOL**

WHEREAS, Section 20, Article II of the 1987 Constitution provides that "*the State recognizes the indispensable role of the private sector, encourages private enterprises, and provides incentives to needed investments*";

WHEREAS, Section 6 of Article XII of the same, on Principles and State Policies, states that *"the use of property bears a social function, and all economic agents shall contribute to the common good. Individuals and private groups, including corporations, cooperatives, and similar collective organizations, shall have the right to own, establish, and operate economic enterprises, subject to the duty of the State to promote distributive justice and to intervene when the common good so demands"*;

WHEREAS, Section 1, Article XIII of the same, on Social Justice and Human Rights, states that *"Congress shall give the highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequalities by equitably diffusing wealth and political power for the common good. To this end, the State shall regulate the acquisition, ownership, use, and disposition of property and its increments"*;

WHEREAS, there is a sudden surge of flu-like illnesses and COVID-19 cases, which resulted in an unusual demand for, and possible hoarding of consumers of, over-the-counter (OTC) medicines for fever and flu-like symptoms, causing temporary stock outs of the same in the retail market, as reported by the Department of Health (DOH);

WHEREAS, Section 2 of Republic Act No. 7581, or the Price Act, declares that *"it is the policy of the State to ensure the availability of basic necessities and prime commodities at reasonable prices at all times without denying legitimate businesses a fair return on investment";*

WHEREAS, Section 2 of Republic Act No. 7394, or the Consumer Act of the Philippines, declares that "*the State shall protect the interest of the consumers, promote his general welfare and to establish standards of conduct for business and industry*";

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

WHEREAS, the Department of Trade and Industry (DTI) and the DOH are among the implementing agencies under the Price Act, the Consumer Act, and the Cheaper Medicines Act, whose respective jurisdictions were vested with respect to particular consumer goods, i.e. DOH with reference to drugs, and DTI with reference to all other basic necessities and prime commodities;

WHEREAS, the E-Commerce Act of 2000 authorizes the DTI to perform such other functions as may be necessary for the implementation of the Act in the area of electronic commerce to include, but shall not limited to, quality and price monitoring system for goods and services aimed in protecting the interests of the consuming public;

WHEREAS, on 07 January 2022, the DOH recommended to the DTI the imposition of purchase limits on certain OTC flu medicines;

WHEREAS, it is the mandates of the implementing agencies of the Price Act, such as the DOH and DTI, to ensure the availability of supply of basic necessities and prime commodities at all times;

NOW THEREFORE, the foregoing considered, this Joint Memorandum Circular (JMC) is hereby issued for the information and guidance of those concerned.

Section 1. *Objective.* – The objective of this JMC is to prevent artificial shortage and price escalation of OTC flu medicines, and strictly ensure the availability of the same until such time that their supplies become stable.

Section 2. *Scope.* – The provisions hereof shall apply to any and all persons, natural or juridical, who purchase, sell, or offer for sale the medicines covered by this JMC.

Section 3. *Reasonable Limit in Sale/Purchase of Covered Goods.* – Retailers are hereby enjoined to limit the sale, and consumers to limit the purchase, of the medicines referred to herein, in such quantity as provided:

GENERIC NAME	DOSAGE STRENGTH	DOSAGE FORM	PURCHASE CAP	
			Individual	Per household
Paracetamol	500 mg	tablet	20	60
	120 mg/5 mL, 60 mL	suspension	5	10
	250 mg/5 mL, 60 mL	suspension	5	10

Phenylephrine hydrochloride, chlorphenamine maleate, paracetamol	2.5 mg/ 500 mcg/ 125 mg per 5 mL, 60 mL	suspension	5	10
	10 mg/ 2 mg/ 500 mg	tablet	20	60
Carbocisteine	500 mg	capsule	20	60
	500 mg/5 mL, 60 mL	suspension	5	10
	200 mg/ 5 mL, 60 mL	suspension	5	10

Section 4. *Notice to Consumers.* – Retailers are hereby directed to post notices in conspicuous places within their outlets, advising consumers of the quantity of medicines they are allowed to purchase.

Section 5. *Prohibition on Online Selling of Medicines.* – Unless otherwise allowed by the FDA under existing rules and regulations, all establishments and the public are reminded that online selling of medicines is not permitted.

Section 6. Compliance Monitoring and Enforcement. – – The DOH and DTI shall conduct compliance monitoring and enforcement through its post-audit mechanism.

Violators of this JMC shall be liable under the pertinent and applicable provisions under the Price Act, Consumer Act of the Philippines, and/or other relevant laws, rules and regulations.

Section 7. *Interpretation.* – Any doubt shall be construed strictly against any person violating the provisions hereof and, given the declared State of Public Health Emergency, shall be meted the maximum penalty under applicable laws, regulations, and ordinances.

Section 8. *Effectivity.* – This JMC shall be effective immediately upon signing hereof and shall continue to be effective until DOH declares the supply stability of the subject medicines, the declaration of which shall automatically revoke this JMC.

Issued this 10th day of January 2022 in Makati City, Philippines.

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