



Republic of the Philippines  
Office of the President  
**DANGEROUS DRUGS BOARD**

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**BOARD RESOLUTION NO. 35**  
**Series of 2013**

**SUBJECT: GRANTING EXEMPTION FROM SPECIFIC MEASURES OF REGULATORY CONTROL REQUIREMENTS TO CERTAIN FINISHED PRODUCTS OF DIAGNOSTIKA PILIPINAS, INC.**

**WHEREAS**, under Section 81 (b) and (r) of Article IX of RA 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, the Board issued Board Regulation No. 3, Series of 2003 which provides for the “Comprehensive Guidelines on Importation, Distribution, Manufacture, Prescription, Dispensing and Sale of, and Other Lawful Acts in Connection with any Dangerous Drugs, Controlled Precursors and Essential Chemicals and other Similar or Analogous Substances”;

**WHEREAS, DIAGNOSTIKA PILIPINAS, INC.** with business address at Rm 1206 OMM Citra Bldg. Ortigas Center, Pasig City, Philippines is seeking exemption from regulatory measures for the following products, to wit:

1. **CALCITONIN ELISA - <3.65% Hydrochloric Acid (HCL)**
2. **RENIN ELISA - <5% Sulfuric Acid (H<sub>2</sub>SO<sub>4</sub>)**
3. **ESTRADIOL ELISA - <5% Sulfuric Acid (H<sub>2</sub>SO<sub>4</sub>)**
4. **25 OH VITAMIN D TOTAL ELISA – 3.65% Hydrochloric Acid (HCL)**
5. **DHEA-S ELISA - < 5% Sulfuric Acid (H<sub>2</sub>SO<sub>4</sub>)**
6. **SEROTONIN ELISA – 1.5% Sulfuric Acid (H<sub>2</sub>SO<sub>4</sub>)**
7. **ACTH ELISA – 3% Sulfuric Acid (H<sub>2</sub>SO<sub>4</sub>)**
8. **ASA ANTI SPERM AB SERUM - <5% Sulfuric Acid (H<sub>2</sub>SO<sub>4</sub>)**
9. **IGF-1600 F ELISA, IGF-1 ELISA – 2.5 – 10% Sulfuric Acid (H<sub>2</sub>SO<sub>4</sub>)**
10. **QUANTALITE ENA 4 ELISA - <2% Sulfuric Acid (H<sub>2</sub>SO<sub>4</sub>)**

**WHEREAS**, Section 4(2-d, e & f), Article II of the same Regulation also provides that the Board may exempt from specific measures of regulatory control requirements any preparation with liquid chemical mixture containing less than 30% by weight of the Table II chemical; or solid, semisolid and highly viscous chemical mixture containing Table II chemical; or when the Board is satisfied that the mixture is formulated in such a way that the controlled chemical cannot be easily used for the illicit manufacture of a dangerous drug and that the controlled chemical or chemicals contained in the mixture cannot be readily recovered;

**WHEREAS**, Immunoassay Drug test kits were granted exemption by the Board having Board Resolution No. 18, s. 2004 as an example. Considering that this type of reagents/products could not be extracted and contains no or miniscule amount of dangerous drugs/controlled chemicals, thus these products present no or negligible risk of abuse; necessary for medical or scientific purposes and for the interest of the public;

**WHEREAS**, to assist the Board in evaluating requests for exemption, it promulgated Board Resolution No.1 Series of 2008 entitled “**Creating a Technical Working Group (TWG) to assist the Board in considering request of**

**Manufacturers and Importers of finished products from specific measures of regulatory control requirements”;**

**WHEREAS**, it has been determined by the DDB Technical Working Group (TWG) that **DIAGNOSTIKA PILIPINAS, INC.** is a medical diagnostic company providing the latest innovations on health care products in the Phils. The products are being used for importation/distribution to hospitals, clinics and laboratories. It is duly registered with **PDEA and handler of P5I-03214001-R016 dated 21 May 2012 and valid until 08 July 2013;**

**WHEREAS**, after due deliberation and evaluation, the TWG decided to recommend to the Board the exemption of **DIAGNOSTIKA PILIPINAS, INC.** finished products that contain controlled chemicals below the 30% threshold of the Table II chemicals, in accordance with the provisions of Section 4-2(a, b, c, d, e & f);

**WHEREAS**, after satisfying the requirements stipulated under the above mentioned regulations, **DIAGNOSTIKA PILIPINAS, INC. products are no longer covered by the provisions of Section 10 (Application for import, export or transit permits), and Section 11 (Grant of import, export or transit permits), Section 22 (Licensed operators NOT to deal with unlicensed operators) and of BR No.3, S. 2003;**

**WHEREAS**, during the Caucus of the Board held on 12 December 2012, the matter was presented and was eventually unanimously approved in principle by those in attendance, subject to confirmation by the Board at its next regular meeting;

**WHEREAS**, in order to facilitate its confirmation, the said matter, along with the other concerns approved in principle during the Caucus, was subjected to an Ad Referendum, which was thereafter signed by at least nine (9) Members of the Board constituting a quorum on January 16, 2013.

**WHEREFORE**, be it **RESOLVED**, as it is hereby **RESOLVED, GRANTING EXEMPTION** and the issuance of Board Resolution of Exemption, which **shall be valid for one (1) year unless revoked**, to , **DIAGNOSTIKA PILIPINAS, INC’ products** containing controlled chemicals below the 30% threshold of the Table II chemicals, in accordance with the following provisions of Section 4-2(d& f).

**a. That the above cited exemptions shall still be subject to the following conditions:**

- (1) That **DIAGNOSTIKA PILIPINAS, INC.** shall secure a license from the PDEA and comply with the reporting requirements for the raw materials used in the manufacture of the products as provided for in Board Regulation No. 3, Series of 2003;
- (2) The Board shall strictly monitor subject finished products from their manufacture to distribution to end-users;
- (3) The DDB-PDEA Monitoring Team shall have free access to **DIAGNOSTIKA PILIPINAS, INC.** premises where the finished products are kept and/or used;
- (4) That **DIAGNOSTIKA PILIPINAS, INC.** shall assume full responsibility for any misuse of the imported finished products, caused either by its own negligence or by negligence of all persons acting under their name or control and supervision; and

- (5) Any violation of the provisions of Board Regulation No. 3, Series of 2003, shall be a ground for the revocation of the certificate of exemption at anytime and would be dealt with severely.

**APPROVED and ADOPTED** this 16<sup>th</sup> day of January, in the year of Our Lord, 2013 in Quezon City.

(Sgd) **Secretary ANTONIO A. VILLAR, JR.**  
Chairman, Dangerous Drugs Board

Attested:

(Sgd) **Assistant Secretary AMADOR S. PABUSTAN**  
OIC-Secretary of the Board