



## People of the Philippines v. Estrada and Lanuza

G.R. No. 124461

**Country:** Philippines

**Region:** Asia

**Year:** 2000

**Court:** Supreme Court

**Health Topics:** Medicines

**Human Rights:** Right to health

### Facts

The Petitioner sought to appeal an earlier order of the Supreme Court requiring that seized drugs be returned. In that case, the Court had declared a search warrant invalid for failing to meet constitutional requirements, and required the Petitioner to return the drugs seized in a contraband raid. The drugs had been found genuine upon testing, but had been imported without a permit from the authorities.

### Decision and Reasoning

The Court granted the appeal. It considered that given the low level of scrutiny and lack of special knowledge amongst the public, it was important to prevent drugs that had not complied with the relevant regulatory regime be disposed of properly.

The Court emphasized that the State's obligation to protect and promote the right to health made it necessary for the authorities to establish a system to monitor and regulate drug sales. Under Philippines law, the Bureau of Food and Drugs had been granted the authority to undertake this monitoring, and to ensure the therapeutic efficacy of drugs on the market. Compliance with BFAD's regulatory regime was necessary to protect consumers from spurious drugs that might otherwise go underground.

As such, the simple fact that the drugs were genuine was not enough to justify the return of drugs manufactured without a license. If the owner of the seized drugs was unable to show the relevant licences and permits, they could not keep the drugs, even if the search warrants seizing them had not been properly executed.

### Decision Excerpts

“Even if the medicines or drugs seized were genuine and even if they contain the proper chemicals or ingredients for their production or manufacture, if the producer, manufacturer or seller has no permit or authority from the appropriate government agency, the drugs or medicines cannot be returned although the search warrants were declared illegal.” Page 1.

“The health of the citizenry should never be compromised. To the layman, medicine is a cure that may lead to better health.” Page 2.

“Only with the proper government sanctions can medicines and drugs circulate the market. We cannot afford to take any risk, for the life and health of the citizenry are as precious as the existence of the State.” Page 3.