



Republic of the Philippines  
Supreme Court  
Manila

Sus/Mes/launc-

*Quoted hereunder, for your information, is a resolution of the Court En Banc dated August 15, 2006*

"G.R. No. 173034 (Pharmaceutical and Health Care Association of the Philippines vs. Health Secretary Francisco T. Duque III, et al.). Acting on the Motion dated July 24, 2006 filed by counsel for petitioner, praying for a reconsideration of the resolution of July 11, 2006 which denied the prayer for the issuance of a preliminary injunction and/or temporary restraining order, the Court Resolved to

(a) GRANT the motion for reconsideration;

(b) ISSUE a TEMPORARY RESTRAINING ORDER, effective immediately and continuing until further orders from this Court, prohibiting and enjoining the respondents from implementing Administrative Order No. 2006-012, entitled *Revised Implementing Rules and Regulations of Executive Order No. 51, Otherwise Known as The "Milk Code," Relevant International Agreements, Penalizing Violations Thereof, and for Other Purposes*; and

(c) REQUIRE the petitioner to POST a BOND in the amount of Five Hundred Thousand Pesos (P500,000.00) payable to this Court within five (5) days from notice hereof. Failure to post the same within the aforesaid period will result in the automatic lifting of the temporary restraining order.

The Court further Resolved to GRANT the Motion dated August 9, 2006 filed by the Office of the Solicitor General, praying for an extension of thirty (30) days from the expiration of the original period or until September 9, 2006 within which to file a comment on the petition." Corona, J., on leave. Azcuna, J., abroad on official business. (adv42)

Very truly yours,

*M. L. Arama*  
MA. LUISA D. VILLARAMA  
Clerk of Court  
MS

Attys. Felicitas Aquino Arroyo, Ma. Pilar  
Martinez-Caedo, Sandra Marie Olaso-Coronel  
and Grace Veronica C. Reyes (x)  
Counsel for petitioner  
Unit 3103-A West Tower, Philippine  
Stock Exchange Centre  
Exchange Road, Ortigas Center, Pasig City 1605

Mrs. Araceli Bayuga (x)  
Chief Cashier, FMBO  
Supreme Court

The Solicitor General (x)  
134 Amorsolo St., Legaspi Village  
Makati City 1229

Dr. Francisco T. Duque III, M.D (x)  
Secretary  
Dr. Ethelyn P. Nieto (x)  
Dr. Margarita M. Galon (x)  
Atty. Alexander A. Padilla (x)  
Dr. Jade F. del Mundo (x)  
Undersecretaries  
Dr. Mario C. Villaverde (x)  
Dr. David J. Lozada (x)  
Dr. Nemesio T. Gako (reg)  
Assistant Secretaries  
Department of Health  
New Executive Building  
Malacanang, Manila

G.R. No. 173034/071106 [adv 125]



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

PHARMACEUTICAL AND HEALTH CARE  
ASSOCIATION OF THE PHILIPPINES,  
Petitioner,

- versus

Health Secretary FRANCISCO T.  
DUQUE III, Health Undersecretaries  
DR. ETHELYN P. NIETO, DR.  
MARGARITA M. GALON, ATTY.  
ALEXANDER A. PADILLA & DR. JADE F.  
DEL MUNDO, and Assistant  
Secretaries DR. MARIO C.  
VILLAVERDE, DR. DAVID J. LOZADA &  
DR. NEMESIO T. GAKO,  
Respondents.

G.R. No. 173034

TEMPORARY RESTRAINING  
ORDER

x

x

TO: Hon. Francisco T. Duque III (x)  
Dr. Ethelyn P. Nieto (x)  
Dr. Margarita M. Galon (x)  
Atty. Alexander A. Padilla (x)  
*Dr. Jade F. Del Mundo* (x)  
Dr. Mario C. Villaverde (x)  
Dr. David J. Lozada (x)  
Dr. Nemesio T. Gako (x)  
DEPARTMENT OF HEALTH  
New Executive Bldg.  
Malacañang Palace, Manila

GREETINGS:

WHEREAS, the Supreme Court, on August 15, 2006, adopted a resolution in the above-entitled case, to wit:

"G.R. No. 173034 (Pharmaceutical and Health Care Association of the Philippines vs. Health Secretary Francisco T. Duque III, et al.). Acting on the Motion dated July 24, 2006 filed by counsel for petitioner, praying for a reconsideration of the

resolution of July 11, 2006 which denied the prayer for the issuance of a preliminary injunction and/or temporary restraining order, the Court Resolved to

(a) **GRANT** the motion for reconsideration:

(b) **ISSUE** a **TEMPORARY RESTRAINING ORDER**, effective immediately and continuing until further orders from this Court, prohibiting and enjoining the respondents from implementing Administrative Order No. 2006-012, entitled *Revised Implementing Rules and Regulations of Executive Order No. 51, Otherwise Known as The "Milk Code," Relevant International Agreements, Penalizing Violations Thereof, and for Other Purposes*; and

(c) **REQUIRE** the petitioner to **POST** a **BOND** in the amount of Five Hundred Thousand Pesos (P500,000.00) payable to this Court within five (5) days from notice hereof. Failure to post the same within the aforesaid period will result in the automatic lifting of the temporary restraining order.

The Court further Resolved to **GRANT** the Motion dated August 9, 2006 filed by the Office of the Solicitor General, praying for an extension of thirty (30) days from the expiration of the original period or until September 9, 2006 within which to file a comment on the petition." Corona, J., on leave. Azcuna, J., abroad on official business.

NOW, THEREFORE, effective immediately and continuing until further orders from this Court, You, Respondents Health Secretary Francisco T. Duque III, Health Undersecretaries Dr. Ethelyn P. Nieto, Dr. Margarita M. Galon, Atty. Alexander A. Padilla and Dr. Jade F. Del Mundo, and Assistant Secretaries Dr. Mario C. Villaverde, Dr. David J. Lozada and Dr. Nemesio T. Gako, your agents, representatives, or persons acting in your place or stead, are hereby **ENJOINED** from implementing the questioned Revised Implementing Rules and Regulations of the Milk Code.

GIVEN by the Hon. ARTEMIO V. PANGANIBAN, Chief Justice, Supreme Court of the Philippines, this 15<sup>th</sup> day of August 2006.

  
MA. LUISA D. VILLARAMA  
Clerk of Court

Attys .Felicitas Aquino Arroyo, Ma. Pilar  
Martinez-Caedo, Sandra Marie Olaso-Coronel  
and Grace Veronica C. Reyes (x)  
YORAC ARROYO CHUA CAEDO & CORONEL  
Law Firm

Counsel for petitioner  
Unit 3103-A West Tower, Philippine Stock Exchange Centre  
Exchange Road, Ortigas Center, Pasig City 1605

Mrs. Araceli Bayuga (x)  
Chief Cashier, FMBO  
Supreme Court

The Solicitor General (x)  
134 Amorsolo St., Legaspi Village  
Makati City 1229