

Republic of the Philippines  
Congress of the Philippines

Senate

Manila City

Eighteenth Congress

Third Regular Session

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RESOLUTION No. 127

RESOLUTION URGING THE EXECUTIVE DEPARTMENT TO SUPPORT THE PROPOSAL OF INDIA AND SOUTH AFRICA FOR THE WTO TO SUSPEND IMPLEMENTATION, APPLICATION AND ENFORCEMENT OF THE RELEVANT PROVISIONS OF THE TRIPS AGREEMENT IN RELATION TO THE PREVENTION, CONTAINMENT, AND TREATMENT OF COVID-19

WHEREAS, our country is one of the founding members in 1995 of the World Trade Organization (WTO), after having acceded to all of the WTO Agreements, including the Agreement on Trade-Related Aspects of Intellectual Property Rights, more commonly known as "TRIPS", which seeks to

protect intellectual property, including patents, copyrights, trademark, and industrial design, among others;

WHEREAS, developing countries, in their quest to provide adequate health services for their citizens, would have to pay extremely high prices for these medicines and medical devices, due in large part to patents owned by big pharmaceutical firms;

WHEREAS, the issue of patents being a barrier to the provision of affordable medicines and medical devices has persisted for decades – both in terms of international law and economic justice;

WHEREAS, COVID-19 is a global pandemic of virtually unprecedented proportions in the modern age, has grounded economies and livelihoods to a halt, and has brought forth challenges to health care systems like never before;

WHEREAS, given its overwhelming global impact, there is justification for considering vaccines a global public good, and therefore, exempt from the application patents and copyrights;

WHEREAS, pharmaceutical companies in different countries are in the process of developing vaccines for COVID-19, even as different kinds of medicines are being prescribed for those recovering from the disease;

WHEREAS, there is a valid concern that intellectual property rights, especially patents, make current medicines and medical devices out of reach for most people and will eventually also put vaccines out of the reach especially of the poor;

WHEREAS, all governments, including ours, will endeavor to provide vaccines, with funds coming from the national coffers, even as our government is in dire need of funds for social services and other essential expenditures for employment, health, and education, among others;

WHEREAS, conscious of the health challenges related to COVID-19 and the need for a global solution, the governments

of India and South Africa had submitted to the WTO TRIPS Council a proposal for a "Waiver from certain provisions of the TRIPS Agreement for the prevention, containment and treatment of COVID-19 (IP/C/W/669)" which seeks to suspend implementation, application and enforcement of the relevant provisions of the TRIPS Agreement in relation to prevention, containment, and treatment of COVID-19;

WHEREAS, it is incumbent upon our government, being a developing country with huge economic challenges, to support this initiative;

WHEREAS, there is a long history of advocating for limiting patents protection for essential medicines and reducing monopolies of pharmaceutical companies, as evidenced by the deliberations leading up to the passage of Republic Act No. 9502, otherwise known as "Universally Accessible Cheaper and Quality Medicine Act of 2008";

WHEREAS, a huge number of civil society organisations from all over the world wrote a letter to all the WTO Member seeking their support for the initiative of India and South Africa, arguing that it will enable an expedited, open and automatic global solution to allow uninterrupted collaboration in development, production and supply, and would allow governments to collectively address the global challenge facing all countries: Now, therefore, be it

*Resolved, as it is hereby resolved by the Senate of the Philippines, To urge the Executive Department to support the proposal of the Governments of India and South Africa for the WTO to suspend implementation, application and enforcement of the relevant provisions of the TRIPS Agreement in relation to prevention, containment, and treatment of COVID-19.*

Adopted,



VICENTE C. SOTTO III

*President of the Senate*

This Resolution was adopted by the Senate on  
September 29, 2021.



MYRA MARIE D. VILLARICA  
*Secretary of the Senate*

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