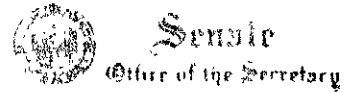


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



15 JUL -6 P3:12

SENATE
P. S. R. No. 1427

RECEIVED BY: JW

Introduced by Senator Miriam Defensor Santiago

RESOLUTION
DIRECTING THE PROPER SENATE COMMITTEE
TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION,
ON THE PREVALENCE OF COUNTERFEIT DRUGS IN THE COUNTRY

1 WHEREAS, the Constitution, Article 2, Section 15, provides: "The State shall
2 protect and promote the right to health of the people and instill health consciousness
3 among them";

4 WHEREAS, Republic Act No. 8203, also known as the "Special Law on
5 Counterfeit Drugs," Section 2, states: "It is also further declared the policy of the State
6 that in order to safeguard the health of the people, the State shall provide for their
7 protection against counterfeit drugs";

8 WHEREAS, the World Health Organization (WHO), in its website, cites the
9 Philippines as one of its members states with national legislation addressing the issue of
10 counterfeit drugs;

11 WHEREAS, fake or substandard pharmaceutical products nonetheless remain
12 prevalent in the Philippines, lending truth to the WHO warning that enacting laws
13 without strictly enforcing them will not solve the problem of counterfeiting;

14 WHEREAS, the Philippines was among the 115 countries identified in a week-
15 long campaign up to 16 June 2015 that resulted in 156 arrests and the seizure of \$81
16 million worth of counterfeit drugs;

17 WHEREAS, latest data from Food and Drug Administration (FDA) also showed
18 that from January to October 2014, the government confiscated some 500 counterfeit
19 medicines manufactured abroad but sold in the Philippine market;

20 WHEREAS, distributors of these fake or substandard drugs have also recently
21 resorted to online marketing, complicating law enforcement;

22 WHEREAS, the *Wall Street Journal* reported on 5 June 2015 that police raided a
23 call center in the Clark Special Economic Zone for alleged online distribution of
24 counterfeit medicine, including viagra;

1 WHEREAS, the U.S. newspaper quoted a pharmaceutical company executive who
2 lauded the raid but expressed disappointment over the fact that no arrests have been made
3 despite the evidence recovered;

4 WHEREAS, the pervasiveness of fake and substandard medicine in the country
5 despite the Special Law on Counterfeit Drugs merits a Senate investigation;

6 WHEREAS, according to the WHO, counterfeit drugs are not equivalent in
7 quality, safety, and efficacy to their genuine counterparts;

8 WHEREAS, the WHO added that even if drugs are of the correct quality or
9 contain the correct amount of active substance, their production and distribution are not
10 within the purview of the FDA, which means that any associated defects and adverse
11 reactions will not be easily recognized or monitored and, if needed, an effective product
12 recall would not be possible;

13 WHEREAS, counterfeit drugs pose risks to public health, and may, as a
14 consequence of damaging effects, erode public confidence in health care systems, health
15 care professionals, the pharmaceutical industry, and national health agencies;

16 WHEREAS, Congress must review existing laws in order to account for factors
17 such as impunity, weak trademark rights protection, and corruption, which according to
18 the WHO perpetuates drug counterfeiting;

19 WHEREAS, Congress must draft laws that will improve intersectoral cooperation
20 between regulatory authorities, police, customs services, and the judiciary to effectively
21 control the national drug market and enforce drug legislation;

22 WHEREFORE, BE IT HEREBY RESOLVED BY THE PHILIPPINE SENATE
23 to direct the proper Senate committee to conduct an inquiry, in aid of legislation, on the
24 prevalence of counterfeit drugs in the country.

Adopted,


MIRIAM DEFENSOR SANTIAGO
RP

/karp