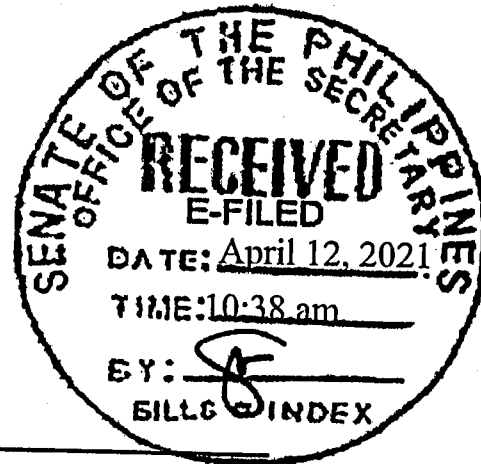


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

P.S. Res. No. 700



Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION

**URGING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION, ON THE STATUS OF THE
NATIONAL GOVERNMENT'S COVID-19 VACCINATION PROGRAM
WITH THE END VIEW OF STREAMLINING THE PROCUREMENT
PROCESS FOR THE PRIVATE SECTOR IN ORDER TO ENSURE
EQUITABLE AND UNENCUMBERED ACCESS TO COVID-19 VACCINES
AND ACCELERATE EXISTING INOCULATION EFFORTS TO PROTECT
THE GENERAL PUBLIC**

1 WHEREAS, Article II, Section 15 of the 1987 Constitution declares that "[t]he
2 State shall protect and promote the right to health of the people and instill health
3 consciousness among them";

4 WHEREAS, Article XIII, Section 11 of the same mandates the State to "adopt
5 an integrated and comprehensive approach to health development which shall
6 endeavor to make essential goods, health and other social services available to all the
7 people at affordable cost." The same section further declares that "[t]here shall be
8 priority for the needs of the under-privileged, sick, elderly, disabled, women, and
9 children";

10 WHEREAS, the national government's COVID-19 vaccination program has
11 struggled to gain any momentum since it officially kicked off on 1 March 2021. A week
12 earlier, it was reported that we were the only remaining Southeast Asian country
13 whose procured vaccines had yet to arrive;¹

¹ Madarang, C. S. (26 February 2021). *COVID-19 vaccines reach all Southeast Asian nations except Philippines*. Retrieved 6 April 2021, from <https://interaksyon.philstar.com/politics-issues/2021/02/26/186349/covid-19-vaccines-reach-all-southeast-asian-nations-except-philippines/>

1 WHEREAS, part of the reason for this delay is the need to thresh out tripartite
2 agreements between the national government, vaccine manufacturers and the
3 procuring entities as the vaccines have not yet been made commercially available;

4 WHEREAS, during the Senate deliberation on Senate Bill No. 2057, several
5 Senators expressed doubts and skepticism of the public over the administration's
6 ability to fast-track the purchase of the vaccines without compromising its quality and
7 pushed for local government units (LGUs) and the private sector to arrange their own
8 deals with drug manufacturers;²

9 WHEREAS, critics also pointed to a requirement under the tripartite agreement
10 that any private company wishing to import vaccines must "donate" half of its order to
11 the government which effectively doubled the cost of procurement and discourages
12 private sector participation in the negotiations for vaccine procurement;³

13 WHEREAS, another cause for delay was the need to legislate an indemnity law
14 to protect vaccine manufacturers from any liability following unexpected adverse
15 events occurring in individuals who are eventually inoculated with their vaccine;⁴

16 WHEREAS, the policy which would lay the groundwork for the national
17 government's COVID-19 vaccination program was codified with the enactment of
18 Republic Act No. 11525, otherwise known as the "COVID-19 Vaccination Program Act
19 of 2021" on 26 February 2021;

20 WHEREAS, Section 5 of the same declares, in part, that "[p]rivate entities may
21 procure COVID-19 vaccines only in cooperation with the DOH [Department of Health]
22 and the NTF [National Task Force Against COVID-19] through a multiparty
23 agreement, which shall include the DOH and the relevant supplier of the COVID-19
24 vaccine";

² Yap, D (18 February 2021) National gov't lags behind LGUs, firms in making vaccine deals – senators. Retrieved last 7 April 2021 from: <https://newsinfo.inquirer.net/1397124/senators-natl-govt-lags-behind-lgus-firms-in-making-vaccine-deals>

³ Villamor, M. (26 November 2020). *Government set to sign tripartite Covid-19 vaccine deal*. Retrieved 6 April 2021, from <https://www.sunstar.com.ph/article/1878119/Manila/Local-News/Government-set-to-sign-tripartite-Covid-19-vaccine-deal>

⁴ Tomacruz, S. & Rey, A. (18 February 2021). *Here's why COVID-19 vaccines haven't arrived in the Philippines yet*. Retrieved 6 April 2021, from <https://www.rappler.com/newsbreak/explainers/why-covid-19-vaccines-not-arrive-philippines>

1 WHEREAS, despite this development, the Philippines has yet to ramp up its
2 vaccination program. In terms of speeding up the procurement process, aside from the
3 government-procured one million doses of Sinovac's COVID-19 vaccine, CoronaVac,
4 which arrived on 29 March 2021, the only vaccines to arrive in the country thus far
5 have been donations either from the Chinese government or World Health
6 Organization-led COVAX facility;⁵

7 WHEREAS, slow procurement has translated to slow inoculations. As of 3 April
8 2021, a total of 795,320 individuals⁶ were reported to have received their first doses of
9 the vaccine. This translates to roughly 1.1 to 1.6 percent of the government's target of
10 50 to 70 million people vaccinated by the end of 2021;⁷

11 WHEREAS, critics have also noted that the bottlenecks and inefficiencies in
12 vaccine procurement have been created by none other than the national government
13 itself. For instance, in 22 March 2021, it was reported that a draft Department of
14 Health (DOH) administrative order (AO) containing the implementing rules and
15 regulations (IRR) for the COVID-19 Vaccination Program Act of 2021 had sought to
16 bar companies from buying COVID-19 vaccines if they make tobacco, milk, sugar,
17 soda, and alcohol products;⁸

18 WHEREAS, after much public backlash, on 23 March 2021. Presidential
19 Spokesperson Harry Roque clarified that the restrictions on private companies in the
20 draft AO by the DOH had been removed and that the requirement for private
21 companies to donate half of their procurement to the national government would be
22 reconsidered;⁹

⁵ Agullar, K. (29 March 2021). *Procured 1-M doses of CoronaVac arrive in PH*. Retrieved 6 April 2021, from <https://newsinfo.inquirer.net/1412632/break-procured-1-million-doses-of-coronavac-arrive-in-ph>

⁶ Ramos, C. M. (5 April 2021). *Nearly 800,000 Filipinos vaccinated vs COVID-19*. Retrieved 6 April 2021, from https://newsinfo.inquirer.net/1414968/nearly-800000-filipinos-vaccinated-vs-covid-19?utm_medium=Social&utm_source=Facebook&fbclid=IwAROUJVDj95BiuNs3DEMYFfahwNMfwg8rLBc6gYJM-5QLVgno-qhkW4MzXbs#Echobox=1617604418

⁷ Tomacruz, S. (6 January 2021). *Philippines targets purchase of 148 million doses of COVID-19 vaccine in 2021*. Retrieved 6 April 2021, from <https://www.rappler.com/nation/philippines-targets-purchase-millions-covid-19-vaccines-doses-2021>

⁸ Cepeda, M. (22 March 2021). *Senators hit 'ridiculous' DOH plan to bar some industries from buying vaccines*. Retrieved 6 April 2021, from <https://www.rappler.com/nation/senators-reaction-doh-plan-bar-some-industries-buying-covid-19-vaccines>

⁹ Aurelio, J. M. & Salaverria, L. B. (23 March 2021). *Firms can now buy own vaccines – Palace*. Retrieved 6 April 2021, from <https://newsinfo.inquirer.net/1410172/firms-can-now-buy-own-vaccines>

1 WHEREAS, on 29 March 2021, President Duterte gave orders to vaccine czar
2 Carlito Galvez “to sign any and all documents that would allow the private sector to
3 import at will”.¹⁰ When asked to clarify the President’s statement, Sec. Galvez stated
4 that it was “meant to fast-track the purchase of vaccines to avoid the impression that
5 the government is controlling the procurement”;¹¹

6 WHEREAS, despite these pronouncements, the general framework for vaccine
7 procurement remains the same. Unless there is a conscious effort to get to the root of
8 the problem and change the tripartite agreements that cause bottlenecks and
9 disincentivizes private sector participation, and allow the private sector to directly
10 import vaccines without the unnecessary red tape, the country will continue to fall
11 short of its vaccination procurement targets for 2021 and beyond;

12 WHEREAS, on 26 March 2020, the World Bank said that in countries “where
13 COVID-19 control has not been achieved, like Indonesia and the Philippines, rapid
14 vaccination is a priority to reduce high numbers of deaths and pressure on struggling
15 health systems.” It flagged the “worrisome state” of the Philippine economy; the
16 recovery of which would be “contingent on an improved external environment, a
17 successful vaccination program, and the loosening of movement restrictions”;¹²

18 WHEREAS, economist Katrina Ell of the economic research company Moody’s
19 Analytics said that the limited number of vaccines in the Philippines, along with the
20 surge of infections were “reasons for concern.” Moody’s analytic also warned that with
21 limited available vaccines, the Philippines faces continued outbreaks in the near
22 term;¹³

23 WHEREAS, at the rate things are going, with barely enough vaccines for one
24 percent of the population, experts warned that vaccinating the Philippines could take
25 years, and health workers now fear that this slow vaccination would cause the

¹⁰ Ranada, P. (30 March 2021). *Duterte orders Galvez to allow private sector to import vaccines 'at will'*. Retrieved 6 April 2021, from <https://www.rappler.com/nation/duterte-orders-galvez-allow-private-sector-import-vaccines>

¹¹ Salaverria, L. B. (31 March 2021). *What Duterte meant when he said companies could buy vaccines 'at will'*. Retrieved 6 April 2021, from <https://newsinfo.inquirer.net/1413192/what-duterte-meant-when-he-said-companies-could-buy-jabs-at-will>

¹² de Vera, B. (27 March 2021) *WB notes poor vaccine rollout; PH economy in 'worrisome state'*. Retrieved 07 April 2021, from <https://business.inquirer.net/320164/wb-notes-poor-vaccine-rollout-ph-economy-in-worrisome-state>

¹³ *Ibid.*

1 Philippines to be a hotbed of variants by then. Frontline health worker, Dr. Genalyne
2 Maroon-Berzabal who has witnessed firsthand the latest surge in COVID-19 infections
3 in the Philippines, said that “the supply is extremely small, we all need to vaccinate as
4 soon as possible to save our lives”;¹⁴

5 WHEREAS, the private sector has shown willingness and competence to help
6 address the issue of bottlenecks and inefficiencies in vaccine procurement. The
7 national government should not become an obstacle to private companies with its
8 delays, hurdles and ill-considered preconditions;

9 WHEREAS, there is an urgent need to revisit and improve the procurement
10 process and come up with solutions to help liberalize access to vaccines in order to
11 ensure the success of the national vaccination program;

12 WHEREAS, the laggard approach of the government to implement mass
13 vaccination swiftly and efficiently has wasted the global effort to discover and
14 manufacture vaccines in record time. It is a waste of opportunity at the cost of public
15 health and to the detriment of Filipinos who remain fearfully locked in their homes
16 waiting in vain for the government to step up in its Constitutional mandate to protect
17 the right to health of all;

18 WHEREAS, mass vaccination in the most expeditious manner is necessary in
19 order to combat the possibility of new strains which could potentially wreak havoc at
20 an unprecedented and exponential rate than ever before. Any such lackadaisical
21 attitude from the government must condemned;

22 WHEREAS, the State must heed the warning of experts that vaccination is
23 essential for the desired “population immunity”. Government’s lackluster
24 performance in its vaccination campaign, which caused the Philippines to be the last
25 Southeast Asian country to commence inoculation, is unacceptable, and made
26 deplorable by the reported fact of advance clandestine vaccination which is contrary
27 to the priority list set by the government, of personalities with close ties to President
28 Duterte, as well as members of the Presidential Security Group (PSG);

¹⁴ Barker, A. (21 March 2021) *Vaccinating the Philippines could take two years. Health workers fear it will be a hotbed of variants by then*. Retrieved 07 April 2021, from <https://www.abc.net.au/news/2021-03-21/philippines-fears-third-wave-of-coronavirus-as-vaccine-stalls/13250372>

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to urge the
2 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the status
3 of the National Government's COVID-19 Vaccination Program with the end view of
4 streamlining the procurement process for the private sector in order to ensure
5 equitable and unencumbered access to COVID-19 vaccines and accelerate existing
6 inoculation efforts to protect the general public.

Adopted,


HEILA M. DE LIMA