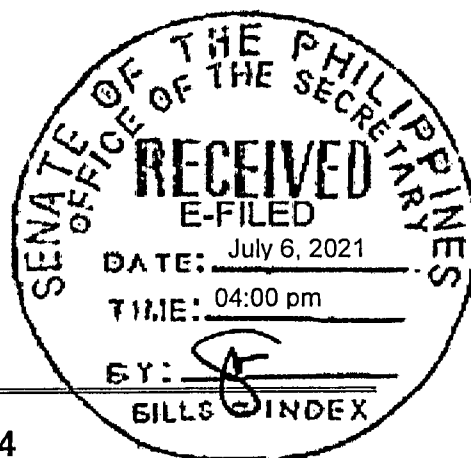


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )

SENATE



COMMITTEE REPORT NO. 274

Submitted by the Committee on Foreign Relations on July 6, 2021.

Re : P.S. Res. No. 560

Recommending the adoption of the recommendations and their immediate implementation

Sponsor: Senator Aquilino "Koko" Pimentel III

**MR. PRESIDENT:**

The Committee on Foreign Relations to which was referred **P.S. Res. No. 560**, introduced by Senator Risa Hontiveros, entitled:

**"RESOLUTION**

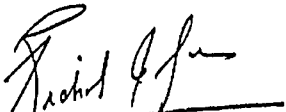
**URGING THE EXECUTIVE DEPARTMENT THROUGH THE DEPARTMENT OF FOREIGN AFFAIRS TO SUPPORT THE PROPOSAL OF INDIA AND SOUTH AFRICA FOR THE WTO TO SUSPEND IMPLEMENTATION, APPLICATION AND ENFORCEMENT OF THE RELEVANT PROVISIONS OF THE TRIPS AGREEMENT IN RELATION TO THE PREVENTION, CONTAINMENT, AND TREATMENT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

has considered the same and has the honor to report it back to the Senate, recommending the adoption of the recommendations as contained in this Report and their immediate implementation.

Respectfully submitted:

  
AQUILINO "KOKO" PIMENTEL III  
*Chairperson*  
Committee on Foreign Relations

*Vice-Chairpersons*

  
**RICHARD J. GORDON**

  
**FRANCIS "TOL" N. TOLENTINO**

**RONALD "BATO" DELA ROSA**

**EMMANUEL "MANNY" D. PACQUIAO**

*Members*

  
**CHRISTOPHER BONG GO**

**PANFILO M. LACSON**

**MANUEL "LITO" M. LAPID**

**JOEL VILLANUEVA**

**RAMON BONG REVILLA, JR.**

  
**GRACE POE**

  
**WIN GATCHALIAN**

  
**RISA HONTIVEROS**

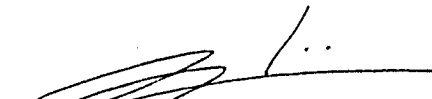
  
**FRANCIS N. PANGILINAN**

**LEILA M. DE LIMA**


*Ex-Officio Members*



**RALPH G. RECTO**  
*President Pro-Tempore*



**JUAN MIGUEL F. ZUBIRI**  
*Majority Leader*



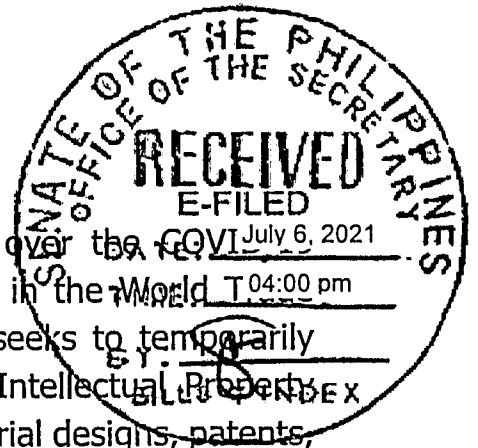
**FRANKLIN M. DRILON**  
*Minority Leader*

**HON. VICENTE C. SOTTO III**  
*Senate President*

FOR THE COMMITTEE REPORT ON THE RESOLUTION  
URGING THE EXECUTIVE DEPARTMENT THROUGH THE DEPARTMENT OF  
FOREIGN AFFAIRS 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

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LEILA M. DE LIMA



## I. INTRODUCTION

In October 2020, amidst rising global concern over the COVID-19 pandemic, India and South Africa initiated a proposal in the World Trade Organization (WTO) calling for a TRIPS Waiver that seeks to temporarily suspend provisions in the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement relating to copyrights, industrial designs, patents, and protection of undisclosed information to ramp up the production of therapeutics and vaccines globally so as to address the worsening pandemic.

The waiver would allow WTO members to choose to neither grant nor enforce certain sections of the TRIPS agreement. This would allow WTO member states to collaborate on manufacturing, scaling up, and supplying COVID-19 medical tools equitably.

The waiver would only be temporary in effect until the WHO declares global herd immunity. It would apply only to those drugs, vaccines, and medical technologies related to the prevention, containment, or treatment of COVID-19. And it would be optional — countries could elect not to abide by the waiver.

While the United States was originally opposed to the waiver, US President Joe Biden announced last May 5, 2021 support for a global waiver on patent protections for COVID-19 vaccines.

### **Mandate**

The proposal contained in the WTO Official Document No. IP/C/W/669 (2 October 2020) requests that the WTO General Council issue a decision that would provide that:

The obligations of Members to implement or apply Sections 1, 4, 5 and 7 of Part II of the TRIPS Agreement or to enforce these Sections under Part III of the TRIPS Agreement, shall

be waived in relation to prevention, containment or treatment of COVID-19 from the decision of the General Council. The four Sections pertain to the following intellectual property subjects:

- copyrights (Section 1)
- industrial designs (Section 4)
- patents (Section 5)
- undisclosed information/trade secrets (Section 7)

The proposed TRIPS Waiver was requested in accordance with the provisions of the Marrakesh Agreement Establishing the WTO. Under Article IX.3 and IX.4 of the Marrakesh Agreement, in exceptional circumstances, a waiver from certain obligations under WTO Treaties, such as the TRIPS Agreement, can be decided by WTO Members at a WTO Ministerial Conference and, during intervals of Ministerial Conferences, by the General Council (GC).

During the dedicated TRIPS Council sessions on the proposed TRIPS waiver held in the last quarter of 2020, there was a general agreement that the primary objective in the global fight against the COVID-19 pandemic is to rapidly develop and manufacture safe and effective COVID-19 vaccines and to expedite their distribution equitably across the world.

The waiver proponents stress that much of the vaccine technology and know-how is protected by patents and trade secrets, which effectively denies access to the biomaterials and manufacturing processes. Thus, in their view, lifting the monopoly conferred by Intellectual Property Rights (IPRs) around vaccine technologies and know-how will facilitate the sharing of such technologies, expedite production, and also give other potential manufacturers legal certainty and freedom to produce such vaccines and therapeutics to meet global demand.

As of the last TRIPS Council Meeting on 10-11 March 2021, no consensus has been reached. Members will hence continue discussions at the TRIPS Council this year. The next regular TRIPS Council Meeting will be

held on 8-9 June 2021 but Members agreed to consider additional meetings in April to assess progress on the TRIPS waiver discussions.

### **Wide Developing Country Support**

The waiver proposal is supported by many developing and least-developed countries but opposed by the developed and industrialized economies. To date, there are over 100 supporters of the said proposal among WTO members.

Pursuant to the quest to provide adequate health services to the people and to protect the entire population from the unprecedented global effect of the COVID-19 pandemic, the following resolution was filed in the Senate:

**SRN 560** - Resolution Urging the Executive Department Through the Department of Foreign Affairs 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.  
(by Sen. Risa Hontiveros)

Citing the unprecedented challenges from the COVID-19 pandemic, both in terms of huge impacts on public health and the economy; and the need to address concerns over equitable access to vaccines, other medicines and supplies necessary for the containment, prevention and treatment of COVID-19, the resolution calls on the Executive Department through the Department of Foreign Affairs to support the TRIPS Waiver proposal.

## **Recent Updates: US Support and the Revised Text**

It is important to note that in May 2021, the United States threw its support for the TRIPS Waiver. A statement issued by the US Trade Representative Office announced the new US position, to wit: "The (new Biden-Harris) administration believes strongly in intellectual property protections, but in service of ending this pandemic, supports the waiver of those protections for COVID-19 vaccines. We will actively participate in text-based negotiations at the WTO needed to make that happen. Those negotiations will take time given the consensus-based nature of the institution and the complexity of the issues involved." <sup>1</sup>

A Revised Decision Text was submitted by sponsors of the proposal last 21 May 2021 with the aim to progress text-based negotiations. The revised text purportedly takes into account already the discussions and feedback received in the course of the TRIPS Council deliberations on the Waiver Proposal. <sup>2</sup>

The revised text reflects the "concern of continuous mutations and emergence of new variants" and the global need for access as well as the importance of diversifying production and supply. It further underscored that these issues and concerns have become even more acute and critical since the submission of the proposal in October 2020.

On the issue that the original text was too broad, the revised text addresses the concern by focusing the text on "health products and technologies". This is because the prevention, treatment and containment of COVID-19 involved a range of products and technologies and intellectual property issues may arise with respect to the products and technologies, their material or components, as well as their methods and means of manufacture.



The revised text proposes that the waiver be in force for at least three (3) years from the date of the decision, with a provision for a review of the Waiver by the General Council not later than one (1) year after it is granted and thereafter annually until the waiver is terminated.

## **II. COMMITTEE'S ACTION**

The Committee on Foreign Relations (CFR) conducted virtual public hearings on 4 February 2021 and 18 March 2021 to discuss all the pending resolutions and bills referred to the Committee and to get updates on how the matters under the resolutions were disposed of by the concerned government authorities.

On the specific matter pertaining to the proposal to suspend the relevant provisions of the TRIPS Agreement, the CFR clarified the matter with the Department of Foreign Affairs (DFA), the Philippine Representative to the WTO, the Department of Trade and Industry (DTI), Intellectual Property Office - Philippines (IPOP HL), Department of Justice (DOJ) and some Non-Government Organizations (NGOs) such as Trade Justice Pilipinas and Third World Network, among others.

## **III. FINDINGS**

During the public hearings of the CFR on the matter, the following facts, issues and challenges were raised:

1. The TRIPS is one of the WTO agreements to which the Philippines has acceded since 1995. The Treaty requires our country to protect intellectual property rights. However, these rights also grant

intellectual property holders the monopoly rights over production and supply of essential medical products such as medicines and vaccines which, in turn, can hinder timely affordable access to such products and hinder containment of COVID-19.<sup>3</sup>

2. Clearly, there is an urgent need to expand and diversify supply options and enable manufacturers from across the world to ramp up vaccine production. For this to happen, intellectual property barriers must be removed even if only temporarily.<sup>4</sup>
3. The European Union (EU) has put in place measures that may limit export of vaccines to the Philippines. COVAX, the WHO-led initiative to provide vaccines to 180 countries, can only make two (2) billion doses available by the end of 2021, thus good only for less than one-third (1/3) of the 6.4 billion people of the world's population.<sup>5</sup>
4. There are 11 co-sponsors (countries) of the India, South Africa proposal, namely -- Kenya, Eswatini, Mozambique, Pakistan, Bolivia, Venezuela, Mongolia, Zimbabwe, Egypt, the African Group and the Least Developed Countries (LDCs) Group.

In support of the initiative are: Sri Lanka; Cambodia; Bangladesh; Nepal; Chad; Indonesia; Afghanistan; Mauritius; Argentina; Jamaica; and China.

The countries that continue to oppose are: EU; Canada; UK; Japan; and Australia, among others.

Spain and France, on the other hand, expressed their support for waiver of patent laws with respect to COVID-19 vaccines.

5. The DFA said that it will think about supporting the proposal of India and South Africa but not instinctively join right now those who are

supporting it. According to DFA Secretary Teodoro Locsin, "We do not want to kill the goose that laid the golden egg. Big pharma has come to our rescue. Let us be careful about condemning the manufacturers."<sup>6</sup>

6. The Philippine position as articulated by Philippine Ambassador to the WTO Manuel Teehankee at the March 18 committee hearing is that of "constructive listening", carefully weighing the issues and concerns of both sides of the debate.<sup>7</sup>
7. In the WTO, decisions such as the proposal to waive existing obligations would require a consensus among the 153 member-states of the WTO. If there is no consensus, it then requires a three fourth (3/4) majority vote which is about 115 votes.
8. There is a wide divergence of views in the WTO so the chair of the WTO TRIPS Council has made a decision to continue the discussions on the issue.<sup>8</sup>
9. There is an ongoing debate whether or not the provisions of the WTO TRIPS Agreement and flexibilities under the Doha Declaration of TRIPS and the TRIPS amendment under Article 32bis are sufficient to address public health needs and emergencies. In the proposed waiver, the proponents argue that the flexibilities are inadequate and their procedure is cumbersome.
10. The trade and health justice advocates argued that implementation barriers to existing flexibilities continue to persist, raising concerns that the ability to issue compulsory licences would not be enough since they would have to be issued on a country-by-country, and case-by-case basis.<sup>9</sup>

They add that the rules covering export of a compulsory licensed product to a country lacking its own production capacity are also so complex, as Article 31bis requires that any product produced and exported under a compulsory license be identified with specific packaging and quantities, which can lead to unnecessary delays in the context of COVID-19 where countries need urgent access to medical tools.

Furthermore, they raise the issue of constant pressure and bullying tactics employed by rich countries. They also cited a WHO report: A WHO study on medicine procurement and the use of flexibilities highlighted several cases when the compulsory licences "caused a widespread controversy because of the harsh responses they provoked by the United States of America and the European Union, both of which discouraged the uptake of TRIPS flexibilities.

The said flexibilities, however, have been available to all WTO members although rarely used. Similarly, special compulsory licensing which allows, subject to certain conditions, the importation of patented products without the consent of the patent owners have never been used in the Philippines.<sup>10</sup>

11. The Intellectual Property Office of the Philippines (IPOP HL) argues that the terms and conditions of the proposal are broad and vague. As of the last session of the TRIPS Council, the scope, length, and manner of implementation of the proposed waiver, terms and conditions are still unclear. Whereas, the broad coverage and unclear information will result to an unpredictable and unstable intellectual property system which may undermine its effectiveness as an incentivizing mechanism for research and development.<sup>11</sup>

12. Also, according to the IPOP HL, there will be a need to amend Republic Act No. 8293, the Intellectual Property Code of the

Philippines, once the waiver is approved and in place so that it may be implemented under our Intellectual Property laws.<sup>12</sup>

On this issue, Trade Justice reiterates its position that the critical and most pressing task at this point is for the Philippine government to support the Waiver proposal and constructively engage in the text-based negotiations with the view of having the TRIPS Waiver adopted by the General Council expeditiously. Even if the TRIPS Waiver is approved, our government need not amend our laws if it does not see the need to avail of the waiver. If and when the Waiver Proposal is adopted and the Philippine government opts to use the waiver, it can then work out how best to operationalize or implement the Waiver in its jurisdiction. It can even collaborate with other countries with respect to how to properly amend national laws in order to take advantage of the waiver.<sup>13</sup>

13. The Intellectual Property Office of the Philippines and the Department of Trade and Industry raised their concerns that the waiver would go against existing obligations under several trade agreements such as the Regional Comprehensive Economic Partnership (RCEP), the PH-EU Free Trade Association (FTA), the ASEAN, Australian and New Zealand FTA which are based on our commitments under the TRIPS Agreement.<sup>14</sup>

On this issue, trade justice advocates argued that while RCEP—an international agreement mentioned by the IPOPHL representative in the hearing—negotiations were completed in 2020, it has yet to be ratified by President Duterte before seeking concurrence from the Senate. They further stated in their submission that RCEP in this case has created a chilling effect against a policy that clearly supports the national interest.<sup>15</sup>

The Trade Justice advocates cited cases identified by Médecins Sans Frontières (MSF) where developed countries with big pharmaceutical interests have used free trade agreements to undermine government's policy space and TRIPS flexibilities.

According to MSF Access Campaign, "Despite the UN High-Level Panel on Access to Medicines' call for governments to "refrain from explicit or implicit threats, tactics or strategies that undermine the right of WTO Members to use TRIPS flexibilities," the systematic undermining of their use by the EU, Japan, Switzerland, and the US through free trade agreements and bilateral pressure is well documented. Over the years such pressure has undermined the practical and institutional capacity required to exercise TRIPS flexibilities during the pandemic quickly and effectively.

On the broader concern that suspending key protections of the TRIPS Agreement would send the wrong message to industry investors, supporters of the waiver highlight the huge public funding poured into R&D for COVID-19—more than 70 billion USD mostly from governments including many developing countries governments; it is taxpayers in different countries who have invested in the COVID-19 R&D. Senator Risa Hontiveros cited a report during the Committee Hearing last February 4 from Scientific American that shows how "basic Government-funded science laid the groundwork for the development and production of the billion-dollar vaccines."

14. There is an available mechanism under the existing TRIPS Agreement wherein possible exceptions can be considered. Based on a study of South Centre experts, one possible exception is Article 73, that is on security where the member-state considers the measure necessary for the protection of its essential security interests and the same is taken in times of emergency.<sup>16</sup>

#### **IV. CONCLUSIONS**

1. The Philippines remains committed to the rule of law, including the respect for intellectual property rights at the national and international levels. It is precisely in this spirit that the Senate would like to express its support to follow legal processes by which to waive temporarily intellectual property rights with respect to vaccines, medicines, medical supplies, etc.—all only for COVID-19.
2. The proposal for a waiver on certain IP provisions offers an expedited, open and automatic global solution that allows for uninterrupted collaboration in development and scaling up of production and supply and that collectively addresses the global challenge facing all countries.
3. The proposed waiver is limited and does not suggest a waiver from all possible TRIPS obligations, nor does it suggest a waiver beyond what is needed for COVID-19 prevention, containment and treatment. The revised decision text has proposed a period of three (3) years.<sup>17</sup>
4. The waiver does not suspend all of our WTO treaty obligations, not even all obligations under the TRIPS agreement but only certain sections of that agreement which, as mentioned, are those relating to copyrights, industrial designs, patents, and trade secrets.
5. The suspension is temporary and is premised upon the need for a global response to an unprecedented global pandemic.
6. The Philippines has no manufacturing capacity to develop the vaccine yet and we rely on securing supplies and importing them to the Philippines. It is in our interest therefore that production of vaccines be ramped up and barriers to production in more countries are

removed so that countries like the Philippines would have more choices and opportunities to procure these vaccines at more affordable prices. In other words, the Philippines does not need to be the one to manufacture these vaccines. But more importantly, helping remove the barriers to productions would enable those countries that have manufacturing capabilities to be able to produce these COVID-19 vaccines for our benefit.

7. Nonetheless, currently, the Serum Institute of India (SII) has taken on the task of producing and supplying vaccines to developing countries, specifically the UK Oxford/AstraZeneca and US Novavax brands. According to Secretary Galvez, it has even committed to a technology transfer to allow us to regain our manufacturing capacity in vaccine production<sup>18</sup>. Similarly, it has been reported that Moscow is willing to partner with local firms to produce the Russian-developed Sputnik V vaccines in the Philippines.<sup>19</sup> Perhaps, getting the TRIPS waiver at the global level would hasten this process of technology transfer.
8. It is a sad reality that the rich countries like the United Kingdom have booked millions of doses well in advance and have extra vaccines to inoculate their population three times over. Still, they have aggressively blocked this TRIPS waiver proposal.
9. According to a news report, "This is exactly why the world is lagging behind in the global vaccination drive. It's because the supplies have been limited by design. Only a few companies are being allowed to make vaccines right now. More than one billion shots have been administered so far and 87 per cent of these have gone to rich countries. One in four people in wealthy countries have gotten a jab. What about the poor countries? Just one in 500 have gotten a shot in these nations... Around 185,000,000 doses are being administered daily around the world. At this pace, it would take at least 19 more



months to inoculate 75 per cent of the world population, which means extending this pandemic for at least two more years. If the world wants to end this pandemic, it must end vaccine patents first.”<sup>20</sup>

## **V. RECOMMENDATION**

The CFR, after consultations and a careful study of the issue at hand, respectfully recommends the following legislative action:

### **Legislative Action Needed**

**Adopt Senate Resolution No. 560** that strongly endorses and recommends to the Office of the President, through the DFA, to support the proposal of India and South Africa for the WTO to Temporarily Suspend Implementation, Application and Enforcement of the Relevant Provisions of the TRIPS Agreement in Relation to the Prevention, Containment, and Treatment of COVID-19. This is to enable an expedited, open and automatic global solution to allow uninterrupted collaboration in development, production and supply, and would allow governments to collectively address this current global health crisis.

The urgent task at the moment is for the Philippine government to notify the WTO TRIPS Council of its support for the Waiver Proposal, and its constructive engagement in the text-based negotiations.

Lastly, express the sentiment of the Senate that despite its support for a temporary TRIPS Waiver for COVID-19-related vaccines and drugs, our country must continue respecting and enforcing intellectual property rights.

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<sup>1</sup> Statement from Ambassador Katherine Tai on the Covid-19 TRIPS Waiver. Office of the US Trade Representative. May 5, 2021. <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2021/may/statement-ambassador-katherine-tai-covid-19-trips-waiver>.

<sup>2</sup> Revised Decision Text. Waiver from Certain Provisions of the TRIPS Agreement for the preventions, containment and treatment of Covid-19. IP/ C/W/669/ Rev.1. <https://www.keionline.org/wp-content/uploads/W669Rev1.pdf>.

<sup>3</sup> Statement of Trade Justice Pilipinas

<sup>4</sup> Statement of Trade Justice Pilipinas

<sup>5</sup> Statement of Trade Justice Pilipinas

<sup>6</sup> Statement of Secretary of Foreign Affairs Teodoro Locsin Jr.

<sup>7</sup> Statement of Ambassador Manuel Teehankee

<sup>8</sup> Statement of DFA Usec Yparraguirre

<sup>9</sup> Why the Philippines should support the TRIPS Waiver proposal in the WTO  
Position paper of Trade Justice Pilipinas submitted to the Senate Foreign Relations Committee chaired by Sen. Aquilino Pimentel III. February 2020.

<sup>10</sup> Statement of IPOPHL.

<sup>11</sup> Statement of IPOPHL

<sup>12</sup> Statement of IPOPHL

<sup>13</sup> Statement of Trade Justice Pilipinas

<sup>14</sup> Statement of IPOPHL

<sup>15</sup> Why the Philippines should support the TRIPS Waiver proposal in the WTO  
Position paper of Trade Justice Pilipinas submitted to the Senate Foreign Relations Committee chaired by Sen. Aquilino Pimentel III. February 2020.

<sup>16</sup> Statement from DTI

<sup>17</sup> Revised Decision Text. Waiver from Certain Provisions of the TRIPS Agreement for the preventions, containment and treatment of Covid-19. IP/ C/W/669/ Rev.1. <https://www.keionline.org/wp-content/uploads/W669Rev1.pdf>.

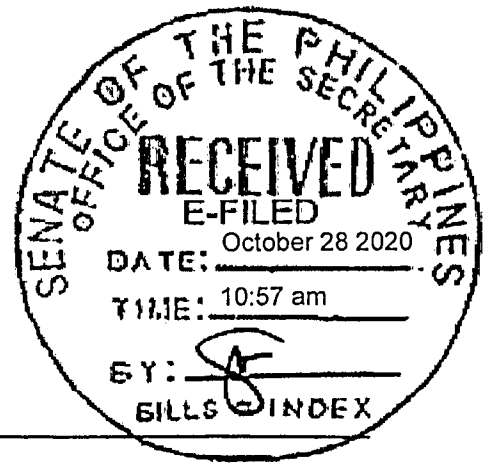
<sup>18</sup><https://news.abs-cbn.com/news/03/17/21/serum-institute-of-india-offers-to-help-philippines-make-own-vaccines-galvez>.

<sup>19</sup> <https://www.pna.gov.ph/articles/1134279>.

<sup>20</sup> <https://www.wionews.com/world/will-rich-countries-share-vaccines-or-patents-380945>.

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

SENATE  
P.S.R. No. 560



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INTRODUCED BY SENATOR RISA HONTIVEROS

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**RESOLUTION**

**URGING THE EXECUTIVE DEPARTMENT THROUGH THE DEPARTMENT OF FOREIGN AFFAIRS 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 Organisation, 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, industrial design, etc.;

**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 ground 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 its vaccine 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, education, etc.;

**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 the Cheaper Medicines Act;

**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**, that the Senate of the Philippines urge the Philippine government through the Department of Foreign Affairs 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,

  
**RISA HONTIVEROS**  
Senator