

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

OFFICE OF THE SECRETARY

9 NOV 19 P5:57

SENATE

P. S. Res. No. 1483

RECEIVED BY: 

INTRODUCED BY THE HONORABLE MAR ROXAS

A RESOLUTION

DIRECTING THE SENATE COMMITTEE ON TRADE AND COMMERCE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, TO INVESTIGATE AND LOOK INTO THE POSSIBLE UNFAIR TRADE PRACTICES COMMITTED BY PFIZER INCORPORATED AND OTHER MULTINATIONAL PHARMACEUTICAL COMPANIES, WHICH EFFECTIVELY THREATENS THE ACCESS OF FILIPINO CONSUMERS TO LOWER-PRICED MEDICINES, WITH THE END VIEW OF PROPOSING REMEDIAL LEGISLATIVE MEASURES TO STRENGTHEN TRADE LAWS THAT WOULD FURTHER PROTECT THE RIGHTS AND INTERESTS OF THE FILIPINO PEOPLE.

WHEREAS, Section 11, Article XIII of the 1987 Constitution states in no uncertain terms that the State shall adopt an integrated and comprehensive approach to health and development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost;

WHEREAS, Section 19, Article XII of the 1987 Constitution also provides that the State shall regulate or prohibit monopolies when the public interest so requires and that no combinations in restraint of trade or unfair competition shall be allowed;

WHEREAS, Section 2 of Republic Act No. 9502, otherwise known as the *Universally Accessible Cheaper and Quality Medicines Act*, clearly declares the policy of the State to protect public health and to adopt appropriate measures to promote and ensure access to affordable quality drugs and medicines for all;

WHEREAS, on 26 October 2009, a news article from the Philippine Daily Inquirer reported that Pfizer Incorporated, through a demand letter from its lawyer, is threatening to pursue legal charges against retail drugstores that sell Unilab's "Avamax," a generic version of the anti-cholesterol drug "Atorvastatin Calcium" as this allegedly infringes the patent of Pfizer's "Lipitor;"

WHEREAS, the patent for "Atorvastatin Calcium" is still being disputed by Pfizer and Unilab at the Intellectual Property Office, for which a case is still pending;

WHEREAS, in the same Pfizer demand letter, it also required retail drugstores that received the same to undertake and agree that it will "forever desist" from



promoting, advertising, distributing or selling generic versions of "*Atorvastatin Calcium*,"

WHEREAS, Pfizer's demand from retail drugstores to stop selling the generic version of "*Atorvastatin Calcium*" and to forever desist from promoting the same can be seen as a means to prevent the manufacture, marketing and sale of competing or rival products like the generic version of "*Atorvastatin Calcium*," under the guise of intellectual property protection, despite the provision in Republic Act 9502 which disallows extensions of patents for "new uses;"

WHEREAS, it must be remembered that Republic Act No. 9502 specifically amended pertinent provisions of the Intellectual Property Code of the Philippines, and liberalized the application of intellectual property laws, in order to promote wider competition, with the intention of lowering the prices of medicines;

WHEREAS, there have also been news reports that a leading major drugstore chain does not carry or refuses to sell medicines that are priced lower than those sold by multinational pharmaceutical companies like Pfizer;

WHEREAS, Pfizer's tactics of trying to prevent retail drugstores from selling the generic version of "*Atorvastatin Calcium*," taken together with the news report that a leading drugstore chain refuses to sell medicines cheaper than Pfizer products, is a possible unfair trade practice that is in restraint of trade and promotes unfair competition, to the damage and prejudice of Filipino consumers;

WHEREAS, there is an urgent and imperative need to break the monopolistic grip that multinational pharmaceutical companies have over essential drugs and medicines in the country, in order to finally make cheaper quality medicines a reality to the Filipino people;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the Senate Committee on Trade and Commerce be directed to conduct an inquiry, in aid of legislation, investigate and look into the possible unfair trade practices of Pfizer Incorporated and other multinational pharmaceutical companies, which effectively threatens the access of Filipino consumers to lower-priced medicines, with the end view of proposing remedial legislative measures to strengthen trade laws that would further protect the rights and interests of the Filipino people.

Adopted,


M A R ROXAS
Senator