

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE RESOLUTION NO. 1831



Introduced by Honorable Representatives

ARLENE D. BROSAS (Gabriela Women's Party);
CARLOS ISAGANI T. ZARATE, EUFEMIA C. CULLAMAT and FERDINAND R. GAITE (Bayan Muna);
FRANCE L. CASTRO (ACT Teachers); and SARAH JANE I. ELAGO (Kabataan)

A RESOLUTION URGING THE PHILIPPINE GOVERNMENT TO SIGN AND UNCONDITIONALLY SUPPORT THE TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS (TRIPS) WAIVER AT THE WORLD TRADE ORGANIZATION (WTO) FOR THE PREVENTION, CONTAINMENT, AND TREATMENT OF COVID-19

WHEREAS, it is stated in Article 2, Section 15 of the 1987 Constitution that “the State shall protect and promote the right to health of the people and instill health consciousness among them”;

WHEREAS, under the same Constitution, in Article 13, Section 11, it is provided that “the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost”;

WHEREAS, also in the aforementioned Article 13, Section 12, it is written that “the State shall establish and maintain an effective drug regulatory system and undertake appropriate health, manpower development, and research, responsive to the country’s health needs and problems”;

WHEREAS, now is seamlessly the time to uphold the above-quoted constitutional imperatives, especially given the circumstance that the country has been on endless lockdowns since the start of the spread of COVID-19 March last year;

WHEREAS, to date, the Philippines has fully vaccinated barely 1% of its population of more than 108 million people;

WHEREAS, while the vaccine rollout steadily remains to be inefficient, the Philippines’ total number of COVID-19 cases is at 1,235,467, with death tolls now at 21,012, with the average of 1,200 cases per day;

WHEREAS, consequently, high drug price, prolonged monopolies, and patent protection is dictated through the World Trade Organization – Trade Related Aspects of Intellectual Property Rights (WTO-TRIPS) Agreement;

WHEREAS, under TRIPS, transnational drug companies have the right to impose patents on their products meaning they gain the right to exclusively manufacture, use, and sell patented medicine. Each patent has a minimum effectivity of twenty years;

WHEREAS, despite the Doha Declaration of 2001, attempts at compulsory licensing and parallel importation have been met with legal challenges by pharmaceutical companies and states protecting patents over the people's health;

WHEREAS, since May 29, 2020, the World Health Organization (WHO) proposed a COVID–Technology Access Pool (C-TAP) designed to share knowledge to rapidly scale up vaccine production but the vaccine companies refused to voluntarily participate;

WHEREAS, rules on granting patents legitimizes expensive pricing and favors the interests of pharmaceutical companies for profits over peoples' right to access to affordable medicines;

WHEREAS, measures to ensure access to quality medicines should not compromise access to medicines;

WHEREAS, approximately 80% of manufactured vaccine doses have already been purchased by developed countries in the Americas and Europe, with well more than what is needed by their population;

WHEREAS, on October 2, 2020, at the meeting of the WTO-TRIPS Council, India and South Africa proposed for a temporary waiver of certain TRIPS obligations in response to the raging COVID-19 pandemic. This proposal aims to waive off all kinds of intellectual property such as patents, industrial designs, trade secrets and copyright, from all COVID-19 related medical tools;

WHEREAS, according to the proponents, the objective is "to avoid barriers to the timely access to affordable vaccines and medicines or to scaling-up of research, development, manufacturing and supply of essential medical products";

WHEREAS, on November 9, 2020, this has been co-sponsored by the delegations of Bolivia, Egypt, Eswatini, Fiji, India, Indonesia, Kenya, Maldives, Mozambique, Mongolia, Namibia, Pakistan, South Africa, Vanuatu, the Bolivarian Republic of Venezuela and Zimbabwe. Over 100 developing countries have joined the effort and also supported the proposal;

WHEREAS, last February 15, 2021, open letters on the waiver have been sent to policy makers of countries that are uncertain on the process, including to the representatives of the European Commission, United Kingdom, Germany, France, Spain, Italy, Netherlands, Norway, Denmark, Canada, Japan and Australia;

WHEREAS, on May 8, 2021, the United States government recently agreed for text-based negotiations and declared that it will support the TRIPS waiver;

WHEREAS, on May 23, 2021, Indonesia joined a revised proposal with the duration of three years, with 62 co-sponsors, to waive patent regulations that might allow for faster and better distribution and procurement of vaccines and other technologies;

WHEREAS, the TRIPS waiver reiterates the importance in assuring availability and accessibility of all health and medical products (including personal protective equipment, vaccines, medicines and diagnostics) to confront the COVID-19 pandemic;

WHEREAS, the TRIPS waiver is admittedly a recognition of the urgency to act on the global health emergency happening now and a reflection of the stand that access to health care, to COVID-19 health technologies, must be universal, must be for the general public;

WHEREAS, if the waiver is to be adopted, strong and clear advocacy is needed now, particularly directed to those governments, like the Philippines, who are quiet about supporting the proposal in the TRIPS Council;

WHEREAS, the TRIPS waiver aims to alleviate the problem of vaccine equity, especially affecting developing countries with less manufacturing or procurement capabilities such as the Philippines;

WHEREAS, with the emerging pandemic, public health should be the Philippine government's top priority;


WHEREAS, stipulations in the proposed waiver can stimulate incentive for local manufacturers and strengthen health infrastructure for and beyond the present pandemic;

WHEREAS, the current health care system of the country is highly dependent on out-of-pocket spending amid commercialization and privatization of health services. This is not the health care system the people need. According to the Coalition for People's Right to Health, "By ensuring access and availability to free, comprehensive, and progressive health care in a strong public health system geared towards establishing its own manufacture of health technologies, the nation's socio-economic growth is more attainable";

WHEREAS, the government should focus efforts in guaranteeing free and accessible health services for all Filipinos and should take bold and proactive measures in doing so to significantly make a difference in protecting the population from COVID-19;

NOW THEREFORE BE IT RESOLVED, that the Philippine government sign and unconditionally support the Trade-Related Aspects of Intellectual Property Rights (TRIPS) waiver at the World Trade Organization (WTO) for the prevention, containment, and treatment of COVID-19. Together, with the people, we continue to push for a free, comprehensive, progressive and unified public health care system that is anchored on the principle of health as a fundamental human right.

Adopted,


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Gabriela Women's Party



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