

EXPLANATION OF VOTE
AFFORDABLE MEDICINES BILL
Bicameral Conference Committee Report
Rep. Lorenzo R. Tañada III
29 April 2008

Mr. Speaker,

I take pride in voting favorably for the measure before us. An overwhelming favorable vote of this Chamber will somehow lift the sagging image of this institution. But salvaging a tainted image is secondary. This measure is most needed by our people.

The elderly, the women, the children, the networks that have been established to rally around this measure are everywhere. Those who cannot come here made their positions known through letters to the editor and through various fora.

The statistics have been staring at us. Truly, it is a paradox that the very same medicine produced by the very same multinational drug company sells at different costs in different countries. What further rubs salt to the wound is that medicines in developed countries are even cheaper than those being sold domestically.

Mr. Speaker,

I cannot understand why we have allowed this monopolistic situation to persist. While patents serve an important purpose of providing incentives for research and development and for novel inventions to happen, patent rights, however, are not absolute. National laws have traditionally identified certain situations in which patents are not to be granted. Many countries, for instance, excluded pharmaceutical products from patentability, a practice that has sadly changed with the entry into force of the Trade-Related Intellectual Property Rights or the so-called TRIPS Agreement in the GATT-WTO in 1995. But then again, the TRIPS Agreement is not absolute either.

Mr. Speaker, the bill before us cannot be called radical if you use international standards as other countries have used the flexibilities within the TRIPS agreement to have their national patent laws on medicines in place without sacrificing public interest. What further gives me satisfaction in, not only voting favorably but in fact, co-authoring this measure is that we are taking advantage of the Doha Declaration on the

Trips Agreement and Public Health in the 2003 WTO General Council meeting. I am referring to the immediate granting of compulsory license for the importation of patented drugs upon the petition of the Secretary of Health and that such grant is shielded from judicial TROs except if handed by the Supreme Court.

The WTO Doha Declaration on TRIPs explicitly upholds the rights of governments to enforce measures that will protect public health and insure access to affordable medicines for all especially the poor. Through parallel importation, patented medicines can be purchased from the cheapest source rather than from the patent holder manufacturer. Compulsory licensing on the other hand allows governments to order a local firm to produce a drug and pay a negotiated royalty to the patent holder.

What I likewise find most useful is the prevention of the practice of evergreening – the dubious practice of patent holders to add reactants like salts, esters, and other derivatives to extend the life of the patent. With the prevention of evergreening, there is greater elbow room for us to develop our domestic pharmaceutical industry.

Although indeed, the bill before us is not radical when compared with what the WTO flexibilities provide our country as well as other countries, we can gauge from so many efforts to stall the enactment of this bill into law not only in this Congress but even in the past, that it is radical step towards breaking the monopolistic and predatory hold of drug multinationals over our pharmaceutical industry. For that alone, this bill is worth supporting.

I know the removal of the generics provision and the creation of the regulatory board from the House version are quite controversial. But I am of the belief that despite their removal, the bill still moves us closer to what we are aspiring for – affordable medicines for our people.

We are standing up and challenging drug multinationals. We are telling them to trim their profits, moderate their greed, as it is our people's health that is at stake. That is one message that the passage of this measure sends – loudly and clearly.

Mr. Speaker, I therefore vote in favor of this measure.