

ORDERING THE DEPARTMENT OF HEALTH TO TAKE PRELIMINARY STEPS TOWARD LOCAL MANUFACTURERS AND LOW-COST IMPORTATION OF FLU VACCINES UNDER COMPULSORY LICENSING MANDATED BY LAW DURING...

OP ADMINISTRATIVE ORDER NO. 268, July 20, 2009

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WHEREAS, it is desirable to show government action against the Influenza A(H1N1) pandemic, while signaling to current vaccine makers and dealers that they face low-cost competition if they engage in profiteering and supply curtailment;

WHEREAS, price controls should not be imposed for now, or else the rich will just buy the supply, and the Philippines may not get its vaccine allocation from global manufacturers;

WHEREAS, vaccines for Influenza A(H1N1) are still awaited from abroad;

WHEREAS, Sections 10-13 of Republic Act No. 9502 or the “Universally Accessible Cheaper and Quality Medicines Act of 2008” mandates the granting of license to exploit and waives the requirement to obtain a compulsory license for importation of patented drugs on reasonable commercial terms in situations of national emergency or other circumstances of extreme urgency;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Department of Health shall take preliminary steps toward local manufacturers and low-cost importation of flu vaccines under compulsory licensing mandated by law during national health emergencies.

SECTION 2. Accordingly, the Department of Health shall begin contacting local and foreign manufacturers for possible production, so that such firms can begin studying the vaccines for replication.

SECTION 3. The Department of Health shall see to it that profiteering is prosecuted, based on excessive mark-ups on vaccines bought from distributors and manufacturers at reasonable prices.

SECTION 4. The Department of Health, directly or through any authorized government agency, shall buy the bulk of deliveries of Influenza A(H1N1) vaccines to ensure enough supply for high-risk groups.

SECTION 5. This Order shall be effective immediately.

Adopted: 20 July 2009

(SGD.) GLORIA M. ARROYO
President of the Philippines

BY THE PRESIDENT:

(SGD.) EDUARDO R. ERMITA

Executive Secretary

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