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Republika ng Pilipinas
Kagawaran ng Edukasyon
Tanggapan ng Pangalawang Kalihim

OUA MEMO 00-0322-0102
MEMORANDUM
04 March 2022

For: **Regional Directors and BARMM Education Minister
Schools Division Superintendents
School Heads
Teachers
All Others Concerned**

Subject: **RESPONSE TO ALL LETTERS, COMPLAINTS, AND INQUIRIES
ON THE ISSUANCE OF DEPED TASK FORCE COVID-19
MEMORANDUM NO. 575 AND ALL RELATED ISSUANCES**

As a response to all letters, complaints, and inquiries (i.e., personnel's refusal to be subjected to weekly antigen testing and allegations of grave coercion, violation of labor laws, and the Constitution) on the issuance of DepEd Task Force COVID-19 (DTFC) Memorandum No. 575 and all related issuances, the Office of the Undersecretary for Administration (OUA) provides the following information:

On 11 November 2021, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) issued IATF Resolution No. 148-B¹ which provides that:

A. In areas where there are sufficient supplies of COVID-19 vaccines as determined by the National Vaccines Operation Center (NVOC), **all establishments and employers in the public and private sector shall require their eligible employees who are tasked to do on-site work to be vaccinated against COVID-19. Eligible employees who remain to be unvaccinated may not be terminated solely by reason thereof. However, they shall be required to undergo RT-PCR tests regularly at their own expense for purposes of on-site work.** Provided that, antigen tests may be resorted to when RT-PCR capacity is insufficient or not immediately available.²

IATF Resolution No. 148-B took effect on 01 December 2021 as part of President Rodrigo Roa Duterte's whole-of-government solution to increase the demand for COVID-19 vaccination, regardless of brand, for a healthier and resilient Philippines.³

¹ IATF Resolution No. 148-B is attached hereto as Annex 1.

² IATF Resolution No. 148-B, p. 2.

³ *Ibid.*



Office of the Undersecretary for Administration (OUA)

[Administrative Service (AS), Information and Communications Technology Service (ICTS), Disaster Risk Reduction and Management Service (DRRMS), Bureau of Learner Support Services (BLSS), Baguio Teachers Camp (BTC), Central Security & Safety Office (CSSO)]

Department of Education, Central Office, Meralco Avenue, Pasig City
Rm 519, Mabini Bldg; Mobile: +639260320762; Tel: (+632) 86337203, (+632) 86376207
Email: usec.admin@deped.gov.ph; Facebook/Twitter @depedtayo



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This resolution was anchored on Sec. 15, Art. II of the 1987 Constitution which provides that the State shall protect and promote the right to health of the people and instill health consciousness among them.

Thus, in accordance with IATF Resolution No. 148-B, the President's mandate, and the State's policy to protect and promote the people's right to health, DTFC Memorandum No. 575 dated 07 December 2021 was issued providing IATF vaccination requirement for personnel reporting on-site beginning 01 December 2021. This is consistent with R.A. 11525 otherwise known as the *COVID-19 Vaccination Program Act of 2021* that was enacted in accordance with the State's policy to adopt an integrated approach to health development which shall endeavor to make essential social services available to all people at an affordable cost.⁴

For such reason, the State undertook the COVID-19 Vaccination Program with the objective of addressing the adverse impact of COVID-19 through the procurement and administration of safe and effective COVID-19 vaccines by the National Government through the Department of Health (DOH), the National Task Force Against COVID-19 (NTF), and other duly constituted authorities and instrumentalities, among others.⁵

With this, we regret to inform all concerned that reliance on Sec. 12 of R.A. 11525 is improper. While Paragraph 4 of Sec. 12 of R.A. 11525 provides that individuals vaccinated against COVID-19 as indicated in the vaccine card shall not be considered immune from COVID-19 unless otherwise declared by the DOH based on reliable scientific evidence and consensus, this is not the ultimate purpose of the law.

To clarify, the aforementioned issuances were enacted to address the adverse impact of COVID-19 by implementing measures and restrictions to slow down its surge in cases, stop further spread of variants, buy time for the health system to cope, and protect more lives. While vaccination does not give absolute immunity against COVID-19, it will, at the very least, reduce its risks and transmission.⁶ Thereby protecting, not only the vaccinated, but also everyone around them. This is in consonance with the State's policy to protect and promote the people's right to health.⁷

In terms of the reliance on Labor Advisory No. 03 series of 2021, please note that these guidelines cover only establishments and employers in the private sector that administer COVID-19 vaccines in the workplace. However, be advised that IATF Resolution No. 148-B already superseded the same as it provides, among others, that:

Public and private establishments, even if not required by the Guidelines on the Implementation of Alert Levels System for COVID-19 Response in Pilot Areas to accommodate only fully vaccinated individuals, may nonetheless validly refuse entry and/or deny service to individuals who remain to be unvaccinated, or are merely partially vaccinated, despite being eligible for vaccination. Provided that frontline and emergency services shall continue to render assistance to all persons regardless of vaccination status.⁸



⁴ Sec. 2 of R.A. 11525 otherwise known as the *COVID-19 Vaccination Program Act of 2021*.

⁵ Sec. 2 (a) of R.A. 11525.

⁶ Sara Oliver, MD, MSPH, Centers for Disease Control and Prevention, *Updates to the Evidence to Recommendation Framework, Pfizer-BioNTech and Moderna COVID-19 vaccine booster doses*, 19 November 2021; World Health Organization (WHO), *Vaccine Efficacy, Effectiveness and Protection*; Department of Health (DOH), *Does the Vaccine Completely Prevent an Individual from Getting and Transmitting Covid-19*, 16 April 2021.

⁷ Art. II of the 1987 Constitution.

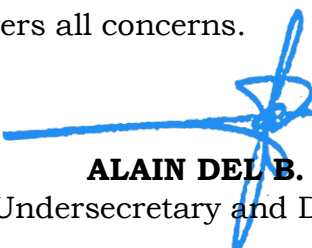

⁸ Paragraph C of IATF Resolution No. 148-B.

Finally, as for the allegations of grave coercion, **the person who restrains the will and liberty of another must have no right to do so, or in other words, that the restraint is not made under authority of law or in the exercise of any lawful right.**⁹

Considering the foregoing discussions, there was a valid and legal basis for the issuance of DTFC Memorandum No. 575 and all related issuances. IATF Resolution No. 148-B and other related laws and issuances have authorized the OUA and DTFC to require eligible employees who are tasked to do on-site work to be vaccinated against COVID-19.

With this, there can be no grave coercion, especially when this Office simply enforced the provisions of valid and existing laws, rules, and issuances. Nevertheless, we respect all your opinions on the matter. For more information, kindly refer to the attached copies of all related issuances.

Thank you and we hope that this answers all concerns.



ALAIN DEL B. PASCUA
Undersecretary and DTFC Chairman



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⁹ Sy, et al. v. Secretary of Justice, et al., G.R. No. 166315, 14 December 2006; and People v. Astorga, 347 Phil. 701, 720 (1997).



REPUBLIC OF THE PHILIPPINES
INTER-AGENCY TASK FORCE
FOR THE MANAGEMENT OF EMERGING INFECTIOUS DISEASES

RESOLUTION NO. 148-B

Series of 2021

November 11, 2021

WHEREAS, Section 15 Article II of the 1987 Constitution states that the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, Section 2(e) of Executive Order No. 168 (s.2014) mandates the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) to educate the public on emerging infectious diseases and its prevention, control and management to promote positive health behaviors, and address public fear and anxiety through the conduct of a nationwide EID awareness campaign;

WHEREAS, on March 8, 2020, recognizing that the COVID-19 pandemic requires the mobilization of a whole-of-government response, President Rodrigo Roa Duterte declared a State of Public Health Emergency in the entire Philippines through Proclamation No. 922. The declared State of Calamity was extended on 16 September 2021 for one year through Proclamation No. 1021 s.2020, and on September 10, 2021, was further extended until September 12, 2022, unless earlier lifted or extended as circumstances may warrant, through Proclamation No. 1218 (s.2021);

WHEREAS, COVID-19 vaccines that have been granted with Emergency Use Authorization (EUA) by the Philippine Food and Drug Administration (FDA) are considered safe and effective, and, based on current available evidence, have been shown to (1) prevent symptomatic infection (2) prevent severe infection and (3) prevent transmission;

WHEREAS, following the Enhanced Prevent - Detect - Isolate - Treat - Reintegrate - Vaccinate Strategy of the National Task Force Against COVID-19, its Vaccine Cluster is currently implementing the National COVID-19 Immunization Program that aims to provide added protection to all eligible Filipinos from COVID-19;

WHEREAS, the National COVID-19 Immunization Program has been opened to the general public nationwide as provided for under IATF Resolution No. 141 (s.2021). Further, the IATF approved the recommended strategy for the Vaccination Rollout for the Rest of the Pediatric Population (ROPP) pursuant to IATF Resolution No. 146 (s.2021);



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WHEREAS, as of 04 November 2021, the country already received a total of 108.9 million doses of COVID-19 vaccines with additional shipments until the end of the year. These doses of vaccines shall cover the target of vaccinating 54 million Filipinos with one dose by the end of November 2021 and 54 million Filipinos fully vaccinated by the end of December 2021;

WHEREAS, President Rodrigo Roa Duterte has given new directives for a whole-of-government solution to increase the demand for COVID-19 vaccination, regardless of brand, for a healthier and resilient Philippines.

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, in compliance with the directives of President Rodrigo Roa Duterte, the IATF approves the following measures to the extent applicable under existing laws, rules, and regulations:

- A. In areas where there are sufficient supplies of COVID-19 vaccines as determined by the National Vaccines Operation Center (NVOC), all establishments and employers in the public and private sector shall require their eligible employees who are tasked to do on-site work to be vaccinated against COVID-19. Eligible employees who remain to be unvaccinated may not be terminated solely by reason thereof. However, they shall be required to undergo RT-PCR tests regularly at their own expense for purposes of on-site work. Provided that, antigen tests may be resorted to when RT-PCR capacity is insufficient or not immediately available.
- B. As a condition for continuing their operations, public transportation services in the road, rail, maritime, and aviation sectors shall require all their eligible workers to be fully vaccinated.
- C. Public and private establishments, even if not required by the Guidelines on the Implementation of Alert Levels System for COVID-19 Response in Pilot Areas to accommodate only fully vaccinated individuals, may nonetheless validly refuse entry and/or deny service to individuals who remain to be unvaccinated, or are merely partially vaccinated, despite being eligible for vaccination. Provided that frontline and emergency services shall continue to render assistance to all persons regardless of vaccination status.
- D. Local Government Units (LGUs) are strongly enjoined to issue orders or ordinances to ramp up demand for vaccination by, among others, providing incentives for fully vaccinated individuals, and for business establishments which




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- institute measures that promote vaccination among their employees and clients, and to the extent allowed by law, requiring proof of vaccination before individuals and/or entities may undertake or qualify for certain activities.
- E. Upon sufficient proof of a confirmed vaccination schedule, all workers to be vaccinated during work hours shall not be considered as absent during that period.
 - F. In all of the foregoing, only the presentation of a medical clearance issued by a Municipal Health Office, City Health Office, and/or Provincial Health Office or birth certificate, as the case may be, shall serve as sufficient and valid proof of ineligibility for vaccination.
 - G. All Government Agencies are hereby enjoined to implement measures prioritizing fully vaccinated individuals availing of government programs and services.

RESOLVED FURTHER, that this Resolution shall take effect on 01 December 2021, after publication in a newspaper of general circulation and/or the Official Gazette. Let three (3) copies of this Resolution be furnished to the University of the Philippines Office of the National Administrative Register.

RESOLVED FINALLY, that the Chairperson and the Co-Chairperson shall be duly authorized to sign this Resolution for and on behalf of the Inter-Agency Task Force.

APPROVED during the 148th Inter-Agency Task Force Meeting, as reflected in the minutes of the meeting, held this November 11, 2021, via video conference.


FRANCISCO T. DUQUE III
Secretary, Department of Health
IATF Chairperson


KARLO ALEXEI B. NOGRALES
Secretary, Office of the Cabinet Secretariat
IATF Co-Chairperson



REPUBLIC OF THE PHILIPPINES
INTER-AGENCY TASK FORCE
FOR THE MANAGEMENT OF EMERGING INFECTIOUS DISEASES

CERTIFICATION

This is to certify that:

1. I am presently an Undersecretary of the Department of Health;
2. I am the Head of the Secretariat of the Inter-Agency Task Force (IATF) on the Management of Emerging Infectious Diseases created under Executive Order No. 168, (s.2014) and chaired by the Department of Health (DOH);
3. The IATF Secretariat holds office in the DOH Main Office, San Lazaro Compound, Tayuman, Sta. Cruz, Manila;
4. I am the custodian of the records of the IATF, including the Minutes of Meetings and Resolutions;
5. In the Regular Meeting of the IATF held on **11 November 2021** via teleconference during which a quorum was present and acted throughout, IATF Resolution No. **148-B** was unanimously approved and adopted;
6. The foregoing resolution has been signed by Secretary Francisco T. Duque III and/or Secretary Karlo Alexei B. Nograles upon the authority of the IATF Members;
7. The aforesaid resolution has not been altered, modified nor revoked and the same is now in full force and effect;
8. I am executing this Certification for whatever legitimate purpose this may serve.

IN WITNESS WHEREOF, I have hereunto affixed my signature this **11th** day of November 2021, Manila.


ATTY. CHARADE E. MERCADO-GRANDE
Undersecretary of Health
Head Secretariat, IATF