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**Mandatory Vaccination Policies in the Philippines: Is it Worth a Shot?**

**A Legal Research Paper**

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**Abstract**

*March 17, 2020, marked the beginning of the challenges posed by the coronavirus disease outbreak in the Philippines, which disrupted the lives of many in and around the globe. Work, education, family, and personal lives had to be re-engineered in transition to adjust to the survival and coping demands of the times. Concomitantly, pharmaceutical companies stepped up in developing vaccines to combat the virus, and successful as they are so far, the public enormously benefits from that place. The Philippine Constitution categorically mandates the State to protect and promote people's right to health. On the other hand, the Bill of Rights of said fundamental law also stresses that individuals must not be stripped of their freedoms without due process. As floated by the current Philippine Administration, the Mandatory vaccination policy raises several objection points from various sectors and individuals. With these in mind, do the collective rights of the community to health prevail over the individual rights to bodily autonomy?*

*National and global development indispensably require transitioning from pre-pandemic life to current pandemic challenges with the virus still around and continuously mutating in*

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*order to normalize the work, education, family, and personal lives of everyone. Through analyzing existing laws, doctrines, and insights from key stakeholders, this study aims to determine whether a mandatory vaccination policy may be lawfully imposed as it legally addresses the corollary issues posed by medical, religious, parental authority, and personal or individual choice concerns against it. A discourse on this contemporary legal issue will significantly contribute to every nation's continuing quest for development.*

**Keywords:** *mandatory vaccination; legal issues on vaccination; medical freedom and right to health; religious freedom; collective and individual rights*

### **Introduction**

The coronavirus (COVID-19) pandemic remains to stir havoc and uncertainty worldwide. Each day, the number of cases rises, as well as the death toll. Globally, as of April 22, 2022 (Worldometer), there had been a total of 507,912,123 reported cases, while the Philippines had 3,683,865 infected people. In addition to its impact on public health and safety, COVID-19 and the prolonged community quarantine have greatly affected the world's economy. It disrupted the lives of many individuals and even nations as a whole. Around the world, many countries have come up with policies that they felt most appropriate to their respective economic, political, and social climate during these pandemic times.

The United States of America (USA) is among those countries that drafted various legislations considering its people's rights. It released guidelines empowering employers to implement a mandatory COVID-19 vaccination policy at the workplace to protect the health and safety of others. (US Equal Employment Opportunity Commission, 2020). However, this right to mandate vaccination is not absolute as religious objections, and medical exemptions are given to

employees. Given that the USA prides itself on respecting freedoms and is ranked seventeenth on the Human Freedom Index (Vásquez & McMahon, 2020), it stresses the availability of such exemption options for its citizens.

Under the US Civil Rights Act, when an employee has a religious belief incompatible with vaccination, the employer cannot mandate vaccination for such employee (Civil Rights Act, 1964). Upon validation, the employer must explore options to address the concern by allowing a work-from-home arrangement, for instance. Similarly, if an employee has a disability and cannot be safely vaccinated, the employer may explore other options to balance employees' interests and workplace requirements. Additionally, US Supreme Court dismissed President Biden's attempt at mandatory employees' vaccination of large companies; otherwise, they must undergo weekly testing at their own expense. The court held such would significantly encroach on employees' lives, health, and livelihood.

Furthermore, it held that the risk of infection is not limited to the workplace as it also spreads everywhere in the community. However, noteworthy is the dissent by a US Justice who raised that the majority ruling shall impede the government from thwarting the danger of COVID-19 infection. However, a mandatory vaccination enforced for healthcare personnel was ruled to be lawful, reasoning that government-funded healthcare facilities can be regulated to ensure patients are not infected, following the medical principle—do not harm. (Hurley & Chung, 2022)

In New Zealand, the earlier court decision to prescribe mandatory vaccination for employees is observed as long as regular medical screening is conducted to protect public health (*Department of Labour v. Idea Services Ltd.*, 2008). On the other hand, the Ministry of Health implemented COVID-19 Public Health Response Order 2021, which mandated individuals in

public service sectors to be vaccinated and receive a booster dose as they deal with unvaccinated populations exposed to the threats of the disease. The guidelines allow exemptions from vaccination when there exists a medical issue. (Ministry of Health, 2022)

The Philippines has not been spared by the destructive effects of this dreaded disease but is faced with the dilemma of weighing people's collective rights and responsibilities on the one hand and the individuals' freedoms on the other. State responsibility to protect public health must be balanced with each individual's right to refuse medical interventions, religious freedom, right to security of tenure, and freedom of movement or right to travel.

The World Health Organization and the US Centers for Disease Control and Prevention both recognize multiple measures to prevent or mitigate the spread of COVID-19, such as wearing face masks since the disease is mainly airborne, social or physical distancing, and vaccination to reduce the risk of contracting the disease and becoming seriously ill when infected. Other measures include avoiding crowded and poorly ventilated indoor spaces and personal hygiene through hand washing with soap and the use of sanitizers. (Centers for Disease Control and Prevention, 2021)

Vaccination was recognized by the Philippines as the most effective measure to attain herd immunity and was adopted as the nation's response to COVID-19 proliferation. As vaccines became readily available in the country, the "COVID-19 Vaccination Program Act of 2021" (RA 11525) was enacted into law. President Duterte and the Inter-Agency Task Force (IATF), although not categorically mandating vaccination, came up with certain rights and privileges that may be enjoyed only by fully vaccinated individuals to address vaccine hesitation and resistance, which included, among others, policies like "no vaccine, no work" (Patinio, 2021), "*No vaccine, No entry to enclosed public places*" (IATF Guidelines on Nationwide Implementation of Alert

Level System for COVID-19 Response, 2022), and “*No vaccine, No ride*” (DOTr D.O. 2022-001, 2022)

These policies, while not making vaccination mandatory, are, in effect, curtailing certain rights and privileges on those who are not fully vaccinated, thereby posing a threat to the exercise of certain personal liberties of individuals (Constitution, Article III). The freedom of religion, in case of objections based on faith, is likewise threatened by such policies, not to mention specific medical reasons which make vaccination unsafe such as allergies to the vaccine components.

In gearing toward national and global development, an appropriate balancing act between the collective right to public health and individual freedoms is indispensable in a democratic society, and an interplay between the two is an effective development strategy. Or, should they coexist in society separately but jettison each other in their respective independent existence so as not to derail development stability and create further vulnerabilities?

The main research objective of this legal research paper is to determine whether or not the Philippine Government can compel all Philippine residents to be inoculated during these COVID-19 pandemic times. To protect the collective rights of the community through conferment of certain rights and privileges to fully vaccinated individuals, even if it may curtail individual rights since medical exemptions and religious objections are not duly considered in these current indirect or persuasive mandatory vaccination policies.

Moreover, the study shall also analyze the Department of Health's (DOH) Memorandum 2022-0041 (2022) empowering the Department of Social Welfare and Development (DSWD), in the exercise of *parens patriae*, to give consent to vaccination of minors in the event parents refuse consent, as another form of indirect mandatory vaccination policy.

## Review of Literature

### Police Power and Collective Rights

The inherent police power of the State is an authoritative power of the legislature to regulate people's conduct for the promotion of collective rights to public health, safety, and welfare. (Kohrs, 2003). Meier and Mori (2005) highlight the importance of a collective right to public health, arguing that it is the precursor to the need for an individual's right to health as it gives meaning to the context of health rights. They stress that collective and individual rights complement each other and make way for fulfilling health rights as a whole, necessitating public health interventions to meet individual health needs.

Similarly, Newman (2013) argues that collective rights may only come to fruition when exercised or participated together. Corollary to this, Reiss and Karako-Eyal (2019) cite that while public vaccination is a responsibility of the community, they acknowledge that issues on individual autonomy on mandatory vaccination must be duly considered, citing parents' decision not to vaccinate their child as affecting the rights of other children. They explained that when one child gets sick, others may also get sick, given their constant interaction.

Studies conducted on mandatory vaccination disclose that there are advantages and disadvantages. On the other hand, mandatory vaccination protects the population from a deadly viruses and encourages herd immunity. On the other hand, mandatory vaccination is argued to be *anti-poor*<sup>3</sup>, making it harder to vaccinate disease hotspots.

In their legal discourse, Kheng and Hasbullah (2020) argue that individuals' freedom may be curtailed when it imposes a burden or harm on another.

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<sup>3</sup> and detrimental to residents living in poverty

### **Individual Rights**

Eichelbaum (2019) points out that individual rights can be infringed when there is a risk of the herd immunity threshold not being met, thereby threatening people with death or incapacity. On mandatory vaccination, Eyal (2016) presents three parameters to determine whether there is a justification for the limit on human rights: *first*, assess the benefits, supported by scientific evidence, of mandatory vaccination to public health; *second*, ensure that mandatory vaccination limits or infringes on any human rights; and *lastly*, if there is indeed a limit or infringement, assess whether the purpose of law on mandatory vaccination is essential enough, through the use of *Hansen* test which determines whether the means are rationally connected to the law's purpose.

### **Medical Advancements to Health Crises**

A 2014 Harvard School of Public Health study on the benefits and contribution of vaccination to global health readily disclosed that vaccination resulted in eradicating diseases and significantly reducing deaths in the past ten years. The study cites the "long-term mental, physical, or cognitive (health benefits) that many vaccine-preventable diseases can cause," which include avoiding such impairments and promoting possible productivity benefits concerning "educational attainment, adult earnings, and social functioning." (Bärnighausen, et al., 2014)

### **Synthesis: Research Gaps**

The State may mandate public vaccination according to the "Collective Rights Theory," but the State must do a balancing act concerning individual rights that may be curtailed as a result. The matter of how the collective right of the Filipino people to health, along with state responsibilities, has duly considered the Filipino people's rights in crafting the government policies is a *matter that should be seriously looked into through this legal research paper*, given

the medical exemptions, religious objections, and parental concerns on substituted consent to vaccination of minors that are currently raised against Philippine government policies.

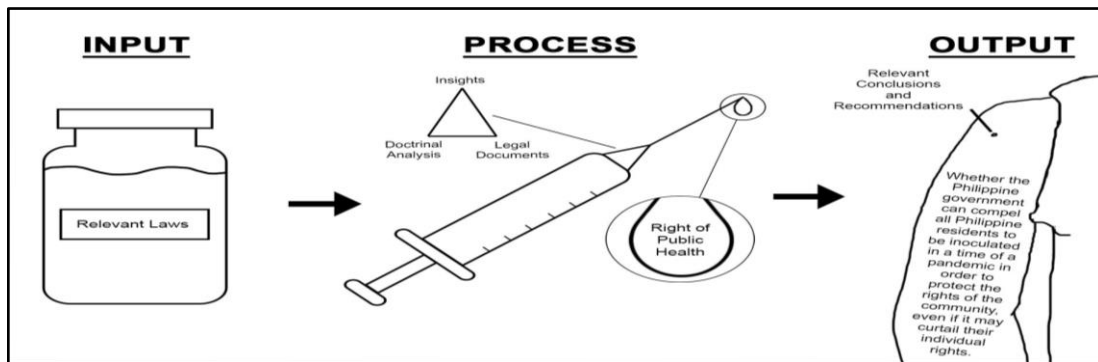
While public vaccination does not have a mandatory tenor for all, the rights and privileges created by the “No Vax, No Work,” “No vaccine, No entry to enclosed public places,” and “No vaccine, No ride” policies for fully vaccinated individuals need to be carefully analyzed through this legal research paper.

### Framework

The legal framework of Jovanović (2012) on collective rights concerning individual rights propounds that value collectivism must be considered in curtailing individual rights, but the theory parenthetically elucidates that collective entities hold value just as individuals do. Simply put, Jovanović’s framework proffers that the protection of one's rights may be reconsidered and curtailed if it causes damage to the rights of others. In analyzing the Philippine government’s approaches to vaccination, the collective right to public health shall be assessed in juxtaposition with the individual rights that will be curtailed in the process.

**Figure 1**

*Research Framework*





The research framework utilizes a schematic diagram depicting the vaccination process. The various regulatory policies vis-à-vis the fundamental law and jurisprudence shall serve as resource materials for this legal research paper in discussing the gray area on the current Philippine vaccination policies conferring certain rights and privileges on fully vaccinated individuals to the exclusion of those who are not. Legal triangulation methods among these doctrines, insights from various vital sectors, and legal kinds of literature shall be utilized to analyze the validity of Philippine regulatory vaccination policies, as represented by the syringe used. The right of public health served as the main foundation of the vaccine within the syringe. The arm where the vaccine is to be injected represents the output of relevant conclusions and recommendations on the legal concern.

### **Methodology**

As the research framework depicts, this study is a descriptive and qualitative legal research paper using the legal triangulation approach where pertinent legal doctrines culled from the Constitution as the fundamental law of the Philippines, legal kinds of literature on these well-entrenched principles, and insights from various vital sectors shall be legally assessed and analyzed in order to determine the validity of the subject Philippine regulatory vaccination policies which remarkably conferred certain rights and privileges on fully vaccinated individuals to the exclusion of those who are not.

### **Discussion**

#### **Doctrinal Analysis**

The Constitution covers multiple health, labor, religion, safety, and child protection provisions. Article II, Section 15 declares as a state policy the protection and promotion of the “right to health of the people and instill health consciousness among them. The intense

deleterious effect of COVID-19 globally and domestically prompted the government to develop various vaccination policies. As Meier and Mori (2005) highlight the importance of the collective right to public health, Jovanović's (2012) framework dictates a balancing with individuals' rights.

Current Philippine policies do not mandate vaccination for all residents. However, to bolster inoculation for all, certain rights and privileges were created by the Executive Department, such as the “*No Vax, No Work*,” “*No vaccine, No entry to enclosed public places*,” and “*No vaccine, No ride*” policies for fully vaccinated individuals, to the exclusion of those who are not. This governance approach promotes the right to public health with no specificity on individuality or collectivism. The framers of the Constitution should have intended to construe health as a concept, as individually shared in society. Likewise, the Constitution affirms labor is a primary social and economic force, as the State protects the rights of workers and promotes their welfare (Article II, Section 18): the means of livelihood of workers is a protected human right (Article III, Section 1) as it partakes of their right of existence, freedom and property ownership and cannot unceremoniously be curtailed without due process of law and a competent legislative enactment.

Similarly, freedom of religion (Article III, Section 5) is a guaranteed human right that no law shall be passed violating the same. Moreover, parental authority over minor children (RA 7610) is a legally protected right, and the State power of *parens patriae* can be exercised only in case of parents' irresponsible failure to discharge such authority over minors. The primary areas are significant dimensions that need to be considered in analyzing the current Philippine vaccination policies as viewed under the Theory of Collective Rights lens.

Significant to recall is that there had already been laws mandating essential vaccination of children (RA 10152, 2010) to provide immunization from illnesses such as tuberculosis, measles, mumps, hepatitis-B, and influenza. Hence, there is no issue insofar as mandating vaccination by legislation.

However, with the legislative enactment of *Bayanihan to Heal As One Act* (RA 11469), President Duterte had been granted emergency powers to prevent or suppress further transmission of the COVID-19 virus, but his authority is limited to "effective education, detection, protection, and treatment" only. The IATF (EO 168, 2014) had been empowered to give recommendations to the President to combat emerging infectious diseases. Such functions include establishing systems to identify, screen, and assist those infected with infectious diseases, educating the public regarding such diseases, and preventing the local spread through quarantine and proper isolation procedures.

Among the approved resolutions of the IATF is the requirement for employers to require employees to be inoculated against COVID-19. While employees may not be terminated for non-compliance, they are mandated to take diagnostic tests at their own expense. Additionally, said policy provides that public and private establishments may refuse entry and/or deny service to individuals who remain not fully vaccinated. (IATF Resolution 148-B) Some regulations have been passed at the local government units' level, which aims to strengthen cities' vaccination programs and incentivize individuals while not mandating inoculation.

A court petition to declare void of this IATF resolution for workers is currently pending and is yet to be resolved. (Canlas, 2021) There is some individual dissent towards these vaccination policies.

Meanwhile, DOH Memorandum 2022-0041 (2022), as approved by the President, mandates that “in case the parent/guardian refuses to give consent to the vaccination despite the desire and willingness of the minor child to have himself/herself vaccinated, or there are no persons that may legally exercise parental authority over the child, the State may act as *parens patriae* and give the necessary consent.” Through this provision, the State can consent to a minor's vaccination on their behalf.

It is well-settled that police power may be exercised by the State and regulate the conduct of men as long as it is necessary for the benefit of the more significant number. The State may therefore protect and promote the right to health through its police power and curtail individual rights to protect a greater collective. Noteworthy is that the State's purpose and policy in protecting and promoting the right to health care are constitutionally-mandated.

Police power, however, is a *legislative act* and not an executive prerogative. In the case of the Philippines, it is significant to note that the subject vaccination policies and the conferred rights and privileges to fully vaccinated individuals are mere regulatory pronouncements of executive heads following the *doctrine of qualified political agency* where their actions remain enforceable unless disapproved or reprobated by the President himself.

### **Insights from Key Sectors**

Vaccine hesitancy in the Philippines stemmed from a relatively recent controversy surrounding the Dengvaxia vaccine against the mosquito-borne virus; where in 2017, findings showed that Dengvaxia resulted in an increased risk of severe dengue in previously negatively-tested patients, and dozens of deaths were after that reported by media allegedly linked to the vaccine. (Gutierrez, 2021) As a result, 93% of Filipinos believed in the importance of vaccines in 2015 but abruptly declined to 32% in 2018. (Alfonso et al., 2021).

However, OCTA Research Group (2022) reported that 2021 surveys yielded a significant decline in vaccine hesitancy across the country from 18% to 6%, showing that vaccine skepticism in the Philippines continues to decrease as more individuals get to trust vaccination. The World Bank (2021) linked the Philippine vaccine hesitancy rate to a lack of vaccine information, misinformation on its efficacy or side effects, mistrust, and emphasis on the risks and costs of vaccination rather than its advantages. Hence, it can be deduced that more individuals would be more willing to be vaccinated if these factors are duly addressed.

As one of the measures to address vaccine hesitancy, policy restrictions on multiple aspects, including business, travel, leisure, health, and religion, were promulgated by IATF and the LGUs. In effect, rights and privileges were conferred on fully vaccinated individuals, excluding others who are not.

These measures were, however, negatively perceived by some members of Congress due to their discriminatory effect on unvaccinated or partially-vaccinated workers and called for the suspension of policy implementation: Senator Hontiveros (2021) labeled it as "*anti-poor*" and detrimental to individual rights citing that Filipinos should not be forced to take the vaccine, but rather decide for themselves with thorough consultations, while Senator De Lima (2022) added that the policy is "*divisive*" instead of holistically protecting the Filipinos.

Likewise, the "*No Vax, No Ride*" policy was heavily scrutinized not only by media outlets (Rey, 2022) but also by prominent local officials, arguing it to be *discriminatory*: Cagayan de Oro City Mayor Moreno also blatantly criticized the policy as "*anti-poor*" (Rosauro, 2022) while Cebu Governor Garcia (2022) shared the same view. These criticisms constrained the Department of Transportation (DOTr) to reformulate the policy to accommodate the workers-

commuters. (Mendoza, 2022) While there are several objections to vaccination from some religious groups as part of their faith, there is minimal negative media coverage of such.

### **Theory of Collective Rights**

Jovanović's (2012) *Collective Rights Theory*, as a framework for this legal research, propounds that the collective rights of an entity must be considered in curtailing individual rights. In this case, the collective right of the Filipino people to health and safety must be considered in coming up with a vaccination policy that will curtail an individual's right to their bodily autonomy, liberty, and religious expression, among others.

COVID-19 virus is not an aspect of society that can singly be approached and studied in the context of individual freedoms. It is a highly infectious disease that could infect the community drastically. A prohibition on mandatory vaccination will clearly disregard the nation's collective interest during the pandemic. In fact, not only does it ignore the high number of deaths recorded by the DOH daily, but it also neglects the mandate and spirit of the law to protect all its people. The right to equal protection of law does not only emphasize the protection of one individual from the curtailment of rights but rather the protection of all people with an equal and unbiased lens.

Hence, having a mandatory vaccination policy is supported by the *Collective Rights Theory* (Jovanović, 2012), as it is the responsibility of the State to pursue one during these difficult times. The initial review of legal doctrines supports a mandatory vaccination policy through the State's exercise of police power to uphold its constitutional mandate to protect and promote the rights of Filipino people to their health. The rights of a single individual to decide not to be vaccinated cannot prevail over the collective rights of the general public.

As cited earlier, individual vaccine hesitancy restrains attainment of the said collective objective. Moreover, the vaccination policies enacted into law by Philippine Congress are not mandatory to achieve at least the so-called "*herd immunity*". Individual personal reasons such as medical exemptions and religious objections have been highlighted against having a mandatory vaccination policy. These antecedents weaken, therefore, the efforts toward State's collective objective.

### **Medical Exemptions and Religious Objections**

Deprivation of fundamental human rights cannot be countenanced in a democratic society. When collective rights shall curtail these individual freedoms, a "balancing act" on the part of the State must be made. Every person's medical condition differs, and their tolerance to an inoculation varies: it may be fatal or disabling for others. Similarly, religious beliefs adhere to a "non-bodily intrusion" doctrine, whether medically-related or otherwise. While other religions do not share these beliefs, the free exercise of religion is constitutionally guaranteed.

Balancing, therefore, the collective interests and individual rights is another governance mandate in a democratic society that is not repulsive to the essence of the Theory of Collective Rights. A mandatory vaccination policy must consider these constitutionally-mandated limitations to maintain its constitutionality. Otherwise, the exercise of such government mandate, if taken in isolation with other constitutionally-guaranteed rights, can be constitutionally assailed for infringing upon the rights of the Filipino people. The doctrine of equal protection (Constitution, Article III, Section 1) enunciates that similarly situated persons must be treated alike. When there are substantial distinctions among situations of persons, a vaccination policy cannot sweepingly disregard the same. This is apparent in cases of medical exemptions and religious objections of specific individuals.

In sum, while the Theory of Collective Rights allows a mandatory vaccination policy, our legal doctrines strongly support granting exemptions due to substantial distinctions equally guaranteed under the Constitution: medical exemptions and religious objections are valid and lawful considerations that should be looked into in crafting one. However, the caveat is to grant exemptions only after duly considering the transmissibility of infectious diseases directly caused by an individual seeking immunity from said mandatory policy.

### **Current Indirect Mandatory Vaccination Policies**

In response, the Executive Department created rights and privileges for fully vaccinated individuals to bolster the nation's measures. The IATF does not mandate vaccination for all residents, but to bolster inoculation for all, regulations were created by the Executive Department for fully vaccinated individuals. Undeniably, those who are not are excluded from these rights and privileges. The IATF and other executive agencies have indirectly made vaccination mandatory. Adverse reactions and criticisms against said governance measure had been hurled by various vital sectors and members of society as well as the bureaucracy. Thus, the legal question now is whether these “discriminatory” policies, as afore-described by key society sectors, are valid mechanisms to mandate vaccination for all indirectly.

Current regulatory measures limit the freedoms that an individual can do through the IATF and the executive agencies under the Office of the President. Well-settled is the legal doctrine that the exercise of inherent police power by the State is made through legislation and not through delegated executive pronouncements. Significant to underscore is that the enabling *Bayanihan Laws* merely allowed the President to exercise emergency powers to prevent or suppress further transmission of COVID-19 virus through “*effective education, detection, protection, treatment, and the imposition of quarantine guidelines*” which do not include



legislation to create, confer or limit constitutionally-guaranteed fundamental human rights. This is only within the ambit of congressional authority. Administrative regulations are only promulgated within the limits of a declared national policy as prescribed by and subordinated to Congress's legislative authority. Therefore, such discriminatory policies are not valid mechanisms to mandate vaccination indirectly and are not a valid exercise of police power.

### **Consent of Minors through Parens Patriae**

DOH Memorandum 2022-0041 (2022) empowers DSWD to substitute its consent for parents who refuse their minor children to be inoculated. The Family Code of the Philippines (EO 209, Articles 209 and 225) grants parental authority or guardianship to parents over the person and property of their familiar unemancipated child. Moreover, RA 7610 reinforces this grant as it emphasizes that the right of parental authority is naturally vested in the parent or guardian and that the State may only intervene when the former fails to protect the child's interests.

To permit the DSWD to grant consent for the vaccination of a minor on the parents' behalf is a breach of the DOH's delegated authority. The legal maxim *potestas delegata non-delegari potest* is a principle on the non-delegation of powers that applies to such a scenario, and it means that powers that have been delegated cannot be delegated. Simply put, the DOH has no legislative authority to deprive parents of consenting (or dissenting) for their ward—neither can they delegate such authority to the DSWD, even in the guise of *parens patriae*. This essentially circumvents the fundamental rights of every parent, biological or otherwise.

In assessing a valid exercise of delegated power, the Supreme Court (ABAKADA v. Purisima, 2008) used the so-called *completeness test* and *sufficient standard test* where a concurrence of both must exist. *Incompleteness test*, laws delegating legislative authority to

another agency or officer outside Congress must be obvious, especially on the matter or acts being delegated. *On the other hand, a sufficient standard test* prescribes enough guidelines or limits on the delegate's exercise of legislative authority so as not to abdicate legislative power from Congress.

Unequivocally, the President has no such categorically clear and sufficient authority from Congress to empower DOH, DSWD, and IATF to make such indirect regulatory mechanisms. The authority of the President that stemmed from Congress does not conform to said two tests prescribed by the Supreme Court.

### **Conclusion**

This legal research found that while the Philippine Government can compel Philippine residents to be inoculated during these COVID-19 pandemic times as part of its constitutional mandate, compulsion, whether through direct or indirect means, must be through congressional legislation *and not merely through an executive pronouncement* since individual human rights are to be curtailed. Vaccination rights and privileges are discriminatory and should be revisited by government authorities. The authority granted by the President/DOH to DSWD to give consent to vaccination of minors in case of parental refusal is not a valid exercise of executive power for failing to pass the completeness and sufficient standards tests.

However, the study also found that *Congress must duly consider medical exemptions and religious objections* to a mandatory vaccination law.

### **Implications for National Development**

Attaining herd immunity from COVID-19 infection is essential to every nation, especially in the Philippines as a developing nation where almost all dimensions of national development have been adversely affected for over two years. Returning to the “*old normal*” can

only be achieved if the continuing proliferation of the virus can be minimized, if not eradicated. *"Living with the virus,"* as they say, is today's *"new normal,"* but keeping ourselves protected from severe complications once infected will indispensably enable everyone to continue exerting efforts to contribute to national development. Ensuring everyone's health protection is a state responsibility and mandate, but respecting individual human rights is part of government accountability.

### **Implications for Global Development**

The Philippine experience with COVID-19 is akin to that of the world. Global development has been seriously stalled as well due to the harrowing experience. Balancing state power and responsibility, on the one hand, and respecting individual human rights, on the other, has been likewise a challenge to many nations, including the more progressive countries. If these appropriate balancing acts are nurtured in every nation, an anticipated synergy among global development's political, economic, social, and cultural dimensions would naturally ensue.

### **Recommendations**

This study recommends the following:

1. Continue adopting the "CONSULT-EXPLORE-CRAFT" policy-making strategy with due regard to the balancing of state power and individual human rights, mindful of the established legal doctrines and processes;

**Figure 2**

*Consult-Explore-Craft Policy-Making Strategy*

<b>Consult</b>	<b>Explore</b>	<b>Craft</b>
Consult with Key Sectors on further insights on a mandatory vaccination policy given the negative insights and perceptions.	Explore further correlations between different variables and vaccine confidence to improve the mandate.	Craft necessary legislation that considers protecting the rights of residents and increasing vaccine confidence.

2. Further studies can be conducted to explore other would-be exceptions to a mandatory vaccination state policy other than those covered by this legal research paper; and
3. Perception studies of various stakeholder groups about these governments' regulatory mechanisms may be pursued shortly.

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