Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE RESOLUTION No. 2373

Introduced by
BAYAN MUNA Representatives FERDINAND R. GAITE,
CARLOS ISAGANI T. ZARATE and EUFEMIA C. CULLAMAT
ACT TEACHERS Party-List Representative FRANCÉ L. CASTRO,
GABRIELA Women's Party Representative ARLENE D. BROSAS
and KABATAAN Party-List Representative SARAH JANE I. ELAGO

RESOLUTION STRONGLY URGING THE PRESIDENT
TO REPEAL THE INTER-AGENCY TASK FORCE FOR THE MANAGEMENT OF
EMERGING INFECTIOUS DISEASES (IATF) RESOLUTION NO. 148-B REQUIRING
MANDATORY VACCINATION FOR WORKERS AND TO PRIORITIZE WORKERS’
HEALTH AND WELL-BEING AS ECONOMIC FRONTLINERS AMID THE PANDEMIC

WHEREAS, Section 18, Article II of the 1987 Philippine Constitution declares the state policy to “protect
the rights of workers and promote their welfare” as a recognition of the workers’ vital role in society.
Section 3, Article XIII of the Constitution also provides that “(t)he State shall afford full protection to
labor, local and overseas, organized and unorganized, and promote full employment and equality of
employment opportunities for all”;

WHEREAS, on February 26, 2021, the Covid-19 Vaccination Program Act of 2021 or Republic Act No.
11525 (R.A. 11525) was signed into law. It declared that it should be the policy of the State to “adopt an
integrated approach to health development, thus it should endeavor to make essential social services to all
people at an affordable cost”;

WHEREAS, Section 12 of R.A. 11525 also provided that “(t)he vaccine cards shall not be considered as
an additional mandatory requirement for educational, employment, and other similar government
transaction purposes”;

WHEREAS, the Department of Labor and Employment (DOLE) issued Labor Advisory No. 3, Series of
2021 on March 12, 2021 providing that “Covered establishments and employers shall endeavor to
encourage other employees to get vaccinated. However, any employee who refus es or fails to be vaccinated
shall not be discriminated against in term of tenure, promotion, training, pay, and other benefits, among
others, or terminated from employment. No vaccine, no work policy shall not be allowed.” Existing laws
and policies clearly states that not being vaccinated is not a just cause for the termination of an employee;

WHEREAS, the DOLE subsequently issued Labor Advisory No. 8, Series of 2021 on May 3, 2021
providing that “All employees in the private sector, except those who are ineligible or disqualified for health
reasons, are highly encouraged to get inoculated with the COVID-19 vaccine. Employers shall continue to
urge their employees to avail of their own vaccination program, if any, or their respective local government
units.” No subsequent Advisory from the DOLE has been issued requiring mandatory vaccination of
workers;

WHEREAS, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF)
issued Resolution No. 148-B, Series of 2021 on November 11, 2021 providing that “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. It also provides, “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.” It further provides, “Public and private establishments...may validly refuse entry and/or deny service to individuals who remain to be unvaccinated, or are merely partially vaccinated, despite being eligible for vaccination.” In addition, the resolution also provides that “All Government Agencies are hereby enjoined to implement measures prioritizing fully vaccinated individuals availing of government programs and services.” The resolution will take effect on December 1, 2021;

WHEREAS, workers have already raised concerns as early as March 2021 regarding employers imposing a ‘no vaccine, no work’ policy. Government agencies and local government units (LGUs) have also imposed similar policies in their places of work1. DOLE has since said that it is illegal to impose a ‘no vaccine, no work’ policy but Labor Advisory No. 3, Series of 2021 does not suggest any stringent penalty against companies and employers that will continue to implement such a policy. Department of Justice Sec. Menardo Guevarra also rejected the ‘no vaccine, no work’ policy saying it is illegal under the law to force people to get vaccinated and deprive work to unvaccinated workers2. The Department of Interior and Local Government (DILG) has not yet issued any advisory that prohibits a ‘no vaccine, no work’ policy from being implemented in local government units;

WHEREAS, aside from being illegal, mandatory vaccination is also unethical, especially if discrimination against the unvaccinated ensues. Requiring regular testing for unvaccinated workers, at the workers’ own expense, is also an additional burden workers can’t afford when most, if not all, of them already struggle day-to-day with their meager wages amidst skyrocketing prices of basic goods and services. In the first place, it should be the government’s responsibility to provide for free accessible mass testing nationwide to everyone;

WHEREAS, it is unfair and unjust for employers to continue imposing the ‘no vaccine, no work policy, the mandatory testing at the workers expense, and for DOLE to tolerate such violations of workers’ rights, especially when one of the primary reasons cited by the Department of Health (DOH) for the Philippines’ low rank in Covid-19 resiliency is caused by vaccine shortage3.

WHEREAS, the national government must also look into the apparent inefficiencies in its vaccination program. As of November 15, 2021, 123,560,200 vaccine doses have arrived in the country and yet only 70,294,534 jabs have been administered, equivalent to 31,823,920 Filipinos having been fully vaccinated or 28.88% of the total population (or 41.26% of target population)4. This is miles away from the government’s target of inoculating 80% (originally 70%) of the population by end of 2021;

WHEREAS, discrimination against unvaccinated workers persists, even after DOLE’s declaration, and has severely affected their lives and livelihood, especially in the middle of an economic crisis caused by the pandemic. Despite a provision in the IATF Resolution stating that non-vaccination shall not be a due cause for termination of employment or discrimination, the practice of employers and experience of workers tell otherwise;

---

WHEREAS, the 1987 Philippine Constitution, Labor Code of the Philippines and other pertinent laws and policies provides that workers’ rights and welfare must be upheld by the State at all times, even more so in the midst of a national public health emergency. It is therefore questionable where the IATF-EID gets its mandate in issuing a resolution requiring mandatory vaccination for workers, which essentially deprives workers of their rights and freedoms and affects their livelihood, when existing laws and policies prohibit such;

WHEREAS, Congress should stand with the workers and ordinary Filipinos who will be unduly disadvantaged by this policy. This policy will just cause unnecessary burden to workers and ordinary Filipinos in terms of employment, livelihood, and access to government services when, in the first place, it is not their fault why they remain unvaccinated. The fact that the national government has put in place repressive and discriminatory policies, instead of measures that prioritize workers and the marginalized, showcases their lack of knowledge and understanding of the plight of ordinary citizens;

WHEREAS, Congress should uphold rights and welfare of workers who are considered as modern-day heroes, especially as they risked and continue to risk their lives just to be able to continue to work in the middle of the pandemic. Workers bear the brunt of the health and economic crisis, and yet receive little to no assistance from the government. As economic frontliners, workers’ health must be protected and prioritized so that they may continue to contribute to the recovery of our economy. If the national government wishes to get more people vaccinated and if it recognizes the importance of workers, then it should ensure sufficient vaccine supplies, expand and intensify its education and information drive, assist and prioritize workers, provide sufficient aid and incentives, and fix logistical problems and inefficiencies in its vaccination program;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the House of Representatives urge the President to repeal the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) Resolution No. 148-B requiring mandatory vaccination for workers and to prioritize workers’ health and well-being as economic frontliners amid the pandemic.

Adopted,

REP. FERDINAND R. GAITE
Bayan Muna Partylist

REP. CARLOS ISAGANI T. ZARATE
Bayan Muna Partylist

REP. EUPHEMIA C. CULLAMAT
Bayan Muna Partylist

REP. FRANCE L. CASTRO
ACT Teachers Partylist

REP. SARAH JANE I. ELAGO
Kabataan Partylist

REP. ARLENE D. BROSAS
Gabriela Women’s Party