Republic of the Philippines
Department of Education
Region VI – Western Visayas
SCHOOLS DIVISION OF CAPIZ
Banica, Roxas City

June 13, 2022

DIVISION MEMORANDUM
No. 164, s. 2022

RESPONSE TO ALL LETTERS, COMPLAINTS AND INQUIRIES ON THE ISSUANCES OF DEPED TASKS FORCE COVID-19 MEMORANDUM NO. 575 AND ALL RELATED ISSUANCES

To: Assistant Schools Division Superintendent
Chiefs, CID and SGOD
Public Schools District Supervisors
Heads of Public and Private Elementary, Secondary and Integrated Schools

1. Attached is Regional Memorandum No. 420, s. 2022 titled ***"Response to all Letters, Complaints and Inquiries on the Issuances of DepEd Tasks Force COVID-19 Memorandum No. 575 and all Related Issuances"***.

2. Immediate dissemination of this Memorandum is desired.

MIGUEL MAC D. APOSIN EdD, CESO V
Schools Division Superintendent

osds/admin

Enclosure: As stated
Reference: As stated
To be indicated in the Perpetual Index
under the following subjects

ABSENCES COMPLAINTS LEAVE POLICY

Address: Banica, Roxas City
Contact Number: (036) 620 2371
Email Address: capiz@deped.gov.ph

Republic of the Philippines
Department of Education
REGION VI – WESTERN VISAYAS

JUN 0 5 2022

REGIONAL MEMORANDUM
No. 420 s. 2022

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

To: Schools Division Superintendents
All Others Concerned

1. Attached is **Memorandum OUA MEMO 00-0322-0102** dated March 04, 2020 signed by **Alain Del B. Pascua**, Undersecretary for Administration and DFTC Chairman relative to the **Response to All Letters, Complaints and Inquiries on the Issuance of DepEd Task Force COVID-19 Memorandum No. 575 and All Related Issuances.**

2. Immediate dissemination of this Memorandum is desired.

RAMIR B. UYTICO EdD, CESO III
Regional Director

Encl.: As stated
Reference: As stated.
To be indicated in the Perpetual Index
under the following subjects:

ABSENCES COMPLAINTS LEAVE POLICY

Address: Duran Street, Iloilo City, 5000
Telephone Nos: (033)509-7653; (033)336-2816
Email Address: region6@deped.gov.ph
Website: region6.deped.gov.ph

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-B[1] 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. <u>However, they shall be required to undergo RT-PCR tests regularly at their own expense for purposes of on-site work.</u>** 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]

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[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
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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]

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[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

[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);

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

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 F. MERCADO-GRANDE
Undersecretary of Health
Head Secretariat, IATF

Republika ng Pilipinas

Kagawaran ng Edukasyon

[illegible]

DepEd Task Force COVID-19
MEMORANDUM No. 586
[illegible]

For: Secretary LEONOR MAGTOLIS BRIONES
Undersecretaries and Assistant Secretaries
Bureau and Service Directors
Regional Directors and BARMM Education Minister
Schools Division Superintendents
School Heads

Subject: CLARIFICATIONS ON DTFC MEMORANDUM NO. 575 TITLED *IATF VACCINATION REQUIREMENT FOR PERSONNEL REPORTING ON SITE BEGINNING 01 DECEMBER 2021*

[illegible]

[illegible] the **DTFC Memorandum No. 575** titled *IATF Requirement for Personnel Reporting on Site Beginning 01 December 2021*. The memorandum has been [illegible] by the [illegible] in the offices and [illegible] concerned.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] **at their own expense** [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Such requirement, however, is not necessary for those of guests and visitors who may need to enter work premises but will not have close contact or share the same space with DPO employees assigned to perform tasks, such as the case of parents and other community members entering outside to pick up students. It is reiterated, however, that the required health standards, such as mandatory wearing of masks at all times, observance of physical distancing and preventing crowding in common areas, shall be strictly observed.

For these purposes, the Head of Functional Office, or their designated focal COVID-19 Focal Person, the office is given the option to impose such requirement, as deemed necessary, for purpose. The Central Office COVID-19 Task Force COVID-19 through the Medical Clinic has been made the requirement for visitors and guests entering the premises, even before the DPO issued a similar requirement.

Given the above, we request that this matter be duly noted by the concerned offices and advised to heads, fellow and personnel to take the necessary measures that may provide relevant updates and clarifications. DPO Memorandum No. [illegible] As mentioned in the said memorandum, these updates and clarifications will be [illegible] by [illegible].

For concerns regarding this concern, please contact the DPO Secretariat, [illegible] through [illegible] or email at [illegible].

For proper guidance and appropriate dissemination.

ALAIN DEL B. PASCUA
[illegible]
Chairperson, DepEd [illegible]

DAVCO

Kagawaran ng Edukasyon

DepEd Task Force COVID 19
MEMORANDUM No. 575

Secretary LEONOR MAGTOLIS BRIONES

IATF VACCINATION REQUIREMENT FOR PERSONNEL REPORTING ON-SITE BEGINNING 01 DECEMBER 2021

Annex A

taken effect on 01 December 2021

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

required to undergo RT-PCR tests regularly at their own expense for purposes of on-site work

Annex B

In this regard, the DepEd Task Force COVID-19 WHEC recommends the following guidelines for compliance by the offices and personnel concerned, upon approval of the Secretary:

1. All offices and schools shall ensure compliance with the minimum/required percentage of the workforce that needs to be present on-site based on the latest guidelines of the IATF applicable at [illegible], due the latest *Guidelines on the Implementation of Alert Levels System for Coronavirus 19 Response* as of 15 November 2021, and prior to the following:

Alert Level	Provision on Work in Government
Alert Level 5	Work from home. Under Alert Level 5 that [illegible] are not applicable to Enhanced Community Quarantine (ECQ) as provided for under the IATF Omnibus Guidelines. In the implementation of Community Quarantine in the [illegible] provinces, the provisions applicable to ECQ shall be applicable in Alert Level 5.
Alert Level 4	Agencies and instrumentalities of the government shall remain to be fully operational and shall adhere to at least [illegible] capacity of the employees, work from home, and other flexible work arrangements.
Alert Level 3	Agencies and instrumentalities of the government shall remain to be fully operational and shall adhere to at least [illegible] capacity of the employees, work from home, and other flexible work arrangements.
Alert Level 2	Agencies and instrumentalities of the government shall remain to be fully operational and shall adhere to at least [illegible] capacity of the employees, work from home, and other flexible work arrangements.
Alert Level 1	All establishments, persons, or entities are allowed to operate, work, or to conduct their trade or business [illegible] provided, further, that face to face classes for basic education [illegible] shall be subject to prior approval of the [illegible] Education.

2. Offices and schools shall continue to consider the health status of the personnel by recommendations on circumstances who will be required to report on-site to comply with the minimum/required percentage of on-site personnel.

3. Consistent with IATF Resolution Nos. 148-B and 149-B, 2021, the following shall be observed in DepEd:

   a. Offices and schools shall coordinate with their respective Regional VOCs and or Local VOCs to report whether there are sufficient supplies of COVID-19 vaccines in their respective areas as determined by the NVOC.

[illegible]

i. The IATF vaccination/RT-PCR/antigen requirement for on-site personnel as stipulated in IATF Resolution No. 148 B and 149 and as elaborated in this section, applies only to such areas

ii. The DTI is coordinating with the NVOC for a centralized reference list of areas where there are sufficient supplies of COVID-19 vaccines and which are covered by the IATF resolutions

b. Only personnel who have been fully vaccinated will be allowed to work on site. They shall be required to present their vaccination cards as proof of vaccination before they are included in the list of personnel allowed to report on site. Those who have not been vaccinated shall remain under a work-from-home arrangement

c. Personnel who have not been vaccinated, but are eligible, shall continue to be encouraged to be vaccinated, especially if they will soon be required to report on site

d. If unvaccinated personnel will be required to report on site, they shall **be required to present a negative result of RT-PCR test undertaken at most 48 hours before the day of reporting, and which shall be valid for up to two weeks from the day of testing** unless the personnel develop symptoms, for which they shall stop reporting on site and proceed to established health protocols

i. When RT-PCR capacity is insufficient or not immediately available, antigen tests may be resorted to

ii. The RT-PCR or antigen test of unvaccinated personnel **who have refused to be vaccinated despite being eligible** for such, shall be charged at the personnel's expense

iii. Partially vaccinated personnel required to do onsite work **need not undergo regular RT-PCR test at their own expense, as long as their second dose is not yet due** pursuant to the interval prescribed for the brand of vaccine they received as first dose

iv. **Concerned offices and schools are requested to facilitate/cover the costs of the testing of personnel** who are required to report on site but cannot be vaccinated because their **second dose is not yet due** pursuant to the interval prescribed for the brand of vaccine they received as first dose or because of **valid medical reasons.**

[illegible]

v. Personnel who have valid medical reasons for not being vaccinated shall present a medical certificate from their attending physician for validation by the nearest DepEd medical officer. The DepEd medical officer shall assess the personnel's condition and request the regular updating of their medical certificate as may be applicable and ensure that the personnel will be vaccinated when already eligible or cleared.

e. For consistency, the same requirements that they are either fully vaccinated or RT-PCR/antigen negative as described above shall be imposed on

i. persons required to travel or attend a work-related face-to-face gathering (e.g., seminar, training, conferencing, workshop, forum, meeting);

ii. students who need to enter school premises for necessary transactions;

iii. guests who need to join work-related face-to-face gatherings.

f. The Bureau of Human Resource and Organizational Development (BHROD) is requested to provide guidance on how to handle the attendance records of personnel who cannot be accommodated in office premises despite being required to report on-site due to failure to present proof of vaccination or valid negative RT-PCR/antigen test result.

g. It is reiterated that vaccination remains **not mandatory**, and no personnel who remain to be unvaccinated may be terminated solely for reason thereof.

This is consistent with **Republic Act No. 11525** titled *An Act Establishing the Coronavirus Disease 2019 (COVID-19) Vaccination Program, Expediting the Vaccine Procurement and Administration Process, Providing Funds Therefor, and for Other Purposes*, as cited in **DepEd Memorandum No. 28, s. 2021** titled *Comprehensive Guidance on the Participation of the Department of Education in the Implementation of the Philippine National Deployment and Vaccination Plan for COVID-19 Vaccines*.

4. All concerned units at the Central Office and the field offices, including the BHROD, the Central Office Task Force (COVID-19) and the Compliance Team at the bases of the pilot implementation of face-to-face classes, are requested to provide necessary guidance or update existing guidelines as may be needed to comply with this memorandum and the cited national issuances.

[illegible]

5. In case of changes to national [illegible] which become the bases for this memorandum, such changes will be automatically honored.

For queries regarding this concern, please contact the DRRC Secretariat BLSS SHD through (02) 8632 9933 or email at [illegible]

For the consideration and approval of the Secretary.

ALAIN DELPIL PASCUA
Undersecretary
Chairperson, DepED Task Force COVID-19

cc. Undersecretaries and Assistant Secretaries
Bureau and Service Directors
Regional Directors and BARMM Education Minister
Schools Division Superintendents
School Heads