

The Philippine COVID19 Response: ***A Legal Analysis***

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Government measures include:

- *Lockdowns;*
- *Restriction of mobility;*
- *Mass vaccination drives;*
- *Discrimination between the vaccinated & unvaccinated.*

The government has invoked ...

- *The exercise of police power to protect the right to health;*
- *The presumption of regularity & constitutionality of government measures;*
- *The necessity of mandatory vaccination*

Issues:

Public health measures vs. *individualized medicine*

Police power (public health) vs. *individual human rights*

Issues:

*Public health
measures*

vs. individualized medicine

*Police power
(public health)*

vs. individual human rights

THIS IS A FALSE CHOICE.

The Philippine Constitution provides:

- *Art. II, Sec. 15: The State shall protect and promote the **right to health of the people** and instill health consciousness among them.*
- *Art. II, Sec. 11: The State values the dignity of every human person and **guarantees full respect for human rights**.*
- *Art. II, Sec. 4: The **prime duty** of the Government is **to serve and protect the people**.*

The Philippine Constitution provides:

- *Art. II, Sec. 5: The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.*
- *Art. III, Sec. 1: No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.*

The exercise of police power ...

- *Must employ reasonable means towards a reasonable end;*
- *Must be exercised without grave abuse of discretion;*
- *Must use means that are least restrictive of fundamental Constitutional rights.*

The presumption of regularity and constitutionality ...

- *Is disputable.*
- *Can be contradicted and overcome by other evidence.*

The following presumptions can be disputed:

- *That a person is innocent of crime or wrong;*
- *That an unlawful act was done with an unlawful intent;*
- *That evidence willfully suppressed would be adverse if produced;*
- *That official duty has been regularly performed;*
- *That the law has been obeyed.*

Public health measures ...

- *Should not sacrifice human rights;*
- *Should factor in the totality and indivisibility of human rights;*
- *Should consider all possible viable alternatives and not focus solely on 1 single solution.*

IATF Resolutions, MMDA Resolutions,
Executive Orders, and LGU ordinances that
prescribe mandatory vaccination
directly contravene Rep. Act No. 11525,
a law passed by Congress.

Republic Act No. 11525

Section 2 (c):

“...the State shall undertake a COVID-19 Vaccination Program with the following objectives:

(c) Recognize the **experimental nature of COVID-19 vaccines** available in the market and compensate any serious adverse effects (SAEs) arising from the use of COVID-19 vaccine, experienced by people inoculated through the COVID-19 Vaccination Program”

Republic Act No. 11525

Section 12:

“... the vaccine cards shall not be considered as an additional mandatory requirement for educational, employment and other similar government transaction purposes.”

“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.”

**Mandatory vaccination
is unconstitutional.**

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**Forced vaccination
violates human rights.**

Forced vaccination violates human rights.

Every human being has the ***inherent right to life***. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
(*Article 6.1, International Covenant on Civil and Political Rights*)

Forced vaccination violates human rights.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, ***no one shall be subjected without his free consent to medical or scientific experimentation.***

(Article 7, International Covenant on Civil and Political Rights)

Forced vaccination violates human rights.

Everyone shall have the right to ***freedom of thought, conscience*** and religion.

(Article 18.1, International Covenant on Civil and Political Rights)

Forced vaccination **violates human rights.**

No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

(Article 18.2, International Covenant on Civil and Political Rights)

Public emergencies
cannot restrict or remove
these fundamental rights.

The right to life, the right to not be subjected to medical experimentation without consent, and the right to freedom of thought & conscience **cannot be derogated from even during times of public emergency.**

(Article 4, International Covenant on Civil and Political Rights)

The **discrimination** between the vaccinated and unvaccinated **violates human rights.**

Forced vaccination **violates human rights.**

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (*Article 26, ICCPR*)

The *discrimination*
between the vaccinated and unvaccinated
is *unconstitutional,*
unreasonable,
and is not supported factually & legally.

Article III, Section 1, Philippine Constitution

“No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the **equal protection of the laws.**”

The discrimination between the vaccinated and unvaccinated has *no valid scientific & factual basis.*

*In truth and in fact, **both vaxxed & unvaxxed:***

- (1) Can *transmit* COVID.
- (2) Can *get infected* with COVID.
- (3) Can *get severe COVID* and *die* from it.

The insistence on COVID19 vaccination to the exclusion of all other viable alternatives is unreasonable, unconstitutional, and a gravely abusive exercise of police power.

If not vaccination, what alternatives are there?

- Prevention and early treatment;
- Low-cost, repurposed drugs like ivermectin, hydroxychloroquine, zinc, vitamin C, etc.;
- Focused protection.

“An unjust law is no law at all.”
- *St. Thomas Aquinas*

Mandatory Vaccination is
Immoral,
Illegal,
Unconstitutional,
and Violates Fundamental
Human Rights.