



Republic of the Philippines
OFFICE OF THE CITY MAYOR
City of Davao

EXECUTIVE ORDER NO. 45-A
Series of 2021

"AN ORDER MANDATING THE VACCINATION OF ALL CITY GOVERNMENT OF DAVAO PLANTILLA, JOB ORDER, CONTRACT OF SERVICE, AND VOLUNTEERS FOR COVID-19 AND STIPULATING SANCTIONS FOR THE REFUSAL OF SUCH"

WHEREAS, Article 2, Section 15 of the 1987 Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, Republic Act 7160 or the Local Government Code of 1991, particularly Section 16 thereof provides, among others, that the local government units shall promote the health and safety of their inhabitants;

WHEREAS, the Section 16 of the same law provides that every local government unit shall exercise the powers expressly granted, those necessarily implied there from, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, President Rodrigo R. Duterte issued Proclamation No.922 declaring a state of public health emergency in the Philippines due to COVID-19. Subsequently, Proclamation No. 929 declared a state of calamity throughout the country due to COVID-19, which was extended by Proclamation No.1021;

WHEREAS, Section 3 of Republic Act No. 11494 (Bayanihan to Recover As One Act) stipulates that incognizance of the adverse impact of the COVID-19 pandemic to the Philippine, the State shall likewise establish mechanisms to optimize the use of science, technology, and innovation in government's response measures; and to enhance public trust in science and technology and incorporate the use of scientific research and technological expertise in the policy-making process;

WHEREAS, as of September 5, 2021, based on the Department of Health (DOH) COVID-19 statistics, Davao City has a total of 39,983 cases with 6,712 active cases and 1,246 deaths;

WHEREAS, for COVID-19 deaths accumulated from August 29 to September 4, 2021, statistics shows that 42 out of 46 individuals were unvaccinated;

WHEREAS, the increasing cases and challenges to mitigate its spread has been compounded by the presence of COVID-19 variants that have made the virus more transmissible;

WHEREAS, the development of vaccines against COVID-19 is among the solutions that will greatly mitigate the increasing cases in the country, complemented by already existing health measures and protocols in place;

WHEREAS, on February 23, 2021, the Department of Health (DOH) issued Department Memorandum (DM) No. 2021 - 0099, otherwise known as, "Interim Omnibus Guidelines of the Implementation of the National Vaccine Deployment Plan for COVID-19";

WHEREAS, herd immunity, also known as "population immunity," is the indirect protection from an infectious disease that happens when a population is immune either through vaccination or immunity developed through previous infection;

WHEREAS, out of 20,000 City Government personnel there are already 12,000 vaccinated individuals and zero deaths recorded that may be attributed to vaccination. The unreasonable refusal of some personnel to get vaccinated should not be allowed to bring to naught the cooperation of the majority, their effort to achieve herd immunity and their right to a healthy disease-free environment;

WHEREAS, while the City Government recognizes that the right to health of a government personnel includes the right to refuse vaccination, this right should bow to the superior right to health of the majority consisting of other city government personnel and the public at large;

WHEREAS, mandatory vaccination by law has its precedence on Republic Act 10152 which is an Act providing for Mandatory Basic Immunization Services for infants and Children. This law was enacted in the lawful exercise of the police power of the State.

NOW, THEREFORE, I, SARA Z. DUTERTE, Mayor of the City of Davao, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. MANDATORY VACCINATION FOR ALL PERSONNEL IN THE CITY GOVERNMENT OF DAVAO. FULL vaccination for COVID-19 shall be made mandatory to all personnel of the City Government of Davao. This shall include plantilla, job order, contract of service, and volunteers.

Department Heads and Chiefs-of-Offices, through their respective Administrative Officers, shall ensure that all personnel assigned in their offices are fully vaccinated on or before November 30, 2021.

SECTION 2. VACCINATION SCHEDULE. It shall be the responsibility of the Human Resource Management Office (HRMO) to ensure and coordinate with the Davao City COVID-19 Task Force Vaccination Cluster in organizing and scheduling the vaccination of all city government personnel.

Administrative Officers of various city government offices shall submit to the Personnel Benefits and Welfare Division of HRMO the list of personnel to be included in the vaccination schedule.

Any personnel who does not get vaccinated on their scheduled vaccination date shall be required to submit a written explanation to the HRMO.

SECTION 3. SANCTION. A plantilla personnel who refuses to undergo vaccination shall be held administratively liable for Insubordination and shall be penalized by suspension of one (1) month and one (1) day to six (6) months for the first offense; and dismissal from the service for the second offense, pursuant to Section 50 (d) of the 2017 Rules on Administrative Cases In The Civil Service (2017 RACCS).

SECTION 4. HIRING. Job Order, Contract of Service, and Volunteers. The City Government of Davao shall prioritize the hiring of job order, contract of service, and volunteers who are fully vaccinated on January 1, 2022.

SECTION 5. EXCEPTIONS. A personnel may be exempted from the mandatory COVID-19 vaccination if his/her name is endorsed by the Vaccine Cluster Head to HRMO as exempted due to medical reason that is listed as a contraindication in all the available vaccines.

NO other reason for exemption shall be allowed.

SECTION 6. MONITORING AND VALIDATION OF VACCINATED AND UNVACCINATED PERSONNEL. The HRMO is tasked to monitor and validate the vaccination of all City Government of Davao personnel.

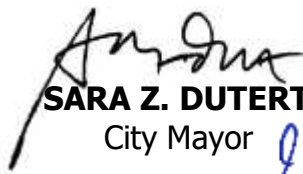
Names of the personnel shall be validated by the HRMO with the COVID-19 Task Force Vaccination Cluster Data Management Team.

SECTION 7. SEPARABILITY CLAUSE. If any provision of this Executive Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 8. REPEALING CLAUSE. All Orders or parts thereof which are inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

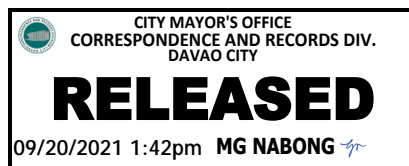
SECTION 9. EFFECTIVITY. This Executive Order shall take effect immediately.

Done this 20 day of September 2021 in Davao City, Philippines.


SARA Z. DUTERTE
City Mayor *J.*

Attested by:


ATTY. ZULEIKA T. LOPEZ
City Administrator *J.*



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