



**EXCERPTS FROM THE MINUTES OF
THE SECOND (2nd) REGULAR COMMISSION MEETING
EMPLOYEES' COMPENSATION COMMISSION
SERIES OF 2021**

*Convened Via ZOOM On-Line Meeting
Thursday, 11th of March 2021 at 9:00 A.M.*

BOARD RESOLUTION NO. 21-03-08

Granting of Compensation under P.D. No. 626, as amended, to all Covered Members and/or their Qualified Beneficiaries in the Event of Disability or Death Due to Inoculation under Republic Act (R.A.) No. 11525 ("COVID19 Vaccination Program Act of 2021")

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

WHEREAS, Article II, Section 18 of the 1987 Constitution provides the State Policy to affirm labor as a primary social economic force and to protect the rights of workers and promote their welfare;

WHEREAS, Presidential Proclamation No. 922, s. 2020, dated 08 March 2020 declares a State of Public Health Emergency throughout the Philippines due to Coronavirus19 (COVID-19) pandemic and enjoins all government agencies and Local Government Units (LGUs) to render full assistance and cooperation and mobilize the necessary resources to undertake critical, urgent, and appropriate response and measures in a timely manner to curtail and eliminate the threat of Covid19;

WHEREAS, Presidential Proclamation No. 929, s. 2020, dated 16 March 2020 declares a State of Calamity throughout the Philippines for a period of six (6) months due to Covid19 pandemic unless earlier lifted or extended as circumstances may warrant;

WHEREAS, Presidential Proclamation No. 1081, s.2020 dated 16 Sept. 2020 extends the said period of the State of Calamity throughout the Philippines due to Covid19 pandemic for a period of one (1) year, effective 13 September 2020 to 12 September 2021, unless earlier lifted or extended as circumstances may warrant;

WHEREAS, Republic Act (R.A.) No.11525 (“The COVID-19 Vaccination Program Act of 2021”) undertakes a COVID19 Vaccination Program with the objective of, among others, compensating any serious adverse effects (SAEs) arising from the use of COVID19 vaccine experienced by people inoculated through the COVID19 Vaccination Program;

WHEREAS, Section 17 of R.A. No. 11525 provides that the said Act shall take effect immediately after its publication in the Official Gazette ¹and shall remain in full force and effect during the period of the state of calamity as declared under Proclamation No. 1021 dated 16 September 2020;

WHEREAS, the following American Jurisprudence² supports the view that although inoculation is among the acts which are outside the regular duties of employees, it is still within the course of employment:

- “when inoculation is occasioned by the particular conditions of employment, injury resulting from the inoculation should be deemed to have occurred in the course of employment’;
- “any harm stemming from inoculations undertaken to protect against the risks of overseas diseases, whether the inoculations were strictly required or not, should be viewed as flowing directly from the employment;
- “where a serum is taken at the employer’s request because of the prevalence of an epidemic and illness and disability results it is generally held to be an accident which arose out of and in the course of the employment and is compensable.”

WHEREAS, the basic policy under Article 3 of the Labor Code in correlation with Article XIII, Sec. 1 of the 1987 Constitution aside from affording full protection to labor is to balance or to coordinate the privileges and interests between workers and employers;

WHEREAS, considering that COVID19 vaccination program under R.A. No. 11525 would bring mutual benefits between employers and employees as the same would result in the prevention of infection among the workers and it would also protect the employers against disastrous business consequences due to down time loss as a result of frequent absenteeism of its infected employees, this Commission considers the said vaccination program as within the course of employment;

¹ R.A. No. 11525 was published in the Official Gazette (OG) on March 3, 2021

² 1966 Cumulative Supplement, The Law of Workmen’s Compensation, Arthur Larson, Duke University Law School Director, Rule of Law Research Center Vol. 1 citing *Neudeck v. Ford Motor Co.*, 249 Mich.690, 229 N.W. 438 (1930); *Texas Employer Ins. Ass’n v. Mitchell*, 27 s.w.2d 600 (Tex.Civ.App.1930). *Accord, Spicer Mfg. Co. v. Tucker*, 127 Ohio St. 421, 188 N.E. 870 (1934). *Sanders v. Children’s Aid Soc’y*, 238 App. Div. 746, 265 N.Y. Supp. 698, aff’d, 262 N.Y. 655, 188 N.E. 107 (1933). *Alewine v. Tobin Quarries*, 206 S.C. 103, 33 s.e.2D 81 (1945); *Lepow v. Lepow Knitting Mills, Inc.*, N. 96; *McAllister V. Cosmopolitan Shipping Co.*, N. 94; and *Travellers Ins. Co. v. Donovan*, N. 97. 27.32 *Inoculation* pp. 452.53; *Schneider’s Workmen’s Compensation*, Third or Permanent Ed., by William r. Schneider, St. Louis Bar citing N.Y. –*Sanders v. Children Aid Society*, 238 A.D. 746, 265 N.Y.S. 698 (1933) 1300. *Antitoxin or Vaccination Taken at Employer’s Request and Causing Disability*, p. 462

WHEREAS, in carrying out and interpreting the provisions of the Labor Code and its implementing rules and regulations, the working man's welfare should be the primordial and paramount consideration. This kind of interpretation gives meaning and substance to the liberal and compassionate spirit of the law as provided for in Article 4 of the Labor Code which states that:

"All doubts in the implementation and interpretation of the provisions of the Labor Code including its implementing rules and regulations shall be resolved in favor of labor." ³

WHEREAS, Article 172 (166) of P.D. No. 626, as amended, provides the policy of the State to promote and develop a tax-exempt employees' compensation program whereby employees and their dependents, in the event of work-connected disability or death, may promptly secure adequate income benefit, and medical or related benefits;

WHEREAS, in correlation with R.A. 11525 ("The COVID19 Vaccination Program Act of 2021"), this Commission finds the urgent need to promulgate a policy on the granting of compensation under P.D. No. 626, as amended, in the event of disability or death or serious adverse events arising from the use of duly authorized COVID19 vaccines which shall be in addition to any allowance or other similar benefits under existing laws, issuances, rules and regulations;

WHEREAS, Art. 179 (173) of P.D. No. 626, as amended, partly provides that the grant of benefits being administered by other agencies of the government as provided for in other laws shall not bar the payment of compensation under P.D. No. 626, as amended;

NOW, THEREFORE, BE IT RESOLVED BY THIS COMMISSION to promulgate this Resolution granting compensation under P.D. No. 626, as amended, to all covered members who underwent inoculation under the COVID19 Vaccination Program in the event of injury that resulted to disability or to the qualified beneficiaries in case of death of the covered members upon confirmation by the Systems of causal connection between the inoculation and its medical consequences as supported by relevant medical records and/or findings;

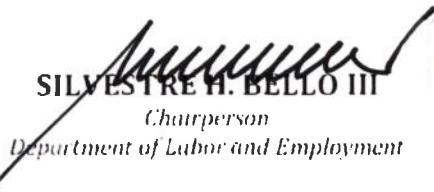
RESOLVED FURTHER, that compensation under P.D. No. 626, as amended, shall also be granted to all covered members inoculated through the COVID19 Vaccination Program in case of hospital confinement due to any serious adverse effects (SAEs) as considered under R.A. No. 11525 and its Implementing Rules and Regulations;

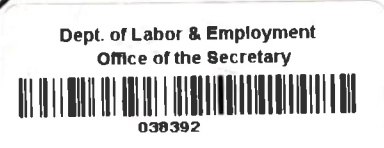
RESOLVED FURTHER, that the Systems shall determine the qualified beneficiaries at the time of death of the covered member. For this purpose, the Systems may require the submission of proof of relationship such as, but not limited to, Marriage or Birth Certificates and Affidavit of Guardianship;

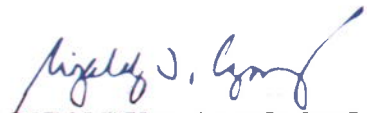
³ Abella v. National Relations Commission, G.R. No. 71812, July 20, 1987

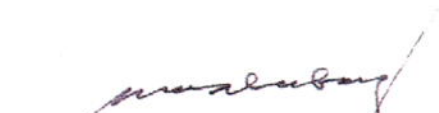
RESOLVED FINALLY, that this Resolution shall take effect immediately after its publication in a newspaper of general circulation and shall have a retroactive application from March 3, 2021 upon the effectivity of R.A. No. 11525.

Adopted this 11th day of March 2021, in Makati City, Philippines.


SILVESTRE H. BELLO III
Chairperson
Department of Labor and Employment




RIZALDY T. CAPULONG
Member
Social Security System


NORA M. MALUBAY
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