

**\*\*Title\*\***: Pedrito M. Nepomuceno v. President Rodrigo R. Duterte, et al.

**\*\*Facts\*\***:

Pedrito Nepomuceno filed a petition for writ of mandamus against President Rodrigo Duterte, Health Secretary Francisco Duque, and Gen. Carlito Galvez Jr. as Chief Implementer of the National Task Force against COVID-19, demanding the enforcement of FDA rules concerning the procurement and use of COVID-19 vaccines, with a specific focus on Sinovac vaccines. The petitioner raised concerns about the efficacy of Sinovac, arguing for obligatory trials in the Philippines and adherence to procurement laws. The case escalated to the Supreme Court challenging the government's vaccine procurement plans amidst legal immunity claims for the sitting president and procedural issues surrounding the writ's criteria.

**\*\*Procedural Posture\*\***:

Upon reaching the Supreme Court, the petition faced immediate scrutiny regarding the sue-ability of the incumbent president, citing established jurisprudence protecting sitting presidents from lawsuits. Additionally, the Court examined the grounds for mandamus, dissecting the petitioner's failure to specify a ministerial duty necessitating such a writ, alongside questioning the direct filing with the Supreme Court instead of lower courts, noting the matter's factual nature outside its scope.

**\*\*Issues\*\***:

1. Presidential Immunity from Suit.
2. Justifiability of issuing a writ of mandamus based on ministerial vs. discretionary duties.
3. Appropriateness of direct recourse to the Supreme Court for this petition.

**\*\*Court's Decision\*\***:

The Supreme Court dismissed the petition, basing its rationale on several grounds:

- **\*\*Presidential Immunity\*\***: Reinforcing existing jurisprudence, the Court reiterated the immunity of sitting presidents from lawsuits, dropping President Duterte as a respondent.
- **\*\*Writ of Mandamus\*\***: The Court clarified mandamus applies only to clear ministerial duties neglected by officials, not discretionary ones. The petition failed to identify any law compelling specific actions by the respondents regarding COVID-19 vaccine trials or

procurement methods, which were under discretionary policy spaces informed by global health standards and legislated flexibilities for pandemic response.

- **Direct Recourse to the Supreme Court**: The Court criticized the petition's direct filing, emphasizing its jurisdictional constraints and the requirement to observe the hierarchy of courts, especially for cases involving factual inquiries better suited to lower courts' examinations.

**Doctrine**:

- **Presidential Immunity**: Sitting presidents are immune from lawsuits during their tenure.

- **Mandamus**: Applicable only for compelling the performance of neglected ministerial duties, not discretionary ones.

**Class Notes**:

1. **Presidential Immunity**: A constitutional doctrine preventing sitting presidents from being sued to ensure unimpeded performance of official duties.

2. **Writ of Mandamus**: A legal remedy commanding a government official to perform a neglected ministerial duty. Requires a clear legal right to the requested action and a clear duty on the part of the respondent; not applicable for discretionary duties.

3. **Hierarchy of Courts**: Petitioners must observe the judicial hierarchy, typically refraining from directly accessing appellate or higher courts for initial filings, unless exceptional circumstances justify such action.

**Historical Background**:

The case emerged amid the global COVID-19 pandemic, spotlighting legal and procedural debates over vaccine procurement, executive discretion in emergency health responses, and long-standing principles of presidential immunity. The legal scrutiny unfolded in a context where expedited vaccine deployment was critical to public health, intersecting with existing legal frameworks and jurisprudence on executive powers and judicial review.