

**\*\*Title:\*\***

\*Princess Sherisse A. Abines et al. vs. Dr. Francisco T. Duque III et al., G.R. No. 237831 (2023)\*

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

1. In December 2015, during the Climate Change Summit in Paris, Philippines President Benigno Aquino III and Health Secretary Janette Garin met with Sanofi Pasteur officials to discuss Dengvaxia, a dengue vaccine.
2. Secretary Garin proposed procuring 3 million doses, subsequently approved by the Department of Budget and Management (DBM).
3. The Food and Drug Administration (FDA) approved Dengvaxia for consumption, and it was exempted from the Philippine National Formulary assessment to expedite procurement.
4. The DBM issued a P3.5 billion Special Allotment Release Order for Dengvaxia.
5. In February 2016, the Philippine Children's Medical Center requested procuring 600,000 vials; a Certificate of Exemption was issued.
6. Garin authorized disbursement, and the Philippine Children's Medical Center purchased Dengvaxia from Zuellig Pharma.
7. A school-based vaccination program was announced in NCR, Region III, and Region IV-A.
8. In July 2016, Garin's successor, Health Secretary Paulyn Ubial, suspended and then resumed the program, expanding it to Cebu due to high dengue cases.
9. Studies suggesting adverse vaccine effects led Congress to investigate the vaccine's safety and procurement process.
10. In November 2017, Sanofi updated information stating the vaccine might cause severe disease in those previously uninfected by dengue.
11. Following this, the Department of Health (DOH) and FDA suspended the vaccination program and Dengvaxia distribution.

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

1. In December 2017, 74 children, represented by their parents and supported by private citizens and legislators, filed a Petition for Mandamus before the Supreme Court.
2. Respondents, including DOH officials, filed their comments; petitioners followed with their replies.
3. The Supreme Court required memoranda from both parties, which were submitted.

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

1. Whether the petitioners have legal standing to file the petition.
2. Whether the Petition is exempt from the doctrine on the hierarchy of courts.
3. Whether petitioners are entitled to a writ of continuing mandamus and if its issuance violates the principle of separation of powers.

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

1. **\*\*Legal Standing\*\***:

- The Court affirmed petitioners' legal standing based on direct injury from Dengvaxia inoculation, risking their health and welfare.
- Citizens and legislators also have standing in invoking constitutional rights of transcendental importance.

2. **\*\*Doctrine of Hierarchy of Courts\*\***:

- The petition violated the doctrine. The case should have been initially filed in the regional trial court.
- Exceptional circumstances cited by petitioners do not negate the need to establish factual grounds, which lower courts are better suited to handle.

3. **\*\*Entitlement to Writ of Continuing Mandamus\*\***:

- The writ does not cover the reliefs sought as they do not pertain to environmental law but health rights.
- Acts demanded are non-ministerial and not explicitly mandated by law.
- Issuing such a writ would overstep the judiciary's function, encroaching on the Executive's discretion and violating the principle of separation of powers.

**\*\*Doctrine:\*\***

1. **\*\*Legal Standing\*\***:

- Concrete injury ensures a party's stake in the controversy, sharpens issue presentation, and respects separation of powers.
- Not all claims on constitutional rights bestow standing; some injury or direct effect must be shown.

2. **\*\*Hierarchy of Courts\*\***:

- Original petitions should commence at lower courts, except in rare cases with purely legal issues or exceptional circumstances, which this case lacked.
- The doctrine ensures judicial efficiency and respects the functional competencies of each

judicial level.

3. **Separation of Powers**:

- The judiciary cannot compel actions involving executive or legislative discretion unless a grave abuse of discretion is evident.
- Mandamus applications must enforce clear legal duties, not compel performance of discretionary functions.

**Class Notes:**

- **Key Elements**:

- Legal standing requires direct injury or significant interest.
- Hierarchy of courts necessitates initial filing at appropriate lower courts.
- Separation of powers prevents judiciary interference in executive and legislative duties.

- **Statutory Provisions**:

- **Rule 65**: Mandamus issued for duties explicitly enjoined by law, not discretionary acts.
- **Principle of Separation of Powers**: Preserves independence and checks among government branches.

**Historical Background:**

The Dengvaxia controversy arose amidst efforts to combat dengue in the Philippines, resulting in significant public health implications. The legal challenges underscored tensions between immediate public health responses and systematic procedural safeguards, highlighting the judiciary's role in balancing legal principles against administrative and political actions in urgent health crises. The case reflects broader historical efforts to address dengue and the evolving role of vaccines, juxtaposed against governmental procedural integrity.