

DSWD OPINION NO. 01 S. 2024

DRN: LS-L-LO-23-12-21351-C

MEMORANDUM

FOR : MS. SANDY A. GABALDON
Administrative Officer I
Financial Management Service – Cash Division

**FROM : THE ASSISTANT SECRETARY FOR GENERAL
ADMINISTRATION AND SUPPORT SERVICES GROUP and
CONCURRENT OFFICER-IN-CHARGE (OIC), LEGAL
SERVICE**

**SUBJECT : NON-RENEWAL OF THE FIDELITY BOND OF ASSISTANT
BUREAU DIRECTOR EDNA SACEDOR OF SOCIAL
WELFARE INSTITUTIONAL DEVELOPMENT BUREAU
(SWIDB)**

DATE : 03 JANUARY 2024

This refers to your email inquiry dated 19 December 2023 with attached Memorandum entitled “*Reiteration for the Submission of Fidelity Bond Requirements*” in relation with the submission of fidelity bond requirements of Ms. Edna J. Sacedor (“**ABD Sacedor**”), the Assistant Bureau Director for Social Welfare Institutional Development Bureau in the Central Office.

At the outset, the Memorandum primarily seeks for the non-renewal of ABD Sacedor's fidelity bond in view of her upcoming retirement next year, August 2024.

Section 4 of Bureau of the Treasury Circular No. 02-2009 dated 06 August 2009 entitled “*Revised Omnibus Regulations Governing the Fidelity Bonding of Accountable Public Officers Pursuant to the Public Bonding Law (Sections 313-335, Chapter 15, Revised Administrative Code of 1917*” states:

“4.0 General Provisions

4.1 Public Officers Covered – Every officer, agent, and employee of the Government of the Philippines or of the companies or corporations of which the majority of the stock is held by the National Government (NG), regardless of the status of their appointment shall, whenever the nature of the duties performed by such officer, agent or employee permits or requires the possession, custody or employee permits or requires the possession, custody or control of funds or properties for which he is accountable, be deemed a bondable officer and shall be bonded or bondable and his fidelity insured (Section 314 & 318, PBL) xxx” (emphasis supplied)

Anent to this, an Assistant Bureau Director is tasked to assist the Bureau Director in managing the day-to-day operations of their respective bureau to ensure timeliness of outputs and effectiveness of service delivery. Apart from the responsibilities imposed upon him/her, he/she is also responsible for supervising the preparation of budget estimates, annual budget proposal and justifications for the bureau and acts in absence of the Bureau Director.

It is worthy to note that the Social Welfare Institutional Developmental Bureau (SWIDB) is the training arm of the department responsible for the development of organizational development and capability framework and responsible for the establishment of networks and linkages.¹ In order to effectively implement the mandate of SWIDB, an Assistant Bureau Director is designated to aid and support the Bureau Director.

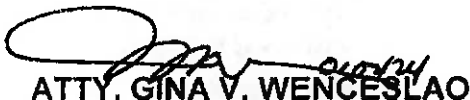
Accordingly, in absence of the Bureau Director, ABD Sacedor is next in line to act in accordance with the Section 18 (2), Book IV, Chapter 4 of Executive Order No. 292 entitled "Administrative Code of 1987"². Hence, the non – renewal of the fidelity bond of ABD Sacedor on the ground of her anticipated retirement in August 2024 should not be a hindrance in fulfilling her duties and responsibilities as a public servant.

Moreover, upon careful scrutiny on the Civil Service Commission and Commission on Audit's Rules and Regulations, the concept nor practice of "Career Deceleration" is not found in any of the CSC and COA existing rules and regulations that permits a retiring employee to reduce, lessen, offload, nor limit the performance of mandated tasks, duties and functions of her office. Thus, her non-renewal of fidelity bond on the ground of her anticipated retirement does not have any legal leg to stand on.

In effect, ABD Sacedor's function as the Assistant Bureau Director of SWIDB is integral to their day-to-day operations. Consequently, the non-renewal of her fidelity bond will severely affect the Bureau's mandates and operations. We understand that ABD Sacedor will be retiring in the year 2024, however, with due respect, the Legal Service **discourages** the request for the non-renewal of the fidelity bond on the ground of impending retirement. Nevertheless, the Bureau may consider finding equally qualified personnel to assume the role of a Special Deputy Officer to ensure continuity or unhampered function or operation of the Bureau.

For your consideration.

Thank you.


ATTY. GINA V. WENCESLAO
 MBP/ESQE

¹ Administrative Order No. 20, s. 2005 subject: Establishment of Social Welfare and Development Learning Network

² SECTION 18. Bureaus in General. – xxx

(2) Each bureau shall be headed by a Director who may have one or more Assistant Directors as provided by law; xxx" (emphasis supplied)