

DSWD OPINION NO. 08 S. 2024

DRN: LS-L-LO-23-10-72589-C

MEMORANDUM

FOR : **ASSISTANT SECRETARY JULIUS B. GOROSPE**
Chief Information Officer, Office of the Chief Information Officer

FROM : **ASSISTANT SECRETARY FOR FINANCE UNDER GASSG**
AND CONCURRENT OFFICER-IN-CHARGE
Legal Service

SUBJECT : **REQUEST FOR COMMENTS AND INPUTS ON THE**
PROPOSED DSWD SOFTWARE DEVELOPMENT POLICY

DATE : **16 JANUARY 2024**

This pertains to the MEMORANDUM dated 02 October 2023, requesting for comments and inputs on the proposed DSWD Software Development Policy.

Please consider our comments below.

We suggest that the proposed policy must be an Administrative Order form instead of a Memorandum Circular. Section 50, Chapter 11 on Administrative Issuances, Book IV of Executive Order No. 292 otherwise known as the Administrative Code of 1987 provides, thus:

SECTION 50. General Classification of Issuances. —The administrative issuances of Secretaries and heads of bureaus, offices or agencies shall be **in the form of circulars or orders.**

(1) **Circulars** shall refer to issuances prescribing policies, rules and regulations, and procedures promulgated pursuant to law, applicable to individuals and organizations outside the Government and designed to supplement provisions of the law or to provide means for carrying them out, including information relating thereto; and

(2) **Orders** shall refer to issuances directed to particular offices, officials, or employees, concerning specific matters including assignments, detail and transfer of personnel, for observance or compliance by all concerned.

Further, Section VI of Administrative Order No. 03 S. 2014 reads:

VI. CLASSIFICATION

Administrative issuances shall be classified as follows:

Memorandum Circulars (MCs) prescribe policies, rules and regulations in carrying out the Department's mandates. These are

designed to supplement laws, to provide means for carrying out laws, or to clarify issues resulting from implementation of laws to prevent any further confusion by providing timely information relating thereto. These include implementing rules and regulations (IRRs) of laws falling under the Department's mandates. These are general application and cover units and individuals within and outside the DSWD. These are generally permanent in nature.

Administrative Orders (AOs) lay out policies and standards for the efficient administration of the Department. These are merely internal to the DSWD and cover administrative matters that require attention of officials and employees, for information and compliance. These are issued by the Secretary as administrative head relative to particular aspects of Department operation, to address confusion by timely defining specific similar actions current issues, concerns and operational procedures. These are generally of Department-wide application, although some may cover administrative matters (excluding disciplinary actions) that concern only particular units of the Department.

That is, there is a significant difference between a Memorandum Circular and Administrative Order. Here, we observed that this proposed policy is merely internal to the DSWD and cover only administrative matters that require the attention of officials and employees, for their information and compliance. Thus, we recommend using Administrative Order for this purpose.

In addition, please find attached the matrix of comments of the Legal Service for further enhancement of the proposed policy.

For your consideration.


Lastly, please fill out the attached Customer Feedback Form and return the same to the Legal Service.

Thank you.


ATTY. GINA V. WENCESLAO

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APPROVED BY:


ATTY. EDWARD JUSTINE R. ORDEN
Undersecretary for GAS&G