

**DSWD OPINION NO. 22 S. 2024****DRN: LS-LAD-L-LO-23-11-98581-H****MEMORANDUM FOR THE SECRETARY**

**THROUGH : ATTY. HURJAE S. LUBAG, Rpm**  
Head Executive Assistant

**FROM : THE ASSISTANT SECRETARY FOR GASSG AND**  
**CONCURRENT OFFICER-IN-CHARGE, Legal Service**

**SUBJECT : LETTER FOR SECRETARY REX GATCHALIAN FROM**  
**GOVERNOR VICTOR J. YU OF THE PROVINCE OF**  
**ZAMBOANGA DEL SUR WITH DRAFT MEMORANDUM OF**  
**AGREEMENT ON AICS PROGRAM**

**DATE : 05 MARCH 2024**

The Office of the Secretary referred to the Legal Service for action, the letter<sup>1</sup> of Governor Victor J. Yu, with attached copy of the Memorandum of Agreement (MOA)<sup>2</sup> duly signed by Gov. Yu on the proposed partnership between DSWD Field Office (FO) IX and the Provincial Government of Zamboanga del Sur (Service Provider) for the implementation of the Assistance to Individuals in Crisis Situation (AICS) program at the local level.

The draft MOA intends to create a partnership between the DSWD FO IX and the Provincial Government of Zamboanga del Sur by providing CREDIT LINE for DSWD services facilitated to CIU clients by the Provincial Government of Zamboanga del Sur.

Pertinent to the matter at hand is the DSWD Memorandum Circular (MC) No. 16, series of 2022 as amended by MC 17 s. 2023 or the *Revised Guidelines on the Implementation of the Assistance to Individuals in Crisis Situation*, item VI provides, thus:

**COVERAGE**

*VI. The AICS program is intended for individuals and families assessed to be experiencing crises or extreme difficult situations needing financial or material support. **The assistance may be provided as augmentation to that provided by the LGU, based on the assessment of a DSWD Social Worker.** In general, any individual who is in a crisis situation or circumstances in life may be assisted through the provision of appropriate assistance. (Emphasis Supplied).*

The direct assistance to beneficiaries by way of cash or issuance of GL to service providers is to guarantee the payment of services rendered. For the purpose of the implementation of AICS program, the Revised AICS Guidelines defines "Service Providers" as:

***Service Providers- refer to hospitals, funeral homes, and other service providers such as, but not limited to, diagnostic laboratories, clinics, drugstores, among others which are willing to accept the GLs issued by the DSWD for payment of their services and/or goods for the beneficiary. (Emphasis Supplied).***

<sup>1</sup> Annex "A"

<sup>2</sup> Annex "B"

Service Providers (SPs) therefore are entities that, by nature of their businesses, are legally authorized to directly provide services that are deemed direct assistance covered by AICS such as funeral service, hospitalization, medical, educational and similar assistance that alleviates the beneficiaries plight. Under the guidelines, the DSWD is allowed to partner with these different **service providers such as hospitals, funeral homes, diagnostic laboratories, clinics or drugstores for the implementation of the AICS program through the issuance of a Guarantee Letter to be issued by the DSWD for the payment of their services to the qualified clients.**

The services provided by the funeral service, hospitals, and those given as assistance under the AICS are entirely different from the **basic services** being provided by the **Local Government Units (LGUs)** under Section 17 of Republic Act (RA) No. 7160<sup>3</sup>, otherwise known as the *Local Government Code of 1991*, pursuant to the general welfare clause of the same law, particularly, Section 16 of RA No. 7160, all of which redound to the benefit of the LGUs' constituents. LGUs, in the performance of their constitutional and statutory mandates, do not include the provision of the aforesaid services for a fee to their constituents needing these types of assistance. In fact, LGUs are not precluded from providing their own locally-funded assistance directly to their constituents needing funeral, medical, hospitalization, and other kinds of aid. LGUs remain the first and direct responders to their respective communities.

In *Edwin D. Velez vs. People of the Philippines*, the Supreme Court held that: "x x x while the DSWD is the lead national government agency mandated to provide comprehensive social welfare programs, the LGUs act as its frontline service providers pursuant to devolution of powers under Section 17 of Republic Act (R.A.) 7160, otherwise known as the Local Government Code of 1991, GR No. 21526, 28 August 2019."

It may be of interest to our LGUs that pursuant to DSWD Memorandum Circular (MC) No. 10, series of 2018 or the "*Guidelines on the Provision of Technical Assistance and Resource Augmentation (TARA) to Local Government Units through Local Social Welfare and Development Offices*", the **DSWD may provide the necessary technical assistance and resource augmentation to LGUs as needed to support their functionality for the delivery of basic social welfare services.** That is, the DSWD will only augment the resources of the LGUs to assist them in extending social welfare services to its constituents. Augment, in its plain meaning, is support for increasing capacity of LGU in performing its social welfare mandate.

Based on the foregoing discussion, the proposed partnership between this Department and the Province of Zamboanga del Sur as SP to implement AICS in the local level is not recommended for execution for being contrary to law, jurisprudence, and Department policies.

More importantly, upon coordination with Atty. Jazz Usad of DSWD Field Office IX, they confirmed that they neither reviewed nor had the occasion to discuss the intended proposed agreement relative to the implementation of the AICS program in said province.

Respectfully recommending that the Department forego the signing of the MOA and for the FO IX to continue its collaboration with the of Province of Zamboanga del Sur on how to properly establish an effective partnership with the Province relative to the implementation of AICS and other programs of DSWD.

<sup>3</sup> SECTION 16. Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare.

If these recommendations are acceptable, attached for the approval and signature of the Secretary, are draft letter to Governor Victor J. Yu and Regional Director Riduan P. Hadjimuddin of FO IX.

For consideration of the Secretary and further instructions, if any.

Lastly Kindly fill-out the attached Customer Feedback Form and return to the Legal Service

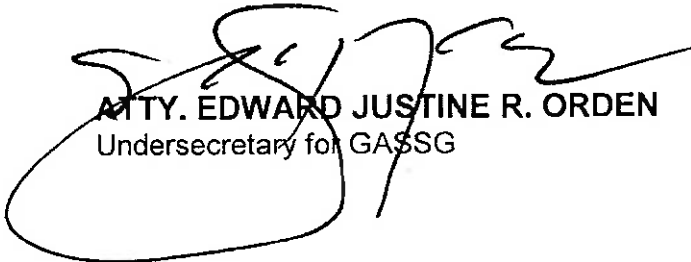
Thank you.



**ATTY. GINA V. WENCESLAO**

MCMUG/FBT/LCA/ESQE/10065

Approved by:



**ATTY. EDWARD JUSTINE R. ORDEN**  
Undersecretary for GASG