

DSWD OPINION NO. 41 S. 2024
MEMORANDUM FOR THE SECRETARY

DRN: LS-LO-24-04-72964-C

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

FROM : **THE UNDERSECRETARY FOR GENERAL ADMINISTRATION
AND SUPPORT SERVICES (GASSG)**

SUBJECT : **LEGAL STUDY ON MEMORANDUM CIRCULAR NO. 09,
SERIES OF 2021 OR THE POLICY GUIDELINES ON
STRENGTHENING PARTNERSHIP WITH STAKEHOLDERS
DURING ELECTION AND NON-ELECTION PERIODS**

DATE : **30 APRIL 2024**

This is in reference to the letter¹ from the **Legal Network for Truthful Elections (LENTE)** requesting for a meeting with the Department of Social Welfare and Development (DSWD) to discuss the implementation of the Department's Memorandum Circular No. 09, Series of 2021 (MC No. 09, s. 2021)² or the "*Policy Guidelines on Strengthening Partnership with Stakeholders during Election and Non-Election periods*" as endorsed by your office through email on 17 April 2024, directing the study of the subject MC and to provide materials related thereto.

LENTE, in its letter, stated that it became aware of DSWD MC No. 09, s. 2021 through consultation with their vulnerable sector partners and it now endeavors to gain a deeper understanding of said guidelines and explore ways on how it can align its programs to better protect the beneficiaries. Additionally, LENTE seeks clarification on the matter of accessing DSWD social welfare programs and understanding the legal remedies available to beneficiaries should they be unjustly excluded from the Department's programs for political reasons.

A. Background and Rationale on the issuance of MC No. 09, s. 2021

MC No. 09, s. 2021 mentioned of "past experiences in national and local elections showing several incidents and reports of some partners gaining control or taking advantage in the implementation of some of the activities of the Department during the election period while mobilizing under threat to the beneficiaries of its different programs and services towards advancing their personal and political interests"³.

These past experiences were addressed by the Department through the following:

¹ Annex "A"

² Annex "B"

³ Rationale, MC No. 09, s. 2021

To ensure that the Pantawid Pamilyang Pilipino Program (4Ps) and its beneficiaries are insulated from partisan political activities, Memorandum Circular No. 24, Series of 2012⁴, otherwise known as the *“Guidelines on the Conduct of Activities on Pantawid Pamilyang Pilipino During 2013 Campaign and National and Local Election Period”* was issued on 07 January 2012 to guide the national and regional program management offices on the implementation of the 4Ps during the 2013 national and local elections.

In 2013, as a response to various election-related complaints that used the program for personal and political advancement, the DSWD, together with Department of Interior and Local Government (DILG) and Commission on Elections (COMELEC), entered into a **Tripartite Memorandum of Agreement**⁵ to ensure that the implementation of 4Ps during elections and campaign periods is free from political influence and manipulation by politicians while safeguarding the rights of the beneficiaries, in pursuit of free and honest elections. To attain this, Parties to this agreement agreed to disseminate *“Bawal ang Epal Dito”* campaign materials to all DILG Field Offices (FOs) for immediate and active communication and information to candidates within their regions. One of DSWD’s responsibilities is to conduct massive information campaign by putting up posters, stickers, and other forms of visual material with a message, *“The Pantawid Pamilyang Pilipino Program is a program of the National Government and only DSWD Regional and National office can remove or add beneficiaries on the list based on beneficiaries’ compliance.”*⁶ Fact-finding investigation, complaints, and grievances were to be handled by COMELEC.

To further strengthen the *“Bawal ang Epal Dito”* campaign, DSWD, DILG, and COMELEC issued **Joint Memorandum Circular No. 2013-001**⁷ (DSWD-DILG-COMELEC JMC No. 2013-001) entitled *“Bawal ang Epal Dito Campaign (BAED) Implementation Guidelines”*. The JMC was a binding commitment to provide a sound and timely joint resolution of election-related grievances. DSWD’s MC No. 24, s. 2012 was added to the JMC’s mechanism in the conduct of fact-finding investigation of election-related grievances and their resolution in accordance with the procedures and sanctions identified in both issuances.

Prior to the issuance of MC No. 09, s. 2021, 4Ps had already launched three (3) election-related campaigns: 1) BAED-midterm election 2013; 2) 4Ps Halalan Para sa Mamamayan - 2016 National Election; and 3) Aktibong Mamamayan - 2018 midterm election.

The third paragraph of the Rationale stated in MC No. 09, s. 2021 sums up the wisdom behind its issuance, that is, **“to respond to various issues and complaints that use the programs and services of the Department for personal and political advancement, the Department deemed it most fitting to strengthen its policies and structures in the implementation of its programs and services during the election and non-election periods in order to prevent occurrences of such incidents while at the same time capacitating the program implementers and beneficiaries to build confidence and competence in responding to all election-related issues and complaints. This is very critical in ensuring that the DSWD programs and services will yield the most rewarding benefits and results for its intended beneficiaries or recipients thus, preventing acts and engagements that may exploit,**

⁴ Annex “C”

⁵ Annex “D”

⁶ Page 5 of Tripartite Memorandum of Agreement

⁷ Annex “E”

abuse, waste, or use the agency, its personnel, programs, facilities and funds for personal or political gains or advancement.”

B. Salient Features of MC No. 09, s. 2021

The salient features of MC No. 09, s. 2021 are as follows:

- **Scope⁸:** This MC is a general guide on the implementation of DSWD programs and services during election and non-election periods, providing different ways and measures adopting various platforms and communication approaches to capacitate the field implementers and beneficiaries to know their rights, roles and responsibilities as active and responsible citizens while following the electoral processes and procedures; It also aims to maximize the use of national and regional Grievance Redress System (GRS) of DSWD to report and respond to any form of harassment, abuse, or threat to the field implementers and beneficiaries.
- **Components⁹:** The subject MC has the following components: (1) Advocacy and Awareness Campaign; (2) Orientation and Capacity Building; and (3) Partnership with Stakeholders, Coordination and Collaboration.
 1. The Advocacy and Awareness Campaign utilizes Communication for Development (C4D) approach which has three main strategies, namely, Advocacy, Social Mobilization¹⁰, and Behavior Development or Program Communication¹¹. The Digital Marketing Service (DMS) shall ensure an institutionalized advocacy campaign to communicate the core messages in a consistent manner through the use of multiple channels that shall be incorporated in the overall Social Marketing Plan of the Department.
 2. Orientation and Capacity Building shall be conducted in order to equip the field implementers in carrying out their roles and responsibilities in the efficient and effective implementation of DSWD programs and services during the election and non-election period. This will be facilitated by the regional offices in collaboration with the Human Resource Management and Development Services (HRMDS) and Social Welfare Institutional and Development Bureau (SWIDB).
 3. Partnership with Stakeholders, Coordination and Collaboration to continue the Department's thrust to foster, establish, and sustain partnerships with different government and non-government entities to be allies, program and advocacy champions, and sources of support in protecting the agency's beneficiaries and clients and the government resources.

⁸ Item IV(A), MC No. 9, s. 2021

⁹ Item VI, MC No. 9, s. 2021

¹⁰ Social Mobilization is a process of bringing together all feasible inter-sectoral social partners to determine felt-need, raise demand for and sustain progress towards a particular development objective.

¹¹ Program communication is a research-based, consultative process of addressing knowledge, attitudes, and practices of specific groups of program participants in order to develop or change those behaviors that have an impact on development objectives.

Under this component, DSWD adopted the theme "**Bantay, Gabay, Kaagapay and Tulay**"¹² to serve as the working message for partnership and collaboration during the election period.

The "Bantay, Gabay, Kaagapay and Tulay" shall focus among four major areas:

- a. **Bantay (watchdog)** - where DSWD and partners cooperate in implementing projects and activities geared towards fighting or preventing corruption;
- b. **Gabay (mentor)** - where partnership is intended to enhance technical capacities of DSWD staff and or direct service workers utilizing the expertise of the partner Non-Government Organizations (NGOs) and Civil Society Organizations (CSOs) on a required area needing technical assistance;
- c. **Kaagapay (co-implementer)** - wherein the partnership is implementing anti-poverty and social protection projects and activities targeting a commonly agreed upon sector or geographical areas and results; and
- d. **Tulay (link)** - where the partnership's primary intent is facilitating action, feedback, and monitoring of a specific program and area of implementation using the partner as facilitators/link between the Department and its target sectors subject to existing government issuances and policies.

In order to implement this, a Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) may be pursued by DSWD with the following partners:

- National Government Agencies
 - Local Government Units and
 - Organized Groups and other Civil Society and Peoples' Organization
- **Grievance Mechanism**¹³: A centralized GRS shall be established incorporating all the programs and services of the Department and shall be cascaded to the regional offices maximizing the current existing system of the Agency Operations Service (AOS) in managing the grievances received by the Department that shall report and respond to any form of harassment as well as abuse of threat to the field implementers and beneficiaries.
 - **Prohibited activities**¹⁴: The policy guidelines also provided a list of prohibited activities:
 1. Officers and employees in the civil service shall not engage directly or indirectly in any electioneering or partisan political campaign;
 2. Non-compliance to the pertinent provisions of the "Code of Conduct and Ethical Standards for Public Officials and Employees (RA No 6713)";
 3. Commission of dishonesty and deceit in the public service and non-compliance to preventive measures against graft and corruption;

¹² DSWD MC No. 11, Series of 2015

¹³ Item VIII, MC No. 09, s. 2021

¹⁴ Item X, MC No. 09, s. 2021

4. No officer or employee in the Civil Service including members of the Armed Forces, shall engage directly or indirectly in any partisan political activity or take part in any election except to vote nor shall he use his official authority or influence to coerce the political activity of any other person or body (EO 292 Administrative Code of 198);

5. Activities shall not be used in any manner that could in any way influence the vote of a person or the results of the election. For instance, during Department activities, the following, among others, shall not be allowed:

5.1. Display of election paraphernalia such as tarpaulins, banners, posters, stickers, and T-shirts; prominently featuring the names, pictures or logos of candidates or parties on activity materials such as programs and handouts;

5.2. Distribution of election materials such as flyers, leaflets, and sample ballots;

5.3. Playing of campaign jingles and other election-related audio or video materials. and

5.4. Political Campaigning by any political candidate, political party, and/or their supporters.

6. Department shall not participate directly or indirectly in the conduct of the following:

6.1. medical missions, and other similar activities or events organized by a political candidate or party;

6.2. political gatherings/forums or campaigns;

6.3. hold training exclusively for personnel closely identified with a political candidate; and

6.4. activities with offices of incumbent officials running for an office. If such a joint activity has already been agreed upon prior to the election period, the incumbent official should be made to understand that the joint activity shall not be used for electioneering. If the incumbent official does use such joint activity for electioneering, such shall be immediately reported to the COMELEC.

7. Misrepresenting the source of relief goods, equipment or the aid commodities by:

7.1 Either covering, replacing or defacing the labels of the containers to make it appear that the goods, equipment or the aid commodities came from agency person;

7.2 Repacking the goods, equipment or other aid commodity into containers with different markings to make it appear that the goods came from another agency or persons or was released upon the instance of a particular agency or persons;

7.3 Making false verbal claim that the goods, equipment or other aid commodity in its untampered original containers actually came from another agency or persons or was released upon the instance of a particular agency or persons; and

7.4 Substituting or replacing relief goods, equipment or other aid commodities with the same items or inferior/cheaper quality.

8. Tampering with or stealing hazard monitoring and disaster preparedness equipment and paraphernalia;

9. Gathering of parent leaders, community volunteers, and program beneficiaries shall not be allowed if they will be used for the personal advantage of the politician. The DSWD shall monitor said activities to ensure that gatherings of parent leaders are only for official meetings and/or activities only and not connected in any way to political engagements; and
10. No program or activities shall be used for political campaigns.

- **Safeguards and Preventive Measures¹⁵:** The policy guidelines also provides for a list of activities that DSWD offices and personnel can conduct as measures to prevent the occurrence of the prohibited activities, such as, but not limited to the following:
 1. Conduct information dissemination and capacity-building activities for the Department's officials, personnel, and stakeholders on these guidelines according to the Department-wide Advocacy and Communication Plan and on election-related laws and issuances;
 2. Plan and implement programs and provide services in a timely manner in anticipation of potential challenges especially in "high-risk/hot spot" areas during election period;
 3. Facilitate the Active Citizenship Module during Family Development Sessions and related modules to strengthen and promote community responsibility and participation;
 4. Provide Technical Assistance, coaching and/or supervisory meetings to field implementers on managing the engagement or interference of politicians and other personalities and group in official projects and activities towards making them allies rather than adversarial entities;
 5. The implementation of regular activities of the different OBSs and FOs per their functions, duties and responsibilities shall follow the prescribed implementing procedures as specified in their respective Operations or Program Manuals or Guidelines. All workers shall be just and responsive and shall take a neutral, impartial and independent stand in all official matters;
 6. The rights, safety and security of the clients/beneficiaries and personnel shall be of prime consideration and any form of influence that will be detrimental to these shall be given full attention and immediate response by the Department;
 7. The conduct of any activity or project of any programs of the Department should not be tainted with politics at all times, thus, the conduct of these activities shall be held in venues/areas where politicking can be avoided. Moreover, all DSWD officials and employees shall refrain from inviting and/or accommodating political candidates to any official activity of the Department;
 8. Request for data shall only be entertained upon written request taking into consideration the provision under the Freedom of Information Law and Data Privacy Act;
 9. The Grievance Redress System (GRS) in the Department will be used for reporting any incident of politicking in line of work. All complaints shall be treated with utmost confidentiality and impartiality and will be managed according to the GRS guidelines issued by the AOC as stipulated in this guideline. (GRS MECHANISM);
 10. All requests for procurement of goods and services shall be in accordance with R.A. No. 9184 (The Government Procurement Reform Act) and its implementing rules and regulations and with pertinent issuance; and

¹⁵ Item XI, MC No. 09, s. 2021

11. The conduct of official activities shall be in accordance with set guidelines and parameters, thereby ensuring that no favor or benefit shall accrue to any political candidate or party.

- **Sanctions:** If warranted, sanctions may be imposed after due process and pursuant to existing laws, rules and regulations. DSWD employees and personnel, as well as Presidential Appointees and LGU officials/employees, may be held liable to their respective Disciplining Authorities for the commission of any of the prohibited acts under this guideline. Private individuals who participate in conspiracy as co-principals, accomplices or accessories, with public officials or employees, in the commission of the prohibited acts, shall also be subject to the same penal liabilities as the public officials or employees and shall be tried jointly with them per Section 11(c) of Republic Act No. 6713.¹⁶

C. Subsequent programs or activities conducted in relation to MC No. 09, s. 2021

Following the issuance of MC No. 09, s. 2021, the Department implemented the following programs and activities:

I. Sama-Sama Tayo! Magbantay, Makialam at Makilahok sa Halalan 2022 Campaign¹⁷

DSWD launched the “*Sama-Sama Tayo: Magbantay, Makialam at Makilahok sa Halalan 2022*” campaign in 2022. The Social Marketing Division (SMD) of 4Ps served as the resource person during the mass orientation organized by the DMS. The campaign aimed to strengthen the beneficiaries’ empowered decision-making during the election. It focuses on the following strategies: Advocacy, Social Mobilization, Mass and Social Media, Capacity Building and Program Development.

1. Advocacy

As part of the campaign, the National Program Management Office (NPMO) included as one of the topics in the Family Development Session (FDS) the roles and responsibilities of the 4Ps beneficiaries during the election. The FDS topic #23: AKTIBONG MAMAMAYAN SA PANAHON NG HALALAN (Active Citizen during Election), provides information on how each beneficiary can be actively involved in the election. Through this, the beneficiaries are provided with timely and accurate information.

4Ps was also able to publish two press releases on 19 October 2021¹⁸ and 06 May 2022¹⁹ wherein beneficiaries were reminded to fact-check information that they have received and to be critical of all the information that they read or hear. Beneficiaries were also encouraged to report any disinformation and misinformation.

¹⁶ Code of Conduct and Ethical Standards for Public Officials and Employees

¹⁷ Annex 'F'

¹⁸ 4Ps appeals on misleading information spreading in social media

¹⁹ DSWD encourages beneficiaries to report incidence of potlicking using 4Ps

2. Social Mobilization

4Ps was able to present the campaign to the members of the National Technical Working group on 24 February 2022. In addition, during the NPMO-led dialogue with the Samahan ng Nagkakaisang Pantawid Pamilya (SNPP) held on 17 March 2022, the SNPP was provided with various Information, Education and Communication (IEC) materials on election that they can share to their members.

3. Mass and Social Media

4Ps was able to publish the following:

- Thirteen (13) social media cards debunking misinformation and reminders for the upcoming national election from October 2021 to April 2022;
- Two (2) video teasers for the Program's Eleksyon-serye "*Boses ng Botanteng 4Ps*" in April 2022; and
- Four (4) videos of various 4Ps beneficiaries nationwide voicing their opinions about their ideal leader, importance of election, and the participation of the voting population.

II. Mini-Online Survey conducted by the DMS

In 2022, the DMS devised a mini-online survey²⁰ to assess the existing knowledge patterns of DSWD beneficiaries, social welfare and development (SWAD) implementers and patterns on the provisions of MC No. 09, s. 2021.

The survey had one hundred one (101) respondents from the beneficiaries, forty-five (45) from the implementers, and twelve (12) from the partners or a total of one hundred sixty (160) respondents. Record²¹ shows that out of one hundred sixty (160) respondents, only two (2) did not proceed.

The survey concluded that the majority of the respondents were knowledgeable of election-related facts and most of them answered that they would report any incidents of political maneuvering on the Department's programs and services and any prohibited acts during election period to City/Municipal Links, DSWD landline, and 8888 hotline. However, half of the beneficiary respondents stated that they did not know if they could protect or were able to protect their votes against exploitative electoral candidates.

As ways forward, the DMS recommended to present the survey report to the following concerned OBS:

1. Department Legislative Liaison Office - to include in their meeting agenda with legislators the provisions of MC No. 9, s. 2021;

²⁰ Annex "G"

²¹ *Ibid*

2. Agency Operations Service - the findings of the survey can guide them to further improve and strengthen their frontline services; and
3. DSWD Regional Directors through Regional Information Officers - it would be beneficial if the FOs can further orient and train their frontline staff on the provisions of MC No. 9, s. 2021.

III. Processing of Election-Related Complaints

In relation to the implementation of MC No. 09, s. 2021, the 4Ps-NPMO, established an enhanced procedure coherent with the existing policies of the Department. The procedure aimed to guide the staff in identifying the specific issues and to respond to election-related issues with individual accountabilities and their limitations. The election-related procedure had three (3) main categories and their respective sub-types are as follows:

1. Electoral Candidate Issues	<ol style="list-style-type: none"> a. Threat of non-receipt of grants/delisting; b. Threat of being harmed; c. False assurance of program inclusion; d. Use of the program and its resources; and e. Withdrawal of logistical support.
2. Electoral Candidate Supporters	<ol style="list-style-type: none"> a. Threat of non-receipt of grants/delisting; b. Threat of being harmed; c. False assurance of program inclusion; and d. Use of the program and its resources.
3. DSWD Staff-related Issues	<ol style="list-style-type: none"> a. Act of showing support through the use of the Pantawid Program, its activities and resources; and b. Act of showing support through accepting donations/gifts.

Please see Table 1 for a graphical illustration of the process entitled "GRS Sub-Operations Manual on Others: Election-Related Issue"²².

As a result of this enhanced procedure, the GRS²³ registered and resolved a total of seven (7) grievances on election-related issues from different FOs, to wit:

Field Office	Category	Subtype	Year	No. of Cases
CAR	Electoral Candidate Supporter Issue	Threat of non-receipt of grants/delisting	2022	1
IV-A	Electoral Candidate Issue	Threat of non-receipt of grants/delisting	2023	1

²² Annex "H"

²³ Annex "I"

	Electoral Candidate Supporter Issue	Threat of non-receipt of grants/delisting	2022	1
	Electoral Candidate Supporter Issue	Use of the program and its resources	2022	2
NCR	DSWD Staff-related Issues	Act of Showing support through its use of Pantawid program activities and resources	2023	1
XII	Electoral Candidate Supporter Issue	Threat of non-receipt of grants/delisting	2023	1
Total number of grievances				7

IV. The Integrated Grievance Redress Management System in relation to election-related complaints

In compliance with MC No. 09, S. 2021 in establishing a centralized GRS, DSWD Administrative Order No. 10, Series of 2023²⁴ or the "DSWD Guidelines and Procedures in the Use of Integrated Grievance Redress Management System (IGRMS)" was issued to consolidate and integrate all systems and databases of complaints and grievances received through the different grievance systems of the DSWD and other platforms.

To address and provide an immediate effective response to all requests for assistance, complaints, and grievances received from the general public and referral letters received from other National Government Agencies (NGAs), Local Government Units (LGU), and other concerned offices, a Standard Operating Procedure (SOP)²⁵ was developed by the AOS. Please see Table 2 for a graphical illustration of said SOP.

Accordingly, in 2023, ten (10) election-related complaints were received by the AOS²⁶ through the IGRMS, reporting irregularities in the DSWD FOs in relation to the use of funds, unfair distribution, and appointment of officials. The said complaints were promptly responded and referred to the respective FOs for appropriate action and further investigation.

Final Statement

The information presented in this Memorandum, particularly those that are not found in MC No. 09, s. 2021, were gathered by Atty. Diana Klaudine Benedicto, Atty. Jen Yzabelle Salazar, Atty. Mika Mei Pengson, and Atty. Rose Mary De Leon who all coordinated with Agency Operations Service and Dir. Gemma B. Gabuya, National Program Manager of 4Ps NPMO, in reference to the source of materials herein presented.

²⁴ Annex "J"

²⁵ Annex "K"

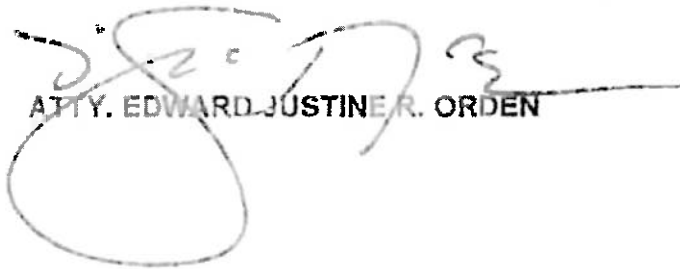
²⁶ Annex "L"

The Department's MC No. 09, s. 2021 and existing mechanisms in place, such as the IGRS, among others, are sufficient to address both election and non-related issues and the resolution thereof.

Depending on LENTE's mandate, role, purpose, and resources, a Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) may be pursued to specifically detail their commitments, support or resources they can share, spare, and mobilize. In such case, the terms of engagement that supports projects, programs, and activities that promote transparency, public information, and awareness or call to action shall be specifically defined in order to prevent persons or entities from using the programs, projects or services of the Department, including its officials, personnel, beneficiaries, properties and facilities to advance political or personal interest or gains.²⁷

In the alternative, LENTE's intended participation may be explored on how else can it help the Department in the attainment of common goals and objectives.

For the Secretary's information, and further instructions.



ATTY. EDWARD JUSTINE R. ORDEN

²⁷ Item VI. C – M.C No. 09 s. 2021