

DSWD OPINION NO. 45 S. 2024
MEMORANDUM

FOR : **MICHAEL CRISTOPHER R. MATHAY**
Director III, Disaster Response Management Bureau (DRMB)

FROM : **THE ASSISTANT SECRETARY FOR GASSG AND**
CONCURRENT OFFICER-IN-CHARGE, LEGAL SERVICE

SUBJECT : **COMMENTS ON THE PROPOSED SUPPLEMENTAL**
GUIDANCE TO DSWD-FIELD OFFICE (FO) XI FOR THE
IMPLEMENTATION OF EMERGENCY CASH TRANSFER
(ECT)

DATE : **24 MAY 2024**

This pertains to your MEMORANDUM requesting for our comments on the proposed **Supplemental Memorandum Guidance¹ for the implementation of Emergency Cash Transfer (ECT) for the Effects of Shear line and Trough of Low Pressure Area (LPA) – affected families in the Davao de Oro, Davao del Norte, and Davao Oriental in Region XI.**

The said Supplemental Memorandum Guidance is in relation to the **earlier issued Memoranda from the Secretary, dated 26 January 2024², 27 February 2024³, 25 March 2024⁴, and 19 April 2024⁵, involving the Activation of Emergency Cash Transfer (ECT) for the Trough of Low-Pressure Area and/or Shear Line Affected Families in Region XI.**

Common to these Memoranda is the following documentary requirement, particularly Item E (2) (a) thereof:

“E. Documentary Requirements

xxx

2. City/Municipal Local Government Units (C/MLGUs):

- a. Project Proposal with the masterlist of beneficiaries prepared by the [City/Municipal Social Welfare Development Officer] C/MSWDO and approved by the Local Chief Executive (LCE); xxx”

¹ Annex “1”

² With subject, “Activation of the Emergency Cash Transfer (ECT) for the Shearline-Affected Families in Region XI”

³ With subject, “Activation of the Emergency Cash Transfer (ECT) for the Trough of Low-Pressure Area-Affected Families in Region XI”

⁴ With subject, “Activation of the Emergency Cash Transfer (ECT) for the Trough of Low-Pressure Area (LPA)-Affected Families in Region XI”

⁵ With subject, “Activation for the Emergency Cash Transfer (ECT) for the Trough of Low-Pressure Area and Shear Line Affected Families in Region XI”

That is, under the earlier issued Memoranda from the Secretary, only the masterlist of beneficiaries from the City/Municipal LGUs, as prepared by their C/MSWDOs, may be submitted to the DSWD. Thus, DRMB would like to include the **Provincial and Barangay LGUs** and amend the abovementioned common provision or **Item E(2)(a)** of the earlier issued Memoranda, as follows: .

“E. Documentary Requirements

xxx

2. xxx

- a. Project Proposal with the master list of beneficiaries prepared by the **Provincial/City/Municipal Social Welfare Development Officer (P/C/MSWDO)**, approved by the Local Chief Executive (LCE).

Masterlist of beneficiaries, signed by the **Barangay Chairman**, supported by a Sangguniang Barangay Resolution, may be submitted directly by the Barangay Local Government Units (BLGUs) to the DSWD Field Office (FO), subject to validation by the FO’s Disaster Response Management Division (DRMD), and approval of the Regional Director.”

In this regard, please consider our comments below.

Section VII of DSWD Memorandum Circular (MC) No. 17, Series of 2019, or the “Guidelines in the Implementation of the Emergency Cash Transfer (ECT) during Disasters”, provides:

VII. ENROLMENT AND TRANSFER OF CASH TO BENEFICIARIES:

- a. 4Ps beneficiaries who are victims of disasters can readily be enrolled to ECT. If holders of 4Ps cash cards already, ECT benefits will be released through their cash cards. Existing guidelines on top-up mechanisms may be adopted, supplemented or amended;
- b. For beneficiaries under the Listahanan, with no cash cards yet, the cash assistance may be released either over the counter of 4Ps servicing bank, financial service providers with existing service contracts with DSWD or through direct cash/check payout by designated Special Disbursing Officers (SDOs); and
- c. For non-NHTS beneficiaries, the local government units (LGUs) where they are issued with the DSWD Disaster Assistance Family Access Cards (DAFACs) shall be required to submit to the DSWD-FOs the recommended list of beneficiaries subject for validation by the DSWD-FOs. The cash assistance for this category of beneficiaries may be released either through DSWD servicing banks, money transfer facilities or non-bank financial service partners who have existing access to or operations in disaster-affected areas or through direct cash payout by designated SDOs. Mechanism in the release of assistance through private service providers such as banks, money transfer centers, etc., shall be governed by Republic Act 9184 (Government Procurement Reform Act) and with government accounting rules and regulations.

Further, under **Section VIII (Implementation Procedures)** of the same Circular states:

b. Implementation Stage:

1. The DSWD-FOs shall undertake validation of the LGU-submitted list of disaster victims using the issued DSWD-DAFAC;

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DSWD | GENERAL ADMINISTRATION AND SUPPORT SERVICES GROUP | LEGAL SERVICE

Upon reading of the foregoing provisions of MC No. 17, series of 2019, the list of beneficiaries subject for validation of DSWD Field Offices (FO) is to be submitted by the concerned "local government unit (LGU)". It did not pertain to any particular LGU. **"When the law does not distinguish, we should not distinguish."** Local government units may either be provinces, cities, municipalities, barangays, and other political subdivisions as may be created by law, pursuant to Republic Act No. 7160 or the "Local Government Code of 1991".

Hence, it is our considered view that the proposed amendment to **Item E (2) (a)** of the subject Memoranda does not contravene the provisions of MC No. 17, series of 2019 as it even serves as a clarification to the general provisions of the MC, particularly the documentary requirements to be provided by the LGUs. Thus, we find the proposed Supplemental Memorandum Guidance, in relation to the earlier issued Memoranda of the Secretary to DSWD Field Office (FO) XI dated 26 January 2024, 27 February 2024, 25 March 2024, and 19 April 2024, to be legally sound.

Kindly fill out the attached Customer Feedback Form and return the same to the Legal Service.

For your consideration.

Thank you.


ATTY. GINA V. WENCESLAO

MCMUG/JAV/10065


Approved by:


ATTY. EDWARD JUSTINE R. ORDEN
Undersecretary for GASSG