

DSWD OPINION NO. 62 S. 2024DRN: LS-L-LO-24-07-32624-C**MEMORANDUM**

FOR : **GEMMA B. GABUYA**
Director IV, Pantawid Pamilyang Pilipino Program (4Ps) –
National Program Management Office

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

SUBJECT : **LEGAL OPINION ON THE ALLEGED INCONSISTENCY**
BETWEEN THE 4PS LAW AND ITS IRR

DATE : **16 AUGUST 2024**

This pertains to your Memorandum¹ requesting for legal opinion on the possible inconsistency between the provisions of Republic Act (RA) No. 11310 or the "Pantawid Pamilyang Pilipino Program (4Ps) Act", and its Implementing Rules and Regulations (IRR) regarding the conditions for grant distribution, particularly between the following provisions:

Section 6 of RA 11310 or the 4Ps Act provides:

"Section 6. Eligible Beneficiaries. – Farmers, fisherfolks, homeless families, indigenous peoples, those in the informal settler sector and those in geographically isolated and disadvantaged areas including those in areas without electricity shall be automatically included in the standardized targeting system to be conducted by the DSWD: *Provided, That to be eligible for the cash grants, households or families must meet the following criteria:*

- (a) Classified as poor and near-poor based on the Standardized Targeting System and the poverty threshold issued by the Philippine Statistics Authority (PSA) at the time of selection;**
- (b) Have members who are aged zero (0) to eighteen (18) years old or have members who are pregnant at the time of registration; and**
- (c) Willing to comply with the conditions² specified by this Act."**
(Emphasis Supplied)

¹ Annex "A" – Memorandum from the 4Ps

² Section 11. Conditions for Entitlement. -All qualified household-beneficiaries shall comply with all of the following conditions as a requirement for continued program eligibility:

- (a) Pregnant women must avail of pre-natal services, give birth in a health facility attended by a skilled health professional, and receive post-partum care and post-natal care for her newborn;
- (b) Children zero (0) to five (5) years old must receive regular preventive health and nutrition services including check-ups and vaccinations;
- (c) Children one (1) to fourteen (14) years old must avail of deworming pills at least twice a year;

On the other hand, **Section 12, Rule VI of the IRR** states:

“SECTION 12. The grants shall be in accordance with the approved program timeline released for a particular period in a year. The grants shall be timely and accurately released based on the compliance of qualified household-beneficiary members. **The initial grants shall be released to the households upon completion of the registration process.** IPs and other vulnerable groups, and other qualified household-beneficiaries residing in GIDA shall be facilitated in accordance with their particular needs, dynamics and culture, following rights-based strategies to provide them with convenient and cost-effective means to collect their cash grant.” (Emphasis Supplied)

Specifically, you now seek our opinion on the following points:

1. Whether the provision in the IRR allowing initial payments without compliance is legally valid in light of the explicit conditionality requirements under the 4Ps law; and
2. Recommendations on how to reconcile this inconsistency, including any necessary amendments to the IRR or legislative action.

Section 6 of the 4Ps Act refers to the determination of eligible beneficiaries by law and those identified are automatically included. This provision also sets forth the criteria on how the eligible beneficiaries shall be entitled to cash grants, and these criteria must be met. The three (3) criteria are conditions by themselves, and the third requires the eligible beneficiaries’ willingness to comply with additional program conditions. Thus, the law itself provided for initial criteria or conditions that entitles the eligible beneficiaries to the cash grant.

In relation to Section 12, Rule VI of the IRR, a clarification was sought with the 4Ps focal representative, Ms. Sherra Q. Elizaga, who explained that the “**registration process**” referred to in Section 12 of the IRR is covered by Part 02 (Registration) of the **4Ps Operations Manual (5th Edition)**³. We now refer to Part 02 of the Manual which includes the following information:

(d) Children three (3) to four (4) years old must attend day care or pre-school classes at least eighty-five percent (85%) of their time;

(e) Children five (5) to eighteen (18) years old must attend elementary or secondary classes at least eighty-five percent (85%) of their time; and

(f) At least one (1) responsible person must attend family development sessions conducted by the DSWD, at least once a month.

Any or all of the conditions for entitlement may be suspended by the DSWD Secretary during times of calamities, war and armed conflicts.

Section 12. Noncompliance with Conditions. -The responsible person of a reported qualified household-beneficiary who fails to comply with conditions set forth in Section 11 of this Act shall at first be notified in writing and the payment of cash grants will immediately be terminated. After four (4) months of noncompliance, the household-beneficiary shall be subject to case management process of DSWD.

Should the qualified household-beneficiary so notified persist in not complying with the conditions within a period of one (1) year since the day of receipt of the written notification, the household-beneficiary shall be removed from the program.

³ https://pantawid.dswd.gov.ph/wp-content/uploads/2022/08/08152022_4ps_OM_print.pdf

1. Household (HH) Targeting - the process of identifying the potential beneficiaries of social protection programs which can consequently identify the eligible households to be enrolled in the 4Ps program.
2. Beneficiary Registration - the process of enrolling eligible HH beneficiaries in the program. It is the entry point of HH-beneficiaries into the Program, where they are required to submit different documents that are necessary for capturing the correct data.
3. Beneficiary Updating - upholds the principle of completeness and accuracy of HH information and the participation of the beneficiaries in the program processes.

The registration and validation of HH-beneficiaries take place after the selection of eligible HHs. The list of selected eligible HHs is posted in conspicuous areas in barangays. After one month of posting, a community assembly of eligible HHs is conducted. The community meeting includes an orientation on the HHs' roles and responsibilities in the Program, registration and validation of eligible HHs, signing of their oath of commitment⁴, enrollment in an Authorized Government Depository Bank (AGDB) or other recognized financial institutions, and distribution of identification cards⁵.

The IRR must be read as a whole, and not piecemeal, in order to assess whether its provisions are inconsistent with the 4Ps Law.

It bears stressing that Section 12 of the IRR provides that "The initial grants shall be released to the households upon completion of the registration process." Nowhere in said IRR does it state that the requirements under Section 6 of the 4Ps law are not required. On the contrary, Section 9 of the same IRR requires the same eligibility requirements as those mentioned under Section 6 of the 4Ps Law. This necessarily means that the registration process must be read in connection with Section 9 of said IRR, meaning— only those who are eligible (under section 6 of the 4Ps Law, as reiterated under Section 9 of the IRR) may necessarily complete the registration process under Section 12 of the IRR.

This interpretation is bolstered by the 4PS Operations Manual (5th edition), wherein the eligibility requirements are all assessed and validated in the whole registration process which, as explained above, is not completed upon mere submission of documents, but is completed up until the signing of the Oath and only if all requirements under Section 6 of the 4Ps Law are met.

In view of the foregoing, we are of the view that Section 12, Rule VI of the IRR does not allow the release of initial cash grants without the need for compliance with Section 6 of the 4Ps Law. As such, there is no inconsistency or conflict that needs to be reconciled.

Please be informed that the foregoing legal opinion is based solely on the information provided by your office, and may vary based on additional information or document/s or when the facts are changed or elaborated.

⁴ Annex "B" – Oath of Commitment

⁵ Page 40 of the 4Ps Operations Manual (5th Edition), Item No. 4

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

CMUG/JAV/ADP/10065

Approved by:



ATTY. EDWARD JUSTINE R. ORDEN
Undersecretary for GASSG