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MEMORANDUM CIRCULAR NO. 14
SERIES OF 2003

**Subject: GUIDELINES FOR MONITORING COMPLIANCE TO
NEWLY ENACTED LAWS**

I. RATIONALE

The passage of the following significant legislations has given impetus for the Department of Social Welfare and Development (DSWD) to take initiative in monitoring the implementation of these laws in coordination with other concerned agencies:

- RA 8980 (The Early Childhood Care and Development Act Law)
- RA 8505 (Rape Victims Assistance and Protection Act of 1998)
- RA 8972 (Solo Parents Welfare Act of 2000) and
- RA 9165 (Comprehensive Dangerous Drug Act of 2002)

For CY 2003, the Secretary has directed the Field Offices to pilot test a monitoring system on compliance to the four new laws of at least one local government unit (LGU). The Field Offices were also required to document the pilot testing experiences. Henceforth, this Department Order may be used to monitor subsequent newly enacted laws.

In view of the above and in the absence of an existing guidelines in the conduct of monitoring compliance, this order is issued primarily to guide Field Offices in monitoring compliance of LGUs to the above laws to provide information to management, planners and implementors on the status of enforcement of above mentioned laws. Monitoring is essential to: 1) detect and correct violations; 2) provide evidence to support enforcement actions; 3) evaluate specific program progress by establishing compliance status; and 4) identify gaps between the implementation and the mandates of the law; 5) document the effectiveness and status of implementation.

II. DEFINITION OF TERMS

The following are defined for the purpose of this guideline:

Compliance Monitoring

Gathering, analyzing, managing, and maintaining information on the status of the implementation of law/s which is an important element of the enforcement program.

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Collateral Contact

A source that provides additional information to support or verify the enforcement/ implementation of the law through direct contact with the public.

Collateral Interview

Any interview with the public which focuses on their actual experiences relative to the implementation of the law.

III. OBJECTIVES

1. To guide the DSWD Field Offices (FOs) in monitoring local compliance of any of the following laws: Early Childhood Care and Development Act; Rape Victims Assistance and Protection Act; Solo Parents Welfare Act and Comprehensive Dangerous Drug Act, as directed by the Secretary for CY 2003 and subsequent ones.
2. To identify concerns relative to enforcement of laws as area for technical assistance to LGUs; and
3. To identify gaps/issues as basis for amendments and legislative proposal.

IV. COMPLIANCE MONITORING PARAMETERS

To monitor compliance to the four new laws in relation to social welfare and development, the following shall be looked into:

1. Are LGUs, agencies and community aware of the existence of the law? If not, is there a program to raise the consciousness/awareness of the LGU? Is the law enforced? How/in what way/s/where?

In the event that no SWD local legislations/ordinances have been passed, the Field Offices shall promote awareness and advocate for passage of SWD local legislations.

2. Has a SWD local legislation been passed with the purpose of implementing or further enhancing a law already in effect?

Determine/identify SWD oriented local ordinances and resolutions passed by LGUs to effect implementation of the law.

3. Are the provision of the SWD local legislation consistent with the provision of the law?

Look into the provisions of SWD local legislations in relation to the national legislations in terms of consistency and congruence.

4. What are the mechanisms provided in the implementation of national law/s? The operationalization of the mechanism shall be described.

Approaches and strategies to implement the law shall also be looked into as well as activities to be undertaken to substantiate said approaches/strategies.

5. What offices/agencies are involved in the implementation/enforcement of the laws? What are their specific involvement? Identify the roles/functions extended by the concerned agency.
6. Are these offices/agencies complying with the minimum standards provided under the law? Which do and which do not?

Per thorough assessment, identify from those involved offices/agencies what responsibilities have been done and those that are not done in complying with the minimum standards provided in the law.

7. Which provisions in the ordinance are not enforced? What are the reasons for non-enforcement/implementation?

Specify reasons of non-enforcement/implementation

8. What are the particular provisions of the law relative to the new laws? Were these complied with?

- **Program/services.** Are the programs/services relevant and adequate to deliver as indicated in the provision of the law ?
- **Implementors.** Are there specific plan of action to deliver the expected social welfare and development programs and services as implementor?
- **Budget.** Are there allocation of funds to support the implementation of SWD programs and services?
- **Target Areas/Beneficiaries.** Are the area of coverage and beneficiaries the intended target groups?
- **Sanctions.** Are sanctions or penal provisions in the law observed and applied?

V. SOURCE OF COMPLIANCE INFORMATION

The following would be source/s of compliance information:

1. Monitoring visit by FO staff to concerned offices

2. Report on monitoring results which includes analysis on status of enforcement

These reports will be submitted to Policy, Plans and Information Systems Bureau (PPISB) at Central Office annually for consolidation.

VII. UTILIZATION OF FINDINGS

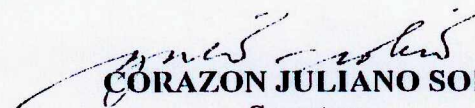
Findings on monitoring compliance of a law could be used as basis:

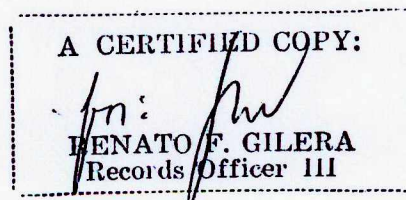
1. For advocacy planning on the law
2. In determining areas for technical assistance to LGUs and other concerned group
3. In development of new programs/strategies/approaches to respond to provisions of law
4. In networking/linking with concerned agencies/entities who have a stake in the law
5. Prioritization of resources to comply with the law
6. Identification of gaps and weaknesses of the law
7. Amendment/revision of the law

VIII. EFFECTIVITY

This order shall take effect immediately and amends other previous orders contrary to it.

Issued in Quezon City, this 10th day of June 2003.


CORAZON JULIANO SOLIMAN
Secretary
Department of Social Welfare and Development



(Suggested Outline)

**Compliance Monitoring/Documentation
Report on**

National Law

- I. **Local Legislation – List local legislation passed by the Sangguniang, the Date of Passage and the Major Highlights on provision of said legislation**
- II. **Consistency of provisions with national law – Indicate major provisions consistent with national laws. Indicate provisions (if any) which are inconsistent**
- III. **Mechanism for Implementation – Describe how local implementation shall be done under the mechanism provided for. Were these used as intended? If not, why? What strategies and approaches were used by concerned entities in the implementation?**
- IV. **Offices/Agencies involved in the implementation/enforcement of the law – Identify which offices/agencies are involved, their specific involvement and responsibilities and if they were able to deliver as expected. If not, why?**
- V. **What are the specific provision in the local legislations in relation to social welfare in term of programs/services, implementors, budget support, target areas and beneficiaries? Describe each. Which of these provisions were complied with? What are the reasons for non-compliance, if any?**
- VI. **Recommendations**

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