

Republic of the Philippines
Department of Social Welfare and Development
Batasan Pambansa Complex, Constitution Hills
Quezon City
Telephone No. 931-8101 to 07

Memorandum Circular

No. 28
Series of 2004

SUBJECT: DELINEATION OF AGENCIES' ROLES ON THE MANAGEMENT OF COURT-RELATED CASES

I. RATIONALE:

The UN Convention on the Rights of the Child and the Republic Act 7610 provide for the special protection of children and place social workers from various agencies with a vital role in the realization of the said provision. Likewise, the passage of the Local Government Code in 1991 and the enactment of several other significant laws and Supreme Court En Banc Resolutions for the past few years have further underscored their responsibilities in the promotion of the welfare of the disadvantaged population.

Through the devolution of the community-based programs and services to the LGUs and the expansion of similar functions to other social welfare agencies, the management of cases particularly those involving court litigation is no longer confined in the ambit of the Department of Social Welfare and Development. While this development promises greater access to the services provided by the mandated agencies, the same situation also weakens the accountability of social workers on responding to the cases they receive in view of other agencies they perceived as the ones responsible. This has further resulted to unnecessary endorsement of cases, and needless to say, delays in the provision of appropriate intervention to its clientele.

Thus, to keep abreast with the evolving role of the various agencies and the demand for effective and efficient delivery of services, the challenge to clarify the extent, boundaries and areas of collaboration among other agencies to the court-related cases has to be given serious consideration.

II. OBJECTIVES:

1. To identify the specific tasks and responsibilities of social workers of the Department of Social Welfare and Development (DSWD), Family Courts (FC), City/Municipal Social Welfare and Development Offices (C/MSWDO), non-government organizations (NGO) and hospitals and define areas of collaboration and complementation of efforts in the management of court related cases.
2. To articulate specific tasks and responsibilities in a reference document as basis of action for the efficient management of court related cases.

III. MANDATE AND LEGAL BASES

1. PD 603 known as the “Child and Youth Welfare Code” defines the rights of children, the rights and liabilities of parents, and the role of the community, schools and religious institutions
2. RA 7610 known as the “Special Protection of Children Against Child Abuse Exploitation and Discrimination” as amended by the Republic Act 7658
3. RA 8369 known as the “Family Courts Act of 1997” designates the Family Court Social Workers to provide appropriate social services to all juveniles and family cases falling within the jurisdiction of the Family Court
4. RA 8552 known as the “Domestic Adoption Act of 1998”
5. RA 7160 known as the “Local Government Code” provides for the devolution of basic services to the Local Government Units.
6. Supreme Court En Banc Resolution dated April 15, 2002 “Proposed Rule on Juveniles in Conflict with the Law” provides for procedure for the disposition of criminal cases filed against minors in the court
7. Supreme Court En Banc Resolution dated April 15, 2002 re: Rule on Commitment of Children
8. Supreme Court En Banc Resolution dated September 2000 re: Clarifying the Duties of the Social Workers of the Family Courts or Regional Trial Courts under the Family Courts Act of 1997
9. Executive Order No. 56 “Authorizing the Ministry of Social Services and Development to Take Protective Custody of Child Prostitutes and Sexually Exploited Children, and for Other Purposes”
10. Supreme Court Administrative Order No. 04-2002 provides for a special treatment of minor detainees and jail decongestion
11. DSWD Administrative Order 138 Series of 2002 re: Guidelines in the Accreditation of Social Workers Managing Court Related Cases
12. Rules of Court in the Philippines with Notes and Comments, Ruperto G. Martin, Mandaluyong, Metro Manila, 1986
13. Executive Order 221 Amending Executive Order No. 15 Series of 1998, entitled “Redirecting the Functions and Operations of the Department of Social Welfare and Development”.



IV. SPECIFIC TASKS AND RESPONSIBILITIES OF CONCERNED IMPLEMENTING AGENCIES

The following tasks required in the management of court-related cases are hereby identified and demarcated as the responsibility of the designated implementing agencies with the legal provisions as their sources of authority.

These cases include involuntary commitment of an abandoned/neglected child, adoption, legal guardianship/custody, child abuse and exploitation, management of children in conflict with the law, annulment and habeas corpus.

Court Related Cases	DSWD	Family Court (FC)	LGU-M/CSWDO	Licensed NGOs	Hospitals/Clinics
<p>1. Involuntary Commitment of an Abandoned/Neglected Child</p> <p>A. File a verified petition for involuntary commitment of a child who appears to be dependent, abandoned and neglected under the care of a licensed/accredited child caring/child placement agency/DSWD centers and institutions</p> <ul style="list-style-type: none"> □ Secure incident report from PNP based on Police blotter for cases directly handled □ Locate biological parent/s of child in their respective areas and through media announcements for 3 consecutive months □ Forward to DSWD case study, birth/foundling certificate, tri-media certifications, affidavit of finder as required by RSCC clinical abstract and other supporting documents required for filing petition for involuntary commitment of a child □ Referral of abandoned children to the DSWD or licensed Child Caring/Placing NGOs □ Appear in Court Hearings □ Ensure attendance of PAO/Legal Counsel 	<p>✓</p> <p>DSWD Secretary or authorized representative (PD 603 Article 142)</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p></p> <p></p> <p>✓</p> <p></p> <p>✓</p> <p></p>	<p></p> <p></p> <p>✓</p> <p>(if abandonment occurred in the LGU)</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>Executive Director (SC No. 04-2002 Sec. 4a, PD 603 Article 142)</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p></p> <p></p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓ (as witness)</p>

Court Related Cases	DSWD	Family Court (FC)	LGU-M/CSWDO	Licensed NGOs	Hospitals/Clinics
<ul style="list-style-type: none"> □ Ensure appearance of custodian-PAPS and subject child □ Provide copy petition to OSG/PAO 	<ul style="list-style-type: none"> ✓ ✓ 			<ul style="list-style-type: none"> ✓ ✓ 	
2. Adoption					
A. Pre-Adoption Services	(RA 8552) (Section 4)				
<ul style="list-style-type: none"> □ Provide pre-adoption services including counseling through professionally trained social workers □ Provide Technical Assistance to MSWDOs/Court and NGOs Social Workers 	<ul style="list-style-type: none"> ✓ ✓ 	<ul style="list-style-type: none"> ✓ 	<ul style="list-style-type: none"> ✓ (IRR Section 4, as authorized by the DSWD)	<ul style="list-style-type: none"> ✓ (KBF)	
B. Regular Adoption					
<ul style="list-style-type: none"> □ Conduct adoption forum for Prospective Adoptive Parents (PAPs) □ Secure voluntary commitment or process declaration of abandonment in court □ Refer to DSWD or NGO (KBF) PAPs who directly apply to them for adoption, if necessary □ Process adoption following the legal process □ Conduct of matching conference □ Provide Pre/Post-Adoption Services 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ (IRR Section 4 no. 2)	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ (for voluntary commitment)	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ (KBF)	<ul style="list-style-type: none"> ✓ (NGOs other than KBF)
C. Relative Adoption/Independent Placement					
If application filed at DSWD/FC/NGOs:					
<ul style="list-style-type: none"> □ Handle cases referred 	<ul style="list-style-type: none"> ✓ (IRR Section 19)	<ul style="list-style-type: none"> ✓ AM No.00-8-03 SC	<ul style="list-style-type: none"> ✓ 	<ul style="list-style-type: none"> ✓ (KBF)	

Court Related Cases	DSWD	Family Court (FC)	LGU-M/CSWDO	Licensed NGOs	Hospitals/Clinics
<ul style="list-style-type: none"> □ Secure voluntary commitment or process declaration of abandonment in court 	✓	✓		✓	
<ul style="list-style-type: none"> □ Conduct child case study and home study of the adoptive family <i>(same legal procedures with regular adoption except that they no longer go through the matching process since child has already been identified)</i> 	✓	✓	✓ (RA8552, Section 11)	✓	
<ul style="list-style-type: none"> □ Request for home study report of PAPs living abroad through the Inter-country Adoption Board (ICAB) to form part of the report of the Social Worker to the court 	✓	✓	✓ (RA 8552, IRR Section 14)	✓	
<ul style="list-style-type: none"> □ Refer cases to DSWD-Field Office/FC for filing 		✓	✓	✓	
<ul style="list-style-type: none"> □ Request consent for adoption 	✓	✓	✓	✓	
<ul style="list-style-type: none"> □ Attend court hearings 	✓	✓	✓	✓	
D. Post Adoption Services					
<ul style="list-style-type: none"> □ Provide post adoption services to the adoptee, adopter and the biological parents which shall include counseling among others 	✓ (RA 8552 Section 3)	✓	✓	✓ (KBF)	
3. Legal Guardianship/Custody					
A. If filed with FC:					
	<i>(PD 603 Article 152, SC Rule)</i>				
<ul style="list-style-type: none"> □ Conduct home/child study on child/legal guardian/custodian. 	✓	✓			
<ul style="list-style-type: none"> □ Conduct monitoring/follow-up visits to the child as directed by the court 	✓	✓	✓		
<ul style="list-style-type: none"> □ Court appearance 	✓	✓	✓		
<ul style="list-style-type: none"> □ Court appoints guardian / custodian of the child 		✓			

Court Related Cases	DSWD	Family Court (FC)	LGU-M/CSWDO	Licensed NGOs	Hospitals/Clinics
<p>4. Child Abuse and Exploitation Cases</p> <p><i>A. Reporting</i></p> <ul style="list-style-type: none"> □ Report to DSWD or any similar agency of local government units all incidents of possible child abuse cases <p><i>B. Investigation</i></p> <ul style="list-style-type: none"> □ Conduct of visit not later than 48 hours to the place where the reported abuse happened to determine the need of removing the child from the abusive environment <p><i>C. Rescue and Protective Custody</i></p> <ul style="list-style-type: none"> □ Immediately remove the child from his home or the establishment where he/she was found if the investigation discloses sexual abuse, serious physical injury or life-threatening neglect of the child, and place him/her in a licensed foster home or accredited child caring agency or in DSWD centers and institutions □ In cases where child does not have a family, whoever is the custodian, shall file for in protective custody □ Refer to DSWD for protective custody of child, if LGU/NGO has no facility/center □ Accept referral from LGU or NGO for protective custody of a child victim 	<p>(RA7610 IRR Section 3)</p> <p>✓</p> <p>(IRR Section 8)</p> <p>✓</p> <p>(RA 7610- Article XI)</p> <p>✓</p> <p>(Section 28)</p> <p>✓</p> <p>(RA 7610 Section 28)</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

Court Related Cases	DSWD	Family Court (FC)	LGU-M/CSWDO	Licensed NGOs	Hospitals/Clinics
<i>D. Notification of Police</i>					
<input type="checkbox"/> Notify/inform the police or other law enforcement agency whenever a child victim is placed under protective custody	<input checked="" type="checkbox"/> (IRR Section 11)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>E. Physical/Mental Examination</i>					
<input type="checkbox"/> Refer child to a government medical or health officer and medico-legal unit of the hospital or NBI for physical/mental examination and/or medical treatment	<input checked="" type="checkbox"/> (IRR Section 12)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>F. Involuntary Commitment</i>					
<input type="checkbox"/> File a petition for involuntary commitment of the child victim if applicable	<input checked="" type="checkbox"/> (IRR Section 13)		<input checked="" type="checkbox"/> (facilitate)	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Request the Court to suspend the parental authority of the parent or lawful guardian who abused the child victim	<input checked="" type="checkbox"/> (RA 7610 Section 27)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>G. Filing of Complaint</i>					
<input type="checkbox"/> Refer child and family to a lawyer if the family decides to pursue filing of charges	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> File a complaint against perpetrator	<input checked="" type="checkbox"/> (RA 7610 Section 16)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>H. Provision of Social Work Intervention</i>					
<input type="checkbox"/> Provision of the appropriate rehabilitation services to child and his/her family	<input checked="" type="checkbox"/> (RA 7610 Article II Section 4)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> (RA 7160, IRR Article 25)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> (in case there is a CPU)
<input type="checkbox"/> Organize support groups of victims	<input checked="" type="checkbox"/> (EO 56 Section 2)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Ensure child's appearance during court hearing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> (CPU clients)

Court Related Cases	DSWD	Family Court (FC)	LGU-M/CSWDO	Licensed NGOs	Hospitals/Clinics
<ul style="list-style-type: none"> □ Provide after care services to child and his/her family □ Organize advocacy activities to disseminate laws related to child abuse □ Organize community-based strategies to prevent child abuse. 		✓	✓	✓	
<ul style="list-style-type: none"> □ Organize advocacy activities to disseminate laws related to child abuse □ Organize community-based strategies to prevent child abuse. 	✓		✓	✓	✓
<ul style="list-style-type: none"> □ Organize community-based strategies to prevent child abuse. 	✓		✓	✓	
5. Management of Children in Conflict with the Law					
A. <i>Establish and maintain Regional Rehabilitation Centers for Youth and (RRCY) Detention Homes (DH)</i>	✓ (PD 603, Article 202 for RRCY)		✓ (RA 8369 Section 8 for DH)		
B. <i>Mediation and Diversion Services</i>		(CICL-AM No. 02-1-18-SC)			
<ul style="list-style-type: none"> □ Community Level <ul style="list-style-type: none"> a. Initial intake b. Contact parents c. Provide parent-child counseling d. Facilitate amicable settlement e. Implement/supervise diversion services 	✓	✓	✓	✓	
<ul style="list-style-type: none"> a. Initial intake b. Contact parents c. Provide parent-child counseling d. Facilitate amicable settlement e. Implement/supervise diversion services 	✓	✓	✓	✓	
<ul style="list-style-type: none"> c. Provide parent-child counseling d. Facilitate amicable settlement e. Implement/supervise diversion services 	✓	✓	✓	✓	
<ul style="list-style-type: none"> d. Facilitate amicable settlement e. Implement/supervise diversion services 	✓	✓	✓	✓	
<ul style="list-style-type: none"> e. Implement/supervise diversion services 	✓	✓	✓	✓	
<ul style="list-style-type: none"> □ Court Level <ul style="list-style-type: none"> a. Conduct progress/case study report on the juvenile b. Conduct parent-child counseling c. Submit preliminary written report to FC d. Implement/supervise the diversion program 	✓ (when there are no FCs and as directed by the Court)	✓	✓ (with detention homes and when there are no FCs)	✓	
<ul style="list-style-type: none"> a. Conduct progress/case study report on the juvenile b. Conduct parent-child counseling c. Submit preliminary written report to FC d. Implement/supervise the diversion program 	✓	✓	✓	✓	
<ul style="list-style-type: none"> b. Conduct parent-child counseling c. Submit preliminary written report to FC d. Implement/supervise the diversion program 	✓	✓	✓	✓	
<ul style="list-style-type: none"> c. Submit preliminary written report to FC d. Implement/supervise the diversion program 	✓	✓	✓	✓	
<ul style="list-style-type: none"> d. Implement/supervise the diversion program 		✓			

Court Related Cases	DSWD	Family Court (FC)	LGU-M/CSWDO	Licensed NGOs	Hospitals/Clinics
C. Release on Recognizance (ROR)					
<input type="checkbox"/> Conduct jail visit/Monitor minors detained in jail	<input checked="" type="checkbox"/> (SC AO, No. 04-2002)	<input checked="" type="checkbox"/> (AM No. 02-1-18-SC) (SC AO, No. 04-2002)	<input checked="" type="checkbox"/> (SC AO, No. 04-2002)		
<input type="checkbox"/> Recommend for ROR based on the Social Case Study Report	<input checked="" type="checkbox"/> (PD 603 Article 191)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Coordinate with PAO re: filing for ROR	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Conduct/participate in case conference re: disposition on the court order	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/> when necessary
<input type="checkbox"/> Provide social and medical services	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Supervision of minor while on ROR	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Ensure minor's appearance during court hearing and provide necessary services	<input checked="" type="checkbox"/> (PD 603 Article 191)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Continuously coordinate with PAO after filing of ROR	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
D. Suspended Sentence (Center-Based)					
<input type="checkbox"/> Submit quarterly reports to the court regarding behavior of minor and recommends discharge of minor once he/she completed the rehabilitation program	<input checked="" type="checkbox"/> (Article 195 PD 603)			<input checked="" type="checkbox"/>	
<input type="checkbox"/> Provide support services to families while undergoing rehabilitation at the center in preparation for the return of minor	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Provide aftercare services; submit quarterly report within one year to DSWD			<input checked="" type="checkbox"/> [RA 7160 Section 17 (2) IV]		
<input type="checkbox"/> Maintain record of the minor for future reference	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Court Related Cases	DSWD	Family Court (FC)	LGU-M/CSWDO	Licensed NGOs	Hospitals/Clinics
<p>E. <i>Custody Supervision (Community-Based)</i></p> <ul style="list-style-type: none"> □ Prepare SCSR for custody supervision □ Manage the case and provide community rehabilitation services □ Submit quarterly report to committing court and recommend closure of the case once the minor completed the rehabilitation program □ Provide support services to families while minor is on custody supervision □ Ensure minor's records are sealed 	✓	✓	✓		
<p>6. Annulment</p> <p>A. <i>Upon receipt of court order and petition for annulment</i></p> <ul style="list-style-type: none"> □ Send letter to respondent and petitioner for office interview □ Conduct counseling and home visit to both petitioner and respondent □ Submit SCSR to committing court □ Appearance in court 	Alternative social service	✓	✓		
<p>7. Habeas Corpus</p>	✓		✓	✓	

V. INTER-AGENCY RELATIONS IN THE MANAGEMENT OF CASES

By virtue of the devolution of the basic services to the local government units, the DSWD's functions shifted from direct service delivery to the provision of technical assistance. However, the DSWD is mandated to implement statutory and specialized programs and services, which were not devolved or localized. These include the residential and center-based programs and services implemented in the DSWD Regional Offices nationwide, new social welfare and development projects and strategies being piloted/demonstrated, regular programs involving special social services and management of court related cases as per existing laws and crisis intervention.

Thus, it can be gleaned from the matrix that management of court related cases is performed similarly by other organizations/institutions aside from DSWD as the primary agency. *The entry point of intervention by an organization depends on where the client has first sought the assistance.* There are instances however, where services by an organization need to interface with other organizations in order to foster collaboration and complementation of efforts for a more wholistic intervention and efficient case management. This is true for the cases involving request for the necessary documents of the child, referrals to acquire a particular service such as medical and legal services among others and the endorsement of cases for continuous management as in the cases of protective custody and after care services.

All concerned agencies, should, however respond to the case immediately and make the mandated programs and services available to their offices with the maximum use of their resources. The inter-agency relationships of the concerned implementing agencies can further be gleaned on the management of the following cases:

1. Involuntary Commitment of an Abandoned / Neglected Child

Cases for involuntary commitment can be filed by the DSWD and the NGO (by virtue of the Rule on the Commitment of Children) when the parent or person entrusted with the care and custody of the child is unable to perform his/her duties and refuses to place the child with the DSWD. The LGU and hospital social workers on the other hand are expected to complement the efforts of the said agencies especially if the referral comes from their offices.

To ensure that NGOs are processing the Declaration of Abandonment of children under their care, the following measures shall be undertaken by the DSWD:

- The licensed/accredited agencies shall submit a monthly inventory of cases of children under their care to DSWD – Field Offices where they operate, copy furnished Social Technology Bureau.
- DSWD Filed Office shall monitor every quarter cases served by the child caring NGO for provision of technical assistance based on the submitted case inventory taking into consideration the movement of each cases. Further, the DSWD Field Offices shall conduct review of program implementation of NGOs to assess and identify difficulties, problem areas and recommend action.
- On-site/project visit on quarterly basis shall be done by the Standards Bureau, Program Management Bureau or the Social Technology Bureau depending on the concern in order to verify/validate reports/documents submitted by program implementors.
- DSWD shall provide capability building to social workers of NGO to ensure movement of cases is not hampered by limited knowledge and skills of social worker in case management particularly the processing of Declaration of Abandonment cases.
- The NGO shall accomplish/submit a separate caseload inventory of children who have had no contact with parents for six months or over and action taken by the



agency in order to monitor and ensure that children are not institutionalized and that they are not deprived of a family.

2. Adoption

For both regular and relative adoption, DSWD, LGU, Family Courts and NGO through KBF should independently process the cases. The role of the Hospital is only to refer cases to the mandated organization. The technical assistance of the DSWD to the LGUs shall however be ensured considering that the latter has not undertaken this function yet since the approval of the Republic Act 8552. The said law contains the adoption mandates to the implementing agencies, which include the LGUs.

3. Legal Guardianship / Custody

The DSWD and the FCs are the two primary agencies catering to the legal guardianship and custody cases. The LGUs undertake support functions such as court appearances and the conduct of monitoring / follow-up visits to the child as directed by the court.

4. Child Abuse and Exploitation Cases

There are several tasks undertaken to respond to the child abuse and exploitation cases: reporting, investigation, notification of the police, referral to government hospital and medico-legal unit, filing for involuntary commitment and filing of the complaint and protective custody. Along these functions, the DSWD, LGUs and NGOs are the principal implementing agencies with the hospital social workers undertaking support functions.

For the conduct of rescue operations on child abuse cases, any social worker from the four agencies, depending again on where the client or concerned citizen first sought assistance should be part of the rescue team primarily to receive the rescued children for the provision of immediate protection and psychosocial intervention. NGO (excluding Bantay Bata 163) social workers should however, work in coordination with the DSWD or LGU social worker since they have no “immunity in administrative and civil liability” while doing the operation. They can however apply for deputation to the DSWD like the Bantay-Bata 163 Foundation to enjoy the same provision. For syndicated or large scale child exploitation (e.g. child labor and prostitution of children) the social worker will only act as the receiving party of the rescued children for recovery and healing. The law enforcement group will be at the forefront of said operation.

5. Management of Children in Conflict with the Law

Among the agencies, DSWD and LGU cover most of the tasks needed in the provision of services for children in conflict with the law particularly on the mediation and diversion, release on recognizance, suspended sentence and custody supervision. FCs and NGOs become among the lead agencies when it comes to the mediation and diversion services for both agencies and ROR for the former and suspended sentence for the latter.

6. **Annulment**

Both FC and the DSWD with the latter having it as an alternative or secondary social service function solely respond to the annulment cases.




7. ***Habeas Corpus***

As provided by the Rules of Court in the Philippines, not all implementing agencies have the authority to file a petition for the issuance of a writ of habeas corpus. Thus, only those agencies that have legal custody over the person can file a petition in their behalf such as DSWDs by virtue of its mandate on the licensed caring or child placement agency and for selected Local Government Units with residential facilities for children.

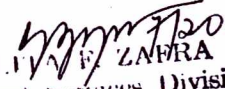
VI. **EFFECTIVITY**

This memorandum circular takes effect immediately and supercedes previous issuances inconsistent herewith.

Signed this 16th of July, 2004 in Quezon City.


CORAZON JULIANO-SOLIMAN
Secretary 
Department of Social Welfare and Development 

A CERTIFIED COPY


CARMELENA E. ZAPRA
Chief, General Services Division
and OIC, Records Unit