

Republic of the Philippines
Department of Social Welfare and Development

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MEMORANDUM CIRCULAR NO. ___ 04

Series of 2011

**SUBJECT: AMENDMENT TO MC NO. 1 S. 2003 ON THE DSWD GRIEVANCE
MACHINERY**

RATIONALE

The Department has adopted various Memorandum Circulars namely, the Guidelines for the Department's Anti-Graft and Anti-Corruption (AG-AC) Committee, the Department's Grievance Machinery (MC No. 1 series of 2003), and the Adoption of Progressive Disciplining in the Department (AO No. 14 series of 2004 and MC No. 18 series of 2005).

Since the adoption of these guidelines, various committees were created in the Central and Field Offices such as the AG-AC Committees and the Grievance Committee. These Committees take charge of the handling of complaints at the lowest level possible, and they see to it that the conflicts within the Department are immediately acted upon and adequately resolved.

However, based on the Department's experience, certain problems were encountered in the resolution of disciplinary and or administrative cases. There appears to be overlapping of committees. Likewise, there was a growing need to delineate the functions of the various committees. Finally, there were some inefficiencies and ineffectiveness in the handling of complaints.

The Study Group Committee constituted by the Department Secretary to review the gaps, conflicting provisions and overlapping functions of various committees in the Department reported to the Secretary that there are no overlapping committees, however, the function of each committee should be clarified, so the concerned official will know to which committee a complaint should be turned over to for appropriate action.

However, to promote efficiency and effectiveness in handling complaints, as well as to adhere to the principles of Progressive Disciplining, the following improvements were recommended:

1. Rationalize the cases that fall within the Progressive Discipline by including only light offenses. Administrative offenses which impose the penalty of suspension should be forwarded to Legal Service for administrative proceeding. Thus, simple misconduct and insubordination should be deleted in the list of offenses covered by Progressive Discipline.

2. For the Central Office, the Anti-Graft and Anti-Corruption Committee shall be chaired by the Resident Ombudsman, unless a Staff of the Office of the Ombudsman is detailed to the Department to act as such. The Committee shall conduct Fact Finding Investigations for complaints involving graft and corruption. For the Field Office, the Anti-Graft and Anti-Corruption Committee shall be chaired by the Assistant Regional Director.

The AG-AC Committee shall determine whether there is probable cause for the complaint and shall forward the result of the investigation to Undersecretary for General Administration and Support Services Group (GASSG) for the Central Office (CO) and to the Regional Director for the Field Office (FO). If the report remains unacted upon by the Undersecretary for GASSG for the CO or the Regional Director for FO for reasons beyond their control, after thirty (30) days, the AG-AC may forward its investigation to the Office of the Ombudsman for criminal prosecution and for the rest of employees to the Legal Service for administrative proceeding.

3. Employees' grievances or discontent involving exercise of privileges and personnel movement shall first be resolved by the Heads of Office, Bureau or Service (OBS). The decision of the Heads of OBS shall be appealable to the Grievance Committee.

Except for cases involving Graft and Corruption, the principle of Alternative Dispute Resolution should be applied.

Hence, there is a need for certain amendments in the Department's Grievance Machinery.

Parts IV, V and VI of Memorandum Circular No. 1 are hereby amended to incorporate the following:

Parts IV, V and VI shall read as follows:

IV. COVERAGE

The following cases shall be acted upon through the grievance machinery:

- a. Non-implementation of policies, practices and procedures on economic and financial issues and other terms and conditions of employment fixed by law including salaries, incentives, working hours, leave benefits and other related terms and conditions;
- b. Non-implementation of policies, practices and procedures which affect employees from recruitment to promotion,

reassignment, details, transfer, retirement, termination, lay-offs and other related issues that affect them;

- c. Inadequate physical working conditions such as lack of proper ventilation in the workplace, insufficient facilities and equipment necessary for the safety and protection of employees whose nature and place of work are classified as high risk or hazardous;
- d. Protest on appointments;
- e. Interpersonal and inter-organizational relationships and linkages; and
- f. All other matters giving rise to employee dissatisfaction and discontentment.

V. GRIEVANCE PROCEDURES

The procedures for seeking redress of grievances shall be as follows:

1. **Discussion with Head of Office, Bureau or Service.** Employees' grievances or discontent involving exercise of privileges and personnel movement shall be first resolved by the Heads of Office, Bureau or Service. At the first instance, a grievance shall be presented in writing by the aggrieved party to his or her immediate supervisor copy furnished the Head of Office, Bureau or Service (OBS).

The immediate supervisor thru the Head of OBS shall inform the aggrieved party of the corresponding action within three (3) working days from the date of presentation.

Provided, however, that where the object of the grievance is the Head of OBS, the aggrieved party may bring the grievance to the next higher official who shall take proper action within five (5) working days from receipt of the grievance.

2. **Appeal to the Grievance Committee.** If the aggrieved party is not satisfied with the decision of the Head of OBS or of the next higher official, he/she may elevate the matter to the Grievance Committee within five (5) working days from receipt of the decision.

The Grievance Committee may conduct an investigation and hearing within ten (10) working days from receipt of the grievance and render a decision within five (5) working days after the investigation. Provided, however, that where the object of the grievance is the Grievance Committee, the aggrieved party may submit the grievance to the top management.

3. **Appeal to the Secretary.** If the aggrieved party is not satisfied with the decision of the Grievance Committee, he or she may elevate his or her grievance within five (5) working days from receipt of the decision of the Committee to the Secretary who shall make the decision within ten (10) working days after the receipt of the grievance. Provided, however, that where the object of the grievance is a member of the EXECOM, the aggrieved party may bring his or her grievance directly to the Civil Service Commission (CSC) - Regional Office for FO grievances or to the CSC - CO for CO grievances.

4. **Appeal to the Civil Service Commission - Regional Office.** If the aggrieved party is not satisfied with the decision of the Secretary, he or she may appeal or elevate his or her grievance to the Civil Service Commission - Regional Office concerned within fifteen (15) working days from receipt of such decision. Together with the appeal, the aggrieved party shall submit a Certification on the Final Action on the Grievance (CFAG) to be issued by the Grievance Committee. The Civil Service Commission - Regional Office shall rule on the appeal in accordance with existing civil service law, rules and regulations.


VI. GRIEVANCE COMMITTEE

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| Chair : | Asst. Secretary for GASSG |
| Vice Chair: | Director of HRMDS |
| Members: | SWEAP Representative |
| | OCBG Representative (Director Level) to be recommended and designated by the Undersecretary for OCBG |
| | PPG Representative (Director Level) to be recommended and designated by the Undersecretary for PPG |
| Secretariat: | Personnel Division |

VII. EFFECTIVITY

The guidelines shall take effect immediately upon the approval of the Secretary.

Approved this 3rd day of February, 2011, at Quezon City, Philippines.


MATEO G. MONTAÑO
 OIC Secretary