

Republic of the Philippines
Department of Social Welfare and Development

IBP Road, Batasan Pambansa Complex, Constitution Hills, Quezon City 1126
Telephone Nos. (632) 931-8101 to 07; Telefax (632) 931-8191
Email: osec@dswd.gov.ph
Website: <http://www.dswd.gov.ph>

MEMORANDUM CIRCULAR NO. 09
Series of 2016

SUPPLEMENTAL GUIDELINES ON THE IMPLEMENTATION OF PROTECTIVE SERVICES PROGRAM (PSP)

I. RATIONALE

The Office of the Secretary has been receiving various informal queries and clarifications on the new Secretary's policies and directives on the implementation of the DSWD's PSP in relation to the Supreme Court decision declaring the unconstitutionality of the Priority Development Assistance Fund (PDAF), hence, the issuance of these guidelines.

II. LEGAL BASIS

- A. **General Appropriations Act (GAA) of 2015 and GAA of 2016** both provide that the appropriated amount for the DSWD's PSP "shall be used to provide financial assistance to individuals, families and communities in difficult situations. This includes food assistance, food packs, transportation, medical, burial assistance, assistance to students, and all other types of assistance to vulnerable individuals/sectors, cash/food for work, repairs/upgrading/construction of day care centers and senior citizen centers for communities in need of such facilities."
- B. **Commission on Audit (COA) Memorandum dated March 1, 2016** entitled "Guidelines on the Treatment of Referrals of Potential Beneficiaries to Programs of the National Government, Local Government Units and Government-owned or Controlled Corporations."
- C. **DSWD Memorandum Circular (MC) No. 04, S. 2015** entitled "Guidelines on the Implementation of the Protective Services Program"

- D. **Supreme Court Decision in the case of Belgica, et al. vs. Executive Secretary Ochoa et al.** (G.R. No. 208566, November 19, 2013), which declared the unconstitutionality of the Priority Development Assistance Fund (PDAF) inasmuch as, among others, it “authorize/d legislators – whether individually or collectively organized into committees – to intervene, assume or participate in any of the various post-enactment stages of the budget execution, such as but not limited to the areas of project identification, modification and revision of project identification, fund release and/or fund realignment, unrelated to the power of congressional oversight”.

III. OBJECTIVES

This circular is being issued to:

1. guide the DSWD Field Offices (FOs) nationwide in the implementation of the PSP, particularly, their treatment of referral letters from individuals, group of individuals, or organization, including public officials whether national or local executives, legislators, members of the judiciary or constitutional commission;
2. to ensure adherence to the aforementioned decision of the Supreme Court and COA Memorandum;
3. to enhance the DSWD’s performance of its mandate as the government’s frontline agency in social protection;
4. to uphold the dignity of DSWD social workers and personnel involved in the implementation of the PSP as well as ensure their physical safety; and
5. to promote a fair and equitable implementation of the DSWD’s PSP.

IV. COVERAGE and/or SCOPE

This circular covers the implementation of PSP by all FOs and offices, bureaus, services, and units (OBSUs) that are or, in the future, may be tasked to implement the PSP.

V. POLICY and/or OPERATIONAL GUIDELINES


1. In light of the Supreme Court's declaration of the unconstitutionality of the PDAF inasmuch as, among others, it "authorize/d legislators – whether individually or collectively organized into committees – to intervene, assume or participate in any of the various post-enactment stages of the budget execution, such as but not limited to the areas of project identification, modification and revision of project identification, fund release and/or fund realignment, unrelated to the power of congressional oversight", the following guidelines which are in consonance with the said Decision and the COA Memorandum, must be strictly observed in the implementation of the DSWD's PSP:
 - a. Referral letters from individuals, group of individuals, or organization, including public officials whether national or local executives, legislators, members of the judiciary or constitutional commission, are **not** integral to the implementation of the PSP;
 - b. While referral letters may be considered, they are **not** binding on DSWD social workers or personnel tasked to evaluate the qualifications of beneficiaries; and
 - c. The DSWD retains sole authority to determine the beneficiaries of the program pursuant to existing guidelines. As such, DSWD social workers or personnel tasked to evaluate requests for assistance and the qualification of beneficiaries are enjoined to strictly adhere to this circular and to existing circulars prescribing guidelines for the implementation of the PSP.
2. Moreover, in order to ensure the safety of DSWD social workers or personnel, cash disbursements shall be conducted only within the premises of DSWD offices. Special guidelines will be issued clarifying when and how payment outside DSWD offices/premises may be made.
3. DSWD social workers or personnel involved in the implementation of the PSP are required to report to the Office

of the Secretary any threat or attempt or pressure to circumvent the provisions of this circular so that the Secretary or any appropriate DSWD office can take the necessary action and or provide support to such DSWD social worker or personnel.

VI. EFFECTIVITY AND CIRCULATION

This circular which supplements MC No. 04, S. 2015 shall take effect immediately and shall be given as wide circulation as possible to all FOs and OBSUs.

Issued this 1st day of August 2016 at Quezon City, Philippines.


JUDY M. TAGUIWALO
Secretary

Certified Copy:


NICOMEDES P. SULLER
OIC-Director, Administrative Service