

Memorandum Circular No. 38
Series of 2020**GUIDELINES ON THE COMMISSION OF PROHIBITED ACTS BY
PANTAWID PAMILYANG PILIPINO PROGRAM BENEFICIARIES DURING
STATE OF CALAMITY OR STATE OF NATIONAL EMERGENCY****I.
RATIONALE**

The Pantawid Pamilyang Pilipino Program (4Ps) is the only national poverty alleviation strategies of the government that provides conditional cash transfer to its beneficiaries. Its short term objective is to provide social assistance to poor households to enable them to meet their basic needs while gearing towards long term objective of social development. The latter is achieved by investing in human capital by supporting the health and education of monitored children and conducting monthly Family Development Sessions (FDS) for parents or guardians to enhance parenting and social skills. Household beneficiaries receive cash grants under certain conditions, and non-compliance to these conditions results to a proportionate deduction of the grants provided.

In cases of natural or human-made calamities, a *state of calamity* may be declared by the national or local government concerned or a state of national emergency may be declared by the President. In these instances, the DSWD Secretary may adopt a force majeure to suspend any or all of the conditions for entitlement to these grants. This prerogative finds basis in the Implementing Rules and Regulations of Republic Act No. 11310 otherwise known as the PANTAWID PAMILYANG PILIPINO PROGRAM (4Ps) ACT.

During *force majeure*, households are no longer required to comply with the Program conditions in order to receive cash grants. They are automatically entitled to these for the whole duration of the declaration until it is lifted. In most instances of a state of calamity, *additional cash transfer or top-up grants* are provided to the households which is intended to help them cope with the contingencies brought by the calamity or emergency. It is observed that during a state of calamity, the normal flow of households' resources is disrupted, requiring additional assistance from the government for them to have food, medicines, and other basic needs.

Provision of additional cash transfer or top-up grants to the households is intended to help them cushion the effect of state of calamity or emergency like the ones brought by the COVID-19 Pandemic. Hence, prohibited acts committed by 4Ps households during a *force majeure* or state of calamity, such as a COVID-19 pandemic, or under similar declarations in the future, warrant immediate disciplinary action. It is a policy of the program to oversee the proper utilization of the grants provided to its beneficiaries and ensure that the emergency subsidy extended to them will be used exclusively to augment their basic needs for food, medicine and other necessities.



**II.
LEGAL AND OTHER REGULATORY BASES**

- a. **Republic Act No. 11310** also known as the **Pantawid Pamilyang Pilipino Program Act** and its **Implementing Rules and Regulations**;
- b. **Republic Act No. 11469** otherwise known as the **Bayanihan To Heal As One Act**;
- c. **Presidential Proclamation No. 929** dated **March 16, 2020** declaring a State of Calamity throughout the Philippines for six (6) months;
- d. **Inter-Agency Task Force-Technical Working Group (IATF-TWG) Joint Memorandum Circular No. 1, s. 2020** which streamline and harmonize the social amelioration programs of the member National Government Agencies to mitigate the impact of COVID-19 and the Enhanced Community Quarantine;
- e. **Proclamation No. 922, series of 2020. Declaring a State of Calamity Throughout the Philippines Due to CoronaVirus Disease 2019.**
- f. **DSWD Memorandum Circular No. 9, s. 2020** or the **Omnibus Guidelines in the Implementation of the Emergency Subsidy Program of the Department of Social Welfare and Development**;
- g. **DSWD Memorandum Circular No. 5, s. 2020** as amended by **DSWD Memorandum Circular No. 10, s. 2020**;
- h. **National Advisory Council (NAC) Resolution No. 2, s. 2020** or the **Continuity of Cash Grants Provisions During State of Calamity Due to COVID-19 Pandemic**;
- i. **DSWD Administrative Order No. 16, series of 2008** or the **Guidelines on the Implementation of Pantawid Pamilyang Pilipino Program (4Ps)**; and
- j. **DSWD Memorandum Circular No. 022, series of 2008** or the **Enhanced Guidelines on the Implementation of the Family Development Sessions of the Pantawid Pamilyang Pilipino Program.**

**III.
APPLICABILITY**

This Policy shall apply to all 4Ps beneficiaries during the state of calamity declared under Presidential Proclamation No. 929, series of 2020, and during any extension of the same.

This shall also apply to other cases of state of calamity, local or national, in the future which may cause the implementation of *force majeure* in the Program. In cases where only some Municipalities or Provinces of the country are put under the state of calamity, this Policy shall apply to the beneficiaries within the affected areas.



IV. OBJECTIVES

This Policy aims to enjoin all 4Ps beneficiaries to properly utilize the subsidy extended to them because under the declaration of state of calamity and to impose proper sanctions on those who will engage in and commit any unlawful and prohibited acts during this situation.

Specifically, under the declaration of a state of calamity or *force majeure*, this Policy aims to:

1. Impose the appropriate sanctions and disciplinary measures on beneficiaries who will engage in unlawful and prohibited acts;
2. Undertake reporting and validating procedures for reports on erring Pantawid households; and,
3. Implement case management and commitment plan for erring households to help them undergo positive change and refrain from committing same violation.

V. DEFINITION OF TERMS

- A. Force Majeure – this refers to the occurrence of state of calamity, natural or man-made disaster or complex emergencies which are beyond the control of the Program and renders the beneficiaries unable to comply, against their will, with the conditions of the program. Under these conditions, the beneficiaries are deemed compliant with the program conditions and their grants are automatically released to them.
- B. Payroll adjustment – *as used in these Guidelines*, it refers to a deduction to a grant computed in a particular Pantawid Payroll due to excess or forfeited grants.
- C. Sanction - under this Circular, it refers to the suspension or delisting from Pantawid imposed on beneficiaries who violate the prohibition on misusing grants provided by the program during state of calamity.
- D. State of Calamity – this refers to a condition involving mass casualty and/or major damages to property, disruption of means of livelihoods, roads and normal way of life of people in the affected areas as a result of the occurrence of natural or human-induced hazard (*RA10121 also known as the Philippine Disaster Risk Reduction and Management Act of 2010*).
- E. Unlawful and Prohibited Acts – this refers to acts pertaining to the use of grants which are prohibited by law, regulations issued by DSWD or other competent authorities, Pantawid Operations Manual, and Pantawid Oath of Commitment, such as *gambling, use of grants for alcoholic beverages, illegal*

drugs, other vices all of which are contrary to the purpose of cash subsidy provided by the Government, and intentionally claiming twice of grants or subsidy. Some of these acts are enumerated in Item VI of this Circular.

VI. PROHIBITED ACTS

The prohibited acts referred to in these guidelines shall include, *but are not limited to*:

- a. Any form of gambling;
- a. Use of cash grants for alcoholic beverages;
- b. Use of any prohibited/illegal drugs;
- c. Intentionally claiming same grants or subsidy twice;
- d. Violation of any existing national or local laws;
- e. Violation of any rules implemented by the National and Local Government to address the contingency; and
- f. Other vices and prohibited conducts of similar nature.

For the purpose of this Policy, households shall be sanctioned if any or all of its members committed any acts prohibited under these guidelines.

VII. SPECIFIC POLICIES

A. 4Ps Households With Member/s Who Committed Prohibited Acts During Force Majeure because of Presidential Proclamation No. 929 s. 2020:

1. 4Ps households who have been investigated and proven to have a member/s who committed any acts prohibited under the Program during *force majeure* because of the national state of calamity declared under Presidential Proclamation No. 929 s. 2020 shall be suspended outright from receiving cash grants under the 4Ps until such time that they demonstrate behavior that warrants reinstatement into the Program through case management;
2. Additionally, these households shall be disqualified from receiving the second tranche of the SAP, in line with the implementation of R.A. No. 11469 also known as the Bayanihan to Heal as One Act and the DSWD MC No. 9, s. 2020 or the Omnibus Guidelines in the Implementation of Emergency Subsidy Program of DSWD);



3. Grants already released to the household because of the *force majeure* shall be immediately recovered *through payroll adjustment* and no future grants, *regular or additional*, shall be released to them until reinstatement
4. Recovery of grants as herein provided shall commence immediately upon reactivation of the household and shall follow the procedures set by the Financial Management Service-Special Projects (FMS-SP);
5. The Field Offices shall endorse to FMS-SP within three (3) days from tagging of any households under *Suspended grants due to misbehavior*¹, copy furnished the 4Ps NPMO, for payroll adjustment as herein provided;
6. The 4Ps households who directly or indirectly abetted another person, Pantawid beneficiary or not, to commit the prohibited acts herein referred to during the state of calamity under Presidential Proclamation No. 929, s. 2020, shall suffer the same suspension and disqualification to receive cash grants;

B. Pantawid Households who Commit Prohibited Acts During Force Majeure in the Future

1. 4Ps households with member/s who will commit any acts prohibited under these Guidelines during any local or national *force majeure* in the future shall be immediately suspended without grants until such time that they are reinstated into the Program through case management;
2. Grants released to the households on account of the *force majeure* shall be recovered through payroll adjustment and they will be disqualified from receiving further grants until reinstated;
3. Recovery of grants as provided in the preceding item shall commence immediately upon reactivation of the household and shall follow the procedures set by the Financial Management Service-Special Projects (FMS-SP);
4. The Field Offices shall endorse to FMS-SP within three (3) days from tagging as Code 24, copy furnished the 4Ps NPMO, all HHs who will be subjected for payroll adjustment as herein provided; and
5. 4Ps households who will directly or indirectly participate, promote, or conceal in the commission the acts hereto prohibited shall suffer the same suspension and disqualification.

¹ Code 24

VIII. REPORTING OF OFFENSES

1. The written allegation or report that a 4Ps household committed prohibited acts under this Policy may be submitted by any person before the Municipal Operations Office (MOO), Provincial Operations Office (POO), Regional Program Management Office (RPMO) and the National Program Management Office (NPMO) through its official address pantawid_group@dswd.gov.ph or 4psreklamo@gmail.com ;
2. Reports in the media, social media or in any other means such as text messages, email with verifiable details may be accepted, subject to the validation by the City/Municipal Link or the Social Welfare Assistant (SWA). Information sent through a photo or video shall be also subject to validation.

For this purpose, the Social Marketing Division (SMD) of the NPMO and the Information Officers in the RPMO shall closely monitor news/posts about any of the violations committed by 4Ps households reported in the media or social media.

3. Other 4Ps personnel shall also report any information of violation committed by 4Ps households that will come to their attention. Failure on their part to do so may make them administratively liable as may be provided by the Civil Service Laws and regulations and the DSWD Rules of Administrative Procedure; and,
4. Other stakeholders and the general public are encouraged to report any commission by 4Ps households of any prohibited acts through Pantawid official email address pantawid_group@dswd.gov.ph or 4psreklamo@gmail.com.

IX VALIDATION OF, *and* ACTION TO THE COMMITTED OFFENSE

1. The City/Municipal Link (C/ML) or the Social Welfare Assistant (SWA) assigned to the household or any C/ML assigned in the Municipality or City where the household resides shall validate the commission of the prohibited acts by investigating and gathering facts from the household/s itself and from a third party who has knowledge of the surrounding facts of the alleged violation.

Collateral interviews with third party who has knowledge of the facts surrounding the alleged violation may be conducted;

2. Validation strategies that may be employed by the C/ML or SWA may include but are not limited to phone calls, online chat, face-to-face interview subject to physical distancing measures, whenever required by the circumstances, and other modes so long as the identity of the interviewee is established;
3. The C/ML or SWA tasked to validate shall submit a report to the POO confirming or dismissing the alleged violation within seventy two (72) hours from receipt of the information, and *copy furnishing the household*. The report shall be attested

by the Pantawid Provincial Link or the Pantawid Social Welfare Officer in the Province, if he/she agrees with the findings. Otherwise, the report shall be returned to the C/ML or SWA containing further instruction;

4. The attestation by the Provincial Link and Social Welfare Officers shall be made within twenty-four (24) hours from receipt of the report, and the Regional Program Coordinator (RPC) shall endorse the same to the Regional Director within the same period of time from receipt thereof;
5. If the commission of the prohibited act(s) is confirmed, the Regional Director as the Regional Project Director, and *due to the urgency of action required*, shall approve the report and the Regional Grievance Officer shall immediately tag the household under **Code 24-Suspended Grants Due to Misbehavior**;
6. 4Ps households who may be dissatisfied with the recommendation of the C/ML shall have the right to appeal, but the suspension shall remain enforceable subject to retroactive payment if the tagging of Code 24 is invalid; and,
7. The appeal referred to in the preceding item shall follow the processes stated in Grievance Redress System under Chapter VIII of the Pantawid Operations Manual.

X.

CASE MANAGEMENT OF THE ERRING HOUSEHOLD

1. Upon approval by the Regional Director of the report and tagging of the household under Code 24 or *Suspended Grants Due to Misbehavior*, the C/ML or SWA assigned to them shall design a case management and commitment plan with specific actions to be undertaken by the household to prevent commission of similar acts. *The household shall sign the commitment plan to signify their willingness to cooperate and enable positive change;*

The Social Welfare Officer or the Provincial Link shall review and approve the final case management and commitment plan;

2. The C/ML or SWA assigned to the household shall be primarily responsible in case management; however, the Social Welfare Officer or the Provincial Link in his/her absence, shall closely supervise;
3. The progress of the case management shall be monitored and recorded in the household's case folder and evaluation shall be conducted as stated in the plan;
4. Should the household demonstrate improved behavior within the timeline specified in the case management and commitment plan, which the C/ML or the SWA may consider enough for reinstatement, he/she shall make the necessary recommendation to the Regional Director attested by the Provincial Link or Social Welfare Officer and endorsed by the RPC.



Performance by the HH of the actions agreed upon in the case management and commitment plan, non-commission or non-involvement in any prohibited acts during the period of case management, continuous sending of children to school and availing of applicable health services, and other similar acts are indications of positive behavior which the C/MLs or SWA may consider in recommending the HH's reinstatement into the Program.

An undertaking by the household, signed by its head, that they will not commit any more prohibited acts shall be attached to the recommendation herein referred to;

5. Should the Regional Director approves the recommendation to reinstate the household, the tagging of Code 24 shall be lifted and they shall be reinstated to Code 1-Active Status with its corresponding rights and obligations; and
6. No household who has been put under Code 24 under this Policy and *whose appeal, if any, has been denied*, shall be entitled to retroactive payments for any grants while suspended.

XI.

ACTION ON HOUSEHOLD WHO COMMITS ANOTHER PROHIBITED ACT WHILE ON FORCE MAJEURE

1. 4Ps households *who will be proven to have member/s commit another prohibited act(s)* after being found guilty of a prior violation during a *force majeure* while on state of calamity under Presidential Proclamation No. 929, s. 2020 shall be suspended and immediately undergo case management and result of which shall be the basis for possible delisting in the Program.

Due process and appropriate provision of services as deemed needed means the right of the household to explain their side regarding the reported commission of prohibited acts which shall be given proper consideration by the C/ML in making the recommendation;

2. Likewise, households that have been reinstated into Code 1 after suspension under this Policy and who shall have member/s commit another prohibited acts during a *force majeure* declaration in the future shall be suspended and subjected to case management and the result of which shall be considered for possible delisting in the Program based on the report of the CMLs; and
3. The commission of the offense hereunder prohibited shall be considered as first (1st) offense for the purpose of Grievance Redress System (GRS) cases under ordinary circumstances.

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**XII.
INSTITUTIONAL ARRANGEMENT**

Pantawid National Program Management Office

1. Disseminate to all Regional Program Management Office these Guidelines within seven (7) days from approval;
2. Address queries or clarifications that may arise from the implementation of these Guidelines within the period stated on the Ease of Doing Business Act depending on its nature; and,
3. Monitor the implementation and efficacy of these Guidelines and provide recommendations as needed.

Pantawid Regional Program Management Office

1. Cascade these Guidelines to the Provincial and Municipal Operations Office of Pantawid within seven (7) days from approval;
2. Provide clarifications to queries which may be brought by the POO, MOO or the general public within the period stated on the Ease of Doing Business Act depending on its nature;
3. Provide technical assistance to POOs and MOOs in the implementation of these Guidelines within the period stated on the Ease of Doing Business Act depending on the nature of request;
4. Tag the household under **Code 24-Suspended Grants Due to Misbehavior** if the recommendation is approved by the Regional Project Director;
5. Reinstate the HH to **Code 1-Active** if the recommendation for reactivation is approved by the Regional Project Director; and,
6. Provide feedback to Pantawid-NPMO regarding the efficacy and possible enhancement of these Guidelines.

Finance Management Service-Special Projects

1. Effect the necessary payroll adjustment of households who will be put under **Code 24-Suspended Grants Due to Misbehavior**.

**XIII.
REPEALING CLAUSE**

All issuances inconsistent with this Policy are hereby amended, repealed, or revoked accordingly.



**XIV
EFFECTIVITY**

This Policy shall be effective immediately upon its approval, and shall thereafter be published for the information and strict observance of all involved.


This shall remain in force until revoked by subsequent issuance of competent authority.

Quezon City, ~~24~~ of December 2020.

Approved:


ROLANDO JOSELITO D. BAUTISTA
Secretary

Certified True Copy:


08 JAN 2021
CHILOVA CLARISSA ALBORNOZ-BARRACA
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