



MEMORANDUM CIRCULAR

No. 05

Series of 2022

SUBJECT: GUIDELINES IN DETERMINING WHEN A GOVERNMENT PERSONNEL MAY BE CONSIDERED AS PUBLIC SOCIAL WORKER

Section 1. Rationale

The enactment of RA 9433 otherwise known as “An Act Providing for a Magna Carta for Public Social Workers” is an affirmation of the government of the contribution of the social workers to the social change and development, social cohesion, and the empowerment and liberation of people.

The Magna Carta for Public Social Workers (PSWs) is envisioned to promote and improve the socio-economic well-being of public social workers, their living conditions, and the terms of employment. It shall also develop the PSWs skills and capabilities to make them more responsive to the needs and problems of their clients and better equipped in delivering social services and programs. The PSWs, given their proper qualifications and excellent abilities, are encouraged to apply and remain in the service. However, it is acknowledged that Registered Social Workers who are employed in the government do not necessarily hold the position of “*Social Worker*” or “*Social Welfare Officer*”. Hence, this guideline is crafted to determine the eligibility of Registered Social Workers in the government to be classified as PSWs that would determine their eligibility to avail of the compensation and benefits enumerated in the Magna Carta for Public Social Workers.

With this, the DSWD initiated the coordination with the Department of Budget and Management for the issuance of Joint Circular No. 1, series of 2018¹. This is to ensure equity and uniformity in remuneration pursuant to the compensation principles espoused under the Congress Joint Resolution No. 4, series of 2009 which grants compensation-related benefits to those who are identified as PSWs by the DSWD.

This guideline is issued with the primary consideration of implementing the Section 3.3 Determining Whether Personnel May Be Considered as Public Social Worker of the DBM Joint Circular No. 1, Series of 2018. Further, this shall serve as guidance to all Public Social Workers in filling their rightfully entitled compensation and benefits under the law.

Section 2. Legal Bases

- 2.1. Republic Act No. 4373 of 1965 - An Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies in the Philippines and for Other Purposes
- 2.2. Republic Act No. 9433 of 2007 - Act Providing Magna Carta for Public Social Workers, which seeks to promote and improve the social and economic well-being of public social workers, their living conditions, and terms of employment.

¹ Rules and Regulations on the Grant of Compensation-Related Magna Carta Benefits to Public Social Worker

2.3. Implementing Rules and Regulations (IRR) of R.A. No. 9433 - An Act of providing for "Magna Carta for Public Social Workers". (2007).

DBM- DSWD Joint Circular No. 1, series 2018 Rules and Regulations on the Grant of Compensation-Related Magna Carta Benefits to Public Social Workers (PSWs). Section 3.3 In determining whether personnel may be considered as PSW, the DSWD Secretary or authorized representative shall certify that the: 3.3.1 Social Welfare and Development (SWD) functions of an agency are authorized by law or by proper authority; 3.3.2 The position concerned are part of the authorized staffing of the organization units performing the SWD functions; and The incumbent thereof are actually engaged in social work.

2.5. Executive Order No. 221, s. 2003 - DSWD to provide direct assistance and/or intervention to the vulnerable sectors of the society and serves as the national policy and regulatory institution for social welfare and development.

2.6. Memorandum Circular No. 15, series of 2013 - Guidelines on the Payment of Hazard Pay and "On-Call" Pay under RA 9433.

Section 3. Definition of Terms

3.1. Employment Status – shall be determined by the appointment issued, which can be any of the following:

3.1.1. *Casual* – refers to an appointment used only for essential and necessary services where there are not enough regular staff to meet the demands of the service and emergency cases and intermittent periods to exceed one year. (CSC Memorandum Circular No. 24, S. 2017²)

3.1.2. *Contractual* - refers to an appointment issued to a person whose employment is in accordance with a special contract to undertake local or foreign-assisted projects or a specific work or job requiring special or technical skills not available in the employing agency to be accomplished within a specific period. This includes appointments to positions that are co-existence with the duration of a particular project based on the agency's staffing pattern as approved by DBM or the Good Corporate Governance (GCG). (CSC Memorandum Circular No. 24, s. 2017).

3.1.3. *Permanent* - an appointment issued to an appointee who meets all the requirements of the position to which he/she is being appointed to, including the appropriate eligibility, in accordance with the provisions of the law, rules, and standards promulgated in pursuance thereof. (CSC Memorandum Circular No. 24, s. 2017).

3.1.4. *Temporary* - an appointment issued to an appointee who meets education experience and training requirements for the position which he/she is being appointed to except for appropriate eligibility. (CSC Memorandum Circular No. 24, s. 2017).

² 2017 Omnibus Rules on Appointments and Other Human Resource Actions (ORAOHRA)

- 3.2. *Public Social Worker* - refers to a registered social worker employed in the government service whether they carry the title of social welfare officer or not. (IRR of RA 9433 of 2007).
- 3.3. *Registered Social Worker* - refers to the graduate of Bachelor of Science in Social Work or Master's Degree in Social Work and who has passed the social work licensure examination. (RA 9433 of 2007).
- 3.4. *Social Welfare and Development (SWD)* –refers to a set of policies, programs and services designed to promote the welfare and well-being of a particular clientele, to include alleviation from poverty, and empowerment for an improved quality of life. SWD primary clientele includes the following, but not limited to: children and youth in need of special protection; persons with disabilities; senior citizens; victims of disasters; women in especially difficult circumstances (WEDC); marginalized families and communities including landless farmers, and fisher folks with no access to coastal resources; urban poor; informal sector workers and other agro-industrial workers; and indigenous people/communities.(DSWD Administrative Order No. 16, s. 2011³ & EO 221, s. 2003⁴)
- 3.5. *Social Work* - refers to the profession which helps individuals, families, groups, and communities develop, improve, maintain or restore their capability for coping with the demands of their environment, through the use of social work methods and interventions. (Section 4, Definition of Terms of IRR of RA 9433).
- 3.6. *Social Work Practice* – professional application of social work methods and approaches critical to the effective performance of the preventive, rehabilitative, and developmental functions of the social work profession. The different social work practice are as follows:
- a) *Direct practice* is when a social worker works directly with an individual, family or group of people through the use of basic social work methods such as social work practice with individuals and families, groups and organizations and communities;
 - b) *Indirect social work practice* or macro practice social work is when the social worker is involved in activities that consist of facilitating change through programs and policies. The social worker's functions are administration and management, policy and program development, research, and capacity building. This type of practice requires the use of specific knowledge and skills on social work philosophy, functions, and has the primary focus on the helping process in determining outcomes for the population being served; and
 - c) *Generalist Social Work Practice* refers to social work practitioners who seek to enhance the well-being of client systems of all sizes including individuals, families, groups, organizations, and communities in a variety of settings, acknowledging the interconnectivity and interdependence of these systems. Generalist social workers promote social justice with an emphasis on an appreciation for diversity, cultural responsiveness, elimination of systems of oppression, and realization of human

³ *Guidelines on the Use of Program Supervision Model*

⁴ *Amending Executive Order no. 15 Series of 1998, Entitled "Redirecting the Functions and Operations of the Department of Social Welfare and Development"*

rights and social, economic, and political justice at the micro, mezzo, and macro levels.

- 3.7. *Social Work Practice in Secondary Setting* - refers to the practice of the social work profession in a multidisciplinary setting such as hospital, court, probation, law enforcement, labor, school, etc. (IRR of RA 9433 of 2007).
- 3.8. *Social Work and Welfare Agencies and Institutions and Social Work Establishment* - refers to government agencies that are generally or mainly engaged in the provision of social welfare programs to the poor, the vulnerable, and the disadvantaged individuals, families, and communities utilizing either casework, group work and /or community organizing aimed at enhancing their social well- being such as DSWD, municipal, city, provincial social welfare and development offices (*primary setting*). (IRR of RA 9433 of 2007).
- 3.9. *Social Welfare Management and Consultative Council (SWMCC)* – is composed of the national inter-agency body that is created and organized to oversee the implementation of RA 9433, and its Implementing Rules and Regulations.

Section 4. Coverage

This Memorandum Circular covers all RSWs who are currently employed, whether in full-time or part-time basis and regardless of position, titles and class, and holding permanent, temporary, casual, or contractual positions, in the National Government, including national government agencies, government-owned and controlled corporations (GOCCs), state universities and colleges (SUCs), and in Local Government Units. It shall **not** cover RSWs on a contract of service, job order or contract of consultancy, or those as to whom the government has no employer-employee relationship. It shall also exclude RSWs who are employed in private social welfare and development agencies or are engaged in the private practice of the profession.

Section 5. Objectives

This guideline aims to provide DSWD guidance on determining the eligibility of Registered Social Workers in the government to be classified as Public Social Workers. It also prescribes procedures and corresponding requirements in the issuance of the certification from the DSWD Secretary as basis for the grant of compensation-related benefits for those classified as Public Social Workers as cited in the DBM and DSWD Joint Memorandum Circular 1, S. 2018.

Section 6. General Policies in Classifying Public Social Workers

- 6.1. Upon the effectivity of this guideline, a Registered Social Worker can be classified as Public Social Worker if they meet the following conditions:
- 6.1.1. RSWs **who are currently occupying** social worker or social welfare officer position is classified as Public Social Worker;
 - 6.1.2. RSWs **who are currently employed in Social Work and Welfare Agencies and Institutions and Social Work Establishment**, whose position title is non-social work or social welfare related is classified as Public Social Worker based on the following:

- 6.1.2.1. Assigned or belonging to a bureau, service, or unit with SWD-related functions; and
- 6.1.2.2. Functions and responsibilities or terms of reference involve the practice of social work.
- 6.1.3. RSWs **employed** in *Departments, Agencies, and Other Offices of National Government whose legal mandate is **not directly related to SWD** but those carrying social work practice in secondary setting*, whose position title is non-social work or social welfare-related is classified as Public Social Worker based on the following:
 - 6.1.3.1. Assigned or belonging to a bureau, service, or unit with SWD-related functions; and
 - 6.1.3.2. *The incumbent thereof is actually engaged in social work.* Functions and responsibilities or terms of reference involved in the practice of social work because not all positions under the above bureaus/offices/units are performing social welfare-related functions such as but not limited to positions whose functions are primarily administrative in nature.
- 6.1.4. RSWs **who** are **employed** in SUCs who educate, train, and teach specialized subject/course in the field of Social Work for students and other professionals in Bachelor, Master's and Doctorate Degree in Social Work.
- 6.2 Social welfare and development (SWD) function of an agency are authorized by law or by proper authority
- 6.3. The position concerned is part of the authorized staffing of the organizational units performing the SWD functions.

Section 7. Procedures in the Confirmation of the Status of an RSW as PSW

- 7.1. GOCCs, SUCs, and LGUs shall send their applications to FOs where they are located while the National Government Agencies shall apply at the DSWD Central Office.
- 7.2. To confirm that the RSW is recognized as PSW, the head of agency shall issue an Attestation to the DSWD Secretary or his/her duly authorized representative at the Central Office and at the Regional Director at the Field Office Level, as basis of their entitlement to avail the benefits cited under RA 9433. The issuance of certification from the DSWD Secretary shall be governed by the procedures set forth in Sections 9 and 10. However, issuance of certification shall only apply to RSWs described in Section 6.3.
- 7.3. RSWs described in Sections 6.1.1, 6.1. 2 and 6.1. 3 shall submit the following documents for *the issuance* of such certification, but shall likewise follow the prescribed procedures set forth in Section 8.
 - a. Copy of the legislation, executive order or equivalent document, whichever is applicable, establishing or creating the agency mandate, and its SWD related, service or unit where the positions are assigned;

- b. Copy of the approved staffing pattern by the Department of Budget and Management on the SWD related agency, bureau, service or unit;
 - c. List of all the identified positions in the agency at the national, regional, provincial or municipal level, whichever is applicable, with the corresponding names of the incumbent RSWs and their respective valid Professional Regulatory Commission Professional Identification Card (PRC PIC) Number, following the prescribed format attached as Annex A of this circular;
 - d. A photo/scanned copy of the valid PRC PIC for validation purposes and in compliance to the PRC regulation.
 - e. Job description or Terms of reference that indicates the functions and responsibilities of RSW along the practice of social work duly signed by the head of the Human Resource Management and Development Office, Personnel office or Office which performs Human Resource function.
 - f. The bureau, service or unit the PSW is currently assigned, and place of assignment.
 - g. Certification under oath that all enumerated positions are part of its approved staffing pattern and terms of reference of the said position or the name of RSWs included in the list are practicing social workers following the format attached as Annex A.2.
 - h. The attached Annex A and Annex A.1 of this circular, shall be duly certified under oath, by the head of such agency or instrumentality, that all enumerated positions are part of its approved staffing pattern and terms of reference of the said position or the name of RSWs included in the list are practicing social workers (see Annex A.2)
- 7.4 The certification to the RSW employed in Social Work and Welfare Agencies and Institutions and Social Work Establishments as PSW; and
- 7.5 A Certified True Copy (CTC) of the Attestation and the approved procedure in the issuance of such document shall be submitted to the DSWD Secretary or his/her authorized representative for compliance monitoring.
- 7.6. The attached Annex A and Annex A.1 of this circular, shall be duly certified under oath, by the head of such agency or instrumentality, that all enumerated positions are part of its approved staffing pattern and terms of reference of the said position or the name of RSWs included in the list are practicing social workers (see Annex A.2)
- 7.6.1 For departments, agencies and other offices of national government claiming part of its organization such as bureau, service or unit is performing SWD-related functions, and have RSWs whose position title is non-social work or social welfare related, the Head of the Agency or the authorized representative shall establish the following:
- a. That its SWD functions are embedded in its mandate as authorized by a legislation or proper authority, such as a republic act or executive order creating or establishing the agency or its bureau, service, or unit;
 - b. That positions concerned are part of the authorized staffing of the organizational units to perform SWD functions as mandated;

- c. That the incumbents thereof are actually engaged in the practice of social work profession and apply appropriate social work methods and intervention in the development and implementation of programs and services; and
- d. The issuance of certification shall be based on the review of the relevant documents submitted to substantiate claims cited under Section 7.1.

Section 8. Assessment and Validation of Application

- 8.1. The DSWD Technical Working Group (TWG), as provided for in Section 11 of this guideline, shall review the document, and evaluate the merits of the application;
- 8.2. *Only* applications submitted with complete sets of documents shall be reviewed. The DSWD - TWG, however, may request submission of other pertinent documents related to Section 9.1 to further support the review of the application.
- 8.3. If the applicant is found to be compliant with the prescribed requirements, and satisfies the standards set in Section 6.1 & 9.1, the DSWD TWG shall recommend to the DSWD Secretary the issuance of certification to the RSW as PSW.
- 8.4. An application that fails to satisfy the requirements prescribed under Section 6.3 & 9.1 shall be considered non-compliant and shall therefore be automatically disqualified. The application shall be returned to the Head of the Agency/authorized representative within 3 working days after the TWG assessment. Nonetheless, in the interest of fairness, within 7 working days from receipt of the adverse decision of the TWG, concerned applicants may file a letter of reconsideration addressed to the TWG through the Secretariat, citing among others, the reason/s why said application must be granted.
- 8.5. The applicant may file one motion for consideration before the office of the Secretary to appeal the denial by the TWG

Section 9. Timeline for Processing

- 9.1. *Receipt and Review of Application.* The TWG Secretariat shall review the completeness of the information on the application and supporting documents based on Section 11 within 2 working days, after receiving the application. Applications found to be complete shall be immediately endorsed to the TWG for assessment and validation within 2 working days after the review of the Secretariat.

In cases wherein the application lacks the required supporting documents, the Secretariat shall notify the applicant within 2 working days after the review.

- 9.2. *Assessment and Validation of Application.* Within 7 working days after the endorsement of the TWG Secretariat, the TWG shall review the application and, if found to have met the requirements, it shall prepare recommendations on the issuance of the certification for onward submission to the DSWD Secretary or the authorized representative.

Within 2 days after receiving the results of the review and recommendations of the TWG, the Secretariat shall notify the Head of the Agency/authorized representative

on status of its application, and/or submit the TWG's recommendation for the issuance of the Certificate to the Office of the Secretary, whichever is applicable.

9.3. *Issuance of DSWD Certification.* Within 3 working days after the receipt of the recommendations from the TWG, the DSWD Secretary or the Authorized representatives in the Central Office, DSWD Regional Directors at the Field Office shall issue the Certificate. The Secretariat shall notify the Head of the Agency/authorized representative of the issuance of the certification within three (3) working days after its receipt from the Office of the Secretary.

Section 10. Issuance, Validity, and Renewal of DSWD Certification

10.1. The Secretary or his/her duly authorized representative, or the Regional Director of DSWD Field Office shall issue a certification to concerned RSWs in government agencies who have met the standards as required in this guideline based on the recommendation of the DSWD TWG. The certification confirms their status as PSWs as basis of their entitlement to avail of the benefits under the RA 9433.

10.2 *In lieu of the issuance of DSWD Certification*, a Special Order shall be issued by the DSWD Secretary, or his/her authorized representative to the DSWD PSWs described in Sections 6.1.1, 6.1.2 and 6.1.3 following the required document indicated in Section 7. The SO or its equivalent document shall serve as certification to the DSWD PSWs.

10.3 The DSWD Certification issued to RSW shall be valid for three (3) years as long as he/she occupies the position for which the certification was granted.

10.4 The certification shall only be valid on the actual dates of employment which the RSW is considered as PSW starting from the year this memorandum circular is approved.

10.5 Upon the effectivity of this circular, PSWs whose PRC PIC will expire within the validity period of the certification shall be required to immediately renew his/her PRC PIC within thirty (30) calendar days to maintain the validity of the certificate. If in case the PSW fails to renew his/her PRC PIC within the prescribed period, the certificate shall be considered as nullified. The concerned RSW thus needs to file a new application for certification based on the schedule cited in Section 10.4.

10.6 Requirements for the renewal of the certification shall be pursuant to Section 9 of this guideline.

10.7 DSWD Certification issued to an RSW as PSW may also be revoked if the RSW's current functions and responsibilities are found to be non-conformity with the standards set in this guideline.

Section 11. Institutional Arrangement

11.1. The DSWD Secretary or his/her authorized representative shall organize a nine-member TWG at the Central Office (CO) and Field Offices (FO), composed of social workers from different fields of social work practice and/or social work settings in the Department, each member shall have a term of 3 years. The nine-member TWG

shall also include the DSWD Secretary's Authorized Representative, who is a PSW Undersecretary/Assistant Secretary level in the Central Office, and the Assistant Regional Director/Division Chief at the Field Office, who will also act as the Chairperson of the TWG.

- 11.1.1. The TWG members should be endorsed by the bureau (CO)/division (FO) which he or she is representing. Alternative members should also be identified so that in the absence of the regular member, whether temporary or permanent in nature, a quorum is always maintained for deliberations.
- 11.2. The DSWD TWG (CO and FO level) shall be primarily responsible for the review of all applications, and consequently recommend to the Authorized Representative of the Secretary at the Central Office and Regional Director for the issuance of a certification to RSWs as PSWs, or its revocation, pursuant to Sections 6 & 9 of this guideline. The functions of the DSWD TWG include but not limited to the following:
 - 11.2.1. Review, develop, and enhance standards in establishing the practice of social work profession in government agencies as initially put forward in Section 6 & 9 of this guideline.
 - 11.2.2. Identify other requirements, and/or conduct validation or similar procedures as basis for coming up with recommendation/s on the issuance of certification;
 - 11.2.3. Conduct compliance monitoring or spot-checks to agencies whose RSWs have been given the PSW status;
 - 11.2.4. Evaluate the implementation of this guideline, and recommend to the DSWD Secretary process improvements; and
- 11.3. The Human Resource Management and Development Service (HRMDS) shall serve as the secretariat internal to DSWD and Standards Bureau (SB) for external. DSWD both in Central and the counterpart in the Field Office shall serve as the Secretariat of the DSWD-TWG. The Secretariat shall perform the following functions, but not limited to:
 - 11.3.1. Receive applications, and verify completeness of the submitted documents as prescribed in Section 7;
 - 11.3.2. Assist the DSWD TWG in the review of the applications;
 - 11.3.3. Provide updates on the status of applications; and
 - 11.3.4. Serve as a repository of data such as registry of PSWs, and other documents related to the implementation of this guideline.

Section 12. Monitoring and Reporting

To monitor compliance of concerned government agencies in the implementation of this guideline, government agencies whose RSWs have been given the status of PSWs shall submit a *Compliance Report* to DSWD that shall provide information on the change of the status of RSW if there are any. The DSWD-TWG at the Central and Field Office level shall

determine the information to be submitted and the process of determining compliance of the agencies and the PSWs.

Section 13. Periodic Review

The DSWD thru the DSWD TWG shall conduct a comprehensive review of this guideline at a minimum of every three (3) years. The review is primarily to determine the relevance of the set standards and the capacity of the government agencies and RSWs to comply with the requirements unless an earlier review is required by the DSWD Secretary.

Section 14. Effectivity

This MC shall take effect upon publication in the Official Gazette and deposit of a copy thereof at the Office of the National Administrative Register (ONAR), University of the Philippines Law Center. The benefits of PSWs as a result of the implementation of these guidelines shall be applied prospectively subject to the availability of funds but without prejudice to any vested right or entitlement for PSWs as may be provided by law.

Issued in Quezon City, Metro Manila, Philippines.



ROLANDO JOSELITO D. BAUTISTA

Secretary

Date: JUN 08 2022

Cert. True Copy:


MYRNA H. REYES
OIC, Division Chief
Records and Archives Mgt. Division

11 0 JUN 2022

ANNEX A
(Logo of the Agency)

RA 9433 - Act of Providing Magna Carta for Public Social Workers
Grant of Compensation-Related Magna Carta Benefits to
Public Social Workers
(Name of Agency)

LIST OF PUBLIC SOCIAL WORKERS

Name of Bureau/Office/Service: _____

PSW Certification Period Applied For: (Month/Year)

<i>Name¹</i>	<i>Place of Assignment¹</i>	<i>Division/ Unit</i>	<i>Position Title</i>	<i>Status of Employment</i>	<i>PRC License Number</i>	<i>Expiry Date</i>	<i>Signature</i>
1.							
2.							
3.							

¹Surname, First name

²National, Regional, Provincial

Annex A.1 (Sworn Statement)

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

I, _____ Name _____, of legal age, (position title), and with office address at _____, under oath, state that:

1. I am the duly appointed _____ Position _____ under the existing law of the Philippines.
2. I hereby acknowledge that I have fully read the information supplied in the application and any false or misleading information provided therein shall be ground for the cancellation of the Certification issued to the Registered Social Worker as Public Social Worker.
3. I am executing this Sworn Statement to attest to the veracity of the foregoing statement statements in compliance to the requirements for the application of the DSWD Certification.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____ in the City of _____, Philippines.

Name of Head of Office

SUBSCRIBED AND SWORN to before me this _____ day of _____.

Notary Public

Doc. No. _____
Page No. _____
Book No. _____
Series of _____

ANNEX B

**ANNUAL COMPLIANCE REPORT
YEAR _____**

NAME OF THE AGENCY: _____

I. NUMBER OF PUBLIC SOCIAL WORKERS _____

Section Item Per DSWD and DBM JC 1.s.2018	Benefits of Public Social Workers	Compliance	Total Number of Public Social Workers Provided	Remarks
Section 4.0	Additional Compensation for the Services Beyond the Normal Hours and Non- Working Days			
Section 4.1	Overtime			
Section 4.2	Compensatory Overtime credits			
Section 5.0	Hazard Pay			
Section 6.0	Subsistence Allowance			
Section 7.0	Transportation/Travel Expenses			
Section 8.0	Longevity Pay			
Section 9.0	Free Living Quarters			
	Quarters Allowance			
Section 10.0	Highest Basic Salary Upon Retirement			
Section 11.0	Clothing Allowance			

II. ISSUES AND RECOMMENDATIONS

Issues /Concerns	Action Taken	Recommendation
1.		
2.		

Prepared by:

Noted by:

Printed Name Over Signature

Printed Name Over Signature
Head of Office
Date: _____