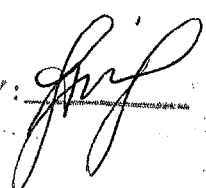


THIRTEENTH CONGRESS OF THE)
 REPUBLIC OF THE PHILIPPINES)
 First Regular Session)

'04 JUN 30 P2:02

SENATE
 S. B. No. **173**

RECEIVED BY: 

Introduced by **SENATOR LUISA "LOI" P. EJERCITO ESTRADA**

EXPLANATORY NOTE

Effective delivery of basic social welfare services rests on the strength of the country's social welfare and development programs and the quality of officers and personnel implementing the same.

Unfortunately, current initiatives along these lines are sporadic and program implementation neglected, if not thoughtlessly abandoned. Worse, even officers and employees manning them lack the necessary training and are not provided with adequate incentives to increase productivity, efficiency and enhance ingenuity.

In fact, only few social work positions in various social welfare and development agencies are occupied by social workers, who have the necessary training and work experience to handle the delicate nature of the functions of said posts.

If the country is to truly promote the general welfare and well-being of the people, there is a need to revitalize government's social welfare policy directions, reengineer appropriate social welfare and development agencies and most importantly, promote the social and economic conditions of hundreds of social welfare and development workers in order to pursue sustained delivery of quality service.

Through these, the government shall be able to prioritize social welfare and development concerns and attract more competent and qualified individuals to participate towards such ends.

The proposed measure aims to provide for Magna Carta for Social Workers and Social Welfare and Development Workers in order to strengthen delivery of social welfare and development services and institutionalize the social work profession.

Hence, immediate passage of this bill is earnestly sought.


LUISA "LOI" P. EJERCITO ESTRADA
 Senator

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AN ACT
PROVIDING FOR THE MAGNA CARTA FOR SOCIAL WORKERS AND SOCIAL
WELFARE AND DEVELOPMENT WORKERS AND FOR OTHER PURPOSES

SECTION 1. **Title** - This Act shall be known as the "Magna Carta for Social Workers and Social Welfare and Development Workers".

Sec. 2. **Declaration of Policy** - The State shall promote and improve the social and economic well being of the social workers and social welfare and development workers, their living and working conditions, and terms of employment. It shall develop their 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 State shall likewise encourage those with proper qualifications and excellent abilities to remain in social development work in both government and non-government service.

Sec. 3. **Definition of Terms.** - As used on this Act, the following terms shall mean:

- a) *Social Work* - refers to the profession that promotes social change, problem solving in human relationship and the empowerment and liberation of people to enhance their well being. Utilizing theories of human behavior and social systems, social work intervenes at the points where people interact with their environments. Principles of human rights and social justice are fundamental to social work.
- b) *Social Welfare and Development Program* - refers to the combination of developmental, preventive, and restorative services designed to promote the welfare of individuals, families, groups and communities to develop, enhance and/or restore their capability for functioning and coping with the demands of their environment.

- c) *Social Worker* - refers to a natural person who is a registered and licensed social worker and who is a holder of a valid certificate of registration and a valid professional identification card issued pursuant to R.A. 4373 and RA 8981 as amended.
- d) *Private Agency* - refers to any non-government entity such as, but not limited to, private corporation, hospital, industry, foundation and association implementing social welfare and development programs.
- e) *Social Welfare and Development Agency (SWDA)* refers to:
 - 1) National or local government social welfare and development office;
 - 2) Non-governmental organization registered with and/or accredited by the Department of Social Welfare and Development; or
 - 3) Unit/division of any public and private agency/organization with social welfare and development functions.
- f) *Social Welfare and Development Worker* - refers to those employed in social welfare and development agencies and private agencies as defined herein.

Sec. 4. Coverage. - This Act shall cover all social workers and social welfare and development workers as defined herein.

Sec. 5. Appointment. - Social work positions in all social welfare and development agencies shall be occupied by social workers.

- a) All government SWDAs shall be headed by social workers;
- b) The position of Social Welfare and Development Officer is mandatory for the provincial, city and municipal governments;
- c) All private SWDAs shall have at least one (1) social worker. Appointment to the position of social welfare and development worker in government SWDAs shall be in accordance with the qualification standards of the Civil Service Commission.

Sec. 6. Geographical Reassignment of Social Worker/Social Welfare and Development Worker. - Except in emergency situations, no geographical reassignment shall be made or effected without written notice to the social worker/social welfare and development worker concerned stating therein the reason/s for such: Provided, That said written notice shall be made at least thirty (30) days prior to the date of reassignment;

Provided, Further, That in the government sector, reassignment coinciding with any local or national election shall be made in compliance with the Election Code and other existing laws and rules; Provided, Finally, That the necessary expenses for the reassignment of the social worker/social welfare and development worker and his/her immediate family shall be paid for by the agency concerned.

Sec. 7. Work Load. - The ratio of social worker/social welfare and development worker to clientele shall be such as to reasonably effect a sustained delivery of quality service.

Sec. 8. Normal Hours of Work. - The normal hours of work of any social worker/social welfare and development worker shall not exceed eight (8) hours a day or forty (40) hours a week.

Hours worked shall include: a) all the time during which a social worker/social welfare and development worker is required to be on active duty or to be at a prescribed workplace; and b) all the time during which a social worker/social welfare and development worker is suffered or permitted to work; Provided, That, the time when a social worker/social welfare and development worker is placed on "On Call" status shall not be considered as hours worked but shall entitle the social worker/social welfare and development worker to an "On Call" pay equivalent to fifty percent (50%) of his/her regular wage. "On Call" status refers to a condition when social worker/social welfare and development workers are called upon to respond to urgent or immediate need for relief work during emergencies such that he/she cannot devote the time for his/her own use.

Sec. 9. Payment of Overtime Work. -

- a) Any social worker/social welfare and development worker who renders service beyond the normal eight (8) hours of work a day shall be compensated in accordance with existing laws and prevailing practices.

- b) Where a social worker/social welfare and development worker is made to work on any special holiday he/she shall be paid an additional compensation in accordance with existing laws.

Sec. 10. Rights of Social Worker/Social Welfare and Development Worker. -

The social worker/social welfare and development worker shall have the following rights:

- a) Protection from discrimination by reason of sex, sexual orientation, age, political or religious beliefs, civil status, physical characteristics/disability or ethnicity;
- b) Protection from any form of interference, intimation, harassment, or punishment, to include but not limited to arbitrary reassignment or termination of service, in the performance of his/her duties and responsibilities;
- c) Join, organize or assist organizations or unions for lawful purposes;
- d) Protection from any act that will prevent him/her from applying professional interventions that the client's situation may require; and
- e) Opportunities for continuing professional growth and development.

Sec. 11. Compensation and Benefits. — The existing law on the salary scale of government employees shall apply in determining the salaries of social workers/social welfare and development workers in government service, including the local government units. Social workers/social welfare and development workers in private agencies shall receive salaries not below the salary scale of similar position levels in government.

Benefits enjoyed by the social workers/social welfare and development workers in government agencies shall likewise be enjoyed by their counterparts in the private agencies.

Sec. 12. Leave Benefits. - Social workers/social welfare and development workers shall be entitled to all leave benefits and privileges, such as but not limited to maternity, paternity, vacation and sick leaves, as provided for under existing laws.

Sec. 13. **Insurance and Retirement Benefits.** - Qualified social workers/social welfare and development workers appointed as such shall automatically become members of the Government Service Insurance System (GSIS) for those employed in the government and of the Social Security System (SSS) for those employed in the private sector. Social workers/social welfare and development worker, having fulfilled the age and service requirement of applicable retirement laws, shall be given a one-step salary grade increase upon retirement which shall be the basis of computation of retirement pay and other retirement benefits.

Sec. 14. **Coordinating Committee.** - A Coordinating Committee is hereby created. It shall be composed of, but not limited to, the heads of the following agencies/organizations or their duly authorized representatives: Department of Social Welfare and Development (DSWD), Civil Service Commission (CSC), Department of Interior and Local Government (DILG), Department of Labor and Employment (DOLE), Board for Social Workers, Philippine Association of Social Workers, Inc. (PASWI), Association of Provincial/City and Municipal Social Welfare and Development Officer of the Phils. Inc. (APCMSWDOPI), National Association of Social Work Education, Inc. (NASWEI), National Council for Social Development Foundation, Inc. (NCSDFI), League of Provinces, League of Cities, League of Municipalities, Liga ng mga Barangay, House of Representatives and Senate. The DSWD shall chair the Committee and provide the necessary secretariat support.

Sec. 15. **Functions of the Coordinating Committee.** - The Coordinating Committee shall have the following functions:

- a) Promulgate the implementing rules and regulations of this Act;
- b) Promulgate a Code of Conduct for social workers/social welfare and development workers within six (6) months from the effectivity of this Act;
- c) Evaluate social work/social welfare and development worker positions and compensation and benefits;
- d) Receive and evaluate complaints and forward the same to the concerned agency;
- e) Monitor compliance with the provisions of this Act and its implementing rules and regulations;
- f) Submit their recommendations to the agencies concerned; and
- g) Submit an annual report to Congress.

The government agencies concerned shall allocate funds from their respective annual budget for this purpose.

Sec. 16. **Prohibition Against Elimination and/or Diminution.** - Nothing in this Act shall be construed to eliminate or in any way diminish benefits being enjoyed by social worker/social welfare and development workers at the time of the effectivity of this Act.

Sec. 17. **Penal Provision.** — Any person who shall willfully interfere with, restrain or coerce any social worker/social welfare and development worker in the exercise of his/her rights or shall violate any provision of this Act shall, upon conviction, be punished by a fine of not less than Twenty Thousand Pesos (P20,000.00) but not more than Forty Thousand Pesos (P40,000.00) or imprisonment of one (1) year to six (6) years or both fine and imprisonment at the discretion of the court.

If the offender is a public official, the court may impose the additional penalty of disqualification from office in addition to the penalties provided in the preceding paragraph.

If the offender is a private institution, it shall be subject to a penalty ranging from suspension to revocation of license at the discretion of the court. Provided, However, That responsible officers shall be fined not less than Fifty Thousand Pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00) or imprisonment of six (6) years and one (1) day to twelve (12) years or both at the discretion of the court.

Sec. 18. **Separability Clause.** - If any provision of this Act is declared unconstitutional or invalid, the provisions not affected thereby shall continue to be in full force and effect.

Sec. 19. **Repealing Clause.** — All laws, decrees, orders, rules and regulations or other issuances inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 20. **Effectivity Clause.** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation or in the Official Gazette, whichever comes first.

Approved,