

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

'04 JUN 30 P10:19

SENATE

RECEIVED BY: S. No. 759

INTRODUCED BY HON. MANUEL B. VILLAR JR.

EXPLANATORY NOTE

Social work was introduced as a professional activity in the Philippines during the 1920s. It was conceived by charity organizations in England and in the United States and the full development of which as a profession can be attributed to the Americans. The pioneering social workers in the Philippines, through scholarship grants, were trained in the School of Social Work in the United States. After completing their education abroad, they introduced a few courses at Centro Escolar University and the University of the Philippines. Today, a lot of colleges and universities offer bachelor and masters degrees in social work.

Social work has been regarded, universally as "the profession which helps individuals, families, groups and communities to develop, improve, maintain or restore their capability for coping with the demands of their environment, through the use of the Social Work Methods of Intervention."

Social work has been publicly recognized as a profession in June 1965 when the Philippine Congress enacted R.A. No. 4373, otherwise known as the "Social Work Law," which prescribes that only Social Work degree holders and licensed social worker can practice social work.

Some people have the ability to manage stress. However, some are overwhelmed by exhaustion in trying to cope with their psychological problems without outside help. Such psychological problem or stress becomes the point of entry into the life another person by the Social Worker.

Their clientele are the neglected, the abandoned, the abused and exploited street children, the drug dependents, alcoholics and the out of school youths, the squatters, homeless families, the unwed/single parents, the physically abused/battered and disadvantaged women, the elderly/senior citizens, the disabled and these with special needs. The bulk of their clients are the marginalized population: the poor, exploited, deprived/underprivileged members of our society with multifaceted problems

This legislative measure seeks to institutionalize Social Work as a distinct profession in recognition of their contribution to nation-building.

The early passage of this bill is recommended.


MANUEL B. VILLAR, JR.

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S. No. 759

INTRODUCED BY MANUEL B. VILLAR JR.

AN ACT PROVIDING FOR A MAGNA CARTA OF SOCIAL WORKERS

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. This Act should be known as "Magna Carta of Social Workers."

SECTION 2. Coverage. - This Act shall cover all registered/practitioner social workers in the government and non-government service.

SECTION 3. Recruitment and Qualification - The selection and appointment of social workers shall be in accordance with the merit and fitness principle: Provided, That he/she be a registered social worker: Provided, further, That the CSC or the DOLE, as the case may be, shall develop and administer eligibilities to positions.

SECTION 4. Transfer or Geographical Reassignment of Social Workers. - No transfer of geographical reassignment shall be made or affected without a written notice to the social worker concerned stating therein the reasons for such transfer and reassignment. The notice shall be made thirty (30) days prior to the date of transfer or reassignment: Provided, That if the employee concerned disagrees with the order of transfer or reassignment he/she may appeal said order with the CSC or the DOLE, as the case may be: Provided, further, That pending approval such transfer or reassignment shall be held in abeyance: Provided, furthermore, That no transfer and/or reassignment whatsoever shall be made three (3) months prior any local or national elections: Provided, finally, That the necessary expenses of the transfer and/or reassignment of the social worker and his/her immediate family shall be paid by the government.

SECTION 5. Security of Tenure - No social worker holding a permanent position shall be terminated except for cause: Provided, in the event the social worker is found to be unjustly dismissed, he/she shall be entitled to reinstatement without loss of seniority rights and back wages with twenty percent (20%) interest to be computed from the time his/her compensation was withheld from him/her up to the time of reinstatement.

However, if the social worker does not desire to be reinstated, he/she shall be entitled to back wages and separation pay with twenty percent (20%) interest to be computed from the time his/her compensation was withheld from him/her up to the of reinstatement.

SECTION 6. Discrimination Prohibited. - A social worker shall not be discriminated by reason of creed, sex, political beliefs, civil status, and ethnic groupings in the exercise of his/her profession.

SECTION 7. No Understaffing/Overloading of Social Workers. - There shall be no understaffing or overloading of social workers. The ratio of staff to clientele shall be such as to reasonably effect a sustained delivery of quality social service at all times without overworking the social workers and over-extending their services. Only professional and registered social workers shall occupy the social work positions in all social work agencies and institutions of government. All social work agencies and institutions of government. All social work government agencies and institutions, except for the DSWD, shall be headed by a professional registered social worker.

SECTION 8. Safeguards in Administrative Proceedings. - In every administrative proceeding, a social worker shall have:

- a) the right to be informed of the charges;
- b) the right to full access on evidences against him;
- c) the right to defend himself or by a counsel of his/her choice;
- d) the right to be given adequate time to prepare his/her case, which shall in no case exceed twenty (20) days;
- e) the right to appeal to designated authorities;
- f) the right to cross-examine witnesses and to processes for production of witnesses;

- g) the right to reimbursement for reasonable expenses incurred in his/her defense in case of exoneration or dismissal of the charges;
- h) the right to be informed of his rights under the Magna Carta for Social Workers; and
- i) such other rights as to ensure fairness and impartiality in the proceedings.

SECTION 9. Code of Conduct. - All social workers must be guided by its code of ethics not contrary to law, morals, safety, health, public policy and public order.

SECTION 10. Normal Hours of Work. - The normal hours of work of any social worker shall not exceed eight (8) hours a day or forty (40) hours a week. Hours of worked shall include: (a) the time the social worker is required to be active duty or to be at a prescribed workplace; (b) the time which the social worker is permitted to work; (c) the time which a social worker is required to work in place other than the prescribed workplace.

SECTION 11. Overtime Work, where the exigencies of the service so require, any social worker, whether in the government or non-government service, may be required to render service beyond the normal eight (8) hours a day, inclusive of Saturdays, Sundays or non-working holidays. In such case, the social worker shall be paid and additional compensation in accordance with existing laws on the matter.

SECTION 12. On-Call Pay- In cases of "on-calls" status, the social worker shall be entitled to an "on-call" pay equivalent to fifty percent (50%) of his/her regular wage. "On-call" status refers to a condition when social workers are called upon to respond to urgent or immediate need or relief work during emergencies such that the social worker cannot utilize the time for personal needs; Provided, that no social worker shall be placed in "on-call" status beyond seven (7) days.

SECTION 13. Married Social Worker - Whenever possible, the proper authorities shall take steps to enable married couples, both of whom are public workers, to be employee or assigned in the same municipality but not in the same office: Provided, That it shall not apply to married couples already assigned in the same office at the time the law takes effect.

SECTION 14. Additional Compensation - Within six (6) months after the effectivity of this Act, the salaries of the social workers of the DSWD, the DOH and other national

government offices shall be upgraded to one salary grade higher of his/her present salary grade under the Salary Standardization Law. In the case of social workers employed in local government units, the upgrading shall be subject to the approval of the provincial board, city or municipal council, as the case may be.

SECTION 15. Hazard Allowance. - Social workers assigned in difficult areas, strife-torn or embattled areas, distressed or isolated stations, mental hospitals, leprosariums, areas declared under a state of calamity or emergency, such that they become exposed to great danger, shall be compensated hazard allowance equivalent to at least twenty percent (20%) of the monthly basic salary.

SECTION 16. Subsistence Allowance. - Social workers who are required to render services in communities, institutions, hospitals and other social welfare establishments that require their services to be available at all times, should be entitled to full subsistence allowance of three (3) meals which shall be computed in accordance with prevailing circumstances.

SECTION 17. Longevity Pay. - A monthly longevity pay equivalent to five percent (5%) of the monthly basic pay shall be paid to a social worker for every five (5) years of continuous, efficient and meritorious service.

SECTION 18. Clothing Allowance, - All social workers shall be entitled for a clothing allowance of at least two hundred pesos (200.00) per month.

SECTION 19. Housing - All social workers who are in tour of duty and, because of unavoidable circumstances are forced to stay in the institution, community, etc. shall be entitled to free living quarters: Provided, That if such living quarters are not available, the social worker shall receive housing allowance the rate of which shall be reviewed periodically.

SECTION 21. Right to Self-Organization. - Social workers shall have the right to freely join, assist, organizations or unions for purposes not contrary to law, in order to defend and protect their mutual interest and to obtain redress of grievances through peaceful concerted activities; Provided, That under no circumstances shall government social workers be allowed to join, declare, stage, form any strike or cessation of services.

SECTION 22. Freedom from Interference or Coercion. - It shall be unlawful for any person to commit any of the following acts of interference or coercion:

- a) to require as a condition of employment that the social worker shall not join a social worker organization or union;
- b) to discriminate in order to encourage or discourage membership in any social work organization or union;
- c) to prevent a social worker from carrying out his/her duties functions in the social work organization or union or to penalize the social work organization or union or to penalize the social worker for any lawful action performed in the capacity;
- d) to perform acts calculated to diminish the independence and freedom of the union or organization to direct its own affairs.

SECTION 23. Consultation. - The DSWD shall consult professional and social work organizations or unions in formulating policies to govern the social security of the social workers.

SECTION 24. Human Resources Development - The government and non-government agencies shall conduct human resource development and management study in the following areas;

- (a) Adequate facilities and resources to render quality social service to the clientele;
- (b) Opportunity for social workers to grow and develop their potentials and experience a sense of worth and dignity in their work;
- (c) Mechanisms for democratic consultations;
- (d) Staffing patterns and standards of social welfare to ensure the people receive quality care;
- (e) Ways and means of enabling rank and file workers viable educational opportunities for personal growth and development; and
- (f) Upgrading of working conditions, reclassification of positions and salaries of social workers to correct the disparity vis-à-vis other professions.

SECTION 25. Rules and Regulations. - The DSWD in coordination with DOLE, the CSC, and the NLRC shall formulate and prepare necessary rules and regulations in implementing the provisions of this Act.

SECTION 26 Penal Provisions - Any person who shall willfully interfere with restrain or coerce any social worker in the exercise of his/her rights or shall in any manner commit any act in violation of any of the provisions of this Act, upon conviction, shall be punished by a fine not less than Twenty thousand pesos (P20,000.00) but not more than Forty thousand pesos (P40,000.00) or imprisonment of not more than one (1) year or both at the discretion of the court.

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

SECTION 27. Separability Clause - If any provision of this Act is declared unconstitutional or invalid, the remainder thereof not affected thereby shall continue to be in full force and affect.

SECTION 28. Repealing Clause - All laws, decrees, rules and regulations or other issuances inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 29. Effectivity - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,