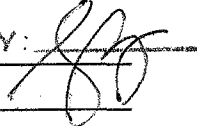


THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
FIRST REGULAR SESSION

'04 JUN 30 P10:34

SENATE
S.B. No. 1168RECEIVED BY: 

Introduced by Senator Magsaysay, Jr.

EXPLANATORY NOTE

This bill, the Magna Carta for Social Welfare and Social Workers and Development Workers, is one of the priority measures of the national government considering that it is defined and intended to assist one of the noblest areas of public service: social work. The legislation is formulated in accord with the basic precept stated in the 1987 Philippine Constitution, "[t]he State shall promote social justice in all phases of national development." (*Art. II, Sec. 10*)

The social workers and social welfare and development workers are the epitome of outstanding bureaucrats as they perform the most specialized functions in the government. They are on a stand-by while the maelstrom of calamities and disasters are destroying our midst. They accord life to the orphaned unborn, rear and care for the battered women, and assist the underprivileged. They verify and complement the information of some court cases. The social workers and social welfare and development workers are thus recognized for the greatness of their acts and the nobility of their sector through this legislation.

The bill is highlighted by the following salient provisions:

- The bill included other non-social work professionals in the social welfare and development to avail of the benefits under the Magna Carta;
- It accords substantial rights to social welfare and development workers and social workers:
 - Protection from discrimination by reason of sex, sexual orientation, age, political or religious beliefs, civil status, physical characteristics/disability, or ethnicity;
 - Protection from any form of interference, intimidation, harassment, or punishment, to include but not limited to arbitrary reassignment or termination of service, in the performance of his/her duties and responsibilities;
 - Join, organize, or assist organizations or unions for lawful purposes;
 - Protection from any act that will prevent him/her from applying professional interventions that the client's situation may require, and
 - Opportunities for continuing professional growth and development.
- The creation of a Coordinating Committee to oversee the implementation of this law and similar statutes on social services.

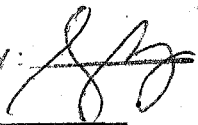
Premises stated, early enactment of this legislation is earnestly sought.


 RAMON B. MAGSAYSAY JR.

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

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

Section 1. Title – This Act shall be known as the “Magna Carta for Social Workers and Social Welfare and Development Workers of 2004”.

Section 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 program. 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.

Section 3. Definition of Terms – As used in this Act, the following terms and phrases shall mean:

- a) Social Work-refers to the profession that promotes social changes, 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 development, preventive, and restorative services designed to promote the welfare of individuals, families, group, and communities to develop, enhance and/or restore their capability for functioning and coping with the demands of their environment.
- c) Social Workers refers to a natural person who is a holder of a valid certificate of registration and a valid professional identification card issued pursuant to R.A. and R.A. 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 government 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 these employed in social welfare and development agencies and private agencies as defined herein.

Section 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 on (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.

Section 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 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 the agency concerned.

Section 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.

Section 8. Payment of Overtime Work. – Any social worker/social welfare and development worker who renders service beyond the normal hours of work shall be compensated in accordance with existing laws.

Section 9. Rights of a Social Worker/Social Welfare and Development Worker. – The social worker/social welfare and development worker shall have the following rights;

- a) Protection form 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, intimidation, 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.

Section 10. 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 and 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.

Section 11. 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 Phil., 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.

Section 12. Functions of the Coordinating Committee. – The Coordinating Committee shall have the following functions:

- a) Promulgation of the implementing rules and regulations of this Act;
- b) Promulgation of a Code of Conduct for social workers/social welfare and development workers within six (6) months from the effectivity of this Act;
- c) Continuing evaluation of social work/social welfare and development worker positions and compensation and benefits;
- d) Receiving and evaluating complaints and forwarding the same to the concerned agency;
- e) Monitoring compliance with the provisions of this Act and its implementing rules and regulations;
- f) Submission of their recommendations to the agencies concerned; and
- g) Submission of an annual report to Congress.

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

Section 13. 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) years 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 proceeding 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.

Section 14. 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.

Section 15. Repealing Clause – All laws, decrees orders, rules and regulations or other issuance inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 16. 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.