

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

7 JAN 31 P5:10

RECEIVED BY: 

SENATE

COMMITTEE REPORT NO. **238**

Submitted by the Committee on Social Justice, Welfare and Rural Development on
JAN 31 2007

RE : Senate Bill No. **2587**, prepared by the Committee

Recommending its approval in substitution of Senate Bill Nos. 173, 437, 759, 897, 1086,
1168

Sponsors : Senator Sergio Osmeña III

MR. PRESIDENT:

The Committee on Social Justice, Welfare and Rural Development to which were referred Senate Bill No. 173, introduced by Sens. L. Ejercito-Estrada and Angara, entitled

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

Senate Bill No. 437, introduced by Sen. Serge Osmeña, entitled:

"AN ACT PROVIDING FOR A MAGNA CARTA FOR SOCIAL WORKERS"

Senate Bill No. 759, introduced by Sen. Villar, entitled:

"AN ACT PROVIDING FOR A MAGNA CARTA FOR SOCIAL WORKERS"

Senate Bill No. 897, introduced by Sen. J. Ejercito-Estrada, entitled:

"AN ACT PROVIDING FOR A MAGNA CARTA FOR SOCIAL WORKERS"

Senate Bill No. 1086, introduced by Sen. Angara, entitled:

"AN ACT PROVIDING FOR A MAGNA CARTA FOR SOCIAL WORKERS"

Senate Bill No. 1168, introduced by Sen. Magsaysay Jr, entitled:

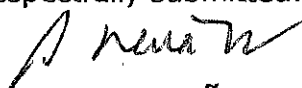
"AN ACT PROVIDING FOR THE MAGNA CARTA FOR SOCIAL WORKERS AND SOCIAL WELFARE AND DEVELOPMENT WORKERS AND FOR OTHER PURPOSES"

has considered the same and has the honor to report them back to the Senate with the recommendation that the attached SB No. 2587, prepared by the Committee, entitled

"AN ACT PROVIDING FOR A MAGNA CARTA FOR PUBLIC SOCIAL WORKERS"

be approved in substitution of Senate Bill Nos. 173, 437, 759, 897, 1086, 1168 with Senators Estrada (L), Osmeña, Villar, Estrada (J), Angara and Magsaysay as authors thereof

Respectfully submitted:



SERGIO OSMEÑA III

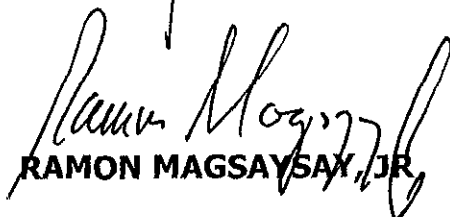
Chairman

Committee on Social Justice, Welfare and Rural Development



JUAN FLAVIER
Vice Chairman

M.A. MADRIGAL
Vice Chairman




RAMON MAGSAYSAY, JR.

Members:

MANUEL "LITO" M. LAPID

FRANKLIN M. DRILON



"COMPANERA" PIA S. CAYETANO



LUISA "LOI" EJERCITO ESTRADA

Ex Officio Members:



JUAN M. FLAVIER
President Pro Tempore



FRANCIS N. PANGILINAN
Majority Floor Leader




AQUILINO Q. PIMENTEL, JR.
Minority Floor Leader

HON. MANNY VILLAR
Senate President
Pasay City

THIRTEENTH CONGRESS OF THE REPUBLIC)
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S. No. 2587

(In substitution of S. Nos. 173, 437, 759, 897, 1086 and 1168
taking into consideration House Bill 4536)

Prepared by the Committees on Social Justice, Welfare and Rural
Development with Senators Estrada (L), Osmeña, Villar, Estrada (J),
Angara and Magsaysay as authors thereof

**AN ACT
PROVIDING FOR A MAGNA CARTA FOR PUBLIC SOCIAL WORKERS**

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

1 SECTION 1. **Title.** – This Act shall be known as the “**Magna Carta for**
2 **Public Social Workers.**”

3 SEC. 2. **Declaration of Policy.** – The State shall promote and improve
4 the social and economic well-being of public social workers, their living and
5 working conditions, and terms of employment. It shall develop their skills and
6 capabilities to make them more responsive to the needs and problems of their
7 clients and better equipped in delivering social services and programs. The
8 State shall likewise encourage those with proper qualifications and excellent
9 abilities to apply and remain in social development work in the government
10 service.

11 SEC. 3. **Definition of Terms.** -- As used in this Act, the following terms
12 shall mean as follows:

13 a) **Social Work** – refers to the profession which helps individuals,
14 families, groups; and communities develop, improve, maintain or
15 restore their capability for coping with the demands of their

1 environment, through the use of social work methods and
2 interventions;

3 b) **Registered Social Worker** – refers to a graduate of Bachelor of
4 Science in Social Work or Master's Degree in Social Work and who
5 has passed the social work licensure examination;

6 c) **Public Social Worker** – refers to registered social worker employed
7 in the government service;

8 d) **Practitioner** – a registered social worker actively practicing his/her
9 profession.

10 e) **CSC** – refers to the Civil Service Commission;

11 f) **DSWD** – refers to Department of Social Welfare and Development;

12 g) **DOLE** – refers to the Department of Labor and Employment;

13 h) **DILG** – refers to the Department of Interior and Local Government;

14 i) **NLRC** – refers to the National Labor Relations Commission;

15 j) **PRC** – refers to the Professional Regulation Commission.

16 **SEC. 4. Coverage.** – This Act shall cover all registered social workers
17 employed in government service.

18 **SEC. 5. Recruitment and Qualifications.** – The selection and
19 appointment of social workers shall be in accordance with the merit and fitness
20 principle.

21 All government social work agencies and institutions shall be headed by
22 registered social workers except for cabinet and non-career positions. Priority
23 shall be given to registered social workers in filling up social work positions in
24 the government.

25 **SEC. 6. Merit Promotion and Career System.** – A Social Work
26 Management and Consultative Council shall be created to prepare a uniform
27 career and personnel development plan applicable to public social workers.
28 Such career and personnel development plan shall include provisions on merit
29 promotion, performance evaluation, in-service training grants, job rotation,

1 incentive awards system and other policies that govern the social security of the
2 social workers.

3 **SEC. 7. *Composition.*** -- The composition of the Social Work
4 Management and Consultative Council shall consist of representatives of the
5 DSWD, CSC, DILG, DOLE, Philippine Association of Social Workers, Inc., the
6 League of Provinces, League of Cities and League of Municipalities.

7 **SEC. 8. *Classification of Social Work Personnel.*** – The Social Work
8 Management and Consultative Council shall develop a career ladder and
9 classification system for all social work positions in government service:
10 *Provided, That all position classification shall carry Social Worker title.*

11 **SEC. 9. *Code of Conduct.*** - All public social workers shall be guided by
12 the Social Work Code of Ethics as adopted by the Board of Social Work and as
13 approved by the PRC within six (6) months from the effectivity of this Act.

14 **SEC. 10. *Normal Hours of work.*** -The normal hours of work of any
15 public social worker shall not exceed eight (8) hours a day or forty (40) hours a
16 week. Hours of work shall include: a) the time during which a public social
17 worker is required to be on active duty or to be at a prescribed workplace; b) the
18 time during which a public social worker is permitted to work; c) the time during
19 which a public social worker is required in a place other than prescribed
20 workplace; *Provided, That, the time when a public social worker is placed on*
21 *"On Call" status shall not be considered as hours worked but shall entitle the*
22 *public social worker to an "On Call" pay equivalent to fifty percent (50%) of*
23 *his/her regular wage. "On Call" status refers to a condition when public social*
24 *workers are called upon to respond to urgent or immediate need or relief work*
25 *during emergencies such that he/shall cannot devote the time for his/her own*
26 *use; Provided, That, no public social worker shall be placed in "on-call" status*
27 *beyond seven "7" days per month. Public social workers can also teach or*
28 *practice their profession after office hours.*

1 SEC. 11. **Overtime Work.** – Where the exigencies of the service so
2 require, any public social worker may be required to render service beyond the
3 normal eight (8) hours a day, inclusive of Saturday, Sundays or non-working
4 holidays. In such a case, the public social worker shall be paid an additional
5 compensation in accordance with existing laws.

6 SEC. 12. **Compensation.** – The existing law on the salary scale of
7 government employees shall apply in determining the salaries of public social
8 workers. In case of violations of this provision, the social worker concerned
9 shall file the necessary complaint to CSC or NLRC through the Social Work
10 Management and Consultative Council.

11 SEC. 13. **Leave Benefits.** – Public social workers shall be entitled to all
12 leave benefits and privileges, such as but not limited to maternity, paternity,
13 vacation and sick leaves, as provided for under existing laws; Provided, That
14 upon separation of the public social workers from service, they shall be entitled
15 to all accumulated leave credits with pay.

16 SEC. 14. **Highest Basic Salary Upon Retirement.** – Upon retirement, a
17 public social worker shall automatically be granted an increase of one (1) salary
18 grade higher than his/her basic salary and his/her retirement benefits shall be
19 computed on the basis of his/her highest salary received.

20 SEC. 15. **Other Benefits.** – Aside from the benefits received as required
21 under existing laws and Executive Orders, the public social workers shall
22 receive the following:

23 a) *Hazard Allowance* – Public social workers assigned in remote and
24 depressed areas, strife-torn or embattled areas, distressed or isolated
25 stations, mental hospitals, leprosaria, areas declared under a state of
26 calamity or emergency which expose them to great danger, volcanic
27 activity/eruption, occupational risks or threats to life shall be
28 compensated with hazard allowance equivalent to at least twenty per
29 centum (20%) of the monthly basic salary.

1 b) *Subsistence/Transportation Allowance* – Public social workers who
2 are required to render services in communities, institutions, hospitals
3 and other social work establishments in order to make their services
4 available at all times, shall be entitled to daily full subsistence
5 allowance for three (3) meals which shall be computed according to
6 prevailing circumstances. Those assigned out of their regular work
7 stations shall be entitled to per diem in place of this allowance. Actual
8 transportation allowance shall also be provided to social workers on
9 field work.

10 c) *Housing and Living Quarters Allowance.* – All public social workers
11 who are transferred to another assignment due to the exigency of the
12 service shall be entitled to free housing within the agency concerned;
13 *Provided,* That if living quarters are not available within the agency
14 and the personnel has his/her residence outside of fifty (50)
15 kilometers radius from such government or non-government facility,
16 he/she shall receive a housing allowance, and *Provided, further,* That
17 the rate of such housing allowance shall be periodically adjusted for
18 inflation.

19 d) *Longevity Pay.* – A monthly longevity pay equivalent to five per
20 centum (5%) of his/her latest monthly basic pay shall be paid to a
21 public social worker for every five (5) years of continuous, efficient
22 and meritorious service rendered as certified by the chief of office
23 concerned, commencing with the service after approval of this Act.

24 e) *Clothing Allowance.* – All social workers shall be entitled to a minimum
25 of one thousand five hundred pesos (P1,500.00) clothing allowance
26 annually, which amount shall be adjusted as needed.

27 **SEC. 16. *Compensation From Injuries.*** – Public social workers shall be
28 protected against work-related injuries in accordance with the Labor Code and

1 Civil Service Law, as the case may be. Injuries incurred while doing overtime
2 work shall be presumed work-connected.

3 **SEC. 17. Rights of a Public Social Worker** - The social worker shall
4 have the following rights;

5 a) Protection from discrimination by reason of sex, sexual orientation,
6 age, political or religious beliefs, civil status, physical characteristics/ disability,
7 or ethnicity;

8 b.) Protection from any form of interference, intimidation, harassment, or
9 punishment, to include but not limited to arbitrary reassignment or termination of
10 service, in the performance of his/her duties and responsibilities;

11 c.) Join, organize, or assist organizations or unions for lawful purposes;

12 d.) Protection from any act that will prevent his/her from applying
13 professional interventions that the client's situation may require; and

14 e) Opportunities for continuing professional growth and development.

15 **SEC. 18. Reassignment of Public Social Workers.** - Except in the
16 interest of public service, no transfer or geographical reassignment shall be
17 made or effected without written notice to a public social worker: *Provided*, That
18 said written notice, stating the reasons for the reassignment, shall be made at
19 least thirty (30) days prior to the date of transfer or reassignment; *Provided*,
20 *further*, That, if the public social worker believes that there is no justification for
21 the transfer and/or reassignment, he/she may appeal his/her case to the Civil
22 Service Commission, which shall cause his/her transfer and/or reassignment to
23 be held in abeyance; *Provided*, still further, That reassignment coinciding with
24 any local or national election shall be made in compliance with Election Code
25 and other existing laws and rules; *Provided, finally*, That the necessary
26 expenses of the transfer and/or reassignment of the public social worker and
27 his/her immediate family shall be paid for by the agency concerned.

28 **SEC. 19. Married Social Workers.** - Whenever possible, the proper
29 authorities shall take steps to enable married couples, both of whom are public

1 social workers, to be employed or assigned in the same municipality, but not in
2 the same office; Provided, That it shall not apply to married social workers
3 already assigned in the same office at the time this law takes effect.

4 SEC. 20. ***Freedom From Interference or Coercion.*** – It shall be
5 unlawful for any person to commit any of the following acts of interference or
6 coercion:

- 7 a) To intimidate or force a public social worker to submit valuable
8 documents that will violate the principles of confidentiality of records
9 agreed upon between him/her and the clientele groups: *Provided,*
10 *That the release of such documents shall be approved by the clients*
11 *concerned and shall redound to their social well-being, and upon court*
12 *order;*
- 13 b) To prevent a public social worker from upholding and applying the
14 basic social work principles in carrying out the programs and services
15 for the target client groups of the social work agency;
- 16 c) To intimidate in order to encourage or discourage membership in any
17 social work organization or union;
- 18 d) To prevent a public social worker from carrying out his/her duties and
19 functions in the social work organization or union or to penalize the
20 public social worker for any lawful action performed in that capacity;
- 21 e) To make calculated harassment and interference with the intention of
22 intimidating or preventing the public social worker from performing his
23 duties and functions;
- 24 f) To make calculated harassment against, or, to transfer, penalize or
25 terminate the services of a public social worker who is carrying out
26 his/her advocacy function role for and in behalf of his/her clientele
27 groups who are victims of social injustice.

1 any manner commit any act in violation of any of the provisions of this Act, upon
2 conviction, shall be punished by a fine of not less than Twenty Thousand Pesos
3 (P20,000.00) but not more than Forty Thousand Pesos (P40,000.00) or
4 imprisonment of not more than one (1) year, or both, at the discretion of the
5 court. If the offender is a public official, the court, in addition to the
6 abovementioned penalties, may impose the additional penalty of disqualification
7 from office.

8 SEC. 25. **Separability Clause.** – If any provision of this Act is declared
9 unconstitutional or invalid, the remainder thereof not affected thereby shall
10 continue to be in full force and effect.

11 SEC. 26. **Repealing Clause.** – All laws, ordinances, rules and
12 regulations, other issuances or parts thereof which are inconsistent with this law
13 are hereby repealed or modified accordingly.

14 SEC. 27. **Effectivity.** – This Act shall take effect fifteen (15) days after its
15 publication in at least two (2) newspaper of general circulation.

16 Approved,