

**IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9433
OTHERWISE KNOWN AS AN ACT PROVIDING FOR A
MAGNA CARTA FOR PUBLIC SOCIAL WORKERS**

Section 1. *Title*

These rules shall be known and cited as the Implementing Rules and Regulations (IRR) of Republic Act No. 9433, otherwise known as the “Magna Carta for Public Social Workers”.

Section 2. *Purpose*

These rules are promulgated to prescribe the procedures and guidelines for the implementation of the “Magna Carta for Public Social Workers” in order to facilitate the compliance therewith and to achieve the objectives thereof.

Section 3. *Declaration of Policy*

The provisions of this IRR are in line with the State’s policy to promote and improve the social and economic well-being of public social 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 apply and remain in social development work in the government service.

Section 4. *Definition of Terms*

As used in this IRR, the following terms shall mean or be understood as follows:

- a. **ALSWDOPI** – refers to the Association of Local Social Welfare and Development Officers of the Philippines, Inc.;
- b. **CSC** – refers to the Civil Service Commission;
- c. **DBM** – refers to the Department of Budget and Management;
- d. **DILG** – refers to the Department of the Interior and Local Government;
- e. **DOLE** – refers to the Department of Labor and Employment;
- f. **DSWD** – refers to the Department of Social Welfare and Development;

- g. **NLRC** – refers to the National Labor Relations Commission;
- h. **On Call Status** – refers to a condition where public social workers are called upon to respond to an urgent or crisis situation or immediate need or relief work during emergencies such that they cannot devote the time for their own use;
- i. **Overtime Work** – a duly authorized work rendered beyond the normal eight (8) hours a day, inclusive of Saturdays, Sundays or non-working holidays;
- j. **PASWI** – refers to the Philippine Association of Social Workers, Inc.;
- k. **PRC** – refers to the Professional Regulation Commission;
- l. **Public Social Welfare and Development Worker** – refers to those workers employed in government social welfare and development agencies other than the public social worker as defined herein employed in both primary and secondary settings;
- m. **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;
- n. **Reassignment** – refers to the movement of an employee from one organizational unit to another in the same department or agency which does not involve a reduction in rank, status or salary;
- o. **Registered Social Worker** – refers to a workers who holds a Bachelor of Science in Social Work or Master’s Degree in Social Work and who has passed the social work licensure examination;
- p. **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;
- q. **Social Work and Welfare Agencies and Institutions and Social Work Establishments** – for purposes of this IRR, refer to government agencies that generally or mainly are engaged in the provision of social welfare programs to the poor, the vulnerable and the disadvantaged individuals, families and communities utilizing either casework, groupwork and/or community organizing aimed at enhancing their social well-being such as the DSWD, municipal, city, and provincial social welfare and development offices (primary setting);

- r. **Social Work Practice in the 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.
- s. **SWMCC** – refers to Social Work Management and Consultative Council;
- t. **Transfer** – refers to movement of an employee from one agency to another which is of equivalent rank, level, or salary and without break in service involving the issuance of an appointment;
- u. **Work-Related Injuries** – refer to “wounds and/or injuries sustained by a government official or employee while engaged in activities inherent to the performance of his/her duties, including being on Official Business outside of his/her work station, official travel, authorized overtime, detail order, and special assignment orders, except those injuries from accidents that occurred while the official or employee was going to work and going home from work” pursuant to the CSC-DBM Joint Circular No. 1, series of 2006.

Section 5. Coverage

This IRR shall cover all registered social workers in government service whether holding permanent, temporary, casual, or contractual positions.

Section 6. Recruitment and Qualifications

The selection and appointment of social workers shall be in accordance with the merit and fitness principle in the civil service.

All government social work and welfare agencies and institutions shall be headed by a Registered Social Worker except for Cabinet and non-career positions. Priority shall be given to registered social workers in filling up social work positions in the government.

Priority as used in this section shall mean in terms of appointment where one cannot appoint a person to a social worker position if there is a licensed social worker applying and actually available.

If the incumbent holding a permanent position, including the Head and all other social workers, is not a registered social worker upon the passage of this Law, he/she shall remain in office until his/her resignation, transfer or retirement. Upon the retirement or cessation from service of the incumbent, the Head of Agency/Local Chief Executive, as the case may be, shall appoint a qualified social worker to the said post.

Section 7. *Merit Promotion and Career System*

A Social Work Management and Consultative Council shall be created to prepare a uniform career and personnel development plan applicable to public social workers in accordance with the Civil Service law, rules and regulations. Such career and personnel development plan shall include provisions on merit promotion, performance evaluation, in-service training grants, job rotation, incentive awards system and other policies that govern the social security of the social workers.

Section 8. *Composition of the Council*

The Social Work Management and Consultative Council shall be headed by the Department of Social Welfare and Development (DSWD) with the following members:

- a. Civil Service Commission (CSC);
- b. Department of the Interior and Local Government (DILG);
- c. Department of Labor and Employment (DOLE);
- d. Philippine Association of Social Workers, Inc. (PASWI);
- e. Association of Local Social Welfare and Development Officers of the Philippines, Inc. (ALSWDOPI);
- f. The League of Provinces of the Philippines;
- g. The League of Cities of the Philippines; and
- h. The League of Municipalities of the Philippines.

The Secretary of the DSWD or his/her representative with the rank of an Undersecretary shall be the head of the Council.

For national government agencies, the principal representative shall have a rank not lower than an Assistant Secretary while the alternate representative shall have a rank not lower than a Director. In the case of Associations and Leagues, the principal representative shall be the President while the alternate representative shall be the Executive Director or a Board Member.

8.1 Duties and Functions of the Council

The Council shall oversee the implementation of the Act and its rules and regulations. It shall:

- a. Monitor compliance;
- b. Develop a uniform career and personnel development plan applicable to public social workers;
- c. Develop a career ladder and classification system for all social work positions in government service;
- d. Institute a mechanism in handling complaints and grievances related to compensation;
- e. Hold regular meetings; and
- f. Perform such other functions as may be necessary to implement the provisions of the Act.

The DSWD Secretary as head of the Council shall designate a Secretariat within the DSWD to assist the Council in its work.

Section 9. Classification of Social Work Personnel

The Social Work Management and Consultative Council shall develop a career ladder and classification system for all social work positions in government service: *Provided*, That all position classification shall carry a Social Worker title or any related title requiring social work competencies and qualifications.

The Council shall create a Task Force that will assist in the development of a career ladder and classification system. It shall coordinate with the appropriate offices of the CSC and the DBM.

Section 10. Code of Conduct

All public social workers shall be guided by the Social Worker Code of Ethics as adopted by the Board of Social Work and as approved by the Professional Regulation Commission.

Section 11. *Normal Hours of Work*

The normal hours of work of any public social worker shall not exceed eight (8) hours a day or forty (40) hours a week. Hours of work shall include:

- a. All the time during which a public social worker is required to be on active duty or to be at a prescribed workplace;
- b. All the time during which a public social worker is permitted to work; or
- c. All the time during which a public social worker is required in a place other than the prescribed workplace as indicated in the special order or travel order issued by proper authorities.

11.1 Scheduling of Normal Hours of Work

- a. The Head of Agency/Local Chief Executive, as the case may be, shall be authorized to set internal guidelines on the prescribed schedule of normal hours of work to be observed by the public social worker. Administrative regulations governing the application of flexible work hours shall apply as appropriate;
- b. In scheduling the eight (8) hours of work normally rendered by daily rated workers, consideration should be given to utilizing the daily work hours in only one shift or in no more than two 4-hour segments within the day;
- c. Public social workers who have rendered 24-hour service shall be granted an extra day off immediately after each 24-hour tour of duty; and
- d. In scheduling normal work hours, attention should be given to distributing the burden of shifts outside the normal office hours (8 A.M. to 5 P.M.) and usual operating days (Monday to Friday) of government agencies. Normal work hours rendered at night, on weekends and during holidays should be shared equitably by all members of the workforce.

11.2 "On Call Status"

- a. The Head of Agency/Local Chief Executive, as the case may be, may require the concerned public social workers to be "On Call" during emergencies, crisis situations and the like through the issuance of a special order;
- b. The public social worker is entitled to receive "On Call" pay equivalent to fifty *per centum* (50%) of his/her regular wage regardless of his/her position. No public social worker shall be placed "On Call Status" beyond seven days per month.

- c. Appropriate documentation should be provided (e.g. use of logbooks, time records, certificates of appearance, feedback reports, and/or signed time slips) to establish the actual period and service rendered by the public social worker when he/she made himself/herself available on an "On Call Status".

Section 12. *Overtime Work*

Where the exigencies of the service so require, any public social worker may be required to render service beyond the normal eight (8) hours a day, inclusive of Saturdays, Sundays, or non-working holidays.

If the public social worker is required to render more than eight (8) hours a day or forty (40) hours a week work he shall be entitled to overtime pay and/or night shift differential pay for the periods in excess of the normal hours of work according to existing laws.

12.1 Manner/Payment of Overtime Pay

- a. The Head of Agency/Local Chief Executive, as the case may be, shall issue specific authorization whenever workers are required to render additional work or overtime work. Such authorization shall include all the details necessary to verify to what extent the work is required. The authorization shall include a certification that funds necessary for payment of the corresponding additional compensation have been or will be set aside by the office to ensure prompt payment of this benefit;
- b. All additional compensation earned by rendering duly authorized and properly validated overtime work should be paid within three (3) months after such work was rendered;
- c. Payments for additional compensation due to overtime work rendered may be made together with or separately from the usual payment of regular salaries.

Section 13. *Compensation*

- a. The specific provisions of Republic Act No. 6758 (Salary Standardization Law) prescribing a revised compensation and position classification system in the government shall apply in determining the salaries of public social workers. All salaries shall "represent full compensation for full-time employment, regardless of where the work is performed. It must be the basis of the salaries of public social workers. Salaries for services rendered on a part-time basis shall be adjusted proportionately";

- b. Legally mandated increases in basic salaries shall be implemented without altering the required normal hours of work. All increases in basic salaries in relation to Republic Act No. 6758 shall be implemented only in accordance with policies and procedures issued by DBM;
- c. In case of violations of the afore-cited provisions, the concerned public social workers shall file the necessary complaints to the SWMCC that will assess the needed actions to include the need to refer such to the CSC whenever appropriate.

Section 14. *Leave Benefits*

Public social workers shall be entitled to all leave benefits and privileges, such as but not limited to maternity, paternity, vacation, sick, and special leaves as provided for under the existing laws: *Provided*, That upon separation of the public social workers from service, they shall be entitled to all accumulated leave credits with pay.

Section 15. *Highest Basic Salary Upon Retirement*

Upon retirement, a public social worker shall automatically be granted an increase of one salary grade higher than his/her basic salary and his/her retirement benefits shall be computed on the basis of his/her highest salary received.

Section 16. *Other Benefits*

Aside from the benefits received as required under existing laws and executive orders, the public social workers shall receive the following:

16.1 Hazard Allowance

16.1.1 Coverage of the Benefit - All public social workers and public social welfare and development workers assigned in remote and depressed areas, strife-torn or embattled areas, distressed or isolated stations, mental hospitals, leprosaria, areas declared under a state of calamity or emergency which expose them to great danger, volcanic activity/eruption, occupational risks or threats to life as determined by the Head of the Unit with the approval of the Head of Agency/Local Chief Executive, as the case may be. Occupational risks can be further defined as situations where the public social worker and public social welfare and development workers are exposed to dangers brought about by the types of cases or clientele they handle such as but not limited to child labor cases, children in conflict with the law (CICL), children in need of special protection, violence against women and children (VAWC),

women in especially difficult circumstances (WEDC) cases, drug dependents, mentally ill, and clients with contagious diseases.

16.1.2 Entitlement and Determination of Personnel Exposed to Hazards

16.1.2.1 Each agency shall prepare a list of positions in its plantilla with the corresponding job description/actual duties that describes the basis for justifying such positions who are exposed to occupational risks and assigned to places as stated in the preceding paragraph. The list shall be subject to the approval by the Head of Agency/Local Chief Executive, as the case may be. Occupants of these positions shall then be granted hazard pay during their actual periods of work. The necessary amendment of the approved list shall be made whenever necessary.

16.1.2.2 Each Head of Agency/Local Chief Executive, as the case may be, shall establish a procedure for identifying personnel who shall be exposed to hazardous areas and occupational risks as stated in item 16.1.1, including the duration of such exposure.

16.1.2.3 The Head of Agency/Local Chief Executive, as the case may be, shall be authorized to allow the grant of hazard pay to all public social workers and public social welfare and development workers included in the list to be approved by the Head of Agency/Local Chief Executive, as the case may be, in accordance with this IRR without the need for approval by the DBM and shall ensure that funds for this purpose are set aside and made readily available.

16.1.2.4 The period of entitlement to Hazard Pay shall be co-terminus with the duration of the actual assignment of the official or employee in the work areas or situations enumerated in item 16.1.1 under this section.

16.1.3 Rates of Hazard Pay

16.1.3.1 All public social workers and public social welfare and development workers who have rendered actual work in hazardous areas as defined in item 16.1.1 shall be compensated with hazard allowance equivalent to at least twenty *per centum* (20%) of their monthly basic salary.

16.1.3.2 Payment of hazard allowance shall be based on actual services rendered following the formula: $\text{monthly pay} \times 20\% / 30 \text{ days} = \text{daily rate}$ x actual number of days.

16.1.4 Limitations

16.1.4.1 Officials and employees who are under the following instances for more than one (1) full calendar month shall not be entitled to Hazard Duty Pay:

16.1.4.1.1 Those on vacation, sick and study leave with or without pay;

16.1.4.1.2 Those on maternity leave; and

16.1.4.1.3 Those on full time attendance in training grant/scholarship, grant/seminar or any similar activity, except when the place of activity is certified to be risky or hazardous as specified in item 16.1.1.

16.2 Subsistence/Transportation Allowance

16.2.1 Eligibility for Subsistence Allowance

Public social workers who are required to render services in communities, institutions, hospitals and other social work establishments in order to make their services available at all times, shall be entitled to daily full subsistence allowance for three meals which shall be computed according to prevailing circumstances. Those assigned out of their regular work stations shall be entitled to *per diem* in place of this allowance. Actual transportation allowance shall also be provided to public social workers on field work.

16.2.2 Rates of Subsistence Allowance

16.2.2.1 A subsistence allowance of at least Fifty pesos (P50.00) per day or One thousand five hundred pesos (P1,500.00) per month shall be granted.

16.2.2.2 The subsistence allowance of public social workers on full-time or part-time “detail” or “secondment” in another government agency shall be paid by the agency where service is rendered.

16.2.2.3 The Head of Agency/Local Chief Executive, as the case may be, shall ensure that funds for this purpose are set aside and made readily available.

16.2.3 Limitations

Public social workers who are under the following instances are not entitled to collect/receive subsistence allowance:

16.2.3.1 Those on vacation/sick leave and special privilege leave, with or without pay;

16.2.3.2 Those on terminal leave;

16.2.3.3 Those on official travel and are receiving *per diem* regardless of the amount; and

16.2.3.4 Those on maternity/paternity leave.

16.3 Housing and Living Quarters Allowance – All public social workers who are transferred to another place of assignment due to the exigency of the service shall be entitled to free housing within the agency concerned: *Provided*, That if living quarters are not available within the agency and the personnel has his/her residence outside of fifty (50) kilometers radius from such government facility, he/she shall receive a housing allowance at a rate as prescribed by the DBM, and: *Provided, further*, That the rate of such housing allowance shall be periodically adjusted due to inflation.

16.4 Longevity Pay – Public social workers shall be paid a longevity pay equivalent to five *per centum* (5%) of their latest monthly basic pay for every five years of continuous, efficient and meritorious service rendered regardless of the number of promotions they got within the period commencing with the service after approval of the Act.

16.5 Clothing Allowance - All public social workers are entitled to a minimum of One thousand five hundred pesos (P1,500.00) clothing allowance annually, which amount shall be adjusted as needed. The Head of Agency/Local Chief Executive, as the case may be, shall ensure that funds for this purpose are set aside and made readily available.

However, public social workers who are presently receiving an amount higher than One thousand five hundred pesos (P1,500.00) pursuant to the General Appropriations Act and other executive issuances shall continue to receive such higher amount.

Section 17. *Compensation from Injuries*

Public social workers shall be protected against work-related injuries in accordance with the Labor Code and Civil Service Law, as the case may be. Injuries incurred while rendering overtime work and while on “On Call Status” shall be presumed work-connected.

In case of work-related injuries, concerned public social workers shall be entitled to rehabilitation leave pursuant to Civil Service law and rules.

Section 18. *Rights of a Public Social Worker*

Public social workers 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, 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;

While the State recognizes the right of public social workers to organize or join any such organization, for the purpose of this section, the exercise of such right shall be in conformity with the rules particularly provided for Public Sector Unionism. For this Section, lawful purposes shall refer to collective negotiations, mutual aid, interest, cooperation, and protection.

- 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.
- f. Public social workers can also teach or practice their profession after office hours pursuant to Civil Service law and rules.

Section 19. *Reassignment of Public Social Workers*

Except in the interest of public service, no transfer or geographical reassignment shall be made or effected without written notice to a public social worker:

- a. No public social worker shall be transferred or reassigned, except when made in the interest of public service in which case the social worker must be notified in writing of the reasons thereof at least thirty (30) days prior to the date of the transfer or reassignment.
- b. No transfer or reassignment shall be made ninety (90) days before any local or national elections.
- c. When the Head of Agency/Local Chief Executive, as the case may be, gives an order, the order may be appealed within fifteen (15) days to the CSC. The CSC shall decide the case within sixty (60) days. The appeal shall immediately be held in abeyance the transfer or reassignment.
- d. The necessary expenses of the transfer and/or reassignment of the public social worker and his/her immediate family shall be paid for by the agency concerned in accordance with existing rules.

Section 20. *Married Public Social Workers*

Whenever possible, the proper authorities shall take steps to enable married couples, both of whom are public social workers, to be employed or assigned in the same municipality, but not in the same office: *Provided*, That it shall not apply to married public social workers already assigned in the same office at the time this law takes effect.

Section 21. *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 intimidate or force a public social worker to submit valuable documents that will violate the principles of confidentiality of records agreed upon between him/her and the clientele groups: *Provided*, That the release of such documents shall be approved by the clients concerned and shall redound to their social well-being, and upon court order;
- b. To prevent a public social worker from upholding and applying the basic social work principles in carrying out the programs and services for the target clientele groups of the social work agency;

- c. To intimidate in order to encourage or discourage membership in any social work organization or union;
- d. To prevent a public social worker from carrying out his/her duties and functions in the social work organization or union or to penalize the public social worker for any lawful action performed in that capacity;

The commission of the foregoing acts described in letters c and d by the Head of Agency/Local Chief Executive, as the case may be, or its agent shall be considered as Unfair Labor- Management Practice in consonance with Rule XVI of Executive Order 180, series of 1987 as amended and shall be administratively liable therefor;

- e. To make calculated harassment and interference with the intention of intimidating or preventing the public social worker from performing his/her duties and functions;
- f. To make calculated harassment against, to transfer, penalize or terminate the services of a public social worker who is carrying out his/her advocacy function/role for and in behalf of his/her clientele groups who are victims of social injustice.

Section 22. *Human Resource Development*

The Department of Social Welfare and Development shall conduct a periodic human resource development and management study in the following areas:

- a. Adequate facilities and resources to render quality social service to their clientele;
- b. Opportunities for public social workers to grow professionally and to develop their potentials and experience a sense of worth and dignity in their work;
- c. Mechanism for democratic consultations;
- d. Staffing patterns and standards of social work to ensure that the clients receive quality care;
- e. Upgrading of working conditions, reclassification of positions and salaries of public social workers to correct the disparity vis-à-vis other professions; and
- f. Allocation of funds for the participation of public social workers in seminars, conferences, conventions and similar activities as part of their continuing professional growth.

The DSWD shall provide the concerned agencies with results of the studies with accompanying policy directives for their appropriate actions.

Section 23. *Security of Tenure*

No public social worker holding a permanent position shall be terminated except for just cause and after due process. In the event that the Civil Service Commission finds the public social worker to be unjustly dismissed, regardless whether he/she was fully exonerated of the charges against him/her or was merely found liable for a lesser offense, said social worker shall be entitled to reinstatement without loss of seniority rights.

Payment of back wages shall be made only after full exoneration of the social worker from the charges against him/her.

Likewise, the award of an interest of twelve (12) *per centum* per annum, computed from the time his/her compensation was withheld from him/her up to the time of reinstatement, shall apply only when the public social worker is fully exonerated of the charges against him or her.

Section 24. *Penal Provision*

Any person who shall willfully interfere with, restrain or coerce any public 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 IRR, upon conviction, shall 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 not more than one year, or both, at the discretion of the court. If the offender is a public official, the court, in addition to the abovementioned penalties may impose the appropriate accessory penalty.

The filing of the criminal action is without prejudice to the right of the offended party to file the appropriate administrative and/or civil charges against the offender.

Section 25. *Source of Fund*

The initial funding requirement shall be charged against savings and thereafter the monthly requirement shall be incorporated in the annual budget proposal of the Agency.

Section 26. *Separability Clause*

If any provision of this Implementing Rules and Regulation is declared unconstitutional or invalid, the remainder thereof not affected thereby shall continue to be in full force and effect.

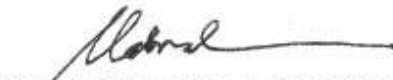
Section 27. Repealing Clause


All laws, ordinances, rules and regulations, other issuances or parts thereof which are inconsistent with this IRR are hereby repealed or modified accordingly.


Section 28. Effectivity


This IRR shall take effect fifteen (15) days after its publication in at least two newspapers of general circulation.

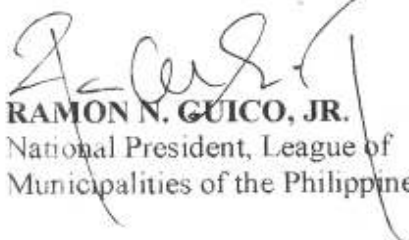
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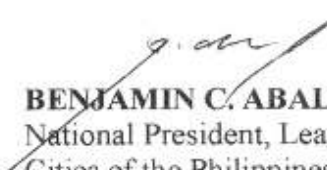

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