



HOUSE OF REPRESENTATIVES

H. No. 4536

BY REPRESENTATIVES MALANYAON, DADIVAS, BARINAGA, ALMARIO, OLAÑO, CHATTO, NICOLAS, ALMARIO, UMALI (A.V.), CODILLA, JALOSJOS-CARREON, YAPHA, BIAZON, ESPINO, REYES (V.), FIGUEROA, ERMITA-BUHAIN, PUENTEVELIA, MAGSAYSAY (E.), SUSANO, ABAYON, ALVAREZ (A.), VALENCIA AND ZAMORA (M.), PER COMMITTEE REPORT NO. 952

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 House of Representatives of the Philippines in Congress assembled:

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

3 SEC. 2. *Declaration of Policy.* -- The State shall promote and improve
4 the social and economic well-being of social workers and social welfare and
5 development workers, their living and working conditions, and terms of
6 employment. It shall develop their skills and capabilities to make them more
7 responsive to the needs and problems of their clients and better equipped in

1 delivering social services and programs. The State shall likewise encourage
2 those with proper qualifications and excellent abilities to remain in social
3 development work in both government and nongovernment service.

4 SEC. 3. *Definition of Terms.* – As used in this Act, the following terms
5 shall mean:

6 (a) “Social work” refers to the profession that promotes social change,
7 problem-solving in human relationship and the empowerment and liberation of
8 people to enhance their well-being. Utilizing theories of human behavior and
9 social systems, social work intervenes at the points where people interact with
10 their environments. Principles of human rights and social justice are
11 fundamental to social work.

12 (b) “Social Welfare and Development Program” refers to the different
13 developmental, preventive and remedial services designed to promote the
14 welfare of individuals, families, groups and communities to develop, enhance
15 and/or restore their capability for functioning and coping with the demands of
16 their environment.

17 (c) “Social worker” refers to a natural person who is a registered and
18 licensed social worker and who is a holder of a valid certificate of registration
19 and a valid professional identification card issued pursuant to Republic Act
20 No. 4373 (An Act to Regulate the Practice of Social Work and the Operation
21 of Social Work Agencies in the Philippines and for Other Purposes) and

1 Republic Act No. 8981 (An Act Modernizing the Professional Regulation
2 Commission, Repealing for the Purpose Presidential Decree Numbered Two
3 Hundred and Twenty-Three, entitled “Creating the Professional Regulation
4 Commission and Prescribing its Powers and Functions”, and for Other
5 Purposes), as amended.

6 (d) “Private agency” refers to any nongovernment entity such as, but
7 not limited to, private corporation, hospital, industry, foundation and
8 association implementing social welfare and development programs.

9 (e) “Social Welfare and Development Agency (SWDA)” refers to:

10 (1) National or local government social welfare and development
11 office;

12 (2) Nongovernment organization registered with and/or accredited by
13 the Department of Social Welfare and Development (DSWD); or

14 (3) Unit/division of any public and private agency/organization with
15 social welfare and development functions.

16 (f) “Social welfare and development worker” refers to those employed
17 in social welfare and development agencies and private agencies as defined
18 herein.

19 SEC. 4. *Coverage.* – This Act shall cover all social workers and social
20 welfare and development workers as defined herein.

1 SEC. 5. *Appointment.* – Social work positions in all social welfare and
2 development agencies shall be occupied by social workers.

3 (a) All government SWDAs shall be headed by social workers.

4 (b) The position of social welfare and development officer is
5 mandatory for the provincial, city and municipal governments.

6 (c) All private SWDAs shall have at least one social worker.

7 Appointment to the position of social welfare and development worker
8 in government SWDAs shall be in accordance with the qualification standards
9 of the Civil Service Commission.

10 SEC. 6. *Geographical Reassignment of Social Worker/Social Welfare*
11 *and Development Worker.* – Except in emergency situations, no geographical
12 reassignment shall be made or effected without written notice to the social
13 worker/social welfare and development worker concerned stating therein the
14 reason/s for such: *Provided,* That said written notice shall be made at least
15 thirty (30) days prior to the date of reassignment: *Provided, further,* That in
16 the government sector, reassignment coinciding with any local or national
17 election shall be made in compliance with the Election Code and other existing
18 laws and rules: *Provided, finally,* That the necessary expenses for the
19 reassignment of the social worker/social welfare and development worker and
20 his/her immediate family shall be paid for by the agency concerned.

1 SEC. 7. *Work Load.* – The ratio of social worker/social welfare and
2 development worker to clientele shall be such as to reasonably effect a
3 sustained delivery of quality service.

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

7 SEC. 9. *Rights of a Social Worker/Social Welfare and Development*
8 *Worker* – The social worker/social welfare and development worker shall have
9 the following rights:

10 (a) Protection from discrimination by reason of sex, sexual orientation,
11 age, political or religious beliefs, civil status, physical characteristics/disability
12 or ethnicity;

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

16 (c) Join, organize or assist organizations or unions for lawful purposes;

17 (d) Protection from any act that will prevent him/her from applying
18 professional interventions that the client's situation may require; and

19 (e) Opportunities for continuing professional growth and development.

20 SEC. 10. *Compensation and Benefits.* – The existing law on the salary
21 scale of government employees shall apply in determining the salaries of social

1 workers/social welfare and development workers in government service,
2 including the local government units. Social workers/social welfare and
3 development workers in private agencies shall receive salaries not lower than
4 the salary scale of workers holding similar position levels in government.

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

8 Nothing in this Act shall be construed to eliminate or in any way
9 diminish benefits being enjoyed by any social worker/social welfare and
10 development worker at the time of the effectivity of this Act.

11 SEC. 11. *Coordinating Committee.* – A Coordinating Committee is
12 hereby created. It shall be composed of, but not limited to, the heads of the
13 following agencies/organizations or their duly authorized representatives: the
14 DSWD, the Civil Service Commission (CSC), the Department of the Interior
15 and Local Government (DILG), the Department of Labor and Employment
16 (DOLE), the Board for Social Workers, the Philippine Association of Social
17 Workers, Inc. (PASWI), the Association of Provincial/City and Municipal
18 Social Welfare and Development Officer of the Philippines, Inc.
19 (APCMSWDOPI), the National Association of Social Work Education, Inc.
20 (NASWEI), the National Council for Social Development Foundation, Inc.
21 (NCSDFI), the League of Provinces, the League of Cities, the League of

1 Municipalities and the Liga ng mga Barangay. The DSWD shall chair the
2 committee and provide the necessary secretariat support.

3 SEC. 12. *Functions of the Coordinating Committee.* – The
4 Coordinating Committee shall have the following functions:

5 (a) Promulgation of a code of conduct for social workers/social welfare
6 and development workers within six months from the effectivity of this Act;

7 (b) Continuing evaluation of social work/social welfare and
8 development worker positions and compensation and benefits;

9 (c) Receiving and evaluating complaints and forwarding the same to
10 the concerned agency;

11 (d) Monitoring compliance with the provisions of this Act and its
12 implementing rules and regulations;

13 (e) Submission of their recommendations to the agencies concerned;
14 and

15 (f) Submission of an annual report to Congress.

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

18 SEC. 13. *Implementing Rules and Regulations.* – The Coordinating
19 Committee, in consultation with the Senate and the House of Representatives,
20 shall promulgate the necessary implementing rules and regulations of this Act
21 within six months from its effectivity.

1 SEC. 14. *Penal Provision.* – Any person who shall interfere with,
2 restrain or coerce any social worker/social welfare and development worker in
3 the exercise of his/her rights or shall violate any provision of this Act shall,
4 upon conviction, be punished by a fine of not less than Twenty thousand pesos
5 (P20,000.00) but not more than Forty thousand pesos (P40,000 00) or
6 imprisonment of one year to six years, or both fine and imprisonment, at the
7 discretion of the court.

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

11 If the offender is a private institution, it shall be subject to a penalty
12 ranging from suspension to revocation of license at the discretion of the court:
13 *Provided,* That responsible officers shall be fined not less than Fifty thousand
14 pesos (P50,000.00) but not more than One hundred thousand pesos
15 (P100,000.00) or imprisonment of six years and one day to twelve (12) years,
16 or both, at the discretion of the court.

17 SEC. 15. *Separability Clause.* – If any provision of this Act is declared
18 unconstitutional or invalid, the provisions not affected thereby shall continue to
19 be in full force and effect.

1 SEC. 16. *Repealing Clause.* – All laws, decrees, orders and regulations
2 or other issuances inconsistent with the provisions of this Act are hereby
3 repealed, amended or modified accordingly.

4 SEC. 17. *Effectivity Clause.* – This Act shall take effect fifteen (15)
5 days after its publication in at least two newspapers of general circulation or in
6 the *Official Gazette*.

Approved,

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