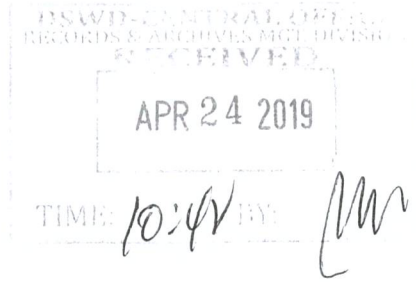


22 March 2019

ASEC. ORVILLE A. BALLITOC
Presidential Legislative Liaison Office
Senate of the Philippines
GSIS Bldg., Financial Center
Diokno Blvd., Pasay City



Dear **Assistant Secretary Ballitoc**:

This refers to **Committee Report No. 622** on the approval of **Senate Bill No. 2198** entitled: "An Act **Strengthening the Youth Social Welfare Programs and Extending the Scope of Reformation and Rehabilitation of Children in Conflict with the Law**, Amending for the Purpose Republic Act No. 9344, as Amended, Otherwise Known as the "Juvenile Justice and Welfare Act of 2006", and Other Related Laws, Appropriating Funds Therefor, and for Other Purposes" on 30 January 2019.

To contribute to the bill's enhancement, we are recommending the following:

1. **Sec. 2 – Truancy Officers**

- 1.1 To **change the ratio from 1:1,000 to 1:500** in every barangay so that the designated Truancy Officer from among the members of Sangguniang Barangay will be able to:
- Come-up with a comprehensive plan of action, which is implementable; and
 - Institutionalize the monitoring and reporting mechanism

With this, the Barangay Social Welfare and Development Officer will be able to provide alternative interventions to address the needs or concerns of school children.

- 1.2 On the third paragraph, to **change the words "person registered" to "foster parent"** thus, the provision will be read as follows:

*"xxx The Truancy Officer shall refer the child who is considered truant to the Barangay Social Welfare and Development Officer for placement to any child-caring or child-placing institution licensed and accredited by the Department of Social Welfare and Development (DSWD) to implement the foster care program, or to a **foster parent, duly licensed by the DSWD, to provide foster care**" (Source: **Sec. 3 (Definition of Terms, letter (I))**, RA 10165 or the "Foster Care Act of 2012").*

Please be informed that pursuant to Republic Act No. 8552 or the "Domestic Adoption Act of 1998", the words "Child-caring Agency" and "Child-placing Agency" were defined as follows:

*"**Child-caring agency** is a duly licensed and accredited agency by the DSWD that provides twenty-four (24)-hour residential care services for abandoned, orphaned, neglected, or voluntarily committed children"; and*

*"**Child-placing agency** is a duly licensed and accredited agency by the DSWD to provide comprehensive child welfare services including, but not limited to, receiving applications for adoption, evaluating the prospective adoptive parents, and preparing the adoption home study."*

2. **Sec. 4 – Increase in the Number of Guidance Councilors in Schools**

To revise the 1st paragraph, 2nd sentence which will be read as follows:

*"Thereafter, there shall be **at least one (1) but not more than three (3) guidance counselors** for every year level in **both public and private elementary and secondary schools.**"*

3. **Sec. 4 – Increase in the Number of Guidance Councilors in School and Sec. 7 – School Dentists and Nurses**

The **concerned National Government Agencies (NGAs) and Local Government Units (LGUs) should have sufficient fiscal space**, as this will require additional budget for salaries, equipment and facilities, to ensure that basic needs and concerns of children are provided. Also, the estimates should be considered in preparation of the schools particularly on human and financial resources.

4. **Sec. 5 - Barangay Social Welfare and Development Officer (BSWDO)**

4.1 To **amend the first paragraph, second sentence** which will be read as follows:

*"In the absence of a Registered Social Worker (RSW) who shall act as Barangay Social Welfare and Development Officer, **community development workers, and other professionals or employees trained in social work methods and interventions** may be employed."*

4.2 To include a **Qualification Standards for the hiring and selection of BSWDO** as well as to **commensurate on the duties and responsibilities** provided by the proposed measure. Thus, to consider the following legal bases in the crafting of the appropriate provisions:

4.2.1 For the hiring of RSW, please refer to **Sec. 5 (Recruitment and Qualifications) under Republic Act No. 9433** entitled: **"Magna Carta for Public Social Workers"** which provides:

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

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

Please be informed that **Sec. 3 (Definition of Terms) of the law** defines the following:

✓ **"Registered Social Worker** – refers to a graduate of Bachelor of Science in Social Work or Master's Degree in Social Work and who has passed the social work licensure examination."

✓ **"Public Social Worker** – refers to registered social worker employed in the government service"; and

Further, please refer to the provisions of **Joint Resolution No. 1**, series of 2018 entitled: **"Rules and Regulations on the Grant of Compensation-Related Magna Carta Benefits to Public Social Workers (PSWs)"**.

4.2.2 In the absence of RSW, please consider **Sec. 10 (Compensation Adjustment for LGU Personnel) under Executive Order No. 201**, series of 2016 entitled: "Modifying the Salary Schedule for Civilian Government Personnel and Authorizing the Grant of Additional Benefits for both Civilian and Military and Uniformed Personnel" which provides:

"The modified Salary schedule and benefits authorized herein for civilian personnel may likewise be granted to LGU personnel, subject to the following:

- a) Authorization from their respective sanggunian as provided under Sections 447(a), 458(a) and 468(a) of RA No. 7160 (Local Government Code of 1991); and
- b) Compliance with the Personnel Services (PS) limitation set under Sections 325 and 331 of RA No. 7160

XXX"

4.2.3 Further, please consider **Item No. 1 (Governing Principles) letters (a) to (c) of Joint Resolution No. 4**, series of 2009 entitled: "Joint Resolution Authorizing the President of the Philippines to Modify the Compensation and Position Classification System of Civilian Personnel and the Base Pay Schedule of Military and Uniformed Personnel in the Government, and for Other Purposes", which provides:

"(1) Governing Principles – the following principles shall govern the modified Compensation and Position Classification System and Base Pay Schedule of the government:

- (a) All government personnel shall be paid just and equitable compensation in accordance with the principle of equal pay for work of equal value. Difference in pay shall be based on verifiable compensation and position classification-factors in due regard to the financial capability of the government;
- (b) The compensation for all civilian government personnel shall generally be comparable with those in the private sector doing comparable work in order to attract, retain and motivate a corps of competent civil servants;
- (c) The compensation for all civilian government personnel shall likewise be standardized and rationalized across all government agencies to create an enabling environment that will promote social justice, integrity, efficiency, productivity, accountability and excellence in the civil service."

4.3 The BSWDO should also **develop a need-based project for children** as pro-active response in promoting and increasing community's involvement as part of the support system.

4.4 **Continuous education and capacity-building to BSWDO** should be provided, to guarantee proper execution of duties and responsibilities.

5. **Sec. 6 – School-Based Feeding Program**

5.1 Please be informed that the School-Based Feeding Program is one of the components under **Sec. 4 (National Feeding Program), letter (b)** of Republic Act No. 11037 entitled: **"Masustansyang Pagkain para sa Batang Pilipino Act"**, which was approved by President Rodrigo Roa Duterte on 20 June 2018.

5.2 We are recommending to amend the provision of the first paragraph of the Section pursuant to **Sec. 4 (National Feeding Program), letter (a): Supplemental Feeding Program for Day Care Children** and letter (b): **School-Based Feeding Program** of the law, which reads:

"Sec. 6. Section 4 of Republic Act No. 11037 or the **"Masustansyang Pagkain para sa Batang Pilipino Act"**, is hereby amended to read as follows:

"SEC. 6. National Feeding Program – The National Feeding Program, hereinafter referred to as the Program, is hereby established to address undernutrition among Filipino children by providing healthy and nutritious meals and to encourage attendance in schools.

The Program shall have the following components and coverage:

(a) **Supplementary Feeding Program** – The DSWD, **in contribution to the Early Childhood Care and Development (ECCD) Program**, in coordination with the LGUs concerned, shall implement a **Supplementary Feeding Program** for undernourished children **enrolled in Child Development Centers (CDC) for three (3) to five (5) years old and Supervised Neighborhood Play (SNP) accredited by the DSWD for two (2) to four (4) years old.**

*The Program shall be administered in **Child Development Centers (CDCs)** or any other facility which can be used for such purpose: Provided, That the Program shall include the provision of at least one (1) **hot meal** for a period of **208 days per school year for undernourished children enrolled in CDCs and SNP, in addition to regular meals.** Provided, further, That in the preparation of **hot meals**, the DSWD shall work in collaboration with recognized parents' organization, **who shall manage the food supplementation in the form of hot meals, based on a prepared meal cycle using available indigenous food supplies.***

Note: Supervised Neighborhood Play (SNP) is an alternative strategy for local government units to respond to the early learning needs of children 2-4 years old who are not able to avail of ECCD center-based services since this is a home-based early childhood service (Source: Administrative Order No. 18, series of 2012: Guidelines for the Accreditation of Supervised Neighborhood Play)

(b) **School-Based Feeding Program.** The **Department of Education (DepEd)** shall implement a **School-Based Feeding Program** for undernourished public school children from kindergarten, **elementary, and high schools in the country.** Provided, That the Program shall include the provision of at least one (1) **fortified meal per student per day, or two (2) fortified meals for undernourished children, for a period of 208 days per school year.**

6. **Sec. 9 – Juvenile Reformatory Centers**

The DSWD already have 16 facilities nationwide for Children in Conflict with the Law (CICL) with suspended sentence. Offenses of these minors are same offenses specified in this term. The rehabilitation center for youth are for suspended sentence and on-going trial cases are under the care of Bahay Pag-Asa. Intervention programs for suspended sentence and on-going trial should be different as those children with suspended sentence are found guilty while those on-going trial are not proven yet that they commit the crime.

7. **Sec. 13 – Sec. 49 (Establishment of 'Bahay Pag-asa') of RA 9344, as amended**

7.1 To specify the duties and responsibilities of the LGUs and DSWD for purposes of transparency and accountability.

7.2 To provide a clear distinction on the specific functions of the "Juvenile Reformatory Centers" VS "Bahay Pag-asa".

7.3 The "Bahay Pag-asa" should have a *classroom-type learning facility with vocational-technical training facility and spiritual-recreational facility* as well for the implementation of the programs stated.

7.4 The management of operations of the "Bahay Pag-asa" should already be devolved to the LGUs provided that they are more engaged with the individuals, groups, and families in the community.

7.5 The DSWD shall continue to provide capacity building activities and technical assistance, as mandated by exiting laws.

8. **Sec. 15 – Amendment of Section 20 (Children Below the Age of Criminal Responsibility) of RA 9344, as amended**

8.1 To **delete the third paragraph** which reads: ***"The following children may also be placed in foster care"***, including the enumerations from letters (A) to (J). The enumerations were already indicated in the "Foster Care Act of 2012".

8.2 On the fourth paragraph

➤ To **amend letter (A)** which will be read as follows:
"A Social Welfare and Development Agency (SWDA) duly registered, licensed, and accredited by the DSWD."

➤ To **change letter (D)** from "A foster parent" to "A **licensed** foster parent". Also, to make this as omnibus amendments to the entire provisions of the bill.

9. **Sec. 19 – Sec. 22 (Duties During Initial Investigation) of RA 9344, as amended**

To **revise the second paragraph, second sentence** which will be read as follows:

*"In the absence of the child's parents, guardian, or nearest relative, and the **barangay** social welfare and development officer, the investigation shall be conducted in the presence of a representative of **DSWD registered and licensed Social Welfare and Development Agency (SWDA)** or member of the BCPC."*

10. **Sec. 21 – Sec. 63 (Appropriations) of RA 9344, as amended**

10.1 To **amend the first paragraph** which will be read as follows:

*"The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the JJWC **which is an attached agency of DSWD.**"*

10.2 On the **fourth paragraph** which provides:

*"The failure of the **Local Government Unit** to build, fund and operate a Bahay Pag-asa shall be a ground for suspension, or removal from office by the proper court, of the mayor and the Sanggunian Members in the province or highly-urbanized city."*

This provision is inconsistent with the proposed amendments under Section 13 of the bill, which mandates the DSWD to be responsible for building, funding, and operating a "Bahay Pag-asa" xxx. Thus, recommending revising it to address the discrepancy.

11. **Other Comments:**

11.1 On **Juvenile Detention and Rehabilitation**, young detainees should also have access to vocational training from TESDA, to equip them with much-needed skills to help them reintegrate into society; and

11.2 To **consider partnership with National Youth Council (NYC)** and National Council on Disability Affairs (NCDA), to respond interventions on the needs of children with disability.

Attached is a copy of **DSWD Official Position Paper regarding the minimum age of criminal responsibility (MACR)** for reference.

Very truly yours,


ROLANDO JOSELITO D. BAUTISTA
Secretary
Date: _____

Enclosure: As stated


LCI/BMV/CLM
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