

September 11, 2019

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**Honorable RICHARD J. GORDON**  
Chairperson  
Committee on Justice and Human Rights  
Senate of the Philippines  
Pasay City

Dear **Senator Gordon**:

This refers to **Senate Bill No. 81** 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", and Other Related Laws, Appropriating Funds Therefor, and for Other Purposes", introduced by the Chairperson.

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

**1. Sec. 2 – Truancy Officers**

- 1.1 On **page 2, lines 8 & 9**, to **change the ratio from 1:1,000 to 1:500** and to change the word "**residents**" to "**minors**", which will be read as follows:

*"There shall be one (1) Truancy Officer **for every five hundred (500) minors** in the barangay."*

The Truancy Officer from among the members of Sangguniang Barangay will be able to:

- (1) Come-up with a comprehensive plan of action; which is implementable; and
- (2) 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 To consider that Truancy officers may be hired and shall be considered employees of the barangay, and shall draw their salaries and benefits therefrom; and

- 1.3 On **page 2, lines 15 & 16**, to insert the word "**unexcused**" in defining "**Truancy**", which will read as follows:

*"Truancy" as here used means the **unexcused** absence without cause..."*

1.4 On **page 2, lines 16 to 21**, to consider **establishing a protocol to be followed** in referring a child who is considered truant for placement to any child-caring or child-placing institutions;

1.5 **Paragraph 3**, to change the phrase **"to a person registered with the DSWD who is available to provide foster care"** to **"an available licensed foster parent of the DSWD."**

2. **Sec. 4 – Increase in the Number of Guidance Counselors in School**

2.1 On **page 3, lines 3 & 4**, to revise the statement to read as follows:

*"...at least three (3) guidance counselors **for every year level**, including kindergarten, **in both public and private elementary and secondary schools.**"*

2.2 To **include the role of guidance counselors** in determining cases of truancy among their handled students; and

2.3 To consider looking at the **student-counselor ratio** as well as the limited number of registered guidance counselors **nationwide**.

3. **Sec. 4 – Increase in the Number of Guidance Counselors 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 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**

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** 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”; and
- ✓ **“Public Social Worker** – refers to registered social worker employed in the government service.”

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 To amend the provision of the first paragraph of the Section pursuant to **Sec. 4 (National Feeding Program)**; letter (a): **Supplementary 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 Neighbourhood Play (SNP) accredited by the DSWD for two (2) to four (4) years old.**

*The Program shall be administered in **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 schoold 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 Neighbourhood 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 Neighbourhood 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**

6.1 The DSWD already has 16 facilities nationwide for Children in Conflict with the Law (CICL) with suspended sentence. Offenses of these minors are similar to the offenses specified in this bill. The rehabilitation center for youth is for those with suspended sentence while those with on-going trial cases are under the care of Bahay Pag-Asa. Intervention programs for those with suspended sentence and on-going trial should be different from children with suspended sentence but were found guilty and those with on-going trial but who were not yet proven to have committed the crime.

6.2 Instead of the DSWD establishing Juvenile Reformatory Centers, Bahay Pag-Asa should be established in each province and highly urbanized city or municipality with set standards for the implementation of the multi-disciplinary intervention program for CICL.

#### **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 existing laws.

8. **Sec. 15 – Sec. 20 (Children Below the Age of Criminal Responsibility) of Republic Act No. 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. Sec. 22 – Congressional Oversight**

11.1 The data on school enrolment should only be required from the (DepEd) and not from the DSWD.

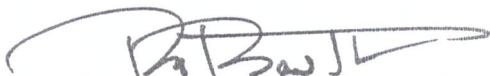
11.2 To include the report from Truancy Operations Center for submission to the Oversight Committee.

**12. Other Comment:** the word "**Youth**" should be clearly defined in the proposed bill.

Attached is a copy of **DSWD's Official Position Paper in the 17<sup>th</sup> Congress**, which was provided to the Presidential Legislative Liaison Office (PLLO) – Senate through our Records and Archives Management Division on April 24, 2019.

For the Committee's consideration.

Very truly yours,



**ROLANDO JOSELITO D. BAUTISTA**

Secretary

Date: \_\_\_\_\_