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GUIDELINES IMPLEMENTING SECTION 5 OF THE MAGNA CARTA FOR PUBLIC SOCIAL WORKERS (REPUBLIC ACT NO. 9433)

DSWD-DILG-CSC JOINT MEMORANDUM CIRCULAR NO. 01, S. 2012, January 30, 2012

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1.0 Background

1.1 Section 483, Article XIII, Title Five, Book III of the Local Government Code of 1991 provides for the qualifications of the Social Welfare and development Officer, as follows:

> "Qualifications, Powers and Duties. - (a) No person shall be appointed social welfare and development officer unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a duly licensed social worker or a holder of a college degree preferably in sociology or any other related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in the practice of social work for at least five (5) years in the case of the provincial or city social welfare and development officer, and three (3) years in the case of the municipal social welfare and development officer."

1.2 Republic Act No. 9433 (R.A. No. 9433) or the Magna Carta for Public Social Workers was approved by Her Excellency, President Gloria Macapagal-Arroyo on April 11, 2007. Section 5 of R.A. No. 9433 provides, as follows:

> "Recruitment and Qualifications. - 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 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."

1.3 The Implementing Rules and Regulations (IRR) of R.A. No. 9433 was approved on November 7, 2007. Section 6 of the said IRR provides, as follows:

> "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."

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2.0 Purpose

This Joint Memorandum Circular is issued to prescribe the Guidelines to implement Section 5 of the Magna Carta for Public Social Workers as the said provision of R.A. No. 9433 amended Section 483, Article XIII, Title V, Book III of the Local Government Code of 1991 as far as the professional requirements for a provincial, city and municipal social welfare and development officers are concerned.

3.0 Guidelines

Pursuant to the provisions of R.A. No. 9433 and its implementing Rules and Regulations, the following are provided:

3.1 Additional Qualification Requirements for Provincial, City, Municipal Social Welfare and Development Officer

> In addition to the qualifications provided for under the Local Government Code of 1991, a Provincial, City, or Municipal Social Welfare and Development Officer must be a registered social worker.

3.2 Appointment to Social Worker Positions

> Priority shall be given to registered social workers in filling up social work positions in the government.
>
> A Local Chief executive cannot appoint a person who is not a social worker by profession to a social worker position if there is an applicant who is a licensed social worker.

3.3 Vested Right of Incumbents Who are Holding Permanent Social Worker Positions

> Incumbents holding a permanent Social Worker position, including the Head and all other social workers, but who are not registered social workers upon the passage of R.A. No. 9433, shall remain in Office until his/her resignation, transfer or retirement. However, he/she shall not be appointed to a higher social worker position unless the required qualification standards, including education and eligibility requirements are met. Upon the retirement or cessation from service of the incumbent, the Local Chief Executive shall appoint a qualified social worker to the said post.

3.4 All holders of social worker positions are encouraged to undergo social work trainings, human resources intervention, and other related capability building activities for his/her professional development and to meet the qualifications of applicable higher positions.

4.0 Monitoring

The Civil Service Commission shall monitor the compliance to this Joint Memorandum Circular through its role in processing, attesting, and/or approving appointments of officials and personnel in all agencies bureaucracy-wide, including those of the Local Government Units (LGUs).

5.0 Penalty

Any Local Chief Executive who shall violate the provision of this circular shall be held administratively liable pursuant to pertinent Civil Service Laws and Rules and criminally liable under The Anti-Graft and Corrupt Practices Act (Republic Act No. 3019).

6.0 Separability

If any provision of this Circular is declared invalid, the remainder of this Circular shall remain in full force and effect.

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7.0 Effectivity

This Circular shall take effect fifteen (15) days after its publication in a newspaper of general circulation. A copy of this Circular shall be deposited with the Office of the National Administrative Register at the University of the Philippines Law Center.

Date Filed: 30 January 2012

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