

RA 9433 – An Act Providing For A Magna Carta For Public Social Workers

Republic of the Philippines
Congress of the Philippines
Metro Manila
Thirteenth Congress
REPUBLIC ACT NO. 9433
April 11, 2007

AN ACT PROVIDING FOR A MAGNA CARTA FOR PUBLIC SOCIAL WORKERS
Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:

SECTION 1. Title. – This Act shall be known as the Magna Carta for Public Social Workers”.

SEC. 2. Declaration of Policy. – The State shall 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.

SEC. 3. Definition of Terms. “ As used in this Act, the following terms shall mean as follows:

‘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;

‘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;

‘Public Social Welfare and Development(b)Worker’ – refers to those employed in government social welfare and development agencies;

‘CSC’ – refers to the Civil Service Commission;

‘DSWD’ – refers to the Department of Social Welfare and Development;

‘DOLE’ – refers to the Department of Labor and Employment;

‘DILG’ – refers to the Department of the Interior and Local Government;

‘NLRC’ – refers to the National Labor Relations Commission; and

‘PRC’ – refers to the Professional Regulations Commission.

SEC. 4. Coverage. – This Act shall cover all registered social workers employed in government service.

SEC. 5. 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 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.

SEC. 6. 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. Such career and personnel development plan shall include provision 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.

SEC. 7. Composition. – The Social Work Management and Consultative Council shall be composed of representatives of the DSWD, CSC, DILG, DOLE, Philippine Association of Social Workers, Inc. (PASWI), Association of Provincial/City and Municipal Social Welfare and Development Officer of the Philippines, Inc. (APCMSWDOPI), the League of Provinces, League of Cities and League of Municipalities. The Secretary of the DSWD or his/her representative shall be the head of the Council.

SEC. 8. 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 Social Worker title.

SEC. 9. Code of Conduct. – All public social workers shall be guided by the Social Work Code of Ethics as adopted by the Board of Social Work and as approved by the PRC within six months from the effectivity of this Act.

SEC. 10. Normal Hours of Work. – The normal hours of work of any public social worker shall not exceed eight hours a day or forty (40) hours a week. Hours of work shall include:

the time during which a public social worker is required to be on active duty or to be at a prescribed workplace;

the time during which a public social worker is permitted to work; or

the time during which a public social worker is required in a place other than prescribed workplace;

Provided, That, the time when a public social worker is placed on 'On Call' status shall not be considered as hours worked but shall entitle the public social worker to an 'On Call' pay equivalent to fifty percent (50%) of his/her regular wage. 'On Call' status refers to a condition when public social workers are called upon to respond to urgent or immediate need or relief work during emergencies such that he/she cannot devote the time for his/her own use: Provided, further, That, no public social worker shall be placed in 'On-Call' status beyond seven days per month. Public social workers can also teach or practice their profession after office hours.

SEC. 11. Overtime Work. – Where the exigencies of the service so require, any public social worker may be required to render service beyond the normal eight hours a day, inclusive of Saturdays, Sundays or nonworking holidays. In such a case, the public social worker shall be paid an additional compensation in accordance with existing laws.

SEC. 12. Compensation. – The existing law on the salary scale of government employees shall apply in determining the salaries of public social workers. In case of violations of this provision, the public social worker concerned shall file the necessary complaint to the CSC or NLRC through the Social Work Management and Consultative Council.

SEC. 13. Leave Benefits. – Public social workers shall be entitled to all leave benefits and privileges, such as but not limited to maternity, paternity, vacation and sick leaves, as provided for under existing laws: Provided, That upon separation of the public social workers from service, they shall be entitled to all accumulated leave credits with pay.

SEC. 14. 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.

SEC. 15. Other Benefits. – Aside from the benefits received as required under existing laws and executive orders, the public social workers shall receive the following:

Hazard Allowance – 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 shall be compensated with hazard allowance equivalent to at least twenty per centum (20%) of the monthly basic salary.

Subsistence/Transportation 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.

Housing and Living Quarters Allowance – All public social workers who are transferred to another 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, and: Provided, further, That the rate of such housing allowance shall be periodically adjusted for inflation.

Longevity Pay – A monthly longevity pay equivalent to five per centum (5%) of his/her latest monthly basic pay shall be paid to a public social worker for every five years of continuous, efficient and meritorious service rendered as certified by the chief of office concerned, commencing with the service after approval of this Act.

Clothing Allowance – All public social workers shall be entitled to a minimum of One thousand five hundred pesos (P1,500.00) clothing allowance annually, which amount shall be adjusted as needed.

SEC. 16. 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 doing overtime work shall be presumed work-connected.

SEC. 17. Rights of a Public Social Worker. – Public social workers shall have the following rights:

Protection from discrimination by reason of sex, sexual orientation, age, political or religious beliefs, civil status, physical characteristics/disability, or ethnicity;

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;

Join, organize, or assist organizations or unions for lawful purposes;

Protection from any act that will prevent his/her from applying professional interventions that the client's situation may require; and

Opportunities for continuing professional growth and development.

SEC. 18. 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: Provided, That said written notice, stating the reasons for the reassignment, shall be made at least thirty (30) days prior to the date of transfer or reassignment: Provided, further, That, if the public social worker believes that there is no justification for the transfer and/or reassignment, he/she may appeal his/her case to the CSC, which shall cause his/her transfer and/or reassignment to be held in abeyance: Provided, furthermore, That reassignment coinciding with any local or national election shall be made in compliance with Election Code and other existing laws and rules: Provided, finally, That 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.

SEC. 19. 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.

SEC. 20. Freedom from Interference or Coercion. – It shall be unlawful for any person to commit any of the following acts of interference or coercion:

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;

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 client groups of the social work agency;

To intimidate in order to encourage or discourage membership in any social work organization or union;

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;

To make calculated harassment and interference with the intention of intimidating or preventing the public social worker from performing his duties and functions;

To make calculated harassment against, or, 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.

SEC. 21. Human Resource Development. – The DSWD shall conduct a periodic human resource development and management study in the following areas:

Adequate facilities and resources to render quality social service to their clientele;

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

SEC. 22. Security of Tenure. " No public social worker holding a permanent position shall be terminated except for cause: Provided, That, in the event the public social worker is found to be unjustly dismissed by the CSC or the NLRC; as the case may be, he/she shall be entitled to reinstatement without loss of seniority rights and backwages with twelve per centum (12%) interest to be computed from the time his/her compensation was withheld from him/her up to the time of reinstatement.

SEC. 23. Implementing Rules and Regulations. " The Social Work Management and Consultative Council, upon consultation with the Chairperson of the Senate Committee on Social Justice, Welfare and Rural Development and the Chairperson of the House Committee on Social Services, shall formulate the necessary rules and regulations, not inconsistent with any provisions of this law, for the implementation of the Magna Carta for Public Social Workers. The rules and regulations shall be promulgated within six months from the effectivity of this Act.

SEC. 24. Penal Provision. " Any person who shall wilfully 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 Act, 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 additional penalty of disqualification from office.

SEC. 25. Separability Clause. " If any provision of this Act is declared unconstitutional or invalid, the remainder thereof not affected thereby shall continue to be in full force and effect.

SEC 26. Repealing Clause. " All laws, ordinances, rules and regulations, other issuances or parts thereof which are inconsistent with this law are hereby repealed or modified accordingly.

SEC. 27. Effectivity. " This Act shall take effect fifteen (15) days after its publication in at least two newspapers of general circulation.

Approved,

(SGD.)FRANKLIN M. DRILON

President of the Senate

(SGD.)JOSE DE VENECIA JR.

Speaker of the House of Representatives

This Act which is a consolidation of Senate Bill No. 2587 and House Bill No. 4536 was finally passed by the House of Representatives and the Senate on February 8, 2007 and February 7, 2007, respectively.

(SGD.)OSCAR G. YABES

Secretary of the Senate

(SGD.)ROBERTO P. NAZARENO

Secretary General House of Representatives

Approved: April 11, 2007

(SGD.)GLORIA MACAPAGAL-ARROYO

President of the Philippines

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