Mr. Speaker:

The Committee on Poverty Alleviation to which was referred House Resolution No. 59, introduced by Rep. Rodante D. Marcoleta, entitled:

“A RESOLUTION DIRECTING THE COMMITTEES ON POVERTY ALLEVIATION AND PEOPLE’S PARTICIPATION TO CONDUCT A JOINT INQUIRY IN AID OF LEGISLATION ON THE INVOLVEMENT OF CIVIL SOCIETY ORGANIZATIONS (CSOS) IN THE IMPLEMENTATION AND OVERSIGHT OF THE PANTAWID PAMILYANG PILIPINO PROGRAM (4PS)

respectfully submits to the House its findings and recommendations.

Respectfully submitted,

DR. DAHLIA A. LOYOLA
Chairperson
Committee on Poverty Alleviation

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY
COMMITTEE REPORT
ON
HOUSE RESOLUTION NO. 59
INTRODUCED BY REP. RODANTE D. MARCOLETA

“A RESOLUTION
DIRECTING THE COMMITTEES ON POVERTY ALLEVIATION AND
PEOPLE’S PARTICIPATION TO CONDUCT A JOINT INQUIRY IN
AID OF LEGISLATION ON THE INVOLVEMENT OF CIVIL SOCIETY
ORGANIZATIONS (CSOS) IN THE IMPLEMENTATION AND
OVERSIGHT OF THE PANTAWID PAMILYANG PILIPINO
PROGRAM (4PS)”.

PREFATORY STATEMENT

House Resolution No. 59, filed by Hon. Rodante D. Marcoleta, directed the Committees on Poverty Alleviation and People’s Participation to conduct a joint inquiry on the involvement of CSOs in the implementation and oversight of the 4Ps. The said resolution was referred by the House of Representatives solely to the Committee on Poverty Alleviation on July 29, 2019.

FACTS

The Pantawid Pamilyang Pilipino Program was institutionalized through the enactment of RA 11310, also known as the Pantawid Pamilyang Pilipino Program (4Ps) Act which was signed into law on April 17, 2019.

Section 4 of RA 11310 provides that, “[T]he 4Ps is the national poverty reduction strategy and a human capital investment program that provides conditional cash transfer to poor households for a maximum period of seven years, to improve the health, nutrition and education aspect of their lives. The National Advisory Council (NAC) may recommend a longer period under exceptional circumstances.”

I. Pertinent Provisions of RA 11310

“Section 14. Lead Agency. -The DSWD shall serve as the central planning, coordinating, implementing and monitoring body of the Program.

In the implementation of this Act, the DSWD shall perform the following functions:

XXX
(c) Coordinate with different national and local government agencies, including organizations from the private sector to ensure full implementation of statutory commitments herein;

(d) Set up participatory monitoring and evaluation systems and methodologies on compliance of conditions, implementation of operations, and output and impact assessments. It shall also coordinate with the NAC and with the Independent Monitoring Committee at the national and local levels, to verify compliance on a monthly basis, using the monitoring and evaluation systems designed for the purpose.

**Section 15. Advisory Council.** - An Advisory Council shall be created at the regional and national levels to be headed by the DSWD.

The regional advisory councils and NAC shall have, as members, representatives from the DSWD, DOH, DepEd, DA, DOLE, DTI, DAR, DOST, and TESDA.

The regional advisory councils and NAC shall also have, as additional members, two (2) representatives from accredited nongovernmental organizations working or monitoring social welfare service programs.

The Advisory Councils shall have the following functions:

(a) Meet regularly to promote coordination across agencies to enhance the implementation of the program and jointly address and resolve program implementation issues;

(b) Recommend to the President measures and policies for the responsive delivery of the commitments under this Act and integration with the general poverty reduction strategy of government;

(c) Ensure that the funding requirements for livelihood, training and employment facilitation programs shall be included in the annual budgets of the government agencies implementing the same;

(d) Promulgate a grievance redress system and accept complaints and grievances pertaining to the implementation of the 4Ps; and

(e) Review the monitoring and assessment reports of the Independent Monitoring Committee and submit necessary policy recommendations to Congress to improve and strengthen the program, if necessary.
Section 16. Independent Monitoring Committee. - An Independent Monitoring Committee shall be created at the regional, and national levels, composed of representatives from the private sector and civil society organizations (CSOs) to complement the monitoring activities of the DSWD and provide feedback for appropriate action. It shall submit a report on the results of its monitoring activities relative to the implementation of the program to the respective regional advisory councils and the NAC.

Section 26. Repealing Clause. - All laws, decrees, letters of instruction, resolutions, orders or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

II. Pertinent Provisions of the Implementing Rules and Regulations (IRR) of the 4Ps Act

“Section 40. The NAC and RAC shall have, as members, representatives from the following:

XXX

(j) Two (2) accredited non-governmental organizations (NGOs), as Members.

Section 41. The NAC and RAC shall also have, as additional members, two (2) representatives from accredited non-governmental organizations (NGOs) working or monitoring social welfare service programs, subject to DSWD accreditation, as per RA 4373 Series of 1965 entitled “An Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies in the Philippines and for Other Purposes.”

The membership of the NGOs to the NAC/RAC shall be valid for three (3) years.

DSWD will submit a list of accredited NGOs to the NAC and RAC and convene them. The interim NAC and RAC will facilitate their selection based on their prescribed criteria and process.

Section 42. The Advisory Councils shall have the following functions:

(a) Meet regularly to promote coordination across agencies to enhance the implementation of the Program and jointly address and resolve program implementation issues;
(b) The NAC recommends to the President and the RAC recommends to the NAC the measures and policies for the responsive delivery of the commitments under the Act and integration with the general poverty reduction strategy of government;

(c) Ensure that funding requirements for livelihood, training and EF programs shall be included in the annual budgets of the government agencies implementing the same;

(d) Promulgate a GRS and accept complaints and grievances pertaining to the implementation of the 4Ps; and

(e) Review the monitoring and assessment reports of the IMC and submit necessary policy recommendations to Congress to improve and strengthen the program if necessary.”

XXX

Section 44. The Provincial and City/Municipal Advisory Councils shall be established with the LGUs to further strengthen the implementation of the Program at the local level.”

XXX

Section 46. Within the framework of a strategy for national poverty alleviation and a holistic social protection program, the various agencies of government implementing multi-stakeholder programs and services for the poor shall guarantee that the same complement and converge seamlessly with the aim of ensuring that the targeted household-beneficiaries are alleviated from poverty and remain non-poor even after the prescribed maximum period for the conditional cash grant. Such convergence shall focus on the enhancement of operational efficiency and strengthening of inter-agency partnership, and funding of the Program.”

XXX

Section 51. Partnerships of the DSWD with NGOs, CSOs and the private sector are aimed to strengthen the well-being of qualified household-beneficiaries. It shall promote participation and involvement in community development. Partnership engagement includes program complementation, service delivery, capacity building, knowledge management, and advocacy and sponsorships.

Section 52. An Independent Monitoring Committee (IMC) shall be created at the national and regional levels, composed of
representatives from the private sector and civil society organizations, subject to the criteria to be developed by the DSWD, to complement the monitoring activities of the DSWD and provide feedback for appropriate action. Its establishment is aligned with the Department’s policies on transparency, accountability, participation, equity and quality assurance.

Section 53. The IMC is tasked to:

a. Monitor the inter-agency implementation of the Program at all levels;
b. Participate in the review and assessment of qualified household-beneficiary and LGU compliance to conditions;
c. Solicit participation of the private sector to collaborate with government in the implementation of the program;
d. Set the standards for accountability, transparency and equity among 4Ps stakeholders;
e. Hold regular quarterly meetings or special meetings as needed; and
f. Act as resource persons in advocacy activities as appropriate.

Section 54. The IMC shall submit a report on the results of its monitoring activities relative to the program implementation to the respective NAC and RAC.”

XXX

Section 66. All laws, decrees, letters of instruction, orders, circulars, rules and regulations, and other presidential decrees or executive issuances or parts thereof which are inconsistent with the provisions of this Act and this IRR are hereby repealed, modified or amended accordingly.”

ISSUES

House Resolution No. 59 seeks to determine the role of NGOs and CSOs in the implementation of the Pantawid Pamilyang Pilipino Program. In seeking for clarification, the Committee resolved the following issues:

1. Whether or not the Department of Social Welfare and Development (DSWD) violated the provisions of RA 11310 in allowing CSOs to participate in the implementation of the law;

2. Whether or not allowing the CSOs’ participation in the implementation of the law contravened the provisions of the Rules and Regulations issued to implement the law; and
3. Whether or not the provisions of the rules and regulations issued to implement RA 11310 are inconsistent with the provisions of said law.

DISCUSSION

I. Initial Deliberation on February 22, 2021

Director Gemma Gabuya, National Program Manager of the 4Ps, emphasized that the DSWD recognizes the role of CSOs as valuable partners in supplementing DSWD programs. She stated that:

a) Prior to the enactment of RA 11310, three (3) mechanisms for partnership with CSOs are (1) Inter-agency Coordination where CSO representatives participate at the regional and municipal levels; (2) Collaboration with experts from the academe, private sector, and business sector in the National Independent Advisory and Monitoring Committee; and (3) Direct Service Providers using the DSWD CSO Engagement Framework of Bantay-Tulay-Gabay-Kaagapay.

b) The DSWD leads in the implementation of the 4Ps program in coordination with relevant Government Agencies and LGUs and in partnership with CSOs to ensure complementation and convergence.

As of January 2021, a total of 776 volunteer CSOs are engaged as 4Ps partners, with a majority assisting in the conduct of Family Development Sessions (FDS).

c) 140 CSOs help in capacity building through training programs, while 305 CSOs provide supplemental services in livelihood programs.

d) These CSO volunteers serve a number of sectors that include women, children, youth, fisherfolks, Persons with Disability (PWDs), Indigenous Peoples (IPs), and Senior Citizens.

The DSWD’s Undersecretary for Operations, Atty. Aimee Torrefranca-Neri, pointed out that the DSWD uses RA 4373 entitled “An Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies in the Philippines and for Other Purposes as legal basis for the accreditation process for NGOs. Section 23 of said law provides that:

“Before any social work agency shall be duly registered, the following requirements must have been complied with to the satisfaction of the Social Welfare Administrator:

1. That the applicant must be engaged mainly or generally in social work activity;
2. That the applicant has employed a sufficient number of duly qualified and registered social workers to supervise and take charge
of its social work function in accordance with accepted social work standards;
3. That the applicant must show in a duly certified financial statement that at least sixty percent of its funds are disbursed for direct social work services; and
4. That the applicant keeps a social work record of all cases and welfare activities handled by it.”

Citing DSWD Memorandum Circular No. 7, Series of 2012 or the Framework on the Engagement with civil society organizations on the Implementation of the Department of Social Welfare and Development’s Social Protection Program under MC No. 7, Series of 2012 as reference, Director Gabuya cited the criteria to be used in selecting the NGOs that shall represent the sector in the NAC, to wit:

1. Length of engagement with the 4Ps
2. Number of beneficiaries served and geographic coverage of the CSO;
3. Copy of DSWD Accreditation; copy of existing MOA with the 4Ps;
4. Documentation of previous projects by the CSO in partnership with DSWD and other institutions or agencies;
5. Proof of no outstanding cash advances and pending cases; and
6. Formal letter indicating interest to be part of the NAC/RAC on a voluntary basis.

Meanwhile, in order to be considered in the selection process for membership in the IMC, CSOs should be:

1. Composed of development-oriented individuals with passion and compassion for poor families especially children;
2. Expert advocates in education and or health and nutrition programs for children;
3. Non-partisan and should not be belong to a family whose members are known to be engaged in partisan politics;
4. Committed to attend the regular meetings and participate in field visit activities if and when necessary; and
5. Involved in promoting and providing livelihood programs/projects for the beneficiaries.

Deputy Speaker Hon. Rodante D. Marcoleta, the author of HR No. 59, explained that if the DSWD, as the mandated lead agency of the 4Ps Act, will comply with the provisions of this policy, NGOs are to be included as members of the NAC/RAC to participate in policy-making, and CSOs are to be engaged in monitoring the program. He emphasized that the law is silent about CSOs taking part as co-implémenters of the program. He pointed out that the rules and regulations issued to implement the 4Ps Act assigned functions to CSOs which are beyond the intent of the law.
The DSWD representative disclosed the need to augment the department’s workforce given that the current ratio of one social worker to eight hundred clients (1:800) is inadequate, based on the ideal and international standard of 1:300 ratio. The inadequacy in personnel prompted the DSWD to enter into partnerships with CSOs in the implementation of the department’s programs.

The Committee recommended other options by which the capacity of the Department can be strengthened. Hon. Marcoleta reiterated the suggestion of Honorables Jose Christopher “Kit” Y. Belmonte and Stella Luz A. Quimbo for the Samahan ng Nagkakaisang Pamilyang Pantawid (SNPP) to be considered as one of the two (2) NGOs to be selected as members of the NAC. He explained that the SNPP, being an organization composed of beneficiaries of the program, is knowledgeable about the problems surrounding the implementation of the program.

II. Second Deliberation on March 01, 2021

Assistant Secretary Rhea D. Peñaflor reported that in a special meeting, the NAC resolved that in the selection of NGOs, it will use the criteria stated in the resolution presented on February 22, 2021 except for the following items: “copy of existing MOA with the 4Ps; and documentation of previous projects by the CSO in partnership with DSWD and other institutions or agencies”. She elaborated that these criteria will classify SNPP among other organizations which have to undergo the normal selection process in assessing potential CSO and NGO partners.

For its part, the IMC will use the criteria laid down in the Resolution presented on February 22, 2021 in the selection of CSOs to represent the sector in the IMC.

**FINDINGS**

Based on the deliberations on HR No. 59, the Committee found that:

1. Even before the program was institutionalized in 2019, CSOs have been assisting the government in implementing social welfare programs.

2. To date, there are still no NGOs and CSOs sitting in the NAC and RACs, and in IMC, respectively.

3. After the enactment of RA 11310, the NAC prepared two (2) versions of draft resolutions on CSO participation, to wit, “A Resolution on the Selection of the Two (2) Civil Society Organizations (CSOs) as Members of the National and Regional Advisory Council”, and “A Resolution on the Selection Criteria of National and Regional Independent Monitoring Committee (IMC)”. The Committee found the criteria for the selection of CSOs and NGOs incongruous to the functions which these bodies are mandated to fulfill.
4. The DSWD is still using the guidelines set in MC No. 7, Series of 2012 for its various engagements with CSOs. The role of CSOs in the partnership with the government can be described broadly in the following terms:

(a) As “Bantay”, wherein as a partner in development, CSOs cooperate in implementing projects and activities geared towards fighting or preventing corruption;

(b) As "Gabay", wherein CSOs help in enhancing the technical capacities of DSWD staff and direct service workers utilizing the expertise of the partner NGOs or CSOs on a required program area needing technical assistance;

(c) As “Kaagapay” in implementing anti-poverty projects and activities targeting a commonly agreed upon sector or geographical areas and results; and

(d) As “Tulay” wherein the partnership's primary intent is facilitating action, feedback and monitoring of a specific program and area of implementation using the partner as facilitators/link between the Department and its target sectors.

The DSWD observes the provisions of RA 4373 in accrediting partner-CSOs. This law allows CSOs to undertake social work that may involve funding support from the DSWD.

5. The partnership and engagement with the CSOs are symbiotic in nature. They give way to a mutual sharing of skills, transfer of technology, and resource augmentation for the partners. In addition, CSOs may choose to engage with the DSWD in more than one category of partnership, depending on their mandate and capacity.

6. Subject to existing government issuances and policies, the partner CSOs may be entitled to funding support for project engagements stipulated in the memorandum of agreement.

7. Subject to the elaboration in the operational guidelines being developed for specific interventions, the following possible areas of cooperation are generally foreseen:

a. Facilitation and conduct of Family Development Sessions (FDS) for 4Ps beneficiaries;

b. Implementation of FDS Plus;

c. CSO participation in the implementation of various DSWD programs such as the Sustainable Livelihood Program or SLP, whereby funds are transferred to CSO partners that deliver services to the poor and vulnerable sectors;
d. CSO engagement in the Grievance and Redress System of the 4Ps Program, particularly in geographically-isolated or hard-to-reach areas;

e. Conduct of social preparation and technical assistance for SLP and KALAHI-CIDSS;

f. Extend understanding of project implementation through technical assistance, orientation, and sharing of basic skills on KALAHI-CIDSS;

g. Development and conduct of IP and gender sensitive advocacy materials or activities in the locality promotive of the core poverty alleviation programs of the DSWD;

h. Monitoring and evaluation of core 4Ps, SLP and KALAHI-CIDSS; and poverty reduction programs such as 4Ps SLP and KALAHI-CIDSS; and

i. Fostering active citizenship among beneficiaries of Pantawid Pamilya, SLP and KALAHI-CIDSS for their unimpeded participation in community development.

CONCLUSIONS

Based on its consideration of the provisions of the law and the testimonies gathered during the hearings, the Committee has resolved the following issues:

Whether or not the DSWD violated the provisions of RA 11310 in allowing CSOs to participate in the implementation of the measure:

Yes, the DSWD violated the provisions of RA 11310 in allowing CSOs to participate in the implementation of the measure.

The DSWD and other agencies, mandated to promulgate the IRR, worked on the premise that CSOs are partners in the implementation of the 4Ps program. The DSWD failed to distinguish between CSO participation in program implementation of a social work program, which is not provided for in the law, and NGO involvement in policy-making and CSO engagement in monitoring the program as clearly expressed in RA 11310.

RA 11310 clearly mandates NGOs to be engaged in policy-making as members of the NAC and RACs, and CSOs to be engaged in monitoring as members of the IMC. The said law is silent about the CSOs’ role as co-implementers of the 4Ps program. However, the DSWD continues its partnership with NGOs and CSOs in implementing the 4Ps Program even after the enactment of RA 11310.

This paradigm explains why Section 51 of the IRR provides for the specific areas of partnership between the DSWD and NGOs, CSOs and the private sectors, to wit;
“program complementation, service delivery, capacity building, knowledge management, and advocacy and sponsorships”.

Likewise, this paradigm explains why Section 53 of the IRR spells out the functions of the IMC which are inconsistent with its mandate under the law. Among the enumeration of the functions, only subparagraph (a) pertains to monitoring, while the rest of the section, from subparagraphs (b) to (f), pertains to implementation and execution of functions that are primarily lodged with the DSWD.

**Whether or not allowing CSOs’ participation in the implementation of the measure contravened the provisions of the Rules and Regulations issued to implement the law;**

No, the DSWD did not contravene the rules and regulations issued to implement RA 11310 when it allowed the CSOs to participate in the implementation of the measure.

**Whether or not the provisions of the rules and regulations issued to implement RA 11310 are inconsistent with the provisions of said law.**

The provisions of the rules and regulations do not conform to the provisions of RA 11310.

As previously cited, upon perusal of the provisions of the 4Ps Act and the rules and regulations issued to implement it, it appears that the DSWD can engage the CSOs, NGOs and private persons in certain aspects of the 4Ps strictly for purposes of strengthening the well-being of qualified household-beneficiaries and promoting participation and involvement in community development, pursuant to Section 51 of the said rules.

Section 51 further provides the modes of partnership engagement with NGOs, CSOs and private persons, and these include the following acts:

1. Program Complementation;
2. Service Delivery;
3. Capacity Building;
4. Knowledge Management; and
5. Advocacy and sponsorships.

Based on the provision, the rules and regulations clearly provided for key activities that the CSOs, NGOs and private persons can engage in.

The concept of program complementation is one that allows CSOs to assist in the determination of household-beneficiaries. Complementation connotes the existence of an existing function, and the complementary undertaking of additional or necessary functions to be undertaken by the primary agent, in this case, the DSWD.
However, it appears that the five (5) functions when taken together comprise the entirety of the functions and activities that govern the execution of the 4Ps program.

Hence, it appears that the said rules and regulations, which is the more recent and specific issuance pertinent to 4Ps, have now superseded the provisions of DSWD MC No. 7, Series of 2012. This is explicitly provided for in Section 66 of the Rules, which provide that “[a]ll laws, decrees, letters of instruction, orders, circulars, rules and regulations, and other presidential decrees or executive issuances or parts thereof which are inconsistent with the provisions of this Act and this IRR are hereby repealed, modified or amended accordingly.”

In effect, the DSWD, its regional offices and even their designated officials in LGUs are not precluded from entering into Memoranda of Agreement concerning 4Ps under DSWD MC No. 7, Series of 2012 provided that the role of the CSOs is explicitly in compliance with Section 51 of the Rules and Regulations and are not deemed to be the primary drivers or implementers of the 4Ps Act, that role being exclusively vested by law on the DSWD.

The Committee also observed the delay in the organization of NAC/RACs and IMC, insofar as the designation of CSOs or NGOs as members thereof is concerned. In particular, the Committee inquired about the reasons which prevented the members of the NAC from selecting and engaging the requisite NGO members, as required in Section 15 of RA 11310. The Committee found out that the Interim NAC insists on the use of RA4373 and DSWD MC No. 07, Series of 2012 in the selection and accreditation of NGOs in the NAC/RAC and CSOs in the IMC.

This failure to distinguish the NGOs and CSOs by function also explains why the DSWD insists in using the same criteria and standards for the selection of CSOs that will help in the implementation of the program, and the selection of the NGOs that will help in policy-making in NAC/RAC and CSOs in IMC that will monitor the program.

Section 41 of the rules implementing the 4Ps Act, which was promulgated by the DSWD in 2019, requires DSWD accreditation before NGOs can become members of the NAC and RAC. RA 4373 likewise requires such accreditation before CSOs could become members of IMC. This requirement is mandatory even if the CSO will not undertake social work activities (program implementation) or receive funds from the government. As noted by the author of the resolution and the Committee, the only role of the NGOs in the NAC and RAC is policy-making; and the only role of the CSOs in IMC is monitoring.

In the course of the inquiry, the Committee also examined if all CSOs or NGOs that undertake any function related to the 4Ps program were required to comply with the provisions of RA 4373 entitled “An Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies in the Philippines and for Other Purposes”. According to the DSWD, compliance with Section 23 of RA 4373 for organizations formally engaged in social work was a precondition to the selection of the organizations that would participate in the NAC, as previously indicated in Section 41 of the IRR. Further, DSWD
Memorandum Circular No. 13, Series of 2019 provides that only organizations that will receive funds in the implementation of DSWD programs should be duly accredited.

However, it must be reiterated that the requirement for compliance with the provisions of RA 4373 are only provided for in the rules and regulations, and not in RA 11310 itself.

Further, not all CSOs or NGOs are formally engaged in social work and would not require compliance with the requisites of Section 23 of RA 4743, namely the requirements on staffing with accredited social workers, as well as the requirement to provide documentary evidence that sixty percent (60%) of its financial activity have been primarily disbursed for social work activities. In addition, not all CSOs or NGOs require funds from the DSWD, thus complying with DSWD MC No. 13, Series of 2019 would not be a prerequisite to becoming a part of the NAC or the RAC.

Finally, both the law and the IRR are silent as to the requisites for CSOs, NGOs or private persons that would participate in the IMC, or those that would be tapped for program complementation or any of those activities indicated in Section 51 of the IRR. There is no requirement to comply with either RA 4373 or any DSWD issuance, provided that the activity to be undertaken does not require the disbursals of funds by the DSWD.

HR No. 59 also urged the Body to find out what other roles, if any, did the DSWD intend for CSOs, aside from their envisioned participation in independently monitoring the 4Ps' implementation. The DSWD and the NAC assigned the role of co-implementers of the 4Ps to the NGOs and CSOs.

The DSWD’s broadening of the scope of participation of CSOs in the program beyond that which is stipulated in RA 11310 resulted in:

1. the delegation of some of the mandated functions of the DSWD to private entities for the implementation of the program;
2. assigning functions to NGOs and CSOs in the Advisory Councils and in the IMC respectively which are beyond the intention and spirit of the law; and,
3. the failure to fulfill the mandated functions of NGOs to take part in policy-making and of CSOs to do the program monitoring.

The Committee concluded that, NGOs and CSOs are not allowed to implement the 4Ps pursuant to the provisions of RA 11310. The law mandates two (2) NGOs to participate in policy-making as members of the NAC and CSOs to engage in monitoring the program as members of the IMC.

For many years, the implementing agencies of the Pantawid Pamilyang Pilipino Program (4Ps) have forged a partnership with NGOs and CSOs in carrying-out the 4Ps. This practice, which is legally bound and legitimized by the entry in a Memorandum of Agreement between the government and CSOs, continues even after the enactment of RA 11310. Under this law, CSOs are not mandated to be co-implementers.
The letter and spirit of RA 11310 to provide two (2) legitimate fora for the engagement of NGOs and CSOs in the 4Ps have not been realized since the NAC nor RAC has no NGO members and the IMC has not even been convened.

However, as mentioned by Representative Stella Luz A. Quimbo during the deliberations, Section 3(6) of the Administrative Code of 1987, governing the administrative provisions of Social Welfare and Development, has vested the DSWD with the full authority to “promote, support and coordinate networks and facilities for the identification and delivery of appropriate interventions to its welfare constituents.” Thus, the DSWD is not precluded per se from engaging organizations such as CSOs in ensuring the efficacy of its programs. However, it must fulfill this mandate within the parameters of the specific laws and rules that govern their implementation; in this case, RA 11310 and the rules and regulations issued to implement it.

RECOMMENDATIONS:

1. The DSWD can adopt a paradigm shift to correctly appreciate the roles of the NGOs in the NAC/RAC and the CSOs in the IMC. These groups should not be seen as the same CSOs that have been accredited by the DSWD and are parties to memoranda of agreement for the implementation of 4Ps because they are not partners of DSWD for program implementation but only for policy-making (with respect to the NAC/RAC) and monitoring (with respect to the IMC). Most salient of the differences is that CSOs and NGOs in the 4Ps will not handle public funds the way CSOs of other DSWD programs do.

2. The DSWD must fulfill its mandated functions as the lead implementing agency of the program in compliance with Section 14 of RA 11310. The NGOs and CSOs are not deemed to be the primary drivers or implementers of the 4Ps Act, that role being exclusively vested upon the DSWD as the mandated lead implementing agency.

3. There is a need to revisit the rules and regulations of RA 11310, particularly those sections that pertain to the involvement of NGOs and CSOs. This will ensure that the rules are consistent with the spirit of RA 11310.

4. There is a need to review the criteria and processes to be used in the selection of NGOs in the NAC/RAC and CSOs in the IMC. The criteria used in the registration, licensing and accreditation of CSOs that assist in implementing the program should be different from the criteria to be used in the selection of NGOs for NAC/RAC and CSOs for IMC.

The DSWD’s rules on the engagement of NGOs and CSOs in the 4Ps must strictly follow the provisions of RA 11310. The DSWD’s continuing use of RA 4373 and MC No. 07, Series of 2012 as legal bases for their processes will hinder the realization of the mandated roles of NGOs and CSOs. The DSWD has to keep in mind that RA 11310 expressly repealed all laws, decrees, letters of instruction, resolutions, orders or parts thereof that were inconsistent with the provisions of the Act.
5. The DSWD should work promptly to ensure the participation of NGOs and CSOs in the NAC, RAC AND IMC which will be duly selected in accordance with the spirit of the law. The capacity of the DSWD to implement the 4Ps program should be strengthened through:

   a. The creation and hiring by the DSWD of four thousand (4,000) plantilla positions in 2022 subject to approval by the Department of Budget and Management (DBM) and supported by Congress in order to strengthen the capacity of the DSWD to implement the program as mandated by law.

   b. The establishment by LGUs of a mechanism that will allow them to share funds and augment the DSWD's insufficient resources, and

   c. Convergence with other implementing government agencies.

6. The DSWD should consider the Samahan ng Nagkakaisang Pamilya ng Pantawid (SNPP) as one of the two (2) NGOs in the Advisory Councils.

7. The Joint Congressional Oversight Committee (4Ps Oversight Committee) should be convened to:

   a. Review, monitor, and evaluate the implementation of the law, particularly the respective allocations provided by other line agencies, and

   b. To provide the framework for the implementation of the law.