

DSWD OPINION NO. 36 S. 2024

DRN: LS-L-LO-24-04-70414-C

MEMORANDUM

FOR : MR. GILBERT F. BATINGAL
Administrative Assistant I, KALAHI-CIDSS NPMO

FROM : ASSISTANT SECRETARY FOR GASSG, AND
CONCURRENT OFFICER-IN-CHARGE, LEGAL SERVICE

SUBJECT : REQUEST FOR LEGAL OPINION ON HAZARD PAY

DATE : 19 APRIL 2024

This pertains to your request for legal opinion regarding the entitlement of DSWD personnel to Hazard Pay¹.

In your Memorandum you alleged, thus:

"It has come to our attention that there is confusion regarding who is entitled to hazard pay, particularly referencing the DBM-DSWD Joint Circular No. 1, Series of 2018². While the accounting division has quoted a provision from this circular suggesting that personnel are not entitled to claim hazard pay if they are not directly involved in interviewing clients, a review of this circular and relevant administrative orders, notably AO No. 06, Series of 2023³, reveals no such provision.

Specifically, you are seeking guidance on the following:

1. Clarification on the eligibility criteria for Hazard Pay within our organization, considering the absence of the provision referenced by the Accounting Division.
2. Guidance on how Hazard Pay entitlement is determined, including factors such as job duties, exposure to hazardous conditions, and compliance with regulatory guidelines.
3. Recommendations for ensuring consistency and fairness in the administration of Hazard Pay within our organization, taking into account relevant legal requirements and best practices.

Comments**I. Eligibility Criteria**

Eligibility criteria for Hazard Pay in DSWD is guided by Republic Act (RA) No. 9433⁴ otherwise known as the "Magna Carta for Public Social Workers" which states:

¹ Hazard Pay is an additional compensation for performing hazardous duties and for enduring physical hardships in the course of the performance of duties per AO 6, series of 2023

² DBM-DSWD Joint Circular No. 1, series of 2018

³ Guidelines in Providing Specific Criteria and Administrative Procedures on the Grant of Hazard Pay for Public Social Welfare and Development Workers (PSWDWs) as Supplement to DBM-DSWD Joint Circular No. 1, Series of 2018

⁴ AN ACT PROVIDING FOR A MAGNA CARTA FOR PUBLIC SOCIAL WORKERS

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:

*(a) **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. xxx*

Under the law, **all public social workers⁵ (PSWs) and public social welfare development workers⁶ (PSWDWs), will be compensated with hazard allowance** equivalent to at least 20% of their monthly basic salary if they are assigned to work 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. But in order to receive the hazard pay, the claimants must show proof that *[i]* they are assigned in those places identified in the law which expose them to grave danger or occupational risks, and *[ii]* they have rendered actual services therein for a specific period of time.

Meanwhile, the **DBM-DSWD Joint Circular (JC) No. 1, series of 2018 (DBM-DSWD JC 2018-001) was issued to prescribe the rules and regulations on the grant of compensation-related Magna Carta Benefits to PSWs, and Hazard Pay for PSWDWs.** It stressed that hazard pay is an additional compensation to PSWs and PSWDWs who perform hazardous duties, and endure physical hardships in the course of their duties, in the places already identified in RA No. 9433. The rate of hazard pay is also 20% of the basic salary, computed using the formula indicated in the JC.

Further, the DBM-DSWD JC 2018-001 provides that:

5.2 Determination of Personnel Exposed to Hazards

*5.2.1 Each **Head of the Agency** engaged in the provision of social work and welfare programs shall establish a procedure for identifying the positions in the plantilla with the corresponding duties that entail exposure to great danger, occupational risks, perils to life and physical hardships, and the incumbent personnel who are actually exposed to these hazardous areas and occupational risks, including the duration of their exposure.*

⁵ Public Social Worker – refers to a registered social worker employed in the government service whether they carry the title of social welfare officer or not, RA No. 9433

⁶ Public Social Welfare and Development Worker – refers to those workers employed in government social welfare and development agencies other than the public social worker as defined herein employed in both primary and secondary settings, RA No. 9433

5.2.2 *The grant of Hazard Pay shall be coterminous with the duration of the actual assignment of the official or employee in the work areas or situations enumerated in item 5.1 hereof.*

In relation to this, the DSWD issued Administrative Order (AO) No. 05, Series of 2023⁷ prescribe the internal guidelines for the provision of a specific criteria and administrative procedures on the grant of the Magna Carta Benefit to all **PSWs, or those registered social worker employed in the government service whether they carry the title of social welfare officer or not⁸** who are holding permanent, temporary, casual, or contractual appointments.

The DSWD also issued AO No. 06, series of 2023⁹ in order to provide the guidelines in identifying the coverage, criteria, and step by step procedures for the grant of hazard pay **only to PSWDWs, or those workers employed in the DSWD other than PSWs¹⁰**.

Based on *item V, Section 2.2 and 2.3 of AO No. 05, Series of 2023, as reiterated in item V, Section 1.2 and 1.3 of AO No. 6, S. 2023*, Hazard Pay may be granted to PSWs and PSWDWs **only if the nature of the duties and responsibilities of their positions, their actual services, and location of work expose them to great danger, occupational risks, perils to life and physical hardships; and only during periods of actual exposure to hazards and hardships.**

PSWs and PSWDWs of the Department shall be entitled to Hazard Pay if they are assigned to any of the following:

- a. *Remote and depressed areas, which can be categorized as geographically isolated, difficult to reach areas, far-flung barangay, urban or densely populated such as island and upland communities where regular mode of transportation is limited or not available or places where there is limited access to basic social services or reduced access to health services and facilities, or such areas exposed to extreme weather conditions; absence of electricity and/or means of communication; insufficient food security; and other similar conditions.*
- b. *Strife-torn or embattled areas, which can be categorized as location or sites with armed encounters between government troops and enemy forces and/or enemy initiated attacks, raids, or ambushes, as may be declared and certified by the Department of National Defense.*
- c. *Distressed or Isolated Stations/Areas, which can be categorized as Geographically Isolated and Disadvantaged Areas (GIDA) as defined under this AOs.*
- d. *DSWD-manage centers and residential care facilities such as Jose Fabella Center (JFC), Elsie Gaches Village (EGV), Accelerating Minors Opportunity for Recovery (AMOR) Village, Area Vocational Rehabilitation Centers (AVRCs), Reception and Study Center for Children (RSCC), Regional*

⁷ Guidelines in Providing Specific Criteria and Administrative Procedures on the Grant of Each Magna Carta Benefit to Public Social Workers as Supplement to DBM-DSWD Joint Circular No. 01, Series of 2018

⁸ Guidelines in Providing Specific Criteria and Administrative Procedures on the Grant of Each Magna Carta Benefit to Public Social Workers as Supplement to DBM-DSWD Joint Circular No. 01, Series of 2018, Item IV (2)

⁹ Guidelines in Providing Specific Criteria and Administrative Procedures on the Grant of Hazard Pay for Public Social Welfare and Development Workers as Supplement to DBM-DSWD Joint Circular No. 01, Series of 2018

¹⁰ AO No. 06, series of 2023, Guidelines in Providing Specific Criteria and Administrative Procedures on the Grant of Hazard Pay for Public Social Welfare and Development Workers as Supplement to DBM-DSWD Joint Circular No. 01, Series of 2018, Item IV (2)

Rehabilitation Center for Youth (RRCY), Haven for Women, Haven for Girls, Sanctuary, Marillac Hills, Center for Handicapped, DSWD Satellite Offices, Crisis Intervention Units, and/or Center-Based/Residential Care Facilities (CRCFs) for all sectors including elderly.

- e. *Areas declared under State of Calamity (SOC) or emergency by the President or Local Government Chief Executive.*
- f. *Areas/work where they are exposed to occupational risks e.g., Special Disbursing Officers (SDOs) or where there is a threat to life as determined and certified by the head of Office/Bureau/Service/Unit (OBSU) based on the documented actual experiences or occurrences in the past, with the approval of the Cluster Head in the Central Office (CO) or Regional Director in the Field Office (FO). On the other hand, the Certification for the Undersecretary and the Regional Director shall be signed and approved by the Undersecretary for General Administration and Support Services (GASGG).*

II. Hazard Pay Entitlement

Remote and depressed areas, and distressed or isolated stations stated in the administrative orders (AOs) shall be defined and certified by the Head of the OBSU or FO, or by the LGU or local DILG based on the distance or isolation of the place, inaccessibility or difficulty of transportation and communication, extreme weather conditions, absence of electricity, and other similar condition¹¹.

Aside from being assigned or actually working in this remote and depressed areas, and distressed or isolated stations, **the claimant must also submit supporting documents**¹², such as:

1. Special Order of assignment or travel;
2. Travel or Service report;
3. Daily Time Record; and
4. Certification on the fact of hazardous areas or work.

However, PSWs and PSWDWs who are on leave of absence whether with or without pay, on official travel to areas not considered hazardous, on trainings, scholarship and other similar instances, which temporarily avert their exposure to hazardous areas or occupational risks, shall not be entitled to Hazard Pay for the duration of their leave, travel, training, or scholarship¹³.

The claim for Hazard Pay must be filed with the Personnel Administration Division (PAD) or with the Personnel Administration Section (PAS) on or before the 30th day of the succeeding month when the service was rendered or the month of return of the claimant after the period of assignment to difficult or hazardous areas as numerated in the above discussed AOs, whichever is applicable. In case the 30th fall on Saturday, Sunday, or Holiday, claims should be submitted on the immediately succeeding working day. Claims submitted beyond the said deadline, shall be processed, subject to availability of funds and batch processing¹⁴.

¹¹ AO No. 06, Series of 2023, Item V (1.4)

¹² Ibid, Item V (1.5)

¹³ Ibid, Item V (1.6)

¹⁴ Ibid, Item V (2.1)

PSWs and PSWDWs who have rendered actual work in hazardous areas may be compensated with Hazard Pay equivalent to 20% of their basic salary by using the formula provided under the AOs¹⁵. Subject to the propriety and completeness of the supporting documents, the PAD/PAS shall prepare the necessary monthly payroll for claims received in a given month, and forward the same to authorized signatories and other concerned offices for signature or processing¹⁶.

III. Recommendation

For these reasons, PSWs and PSWDWs must not only show that the nature of their duties and responsibilities of their positions, their actual services, and location of work expose them to great danger, occupational risks, perils to life and physical hardships; and only during periods of actual exposure to hazards and hardships, but, they must also be able to submit timely the required supporting documents provided under the AOs to be entitled to claim the Hazard Pay.

Lastly, the FMS will issue updated guidelines for ready reference of all DSWD personnel to assist the PSWs and PSWDWs in the submission of the documentary requirements for the efficient processing of the Magna Carta benefits.

For consideration.

Kindly fill out the attached Customer Feedback Form and return the same to the Legal Service.

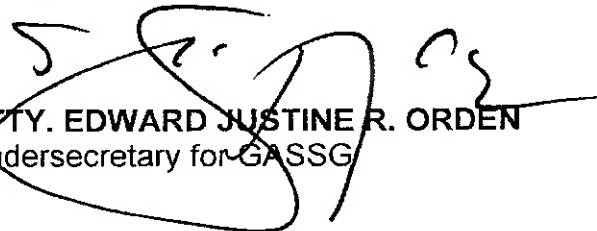
Thank you.



ATTY. GINA V. WENCESLAO
07/24/24

MCMUG/YE/10065

Approved by:



ATTY. EDWARD JUSTINE R. ORDEN
Undersecretary for GASSG

¹⁵ AO No. 06, Series of 2023, Item V (2.3)
¹⁶ Ibid, Item V (2.4)