



Republic of the Philippines
Department of Social Welfare and Development
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MEMORANDUM CIRCULAR
NO. 6
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SUBJECT : REPEAL OF THE "NO RELATIVE POLICY"

In the Memorandum, dated 15 November 1994, issued by then DSWD Secretary Corazon Alma de Leon, the Department adopted the policy against the appointment of relatives of existing DSWD officials and employees. The said Memorandum disallowed the appointment of relatives of Central Office officials and employees, within the 3rd degree of consanguinity or affinity, to any position based in the Central Office. In the same manner, the appointment of relatives of Field Office officials and employees within the same degree of relations as mentioned above, to any position based in the same Field Office, was prohibited. The prohibited degree of relationships under the "No Relative Policy" was listed by Secretary De Leon in her Memorandum, dated 08 February 1995. The list excluded first cousins among the degree of relationship covered by the prohibition.

On 10 April 2003, the "No Relative Policy" within the Department was amended by the succeeding DSWD Secretary, Secretary Lina Laigo, through another Memorandum. This Memorandum allowed existing employees covered by the "No Relative Policy" to continue working in the same Field Office, provided that they are assigned in different work stations, *i.e.*, assignment of one may be in the Field Office proper and the other in the center or institution, or provided that they are assigned in different centers/institutions. However, Secretary Laigo's Memorandum affirmed the previous prohibition on appointment of relatives, explicitly providing that for new appointments, the provision of the "No Relative Policy" under the November 1994 Memorandum of former Secretary de Leon shall apply. It also expanded the degree of prohibited relationship for appointments, by including first cousins among the prohibitions, effective January 1997.

The "No Relative Policy" was adopted in the exercise of sound management discretion based on the thesis that the presence of relatives in the same office is not conducive to sound personnel management. However, it does not have sufficient legal basis, considering that existing civil service laws, particularly the rules on nepotism, only prohibit the appointment of relatives within the third degree of consanguinity or affinity of the appointing authority.

I – Prohibited degree of relationships:

A. By consanguinity – this refers to the relationships by blood.

- | | |
|----------------------|---|
| First Degree | - fathers and mothers
- sons and daughters |
| Second Degree | - grandparents (father/mother of parents)
- brothers and sisters, half-brothers and half sisters |
| Third Degree | - uncles and aunts (brothers or sisters of parents)
- nephews, nieces (sons/daughters of brothers/sisters) |

B. By fiction of law

1. Affinity – refers to the relationships by virtue of marriage.

Husband and wife are relatives by virtue of law and therefore covered by the policy.

- | | |
|----------------------|---|
| First Degree | - fathers/mothers-in-law (father/mother of husbands/wives)
- stepfathers/stepmothers
- sons/daughters-in-law (husbands/wives of daughters/sons)
- stepsons/stepdaughters |
| Second Degree | - grandparents (father/mother of wife's/husband's parents)
- brothers/sisters-in-law (brothers/sisters of husbands/wives)
- stepbrothers/stepsisters |
| Third degree | - uncles/aunts-in-law (brothers/sisters Of parents of spouse)
- nephews/nieces-in-laws (sons/daughters of brothers/sisters of spouse) |

2. By other legal proceedings:

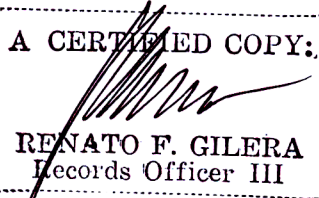
- a) legitimate children
- b) acknowledged children
- c) adopted children



In view thereof, the "No Relative Policy" as enunciated in the above-cited Memoranda is hereby repealed. Henceforth, the Department shall adhere to the rule on nepotism as provided under existing civil service rules. Officials and employees are referred to the attached matrix of the prohibited degrees of relationship under the rules on nepotism, for guidance.

Issued in Quezon City, this 15th day of April 2003.


CORAZON JULIANO-SOLIMAN
Secretary

A CERTIFIED COPY:

RENATO F. GILERA
Records Officer III

