



LEGAL SERVICE
GENERAL ADMINISTRATION AND SUPPORT
SERVICES GROUP
 DSWD-GF-004 | REV 04 | 04 FEB 2025

DRN: LS-OAS-WENCESLAO-MEM-25-04-068834-S

MEMORANDUM

FOR : LUCIA SUYU-ALAN, RSW
 Regional Director, Field Office I

FROM : THE ASSISTANT SECRETARY FOR GENERAL
ADMINISTRATION AND SUPPORT SERVICES GROUP
AND CONCURRENT OFFICER IN CHARGE, LEGAL
SERVICE

SUBJECT : URGENT REQUEST FOR ASSISTANCE IN RESPONSE
TO DR. MA. ZARAH ROSE DG. LARA'S REQUEST

This pertains to your Memorandum for the Undersecretary¹ dated 28 April 2025 endorsed to the Legal Service (LS) on 30 April 2025 seeking clarification and legal guidance on the Letter² dated 28 April 2025 from the Nationalist People's Coalition of the Province of Cagayan, through the gubernatorial candidate, Dr. Ma. Zarah Rose DG. Lara.

Based on the aforesaid Letter, Dr. Lara claimed that several social media posts are presently circulating, maliciously alleging that she is involved in, or associated with the distribution of DSWD's Ayuda sa Kapos ang Kita Program (AKAP). By reason thereof, Dr. Lara is requesting from the Department to issue an **official and clarificatory statement** on the following matters, to wit:

- The complete dates of all pay-outs conducted under any DSWD program in the province of Cagayan from 28 March up to and including the date of this letter;
- The precise locations and venue where said pay-outs were held; and
- The lawful sources of funds utilized for the aforementioned pay-outs.

Additionally, she requested that the Department categorically state "*whether I, Ma. Zarah Rose DG. Lara, or any other candidate for elective office, was present, participated, or was otherwise involved in any of the pay-out activities conducted during the said period.*"

Our Comment:

Under the Commission on Election (COMELEC) Resolution No. 11060, as amended, the Department was granted a Certificate of Exemption to release, disburse, and expend public funds for the implementation of the DSWD social welfare services. Consequently, in granting the exemption, there were conditions that needed to be strictly adhered to, pursuant to Section 18 of the same cited COMELEC Resolution No. 11060, which was subsequently amended by COMELEC Resolution No. 11118, and we quote:

¹ Annex "A"

² Annex "B"



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SECTION 18. Conditions of Exemption. The exemption granted is subject to the following conditions:

- a) the exemption is prospective in application;
- b) it shall not in any manner influence the conduct of the 2025 NLE and BARMM Parliamentary Elections;
- c) it shall not involve the distribution of Ayuda, TUPAD, AKAP, AICS and 4Ps from May 02, 2025 (Friday) to May 12, 2025 (Monday) except medical and burial assistances which are normally given to qualified individuals;
- d) the issuance of a Certificate of Exemption shall not preclude the COMELEC from investigating and prosecuting any violation of Section 261(o) of the OEC;
- e) elective officials and/or candidates/aspirants shall not be present during the distribution of Ayuda, TUPAD, AKAP, AICS and 4Ps in whatever nature or form;
- f) the requesting party shall furnish the COMELEC of the guidelines as committed by the Department of Social Welfare and Development (DSWD) and other relevant agencies in its public pronouncements, as may be applicable; and
- g) the requesting party shall faithfully observe the said guidelines by the DSWD, other relevant agencies, its personnel, and partners."

In the conduct of payouts, particularly this election period, the Department has always ensured its faithful observance of the conditions of exemption. Thus, we are not in a position to be part of a process of confirming the absence or presence of political candidates during a particular payout, in view of this stand. Moreover, the Department may not issue any clarificatory statement as the aforesaid request is susceptible to a future case or complaint. LS, also, is not furnished with any copies of the alleged photos/posts circulating on social media which may require further evaluation whether these are directly related to DSWDs payouts.

Additionally, we likewise adhere to our Memorandum Circular No. 09, Series of 2021 entitled "Policy Guidelines on Strengthening Partnership with Stakeholders during Election and Non-Election periods" in the implementation of our programs. The third paragraph of the Rationale stated in MC No. 09, s. 2021 sums up the wisdom behind its issuance, that is, "to respond to various issues and complaints that use the programs and services of the Department for personal and political advancement, the Department deemed it most fitting to strengthen its policies and structures in the implementation of its programs and services during the election and non-election periods in order to prevent occurrences of such incidents while at the same time capacitating the program implementers and beneficiaries to build confidence and competence in responding to all election-related issues and complaints. This is very critical in ensuring that the DSWD programs and services will yield the most rewarding benefits and results for its intended beneficiaries or recipients thus, preventing acts

and engagements that may exploit, abuse, waste, or use the agency, its personnel, programs, facilities and funds for personal or political gains or advancement³.

Insofar as Dr. Lara's request for **dates and locations of payouts** conducted by FO2, the data may be provided without disclosing the information on beneficiaries.

With respect to AKAP, the information requested may be accessed through our website pursuant to Joint Memorandum Circular (JMC) No. 2025-01 issued by DSWD, DOLE, and NEDA with subject "2025 Guidelines of the Ayuda sa Kapos ang Kita Program".

May we direct your attention to the pertinent provision of the aforesaid JMC:

"The PMB-CID shall ensure transparency by making publicly available in the DSWD website at least on a monthly basis the names of individuals, by province, who receive financial assistance under the AKAP. Any other details may be provided upon request subject to compliance with applicable data privacy laws and regulations to safeguard the confidentiality and security of personal information.

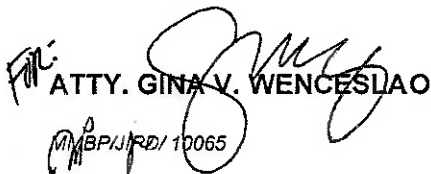
The PMB-CID shall maintain a consolidated physical and financial report on the overall implementation of the AKAP and shall provide periodic monthly reports as required during the Planning and Budget Steering Committee meetings. xxx"

With respect to the request for the lawful source of funds being utilized for the payouts, these are all authorized disbursements of public funds pursuant to the FY 2025 General Appropriation's Act.

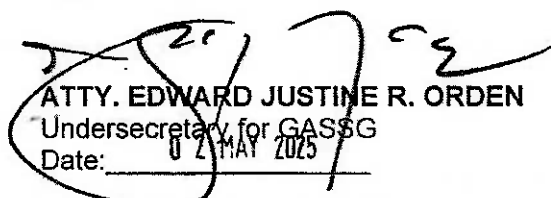
In light of the foregoing, we recommend for your office to respond to the letter of Dr. Lara and attaching thereof the requested data subject to the above-discussion on the dates and location of the Department's assistance pay-outs.

For your consideration.

Thank you.


 ATTY. GINA V. WENCESLAO
 MMBP/JRD/10065

Approved by:


 ATTY. EDWARD JUSTINE R. ORDEN
 Undersecretary for GAS&G
 Date: 2 MAY 2025

³ Annex "C" – DSWD Opinion No. 41, series of 2024