



**LEGAL SERVICE  
GENERAL ADMINISTRATION AND  
SUPPORT SERVICES GROUP**  
DSWD-GF-002 | REV 04 | 04 FEB 2025

DRN: LS-LAD-MLTPL-MEM-25-04-042244-S

**MEMORANDUM FOR THE SECRETARY**

**FOR : ATTY. HURJAE S. LUBAG, Rpm**  
Head Executive Assistant, Office of the Secretary

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

**SUBJECT : LEGAL OPINION ON THE REQUEST FROM VISAYAS  
DISASTER RESOURCE CENTER (VDRC) ON THE USE OF THE  
OLD DESIGN OF 6 KG PLASTIC RICE BAGS**

The Office of the Secretary (OSEC) endorsed to the Legal Service (LS), for appropriate action, the Memorandum<sup>1</sup> of the Director V, Special Assistant to the Secretary for Disaster Response Management Group (DRMG) and Officer in Charge (OIC), National Resource and Logistics Management Bureau (NRLMB), in response to the observations/recommendations of LS<sup>2</sup> in its legal opinion on the justification for using the old design of 6 kg plastic rice bags.

*Background*

On 07 November 2024,<sup>3</sup> the NRLMB endorsed the Memorandum request dated 02 November 2024 from the Visayas Disaster Resource Center (VDRC), seeking approval on the use of the remaining 26,000 old-design 6 kg plastic rice bags, which do not bear the Bagong Pilipinas logo and do not comply with the DSWD branding guidelines. The VDRC's request is based on the non-functional state of its Mechanized Production System (MPS), which led to the implementation of a contingency plan to use manual foot sealers. This plan seeks to fulfill production requirements by utilizing the existing 26,000 old-design rice bags, while minimizing wastage, as the plastic bags remain in good condition.

On 09 November 2024,<sup>4</sup> the Chief Administration Officer of VDRC provided additional justification to support the previously submitted request for the use of old-design 6 kg plastic rice bags.

In response, this level identified gaps in critical details within the documents provided by VDRC and deferred from rendering a legal opinion due to insufficient and incomplete information. Instead, observations were provided to seek clarification and further details, to which the VDRC has duly responded in the aforementioned endorsed Memorandum.

The NRLMB's request is in view of the Office of the President's directive under Memorandum Circular (MC) No. 24 or "Launching the Bagong Pilipinas Campaign as the Administration's Brand of Governance and Leadership", issued on 03 July 2023, which explicitly states that:

*All National Government agencies (NGAs) and instrumentalities, including government-owned or -controlled corporations (GOCCs), and state universities and colleges (SUCs), shall be guided by the principles, strategies and objectives of the Bagong Pilipinas brand of governance and leadership in planning their programs, activities and projects.*

<sup>1</sup> Attached as Annex A

<sup>2</sup> Attached as Annex B

<sup>3</sup> Attached as Annex C

<sup>4</sup> Attached as Annex D



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*All NGAs and instrumentalities, including GOCCs and SUCs, shall adopt the Bagong Pilipinas logo and incorporate the same in the letterheads, websites, official social media accounts, and other documents and instruments pertaining to flagship programs of the government.<sup>5</sup>*

After careful review of the VDRC's response, the additional information provided does not sufficiently clarify whether all 200,000 pieces of the old-design 6kg rice bags were used. The VDRC's justification explicitly states that 200,000 pieces of old-design 6kg rice bags were procured in April 2022, after which the production of FFPs transitioned to vacuum-packed rice. Despite this, VDRC opted to retain a supply of the old-design 6kg rice bags. However, this explanation does not specify how many bags were actually used. The response received by this level only accounts for 14,481 bags used between October and November 2022.

Another justification provided indicates a gradual shift from manual packing to vacuum rice production starting in April 2022, but again, it does not answer the critical question regarding the number of 6kg rice bags in question. Although VDRC has accounted for 100,000 bags sent to National Resource Operations Center (NROC) in August 2024, and 5,719 rice bags out of the 26,000 rice bags were sent to Field Office (FO) V in December 2024, it still failed to fully clarify the details on what happened to the remaining old-design 6kg rice bags from the time the 200,000 were procured up to the issuance of the Office of the President's directive on Bagong Pilipinas branding compliance.

Due to the insufficiency of the information provided by the NRLMB, it would be prudent for NRLMB to submit a clear and thorough explanation to fully account for the 200,000 pieces old-design 6kg rice bags procured in April 2022. Notwithstanding the foregoing, we shall proceed to render our comment on the request.

#### *Our Opinion*

The VDRC's request to use the remaining 26,000 old-design plastic 6kg rice bags may be granted for meritorious reasons, in recognition of the urgency of disaster response and operational necessity applying equity in the absence of a law prohibiting the use of government properties without the branding compliance. In times of crisis, humanitarian aid must not be delayed by strict branding compliance, as swift action is paramount to safeguarding the welfare of affected communities. Efficiency and urgency must take precedence to ensure timely aid delivery and mitigate the impact of disasters on affected communities. As the lead agency for disaster response, the DSWD has a clear mandate to prioritize life-saving assistance over administrative requirements.

#### **DSWD's Role as Vice Chairperson for Disaster Response**

The DSWD plays a critical role in coordinating and executing disaster response efforts in compliance with Republic Act (RA) No. 10121 or the Philippine Disaster Risk Reduction and Management Act of 2010, and Republic Act No. 7160 or the Local Government Code of 1991, focusing on risk reduction, preparedness, and immediate aid. Also, under the Implementing Rules and Regulations (IRR) of RA No. 10121<sup>6</sup>, the DSWD works with the National Disaster Risk Reduction and Management Council (NDRRMC) and local Disaster Risk Reduction And Management Offices (LDRMO) to coordinate humanitarian efforts, conduct risk assessments, plan contingencies, and manage emergency and recovery operations.

<sup>5</sup> Launching the Bagong Pilipinas Campaign as the Administration's Brand of Governance and Leadership

<sup>6</sup> IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 10121, ALSO KNOWN AS "AN ACT STRENGTHENING THE PHILIPPINE DISASTER RISK REDUCTION AND MANAGEMENT SYSTEM, PROVIDING FOR THE NATIONAL DISASTER RISK REDUCTION AND MANAGEMENT FRAMEWORK AND INSTITUTIONALIZING THE NATIONAL DISASTER RISK REDUCTION AND MANAGEMENT PLAN, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES"

The DSWD heads the Food and Non-Food Item (FNI) Cluster under the Response and Early Recovery Pillar of the NDRRMC, ensuring timely and equitable distribution of relief goods to internally displaced persons, as mandated by DSWD MC No. 24, s. 2024.<sup>7</sup> It works closely with provincial, city, and municipal DRRMOs to provide food, water, medical supplies, and shelter assistance to disaster-affected communities. In this regard, the department mobilizes its FOs, the National Resource and Logistics Management Bureau (NRLMB), and regional warehouses to ensure the rapid deployment of relief goods, when local government units (LGUs) are overwhelmed. Since disaster response is a shared responsibility, preparedness at all levels of government is critical.

***Compliance with the use of "Bagong Pilipinas" logo and the Enhanced DSWD Brand and Visual Identity Guidelines***

In compliance with MC No. 24, series of 2024 issued by the Office of the President, the DSWD Brand and Visual Identity Guidelines has been updated accordingly. DSWD MC No. 01 series of 2024<sup>8</sup> provides for the standardization, unification, and relevance to the current trends of all Information, Education and Communication (IEC) materials and other collaterals of the DSWD Office, Bureau, Service (OBS) including Field Offices (FOs). The circular sets clear expectations for incorporating the Bagong Pilipinas logo in future relief packaging, including FFPs, among other official materials. To wit:

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*To level with the changes brought by new directives from the Office of the President and the DSWD Secretary Rex Gatchalian, as well as with change in the current trends, there is a need therefore to amend and include the following guidelines such as but not limited to:*

- Bagong Pilipinas logo in all general forms and other collaterals of the Department;

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- Disaster Relief Goods' Packaging;

Congruently, under the same above cited MC, for Information, Education, and Communication (IEC) materials that can no longer make changes at the issuance of the aforesaid MC, usage of previous logo is permitted, to wit:

***"IV. MONITORING AND EVALUATION***

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*In due consideration of OBSUs and FOs with IEC materials undergoing procurement or printing process, and therefore, can no longer make changed to branding by the time this Order was signed, collaterals above shall be permitted to bear previous attributes of MC 14 s. 2021 Branding Manual." (Emphasis supplied)*

It is clear from the above-quoted provisions that these circulars reveal that they primarily serve as forward-looking guidelines for future materials rather than imposing an absolute prohibition on previously existing supplies. Nowhere do they explicitly prohibit the use of pre-branded materials procured before the directive's implementation. As outlined in the attached Memorandum-response from VDRC, the old

<sup>7</sup> Enhanced Omnibus Guidelines on Food and Non-Food Items and Logistics Management for Disaster Response Operations

<sup>8</sup> AMENDMENT TO THE MEMORANDUM CIRCULAR (MC) NO. 14 SERIES OF 2021 WITH THE SUBJECT AMENDING THE GUIDELINES ON THE IMPLEMENTATION OF THE DSWD BRAND DESIGN AND ITS CONSISTENT APPLICATION IN ALL AGENCY COLLATERALS, COMMUNICATIONS AND MARKETING MATERIALS

design of the 6kg rice bags were procured in April 2022, well before the Bagong Pilipinas campaign was launched, and therefore do not feature the updated Bagong Pilipinas logo.

In this context, the existing guidelines fail to provide transitional provisions for the continued use of materials procured before the issuance of the Bagong Pilipinas branding policy. This gap underscores the inherently general nature of legal rules that limits their capacity to address the full range of specific and evolving circumstances. In situations where strict adherence to the updated branding requirements would result in impractical or wasteful outcomes, such as the unnecessary disposal of otherwise serviceable materials, equity serves as a legal counterbalance, ensuring that administrative decisions are guided not only by the letter of the law but also by principles of reason, fairness, and the overarching public interest.

In *Cristobal v. Melchor*,<sup>9</sup> the Supreme Court highlighted the concept of equity as follows:

**"This Court, applying the principle of equity, need not be bound to a rigid application of the law, but rather its action should conform to the conditions or exigencies of a given problem or situation in order to grant a relief that will serve the ends of justice.**

To paraphrase then Chief Justice John Edwin Marshall of the United States Supreme Court, let us do complete justice and not do justice by halves. Just as in *Ingles vs. Mutuc* [26 SCRA 171] this Court gave justice to plaintiffs, so shall We do justice to Jose Cristobal.

As we likewise reaffirmed in *Air Manila, Inc. vs. Court of Industrial Relations* "(E)quity as the complement of legal jurisdiction seeks to reach and do complete justice where courts of law, through the inflexibility of their rules and want of power to adapt their judgments to the special circumstances of cases, are incompetent so to do. 'Equity regards the spirit and not the letter, the intent and not the form, the substance rather than the circumstance, as it is variously expressed by different courts.'"

In light of the preceding case, it must be emphasized that equity operates in the service of justice, not as a shield for non-compliance with established rules and procedures. In this regard, it is imperative to note that the VDRC's initial justification, along with its subsequent response to this level's observations and comments, reveals that the information provided lacks full disclosure of the movement, allocation, and utilization of the entire stock of the 200,000 pieces of 6kg rice bags, from the date of procurement through to the issuance of the Bagong Pilipinas branding policy. Furthermore, while it offers some explanation for their non-utilization, it does so in a manner that is neither comprehensive nor sufficiently detailed. The absence of this verifiable information constitutes a significant lapse in operational transparency and raises serious concerns regarding the VDRC's accountability in the management of public resources.

While this level duly acknowledges and appreciates the VDRC's initiative and swift action in implementing a contingency plan that strategically utilized existing stocks to minimize waste and optimize the use of available resources, it must be emphasized that expediency should not come at the expense of transparency and due diligence. Effective public administration demands not only responsiveness but also accountability, particularly in the use of government resources that directly impact the welfare of citizens.

#### *Our Recommendation*

LS interposes no objection to the use of the remaining 26,000 old-design 6kg plastic rice bags without the branding compliance per MC No. 24. In the absence of the law prohibiting the use of the old designs in government properties, or in this case the old plastic rice bags, between the costly requirement to procure new bags and allowing their use to avoid wastage, the scale of justice tilts to equity.

<sup>9</sup> *Cristobal v. Melchor*, G.R. No. L-43203 December 29, 1980

The use of the old-design plastic rice bags may be considered an exceptional measure necessitated by emergency circumstances.

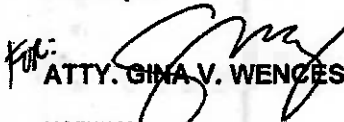
Nevertheless, while this level recognizes the operational challenges of adhering to new branding directives amid existing stockpiles, the VDRC's failure to provide a comprehensive and documented account detailing the movement, allocation, and utilization of the 200,000 procured old-rice bags raises concerns of potential wastage or underutilization, which may constitute acts of negligence. Recognizing the importance of maintaining transparency and ensuring efficient utilization of public resources, particularly in disaster response operations, and the apparent neglect in planning, handling and utilization of these old design plastic bags resulting in this request to use them without the branding of Bagong Pilipinas, this level hereby respectfully recommends that the NRLMB initiate a fact-finding investigation to determine the following:

- i. all the facts and circumstances from the time these plastic rice bags were procured and the reason for the failure to prepare their utilization with the requisite branding first issued in 2023;
- ii. status and disposition of the procured bags;
- iii. gaps or lapses leading to the inefficient use of resources, along with actionable recommendations to address these gaps or lapses; and
- iv. identify the nature and extent of administrative liability, if any, of the persons who may be found liable.

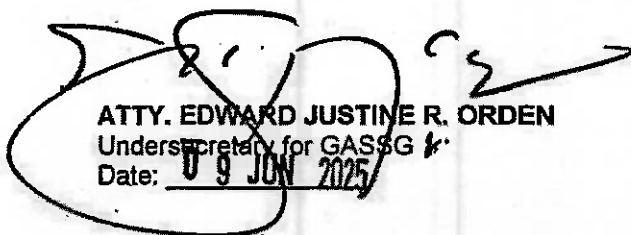
Furthermore, future procurements must align with existing laws and Department's internal guidelines to ensure compliance with standardized branding and packaging requirements moving forward.

For your consideration, Sir.


Thank you.

  
**ATTY. GINA V. WENCESLAO**  
 MGFN/10065

Recommending Approval:

  
**ATTY. EDWARD JUSTINE R. ORDEN**  
 Undersecretary for GAS&G  
 Date: 09 JUN 2025

APPROVED/DISAPPROVED

  
**REX GAY CHALIAN**  
 Secretary  
 Date: 13 JUN 2025