



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

07 November 2006

DEPARTMENT CIRCULAR NO. 70

TO : All Regional State Prosecutors
City/Provincial Prosecutors & Their Assistants

It has come to the attention of the undersigned that cases against social workers are being filed upon taking protective custody of physically/sexually abused children.

In this connection, attention is invited to Sec. 28, Article 11 of RA No. 7610, to wit:

“Sec. 28. Protective Custody of the Child. – The offended party shall be immediately placed under the protective custody of the Department of Social Welfare and Development pursuant to Executive Order No. 56, series of 1986. In the regular performance of this function, the officer of the Department of Social Welfare and Development shall be free from any administrative, civil or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603”

and Sections 9 & 10 of the Rules and Regulations on the Reporting and Investigation of Child Abuse cases which provide:

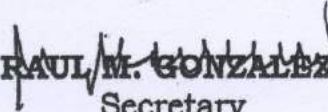
“Sec. 9. Protective Custody – If the investigation discloses sexual abuse, serious physical injury or life-threatening neglect of the child, the duly authorized officer or social worker of the

authorized officer or social worker of the Department shall immediately remove the child from his home or the establishment where he was found and place him under protective custody to ensure his safety."

"Sec. 10.- Immunity of Officer Taking The Child Under Protective Custody.- The duly authorized officer or social worker of the Department and the assisting police officer or barangay official, if any, who shall take a child under protective custody shall be exempt from any civil, criminal and administrative liability therefor."

In view thereof, you are hereby directed to act on cases filed against social workers for taking protective custody of physically/sexually abused children pursuant to the above-cited provisions.

For strict compliance.


RAUL M. GONZALEZ
Secretary