



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

DEPARTMENT CIRCULAR NO. **017**

TO: ALL PROSECUTORS

RE: REITERATING THE STATUTORY IMMUNITY IN FAVOR OF SOCIAL WORKERS TAKING PROTECTIVE CUSTODY OF CHILDREN

DATE: MAR 22 2023

Anent the 24 February 2023-meeting of the undersigned with stakeholders to further strengthen child protection vis-à-vis reports of social workers still apprehensive of doing their duties albeit our Department Circular Nos. 70 (s.2006) and 77 (s.2007), and consistent with Section 28¹ of Republic Act (RA) No. 7610, also known as the "*Special Protection of Children Against Abuse, Exploitation and Discrimination Act*," and Section 26² of RA No. 11930, otherwise known as the "*Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (OSAEM) Act*," all prosecutors are hereby reminded and strictly enjoined, under pain of sanctions in case of non-compliance, to not file criminal cases against social workers of the Department of Social Welfare and Development (DSWD) and local government units, including social workers of duly accredited institutions, by reason of their performance of official duty to take temporary protective custody of children living in high risk and/or difficult circumstances.

This Department Circular shall take immediate effect until modified.

For strict compliance.

JESUS CRISPIN C. REMULLA
Secretary

Copy furnished:
All concerned.

Department of Justice
CN: O202303140



¹ Section 28. *Protective Custody of the Child*. – The offended party shall be immediately placed under the protective custody of the (DSWD) 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.

² Section 26. *Protective Custody of the Child*. – xxx. The DSWD and the DOJ shall extend all necessary legal assistance and support to the city or municipal social welfare and development office for any legal impediment that may arise in performing their functions in assuming temporary protective custody as another form of technical assistance and resource augmentation. **In the regular performance of this function, the city or municipal social welfare and development office or the DSWD shall be free from any administrative, civil or criminal liability.**



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