

DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT
National Capital Region
389 San Rafael Street corner Legarda, Sampaloc, Manila

Regional Memorandum Order No. 04
Series of 2017

SUBJECT: **ENHANCED OPERATIONAL GUIDELINES ON THE USE OF CELLULAR PHONES AND ACCESS TO INTERNET CREATING SOCIAL MEDIA IN THE FIELD OFFICE/CENTERS/RESIDENTIAL CARE FACILITIES**

I. RATIONALE:

Globalization has made its wider impact in the advent of technology with the introduction of electronics devices that have made cellphones and other portable communications apparatus affordable and accessible to almost everyone. The use of cellphones is no longer limited to calling and sending text messages but also in taking photos, record videos and connect to internets as widely known as portable electronic devise. One of the developments in the internet is social media thus it is now possible to broadcast oneself to a wide audience through just one cellphone.

Use of cellular phone/gadgets and the like has become the most convenient, the effective and fastest means of communication and exchanging/sharing information. There have been evolution of style from the biggest of a regular landline size to the smallest camera size which is too handy and convenient to use. It also comes in varying amount from the most expensive to the least expensive ones depending on the desire and affordability of the user to own one. Almost all staffers of FO-NCR have their respective cellular phones/gadgets and they make use of these from time to time whether official or personal usage.

Aside from the common usage of cellphones some staffers are also accessing other social media outlets such as facebook, twitter, yahoo, yahoo messenger, google, skype, gmail and others which are also very effective and fastest means of extracting various information and doing research work as well. This kind of practice appeals much to be interpersonal nature of staffers.

Freedom of expression and of communications is a guaranteed right of every human being. The Philippine Constitution uphold the rights of every individual to express oneself with due regard for the rights of others. This right include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the user's choice. However, the exercise of this right is not without limitation following the possibility of abuse and/or commission of cyber crimes and other related offenses. Thus, restrictions are within the ambit of the law to protect national security or public order or public morals.

It has been observed that some staffers spend a lot of time using their cellphone and some forms of social media not only for official purpose but even for personal usage. While the need for staffers to communicate on a personal basis is really a matter of universal right it cannot be denied, however, there are many instances that this practice really hamper the usual discharge of their official duties and responsibilities hence, delivery of service is set

aside. As a result of such kind of practice by staffers it is considered improper and irresponsible.

In addition, there were several untoward incidents that occurred in some centers and residential care facilities such as:

- ✓ Leaving without permission (LWP) of residents sue to access on cellphone inserted in the food packs handed by their parents in one of their visits.
- ✓ Posting of pictures of clients in facebook that are categorize as high profiled cases
- ✓ Access to perpetrators of clients during visit of parents and relatives.

Although in general our NCR's facilities promotes a free, healthy and developmental environment to all clients under its care, it is necessary to maintain discipline inside the premises which is not limited to the clients on custody but also to staff and visitors as well as to ensure the safety and protection of everyone.

Difficulties to maintain order due to unauthorized use of cellphone/gadgets and other electronic devices done with deception and scheme have to stop.

The Field Office of NCR is also frequented by various categories of clientele availing different forms of services. Such clients should also be protected against people who might make use of social media to exploit clients for their own ill motives.

In view of this and to put this matter into proper perspective it has become necessary to come up with a guideline that would govern propriety in the use of cellphones/gadgets and other forms of social medial so it will not unduly affect their efficiency and the usual discharge of their functions in whatever work station they are assigned whether in the field office, center and residential care facilities.

II. LEGAL BASES:

This guidelines is anchored on the following legal bases:

A. International

1. United Nations Convention on the Rights of Persons With Disabilities

Is an international human rights treaty of the United Nations agreed by member states on December 6, 2006 which protects the rights and dignity of persons with disabilities. Parties of the Convention are required to promote, protect, and ensure the full enjoyment of human rights by persons with disabilities and ensure the full enjoyment of human rights by PWDs and equality under the law.

2. Convention on the Rights of the Child

Is an international treaty agreed upon by member states on September 2, 1990 that spells out in unequivocal manner the rights to which every child is entitled and the body of rights enumerated in the convention are the rights of all children everywhere.

3. Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) is an international treaty adopted in 1979 by the United Nations General Assembly. Described as an international bill of rights for women, it was instituted on September 3, 1981 and ratified by 189 states.

B. National

1. Republic Act 10173, enacted on August 15, 2015

An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and The Private Sector, Creating for this purpose a National Privacy Commission and for Other Purposes

1. Cyber Crime Prevention Act of 2012

The law enacted on September 12, 2012, is an act defining cybercrime, providing for the prevention, investigation suppresses and the imposition of penalties therefore and for other purposes. Chapter II, Item 6 (Cyber Squatting) Letter C (Content Related Offenses) provides that cybersex involve the willfull engagement, maintenance, control or operation, directly or indirectly of any lasciviousness exhibiting of sexual organs or sexual activity with the aid of computer system, for favour or consideration.

2. Anti Child Pornography Act of 2009

Enacted on November 17, 2009, is an act defining the crime of child pornography, prescribing penalties therefore and for other purposes. Section 3, Letter B defines child pornography as any representation with visual, audio, or written combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of child engaged or involved in real or simulated explicit sexual activities.

3. Republic Act No. 9710, Magna Carta For Women, enacted on August 14, 2009

The Magna Carta of Women is a comprehensive women's human rights law that seeks to eliminate discrimination against women by recognizing, protecting. Fulfilling and promoting the rights of Filipino Women, especially those in marginalized sector.

4. Guide for Media Practitioners on the Reporting and Coverage of Cases Involving Children formulated in 2008.

It states that photographs images, or video footages of the face or any distinguishing feature of information of a child victim of abuse, child witness, or **Children In Conflict with the Law** including his or her family members shall not be taken, published, or shown to the public in any manner.

5. Republic Act No. 7277, Otherwise known as the Magna Carta For Persons With Disabilities was enacted on April 30, 2007.

This act provides for the Rehabilitation, Self-Development and Self Reliance of Disabled Persons and their Integration into the mainstream of society.

6. Republic Act No. 9262—Anti Violence Against Women and Children Act of 2004.

It provides that whoever published or causes to publish in any format their significant information on the identities of a victim or an immediate family member, without the latter's consent shall be liable to the contempt power of the court.

7. Republic Act No. 9208—anti-Trafficking in Persons Act of 2003

It provides for the confidentiality of proceedings at any stage of the investigation. It shall be unlawful to cause publicity of any case of trafficked persons when persecution or trial is conducted behind closed-doors.

8. Republic Act Republic Act No. 8369—Family Courts Act of 1997

It provides for the confidentiality of all records of cases and the identity of the parties involved therein unless necessary and with court authority.

9. Republic Act 7610—Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.

This law which was enacted on June 17, 1992 requires strict confidentiality on the identity of the child abuse victims and to all records pertaining to the case.

10. Republic Act No. 7432, Senior Citizens Act enacted on April 23, 1992

This is an act to maximize the contribution of Senior Citizens to nation building, grant benefits and special privileges and for other purposes.

11. RA 6713, Code of Ethical Conduct for Public Officials and Employees approved on February, 1989.

This act established a code of conduct and ethical standards for public officials and employees to uphold the time honored principle of public office being a public trust, granting incentives and rewards for exemplary service, enumerating prohibited acts and transactions and providing penalties.

Section 5, titled, Duties of Public Officials and Employees specifically letter (d) thereof, states that public servants must attend to anyone who wants to avail himself/herself of the service of their offices and must, at all times act promptly and expeditiously.

12. 1987 Philippine Constitution

The State, in the exercise of parents, patriae, has the inherent duty to defend and care for its citizens, children included, considering the special care they need vis-à-vis the right to press freedom and the right to expression.

Children need special safeguards and care due to their size, vulnerability and age. Every effort must be exerted to ensure that children are accorded special protection to enable them to grow and develop in an atmosphere of peace, dignity, tolerance, freedom, equality and solidarity. The best interest of the child shall be the primordial and paramount concern of everyone.

C. Department Orders

1. DSWD Memorandum Circular NO. 21 Series of 2012, Enhanced Guidelines on the Code of Conduct for Personnel of the Department of Social Welfare and Development (DSWD)

Section IV Titled Norms of Behavior, specifically letter D of No 2. titled Fidelity to Duty, states that DSWD Officials and employees shall avoid impropriety or the appearance of any impropriety in all their work related activities. They shall at all times exhibit good character, strictly observe existing rules and regulations, respect authorities and observe proper office decorum and protocol in the performance of their duties. Furthermore, they shall engage in activities incompatible with the faithful discharge of their duties.

2. Administrative Order No.07 Series of 2015—DSWD Child Protection Policy in the Workplace

Under the Code of Conduct to Ensure Protection of Children relative to Residential Care Facilities it provides "that never expose children to violent video games and shows and pornographic materials either in printed or electronic form or introduce them to obscene websites.

III. DEFINITION OF TERMS:

The following terms shall be the operational definition:

1. **Child**—refers to a person below eighteen (18) years of age, or one who is 18 or over but is unable to take care of or protect himself/herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.
2. **Cellphone**- refers to a mechanical or electronic apparatus on varies models and specialization to send, received, transmit information through calls, messages, photos, videos and film clips.
3. **Children in Need of Special Protection (CNSP)** -refers to categories of children such as those but not limited to abandoned, neglected, orphaned, street children, victims of abuses, exploitation, trafficking and child labours as well as those child in conflict with the law, child witnesses and child victims of armed conflict that under these conditions they need immediate special care and protection of their rights as a child.
4. **Executive on Duty (EOD)**- refers to a senior staff of the center tasked to execute functions and decision makings in behalf of the Center Head.
5. **Facebook** – refers to a popular free social networks website that allows register users to create profiles, upload pictures and search friends.
6. **Gadgets**- refers to a device, a tool, an apparatus or a piece of equipment use by an individual, groups, organization or a corporation as a means of communications through messages, videos or footages that convey, transact and/or transmit specific purposes or objectives.
7. **Gmail** – refers to a free web based e-mail services.

8. **Google**- refers to a free web based search service for all types of information.
9. **Persons with Disabilities**- refers to any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment.
10. **Residential Care** - refers to a service delivery mode that provides 24 hour group care living as an alternative family care arrangement to residents whose needs cannot be adequately met by their families
11. **Social Media**- refers to a collective online communication.
12. **Twitter** – refers to a social media that allows posting of short comments.
13. **Yahoo**- refers to a free web based e-mail service.
14. **Youtube**- refers to a hosting website that allows members to store and service video content.
15. **Visitors** - refers to the immediate family members and relatives of the clients

IV. **OBJECTIVES**

This guideline has the following objectives:

General Objective:

In consideration of the rights and welfare of all sectors specifically the children, women in difficult circumstances, senior citizens, persons with disability and other vulnerable individuals and groups obtaining of information shall be maintained with specific restrictions in order to ensure their safety and protection.

Specific Objectives:

1. To established proper decorum for all staffers in the usage of cellphone/gadgets and accessing to various social media and internet networks while in the official tour of duty so that it will not in any way affect efficient discharge of functions.
2. To avoid inconvenience on the part of DSWD clients being affected by improper use of said cellphones and accessing to all forms of social media and internet outlets.

V. **SCOPE AND COVERAGE**

This guideline shall cover Center and Residential Care Facilities clients and their visitors and ALL officials and employees of DSWD-NCR regardless of employment status whether regular, contractual, casual, MOA, job order, sponsored staffers either in the field office, centers, residential care facilities and other satellite offices.

VI. GENERAL POLICIES

The following shall govern the usage of cellphone by the clients and their visitors at center and residential care facilities and all officials and employees in the field office.

Likewise, policy for the media practitioners shall follow the RAO No. 212 Series 2009 titled Enhanced Guidelines in handling Media Request.

Visitors, individuals and groups permitted to use cellphones and other similar communication devices provided that there will be no frontal shots of clients and it shall only be used for corporate report and not for public solicitation. They are not also allowed to post in their respective personal facebook accounts the residents/clients' pictures, records and any other kind of documents.

A. Field Office

1. All staffers are allowed to use of their cellphone for all official purposes.
2. All staffers are enjoined to minimize personal usage of their respective cellphones in the course of their official tour of duty to avoid inconvenience on the part of clients availing service of the office.
3. All staffers are not allowed to access any form of social media except for official purpose only. Personal accessing may be allowed on a case to case basis due to very important need denial of which may greatly affect the welfare of staff and their loved ones.
4. Staffers are not allowed to take and post pictures of DSWD premises and clients using their gadgets and the internet social media without prior approval of the management. Furthermore, they are not allowed to post remark comments which tend to downgrade the office and/or stir conflict and hatred among staff/clients and public in general. Staffs found violating this policy which eventually caused damage to the clients or co-workers shall be recommended for administrative sanctions.
5. All heads, supervisors and senior staff shall be responsible for implementation and monitoring of this guideline in their respective work stations.
6. All heads/supervisors shall have directory of cellphone number of all their staffers.

B. Center/ Residential Care Facilities

1. All staff regardless of position and designation shall observe utmost confidentiality and be guided with the Code of Conduct for Public Officials and Employees.
2. Cellphone of visiting families and relative of the clients shall be surrendered and entrusted to the Security Guards once they registered in the logbook; Security Guard shall be properly receipted, numbered and recorded and ensure its safekeeping that its lost shall be prevented. Return to its owner shall be done once claim stub or number is returned;

3. Search shall be conducted to visiting parents and relatives in all their belongings and to confiscate immediately any prohibited items and gadgets (as need may arise) to avoid entry in the cottage or access of clients for personal use;
4. Parents and relatives violating this policy shall be banned from the center provided that issues have to be explained and clarified and shall end in mutual agreements;
5. Staff shall be responsible for safekeeping of their own gadgets during their tour of duty. The office shall not be responsible for lost or damage of same.
6. Cellphones of staff shall not be used to entertain clients' request to use such to contact parents, relatives, friends and other people. Staffs found violating this policy which eventually caused damage to the residents or co-workers shall be recommended for administrative sanctions.
7. Use of cellphone shall be prohibited to all clients as applicable during custody period inside the cottage, classroom and other premises unless otherwise it shall be done in the presence of the handling social workers who have made initial contacts and agreements that are limited to parents and relatives only.
8. Clients in the center/residential care facilities are not allowed to utilize their cellphones without the prior approval of the center head.
9. All individuals, donors, visitors and staff are not allowed to lend their cell phone to clients and/or visitors.

VII IMPLEMENTING PROCEDURES

a. Residents use of Cellphones/Gadgets and Other Communication Devices

1. Contacts to parents and relatives of the residents shall be done in the presence and supervision of the handling social worker on times and designated areas they both agreed.
2. Clients are prohibited to procure, borrow, steal smuggle a cellphone or any similar devices while on the custody of the C/RCF unless during admission they were received in possession of such thus have to be surrendered and entrusted to the Admitting Officer and recorded in the EOD Logbook and in the Admission Slip.
3. Clients shall be oriented on the use of cellphones for them to understand its restrictions that may harm their rights on its use and safekeeping.
4. Clients who caught in possession of cellphones and other similar devices by other means shall be referred to the handling social worker for counselling and any sanctions to be imposed shall be in agreement with the residents.
5. Clients /visitors and other individuals visiting the field office for whatever reason shall be prohibited from taking pictures, audio and video recording of clients doing

official business in the office unless with prior permission from the management of DSWD-NCR.

b. Visitors, Individuals and Groups Permitted to Use Cellphones and Other Similar Communication Devices

1. Permitted individuals and groups are also visitors in the sense of their entry in the center but allowed by the Field Office to conduct outreaches and other related activities such as students on practicum, researchers and the likes. These individuals are also partners, donors and volunteers that personal cellphones cannot be surrendered for personal reasons;
2. Prohibition on the use of cellphones to clients shall be explained on proper orientation to individuals and groups for them to understand the purpose of this policy;
3. Parents and relatives shall surrender all their cellphones and other similar devices to the security guard upon entry to the center and shall receive a claim stub or number for the return of same;
4. Parents and relatives shall be subject for search of their physical body and belongings so as to ensure that phones and other similar devices could bring in or carry inside the center during their visit with the clients;
5. Parents and relatives who conspired with their children and/or to staff in bringing of cellphones and other similar devices shall be banned from visiting provided that issues were discussed and explained for mutual agreements;
6. Permitted individuals and groups with cellphones and similar devices equipped with cameras and other recording devices shall observed the prohibitions indicated in the permit issued by the Field Office and shall abide to existing policies of the center during social interactions with the clients;
7. Outreaches conducted in group shall be supervised by the Social Welfare Officer of the Day to ensure that any violation are observed and reported to the Field Office for any future reference.
8. Donors, partners and volunteers shall be allowed to take pictures stipulated in their approved permit from the field office using their cellphones and other similar devices provided that there will be no frontal shots of residents and it shall only be used for corporate report and not for public solicitation;
9. Media Practitioners, photographs, images or video footage of the face or any distinguishing feature or information of a child victim of abuse, child witness, CIAC or CICL, including family members shall not to be taken published or shown to the public in any manner based on RAO No 212 Series of 2012.

c. Staff use of Cellphone and Other Similar Communication Devices

1. Personal cellphone and other gadgets of staff shall be with utmost care and safekeeping that their neglect will attempt residents to use, steal, damage or pawn

devices. Any damaged or lost of staff's personal cellphones/gadgets shall not be claimed for payment or replacement of the center;

2. Personal cellphone, tablet, laptop and other forms of gadgets of staff are prohibited for residents use at any given time within or outside of the center;s premises. Further prohibits access of the residents on these gadgets at whatever situations or circumstances such may include instructing the residents to have them charge or hand them over to another staff;
3. Staff shall not take pictures of residents for posting in their respective facebook account and/or any other personal account on social media specifically the high profile and court-related cases. Staff discovered and validated to have posted in their respective personal facebook accounts clients'pictures, records and any other kind of documents shall be subjected for immediate administrative sanctions.
4. Staff are prohibited to sell, buy, procure or sell on accounts (pahulugan) to clients of cellphones and other similar devices that the residents can use inside the cottage;
5. In adherence to this policy, staff shall report and surrender all confiscated cellphones and other similar devices to the Social Service Office to avoid any untoward events in the future which the latter shall observe and abide with approved policy on the safekeeping of residents' valuable and belongings;
6. Staff found in possession of residents' cellphone and other similar devices for personal use shall be subjected to progressive disciplining and/or administrative sanctions whichever is applicable;
7. Staff tolerating the presence and possession of cellphones and other similar devices of residents shall be subjected for progressive disciplining.

VII. INSTITUTIONAL ARRANGEMENT

To institutionalize this policy the following shall be the roles and responsibilities of each stakeholder:

1. Staffers

- They shall register all their cellphone numbers with their respective head/supervisor
- All staff utilizing gadgets and social media on personal matters during working time must ask prior permission from their respective head/supervisor.
- Shall limit usage of their cellphones and accessing to social media for personal use during working time.

2. Heads/Supervisors

- Execution and monitoring of status of implementation.
- Ensure that all requests for usage of cellphones and social media on personal matter will be acted upon accordingly.
- Submit a monthly report on compliance to this memorandum including issues and concerns arising from implementation of this policy.
- Ensure that staffers found violating this policy shall be dealt with accordingly.

3. Admin Division and HR of Field Office

- Shall provide technical guidance to all divisions/R/RCF/Satellite Offices in the implementation of this policy.
- Monitor status if implementation of this policy
- Provide management guidance on how to further improve policy and/or revise the same for practicality and appropriateness.

VIII. EFFECTIVITY

This order shall take effect immediately and revokes all previous memorandum contrary hereto, Done in the City of Manila.


VINCENT ANDREW T. LEYSON
Regional Director
DSWD-NCR