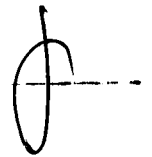


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

25 JAN 28 P 6:41

SENATE
Senate Bill No. 2968

RECEIVED



Introduced by Senator Aquilino “Koko” Pimentel III

AN ACT
INSTITUTIONALIZING THE ASSISTANCE TO
INDIVIDUALS IN CRISIS SITUATIONS (AICS) PROGRAM
OF THE DEPARTMENT OF SOCIAL WELFARE AND
DEVELOPMENT (DSWD), PROVIDING PENALTIES FOR
THE VIOLATION OF CERTAIN UNLAWFUL ACTS, AND
APPROPRIATING FUNDS THEREFOR

Our 1987 Constitution declares that the “State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.”

The AICS or Assistance to Individuals in Crisis Situation (AICS) is a social welfare service by the DSWD. It serves as a social safety net or a stop-gap mechanism to support the recovery of individuals and families from unexpected crisis such as illness or death of a family member, and other crisis situations. Over the years, AICS become a lifeline for countless Filipinos facing calamities, health emergencies, or economic hardships.

To ensure its continuity and consistent implementation, the undersigned believes that the institutionalization of AICS would not only strengthen the government’s capacity to respond promptly to the needs of individuals in distress but would also serve as a concrete

manifestation of the State's commitment to social justice and poverty alleviation.

In view of the foregoing, the passage of this measure is sought.

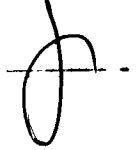

AQUILINO "KOKO" PIMENTEL III

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DEVELOPMENT (DSWD), PROVIDING PENALTIES FOR
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APPROPRIATING FUNDS THEREFOR

1 **SECTION 1. *Short Title.*** – This Act shall be known as the
2 *“Assistance to Individuals in Crisis Situation (AICS) Act.”*-
3

4 **SEC. 2. *Declaration of Policy.*** – It is the policy of the State to
5 promote a just and dynamic social order alleviating the plight of the
6 poor through policies that provide adequate social services and raise
7 the standard of living for the improved quality of life for all. Towards
8 this end, the State shall provide assistance through projects, programs,
9 and services geared towards alleviating poverty and improving the
10 quality of life of every Filipino, especially the marginalized sector, and
11 disadvantaged individuals and families.
12

13 **SEC. 3. *Definition of Terms.*** – As used in this Act:
14

15 *a. Assistive Devices and Technologies* refer to those whose
16 primary purpose is to increase, maintain, or improve the
17 functional capabilities of persons with disabilities and to

1 enhance overall well-being, and help prevent impairments and
2 secondary health conditions. These include wheelchairs,
3 prostheses, hearing aids, visual aids, and specialized computer
4 software and hardware, or any advancement in technologies
5 that increase mobility, hearing, vision, or communication
6 capacities;

7
8 *b. Funeral assistance* refers to assistance to help defray funeral
9 and related expenses, such as transfer of cadaver, burial site,
10 and other related expenses incurred by the family of the
11 deceased, with consideration to context, cultural, and religious
12 backgrounds;

13
14 *c. Case Management* refers to a process of assessing, planning,
15 managing, coordinating, and advocating for services and other
16 interventions used by the Department of Social Welfare and
17 Development (DSWD) to enable qualified beneficiaries to
18 improve their functioning by dealing with their difficulties in
19 addressing their needs;

20
21 *d. Crisis situation* refers to a condition of an individual in a
22 stressful situation that impairs psychosocial functioning or
23 participation in socio-economic activities, including access to
24 education, work, and health care, that requires a series of
25 interventions to prevent further exposure to vulnerabilities,
26 exploitation, or abuse;

27
28 *e. Disability support assistance* refers to the monetary support to
29 cover the purchase of assistive products, technologies,
30 provision of a sign language interpreter, personal assistant,
31 maintenance medicines and hygiene needs, life support
32 equipment, and other needs of persons with disabilities;

33
34 *f. Educational assistance* refers to financial assistance extended
35 to all students to help defray school expenses and/or cost of
36 sending students/children to school such as school fees

1 augmentation, supplies, projects, allowance and other related
2 expenses and to eradicate barriers to quality education,
3 including those barriers faced by persons on account of their
4 disabilities;

5
6 g. *Financial assistance* refers to monetary support in the form of
7 outright cash, electronic fund transfer, guarantee letter,
8 coupon, check or voucher that has monetary value, including
9 funeral assistance, transportation assistance, medical
10 assistance, educational assistance, training assistance, food
11 assistance, assistance for other support services, and all other
12 types of cash assistance that may be provided under the
13 Program;

14
15 h. *Food assistance* refers to assistance to those in need due to
16 human induced and natural calamities and those experiencing
17 other forms of crisis or displacement, eviction, demolitions or
18 requiring interventions for sector-specific support which
19 include hot meals, food or meal allowance, or the cash
20 equivalent of the required hot meals and/or food packs;

21
22 i. *Guarantee letter* refers to a document duly approved and
23 issued by the DSWD, which ensures the payment of the
24 amount appearing on the document, that the beneficiary
25 presents to any public or government owned or controlled
26 hospitals or other entities and to any similar private entity that
27 is willing to provide services;

28
29 j. *Material and other in-kind assistance* refers to an assistance
30 given to individuals in crisis by providing them food and non-
31 food items, non-financial, and the likes, and may also include
32 other professional assistance available in the DSWD, such as
33 psycho-social support and legal consultation;

34
35 k. *Medical assistance* refers to out-of-pocket expense in the form
36 of coupon, stub, guarantee letter, promissory note or voucher

1 that has monetary value, given directly to recipients or
2 beneficiaries to be used to pay for hospitalization expenses,
3 other medical treatments or procedures which include birthing
4 procedure, as well as professional fees and consultation fees,
5 for the purchase of drugs, medicines, goods or other services
6 prescribed by the physician of a health facility for in- and out-
7 patients;

8
9 *l. Persons with disabilities* refer to those who have long-term
10 physical, mental, intellectual or sensory impairments that
11 hinder their full and effective participation in society on an
12 equal basis with others, including cancer patients and persons
13 living with cancer and cancer survivors under Republic Act
14 No. 11215, otherwise known as “*National Integrated Cancer*
15 *Control Act*” and persons with rare disease under Republic Act
16 No. 10747, otherwise known as “*Rare Diseases Act of the*
17 *Philippines*”;

18
19 *m. Target Beneficiaries* refer to individuals or families who are
20 indigent, financially incapacitated, stateless persons,
21 repatriates, deportees, transients, vulnerable, disadvantaged, or
22 internally displaced persons or in crisis situations based on the
23 assessment of the social workers of the DSWD; and

24
25 *n. Transportation assistance* refers to the monetary support to
26 cover the actual cost incurred on land, sea, and air travel,
27 including travel insurance and such other related expenses as
28 facilitated by the social workers of the DSWD.

29
30 **SEC. 4. Assistance to Individuals in Crisis Situation (AICS).** –
31 To effectively respond to the needs of the crisis, each qualified target
32 beneficiary shall receive financial, medical, transportation, food,
33 material assistance, and other assistance, to include disability support
34 services including other professional assistance available in the
35 DSWD, such as psychosocial support or intervention for dysfunctional
36 families and their children who need trauma care and management, and

1 legal consultation, based on the assessment of the social workers of the
2 DSWD.

3
4 For purposes of this Act, the provision of medical assistance by
5 the Department of Health (DOH) and its health facilities shall be
6 harmonized with that being provided by the DSWD and other agencies.
7 Towards this end, Republic Act No. 11463, also known as the
8 *Malasakit* Centers Act, shall have a suppletory effect for purposes of
9 streamlining the grant of medical and financial assistance to eligible
10 beneficiaries at the *Malasakit* Centers, and to prevent duplication in
11 providing medical assistance to beneficiaries in crisis situation.

12
13 **SEC. 5. *Type and Amount of Assistance.*** – The following are
14 the types of assistance that the target beneficiaries may receive under
15 the Program based on the assessment and recommendation of the social
16 workers, authorized personnel, or any other personnel authorized by
17 the DSWD, duly approved by their authorized officials:

- 18
19 a) Financial assistance – a service provided in the form of cash,
20 guarantee letter, and other modes of delivery of service issued
21 to qualified clients to cover medical, funeral, transportation,
22 educational, food, and cash relief assistance;
23
24 b) Material assistance - a service providing food and non-food
25 items to clients who need immediate material support, such as
26 food packs or vouchers, hygiene or sleeping kits and assistive
27 devices and technologies, subject to its availability;
28
29 c) Psychosocial support service – a service provided by trained
30 or professional psychosocial support workers to help meet the
31 psychological, emotional, and social needs of beneficiaries and
32 their families. It is a set of interventions that intends to
33 positively improve a person's behavior to reduce the impact of
34 stress brought about by a crisis through behavioral
35 modification interventions;
36

1 d) Referral Service – a service provided when the requested
2 support is not within the range of services of the Program
3 through coordination and/or endorsement of the beneficiary's
4 case within the DSWD's available programs, projects and
5 services and to other agencies such as to the Department of
6 Education (DepEd), Commission on Higher Education
7 (CHED), Technical Education and Skills Development
8 Authority (TESDA), Department of Health (DOH), Public
9 Attorney's Office (PAO), Philippine Charity Sweepstakes
10 Office (PCSO), Philippine Amusement and Gaming
11 Corporation (PAGCOR), local government units (LGUs) and
12 other government agencies, civil service organizations, and
13 international/non-government organizations; and
14

15 e) Such other services that the DSWD may deem appropriate.
16

17 To fully meet the medical needs of individuals in crisis situations,
18 particularly persons with disabilities or people with special needs. The
19 DOH may provide the initial costing per type of disability for the
20 effective assessment of social workers of the DSWD.
21

22 Appropriate documentation as provided for in the DSWD-AICS
23 Guidelines shall support all disbursements of funds. The DSWD may
24 provide additional assistance or discontinue existing ones as it may
25 deem appropriate.
26

27 A social case study report is required of those whose assistance is
28 higher than ten thousand pesos (P10,000.00).
29

30 **SEC. 6. *Modes of delivery of services.*** – The DSWD shall adopt
31 different modes in order to deliver efficiently, expeditiously and
32 effectively the financial or material assistance, psychosocial support,
33 and referral service to the clients and communities needing assistance
34 from the government such as the following:
35

36 a) Service delivery within the Central or Field Offices;

- 1 b) Setting up of an off-site or satellite venues; and
2 c) Extension office of the DSWD for the Program.

3
4 Provided, that the DSWD shall procure and/or construct a secure
5 office system, information and communication technology equipment,
6 and all necessary capital outlay expenditures such as vehicles, and
7 vaults, among others, needed to efficiently and effectively implement
8 the Program.

9
10 Provided further, the DSWD may also establish an automated
11 system for processing and releasing the requested assistance. For this
12 purpose, the appropriations needed for the payment of the necessary
13 cash-out fees or other service fees charged by partner financial
14 institutions shall form part of the DSWD annual budget under the
15 General Appropriations Act.

16
17 **SEC. 7. *Prohibition Against Interference of Local Government***
18 ***Units in the Implementation or Delivery of AICS Services to the***
19 ***Qualified Beneficiaries.*** - It shall be unlawful for any official or
20 employee of any local government unit, or their agent, representative,
21 relative within the fourth civil degree of consanguinity or affinity, to
22 interfere in the implementation or delivery of AICS services or funds
23 to the qualified beneficiaries.

24
25 **SEC. 8. *Integrated Program Delivery System.*** - To improve the
26 delivery of service to the eligible beneficiaries under the Program, there
27 shall be an established Integrated Program Delivery System.

28
29 In keeping with the principle of equitable access, and ensuring
30 that access to the AICS is maximized, a mechanism for real-time data
31 sharing between the DSWD and the LGUs shall be institutionalized,
32 subject to the statutory limitations under the Data Privacy Act of 2012.

33
34 Under this mechanism, concerned agencies such as the Philippine
35 Statistics Authority (PSA), DOH-Malasakit Centers, and LGUs may
36 share information from a centralized database in order to identify the

1 assistance given to the Program's eligible beneficiary, for purposes of
2 assistance augmentation and to prevent a possible abuse of the
3 assistance given to those in crisis situations.

4
5 **SEC 9. *Crisis Intervention Office/Division/Unit (CIO/D/U).* -**

6 To ensure effective and efficient delivery of services to the clients,
7 there shall exist a Crisis Intervention Office (CIO) at the Central Office,
8 and Crisis Intervention Divisions (CID) at the field offices, and Crisis
9 Intervention Units (CIU) at the Social Welfare and Development
10 satellite offices of the DSWD that will ensure that the Program, as
11 enterprise information system, provided herein, is properly
12 implemented, monitored, and evaluated nationwide. The office shall
13 monitor and evaluate the implementation of AICS Program and prepare
14 the monitoring and evaluation report for submission to the Secretary of
15 the DSWD. The monitoring and evaluation report must be available
16 and accessible to any stakeholder at the national, regional, and local
17 levels.

18
19 **SEC. 10. *Personnel Complement.* -** The CIO/D/U that
20 implements the Program shall be adequately operated by licensed
21 social workers and other social welfare and development workers. The
22 CIO Director at the Central Office and the Regional Offices shall
23 assign/hire qualified personnel necessary for the effective
24 implementation of the Program in accordance with the civil service
25 laws, rules and regulations.

26
27 The minimum personnel complement of CID and CIU are as
28 follows:

- 29
30 a. Every Crisis Intervention Divisions (CID) at the field offices
31 shall be headed by a Social Welfare Officer (SWO) with salary
32 grade 18 and assisted by one (1) SWO II with salary grade 15,
33 two (2) Social Welfare Assistant (SWA) with salary grade 8,
34 and four (4) Social Welfare Aide (SWA) with salary grade 4;
35 and
36

1 b. Every Social Welfare and Development satellite offices of the
2 DSWD shall be headed by SWO II with salary grade 15 and
3 assisted by two (2) SWO I with salary grade 11, one (1) SWA
4 with salary grade 8, and two (2) SWA with salary grade 4.

5
6 For this purpose, appropriate organizational structure shall be
7 developed and established at the level of the DSWD Central and Field
8 Offices, and Social Welfare and Development Satellite Offices.

9
10 Further, the DSWD is hereby authorized to create the required
11 plantilla and staffing pattern necessary for the implementation of this
12 Act in coordination with the Department of Budget and Management
13 (DBM) and the Civil Service Commission (CSC). The DSWD shall
14 include in their budgetary submission to the DBM the required budget
15 for personnel services (PS) and miscellaneous and other operating
16 expenses (MOOE). All eligible social workers are given priority in
17 hiring. Such budgetary requirements shall be included in the General
18 Appropriations Act (GAA).

19
20 **SEC. 11. *Program Monitoring and Evaluation.***- The DSWD
21 shall conduct monitoring and evaluation to assess the responsiveness
22 of the Program through the use of applicable indicators, frameworks,
23 models, and tools, including a client/stakeholder's feedback
24 mechanism, among others, and the establishment of standard reporting
25 templates and procedures in consonance to applicable laws, rules, and
26 regulations.

27
28 **SEC. 12. *Program Transparency and Reporting.***- The DSWD
29 shall annually publish a full report of the Program covering the
30 implementation of the previous fiscal year and/or timely post and
31 update periodically on the DSWD website a report of financial
32 disclosures and information about beneficiaries based on geographical
33 area and sectoral category subject to the provisions of Republic Act No.
34 10173, or the "Data Privacy Act of 2012."

1 **SEC. 13. *Unlawful Acts.*** – The following acts are declared
2 unlawful:

3
4 a. It shall be unlawful for the officials or employees of LGUs,
5 their agents, representatives or relatives within the fourth civil
6 degree of consanguinity or affinity to interfere, in any manner,
7 in the implementation or delivery of AICS services or funds
8 to qualified beneficiaries;

9
10 b. Likewise, it shall be unlawful for any individual or
11 organization to commit the following acts:

12
13 i. Defraud the government by issuing or presenting
14 falsified or misleading documents, or using false
15 pretenses or other fraudulent acts to acquire the
16 assistance provided under this Act;

17
18 ii. Coerce, invite, encourage or assist persons to seek
19 assistance from the DSWD for purposes of acquiring
20 from the beneficiary a portion of the assistance,
21 before or after the receipt of assistance;

22
23 iii. Mislead an individual or group to join, pay or
24 cooperate with a group falsely representing
25 connection or affiliation with DSWD or falsely
26 promising priority in the processing of assistance.

27
28 **SEC. 14. *Penalties.*** -

29
30 a. Any of the specified person who committed the unlawful act
31 under Section 13 (a) of this Act shall be punished by
32 imprisonment of six (6) months. If the offender is an official
33 or employee of a LGU, the official or employee shall also be
34 held administratively liable;

1 b. Any person, group or organization who commit the unlawful
2 acts under Section 13 (b) of this Act shall be punished by:

3
4 (i) For the First Offense - one (1) year suspension
5 from availing any assistance from the DSWD; and

6
7 (ii) For the Second Offense – imprisonment of not less
8 than one (1) year but not more than six (6) years.

9
10 If the offender is an organization, the president, manager, or any
11 officer of the organization who participated in the commission of the
12 acts enumerated above or benefited therefrom, or both, shall be held
13 liable and shall be punished by imprisonment of not less than six (6)
14 years but not more than ten (10) years. This is without prejudice to any
15 action against the organization or corporation before appropriate
16 government agency.

17
18 Conspiracy to commit the foregoing unlawful acts shall be
19 penalized by the same penalty prescribed under this Section.

20
21 In all circumstances, the government shall be authorized to
22 prosecute or to file cases on behalf of the private individual defrauded
23 and damaged by the aforementioned acts.

24
25 Any person who was coerced, invited, encouraged or misled
26 while committing the crimes above, or any person who has witnessed
27 or has knowledge or information on the commission of the crime and
28 has testified or is testifying or about to testify before any judicial or
29 quasi-judicial body, or before any investigating authority, may be
30 admitted into the witness protection program, Provided that to become
31 a state witness for this crime, he/she shall not be the most guilty.

32
33 A public official or personnel who commits, abets, or aids in the
34 commission of any of the Unlawful Acts provided herein shall be liable
35 under the Revised Penal Code and Other existing penal laws.

1 Administrative sanctions shall be imposed without prejudice to
2 prosecution in the proper courts.

3
4 **SEC. 15. *Cash Equivalents.*** - It shall be mandatory for any
5 public or private entity that provides services under this Program to
6 accept the guarantee letter, coupon, check or voucher issued by the
7 DSWD as full or partial payment of the obligation of the qualified
8 beneficiary.

9
10 The DSWD must, within three (3) months from the date of
11 acceptance, pay the public or private entity of the amount appearing on
12 the guarantee letter, coupon, or voucher.

13
14 **SEC. 16. *AICS Joint Congressional Oversight Committee***
15 ***(AICS-JCOC).*** – The Senate and the House of Representatives shall
16 constitute an Assistance to Individuals in Crisis Situation Joint
17 Congressional Oversight (AICS-JCOC) which shall primarily monitor
18 and review the implementation of this Act. The AICS-JCOC shall
19 determine the inherent weaknesses in the law and recommend
20 necessary remedial legislation or executive measures.

21
22 The oversight committee is composed of five (5) Senators and
23 five (5) Representatives to be appointed by the Senate President and
24 the Speaker of the House of Representatives, respectively, and co-
25 chaired by the Chairpersons of the Committee on Social Justice,
26 Welfare, and Rural Development of the Senate and the Committee on
27 Social Services of the House of Representatives. The minority group in
28 the Senate and the House of Representatives shall each have at least
29 one (1) seat in the AICS-JCOC.

30
31 For purposes of determining remedial legislation, the oversight
32 committee shall, within two (2) years after the effectivity of this Act,
33 conduct a review which shall include a systematic evaluation of the
34 impact of this Act, accomplishments of the program, and the
35 performance of the implementing agencies.

1 **SEC.17. *Implementing Rules and Regulations.*** – Within six (6)
2 months from the effectivity of this Act, the Secretary of the DSWD in
3 consultation with the Secretary of the DOH and the Commission on
4 Audit (COA), shall promulgate the necessary rules and regulations to
5 carry out the provisions of this Act.
6

7 **SEC.18. *Appropriations.*** – The amount necessary for the initial
8 implementation of this Act shall be charged against the current year's
9 appropriations of DSWD. Thereafter, such sum as may be necessary
10 for the continued implementation of this Act shall be included in the
11 annual General Appropriations Act, including the payment for the
12 necessary service fees, financial charges, or administrative cost, and
13 capital outlay for the establishment of the necessary offices for the
14 delivery of assistance.
15

16 **SEC. 19. *Separability Clause.*** – Should any provision or part of
17 this Act be declared unconstitutional or invalid, the other provisions
18 and parts hereof, insofar as they are separable from the invalid ones,
19 shall remain in full force and effect.
20

21 **SEC. 20. *Repealing Clause.*** – All laws, decrees, orders,
22 issuances, rules and regulations or parts thereof which are inconsistent
23 with this Act are hereby repealed or modified accordingly.
24

25 **SEC.21. *Effectivity.*** – This Act shall take effect fifteen (15) days
26 after its publication in the *Official Gazette* or in at least two (2)
27 newspapers of general circulation.

Approved,