

Republic of the Philippines
National Economic Development Authority

SOCIAL DEVELOPMENT COMMITTEE (SDC)
Resolution No.2 (Series 2002)

**APPROVING THE IMPLEMENTING RULES AND REGULATIONS (IRR)
OF REPUBLIC ACT 8972 PROVIDING FOR BENEFITS AND PRIVILEGES
TO SOLO PARENTS AND THEIR CHILDREN**

WHEREAS, it is the policy of the State to promote the family as the foundation of the nation, strengthen its solidarity and ensure its total development;

WHEREAS, in support of this State policy, R.A. 8972, otherwise known as the Solo Parents' Welfare Act of 2000, has been enacted to develop a comprehensive program for social development and welfare services for solo parents and their children;

WHEREAS, to ensure the implementation of the Act, the Department of Social Welfare and Development was tasked to coordinate with concerned agencies and perform additional functions relative to the welfare and development of solo parents and their children;

WHEREAS, an interagency committee headed by DSWD and participated in by the Departments of Health (DOH), Education (DepEd), Labor and Employment (DOLE), and Interior and Local Government (DILG), Commission on Higher Education (CHED), Technical Education and Skills Development Authority (TESDA), and National Housing Authority (NHA) drafted the IRR in consultation with the local government units, non-government organizations and people's organizations;

WHEREAS, the draft **IRR** was deliberated upon and approved by the members of the SDC-Cabinet level subject to the incorporation of certain comments during its meeting on the 10th day of April 2002;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Chairman and members of the NEDA Board's Social Development Committee-Cabinet level, to approve the IRR of R.A. 8972.

RESOLVED FURTHER, that this **IRR** shall be published at least in one newspaper of general circulation.

Adopted, this 10 day of April in the year of our Lord, Two Thousand and Two, Pasig City.

**RULES AND REGULATIONS IN THE IMPLEMENTATION OF REPUBLIC ACT
NO. 8972, AN ACT PROVIDING FOR BENEFITS AND PRIVILEGES TO SOLO
PARENTS AND THEIR CHILDREN, APPROPRIATING FUNDS THEREFOR
AND FOR OTHER PURPOSES**

ARTICLE I
TITLE, PURPOSE AND CONSTRUCTION

Section 1. *Title* – These rules shall be known and cited as the Rules and Regulations Implementing Republic Act No. 8972, more commonly known as the **Solo Parents' Welfare Act of 2000**.

Section 2. *Purpose* – These Rules are promulgated to prescribe the procedure and guidelines for the implementation of the Solo Parents' Welfare Act of 2000 in order to facilitate the compliance therewith and to achieve the objectives thereof.

Section 3. *Construction* – These Rules shall be **liberally construed in favor of the solo parent** and applied in accordance with and in furtherance of the policy and objectives of the law. In case of conflict and/or ambiguity, which may arise in the implementation of these Rules, the concerned agencies shall issue the necessary clarification.

ARTICLE II
DECLARATION OF POLICIES AND OBJECTIVES

Section 4. *Declaration of Policy* – It is the policy of the State to promote the family as the foundation of the nation, strengthen its solidarity and ensure its total development. Towards this end, it shall develop a comprehensive program of services for solo parents and their children to be carried out by the Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the Department of Education (DepEd), the Department of the Interior and Local Government (DILG), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the National Housing Authority (NHA), the Department of Labor and Employment (DOLE) and other related government agencies and non-government organizations or civil society.

Section 5. *Objective* – These Rules and Regulations seek to clarify the scope and application of the Act in order that the proper parties may avail of its benefits.

ARTICLE III
DEFINITION OF TERMS

Section 6. *Definition of terms* – As used in these Rules, the following terms shall mean as follows:

- (a) "Act" – the Solo Parents' Welfare Act of 2000;
- (b) "Solo Parent" – any individual who falls under any of the following categories:

(1) A woman who gives birth as a result of rape or crimes against chastity, even without a final conviction of the offender: Provided, that the mother keeps and raises the child;

(2) Parent left solo or alone with the responsibility of parenthood due to death of spouse;

(3) Parent left solo or alone with the responsibility of parenthood while the spouse is detained, or is serving sentence for a criminal conviction for at least one (1) year;

The law applies to the spouses of prisoners, whether or not a final judgement has been rendered, provided they are in detention for a minimum period of one (1) year;

(4) Parent left solo or alone with the responsibility of parenthood due to physical and/or mental incapacity of spouse as certified by a public medical practitioner;

(5) Parent left solo or alone with the responsibility of parenthood due to legal separation or *de facto* separation from spouse for at least one (1) year: Provided, that he or she is entrusted with the custody of the children;

(6) Parent left solo or alone with the responsibility of parenthood due to declaration of nullity or annulment of marriage as decreed by a court or by a church: Provided, that he/she is entrusted with the custody of the children;

(7) Parent left solo or alone with the responsibility of parenthood due to abandonment of spouse for at least one (1) year;

(8) Unmarried mother/father who has preferred to keep and rear his/her child/children instead of having others care for them or give them up to a welfare institution;

(9) Any other person who solely provides parental care and support to a child or children provided he/she is duly licensed as a foster parent by the DSWD or duly appointed legal guardian by the court;

(10) Any family member who assumes the responsibility of head of family as a result of the death, abandonment, disappearance, or absence lasts for at least one (1) year.

A change in the status or circumstance of the parent claiming benefits under the Act, such that he/she is no longer left alone with the responsibility of parenthood, shall terminate his/her eligibility for these benefits;

(c) "Family" – shall refer to the Solo Parent and his/her child/children; *Provided*, however, that the family member referred to in Section 3, paragraph (a)(10) of these Rules shall include any relative by consanguinity up to the fourth civil degree. These persons shall include, but are not limited to, any uncle, aunt, grandfather, grandmother, niece, nephew, or cousin;

(d) "Social Worker" – a person who is a graduate of Social Work and duly registered pursuant to Republic Act 4373 and employed with the Social Welfare and Development Office of the local government unit where the solo parent resides;

(e) "Children" – refer to those living with and dependent upon the solo parent for support who are unmarried, unemployed and **below eighteen (18) years of age, or even eighteen (18) years and above** but are incapable of self-support and/or mentally and/or physically challenged;

(f) "Parental responsibility" – with respect to their minor children shall refer to the rights and duties of the parents as defined in Article 220 of Executive Order No. 209, as amended, otherwise known as the "Family Code of the Philippines," and hereunder enumerated as follows:

(1) To keep them in their company, to support, educate and instruct them by right precept and good example and to provide for their upbringing in keeping with their means;

(2) To give them love and affection, advice and counsel, companionship and understanding;

(3) To provide them with moral and spiritual guidance, inculcate in them honesty, integrity, self-discipline, self-reliance, industry and thrift, stimulate their interest in civic affairs, and inspire in them compliance with the duties of citizenship;

(4) To furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company, and prevent them from acquiring habits detrimental to their health, studies and morals;

(5) To represent them in all matters affecting their interest;

(6) To demand from them respect and obedience;

(7) To impose discipline on them as may be required under the circumstances; and

(8) To perform such other duties as are imposed by law and upon parents and guardians;

(g) "Parental leave" – shall mean leave benefits granted to a solo parent to enable him/her to perform parental duties and responsibilities where physical presence is required;

(h) "Flexible work schedule" – is the right granted to a solo parent employee to vary his/her arrival and departure time without affecting the core work hours as defined by the employer;

(i) "DSWD" – shall refer to the Department of Social Welfare and Development;

(j) "DOH" – shall refer to the Department of Health;

- (k) "DOLE" – shall refer to the Department of Labor and Employment;
- (l) "DepEd" – shall refer to the Department of Education;
- (m) "DILG" – shall refer to the Department of the Interior and Local Government;
- (n) "CHED" – shall refer to the Commission on Higher Education;
- (o) "NHA" – shall refer to the National Housing Authority;
- (p) "TESDA" – shall refer to the Technical Education and Skills Development Authority;
- (q) "NEDA" – shall refer to the National Economic and Development Authority;
- (r) "NSCB" – shall refer to the National Statistical Coordination Board, an attached agency of NEDA and responsible for determining the regional poverty threshold.

ARTICLE IV CRITERIA FOR SUPPORT

Section 7. *Criteria for Support* – Any solo parent whose income in the place of domicile **falls equal to or below the poverty threshold** as set by the NSCB and subject to the assessment of the duly appointed or designated social worker in the area shall be eligible for assistance: *Provided*, however, That any solo parent whose income is above the poverty threshold shall enjoy the benefits mentioned in Sections 16, 17, 18, 19, 20, 21 and 23 of these Rules.

For purposes of the Act and these Rules, the place of domicile shall refer to the residence mentioned in Section 8(a) of these Rules.

Section 8. *Qualifications of Solo Parent* – A solo parent seeking benefits other than those provided for under Sections 16, 17, 18, 19, 20, 21 and 23 of these Rules shall be qualified on the basis of the following:

- (a) A resident of the area where the assistance is sought, **as certified by the barangay captain; Provided, that if the solo parent is a transferee from another barangay, he/she is required to secure a clearance from his/her previous barangay, indicating whether or not he/she has availed of any benefits for solo parents, and the nature of such benefits.**
- (b) With an income level equal to or below the poverty threshold as set forth by NSCB and assessed by a social worker as provided for under Section 7 of these Rules.

Section 9. *Assessment* –an applicant who manifests the need for assistance under the Act is subject to assessment by a social worker at the city/municipal Social Welfare and Development Office. The assessment shall cover, but not be limited to, the following:

- (a) Determination of the applicant's category as enumerated in Article III Section 6 paragraph (b) of these Rules;
- (b) Evaluation of the needs of the applicant and his/her children as basis for provision of the appropriate service and intervention;
- (c) Identification of the level of readiness of the applicant to receive a particular service/assistance, which shall serve as basis for the conduct of social preparation activities prior to the provision of such service/assistance; and
- (d) Identification of existing and potentially available resources that may support the applicant and his/her children.

Section 10. *Procedure in Accessing Services for Solo Parents* - A person who needs assistance under this Act shall comply with the following process;

- (a) Visit the Social Welfare and Development Office of the city or municipality of her/his residence to manifest her/his need for assistance;
- (b) Fill up application form for the assistance, indicating but not limited to, the following information:
 - 1. Name
 - 2. Age
 - 3. Address/Area of Domicile
 - 4. Income per month
 - 5. Source/s of income
 - 6. Number of children
 - 7. Circumstances of being solo;
- (c) Undergo the necessary assessment process as stipulated in Section 9 Article IV of these Rules;
- (d) A Social Case Study Report shall be prepared by the social worker based on the information/data provided for by the applicant, as well as his/her assessment of said applicant, indicating therein the appropriate services needed.
- (e) The Social Case Study Report, together with a referral letter prepared by the social worker, shall be forwarded by the Office of the City/Municipal Social Welfare and Development Office to the agency concerned providing the appropriate assistance/service.
- (f) The social worker shall inform the solo parent of the status of his/her application within thirty (30) working days from the filing of such and shall require him/her to visit the agency/institution providing the assistance. In case the applicant is not qualified for services under this Act, he/she will be referred to the appropriate agency/program for assistance.

- (g) Upon the favorable evaluation of the social worker, a Solo Parent Identification Card shall be issued on the solo parent within **30 days** upon application duly signed by the city/municipal Social Welfare Officer and the city/municipal mayor. The Solo Parent Identification Card is necessary for the availment of benefits under the Act and these Rules. Such Identification Card shall be valid for only one (1) year, but may be renewed subject to a new assessment and evaluation;
- (h) For the public's information and guidance, a list of persons who applied and those who were able to avail of the benefits under this Act shall be made available by the concerned city/municipal social welfare and development office which processed their applications.

Section 11. *Procedure for Application of Benefits* – An applicant who was determined by a social worker to be eligible for assistance may apply for benefits under this Act through the following;

- (a) The solo parent may go to the agency providing such benefit bringing with her/him the Identification Card issued by the Municipal/City Social Welfare and Development Office;
- (b) Undergo the necessary qualifying activities required by the agency as prescribed by these Rules; and
- (c) Comply with the requirements set forth by the agency providing the service for the duration of the assistance (e.g. schooling, housing) subject to existing rules of the agencies concerned.

Section 12. *Procedure for Termination of Benefits*

- (a) A solo parent shall manifest to the Social Welfare Office his/her intention to withdraw the availment of the benefits under this Act.
- (b) If the solo parent does not voluntarily manifest his/her intention to terminate the provision of benefits and services **before the lapse of one year from the issuance of the Solo Parent I.D.**, the Social Worker, based on a report by the employer or any interested person shall conduct the necessary assessment/evaluation to ascertain if grounds for termination and withdrawal of benefits exist. The Identification Card shall cease to be effective upon the lapse of one year from issuance, unless renewed based on a new assessment and evaluation. **Failure to renew will mean that he/she has changed his/her status as a solo parent.**
- (c) The solo parent shall be informed of the result of the assessment/evaluation and termination of the service, if warranted, through written notice. The termination shall take effect 30 days from the receipt of the notice of termination. In cases when the service cannot be terminated in a period of one month, e.g. schooling, the service shall be completed until its due time.

The NHA and other participating housing agencies shall issue the guidelines in the termination of housing benefits provided in sections 23 and 24 of these Rules.

- (d) The solo parent and his/her children shall undergo psychosocial counseling with the social worker to prepare them for independent living.

Section 13. *Relocation of the Family* – In the event a solo parent decides to relocate his/her family, he/she shall inform the city/municipal Social Welfare and Development Office. Said office shall thereupon transmit the records to the city/municipal Social Welfare and Development Office of the place of relocation.

Section 14. *Duty to Monitor* – It shall be the duty of the city/municipal Social Welfare Officer who receives said records, to assign a social worker to monitor the status of the relocated solo parent and his/her family.

Moreover, it shall also be the duty of said officer to coordinate with the concerned agencies of any changes in the status of the solo parent receiving benefits from said agencies.

ARTICLE V BENEFITS

Section 15. *Comprehensive Package of Social Development and Welfare Services* – A comprehensive package of social development and welfare services for solo parents and their families will be developed by the DSWD, DOH, DepEd, CHED, TESDA, DOLE, NHA and DILG, in coordination with local government units and non-governmental organizations with proven track record in providing services for solo parents.

The DSWD shall coordinate with concerned agencies the implementation of the comprehensive package of social development and welfare services for solo parents and their families. The package will initially include:

- (a) Livelihood development services, which include training on livelihood skills, basic business management, value orientation and the provision of seed capital or job placement.

The criteria and procedure for evaluation of beneficiaries for the purposes of availing of the benefits of this item shall be provided for by the DOLE and TESDA; the provision of seed capital shall be guided by the credit policy of the National Credit Council as contained in E.O. No. 138, "Rationalization of Government Directed Credit Program", passed in 1999.

- (b) Counseling services, which include individual, peer group or family counseling. These will focus on the resolution of personal relationship and role conflicts.

The criteria and procedure for evaluation of beneficiaries for the purposes of availing of the benefits of this item shall be provided for by the DSWD;

- (c) Parent effectiveness services which include the provision and expansion of knowledge and skills of the solo parent on early childhood development, behavior management, health care and proper nutrition, rights and duties of parents and children;

- (d) Critical incidence stress debriefing, which includes preventive stress management strategy designed to assist solo parents in coping with crisis situations and cases of abuse;
- (e) Special projects for individuals in need of protection which include temporary shelter, counseling, legal assistance, medical care, self-concept or ego-building, crisis management and spiritual enrichment.

Section 16. *Flexible Work Schedule* – The employer shall provide for a flexible work schedule for solo parents: *Provided*, That the same shall not affect individual and company productivity: *Provided further*, That any employer may request exemption from the above requirements from the DOLE on certain meritorious grounds.

In the case of employees in the government service, flexible working hours will be subject to the discretion of the head of the agency. In no case shall the weekly working hours be reduced in the event the agency adopts the flexible working hours schedule format (flexi-time). In the adoption of flexi-time, the core working hours shall be prescribed taking into consideration the needs of the service..

Section 17. *Work Discrimination* – No employer shall discriminate against any solo parent employee with respect to terms and conditions of employment on account of his/her status.

Section 18. *Parental Leave* – In addition to leave privileges under existing laws, parental leave of not more than seven (7) working days every year shall be granted to any solo parent employee who has rendered service of at least one (1) year. The seven-day parental leave shall be non-cumulative.

Section 19. *Conditions for Entitlement of Parental Leave* – A solo parent shall be entitled to parental leave provided that:

- (a) He/She has rendered at least one (1) year of service whether continuous or broken at the time of the affectivity of the Act;
- (b) He/She has notified his/her employer of the availment thereof within a reasonable time period; and
- (c) He/She has presented a Solo Parent Identification Card to his/her employer.

Section 20. *Non-conversion of Parental Leave* – In the event that the parental leave is not availed of, said leave shall not be convertible to cash unless specifically agreed upon previously. However, if said leave were denied an employee as a result of non-compliance with the provisions of these Rules by an employer, the aforementioned leave may be used a basis for the computation of damages.

Section 21. *Crediting of Existing Leave* – If there is an existing or similar benefit under a company policy, or a collective bargaining agreement or collective negotiation agreement the same shall be credited as such. If the same is greater than the seven (7) days provided for in the Act, the greater benefit shall prevail.

Emergency or contingency leave provided under a company policy or a collective bargaining agreement shall not be credited as compliance with the parental leave provided for under the Act and these Rules.

Section 22. *Educational Benefits* – The DepEd, CHED and TESDA shall provide the following benefits and privileges:

- (a) Scholarship programs for qualified solo parents and their children in institutions of basic, tertiary and technical/skills education;
- (b) Non-formal education programs appropriate for solo parents and their children.

Application Procedure:

1. Applicant must secure application form from either DepEd, CHED and TESDA depending on their need;
2. Submit the duly accomplished application form together with the required documents to the appropriate agency.

The following are the documents required to be attached with the application:

1. Solo Parent Identification Card
2. Barangay Clearance
3. Birth Certificate
4. Notice of admission from the school
5. Original or Certified True Copy of the transcript of record, or the Report Card of the last year the applicant attended school.

Section 23. *Housing Benefits* – Solo parents who meet the eligibility criteria for housing assistance under R.A. No. 7279 (Urban Development and Housing Act of 1992) and other related rules and regulations of participating housing agencies shall be provided with liberal terms of payment on government low-cost housing projects, in accordance with housing law provisions, prioritizing applicants below the poverty line as declared by the NSCB.

Section 24. The NHA shall make available housing units to solo parents in its housing projects subject to existing disposition policies or may refer them to other housing projects, as appropriate, provided that:

- (a) The identified solo parent must be eligible for assistance under the provisions of this Act;
- (b) Solo parents applying for housing benefits must meet the qualification criteria for housing assistance under Republic Act 7279, or the Urban Development and Housing Act (UDHA) and other NHA eligibility criteria under existing policies, rules and regulations; and
- (c) Eligible solo parents shall file their application for housing unit directly with the concerned NHA Project Offices.

Upon written request, the NHA shall provide the DSWD a listing of NHA projects with available housing units for disposition. This list shall be updated and provided semi-annually.

Section 25. *Medical Assistance* – The DOH shall develop a comprehensive health care program for solo parents and their children. The program shall be implemented by the DOH through their retained hospitals and medical centers and the

local government units (LGUs) through their provincial/district/city/municipal hospitals and rural health units (RHUs).

Section 26. *Essential Health Packages* – To ensure the state of well-being of the solo parent and his/her family, health/medical services shall be made available at all times, in all levels of health care delivery system as mentioned in the previous section. These health/medical services shall be part of the regular essential health packages being provided at various stages of life.

ARTICLE VI ADDITIONAL POWERS AND FUNCTIONS OF THE DSWD

Section 27. *Additional Powers and Functions of the DSWD* – The DSWD shall perform the following additional powers and functions relative to the welfare and development of solo parents and their families:

- (a) Conduct research necessary to:
 - (1) develop a new body of knowledge on solo parents;
 - (2) Define executive and legislative measures needed to promote and protect the interest of solo parents and their children; and
 - (3) Assess the effectiveness of policies and programs designed for solo parents and their children;

The commissioning or contracting out for the conduct of said research shall be inherent in the performance of herein function;

- (b) Coordinate the activities of various government agencies, **LGUs**, and non-government organizations engaged in promoting and protecting the interests of solo parents and their children;
- (c) Coordinate the dissemination of information concerning the benefits of the Act and these Rules, as well as other advocacy activities; and
- (d) Monitor the implementation of the provisions of this Act and suggest mechanisms by which such provisions are efficiently and effectively implemented.

Section 28. *Review Committee* – A special review committee comprised of members from the **DSWD, DOH, DepEd, DILG, CHED, TESDA, NHA, DOLE and other related government agencies** and non-government organizations or civil society involved in the implementation of the provisions of the Act shall be created and headed by the DSWD for the purpose of evaluating the efficacy and relevancy of the provisions of the Act to the present situation.

The duties and responsibilities of the members of this Review Committee shall be considered as part of their regular functions.

ARTICLE VII
FINAL PROVISIONS

Section 29. *Appropriations* – The amount necessary to carry out the provisions of the Act shall be included in the budget of concerned government agencies in the General Appropriations Act of the year following its enactment into law and thereafter.

Section 30. *Repealing Clause* – All laws, decrees, executive orders, administrative orders or parts thereof inconsistent with the provisions of the Act are hereby repealed, amended or modified accordingly.

Section 31. *Separability Clause* – If any provision of the Act is held invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

Section 32. *Effectivity Clause* – These Implementing Rules and Regulations shall take effect fifteen (15) days following its publication in one (1) national newspaper of general circulation.