



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

Department of Justice

CN: O202303140



Copy furnished:
All concerned.

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.**