



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 95-2003

TO : ALL JUDGES AND SOCIAL WORKERS OF THE FAMILY COURTS OR REGIONAL TRIAL COURTS UNDER THE FAMILY COURTS ACT OF 1997

RE : CLARIFYING THE DUTIES OF THE SOCIAL WORKERS

The Supreme Court En Banc in its Resolution in A.M. No. 00-8-03-SC which took effect on 1 September 2000 Resolved to clarify the Duties of the Social Workers of the Family Courts or Regional Trial Courts under the Family Courts Act of 1997.

On the basis of the provisions of Republic Act No. 8369 (Family Courts Act of 1997), Social Workers of the courts shall be "qualified social workers" "with academic preparation in behavioral sciences to carry out the duties of conducting intake assessment, social case studies, casework and counseling, and other social services that may be needed in connection with cases filed with the court." As such, they:

1) should now be assigned to handle and attend to all social services required in all cases, including adoption cases, falling within the jurisdiction of the Family Courts filed with and pending before either the Regional Trial Courts designated to hear and decide such cases or the regular Regional Trial Courts, as the case may be; and

2) should in their own right, in the first instance and independently of the Department of Social Welfare and Development, conduct the case studies in adoption cases required by Article 33 of the Child and Youth Welfare Code, as amended, and submit their reports, with recommendations, to the courts handling and hearing such cases.

In the preparation of case studies, the Social Workers of the courts need no longer coordinate with the Department of Social Welfare and Development or its representatives as prescribed by Circular No. 12 dated 2 October 1986.

Pursuant to the aforesaid Resolution, the foregoing now applies, notwithstanding Section 11 of Republic Act No. 8552, otherwise known as the Domestic Adoption Act of 1998, which provides that "[n]o petition for adoption shall be set for hearing unless a licensed social worker of the Department [of Social Welfare and Development], the social service office of the local government unit, or any child-placing or child-caring agency has made a case study of the adoptee, his/her biological parent(s), as well as the

adopter(s), and has submitted the report and recommendations on the matter to the court hearing such petition.”

While Section 11 does not mention the Social Workers of the courts among those who may undertake case studies in adoption cases, the enumeration under said Section of those who may conduct case studies in adoption cases should not be considered as exclusionary and should not bar the Social Workers of the courts from performing the function herein involved.

Strict compliance is hereby enjoined.

July 29, 2003.

PRESBITERO J. VELASCO, JR.
Court Administrator