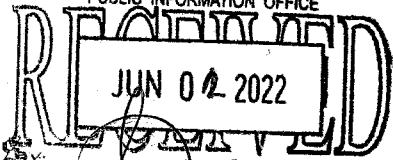




SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



Republic of the Philippines  
Supreme Court  
Baguio City

EN BANC

## NOTICE

Sirs/Mesdames:

*Please take notice that the Court en banc issued a Resolution dated **APRIL 19, 2022**, which reads as follows:*

**“A.M. No. 22-04-06-SC**

**IMPLEMENTING RULES AND REGULATIONS OF THE SOCIAL ASPECTS OF REPUBLIC ACT NO. 8369, OTHERWISE KNOWN AS THE FAMILY COURTS ACT OF 1997**

### RESOLUTION

**WHEREAS**, on October 28, 1997, Republic Act No. (RA) 8369, otherwise known as the ‘Family Courts Act of 1997,’ was enacted;

**WHEREAS**, under Section 16 of RA 8369, the Supreme Court, in coordination with the Department of Social Welfare and Development (DSWD), shall formulate the necessary rules and regulations for the effective implementation of the social aspects of said Act;

**WHEREAS**, Sections 8, 9, 10, 11, and 12 constitute the social aspect provisions of RA 8369;

**WHEREAS**, the Committee on Family Courts and Juvenile Concerns, led by its Chairperson, Senior Associate Justice Estela M. Perlas-Bernabe, designated a Technical Working Group to draft the said Implementing Rules and Regulations in coordination with the DSWD;

**NOW, THEREFORE**, acting on the recommendations of Senior Associate Justice Estela M. Perlas-Bernabe, the Supreme Court resolves to **APPROVE** the Implementing Rules and Regulations of the Social Aspects

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of Republic Act No. 8369, otherwise known as the Family Courts Act of 1997, which is hereto attached as an integral part of this Resolution.

April 19, 2022

*(Original signed)*

**ALEXANDER G. GESMUNDO**  
Chief Justice

*(Original signed)*

**ESTELA M. PERLAS-BERNABE**  
Senior Associate Justice

*(Original signed)*

**MARVIC M.V.F. LEONEN**  
Associate Justice

*(Original signed)*

**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

*(Original signed)*

**RAMON PAUL L. HERNANDO**  
Associate Justice

*(Original signed)*

**AMY C. LAZARO-JAVIER**  
Associate Justice

*(Original signed)*

**HENRI JEAN PAUL B. INTING**  
Associate Justice

*(Original signed)*

**RODIL V. ZALAMEDA**  
Associate Justice

*(Original signed)*

**MARIO V. LOPEZ**  
Associate Justice

**On Official Leave**

**SAMUEL H. GAERLAN**  
Associate Justice

*(Original signed)*

**RICARDO R. ROSARIO**  
Associate Justice

*Handwritten signature*

*(Original signed)*  
**JHOSEP Y. LOPEZ**  
Associate Justice

*(Original signed)*  
**JAPAR B. DIMAAMPAO**  
Associate Justice

*(Original signed)*  
**JOSE MIDAS P. MARQUEZ**  
Associate Justice

*(Original signed)*  
**ANTONIO T. KHO, JR.**  
Associate Justice

*Amc*

**IMPLEMENTING RULES AND REGULATIONS OF THE SOCIAL  
ASPECTS OF REPUBLIC ACT NO. 8369, OTHERWISE KNOWN AS  
THE FAMILY COURTS ACT OF 1997**

**RULE I  
GENERAL PROVISIONS**

**Section 1. Title.** – These Rules shall be known and cited as the Implementing Rules and Regulations (IRR) of the Social Aspects of Republic Act No. (RA) 8369 or the Family Courts Act of 1997.

**Section 2. Purpose and Applicability.** – These Rules are hereby promulgated for the effective implementation of the social aspects of RA 8369 pursuant to Section 16 thereof, and shall, whenever applicable, govern the relevant proceedings of cases that fall within the exclusive original jurisdiction of Family Courts, as may be provided by law.

**Section 3. Applicability of Existing Rules of Procedure.** – In the disposition of family cases, the Family Courts shall apply the existing special rules of procedure promulgated by the Supreme Court, such as but not limited to, the following:

- (A) Rule on Examination of a Child Witness, A.M. No. 00-4-07-SC, November 21, 2000;
- (B) 2019 Supreme Court Revised Rule on Children in Conflict with the Law, A.M. No. 02-1-18-SC, January 22, 2019;
- (C) Rule on Commitment of Children, A.M. No. 02-1-19-SC, February 28, 2002;
- (D) Rule on Adoption, A.M. No. 02-6-02-SC, July 31, 2002;<sup>1</sup>
- (E) Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, A.M. No. 02-11-10-SC, March 4, 2003;
- (F) Rule on Legal Separation, A.M. No. 02-11-11-SC, March 4, 2003;
- (G) Rule on Provisional Orders, A.M. No. 02-11-12-SC, March 4, 2003;
- (H) Rule on Guardianship of Minors, A.M. No. 03-02-05-SC, April 1, 2003;

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<sup>1</sup> See Section 56 of RA 11642 (2022).

*Over*

- (I) Rule on Custody of Minors and Writ of Habeas Corpus in Relation to Custody of Minors, A.M. No. 03-04-04-SC, April 22, 2003;
- (J) Rules on Action for Support and Petition for Recognition and Enforcement of Foreign Decisions or Judgments on Support, A.M. No. 21-03-02-SC, March 23, 2021;
- (K) Rule on Violence Against Women and Their Children, A.M. No. 04-10-11-SC, October 19, 2004;
- (L) Rule on Children Charged under RA 9165 or the Comprehensive Dangerous Drugs Act of 2002, A.M. No. 07-8-2-SC, September 11, 2007;
- (M) Consolidated and Revised Guidelines to Implement the Expanded Coverage of Court-Annexed Mediation (CAM) and Judicial Dispute Resolutions (JDR), A.M. No. 11-1-6-SC-PHILJA, January 11, 2011, as amended by A.M. No. 19-10-20-SC, February 9, 2021;
- (N) Adopting the Guidelines for Continuous Trial of Criminal Cases in Pilot Courts, A.M. No. 15-06-10-SC, which include the Resolution dated October 2, 2018 on the applicability of the Revised Guidelines for Continuous Trial of Criminal Cases to Family Courts and Regional Trial Courts handling Family Courts Cases; and
- (O) All other rules that may hereafter be promulgated by the Supreme Court.

The Rules of Court shall suppletorily apply in matters not covered by the foregoing special rules of procedure.

**Section 4. Construction.** – These Rules shall be liberally construed and interpreted to promote the best interests and welfare of children, women, and families.

**Section 5. Definition of Terms.** – For purposes of these Rules:

- (A) *Best Interests of the Child* refers to the totality of circumstances and conditions which are most congenial to the survival, protection, and feelings of security of the child and most encouraging to the child's physical, psychological, and emotional development. It also means the least detrimental available alternative for safeguarding the growth and

development of the child.<sup>2</sup>

(B) *Children* refer to:

- (1) Minors or persons below 18 years of age;
- (2) Persons 18 years of age or older, but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;<sup>3</sup> and
- (3) In cases involving child pornography, a child may refer to a person, regardless of age, who is presented, depicted, or portrayed as a child, including computer-generated, digitally, or manually crafted images or graphics of a person who is represented or who is made to appear as a child.<sup>4</sup>

(C) *Child in Conflict with the Law (CICL)* refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.<sup>5</sup>

(D) *Family cases* refer to cases under the jurisdiction of the Family Courts as provided in Section 5 of RA 8369 and other laws, including juvenile cases.<sup>6</sup>

(E) *Family Court* refers to a court established pursuant to Section 3 of RA 8369; a court designated in accordance with Section 17 of RA 8369; or a single-sala or multiple-sala court handling family cases.

## RULE II

### BAHAY PAG-ASA AND RESIDENTIAL CARE FACILITIES

#### Section 1. Exercise of Authority Over the *Bahay Pag-asa* and Similar Residential Care Facilities Accredited by the DSWD. –

(A) *Establishment, Management, Operation, Funding, and Maintenance.* – The *Bahay Pag-asa* or any similar facility providing residential care for CICL awaiting court disposition of their cases or transfer to other agencies or jurisdiction shall be

<sup>2</sup> See Section 4 (b) of RA 9344 (2004), as amended by RA 10630 (2013); Section 4 (d) of the 2019 Supreme Court Revised Rule on Children in Conflict with the Law, A.M. No. 02-1-18-SC, January 22, 2019.

<sup>3</sup> See Section 3 (a) of RA 7610 (1992).

<sup>4</sup> See Section 3 (a) of RA 9775 (2009).

<sup>5</sup> See Section 4 (e) of RA 9344 (2006).

<sup>6</sup> See Section 56 of RA 11642 (2022) with respect to petitions for adoption.

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established, managed, operated, funded, and maintained by the Local Government Unit (LGU), or by a Non- Government Organization (NGO), or other organizations licensed or accredited by the Department of Social Welfare and Development (DSWD).

- (B) *Direct Control and Supervision.* – The Presiding Judge of the Family Court shall have direct control and supervision of the *Bahay Pag-asa*, or any similar residential care facility, to ensure that the laws, rules and regulations pertaining to the proper treatment of the CICL are followed to serve the best interests of the child and his/her human rights are fully respected in a manner appropriate for his/her well-being.

In case of multiple-sala courts with two (2) or more Family Courts, the Family Court Judges shall perform the above-stated functions by constituting themselves as a committee chaired by the most senior Family Court Judge.

If there is no existing Family Court, the Executive Judge of the Regional Trial Court or the Presiding Judge of a single sala court shall have the aforesaid direct control and supervision of the *Bahay Pag-asa*, or any similar residential care facility.

The Family Court Judge, the Executive Judge of the Regional Trial Court, members of the Committee of Family Court Judges, or the Presiding Judge of a single sala court, as the case may be, shall also oversee the operations of the *Bahay Pag-asa*, or any similar residential care facility, to ensure that the human rights of the CICLs are fully respected in a manner appropriate for their well-being and safety.

Whenever necessary, the authority includes the right to inspect the facility at any time, in coordination with the center manager of the *Bahay Pag-asa* to monitor compliance or require reports on the well-being and safety of the CICLs.

**Section 2. Other Residential Care Facilities.** – The foregoing shall be without prejudice to the establishment or creation of other residential care facilities as may be provided or allowed by law.

**Section 3. Alternatives to Detention and Institutional Care.** – When the best interests of the child require and whenever allowed by the law, the CICL may avail of alternatives to detention and institutional care, such as but not limited to, counseling, recognizance, bail, drug rehabilitation,

community continuum, diversions from the justice system,<sup>7</sup> community service,<sup>8</sup> probation,<sup>9</sup> or other disposition<sup>10</sup> measures.<sup>11</sup>

### RULE III SOCIAL SERVICES AND COUNSELLING DIVISION

**Section 1. Social Services and Counselling Division; Organization, Stations, Functions, Duties, and Responsibilities.** – Under the guidance of the DSWD, a Social Services Counselling Division (SSCD) shall be established in each judicial region as the Supreme Court may deem necessary based on the number of family cases existing in such jurisdiction.

The SSCDs shall provide appropriate social services to all family cases filed with the court and recommend the proper social action.<sup>12</sup>

**Section 2. Social Services and Counselling Division Staff.** – The SSCDs shall have the necessary staff composed of a Chief of Division, an Assistant Chief of Division, qualified social workers, psychologists, and other personnel 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 Family Courts.<sup>13</sup> It shall likewise be complemented by support staff personnel that will enable it to efficiently and effectively discharge its responsibilities, duties, and functions.

The existing authorized positions under the Juvenile and Domestic Relations Section, as well as Social Welfare Officer II positions in the different Offices of the Clerks of Court nationwide, shall be integrated in the *plantilla* of the SSCDs.

**Section 3. SSCD Sections.** – The SSCDs shall be composed of the following sections:

(A) *Social Services Section.* – The social services section shall cater to the social services needs of Family Courts and other trial courts handling family cases.

(B) *Statistics Section.* – The statistics section shall gather, maintain,

<sup>7</sup> See Section 8 of RA 8369 (1997).

<sup>8</sup> See RA 11362 (2019) amending Chapter 5, Title I of the REVISED PENAL CODE. See also A.M. No. 20-06-14-SC, October 6, 2020 (Notice), as implemented by Office of the Court Administrator Circular No. 168-2020, October 16, 2020.

<sup>9</sup> See Section 5 of RA 9344 (2006), as amended by RA 10630 (2013).

<sup>10</sup> See *id.*

<sup>11</sup> See Section 36 of RA 9344 (2006); RA 9165 (2002); RA 10389 (2012); RA 10165 (2012); and RA 11362 (2019).

<sup>12</sup> See Section 9 of RA 8369 (1997).

<sup>13</sup> See Section 10 of RA 8369 (1997).



analyze, and prepare statistical and other relevant empirical data on CICL and Family Court cases and submit reports to the Office of the Court Administrator, through the Social Work Adviser; and

- (C) *Administrative Section.* – The administrative section shall receive documents, maintain an efficient filing of records, and facilitate the retrieval of records within the SSCD, as well as provide administrative support services to the SSCD.

Additional sections within the SSCDs may be created as may be deemed necessary due to the exigencies of the service.

**Section 4. Supervision.** – The SSCDs shall be under the overall control and supervision of the Social Work Adviser, whose functions, duties, and responsibilities are provided for in Rule IV of these Rules. Whenever necessary and practicable, the Social Work Adviser may seek the assistance of the Executive Judges in the administrative supervision of the SSCDs.

**Section 5. Stations.** – The Supreme Court, upon recommendation of the Office of the Court Administrator, shall determine the station of each of the SSCDs, taking into account the number of Family Courts within the judicial region, the number of family cases filed, the accessibility of the SSCD, and/or other relevant considerations.

**Section 6. Functions, Duties, and Responsibilities.** – The SSCDs shall have the following functions, duties, and responsibilities:

- (A) Subject to the policies and standards determined by the Social Work Adviser, assign and designate its staff, such as but not limited to, Court Social Welfare Officers and Court Psychologists, to the different Family Courts within their respective judicial regions;
- (B) Formulate and implement high-quality social services, which include intervention plans for children and their families;
- (C) Monitor continuous provision of child-centric and gender-sensitive court procedures and facilities, such as but not limited to, separate waiting areas for child victims/witnesses and CICLs;
- (D) Monitor, support, and ensure the availability and availment of interdisciplinary services for children and their families in the implementation of the intervention programs for family cases;
- (E) Coordinate and collaborate with concerned government agencies, such as, but not limited to, the DSWD, Department of Health

(DOH), Department of the Interior and Local Government (DILG), Department of Justice (DOJ), Department of Education (DepEd), National Center for Mental Health (NCMH), Dangerous Drugs Board (DDB), Technical Education and Skills Development Authority (TESDA), LGUs, City/Municipal Social Welfare and Development Offices (C/MSWDO), Provincial Social Welfare and Development Offices (PSWDO), as well as accredited faith-based organizations, and NGOs, to ensure high quality implementation of comprehensive social services for children and their families;

- (F) Develop competencies through capacity-building training modules for the social work personnel of the Family Courts to ensure sustained provision of child-centric, gender-sensitive, equitable, inclusive and effective services, as well as holistic interventions to children and their families;
- (G) Maintain and administer an information management system of data collated from the courts and other appropriate government and non-government agencies within the region to ensure the availability of data for information, research, planning and policy development purposes;
- (H) Conduct analytical studies of the data collated and submit the reports with their recommendations to the Social Work Adviser;
- (I) Conduct evidence-based studies using data collated from cases within the judicial region to guide the provision of quality social services consistent with existing laws, court policies, and rules;
- (J) Recommend to the Social Work Adviser policies, budgets, plans, and programs that will support the continuous provision of high quality social services in the Family Courts; and
- (K) Perform such other tasks as may be duly assigned to it.

**Section 7. Court Social Welfare Officers (Court SWOs) and Court Psychologists in SSCDs.** – As provided for under Section 6 (A) of Rule III of these Rules, the SSCDs shall have within its staff complement Court SWOs and Court Psychologists, who shall be assigned and designated to the different Family Courts within their respective judicial regions.

**Section 8. Functions, Duties, and Responsibilities of Court SWOs.** – The Court SWOs shall have the following functions, duties, and responsibilities:

- (A) *In Adoption Proceedings* –

Upon order of the court, the Court SWO shall:

- (1) Prepare child and home study reports based on actual visits and interviews he/she has conducted, and submit said reports directly and only to the court, before the hearing of the petition for adoption, if such reports had not been attached to the petition due to unavailability at the time of the filing of the petition;

The child study report shall contain information on the child's legal status, placement history, psychological, social, spiritual, medical, ethno-cultural background and that of his/her biological family needed in determining the most appropriate placement for him/her;

The home study report shall contain information on the motivation and capacity of the prospective adoptive parents to provide a home that meets the needs of a child;

- (2) Conduct counselling sessions with the prospective adoptive parents, the child, and the biological parents, on the matter of adoption and submit his/her report before the date of hearing;
- (3) Attend and testify in court hearings to confirm his/her report;
- (4) Submit new or updated child and home study reports, if necessary;
- (5) Monitor the trial custody of the child given by the court to the prospective adoptive parent/s for a period of at least six (6) months;
- (6) Provide to the adoptee, adoptive parents, and birth parents post- adoption services which refer to psycho-social and support services, including post-adoption counselling; and
- (7) Perform such other duties in connection with the adoption proceedings.

(B) *In Guardianship and Custody Proceedings –*

Upon order of the court, the Court SWO shall:

- (1) Conduct home visits and interviews of the minor, the latter's parent/s, sibling/s, the prospective guardian/custodian, and

all possible informants to the case;

- (2) Prepare the case study report based on the interview and home visit, and submit the said report and recommendation to the court;
- (3) Provide counselling services and other necessary social services and assistance to the minor, the latter's parent/s, sibling/s, or the possible guardian/custodian;
- (4) Recommend the referral of the minor, the latter's parent/s, sibling/s, or the possible guardian/custodian to appropriate government agencies or institutions for treatment, rehabilitation, and livelihood, if necessary;
- (5) Attend and testify in court hearings to confirm his/her report;
- (6) Act as observer during child visitation by the prospective guardian/custodian/non-custodial parent and submit a report to the court;
- (7) Accompany the minor to the place where the visitation is to be conducted;
- (8) Monitor the progress of the child and submit a report to the court;
- (9) Act as support person to the child during court hearings or when the child testifies;
- (10) Act as facilitator when questions are posed to the child during his/her testimony in court; and
- (11) Perform and discharge such other duties as may be assigned by the court.

(C) *In Criminal Cases Where Children and Women are Victims –*

- (1) Upon order of the court, to protect the child/woman victim's well-being, the Court SWO shall:
  - (a) Coordinate with the first responders, such as but not limited to, law enforcement agents, DSWD/Local Social Welfare and Development Office (LSWDO), physicians, psychiatrists/psychologists, and barangay officials, to prepare the child/woman victim's

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profile, utilizing the initial information already available to prevent re-traumatization through repetitive questioning;<sup>14</sup>

- (b) Recommend the referral of the child/woman victim to the proper agencies or authorities that can provide support services and assistance, such as the Philippine General Hospital, the National Center for Mental Health, DSWD, LSWDO, and LGUs;
  - (c) Conduct a case study and recommend to the Judge the support services or assistance that the child or the woman victim needs, such as but not limited to, temporary shelter, medical/surgical treatment, psychological and psychiatric evaluation, treatment, counselling and/or therapy, legal assistance, financial and educational assistance, protection and security provisions, skills training, and livelihood development services;
  - (d) Coordinate the delivery of resources, needed assistance, and special services to the child/woman victim;
  - (e) Provide psychosocial counselling to the child/woman victim and his/her family and assist them in coping with the emotional effects of the crime; and
  - (f) Conduct interviews and home visitations to determine the child/woman victim's conditions at home and recommend to the court measures to protect their welfare, such as but not limited to, the provision of temporary shelter, protection and security, financial and educational assistance by the LGU; training and skills development; or conduct of parental assessment capability in case of minors.
- (2) Upon order of the court, to ensure the child/woman victim's participation in the proceedings, the Court SWO shall:
- (a) Explain, in a language understandable to the

<sup>14</sup> See Section 26 of RA 9262 (2004).

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child/woman victim and their families, all legal proceedings for them to comprehend the court processes;

- (b) Orient the child victim with the courtroom set up, court officials, personnel and procedure before he/she testifies in court;
  - (c) Attend all interviews, hearings, depositions, and trial proceedings where the child/woman victim participates and ensure the latter's attendance therein;
  - (d) Determine any underlying reason for desistance or reluctance of the child/woman victim to testify in court and submit a report to the court; and, in case of financial difficulty, recommend to the court the referral of the child/woman victim and their families to the DSWD/LGU/NGO for assistance;
  - (e) Coordinate with DSWD/LGU/NGO for the placement of the child/woman victim in temporary shelters, if appropriate and necessary;
  - (f) Act as support person to the child during court hearings or when the child testifies;
  - (g) Act as guardian *ad litem*, or as facilitator, when questions are posed to the child during his/her testimony in court; and
  - (h) Keep a record of cases where children and women are victims for statistical purposes and maintain the confidentiality of such record;
- (3) Upon order of the court, to facilitate the child/woman victim's recovery, rehabilitation, and reintegration, the Court SWO shall:
- (a) Coordinate with the LSWDO, DSWD, LGU, or any NGO regarding programs and services that would facilitate the recovery, rehabilitation, and integration of the child/woman victim to the community;
  - (b) Prepare and propose plans and programs for the child/woman victim's recovery, rehabilitation,

and reintegration into his/her family and community, such as but not limited to, skills training and livelihood services and financial assistance;

- (c) Inform the child/woman victim of the appropriate programs, assistance, and services available to him/her, such as but not limited to, psychosocial support, health and nutrition, therapeutic counselling, security and protection, life skills training, education, financial assistance, and livelihood opportunities; and
- (d) Maintain and provide a copy of relevant documents necessary for the aftercare supervision of the child/woman victim, provided that the confidentiality of the records and the provisions of RA 10173, otherwise known as the Data Privacy Act of 2012, shall be observed.

(D) *In CICL Cases* –

The Court SWO shall:

- (1) After the institution of the criminal action, immediately prepare and submit to the court a case study report about the CICL and his/her family;
- (2) Upon order of the court:
  - (a) Visit the CICL in the place where he/she can be found;
  - (b) Assess, report, and recommend whether or not the CICL may be released on recognizance;
  - (c) Attend to other social welfare needs of the CICL; and
  - (d) Act as support person, guardian *ad litem* and facilitator of the CICL during court proceedings;
- (3) Be appointed as member of the diversion committee;
- (4) Conduct visits to the CICL and submit to the court periodic reports on the progress of diversion of the CICL;
- (5) Report any violation and make appropriate

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recommendations;

- (6) Recommend to the diversion committee/court the termination or extension of the diversion program of the CICL;
- (7) Recommend formal proceedings in case of violation of the diversion program;
- (8) Upon conviction of the CICL, attend the disposition conference;
- (9) Monitor compliance by the CICL with his/her disposition measures and submit to the court a progress report;
- (10) In case of violation of disposition measures, recommend the extension of period of disposition or the execution of judgment against the CICL;
- (11) In case of compliance with disposition measures, recommend the dismissal of the case; and
- (12) Perform other assigned functions as may be required by the best interests of the child or as may be provided by law and/or other relevant rules.

(E) *In Nullity, Annulment, and Legal Separation Cases –*

The Court SWO shall:

- (1) Upon order of the court, after the filing of the verified answer or the expiration of the period to file the same, or thereafter, at any stage of the case whenever necessary, prepare a case study report by conducting home visits and interviews of the parties and their minor children, and submit a recommendation to the court to help in the resolution of the issues pertaining to custody, visitation, support, parenting capability of the parties, and the issuance of protection orders; and
  - (2) Perform the duties and functions provided under Section 8 (B), Rule III of these Rules, when issues of visitation and custody arise in the course of the proceedings.
- (F) Exercise such other necessary and relevant functions, duties, and responsibilities as may be directed by the SSCD or

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the court.

**Section 9. Designation of Other Social Workers.** – Whenever necessary, the court may request the assignment of a social worker to perform the above functions, duties, and responsibilities of Court SWOs, including but not limited to, those under the DSWD or the local government units.

**Section 10. Functions, Duties, and Responsibilities of Court Psychologists.** – Pursuant to a court order, the Court Psychologists shall:

- (A) Conduct psychological assessments, *i.e.*, gather and integrate psychology-related data;
  - (1) Make a psychological evaluation using psychological assessment tools;
  - (2) Assess diverse psychological functions such as cognitive abilities, personality characteristics, attitudes, values, interests, emotions and motivations; and
  - (3) Submit a written report to the court regarding the result of the abovementioned psychological assessments;
- (B) Provide basic psychological counselling that involves the application of psychological principles and methods with the view of providing information to the court regarding the psychological make-up of parties and their families;
- (C) Recommend to the court the referral of parties and their families to psychological services and interventions;
- (D) Observe confidentiality in the performance of the services above-mentioned and in safekeeping the data and records; and
- (E) Exercise such other necessary and relevant functions, duties, and responsibilities as may be directed by the SSCD or the court.

#### RULE IV THE SOCIAL WORK ADVISER

**Section 1. Creation of Position.** – The position of Social Work Adviser (SWA) shall be created under the Office of the Court Administrator who shall monitor and supervise the SSCDs and shall perform the functions, duties, and responsibilities as stated in Section 3, Rule IV of these Rules.

**Section 2. Staff of the Social Work Adviser; Support and Specific Functions.** – The Social Work Adviser shall have the necessary staff

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composed of qualified social workers, psychologists, and other personnel with academic preparation in behavioral science, and support staff in the efficient and effective discharge of duties, functions, and responsibilities.

**Section 3. Functions, Duties, and Responsibilities of the Social Work Adviser.** – The Social Work Adviser shall:

- (A) Prepare, implement, monitor, and evaluate policies and standards for the operations of the SSCDs, as well as conduct special audits to determine compliance with existing laws, rules and policies and submit the pertinent reports to the Office of the Court Administrator;
- (B) Review and evaluate the existing organizational structure, staffing pattern and work processes, systems, and procedures of SSCDs, as well as perform the necessary personnel actions, such as the detail and reassignment of the staff of SSCDs to other stations, with the approval of the Office of the Court Administrator;
- (C) Determine the technical requirements in the delivery of social services by the SSCDs, and provide technical advice on social welfare matters;
- (D) Coordinate with the appropriate government and non-government organizations relative to social welfare concerns and other needs of Family Courts in accordance with the policies and guidelines set by the Supreme Court; and
- (E) Perform such other duties and functions as may be directed by the Office of the Court Administrator and/or the Supreme Court.

**RULE V  
ALTERNATIVE SOCIAL SERVICES**

**Section 1. LGU Social Workers.** – In accordance with Section 11 in relation to Section 17 of RA 8369, in areas where no Family Court has been established or no Regional Trial Court has been designated as such by the Supreme Court due to the limited number of family cases, the Presiding Judge of the Regional Trial Court may request the LSWDO to assign and designate qualified and trained social workers of the local government units to handle CICL and family cases filed in the proper court.

**RULE VI  
PRIVACY AND CONFIDENTIALITY  
OF PROCEEDINGS**

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April 19, 2022

**Section 1. Observance of Right to Privacy and Confidentiality.** – At all stages of the proceedings, the parties, judges, court personnel, prosecutors, counsels, social workers, medical practitioners, mediators, law enforcement officers, *barangay* officials, social/news media people, and all persons or agents acting on their behalf shall recognize the right to privacy of the parties, observe the confidentiality of their identities, as well as of court records, and may conduct closed-door hearings pursuant to existing laws and procedural rules.

**RULE VII  
COMMITTEE ON FAMILY COURTS  
AND JUVENILE CONCERNS (CFCJC)**

**Section 1. Functions.** – For the effective implementation of the social aspects of RA 8369, the CFCJC is authorized to perform the following:

- (A) Conduct studies on the data collection, information management, and development of the operations of the Family Courts and the SSCDs, in coordination with Presiding Judges of Family Courts, the Social Work Adviser, the Office of the Court Administrator, and/or the Philippine Judicial Academy, as well as prepare the necessary reports therefor;
- (B) Serve as the national liaison among Family Court judges, SSCDs, international agencies, and non-governmental agencies involving issues centered on the family, women, and children, and for such purpose, organize national and regional summits, and/or initiate any other fora for the discussion and exchange of information, best practices, or any other concerns falling within the scope of RA 8369; and
- (C) Such other functions and duties as may be assigned to it by the Supreme Court.

**RULE VIII  
FINAL PROVISIONS**

**Section 1. Separability Clause.** – In the event that any provision or part of these Rules is declared or rendered invalid, those provisions not affected by such declaration shall remain valid and in force.

**Section 2. Repealing Clause.** – All rules and regulations, administrative circulars, guidelines, court issuances, and administrative matters inconsistent herewith are hereby superseded, amended, or modified accordingly.

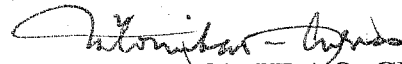
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**Section 3. Effectivity.** – These Rules shall take effect fifteen (15) days after its complete publication in two (2) national newspapers of general circulation.”

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(16)

By authority of the Court:



**MARIFE M. LOMIBAO-CUEVAS**

Clerk of Court *mm*