



Republic of the Philippines  
**DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**  
DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City  
<http://www.dilg.gov.ph>

**OFFICE OF THE UNDERSECRETARY FOR PLANS, PUBLIC AFFAIRS, AND COMMUNICATIONS**

16 April 2020

**ROLANDO JOSELITO D. BAUTISTA**

*Secretary*

Department of Social Welfare and Development

In reply to the letter of the DSWD Secretary seeking clarification whether Barangay Health Workers, Barangay Tanods, and Barangay Daycare Workers are considered appointed employees of the local government units, may we provide the following explanation:

### **Barangay Health Workers**

RA 7883 or the Barangay Health Worker's Benefits and Incentives Act of 1995 classified Barangay Health Workers as volunteers.

Section 3 of the said law defined a Barangay Health Worker as a person who has undergone training programs under any accredited government and non-government organization and who **voluntarily renders** primary health care services in the community after having been accredited to function as such by the local health board in accordance with the guidelines promulgated by the Department of Health (DOH).

Being volunteers, RA 7883 merely guarantees BHWs with Hazard Allowance<sup>1</sup> and Subsistence Allowance<sup>2</sup> aside from non-monetary benefits like Training, Education and Career Enrichment Programs, Civil Service Eligibility, and Free Legal Assistance.

Although RA 7305 or the Magna Carta of Public Health Workers expanded the benefits of health workers, in truth and in fact, most if not all BHWs are still considered volunteers with minimal benefits.

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<sup>1</sup> **Hazard Allowance.**— Volunteer barangay health workers in rural and urban areas, exposed to situations, conditions, or factors in the work environment or place where foreseeable but unavoidable danger or risks exist which adversely endanger his health or life and/or increase the risk of producing adverse effect on his person in the exercise of his duties, to be validated by the proper authorities, shall be entitled to hazard allowance in an amount to be determined by the local health board and the local peace and order council of the local government unit concerned.

<sup>2</sup> **Subsistence Allowance.**— Barangay health workers who rendered service within the premises of isolated barangay health stations in order to make their services within the premises available at any and all times, shall be entitled to subsistence allowance equivalent to the meals they take in the course of their duty, which shall be computed in accordance with prevailing circumstances as determined by the local government unit concerned.

## **Barangay Tanods**

Under Section 391 (16) of the Local Government, the sanggunian of barangays [P]rovide for the organization of community brigades, **barangay tanod**, or community service units as may be necessary.

Further, under Section 393 (a) of RA 7160, barangay tanods are entitled to receive honoraria, allowances, and other emoluments viz:

"Section 393. Benefits of Barangay Officials.

(a) Barangay officials, including barangay tanods and members of the lupong tagapamayapa, shall receive honoraria, allowances and such other emoluments as may be authorized by law or barangay, municipal, or city ordinances in accordance with the provisions of this Code xxx."

The ceiling for the grant of the same should not exceed the minimum salary rate for SG 1 of the salary schedule being implemented by the city/municipality where the barangay belongs, provided further that such compensation shall not exceed those of the lowest paid barangay officials pursuant to Local Budget Circular No. 63 ('LBC 63') dated 22 October 1996, and Item 9.3.4.12.5 of the Manual on Position Compensation Classification-Chapter 9.

Notably, only barangay personnel who are paid salaries and whose positions are classified in accordance with RA 6758 and issued appointments in accordance with the Civil Service law, rules and regulations pertaining thereto, may be entitled to the following benefits: personnel economic relief allowance (PERA); additional compensation; year-end bonus and cash gift; productivity incentive benefits; and other benefits accruing to regular employees.

Hence, barangay tanods *are not entitled* to receive other forms of remunerations except honoraria, allowances, and other types of emoluments authorized by law or ordinance.

## **Barangay Day Care Workers**

Barangay Day Care Workers belong to those positions other than the mandatory barangay officials which may be created in the barangay and may be compensated in the form of salary or honorarium at the discretion of the barangay government concerned.<sup>3</sup>

Thus, Barangay Day Care Workers are appointed by the barangay when a position for such is created by the unit.

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<sup>3</sup> 3.3 Local Budget Circular No. 63

Under LBC 63, the ceiling for the honoraria of Barangay Daycare Workers should not exceed the salary rate for SG 6 of the salary schedule being implemented by the city/municipality where the barangay belongs. However, in truth and in fact, these Barangay Daycare Workers receive honoraria way below SG 6- the latter being the ceiling amount.

Similar to Tanods, Barangay Daycare Workers *are not entitled* to receive other forms of remunerations except honoraria, allowances, and other types of emoluments authorized by law or ordinance.

### **ON THE ELIGIBILITY OF THESE THREE POSITIONS IN THE SOCIAL AMELIORATION**

This Department understands that clarification on the nature of appointment of these positions is being sought in view of Section VI-B of DSWD Memorandum Circular No. 9 on the Omnibus Guidelines in the Implementation of the Emergency Subsidy Program which states:

#### **"VI-B. EXCLUSION FROM ESP**

The following families shall be excluded from receiving the ESP under these Guidelines if any of its member/s is/are:

(a) Elected and Appointed government official/s (i.e. permanent, contractual, casual, coterminous) or personnel contracted (under Memorandum of Agreement; Cost of Service, Job Order and other similar arrangement/s) in any National Government Agency (NGA), Government-owned and Controlled Corporation, Local Government Unit and GOCCs with original charter;"

It is the appeal of This Department that the nature of appointment of Barangay Health Workers, Barangay Tanods, and Barangay Day Care Workers should not *outrightly disqualify* them from being included in the target beneficiaries under the social amelioration program particularly the Emergency Subsidy Program as defined in 5.1 of the Joint Memorandum Circular No. 1 ('JMC 1').

### **TARGET BENEFICIARIES, defined**

5.7 of JMC 1 defined *target beneficiaries* of the program as those families that belong to either the **poor or informal sector** which **are at risk of not earning a living** during the Enhanced Community Quarantine. In addition, these families may have at least one (1) member belonging to a vulnerable or disadvantaged sector.

5.7 further provides a list of these vulnerable or disadvantage sectors, to wit:

- 5.7.1. Senior Citizens;
- 5.7.2. Persons with Disability;

- 5.7.3. Pregnant and Lactating Women;
- 5.7.4. Solo Parents;
- 5.7.5. Overseas Filipinos in Distress
- 5.7.6. Indigent Indigenous Peoples
- 5.7.7. Underprivileged Sector and Homeless
- 5.7.8. Informal Economy Worker
  - 5.7.8.1. Directly Hired or Occasional Workers
  - 5.7.8.2. Subcontracted Workers
  - 5.7.8.3. Homeworkers
  - 5.7.8.4. Househelpers
  - 5.7.8.5. Drivers of Pedicab, Tricycle, PUJs, UVs, PUBs, Taxi, TNVS, and TNC
  - 5.7.8.6. Micro-entrepreneurs and Producers, Operators of Sari-sari stores and the like
  - 5.7.8.7. Family Enterprise Owners
  - 5.7.8.8. Sub Minimum Wage Earners**
  - 5.7.8.9. Farmers, Fisherfolks, and Farm workers
  - 5.7.8.10. Employees affected by 'no work, no pay'
  - 5.7.8.11. Stranded Workers

Clearly, the factors to be considered for a person to qualify under the SAP are:

1. The person belongs to the poor or informal sector;
2. The person is at risk of not earning a living during the ECQ;
3. The household should include a member belonging to a vulnerable or disadvantaged person enumerated under 5.7.

Note that both BHWs, Tanods, and Daycare Workers, by analogy to their counterparts in the private sector, fall under the definition of **Sub Minimum Wage Earners which refer to [A]ny person who earns a wage below the prescribed minimum and is the sole income-earner of their family.**

To illustrate, in the case of the Barangay Tanods, LBC 63 provides that the ceiling of the honoraria is that of Salary Grade 1. Pursuant to National Budget Circular No. 579, SG 1 has an equivalent monetary value of P11,551. Even assuming that a barangay tanod in Metro Manila gets the full amount of P11,551 (P525 daily), still this rate is below what a minimum wage earner receives in Metro Manila which is P537.

In some LGUs, these workers receive merely P1500 monthly honoraria from the barangay.

## **A FINAL NOTE**

The DILG has issued MC 2020-23 as early as 6 February 2020 directing all LGUs to put in place systems to contain the spread of COVID-19.

5.2.1 of MC 2020-23 directed all barangays to lead in the containment and control and prevention and mitigation of the societal effects of COVID-19 by activating their Barangay Health Emergency Response Teams ('BHERT'). The so-called heavy-lifting job for the immediate response to the pandemic has been delegated

to BHWs and Tanods as the frontliners in all community. It is but just to give them reasonable leeway to be entitled in the programs of the government.

Thus, as a way of an appeal, may This Department recommend that persons appointed as BHWs and Tanods be considered and included in the target beneficiaries of SAP while Barangay Daycare Workers be not outrightly disqualified in the said program but should be screened on a case-to-case basis.

Thank you, Secretary.

By authority of the Secretary of the Interior and Local Government:



**JONATHAN E. MALAYA**  
*Undersecretary*