



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF SENIOR CITIZENS



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BUREAU OF ADULT PROTECTIVE SERVICES
ANNUAL LEGISLATIVE REPORT
FISCAL YEAR 2019

The Honorable Alberto C. Lamorena, II
DEC 31 2019
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PERIOD COVERED: OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019

PREPARED BY: EVELYN T.U. MANIBUSAN, MBA
SOCIAL SERVICE SUPERVISOR I

I. DESCRIPTION OF THE ACTIVITIES OF THE BUREAU AND ALL DESIGNATED AGENCIES DURING THE PRECEDING YEAR

The Bureau of Adult Protective Services (BAPS) is responsible for receiving and investigating all suspected reports of elderly or adults with a disability abuse or neglect. *Elderly* refers to a person age sixty (60) years or older. *Adult with a disability* is any person eighteen (18) years or older who has a physical or mental impairment which limits one (1) or more major life activities; or has a history of, or has been classified as having, an impairment which substantially limits one (1) or more major life activities. Major Life Activities include, but are not limited to: caring for oneself, performing manual tasks, standing, walking, seeing, hearing, eating, sleeping, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking and working.

The mission of the BAPS is to provide protective services to the elderly and adults with a disability in a manner least restrictive with respect to their dignity and in consideration of the values and practices of their culture.

On December 28, 2012, Public Law (P.L.) 31-278 updated Guam's Adult Protective Services (APS) mandates (P.L. 19-54 and P.L. 21-33). The updates of P.L. 31-278 refined the definitions for the types of abuse reported to APS; expanded the list of Mandated Reporters to include Emergency Medical Service (EMS) providers, non-emergency medical transport providers, medical and allied health providers, personnel of banking or financial institutions, pension providers and practicum students in the health and human services; defines the organizational and personnel structure of the Bureau of Adult Protective Services (BAPS); and in Sub-Section 2954, a new provision was added that created the BAPS Fund which provides for all fines collected from any person required by Subsections (a) and (b) of §2952 to report a case of suspected elderly or adult with a disability abuse and fails to make a report to APS, to be deposited into the Fund and shall be expended exclusively for purposes used to support the operations of the BAPS.

The primary function of the BAPS social workers is case investigation. Upon receiving a referral of alleged abuse or neglect, the social worker(s) meets with the client to assess the situation and proceeds with investigating the allegation(s) of abuse or neglect and develops a case plan which addresses the client's needs in order to intervene if not resolve the abusive situation. Intervention strategies used by the social workers include: crisis intervention, education, protective shelter, multi-disciplinary team meetings, individual and family sessions, and networking and collaborating with other government and private agencies to provide formal support services. Another key function is outreach and prevention efforts. Outreach presentations are provided to educate and inform government, private and non-profit entities, and the general public of the services available through the BAPS for the prevention of elderly and adults with a disability abuse and neglect.



Further, BAPS administers the Guma Serenidad Program, formerly known as the Emergency Receiving Home, through a contract agreement with Catholic Social Service (CSS) for the Comprehensive Management, Operations, and Maintenance of Protective Services and a 24-hour Crisis Intervention Hotline (CIH) for seniors, age 60 and older, and adults with a disability, age 18-59, who are victims or alleged victims of abuse and are in immediate or imminent danger and require temporary shelter and support to protect them from further abuse or neglect. The contract between the Department of Public Health and Social Services, Division of Senior Citizens (DPHSS, DSC) and CSS became effective January 1, 2016, upon award of Invitation for Bid No. GSA-003-16 to CSS for a period of 60 months or five (5) years; on a year to year basis. In FY 2019, the service period of October 1, 2018 through September 30, 2019 covers months 34 through 45 of the 60-month agreement between DPHSS and CSS.

The Crisis Intervention Hotline (CIH) receives, responds, and manages reports of suspected elderly or adults with disability abuse and neglect. BAPS referrals received by the CIH between the hours of 8:00 a.m. through 4:30 p.m., Monday through Friday, except on recognized Government of Guam holidays and weekends, are forwarded to the BAPS for investigation, and referrals received after 4:30 p.m., Mondays through Friday and on recognized Government of Guam holidays and weekends are managed by Guma Serenidad staff.

BAPS also administers the Office of the Long-Term Care Ombudsman and activities related to Elder Abuse Prevention, Title VII programs. The Office of the Ombudsman provides services to the elderly at St. Dominic's Senior Care Home, Guam Memorial Hospital Authority Skilled Nursing Unit (GMHA/SNU) and the three Adult Day Care Centers. The Ombudsman visits elderly residents to meet with them and/or their family members to address, advocate, and resolve concerns for the protection of the resident's health, safety, and welfare while ensuring the rights of residents are safeguarded.

FY 2019 opened with the BAPS staffed with three Social Worker III's and a Social Service Supervisor I. However, the retirement of Social Service Supervisor I Jocelynn DR Cruz and Social Worker Evelyn O. Cruz, who was also the Ombudsman, in December, 2018, coupled with the resignation of Social Worker Nilda Orenca in July, 2019 left the Bureau with a staff of two (2) to carry out its duties and mandated responsibilities for most of FY 2019. Recruitment efforts to fill the SW position vacated by Ms. Evelyn O. Cruz were hampered by fiscal challenges; a pay-out to Ms. Cruz for her sick leave created a fiscal challenge for the recruitment packet to move forward until additional funding became available.

A second attempt to move recruitment forward was halted by freeze on all recruitment due to the Government's fiscal crisis at the time. Thus, recruitment for the position was not able to move forward until clarification was obtained from DOA to re-submit a recruitment packet when the freeze was lifted. On September 17, 2018, the position was filled by Ms. Rosemarie Hermoso, a Limited Term Social Worker III, as the eligibility list for the SW III position expired and DOA announced the position to establish a new eligibility list for the SW III position.

As of January 2019, Ms. Rosemarie Hermoso filled the position that had been vacated by Ms. Cruz and became a classified employee. As of this writing, efforts to fill the Social Service Supervisor I and a Social Worker III position are on-going.

OUTREACH AND ADVOCACY:

BAPS actively participated in several outreach activities in FY 2019 which include:

1. *Family & Domestic Violence Awareness Outreach* on November 20, 2018, an event coordinated by the Guam Coalition Against Sexual Assault and Family Violence (GCASAFV) and held annually to raise community awareness on Family and Domestic Violence;
2. *Guam Memorial Hospital (GMH) and Skilled Nursing Unit (SNU) Presentation* on November 20, 2018 an event coordinated by Guam Memorial Hospital to provide information on Adult Protective Services to hospital personnel;
3. *National Association of Social Workers Conference (NASW)* on March 18 -19, 2019 an event coordinated by the National Association of Social Workers, Guam Chapter and held annually to provide social workers with information on current research and programs;
4. *Community Outreach Fair*, on April 20, 2019 at the Agana Shopping Center an event coordinated by Guam Coalition Against Sexual Assault and Family Violence (GCASAFV) to raise awareness on Family and Domestic Violence;
5. *APS Mandate and Reporting Presentation* on April 25, 2019 an event coordinated by the Guam Coalition Against Sexual Assault and Family Violence (GCASAFV) to provide information on Adult Protective Services Mandated Reporting;
6. *Guam Homeless Coalition's Annual Passport to Services* on April 26, 2019 an event coordinated by Guam's Homeless Coalition to provide information on Adult Protective Services;
7. *8th Annual Governor's Conference on Aging* on May 16, 2019, an event led by the Division of Senior Citizens and held annually as part of the celebration of Senior Citizens Month in the month of May;
8. *ICAN Resources Training Academy Presentation* on July 31, 2019, an event coordinated by ICAN Resources, Guam in providing information on Adult Protective Services; and

Listed in **Table 1. Outreach Activities.** are the outreach events participated by BAPS, which provided the Bureau the opportunity to disseminate information on aging services and educational brochures on APS and the Ombudsman Program to a total of 521 participants.

Table 1. Outreach Activities.

Event Title	Date/Location/Time	Sponsoring Agencies/Organizations	Number of Outreach Participants
Family & Domestic Violence Awareness Outreach	November 20, 2018 2:00 pm – 3:30 pm	Guam Coalition Against Sexual Assault and Family Violence	17
APS Presentation	November 20, 2019 7:30 am – 10:00 am Skilled Nursing Unit, Barrigada Heights	Guam Memorial Hospital (GMH) and Skilled Nursing Unit (SNU) personnel	23
National Association of Social Workers (NASW) Conference	March 18 – 19, 2019 8:00 am – 5:00 pm	National Association of Social Workers (NASW) Guam Chapter	20
Community Outreach Fair	April 20, 2019 10:00 am – 2:00 pm	Guam Coalition Against Sexual Assault & Family Violence	32
APS Mandate Reporting Presentation	April 25, 2019 1:00 pm – 2:00 pm	Guam Coalition Against Sexual Assault & Family Violence	24
Guam Homeless Coalition Passport to Services	April 26, 2019 9:00 am – 2:00 pm	Guam Homeless Coalition	20
Governor's Conference on Aging	May 16, 2019 Dusit Thani Hotel 8:00 am – 2:30 pm	Division of Senior Citizens, Department of Public Health and Social Services	370
ICAN Resources Presentation	July 31, 2019 8:00 am – 10:00 am	ICAN Resources	15
Total Participants for all Outreach Events			521

BAPS also conducted 79 awareness presentations to agencies and individuals who deliver services to seniors and adults with a disability in the community, to include home-based and facility-based settings such as the Guam Coalition Against Sexual Assault & Family Violence, ICAN Resources, Guam Memorial Hospital/Skilled Nursing Unit.

Additionally, the Ombudsman made visits to St. Dominic's Senior Care Home, GMHA/SNU, and the three Adult Day Care Centers and quarterly visits to the Guma Asusena Group Home for a total of 23 Ombudsman visits conducted. A total of 23 awareness presentations were conducted at the aforementioned sites for residents, clients, family members, caregivers and staff with one (1) Ombudsman case received for further assessment.

II. STATISTICAL INFORMATION ON THE NUMBER AND TYPES OF REPORTS RECEIVED DURING THE YEAR FOR BAPS

BUREAU OF ADULT PROTECTIVE SERVICES (BAPS): In FY 2019, the BAPS responded to 373 Unduplicated Referrals/Intakes, averaging 31 cases per month. Of the 373 Referrals/Intakes received 367 were determined to be appropriate for investigation by BAPS and 6 were determined to be an Inappropriate Referral/Intake. The Referrals/Intakes received by the BAPS are categorized as Elderly, Elderly with a Disability and Adult with a Disability as illustrated in **Table 2. Types of Referrals.**

Of the 367 appropriate Referrals/Intakes received:

- 249 or 68% were Elderly [comprised of Elderly and Elderly with a Disability (Dual)]
- 118 or 32% were Adults with a Disability

Table 2. Types of Referrals

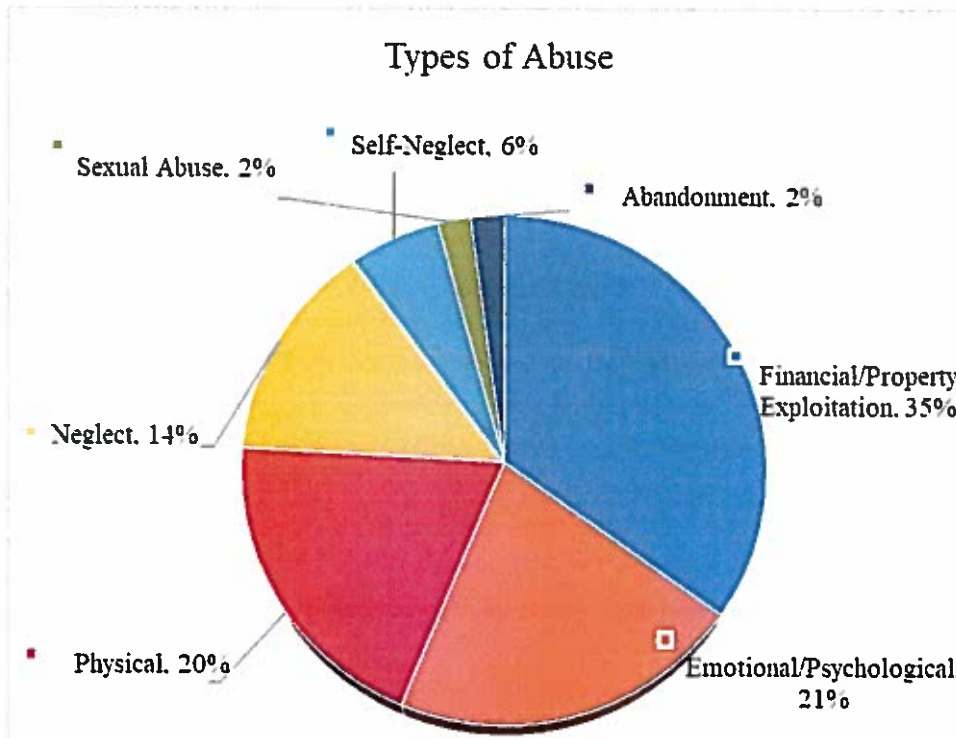
Referral Type	Elderly	Elderly with a Disability	Adult with a Disability	Year-to-Date
Financial/Property Exploitation	56	53	19	128
Emotional/Psychological Abuse	27	23	28	78
Physical Abuse	5	30	37	72
Neglect	10	25	17	52
Self-Neglect	5	9	7	21
Sexual Abuse	0	2	6	8
Abandonment	1	3	4	8
Total Referrals	104	145	118	367

Of the 249 Elderly Referrals/Intakes investigated.

- 145 or 58% were Elderly with a Disability
- 104 or 42% were Elderly

A review of the 367 appropriate Referrals/Intakes received revealed the BAPS staff responded to a range of abuses against the elderly and adults with a disability. The 367 appropriate Referrals/Intakes as categorized by types of abuse are illustrated in **Figure 1. Types of Abuse**

Figure 1. Types of Abuse



Of the 367 appropriate Referrals/Intakes received:

- 128 or 35% were for Financial/Property Exploitation
- 78 or 21% were for Emotional/Psychological Abuse
- 72 or 20% were for Physical Abuse
- 52 or 14% were for Neglect
- 21 or 6% were for Self-Neglect
- 8 or 2% were for Sexual Abuse
- 8 or 2% were for Abandonment

Of the 367 case investigations conducted by BAPS, 7 or approximately 2% of the Referrals/Intakes received were substantiated and 360 or approximately 98% were determined inconclusive/unsubstantiated.

GUMA SERENIDAD PROGRAM: In FY 2019, the contracted Guma Serenidad program staff responded to 58 Unduplicated Referrals/Intakes, averaging approximately 5 cases per month. Of the 58 Unduplicated Referrals/Intakes received, 58 Referrals/Intakes received were appropriate Referrals/Intakes for investigation.

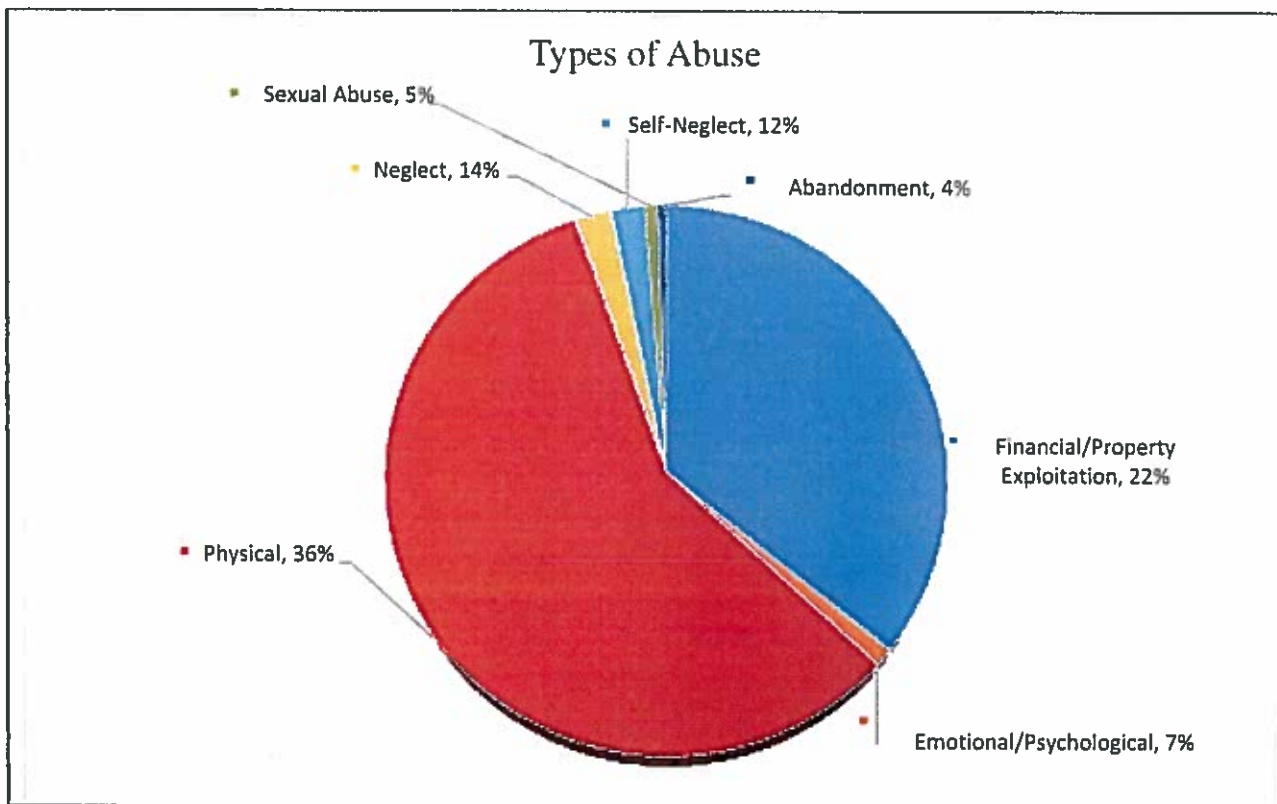
The 58 appropriate Referrals/Intakes received by Guma Serenidad are categorized as Elderly, Elderly with a Disability and Adult with a Disability as illustrated in **Table 3. Types of Referrals.**

Table 3. Types of Referrals

Referral Type	Elderly	Elderly with a Disability	Adult with a Disability	Year-to-Date
Physical Abuse	8	0	13	21
Financial/Property Exploitation	10	0	3	13
Neglect	5	0	3	8
Self-Neglect	5	0	2	7
Emotional/Psychological Abuse	3	0	1	4
Sexual Abuse	1	0	2	3
Abandonment	2	0	0	2
Total Referrals	34	0	24	58

A review of the 58 appropriate Referrals/Intakes received revealed the Guma Serenidad staff responded to a range of abuses against the elderly and adults with a disability. The 58 appropriate Referrals/Intakes as categorized by types of abuse are illustrated in **Figure 2. Types of Abuse**.

Figure 2. Types of Abuse



Of the 58 appropriate Referrals/Intakes received:

- 21 or 36% were for Physical Abuse
- 13 or 22% were for Financial/Property Exploitation
- 8 or 14% were for Neglect
- 7 or 12% were Self-Neglect
- 4 or 7% were for Emotional/Psychological Abuse
- 3 or 5% were for Sexual Abuse
- 2 or 4% were for Abandonment

In FY 2019, the staff of the Guma Serenidad provided a total of 2,730 Units of Services as follows: 1150 Personal Care, 524 Meals, 488 Case Management, 439 Information and Assistance, 58 Unduplicated Referrals/Intakes, 58 Hotline Calls, 12 Admissions to Guma Serenidad and 1 Outreach Contact as illustrated in Table 4. **Guma Serenidad Units of Service.**

Table 4. Guma Serenidad Units of Service.

Fiscal Year 2019	YTD Total
Personal Care Provided	1150
Meals Provided	524
Case Management	488
Information and Assistance	439
Unduplicated Referrals/Intakes Received	58
Hotline Calls	58
Admissions to Guma Serenidad	12
Outreach (Contacts)	1
Total Units of Services Performed	2,730

Five -Year Review of Three Highest Types of Abuse Referred: A review of statistical data of the three highest Types of Abuse received and investigated by the BAPS and Guma Serenidad within the past five fiscal years to include FY 2019 is illustrated in Table 5. **Three Highest Types of Abuse Referred.**

Table 5. Three Highest Types of Abuse Referred

Fiscal Year	1st Highest Type	2nd Highest Type	3rd Highest Type
FY 2019	141 Financial/Property	93 Physical	82 Emotional/Psychological
FY 2018	91 Financial/Property	53 Neglect	49 Emotional/Psychological
FY 2017	86 Financial/Property	73 Emotional/Psychological	60 Neglect
FY 2016	66 Neglect	59 Financial/Property	45 Emotional/Psychological
FY 2015	62 Financial/ Property	58 Emotional/Psychological	54 Neglect

- Financial/Property Exploitation ranked the highest in all types of abuse received in FY 2019 with 141 referrals, an increase of 50 or approximately 55% referrals received from FY 2018 which was 91.
- Physical ranked the second highest in all types of abuse received in FY 2019 with 93 referrals, which is of increasing concern given its rise to being the second highest form of abuse referred which has not been on the top three list the past five years prior to FY 2019.
- Emotional/Psychological ranked the third highest in all types of abused received in FY 2019 with 82 referrals, an increase of 33 or approximately 67% referrals received in FY 2018 which was 49.
- In reviewing the referrals for FY 2015 through FY 2019, Financial/Property Exploitation has ranked the highest in all types of abuse in three fiscal years, FY 2019, 2018 and 2017 with FY 2016 as the second highest form of abuse referred and then as the highest form of abuse referred in FY 2015. Clearly, this form of abuse remains a societal ill that calls for continued work to be done to protect our victims of adult abuse from financial/property exploitation.

III. BUDGET INFORMATION

Expenditures for FY 2019 totaled \$714,902.00. A breakdown of FY 2019 expenditures is provided in **Table 6. Expenditures.**

Table 6. Expenditures.

Item	Expenditures	Percentage
Salaries	\$156,479.00	21%
Benefits	\$48,535.00	6%
Contractual Service	\$508,473.00	71%
Supplies	\$1,415.00	2%
TOTAL	\$714,902.00	100%

IV. INFORMATION ON THE QUALITY OF SERVICES PROVIDED AND THE RESULTS OF SUCH SERVICE IN TERMS OF ALLEVIATING ABUSE

Currently, the BAPS continues to meet the mandates of Public Law 31-278 by providing intervention in abusive situations and assisting clients and their families in obtaining supportive social services, as practicable. Oftentimes, the BAPS serves as the entry point into Guam’s long-term services and support system for elderly or adults with disabilities. It is the experience of the BAPS social workers that abuse and neglect are not always intentional, but rather caused by

caregiver stress and a lack of knowledge on how to care for their elderly parents or family member who is an adult with a disability(ies). Through BAPS intervention, caregivers are provided with information on caregiving and linkage to relevant support systems. In most instances, the needs of the BAPS clients are met thus, alleviating the abusive situation. Cases which have been determined by BAPS that the elderly or adult with a disability had suffered serious abuse are forwarded to the Attorney General's Office for their review and disposition, however, none of the cases investigated in FY 2019 were forwarded to the Attorney General for further disposition.

The BAPS addresses abuse from a social service as opposed to a law enforcement perspective. As such, this allows clients to make informed decisions as to how they can help themselves alleviate their abusive situation. The clients' basic right to self-determination is promoted while maintaining their integrity and dignity. Without the BAPS, the only recourse for elderly and adults with disabilities would be assistance from the Guam Police Department. Many incidences of abuse would not be addressed as BAPS clients are reluctant to use police enforcement as a means of resolution, especially in cases involving family members or their primary caregiver. Successful intervention is a continual learning experience of family dynamics, linking available community resources and having a neutral party facilitate through the emotionally laden journey; this has proven to be the most effective means for BAPS to serve their clients.

The BAPS has seen many families benefit from the interventions of our social workers. Families are provided with the tools necessary to understand each individual situation. The plans set forth by a social worker from the BAPS outlines the continued learning process in strengthening family dynamics with the ability to continue to work through some of the most difficult times in caring for an elderly individual, an adult with a disability or and elderly with a disability.

An important component of the BAPS is the Guma Serenidad/Crisis Intervention Hotline program. Through the Crisis Intervention Hotline, protective services are available seven days a week, 24 hours a day, ensuring that elderly and adults with disabilities have access to BAPS services at all times. Availability of the Guma Serenidad has proven essential to the safety of victims of abuse and neglect. The protective shelter affords a safe haven to clients who are in imminent danger. Without the shelter, clients of BAPS would probably remain in the abusive home environment or be placed into a homeless shelter until alternate living arrangements are made.

V. IDENTIFICATION OF PROBLEMS THAT MAY ARISE IN THE IMPLEMENTATION OF THIS ARTICLE

1. Public Law 31-278 provides for mandated reporting of suspected elderly or adults with disabilities abuse or neglect for professionals who in the course of their employment come into contact with elderly and persons with disabilities. The law further provides immunity from liability for those individuals who make reports in good faith. However, the law does not provide sanctions for the falsifying of reports. During the course of case investigations, if it is determined by BAPS social workers that case referrals were not made in good faith,

absent any provision for penalties for falsifying reports under this provision, there does not appear to be any means to discourage this action on the part of individuals committing such an act.

2. Public Law 31-278 does not address alleged perpetrators who refuse to cooperate in a BAPS investigation. Further, BAPS does not possess the authority to require alleged perpetrators to cooperate with BAPS investigations which is a contributing variable resulting in higher percentage of inconclusive/unsubstantiated case determinations.
3. Although P.L. 31-278 defines the types of abuses in the mandate, the mandate needs to add penalties for substantiated cases of abuse or neglect specific to elders or adults with disabilities, in cases of abandonment, emotional/psychological abuse and neglect. Substantiated cases of physical or sexual abuse are criminal in nature and are forwarded to the Office of the Attorney General for their disposition; to investigate and decide whether to initiate criminal proceedings or not. Cases of substantiated financial or property exploitation can be referred to other legal avenues for possible recourse; however, substantiated cases of abandonment, emotional/psychological abuse and neglect do not fall under any laws and as such, carry no penalties.
4. Expansion of Services. During the investigations, especially of alleged neglect situations, it has been determined that the neglect of BAPS clients is not of willful intent but rather due to lack of services to support family members in their role as caregivers or to assist an adult individual living in the community requiring some level of formal support that cannot be readily provided by family or friends, either due to limited or competing demands the family is managing or the local resource is limited or non-existent.
5. Long Term Care. Long Term Care needs for the elderly and adults with disabilities is a major challenge for BAPS clients and their families; clients who do not have family members to care for them on a long-term basis. Additionally, many families require to be gainfully employed to maintain their household while the elderly and adults with disabilities often require supervised care, thus, families are constantly challenged with providing care for them in their homes while maintaining their employment for their own survival. The need for placement options on a long-term basis for either alternative residential placement or for therapeutic purposes is a need that goes without question. At times, clients may be rotated among shelter residential type programs with the client(s) being admitted into the existing array of shelter services multiple times which is a band aid approach to the real issue and may bear liability issues in the future.

This situation requires a permanent and responsive solution to this growing need (unmet need) in our community, assisted living facilities would be an option to explore.

6. Further, additional funding to support existing therapeutic group homes as well as weekend provision of services for Adult Day Care services for seniors could help provide some relief to the growing need for respite for caregivers.

For the latter, it could be for those families who require such services, thus, a thorough screening process would need to be implemented to ensure those approved for services meet the preset criteria and given the reality of limited funding for this service, clients could be afforded services on a rotational basis.

Although this is not the preferred manner to provide services, it does provide relief and support to Guam's caregivers while ensuring care recipients are provided quality weekend service in a supervised setting.

7. The following is part of the FY20 budget and although the recruitment packet was forwarded on October 7, 2019, there still remains the process to fill the PC III position. Therefore, until filled it was determined to maintain this as a challenge until such time the PC III position is filled. The practice of level funding does not support or allow for proper recruitment of staff to ensure education, prevention and outreach work is being provided in the community at all levels to address the number one form of abuse for the past two fiscal years, Financial/Property Exploitation. The BAPS needs a full time Program Coordinator III to coordinate education and prevention efforts, and to conduct outreach, to work with the court/judicial system, the local law enforcement authorities, financial institutions, established collations for the prevention of adult abuse, senior citizens, their family, friends and caregivers to raise their awareness of financial abuse. As the financial exploitation of our man'amko is a community dilemma, BAPS needs to reach out to the community to intervene so as to reduce the number of instances seniors and adults with a disability are financially exploited.

VI. RECOMMENDATIONS FOR ACTION ON THE PART OF THE LEGISLATURE WHENEVER DEEMED VITAL FOR THE PROTECTION OF THE ELDERLY AND ADULTS WITH A DISABILITY

As recommended in prior year reports, legislation needs to be enacted to expand and fund programs for independent living, alternative/transitional homes and assisted living facilities (non-medical) to address the needs of clients admitted into the protective shelter during crisis, but due to limited resources and services in our community, are difficult to transition out of the protective shelter, as more clients are requiring therapeutic and non-medical assisted care.

A second recommendation would be for the provision of law to be enacted for Legal Assistance Services for the elderly to be provided through the Office of the Attorney General or the Public Defender's Services Corporation or both as many of the legal requests fall on ensuring the protection of the interests of our seniors; protection and advocacy to ensure legal services are provided to safeguard and protect the rights of our seniors.

The partnership between the Division of Senior Citizens and a government legal arm would promote efficiency and greater access to legal services given the current cost to provide legal services and the cost of an attorney at either of the two offices noted in this recommendation.

A third recommendation would be to explore alternative to funding sources in allowing caregivers to access additional supports. Often times the stressors of caregiving leads to the interventions of Adult Protective Services. In addressing this issue opens up an avenue in decreasing interventions by Adult Protective Services in further decreasing the incidences of abuse.

PREPARED BY:



EVELYN T.U. MANIBUSAN, MBA
SOCIAL SERVICE SUPERVISOR I

REVIEWED BY:



ARTHUR U. SAN AGUSTIN, MHR
SENIOR CITIZENS ADMINISTRATOR