



HOUSE OF REPRESENTATIVES

H. No. 7033

BY REPRESENTATIVES BRAVO (A.), CANAMA, PANGANIBAN, ROMUALDO, BATOCABE, VILLARICA, TUGNA, ERIGUEL, VIOLAGO, PINEDA, BILLONES, MACAPAGAL-ARROYO, GARBIN, VILLARAZA-SUAREZ, YAP (M.), ORTEGA (P.), TAN (A.), MANGAOANG, BORDADO, ROQUE (H.), CASTRO (F.L.), BRASAS, UNABIA, SANTOS-RECTO, VARGAS-ALFONSO, AGGABAO, SY-ALVARADO, OLIVAREZ, CASTELO, ESCUDERO, NOGRALES (K.A.), SALCEDA, DIMAPORO (M.K.), GO (A.C.), SAMBAR, LOBREGAT, ALMONTE, AMATONG, ARCILLAS, BAG-AO, GO (M.), LACSON, MARQUEZ, MONTORO, QUIMBO, SAVELLANO, YU, NAVA, ZUBIRI, CUA, BOLILLA, SINGSON, FERNANDO, ROCAMORA, ARENAS, RAMIREZ-SATO, CAGAS, DIMAPORO (A.), ALMARIO, CERILLES, PRIMICIAS-AGABAS, MARCOLETA, TAMBUNTING AND NIETO, PER COMMITTEE REPORT NO. 582

AN ACT ESTABLISHING A COMPREHENSIVE SYSTEM FOR REGISTRATION AND LICENSING OF SOCIAL WELFARE AND DEVELOPMENT AGENCIES AND ACCREDITATION OF SOCIAL WELFARE AND DEVELOPMENT PROGRAMS AND SERVICES, AND APPROPRIATING FUNDS THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

ARTICLE I

GENERAL PROVISIONS

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3 SECTION 1. *Short Title.* – This Act shall be known as the
4 “Social Welfare and Development Agencies Act”.

5 SEC. 2. *Declaration of Policy.* – The State acknowledges the
6 important role that the private sector plays in the delivery of social
7 welfare and development programs and services to the public.
8 Towards this end, the State shall ensure that social welfare and
9 development programs and services in the public and private
10 sectors comply with national standards and adhere to the principles
11 of human rights. The State shall set standards, register, license,
12 accredit, and monitor social welfare and development agencies,
13 service providers, groups or organizations engaged in social welfare
14 and development activities. It shall also provide appropriate
15 consultative mechanisms to enable mutual beneficial engagements
16 of the private sector and its counterparts in government to set social
17 welfare and development priorities, identify areas where synergies
18 are possible, and jointly develop standards that meet the challenges
19 and demands of the services they provide to the poor, the
20 vulnerable, the marginalized, the disadvantaged, and the
21 underprivileged sectors of Philippine society.

22 The State shall further promote and strengthen the
23 partnership among social welfare and development agencies
24 (SWDAs), national government agencies (NGAs), local government
25 units (LGUs), nongovernment organizations (NGOs), faith-based
26 organizations, and the private sector to include accessing of
27 resources between and among them for the upliftment of the poor,

1 the vulnerable, the marginalized, the disadvantaged, and the
2 underprivileged individuals, families, groups, and communities in
3 the country.

4 SEC. 3. *Coverage.* – This Act applies to all nonstock,
5 nonprofit corporations operating in the Philippines, both public or
6 private, with the primary purpose of implementing or intending to
7 implement social welfare and development programs and services
8 for the poor, vulnerable, marginalized, disadvantaged, and
9 underprivileged beneficiaries. Organizations established by a treaty
10 or other instruments governed by international law or possessing its
11 own international legal personality are not covered by this Act.

12 SEC. 4. *Definition of Terms.* – As used in this Act:

13 (a) *Accreditation* refers to the process of providing official
14 recognition to the social welfare and development programs and
15 services of registered and licensed social welfare agencies (SWAs),
16 after meeting the minimum standards set by the government;

17 (b) *Beneficiaries* refer to the poor, the vulnerable, the
18 marginalized, the disadvantaged, and the underprivileged
19 individuals, families, groups, and communities availing themselves
20 of any service offered by the SWDAs, including the following:

21 (1) Abandoned, neglected, orphaned, voluntarily committed,
22 abused and exploited children, and other children in need of special
23 protection;

24 (2) Out-of-school youth and other youth with special needs;

25 (3) Women;

26 (4) Persons with disabilities (PWDs) or differently abled
27 persons;

1 (5) Senior citizens or older persons;

2 (6) Dysfunctional families;

3 (7) Internally displaced individuals and communities such as
4 victims or survivors of natural or human-induced calamities or
5 disasters; and

6 (8) Poor, vulnerable, marginalized, disadvantaged, and
7 underprivileged individuals, families, groups, and communities,
8 including indigenous groups and those in crisis situation;

9 (c) *Operation* refers to the implementation of social welfare
10 and development programs and services by an SWDA, either
11 directly or indirectly, within a specified geographical area or place
12 over a period of time using its own resources or the resources of
13 other partners and conduits;

14 (d) *Registered social worker* refers to a person who possesses a
15 Bachelor of Science in Social Work Degree or a Master's Degree in
16 Social Work, has passed the Social Worker Licensure Examination,
17 and is a holder of a valid registration or identification card issued by
18 the Professional Regulation Commission (PRC);

19 (e) *Service providers* refer to social welfare and development
20 workers including social workers managing court cases and
21 premarriage counselors accredited by the DSWD and who have
22 satisfactorily complied with the set requirements and standards;

23 (f) *Social Welfare and Development Programs and Services*
24 refer to an organized system of programs and services designed to
25 aid beneficiaries to attain an improved quality of life and well-being
26 in harmony with the needs of their family and community;

1 (g) *Social Welfare and Development Agency (SWDA)* refers to
2 a nonstock, nonprofit, public or private corporation, implementing
3 or intending to implement, mainly or generally, social welfare and
4 development programs and services in the Philippines, either
5 directly or indirectly, and assessed as having the capacity to operate
6 administratively, technically and financially to serve the poor, the
7 vulnerable, the marginalized, the disadvantaged, and the
8 underprivileged beneficiaries as defined in this Act;

9 (h) *Social welfare and development worker* refers to a social
10 worker or any professional who is engaged in the delivery of social
11 welfare and development programs and services of an SWDA;

12 (i) *Social work* refers to the profession which helps
13 individuals, families, groups, and communities develop, improve,
14 maintain, or restore their capability for coping with the demands of
15 their environment through the use of social work methods and
16 interventions; and

17 (j) *Unregistered and unlicensed SWDAs* refer to those
18 agencies or organizations that continue to provide social welfare and
19 development programs and services, either directly or indirectly,
20 without license to operate from the DSWD, including those whose
21 certificates of registration or licenses to operate are expired or
22 revoked.

23 ARTICLE II

24 SOCIAL WELFARE AND DEVELOPMENT AGENCIES

25 SEC. 5. *Classifications of SWDAs.* – An SWDA may either be
26 a Social Welfare Agency or an Auxiliary SWDA.

1 (a) A Social Welfare Agency (SWA) provides restorative,
2 preventive, and developmental programs and services to the poor,
3 the vulnerable, the marginalized, the disadvantaged, and the
4 underprivileged individuals, families, groups, or communities. They
5 may be classified as:

6 (1) Residential-based Agency. – An SWA that provides
7 twenty-four (24)-hour residential care services for the marginalized
8 sector including the abandoned, neglected, or voluntarily committed
9 children, women, PWDs, and older persons;

10 (2) Community-based Agency. – An SWA that implements
11 community-based or street-based programs and services delivered
12 to beneficiaries while in their home or in the community such as
13 those in senior citizens centers, day-care centers and vocational
14 rehabilitation centers. These programs and services include
15 sponsorship or scholarship programs, assistance to victims of
16 disasters, and social services to individuals and families; or

17 (3) Child-placing Agency. – An SWA that receives and
18 processes applications of the prospective foster or adoptive parents
19 and facilitates placement of children eligible for foster care or
20 adoption.

21 (b) An Auxiliary SWDA provides supportive activities in the
22 delivery of social welfare and development programs and services to
23 the poor, the vulnerable, the marginalized, the disadvantaged, and
24 the underprivileged sectors such as the grant of funds, the conduct
25 of trainings, and other resources to help in the efficient operations
26 of SWAs. The following are the different types of auxiliary SWDA:

1 (1) People's Organization. – An SWDA with a *bona fide*
2 association of citizens with identifiable leadership, membership, and
3 structure, that has demonstrated its capacity to promote the public
4 interest and engage in social welfare and development activities.
5 They include federation of senior citizens, youth organizations, and
6 associations of women and PWDs;

7 (2) Resource Agency. – An SWDA that provides tangibles
8 such as funds, food, clothing, medicines, and shelter; or intangibles
9 such as knowledge and skills to help various SWDAs achieve their
10 goals in providing social welfare and development services for their
11 beneficiaries; or

12 (3) Social Welfare and Development Network. – A group of
13 SWDAs such as a coalition, alliance or federation that organized
14 themselves for a common goal in promoting social protection of the
15 poor, the vulnerable, the marginalized, the disadvantaged, and the
16 underprivileged groups.

17 SEC. 6. *Service Delivery Modes.* – Social welfare and
18 development programs and services may be delivered in any of
19 the following modes:

20 (a) Residence-based mode where group care is provided to
21 residents under the guidance of a trained staff and within a
22 structured therapeutic environment with the objective of
23 reintegrating a person with the family or community or, in case of
24 children, until such time when a better alternative parental care is
25 provided. This program may also be provided for those children
26 pursuing formal education away from their family; or

1 (b) Community-based mode where the helping process takes
2 place in the community as the primary client system or when social
3 welfare and development activities are provided to individuals,
4 groups, or families while they remain in their homes. It is
5 characterized by interaction between the client and worker in the
6 community in relation to the resolution of identified problems and
7 concerns. These include senior citizens center, day-care center,
8 drop-in center, vocational rehabilitation center, sponsorship or
9 scholarship program, alternative placement service, assistance to
10 victims of disaster, and social services to individuals and families,
11 while in their home or in the community.

12 SEC. 7. *Administration and Management.* – An SWDA is
13 managed by individuals whose qualifications meet the criteria set
14 under the rules and regulations to be issued to implement this Act.
15 It may be operated by:

16 (a) Private individuals, educational institutions, civic
17 organizations, and faith-based organizations; or

18 (b) NGAs, LGUs, government-owned and -controlled
19 corporations (GOCCs), and state universities and colleges (SUCs)
20 with social welfare and development programs and projects.

21 At least sixty percent (60%) of the seats in the Board of
22 Trustees of SWDAs operated by nonstock and nonprofit
23 corporations must be held by Filipinos.

24 SEC. 8. *Salaries, Wages and Other Benefits.* – All SWDAs
25 shall comply with existing and relevant labor laws and regulations
26 regarding the salaries, wages, and benefits of employees, provided
27 these are within the minimum standards set by the Civil Service

1 Commission (CSC) and the Department of Labor and Employment
2 (DOLE). In the absence of a standard salary scale for social workers
3 and other social welfare and development workers of the SWDAs,
4 the pay scale set by the CSC and the DOLE, in consultation with
5 the Department of Budget and Management (DBM), shall be
6 followed.

7 SEC. 9. *Operating Expenses.* – An SWDA shall utilize at least
8 seventy percent (70%) of its funds for direct social welfare and
9 development programs and services and not more than thirty
10 percent (30%) shall be expended for administrative concerns.
11 Funds of the SWDA shall be deposited in the name of the
12 organization in a banking institution regulated by the Bangko
13 Sentral ng Pilipinas (BSP). Financial transactions, books of
14 accounts and other reports shall be available to the public, agency
15 staff, and other concerned individuals or agencies for transparency
16 and monitoring purposes.

17 Any donation received by the SWDA, both in kind and in
18 cash, shall inure only for the welfare of the beneficiaries and the
19 operating expenses of the SWDA.

20 The DSWD, in consultation with public and private SWDAs,
21 shall set standards to determine specific expenditures for program
22 and administrative expenses.

23 SEC. 10. *Submission of Reports.* – Each SWDA shall submit
24 to the DSWD an annual accomplishment and financial report duly
25 audited by an external certified public accountant or a
26 representative from the Commission on Audit (COA) and other
27 reports as may be required by the DSWD.

1 The financial reports of SWDAs whose total income and
2 expenditures are less than Five hundred thousand pesos
3 (P500,000.00) shall be audited by its internal auditor.

4 The annual reports shall be submitted to the DSWD not
5 later than one hundred twenty (120) days after the end of
6 every fiscal year.

7 ARTICLE III

8 REGISTRATION, LICENSING, AND ACCREDITATION

9 SEC. 11. *Registration.* - (a) An SWDA shall first register
10 with the Securities and Exchange Commission (SEC) or the
11 Cooperative Development Authority (CDA) for purposes of
12 establishing its juridical personality. To be officially recognized as
13 an SWDA operating within the purview of social welfare and
14 development, the SWDA shall apply for registration with the DSWD
15 not later than six (6) months from the issuance of the certificate of
16 registration from the said government agencies.

17 (b) The requirements for registration for those intending to
18 operate as an SWDA are the following:

19 (1) Certified true copy of registration with the SEC or
20 the CDA;

21 (2) At least two (2) years approved work and financial plan
22 for the implementation of its programs and services indicating
23 the planned activities and corresponding amount of funds and
24 sources of donations;

25 (3) The names of qualified technical and administrative staff
26 and a copy of their licenses or certificates of professional eligibilities
27 as well as an agency guide that outlines its operations; and

1 (4) Other documentary requirements, as provided for under
2 existing laws, rules, and regulations, as may be deemed necessary
3 to ensure the welfare and safety of its beneficiaries and staff.

4 (c) For an SWDA that has been in operation for less than
5 two (2) years, the following additional requirements must be
6 submitted:

7 (1) A manual of operation or handbook of its programs and
8 administrative policies, procedures and strategies to attain its
9 purposes; and

10 (2) Diagram of physical facilities, including location map and
11 other documents showing ownership or legal custody of property
12 where the SWDA shall operate from.

13 (d) For an SWDA which has been in operation for at least
14 two (2) years upon application for registration, it shall submit at
15 least one (1) year audited financial report in addition to the
16 abovementioned requirements.

17 SEC. 12. *Licensing.* - An SWA shall be given a permit and
18 a legal authority to operate, after having met or complied with the
19 following licensing requirements:

20 (a) Documentation showing that it is engaged in social
21 welfare and development programs and services;

22 (b) Certification showing that it employs the necessary
23 number of registered social workers, community development
24 workers, and other employees trained on specific programs and
25 services to be implemented, and a copy of their respective licenses
26 or certificates of professional eligibilities: *Provided*, That the

1 requirement for social workers and other professionals shall depend
2 on the nature of the social welfare programs and services; and

3 (c) Certification of the record of cases it managed or is
4 currently managing and social welfare and development programs
5 and services implemented.

6 The registration and licensing of an SWA may be done
7 simultaneously, and, upon approval, a certificate of registration and
8 license to operate shall be issued.

9 SEC. 13. *Exemption from Registration and Licensing.* – All
10 public residential care facilities of the DSWD, social service units
11 of LGUs, public hospitals, courts, and other social welfare facilities
12 of NGAs and GOCCs, by virtue of the legal basis of their
13 establishment or charters, are exempted from the registration
14 requirement and from securing a license to operate from the DSWD.
15 However, they shall apply for accreditation following the same
16 requirements and standards and shall be subjected to regular
17 monitoring by the DSWD.

18 SEC. 14. *Accreditation.* – All social welfare and development
19 programs and services of registered and licensed SWAs shall be
20 accredited by the DSWD or its authorized intermediaries not later
21 than one (1) year after the issuance of a license to operate. An
22 SWA must comply with the standards on accreditation set by the
23 DSWD on administration and organization, program management,
24 case management, helping strategies or interventions, physical
25 structures and safety, and client protection policy prior to the
26 accreditation of its programs and services.

1 SEC. 15. *Fees and Charges.* – All applications for
2 registration, license, and accreditation shall be charged with
3 corresponding fees to be determined by the DSWD. The fees and
4 charges shall be deposited with the National Treasury.

5 SEC. 16. *Validity.* – The certificate of registration and the
6 license to operate issued to an SWA by the DSWD shall be valid for
7 five (5) years. The accreditation certificate however, may be valid for
8 a period of five (5) to seven (7) years depending on the level of
9 accreditation standards set by the DSWD.

10 The existing certificate shall remain valid until the DSWD
11 has acted on an application for renewal which must be filed within
12 one hundred (100) working days prior to the expiration. The DSWD
13 shall act on the application for renewal of registration, license, and
14 accreditation not later than one hundred (100) working days after
15 submission of complete requirements by the SWDA.

16 ARTICLE IV

17 BENEFITS AND PRIVILEGES OF SOCIAL 18 WELFARE AND DEVELOPMENT AGENCIES

19 SEC. 17. *Benefits and Privileges of Registered SWDAs.* – A
20 registered SWDA is entitled to the following benefits and privileges:

21 (a) Inclusion in the DSWD's Directory of registered, licensed,
22 and accredited SWDAs;

23 (b) Technical assistance in the areas of capability building,
24 packaging of project proposal, provision of program materials
25 and skills enhancement to strengthen program and service
26 implementation;

27 (c) Endorsement to other government agencies on the
28 availment of missionary or working visas of foreign board

1 members, employees, or volunteers subject to eligibility
2 requirements for securing visas;

3 (d) Endorsement to the Department of Finance (DOF) for
4 duty-free importation of foreign donations subject to compliance
5 with the prescribed requirements; and

6 (e) Other benefits and privileges as may be deemed
7 appropriate by the DSWD.

8 SEC. 18. *Benefits and Privileges of Licensed SWAs.* – In
9 addition to the benefits and privileges of a registered SWDA, a
10 licensed SWA is entitled to the following benefits and privileges:

11 (a) Endorsement to the DOF for duty- and tax-free
12 importation of foreign donations subject to compliance with the
13 prescribed requirements;

14 (b) Resource augmentation for program implementation,
15 subject to compliance with the requirements as may be established
16 by the DSWD; and

17 (c) Other benefits and privileges as may be deemed
18 appropriate by the DSWD.

19 SEC. 19. *Benefits and Privileges of Accredited SWAs.* – In
20 addition to the benefits and privileges of registered SWDAs and
21 licensed SWAs, an accredited SWA is entitled to the following
22 benefits and privileges:

23 (a) Endorsement to the DOF for donee institution status and
24 other relevant tax incentives as provided by law;

25 (b) Endorsement for resource augmentation or other
26 assistance from any government agency or private donor subject to
27 compliance to set criteria;

1 (c) Endorsement to utility service providers for the grant of
2 discount on the cost of electricity, water consumption, and telephone
3 service to the residential care, group homes, and community
4 center-based facilities that are operated exclusively for the
5 beneficiaries subject to the set requirements of the utility service
6 providers;

7 (d) Endorsement to appropriate government agencies and
8 private establishments for discount for the processing of
9 documents of intended beneficiaries such as birth registration,
10 passport, safety certificates, among others, for residential care and
11 community-based SWA facilities;

12 (e) Assistance in establishing linkages with local, national,
13 and international organizations and networks for the generation
14 and sharing of resources;

15 (f) Nomination of board members, employees, or volunteer
16 workers to participate as presentors or resource speakers in local or
17 foreign trainings or conferences;

18 (g) Plaque of recognition as a model SWDA;

19 (h) Cash incentives;

20 (i) Endorsement of the SWA as an ideal agency for research
21 of the SWA's operations and other learning opportunities; and

22 (j) Other benefits and privileges as may be deemed
23 appropriate by the DSWD.

24 SEC. 20. *Tax Exemption.* – A foreign donation to a registered,
25 licensed, and accredited SWDA, upon certification by the DOF,
26 shall be exempted from the payment of customs duties, taxes and
27 tariffs in accordance with the provisions of Republic Act No. 10863,

1 otherwise known as the "Customs Modernization and Tariff Act
2 (CMTA)".

3 All grants, bequests, endowments, donations, and
4 contributions made to the registered, licensed, and accredited
5 SWDA to be used actually, directly and exclusively by the said
6 SWDA are also exempt from donor's tax and the same shall be
7 considered as allowable deduction from the gross income of the
8 donor for purposes of computing the taxable income of the donor in
9 accordance with the provisions of the National Internal Revenue
10 Code of 1997, as amended.

11 SEC. 21. *Recommendation to Obtain Donee Institution Status.*

12 – The DSWD may recommend or endorse to the DOF the
13 conferment of a donee institution status and the grant of other tax
14 benefits to registered, licensed and accredited SWDAs.

15 ARTICLE V

16 OTHER REGULATORY POWERS AND
17 FUNCTIONS OF THE DSWD

18 SEC. 22. *Monitoring and Evaluation of SWDAs.* – The
19 DSWD shall conduct monitoring and evaluation including spot
20 visits to all SWDAs at least once a year or as the need arises to
21 ensure that their social welfare and development programs and
22 services are implemented as planned. The result of monitoring and
23 evaluation shall be used to address problems and issues and to
24 provide the framework for interventions of the DSWD.

25 SEC. 23. *Dissolution of SWDAs.* – Any of the following is a
26 ground for the voluntary or involuntary termination of operation or
27 dissolution or closure of SWDAs:

28 (a) Inability of SWDA officers to sustain its operation;

1 (b) Noncompliance with or violation of any provision of this
2 Act; and

3 (c) Other causes as may be determined by the DSWD.

4 The constitution and bylaws or articles of incorporation of an
5 SWDA must explicitly state that in case of dissolution, the assets
6 shall be utilized for social welfare and development activities after
7 payment of all financial liabilities.

8 A final and executory judgment by the DSWD finding an
9 SWDA liable for any of the violations stated in (a), (b) and (c)
10 is a ground for the cancellation and revocation of the agency's
11 registration or license to operate as an organization or agency, and
12 shall be endorsed to the SEC or the CDA for its appropriate action.

13 *SEC. 24. Deputation of Intermediaries.* – Authorized
14 intermediaries may be deputized by the DSWD to conduct an
15 assessment of the operation of an SWDA and social welfare and
16 development workers for purposes of registration, licensing, and
17 accreditation. The DSWD shall provide transportation or subsidy
18 allowance to deputized intermediaries in accordance with the
19 rules and regulations of the COA. Further, the DSWD shall
20 provide continuous capacity-building activities to the deputized
21 intermediaries.

22 For purposes of this Act, intermediaries refer to persons,
23 groups, networks of SWDAs, or LGUs trained, accredited, and
24 authorized by the DSWD to perform specific functions in the
25 process of registration, licensing, and accreditation.

26 *SEC. 25. Investigation and Resolution of Complaints.* – The
27 DSWD shall accept complaints, investigate and initiate appropriate

1 proceedings on cases involving SWDAs. Upon lawful cause, the
2 DSWD shall suspend the operations of the SWDA or revoke its
3 registration, license, and accreditation certificates and close its
4 facilities in coordination with the law enforcement agencies without
5 prejudice to the filing of criminal or civil case against erring officials
6 and personnel of the SWDA.

7 ARTICLE VI

8 COMPLAINTS AGAINST SOCIAL WELFARE
9 AND DEVELOPMENT AGENCIES

10 SEC. 26. *Complaints.* – In handling complaints against an
11 SWDA for any violation of this Act, the DSWD may consider
12 any of the following information to initiate an inquiry or
13 investigation thereon:

14 (a) Report of an authorized personnel or office of the DSWD
15 based on the assessment and monitoring of the compliance with
16 program and service standards;

17 (b) Report from an SWDA's clients or beneficiaries;

18 (c) Verbal information from a person, group, or organization;

19 (d) Signed and unsigned letters, documents or reports;

20 (e) Printed materials or articles in newspapers, magazines
21 and similar publications;

22 (f) Information sent or received through broadcast or
23 electronic media and information and communication devices such
24 as text messages, emails and posts in the social media; or

25 (g) Other sources of information such as minutes of meetings,
26 consultations, and fora.

27 In the case of a verbal or unsigned complaint, the DSWD
28 shall validate the alleged violations or actions of the SWDA being

1 reported. If and when validation is not possible, the personnel or
2 office of the DSWD that received the complaint shall file a
3 report on the difficulty to validate the same. Documented
4 information and printed materials must be evaluated in accordance
5 with the procedures in handling complaints or information.

6 SEC. 27. *Who May File a Complaint.* – A complaint against
7 an SWDA may be filed with the DSWD by any of the following:

- 8 (a) Offended party;
- 9 (b) Parent or legal guardian of a client;
- 10 (c) Ascendant or collateral relative of the client, such as a
11 child within the third degree of affinity or consanguinity;
- 12 (d) Duly authorized officer or social worker of the DSWD;
- 13 (e) Officer, social worker, or representative of a registered,
14 licensed, and accredited SWDA;
- 15 (f) Barangay chairman or other local government official; or
- 16 (g) Person who has personal knowledge of the acts
17 complained about or reported for action.

18 SEC. 28. *Review Committee.* – There shall be a Field Office
19 Review Committee (FORC) and a Central Office Review Committee
20 (CORC) to handle cases and resolve complaints against SWDAs,
21 whether they are registered or unregistered, licensed or unlicensed,
22 or accredited. For complaints and violations involving any SWDA
23 operating in one or more regions, the FORC that has jurisdiction
24 over the areas where the cases happened shall have exclusive
25 jurisdiction in handling and resolving the said complaints or
26 violations. The decisions, orders or findings of the FORC shall be

1 appealable to the CORC. The CORC may intervene or assist the
2 FORC in handling complaints, if necessary.

3 The composition of the FORC and the CORC shall be
4 determined by the DSWD: *Provided*, That there are two (2)
5 members representing licensed and accredited SWDAs who are
6 themselves members of the network organized by the DSWD. The
7 representatives must be provided with an allowance in accordance
8 with the rules and regulations of the COA.

9 Further, the DSWD shall formulate guidelines on the
10 protocols of handling complaints against SWDAs, including the
11 terms of reference of the FORC and CORC.

12 SEC. 29. *Procedures.* - The procedures in handling and
13 resolving of complaints and appeals by the FORC and the CORC
14 shall be made in accordance with the existing rules and procedures
15 of the DSWD.

16 SEC. 30. *Suspension, Revocation or Closure.* - The
17 certificates of registration, license to operate or accreditation issued
18 to an SWDA by the DSWD shall be suspended or revoked if, after
19 due process, the DSWD finds that the SWDA committed any of the
20 grounds stipulated under Sections 31 and 32 of this Act.

21 A suspended SWDA shall cease its operation. However, the
22 DSWD may allow it to continue its operation subject to the
23 following conditions:

24 (a) If the suspension will cause prejudice to the best interest
25 of a substantial number of beneficiaries;

1 (b) If there are no other available registered, licensed, or
2 accredited SWDAs that can accommodate the beneficiaries of the
3 suspended SWDA;

4 (c) If the SWDA agrees to be under the close supervision of
5 the DSWD; and

6 (d) If the SWDA agrees not to accept any additional
7 beneficiaries.

8 The suspension, revocation of license or closure of an SWDA
9 shall be effected without prejudice to the filing of criminal or civil
10 case under existing laws.

11 SEC. 31. *Grounds for Suspension.* - The suspension or
12 temporary cessation of operation as an SWDA may be of any of the
13 following grounds:

14 (a) Insolvency or inability to continue to support and
15 maintain its operation or to perform the functions for which it was
16 granted registration and license;

17 (b) Noncompliance with social case management standards;

18 (c) Poor sanitation of facilities and surroundings rendering
19 these unfit for clientele;

20 (d) Violation of the SWDA's constitution and bylaws;

21 (e) Failure to submit annual accomplishment and audited
22 financial reports for two (2) consecutive years;

23 (f) Failure to apply for accreditation or renewal of
24 accreditation after two (2) consecutive notifications and monitoring
25 or spot visits and technical assistance every six (6) months from the
26 DSWD or authorized intermediaries; or

27 (g) Other causes as may be determined by the DSWD.

1 SEC. 32. *Grounds for Revocation of License.* – The revocation
2 or cancellation of the registration, license to operate and
3 accreditation certificates of an SWDA issued by the DSWD may be
4 of any of the following grounds:

5 (a) Use of SWDA for immoral purposes such as trafficking,
6 gambling, prostitution, money laundering, and terrorist financing;

7 (b) Neglect, exploitation, and abuse of SWDA clients;

8 (c) Cessation of operation as SWDA;

9 (d) Mismanagement of funds;

10 (e) Falsification of the requirements for registration,
11 licensing, and accreditation;

12 (f) Revocation of its registration from juridical personality
13 by the SEC or other regulatory agencies;

14 (g) Noncompliance of SWDAs on the agreed action plan
15 during the accreditation assessment for two (2) consecutive
16 monitoring visits with interval of six (6) months by the DSWD; or

17 (h) Other causes as may be determined by the DSWD.

18 SEC. 33. *Delisting of an SWDA.* – An SWDA with expired
19 registration, license, or accreditation certificate and which failed to
20 reply or send a letter of intent to renew its registration, license,
21 and accreditation to the DSWD, after receiving three (3) notices
22 shall be delisted from the DSWD's roster.

23 An SWDA whose certificate of registration and license to
24 operate have been revoked shall be delisted from the roster of
25 registered, licensed, and accredited SWDAs. Likewise, the SWDA
26 that voluntarily ceases its operation shall be delisted.

1 SEC. 34. *Closure of Unregistered or Unlicensed SWDAs.* –
 2 After receipt of two (2) notices from DSWD requiring them to apply
 3 and submit requirements for registration and licensing and to
 4 undergo technical assistance, unregistered or unlicensed SWDAs
 5 that continue to engage in social welfare and development programs
 6 and services, either directly or indirectly, shall immediately be
 7 closed upon receipt of an order from the DSWD.

8 ARTICLE VII

9 STRENGTHENING THE STANDARDS BUREAU OF DSWD

10 SEC. 35. *Strengthening of the Standards Bureau.* – To carry
 11 out the provisions of this Act, the Standards Bureau of the DSWD's
 12 Central Office is hereby strengthened to fulfill the regulatory
 13 service and quality assurance measures provided by the DSWD to
 14 the SWDAs intending or implementing social welfare and
 15 development programs and services in the country.

16 SEC. 36. *Organization and Structure.* – The Standards
 17 Bureau shall upon approval of the Secretary of the DSWD or any
 18 authorized representative of the Secretary be reorganized and set
 19 up to effectively and efficiently implement the regulatory functions
 20 of the DSWD in pursuance with this Act and existing DSWD rules
 21 and regulations. The Bureau shall be headed by a Director IV
 22 and assisted by the Director III. Both shall be appointed in
 23 accordance with existing rules and regulations of the CSC and
 24 the DSWD. They shall report directly to the DSWD Secretary
 25 or any authorized representative.

1 SEC. 37. *Functions of the Standards Bureau.* - The
2 Standards Bureau shall perform the following duties
3 and functions:

4 (a) Formulate, develop and revise policies and guidelines
5 pertaining to social welfare and development standards
6 implementation, registration and licensing of SWDAs, accreditation
7 of service providers and programs and services of SWDAs,
8 regulation of regional and national fund campaign and duty-free
9 entry of foreign donations and handling of complaints;

10 (b) Develop strategies which will promote quality social
11 welfare and development programs and services for the welfare of
12 the beneficiaries;

13 (c) Register qualified organizations engaged in social welfare
14 and development programs;

15 (d) License social welfare agencies;

16 (e) Accredite social welfare and development programs and
17 services of the SWDAs and service providers;

18 (f) Manage complaints and information on cases of
19 violations against registered, licensed, and accredited SWDAs and
20 service providers;

21 (g) Monitor and provide technical assistance and resource
22 augmentation to field offices, SWDAs and intermediaries to ensure
23 sustainability of quality service delivery;

24 (h) Develop and manage information management system
25 relative to standards development, compliance and monitoring
26 of the registered and licensed SWDAs and accredited service
27 providers;

1 (i) Identify other benefits and incentives for registered,
2 licensed, and accredited SWDAs; and

3 (j) Perform such other acts which are necessary or incidental
4 to the proper exercise of its functions and duties.

5 SEC. 38. *Divisions of the Standards Bureau.* – The
6 Standards Bureau is composed of the following three (3) divisions
7 with their respective functions:

8 (a) Standards Development Division (SDD). – The SDD shall
9 set the standards on the implementation of social welfare and
10 development programs and services, and develop strategies which
11 will promote quality social welfare and development programs and
12 services for the welfare of the defined beneficiaries.

13 (b) Standards Compliance Division (SCD). – The SCD shall
14 process and assess applications for registration, licensing, and
15 accreditation of SWDAs and service providers, ensure their
16 compliance to the implementation of the social welfare and
17 development programs and services and determine the benefits
18 accruing to licensed and accredited service providers and SWDAs.
19 It shall also fully enforce set regulatory policies to unregistered
20 and unlicensed SWDAs and service providers with expired
21 registration, license, and accreditation.

22 (c) Standards Monitoring and Enforcement Division (SMED).
23 – The SMED shall monitor the sustained compliance of registered,
24 licensed, and accredited SWDAs and service providers to the
25 minimum standards on the delivery of quality programs and
26 services in consonance with the social welfare and development
27 programs for the poor, vulnerable, marginalized, disadvantaged,

1 and underprivileged sectors of the society. The division shall also be
2 responsible for the handling of complaints.

3 SEC. 39. *Regional Counterpart.* — The standards units in all
4 regional offices of the DSWD shall also be strengthened that shall
5 implement the regulatory services in the region. The head of the
6 standards unit shall occupy a position not lower than a Social
7 Welfare Officer IV. The regional office shall also adapt at least the
8 two (2) divisions in the Standards Bureau, namely: the Standards
9 Compliance Section (SCS) and the Standards Monitoring and
10 Enforcement Section (SMES). The appropriate number of staff
11 complement of these two (2) sections shall be created in accordance
12 with the existing rules and regulations of the CSC and the DSWD.

13 SEC. 40. *Additional Plantilla Positions.* — The number of
14 assigned plantilla positions for the DSWD Standards Bureau and
15 its regional counterparts shall be increased in order to meet the
16 duties and functions provided in this Act.

17 ARTICLE VIII

18 IMPLEMENTATION OF THE LAW 19 AND RULE-MAKING AUTHORITY

20 SEC. 41. *Implementing Rules and Regulations.* — Within
21 ninety (90) working days from its effectivity, the Secretary of the
22 DSWD shall, in consultation with the DOF, DOJ, Department of the
23 Interior and Local Government (DILG), DOLE, DBM, CSC, COA,
24 SEC, Philippine National Police (PNP), National Bureau of
25 Investigation (NBI), Bureau of Immigration (BI), and other
26 appropriate government agencies, as well as three (3)
27 representatives from any of the coalition of SWDAs or social

1 welfare and development workers, shall promulgate the necessary
2 rules and regulations to carry out the provisions of this Act.

3 SEC. 42. *Assistance from Law Enforcement Agencies.* – Law
4 enforcement agencies such as the PNP, NBI, and BI shall provide
5 assistance to the DSWD in the enforcement of this Act.

6 SEC. 43. *Immunity of Officer or Staff.* – The duly authorized
7 officer or staff of the DSWD and the law enforcement agency
8 involved in the implementation and enforcement of this Act
9 who acted in accordance with the due process clause of the
10 Constitution shall be exempted from any civil, criminal, and
11 administrative liability.

12 ARTICLE IX

13 FINAL PROVISIONS

14 SEC. 44. *Penalties.* – Any person, group, or organization
15 that operates as a SWDA without the corresponding valid
16 certificate of registration or license to operate issued by the DSWD
17 shall be penalized with a fine of not less than One hundred
18 thousand pesos (P100,000.00) but not more than Five hundred
19 thousand pesos (P500,000.00) or imprisonment ranging from one (1)
20 year but not more than three (3) years at the discretion of the court.
21 The penalties imposed are without prejudice to other penalties such
22 as the seizure of equipment, instruments and other facilities of the
23 SWDA.

24 If the offender is a corporation, organization, or any similar
25 entity, the officials or employees thereof who have directly
26 participated in the violation shall be held liable therefore.

1 If the offender is a foreigner, the offender, after serving
2 the sentence, shall be deported immediately without further
3 proceedings.

4 If the offender is a government official or employee of the
5 DSWD or any government agency, the offender shall be penalized in
6 accordance with civil service rules and regulations.

7 SEC. 45. *Transitory Provision.* – All unregistered and
8 unlicensed SWDAs that are currently operating shall have a
9 period of one (1) year from the effectivity of this Act to
10 apply for registration or license to operate with the DSWD.

11 The DSWD shall notify all registered and licensed SWDAs in
12 writing about the implementation of this Act within one hundred
13 twenty (120) days from its effectivity. Upon compliance with the
14 requirements, a new registration or license to operate shall be
15 issued to them.

16 SEC. 46. *Appropriations.* – The Secretary of Social Welfare
17 and Development shall include in the DSWD's programs the
18 implementation of this Act, the initial funding of which shall be
19 charged against the current year's appropriations of the DSWD.
20 Thereafter, the amount necessary for its continued implementation
21 shall be included in the annual General Appropriations Act.

22 SEC. 47. *Separability Clause.* – If any provision or part of
23 this Act is declared unconstitutional or invalid, the remaining parts
24 or provisions not affected shall remain in full force and effect.

25 SEC. 48. *Repealing Clause.* – All laws, decrees, letters of
26 instruction, executive issuances, resolutions, orders or parts thereof

1 which are inconsistent with the provisions of this Act are hereby
2 repealed, modified or amended accordingly.

3 SEC. 49. *Effectivity.* – This Act shall take effect fifteen (15)
4 days after its publication in the *Official Gazette* or in a newspaper
5 of general circulation.

Approved,

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