

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS

____ Second ____ Regular Session

HOUSE BILL NO. 4924

Introduced by Representative MARION L. PRIMITIAL-AGABAS

EXPLANATORY NOTE

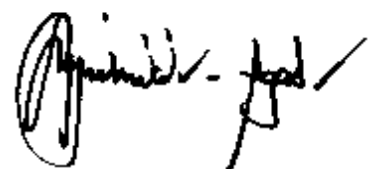
Republic Act No. 4373 (An Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies in the Philippines and for other purposes) was enacted into law on June 19, 1965 and was amended by Republic Act No. 5175 (An Act to Amend the Republic Act 4373) on August 4, 1967 to include the provision to regulate the social work practice and the operation of social work agencies in the Philippines.

Recent developments and prevailing practices however, generated issues and concerns not covered by these laws, hence the need for the creation of the new law to address these concerns, particularly the regulation of Social Welfare and Development Agencies (SWDAs) operations. This proposed Bill intends to encourage the participation of all persons, organizations or corporations, natural or juridical that engage mainly or in part, or represents themselves to engage in charitable or social welfare and development activities, in uplifting the quality of life of the poor, the vulnerable and the disadvantaged sectors and strengthen their capacities to fulfill their goals through a Department of Social Welfare and Development (DSWD) registration, licensing and accreditation. This is to ensure effectiveness, efficiency and accountability in the delivery of quality social welfare and development programs and services.

In recognition of the importance and invaluable contribution of SWDAs in social welfare and development, the Bill provides benefits and incentives to registered, licensed and accredited SWDAs. Benefits and incentives shall include endorsement for duty and tax free importation of foreign donations; financial and other resource augmentation for program implementation; endorsement for donee-institution status and other relevant tax incentives; and endorsement for financial and other assistance by government agencies or instrumentalities among others. As an instrument in promoting SWDAs' accountability, the Bill also provides a mechanism for sanctions in case of non-compliance with standards and procedures set by the DSWD and the provisions of the Bill including its Implementing Rules and Regulations.

Further, the Bill also seeks to reinforce the regulatory functions of the DSWD over the public and private individuals, agencies and/or organizations engaged in social welfare and development activities. It provides the DSWD the authority to regulate the practice of social work and the operation of social work agencies as provided in RA 4373 amended by RA 5175 as well as social welfare and development agencies including (a) to register and license and accredit SWDAs; (b) conduct monitoring and evaluation; (c) intervene in dissolution of SWDAs, (d) recommend and/or endorse accredited SWAs and SWDAs to obtain a donee-institution status, (e) regulation of public solicitations; (f) deputation of individuals, groups or associations in the Philippines to conduct assessment for registration, licensing and accreditation; (g) conduct investigation and resolve complaints against SWDAs; and (h) provide administrative sanctions for non-compliance with this Act and other relevant laws, rules and regulations.

In view hereof, approval of this Bill is earnestly requested.

A handwritten signature in black ink, appearing to be "M. L. ...", with a checkmark at the end.

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HOUSE BILL NO. 4924

Introduced by Representative MARLEN L. PATI TOIAS-AGNEAS

**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, APPROPRIATING FUNDS THEREOF AND FOR OTHER PURPOSES**

Article I

GENERAL PROVISIONS

SECTION 1. SHORT TITLE –This Act shall be known as the “Social Welfare and
Development Agencies (SWDA) Act of 2010”.

SECTION 2. DECLARATION OF POLICIES

1. The State shall:

- a. Promote just and dynamic social order that will ensure the prosperity and independence of the nation and empower the people through policies that provide adequate social services which promote full employment, raise the standard of living, and improve the quality of life.
- b. Ensure that social welfare and development programs and services in the public and private sectors comply with national social welfare and development standards and adhere to the principles of human rights.
- c. Provide a balanced approach to the welfare and best interest of the poor, the vulnerable and the disadvantaged sectors recognizing their right to efficient, responsive and effective human services.
- d. Encourage the participation of individuals, groups or organizations in raising the quality of services for the poor, the vulnerable and the disadvantaged sectors.

- e. Reinforce the capacities of individuals, groups or organizations to fulfill their goals and help them promote efficiency, effectiveness and accountability in the delivery of quality services through registration, licensing and accreditation.
 - f. Set standards, register, license and accredit individuals, agencies, groups or organizations engaged in social welfare and development activities and provide appropriate consultative mechanisms and necessary assistance to them to ensure their compliance with the set standards and cope with the demands of providing social welfare services to the poor, the vulnerable, and the disadvantaged sectors of Philippine Society.
 - g. Strengthen partnership among social welfare and development agencies to include accessing of resources between and among them for the upliftment of the disadvantaged, marginalized and vulnerable, individuals, families, groups and communities
 - h. Monitor and evaluate performance of all **primary and secondary setting of any** social welfare and development activities in both public and private sectors.
2. To institutionalize the implementation of the National Sector Support for Social Welfare and Development Reform Project (NSS-SWDRP) or Reform to Lead Project that will lead: (1) improve outcomes of social welfare and development services; (2) improve governance of assistance and delivery through integrated national and local level reforms; and (3) build capacity of DSWD and associated agencies in performance-oriented budgeting and management.
3. In all matters relating to the operation of social welfare and development (SWD) agencies, the interest of the beneficiaries shall be the primary consideration in accordance with the Philippine laws, rules and regulations as well as tenets set forth in international covenants.

SECTION 3. COVERAGE – This Act shall apply to all persons, groups or agencies, public or private, profit or non-profit that are engaged in or want to engage in social welfare and development activities.

1 **SECTION 4. DEFINITION OF TERMS** – For purposes of this Act, the following terms shall
2 be defined as:

- 3 1. **Accreditation** – refers to the process of providing official recognition to the social
4 welfare and development (SWD) programs and services of the licensed agency after
5 meeting the minimum standards set by the government. It ensures that delivery of
6 programs and services are within set standards.
- 7 2. **Beneficiaries** – refer to the disadvantaged, marginalized and vulnerable individuals,
8 groups, families and communities availing any of the services offered by SWDAs.
9 These are but are not limited to the following:
 - 10 a. Abandoned, neglected, orphaned, abused and exploited children and other
11 children in need of special protection eg. children in conflict with the law;
 - 12 b. Out-of-school youth and other youth with special needs;
 - 13 c. Women in especially difficult circumstances (WEDC);
 - 14 d. Persons with disabilities;
 - 15 e. Senior citizens;
 - 16 f. Marginalized and disadvantaged individuals, families and communities e.g.
17 indigenous group/s, those in crisis situation/s, internally displaced due to armed
18 conflict and other developmental projects; and
 - 19 g. Victims of natural and man-made calamities/disasters
- 20 3. **Department** - refers to the Department of Social Welfare and Development.
- 21 4. **Intermediary/ies** – refers to a person, group, network of social welfare and
22 development agencies or local government units authorized or deputized by the
23 Department to perform specific function/s in the process of registration, licensing and
24 accreditation
- 25 5. **Licensing** – refers to the provision of a permit to individuals, social welfare and
26 development agencies to operate as such, after having met or complied with certain
27 standards and requirements.

- 1 6. **Operation** - refers to either direct or indirect implementation of social welfare and
2 development programs and services by a SWDA within a specified geographical
3 coverage or place over a period of time using its own or tapped resources and
4 conduits
- 5 7. **Public Solicitation** - refers to any activity or project intended to generate funds,
6 money, material or other assistance from the public and private sectors for charitable
7 and/or public welfare purposes
- 8 8. **Registration** - refers to the official recognition of the operation of a SWDA within the
9 purview of social welfare and development through the issuance of a certificate of
10 registration by DSWD and inclusion in the registry of social welfare and development
11 agencies.
- 12 9. **Registry** - refers to the DSWD roster of registered, licensed and accredited SWDAs
- 13 10. **Regulatory Agency** – refers to government agencies vested with the power to
14 protect, foster, promote, preserve and control the organization's operations in the
15 country with due regard for the interests of the public and of its patrons.
- 16 11. **Revocation** - refers to the cancellation of the registration, license and/or
17 accreditation certificates of a SWDA for the commission of any of the grounds as
18 provided for in this Act
- 19 12. **Social Welfare and Development Agency (SWDA)** - refers to a person, corporation
20 or organization, engaged in providing directly or indirectly social welfare services and
21 obtains its finances either totally or in part, foreign or local, from any agency or
22 instrumentality of the government and/or from the community by direct or indirect
23 solicitations and/or fund drives and/or endowment.
- 24 13. **Solicitation Permit** - refers to the authority issued to individuals, organizations or
25 associations to solicit donations, generate funds or voluntary contributions for charity
26 and/or social welfare purposes. The Department of Social Welfare and Development
27 shall issue permit for nationwide and regionwide solicitation, Provincial Social
28 Welfare and Development Office (PSWDO) for provincial solicitation or City/Municipal
29 Social Welfare and Development Office (C/MSWDO) for city/municipal level of
30 solicitation.

1 14. **Standards Compliance Monitoring** - refers to a set of organized activities
2 conducted by an authorized personnel or intermediary of the Department on a
3 regular basis or on an agreed timeframe to keep track of the status and operation of
4 registered, licensed and accredited SWDAs in accordance with established social
5 welfare and development standards

6 15. **Suspension** – refers to the temporary cessation of operation as a form of penalty
7 imposed to a SWDA for violation of any of the grounds stipulated in this Act. When
8 the agency is under the suspension shall neither accept nor admit any additional
9 client/s.

10 **Article II**

11 **SOCIAL WELFARE AND DEVELOPMENT AGENCIES**

12 **SECTION 5. NATURE AND PURPOSE** – A SWDA shall operate under the principle of
13 non-dividend declaration of income, if any. and in which case, this shall primarily inure to
14 the benefit of its beneficiaries and none to any of its governing board/officers.

15 **SECTION 6. TYPES OF SOCIAL WELFARE AND DEVELOPMENT AGENCY** – The
16 types of SWDA, by virtue of their establishment, shall be classified as follows:

17 1. **Social Welfare Agency (SWA)** – refers to a type of SWDA which employs social
18 worker/s and/or community development worker/s and other qualified
19 paraprofessionals who have related trainings and experiences that directly provide
20 remedial, preventive and developmental programs and services to individuals,
21 families, groups and/or communities. These may include:

22 a. **Residential based Agency** – refers to SWA that provides twenty-four (24) hour
23 residential care services for abandoned, neglected or voluntarily committed
24 children and youth, women, persons with disabilities and older persons, among
25 others.

26 b. **Community-based Agency** – refers to SWA that implements community based
27 service/s to include senior citizens center, day care center, vocational
28 rehabilitation center, sponsorship/scholarship program, assistance to victims of

1 disaster and social services to individuals and families among others while in their
2 home or in the community.

- 3 c. **Child Placing Agency** – refers to SWA that receives and processes applicants to
4 become foster or adoptive parents and facilitate placement of children eligible for
5 foster care or adoption.

- 6 2. **Auxiliary SWDA** – refers to a type of SWDA which provides supportive activities in
7 the delivery of social welfare and development programs and services to the
8 disadvantaged sector/s. These may include the following:

- 9 a. **People's Organization** – refers to an auxiliary SWDA with a bonafide association
10 of citizens, with identifiable leadership, membership and structure that has
11 demonstrated its capacity to promote the public interest and engage in social
12 welfare and development activities e.g. federation of senior citizens, youth
13 organization/s and association/s of women and persons with disabilities, among
14 others.

- 15 b. **Resource Agency** – refers to an auxiliary SWDA that provides tangibles such as
16 funds, food, clothing, medicines and shelter, or intangibles such as knowledge
17 and skills to help various SWDAs to achieve their goals in providing social welfare
18 and development services for their beneficiaries.

- 19 c. **SWD Network** – refers to a group of SWDAs that organized themselves for a
20 common goal in promoting social protection of disadvantaged and vulnerable
21 groups e.g coalition, alliance or federation.

22 **SECTION 7. SERVICE DELIVERY MODE** – The means by which social welfare and
23 development programs and services are delivered which include, but not limited, to
24 the following:

- 25 1. **Residential-based-** refers to the programs and services where group care is
26 provided to residents under the guidance of a trained staff and within a
27 structured therapeutic environment with the objective of reintegrating him/her
28 with the family or community or in the cases of children, it is until such time
29 when a better alternative parental care. This program could also be provided
30 for those children pursuing formal education away from their family.

1 2. **Community-based** – refers to the programs and services rendered when the
2 helping process takes place in the community as the primary client system or
3 when social welfare and development activities are provided to individuals,
4 groups or families while they remain in their homes. It is characterized by
5 interaction between the client and worker in the community in relation to the
6 resolution of identified problems and concerns. These include but not limited
7 to: senior citizens center, day care center, drop-in center, vocational
8 rehabilitation center, sponsorship/scholarship program, alternative placement
9 service, assistance to victims of disaster and social services to individuals and
10 families among others while in their home or in the community.

11 **SECTION 8 GOVERNANCE AND MANAGEMENT** – SWDA shall be governed by
12 competent individuals whose qualifications meet the criteria set by the Department. It may
13 be operated by the National Government Agencies (NGAs), Local Government Units
14 (LGUs), Government-Owned and Controlled Corporation (GOCCs), state colleges or
15 universities, private individuals, private institutions, and educational institutions or faith
16 based organizations as part of their extension services or social welfare activities or
17 projects. For the SWDAs operated by private institutions, educational institutions and/or
18 faith based organizations, at least sixty percent (60%) of its Board of Incorporators shall
19 be Filipinos.

20 **SECTION 9. SALARIES, WAGES AND OTHER BENEFITS** – Regardless of category,
21 the Board of Directors/Trustees shall not receive any compensation or benefits except for
22 reasonable per diem and honorarium. The SWDA shall comply with salaries, wages and
23 benefits of employees in accordance with the Civil Service Commission (CSC) and Labor
24 Code of the Philippines and other related laws, rules and regulations. **The Department in**
25 **consultation with the CSC and Department of Labor and Employment (DOLE) shall**
26 **set standards on salary scale for the social workers who will manage cases of**
27 **beneficiaries of the SWDAs**

28 **SECTION 10. OPERATING EXPENSES** – The SWDA shall utilize at least eighty (80%)
29 percent of its funds for direct social welfare and development programs and services and
30 not more than twenty (20%) shall be expended for administrative concerns. For a
31 common term of reference, the Department shall identify specific expenditures for program
32 and administrative expenses. Funds of the SWDA shall be deposited in the name of the

organization in a banking institution regulated by the Bangko Sentral ng Pilipinas. Financial transactions, book of accounts and other reports shall be available to the public, agency staff and other concerned individuals or agencies for transparency and monitoring purposes.

SECTION 11. SUBMISSION OF REPORTS – All SWDAs shall submit to the Department on an annual basis, their **updated General Information Sheet**, accomplishment reports, financial reports duly audited by an external certified public accountant or a Commission on Audit (COA) representative, as the case may be, and other reports as may be required by the Department. The said reports shall be submitted to the Department within sixty (60) days after the end of every fiscal year of the SWDA as provided in its Constitution and by-Laws.

Article III

REGISTRATION, LICENSING AND ACCREDITATION

SECTION 12. REGISTRATION – All SWDAs as defined herein shall first have registered with the Securities and Exchange Commission (SEC) or Cooperative Development Authority (CDA) for purposes of establishing their juridical personality. Within six (6) months from the issuance of registration from the said regulatory government agencies, the concerned SWDA shall apply for registration to the Department. The requirements for registration include but are not limited to the following:

1. The applicant must be duly registered with the Securities and Exchange Commission or other regulatory government agency which established its juridical personality;
2. The applicant has a manual of operation or handbook of its programs and administrative policies, procedures and strategies to attain its purpose/s;
3. The applicant has at least two (2) years approved work and financial plan for the implementation of its programs and services **indicating the planned of activities and corresponding amount of funds and sources of donations.**
4. **At least one (1) year audited financial report of the applicant which is in operation upon application**

5. The applicant has physical facilities kept in good condition and designed to promote the welfare of their beneficiaries and staff; and

6. The applicant employs a sufficient number of qualified technical and administrative staff to deliver its programs and services

SECTION 13. LICENSING – Simultaneously with the registration at the Department, all SWDAs categorized as SWA as defined herein shall apply for licensing to the Department. **Hence, a Certificate of Registration and License to Operate shall be issued as one to the eligible SWAs.** Additional requirements for licensing include but are not limited to the following:

1. The applicant must be engaged mainly or generally in social work activity/ies;

2. The applicant employs a sufficient number of qualified and registered social workers and/or community development workers to supervise and take charge of its social work functions in accordance with accepted social work standards and other employees trained on specific programs and services to be implemented;

3. The applicant keeps a record of its cases managed and welfare activities implemented.

SECTION 14. ACCREDITATION – Within one (1) year after the issuance of a License to Operate, all social welfare and development programs and services being implemented by the SWA are required to be accredited by the DSWD or its authorized intermediary/ies. **Both residential and community based** social welfare and development programs and services being implemented by DSWD, LGU and other government agencies shall also be required to be accredited. Before a licensed SWA is accredited, the applicant must have complied with the standards set by the Department on administration and organization, program management, case management, helping strategies/interventions and physical structures and safety, among others.

SECTION 15. COMPLIANCE WITH STANDARDS – The operation of SWDAs, including their programs and services shall comply with the requirements, standards, criteria and guidelines set for registration, licensing and accreditation by the DSWD.

1 **SECTION 16. FEES AND CHARGES** – All applications shall be charged with
2 corresponding fees to be determined by the Department. These shall be remitted to the
3 Department's trust fund/account to be used solely for the effective implementation of this
4 **Act and provision of benefits and incentives to registered/licensed/accredited**
5 **SWDAs.**

6 **SECTION 17. EXEMPTION FROM DSWD REGISTRATION AND LICENSING** - All
7 DSWD residential care facilities; social service units/department of Local Government
8 Units; public and private hospitals; courts and other social welfare facilities of National
9 Government Agencies, Government-Owned and Controlled Corporations by virtue of the
10 legal bases of their establishment or charters are exempted from securing registration and
11 license to operate from the Department. However, they shall be required to apply for
12 accreditation following the same requirements and standards; and shall be subjected to
13 regular monitoring by the Department. Non-government organizations created by law
14 shall likewise be exempted but shall submit their annual accomplishment and audited
15 financial reports.

16 **SECTION 18. VALIDITY** - Registration, License to Operate and Accreditation Certificates
17 shall have a validity period to be determined by the Department.

18 **Article IV**

19 **BENEFITS AND PRIVILEGES OF REGISTERED, LICENSED AND ACCREDITED** 20 **SOCIAL WELFARE AND DEVELOPMENT AGENCIES**

21 **SECTION 19. REGISTERED, LICENSED AND/OR ACCREDITED SWDAS** - All
22 registered, licensed and/or accredited SWDAs may be entitled to the following:

- 23 1. Inclusion in the Directory of Registered, Licensed and/or Accredited SWDAs;
- 24 2. Technical assistance in the areas of capability building, packaging of project
25 proposal, provision of program materials and skills enhancement to strengthen
26 program and service implementation;
- 27 3. **Endorsement to other government agencies on the availment of**
28 **missionary/working visas of foreign board/employees/volunteers**

1 4. **Endorsement for duty free importation of foreign donations;**

2 5. Endorsement for donee-institution status and other relevant tax incentives as
3 provided by law; and

4 6. Other benefits and privileges may be provided as deemed appropriate by the
5 Department

6 **SECTION 20. LICENSED SWDAS** – In addition to the benefits provided in Section 18, a
7 licensed social welfare agency may also be entitled to the following:

8 1. Endorsement for duty and tax free importation of foreign donations;

9 2. Financial subsidy or resource augmentation for program implementation, subject to
10 compliance with the requirements as may be established by the Department; and

11 3. Other benefits and privileges may be provided as deemed appropriate by the
12 Department

13 **SECTION 21. ACCREDITED SWDAS** –In addition to the benefits and privileges provided
14 in Sections 18 and 19, the Department's accredited SWDAs may also be entitled to the
15 following benefits depending on the level of compliance to set standards of the
16 Department:

17 1. Endorsement for at least 50% discount for the consumption of electricity, water and
18 telephone to the residential care, group homes and community center based facility
19 that are operated exclusively for the purpose of promoting the well being of the
20 **beneficiaries defined herein.**

21 2. At least 50% discount for the processing of documents for the welfare of its
22 beneficiaries such as birth registration, passport, school matriculation fees, safety
23 certificates among others for residential care **and community based SWAs** facilities
24 on any government and private establishments.

25 3. Assistance in establishing linkages with local, national and international organizations
26 and networks for resource development, sharing and generation;

4. Nomination for travel local and abroad to participate in relevant training/conferences as a paper presenter and/ or resource speaker;
5. Plaque of recognition and cash incentive;
6. Recognition as a model SWDA and laboratory for trainings and research;
7. Authority to undertake training according to their expertise and charge corresponding fees; and
8. Other benefits and privileges may be provided as deemed appropriate by the Department

SECTION 22. ENDORSEMENT FOR FINANCIAL AID BY GOVERNMENT AGENCY OR INSTRUMENTALITY – Registered, licensed and/or accredited SWDAs may be endorsed for availing of financial or other aid from any government agency or instrumentality provided they have complied with the documentary requirements and standards.

Article V

OTHER REGULATORY POWERS AND FUNCTIONS OF THE DEPARTMENT

SECTION 23. REGULAR CONDUCT OF MONITORING AND EVALUATION - The Department, through its authorized representative and intermediary/ies shall conduct regular monitoring and evaluation of the SWDAs and their residential or center-based facilities, financial accounts, documents of whatever nature pertaining to the operation of the SWDA including records of their beneficiaries and benefactors/donors. It shall also include the authority to monitor trusts or other fiduciary relationships executed by the SWDA for and in behalf of their beneficiaries in relation to specific benefactors or sponsors.

SECTION 24. DISSOLUTION OF SWDAS - The Constitution and By-laws/Articles of Incorporation of SWDAs shall explicitly state that in case of dissolution, the assets, after payment of all financial liabilities, shall be utilized for social welfare and development activities. The Department's Secretary or his/her authorized representative shall have the authority to intercede or participate in the disposition of the SWDA's assets in case of dissolution or closure.

1 The following shall be grounds for dissolution of SWDAs:

- 2 1. Lack of interest on the part of SWDAs officers to sustain its operation;
- 3 2. Failure to comply with the requirements provided by this law; or
- 4 3. Violations of any provision of this law and other related laws

5 **SECTION 25. RECOMMENDATION AND/OR ENDORSEMENT OF ACCREDITED**
6 **SWDAS TO OBTAIN A DONEE-INSTITUTION STATUS**—For the purpose of tax
7 deductibility as provided for in Section 34 (H) of the 1997 Tax Reform Act and/or other
8 related laws on the granting of tax exemption to organizations engaged in providing social
9 welfare and development programs and services, the Department by virtue of its mandate
10 over the operation of those agencies engaged in social welfare and development activities
11 shall be the only agency to recommend and/or endorse to the Department of Finance
12 accredited SWDA to obtain a donee-institution status and other tax benefits.

13 **SECTION 26. STANDARDS SETTING, REGISTRATION, LICENSING AND**
14 **ACCREDITATION OF SWDAS AND SERVICE PROVIDERS** – The Department shall set
15 standards, register, license and accredit persons, organizations and corporations engaged
16 in social welfare and development activities, both public and private, including social
17 service units/departments of LGUs, NGAs, GOCCs and State Colleges and Universities
18 and provide consultative services thereto to insure effective implementation of public and
19 private social welfare programs, policies and standards.

20 **SECTION 27. REGULATION OF PUBLIC SOLICITATIONS** – The Department and Local
21 Government Unit shall be the primary agency to issue a permit to private individuals,
22 groups, associations or SWDAs for the conduct of public solicitations. The Department
23 shall be responsible for the national and regional solicitation, Provincial Social Welfare
24 and Development Office (PSWDO) for provincial level while City/Municipal Social Welfare
25 and Development Office (C/MSWDO) for the city/municipal level.

26 **SECTION 28. DEPUTATION OF INDIVIDUALS, GROUPS OR ASSOCIATIONS TO**
27 **CONDUCT ASSESSMENT FOR REGISTRATION, LICENSING AND ACCREDITATION**—
28 The local social welfare and development office, private individuals, volunteers, groups or
29 associations may be deputized by the Department to conduct assessment of SWDAs and

1 service providers for registration, licensing and/or accreditation subject to qualifications,
2 policies, rules and regulations established by the Department for the purpose. The
3 Department shall provide those deputized with transportation or subsidy allowance in
4 accordance to Commission and Audit (COA) rules and regulations

5 **SECTION 29. CONDUCT INVESTIGATION AND RESOLVE COMPLAINTS AGAINST**
6 **SWDAS** – The Department shall accept complaints, conduct investigation and initiate
7 appropriate proceedings on cases involving SWDAs. It shall, after due process, suspend
8 and/or revoke the Registration, License and/or Accreditation Certificate/s of SWDAs, close
9 the SWDAs facility/ies without prejudice to filing of criminal and/or civil case against erring
10 officials and/or personnel of SWDAs. **In cases where SWDAs are not covered under**
11 **these provisions such as those unregistered and/or licensed SWDAs, other existing**
12 **laws should apply**

13 **Article VI**

14 **COMPLAINT AGAINST SOCIAL WELFARE AND DEVELOPMENT AGENCIES**

15 **SECTION 30. COMPLAINTS** - Any complaint/s against a SWDA may come in any of the
16 following forms:

- 17 1. Report of an authorized personnel or office of the Department as a result of
18 assessment for registration, licensing or accreditation, or of monitoring of standard
19 compliance or program/project implementation;
- 20 2. Verbal information by a person or persons, group or organizations;
- 21 3. Signed and unsigned letters, documents or reports;
- 22 4. Printed materials or written articles in the newspaper, magazine, editorial and the
23 like;
- 24 5. Information sent or received through print, broadcast or electronic media e.g text
25 messages and email letter; or
- 26 6. Other possible sources of information, such as minutes of meeting, consultation, fora
27 and other similar sources.

1 In case of verbal and unsigned information, the Department shall conduct a validation
2 on alleged violations or actions of the SWDA being reported. If and when this is not
3 possible, these shall be documented by the receiving personnel or office of the
4 Department. Documented information and printed materials shall be dealt with according
5 to the procedures in handling complaints/information.

6 **SECTION 31. WHO MAY FILE A COMPLAINT** – Any complaint against SWDA may be
7 filed to the Department by the following:

- 8 1. Offended party ;
- 9 2. Parent or legal guardian of a client;
- 10 3. Ascendant or collateral relative of the client (e.g. child) within the third degree of
11 affinity or consanguinity;
- 12 4. Duly authorized officer or social worker of the DSWD;
- 13 5. Officer, social worker or representative of a registered/licensed/accreditedd SWDA;
- 14 6. Barangay Chairman and/or other local officials; or
- 15 7. Person/s who has/have personal knowledge of the acts complained or reported for
16 action

17 **SECTION 32. REVIEW COMMITTEES** – There shall be a Committee at the Central and
18 Field Offices of the Department to handle cases against unregistered, registered, licensed
19 and/or accredited SWDAs. The Field Office Review Committee shall handle cases at the
20 initial stage while the Central Office Review Committee shall exercise jurisdiction over
21 cases forwarded to the Department Secretary for appeal. In both cases, there must be
22 two (2) representatives from licensed and/ or accredited SWDAs. These Committees shall
23 be organized within sixty (60) days upon the effectivity of this Act. Further, those
24 members of the Committees who are not staff of the Department shall be provided with
25 subsidy and/or transportation allowances in accordance to Commission and Audit (COA)
26 rules and regulations

27 **SECTION 33. PROCEDURES** - Any complaint or violations allegedly committed by a
28 SWDA shall be dealt with in accordance with the rules and procedures of the Department.

The Department, within sixty (60) days upon effectivity of this Act shall convene an inter-agency group composed of representatives from various registered, licensed and/or accredited agencies to review its existing rules and procedures in handling of complaints and issue corresponding guidelines that shall form part of the Implementing Rules and Regulations of this Act.

SECTION 34. SUSPENSION AND/OR REVOCATION – The Registration, License and/or Accreditation Certificates issued to SWDA shall be suspended or revoked if, after due process, the Department finds, that it has failed to perform its functions as SWDA, or has violated existing laws, rules and regulations. The suspension or revocation shall be without prejudice to the filing of criminal and/or civil case under existing laws.

SECTION 35. GROUNDS FOR SUSPENSION AND/OR REVOCATION - The grounds for suspension and/or revocation shall include but are not limited to the following:

1. Suspension

- a. Insolvent or is not in a financial position to continue support and maintain its operation or to perform the functions for which it was granted registration and license;
- b. Poor case management of beneficiaries;
- c. The SWDA is located in a place or community that is dangerous or would expose clients to crime, vice, immorality, corruption or severe cruelty;
- d. Poor sanitation of facilities and surroundings rendering these unfit for clientele;
- e. Violation of the SWDA's Constitution and By-Laws
- f. Failure to submit annual accomplishment and audited financial reports for two (2) consecutive years;
- g. Failure to apply for renewal of accreditation of programs and services after two (2) consecutive notifications and monitoring visits of the Department.

2. Revocation

- a. The SWDA is being used for immoral purposes such as but not limited to trafficking, gambling, prostitution, money laundering, terrorist financing and other similar acts;
- b. The clients therein are being neglected or are undernourished;
- c. Ceased to operate as a SWDA;
- d. Mismanagement of funds;
- e. Falsification of the requirements for registration, licensing and/or accreditation;
- f. Exploitation, abuse or neglect of its beneficiaries;
- g. Revocation of its registration for juridical personality from SEC or other regulatory agency; or
- h. Non-compliance of SWDAs on the agreed action plan during the accreditation assessment for two (2) consecutive monitoring visits of the Department.

Article VII

LOCAL SOCIAL WELFARE AND DEVELOPMENT COUNCIL

Section 36. CREATION AND COMPOSITION:

1. A Social Welfare and Development Council shall be established in every province, city and municipality.
2. The composition of the Local Social Welfare and Development Council shall be as follows:
 - a. The Provincial Social Welfare and Development Council shall compose of the Governor as Chairperson, Provincial Social Welfare and Development Officer as Vice-Chairperson, and Chairpersons of the local sectoral committees for children, youth, women, older persons and persons with disabilities and a representative from the private SWDAs as members;

1 b. The City Social Welfare and Development Council shall compose of the City
2 Mayor as Chairperson, City Social Welfare and Development Officer as Vice-
3 Chairperson, and Chairpersons of the local sectoral committees for children,
4 youth, women, older persons and persons with disabilities and a representative
5 from the private SWDAs as members;

6 c. The Municipal Social Welfare and Development Council shall compose of the
7 Municipal Mayor as Chairperson, Municipal Social Welfare and Development
8 Officer as Vice-Chairperson, and Chairpersons of the local sectoral committees
9 for children, youth, women, older persons and persons with disabilities and a
10 representative from the private SWDAs as members;

11 **Section 37. FUNCTIONS OF THE LOCAL SOCIAL WELFARE AND DEVELOPMENT**
12 **Council** - The Provincial, City and Municipal Social Welfare and Development Council
13 shall have the following functions:

- 14 1. Propose to the Sanggunian concerned, in accordance with standards and criteria set
15 by the Department, annual budgetary allocations for the operation and maintenance
16 of social welfare and development facilities and services within the province, city or
17 municipality, as the case may be;
- 18 2. Serve as an advisory committee to the Sanggunian concerned on social welfare and
19 development matters such as, but not limited to, the necessity for, and application of
20 local appropriations for social welfare and development purposes;
- 21 3. Advocate for and participate in the review/amendment of standards, policies, rules
22 and regulations along social welfare and development of the area/locality;
- 23 4. Promote registration, licensing and accreditation to government and non-government
24 organizations and/or people's organization involved in the implementation of social
25 welfare and development programs and services in the area; and
- 26 5. Assist the Department in the monitoring of SWDAs operating in its area/s of
27 jurisdictions

28 **Section 38. DSWD MONITORING ON LOCAL SOCIAL WELFARE AND**
29 **DEVELOPMENT COUNCIL.** The Department shall conduct periodical monitoring and

1 provide necessary consultative and technical services to the Local Social Welfare and
2 Development Council to ensure effective and efficient implementation of its functions. The
3 Department designated staff may sit during the Council's periodical meetings.

4 **Article VIII**

5 **IMPLEMENTATION OF THE LAW AND RULE MAKING AUTHORITY**

6 **SECTION 39. LAW IMPLEMENTATION AND ENFORCEMENT** - The Department shall
7 be the lead agency in the implementation and enforcement of this law. The Department
8 shall in consultation with Civil Service Commission (CSC), Commission on Audit (COA),
9 Department of Finance (DOF), Department of Interior and Local Government (DILG),
10 Department of Labor and Employment (DOLE), Leagues of Provincial/City/Municipalities
11 of the Philippines, Philippine National Police (PNP), Securities and Exchange Commission
12 (SEC) and other concerned government agencies and three (3) representatives from any
13 of the coalition of NGOs, peoples organizations, service providers and other concerned
14 agency/ies promulgate the necessary rules and regulations within ninety (90) working
15 days from the effectivity of this Act. Other policies and procedures necessary in carrying
16 out the provisions of this Act shall likewise be issued by the Department.

17 **SECTION 40. ASSISTANCE FROM LAW ENFORCEMENT AGENCY** – The Law
18 Enforcement Agency/ies shall provide assistance to the Department in enforcing this Act
19 including the rules and regulations promulgated to implement its provisions in accordance
20 with existing laws and the Rules of Court.

21 **SECTION 41. IMMUNITY OF OFFICER/STAFF INVOLVED IN THE ENFORCEMENT**
22 **OF THE LAW-** The duly authorized officer or staff of the Department and law enforcement
23 agency , if any, who shall be involved in the effective and efficient implementation and
24 enforcement of the law shall be exempt from any civil, criminal and administrative liability.

25 **Article IX**

26 **FINAL PROVISIONS**

27 **SECTION 42. VIOLATION AND PENALTIES** – It shall be unlawful for any person, group
28 or organization to operate as SWDA without securing the necessary registration, license

1 and/or accreditation from the Department. A penalty of imprisonment ranging from two (2)
2 years and one day to four (4) years and/or a fine of not less than One Hundred Thousand
3 Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (P 500,000.00) or
4 both at the discretion of the court shall be imposed. **When the offender is a foreigner,**
5 **he/she shall be immediately deported and be barred permanently from entering the**
6 **country after having served his/her sentence.**

7 **SECTION 43. TRANSITORY PROVISION** – All SWDAs operating without a registration
8 and/or license from the Department shall have a period of one (1) year from the effectivity
9 of this Act to apply for registration and license to operate with the Department. Likewise,
10 within sixty (60) days from the effectivity of this Act, the Department shall notify all SWDAs
11 registered and licensed by the DSWD on the implementation of this Act. Upon compliance
12 of required documents, new registration and license to operate shall be issued to said
13 SWDAs.

14 **SECTION 44. APPROPRIATIONS** – The amount necessary to carry out the provisions of
15 this Act is hereby authorized to be included in all the General Appropriations Act of the
16 year following its enactment into law and thereafter.

17 **SECTION 45. REPEALING CLAUSE** – Section 23 of Republic Act 4373 and all other
18 laws, presidential decrees or issuances, executive orders, letter of instructions,
19 administrative orders, rules and regulations contrary to, or inconsistent with the provisions
20 of this Act are hereby repealed, modified, or amended accordingly.

21 **SECTION 46. SEPARABILITY CLAUSE**—In the event that any provision of this Act is
22 held invalid or unconstitutional, the other provisions not affected thereby shall remain valid
23 and subsisting.

24 **SECTION 47. EFFECTIVITY CLAUSE**—This Act shall take effect Fifteen (15) days
25 following its complete publication in any two (2) newspapers of general circulation.

26 **Approved.**