



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

FIFTEENTH CONGRESS
Third Regular Session

29 JAN 2013
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[Signature]

COMMITTEE REPORT NO. 2646

29 JAN 2013

Submitted by the Committee on Social Services on _____

Re : House Bill No. **6867**
Recommending its approval in substitution of House Bill No. 4924

Sponsors : Reps. Arturo B. Robes, Marlyn L. Primicias-Agabas, and Maria Isabelle "Beng" G. Climaco

Mr. Speaker:

The Committee on Social Services to which was referred House Bill No. 4924, introduced by Rep. Marlyn Primicias-Agabas, entitled:

"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"

has considered the same and recommends that the attached House Bill No. **6867**, entitled:

"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 approved in substitution of House Bill No. 4924 with Reps. Marlyn L. Primicias-Agabas, Maria Isabelle "Beng" G. Climaco, Cresente M. Paez, Godofredo V. Arquiza, Rufus B. Rodriguez, and Arturo B. Robes as authors thereof.

Respectfully submitted:

[Signature]
REP. ARTURO B. ROBES
Chairperson
Committee on Social Services

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City Metro Manila

FIFTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6867
(In Substitution of House Bill No. 4924)

Introduced by Representative Marlyn Primicias-Agabas

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

Article I
GENERAL PROVISIONS

1 **SECTION 1. Short Title.** – This Act shall be known as the “Social Welfare and Development
2 Agencies (SWDAs) Act of 2013”.

3 **SEC. 2. Declaration of Policy.** – It is the policy of the State to ensure that social welfare and
4 development programs and services in the public and private sectors comply with national social
5 welfare and development standards and adhere to the principles of human rights. Towards this end, the
6 State shall set standards, register, license, accredit, and monitor social welfare and development
7 service providers, agencies, groups or organizations engaged in social welfare and development
8 activities and provide appropriate consultative mechanisms and necessary assistance to them to ensure
9 their compliance with the set standards and cope with the challenges and demands of providing social
10 welfare and development services to the poor, the vulnerable, the marginalized, the disadvantaged, and
11 the underprivileged sectors of Philippine society.

12 The State shall also promote and strengthen the partnership among social welfare and
13 development agencies, national government agencies, local government units, non-government
14 organizations, faith-based organizations, and private sectors to include accessing of resources between
15 and among them for the upliftment of the poor, disadvantaged, marginalized, vulnerable and
16 underprivileged individuals, families, groups, and communities in the country.

17 **SEC. 3. Coverage.** – This Act shall apply to all social welfare and development service providers
18 including individual, public and private groups, associations, and organizations that are engaged in or
19 want to engage in social welfare and development activities.

20 **SEC. 4. Definition of Terms.** – For purposes of this Act, the following terms are hereby defined as:

21 a. *Accreditation* – refers to the process of providing official recognition to the social welfare and
22 development programs and services of registered and licensed social welfare agencies (SWAs),
23 after meeting the minimum standards set by the government;

24 b. *Beneficiaries* – refer to the disadvantaged, marginalized, and vulnerable individuals, groups,
25 families, and communities availing themselves of any of the services offered by SWDAs which
26 include, among others, the following:

- 1 i. Abandoned, neglected, orphaned, voluntarily committed, abused and exploited children
2 and other children in need of special protection, such as children in conflict with the law
3 and children involved in armed conflict;
- 4 ii. Out-of-school youth and other youth with special needs;
- 5 iii. Women in especially difficult circumstances;
- 6 iv. Persons with disabilities;
- 7 v. Senior citizens;
- 8 vi. Marginalized and disadvantaged individuals, families, and communities, which shall
9 include but not limited to indigenous people, people living with HIV/AIDS, those in crisis
10 situation and internally displaced due to armed conflict and other developmental projects;
11 and
- 12 vii. Victims of natural and man-made calamities or disasters;
- 13 c. *Department* – refers to the Department of Social Welfare and Development;
- 14 d. *Dissolution* – refers to voluntary or involuntary termination of operation of SWDAs;
- 15 e. *Intermediaries* – refer to persons, groups, networks of SWDAs, or local government units trained,
16 accredited, and authorized by the Department to perform specific functions in the process of
17 registration, licensing, and accreditation;
- 18 f. *Licensing* – refers to the provision of a permit and a legal authority to SWDAs to operate as social
19 welfare agency, after having met or complied with minimum standard requirements provided
20 under this Act;
- 21 g. *Operation* – refers to either direct or indirect implementation of social welfare and development
22 programs and services by a SWDA within a specified geographical coverage or place over a period
23 of time using its own or tapped resources and conduits;
- 24 h. *Registered Social Worker* – refers to a worker who is a graduate of Bachelor of Science in Social
25 Work or Master's Degree in Social Work and who has passed the social work licensure
26 examination and with valid registration identification card issued by the Professional Regulation
27 Commission;
- 28 i. *Registration* – refers to the official recognition of the operation of a SWDA within the purview of
29 social welfare and development through the issuance of a certificate of registration by the
30 Department and inclusion in the directory of SWDAs after having complied with the set
31 requirements of the Department;
- 32 j. *Revocation* – refers to the cancellation of the registration, license, and accreditation certificates of
33 a SWDA for the commission of any of the grounds as provided under this Act;
- 34 k. *Social Services* – refer to those organized activities that are primarily and directly addressed to
35 disadvantaged individuals or groups to maximize their social functioning;
- 36 l. *Social Welfare and Development Workers* – refer to social workers or other professionals who are
37 engaged in the delivery of social welfare and development programs and services and are
38 accredited by the Department. They may include social workers managing court cases, marriage
39 and pre-marriage counselors, and day care workers among others;
- 40 m. *Social Welfare* – refers to an organized system of programs and services designed to aid
41 individuals, groups, and communities to attain improved quality of life and well-being in harmony
42 with the needs of their families and community;
- 43 n. *Social Welfare and Development Agency (SWDA)* – refers to a corporation, organization, or
44 association engaged in providing directly or indirectly social welfare and development programs
45 and services and obtains its finances either totally or in part, foreign or local, from any government

agency or instrumentality or from the community by direct or indirect solicitations and other fund-generating activities as authorized by law:

o. *Social Work* refers to the profession which helps individuals, families, groups, and communities develop, improve, maintain, or restore their capability for coping with the demands of their environment through the use of social work methods and interventions;

p. *Suspension* - refers to the temporary cessation of operation as a form of penalty imposed to a SWDA for commission of any of the grounds stipulated under this Act. When a SWDA is under suspension, it shall neither accept nor admit any additional clients and shall be under close supervision and monitoring by the Department; and

q. *Unregistered WDAs* - refer to agencies or organizations that provide direct or indirect social welfare and development programs and services without registration and/or license to operate from the Department.

Article II

SOCIAL WELFARE AND DEVELOPMENT AGENCIES

SEC. 5. *Nature and Purpose.* - A SWDA shall be a non-stock, non-profit organization or association organized and operated for social welfare and development programs and services, and no part of the funds or donations in kind generated by the SWDA shall inure to the benefit of any private individual but for the benefit of the beneficiaries and its operating expenses.

SEC. 6. *Classifications of WDAs.* - The two (2) main classifications of WDAs and their subclassifications shall be defined as follows:

a. *Social Welfare Agency (SWA)* - A SWDA which employs social workers, community development workers, and other qualified paraprofessionals who have related trainings and experiences that directly provide restorative, preventive, and developmental programs and services to poor, vulnerable, marginalized, disadvantaged, and underprivileged individuals, families, groups, or communities. A SWA may be classified as follows:

i. *Residential-Based Agency* - A SWA that provides twenty-four (24) hour residential care services for abandoned, neglected, or voluntarily committed children; women; persons with disabilities; and older persons, among others;

ii. *Community-Based Agency* - A SWA that implements community-based and street-based programs and services delivered to beneficiaries while in their home or in the community. These programs and services include senior citizens center, day care center, vocational rehabilitation center, a sponsorship or scholarship program, assistance to victims of disaster, and social services to individuals and families, among others; and

iii. *Child-Placing Agency* - A SWA that receives and processes applications of the prospective foster or adoptive parents and facilitates placement of children eligible for foster care or adoption.

b. *Auxiliary SWDA* - A SWDA which provides supportive activities in the delivery of social welfare and development programs and services to the poor, vulnerable, marginalized, disadvantaged, and underprivileged sectors. An auxiliary SWDA may be classified as follows:

i. *People's Organization* - A SWDA with a bonafide association of citizens with identifiable leadership, membership, and structure that has demonstrated its capacity to promote the public interest and engage in social welfare and development activities, such as federation of senior citizens, youth organizations, and associations of women and persons with disabilities, among others;

ii. *Resource Agency* - A SWDA that provides tangibles, such as funds, food, clothing, medicines, and shelter; or intangibles, such as knowledge and skills to help various WDAs to achieve their goals in providing social welfare and development services for their beneficiaries; and

1 iii. Social Welfare and Development Network - A group of SWDAs that organized themselves for
2 a common goal in promoting social protection of the poor, vulnerable, marginalized,
3 disadvantaged and underprivileged groups, such as coalition, alliance or federation.

4 SEC. 7. *Service Delivery Mode.* - The manner by which social welfare and development programs
5 and services are delivered which shall include, but shall not be limited to, the following:

6 a. Residential-Based Mode - refers to the programs and services where group care is provided to
7 residents under the guidance of a trained staff and within a structured therapeutic environment with
8 the objective of reintegrating a person with the family or community or, in case of children, until
9 such time when a better alternative parental care is provided. This program may also be provided
10 for those children pursuing formal education away from their family; and

11 b. Community-Based Mode - refers to the programs and services rendered when the helping process
12 takes place in the community as the primary client system or when social welfare and development
13 activities are provided to individuals, groups, or families while they remain in their homes. It is
14 characterized by interaction between the client and worker in the community in relation to the
15 resolution of identified problems and concerns. These include, but not limited to, senior citizens
16 center, day care center, drop-in center, vocational rehabilitation center, sponsorship or scholarship
17 program, alternative placement service, assistance to victims of disaster, and social services to
18 individuals and families, among others, while in their home or in the community.

19 SEC. 8. *Administration and Management.* - A SWDA shall be managed by individuals whose
20 qualifications meet the criteria set under the rules and regulations to be issued to implement this Act.
21 It may be operated by national government agencies, local government units, government-owned and -
22 controlled corporations, state universities or colleges, private individuals, educational institutions,
23 civic organizations or faith-based organizations as part of their extension services or social welfare
24 activities or projects. For SWDAs operated by private institutions, educational institutions, or faith-
25 based organizations, at least sixty percent (60%) of its board of trustees shall be Filipinos.

26 SEC. 9. *Salaries, Wages, and Other Benefits.* - The SWDA shall comply with all existing and
27 relevant labor laws and regulations regarding the salaries, wages, and benefits of employees provided
28 these are within the minimum standards set by the Civil Service Commission and the Department of
29 Labor and Employment. The standard salary scale for social workers and other social welfare and
30 development workers of the SWDAs shall be set by the Civil Service Commission and Department of
31 Labor and Employment, in consultation with the Department of Budget and Management.

32 SEC. 10. *Operating Expenses.* - The SWDA shall utilize at least eighty percent (80%) of its funds
33 for direct social welfare and development programs and services and not more than twenty percent
34 (20%) shall be expended for administrative concerns. Funds of the SWDA shall be deposited in the
35 name of the organization in a banking institution regulated by the Bangko Sentral ng Pilipinas.
36 Financial transactions, book of accounts, and other reports shall be available to the public, agency
37 staff, and other concerned individuals or agencies for transparency and monitoring purposes.

38 The Department, in consultation with public and private SWDAs, shall set standards to
39 determine specific expenditures for program and administrative expenses.

40 SEC. 11. *Submission of Reports.* - All SWDAs shall submit to the Department their annual
41 accomplishment and financial reports duly audited by an external certified public accountant or a
42 representative from the Commission on Audit, as the case may be, and other reports as may be
43 required by the Department. Financial reports of SWDAs whose total income and expenditures are
44 less than Five Hundred Thousand Pesos (P500,000) shall be audited by its internal auditor.

45 The annual reports shall be submitted to the Department within one hundred twenty (120) days
46 after the end of every fiscal year.

Article III

REGISTRATION, LICENSING, AND ACCREDITATION

1 **SEC. 12. *Registration.*** – All SWDAs as classified under Section 6 of this Act shall first register with
2 the Securities and Exchange Commission or Cooperative Development Authority for purposes of
3 establishing their juridical personality. Within six (6) months from the issuance of the Certificate of
4 Registration from the said government agencies, the concerned SWDA shall apply for registration
5 with the Department. The requirements for registration of a SWDA shall include, but shall not be
6 limited to, the following:

- 7 a. Certified true copy of registration with either the Securities and Exchange Commission or the
8 Cooperative Development Authority;
- 9 b. Manual of Operation or Handbook of its programs and administrative policies, procedures, and
10 strategies to attain its purposes;
- 11 c. At least two (2) years approved Work and Financial Plan for the implementation of its programs
12 and services indicating the planned activities and corresponding amount of funds and sources of
13 donations;
- 14 d. At least one (1) year audited financial report for a SWDA which is in operation for at least two (2)
15 years upon application;
- 16 e. Diagram of physical facilities which shall be designed to promote the safety and security of its
17 beneficiaries and staff, including location map and other documents showing ownership or legal
18 custody of property where the SWDA shall operate from; and
- 19 f. The names of qualified technical and administrative staff and a copy of their licenses or certificates
20 of professional eligibilities.

21 **SEC. 13. *Licensing.*** – All SWAs as classified under Section 6 of this Act shall comply with the
22 requirements for licensing which shall include, but shall not be limited to, the following:

- 23 a. Documentation showing that it is engaged in social welfare and development programs and
24 services;
- 25 b. Certification showing that has in its employ the necessary number of Registered Social Workers,
26 community development workers, and other employees trained on specific programs and services
27 to be implemented and a copy of their respective licenses or certificates of professional
28 eligibilities; and
- 29 c. Certification of the record of cases it has or is currently managing and social welfare and
30 development programs and services implemented.

31 The registration and licensing of a SWA can be done simultaneously. Upon approval, a
32 Certificate of Registration and License to Operate shall be issued.

33 **SEC. 14. *Exemption from Registration and Licensing.*** – All Department residential care facilities,
34 social service units of local government units, public hospitals, courts, and other social welfare
35 facilities of national government agencies and government-owned and –controlled corporations, by
36 virtue of the legal bases of their establishment or charters, are exempted from securing registration and
37 license to operate from the Department. However, they shall be required to apply for accreditation
38 following the same requirements and standards and shall be subjected to regular monitoring by the
39 Department.

40 **SEC. 15. *Accreditation.*** – All social welfare and development programs and services of registered
41 and licensed SWAs shall be accredited by the Department or its authorized intermediaries within one
42 (1) year after the issuance of a license to operate. The applicant must have complied with the
43 standards set by the Department on administration and organization, program management, case

1 management, helping strategies or interventions, physical structures and safety, and client protection
2 policy, among others.

3 **SEC. 16. Fees and Charges.** – All applications for registration, license, and accreditation shall be
4 charged with corresponding fees to be determined by the Department. The fees and charges shall be
5 deposited with the National Treasury as income of the general fund.

6 **SEC. 17. Validity.** – The Certificates of Registration and License to Operate shall be valid for five
7 (5) years. The Accreditation Certificate shall be valid for three (3) to five (5) years depending on the
8 compliance of the SWDA with accreditation standards.

9 In case of failure by the Department to act on an application for renewal of registration,
10 license, and accreditation within one hundred (100) working days upon submission of complete
11 requirements by the SWDA, the existing certificate shall remain valid until the Department has
12 processed its application.

13 **Article IV**

14 **BENEFITS AND PRIVILEGES** 15 **OF SOCIAL WELFARE AND DEVELOPMENT AGENCIES**

16 **SEC. 18. Benefits and Privileges of Registered SWDAs.** – Registered SWDAs shall be entitled to
17 the following:

- 18 a. Inclusion in the Directory of Registered, Licensed and Accredited SWDAs;
- 19 b. Technical assistance in the areas of capability building, packaging of project proposal, provision of
20 program materials and skills enhancement to strengthen program and service implementation;
- 21 c. Endorsement to other government agencies on the availment of missionary or working visas of
22 foreign board members, employees, or volunteers subject to eligibility requirements for securing
23 visas;
- 24 d. Endorsement to the Department of Finance for duty free importation of foreign donations subject
25 to compliance with set requirements; and
- 26 e. Other benefits and privileges deemed appropriate by the Department.

27 **SEC. 19. Benefits and Privileges of Licensed SWAs.** – In addition to the benefits and privileges of a
28 registered SWDA, a licensed SWA shall be entitled to the following:

- 29 a. Endorsement to the Department of Finance for duty and tax free importation of foreign donations
30 subject to compliance with set requirements;
- 31 b. Resource augmentation for program implementation, subject to compliance with the requirements
32 as may be established by the Department; and
- 33 c. Other benefits and privileges deemed appropriate by the Department.

34 **SEC. 20. Benefits and Privileges of Accredited SWAs.** – In addition to the benefits and privileges of
35 registered SWDAs and licensed SWAs, accredited SWAs shall be entitled to the following:

- 36 a. Endorsement to the Department of Finance for donee-institution status and other relevant tax
37 incentives as provided by law;
- 38 b. Endorsement for resource augmentation or other assistance from any government agencies or
39 private donors subject to compliance to set criteria;
- 40 c. Endorsement to the utility service providers for at least fifty percent (50%) discount on the cost of
41 electricity, water consumption and telephone service to the residential care, group homes, and
42 community center based facilities that are operated exclusively for the beneficiaries subject to the
43 set requirements of the utility service providers;

- 1 d. Endorsement to concerned government agencies and private establishments for at least fifty
2 percent (50%) discount for the processing of documents of intended beneficiaries such as birth
3 registration, passport, safety certificates, among others, for residential care and community based
4 SWA facilities;
- 5 e. Assistance in establishing linkages with local, national and international organizations and
6 networks for the generation and sharing of resources;
- 7 f. Nomination of board members, employees, or volunteer workers to participate as presentors or
8 resource speakers in local or foreign trainings or conferences;
- 9 g. Plaque of recognition as a model SWDA;
- 10 h. Cash incentive, among others, depending on availability of funds;
- 11 i. Laboratory for trainings and research; and
- 12 j. Other benefits and privileges deemed appropriate by the Department.

Article V

13 OTHER REGULATORY POWERS AND FUNCTIONS OF THE DEPARTMENT

14 SEC. 21. *Monitoring and Evaluation of SWDAs.* – The Department shall conduct monitoring and
15 evaluation of all SWDAs every six (6) months to one (1) year to ensure that their social welfare and
16 development programs and services are implemented as planned. The result of monitoring and
17 evaluation shall be used to address problems and issues and to provide the framework of interventions
18 of the Department.

19 SEC. 22. *Dissolution of SWDAs.* – Any of the following shall be a ground for dissolution or closure
20 of a SWDA:

- 21 a. Inability of SWDA officers to sustain its operation;
- 22 b. Non-compliance or violation of any provision of this Act; or
- 23 c. Other causes as may be determined by the Department.

24 The Constitution and By-laws/Articles of Incorporation of SWDAs shall explicitly state that in
25 case of dissolution, the assets, after payment of all financial liabilities, shall be utilized for social
26 welfare and development activities. In the absence of such provisions in the Constitution and By-
27 Laws Articles of Incorporation of SWDAs, the Department shall issue recommendatory guidelines in
28 the disposition of assets of the dissolved or closed SWDAs.

29 SEC. 23. *Recommendation to Obtain Donee-Institution Status.* – The Department shall be the only
30 agency to recommend or endorse to the Department of Finance the conferment of a donee-institution
31 status and the grant of other tax benefits to accredited SWDAs.

32 SEC. 24. *Deputation of Intermediaries.* – Authorized intermediaries may be deputized by the
33 Department to conduct assessment of SWDAs and social welfare and development workers for
34 purposes of registration, licensing, and accreditation. The Department shall provide those deputized
35 with transportation or subsidy allowance in accordance with the rules and regulations of the
36 Commission on Audit. Further, the Department shall provide continuous capacity-building activities to
37 the deputized intermediaries.

38 SEC. 25. *Investigation and Resolution of Complaints.* – The Department shall accept complaints,
39 investigate, and initiate appropriate proceedings on cases involving SWDAs. Upon lawful cause, the
40 Department shall suspend or revoke the Registration, License and Accreditation Certificates and close
41 the facilities in coordination with the concerned law enforcement agencies without prejudice to filing
42 of criminal or civil case against erring officials and personnel.

Article VI

COMPLAINTS AGAINST SOCIAL WELFARE AND DEVELOPMENT AGENCIES

SEC. 26. *Sources of Complaints.* – Complaints against a SWDA may come from any of the following sources:

- a. Report of an authorized personnel or office of the Department based on the assessment and monitoring of standard compliance and program and service implementation;
- b. Report from the SWDA's clients or beneficiaries;
- c. Verbal information from a person, group, or organization;
- d. Signed and unsigned letters, documents, or reports;
- e. Printed materials or articles in newspapers, magazines, and similar publications;
- f. Information sent or received through broadcast or electronic media and information and communication technology devices, such as text messages and emails; or
- g. Other sources of information, such as minutes of meeting, consultation, and fora.

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

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

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

SEC. 28. *Review Committees.* – There shall be a Field Office Review Committee and a Central Office Review Committee to handle cases and resolve complaints against unregistered or unlicensed, registered, licensed, and accredited SWDAs. If complaints and violations involving SWDA operating in one (1) region or operating in more than one (1) region, the Field Office Review Committee that has jurisdiction over the area/s where the cases happened, shall have exclusive jurisdiction to handle and resolve the said complaints or violations. The decisions, orders, or findings of the Field Office Review Committee shall be appealable to the Central Office Review Committee.

The composition of the Field Office Review Committee and Central Office Review Committee shall be determined by the Department: *Provided, That* there shall be two (2) representatives from licensed or accredited SWDAs who are members of the network organized by the Department. The representatives shall be provided with subsidy or transportation allowance in accordance with the Commission on Audit rules and regulations.

1 **SEC. 29. Procedures.** – The procedures in handling and resolving of complaints and appeals by the
2 Field Office Review Committee and the Central Office Review Committee shall be made in
3 accordance with the existing rules and procedures of the Department.

4 **SEC. 30. Suspension, Revocation, or Closure.** – The Certificates of Registration, License, or
5 Accreditation issued to SWDA shall be suspended or revoked if, after due process, the Department
6 finds that the SWDA has failed to perform its functions or has violated existing laws, rules, and
7 regulations.

8 In case of revocation, the Department shall, after two (2) consecutive notices, close the SWDA.
9 Likewise, the Department shall close unregistered or unlicensed SWDAs. The suspension, revocation
10 of license, or closure of a SWDA shall be without prejudice to the filing of criminal or civil case under
11 existing laws.

12 **SEC. 31. Grounds for Suspension.** – The grounds for suspension of a SWDA shall include, but shall
13 not be limited to, the following:

- 14 a. Insolvency or inability to continue support and maintain its operation or to perform the functions
15 for which it was granted registration and license;
- 16 b. Non-compliance with social case management standards;
- 17 c. Poor sanitation of facilities and surroundings rendering these unfit for clientele;
- 18 d. Violation of the SWDA's Constitution and By-Laws;
- 19 e. Failure to submit annual accomplishment and audited financial reports for two (2) consecutive
20 years;
- 21 f. Failure to apply for accreditation or renewal of accreditation after two (2) consecutive notifications
22 and monitoring visits and technical assistance of every six months by the Department or authorized
23 intermediaries; or
- 24 g. Other causes as may be determined by the Department.

25 **SEC. 32. Grounds for Revocation of License.** – The grounds for revocation of license of a SWDA
26 shall include, but shall not be limited to, the following:

- 27 a. Use of SWDA for immoral purposes such as, but not limited to, trafficking, gambling,
28 prostitution, money laundering, and terrorist financing;
- 29 b. Neglect, exploitation and abuse of SWDA clients;
- 30 c. Cessation of operation as SWDA;
- 31 d. Mismanagement of funds;
- 32 e. Falsification of the requirements for registration, licensing, and accreditation;
- 33 f. Revocation of its registration from juridical personality from the Securities and Exchange
34 Commission or other regulatory agency;
- 35 g. Non-compliance of SWDAs on the agreed action plan during the accreditation assessment for two
36 (2) consecutive monitoring visits with interval of six (6) months by the Department; or
- 37 h. Other causes as may be determined by the Department.

Article VII

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

39 **SEC. 33. Implementing Rules and Regulations** – The Department shall, in consultation with the
40 Department of Finance, Department of Justice, Department of Interior and Local Government,
41 Department of Labor and Employment, Department of Budget and Management, Civil Service

1 Commission. Commission on Audit. Securities and Exchange Commission, Philippine National
2 Police, National Bureau of Investigation, Bureau of Immigration and Deportation, and other concerned
3 government agencies, as well as three (3) representatives from any of the coalition of SWDAs and
4 social welfare and development workers, promulgate the necessary rules and regulations within ninety
5 (90) working days from the effectivity of this Act. Other policies and procedures necessary in
6 carrying out the provisions of this Act shall likewise be issued by the Department.

7 **SEC. 34. Assistance from Law Enforcement Agencies.** – Law enforcement agencies such as the
8 Philippine National Police, National Bureau of Investigation, and Bureau of Immigration and
9 Deportation shall provide assistance to the Department in the enforcement of this Act.

10 **SEC. 35. Immunity of Officer or Staff.** – The duly authorized officer or staff of the Department
11 and law enforcement agency involved in the implementation and enforcement of this Act and who
12 acted in accordance with the due process clause of the Constitution shall be exempt from any civil,
13 criminal, and administrative liability.

14 **Article VIII**

15 **FINAL PROVISIONS**

16 **SEC. 36. Penalties.** – Any person, group, or organization that shall operate as SWDA without
17 registration or license shall be penalized with a fine of not less than One Hundred Thousand Pesos
18 (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00) and/or an
19 imprisonment ranging from one (1) year to three (3) years at the discretion of the court. The penalties
20 shall be without prejudice to the seizure of equipment, instruments, and other facilities of the SWDA.

21 If the offender is a corporation, organization, or any similar entity, the officials or employees
22 thereof directly involved shall be liable therefor.

23 If the offender is a foreigner, the offender shall be referred immediately to the Department of
24 Justice for appropriate action.

25 If the offender is an official or employee of the Department or any government agency, the
26 offender shall be penalized in accordance with the Civil Service rules and regulations.

27 **SEC. 37. Transitory Provision.** – All SWDAs required to be registered and/or to be licensed under
28 this Act but currently operating without registration and/or license from the Department shall have a
29 period of one (1) year from the effectivity of this Act to apply for registration or license to operate
30 with the Department. Likewise, within sixty (60) days from the effectivity of this Act, the Department
31 shall notify all registered and licensed SWDAs on the implementation of this Act. Upon compliance
32 of required documents, new registration and license to operate shall be issued.

33 **SEC. 38. Appropriations.** – The Secretary of the Department of Social Welfare and Development
34 shall include in the Department's programs the implementation of this Act, the initial funding of which
35 shall be charged against the current year's appropriations of the Department. Thereafter, the amount
36 necessary for its continued implementation shall be included in the Annual General Appropriations
37 Act.

38 **SEC. 39. Separability Clause.** – Should any provision of this Act be found unconstitutional by a court
39 of law, such provision shall be severed from the remainder of this Act, and such action shall not affect
41 the enforceability of the remaining provisions of this Act.

42 **SEC. 40. Repealing Clause.** – All laws, decrees, letters of instructions, resolutions, orders, or parts
43 thereof which are inconsistent with the provisions of this Act are hereby repealed, modified, or
44 amended accordingly.

45 **SEC. 41. Effectivity Clause.** This Act shall take effect fifteen (15) days after its publication in two
46 (2) newspapers of general circulation.

FACT SHEET

House Bill No. 6867

Substitute Bill to House Bill No. 4924

(As Approved by the Committee on Social Services on October 16, 2012)

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

Introduced by: REP. MARLYN PRIMICIAS-AGABAS, MARIA ISABELLE "BENG" G. CLIMACO, CRESENTE M. PAEZ, GODOFREDO V. ARQUIZA, and RUFUS B. RODRIGUEZ

Committee Referral: COMMITTEE ON SOCIAL SERVICES

Committee Chairperson: REP. ARTURO B. ROBES

OBJECTIVES:

- To reinforce the regulatory functions of the Department of Social Welfare and Development (DSWD) over public and private individuals, agencies, or organizations engaged in social welfare and development activities
- To ensure effectiveness, efficiency, and accountability in the delivery of quality social welfare and development programs and services through the registration, licensing, and accreditation of social welfare and development agencies
- To encourage the participation of persons, corporations, or organizations in charitable or social welfare and development activities

KEY PROVISIONS:

- Defines a Social Welfare and Development Agency (SWDA) as a person, corporation, or organization engaged in providing social welfare and development services
- Authorizes the DSWD to register and license SWDAs and accredit social welfare and development programs and services
- Allows the DSWD to collect application fees for registration, licensing, and accreditation
- Provides other regulatory powers and functions to the DSWD
- Directs the DSWD to promulgate the implementing rules and regulations, in consultation with other concerned government agencies and SWDAs
- Classifies SWDAs as social welfare agencies or auxiliary social welfare and development agencies
- Enumerates the requirements for registration and licensing of a SWDA and accreditation of social welfare and development programs and services
- Grants benefits and privileges to registered, licensed, or accredited SWDAs
- Enumerates the sources of complaints against a SWDA and identifies the individuals who may lodge a complaint

- Lists down the grounds for suspension, revocation of license, or closure of a SWDA
- Prescribes the procedures on the review of complaints against, suspension, revocation of license, and closure of erring SWDAs
- Penalizes SWDAs operating without license or registration with a fine of not less than P100,000.00 but not more than P500,000.00 and/or imprisonment ranging from one (1) to three (3) years at the discretion of the court

RELATED LAWS:

- Republic Act No. 4373 ("An Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies in the Philippines")
- Republic Act No. 5175 ("An Act to Amend Republic Act 4373")