

**Republic of the Philippines
House of Representatives
Quezon City**

**NINETEENTH CONGRESS
First Regular Session**

HOUSE BILL NO. **1328**



Introduced by Hon. Felimon M. Espares
COOP-NATCCO PARTYLIST

**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 APPROPRIATION FUNDS THEREFOR**

EXPLANATORY NOTE

This Bill 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 THEREFORE" was introduced in the 17th Congress by Representative Anthony m. Bravo and Representative Sabiniano S. Canama.

After deliberation by the Committee on Social Service, which was chaired by Rep. Eriquel, in consultation with representatives from the Department of Social Welfare Development (DSWD) and other stakeholders, the Bill was approved by the Committee. Afterwards, the same Bill was passed by the House on Third and Final reading. Subsequently, the Bill was transmitted to the Senate for its consideration. However, the Senate was unable to finish its deliberation due to time constraints.

The Bill aims to set standards, register, license, accredit, and monitor social welfare and development agencies, service providers, group or organizations engaged in social welfare and development activities. It also provides appropriate consultative mechanisms and necessary assistance to ensure their compliance with the set standards and cope with the challenges and demands of providing social welfare and development services to the poor, the vulnerable, the marginalized, the disadvantaged, and the unprivileged sectors of Philippine society.

Thus, aware of the importance of this proposed legislative measure, the undersigned have refiled this Bill

Approval of the Bill is earnestly requested.


HON. FELIMON ESPARES

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HOUSE BILL NO. 1328

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**AN ACT
ESTABLISHING A COMPREHENSIVE SYSTEM FOR REGISTRATION AND
LICENSING OF SOCIAL WELFARE AND DEVELOPMENT AGENCIES AND
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SERVICES, AND APPROPRIATION FUNDS THEREFOR**

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

**ARTICLE I
GENERAL PROVISIONS**

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

SECTION 2. *Declaration of Policy* – The state acknowledges the important role that the private sector plays in the delivery of social welfare and development programs and services to the public. Towards this end, the State shall ensure that social welfare and development programs and services in the public and private sectors comply with national standards and adhere to the principles of human rights. The state shall set standards, register, license, accredit, and monitor social welfare and development agencies, service providers, group or organizations engaged in social welfare and development activities. It shall also provide appropriate consultative mechanisms to enable mutual beneficial engagements of the private sector and its counterparts in government to set social welfare and development priorities, identify areas where synergies are possible, and jointly develop standards that meet the challenges and demands of the services they provide to the poor, the vulnerable, the marginalized, the disadvantaged and the underprivileged sector of Philippines society.

The State shall further promote and strengthen the partnership among social welfare and development agencies (SWDAs), national government agencies (NGAs), local government units (LGUs), non-government organizations (NGOs), faith-based organizations, and the private sector to include accessing of resources between and among them for the upliftment of the poor, the vulnerable, the marginalized, the disadvantaged, and the underprivileged individuals, families, groups, and communities in the country.

SECTION 3 Coverage - This Act applies to all non-stock, non-profit corporations operating in the Philippines, both public or private, with the primary purpose of implementing or intending to implement social welfare and development programs and services or the poor, vulnerable, marginalized, disadvantaged, and underprivileged beneficiaries. Organizations established by a treaty or other instruments governed by international law or processing its own international legal personality are not covered by this Act.

SECTION 4 Definition of Terms – As used in this Act;

- (a) *Accreditation* refers to the process of providing official recognition to the social welfare and development programs and services of registered and licensed social welfare agencies (SWAs), after meeting the minimum standards set by the government;
- (b) *Beneficiaries* refer to the poor, the vulnerable, the marginalized, the disadvantaged, and the underprivileged individuals, families, groups, and communities availing themselves of any service offered by the SWDAs, including the following:
 - (1) Abandoned, neglected, orphaned, voluntarily committed, abused and exploited children, and other children in need of special protection;
 - (2) Out-of-school youth and other youth with special needs;
 - (3) Women
 - (4) Persons with disabilities (PWDs) or differently abled persons;
 - (5) Senior citizens or older persons;
 - (6) Dysfunctional families;
 - (7) Internally displaced individuals and communities such as victims or survivors of natural or human-induced calamities or disasters; and
 - (8) Poor, vulnerable, marginalized, disadvantaged, and unprivileged individuals, families, groups, and communities, including indigenous groups and those in crisis situations;
- (c) *Operation* refers to the implementation of social welfare and development programs and services by a SWDA, either directly or indirectly, within a specified geographical area or place over a period of time using its own resources or the resources of other partners and conduits;
- (d) *Registered social worker* refers to a person who possesses a Bachelor of Science in Social Work Degree or a Master's Degree in Social Work, has passed the Social Worker Licensure Examinations, and is a holder of a valid registration or identification card issued by the Professional Regulation Commission (PRC);
- (e) *Service providers* refer to a social welfare and development workers including social workers managing court and pre-marriage counselors accredited by the DSWD and who have satisfactorily complied with the set requirements and standards;
- (f) *Social Welfare and Development Programs and Services* refer to an organized system of programs and services designed to aid beneficiaries to attain an improved quality of life and well-being in harmony with the needs of their family and community;
- (g) *Social Welfare and Development Agency (SWD)* refers to a nonstock, nonprofit, public or private corporation, implementing or intending to implement, mainly or generally, social welfare and development programs and services in the Philippines, either directly or indirectly, and assessed as having the capacity to operate administratively, technically and financially to serve the poor, the

- vulnerable, the marginalized, the disadvantaged, and the unprivileged beneficiaries as defined in this Act;
- (h) *Social welfare and development worker* refers to a social worker or any professional who is engaged in the delivery of social welfare and development programs and services of a SWDA;
 - (i) *Social work* refers to the profession which helps individual, 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, and
 - (j) *Unregistered and unlicensed SWDAs* refer to those agencies or organizations that continue to provide social welfare and development programs and services, either directly or indirectly, without license to operate from the DSWD, including those whose certificate of registration or license to operate are expired or revoked.

ARTICLE II SOCIAL WELFARE AND DEVELOPMENT AGENCIES

SECTION 5, *Classifications of SWDAs* – An SWDA may either be a Social Agency or an Auxiliary SWDA

- (a) A Social Welfare Agency (SWA) provides restorative, preventive, and developmental programs and services to the poor, the vulnerable, the marginalized, the disadvantaged, and the underprivileged individuals, families, groups, or communities, they may be classified as;
 - (1) Residential based Agency – A SWA that provides twenty – four hour residential care services for the marginalized sector including the abandoned, neglected, or voluntarily committed children, women, PWDs, and older persons;
 - (2) Community – based Agency – A SWA that implements community- based or street- based programs and services delivered to beneficiaries while in their home or in the community such as those in senior citizens center, day-care centers and vocational rehabilitation centers, These programs and services include sponsorship programs, assistance to victim of disasters, and social services to individuals and families or
 - (3) Children-placing Agency – A SWA that receives and processes application of the prospective foster or adoptive parents and facilitates placements of children eligible for foster care or adoption parents and facilitates placement of children eligible for foster care or adoption.
- (b) An Auxiliary SWDA provides supportive activities in the delivery of social welfare and development programs and services to the poor, the vulnerable, the marginalized, the disadvantaged, and the underprivileged sectors such as the grant of funds, the conduct of training, and other resources to help in the efficient operations of SWAs. The following are the different types of auxiliary SWDA;
 - (1) People's Organization – A SWDA with a bona fide 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. They include federation of senior citizens, youth organizations, and association of women and PWDs.
 - (2) 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 SWDAs achieve their goals in providing social welfare and development services for their beneficiaries, or

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

SECTION 6. *Service Delivery modes* – Social welfare and development programs and services may be delivered in any of any of the following modes;

- (a) Residence- based mode where group care is provided to residents under the guidelines of a trained staff and within a structured therapeutic environment with the objective of reintegrating a person with the family or community or, in case of children, until such time when a better alternatives parental care is provided, This program may also be provided for those children pursuing formal education away from their family; or
- (b) Community- based mode where the helping process takes place in the community as the primary client system or when social welfare and development activities are provided to individuals, groups, or families while they remain in their homes, It is characterized by interaction between the client and worker in the community in relation to the resolution of identified problems and concerns. These includes senior citizens center, day-care center, drop-in-center, vocational rehabilitation center, sponsorship or scholarship program, alternative placement service, assistance to victim of disaster, and social services to individuals and families, while in their home or in the community.

SECTION 7. *Administration and Management* - A SWDA is managed by individuals whose qualifications meet the criteria set under the rules and regulations to be issued to implement this act. It may be operated by;

- (a) Private individuals, educational institutions, civic organizations, and faith-based organizations; or
- (b) NGAs, LGU, government-owned and controlled corporations (GOCCs), and state universities and colleges (SUCs) with social welfare and development programs and projects. At least sixty percent (60%) of the seats in the Board of Trustees of SWDAs operated by nonstock and nonprofit corporation must be held by Filipinos.

SECTION 8. *Salaries, Wages and other Benefits* – All SWDAs shall comply with existing and relevant labor and registrations regarding the salaries, wages, and benefits of employees, provided these are within the minimum standards set by the Civil Service Commissions (CSC) and the Department of Labor and Employment (DOLE). In the absence of a standards salary scale for social workers and other social welfare and development workers of the SWDAs, the pay scale set by the CSC and DOLE, in consultation with the Department of Budget and Management (DBM), shall be followed.

SECTION 9. *Operating Expenses* – A SWDA shall at least seventy percent (70%) of its funds for direct social welfare and development programs and services and not more than thirty percent (30%) shall be expended for administrative concerns. Funds of the SWDA shall be deposited in the name of the organization in a banking institution regulated by Bangko Sentral ng Pilipinas (BSP). Financial transactions, books of accounts and other

reports shall be available to the public, agency staff, and other concerned individuals or agencies for transparency and monitoring purposes.

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

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

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

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

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

ARTICLE III REGISTRATION, LICENSING, ACCREDITATION

SECTION 11, *Registration* - (a) A SWDA shall first register with the Securities and Exchange Commission (SEC) or the Cooperative Development Authority (CDA) for purpose of establishing its juridical personality, To be officially recognized as SWDA operating within the preview of social welfare and development, the SWDA shall apply for registration with the DSWD not later than six (6) months from the issuance of the certificate of registration from the said government agencies

(b) The requirements for registration for those intending to operate as a SWDA are the following;

- (1) Certified true copy of registration with the SEC or the CDA;
- (2) At least two (2) years approved work and financial plan for the implementation of these programs and services indicating the planned activities and corresponding amount of funds and sources of donations;
- (3) The names of qualified technical and administrative staff and a copy of their license or certificate or professional eligibility as well as an agency guide that outlines its operations, and
- (4) Other documentary requirements as provided for under existing laws, rules, and regulations, as may be deemed necessary to ensure the welfare and safety of its beneficiaries and staff.

(c) For a SWDA that has been in operation for less than two (2) years, the following additional requirements must be submitted;

- (1) A manual of operation or handbook of its programs and administrative policies, procedures and strategies to attain its purpose; and
- (2) Diagram of physical facilities, including location map and other documents showing ownership or legal custody of property where the SWDA shall operate from.

- (c) For SWDA, which has been one (1) year audited financial, report in addition to the above mentioned requirements.

SECTION 12, *Licensing* – A SWA shall be given a permit and a legal authority to operate, after having met or complied with the following licensing requirements;

- (a) Documentation showing that it is engaged in social welfare and development programs and services;
- (b) Certification Showing that it employs the necessary number of registered social workers, community development workers, and other employees trained on specific programs and services to be implemented, and a copy of their respective license or certificates of professional eligibility; provided that the requirements for social workers and other professionals shall depend on the nature of the social welfare programs and services; and
- (c) Certificate of the record of cases it managed or is currently managing and social welfare and development programs and services implemented.

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

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

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

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

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

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

ARTICLE IV
BENEFITS AND PRIVILEGES OF SOCIAL
WELFARE AND DEVELOPMENT AGENCIES

SECTION 17. *Benefits and Privileges of Registered SWDAs* - A registered SWDA is entitled to the following benefits and privileges;

- (a) Inclusion in the DSWD's Directory of registered, Licensed, and accredited SWDAs;
- (b) Technical assistance in the areas of capability building, packaging of project proposal, provision of programs materials and skills enhancement to strengthen program and service implementation;
- (c) Endorsement to other government agencies on the availment of missionary of working visas of foreign board members, employees, or volunteers, subject to eligibility requirements for securing visas;
- (d) Endorsement to the Department of Finance (DOF) for duty- free importation of foreign donations subject to compliance with the prescribed requirements; and
- (e) Other benefits and privileges as may be deemed appropriate by the DSWD.

SECTION 18. *Benefits and Privileges of Licensed SWAs* - In addition to the benefits and privileges of registered SWDAs, a licensed SWA is entitled to the following benefits and privileges;

- (a) Endorsement to the DOF for duty-free importation of foreign donations subject to compliance with the prescribed requirements;
- (b) Resource augmentation for program implementation, subject to compliance with the requirements as may be established by the DSWD, and
- (c) Other benefits and privileges as may be deemed appropriate by the DSWD.

SECTION 19. *Benefits and Privileges of Accredited SWAs* - In addition to the benefits and privileges of registered SWDAs and licensed SWAs, an accredited SWA is entitled to the following benefits and privileges

- (a) Endorsement to the DOF for done institution and other relevant tax incentives as provided by law;
- (b) Endorsement for resource augmentation or other assistance from any government agency or private donor subject to compliance to set criteria;
- (c) Endorsement to utility service providers for the grant of discount on the cost of electricity, water consumption, and other telephone service to the residential care, group homes, and community center-based facilities that are operated exclusively for the beneficiaries subject to the set requirements of the utility service providers;
- (d) Endorsement to appropriate government agencies and private establishments for discount for the processing of documents of intended beneficiaries such as birth registration, passport, safety certificates, among others, for residential care and community-based SWA facilities;
- (e) Assistance in establishing linkages with local, national, and international organizations and net-workers for the generation and sharing of resources;

- (f) Nomination of board members, employees, or volunteers workers to participate as presenters networks for the generation and sharing of resources;
- (g) Plaque of recognition as model SWDA;
- (h) Cash incentives;
- (i) Other benefits and privileges as may be deemed appropriate by the DSWD.

SECTION 20. *Tax Exemption* - A foreign donation to a registered, licensed, and accredited SWDA, upon certification by the DOF, shall be exempted from the payment of customs duties, taxes and tariffs in accordance with the provisions of republic Act No. 10863, otherwise known as the "Custom Modernization and Tariff Act (CMTA)"

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

SECTION 21. *Recommendation to obtain Donee Institution Status* – The DSWD may recommend or endorse to the DOF the conferment of done institution status and the grant of other tax benefits to registered, licensed and accredited SWDAs.

ARTICLE V OTHER REGULATORY POWERS AND FUNCTIONS OF THE DSWD

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

SECTION 23. *Dissolution of SWDAs* - Any of the following is a ground for the voluntarily or involuntarily termination of operation or dissolution or closure of SWDAs;

- (a) Inability of SWDA officers to sustain its operations;
- (b) Noncompliance with or violation of any provision of this Act; and
- (c) Other issues as may be determined by the DSWD.

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

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

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

For purpose of this Act, intermediaries refer to persons, groups, networks of SWDAs, or LGU's trained, accredited, and authorized by the DSWD to perform specific functions in the process of registrations, licensing, and accreditation.

SECTION 25. *Investigation and Resolution of Complaints* - The DSWD shall accept complaints, investigate and initiate appropriate proceedings on cases involving SWDAs. Upon lawful case, the DSWD shall suspend the operations of the SWDA or revoke its regulation, and accreditation certificates and close its facilities in coordination with the law enforcement agencies without prejudice to the filing of criminal or civil case against erring officials and personnel of the SWDA.

ARTICLE VI COMPLAINTS AGAINST SOCIAL WELFARE AND DEVELOPMENT AGENCIES

SECTION 26. *Complaints* - In handling complaints against an SWDA for any violation of this act, the DSWD may consider any of the following information to initiate an inquiry or investigation thereon;

- (a) Report of an authorized personnel or officer of the DSWD based on the assessment and monitoring of the compliance with program and service standards;
- (b) Report from an SWDA's clients to 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 devices such as text messages, emails and posts in the social media, or
- (g) Other sources of information such as minutes of meetings, consultations, and fora. In the case of verbal unsigned complaints, the DSWD shall validate the illegal violations or actions of the SWDA being reported. If and when validation is not possible, the personnel or office of the DSWD that received the complaints shall file a report on the difficulty to validate the same. Documented information and printed materials must be evaluated in accordance with the procedures in handling complaints or information.

SECTION 27. *Who may file complaints?* - A complaint against an SWDA may be filed with the DSWD by any of the following;

- (a) Offended party;
- (b) Parent or legal guardian of client;
- (c) Ascendant or collateral relative of the client, such as a child within the third degree of affinity or consanguinity;

- (d) Duly authorized officer or social worker of the DSWD;
- (e) Officer, social worker, or representative of a registered, licensed, and accredited SWDA;
- (f) Punong Barangay or other local government official, or;
- (g) Person who has personal knowledge of the acts complained about or reported for action.

SECTION 28. *Review Committee* - There shall be a Field Officer Review Committee (FORC) and a Central Office Review Committee (CORC) to handle cases and resolve complaints against SWDA, whether they are registered or unregistered, licensed or unlicensed, accredited. For complaints and violations involving any SWDA operating in one more regions, the FORC that has jurisdiction over the areas where the cases happened shall have exclusive jurisdiction in handling and resolving the said complaints or violations. The decisions orders or findings of the FORC shall be appealable to the CORC. The CORC may intervene or assist the FORC in handling complaints, if necessary.

The composition of the FORC and the CORC shall be determines by the DSWD, provided, That there are two (2) members representing licensed and accredited SWDAs who are themselves members of the network organized by the DSWD. The representatives must be provided with an allowance in accordance with the rules and regulations of the COA.

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

SECTION 30. *Suspension, Revocation or Closure* - The certificate of registration, license to operate or accreditation issued to a SWDA by the DSWD shall be suspended or revoked if, after due process, the DSWD finds that the SWDA committed any of the grounds stipulated under Section 31 and 32 of this Act.

A suspended SWDA shall cease prejudice to the best interest of a substantial number of beneficiaries;

- (a) I the suspension will cause prejudice to the best interest of a substantial number of beneficiaries of the suspended SWDA;
- (b) If there are no other available registered, licensed, or accredited SWDAs that can accommodate the beneficiaries of the suspended SWDA;
- (c) If the SWDA agrees to be under the close supervision of the DSWD and
- (d) If the SWDA agrees not to accept any additional beneficiaries.

The suspension, revocation of license of an SWDA shall be affected without prejudice to the filing of criminal or civil case under existing laws;

SECTION 31. *Grounds for Suspension* – The suspension or temporary cessation of operation as a n SWDA may be of any of the following grounds;

- (a) Insolvency or inability to continue to support and maintain its operation or to perform the functions for which it was granted registration and license;
- (b) Noncompliance with social case management standards;
- (c) Poor sanitation of facilities and surroundings rendering these unfit for clientele;
- (d) Violation of the SWDA's constitution and bylaws;

- (e) Failure to submit annual accomplishment and audited financial reports for two (2) consecutive years;
- (f) Failure to apply for accreditation or renewal of accreditation after two (2) consecutive notifications and monitoring or spot visits and technical assistance every (6) months from the DSWD of authorized intermediaries, or
- (g) Other causes as may be determined by the DSWD.

SECTION 32. *Grounds for Revocation of License.* - The revocation or cancellation of the registration, license to operate and accreditation certificates of an SWDA issued by the DSWD may be of any of the following grounds;

- (a) Use of SWDA for immoral purposes such as trafficking, gambling, prostitution, money laundering, and terrorist financing;
- (b) Neglect, exploitation, and those of SWDA;
- (c) Cessation of operation as SWDA;
- (d) Management of funds;
- (e) Falsification of the requirements for registration, licensing and accreditation
- (f) Revocation of its registration from juridical personality by the SEC or other regulatory agencies;
- (g) Noncompliance of SWDAs on the agreed action plan during the accreditation, assessment for two (2) consecutive monitoring visits with interval of six (6) months by the DSWD, or
- (h) Other causes as may be determined by the DSWD;

SECTION 33. *Delisting of a SWDA* - A SWDA with expired registration, license or accreditation certificate and which failed to reply or send a letter of intent to renew its registration, license, and accreditation to the DSWD, after receiving three (3) notices shall be delisted from the DSWD's roster.

A SWDA whose certificate of registration and license to operate have been revoked shall be de-listed from the roster of registered, licensed, and accredited SWDAs, Likewise, The SWDA that voluntarily ceases its operation shall be de-listed.

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

ARTICLE VII STRENGTHENING THE STANDARDS BUREAU OF DSWD

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

SECTION 36. *Organization and Structure* - The Standards Bureau shall upon approval of the Secretary of the DSWD or any authorized representative of the Secretary be reorganized and set up to effectively and efficiently implement the regulatory functions of the DSWD in pursuance with this Act and existing DSWD rules and regulations. The Bureau shall be headed by a Director IV and assisted by the Director III, Both shall be appointed in accordance with existing rules and regulations of the CSC and the DSWD. They shall report directly to the DSWD Secretary or any authorized representative.

SECTION 37. *Functions of the Standards Bureau* - The standards Bureau shall perform the following duties and functions;

- (a) Formulate, develop and revise policies and guidelines pertaining to social welfare and development standards implementation, registration, and licensing of SWDAs, accreditation of service providers and programs and services of SWDAs, regulation of regional and national fund campaign and duty-free entry of foreign donations and handling of complaints;
- (b) Develop strategies which will promote quality social welfare and development programs and services of the welfare of the beneficiaries;
- (c) Register qualified organizations engaged in social welfare and development programs;
- (d) License social welfare agencies;
- (e) Accredite social welfare and development programs and services of the SWDAs and service providers;
- (f) Manage complaints and information on cases of violations against registered, licensed and accredited SWDAs and service providers;
- (g) Monitor and provide technical assistance and resource augmentation to field offices, SWDAs and intermediaries to ensure sustainability of quality service delivery;
- (h) Develop and manage information management system relative to standards development, compliance and monitoring of the registered and licensed SWDAs and accredited service providers;
- (i) Identify other benefits and incentives for registered, licensed and accredited SWDAs, and
- (j) Perform such other acts which are necessary or incidental to the proper exercise of its functions and duties

SECTION 38. *Divisions of the Standard Bureau* - The standards Bureau is composed of the following three (3) divisions with their respective functions;

- (a) Standard Development Division (SOD) – The SOD shall set the standards on the implementation of social welfare and development programs and services and development programs and services for the welfare of the defined beneficiaries.
- (b) Standards Compliance Division (SCD) the SCD shall process and assess applications for registration, licensing, and accreditation of SWDAs and service providers, ensure their compliance to the implementation of the social welfare and development programs and services and determine the benefits accruing to licensed and accredited service providers and SWDAs and service providers with expired registration, license and accreditation.
- (c) Standards Monitoring and Enforcement Division (SMED) – The SMED shall monitor the sustained compliance of registered, licensed, accredited SWDAs and service providers to the minimum standards of the delivery of quality programs and services in consonance with the social welfare and development programs for the poor, vulnerable, marginalized, disadvantaged and underprivileged sector

of the society. The division shall also be responsible for the handling of complaints.

SECTION 39. *Regional Counterpart* – The standards units in all regional offices of the DSWD shall be strengthened that shall implement the regulatory services in the region, The head of the standards unit shall occupy a position not lower than Social Welfare Officer IV. The regional office shall also adapt at least two (2) divisions in the standards Bureau, namely; The Standards Compliance Section (SCS) and the Standards Monitoring and Enforcement Section (SMES). The appropriate number of Staff complement of these two (2) sections shall be created in accordance with the existing rules and regulations of the CSC and the DSWD.

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

ARTICLE VII IMPLEMENTATION OF THE LAW AND RULE-MAKING AUTHORITY

SECTION 41. *Implementing Rules and Regulations* - Within ninety (90) working days from its effectivity, the Secretary of the DSWD shall, in consultation with the DOF, DOJ, Department of the Interior and Local Government (DILG), DOLE, DBM, CSC, COA, SEC, Philippine National Police (PNP), National Bureau of Investigation (NBI), Bureau of Immigration (BI), and other appropriate government agencies, as well as three (3) representatives from any of the coalition of SWDA or social welfare and development workers, shall promulgate the necessary rules and registration to carry out the provision of this Act.

SECTION 42. *Assistance from Law Enforcement Agencies* - Law enforcement agencies such as the PNP, NBI, and BI shall provide assistance to the DSWD in the enforcement of this Act.

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

ARTICLE IX FINAL PROVISIONS

SECTION 44. *Penalties* - Any person, or organization, that operates as SWDA without the corresponding valid certificate of registration or license to operate issued by the DSWD shall be penalized with a fine of not less than One Hundred thousand pesos (100,000) but not more than Five Hundred thousand pesos (P5000,000) or imprisonment ranging from one (1) year but not more than three (3) years at the discretion of the court, The penalties imposed are without prejudice to other penalties such as the seizure of equipment, instruments and other facilities of the SWDA.

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

If the offender is foreigner, the offender, after serving the sentence, shall be deported immediately without proceedings.

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

SECTION 45. *Transitory Provision* - All unregistered and unlicensed SWDAs that are currently operating shall have a period of one (1) year from the effectivity of this act to apply for registration or license to operate with the DSWD.

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

SECTION 46. *Appropriation* - The Secretary of Social Welfare and Development shall include in the DSWD's program the implementation of this Act, the initial funding of which shall be charged against the current years appropriation of the DSWD. Thereafter, the amount necessary for its continued implementation shall be included in the annual General Appropriation Act.

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

SECTION 48. *Repealing Clause* - All laws, decrees, letter of instruction, executive issuance, resolutions, order or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

SECTION 49. *Effectivity* - This Act shall take effect fifteen (15) days after the publication in the Official Gazette or in a newspaper of general circulation;

Approved.



HON. FELIMON ESPARES
COOP NATCCO PARTY LIST