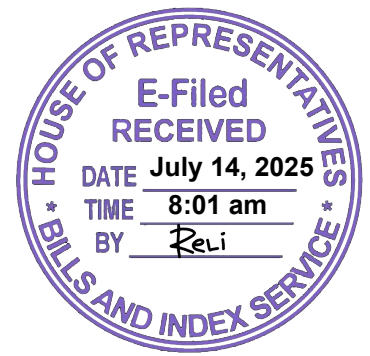


TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **1806**

EXPLANATORY NOTE

This bill was approved on Second Reading by the House of Representatives during the 19th Congress.

The Department of Social Welfare and Development (DSWD) is mandated to develop, implement, and coordinate social protection and poverty-reduction solutions for and with the poor, vulnerable and disadvantaged.

The DSWD, however, knows and acknowledges the important role that the private sector plays in the delivery of social welfare and development programs and services to the public. There is thus a need to strengthen the partnership among social welfare and development agencies (SWDAs), national government agencies (NGAs), local government units (L.GUs), nongovernment organizations (NGOs), faith-based organizations, and the private sector to include easy access 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.

Hence this bill which seeks to establish a comprehensive system of registration and licensing of social welfare and development agencies and accreditation of social welfare and development programs and services. This will ensure effectiveness, efficiency, and accountability in the delivery of quality social welfare and development programs and services. And will reinforce the regulatory functions of the Department of Social Welfare and Development (DSWD) over agencies and organizations engaged in social welfare and development activities.

In view of the foregoing, immediate approval of this measure is earnestly requested.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

TWENTIETH CONGRESS)
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HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
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House Bill No. 1806

AN ACT

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

ARTICLE I

GENERAL PROVISIONS

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

SEC. 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. To 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, and groups or organizations engaged in social welfare and development activities. It shall promote and strengthen partnership among social welfare and development agencies (SWDAs), national government agencies (NGAs), local government units (LGUs), nongovernmental organizations (NGOs), faith-based organizations, and the private sector by including easy access of resources between and among them and enable mutual beneficial relationships for the upliftment of the poor, the vulnerable, the marginalized, the disadvantaged, and the underprivileged individuals, families, groups, and communities in the country.

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

SEC. 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 programs and services 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 or differently abled persons;
- (5) Senior citizens or elderly;
- (6) Dysfunctional families;
- (7) Internally displaced individuals and communities such as victims or survivors of natural or human-induced calamities or disasters or armed conflict; and

(8) Indigenous groups and those in crisis situation;

(c) *Operation* refers to the implementation of social welfare and development programs and services by an 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 degree in Bachelor of Science in Social Work or a Master's Degree in Social Work, has passed the Social Worker Licensure Examination, and is a holder of a valid registration or identification card issued by the Professional Regulation Commission;

(e) *Registration* refers to the process of assessing the applicant agency and determining whether its intended purpose is within the purview of SWDA for Accreditation above.

(f) *Revocation* refers to the cancellation of the registration, license, or accreditation certificates of the SWDA for the commission of any act specified among the grounds for revocation in this Act;

(g) *Service providers* refers to pre-marriage counselors accredited by the Department of Social Welfare and Development (DSWD) and who have satisfactorily complied with the set requirements and standards;

(h) *Social Welfare and Development Agency* refers to persons implementing or intending to implement, mainly or generally, social welfare and development programs and deliver services in the Philippines, either directly or indirectly, and assessed as having the capacity to operate administratively, technically and financially to serve the beneficiaries as defined in this Act;

(i) *Social Welfare and Development (SWD) 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;

(j) *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;

(k) *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;

(l) *Standards Bureau* refers to the DSWD office responsible for fulfilling the regulatory and quality assurance measures by setting standards in the management and regulation of SWDAs, service providers, and other regulated entities in the public and private sectors as they implement social welfare and social protection interventions for the beneficiaries as defined in this Act; and

(m) *Unregistered or unlicensed SWDAs* refer to those persons, 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, or whose certificates of registration or licenses to operate are expired or revoked.

ARTICLE II
SOCIAL WELFARE AND DEVELOPMENT AGENCIES

SEC. 5. *Classification of SWDAs.* –An SWDA may either be a Social Welfare Agency (SWA) or an auxiliary SWDA:

1. Social Welfare Agency (SWA) – An entity, corporation or organization, private or governmental, that engages mainly and generally, or represents itself to engage in social welfare work, whether case work, group work, or community work, and obtains its finances, either totally or in part, from any agency or instrumentality of the government and/or from the community by direct or indirect solicitations and/or fund drives, and/or private endowment.

1.1. Public SWA – An organization managed by the NGA or LGUs that includes:

1.1.1. Residential-based refers to an alternative form of family care providing 24-hour group living on a temporary basis to beneficiaries whose basic needs cannot be met by their families and/or relatives or by any other form of alternative family care for a period of time; and

1.1.2. Center-based refers to non-residential psychosocial services rendered in physical facilities, referred to as "centers", on a daily basis or during part of the day addressing crisis or developmental concern of an individual, group or family. Beneficiaries in center-based services have families to return to after each segment of the brief treatment or developmental program, rendered up to a maximum of three (3) weeks.

1.2. Private SWA - refers to corporations, organizations, or associations duly established and/or recognized under Philippine laws performing SWD activities, and as classified as:

1.2.1. Residential-based as defined in 1.1.1;

1.2.2. Center-based as defined in 1.1.2; and

1.2.3. Community-based SWA. – An SWA that implements community-based or street-based programs and deliver services to beneficiaries while in their homes or in the community such as those in senior citizens centers, day-care centers and vocational rehabilitation centers. These programs and services include sponsorship or scholarship programs, assistance to victims of disasters, and social services to individuals and families;

2. Auxiliary SWDA – an SWDA which provides indirect SWD programs and services (e.g., provision of funds and/or in-kind, capacitating staff of other SWAs through training, research, and advocacy) to beneficiaries through intermediaries or partnership with other organizations. It is classified into:

2.1. People's organization - refers to a bona-fide association of citizens with demonstrated capacity to promote public interest and with identifiable leadership, membership, and structure, which provide SWD services beyond its members;

2.2. Resource agency - refers to an auxiliary SWDA that provides in cash and/or in-kind assistance such as food, clothing, medicines, educational, shelter and programs and services like technical assistance, training, research, and advocacy to other implementing SWDAs or directly to the beneficiaries; and

2.3. SWD network - refers to a group of SWDAs which organized themselves for a common goal in promoting social protection for the poor, the vulnerable, and disadvantaged beneficiaries.

SEC. 6. *Administration and Management.* – An SWDA shall managed by individuals whose qualifications meet the criteria set under the rules and regulations to be issued to implement the provisions of this Act. It may be operated by:

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

(b) NGAs, LGUs, government-owned and -controlled corporations (GOCCs), and state universities and colleges with SWD programs and projects.

SEC. 7. *Salaries, Wages and Other Benefits.* – All SWDAs shall comply with existing and relevant labor laws and regulations regarding the salaries, wages, and benefits of employees, provided these are within the minimum standards set by the Civil Service Commission (CSC) and the Department of Labor and Employment (DOLE). In the absence of a standard salary scale for social workers and other SWD workers of the SWDAs, the pay scale set by the CSC and the DOLE shall, in consultation with the Department of Budget and Management (DBM), be followed.

SEC. 8. *Operating Expenses.* – An SWDA shall utilize at least seventy percent (70%) of its funds for direct SWD 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 the Bangko Sentral ng Pilipinas. Financial transactions, books of accounts and other reports shall be made available to the public, agency staff, and other concerned individuals or agencies for transparency and monitoring purposes, subject to the Data Privacy Act of 2012 and with current bank secrecy laws.

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

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

SEC. 9. *Submission of Reports.* – All SWDAs shall submit to the DSWD an 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 one hundred twenty (120) days after the end of every fiscal year.

ARTICLE III REGISTRATION, LICENSING, AND ACCREDITATION

SEC. 10. *Registration.* – (a) Subject to Republic Act No. 10847, entitled “An Act Lowering the Age Requirement for Applicants Taking the Board Examination for Social Workers, Providing for Continuing Social Work Education, and Upgrading the Sundry Provisions Relative to the Practice of Social Work” and DSWD process, all corporations, organizations, or associations that are planning to engage in SWD activities shall apply for a DSWD certificate of registration and license to operate. To be officially recognized as an SWDA operating within the purview of SWD, the SWDA shall also apply for registration with the DSWD not later than six (6) months from the issuance of the certificate of registration from the concerned government agency.

(b) An applicant for registration as an SWDA shall submit the following documentary requirements:

- (1) Certified true copy of registration of the entity;
- (2) At least two (2) years approved work and financial plan for the implementation of its 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 licenses or certificates of professional eligibilities 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 an SWDA that has been in operation for less than two (2) years prior to the passage of this Act, 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 purposes; 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.
- (d) For an SWDA which has been in operation for at least two (2) years at the time of the application for registration, it shall submit at least one (1) year audited financial report, in addition to the abovementioned requirements.

SEC. 11. *Licensing.* – An SWDA 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 SWD 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 licenses or certificates of professional eligibilities: *Provided*, That the requirement for social workers and other professionals shall depend on the nature of the social welfare programs and services; and
- (c) Certification 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 an SWA may be done simultaneously, and, upon approval, a certificate of registration and license to operate shall be issued.

SEC. 12. *Exemption from Registration.* – All public residential care facilities of the DSWD, social service units of LGUs, public hospitals, 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 registration requirement. However, prior to its operation, it shall secure a license to operate from the DSWD. The public SWDA shall apply for accreditation and shall be subjected to regular monitoring by the DSWD.

SEC. 13. *Accreditation.* – All SWD programs and services of registered and licensed SWAs shall be accredited by the DSWD or its authorized intermediaries not later than two (2) years after the issuance of a license to operate. An 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 beneficiary protection policy prior to the accreditation of its programs and services.

SEC. 14. *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.

SEC. 15. *Validity.* – The certificate of registration shall be valid within the effectivity period of the entity's certificate of registration. Meanwhile, the license to operate is valid for five (5) years and the certificate of accreditation shall be valid for a period of five (5) to seven (7) years depending on the level of accreditation: *Provided*, That the issued certificate of registration, license to operate, and accreditation shall remain valid unless earlier suspended or revoked as prescribed in Section 27 of this Act: *Provided further*, That the existing certificate shall remain valid until the DSWD has acted on an application for renewal which must be filed within sixty (60) days prior to the expiration.

ARTICLE IV
BENEFITS AND PRIVILEGES OF SOCIAL
WELFARE AND DEVELOPMENT AGENCIES

SEC. 16. *Benefits and Privileges of Registered and Licensed SWDAs.* – Registered and licensed SWDAs are 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 program materials and skills enhancement to strengthen program and service implementation; and
- (c) Other benefits and privileges as may be deemed appropriate by the DSWD.

SEC. 17. *Benefits and Privileges of SWDAs with Accredited SWD Programs and Services.* – SWDAs with accredited SWD programs and services shall be entitled to the following:

- (a) DSWD's endorsement to the Department of Finance (DOF) for duty- and tax-free importation of foreign donations in kind 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;
- (c) A discount shall be granted on the consumption of electricity, water and telephone service to the residential care, and community center-based facilities that are operated exclusively for the beneficiaries subject to set requirements and discretion of the utility service providers;
- (d) At least a ten percent (10%) discount from concerned government agencies and private establishments for the processing of documents of intended beneficiaries, such as birth registration, passport, and safety certificates, among others: *Provided*, That private establishments may avail of the granted discount as allowable deduction from gross income for purposes of computing their taxable income;
- (e) Assistance in establishing linkages with local, national, and international organizations and networks for the generation and sharing of resources;
- (f) Nomination of board members, employees, or volunteer workers to participate as presenters or resource speakers in local or foreign training or conferences;
- (g) Plaque or recognition as a model SWDA;
- (h) Cash incentives;
- (i) DSWD's endorsement of the SWA as an agency for research and other learning opportunities such as Lakbay Aral; and
- (j) Other benefits and privileges as may be deemed appropriate by the DSWD.

SEC. 18. *Tax Exemption.* – All grants, bequests, endowments, donations, and contributions made to the registered, licensed, and accredited SWDA that will be used actually, directly and exclusively by the said SWDA are exempt from donors' tax and the same shall be considered as allowable deduction from the gross income of the donor for purposes of computing the donor's taxable income in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

A foreign donation in kind to a registered, licensed, and accredited SWDA, upon certification by the DOF, shall be exempted from the payment of taxes and customs duties in accordance with the provisions of Republic Act No. 10863, otherwise known as the "Customs Modernization and Tariff Act (CMTA)."

ARTICLE V
OTHER REGULATORY POWERS AND
FUNCTIONS OF THE DSWD

SEC. 19. *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 SWD 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.

SEC. 20. *Dissolution of SWDAs.* – Any of the following acts or omissions is a ground for the voluntary or involuntary termination of operation or dissolution or closure of SWDAs:

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

The constitution and by-laws or articles of incorporation of an SWDA must explicitly state that in case of dissolution, the assets shall be utilized for SWD activities after payment of all financial liabilities.

A final and executory judgment by the DSWD finding an SWDA liable for any of the violations stated in (a), (b) and (c) is a 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 Securities and Exchange Commission (SEC) for its appropriate action.

SEC. 21. *Deputation of Intermediaries.* – Authorized intermediaries may be deputized by the DSWD to conduct an assessment of the operation of an SWDA and SWD 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 purposes of this Act, intermediaries refer to persons, groups, networks of SWDAs, or LGUs trained, accredited, and authorized by the DSWD to perform specific functions in the process of registration, licensing, and accreditation.

SEC. 22. *Investigation and Resolution of Complaints.* – The DSWD shall accept complaints, investigate and initiate appropriate proceedings on cases involving SWDAs. Upon lawful cause, the DSWD shall suspend the operations of the SWDA or revoke its registration, license, and accreditation certificates and close its facilities in coordination with 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

SEC. 23. *Complaints.* – In handling complaints against an SWDA for a 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 office of the DSWD based on the assessment and monitoring of the compliance with program and service standards;
- (b) Report from an 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 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 a verbal or unsigned complaint or information transmitted through social media, the DSWD shall validate the alleged 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 complaint 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.

SEC. 24. *Who May File a Complaint.* – 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 a beneficiary;
- (c) Ascendant or collateral relative of the beneficiary, 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 SWDAs;
- (f) *Punong Barangay* or other local government official; or
- (g) Person who has personal knowledge of the acts complained about or reported for action.

SEC. 25. *Review Committee.* – There shall be a Field Office Review Committee (FORC) and a Central Office Review Committee (CORC) to handle cases and resolve complaints against SWDAs, whether they are registered or unregistered, licensed or unlicensed, or accredited. For complaints and violations involving any SWDA operating in one or 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 determined 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.

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

SEC. 26. *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.

SEC. 27. *Suspension, Revocation or Closure.* – The certificates of registration, license to operate or accreditation issued to an 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 Sections 28 and 29 of this Act.

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

- (a) If the suspension will cause prejudice to the best interest of a substantial number of beneficiaries;
- (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 or closure of an SWDA shall be effected without prejudice to the filing of criminal or civil case under existing laws.

SEC. 28. *Grounds for Suspension.* – The suspension or temporary cessation of operation as an 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 beneficiaries;
- (d) Violation of the SWDA's constitution and by-laws;
- (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 six (6) months from the DSWD or authorized intermediaries;
- (g) Failure to comply with the standards of accreditation; or
- (h) Other causes as may be determined by the DSWD.

SEC. 29. *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 abuse of SWDA beneficiaries;
- (c) Cessation of operation as SWDA;
- (d) Mismanagement 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.

SEC. 30. *Delisting of an SWDA.* – An 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.

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

SEC. 31. *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 SWD 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

SEC. 32. *Strengthening of the Standards Bureau.* – The Standards Bureau shall, upon approval of the Secretaries of Social Welfare and Development and Budget and Management, 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 and Assistant Director who shall have the rank of Director IV and Director III, respectively. Both shall be appointed in accordance with existing rules and regulations of the CSC and the DSWD.

SEC. 33. *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 SWD 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 SWD programs and services for the welfare of the beneficiaries;
- (c) Register qualified organizations engaged in SWD programs;
- (d) License SWAs;
- (e) Accredite SWD 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.

SEC. 34. *Organizational Structure and Staffing Pattern (OSSP).*- The Standards Bureau shall determine the OSSP subject to the evaluation and approval of the DBM and in accordance with the CSC and other pertinent laws, rules and regulations.

SEC. 35. *Regional Counterpart.* – The counterpart units that shall perform compliance monitoring and standards enforcement in all regional offices of the DSWD shall be strengthened to enable the efficient monitoring and enforcement of compliance with standards set for the delivery of programs and services.

SEC. 36. *Additional Plantilla Positions.* – The Standards Bureau may create additional plantilla positions subject to the review and approval of the DBM and in accordance with the civil service and other pertinent laws, rules and regulations.

ARTICLE VIII
ENFORCEMENT AND PENALTIES FOR VIOLATIONS

SEC. 37. *Assistance from Law Enforcement Agencies.* – Law enforcement agencies such as the Philippine National Police (PNP), National Bureau of Investigation (NBI), and Bureau of Immigration shall provide assistance to the DSWD in the enforcement of this Act.

SEC. 38. *Immunity of Officer or Staff.* – The duly authorized officer or staff of the DSWD or of any of the law enforcement agencies involved in the implementation and enforcement of this Act who are found to have acted in accordance with the due process clause of the Constitution shall be exempted from any civil, criminal, and administrative liability.

SEC. 39. *Penalties.* – Any person, group, or organization that operates as an 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 (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00) 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 a corporation, organization, or any similar entity, the officials or employees thereof who have directly participated in the violation shall be held liable therefore.

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

ARTICLE IX
FINAL PROVISIONS

SEC. 40. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the DSWD. Thereafter, such amount shall be included in the Annual General Appropriations Act.

SEC. 41. *Transitory Provision.* – All unregistered or 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.

SEC. 42. *Implementing Rules and Regulations.* – Within ninety (90) working days from its effectivity, the Secretary of the DSWD shall, in consultation with the DOF, Department of Justice, Department of the Interior and Local Government, DOLE, DBM, CSC, COA, SEC, PNP, NBI, and other appropriate government agencies, as well as three (3) representatives from any of the coalition of SWDAs and SWD workers, promulgate the necessary rules and regulations to carry out the provisions of this Act.

SEC. 43. *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.

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

SEC. 45. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,