

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. **3409**



INTRODUCED BY REPRESENTATIVE PM VARGAS

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

EXPLANATORY NOTE

The 1987 Constitution promotes participatory governance. Article II, Section 23 thereof provides that “[t]he State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation.”

Since the restoration of our democracy in 1986, non-government organizations (NGOs) and other civil society groups have evolved over the decades and increased their effectiveness through coalition building, campaigning for policy reform, adoption of good practice standards, and advancing social justice towards the vision of sustainable development.

With the goal of increasing the efficiency of various social welfare programs to assist the marginalized and vulnerable sectors, greater coordination of NGOs with the government is essential. Complementing the mission of these NGOs to deliver social services with the government is the duty of the State to oversee and establish a procedure in which legitimate NGOs and the private sector groups and agencies can engage, collaborate, and co-implement projects and programs using both public and their respective resources legally and legitimately.

We have seen numerous successful initiatives and efforts by our partners outside government in this social endeavor. On the part of the

government, aside from granting our non-government partners with incentives, we must ensure the full protection of the beneficiaries against malpractice, abuse, and even exploitation by private individuals, agencies, and organizations engaged in providing social welfare and development services. These institutions, which are supposed to be operating to perform humanitarian functions, shall be protected from corrupt individuals who seek to manipulate the resources meant for the beneficiaries for personal gain.

This version of the Social Welfare and Development Agencies Bill has been approved by the Committee on Social Services in the 18th Congress, but has failed to pass into law. However, this bill is hereby refiled to honor the tedious committee consultations and deliberations with stakeholders done in previous congresses.

In view of the foregoing, the immediate passage of this bill is earnestly sought.

A handwritten signature in blue ink, appearing to be 'PM VARGAS', is positioned above the printed name.

REP. PM VARGAS

Fifth District, Quezon City

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*Be it enacted by the Senate and the 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, groups 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 sectors of Philippine 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), 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.

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 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.

SECTION 4. Definition of Terms. – As used in this Act, the term:

- (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 underprivileged individuals, families, groups, and communities, including 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 (PRC);

- (e) *Service providers* refer to social welfare and development workers including social workers managing court cases 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 (SWDA)* 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 underprivileged 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 an SWDA;
- (i) *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; and
- (j) *Unregistered or 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, or whose certificates of registration or licenses to operate are expired or revoked.

ARTICLE II

SOCIAL WELFARE AND DEVELOPMENT AGENCIES

SECTION 5. *Classification of SWDAs.* – An SWDA may either be a Social Welfare 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. – An SWA that provides twenty-four (24)-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. – An 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 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; or
 - 3) Child-placing Agency. – An 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) 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 trainings, and other resources to help in the efficient operations of SWAs. The following are the different types of auxiliary SWDA:
- 1) People's Organization. – An 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 associations of women and PWDs;
 - 2) Resource Agency. – An 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 the following modes:

- (a) Residence-based mode where group care is provided to residents under the guidance 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 alternative 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 include senior citizens center, day-care center, drop-in center, vocational rehabilitation center, sponsorship or scholarship program, alternative placement service, assistance to victims of disaster, and social services to individuals and families, while in their home or in the community.

SECTION 7. Administration and Management. – An SWDA is 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 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 corporations must be held by Filipinos.

SECTION 8. 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 social welfare and development workers of the SWDAs, the pay scale set by the CSC and the DOLE, in consultation with the Department of Budget and Management (DBM), shall be followed.

SECTION 9. Operating Expenses. – An SWDA shall utilize 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 the *Bangko Sentral ng Pilipinas (BSP)*. 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.

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, 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 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

SECTION 11. *Registration.* –

- (a) An SWDA shall register with the Securities and Exchange Commission (SEC) for purposes of establishing its juridical personality. To be officially recognized as an SWDA operating within the purview of social welfare and development, 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 with the SEC or the CDA;
 - 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.

SECTION 12. *Licensing.* – An 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 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.

SECTION 13. *Exemption from Registration and Licensing.* – 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 and from securing a license to operate from the 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 and 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 a 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 an 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 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.

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

- (a) DSWD's endorsement to the DOF for duty- and tax-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) DSWD's endorsement to the DOF for donee institution status and other relevant tax incentives as provided by law;
- (b) DSWD's endorsement for resource augmentation or other assistance from any government agency or private donor subject to compliance to set criteria;
- (c) DSWD's endorsement to utility service providers for the grant of discount on the cost of electricity, water consumption, and 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) DSWD's 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 networks for the generation and sharing of resources;
 - (f) Nomination of board members, employees, or volunteer workers to participate as presentors or resource speakers in local or foreign trainings or conferences;
 - (g) Plaque of recognition as a model SWDA;
 - (h) Cash incentives;
 - (i) DSWD's endorsement of the SWA as an agency for research and for other learning opportunities such as *Lakbay Aral*; and
 - (j) Other benefits and privileges as may be deemed appropriate by the DSWD.

SECTION 20. 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 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

SECTION 21. 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 22. 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 social welfare and development 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 SEC for its appropriate action.

SECTION 23. *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 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.

SECTION 24. *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

SECTION 25. *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, 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.

SECTION 26. *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 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 27. *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.

SECTION 28. *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 29. *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 30 and 31 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.

SECTION 30. *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 clientele;
- (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; or
- (g) Other causes as may be determined by the DSWD.

SECTION 31. *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 clients;
- (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.

SECTION 32. *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.

An SWDA 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.

SECTION 33. *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 34. *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. They shall report directly to the DSWD Secretary.

SECTION 35. *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 for 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 36. *Divisions of the Standards Bureau.* – The Standards Bureau is composed of three (3) divisions that shall perform the following respective functions:

- (a) Standards Development Division (SDD). – The SDD shall set the standards on the implementation of social welfare and development programs and services, and develop strategies which will promote quality social welfare 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 that shall accrue to licensed and accredited service providers and SWDAs. It shall also enforce regulatory policies, including the imposition of the necessary penalties, on unregistered and unlicensed SWDAs and service providers whose certificates of registration, accreditation, and licenses have expired.
- (c) Standards Monitoring and Enforcement Division (SMED). – The SMED shall monitor the compliance of registered, licensed, and accredited SWDAs and service providers with the minimum standards of quality for social welfare and development programs for the poor, vulnerable, marginalized, disadvantaged, and underprivileged sectors of the society. The SMED shall also be responsible in the handling of complaints against SWDAs in relation to their programs, services and activities.

SECTION 37. *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 them to efficiently monitor and enforce compliance of SWAs and SWDAs with standards set for the delivery of programs and services. The head of these units shall occupy a position not lower than a Social Welfare Officer IV. The regional office shall have at least two (2) of the three (3) offices 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 DBM, the CSC, and the DSWD.

SECTION 38. *Additional Plantilla Positions.* – The number of assigned plantilla positions for the DSWD Standards Bureau and its regional counterparts shall be increased in order to ensure the proper implementation of this Act and the effective performance of the offices organized herein, subject to the evaluation and approval of the DBM.

ARTICLE VIII ENFORCEMENT AND PENALTIES FOR VIOLATIONS

SECTION 39. *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 40. *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.

SECTION 41. *Penalties.* – Any person, group, or organization that operates as a 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

SECTION 42. Appropriations. – The Secretary of Social Welfare and Development shall include in the DSWD's programs the implementation of this Act, the initial funding of which shall be charged against the current year's appropriations of the DSWD. Thereafter, the amount necessary for its continued implementation shall be included in the annual General Appropriations Act.

SECTION 43. 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.

SECTION 44. 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, DOLE, DBM, CSC, COA, SEC, Philippine National Police, National Bureau of Investigation, and other appropriate government agencies, as well as three (3) representatives from any of the coalition of SWDAs and social welfare and development workers, shall promulgate the necessary rules and regulations to carry out the provisions of this Act.

SECTION 45. 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 46. 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.

SECTION 47. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,