



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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5099



Introduced by **REPRESENTATIVE CHEENO MIGUEL D. ALMARIO**

EXPLANATORY NOTE

Act. No. 4075 or the Solicitation Permit Law was first enacted on October 27, 1933 and was amended by Presidential Decree No. 1564 on June 11, 1978. A perusal of the said laws clearly shows that these no longer reflect the exigencies of today's social and economic environment.

The Department of Social Welfare and Development (DSWD) is aware that the Public Solicitation Law is outdated. In fact, the DSWD issued DSWD Memorandum Circular No. 17-2014 in an effort to keep the law relevant. In addition to this, the Department of Justice issued DOJ Opinion No. 46-2023 relative to P.D. No. 1564. According to DOJ, the DSWD may want to revisit its circulars to have them more aligned with the existing law.

In order to help the DSWD become a more effective implementing body, the Congress must pass a law which is more responsive to the problems present in a contemporary setting. This proposed bill seeks to give the DSWD to penalize the people who are taking advantage of the weakness of the current law. This bill aims to provide guidelines on the issuance of solicitation permits during times of crises, and providing for stricter penalties over violations of the same.

Hence, the passage of this bill is earnestly sought.


CHEENO MIGUEL D. ALMARIO
Representative
2nd District, Davao Oriental



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AN ACT
REGULATING PUBLIC SOLICITATIONS AND PROVIDING PENALTIES FOR
VIOLATION THEREOF, REPEALING FOR THE PURPOSE ACT NO. 4075, AS
AMENDED BY PRESIDENTIAL DECREE NO. 1564, OTHERWISE KNOWN AS
THE SOLICITATION PERMIT LAW

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

SECTION 1. *Short Title.* – This Act shall be known as the "*Public Solicitation Act of 2025*".

Sec. 2. *Declaration of Policy.* – It is hereby declared a policy of the State to regulate public solicitations undertaken by organizations, agencies, groups and individuals, in order to protect the general public from unscrupulous solicitations and to ensure that funds raised through public solicitations are properly utilized for the intended purpose and beneficiaries. Towards this end, standards and guidelines are hereby established to strengthen the system of granting permits or authorization to solicit funds or donations from the public.

Sec. 3. *Definition of Terms.* – As used in this Act:

- (a) *Administrative cost* – refers to the necessary cost incurred in the management and operation of the conduct of the solicitation activity which includes the application fee for a solicitation permit, cost of mailing, printing of letters of appeal, certificates and other paraphernalia;

- (b) *Beneficiaries* – refer to individuals situated within the Philippines who will benefit from the proceeds of public solicitation conducted who are poor, vulnerable, marginalized and disadvantaged sectors or entities. These include, but are not limited to:
1. Children who are abandoned, neglected, orphaned, voluntarily committed, abused and exploited, street children, children with disabilities, children in conflict with the law, children in need of special protection, children in indigenous/cultural communities, and children-victims of natural disasters;
 2. Out-of-school youth and other youth with special needs;
 3. Disadvantaged women;
 4. Persons with disabilities;
 5. Senior citizens;
 6. Individuals, families, and communities who are in crisis situations, including those who are internally displaced due to armed conflict and developmental projects, and victims of natural and human-induced calamities or disasters, and health crisis such as a pandemic;
 7. Rebel returnees and families who are victims of armed conflict situations;
 8. Individuals suffering from serious, terminal or chronic diseases and illnesses such as cancer and kidney failure;
 9. Recovering persons who used drugs (RPWUDs);
 10. Families in need of assistance and intervention; and
 11. Rebel returnees and families who are victims of armed conflict situation.
- (c) *Blacklist* – refers to the list or registry of persons, organizations, and/or agencies which are prohibited from conducting any public solicitation activity due to violations committed as provided in this Act;
- (d) *Donor* – refers to an individual, organization, or agency that donates, gives, or contributes personal or real property for charitable or social welfare purposes;
- (e) *Individual* – refers to a person who is a parent, guardian or immediate relative within the third (3rd) degree of consanguinity or affinity of a patient suffering from a chronic disease that requires long-term or expensive medication desiring to solicit or receive charitable contributions from the public;
- (f) *Organization or agency* – refers to all civil society organizations (CSOs) including people's organizations, non-government organizations (NGOs), academe, associations and similar organizations; chapters and affiliates of similar international organizations operating in the Philippines desiring to solicit or receive contributions from the public for charitable or social welfare purposes;
- (g) *Program cost* – refers to all direct or indirect expenses incurred in the provision of services or goods to the beneficiaries of the public solicitation including

- expenses of the donee person, organization or agency in its operation and the implementation of relevant programs and services;
- (h) *Public* – refers to the populace, society, masses or people in general within the Philippine territory where the public solicitation is to be undertaken;
 - (i) *Public solicitation* – refers to any activity or project intended to generate, solicit, collect, and request funds, goods, or other assistance from the public for charitable or public welfare purposes;
 - (j) *Social welfare purpose* – refers to undertaking and/or assisting in the amelioration of the living conditions of beneficiaries under Section 3 (b);
 - (k) *Revocation* – refers to the cancellation of the issued solicitation permit due to the commission of any violation as provided in this Act; and
 - (l) *Solicitation permit* – refers to a certificate of authority issued by the Department of Social Welfare and Development Office (DSWD) to an authorized individual, organization, or agency applying for such authorization to solicit donations or voluntary contributions for social welfare purposes.
 - (m) *Social Welfare and Development Agency (SWDA)* – refers to 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, vulnerable, marginalized, disadvantaged, and the underprivileged beneficiaries. Provided that, before any agency or organization can be registered and licensed, it shall fall under the criteria under RA No. 10847.

Sec. 4. Coverage. – This Act shall apply to all individuals, CSOs including people's organizations, NGOs, academe, associations and similar organizations, chapters and affiliates of similar international organizations operating in the Philippines which are partly or fully financed with funds solicited from or contributed by the public or private sector for charitable or social welfare purposes.

Sec. 5. Exemption from Coverage. – The following shall be exempt from application of solicitation permit:

- (a) Organizations and agencies created by laws that specifically confer authority on these organizations and agencies to solicit or conduct fund campaign for charitable or social welfare purposes which shall continue to be covered by their charters and shall not be required to acquire a solicitation permit; *Provided*, that the DSWD shall be informed in writing before the conduct of the solicitation campaign and shall have the authority to monitor their activities and to require these organizations and agencies to submit reports pertaining to the conduct of the public solicitation and the utilization of funds solicited; *Provided, further*, that the DSWD shall maintain and periodically update the list

- of organizations and agencies that are exempted from application of solicitation permit;
- (b) Traditional carolling activities and performances during the holiday season, involving modest donations and solicitations, regardless of purpose;
 - (c) Solicitations for religious purposes that are made within religious sanctuaries, such as churches, mosques, and such other buildings or structures regularly used for religious services or worship;
 - (d) Solicitations for personal purposes that are strictly confined to relatives within fourth degree of affinity or consanguinity, and friends and associates personally known to the persons conducting the solicitation.

Sec. 6. Solicitation Permit; Requirements. – No solicitation permit shall be issued to an individual, organization, or agency without first complying with the following documentary requirements:

- (a) Duly accomplished application form signed by the individual, organization, or agency head or an authorized representative;
- (b) Project proposal of the individual applicant or in the case of an organization, a proposal approved by the head of the applicant organization or agency on the intended public solicitation activity including the work and financial plan on the activity to be undertaken, information and details relative to, or a general description of, the intended beneficiaries, and proposed mode of identifying and selecting beneficiaries in cases where the exact beneficiaries are to be determined after the solicitation activity;
- (c) Personal profile of individual applicant showing information attesting to the applicant's identity and capability and integrity to launch a solicitation drive or in the case of an organization, certified true copy of Certificate of Registration and Articles of Incorporation and By-Laws with the Securities and Exchange Commission (SEC) or other regulatory government agency which has jurisdiction to regulate the organization or agency;
- (d) Updated certificate of no derogatory information and updated general information sheet from the SEC or other regulatory government agency which has jurisdiction to regulate the organization or agency and submission of clearance from the National Bureau of Investigation in case of individual applicant;
- (e) Notarized Memorandum of Agreement (MOA) / Memorandum of Understanding (MOU) or any similar document signifying the concurrence of the intended beneficiaries to be recipients of the solicitation activity; and
- (f) Notarized board resolution or other written authorization for the organization's or agency's planned solicitation activity which shall ensure strict compliance with the standard ratio on fund utilization.
- (g) For purposes of this Act, in the event that there will be a declaration of State of Emergency/Calamity or during disasters/calamities amidst state of State of

Emergency/Calamity, a notarized undertaking to comply with the necessary requirements shall be submitted by the institutions or organizations seeking funding support during disaster response activities. Further, the DSWD will ensure the protection of all personal data that have been submitted in compliance to the provisions of the "Data Privacy Act".

- (h) The DSWD may require additional requirement/s as deemed necessary.

The DSWD shall make samples and forms of the documentary requirements available online and in their offices for public use and reference.

For purposes of this Act, institutions or organizations seeking funding support during disaster response activities shall have additional three (3) months to submit additional documentary requirements or shall be able to comply with the requirements within the period set forth by the concerned DSWD office.

Sec. 7. Authority to Issue Permit. – The following officials are authorized to grant a solicitation permit to an eligible individual, organization, or agency that will conduct solicitation activities for charitable or social welfare purposes:

- (a) Secretary of the DSWD or a duly authorized Undersecretary of the DSWD for all public solicitations;
- (b) DSWD Regional Director or any duly authorized representative for regional public solicitations;

Sec. 8. Validity of Permit. – All solicitation permits issued by the DSWD shall be valid only on the approved date of coverage which in no case shall exceed one (1) year within the specified city, municipality, region, or areas in the Philippines. Its validity shall not extend outside of the Philippines even if the target beneficiaries and donors are Filipinos.

An organization or agency with a good track record in conducting public solicitation, as determined by the DSWD may be granted a solicitation permit with a longer validity period that shall not exceed two (2) years.

Sec. 9. Types of Public Solicitation. – Public solicitations shall be categorized as follows:

- (a) Regional public solicitation, or a solicitation activity conducted within two (2) or more provinces in a region;
- (b) National public solicitation, or a solicitation activity conducted in two (2) or more regions; and
- (c) Online Public Solicitation, or a solicitation activity conducted through computer or a computer network, the electronic medium in which online

communication takes place. Provided, that the scope of the online public solicitation is within the scope of the preceding paragraphs.

Sec. 10. Solicitation During Calamities or Disasters. – In times of calamities or disasters and the intended beneficiaries of the public solicitation are disaster-stricken areas or communities where a state of calamity has been declared by the President of the Philippines or the local sanggunian, a temporary solicitation permit may be issued to the applicant individual, organization, or agency upon submission of a duly accomplished application form, as provided for in Section 6(a) of this Act, signed by the applicant individual, or head of the organization or agency or an authorized representative and a preliminary determination by the appropriate office that the applicant is sufficiently qualified to conduct public solicitation.

The validity of the temporary solicitation permit shall be determined by the concerned DSWD office in coordination with the Disaster Risk Reduction and Management Council office or equivalent office depending on their assessment of the impact of the calamity or disaster to the affected areas. The applicant individual, organization, or agency shall have additional three (3) months to submit and comply with the requirements provided under Section 6 of this Act or within the period set forth by the concerned DSWD office, PSWDO, or MSWDO.

Sec. 11. Fees and Charges. – For national and regional public solicitations, the DSWD may charge reasonable fees corresponding to the cost only of preparing the solicitation permit. The fees shall be remitted to the National Treasury, recorded as a Special Account in the General Fund and shall be available to the DSWD through a Special Budget pursuant to Section 35 of Executive Order No. 292, otherwise known as the "Administrative Code of 1987".

Sec. 12. Methods of Public Solicitation. – Public solicitation may be done through any of the following and subject to the approval of the DSWD Secretary, whether online or offline:

- (a) Written request such as letters of appeal, envelopes, cards, and other similar forms;
- (b) Mass media campaign through television, cinema, radio, magazines, newspapers, billboards, and other similar forms;
- (c) Distribution, circulation, publication, or posting of written advertisement or other similar forms;
- (d) Rummage sales and sale of goods including souvenir items;
- (e) Benefit shows including concerts, fashion shows, and other forms of entertainment;
- (f) Fun runs, marathon, cycling, and other forms of sports activities;
- (g) Popularity contests, beauty pageants, and other events which requires the contestants to conduct public solicitations;

- (h) Donation boxes, coin banks, and other similar forms; and
- (i) Other methodologies that may be allowed by the DSWD.

Provided, that requests for financial assistance from the Philippine Charity Sweepstakes Office (PCSO) and similar agencies shall not be covered under this Act.

Provided, further, that the ceiling amount for the cost of public solicitation paraphernalia shall be set in the implementing rules and regulations to be issued pursuant to this Act.

Sec. 13. Allocation of Proceeds. – Not more than thirty percent (30%) of the total proceeds from the fund-raising activity of any individual, organization, or agency shall be expended for administrative cost. The DSWD shall account in-kind donations. The remaining fund shall be utilized entirely for projects or programs for the targeted beneficiaries: *Provided*, that in cases where solicitation campaigns are conducted to fund programs or projects to help disaster or calamity-stricken areas or resolve national or local crises, a more flexible term in the allocation of the proceeds is allowed. Unless compliance with this section is satisfactorily established on the basis of the report required in Section 16 of this Act, no individual, organization, or agency shall be issued any subsequent solicitation permit.

It shall be mandatory for funds collected from public solicitations to be deposited in a banking institution regulated by the Bangko Sentral ng Pilipinas (BSP) in the name of the applicant individual, organization, or agency to which the solicitation permit was issued. The individual, organization, or agency shall maintain a book of accounts for the monitoring and validation of the report. *Provided* that, donations classified as 'Coin Bank' by the DSWD or an amount less than five hundred thousand pesos (PHP 500,000.00) may be deposited in a banking institution regulated by the BSP, subject to the requirement of the DSWD in requiring the individual or entity conducting public solicitation to submit a report of such donation.

The date, duration, and place where the consolidation and accounting of proceeds shall be undertaken and the date of the awarding or turnover of the proceeds to the beneficiaries shall be witnessed by the authorized representatives from the DSWD.

Sec. 14. Monitoring and Validation of Public Solicitation. – The individual, organization, or agency to which the solicitation permit was issued shall submit to the concerned DSWD office the following documents:

- (a) Not later than sixty (60) days after issuance of the permit, duly notarized report signed and sworn to by the individual or by at least two (2) authorized officers of the organization or agency, indicating whether the solicitation permit was used or not.

1. If the issued solicitation permit is not used, the individual, organization, or agency shall submit to the appropriate DSWD office the justification for not conducting or continuing the solicitation activity within the validity period, and surrender the issued permit;
 2. If the solicitation permit was used, an initial report on the status of utilization of the issued permit shall be submitted;
- (b) Not later than sixty (60) days after the expiration of the issued solicitation permit, the following documents shall be submitted:
1. Notarized fund utilization report of its income and expenditures sworn to by the individual, or in the case of an organization or agency, the president and treasurer of the organization or agency;
 2. List of donors with their corresponding addresses and contact numbers, and the amount of donations;
 3. List of beneficiaries, with corresponding signatures, addresses and contact numbers, and the amount or types of assistance extended;
 4. List of projects undertaken and completed with an indication of their location and cost; and
 5. Expired original solicitation permit.

Provided, that the DSWD shall keep and maintain a record of the organizations with solicitation permits including information on their validity. This information shall be readily made available to the public, whether the solicitation activity is online or offline.

To assist in the monitoring of public solicitation activities, the public may inquire from the DSWD whether a public solicitation activity is legitimate or not.

Sec. 15. Anonymous Donations. – Donations from anonymous individuals may only be received for the amount less than the covered transaction as defined under AMLA. *Provided*, that the individual or entity conducting public solicitation shall submit a solicitation report to the DSWD within thirty (30) days from termination of solicitation activity.

If the total amount of anonymous donations falls under covered transactions, the individual or entity conducting public solicitation shall issue a Certification under Oath that the amount was not sourced from illegal means and that the same shall be used for legitimate purpose.

Sec. 16. Reportorial Requirements for Exempt Organizations. – Those organizations or agencies that are exempt from securing a solicitation permit as specified in Section 5(a) of this Act should inform the DSWD in writing prior to conducting solicitation activity and submit reportorial requirements at the end of the fiscal year when the

public solicitation has been conducted. Reports shall consist of the following documents:

- (a) Notarized fund utilization report of its collections, income and expenditures sworn to by the president and treasurer of the organization or agency;
- (b) List of donors, except anonymous donors, with their corresponding addresses and contact numbers;
- (c) List of beneficiaries, with corresponding signatures, addresses and contact numbers, and the amount or types of assistance extended;
- (d) List of projects completed, location and cost with complete documentation on the project including pictures, videos, and testimonies of beneficiaries; and
- (e) Such other documents as may be required by the DSWD.

Sec. 17. Regulatory Powers. – The DSWD shall, in the exercise of their regulatory powers, verify the authenticity of the report submitted by conducting spot monitoring or reviewing of the book of accounts of the concerned individual, organization, or agency. Likewise, the DSWD is granted visitorial powers to ensure that the soliciting individuals and organizations are legitimate and that funds solicited are properly utilized.

Sec. 18. Filing of Complaints. – The DSWD shall, on its own initiative or upon a verified complaint of any person, refer to the appropriate law enforcement agency or the prosecutor's office for investigation and the filing of complaint in the appropriate court any violation of the provisions of this Act.

Any individual or law enforcement agency may file a complaint before the appropriate court against any individual, organization, or agency, which shall commit, or is engaged in, any of the acts punishable under Section 20 of this Act.

Sec. 19. Role of Law Enforcement Agencies. – The DSWD may enlist the assistance of law enforcement agencies in the efficient and effective enforcement of this act.

Sec. 20. Prohibited Acts. – The following acts are punishable under this Act:

- (a) Soliciting without securing a solicitation permit from the DSWD;
- (b) Soliciting beyond the allowed area of coverage as indicated in the approved solicitation permit;
- (c) Violating the mode of solicitation as indicated in the approved solicitation permit;
- (d) Using a falsified or tampered solicitation permit and other fraudulent document;
- (e) Soliciting with an expired solicitation permit;
- (f) Using the solicited funds for purposes other than those indicated in the application form and project proposal;

- (g) Including the beneficiaries as part of the strategy or mechanism in conducting the solicitation activity which tends to exploit the beneficiaries;
- (h) Use of lottery, raffle, *bingo*, and other games of chance, except as may be authorized by law;
- (i) Using solicitation paraphernalia which portray a dehumanizing picture, information or situation of the intended beneficiaries;
- (j) Disbursement of solicited funds are not in accordance with the standard fund utilization ratio;
- (k) Failure to account for the solicited funds and other solicited materials; and
- (l) Other analogous circumstances.

Sec. 21. Penal Provisions. – Any person who commits the prohibited acts under Section 20 (a), (d), (e), (f), (g), (h), (i) and (j) of this Act shall be punished with imprisonment of three (3) to six (6) months or a fine of not less than ten thousand pesos (P10,000) but not more than one hundred thousand pesos (P100,000) or both, at the discretion of the court.

Any individual, organization or agency who commits the prohibited acts under Section 20 (b) and (c) of this Act shall be punished with imprisonment of one (1) to three (3) months or a fine of not less than ten thousand pesos (P10,000) but not more than one hundred thousand pesos (P100,000) or both, at the discretion of the court.

Any individual, organization, or agency who commits the prohibited act under Section 20(k) shall be liable for *Estafa* under Art. 315 of the Revised Penal Code.

If the offender is an organization or agency, the incumbent officers of the organization or agency at the time of the commission of the offense who have knowingly participated or who shall have knowingly permitted or failed to prevent its commission shall be held liable.

If the offender is a foreigner, the offender shall, after serving sentence, be immediately deported and barred permanently from entering the country.

If the offender is a public officer, he/she shall, in addition to such fine and/or imprisonment, suffer the penalty of temporary disqualification.

Sec. 22. Administrative Penalties. – The prohibited acts provided under Sec. 20 shall also be grounds for administrative penalties.

For the first offense, the solicitation permit of the individual, organization or agency shall be revoked and no permit shall be issued to them for a period of one (1) year from the date of violation. For the second offense, the individual, organization or agency shall be blacklisted for two (2) years from conducting any solicitation activity.

For the succeeding offenses, the individual, organization or agency shall be permanently blacklisted from conducting any solicitation activity.

Pending investigation, the DSWD may preventively suspend solicitation permit for a period not exceeding six (6) months.

A final and executory judgment finding an organization or agency liable for committing any of the prohibited acts under Section 20 of this Act by a court of competent jurisdiction for a second time shall be a ground for the cancellation and revocation of the organization's or agency's registration or license to operate and shall be endorsed to the concerned government regulatory agency for its appropriate action.

Sec. 23. Failure to Report. – Failure to comply with the reportorial requirements, within one (1) month from the notice from the DSWD, as provided under Sections 14 and 15 of this Act, shall be penalized with suspension of the solicitation permit until the reports are submitted, and an administrative fine of Five Thousand Pesos (P5,000).

If the individual, organization, or agency, has failed to comply with the reportorial requirement for a period exceeding six (6) months from notice, the DSWD may revoke the solicitation permit and require the said individual, organization, or agency to account for the solicited amounts.

Sec. 24. Forfeiture of Proceeds. – All solicited funds from an unauthorized public solicitation shall be forfeited in favor of the government to be distributed to the DSWD beneficiaries.

Sec. 25. Information Dissemination. – The DSWD shall periodically publish a list of all individuals, organizations or agencies with public solicitation permits, whether online or offline. The list shall include the permit number, duration period, methodology to be used and the areas covered. They shall also publish a list of individuals, organizations or agencies whose solicitation permits have been cancelled or revoked.

Sec. 26. Implementing Rules and Regulations. – Within ninety (90) days from the approval of this Act, the Secretary of the DSWD, in consultation with the Secretary of the Department of the Interior and Local Government (DILG), the Secretary of the Department of Transportation, the Secretary of the Department of Information and Communications Technology, Secretary of the Department of Foreign Affairs, the Chief of the Philippine National Police, the Chairperson of the Securities and Exchange Commission, President of the Association of Local Social Welfare and Development of the Philippines, Inc., and the three (3) representatives selected by the

DSWD from among the academe, NGOs and media organizations, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

Sec. 27. Appropriations. – The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the concerned DSWD General Appropriations Act for the year following its enactment into law and thereafter.

Sec. 28. Repealing Clause. – Act No. 4075, as amended by Presidential Decree No. 1564, otherwise known as the Solicitation Permit Law, is hereby repealed and all other laws, decrees, executive orders and proclamations, rules and regulations or parts thereof inconsistent with this Act are hereby amended or modified accordingly.

Sec. 29. Separability Clause. – If any provision of this Act is held invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

Sec. 30. Effectivity. – This Act shall take effect (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation in the Philippines.

Approved,