

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



Senate
Office of the Secretary

73 JUL 10 2014

SENATE

S. No. 722

BY:

Introduced by Senator Ralph G. Recto

Explanatory Note

The Non-Government Organization (NGO) sector in the Philippines is said to be one of the most dynamic in the world today. In comparison to other nations in the world, or at least in the Southeast Asian region, the Philippines has a bigger number of NGOs also known as Social Welfare and Development Agencies (SWDAs) totaling to approximately three thousand one hundred thirty three (3,133) at present. Through time, these SWDAs were proven to be effective partners of the government in providing social welfare and development services to the poor, marginalized, disadvantaged and underprivileged sectors of the society.

The role of SWDAs in our country is vast. In like manner, the SWDAs are very visible and well accepted in the Philippine society. A good number of Filipinos rely on SWDAs for social welfare and development services that the government has difficulty in providing such as advocacy programs against any form of abuse for women, children and youth, and institutional efforts like legal assistance, psycho-social interventions, training courses, educational assistance, job/occupational assistance, homelife and outreach activities. Records of the Department of Social Welfare and Development (DSWD) show that for the year 2012, SWDAs in the country provided approximately 8,414 residential care services and 92,107 community based services benefiting thousands of Filipinos who are mostly living in poverty. As SWDAs abound, latest trends show that more and more individuals and groups have professed their intentions to establish their respective SWDAs. It is, thus, expected that SWDAs will continue to grow in number.

While the SWDAs are seen to be effective partners in providing social welfare and development services to the needy sectors of the Philippine society, their working relationship with the government, particularly the DSWD is not without problems. There are also issues and complaints concerning the legitimacy of SWDAs, the quality of service they provide to their beneficiaries and their working relationship with their partner organizations. To this end, it is imperative to enact rules and procedures that will govern the operation of SWDAs, from the moment it is established up to how it will undertake its program and activities.

This measure to be called as the "*Social Welfare and Development Agencies (SWDA) Act of 2013*" aims to encourage the participation of SWDAs in uplifting the quality of life of the poor and the disadvantaged. It likewise aims to strengthen the capacities of SWDAs to fulfill their goals of providing responsible and quality services to their target clients and beneficiaries through a mechanism for registration, licensing and accreditation. Under the bill, all SWDAs shall be registered, licensed and/or accredited with the DSWD. All programs and activities of the SWDAs shall also be reported to the DSWD for monitoring purposes. In return, incentives and benefits, including, but not limited to provision of technical assistance in crafting and packaging proposals, endorsement for visa application and endorsement for exemption in taxes and duties will be provided to all registered, licensed and accredited SWDAs.

The bill also seeks to enforce the regulatory functions of the DSWD over the SWDAs as well as the public and private individuals, agencies and organizations engaged in social welfare and development activities. The DSWD is given the mandate to set standards, rules and

regulations that will govern the operations of all SWDAs. Consequently, it shall monitor the compliance of all SWDAs to the standards set, and impose penalties and sanctions in case of non-compliance. In addition, the DSWD shall also be mandated to accept, investigate and perform preliminary proceedings for the eventual resolution of complaints.

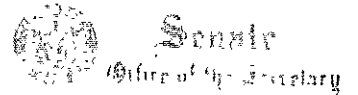
The mandate of the DSWD to set standards and impose penalties and sanctions is important to ensure the respect, protection and fulfillment of the rights of the poor, the vulnerable and the disadvantaged who are considered as beneficiaries of SWDAs.

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



RAIPH G. RECTO

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

Be 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 (SWDAs) Act of 2013”.

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

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

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

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

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

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

7 i. Abandoned, neglected, orphaned, voluntarily committed, abused and
8 exploited children and other children in need of special protection, such as
9 children in conflict with the law and children involved in armed conflict;

10 ii. Out-of-school youth and other youth with special needs;

11 iii. Women in especially difficult circumstances;

12 iv. Persons with disabilities;

13 v. Senior citizens;

14 vi. Marginalized and disadvantaged individuals, families, and
15 communities, which shall include but not limited to indigenous people, people
16 living with HIV/AIDS, those in crisis situation and internally displaced due to
17 armed conflict and other developmental projects; and

18 vii. Victims of natural and man-made calamities or disasters;

19 c. *Department* – refers to the Department of Social Welfare and Development;

20 d. *Dissolution* – refers to voluntary or involuntary termination of operation of
21 SWDAs;

22 e. *Intermediaries* – refer to persons, groups, networks of SWDAs, or local
23 government units trained, accredited, and authorized by the Department to perform
24 specific functions in the process of registration, licensing, and accreditation;

25 f. *Licensing* – refers to the provision of a permit and a legal authority to SWDAs
26 to operate as social welfare agency, after having met or complied with minimum standard
27 requirements provided under this Act;

28 g. *Operation* – refers to either direct or indirect implementation of social welfare
29 and development programs and services by a SWDA within a specified geographical area
30 over a period of time using its own or tapped resources and conduits;

31 h. *Registered Social Worker* – refers to a worker who is a graduate of Bachelor
32 of Science in Social Work or Master's Degree in Social Work and who has passed the
33 social work licensure examination and with valid registration identification card issued
34 by the Professional Regulation Commission;

35 i. *Registration* – refers to the official recognition of the operation of a SWDA
36 within the purview of social welfare and development through the issuance of a
37 certificate of registration by the Department and inclusion in the directory of SWDAs
38 after having complied with the set requirements of the Department;

1 j. *Revocation* – refers to the cancellation of the registration, license, and
2 accreditation certificates of a SWDA for the commission of any of the grounds as
3 provided under this Act;

4 k. *Social Services* – refer to those organized activities that are primarily and
5 directly addressed to disadvantaged individuals or groups to maximize their social
6 functioning;

7 l. *Social Welfare and Development Workers* – refer to social workers or other
8 professionals who are engaged in the delivery of social welfare and development
9 programs and services and are accredited by the Department. They may include social
10 workers managing court cases, marriage and pre-marriage counselors, and day care
11 workers among others;

12 m. *Social Welfare* – refers to an organized system of programs and services
13 designed to aid individuals, groups, and communities to attain improved quality of life
14 and well-being in harmony with the needs of their families and community;

15 n. *Social Welfare and Development Agency (SWDA)* – refers to a corporation,
16 organization, or association engaged in providing directly or indirectly social welfare and
17 development programs and services and obtains its finances either totally or in part,
18 foreign or local, from any government agency or instrumentality or from the community
19 by direct or indirect solicitations and other fund-generating activities as authorized by
20 law;

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

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

29 q. *Unregistered SWDAs* – refer to agencies or organizations that provide direct
30 or indirect social welfare and development programs and services without registration
31 and/or license to operate from the Department.

32 **Article II**

33 **SOCIAL WELFARE AND DEVELOPMENT AGENCIES**

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

1 **Sec. 6. Classifications of SWDAs.** – The two (2) main classifications of SWDAs and
2 their sub classifications shall be defined as follows:

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

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

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

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

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

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

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

35 iii. *Social Welfare and Development Network* – A group of SWDAs that
36 organized themselves for a common goal in promoting social protection of the
37 poor, vulnerable, marginalized, disadvantaged and underprivileged groups, such
38 as coalition, alliance or federation.

1 **Sec. 7. *Service Delivery Mode.*** – The manner by which social welfare and development
2 programs and services are delivered which shall include, but shall not be limited to, the
3 following:

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

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

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

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

34 **Sec. 10. *Operating Expenses.*** – The SWDA shall utilize at least eighty percent (80%) of
35 its funds for direct social welfare and development programs and services and not more than
36 twenty percent (20%) shall be expended for administrative concerns. Funds of the SWDA shall
37 be deposited in the name of the organization in a banking institution regulated by the Bangko
38 *Sentral ng Pilipinas*. Financial transactions, book of accounts, and other reports shall be

1 available to the public, agency staff, and other concerned individuals or agencies for
2 transparency and monitoring purposes.

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

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

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

13 **Article III**

14 **REGISTRATION, LICENSING, AND ACCREDITATION**

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

21 a. Certified true copy of registration with either the Securities and Exchange
22 Commission or the Cooperative Development Authority;

23 b. Manual of Operation or Handbook of its programs and administrative policies,
24 procedures, and strategies to attain its purposes;

25 c. At least two (2) years approved Work and Financial Plan for the
26 implementation of its programs and services indicating the planned activities and
27 corresponding amount of funds and sources of donations;

28 d. At least one (1) year audited financial report for a SWDA which is in
29 operation for at least two (2) years upon application;

30 e. Diagram of physical facilities which shall be designed to promote the safety
31 and security of its beneficiaries and staff, including location map and other documents
32 showing ownership or legal custody of property where the SWDA shall operate from;
33 and

34 f. The names of qualified technical and administrative staff and a copy of their
35 licenses or certificates of professional eligibilities.

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

1 a. Documentation showing that it is engaged in social welfare and development
2 programs and services;

3 b. Certification showing that has in its employ the necessary number of
4 Registered Social Workers, community development workers, and other employees
5 trained on specific programs and services to be implemented and a copy of their
6 respective licenses or certificates of professional eligibilities; and

7 c. Certification of the record of cases it has or is currently managing and social
8 welfare and development programs and services implemented.

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

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

18 **Sec. 15. Accreditation.** – All social welfare and development programs and services of
19 registered and licensed SWAs shall be accredited by the Department or its authorized
20 intermediaries within one (1) year after the issuance of a license to operate. The applicant must
21 have complied with the standards set by the Department on administration and organization,
22 program management, case management, helping strategies or interventions, physical structures
23 and safety, and client protection policy, among others.

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

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

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

34 **Article IV**

35 **BENEFITS AND PRIVILEGES**

36 **OF SOCIAL WELFARE AND DEVELOPMENT AGENCIES**

37 **Sec. 18. Benefits and Privileges of Registered SWDAs.** – Registered SWDAs shall be
38 entitled to the following:

- 1 a. Inclusion in the Directory of Registered, Licensed and Accredited SWDAs;
- 2 b. Technical assistance in the areas of capability building, packaging of project
- 3 proposal, provision of program materials and skills enhancement to strengthen program
- 4 and service implementation;
- 5 c. Endorsement to other government agencies on the availment of missionary or
- 6 working visas of foreign board members, employees, or volunteers subject to eligibility
- 7 requirements for securing visas;
- 8 d. Endorsement to the Department of Finance for duty free importation of
- 9 foreign donations subject to compliance with set requirements; and
- 10 e. Other benefits and privileges deemed appropriate by the Department.

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

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

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

- 21 a. Endorsement to the Department of Finance for donee-institution status and
- 22 other relevant tax incentives as provided by law;
- 23 b. Endorsement for resource augmentation or other assistance from any
- 24 government agencies or private donors subject to compliance to set criteria;
- 25 c. Endorsement to the utility service providers for at least fifty percent (50%)
- 26 discount on the cost of electricity, water consumption and telephone service to the
- 27 residential care, group homes, and community center based facilities that are operated
- 28 exclusively for the beneficiaries subject to the set requirements of the utility service
- 29 providers;
- 30 d. Endorsement to concerned government agencies and private establishments
- 31 for at least fifty percent (50%) discount for the processing of documents of intended
- 32 beneficiaries such as birth registration, passport, safety certificates, among others, for
- 33 residential care and community based SWA facilities;
- 34 e. Assistance in establishing linkages with local, national and international
- 35 organizations and networks for the generation and sharing of resources;
- 36 f. Nomination of board members, employees, or volunteer workers to
- 37 participate as presentors or resource speakers in local or foreign trainings or conferences;
- 38 g. Plaque of recognition as a model SWDA;

- 1 h. Cash incentive, among others, depending on availability of funds;
- 2 i. Laboratory for trainings and research; and
- 3 j. Other benefits and privileges deemed appropriate by the Department.

4 **Article V**

5 **OTHER REGULATORY POWERS AND FUNCTIONS OF THE DEPARTMENT**

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

11 **Sec. 22.** *Dissolution of SWDAs.* – Any of the following shall be a ground for dissolution
12 or closure of a SWDA:

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

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

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

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

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

35 **Article VI**

36 **COMPLAINTS AGAINST SOCIAL WELFARE AND DEVELOPMENT AGENCIES**

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

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

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

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

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

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

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

6 **Sec. 29. Procedures.** – The procedures in handling and resolving of complaints and
7 appeals by the Field Office Review Committee and the Central Office Review Committee shall
8 be made in accordance with the existing rules and procedures of the Department.

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

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

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

- 19 a. Inability to continue support and maintain its operation or to perform the
20 functions for which it was granted registration and license;
- 21 b. Non-compliance with social case management standards;
- 22 c. Poor sanitation of facilities and surroundings rendering these unfit for
23 clientele;
- 24 d. Failure to submit annual accomplishment and audited financial reports for two
25 (2) consecutive years; or
- 26 e. Failure to apply for accreditation or renewal of accreditation after two (2)
27 consecutive notifications and monitoring visits and technical assistance of every six
28 months by the Department or authorized intermediaries.

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

- 31 a. Use of SWDA for immoral purposes such as, but not limited to, trafficking,
32 gambling, prostitution, money laundering, and terrorist financing;
- 33 b. Neglect, exploitation and abuse of SWDA clients;
- 34 c. Cessation of operation as SWDA;
- 35 d. Mismanagement of funds;
- 36 e. Falsification of the requirements for registration, licensing, and accreditation;
- 37 f. Revocation of its registration from juridical personality from the Securities
38 and Exchange Commission or other regulatory agency; or

1 g. Non-compliance of SWDAs on the agreed action plan during the accreditation
2 assessment for two (2) consecutive monitoring visits with interval of six (6) months by
3 the Department; or

4 **Article VII**

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

6 **Sec. 33. *Implementing Rules and Regulations.*** – The Department shall, in consultation
7 with the Department of Finance, Department of Justice, Department of Interior and Local
8 Government, Department of Labor and Employment, Department of Budget and Management,
9 Civil Service Commission, Commission on Audit, Securities and Exchange Commission,
10 Philippine National Police, National Bureau of Investigation, Bureau of Immigration and
11 Deportation, and other concerned government agencies, as well as three (3) representatives from
12 any of the coalition of SWDAs and social welfare and development workers, promulgate the
13 necessary rules and regulations within ninety (90) working days from the effectivity of this Act.
14 Other policies and procedures necessary in carrying out the provisions of this Act shall likewise
15 be issued by the Department.

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

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

23 **Article VIII**

24 **FINAL PROVISIONS**

25 **Sec. 36. *Penalties.*** – Any person, group, or organization that shall operate as SWDA
26 without registration or license shall be penalized with a fine of not less than One Hundred
27 Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00)
28 and/or an imprisonment ranging from one (1) year to three (3) years at the discretion of the
29 court.

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

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

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

36 **Sec. 37. *Transitory Provision.*** – All SWDAs required to be registered and/or to be
37 licensed under this Act but currently operating without registration and/or license from the
38 Department shall have a period of one (1) year from the issuance of the IRR to apply for

1 registration or license to operate with the Department. Likewise, within sixty (60) days from the
2 effectivity of this Act, the Department shall notify all registered and licensed SWDAs on the
3 implementation of this Act. Upon compliance of required documents, new registration and
4 license to operate shall be issued.

5 **Sec. 38. Appropriations.** – The Secretary of the Department of Social Welfare and
6 Development shall include in the Department’s programs the implementation of this Act, the
7 initial funding of which shall be charged against the current year’s appropriations of the
8 Department. Thereafter, the amount necessary for its continued implementation shall be included
9 in the Annual General Appropriations Act.

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

13 **Sec. 40. Repealing Clause.** – All laws, decrees, letters of instructions, resolutions, orders,
14 or parts thereof which are inconsistent with the provisions of this Act are hereby repealed,
15 modified, or amended accordingly.

16 **Sec. 41. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
17 publication in two (2) newspapers of general circulation.

Approved,