

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

EIGHTEENTH CONGRESS
First Regular Session

3424
HOUSE BILL NO. _____



INTRODUCED BY REPRESENTATIVE ALFRED VARGAS

AN ACT
STRENGTHENING THE REGULATION OF
SOCIAL WELFARE AND DEVELOPMENT AGENCIES

EXPLANATORY NOTE

The 1987 Constitution promotes participatory governance. Article II, Section 23 thereof provides:

SECTION 23. *The 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, 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 to increase the efficiency to 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 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 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, it is imperative that we ensure the full protection of the beneficiaries against the malpractice, abuse and even exploitation by

private individuals, agencies and organizations engaged in providing social welfare and development services. Our recent history has shown that even these institutions, which are supposed to be operating to perform humanitarian functions, can be used to commit crimes that seek to manipulate the resources meant for the beneficiaries for personal gains.

Thus, the approval of this bill is earnestly sought.



ALFRED VARGAS

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

Section 1. Short title. – This Act shall be known as the “Social Welfare and Development Agencies Act.”

Section 2. Declaration of Policies. – The State acknowledges the important role of non-governmental organizations and the private sector in undertaking and delivering social welfare and development programs and services to the public. Therefore, the State shall ensure that social welfare and development programs and services to the public. Therefore, 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 principle of human rights and social justice. Toward this end, the State shall set standards, register, license, accredit, and monitor agencies engaged in social welfare and development.

The State shall also provide appropriate consultative mechanisms to enable mutual benefit engagements of the private sector and its counterparts in government, 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, marginalized, disadvantaged, and vulnerable sectors of the Philippine society.

The State shall further promote and strengthen partnerships among Social Welfare and Development Agencies, national government agencies (NGAs), local government units (LGUs), non-government organizations (NGOs) and the rest of the private sector, to allocate and utilize available resources to uplift the condition of poor, marginalized, and vulnerable individuals, families, groups and communities in the country.

Sec. 3. *Coverage.* – This Act shall apply to all social welfare and development service providers including public and private groups, private foundations, associations and organizations that are engaged in or want to engage in social welfare and development activities. Organizations established by a treaty or other instruments governed by international legal personality are not covered by this Act.

Sec. 4. *Definition of Terms.* – As used in this Act, the following terms are defined as follows:

- (a) *Accreditation* – refers to process of assessing a licensed Social Welfare Agency (SWA) if their Social Welfare and Development programs and services are complaint with the DSWD standards. After compliance of the same, a certificate of accreditation shall be issued as proof of official recognition of the quality delivery of the social welfare development programs.
- (b) *Beneficiaries* – refer to the disadvantaged, marginalized or vulnerable individuals, families, groups and communities availing of the services provided by SWDAs. They may include, but are not limited to, the following:
 - i. Children, such as those abandoned, neglected, orphaned, voluntarily committed, abused, exploited, and in need of special protection;
 - ii. Out-of-school youth and other youth with special needs;
 - iii. Women;
 - iv. Families in need of assistance or invention;
 - v. Person with disabilities;
 - vi. Senior Citizens;
 - vii. Internally displaced individuals and communities, such as victims or survivors of calamities and disasters, whether natural or man-made;
 - viii. Indigenous peoples; and
 - ix. Individuals or groups in crisis situation/s.
- (c) *Dissolution* – refers to voluntary cessation of operation of SWDAs.
- (d) *Intermediaries* – refers to persons, groups, networks of SWDAs or LGUs, trained, accredited and authorized by the Department of Social Welfare and Development (DSWD) to perform specific functions in the process of registration, licensing, and accreditation.
- (e) *Licensing* – refers to the process of assessing the qualification and authorizing a registered SWDA to operate as a social work agency or an auxiliary social welfare and development agencies.
A license to operate shall be issued after having complied with the set criteria and all prescribed requirements.
- (f) *Operations* – refers to either direct or indirect implementation of social welfare and development programs and services by a SWDA within a specified geographical area or place over a period of time using its own resources or the resources of the other partners and conduits.
- (g) *Registered Social Worker* – is an individual who possesses a Bachelor's Degree or Master's Degree in Social Work, has passed the Social Work Licensure Examination, and is a holder of valid license issued by the Professional Regulation Commission (PRC).

- (h) *Registration* – refers to the process of assessing the applicant organization to determine whether its intended purpose is within the purview of social welfare and development where the determination of the same shall result in the inclusion of the agency in the DSWD's list of registered SWDAs. A Certification of Registrations shall be issued after having complied with all the prescribed requirements.
- (i) *Revocation* – refer to the cancellation of the registration, license, and accreditation certificates of SWDA issued by the DSWD for the commission of any of the grounds provided in this Act.
- (j) *Social Services* – refers to organized activities that primarily and directly address the needs of the marginalized, disadvantaged, vulnerable individuals, groups or communities to maximize their social functioning.
- (k) *Social welfare* – refers to an organized system of programs and services designed to aid individuals, groups, and communities to attain an improved quality of life and well-being in harmony with the needs of their family and community.
- (l) *Social Welfare and Development Agency (SWDA)* – refers to public or private, non-stock, non-profit organization or association implementing or intending to implement, either directly or indirectly, social welfare and development programs and services in the Philippines as assessed as having the capacity to operate administratively, technically, and financially. Its clients may include, but not limited to the poor, disadvantaged, marginalized and vulnerable individuals or groups, families and communities.
- (m) *Social welfare and development worker* – refers to a social worker or a person who is engaged in the delivery of social welfare and development programs and services and its accredited by the DSWD, including social workers managing court cases, marriage and pre-marriage counsellors, and child development workers.
- (n) *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.
- (o) *Suspension* – refers to the temporary cessation of operation as a form of penalty imposed to a SWDA for commission of any of the grounds stipulated in this Act.

Sec. 5. Classification of Social Welfare Development Agencies (SWDA). – A SWDA shall be classified either as a Social Work Agencies (SWA) or an Auxiliary SWDA.

A SWA is an entity, whether public or private, that employs social workers, community development workers and other qualified paraprofessionals who have related trainings and experiences that directly provide restorative, preventive, and developmental programs and services to the poor, the vulnerable, the marginalized, underprivileged individuals, families or communities. The entity must also engage its operations predominantly in delivering social welfare and development programs and services.

An Auxiliary SWDA provides supportive activities in the delivery of social welfare and development services to the poor, the vulnerable, the marginalized, underprivileged individuals, families or communities, such as grant of funds, the conduct of trainings and

capacity development activities and other resources to help in the efficient operations of SWAs.

Sec. 6. Classification of Social Work Agencies (SWA) – SWAs may be:

- a) *Center-Based Agencies* – refer to the social welfare and development programs and services rendered in a physical structure or facility. It is classified into:
 - (i) *Residential* – refers to the provisions of twenty-four (24) hour group care and services under the guidance of trained staff within a structured therapeutic environment geared towards rehabilitation.
 - (ii) *Non – Residential* – refers to provisions of programs and services of trained staff in a physical structure for group of clients for a number of hours in a day or several days but not beyond two (2) weeks.
- b) *Community-Based Agencies* – refer to the programs and services rendered in the community while they remain in their homes and/or with their families.
- c) *Child-Placing Agencies* – SWAs that receive and process application of prospective foster or adoptive parents and facilitate the placement of children and youth eligible for foster care or adopting.
- d) *Child-Caring Agencies* – SWAs that provide temporary care and services to abandoned, neglected, or orphaned children.

Sec. 7. Administration and Operations OF SWDAs. – The administration and management of SWDAs shall adhere to the following standards:

- a. *Administration* – A SWDA shall be managed by individuals whose qualifications meet the criteria set under the implementing rules and regulations to be issued for this Act. It may be operated by:
 - i. Non-stock and non-profit corporations, educational institutions, civic organizations, and faith-based organizations;
 - ii. National government agencies (NGAs), LGUs, government-owned and controlled corporations (GOCCs), and state universities and colleges (SUCs) with social welfare and development programs;

At least sixty percent (60%) of the seats in the governing boards, such as board of directors or board of trustees, must be held by Filipino citizens.

Sec. 8. Operating Expenses. - A SWDA shall utilize at least seventy percent (70%) of its funds for direct implementation of social welfare and development program and services, such as cash transfers, loans, grants, trainings and capacity development programs, and not more than thirty percent (30%) shall be allocated and spent for administrative costs. 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 similar reports shall be made available to government agencies mandated by law to monitor the same. Any donation received by the SWDA, both in kind and in cash, shall inure only for the welfare of the beneficiaries and 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.

Sec. 9 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 (₱500,000.00) may 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.

Sec. 10. 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 DOLE, in consultation with the Department of Budget and Management (DBM) shall be followed.

Sec. 11 Registration. – The DSWD shall evaluate the documentary requirements submitted upon finding that an applicant is legally qualified to become a SWDA. The DSWD shall issue a certificate of registration and include the applicant in the list of registered SWDAs. All registered SWDAs shall be required to secure license within one (1) year from issuance of the certificate of registration prior to commencing its operations as a social welfare and development organization. Otherwise, they shall be delisted from the list of registered SWDA and shall be required to surrender the issued certificate of registration.

To be registered, an application must show that it is legally qualified to become a SWDA. An applicant for registration as a SWDA shall submit the following documentary requirements:

- a. Certified copy of the Securities and Exchange Commission (SEC) Certificate of Registration;
- b. Operational Manual or Handbook of its programs, policies, and procedures to attain its purposes;
- c. Proof of financial capacity to engage in social welfare and development, such as work and financial plan approved by the governing board;
- d. The names of the members of its Board of Trustees or other governing bodies, and their background information on their involvement in social welfare and development activities; and

- e. Other documentary requirements that the DWSD may require in the implementing rules and regulations to carry out the provisions of this Act.

Sec. 12. Licensing. – A registered SWDA shall apply with DSWD for a license to operate as a SWDA. To be licensed, an applicant must show that it has the administrative, technical and financial capacity to operate as a SWDA. An applicant for a License to Operate as a SWDA shall submit the following documentary requirements:

- a. Documentation showing that the applicant is engaged mainly in social welfare and development;
- b. Certification showing that the applicant is engaged to employ, in cases of initial application, or employs, in cases of renewal, the necessary number of Registered Social Workers, community development workers, and other professionals or employees trained on social welfare and development programs and services to be implemented. The applicants shall submit profiles and copies of their respective licenses or certificates of professional eligibilities, if applicable;
- c. Notarized certification that the applicant keeps a record of all social development and welfare activities it handles;
- d. Update safety certificates from the concerned agencies showing that the applicant's physical structures are safe from fire and other major hazards as applicable;
- e. Document showing the SWDA's administrative, technical, and financial capability to undertake and deliver social welfare and development programs and services for the next three (3) years;
- f. A residential-based SWDA shall also submit in addition to the above requirements the following documents:
 - (i) Diagram of physical facilities, which shall be designed to promote the safety and security its beneficiaries and staff; including a location map and other documents showing ownership or legal possession of the property where the SWDA shall operate; and
 - (ii) Certification from the LGU that a residential care facility is needed in the identified area of operation.
- g. Other documentary requirements that the DWSD may require in the implementing rules and regulations to carry out the provisions of this Act.

The DSWD shall conduct all necessary activities to evaluate the application for licensing, such as, but not limited to the following:

- (i) Review and verify the authenticity of submitted documents;

- (ii) Inspect the premises of the applicant's office and facility; and
- (iii) Gather other relevant information about the applicant.

The DWSD shall issue a license to operate and include the SWDA in the List of Licensed SWDAs upon determining that the applicant SWDA has the administrative, technical, and financial capacity to undertake and deliver social welfare and development programs and services.

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

Sec. 14. Accreditation. – Within one (1) year after issuance of a license to operate, all social welfare and development programs and services of registered and licensed SWA shall be subject to DWSD's accreditation. The DSWD shall issue an administrative circular starting the mechanisms of assessment and evaluation of all social welfare and development programs and services of the applicants. Auxiliary SWDAs are exempted from the requirements of securing accreditation from the DSWD.

Sec. 15. Fees and Charges. – The DSWD may charge reasonable fees for receiving and processing applications for registration, licensing, and accreditation. The fees collected shall be deposited to a DSWD account for the purpose, to be used solely for the exercise of the DSWD's regulatory functions and the effective implementation of this Act.

Sec. 16. Validity. – The certificate of license to operate issued to a SWDA 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 license or accreditation 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 one hundred (100) working days after submission of complete requirements by the SWDA.

Sec. 17. Benefits and Privileges of Registered SWDAs. – A registered SWDA shall be entitled to the following benefits and privileges:

- a. Inclusion in the DWDS's directory of registered, licensed and accredited SWDAs; and

- b. Technical assistance in the areas of capability-building, packaging of the project proposal, provision of program materials and skills enhancement to strengthen program and service implementation, among others.

Sec. 18. Benefits and Privileges pf Licensed SWAs. – In addition to the benefits and privileges of registered SWDAs, a licensed SWA shall be entitled to the following:

- a) Endorsement to the Philippine Council for NGO Certification (PCNC) for accreditation and endorsement for applicable duty-free 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 requirement as may be established by the DSWD; and
- c) Other benefits and privileges as the DSWD may deem appropriate.

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

- a) Endorsement for resource augmentation or other assistance from any government agency or private donor subject to compliance with set criteria;
- b) Endorsement to the utility service providers for the grant of discount on the costs of electricity, water consumption and telephone and internet service to the residential care, group homes, and center-based facilities subject to the set requirements of the utility service providers;
- c) Endorsement to concerned government agencies and private establishment for a discount in the processing of documents for the beneficiaries, such as birth registration, passport, safety certificates, among others, for residential and center-based SWA facilities;
- d) Assistance in establishing linkages with local, national and international organizations and networks for generation and sharing of resources;
- e) Cash incentives, as may be provided by law; and
- f) Other benefits and privileges, as the DSWD may deem appropriate.

Sec. 20. Monitoring and Evaluation of SWDAs. - The DSWD shall conduct monitoring and evaluation, including spot visits to SWDAs at least once every three (3) years, or as the need arises, to ensure that their social welfare and development programs and service are implemented as planned, and to determine their compliance with applicable laws, rules and regulations. The result of monitoring and evaluation shall be used to address problems and issues and to provide the framework for any possible intervention from the DSWD.

Sec. 21. Deputation of Intermediaries. - Authorized intermediaries may be deputized by the DSWD to conduct as an assessment of the operation of a SWDA and social welfare and development workers for purpose of registration, licensing, and accreditation. The DSWD shall provide such deputized intermediaries with transportation or an allowance in accordance with the rules and regulations of COA. The DSWD shall likewise provide continuous capacity building activities to the deputized intermediaries. Also, the DSWD shall provide continuous capacity building activities to the deputized intermediaries.

Sec. 22. Voluntary Cessation of SWDA Operation. - Any SWDA may notify the DSWD of its intention to terminate its operation within six (6) months prior to its closure. Upon cessation of operation, all remaining assets of a SWDA intending to cease operation may be donated to the DSWD, another licensed SWDA, or be forfeited in favor of the government at the option of the SWDA. The DSWD shall work with the concerned SWDA to establish a transition plan for the beneficiaries who might be affected. The DSWD shall likewise notify the SEC of the cessation of operation.

Sec. 23. Investigation and Resolution of Complaints. - The DSWD shall accept complaints, or *motu proprio* investigate and initiate appropriate proceedings in a case involving SWDAs. Upon lawful cause, the DSWD shall suspend the operation of the SWDA or revoke its registration, license and accreditation certificates and close its facilities in coordination with the concerned law enforcement agencies without prejudice to the filing of criminal or civil cases against erring officials and personnel.

Sec. 24. 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 Operation 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, order or findings of the FORC in handling Complaints, if necessary. The composition of the FORC and the CORC shall be determined by the DSWD; Provided, that there shall be two (2) members representing licensed and accredited SWDAs who are themselves members of the Networks organized by the DSWD. The representatives shall be provided with an Allowance in accordance with the rules and regulations of the OCA.

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

Sec. 25. Procedures. - The DSWD shall promulgate the Rules and Procedures in handling and resolving complaints against SWDAs.

Sec. 26. Suspension, Revocation or Closure. - The certificate of registration, license, or accreditation issued to a SWDA by the DSWD may be suspended or revoked if the DSWD finds that the SWDA committed any of the grounds stipulated under Sections 27 and 28 of

this Act. The suspension or revocation of license or closure of a SWDA shall be effected without prejudice to the filing of criminal or civil cases under existing laws. When a SWDA is under suspension, it shall neither accept nor admit any additional clients and shall be under close supervision and monitoring by the DSWD.

A final and executory order of the DSWD revoking the license of a SWDA shall be endorsed to the SEC for appropriate action.

Sec. 27. *Grounds for Suspension.* - A SWDA may be suspended on the following grounds:

- a) Non-compliance with social case management standards;
- b) Poor sanitation and maintenance of facilities and surroundings rendering these unfit or unsafe to their employees and beneficiaries; or
- c) Violation of the SWDA's constitution and by-laws.

Sec. 28. *Grounds for Revocation of License.* - The ground for revocation of license of a SWDA shall include the following:

- a) Insolvency or inability to maintain its operation or to perform the functions for which it was granted registration and license;
- b) Use of the SWDA for immoral or criminal purposes; such as but not limited to human trafficking, gambling, prostitution, money laundering and terrorist financing;
- c) Neglect, exploitation and abuse of the SWDA's beneficiaries or client;
- d) Use of funds not in accordance with this Act;
- e) Falsification of the requirements for registration, licensing, and accreditation;
- f) Revocation of its registration with the SEC or other regulatory agencies;
- g) Non-compliance of SWDA's with the agreed action plan during the accreditation assessment for two consecutive monitoring, visits with interval of at least six (6) months by the DSWD; or
- h) Other analogous causes as may be determined by the DSWD.

A final and executory order by the DSWA revoking the license of the SWDA shall be a ground for immediate closure of operation.

A SWDA who fails to renew its license or accreditation within six (6) months from notice of the DSWD shall be delisted from the DSWD Roster of SWDAs. The DSWD shall provide for the procedure in which a delisted SWDA can reinstate its registration.

The revocation shall be without prejudice to any other administrative, civil, or criminal cases in which the SWDA, their officers, or members may be held liable.

Sec. 29. *SWDAs without registration or license.* - In case of SWDAs without registration or license, the DSWD shall conduct a preliminary inquiry into the condition of their operation. If the DSWD finds that the SWDA without registration or license is operation in accordance with the prescribed standards, it shall subject the SWDA to a case be management process. Under the case management process, the SWDA shall be assisted

by the DSWD to comply with the standards enumerated under this Act within a period of six (6) months.

If, at any time, the DSWD finds that the continued operation of the unregistered or unlicensed SWDA will prejudice the beneficiaries, its shall order the immediate closure of their operations.

Sec. 30. *Involuntary closure of operation.* – In cases of involuntary closure of operation, the DSWD shall establish measures to protect the beneficiaries, the DSWD shall SWDA concerned. In order to effectively protect the beneficiaries, the DSWD shall access funds under the Protective Services for Center-Based Clients program of the DSWD to ensure the welfare and transition of the beneficiaries. The DSWD shall likewise be authorized to conduct negotiated procurement under emergency cases as provided under the Procurement Act.

Sec. 31. *The Standards Bureau.* – The Standard Bureau of the DSWD shall be composed of the following three (3) division with their respective functions:

- a) *Standards Development Division (SDD)* – The SDD shall set be 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 service for the welfare of the defined beneficiaries.
- b) *Standards Compliance Monitoring Division (SCMD)* – The SCMD shall process and assess application for registration, licensing and accreditation of SWDAs and service providers, ensure their compliance with the implementation of the social welfare and development programs and services and determine the benefits accruing to licensed and accredited service providers and SWDAs. It shall also fully enforce set regulatory policies to unregistered and unlicensed SWDAs and service providers with expired registration, license and accreditation.
- c) *Standards Enforcement and Advocacy Division (SEAD)* – The SEAD shall enforce the provisions of the law among erring SWDAs and those with complaints that are brought to the attention of the DSWD. They shall conduct surveillance on SWDAs operating without registration and license and those with expired Certificate of Registration and License to Operate. It shall also advocate the roles and regulatory functions of the DSWD to the general public and the other stakeholders nationwide.

Sec. 32. *Organization and Structure.* – The standards Bureau shall be organized and set-up to effectively and efficiently discharge the regulatory functions of the DSWD as per this Act and existing DSWD rules and regulations and upon the approval of the Secretary of the DSWD or the Secretary's authorized representative. The Bureau shall be headed by a Director IV and assisted by a Director III. Both shall be appointed in accordance with existing rules and regulations of the CSC and the DSWD and report directly to the DSWD Secretary or the Secretary's authorized representative.

Sec. 33. Regional Counterpart. – The Standards Section in all regional offices of the DSWD shall be strengthened and implement the regulatory services in the region. The head of the Standards Section shall occupy a position not lower than a Social Welfare Office IV. The regional office shall also adapt at least the two (2) units under the Standards Section, namely: the Standards Compliance and Monitoring Division (SCMD) and the Standards Enforcement and Advocacy Division (SEAD). The appropriate number of the staff complement of these two units shall be created in accordance with the existing rules and regulations of the CSC and the DSWD.

Sec. 34. Assistance from Law Enforcement Agencies. – Law enforcement agencies such as the Philippine National Police, the National Bureau of Investigation, Bureau of Customs and the Bureau of Immigration shall provide assistance to the DSWD in the enforcement of this Act.

Sec. 35. Penalties. – Any person, group, or organization that shall operate as an SWDA without corresponding valid certificate of registration and license to operate from the DSWD shall be penalized with a fine of not less than One hundred thousand pesos (₱100,000) but not more than Five hundred thousand pesos (₱500,000) or imprisonment ranging from one (1) year but not more than three (3) years, or both at the discretion of the court. These penalties shall be imposed without prejudice to other penalties, such as the seizure of equipment, instrument and other facilities of the SWDA.

Sec. 36. Immunity. – No action or suit shall be brought, instituted or maintained in any court or tribunal or before any other authority against any: (i) DSWD personnel; (ii) law enforcement officer; or (iii) persons acting in compliance with a lawful order from any of the above, for lawful acts done or statements made in good faith and in relation to the effective implementation of this Act.

Sec. 37. Appropriations. – The DSWD Secretary 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. This includes the necessary augmentation to the Protective Services for Center-Based Clients programs of the DSWD. Thereafter, the amount necessary for its continued implementation shall be included in the annual General Appropriations Act.

Sec. 38. Transitory Provisions. – The manpower complement of the DSWD Standards Bureau and the Standards Section of the DSWD Regional Field Officers shall be right-sized to meet the requirements of this Act. The DSWD, in coordination with the DBM and CSC, shall determine the appropriate additional plantilla positions to be created and approved.

All SWDAs operating without registration, license or accreditation upon effectivity of this Act shall be given a period of one (1) year to comply with the requirements provided under this Act.

Sec. 39. *Implementing Rules and Regulations.* – The DSWD, in consultation with the DOF, DOJ, DILG, DOLE, DBM, SEC, PNP, NBI and other concerned agencies, as well as representatives of the coalition of SWDAs or social welfare development workers shall promulgate the implementing rules and regulations to carry out the provisions of this Act within ninety (90) days from its effectivity.

Sec. 40. *Separability Clause.* – Should any provision of this Act be found unconstitutional by a court of law, such provision shall be severed from the remainder of this Act, and such action shall not affect the enforceability of the remaining provisions of this Act.

Sec. 41. *Repealing Clause.* – All laws, decrees, letters of instruction, resolutions, orders or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

Sec. 42. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,