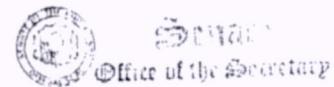


SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Third Regular Session



19 JAN 31 10:06

SENATE

RECEIVED

COMMITTEE REPORT NO. 623

Submitted by the Committees on Social Justice, Welfare and Rural Development; Civil Service, Government Reorganization and Professional Regulation; Ways and Means; and Finance on JAN 31 2019

Re: Senate Bill No. 2199

Recommending its approval in substitution of Senate Bill No. 2011, taking into consideration House Bill No. 7033.

Sponsor: Senator Leila M. de Lima

MR. PRESIDENT:

The Committees on Social Justice, Welfare and Rural Development; Civil Service, Government Reorganization and Professional Regulation; Ways and Means; and Finance to which were referred **Senate Bill No. 2011**, introduced by Senator Leila M. de Lima, entitled:

"AN ACT

**STRENGTHENING THE REGULATION OF SOCIAL WELFARE AND
DEVELOPMENT AGENCIES"**

taking into consideration **House Bill No. 7033**, introduced by Representatives Bravo (A.), Canama, Panganiban, Romualdo, Batocabe, Villarica, Tugna, Eriguel,

Violago, Pineda, Billones, Macapagal-Arroyo, Garbin, Villaraza-Suarez, Yap (M.), Ortega (P.), Tan (A.), Mangaoang, Bordado, Roque (H.), Castro (F.L.), Brosas, Unabia, Santos-Recto, Vargas-Alfonso, Aggabao, Sy-Alvarado, Olivarez, Castelo, Escudero, Nograles (K.A.), Salceda, Dimaporo (M.K.), Go (A.C.), Sambar, Lobregat, Almonte, Amatong (I.), Arcillas, Bag-ao, Go (M.), Lacson, Marquez, Montoro, Quimbo, Savellano, Yu, Nava, Zubiri, Cua, Bolilia, Singson (E.), Fernando, Rocamora, Arenas, Ramirez-Sato, Cagas, Dimaporo (A.), Almario, Cerilles Enerio, Primicias-Agabas, Marcoleta, Tambunting, Nieto, and Dalipe entitled:

**"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"**

have considered the same and have the honor to report it back to the Senate with recommendation that the attached Senate Bill No. 2199 prepared by the Committees, entitled:

**"AN ACT
STRENGTHENING THE REGULATION OF SOCIAL WELFARE AND
DEVELOPMENT AGENCIES, AND APPROPRIATING FUNDS THEREOF"**

be approved in substitution of Senate Bill Nos. 2011, taking into consideration House Bill No. 7033 with Senator De Lima as author thereof.

RESPECTFULLY SUBMITTED:

Chairpersons



SONNY M. ANGARA

*Chairperson, Committee on Ways and
Means*
Vice-Chairperson, Committee on Finance



LEILA M. DE LIMA

*Chairperson, Committee on Social
Justice, Welfare and Rural
Development*



LOREN B. LEGARDA

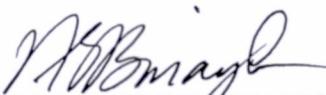
Chairperson, Committee on Finance
*Vice-Chairperson, Committee on Ways
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*Member, Committee on Civil Service,
Government Reorganization and
Professional Regulation*



**ANTONIO "SONNY" E. TRILLANES
IV**

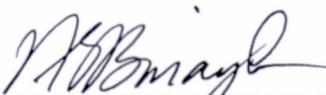
*Chairperson, Committee on Civil Service,
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*Vice-Chairperson, Committee on Social
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Vice-Chairpersons



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**MARIA LOURDES NANCY S.
BINAY**

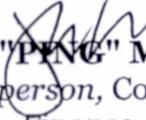
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Members

RICHARD J. GORDON
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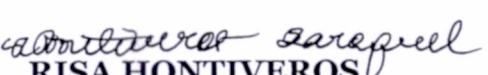


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GREGORIO B. HONASAN II
Member, Committee on Finance
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Human Rights

FRANCIS "KIKO" PANGILINAN
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**EMMANUEL "MANNY" D.
PACQUIAO**

Member, Committee on Civil Service,
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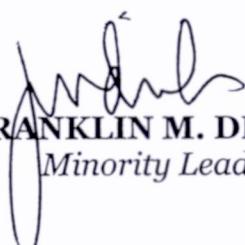
GRACE L. POE

Member, Committee on Finance
Member, Committee on Ways and
Means

Ex-Officio Members



JUAN MIGUEL "MIGZ" F. ZUBIRI
Majority Leader

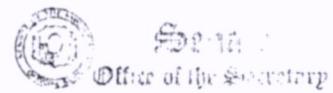


FRANKLIN M. DRILON
Minority Leader

RALPH G. RECTO
President Pro-Tempore

HON. VICENTE C. SOTTO III
President
Senate of the Philippines

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



Senate

Office of the Secretary

19 JAN 31 A10:06

SENATE
S. No. 2199

RECEIVED

(In substitution of Senate Bill Nos. Nos. 2011, taking into consideration
House Bill No. 7033)

Prepared by the Committees on Social Justice, Welfare and Rural Development; Civil Service, Government Reorganization and Professional Regulation; Ways and Means; and Finance with Senator De Lima as author thereof

**AN ACT
STRENGTHENING THE REGULATION OF SOCIAL WELFARE AND
DEVELOPMENT AGENCIES, AND APPROPRIATING FUNDS THEREFOR**

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

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

3
4 Sec. 2. **Declaration of Policies.** – The State acknowledges the important role
5 of non-governmental organizations and the private sector in undertaking and
6 delivering social welfare and development programs and services to the public.
7 Therefore, the State shall ensure that social welfare and development programs and
8 services in the public and private sectors comply with national standards and adhere
9 to the principles of human rights and social justice. Toward this end, the State shall
10 set standards, register, license, accredit, and monitor agencies engaged in social
11 welfare and development.

12 The State shall also provide appropriate consultative mechanisms to enable
13 mutual benefit engagements of the private sector and its counterparts in government,
14 set social welfare and development priorities, identify areas where synergies are
15 possible, and jointly develop standards that meet the challenges and demands of the

1 services they provide to the poor, marginalized, disadvantaged, and vulnerable sectors
2 of Philippine society.

3

4 The State shall further promote and strengthen partnerships among social
5 welfare and development agencies (SWDAs), national government agencies (NGAs),
6 local government units (LGUs), non-government organizations (NGOs) and the rest
7 of the private sector, to allocate and utilize available resources to uplift the condition
8 of poor, marginalized, and vulnerable individuals, families, groups and communities
9 in the country.

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

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

18 a) “*Accreditation*” refers to the process of assessing a licensed Social Welfare
19 Agency (SWA) if their Social Welfare and Development programs and services
20 are compliant to the Department’s set standards. After compliance of the same,
21 a certificate of accreditation shall be issued as proof of official recognition of the
22 quality delivery of the social welfare development programs.

23 b) “*Beneficiaries*” refers to the disadvantaged, marginalized or vulnerable
24 individuals, families, groups and communities availing of the services provided
25 by SWDAs. They may include, but are not limited to, the following:

- 26 i. Children, such as those abandoned, neglected, orphaned, voluntarily
27 committed, abused, exploited, and in need of special protection;
28 ii. Out-of-school youth and other youth with special needs;
29 iii. Women;
30 iv. Families in need of assistance or intervention;
31 v. Persons with disabilities ;
32 vi. Senior citizens;

- 1 vii. Internally displaced individuals and communities, such as victims or
2 survivors of calamities and disasters, whether natural or man-made;
- 3 viii. Indigenous peoples; and
- 4 ix. Individuals or groups in crisis situation/s.
- 5 c) “*Dissolution*” refers to voluntary cessation of operation of SWDAs;
- 6 d) “*Intermediaries*” refers to persons, groups, networks of SWDAs or LGUs,
7 trained, accredited and authorized by the Department of Social Welfare and
8 Development (DSWD) to perform specific functions in the process of
9 registration, licensing, and accreditation;
- 10 e) “*Licensing*” refers to the process of assessing the qualification and authorizing
11 a registered SWDA to operate as a social work agency or an auxiliary social
12 welfare and development agency.
13 A license to operate shall be issued after having complied with the set criteria
14 and all prescribed requirements;
- 15 f) “*Operation*” refers to either direct or indirect implementation of social welfare
16 and development programs and services by an SWDA within a specified
17 geographical area or place over a period of time using its own resources or the
18 resources of the other partners and conduits;
- 19 g) “*Registered Social Worker*” is an individual who possesses a Bachelor’s Degree
20 or Master’s Degree in Social Work, has passed the Social Work Licensure
21 Examination, and is a holder of a valid license issued by the Professional
22 Regulation Commission (PRC);
- 23 h) “*Registration*” refers to the process of assessing the applicant organization to
24 determine whether its intended purpose is within the purview of social welfare
25 and development where the determination of the same shall result in the
26 inclusion of the agency in the Department’s list of registered SWDAs. A
27 Certification of Registration shall be issued after having complied with all the
28 prescribed requirements;
- 29 i) “*Revocation*” refers to the cancellation of the registration, license, and
30 accreditation certificates of an SWDA issued by the DSWD for the commission
31 of any of the grounds provided in this Act;
- 32 j) “*Social services*” refers to organized activities that primarily and directly
33 address the needs of the marginalized, disadvantaged, vulnerable individuals,
34 groups or communities to maximize their social functioning;

- 1 k) “*Social welfare*” refers to an organized system of programs and services
2 designed to aid individuals, groups, and communities to attain an improved
3 quality of life and well-being in harmony with the needs of their family and
4 community;
- 5 l) “*Social Welfare and Development Agency (SWDA)*” refers to public or private,
6 non-stock, non-profit organization or association implementing or intending to
7 implement, either directly or indirectly, social welfare and development
8 programs and services in the Philippines as assessed as having the capacity to
9 operate administratively, technically, and financially. Its clients may include,
10 but not limited to the poor, disadvantaged, marginalized and vulnerable
11 individuals or groups, families and communities;
- 12 m) “*Social Welfare and Development Worker*” refers to a social worker or a person
13 who is engaged in the delivery of social welfare and development programs and
14 services and is accredited by the DSWD, including social workers managing
15 court cases, marriage and pre-marriage counselors, and child development
16 workers;
- 17 n) “*Social Work*” refers to the profession which helps individuals, families, groups,
18 and communities develop, improve, maintain, or restore their capability for
19 coping with the demands of their environment through the use of social work
20 methods and interventions;
- 21 o) “*Suspension*” refers to the temporary cessation of operation as a form of penalty
22 imposed to an SWDA for commission of any of the grounds stipulated in this
23 Act.

24 **Sec. 5. *Classification of Social Welfare Development Agencies***
25 **(SWDA).** – An SWDA shall be classified either as a Social Work Agency (SWA) or an
26 Auxiliary SWDA.

27 A *Social Work Agency (SWA)* is an entity, whether public or private, that
28 employs social workers, community development workers and other qualified
29 paraprofessionals who have related trainings and experiences that directly provide
30 restorative, preventive, and developmental programs and services to the poor, the
31 vulnerable, the marginalized, underprivileged individual, families or communities.
32 The entity must also engage its operations predominantly in delivering social welfare
33 and development programs and services.

1 An Auxiliary SWDA provides supportive activities in the delivery of social
2 welfare and development services to the poor, the vulnerable, the marginalized, and
3 the underprivileged individual, families or communities, such as grant of funds, the
4 conduct of trainings and capacity development activities and other resources to help
5 in the efficient operations of SWAs.

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

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

22 Sec. 7. ***Administration and Operations of SWDAs.*** – The Administration
23 and Management of SWDAs shall adhere to the following standards:

- 24 a. *Administration* - An SWDA shall be managed by individuals whose
25 qualifications meet the criteria set under the implementing rules and
26 regulations to be issued for this Act. It may be operated by:
27 (i) Non-stock and non-profit corporations, educational institutions, civic
28 organizations, and faith-based organizations;
29 (ii) National Government agencies (NGAs), local government units (LGUs),
30 government-owned and controlled corporations (GOCCs), and state

1 universities and colleges (SUCs) with social welfare and development
2 programs;

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

5 Sec. 8. ***Operating Expenses.*** – A SWDA shall utilize at least seventy percent
6 (70%) of its funds for direct implementation of social welfare and development
7 programs and services, such as cash transfers, loans, grants, trainings and capacity
8 development programs, and not more than thirty percent (30%) shall be allocated and
9 spent for administrative costs. Funds of the SWDA shall be deposited in the name of
10 the organization in a banking institution regulated by the Bangko Sentral ng Pilipinas
11 (BSP). Financial transactions, books of accounts and other similar reports shall be
12 made available to government agencies mandated by law to monitor the same. Any
13 donation received by the SWDA, both in kind and in cash, shall inure only for the
14 welfare of the beneficiaries and operating expenses of the SWDA. The DSWD, in
15 consultation with public and private SWDAs, shall set standards to determine specific
16 expenditures for program and administrative expenses.

17 Sec. 9. ***Submission of Reports.*** – Each SWDA shall submit to the DSWD
18 an annual accomplishment and financial report duly audited by an external certified
19 public accountant or a representative from the Commission on Audit (COA) and
20 other reports as may be required by the DSWD. The financial reports of SWDAs
21 whose total income and expenditures are less than five hundred thousand pesos
22 (₱500, 000.00) may be audited by its internal auditor. The annual reports shall be
23 submitted to the DSWD not later than one hundred twenty (120) days after the end
24 of every fiscal year.

25 Sec. 10. ***Salaries, wages and other benefits.*** – All SWDAs shall comply
26 with existing and relevant labor laws and regulations regarding the salaries, wages,
27 and benefits of employees, provided these are within the minimum standards set by
28 the Civil Service Commission (CSC) and the Department of Labor and Employment
29 (DOLE). In the absence of a standard salary scale for social workers and other social
30 welfare and development workers of the SWDAs, the pay scale set by the CSC and the
31 DOLE, in consultation with the Department of Budget and Management (DBM) shall
32 be followed.

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

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

- 12 a) Certified copy of SEC Certificate of Registration;
- 13 b) Operational Manual or Handbook of its programs, policies and
14 procedures to attain its purposes;
- 15 c) Proof of financial capacity to engage in social welfare and development
16 such as work and financial plan approved by the governing board;
- 17 d) The names of the members of its Board of Trustees or other governing
18 body, and their background information on their involvement in social
19 welfare and development activities; and
- 20 e) Other documentary requirements that the DSWD may require in the
21 implementing rules and regulations to carry out the provisions of this
22 Act.

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

- 28 a) Documentation showing that the applicant is engaged mainly in social
29 welfare and development;
- 30 b) Certification showing that the applicant intends to employ, in cases of
31 initial application, or employs, in cases of renewal, the necessary number
32 of Registered Social Workers, community development workers, and other
33 professionals or employees trained on social welfare and development

- 1 programs and services to be implemented. The applicants shall submit
2 profiles and copies of their respective licenses or certificates of professional
3 eligibilities, if applicable;
- 4 c) Notarized certification that the applicant keeps a record of all social
5 development and welfare activities it handles;
- 6 d) Updated safety certificates from the concerned agencies showing that the
7 applicant's physical structures are safe from fire and other dangers as
8 applicable;
- 9 e) Document showing the SWDA's administrative, technical, and financial
10 capability to undertake and deliver social welfare and development
11 programs and services for the next three (3) years;
- 12 f) A residential-based SWDA shall also submit in addition to the above
13 requirements the following documents:
- 14 (i) Diagram of physical facilities, which shall be designed to promote
15 the safety and security of its beneficiaries and staff; including a
16 location map and other documents showing ownership or legal
17 possession of the property where the SWDA shall operate; and
- 18 (ii) Certification from the Local Government Unit (LGU) that a
19 residential care facility is needed in the identified area of
20 operation.
- 21 g) Other documentary requirements that the DSWD may require in the
22 implementing rules and regulations to carry out the provisions of this Act.

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

- 25 (i) Review and verify the authenticity of submitted documents;
- 26 (ii) Inspect the premises of the applicant's office and facility; and
- 27 (iii) Gather other relevant information about the applicant.

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

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

8 Sec. 14. ***Accreditation.*** – Within one (1) year after issuance of a license to
9 operate, all social welfare and development programs and services of registered and
10 licensed SWA shall be subject to DSWD's accreditation. The DSWD shall issue an
11 administrative circular stating the mechanisms of assessment and evaluation of all
12 social welfare and development programs and services of the applicants. Auxillary
13 SWDAs are exempted from the requirement of securing accreditation from the DSWD.

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

19 Sec. 16. ***Validity.*** – The certificate of license to operate issued to an SWDA by
20 the DSWD shall be valid for five (5) years. The accreditation certificate, however, may
21 be valid for a period of five (5) to seven (7) years depending on the level of accreditation
22 standards set by the DSWD.

23 The existing license or accreditation certificate shall remain valid until the
24 DSWD has acted on an application for renewal which must be filed within one hundred
25 (100) working days prior to the expiration. The DSWD shall act on the application for
26 renewal of registration, license, and accreditation not later than one hundred (100)
27 working days after submission of complete requirements by the SWDA.

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

- 1 a. Inclusion in the DSWD's directory of registered, licensed and accredited
2 SWDAs; and
3 b. Technical assistance in the areas of capability-building, packaging of project
4 proposal, provision of program materials and skills enhancement to strengthen
5 program and service implementation, among others.

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

- 9 a) Endorsement to the Philippine Council for NGO Certification (PCNC)
10 for accreditation and endorsement for applicable duty-free and tax-free
11 importation of foreign donations subject to compliance with the
12 prescribed requirements;
13 b) Resource augmentation for program implementation, subject to
14 compliance with the requirements as may be established by the DSWD;
15 and
16 c) Other benefits and privileges as the DSWD may deem appropriate.

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

- 20 a) Endorsement for resource augmentation or other assistance from any
21 government agency or private donor subject to compliance with set
22 criteria;
23 b) Endorsement to the utility service providers for the grant of discount on
24 the costs of electricity, water consumption and telephone and internet
25 service to the residential care, group homes, and center-based facilities
26 subject to the set requirements of the utility service providers;
27 c) Endorsement to concerned government agencies and private
28 establishments for discount in the processing of documents for the
29 beneficiaries, such as birth registration, passport, safety certificates,
30 among others, for residential and center-based SWA facilities;
31 d) Assistance in establishing linkages with local, national and international
32 organizations and networks for generation and sharing of resources;

- 1 e) Cash incentives as may be provided by law; and
2 f) Other benefits and privileges as the DSWD may deem appropriate.

3 Sec. 20. ***Monitoring and Evaluation of SWDAs.*** – The DSWD shall
4 conduct monitoring and evaluation, including spot visits to SWDAs at least once every
5 three (3) years or as the need arises to ensure that their social welfare and development
6 programs and services are implemented as planned and their compliance with
7 applicable laws, rules and regulations. The result of monitoring and evaluation shall
8 be used to address problems and issues and to provide the framework for intervention
9 of the DSWD.

10 Sec. 21. ***Deputation of Intermediaries.*** – Authorized intermediaries may
11 be deputized by the DSWD to conduct an assessment of the operation of an SWDA and
12 social welfare and development workers for purposes of registration, licensing, and
13 accreditation. The DSWD shall provide such deputized intermediaries with
14 transportation or an allowance in accordance with the rules and regulations of COA.
15 Further, the DSWD shall provide continuous capacity building activities to the
16 deputized intermediaries. Further, the DSWD shall provide continuous capacity
17 building activities to the deputized intermediaries.

18 Sec. 22. ***Voluntary Cessation of SWDA Operation.*** – Any SWDA may
19 notify the DSWD of its intention to terminate its operation within six (6) months prior
20 their closure.

21 Upon Cessation of Operation, all remaining assets of an SWDA intending to
22 cease operations may be donated to the DSWD, another licensed SWDA, or be forfeited
23 in favor of the government at the option of the SWDA.

24 The DSWD shall work with the concerned SWDA to establish a Transition Plan
25 for the beneficiaries who might be affected. The DSWD shall likewise notify the
26 Securities and Exchange Commission (SEC) of the cessation of operation.

27 Sec. 23. ***Investigation and Resolution of Complaints.*** – The DSWD shall
28 accept complaints, or *motu proprio* investigate and initiate appropriate proceedings on
29 cases involving SWDAs. Upon lawful cause, the DSWD shall suspend the operations
30 of the SWDA or revoke its registration, license, and accreditation certificates and close

1 its facilities in coordination with the concerned law enforcement agencies without
2 prejudice to the filing of criminal or civil cases against erring officials and personnel.

3 **Sec. 24. *Review Committee.*** – There shall be a Field Office Review
4 Committee (FORC) and a Central Office Review Committee (CORC) to handle cases
5 and resolve complaints against SWDAs, whether they are registered or unregistered,
6 licensed or unlicensed, or accredited. For complaints and violations involving any
7 SWDA operating in one or more regions, the FORC that has jurisdiction over the areas
8 where the cases happened shall have exclusive jurisdiction in handling and resolving
9 the said complaints or violations. The decisions, orders or findings of the FORC shall
10 be appealable to the CORC. The CORC may intervene or assist the FORC in handling
11 complaints, if necessary. The composition of the FORC and the CORC shall be
12 determined by the DSWD; Provided, that there shall be two (2) members representing
13 licensed and accredited SWDAs who are themselves members of the network
14 organized by the DSWD. The representatives shall be provided with an allowance in
15 accordance with the rules and regulations of the COA.

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

19 **Sec. 25. *Procedures.*** – The DSWD shall promulgate the Rules and Procedures
20 in handling and resolving complaints against SWDAs.

21 **Sec. 26. *Suspension, Revocation or Closure.*** – The certificate of
22 registration, license, or accreditation issued to a SWDA by the DSWD may be
23 suspended or revoked if the DSWD finds that the SWDA committed any of the grounds
24 stipulated under Sections 30 and 31 of this Act. The suspension or revocation of license
25 or closure of an SWDA shall be effected without prejudice to the filing of criminal or
26 civil cases under existing laws. When an SWDA is under suspension, it shall neither
27 accept nor admit any additional clients and shall be under close supervision and
28 monitoring by the DSWD.

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

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

7 Sec. 28. ***Grounds for Revocation of License.*** – The grounds for revocation
8 of license of an 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 clients;
 - 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 SWDAs 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.

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

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

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

1 Sec. 29. ***SWDAs without registration or license.*** – In cases of SWDAs
2 without registration or license, the DSWD shall conduct a preliminary inquiry into the
3 condition of their operation. If the DSWD finds that the SWDAs without registration
4 or license is operating in accordance with the prescribed standards, it shall subject the
5 SWDA to a case management process. Under the case management process, the SWDA
6 shall be assisted by the DSWD to comply with the standards enumerated under this
7 Act within a period of six (6) months.

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

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

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

- 20 a) Standards Development Division (SDD) - The SDD shall set the
21 standards on the implementation of social welfare and development
22 programs and services, and develop strategies which will promote
23 quality social welfare and development programs and services for the
24 welfare of the defined beneficiaries.
- 25 b) Standards Compliance Monitoring Division (SCMD) - The SCMD shall
26 process and assess applications for registration, licensing and
27 accreditation of SWDAs and service providers, ensure their compliance
28 with the implementation of the social welfare and development
29 programs and services and determine the benefits accruing to licensed
30 and accredited service providers and SWDAs. It shall also fully enforce
31 set regulatory policies to unregistered and unlicensed SWDAs and
32 service providers with expired registration, license and accreditation.

1 c) Standards Enforcement and Advocacy Division (SEAD) - The SEAD
2 shall enforce the provisions of the law among erring SWDAs and those
3 with complaints that are brought to the attention of the Department.
4 They shall conduct surveillance on SWDAs operating without
5 registration and license and those with expired Certificate of
6 Registration and License to Operate. It shall also advocate the roles and
7 regulatory functions of the Department to the general public and other
8 stakeholders nationwide.

9 Sec. 32. ***Organization and Structure.*** – The Standards Bureau shall be
10 organized and set-up to effectively and efficiently implement the regulatory works of
11 the DSWD as per this Act and existing DSWD rules and regulations and upon the
12 approval of the Secretary of the DSWD or the Secretary's authorized representative.
13 The Bureau shall be headed by a Director IV and assisted by a Director III. Both shall
14 be appointed in accordance with existing rules and regulations of the CSC and the
15 DSWD and report directly to the DSWD Secretary or the Secretary's authorized
16 representative.

17 Sec. 34. ***Regional Counterpart.*** – The Standards Section in all regional
18 offices of the DSWD shall be strengthened and implement the regulatory services in
19 the region. The head of the Standards Section shall occupy a position not lower than a
20 Social Welfare Officer IV. The regional office shall also adapt at least the two (2) units
21 under the Standards Section, namely: the Standards Compliance and Monitoring
22 Division (SCMD) and the Standards Enforcement and Advocacy Division (SEAD). The
23 appropriate number of staff complement of these two units shall be created in
24 accordance with the existing rules and regulations of the CSC and the DSWD.

25 Sec. 35. ***Assistance from Law Enforcement Agencies.*** – Law
26 enforcement agencies such as the Philippine National Police, the National Bureau of
27 Investigation, Bureau of Customs and the Bureau of Immigration shall provide
28 assistance to the DSWD in the enforcement of this Act.

29 Sec. 36. ***Penalties.*** – Any person, group, or organization that shall operate as
30 a SWDA without corresponding valid certificate of registration and license to operate
31 issued by DSWD shall be penalized with a fine of not less than One hundred thousand
32 pesos (₱100,000) but not more than Five hundred thousand pesos (₱500,000) or

1 imprisonment ranging from one (1) year but not more than three (3) years, or both at
2 the discretion of the court. These penalties shall be imposed without prejudice to other
3 penalties, such as seizure of equipment, instruments and other facilities of the SWDA.

4 Sec. 37. ***Immunity of Officer or Staff.*** – No action or suit shall be brought,
5 instituted or maintained in any court or tribunal or before any other authority against
6 any: (i) DSWD personnel; (ii) law enforcement officer; or (iii) persons acting in
7 compliance with a lawful order from any of the above, for lawful acts done or
8 statements made in good faith and in relation to the effective implementation of this
9 act.

10 Sec. 38. ***Appropriations.*** – The Secretary shall include in the DSWD's
11 programs the implementation of this Act, the initial funding of which shall be charged
12 against the current year's appropriations of the DSWD. This includes the necessary
13 augmentation to the Protective Services for Center-Based Clients program of the
14 DSWD. Thereafter, the amount necessary for its continued implementation shall be
15 included in the annual General Appropriations Act.

16 Sec. 39. ***Transitory Provisions.*** – The manpower complement of the DSWD
17 Standards Bureau and the Standards Section of the DSWD Regional Field Offices, shall
18 be right sized to meet the requirements of this Act. The DSWD, in coordination with
19 the DBM and CSC, shall determine the appropriate additional plantilla positions to be
20 created and approved.

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

24 Sec. 40. ***Implementing Rules and Regulations.*** – The DSWD, in
25 consultation with the DOF, DOJ, DILG, DOLE, DBM, SEC, PNP, NBI and other
26 concerned agencies, as well as representatives of the Coalition of SWDAs or social
27 welfare development workers shall promulgate the implementing rules and
28 regulations to carry out the provisions of this act within ninety (90) days from its
29 effectivity.

1 Sec. 41. ***Separability Clause.*** – Should any provision of this Act be found
2 unconstitutional by a court of law, such provision shall be severed from the remainder
3 of this Act, and such action shall not affect the enforceability of the remaining
4 provisions of this Act.

5 Sec. 42. ***Repealing Clause.*** – All laws, decrees, letters of instruction,
6 resolutions, orders or parts thereof which are inconsistent with the provisions of this
7 Act are hereby repealed, modified or amended accordingly.

8 Sec. 43. ***Effectivity Clause.*** – This Act shall take effect fifteen (15) days after
9 its publication in two (2) newspapers of general circulation.

Approved,