

PROPOSED SOCIAL WELFARE AND DEVELOPMENT AGENCIES (SWDAs) BILL

Frequently Asked Questions (FAQs)

1. What is the current system of the DSWD in regulating the social welfare and development agencies (SWDAs)?

The Department issued Memorandum Circular No. 17 series of 2018, entitled: “Revised Guidelines Governing the Registration, Licensing of Social Welfare and Development (SWD) Agencies and Accreditation of SWD Programs and Services,” which establishes the DSWD requirements, procedures and policies on the registration and licensing of social welfare and development agencies and the accreditation of social welfare and development programs and services.

It provides a mechanism for assessing and providing benefits and incentives to partner-SWDAs in providing quality, efficient and effective programs and services to its target clientele. However, to increase accountability and transparency, and promote professionalism among SWDAs, the Department needs to strengthen its regulating functions by imposing penalties to unregistered and fly-by-night SWDAs.

2. What are the current Legal Bases that Supports the DSWD regulations?

- a. **Republic Act No. 10847 of 2016** – “An Act Lowering the Age Requirement for Applicants taking the Board Examination for Social Workers Providing for Continuing Social Work Education, and Upgrading the Sundry Provisions relative to the Practice of Social Work”

Sec. 4. Sections 23 and 26 of the same Act are hereby likewise amended as follows:

- ❖ “Section 23. Registration with the Department of Social Welfare and Development - No social welfare and development agency, as defined herein, shall operate and be accredited as such unless it shall first have registered and secured a license with the DSWD which shall then issue the corresponding certificate of registration and license to operate. Provided that existing social welfare and development agencies at the time of approval of this Act shall have a period of one (1) year within which to secure the corresponding certificate of registration and license to operate...”
- ❖ “Section 29. Penal Provisions – The following shall be penalized Any person, corporation or entity operating as a SWDA, without the corresponding valid Certificate of Registration and License to Operate issued by the DSWD shall be penalized with a fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00) and/or imprisonment for not less than one (1) year but not more than three (3) years, at the discretion of the court. These penalties shall be without prejudice to the seizure of equipment, instruments and other facilities of the social welfare and development agency”.

- b. **Republic Act No 4373 amended by RA 5175 of 1965** - An Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies in the Philippines and for other purposes.
- ❖ *Article IV, Section 23-* “No social work agency... shall operate and be accredited as such unless it shall first have registered with the Social Welfare Administration (now the DSWD) which shall issue the corresponding certificate”.
 - ❖ *Article IV, Section 25-* “The Certificate of registration issued to any social work agency may be revoked if after due investigation, Social Welfare Administration (now the DSWD) finds that it has failed to perform the function of a social work agency or it has violated existing laws, rules and regulations”.
- c. **Republic Act No 5416 of 1968-** Providing for Comprehensive Social services for Individuals and Groups in Need of Assistance, creating the Department of Social Welfare, Section 3, the DSW, its powers and duties”. The Department shall:
- ❖ set standards and policies to insure effective implementation of public and private social welfare programs;
 - ❖ accredit institutions and organizations, public and private, engaged in social welfare activity including the licensing of child caring and child placement institutions and provide consultative services thereto.
- d. **Presidential Decree 603 (The Child and Youth Welfare Code as amended) of 1977**
- ❖ *Article 118-* No private person, natural or judicial, shall establish temporarily or permanently any child welfare agency without securing a license from the DSWD.
 - ❖ *Article 120-* the DSWD may, after notice and hearing, suspend and revoke the license of a child welfare agency on grounds stipulated.
- e. **Executive Order 292 (Administrative Code of 1987) title XVI, Chapter 1 Section 3.** Powers and Functions, to accomplish its mandates and objectives, the Department shall:
- ❖ accredit institutions and organizations engaged in social welfare activities and provide consultative and information services to them;
 - ❖ set standards, accredit and monitor performance of all social welfare activities in both public and private sectors
- f. **Executive Order 221 Series of 2003 (Amending Executive Order 15 of 1998, entitled Redirecting the Functions and Operations of the Department of Social Welfare and Development)**
- ❖ *Section 2.* Roles of DSWD-Licensors and accreditors of social welfare development agencies and service providers
 - ❖ *Section 3.* Powers and Functions of the DSWD- Set standards, accredit and provide consultative services to institutions, organizations and persons engaged in social welfare activities and monitor performance of institutions, organizations and persons engaged in social welfare activities, both public and private

3. What are the Salient Features of the Bill?

- It reinforces the regulatory functions of the DSWD over the public and private agencies and organizations engaged in social welfare and development activities with the end of view of ensuring the provision of the highest quality of service possible to target clientele;
- Establishes a comprehensive system for registration and licensing of SWDAs and accreditation of social welfare and development programs and services.;
- Grants benefits and incentives to registered, licensed and accredited SWDAs in recognition of their importance and invaluable contribution in social welfare and development;
- It provides mechanism for sanctions in case of non-compliance with standards and procedures set by the DSWD; and
- Strengthens the DSWD Standards Bureau structure which will be responsible in fulfilling the regulatory functions of the Department.

4. Who is covered by this proposed bill?

It covers the Social Welfare and Development Agencies (SWDAs), non-stock, non-profit corporations operating in the Philippines, both public and private, with the primary purpose of implementing or intending to implement social welfare and development programs and services for the clients as defined in the proposed bill. Organizations established by a treaty or other instruments governed by international law or possessing its own international legal personality are not covered.

There are two types of SWDA, namely:

- ❖ **Social Welfare Agency (SWA)** – is an entity, whether public or private, that employs social workers, community development workers and other qualified professionals who have related trainings and experiences that directly provides restorative, preventive, and developmental programs and services to the poor, the vulnerable, the marginalized, the disadvantaged, and the underprivileged individuals, families, groups, or communities. The entity must also engage its operations predominantly in delivering social welfare and development programs and services.
- ❖ **Auxiliary SWDA** – are private SWDA which provides SWD programs and services to clients directly or indirectly through provision of funds and/or in kind and/or capacitating staff of other SWAs through training, research, and advocacy, without using any social work method.

5. How can the SWDAs apply for registration, licensing and accreditation?

● **Registration**

A private organization, within six (6) months from registration with the Securities and Exchange Commission (SEC), or a public SWDA, within six (6) months from its organization, shall apply with the DSWD for registration as a SWDA.

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 Department's Registry of SWDAs.

● **Licensing**

Before commencing its operations, a registered private SWDA shall apply with the DSWD for a License to Operate as a SWDA.

Licensing is the process of assessing the administrative, technical and financial capacity and authorizing a registered SWDA to operate, undertake and deliver social welfare and development programs and services.

● **Accreditation**

Within one (1) year after commencing its operations, both public and private SWA shall apply with the DSWD for accreditation of its social welfare and development programs and services.

Accreditation is the process of assessing licensed Social Welfare Agencies and Public SWDAs if their programs and services are compliant to the DSWD's set standards.

6. What are the advantages of becoming a licensed and accredited SWDAs?

The DSWD would provide benefits and incentives to licensed and accredited Social Welfare and Development Agencies (SWDAs) in recognition of their importance and invaluable contribution in social welfare and development. The following are the benefits and privileges for SWDAs:

Type of Benefits and Privileges	Registered	Licensed	Accredited
● Inclusion in the DSWD's Directory of registered, licensed, and accredited SWDAs;	✓	✓	✓

<ul style="list-style-type: none"> • Technical assistance from the DSWD in the areas of capability building, packaging of project proposal, provision of program materials and skills enhancement to strengthen program and service implementation, and among others 	√	√	√
<ul style="list-style-type: none"> • Endorsement to the Department of Finance (DOF) for duty-free importation of foreign donations subject to compliance with the prescribed requirements 		√	√
<ul style="list-style-type: none"> • Resource augmentation for program implementation, subject to compliance with the requirements as may be established by the DSWD. 		√	√
<ul style="list-style-type: none"> • Favorable endorsement for resource augmentation to concerned government agencies 			√
<ul style="list-style-type: none"> • Endorsement to the DOF for Donee institution status and other relevant tax incentives as provided by law 			√
<ul style="list-style-type: none"> • Endorsement to utility service providers for the grant of discount on the cost of electricity, water consumption, and telephone service to the residential care, group homes, and community center-based facilities that are operated exclusively for the beneficiaries subject to the set requirements of the utility service providers; 			√
<ul style="list-style-type: none"> ✓ Endorsement to concerned government agencies and private establishments for discount for the processing of documents of intended beneficiaries such as birth registration, passport, safety certificates, among others, for residential care and community-based SWA facilities; 			√
<ul style="list-style-type: none"> ✓ Assistance in establishing linkages with local, national, and international 			√

organizations and networks for the generation and sharing of resources.			
✓ Nomination of board members, employees, or volunteer workers to participate as presenters or resource speakers in local and foreign trainings and conferences.			✓
✓ Plaque of recognition as a model SWDA.			✓
✓ Cash incentives, as may be determined by the DSWD.			✓
✓ Other benefits, incentives and recognitions may be provided as deemed appropriate by the Department		✓	✓

7. Is there a fee for registration, licensing and accreditation of SWDAs?

Yes, corresponding fees shall be charged to all private SWDAs applying for registration, new or renewal of licensing and accreditation per program and services which will be determined by the DSWD.

8. Is there a validity for registration, license to operate and accreditation Certificates?

Yes, the validity of issued certificate are defined as follows:

- **Certificate of Registration** shall be valid within the effectivity period of SEC Registration but shall be subjected for cancellation due to any of the following grounds:
 - The SWDA operates without a corresponding license to operate after a year of its registration.
 - The SWDA has not applied for License to Operate due to non-operation within a year of Registration.
 - The DSWD issued License to Operate has been expired after 1 year and/or has been revoked.
- **Certificate of License to Operate** is valid for three (3) years, unless earlier suspended or revoked.
- **Certificate of Accreditation** has a validity depending on its Level of Compliance in the Accreditation Standards:
 - ✓ Level 1 – Compliant to mandatory indicators which should be complied to meet the accreditation standards”. This corresponds to compliance to level one (1) with accreditation valid for three (3) years.

- ✓ Level 2 – Compliant to mandatory and higher set of indicators required for its work areas this corresponds to compliance to level two (2) with accreditation valid for five (5) years.
- ✓ Level 3 – Compliant to the highest set of indicators while meeting/sustaining Level 1 and 2 indicators. This corresponds to compliance to level three (3) with an accreditation valid for seven (7) years.

The Accreditation Certificate is valid, unless the SWDA's License to Operate is earlier suspended or revoked.

9. Is there a penalty for unregistered SWDAs?

Yes, any persons, group, or organizations that provide direct or indirect social welfare and development programs and services without the valid Certificate of Registration or Certificate of Registration and License to Operate issued by the DSWD shall be penalized with a fine of not less than Php100,000.00 but not more than Php500,000.00 and/or imprisonment ranging from one (1) to three (3) years at the discretion of the court. The penalties shall be without prejudice to the filing of a criminal case against the offended including the corresponding seizure of equipment, instruments, and other facilities of the SWDA.

10. Who are the authors of the Bill during the 18th Congress?

- ❖ House of Representatives
House Bill No. 7033 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 Services, and Appropriating Funds Therefor" or the "**Social Welfare and Development Agencies Act**," introduced by Cong. Sandra Y. Eriguel and Cong. Sabiniano S. Canama.
- ❖ Senate of the Philippines
Senate Bill No. 380 entitled: "**An Act Strengthening the Regulation of Social Welfare and Development Agencies**" or the "Social Welfare and Development Agencies Act" introduced by Senator Leila De Lima