

REVISED GUIDELINES IN THE LICENSING OF SOCIAL WORK OR SOCIAL WELFARE AND DEVELOPMENT AGENCIES

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The following guidelines are hereby promulgated to define the system by which social work or social welfare and development agencies shall be registered and authorized to operate by the Department of Social Welfare and Development (DSWD).

I. RATIONALE

The DSWD recognizes the vital role of non-government organizations (NGOs), people's organizations (POs), other government agencies and private entities, as partners in the promotion of the welfare of the disadvantaged population. Through complementation of goals, objectives and resources, quality service delivery for the poor and disadvantaged groups can be achieved. This partnership is also founded on the shared vision of empowering the poor and disadvantaged, so that they are able to live a life of dignity and self-reliance.

Through licensing, as one of the functions of DSWD, the NGOs, POs, other government and private agencies are supported in providing effective, relevant and quality social services. Licensing is an enabling process of recognizing the capability of an agency and granting it the authority to implement services and operate as a social work or social welfare and development agency. Through this function, DSWD also seeks to protect the trust of the people by promoting public accountability, transparency, professionalism and integrity in the delivery of social services.

Furthermore, in the light of the government's devolution thrust to hasten the delivery of services and access resources to the people, licensing of social work or social welfare agencies operating in only one region has been decentralized to the DSWD Field Offices. The DSWD Central Office shall issue licenses to agencies operating nationwide or in more than one region at the time of application.

II. MANDATE AND LEGAL BASES

The DSWD draws its authority and responsibility to license social work or social welfare and development agencies from the following:

- a) Republic Act No. 4373 amended by R.A. 5175 — Regulating the Practice of Social Work and the Operation of Social Work Agencies in the Philippines; 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 which shall issue the corresponding registration certificate".
- b) Executive Order 292 otherwise known as the Administrative Code of 1987, Title XVI, Chapter IV. Bureaus and Offices, Section 10. Functions. "Each of the staff bureaus shall: (4) develop standards and assess agencies for licensing and accreditation."
- c) Presidential Decree 603 otherwise known as the Child and Youth Welfare Code as amended. Article 118. "No private person, natural or juridical shall establish temporarily or permanently any child welfare agency without

first securing a license from the Department of Social Welfare and Development. Such license shall not be transferable and shall be used only by the person or institution to which it was issued at the place stated therein".

d) Executive Order 15 — Redirecting The Functions and Operations of the Department of Social Welfare and Development, Section 3 Powers and Functions, (f) 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."

III. DEFINITION OF TERMS

The following terms are defined for purposes of this Order:

a) Social Work or Social Welfare and Development Agency is any person whether natural or juridical, profit or non-profit, such as sole proprietorship, partnership, corporation, cooperative or non-government organizations, that engage mainly in services that promote the development and welfare of clientele groups through the use of social work methods and approaches.

The clientele groups may be children, youth, women, and persons with disabilities, older persons, and victims of disasters, families, communities and other disadvantaged groups.

Sole Proprietorship — is a legal entity in whose management and control of the business is relegated or governed by a single person.

Partnership — is a legal entity where, through a contract of partnership, two or more persons bind themselves to contribute money, property or industry to a common fund, with the intention of dividing the profits among themselves. (Civil Code, Art. 1767)

Corporation — is an artificial being created by law having the right of succession, and the powers, attributes and properties expressly authorized by law and incident to its existence. (Corporation Code, Section 2). This covers NGOs, religious societies, corporation sole, civic organizations and associations.

(b) License — is the certificate issued by DSWD which gives authority to an agency to implement social work or social welfare and development services. It is issued after the agency meets the licensing requirements.

(c) Residential or Center-Based Agencies or Institutions — are agencies that provide 24-hour custodial care. For children, these institutions include child-caring agencies, group homes, detention homes, shelter-care institutions, receiving homes, nurseries, maternity homes, rehabilitation centers, reception and study centers and child-placing agencies.

There are also residential centers for the youth, older persons, disadvantaged women, and persons with disabilities, and others in especially difficult circumstances.

(d) Child Placing Agency — is an institution or person assuming the care, custody, protection and maintenance of children for placement in any child caring institution or home under the care and custody of any person or persons for purposes of adoption, guardianship or foster care (PD 603, Art. 117, 9)

(e) Community-Based Services — are social services that are provided to clients in their own homes or other alternative parental arrangements and communities.

IV. COVERAGE AND APPLICABILITY

These guidelines cover all agencies as defined in Section III, (a) implementing social services and programs that aims to improve the level of well-being of the poor and disadvantaged individuals, families and communities. These services may be developmental, preventive, restorative or rehabilitative.

A license is valid for three (3) years, at the area or areas specified therein, and covering the program or programs and services specified. It is non-transferable.

An agency whose operations are limited to one (1) region, shall be issued its license by the DSWD Field Office covering its area or areas of operation. In case of expansion to other regions, the agency shall notify the Field Office which issued its license as well as those where it expands or intends to expand its operations.

An agency operating nationwide or in more than one region, shall be issued its license by the Standards Bureau. All DSWD Field Offices concerned shall be duly notified of operations of NGOs licensed by the Central Office.

V. STEPS IN LICENSING

The following are the steps in licensing:

1. Orientation. Agencies planning to implement, or are already implementing social work/welfare and development services but without license shall be provided information on what licensing is all about. The approaches, methodology and media shall be according to territorial, cultural and other prevailing regional situations.

2. Assessment of Application. An agency formalizes its application for a license to operate as a social work or social welfare and development agency with submission of the licensing requirements. The attached checklist and application form shall form an integral part of this Order.

The documents that shall be required are:

> Accomplished DSWD Application Form

> For a corporation or partnership

* Certified true copy of Certificate of Registration from the Securities and Exchange Commission (SEC), Articles of Incorporation or Partnership and By-Laws

> For a sole proprietorship

* Taxpayer Identification Number (TIN) (BIR Form 1925) or certified true copy of DTI Certificate of Business Name Registration

> For a cooperative

* Certificate of Registration with the Cooperative Development Authority (CDA)

> Additional requirements for residential facilities

* Certificate of Fire Safety

* Certificate of Building Structural Safety

* Water and Sanitation Certificate

3. Agency Visit. A qualified staff of the DSWD Field Office or Standards Bureau as the case may be, shall visit the agency inspection and technical assistance on social work or social welfare operations within five working

days after the agency files its application supported by documents mentioned in No. 2.

4. Issuance of License. The license shall be issued within five (5) working days after steps nos. 2 and 3 above. This shall be issued to new applicants or to agencies applying for renewal after meeting the licensing requirements.

Any change in the agency name, services, area or areas of operation shall require a corresponding amendment of the license from the DSWD Office where the license was issued supported by an agency Board Resolution and amended Articles of Incorporation or Partnership and By-laws for corporations or partnership.

5. Renewal of License. An agency which continues to operate after the three-year validity of its license shall apply for renewal at least 30 days before the expiration date. The process and requirements for this shall follow nos. 2 to 4 of Section V of these guidelines. The agency shall also submit its latest Accomplishment Report including Financial Report when renewing its license.

VII. COMPLAINTS

The DSWD Office or Standards Bureau as the case may be shall handle complaints regarding operations of agencies they licensed. The Field Director or Bureau Director shall appoint an investigator/s who will submit an official report within thirty (30) days after receipt of the complaint.

The Field Office Standards and Unit or Standards Bureau shall review and assess the results of the investigation. They may call the complainant and concerned parties or invite resource persons as necessary. Their report with corresponding recommendations shall be completed within five (5) days after the review.

The concerned agency and the complainant/s shall be informed in writing about the results of the investigation and the decision on the case by the Field Director or Standards Bureau Director as the case may be. The concerned agencies and complainant/s shall have ten (10) days after receipt of the decision to request for reconsideration.

VIII. SUSPENSION AND REVOCATION OF LICENSE

The concerned DSWD Office may, after due notice and hearing, suspend or revoke the license of any social work or social welfare and development agency due to any of the following grounds:

1. The said agency is insolvent or is not in a financial position to support and maintain its clientele or to perform the functions for which it was granted license.
2. Mismanagement of funds;
3. Exploitation, abuse, or neglect of its clientele;
4. The said agency is being used for immoral purpose;
5. Additional violations by child welfare agencies as per Presidential Decree 603:
 - a) that the place is so unsanitary so as to make it unfit for children;
 - b) that said agency is located in a place or community where children should not be, or is physically dangerous to children or would unduly expose children to crime, vice, immorality, corruption or severe cruelty.
6. Any act of omission showing its unworthiness and incompetence to continue acting as a social welfare and development agency.

XI. EFFECTIVITY

This Order takes effect immediately and revokes Department Order No. 07 Series of 1995 and Department Order No. 03 and No. 12 Series of 1999.

Adopted: 05 November 1999

(SGD.) GLORIA MACAPAGAL-ARROYO

Vice President of the Philippines and DSWD Secretary

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