

REVISED RULES ON LICENSING OF SOCIAL WORK/SOCIAL WELFARE AND DEVELOPMENT AGENCIES

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ARTICLE I

TITLE

This Order shall be known and cited as the “Revised Rules on Licensing of Social Work/Social Welfare and Development Agencies”.

ARTICLE II

RATIONALE

The Department of Social Welfare and Development (DSWD) is the primary agency mandated by law to develop and implement comprehensive social welfare services to facilitate the integration of the most disadvantaged and distressed Filipinos into the mainstream of society.

The DSWD recognizes the vital role of Non-Governmental Organizations (NGOs) as partners of government in the promotion of the welfare of the disadvantaged population through continuing complementarity of goals, objectives and methodology.

The common objective likewise, is to ensure that planned targets of the relevant sectors of the disadvantaged population are covered.

In accordance with its mission to protect the clientele and to ensure that the goal of uplifting the well-being of the disadvantaged is achieved, the Department, through its regulatory function provides the standards and guidelines that shall govern this service delivery by the NGOs.

The DSWD may provide for the following benefits and incentives in favor of NGOs licensed under this Order:

- * Technical assistance on program development and preparation of requirements for accreditation.
- * Training of NGO selected staff.
- * Recommendation for exemption from duty tax and such other applicable taxes relative to foreign donations after six (6) months of operation as a licensed agency, consistent with its target clientele and services.
- * Participation in the formulation and development by the DSWD of social welfare plans and policies.
- * Subsidized Power Rate Program (SPRP), for those NGOs operating twenty-four hour live-in residential institutions in areas where such program is available, similar to an existing tie-up being enjoyed by DSWD with MERALCO in Metro Manila.

ARTICLE III

PHILOSOPHY

The rules and regulations for licensing of NGOs are based on the belief that prior importance or consideration should be given to the clientele by social work/social welfare and development agencies.

Accountability to donors and other supporters is the primary concern since most of the private agencies are funded by public contributions and voluntary donations.

The provision of social work/social welfare and development services and of opportunities for the upliftment the socio-economic conditions of individuals, families and communities is not exclusively a government responsibility but that of the private sector, as well.

In this connection, the private sector, through NGOs engaged in social work/social welfare and development services, are enabled by the Department, in the exercise of their mandate, to commit themselves to a high degree of competence and integrity. Thus, regulations and standards issued by the DSWD are indispensable in order to support such commitment and strengthen public confidence.

Employer-employee relations in the NGO are recognized as a major factor that affects service by the NGO to its clients. In this regard, where conflict arises between employer and employee in the NGO, the methods used in its settlement should not lose sight of the NGO's primary duty to serve.

ARTICLE IV

LEGAL BASIS

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

- (a) Article II, Section 23 of the Constitution;
- (b) Article IV, Sec. 23 and Article V, Sec. 26 of Republic Act (R.A.) No. 4373, as amended by R.A. 5175, Regulating the Practice of Social Work and the Operation of Social Work Agencies in the Philippines;
- (c) Article 118 of Presidential Decree No. 603, otherwise known as the Child and Youth Welfare Code; and,
- (d) Sec. 12 of Executive Order 123, dated Jan. 30, 1987, reorganizing the Department of Social Welfare and Development.

ARTICLE V

DEFINITION OF TERMS

The following terms are defined for purposes of this Administrative Order:

- (a) Social work/social welfare and development agency — a person, corporation, or organization, private or governmental that engages mainly, and generally represents itself to engage, in social work/social welfare and development, whether casework, groupwork, or community organization, and obtains its finances, either totally or in part, from any agency or instrumentality of the government and/or from the community by direct or indirect solicitations and/or fund drives and/or private endowments.
- (b) Non-government organization (NGO) — a private social work/social welfare and development agency.

(c) License — is the certificate issued by DSWD to an agency which has complied with the statutory requirements to operate as a social work/social welfare and development agency.

(d) Licensing — the process of enabling the NGOs to comply with the statutory requirements to operate as a social work/social welfare and development agency. Registration and licensing shall be considered as one and the same process.

(e) Applicant — a non-governmental organization that applies for the issuance of a license to operate as a social work/social welfare and development agency.

ARTICLE VI

APPLICATION PROCESS FOR LICENSING

SECTION 1. Coverage. — All NGOs providing continuous social work intervention to promote the well-being of the disadvantaged individuals, families and communities through the provision of preventive, restorative, rehabilitative and developmental programs and services shall apply in writing to the DSWD Field Office where the agency is based, for a license to operate as a social work/social welfare and development agency.

SECTION 2. Supporting Documents. — The applicant shall accomplish the prescribed form (Appendix 1[*]) and submit same to the DSWD Field Office with the following documents:

1. Certified true copy of Certificate of Registration from the Securities and Exchange Commission, including its approved Articles of Incorporation, Constitution and By-Laws;
2. Agency manual using the outline developed by the DSWD (Appendix 2[*]) in consultation with the private sector;
3. List of members of the governing board of the agency certified by its Corporate Secretary using the form prescribed in Appendix 3[*].
4. Certified list of employees using the form prescribed in Appendix 4[*].

In case a board member or employee is not a Filipino citizen, he shall be required to submit the pertinent documents enabling him to work in the Philippines, from the Commission on Immigration and Deportation (CID) and from the Department of Labor and Employment (DOLE), whenever applicable.

5. Certification by head of applicant agency of paid employment of a registered social worker who carries out direct service and provides technical advice to management.

6. A two year work and financial plan covering the current and subsequent year to indicate financial viability or stability for said period, to include the following:

(aa) source/s of funds and corresponding amount expected from each source, local as well as foreign, in cash, in kind or in services;

(bb) work plan and corresponding budget for administration and operations to include information on programs/projects, target number of beneficiaries, clientele categories, and other pertinent information; and,

(cc) resource generation strategy or system to ensure continuity of service.

SECTION 3. Residential or Center-based NGOs. — In the case of NGOs operating residential or center-based programs, applicant shall submit proof of compliance with applicable laws or ordinances on building, fire safety,

health, sanitation, water, and other requirements.

SECTION 4. Unlicensed NGO. — A Non-Government Organization already operating without a license shall submit its annual report for the preceding calendar year. Such report shall include the following:

(aa) programs, services, strategies, interventions, activities, categories and number of the client served and problems encountered;

(bb) geographical area(s) of coverage;

(cc) list of paid personnel and volunteers that served during calendar year;

(dd) a financial report of the preceding year using the form (Appendix 5*) developed by the Department and NGOs which indicate funds received and sources thereof, itemized expenditures according to purpose and balance of funds at the end of the year covered as verified by an independent auditor.

SECTION 5. NGOs Operating in More Than One Region. — In the case of a Non-Government Organization that operates community based social welfare programs and services in more than one region, the NGO shall apply for a license at the DSWD field office where its head office is located or where the bulk of its operation is conducted. Further information and validation on the NGOs or existing projects or services in other regions shall be solicited from the Assistant Field Director of the region where the license was issued.

SECTION 6. NGOs With Multiple Offices. — In case of NGOs that establish a separate office in another area but within the jurisdiction of the same region, such NGO need not apply for a license, provided, such NGO operates community- base programs and services. Such NGO shall apply for accreditation of its programs and services.

SECTION 7. NGOs With Multiple Clientele. — A Non-Government Organization that establishes two or more facilities serving different clientele categories in the same region shall apply for a separate license for each facility.

ARTICLE VII

ASSESSMENT AND ISSUANCE OF LICENSE

SECTION 8. Requirement to Attend Orientation/Dialogue. — Upon review of the documents submitted by the NGO, there being sufficient indication that the applicant operates a social work/ social welfare and development agency, the Assistant Field Director shall acknowledge the application and require the NGO to attend an orientation/dialogue to be conducted by the Field Office, as a prerequisite to the issuance of the license to operate.

SECTION 9. Matters for Orientation/Dialogue. — The Assistant Field Director shall organize a regular orientation/dialogue with applicants for a license at least once month or as indicated to explain matters such as licensing requirements, programs and services, policies and procedures in licensing, and benefits derived from licensing, among others. These shall not preclude the holding of an orientation with an individual NGO when there are other NGOs with pending applications.

SECTION 10. Agency Visit. — The Assistant Field Director or his designated Field Office Technical Staff or Social Welfare Specialist shall conduct agency visit(s) to validate the data contained in the documents submitted by the NGO prior to recommending issuance of license.

SECTION 11. Department's Seal on the License. — The seal of the Department shall be affixed to the license to operate certificate. Said license shall be turned over to the NGO in the presence of the Secretary or her designated representative and the Field Director.

ARTICLE VIII

FAILURE TO COMPLY WITH REQUIREMENTS

SECTION 12. Notice of Non-compliance. — An applicant which fails to meet the requirement(s) for licensing shall be notified within five working days, stating the areas of non-compliance.

SECTION 13. Disapproval of Application. — Despite the provision of technical assistance for maximum period of six (6) months by the Assistant Field Director or any designated FO Technical Staff/Social Welfare Specialist, if the NGO still fails to meet the requirements for licensing, the application shall be disapproved. The NGO shall be duly notified stating the reasons for disapproval. All documents shall be returned to the NGO concerned, without prejudice to future application.

ARTICLE IX

CONSULTATIVE RELATIONSHIP WITH LICENSED NGOS

SECTION 14. Visitation. — The Assistant Field Director shall visit licensed NGOs regularly to ensure the continuity of operations as prescribed in the Agency Manual and the proper implementation of policies and guidelines.

SECTION 15. Submission of Reports. — The AFD shall submit to the Secretary thru PALS regular reports on findings and action taken, and other relevant matters relative to his official visits to the NGOs under the FO's jurisdiction.

SECTION 16. Request for Technical Assistance. — The licensed NGO shall request technical assistance from the DSWD whenever needed.

SECTION 17. Annual Accomplishment Report. — Licensed NGO shall submit an annual accomplishment report (Appendix 6) to the Secretary, DSWD, through the Field Office, copy furnished PALS.

SECTION 18. Changes in the NGO. — Licensed NGO shall inform the DSWD in writing any changes of information such as change of name, address, head of agency, new offices or facilities, and other matters of similar nature.

SECTION 19. Consultative Meetings. — Regular consultative meetings with all licensed NGOs shall be undertaken at the regional and national level to discuss issues relative to goals/ objectives/ methodology and policy.

ARTICLE X

EXPANSION OF THE AREA OF COVERAGE

SECTION 20. Limitations. — A licensed NGO that expands its operation to another region(s) need not apply for a separate license to operate, provided that a child-caring or child-placing welfare agency's 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: provided, finally, that, the licensed NGO shall inform the Field Office in writing the specific area/s where it intends to expand its operation.

SECTION 21. Issuance of Amended License. — The mother agency shall be reissued an amended license to operate to include the new area of operation, but retaining the date of issuance and the number of the original

license. The previous license shall be surrendered by the NGO to the Field Office.

SECTION 22. Area Coverage Expansion. — A Licensed and accredited NGO shall apply for clearance with the DSWD Field Office concerned prior to expansion of its programs and services to another region beyond the coverage of its license and accreditation. Such NGO shall apply for accreditation within in three years after a clearance has been issued.

SECTION 23. Accreditation of Area Coverage Expansion. — A Non-Government Organization which has been granted clearance in accordance with Sec. 21 of this Order shall apply for accreditation of its programs and services with the Program Bureau having jurisdiction, within three (3) years from the grant of the clearance.

ARTICLE XI.

EXPANSION OF PROGRAMS AND SERVICES

SECTION 24. Programs and Services Expansion Requirements. — In the case of a licensed NGO that expands its programs and services, said NGO shall inform the Field Office in writing of the additional programs and services it intends to implement. Upon application, a Non-Government Organization that complies with set standards shall be issued an accreditation certificate that shall be renewable every three (3) years.

ARTICLE XII

GROUND FOR SUSPENSION AND REVOCATION OF LICENSE

SECTION 25. Grounds for Suspension. — The license shall be suspended for any of the following reasons:

- (a) Failure to be accredited within three (3) years after licensing in spite of technical assistance from the Bureau concerned;
- (b) When the agency suspends its operations and notifies the Field Office in writing;
- (c) When the agency suspends/ceases its operations without notifying the Field Office and the said Field Office learns it from other sources/means;
- (d) Failure to submit an annual report to DSWD for two (2) consecutive years.

SECTION 26. Grounds for Revocation. — The license shall be revoked for any of the following reasons:

- (a) Violation of existing laws of the land
- (b) Mismanagement of funds
- (c) Exploitation, abuse, or neglect of its clientele or employees
- (d) Failure to function as a welfare agency
- (e) When suspension extends beyond one (1) year due to failure to get accredited
- (f) When the agency ceases its operations and notifies the Field Office in writing.

ARTICLE XIII

COMPLAINTS AND EVALUATION OF COMPLAINTS AGAINST A LICENSED AGENCY

SECTION 27. Form of Complaints. — Complaints against a licensed agency based on the provisions of Article XII shall be in writing and filed with the DSWD Field Office concerned. Said complaint shall be acknowledged immediately upon receipt thereof by the FO concerned.

SECTION 28. Action on Complaints. — The Field Director shall take the following steps:

- (a) Ensure that the complaint against an agency is acted upon within fifteen (15) working days. Police assistance shall be requested when warranted;
- (b) A preliminary assessment shall be conducted by the Field Director who shall invite the concerned parties within fifteen (15) working days from the receipt of complaints;
- (c) If the NGO is found to have committed any of the grounds for suspension or revocation, the Field Office shall forward to the Secretary its findings and recommendation and all supporting documents within five (5) working days from the completion of the assessment, for the Secretary's appropriate action;
- (d) A review committee composed of the Secretary, PALS Director, and concerned Program Bureau Director(s) or their duly designated representatives, shall study and validate findings and recommendation of FOs for suspension/ revocation of license for recommendation for the Secretary's appropriate action;
- (e) The Secretary shall render a written decision on the complaint within fifteen (15) working days from the date of submission of the recommendation of the Review Committee;
- (f) PALS shall take charge of informing concerned offices/entities of the Secretary's decision for suspension/ revocation of an NGO's license.
- (g) Should the program review regularly conducted by the Bureaus and Field Offices indicate any mismanagement of funds and programs the same steps enumerated above shall apply.

SECTION 29. Suspension of License. — The Secretary shall suspend a license for as long as violation exists or until the agency has complied with the order to resolve, or has remedied the cause of the complaint, Provided, That, the suspension shall in no case be longer than a period of one (1) year, during which period the agency's clients shall be referred for servicing by other licensed agencies or by the Local Government Unit (LGU) nearest the residence of the client. Records shall be transferred accordingly.

SECTION 30. Request for Reconsideration. — An agency may file a request for reconsideration of the adverse decision within fifteen (15) days from the receipt of said decision of the Secretary suspending or revoking the license, otherwise, the decision shall become final and immediately executory.

ARTICLE XIV

REAPPLICATION OF LICENSE

SECTION 31. Lifting of Suspension of License. — The license to operate shall be permanent unless otherwise suspended or revoked in accordance with Article XII hereof. The license of NGOs which have not been operation for two (2) years are deemed suspended. The suspended license may be revived, following the same procedures as in applying for a new license.

ARTICLE XV

ACCREDITATION OF PROGRAMS AND SERVICES

SECTION 32. Application for Accreditation. — A licensed agency shall work for the accreditation of its services within a period of three (3) years which is renewable every three years thereafter. The Program Bureau concerned shall conduct an accreditation assessment upon application by the licensed NGO, and shall issue accreditation certificates based on its assessment. Accreditation shall be conducted on a regional basis.

ARTICLE XVI

MISCELLANEOUS PROVISIONS

SECTION 33. Repealing Clause. — Administrative Order No. 35, series of 1989 and other rules and regulations that are inconsistent with the foregoing are hereby revoked.

SECTION 34. Penalty Clause. — Any person, corporation, or entity operating as a social work/social welfare and development agency without the corresponding License to Operate shall be dealt with in accordance with Article 6 of R.A. 4373 and other applicable laws.

For compliance.

Adopted: 24 March 1995.

(SGD.) LINA B. LAIGO
Acting Secretary

[*] Not Included here.

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