SUPPLEMENTAL GUIDELINES ON PUBLIC SOLICITATION (COVERING GOVERNMENT AGENCIES, CORPORATIONS AND STATE COLLEGES AND UNIVERSITIES)

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A. RATIONALE

The Department of Social Welfare and Development (DSWD) exercises regulatory functions over the conduct of fund raising activities by any person, corporation, organization, or association for charitable or public welfare purposes. This is undertaken to prevent any illegal fund drive that exploits the generosity of the donors and intended beneficiaries. In carrying out this mandate, Administrative Order No. 79 s. 2003 was issued stipulating the policies, rules and regulations on public solicitation conducted by individuals and social welfare agencies. However, the guidelines did not explicitly cover the fundraising activities conducted by national government agencies (NGAs), government-owned and controlled corporations (GOCCs), state colleges/universities and other government agencies.

Following the clear intention and spirit of the law to give legal sanction and to regulate the solicitation of donations and voluntary contributions from the public sector the Department extends its regulatory functions to cover the fund-raising activities carried out by these agencies to enjoin the cooperation and support of the public in the various activities and projects they undertake from time to time. Thus, this supplemental guideline is hereby issued to prescribe specific procedures applicable to these agencies.

B. OBJECTIVES

1. To ensure transparent and efficient management of funds solicited from the public by national government agencies (NGAs), government-owned and controlled corporations (GOCCs), state colleges/universities and other government agencies.

2. To protect the general public from unauthorized fund drive.

C. LEGAL BASES

1. Presidential Decree No. 1564 - known as the Solicitation Permit Law, provides that any person, corporation, organization or association desiring to solicit or receive contributions for charitable or public welfare purposes shall first secure a permit from the Regional Offices of the Department

2. Sec. 2 (13), Ch. 1, Book IV, Title XVI of the Administrative Code of 1987 (Executive Order No. 292) - mandating the Department of Social Welfare and Development to regulate fund drives, public solicitations and donations for charitable or public purposes.

3. Executive Order No. 24, s. 2001 - Delegating to the DSWD the authority to grant authorization or disapprove requests for the conduct of national fund raising campaigns.

4. Executive Order No. 15, s. 1998 sec. 3 (e) - mandating the DSWD to regulate fund drives, public solicitation

and donations for charitable or welfare purposes.

D. COVERAGE

This supplemental guideline shall apply to all NGAs, GOCCs, state colleges/universities and other government agencies hereafter referred to as government agencies (GAs) desiring to solicit donations or receive contributions for charitable or public welfare purposes, EXCEPT those whose charter or with special laws specifically provides them an authority to solicit and/or conduct fund drives.

E. GENERAL POLICIES

In pursuit of the Department's mandate, the following additional policies shall be observed in conducting any public solicitation or fund raising activities by GAs covered by this guideline:

1. Proceeds from solicitation/fund-raising shall be accounted for in the book of accounts of the recipient agency in accordance with pertinent government accounting and auditing rules and regulations. Such donations, whether cash or in kind shall be utilized for the intended beneficiaries of solicitation or fund raising activities". (General Appropriations Act)

2. Such proceeds "shall be remitted to the National Treasury, recorded as a Special Account in the General Fund and shall be available to the implementing agency concerned through a Special Budget pursuant to Section 35, Chapter 5, Book VI of EO 292: PROVIDED, that donations for a specific purpose with a term not exceeding one (1) year shall be treated as trust receipts in accordance with Section 7 hereof. (General Appropriations Act)

The solicitation paraphernalia shall not portray a dehumanizing picture or situation of the intended beneficiary/ies.

Renewal of authority or permit shall only be made upon completion of post solicitation activity reports as stipulated in item H of this Guidelines.

F. DOCUMENTARY REQUIREMENTS

The following documents shall be submitted to the DSWD Field Office/DSWD Central Office for assessment.

- General Requirements:

1. Duly accomplished application form (Annex A[*]) signed by the Head of Agency who may be the Department's Secretary, Regional Director, Executive Director, Regional Director General Manager, Chief Executive Officer or any similar officers of the Agency.

2. Certified list of agents/units/employees or partner agencies who will be directly involved in the conduct of solicitation or fund raising activities.

3. Project proposal approved by the Head of Agency to undertake solicitation or fund raising activities.

4. Work and Financial Plan stating among others the target funds to be generated and its utilization. It shall also contain an undertaking that administrative expenses shall not exceed 30% of the total proceeds and not less than 70% shall be used for the intended beneficiaries (Annex B[*]).

5. Acknowledgement, written agreement or any similar document signifying the intended beneficiary/ies concurrence as recipient of the solicitation or fund-raising activities.

- Specific Requirements for each Method of Public Solicitation

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- Specific requirements depending on the solicitation modes or types of fund raising activities as stipulated in AO 79. s. 2003 shall be attached to the application form.

G. PROCEDURES

In addition to the procedures provided for in AO 79, s. 2003, the following shall be observed:

1. Solicitation activity to be conducted by the Agency's central offices or attached agencies shall be filed at the Standards Bureau, DSWD Central Office, while those of their regional offices at concerned DSWD Field Offices (FOs) at least one month prior to the conduct of the activity.

2. In case of postponement or delay in undertaking the activity, a written request from the Head of Agency with justification for extension or amendment of modes of solicitation or fund-raising activity shall be forwarded to the Standards Bureau or DSWD Field Offices concerned, as the case may be, one (1) month before the expiry date of the Authority or Permit. The extension shall only be granted once for the duration of the Authority or Permit covered.

3. The Standards Bureau or DSWD Field Office concerned shall act on the request within five (5) working days upon receipt of the letter and complete documents.

4. The Standards Bureau shall provide all its Field Offices a list of agencies issued Authority or Permit. In the same manner, all Field Offices shall submit to the Standards Bureau a list of agencies regional offices granted Public Solicitation Authority or Permit.

H. RECEIPTS OF DONATIONS DERIVED FROM SOLICITATIONS OR FUND RAISING ACTIVITIES

All donations received shall be properly acknowledged by the receiving Agency, except for solicitation modes involving the sale of tickets, cards or envelops, in which case, the tickets, cards or envelops sold may be used as an acknowledgement receipt. These shall be accounted for in accordance with the provisions of the General Appropriations Act and COA rules and regulations.

I. POST SOLICITATION OR FUND-RAISING ACTIVITY REPORTS

Within sixty (60) days after the expiry date of the Authority or Permit, whether consummated or not, the Agency to whom the Authority or Permit was issued shall surrender the Authority or Permit together with the following reports:

1. List of donor individuals, agency groups or associations and their corresponding addresses and contact numbers.

2. List of beneficiaries and amount or types of assistance extended, their corresponding addresses and contact numbers;

3. Fund utilization report (Annex C[*]) verified/certified by the Agency's Auditor from the Commission on Audit (COA).

J. HANDLING OF COMPLAINTS

1. A fact-finding/investigation shall commence within five (5) working days upon receipt of complaints by the Standards Bureau or Field Office concerned and shall be completed within 15 working days. The findings and recommendations shall be submitted to the DSWD Secretary within five (5) days after the conclusion of fact

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finding/investigation for appropriate action. A copy of the full report shall be transmitted to the Agency Head for information and appropriate action.

2. Other procedures prescribed in article XII, sections 19, of DSWD AO 79, s. 2003, as applicable shall be followed in handling complaints against the erring Agency, officials, employees or agents.

K. SUSPENSION, REVOCATION OR NON-RENEWAL OF AUTHORITY OR PERMIT.

The following penalties shall be imposed for violations of the guidelines:

1. Suspension upon receipt of verified complaint by an aggrieved party arising from damages or injury directly attributable to the execution of the activity for which the permit was issued;

2. Revocation for failure to adhere with the conditions stipulated in the Authority or Permit and/or failure to provide measures to remedy the cause of suspension despite three (3) notices;

3. Non-renewal of Authority or Permit for failure to submit post activity reports as prescribed in the preceding section.

The above-action shall without prejudice to other sanctions or penalties embodied in PD 1564, other relevant and pertinent laws to be determined by the proper Court, Civil Service Commission and other concerned government agency/ies.

L. FEES AND CHARGES

The applicant Agency shall be charged all applicable fees as determined from time to time by the DSWD.

M. EFFECTIVITY

This Guideline shall take effect after thirty (30) days following its publication in the Official Gazette.

Adopted: 22 March 2007

(SGD.) DR. ESPERANZA I. CABRAL
Secretary

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[*] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.

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