

Meantime, the Group Home/Foster Home is envisioned to respond to the needs of marginalized persons with disabilities/older persons (PWDs/OPs) who were abandoned, neglected, abused, unattached and poor and in need of custodial care. The Group Home/Foster Home Program shall be developed to restore the PWDs/OPs social functioning and participation in community affairs and this shall be piloted in the National Capital Region. Thus, the development of these guidelines.

II. LEGAL BASES:

The legal bases for the development and implementation of Group Home/Foster Home are as follows:

1) 1987 Philippine Constitution

- Article II Section 9, Declaration of Principles and State Policies which mandates that "The State should promote a just and dynamic, social order that will ensure prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a raising standard of living and an improved quality of life for all."
- Also embodied in the Philippine Constitution are significant provision relevant to the needs of persons with disabilities and older person which includes the following:
 - A comprehensive approach to health development which makes available essential goods, health and other social services to all people with priority given to the needs of the underprivileged including the disabled and elderly (Article XIII – Sec. 11 on Health).

2) Republic Act No. 7277 of 1991 (also known as "Magna Carta for Disabled Person) An Act Providing for the Rehabilitation, Self-Development and Self-Reliance of Disabled Persons and their integration into the mainstream of society and for other purposes.

- Section 21, Chapter 4, on Auxiliary Social Services – The State shall ensure that marginalized persons are provided with the necessary auxiliary services that will restore their social functioning and participation in community affairs, specifically on the provision of substitute family care services and the facilities for the abandoned, neglected, abused and unattached disabled person who need custodial care and the provision of family care services geared towards developing the capability of families to respond to the needs of the disabled members of the family.

- 3) Local Government Code or RA 7160 of 1991
 - Rule V on Basic Services and Facilities Article 24 on Devolution – which states that consistent with local autonomy and decentralization, the provision for the delivery of basic social services shall be devolved from the national government to provinces, cities, municipalities and barangays so that each LGU shall be responsible for a minimum set of services and facilities in accordance with national policies, guidelines and standards.
- 4) Proclamation No. 125 of 1993 declaring the nationwide observance in the Philippine of the Asia and Pacific Decade of Disabled Persons (1993-2002) which seeks for the full participation and equality of persons with disabilities. Proclamation No. 240 of August 2002 signed by President Gloria Macapagal-Arroyo declared the period from the year 2003 to the year 2012 as the Philippine Decade of Persons with Disabilities. In compliance with the Proclamation and as a member country of the UNESCAP, the National Council for the Welfare of Disabled Persons was tasked to take the lead in the National Plan of Action for 2003-2012 presenting the seven (7) priority areas of the Biwako Millenium Framework of Action Towards an Inclusive Barrier Free and Rights Based Society for Persons with Disabilities in Asia and the Pacific.
- 5) Executive Order No. 266, Approving and Adopting the Philippine Plan of Action for Older Persons, 1999-2004, addresses the eight (8) areas of concern, namely, Older Person and the Family; Social Positions of Older Persons, Health and Nutrition; Housing, Transportation and the Built Environment; Income Security, Maintenance and Employment; Social Services and the Community; Continuing Education/Learning Among the Older Persons; and Older Persons and the Market.
- 6) Executive Order No. 105, Approving and Directing the Implementation of the Program “Provision of Group Home/Foster Home for Neglected, Abandoned, Abused, Unattached and Poor Older Persons and Persons with Disabilities. It calls on the support and assistance of government agencies, bureaus and instrumentalities including private sector organizations in the implementation of the order.
- 7) Republic Act No. 9257 of 2004, an act granting additional benefits and privileges to senior citizens amending for the purpose RA 7432 which provides “substitute family care” in the form of residential care/group homes for the abandoned, neglected, unattached or homeless senior citizens and those incapable of self-care.

III. DEFINITION OF TERMS:

The following terms are defined for the purpose of this guideline:

- a) *Older Person (OP)* – is a resident senior citizen of the Philippines who is 60 years old and above who may be unattached/unattached, neglected, abandoned, abused, and poor.
- b) *Person with Disability (PWD)* – one who is suffering from restriction or different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being.
- c) *Disability* – refers to a (1) physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment.
- d) *Unattached Person* – refers to an older person and/or a person with disability and with no family who can provide the necessary care, protection and support, and is incapable or has no means of meeting his/her needs; also refers to detached persons in EO 105
- e) *Neglected Person* – refers to an older person and/or a person with disability, whose basic needs for survival have been deliberately unattended or inadequately attended by his/her family.
- f) *Abandoned Person* – refers to an older person and/or a person with disability who has no means of meeting basic needs, and whose family had deserted him/her, hence, appropriate care; protection and support are not met.
- g) *Abused Person* – refers to an older person and/or a person with disability who is psychologically, emotionally, sexually and physically maltreated and exploited resulting to violation of his/her rights and degradation of his/her intrinsic worth and dignity as a human being.
- h) *Poor Person* – refers to an older person and/or person with disability with no means to support his/her basic needs.
- i) *Group Home* – is a facility where older persons and/or persons with disabilities are provided with alternative living arrangement to enable them to experience independent group living within a homelife atmosphere under the supervision of a social worker from the DSWD, LGU or NGO.

- also refers to the provision of decent and affordable housing to the OPs and/or PWDs who choose to live independently or outside of the family and who have the capacity to pay.

- j) *Donation* – is an act of liberality whereby a person disposes gratuitously of a thing or right in favor of another, who accepts it.
- k) *Donor's tax* – is a tax on a donation or gift, and is imposed on the gratuitous transfer of property between two or more persons who are living at the time of the transfer. It shall apply whether the transfer is in trust or otherwise, whether the gift is direct, or indirect and whether the property is real or personal, tangible or intangible.
- l) *Donor* – one who transfers or causes to transfer property by gift, whether in trust or otherwise, whether the gift is direct or indirect and whether the property is real or personal, tangible or intangible.
- m) *NGO Operated Group Home* – refers to non-governmental organization licensed and accredited by the Department of Social Welfare and Development.

IV. PROJECT DESCRIPTION:

The group home for older persons and persons with disabilities is a community-based alternative living arrangement to institutional care. This is provided to a group of 6-8 persons with disabilities or older persons, to enable them to experience independent group living within a homelife atmosphere under the supervision of a social worker either from the Local Government Units (LGUs), other Government Organization (GO) or Non-Government Organization (NGO), as the case may be.

In the case of persons with disability, the nature of disability must be considered. For instance, persons who are visually impaired should be living with persons who are orthopedically handicapped while persons with hearing impairment may live with their own peers with similar disability, etc. The principle of every resident being able to support each other in their daily living activities must be considered in the group living arrangement.

Residents of the group home will be responsible for taking part in all household chores such as cooking, cleaning, laundry, marketing, etc. They will take care of their own needs, learn and practice skills to foster independent living, enhance social skills, take charge in their income generating projects and become active participants in the community by attending community meetings regularly such as homeowners, general assembly and the district meetings which they belong. The meetings give an opportunity for the older people/PWDs to mingle with other people, foster good relationship and continuously deepen the awareness of community members regarding Older Person/PWD situation.

The Group Home can also be a transit home for a definite period for neglected PWDs or OPs while the necessary services of locating relatives and case management is ongoing.

V. OBJECTIVES:

General:

To provide an alternative living arrangement for older persons or persons with disability to enable them live in a humane and secure environment on their own.

Specific:

1. To provide protection to the poor, abandoned and unattached older persons/persons with disability.
2. To create an opportunity where the OPs/PWDs may pursue full development of their potentials.
3. To provide opportunities to restore their social functioning and participation in community affairs.

VI. TARGET BENEFICIARIES:

The following OPs/PWDs are qualified for the Group Home:

- a) Older persons, who are 60 years old and over and are ambulatory
 - Poor, abandoned, neglected, unattached, abused;
 - Free from communicable diseases; and;
 - Are able to relate and live with other older persons.
- b) Persons with Disabilities
 - At least 16 years old and above and are ambulatory. In case the person is orthopedically handicapped, can move around with the aid of assistive devices like wheelchair;
 - Without immediate relatives to provide support;
 - Physically healthy and free from communicable diseases; and;

- Are able to relate and live with other persons.

VII. IMPLEMENTING PROCEDURES:

The group home for older persons/persons with disabilities is to be implemented in cities or municipalities by the LGUs, other GOs or duly licensed/accredited NGOs. To operationalize the program, the following procedures are to be observed.

1. Advocacy/Social Preparation:

1.1. Advocacy:

The HUDCC together with DSWD, NCWDP, NAPC & LGUs shall disseminate E.O. 105 and its Implementing Rules and Regulations to create awareness on the provisions of Group Home for OPs/PWDs.

The HUDCC, DSWD, NCWDP, NAPC & LGUs shall continuously conduct/undertake promotional campaigns on the need to operationalize the Group Home for OPs/PWDs to solicit support for its operation.

1.2. Pre-Need Assessment:

The local Social Welfare and Development Office (SWDO) must secure data on the prevalence of abandoned/unattached older persons or persons with disabilities or without immediate relatives to provide support. A high prevalence would determine the need to establish and implement the Group Home for OPs/PWDs. The recommendation for the implementation of the program should emanate from the SWDO and approved by the Local Chief Executive (LCE).

1.3 Orientation on the Project:

The DSWD Field Office shall invite potential LGUs and other GOs and NGOs for an orientation on the concept of a Group Home.

2. Establishment/Construction of Group Home

2.1. Group Home for OPs and/or PWDs who have the Capacity to Pay

The Social Security System (SSS), the Government Service Insurance System (GSIS), the Home Development Mutual Fund

(HDMF) and the Land Bank of the Philippines (LBP) shall develop innovative financing/lending schemes for OPs/PWDs to support the housing requirements of those OPs and/or PWDs who choose to live independently or outside of the family home and who have the capacity to pay.

Assessment of OPs and/or PWDs who could opt to avail the home lending programs of SSS, GSIS, HDMF and LBP shall be conducted in accordance with the lending policies and guidelines of the said government financial institutions.

2.2. Housing Designs and Standards for Older Persons and/or Persons with Disabilities.

The Housing and Land Use Regulatory Board (HLURB) and National Council for the Welfare of Disabled Persons (NCWDP) shall formulate housing designs suitable to the requirements of male and female OPs and/or PWDs and to consider the requirements in the B.P. 344.

2.3. Site Selection.

The sites for the establishment of Group Home for OPs and/or PWDs shall be determined by the DSWD and NGOs in coordination with the LGUs. Preferably, the site should be strategically situated between adjacent municipalities and accessible to hospitals and/or other medical facilities. The target areas of the project are those with high incidence of neglected, abandoned, abused, unattached and poor OPs and PWDs and where there are existing LGUs or NGOs willing to collaborate or where the facility/donated unit is located.

3. Capability Building

3.1. Identification of staff, volunteers

Once the local SWDO has determined the need to implement the Group Home Program, it shall identify the staff to be involved in the day to day operation of the Group Home. A registered Social Worker either from the LGU, GO or NGO shall be in-charge of the supervision of the home including its case management. Volunteers to assist in the project shall also be identified. Volunteers may include students, medical practitioners, caregivers, etc.

3.2. The capability building activities concerning the LGU officials, SWDO staff, and other intermediaries should be conducted by the DSWD Field Office (FO) upon request of the LGU where the

group home is to be established. This may involve the initial orientation on the concept of the project, its operationalization as well as knowledge and skills on the group home services/interventions.

4. Provision of Services/Interventions

4.1. *Assessment of Qualified OPs and PWDs* – the assessment for OPs and/or PWDs who can avail of the Group Home Program, is as follows:

- a. Any concerned citizens shall refer OPs and/or PWDs whom they find to be abandoned, neglected, abused, unattached and poor to the nearest Social Welfare Office at the city/municipality.
- b. The Social Welfare Office at the city/municipality shall conduct an assessment of OPs and/or PWDs who may qualify for the Group Home Program. In cases where OPs and/or PWDs are residents of shelters/institutions, the social workers from the DSWD shall conduct the assessment.
- c. The Social Workers shall assist the OPs/PWDs in securing certification of his/her health conditions/disability from the government physician or from the accredited hospital of the Department of Health (DOH).
- d. The Social Workers shall indicate in their assessment the following:
 - (i) Category of OPs and/or PWDs
 - (ii) Types of assistance be given to qualified OPs and/or PWDs.
- e. Upon favorable evaluation, the Social Worker shall recommend qualified OPs and/or PWDs to the administrators of Group Homes intended for neglected, abandoned and unattached.

4.2. *The services in the Group Home* shall include the various categories of services under the program for disability prevention and rehabilitation of older persons/PWDs to facilitate integration into the community life. The services are to be provided by the local social welfare development office or to be accessed through referrals to appropriate agencies. These are as follows:

a. Social Services

This service is aimed at assisting the beneficiaries to help themselves adjust and participate in a therapeutic community that is guided by a rehabilitation plan, formulated with them, with the end-goal of maximizing their physical, social and economic usefulness.

b. Health and Medical Services

These services aim to maintain the beneficiaries' physical condition and their physical/physiological fitness for group living in the home.

c. Psychological Services

This aims to provide services to attain the beneficiaries' maximum functioning for social adjustment, vocational and other therapeutic activities.

d. Occupational Therapy

This aims to enhance the person's pre-vocational skills geared towards regaining their self-esteem and economic usefulness, whenever feasible, through gainful tasks like livelihood projects.

e. Spiritual Life Service

This aims to provide activities geared towards the spiritual growth of the beneficiaries.

f. Income Generating Activity

This aims to provide opportunities to OPs/PWDs acquire livelihood skills which they can utilize for gainful employment.

g. Community Participation

This aims to mobilize OPs/PWDs for them to be able to relate and interact with other members in the community. It involves activities that would promote group spirit, belongingness and camaradery.

5. Monitoring and Evaluation

- a. Reporting System – The Field Office shall submit semi-annual report to the Social Technology Bureau as basis for technical assistance.
- b. The Social Technology Bureau shall conduct quarterly monitoring and technical assistance to DSWD Field Offices. The DSWD Field Offices shall likewise monitor and provide technical assistance to NGOs and other entities implementing Group Home.
- c. An evaluation shall be conducted by the Bureau in coordination with the Field Office and NGOs, LGUs to determine and evaluate impact and effectiveness of the project on the intended beneficiaries, areas for technical assistance and modification of policies, procedures for the enrichment of the program.

6. Data Banking/Documentation

Continuous data banking on the implementation shall be maintained. Documentation of successful cases and experiences of OPs/PWDs in group homes shall be done.

VIII. FUND MANAGEMENT

A. *Procedures for Donations* – support and participation of concerned National Government Agencies, Local Government Units, Non-Government Organizations and Private Sector can be made through the following:

a) Manner of Donations

- Donation of land or existing or newly constructed housing unit(s)/structure(s) for use as Group Home for OPs and/or PWDs.
- Donation in cash or in kind (e.g. construction materials) for the construction, operation and/or maintenance of Group Home.

b) Procedures for Donations. The procedures for donations to the Program are as follows:

⇒ Local Donations

- In Kind

1) A company or organization or individual can donate in kind (e.g. construction materials) for use in the construction,

operation and maintenance of Group Home Program for OPs and/or PWDs to the DSWD, NGOs, or LGUs;

- 2) The donor will signify its intention by submitting its letter or proposal of intent to the DSWD, NGOs or LGUs;
- 3) The donation will be officially and formally accepted through a Memorandum of Agreement (MOA) to be signed by the DSWD, NGOs or LGUs and donor;
- 4) After the signing of the MOA, the donor will then give the donation in kind and execute the deed of donation in favor of the donee;
- 5) Donation in kind will be turned over to the DSWD, NGOs or LGUs for use in the construction, operation and/or maintenance of Group Home; and
- 6) The DSWD, NGOs or LGUs will make an official and public acknowledgement of the donation.

- In Cash

- 1) A company or organization or individual can donate in cash for the construction, operation, maintenance of the Group Home Program to the DSWD, NGOs or LGUs;
- 2) The donor will signify its intention by submitting its letter or proposal of intent to the DSWD, NGOs or LGUs;
- 3) The donation will be officially and formally accepted through a Memorandum of Agreement (MOA) to be signed by the DSWD, NGOs or LGUs and donor;
- 4) After the signing of the MOA, the donor will then deposit the donation to the trust account of the donee intended for the Group Home implementation.
- 5) The donee shall issue an acknowledgment receipt stating the amount of donation.
- 6) The DSWD, NGOs or LGUs will make an official and public acknowledgement of the donation.
- 7) The donor shall be informed of the progress of the utilization of the cash donation and its accomplishment by DSWD, NGOs or LGUs.

- In Property

- 1) A company or organization or individual can donate land or housing units to the DSWD, NGOs or LGUs;
- 2) The donor will signify its intention by submitting its letter or proposal of intent to the DSWD, NGOs or LGUs;
- 3) The donation will be officially and formally accepted through a Memorandum of Agreement (MOA) to be signed by the DSWD, NGOs or LGUs and the donor;
- 4) After the signing of the MOA, the donor will then give the land or housing units and execute the deed of donation in favor of the donee;
- 5) The DSWD, NGOs or LGUs will make an official and public acknowledgement of the donation;
- 6) The DSWD, NGOs or LGUs shall exercise their options to sell the donated land intended for Group Home to generate funds but the proceeds from the disposition of said land shall be used exclusively for the establishment/construction and operation and maintenance of Group Home for OPs and/or PWDs.

The conditions that must be satisfied, before the donated land may be allowed for disposition, are as follows:

- i). The donated land is not accessible to the facilities and resources in the area which may be considered as disadvantageous for the OPs and/or PWDs; and
- ii) Donee has other available land, which can be used for the purpose and has limited funds for the construction of the group home, and therefore the amount generated from the sales of the donation shall be fully use in the construction of the group home and shall be subjected to accounting and auditing rules and regulations.

B. *Fund Management* – a cash donation shall be held in trust by the DSWD, NGOs or LGUs to which the donation was made.

The donor shall be entitled to a formal statement of account on the utilization of his/her donation and the DSWD, NGOs or LGUs shall submit a monthly report to the donor on the status of the trust fund and its utilization.

C. *Determination of Valuation of Donations* – Pursuant to the National Internal Revenue Code, the basis in the valuation of donation, is as follows:

If the gift is made in property, the fair market value at the time will be considered the amount of donation. In case of real property, the taxable base is the fair market value as determined by the Commissioner of Internal Revenue (Zonal value) or fair market value as shown in the latest schedules of values of the provincial and city assessor (Tax Declaration), whichever is lower. If there is no zonal value, the taxable base is the fair market value that appears in the latest tax declaration. If there is an improvement, the value of improvement is the construction cost per building permit or occupancy permit plus 10% per year after year of construction, or the market value per latest tax declaration.

IX. TAX INCENTIVES

The donors for Group Home of OPs and/or PWDs are entitled to the following tax incentives:

1. Any donation and/or contribution of a housing unit, or its equivalent amount in cash or in kind, that may be made by participating entities/donors for Group Home for use of neglected, abandoned, abused, unattached and poor OPs and/or PWDs shall be exempt from the donor's tax subject to the provisions of Section 34 of Republic Act No. 8424 or the Tax Return Act of 1997, and shall be allowed as deductions from the donor's gross income for purposes of computing the taxable income (for the year the donation was made) subject to the provisions of Section 30 (H, 1 & 2 (a)) of the Act;
2. Any individual or non-government institutions establishing homes, residential communities or retirement villages solely for OPs/PWDs shall be entitled to other tax incentives as provided for in RA 9257 (Expanded Senior Citizens Act of 2003), BP 344 (Accessibility Law) and other existing laws.

Procedures in the Availment of Tax Incentives – the requirements and procedures for the availment of tax incentives are as follows:

A. Donors

- 1) The participating entity/donor shall file a written application for exemption from donor's tax, and for certificate or authorization allowing the donation as tax deductible item from donor's gross income with the:

Legislative, Ruling and Research Division

Bureau of Internal Revenue
National Office Building
Diliman, Quezon City

or to the

Revenue Collection Office where the
donor was domiciled.

X. ROLES & RESPONSIBILITIES:

Duties & Responsibilities of Participating Agencies:

1. Department of Social Welfare and Development (DSWD)

a) Social Technology Bureau

- Develop program guidelines/manual/policies of the Group Home Program;
- Formulate the action plan and the corresponding program of activities to promote the objectives of the Group/Home Program;
- Provide orientation, technical assistance/consultation with DSWD Field Office.
- Provide resource augmentation during pilot project implementation.
- Monitor the implementation of the group home for enhancement or further program development.
- Conduct national evaluation of pilot project implementation; and
- Conduct research study of the project.

b) Program Management Bureau

- Expand the project to other Field Offices.
- Provide resource augmentation for implementation; and
- Monitor the operations and implementation of the project and provide technical assistance.

c) Social Welfare and Development Institute Bureau

- Provide training and other capability building opportunities for the LGUs, NGOs for the effective implementation of the Group Home Program; and

- Develop and enrich instructional materials in support of capability building activities.
- d) Standards Bureau
- License/accredit the operation and maintenance of LGU and NGO-operated Group Home; and
 - Develop standards of the Group Home Program.
- e) Field Offices
- Provide technical assistance to LGUs on the implementation of Group Home
 - Monitor and evaluate the project to determine areas needing technical assistance
 - Submit quarterly report of implementation to STB
 - Participate in the evaluation of the project
- 2) Housing and Urban Development Coordinating Council (HUDCC)
- Assist in the solicitation and dissemination of E.O. 105 and its IRRs to prospective donors; and
 - Provide technical assistance in the construction of Group Home for OPs and/or PWDs.
- 3) National Anti-Poverty Commission (NAPC)
- Undertake solicitation and promotional campaigns in accordance with the approved action plan; and
 - In coordination with DSWD, submit regular reports on the status of implementation of Group Home for OPs and PWDs to the Office of the President.
- 4) National Council for the Welfare of Disabled Person (NCWDP)
- Assists in monitoring inspection of infrastructures in compliance with BP 344 through the sub-committee on Accessibility and Telecommunications.
- 5) Local Government Units (LGUs)
- Operate, maintain and provide adequate funding for the operation and maintenance of Group Home for OPs and/or PWDs in areas where the donation is given;

- Identify the project site and target clientele;
- Appoint a facilitating team, composed of CSWDO staff and volunteers, who will be responsible for the following:
 - Conduct social preparation and training of the community members, where the Group Home is located, and the older persons or PWD residents as necessary.
 - Assist the older person or PWD residents of the Group Home and the community to develop a viable livelihood project to support the Group Home Program.
 - Assist the community identify existing community-based health program to meet the medical needs of the Group Home beneficiaries.
 - Assist the older person or PWD residents of the Group Home in the day-to-day operation and maintenance of the Home.
 - Draw a contract with the residents of the Group Home on their role and responsibility in the day-to-day operations and maintenance of the Home.
- Provide case management to the residents of the Home.
- Provide administrative support such as salaries of the staff, incentives for the volunteers, maintenance of the group home and its beneficiaries and capital assistance for livelihood projects.
- Develop policies/procedures that would facilitate delivery of services to the beneficiaries of the Group Home.
- Monitor/evaluate the implementation of the project.
- Coordinate with the Field Office (FO) on areas needing technical assistance.
- Ensure compliance to the standards in the operations and maintenance of LGU/NGO-operated Group/Foster Home;
- Ensure compliance of private developers with the provisions of Batas Pambansa 344 or the Accessibility Law; and
- Submit regular reports on the implementation of Group/Foster Home for OPs and/or PWDs to DSWD for monitoring purposes.

4. Bureau of Internal Revenue (BIR)

- Issue circular/ruling allowing donations for Group/Foster Home and caregiving for OPs and PWDs as exempted from donor's tax and personal income tax.

5. National Economic and Development Authority (NEDA)

- Include donations for the establishment/construction of Group Home/Foster Home for OPs and/or PWDs in the annual national priority plan to avail the maximum allowable donor's tax deduction.


6. Non-Government Organizations (NGOs)

- Operate, maintain and provide adequate funding in the operation and maintenance of group/foster home for OPs and/or PWDs; and
- Submit regular reports on the implementation of group/foster home for OPs and/or PWDs to DSWD for monitoring purposes.

This Administrative Order is approved this 19 day of Jan. 2005.


CORAZON JULIANO-SOLIMAN
Secretary

A CERTIFIED COPY


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Chief, General Services Division
and OIC, Records Unit