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Department of Social Welfare and Development

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Memorandum Circular No. 26
Series of 2014

**SUBJECT : ADDENDUM TO ADMINISTRATIVE ORDER NO. 16 SERIES OF
2012 (REVISED ADMINISTRATIVE ORDER NO. 17 SERIES OF 2008)**

I. RATIONALE:

The Republic Act No. 4373 amended by R.A. 5175 of 1965 entitled “An Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies in the Philippines and for other purposes” and Presidential Decree 603 of 1977 entitled “The Child and Youth Welfare Code as amended”, mandated the Department of Social Welfare and Development (DSWD) to register, license and accredit social welfare and development agencies as well as suspend and revoke any issued registration, license and accreditation certification after due notice and hearing.

DSWD Administrative Order (AO) No. 16 series of 2012 also known as the “Revised Administrative Order No. 17 Series of 2008 (Rules and Regulations on the Registration and Licensing of Social Welfare and Development Agencies and Accreditation of Social Welfare and Development Programs and Services) was issued to establish mechanism and procedures on the registration, licensing and accreditation of agencies engaged in social welfare and development activities.

As of July 15, 2014, a total of 3,234 Social Welfare and Development Agencies (SWDAs) are registered and licensed nationwide, of which 1,813 SWDAs or 56% have an expired registration and license to operate. However, the processes of delisting of those SWDAs with expired or revoked certificates, and voluntary ceases its operations are not clearly specified in AO 16 s. 2012. Hence, the issuance of this amended guideline is necessary.

II. DEFINITION OF TERM

Delisting is defined as the removal of the name of the SWDA from the DSWD roster/registry of registered, licensed and accredited SWDAs as a result of any of the following:

1. Voluntary decision of the SWDA to cease its operation
2. Expiration of DSWD Certificate of Registration and License to Operate
3. Revocation of the DSWD Certificate of Registration and License to Operate per Field Office Review Committee (FORC) deliberation

4. Revocation of the Certificate of Registration issued by any regulatory government agencies that give a juridical personality to a SWDA to operate in the Philippines such as the Securities and Exchange Commission (SEC) and Cooperative Development Authority (CDA)

III. PROCEDURE OF DELISTING

1. For Voluntary Decision of the SWDA

- a. If the concerned SWDA ceased its operation, it shall submit report to the Standards Bureau (SB) or concerned Field Office (FO) that had issued the Certificate of Registration and License to Operate at least thirty (30) working days prior to the voluntary closure. The report must indicate the reasons for closing its operation, status of cases, turn over and transition plan, and records of their clientele being served and other preparatory activities. Other records to be submitted include (i) original copy of the Issued Registration and License to Operate, (ii) Statement of assets and liabilities; (iii) Board resolution on its dissolution, and (iv) Current financial status.
- b. The SB or concerned FO shall evaluate the reasons of closure of SWDAs and provide necessary technical assistance to the latter within fifteen (15) working days upon receipt of the SWDA's report.
- c. If the SWDA decided to pursue to cease its operations:
 - c.1. For SWDAs operating within one (1) region, seven (7) working days after the evaluation, the FO shall submit report to SB and FORC on SWDA's closure. The SB shall then delist the name of the SWDA from the roster of DSWD registered, licensed and accredited SWDAs, within 3 days upon receipt of FO's report
 - c.2. For SWDAs operating in more than 1 region, 7 working days after evaluation, SB shall submit report to Central Office Review Committee (CORC) and delist the name of the SWDA from the roster.
- d. The CORC or FORC to issue a resolution for the purpose of affirming the SWDA's closure and comprehensive transitory plan on the clients' case management and records, within ten (10) days after the deliberation in which the deliberation shall not exceed to fifteen (days) from the date of SB/FO report receipt.
- e. The concerned government agencies e.g. Securities and Exchange Commission (SEC), Cooperative Development Authority (CDA), LGU-Sangguniang Bayan/ Panglungsod/ Panglalawigan through the Provincial/City/Municipal Social Welfare and Development Offices (P/C/MSWDOs) shall be immediately informed by the concerned DSWD office on the decision of the SWDA for appropriate action and/or information.

2. For SWDAs to be delisted due to the ground of expiration of Certificate of Registration and License to Operate

- a. When the period indicated in a SWDA's Certificate of Registration and/or License to Operate lapses, it immediately/automatically loses its legal authority to operate as SWDA.
- b. If the SWDA does not apply for renewal to DSWD either to SB and FO within sixty (60) days prior to the expiration of its registration or license to operate, the SWDA shall be informed in writing by the concerned FO or SB covering the SWDA, if operating in one (1) region or in more than 1 region respectively, seven (7) working days after the SWDA's grace period for renewal, on the delisting of its name from the roster of DSWD registered, licensed and accredited SWDAs. The SWDA shall be given 22 working days to respond to the DSWD memo and apply for the renewal of its DSWD Certificate of Registration and/or License to Operate.
 - b.1. If SWDA expressed interest in renewing its registration and license to operate, 30 working days is given to SWDA to comply with the requirements as stipulated on item V. General Policies and VI. General Procedures of AO 16 series of 2012.
 - b.2. If there is no reply from the SWDA
 - b.2.1. 15 working days after the 22 working days grace period, the concerned FO or SB covering the SWDA shall conduct further validation on the existence of the SWDA and determine the welfare and protection of its clientele being served.
 - b.2.2. If SWDA expressed its disinterest in renewing its Certificate of Registration or License to Operate, immediately the SWDA shall surrender the original copy of issued registration and license certificate to the concerned FO or SB covering the SWDA.
 - b.2.3. Either the SWDA expressed disinterest or no longer exist in the area, 15 working days after the visit as stated in item b.2.1, the concerned SB or FO covering the SWDA shall submit the report to CORC or FORC respectively the result of the validation. Simultaneously, said offices shall:
 - For SWDA's operating within one (1) region, within 7 working days, FO shall submit report to SB on SWDA's closure. The SB shall then delist the name of the SWDA from the roster of DSWD registered, licensed and accredited SWDAs, within 3 days upon receipt of FO's report
 - For SWDA operates in more than 1 region, 7 working days after validation assessment, SB shall delist the name of the SWDA from the roster
 - b.2.4. In a maximum of 15 working days, CORC and FORC shall deliberate the welfare and protection of clients affected by the

SWDAs with expired registration and license and have not initiated efforts to renew within the maximum period indicated in AO 16 series of 2012.

- c. Within 10 days after deliberation, CORC or FORC to issue a resolution for the purpose of affirming the SWDA's closure and comprehensive transitory plan on the clients' case management and records.
 - d. SB or concerned FO shall immediately inform the concerned agencies e.g. SEC, CDA, LGU-Sangguniang Bayan/Panglungsod/Panglalarawan through the Provincial/City/Municipal Social Welfare and Development Offices (P/C/MSWDOs) on the status of the SWDA for their appropriate action and/or information.
- 3. For SWDA with Revoked Certificate of Registration and License to Operate on the Ground of Complaints Deliberated by FORC**
- a. The case of a SWDA with valid certificate of registration and license to operate but has received a complaint or has committed a violation shall be handled either by FORC and/or CORC. Please refer to Section IX. Procedures in Handling of Complaints/Information of AO 16 series of 2012 on the deliberation and procedure in handling complaints.
 - b. After thorough deliberation, FORC shall issue the resolution and comprehensive transitory plan on the clients' case management and records.
 - b.1. If without appeal from the SWDA,
 - b.1.1. Within seven (7) working days after the grace period for filing of appeal, FO reports to SB the result of FORC deliberation and resolution.
 - b.1.2. Three (3) working days upon receipt of FO report, SB shall delist the name of SWDA from the roster of DSWD registered, licensed and accredited SWDAs.
 - b.1.3. Immediately the SWDA shall be notified to surrender the original certificate to the concerned DSWD Office that issued the certificate
 - b.2. If with appeal at FORC and CORC Level
 - b.2.1. Handling of appealed cases shall be in accordance with the provisions of Section IX. Procedures in Handling of Complaints/Information of AO 16 series of 2012.
 - b.2.2. Immediately the SWDA shall be notified to surrender the original certificate to the concerned DSWD Office that issued the certificate
 - b.2.3. Within seven (7) working days, after the grace period of appeal to FORC, FO reports to SB the result of FORC deliberation and resolution. Likewise, three (3) working days upon receipt of FO report, SB shall delist the name of SWDA from the roster of DSWD registered, licensed and accredited SWDAs.

b.2.4. If resolution is issued by CORC, SB shall delist the name of SWDA from the roster of DSWD registered, licensed and accredited SWDAs, five (5) working upon receipt of the CORC resolution.

c. The DSWD Office concerned shall immediately inform the concerned agencies e.g. SEC, CDA, LGU-Sangguniang Bayan/Panglungsod/Panglalawigan through the Provincial/City/Municipal Social Welfare and Development Offices (P/C/MSWDOs) on the status of the SWDA for their appropriate action and/or information.

4. For SWDA with Revoked Certificate of Registration issued by any regulatory government agencies that give a juridical personality to operate in the Philippines such as Securities and Exchange Commission (SEC) and Cooperative Development Authority (CDA)

a. Regulatory Agency officially informed the DSWD on the revocation of the SWDA's Registration for Juridical Personality

a.1. Once the DSWD is officially informed by the concerned regulatory government agency that their issued Certificates of Registration on the juridical personality of the SWDA is revoked, the issued DSWD Certificate of Registration, License to Operate and Accreditation are also automatically revoked. Thus, within five (5) working days upon receipt of the report, FO/SB acknowledges the report of the concerned regulatory agency. Likewise, the concerned SWDA shall notify to surrender the original copy of their Certificate of Registration and License to Operate. Simultaneously, concerned DSWD Office shall:

a.1.2. If FO receives the report, it shall then refer to SB for information and basis for delisting. SB shall then delist the name of the SWDA from the roster, within 3 days upon receipt of FO's report

a.1.3. If SB receives the report, SB shall delist the name of the SWDA from the roster

b. Regulatory agency unofficially inform the DSWD on the revocation of the SWDA's Registration for juridical personality or information reported/learned only by/from concerned citizens or tri-media etc.

b.1. 10 working days upon receipt of the information, SB or concerned DSWD FO shall conduct a validation on the veracity of the information and submit report to the Undersecretary for Institutional Development Group (IDG) or concerned Regional Director respectively.

b.2. If the veracity of the report is found to be legitimate or established, the issued DSWD Certificates of Registration and License to Operate and Accreditation are automatically revoked and the certificates shall immediately surrendered by the SWDA to concerned DSWD Office that issued the certificate. Likewise, within 7 working days after validation,

FO reports its veracity to SB for information and basis for delisting. SB shall then delist the name of SWDA from the roster of DSWD registered, licensed and accredited SWDAs within 5 working days upon receipt of FO report or after SB validation assessment.

- c. CORC or FORC shall also issue a resolution for the purpose of affirming the closure of the SWDA and comprehensive transitory plan of clients' case management and records, if any, 10 working days upon receipt of SB/FO report.

For better appreciation, attached are the annexes corresponding to the process flow for each above-cited conditions.

IV. MANAGEMENT OF CASES OF THE SWDA'S CLIENTS

1. For every SWDA to be delisted from the roster of DSWD registered, licensed and accredited SWDAs, the welfare, protection and best interest of the clients shall be upheld. For the four (4) scenarios considered as triggers for delisting, the CORC/FORC resolution should include a comprehensive transitory plan to ensure the welfare, protection and best interest of the clients.
2. The focal persons of FO Standards Unit together with the Head of Institutional Development Division (IDD) and Operations Division in coordination with the concerned SWDA, Protective Service Bureau (PSB) and Local Government Unit (LGU), shall identify and tap our own DSWD or LGU facilities and/or other registered/licensed/accredited SWDA with similar services and type of clientele within the region, for the possible transfer of clients from one SWDA to another and for the continuity of the management of cases of the clients whether in a residential or community-based modes. The transfer of clients shall consider the manpower and resources of the receiving SWDAs as well as the welfare and protection of the clients. Receiving SWDA in nearby regions may be considered, if there is no available SWDA with same services in the same region.
3. The actual transfer of clients including the management of cases and recordings shall be under the supervision of the FO Operations Division and reports must be copy furnished to the Central Office thru SB and PSB and to FO-IDD. Necessary documents for the transfer of clients shall include but not be limited to the following:
 - a. Referral letter from DSWD or concerned SWDA to the receiving SWDA
 - b. Client's Transfer Summary Report with recommended intervention/treatment plan
 - c. Client's Updated Social Case Study Report
 - d. Client's Medical Certificate/Clearance, if necessary
 - e. Legal documents depending on the client's case e.g. birth certificate, court records etc
 - f. School records, for schooling clients

- g. Other client's pertinent records from the concerned SWDA
4. Institutional Arrangement

The following shall be the functions of the concerned Offices and Committees in the delisting of SWDAs:

a. *Standards Bureau (SB)*

- a.1. Conduct validation/assessment and monitoring of SWDAs
- a.2. Provide technical assistance to the DSWD-FO on the transfer of clients to other SWDA and cessation of operations of SWDAs to be delisted
- a.3. Delist the name of concerned SWDAs in the database
- a.4. Maintain data base of delisted SWDAs, nationwide and regional
- a.5. In coordination with the Information Communication Technology and Management Service (ICTMS) and Social Marketing Services (SMS), post to DSWD website the list of delisted SWDAs

b. *Protective Service Bureau (PSB)*

- b.1. Provide technical assistance to the DSWD-FO on case management of the clients of the concerned SWDA.
- b.2. Extend necessary augmentation funds or other relevant assistance to the receiving DSWD/LGU facilities and registered/licensed/accredited SWDA for the protective custody and continuity of the case management of the transferred clients
- b.3. Include in the Bureau's work and financial plan the projected funds for the services to the clients affected by the closure and deletion of SWDAs

c. *Legal Service*

Provide legal opinions, advice and services to Standards Bureau and FOs regarding issues and concerns on the regulation of SWDAs including the forfeiture of the SWDA's properties and assets.

d. *Financial Management Services*

Process the request for release of funds from appropriate source, to the concerned FOs and/or receiving SWDAs for the protective custody and continuity of the case management of the clients to be affected by the closure and deletion of the SWDAs from the DSWD roster, subject to availability of funds.

e. *DSWD-FO*

e.1. *Institutional Development Division- Standards Unit*

- ❖ Conduct validation/assessment and monitoring of SWDAs
- ❖ Maintain databank of delisted SWDA

- ❖ Submit feedback report to the Standards Bureau and PSB on the cessation of the SWDA's operations

e.2. *Operations Division-Protective Service Unit*

- ❖ Include in the regional work and financial plan the projected funds for the services to the clients affected by the closure and deletion of SWDAs
- ❖ Provide technical assistance to the receiving SWDA
- ❖ Extend necessary funds or other relevant assistance to the receiving DSWD/LGU facilities and registered/licensed/accredited SWDA for the protective custody and continuity of the case management of the transferred clients
- ❖ Monitor and follow-up the management of cases of transferred clients to the SWDA
- ❖ Submit quarterly consolidated report to the FO Director copy furnishes SB and PSB the status of transferred clients to receiving SWDAs.

f. *CORC and FORC*

Aside from those functions indicated in Section VIII of AO 16 s. of 2012. The CORC and FORC shall also issue a resolution on the closure of the establishment and forfeiture of its properties or assets in accordance with the law, transfer of clients including records and case management

g. *Receiving SWDAs*

- g.1. Continue the case management of the transferred clients
- g.2. Submit monthly report to FO the status of transferred clients.

V. ROSTER OF REGISTERED, LICENSED AND ACCREDITED SWDAs

Upon approval of this guideline, the FO-Standards Unit is given six (6) months to review/finalize the current regional roster of SWDAs which shall then be forwarded to SB for inclusion in the roster of SWDAs nationwide. On the other hand, SB has one (1) year to work on the finalization and updating of the existing national roster of SWDAs including those SWDAs operating within one (1) region and those implementing in more than one region. The online database of registered, licensed and accredited SWDAs is expected to be well run and updated quarterly. The data both at SB and FOs can be segregated into the following with corresponding statistics for reference in monitoring, policy and standards development and provision of technical assistance among others:

1. Auxiliary SWDAs with Valid DSWD Registration Certificates
2. Social Welfare Agencies (SWAs) with Valid Certificate of DSWD Registration and License to Operate
3. Registered and Licensed SWDAs with Valid DSWD Accreditation of Programs and Services

4. Delisted SWDAs due to the following factors:
 - a. Voluntary Closure
 - b. With Expired Registration and/or License to Operate
 - c. With Revoked Registration and/or License to Operate
 - d. With Revoked Certificate of Registration from any regulatory government agencies
5. SWDAs with Complaint

SB in coordination with the SMS and ICTMS shall quarterly upload and post the roster of SWDAs in the DSWD website.

Further, the FOs in coordination with the concerned offices has 1 year to oversee or process the case management of clients (e.g. transfer of clients to another SWDA or reintegration of clients to their respective families/communities) of those SWDAs which shall be affected immediately by this guideline.

VI. EFFECTIVITY

This Administrative Order shall take effect immediately.

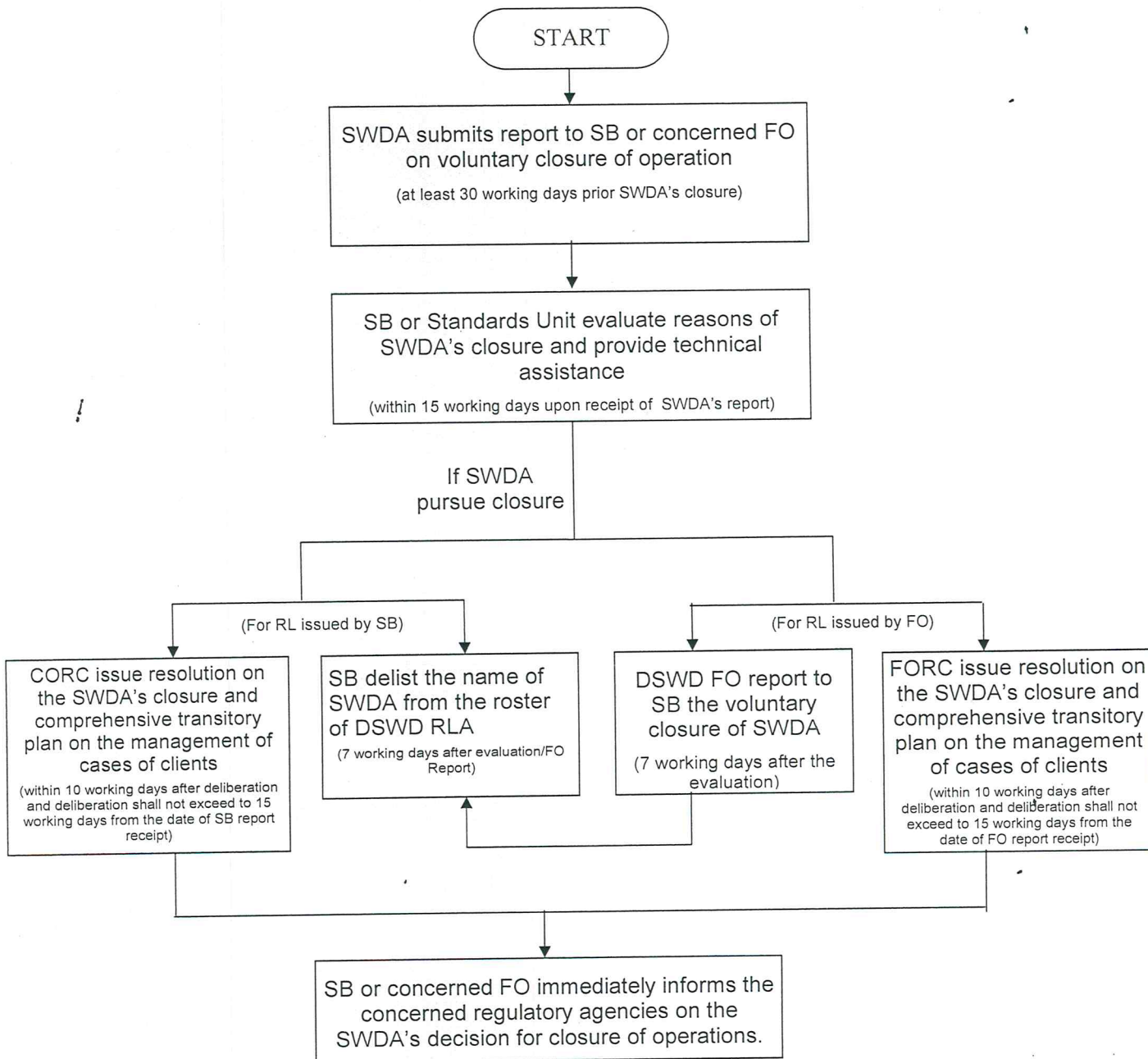
Issued this 29th day of December, 2014 at Quezon City, Philippines.


CORAZON JULIANO-SOLIMAN
Secretary

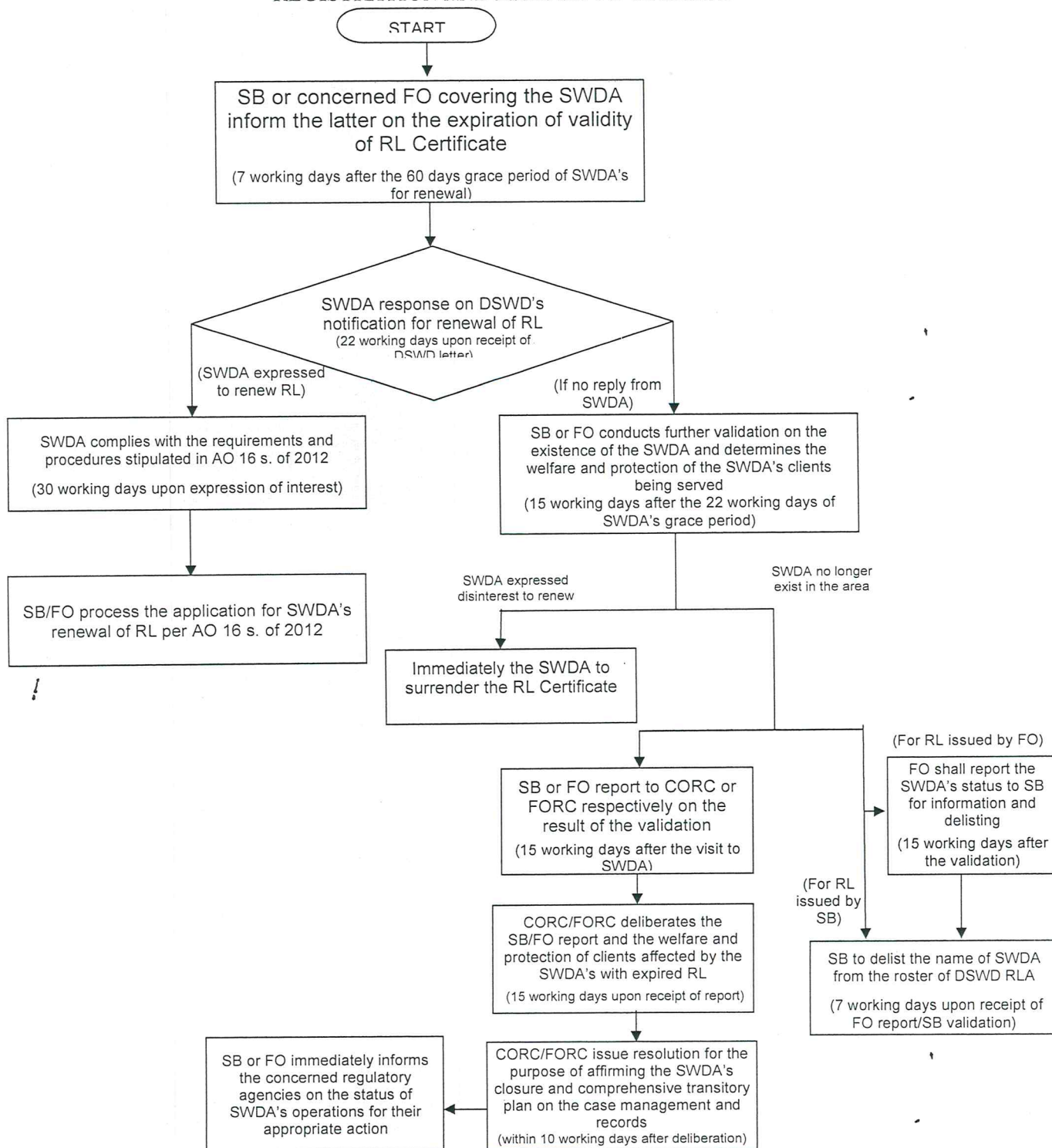
Attachment:

- Annex 1 - DSWD-SB-Delisting-F-001: Voluntary Decision
 - Annex 2 - DSWD-SB-Delisting-F-002: Expired RL Certificate
 - Annex 3 - DSWD-SB-Delisting-F-003: Revoked DSWD RL Certificate
 - Annex 4 - DSWD-SB-Delisting-F-004: Revoked Registration from Regulatory Agencies
- AO No. 16 series of 2012

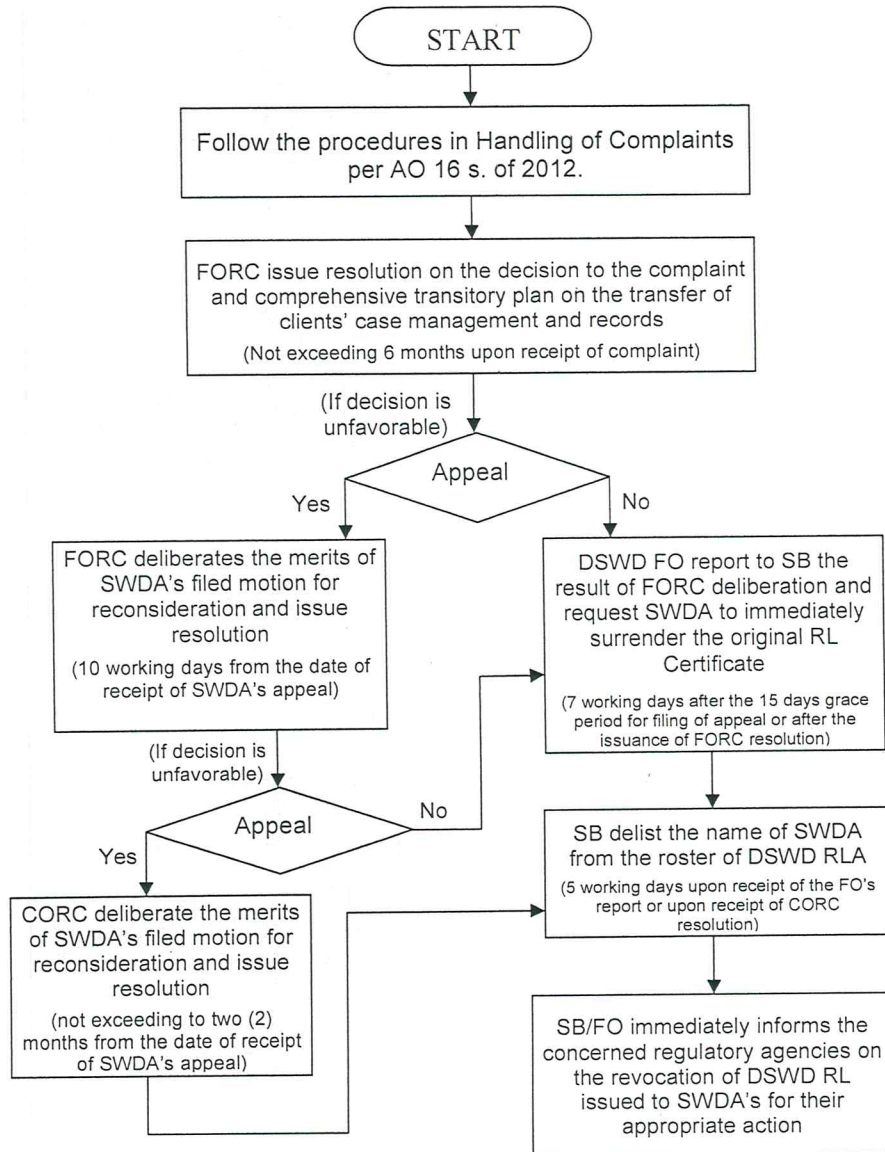
SWDA'S TO BE DELISTED DUE TO VOLUNTARY DECISION



SWDAS' TO BE DELISTED DUE TO EXPIRATION OF CERTIFICATE OF REGISTRATION AND LICENSE TO OPERATE



SWDA TO BE DELISTED DUE TO REVOCATION OF CERTIFICATE OF REGISTRATION AND LICENSE TO OPERATE



SWDA TO BE DELISTED DUE TO REVOCATION OF REGISTRATION OF JURIDICAL PERSONALITY FROM REGULATORY AGENCIES

