

Memorandum Circular No. 16  
Series of 2018

**SUBJECT: GUIDELINES ON HANDLING OF COMPLAINTS AGAINST  
SOCIAL WELFARE AND DEVELOPMENT AGENCIES**

**I. RATIONALE**

The Department of Social Welfare and Development (DSWD) is mandated to register, license and accredit individuals, agencies and organizations engaged in social welfare and development (SWD) services, set standards and monitor the compliance to these standards. Such DSWD regulatory functions enable the government, non – government organizations and the local government units (LGUs) to achieve and maintain the standards of SWD programs and services and to ensure that the marginalized, poor and disadvantaged individual, families and communities receive quality services in any part of the country.

For the past five (5) years (2013-2017), various complaints against social welfare and development agencies (SWDAs) were received and handled by the Field Offices (FOs). The procedures in handling of complaints as stipulated in AO 16 s. 2012 is a generic approach. There were cases that the investigation were made based on the discretion of the concerned FOs and acted too late which affects the SWDAs and welfare of the clients being served. Thus, policies must be reviewed and enhanced to have a clear and common direction in managing cases against SWDAs and to be consistent with the newly issued laws as well as alignment with current structures at Central Office (CO) and FOs.

**II. LEGAL BASES**

1. Republic Act (RA) No. 10847 of 2016 (An Act Lowering the Age Requirement for Applicants taking the Board Examination for Social Workers, Providing for Continuing Social Work Education, and Upgrading the Sundry Provisions relative to the Practice of Social Work)
2. Professional Regulatory Board for Social Workers Resolution No. 03 series of 2017 (Implementing Rules and Regulations of RA No. 4373, otherwise known as an Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies in the Philippines and for other Purposes, as amended by RA Nos. 5175 and 10847)
3. RA No. 4373 of 1965 (An Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies in the Philippines and for Other Purposes)
4. Executive Order No. 292 of 1987, otherwise known as “The Administrative Code of 1987” Title XVI

5. Presidential Decree No. 603 of 1977 entitled "The Child and Youth Welfare Code as amended"

### III. OBJECTIVES

1. **General Objective.** To institutionalize the system in the management of complaints against neglect, abuse, and exploitation of clients by the erring SWDAs.
2. **Specific Objectives:**
  - 2.1. Enhance grievance mechanism systems and implement sanctions against those who violate policies and procedures regarding the registration, licensing and accreditation of SWDAs; and
  - 2.2. Provide protocols for handling complaints against erring SWDAs.

### IV. Definition of Terms.

1. **Appeal** – refers to the act of the aggrieved party requesting the Secretary to reverse or modify the decision issued by the Field Director.
2. **Blacklisting** – refers to the penalty disqualifying a SWDA from being registered, licensed, or accredited perpetually or for a given period of time.
3. **Complaint** – refers to the report, either verbal or written, of an alleged act or omission committed by any SWDA, managed or operated by the public or private SWDAs, for acts or omissions that constitute a violation of existing laws, rules or issuances.
4. **Delisting** – refers to the process by which a registered, licensed, or accredited SWDA is remove from the list of registered, licensed, and accredited SWDAs of the DSWD.
5. **Fact-Finding** – refers to the gathering of information, documents and other evidence necessary to establish or prove a particular fact or event, usually to determine whether or not there is sufficient evidence to warrant formal hearing by the Field Office Review Committee (FORC).
6. **Jurisdiction** – refers to the authority of the DSWD Secretary or the Field Director to decide complaints against SWDAs. The Field Director has jurisdiction to investigate, hear, try and decide cases against SWDAs operating in its respective region.
7. **Motion for Reconsideration** – refers to the act of the aggrieved party of asking the Field Director to reverse or modify the decision issued by the Field Director.
8. **Protective Custody** – refers to the act of the DSWD of placing a person in a government facility, or licensed, or accredited SWDA with a residential care facility, or a foster home, to protect that person from a dangerous person or situation.
9. **Suspension** – refers to the penalty imposed on a SWDA in the form of temporary cessation of operations for a period of a minimum of one (1) month and not more than one (1) year.

10. **Revocation** – refers to the cancellation of the registration, license, and/or accreditation of a SWDA.
11. **Unlicensed Organizations** – refers to those organizations that operate and provide social welfare and development programs and services without license as SWDAs by the DSWD, including those whose Certificate of License to Operate have expired or been revoked.

## V. Coverage

These guidelines shall cover the SWDAs registered, licensed, or accredited by the DSWD as well as those unregistered and unlicensed organizations.

## VI. General Policies

1. **Complaint.** – For a complaint to be valid, it must meet the following requirements:
  - 1.1. It shall be in writing and subscribed by the complainant and shall contain the following:
    - a. Full name, and contact details of the complainant.
    - b. Full name of the SWDA, and where applicable, the full name and position of any personnel of such SWDA.
    - c. A narration of the relevant and material facts that shows the act or omission allegedly committed by the respondent.
    - d. Copies of documentary evidence and affidavits of witnesses, if any.
  - 1.2. Anonymous complaints shall be considered only if it is of public knowledge, is supported by clear evidence, or is readily verifiable or contains sufficient leads or particulars to enable the taking of further action.
  - 1.3. Verbal complaint is considered provided it is readily verifiable and with adequate information that leads to take for further action. The verbal complaints shall be entered in the complaints logbook, but wherever possible, shall be confirmed in writing. Likewise, the complaining party shall provide his/her address and telephone number, if any.

**Official Complaints.** If, as a result of the assessment and/or monitoring of a SWDA, the Assessor finds that the SWDA deviated from the requirements and standards on registration, licensing, or accreditation, the DSWD shall provide the appropriate technical assistance to the concerned SWDA. However, if any violation of any existing law or policy affecting the operations and/or welfare of the clients of the SWDA is observe, the Assessor shall report such observations to the concerned Field Director, and such observations shall be considered an Official Complaint.

2. **Where to File a Complaint.** All complaints shall be filed at the concerned DSWD FO in which the SWDA operates. If the SWDA operates in more than one region, the complaint shall be filed in the region in which the alleged act or omission occurred.

3. **Who may File a Complaint** – Any of the following may file a complaint:
  - 3.1. The offended party;
  - 3.2. The parent or legal guardian of the client;
  - 3.3. An ascendant or collateral relative of the client within the third degree of affinity or consanguinity (e.g., sibling, aunt/uncle);
  - 3.4. An employee of the DSWD or other government agency;
  - 3.5. An employee of a registered, licensed, or accredited SWDA;
  - 3.6. The Barangay Chairperson; or
  - 3.7. Any person who has personal knowledge of the act or omission being complained of.
  
4. **Grounds for Complaint** - A complaint may be filed for acts or omissions, which are:
  - 4.1. Contrary to law or regulations;
  - 4.2. Unreasonable, unfair, oppressive or discriminatory;
  - 4.3. Inconsistent with the general course of a SWDA's functions and provisions on SWDA's manual of operation and other policies;
  - 4.4. Contrary to a directive of the DSWD, or any of its officials, to the SWDA, or any of its personnel;
  - 4.5. Otherwise irregular, immoral or devoid of justification;
  
5. **Venue of Hearings.** – Hearings shall be hold in any facility authorized by the DSWD FO or CO.
  
6. **Disqualification and Inhibitions** – The following shall not act on any complaint, whether as member of the Fact-Finding Team, the FORC, or the CORC, or in any other capacity:
  - 6.1. Parties to the complaint, whether as respondent or complainant.
  - 6.2. Those with pecuniary or material interest in the case.
  - 6.3. Those related to any officer of the SWDA within the fourth (4<sup>th</sup>) degree of affinity or consanguinity.
  - 6.4. Those who, at one time or another, have previously acted on the case of the complaint or proceeding.

No member of the Secretariat of the FORC and CORC shall be part of the Fact-finding Team.

Where the Chairperson of the FORC or CORC is disqualified or has voluntarily inhibited from participating in a case, the Vice-Chairperson shall act in his/her capacity respectively. Whenever, the Vice-Chairperson is also disqualified or has also inhibited from participating in a case, the Field Director or the Secretary shall appoint an Acting Chairperson from among the qualified members of the FORC and CORC, respectively. The grounds for disqualification and inhibitions are also the basis for the voluntary inhibition from participating in a case. Likewise, when half of the total number of the FORC or CORC members are disqualified for any of these

grounds, the Field Director or the Secretary shall designate such number of members in an acting capacity as will be necessary to constitute a quorum.

## **VII. Fact-Finding Team and Review Committees**

The DSWD Fact-Finding Team, Field Office Review Committee (FORC) and Central Office Review Committee (CORC) are hereby created with the following compositions and functions:

### **1. Fact Finding Team (FFT)**

#### **1.1. Composition of the FFT**

The Field Director shall issue a Regional Special Order designating the Team Leader and members of a FFT, which shall be composed of at least three (3) officers/staff who shall conduct the fact-finding investigation of a particular complaint against SWDA. The FFT members should be DSWD staff with "plantilla position of Officer Level" and with technical expertise relevant to the subject matter of the complaint. The DSWD hired/retainer lawyer of the concerned FO may assist and provide technical assistance to the FFT members in execution of their functions.

Upon recommendations of the CORC, the Secretary may issue a Special Order for the CO-FFT. The CO-FFT may augment to the FO-FFT, if needed with the guidance of the Legal Service.

The DSWD FOs shall maintain a pool of FFT members for every sector, such as children, youth, women, family and community, older persons, persons with disability, indigenous people and among others. The FFT members shall be capacitated to become experts on this concern. The DSWD Core Group of Specialist and sectoral focal person shall be tapped to serve as FFT members.

#### **1.2. Functions of the FFT**

- a. Secure evidence, including documentary evidence such as sworn statement/affidavit, case files, and photographs, among others.
- b. Interview SWDA officials, personnel, and/or clients.
- c. Conduct other relevant activities that may expedite the investigation.
- d. Prepare and submit a Fact-Finding Report.
- e. Participate in the FORC Committee Hearing as Resource Persons.
- f. Prepare logistics support prior to, during, and after, the conduct of fact-finding investigation.
- g. Prepare the Minutes of fact-finding investigation meetings and other documentations.

- 1.3. The FO Standards Section shall keep and update the pool of FFT members at the FO level. It shall also be the repository of records of Fact-Finding Investigations. SB shall keep and update the record of the pool of CO-FFT members.

## 2. Field Office Review Committee (FORC)

### 2.1. *Composition*

- a. *Chairperson* – Assistant Field Director for Operations
- b. Vice-Chairperson – Chief/Officer In-Charge (OIC) of the Policy and Plans Division (PPD)
- c. Members - Division Chief/OIC and alternate representative with a “plantilla position of Officer Level”, from PPD, Protective Services Division (PSD) Financial Management Division (FMD); the hired/retainer lawyer; and one (1) Area-Based Standards Network (ABSNET) representative.
- d. Provisional Members - The Division Chief/OIC or his/her authorized representative from other FO Divisions/Sections/Units, may be invited to participate in the FORC, if necessary.

The ABSNET representative may claim transportation expenses in accordance with the applicable rules and regulations.

### 2.2. *Secretariat*

The FORC shall be supported by a Secretariat to coordinate the activities involved in handling complaints, which shall be lodged with the Standards Section. If needed, the Field Director shall designate additional Secretariat members through a Regional Special Order. The Secretariat shall provide technical and administrative support to the FORC.

- 2.3. The Field Director shall issue a Regional Special Order indicating the names of the permanent and alternate members of the FORC, its Secretariat, and the ABSNET representative. In designating an ABSNET representative, the Field Director shall designate an ABSNET representative who has no direct or indirect interest in the complaint being heard and that he/she is duly consulted and endorsed by the Regional ABSNET Officer/s.

- 2.4. *Quorum* – A majority of all the members of the FORC shall constitute a quorum, provided that either the Chairperson or the Vice-Chairperson is present.

### 2.5. *Functions of FORC*

- a. Evaluate the complaint and its attachments, if any, and recommend to the Field Director the appropriate action.
- b. Evaluate the results of the Fact-Finding investigation.
- c. Issue Notices of hearings, and other Notices and Orders pertaining to conduct of Formal Hearings.
- d. Conduct Formal Hearings of complaint against SWDA.
- e. Prepare Reports and Resolutions and submit the same to the Field Director.
- f. Oversee the implementation of decisions issued by the Field Director.

g. Submit records of the case to the CORC upon request.

3. Central Office Review Committee (CORC)

3.1. *Composition*

a. Chairperson - Assistant Secretary for Policy and Plans Group (PPG)

b. Vice Chairperson – Director of Legal Service

c. Members

c.1. Permanent Members

Director or his/her alternate authorized representative with a “plantilla position Officer Level” from Standards Bureau, Protective Services Bureau (PSB), and Financial Management Service (FMS) and one (1) ABSNET representative

The ABSNET representative may claim transportation expenses in accordance with applicable regulations.

c.2. Provisional Members

The Director of the other offices/bureaus/services (OBS) of the DSWD or his/her authorized representative may be invited to participate in the CORC, if necessary

3.2. Secretariat

The CORC shall be assisted by a Secretariat to coordinate the activities involved in handling complaints, which shall be lodged with the Standards Bureau. The Secretariat shall provide technical and administrative support to the CORC.

3.3. The Secretary shall issue a Special Order indicating the names of the permanent and alternate members of the CORC, its Secretariat and the ABSNET representative. In designating an ABSNET representative, the Secretary shall ensure that the designated ABSNET representative has no direct or indirect interest in the complaint being heard and that he/she is duly endorsed by the National ABSNET.

3.4. *Quorum* - A majority of all the members of the CORC shall constitute a quorum, provided that the Chairperson or Vice Chairperson is present.

3.5. Functions of CORC

a. Deliberate on, and make recommendations as to the disposition of, appealed cases handled by the FO.

b. Require FORC to submit case records and its proceedings, if necessary.

c. Conduct hearings of appealed cases against SWDA, if necessary.

d. Issue Notices of hearings, and other Notices and Orders pertaining to conduct of hearing CORC appeal cases.

e. Prepare Reports and Resolutions and submit the same to the Secretary.

f. Oversee the implementation of decisions issued by the Secretary.

- g. Deliberate on, and recommend decisions to the Secretary on the reported cases of SWDAs operating in more than one (1) region with expired license and recommended for delisting.

## **VIII. Procedure in Handling Complaints**

### **1. Commencement of Action**

- 1.1. Any DSWD FO personnel who receives a complaint shall forward the same to the Field Director.

Upon receipt of the complaint, the Field Director shall forward the complaint to the FORC for evaluation, and submission of a recommendation thereon to the Field Director within five (5) working days. The FORC shall recommend any of the following:

- a. Proceed with a fact-finding investigation.
- b. Proceed with a formal hearing (if the complaint is meritorious).
- c. Dismiss the complaint due to lack of merit.
- d. Treat the complaint as a request for technical assistance, which may then be referred to the concerned office in accordance with existing DSWD guidelines.
- e. Refer the complaint to concerned government agency/offices for appropriate action.

### **2. Fact-Finding Investigation**

- 2.1. Within three (3) working days from receipt of recommendation of the FORC to conduct a fact-finding investigation, the Field Director shall issue a Regional Special Order constituting a FFT.
- 2.2. The FFT shall then conduct the fact-finding investigation and complete the same within ten (10) working days from its constitution.
- 2.3. If the SWDA prevents the FFT from entering its premises during the conduct of the fact-finding investigation, the FFT shall seek assistance from the proper Barangay authorities. If the SWDA persists, the FFT shall secure a certification from the Barangay authorities as to such fact.
- 2.4. The FFT shall submit to the Field Director a Fact-Finding Report (Annex 1. Suggested Template for Fact-Finding Report), together with relevant supporting documents, within five (5) working days from the completion of its investigation. The Fact-Finding Report shall state the FFT's findings of facts, relevant laws, rules or issuances, and recommendation to either proceed with formal hearings or to dismiss the complaint.
- 2.5. Within three (3) working days from receipt of the Fact-Finding Report, the Field Director shall forward the Fact-Finding Report to the FORC for further evaluation. If the FORC agrees with the recommendation of the FFT, the FORC shall draft a Decision pursuant to the recommendation of the FFT and forward the same to the Field Director for approval. If the recommendation of the FORC is to proceed with a



formal hearing, the FORC shall issue the Notice of Hearing to the concerned SWDA.

- 2.6. If the FORC does not agree with the recommendation of the FFT, the FORC and the FFT shall hold a clarificatory conference. Thereafter, the FORC shall decide and submit a draft Decision subject for approval of the Field Director.

### **3. Formal Hearing**

- 3.1. The Field Director shall issue a Notice of Hearing to the concerned SWDA, directing to file its Answer, together with all pertinent evidence, within ten (10) working days upon receipt. A copy of the complaint, if any, and its supporting documents, shall be attached to the Notice of Hearing.
- 3.2. If the concerned SWDA fails to file its answer within the given period, the concerned SWDA shall be deemed to have waived its right to file an Answer. The FORC shall then proceed with the formal hearings and shall consider all evidence submitted by the complainant and gathered by the FFT.
- 3.3. If the concerned SWDA submits an Answer, the Field Director shall forward the ANSWER of the SWDA to the FORC for evaluation.
  - a. Within ten (10) working days from receipt of SWDA's Answer, if the FORC finds no sufficient cause to warrant further proceedings, the FORC shall recommend to the Field Director the dismissal of the complaint, and attach to its recommendation a draft Decision.
  - b. Otherwise, the FORC shall issue Notice of Hearing to the SWDA, FFT and complainant, if applicable, at least ten (10) working days before the date of the hearing.
- 3.4. During the Hearing, the FORC shall facilitate the proceedings. Hearings shall proceed even if either or both parties fail to appear, despite notice.
- 3.5. The FFT shall first present its findings, evidence and witnesses.
- 3.6. The SWDA shall then present its explanations, evidence and witnesses.
- 3.7. After the FFT and the SWDA have presented their respective evidence, the case shall be submitted for the resolution of the FORC.
- 3.8. The FORC shall prepare a comprehensive Report (Annex 2. Suggested Template of FORC Comprehensive Report) and submit the same to the Field Director. The Report shall state the FORC's proceedings, findings, evidence, laws, rules or issuances, and recommendation. The FORC shall attached to the Report a draft Decision for approval by the Field Director.
- 3.9. The Field Director shall issue a Decision within ten (10) working days from receipt of the Report from the FORC.

3.10. Upon lapse of the period to file a Motion for Reconsideration and no such motion is filed, the decision of the Field Director shall become final and executory.

#### **4. Motion for Reconsideration**

- 4.1. The aggrieved or interested party may file a Motion for Reconsideration of the Decision of the Field Director within ten (10) working days from receipt of the Decision.
- 4.2. The following are the grounds for a Motion for Reconsideration:
  - a. New evidence had been discovered which materially affects the Decision, Order or Directive.
  - b. Grave errors in handling fact of evidence or serious irregularities, have been committed prejudicial to the interest of the aggrieved party.
- 4.3. Only one Motion for Reconsideration shall be allowed.
- 4.4. The Field Director shall immediately forward the Motion for Reconsideration to the FORC for evaluation.
- 4.5. The FORC shall submit to the Field Director its recommendation on the Motion for Reconsideration within five (5) working days. The FORC shall attach to its recommendation a draft Order for approval by the Field Director.
- 4.6. The Field Director shall issue an Order on the Motion for Reconsideration within ten (10) working days from receipt of the recommendation of the FORC.

#### **5. Appeal**

- 5.1. The aggrieved or interested party may appeal the Decision of the Field Director before the Secretary within ten (10) working days from receipt of the Decision of the Field Director.
- 5.2. The following are the grounds for filing an Appeal:
  - a. New evidence had been discovered which materially affects the order, directive or decision;
  - b. Grave errors in handling fact of evidence or serious irregularities, have been committed prejudicial to the interest of the aggrieved party.
- 5.3. Upon receipt of the Appeal, the Secretary shall immediately forward the same to the CORC.
- 5.4. Within five (5) working days from receipt of the Appeal, the CORC shall convene to deliberate on its merits.
- 5.5. The CORC may conduct reinvestigation and/or gather additional documents, if necessary.
- 5.6. Within thirty (30) working days from convening, the CORC shall submit its Report (Annex 3. Suggested Template of CORC Report) to the Secretary. The CORC shall attach to its Report a draft Decision for approval by the Secretary.

5.7. The Secretary shall issue a Decision on the Appeal within five (5) working days from receipt of the Recommendation of the CORC. The SWDA concerned, the CORC, and the FOs from which the Appeal originated, shall be furnished copies of the Decision.

5.8. The Decision of the Secretary shall be final and executory.

## **6. Extensions and Notice**

In justifiable cases where it might not be possible to resolve the case within the set timeline, the FORC or CORC shall submit a Justification to the Field Director or to the Secretary, respectively, copy furnished the Standards Bureau. The request for extension should not be more than six (6) months for formal hearings, and not more than two (2) months for appeals. The request for extension may be made only once.

The Standards Bureau shall be furnished a copy of all Decisions issued by the Field Director and the Secretary.

## **IX. PENALTIES**

### **1. Reprimand**

A SWDA shall be reprimanded for the first commission of any of the following acts or omissions:

- 1.1. Insolvency or inability to continue support and maintain its operations, or to perform the functions for which it was granted.
- 1.2. Continuing non-compliance with social case management standards.
- 1.3. Poor sanitation of facilities and surroundings, rendering these unfit for clients.
- 1.4. Failure to submit annual accomplishment for two (2) consecutive years.
- 1.5. Failure to cooperate with the DSWD in its exercise of its regulatory functions including the conduct of Fact-Finding Investigation, among others.
- 1.6. Other analogous causes.

In addition, the concerned SWDA and the concerned DSWD FO shall formulate a plan of action to address the cause of the Reprimand.

The concerned SWDA shall be forewarned in writing that a further commission of any of the grounds for Reprimand shall merit the penalty of Suspension for the second commission, and Revocation for a third commission.

### **2. Suspension**

- 2.1. The registration, license or accreditation of a SWDA shall be suspended for a period of a minimum of one (1) month and not more than one year, for the second commission of any of acts or omissions penalized by Reprimand.

- 2.2. If any of the following acts occur, the registration, license and/or accreditation certificate of concerned SWDA shall be suspended, even the case are still under investigation or deliberation:
  - a. Use of SWDA for immoral purposes, such as but not limited to trafficking, gambling, prostitution, money laundering and terrorist financing.
  - b. Neglect, exploitation and abuse of SWDA clients.
- 2.3. If the concerned SWDA is operating in more than one (1) region, and/or has more than one facility, but committed a violation in only one (1) region or one (1) facility, the following shall apply:
  - a. If the violation of the SWDA affects its operations in more than one region, the entire operations of the SWDA shall be suspended.
  - b. Otherwise, only the operations of the SWDA in the region or the facility where the violation occurred shall be suspended.

### **3. Revocation**

The registration, license or accreditation of a SWDA shall be revoked for the third commission of any of acts or omissions penalized by Reprimand, and for any of the following acts:

- 3.1. Use of SWDA for immoral purposes, such as but not limited to trafficking, gambling, prostitution, money laundering and terrorist financing.
- 3.2. Neglect, exploitation and abuse of SWDA clients.
- 3.3. Mismanagement of funds.
- 3.4. Falsification of requirements for registration, licensing, or accreditation.
- 3.5. Cessation of operations as a SWDA.
- 3.6. Violation of laws or regulations.
- 3.7. Revocation of the SWDA's registration with the SEC or other regulatory agencies.
- 3.8. Other analogous causes.

### **4. Delisting**

A SWDA shall be delisted, in accordance with DSWD Memorandum Circular No. 26, series of 2014, for any of the following reasons:

- 4.1. Voluntary decision of the SWDA to cease its operation.
- 4.2. Expiration of DSWD License to Operate
- 4.3. Revocation of the license to operate of the SWDA
- 4.4. 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.

### **5. Supervision over Suspended SWDAs**

During the suspension period, the concerned SWDA shall cease its operations. However, the DSWD may allow the concerned SWDA to continue to operate if any of the following conditions exist:

- 5.1. If the suspension will cause prejudice to the best interest of the substantial number of clients.
- 5.2. If no other available licensed, and/or accredited SWDA can accommodate the clients of the suspended SWDA.
- 5.3. The SWDA agrees to operate under close supervision of the DSWD.
- 5.4. The SWDA agrees not to accept or admit any additional clients.

The supervision shall be based on the agreed Action Plan formulated by the DSWD FO and the concerned SWDA to address the cause/s of suspension. The Suspension Order shall only be lifted upon full compliance with the agreed Action Plan. The FORC, with the assistance of the Standards Section, shall monitor the SWDA's compliance with the Action Plan. The FORC shall render its recommendation to the Field Director whether or not to lift the Suspension Order and/or any other actions to be taken.

In the case of a SWDA operating in two or more regions, the Standards Bureau shall consult the concerned FO on the formulation the Action Plan considering the situation of the clients, DSWD and SWDA resources, and prevailing local or regional situation. Each program or geographical coverage of the SWDA's operation shall be referred to the appropriate FO for supervision. The supervising FO shall provide the Standards Bureau written monthly feedback regarding the accomplishment of the Action Plan during the suspension period.

The suspension, revocation of license or closure of a SWDA shall be effected without prejudice to other available legal action, either against the SWDA or against any of its official and personnel.

**6. *Activities after the Issuance of Order for Reprimand, or for Suspension or Revocation of Registration, License, or Accreditation***

The following activities shall be undertaken by the concerned DSWD Office after the issuance of the Order for Reprimand, or for Suspension or Revocation of Registration, License, or Accreditation:

- 6.1. For Reprimand
  - a. Provide Technical Assistance to the SWDA, if necessary, and assess the measures to resolve or remedy the violation or complaint, or the cause thereof.
  - b. Conduct an evaluation during the last month of the implementation of the SWDA's Action Plan in relation to the cause of reprimand. The results of the evaluation shall be the basis for recommending appropriate action to be taken.
  - c. Within thirty (30) working days upon receipt of the Order of Reprimand, the FORC and the CORC, with the assistance of the Standards Section and/or Standards Bureau, shall monitor the implementation of the decision and the completion of activities and the SWDA's Action Plan. This may include the following:
    - c.1. Actions relative to the SWDA, if applicable:

- i. Provide the needed technical assistance in relation to the implementation of the Action plan.
    - ii. Termination or suspension of operations, if applicable.
    - iii. Disposition of properties or assets in accordance with the SWDA's By-Laws.
- c.2. Actions relative to clients:
  - i. In coordination with the concerned FO, identification of SWDAs with similar services for possible transfer of clients.
  - ii. Actual transfer to the identified SWDA of clients, including records and case management files.
- d. Decisions imposing the penalty of Reprimand shall be reported by the concerned FO to the Standards Bureau, including all pertinent information regarding the concerned SWDA and including the activities to be and had been undertaken. The Standards Bureau shall then consolidate the reports from the FOs, including those operating nationwide, for submission to the Secretary.

## 6.2. For Suspension

- a. Provide Technical Assistance to the SWDA, if necessary, and assess the measures to resolve or remedy the violation or complaint, or the cause thereof.
- b. Inform and/or coordinate with the Securities and Exchange Commission (SEC), the Local Social Welfare and Development Office (LSWDO) covering the SWDA's area/s of operation, and other concerned agencies, as necessary, on the final decision of DSWD.
- c. Conduct an evaluation during the last month of the period of suspension on the implementation of the SWDA's Action Plan in relation to the cause of the suspension. The results of the evaluation shall be the basis for recommending appropriate action to be taken.
- d. Within thirty (30) working days upon receipt of the Order of Suspension, the FORC and/or the CORC, with the assistance of the Standards Section and/or Standards Bureau, shall monitor the implementation of the decision and the completion of activities and the SWDA's Action Plan. This may include the following:
  - d.1. Actions relative to the SWDA, if applicable:
    - i. Provide the needed technical assistance in relation to the implementation of the Action plan.
    - ii. Termination/suspension of operations.
    - iii. Disposition of properties or assets, in accordance with SWDA's By-Laws.
  - d.2. Actions relative to clients:
    - i. In coordination with the concerned FO, identification of SWDAs with similar services for possible transfer of clients.

- ii. Actual transfer to the identified SWDA of clients, including records and case management files.
- e. Decisions imposing the penalty of suspension shall be reported to the Standards Bureau, including all pertinent information regarding the concerned SWDA and the activities to be and had been undertaken. The suspended SWDA at the FO level shall be reported by the FOs to the Standards Bureau. The Standards Bureau shall consolidate the reports from the FOs, including those operating nationwide, for submission to the Secretary.
- f. If a SWDA providing the same programs and services is unavailable in the area, the concerned FO shall take into custody the clients and their respective case records, as well as personal belongings and effects such as clothing, etc. The concerned FO shall also assume case management until such time that an appropriate SWDA has been identified or until the suspension has been lifted.
- g. Initiate appropriate legal action before the courts or other proper agencies, if warranted.

### 6.3. For Revocation

- a. In the case of an agency whose registration, license, or accreditation has been revoked, the FO shall submit to the Secretary a report to include an Action Plan, signed by the SWDA's Chairperson or the authorized Board of Trustees, and the Field Director, and a Terminal Report on the SWDA's closure, respectively.
- b. Social work principles and best interest of the clients should be invoked
- c. Involve the concerned LGUs and/or law enforcement agencies on any actions towards revocation. LGU could assist in the closure of the SWDA and/or augment necessary resources for the clients.
- d. Initiate appropriate legal action before the courts or other proper agencies, if warranted, including filing of freezing the SWDA's funds.

## X. OTHER PENALTIES AND SANCTIONS

### 1. **Unlicensed Organization**

- 1.1. If any party learns of an Unlicensed Organization, the same shall be reported to the Standards Bureau or to the appropriate FO. The concerned FO shall then inform the Standards Bureau, or vice versa.
- 1.2. The Standards Bureau and the concerned FO shall then coordinate to provide the necessary Technical Assistance to the Unlicensed Organization. At the same time, the Standards Bureau shall require the Unlicensed Organization to apply for registration and licensing.
- 1.3. If upon the lapse of the period given by the Standards Bureau, the Unlicensed Organization continues to operate yet failed or refused to apply for registration and licensing, the matter shall be referred to the Legal Service. The Legal Service shall then initiate the appropriate

legal action against the Unlicensed Organization and the individuals involved therewith.

- 1.4. Simultaneously, the Secretary shall issue an order for the closure of such Unlicensed Organization.
  - 1.5. The needed coordination with the law enforcement shall be done by the concerned FO to implement the Closure Order.
2. **Blacklisting and Disqualification** – The following rules shall be observed in cases of blacklisting and disqualification for application for registration and/or license of a SWDA:
- 2.1. If the penalty of Revocation is imposed on a SWDA for the first time and the ground is any of the first four grounds provided therefor, or if the penalty of Revocation is imposed on a SWDA for the second time, that SWDA shall also be blacklisted and perpetually disqualified from applying for registration and/or license.
  - 2.2. If the penalty of Revocation is imposed on a SWDA, and the ground is any of the other grounds provided therefor, that SWDA shall also be blacklisted and disqualified from applying for registration and/or license for one year.
  - 2.3. If a blacklisted SWDA has a pending application for registration and/or license, such application shall be held in abeyance until after the SWDA is no longer blacklisted.
  - 2.4. A new SWDA applying for registration and/or license shall be disqualified if fifty percent (50%) of its officials or key personnel have been officials or key personnel of a previously blacklisted SWDA.
3. **Closure of SWDA** – The procedure on closure of SWDA shall be in accordance with the applicable procedures provided for under specific laws, rules and issuances such as “The Corporation Code of the Philippines”.

## XI. PROTECTIVE CUSTODY

Any employee who discovers, or receives any report or information concerning, any abuse of clients committed by a personnel of a SWDA, or committed within the premises of a SWDA, shall immediately report the same to the Field Director. The Field Director shall direct and assign the concerned technical staff to immediately take protective custody of the reported victim/s under the principle of *parens patriae*.

The victim shall immediately placed to appropriate alternative placement for protective custody. The victim shall also be provided counseling, and provided access to a lawyer relative to the immediate filing of the appropriate criminal and/or civil case, if warranted. Other interventions may also be provided in coordination with concerned offices and/or partners to respond on the needs per initial assessment.

In regular performance of this function, the officer of the DSWD shall be free from any administrative, civil or criminal liability.



## XII. GENERAL PROVISIONS

1. **Violation of Other Laws** – If the act or omission of an official and/or personnel of a SWDA also constitutes a violation of other applicable laws, the DSWD shall initiate appropriate legal action, if warranted; or the DSWD refer it to appropriate government agencies for appropriate action.
2. **Coordination with LGUs and Law Enforcement Agency** – The CORC and the FORC shall coordinate and seek assistance of LGUs and law enforcement agency in executing decision/s and penalty/ies, especially if the decision require suspension, revocation, cessation of operations, and/or closure of the SWDA.
3. **Protection of the DSWD Officer and Staff.** – In the regular performance of this function, the officer and staff of the DSWD shall be free from any administrative, civil or criminal liability. The DSWD shall provide legal assistance and protection to all duly-authorized official and staff of the Standards Bureau, FOs, and members of FFT, the FORC and the CORC who are involved in implementing and enforcing this guideline who have acted in accordance with their duties and functions.
4. **Erring Government Officials, Employees and/or Agencies.** – Erring government officials, employees, and/or government agencies shall be dealt with in accordance with existing rules and regulations of the Civil Service Commission, Professional Regulation Commission and other applicable laws.
5. **Effect of Pending Case.** – As a general rule, the application for renewal of Certificate of License of a SWDA with pending case before the DSWD shall be held in abeyance. The concerned FO shall take the necessary actions over the clients of the concerned SWDA.

However, a provisional License to Operate, effective for a maximum of six (6) months, shall be given to a SWDA if all of the following circumstances apply:

- 5.1. The maximum penalty that may be imposed on the SWDA due to the pending case is either Reprimand or Suspension.
  - 5.2. The SWDA's License to Operate is about to expire and the SWDA has applied for renewal prior to the receipt of complaint by the DSWD.
  - 5.3. The case could not be decided with finality before the expiration of the SWDA's License to Operate.
6. **Disclosure of Information to the Public.** – All records pertaining to the case against a SWDA shall be handled with strict confidentiality and shall be part of the information/data which are treated as exemption from the Freedom of Information Act. No information relating thereto shall be disclosed unless the matter has been resolved with finality by the Field Director or the Secretary, in which case results may then be made available to the public.
  7. **Applicability of the Rules of Court.** – The Rules of Court shall apply in a suppletory character, insofar as they are not consistent herewith and whenever practicable and convenient.
  8. **Forms and Templates.** – The Standards Bureau is hereby authorized to revise the attached form and/or prepares forms consistent with these guidelines.

9. **Repealing Clause.** – These guidelines shall supersede DSWD Administrative Order No. 16, series of 2012, and all other DSWD guidelines or issuances inconsistent herewith.
10. **Separability.** – If any provision of these guidelines is held invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.
11. **Transition.** – These rules shall apply to all cases pending at the time these guidelines take effect; *Provided*, that any provision herein shall not apply to if such would result in prejudice to the parties to the case.
12. **Effectivity** – These guidelines shall take effect fifteen (15) days after publication in a newspaper of general circulation and filing with the University of the Philippines Law Center.

August 29, 2018, Quezon City, Philippines.

  
**VIRGINIA N. OROGO**  
Acting Secretary  
DSWD

**Annexes:**

- Annex 1: Suggested Template on Fact Finding Report
- Annex 2. Suggested Template on FORC Report
- Annex 3. Suggested Template of CORC Report
- Annex 4 : Suggested Template for Reprimand and Suspension Order
- Annex 5. Process Flow on Commencement of Action on Complaint Receive
- Annex 6. Process Flow on Fact Finding Investigation
- Annex 7. Process Flow on Formal Hearing

Certify True Copy:

  
**MYRNA H. REYES**  
OIC-Division Chief  
Records and Archives Mgt. Division

FOR :  
FROM :  
SUBJECT : **Fact Finding Investigation Report on (indicate Title of the Case/Complaint)**  
DATE :

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**I. Introduction**

This entails but not limited to the following information: (i) Composition of the Fact Finding Team; (ii) Regional Special Order; (iii) Objectives of the Fact Finding Team; (iv) Methodologies; (v) Brief background of the case filed against the SWDA; and among others

**II. Statement of the Facts**

It includes (i) findings of facts regarding the complaint filed against the SWDA; (ii) evidences gathered; (iii) relevant laws, rules, or issuances violated by the SWDA; and (iv) Other circumstances surrounding the case

**III. Findings and Observations**

To indicate (i) issues and concerns; (ii) basis of findings; and (iii) other findings and observations as well as recommendations

**IV. Conclusion and Recommendation**

Summarize the overall findings and recommendation to either proceed with formal hearings or to dismiss the complaint

Respectfully submitted.

**FACT FINDING TEAM**

---

Signature over Printed Name  
FFT-Leader and Designation/Position  
Office/Division/Section/Unit

---

Signature over Printed Name  
FFT-Member and Designation/Position  
Office/Division/Section/Unit

---

Signature over Printed Name  
FFT-Member and Designation/Position  
Office/Division/Section/Unit

FOR :  
FROM :  
SUBJECT : **FORC COMPREHENSIVE REPORT RE: (indicate Title of the Case/Complaint)**  
DATE :

---

**I. Statement of the Facts**

This entails (i) Statement of facts regarding the complaint filed against the SWDA; (ii) Evidence presented; (iii) Relevant laws, rules or issuances violated by the SWDA; (iv) Procedures conducted by the FORC; and (v) other circumstances surrounding the case

**II. Findings and Observations**

To indicate findings and observations during the conducted of FORC hearing to include (i) issues and concerns; (ii) basis of findings; and (iii) other findings and observations as well as recommendations

**III. RECOMMENDATIONS**

To indicate the recommendations (i) whether Guilty or Not Guilty and (ii) Penalty to be imposed

Respectfully submitted.

**Field Office Review Committee**

\_\_\_\_\_  
Signature over Printed Name  
FORC Chairperson and Designation/Position  
Office/Division/Section/Unit

\_\_\_\_\_  
Signature over Printed Name  
FORC-Member and Designation/Position  
Office/Division/Section/Unit

\_\_\_\_\_  
Signature over Printed Name  
FORC-Member and Designation/Position  
Office/Division/Section/Unit

*FORC Member - SWDA*

\_\_\_\_\_  
Signature over Printed Name  
Designation/Position  
Name of SWDA Represented

FOR :  
FROM :  
SUBJECT : **CORC REPORT RE:** (indicate Title of the Case/Complaint)  
DATE :

---

**I. Statement of the Facts**

This entails (i) Statement of facts regarding the complaint filed against the SWDA; (ii) Evidence presented; (iii) Relevant laws, rules or issuances violated by the SWDA; (iv) Procedures conducted by the CORC; and (v) other circumstances surrounding the case

**II. Findings and Observations**

To indicate findings and observations during the conducted of CORC hearing to include (i) issues and concerns; (ii) basis of findings; and (iii) other findings and observations as well as recommendations

**III. RECOMMENDATIONS**

To indicate the recommendations (i) whether Guilty or Not Guilty and (ii) Penalty to be imposed

Respectfully submitted.

**Central Office Review Committee**

\_\_\_\_\_  
Signature over Printed Name  
CORC Chairperson and Designation/Position  
Office/Bureau/ Service

\_\_\_\_\_  
Signature over Printed Name  
CORC-Member and Designation/Position  
Office/Bureau/ Service

\_\_\_\_\_  
Signature over Printed Name  
CORC-Member and Designation/Position  
Office/Bureau/ Service

*CORC Member - SWDA*

\_\_\_\_\_  
Signature over Printed Name  
Designation/Position  
Name of SWDA Represented

*Note: Please add name/s of signatory/ies, if necessary*

\_\_\_\_\_ (Date) \_\_\_\_\_

Reprimand No: \_\_\_\_\_

Suspension Order No. \_\_\_\_\_

## NOTICE OF DECISION

Pursuant to (indicate relevant laws/rules/issuances violated by SWDA) and upon recommendation of the Field Office Review Committee (FORC), under FORC Report/Resolution No. \_\_\_\_\_ dated \_\_\_\_\_ finding reasonable cause to reprimand/suspend, hereby issues this Reprimand/Suspension Order to:

1. *Name and Address of the Reprimanded/Suspended SWDA*
2. *Name and Address of Facility/Branch/Satellite Office affected of the Reprimand/Suspension Order*
3. *Offense/s Committed*
4. *Penalty to be Imposed:*

If no motion for reconsideration is filed, the decision shall become final and executory after the lapse of ten (10) working days from the receipt of said decision.

\_\_\_\_\_  
Name and Signature of the Field Director  
DSWD-Field Office \_\_\_\_\_

Received by: (Indicate name and Signature of the SWDA's Authorized Representative)

Designation:

Date:

### Annex 5. Process Flow on Commencement of Action on Complaint Receive

**Complainant/Assessor**

**DSWD Personnel**

**Office of the Field Director**

**FORC**

**Standards Section**

Files complaint in writing and subscribed and sworn to by the complainant

It shall contain the following:

- Full name and contact details of the complainant
- Full name of the SWDA, and where applicable, the full name and position of any personnel of such SWDA
- Narration of the relevant and material facts that shows the act or omission allegedly committed by the respondent
- Copies of documentary evidence and affidavits of witnesses, if any.

Anonymous complaint/  
Verbal Complaint

Official Complaints  
(as a results of assessment  
and/or monitoring of SWDA)

Observations

Receives and forward  
Complaint to the  
Field Director  
(immediately upon  
receipt)

Receives, records and  
forward Complaint

with violation of any  
existing law or policy  
affecting the operations  
and/or welfare of the  
beneficiaries of SWDA

with deviation from the  
requirements &  
standards on RLA

Receives Complaint  
and forward to FORC  
(immediately upon  
receipt)

Decides on FORC  
Recommendations

Proceed with a Fact  
Finding Investigation

Annex  
6

Proceed with a formal  
hearing (if the complaint  
is meritorious)

Annex  
7

Dismiss the complaint  
due to lack of merit

Treat the complaint as  
request for Technical  
Assistance

Refer the complaint to  
concerned Government  
agency/offices

Evaluate Complaints  
& submits  
recommendations to  
the Field Director  
(within 5 working days)

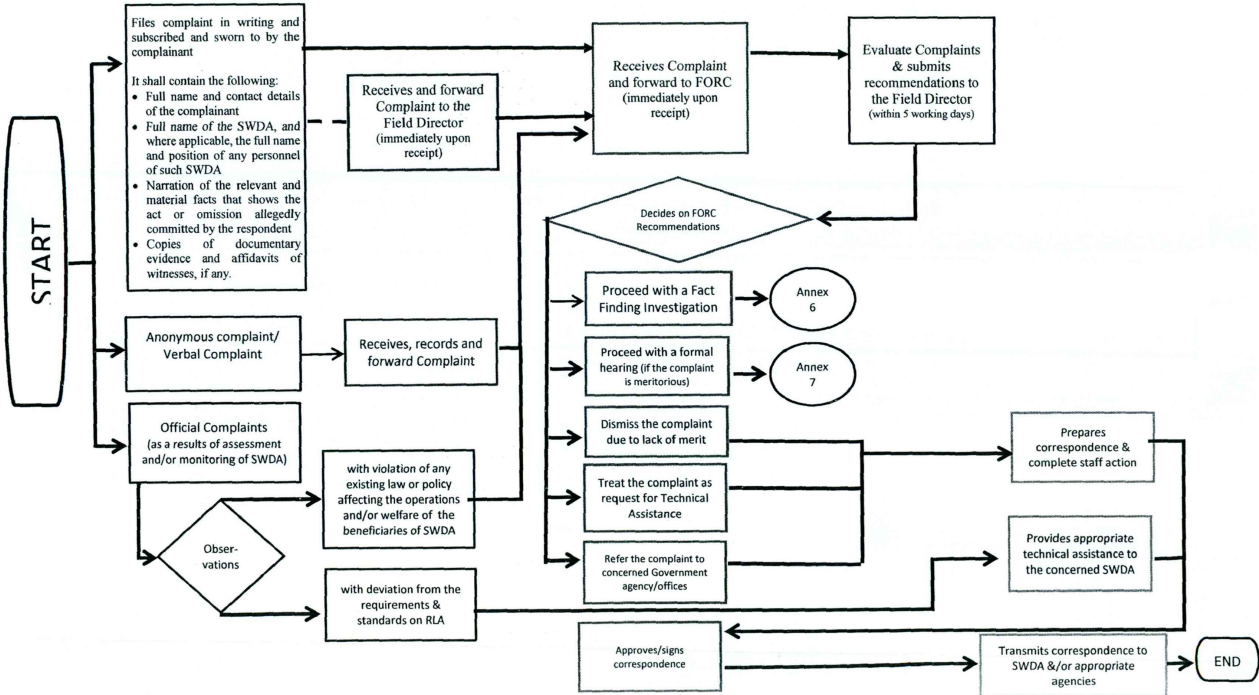
Prepares  
correspondence &  
complete staff action

Provides appropriate  
technical assistance to  
the concerned SWDA

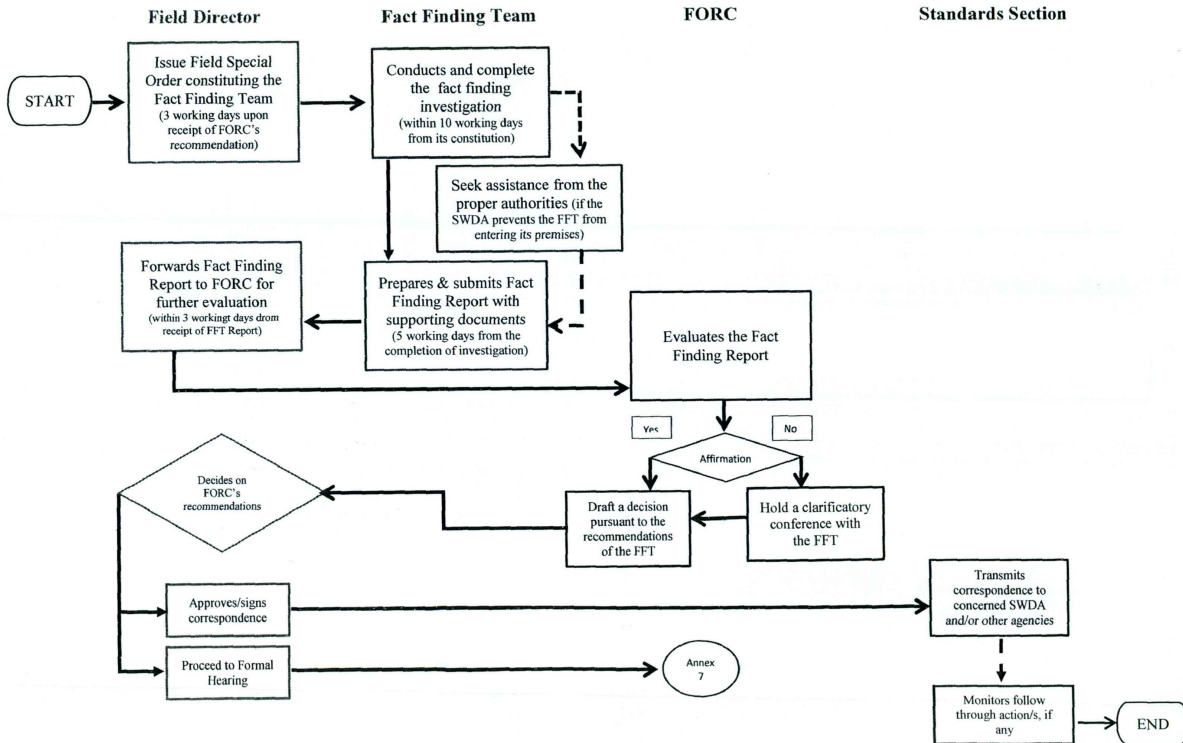
Approves/signs  
correspondence

Transmits correspondence to  
SWDA &/or appropriate  
agencies

END

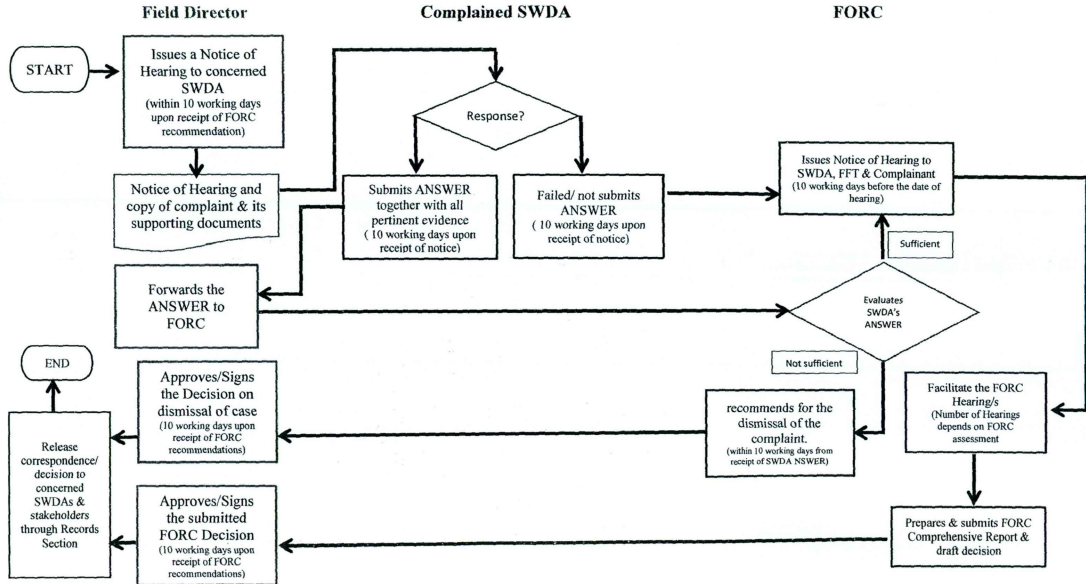


### Annex 6. Process Flow on Fact Finding Investigation





**Annex 7. Process Flow on Formal Hearing**



- ❖ The decision of the Field Director is final and executory upon the lapse of the period (10 working days upon receipt of the Decision) to file a MOTION FOR RECONSIDERATION and no such motion is filed.
- ❖ The aggrieved party or interested party may appeal the decision of the Field Director before the Secretary within ten (10) working days from receipt of the Decision of the Field Director