

Notice to the public to be vigilant on UNAUTHORIZED SOLICITATION

About the recent incident

An information about an alleged fraud, and conduct of unauthorized solicitation, came to our attention through social media where photos of documents bearing the name Young Women Blind Association of the Philippines, Inc., and “representative,” Julius V, Cortez, and a fake DSWD certificate without the department’s seal and forged signature of DSWD’s regional director Gemma B. Gabuya.

This is to further confirm that the above-mentioned documents are not issued with neither knowledge nor approval of DSWD Region III.

About the Solicitation Permit Law

The Department of Social Welfare and Development (DSWD) Region III reminds the public that public solicitation should be conducted with duly approved permit from DSWD.

Presidential Decree No. 1564 or the Solicitation Permit Law, states that DSWD shall be the exclusive authority to regulate the solicitation of donations or receiving of contributions for charitable or public welfare purposes. Further, Executive Order (EO) No. 24 series of 2001 has been issued to grant DSWD as the final authority to approve or disapprove requests for the conduct of national fundraising campaigns.

In order to operationalize the two issuances, DSWD Administrative Order (AO) No. 14 series of 2007 or Revised Omnibus Rules and Regulations on Public Solicitations and the addendum DSWD AO No. 18 series of 2010 in regulating the

practice of solicitation.

Nevertheless, the issuance of two different guidelines creates confusion to its users, hence the Memorandum Circular No. 17 series of 2014 "Revised Omnibus Rules and Regulations on Public Solicitation" was issued by the department.

Any person found violating the Solicitation Permit Law (PD 1564) and its Implementing Rules and Regulations stipulated in the Department Order 40 series of 1994, shall upon conviction:

Suffer the penalty of imprisonment of not more than one (1) year, or a fine of not more than One Thousand Pesos (P1,000.00), or both, at the discretion of the court; if the offender is a corporation, organization or other judicial person, the penalty shall be imposed on the guilty officials, employee or member; if the guilty person is an alien, he/she shall be deported after serving sentence, without further proceedings.

Other details of the Solicitation Permit Law

Who may apply for a solicitation permit?

Any person or organization with legal authority to transact business in the country, desiring to solicit donations or receive contributions for charitable or public welfare purposes may apply for solicitation permit, except for the Sangguniang Barangay which is authorized under Section 391 of R.A. 7160 to conduct fund raising activities for barangay projects.

How can one apply?

Application for solicitation permit shall be filed (using the prescribed form) with the DSWD Field Office which has jurisdiction over the area where the solicitation activities shall be conducted. When the solicitation activities cover two or more regions, permits shall be secured from all the DSWD

Field Offices concerned.

Upon filling of application, the applicant shall pay a facilitation fee of P500 (regional) and P1,000 (national). In case application is disapproved, the documents and notice of disapproval shall be returned to the applicant. The DSWD Field Director or his duly authorized representative issues the solicitation permit within five (5) working days after the filing. The permit shall not be transferable and shall only be valid during the specified period within the area covered by the application.

DISAPPROVAL, REVOCATION AND SUSPENSION

Upon filing of proper motion by the party concerned stating meritorious grounds therefor, the Secretary of DSWD may reconsider the application for solicitation permit which has been disapproved or revoked. The Secretary's decision is final and executory. A solicitation permit may be suspended upon the verified complaints by an office concerned. The DSWD Field Office shall conduct an investigation upon instruction of the Secretary.

REQUIREMENTS AFTER THE ISSUANCE OF PERMIT

- Change of date of fund drive and/or extension of the period of the drive may be made only upon approval by the DSWD Field Director concerned. A written request for such purpose is required. Persons or offices in charge of the solicitation of donations and voluntary contributions shall have no share in the proceeds to be derived.
- Funds collected during the conduct of the solicitation activities shall be deposited with any authorized banking institution or with the Municipal, City or Provincial Treasurer's Office and shall be accounted for in the name of the association, institution or organization to whom the permit was issued.

- Expenditures for any project other than those stated in the application shall first be approved by the Field Director concerned, prior to implementation. In case of loss of the permit, the person to whom the permit was issued must submit immediately to the DSWD Field Office an affidavit of loss as basis for assessment in the issuance of new permits.
- The permit shall be surrendered to the Field Office concerned within a month after the expiry date of the permit together with a report of the names and addresses of the persons assisted from the fund campaign and an itemized statement of collection and disbursements certified by an independent Certified Public Accountant.

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