1.0 REFERENCES

A. Executive Order No. 292 dated July 25, 1987 otherwise known as the "Administrative Code of 1987"; and

B. Presidential Decree No. 1564 also known as the Association Permit Law" which was promulgated on June 11, 1978.

2.0 BACKGROUND/RATIONALE

Although the government is taking every step to cater to the needs of the citizenry, several sectors of the society need supplemental support to cope with the challenges in life. Hence, in most instances, individuals and groups alike, launch an event or campaign in order to raise fund for the cause of these needy. Fundraising events are often the primary focus because without operating capital, organizations intending to extend charity cannot provide the services necessary to fulfill their cause of helping the needy. In the country, among the identified sectors who need additional support are the (1) persons deprived of liberty [PDL]; (2) neglected, abandoned or orphaned children; (3) children in situations of armed conflict; (4) children in conflict with the law, out of school youth and other youth with special needs; (5) persons with disabilities; (6) senior citizens; (7) victims of natural or man-made disasters; (8) indigenous peoples and communities; (8) poor or dysfunctional families and (9) rebel returnees.

3.0 OBJECTIVE

This Memorandum Circular aims to regulate fundraising undertaken by the BJMP in order to protect the general public from unscrupulous conduct of fundraising. It also aims to establish guidelines in granting clearance or authorization primarily in the conduct of fundraising activities for charitable or public welfare purposes.

4.0 DEFINITION OF TERMS

For purposes of this Memorandum Circular:

A. **Administrative Cost** shall refer to the costs incurred in the conduct of the fundraising event and the conduct of charitable activities to the intended beneficiaries.
B. **Beneficiaries** shall refer to the poor, the vulnerable and the disadvantaged sectors or entities who will be benefiting from the proceeds of the solicitation conducted. These include but is not limited to: (1) persons deprived of liberty [PDL]; (2) neglected, abandoned or orphaned children; (3) children in situations of armed conflict; (4) children in conflict with the law, out of school youth and other youth with special needs; (5) persons with disabilities; (6) senior citizens; (7) victims of natural or man-made disasters; (8) indigenous peoples and communities; (9) poor or dysfunctional families; and (10) rebel returnees.

C. **Charitable Purposes** shall refer to the intent to provide services or conduct of activities for the beneficiaries as herein defined.

D. **Fundraising** is the process of gathering voluntary contributions of money or other resources, by requesting donations from individuals, businesses, charitable foundations, or governmental agencies.

E. **Fundraising Event** is an event or campaign whose primary purpose is to raise money for a cause, charity or non-profit organization.

F. **Net Amount Raised** shall refer to the total of the fund raised less administrative costs.

G. **Public Welfare Purposes** shall refer to any activity or project relative to health, education, peace, social welfare and protection, environmental safety, rights, security and safety of citizens and similar circumstances or conditions.

5.0 GUIDELINES

A. **General Guidelines**

1. Any Directorate, Support Office, Regional Office, Jail Station or legitimate BJMP personnel organization may, in their own or in collaboration with another legitimate organization, conduct fundraising event to raise fund for a well-defined cause and intended beneficiaries. The conduct of fundraising shall only be for charitable or public welfare purposes.

2. Before the conduct of fundraising, a Directorate, Support Office, Regional Office or legitimate BJMP personnel organization shall first secure a clearance from the Chief, BJMP. Divisions in Regional Offices including Jail Stations shall secure the needed clearance from the Regional Director of the Jail Bureau. In the case of the Chaplaincy Service Office and its counterpart in the regional offices, it shall be exempted from securing clearance, instead, an authorization shall be issued.

3. In securing a clearance or authorization, the group shall present a permit issued by the Department of Social Welfare and Development (DSWD) or any of its offices. The Chaplaincy Service Office and its counterpart in the regional offices shall be exempted from presenting such permit.

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4. Any Directorate, Support Office, Regional Office, Jail Station or legitimate BJMP personnel organization desiring to conduct fundraising activity shall personally submit a request to conduct fundraising indicating therein their representatives, purpose, intended beneficiaries, target donors and the dates of the conduct of fundraising event. Such requests shall be cours ed through the Directorate for Welfare and Development (DWD) if the beneficiaries are PDL or other than personnel, or through the Directorate for Personnel and Records Management (DPRM) if the beneficiaries are BJMP personnel, or to their counterparts in the regional offices which shall pre-evaluate the request and recommend for its approval.

5. The Chief, BJMP or the Regional Director of the Jail Bureau shall evaluate the request for fundraising. Based on his sound discretion, he shall have the power to approve or disapprove the request within five (5) days from receipt of the recommendation. In case of disapproval, he shall indicate his reasons therein.

6. When the Chief, BJMP or the Regional Director of the Jail Bureau decides to approve a request, a clearance or authorization shall be issued. It shall indicate the name of the group or organization authorized to conduct fundraising, names of representatives, purpose, intended beneficiaries, target donors and the dates of the conduct of fundraising event. He shall direct the issuance of appropriate order for this purpose.

7. When the intended beneficiaries are victims of calamities, the Chief, BJMP or the Regional Director of the Jail Bureau shall immediately direct the creation of a team to conduct damage assessment. The team shall submit the names of the proposed beneficiaries with the corresponding property damage incurred which shall be the basis in the percentage distribution of the net amount raised.

8. In case the intended beneficiaries are rebel returnees, the list shall be based on the record, and the conduct of charitable or public welfare services to this group of beneficiaries shall be subject to the concurrence, of the Armed Forces of the Philippines (AFP) and/or the Philippine National Police (PNP).

9. The fundraising shall be conducted within the dates indicated in the clearance or authorization. Any fundraising made on a date other than those indicated in the clearance or authorization shall be considered illegal and the persons involved shall be charged for violation of reasonable office rules.

10. Within five (5) days from the conduct of fundraising, the group shall submit an After Activity Report (AAR) with pictorials to the Chief, BJMP or the Regional Director of the Jail Bureau, courses through channels. They shall indicate in their AAR the amount raised and the administrative cost incurred. Failure to submit the required AAR shall be a ground for disapproval of subsequent requests.

11. In the alternative, the group which conducted the fundraising may turn-over the amount raised to the DPRM particularly the Morale and Welfare Division or to DWD, as the case may be, or to their counterparts in the regional offices. The turnover of the fund raised shall be properly documented and reported to the Chief,

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BJMP or the Regional Director of the Jail Bureau, coursing through channels. In such a case, it shall be the discretion of the Chief, BJMP or the Regional Director of the Jail Bureau to determine who will award the amount raised.

12. Within thirty (30) days from the conduct of fundraising, the group who raised the amount or any group designated by the Chief, BJMP or the Regional Director of the Jail Bureau shall conduct charitable or public welfare activities to the intended beneficiaries. The Chief, BJMP or the Regional Director of the Jail Bureau, shall direct the issuance of appropriate order for this purpose.

13. Within five (5) days from the conduct of charitable or public welfare activities, they shall submit AAR with pictorials to the Chief, BJMP or the Regional Director of the Jail Bureau, coursing through channels indicating therein the administrative cost incurred and the funds used or awarded to the intended beneficiaries. Failure to submit the required AAR shall be a ground for disapproval of subsequent requests.

14. In cases where the intended beneficiaries are victims of calamities, the net amount raised shall be distributed by percentage among them taking into consideration the damaged incurred as assessed by a single team specifically tasked by the BJMP National Headquarters or Regional Office to do the damage assessment. For transparency, the proposed distribution shall be counterchecked and concurred by the DPRM or the Personnel and Records Management Division. The AAR that will be submitted shall reflect the names of the beneficiaries and the amount awarded.

15. The amount raised in the conduct of fundraising shall not be deposited and/or comingled with other government funds. It is not subject to Commission on Audit (COA) accounting rules and regulations.

B. Specific Guidelines

1. A Directorate, Support Office, Regional Office, Jail Station or legitimate BJMP personnel organization desiring to conduct fundraising for charitable or public welfare purposes shall submit a written request to the Chief, BJMP or the Regional Director of the Jail Bureau, coursing through the DWD or DPRM, as the case may be, or to their counterparts in the regional offices.

2. The requesting group shall present a permit issued by the DSWD or any of its offices. However, the Chaplaincy Service Office and its counterpart in the regional offices shall be exempted from this requirement.

3. The DWD or DPRM, or their counterparts in the regional offices, shall pre-evaluate the propriety of the request. Dialogue with the representatives of the requesting group may be conducted. It shall then be recommended for the approval of the proper authority.

4. Within five (5) days from receipt of the recommendation, the Chief, BJMP or the Regional Director of the Jail Bureau, based on his sound discretion, approve or
disapprove the request. In case of disapproval, he shall indicate the reasons therein.

5. In case of approval, the Chief, BJMP or the Regional Director of the Jail Bureau, shall issue a clearance or authorization. He shall likewise direct the issuance of appropriate order to the representatives for the conduct of fundraising on specified dates.

6. When the intended beneficiaries are victims of calamities, the Chief, BJMP or the Regional Director of the Jail Bureau, shall immediately direct the creation of a team to conduct damage assessment. The team shall submit the names of the proposed beneficiaries with the corresponding amount of property damage incurred.

7. When the intended beneficiaries are rebel returnees, the requesting group shall present a written concurrence of the AFP or the PNP that they are worthy to become beneficiaries of the intended fundraising.

8. The representatives of the requesting party shall strictly proceed with the conduct of fundraising on the dates indicated in the clearance or authorization.

9. Within five (5) days from the conduct of fundraising, they shall submit an After Activity Report (AAR) with pictorials to the Chief, BJMP or the Regional Director of the Jail Bureau, coursed through channels. They shall indicate in their AAR the amount raised and the administrative cost incurred.

10. Within ten (10) days from the conduct of fundraising, they shall signify in writing to the Chief, BJMP or the Regional Director of the Jail Bureau, their intention to conduct charitable or public welfare activities to their intended beneficiaries. They shall indicate their proposed dates and their representatives.

11. The group which conducted the fundraising may turn-over the amount raised to the DWD, DPRM through the Morale and Welfare Division or the Personnel and Records Management Division, as the case may be. In such a case, it shall be the discretion of the Chief, BJMP or the Regional Director of the Jail Bureau to determine who will award the amount raised.

12. The Chief, BJMP or the Regional Director of the Jail Bureau shall direct the issuance of appropriate order for the conduct of charitable or public welfare activities which shall not go beyond thirty (30) days from the conduct of fundraising event. He shall have the discretion to make proper adjustments of dates and as to who will be included in awarding, after consultation.

13. The group, through their representatives, shall conduct charitable or public welfare activities to their intended beneficiaries in order to meet their purpose.

14. Within five (5) days from the conduct of charitable or public welfare activities, they shall submit AAR with pictorials to the Chief, BJMP or the Regional Director of the Jail Bureau, coursed through channels, indicating therein the administrative cost incurred and the funds used or awarded to the intended beneficiaries.
6.0 SEPARABILITY CLAUSE

If any provision or part hereof is held invalid or unconstitutional, the remainder or the provision not otherwise affected shall remain valid and subsisting.

7.0 REPEALING CLAUSE

All existing BJMP issuances which are inconsistent herewith are hereby repealed or modified accordingly.

8.0 EFFECTIVITY

This Memorandum Circular shall take effect fifteen (15) days from filing thereof with the Office of the National Administrative Register (ONAR), University of the Philippines Law Center (UPLC) in accordance with Sections 3 and 4, Chapter II, Book VII of Executive Order No. 292 otherwise known as the “Administrative Code of 1987”.

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