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 "Solicitation Permit Law" which was promulgated on June 11, 1978.

2.0 BACKGROUND/RATIONALE

It has been the customary and traditional practice to enjoin the cooperation and support of the public in various civic activities and projects. Through direct or indirect involvement in charitable and public welfare activities, the people's "bayanihan" spirit will be further enhanced or promoted and the living conditions of the beneficiaries will be uplifted. However, there is an imperative need to regulate solicitation in order to obviate illegal fund drives.

3.0 OBJECTIVE

This Memorandum Circular aims to regulate solicitation undertaken by organizations, agencies, groups and individuals in order to protect all BJMP personnel and Persons Deprived of Liberty (PDL) from unscrupulous solicitation. It also aims to establish guidelines in granting clearance or authorization primarily to solicit funds for charitable or public welfare purposes.

4.0 DEFINITION OF TERMS

For purposes of this Memorandum Circular:

A. 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. This 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.
B. Charitable Purposes shall refer to the intent to provide services or conduct of activities for the beneficiaries as herein defined.

C. 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.

D. Solicitation shall refer to any activity or project intended to generate fund, money, materials or other assistance for charitable or public welfare purposes.

5.0 GUIDELINES

A. General Guidelines

1. Any person, corporation, organization, or association desiring to solicit funds for charitable or public welfare purposes from BJMP-manned jails shall first secure a clearance from the Regional Director of the Jail Bureau having jurisdiction over the jail. In the case of a religious sect or denomination, they shall be exempted from securing clearance. Instead, an authorization shall be issued to them to be presented to the Jail Warden.

2. Any person, corporation, organization, or association desiring to solicit funds for charitable or public welfare purposes from BJMP-manned jails shall be required to present a permit issued by the Department of Social Welfare and Development (DSWD) or any of its offices. In the case of a religious sect or denomination, they shall be exempted from presenting such permit.

3. All persons, corporations, organizations, associations or religious sects or denominations desiring to solicit funds for charitable, public welfare or religious purposes from BJMP-manned jails shall be required to personally submit a request to conduct solicitation, indicating therein their purpose, target beneficiaries, target BJMP-manned jails, the names of their members who will do the solicitation which shall not exceed five (5), and the dates of the solicitation. They shall likewise be required to present a copy of Certificate of Registration of their organization or association, or any document showing its legal existence.

4. Solicitation in BJMP-manned jails shall be construed to mean solicitation from the Jail Warden, BJMP personnel, Persons Deprived of Liberty (PDL) and visitors present during the conduct of solicitation. The giving of money, materials or other assistance during the conduct of solicitation shall not be mandatory. The Jail Warden, personnel, PDL and visitors present are not obliged to donate. When they so desire to donate, the amount shall be that which is dictated by their heart.

5. They shall be required to present identification cards (IDs) before issuance of clearance or authorization. The IDs of the members named in the request together with a copy of the Certificate of Registration of their organization or association shall be photocopied and attached to the clearance or authorization issued by the Regional Director of the Jail Bureau.

6. The Regional Director of the Jail Bureau shall evaluate the request for solicitation. He shall have the power to approve or disapprove the request after conducting a dialogue with the person making the request. Non-presentation of Certificate of Registration shall be a cause for disapproval.

7. When the Regional Director of the Jail Bureau decides to approve a request, a clearance or authorization shall be issued. The clearance or authorization shall reflect the name of the organization, their purpose, target beneficiaries, target BJMP-manned jails, the names of their members who will do the solicitation, which shall not exceed five (5), and the dates for the conduct of solicitation.

8. The solicitation shall be conducted within the dates indicated in the clearance or authorization. Any solicitation made on a date other than those indicated in the clearance or authorization shall not be permitted. A solicitation conducted on another date shall be considered illegal.

9. Only the persons named in the clearance or authorization and with attached photocopy of ID shall be allowed entry in jail for the purpose of conducting solicitation. They shall be subjected to all jail rules and regulations, especially security protocols.

10. The conduct of solicitation shall be under the supervision of the Jail Warden or his duly authorized representative. Any solicitation conducted shall be indicated in the logbook. An after activity report with pictorials shall be submitted by the Jail Warden to the Regional Director of the Jail Bureau.

11. The Jail Warden shall not permit a person, corporation, organization, association, or religious sect or denomination to conduct solicitation in jail without a clearance or authorization.

12. Within five (5) days from the conduct of solicitation, the person, corporation, organization, association, or religious sect or denomination shall be required to submit write-up with pictorials regarding the conduct of solicitation. The write-up shall be submitted to the Regional Director of the Jail Bureau. They shall indicate the amount solicited from each target jail. Failure to submit write-up with pictorials shall be a ground for disapproval of subsequent requests.

13. Within thirty (30) days from the conduct of solicitation, the person, corporation, organization, association, or religious sect or denomination shall be required to submit write-up with pictorials that the funds solicited was used for the intended purpose. The write-up shall be submitted to the Regional Director of the Jail Bureau. Failure to submit write-up with pictorials on the use of solicited funds shall be a ground for disapproval of subsequent requests.

B. Specific Guidelines

1. A person, corporation, organization, association, or religious sect or denomination desiring to solicit funds for charitable, public welfare or religious purposes shall submit a written request to the Regional Director of the Jail Bureau.
2. A person or members of corporation, organization, association, or religious sect or denomination named in the request to conduct solicitation in jails shall present IDs.

3. The copy of Certificate of Registration and the IDs of the five (5) members who will conduct the solicitation shall be photocopied.

4. The Regional Director of the Jail Bureau or his duly authorized representative shall conduct dialogue with the person or representatives of a corporation, organization, association, or religious sect or denomination desiring to solicit funds.

5. The Regional Director of the Jail Bureau may issue a clearance in the case of a person, corporation, organization, association, or an authorization in the case of religious sect or denomination.

6. The members shall proceed to the target jails on the dates indicated in the clearance or authorization to conduct solicitation.

7. The members shall present the clearance or authorization to the Jail Warden or his duly authorized representative. However, upon entry in jail, they shall be subjected to usual security protocols and their presence and purpose shall be recorded in the logbook.

8. The Jail Warden or his duly authorized representative shall evaluate the clearance or authorization including the attachments. He shall ascertain that the names of persons indicated therein are the same persons now appearing to solicit. Before the conduct of solicitation in jail, the Jail Warden or his duly authorized representative shall verify, through phone call, from the regional office whether said clearance or authorization was issued.

9. Within twenty-four (24) hours from the conduct of solicitation, the Jail Warden shall submit an after activity report with pictorials to the Regional Director of the Jail Bureau.

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”.

Changing Lives, Building A Safer Nation
Annex “A”. Format of Clearance

CLEARANCE

A clearance for the conduct of solicitation is hereby granted to (indicate the name of the person, corporation, organization or association desiring to solicit funds), with the following details; to wit:

Purpose : For the purchase of school supplies of elementary pupils

Target Beneficiaries : Ten (10) orphaned school children of Marawi Elementary School.

Target BJMP Jails : Quezon, Valenzuela and Pasig City Jail

Persons who will Solicit : 1. AAA
2. BBB
3. CCC
4. DDD
5. EEE

Date of Solicitation : August 5-9, 2019

This clearance shall be effective only in the target BJMP jails and on the date of solicitation herein indicated. Any solicitation made in jails other than the target jails or on a date other than those indicated above shall not be permitted.

Further, only the persons named in this clearance and with attached photocopy of ID shall be allowed entry in target jails. They shall be subjected to all jail rules and regulations, especially security protocols, and the conduct of solicitation shall be under strict supervision.

Issued this (indicate date of issuance), at (indicate BJMPRO and address).

(name of Regional Director of the Jail Bureau)
(rank)
(position/designation)

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Annex “B”. Format of Authorization

AUTHORIZATION

Authority to conduct solicitation is hereby conferred to (indicate the name of the religious sect or denomination desiring to solicit funds), with the following details; to wit:

Purpose : For the rehabilitation of Marawi “Mosque”

Target Beneficiaries : Muslim constituents of Marawi

Target BJMP Jails : Manila City Jail and Makati City Jail

Persons who will Solicit :
1. FFF
2. GGG
3. HHH
4. III
5. JJJ

Date of Solicitation : August 5-8, 2019

This authorization shall be effective only in the target BJMP jails and on the date of solicitation herein indicated. Any solicitation made in jails other than the target jails or on a date other than those indicated above shall not be permitted.

Further, only the persons named in this authorization and with attached photocopy of ID shall be allowed entry in target jails. They shall be subjected to all jail rules and regulations, especially security protocols, and the conduct of solicitation shall be under strict supervision.

Issued this (indicate date of issuance), at (indicate BJMPRO and address).

(name of Regional Director of the Jail Bureau)
(rank)
(position/designation)

Prepared by:

Reviewed by:

Approved by:

"Changing Lives, Building A Safer Nation"