

PDA "NO GIFT POLICY"

The Partido Development Administration (PDA) hereby adopts this "No Gift Policy":

I. RATIONALE

Pursuant to Section 1, Article XI of the 1987 Philippine Constitution "Public office is a public trust", the standard by which government service is measured. Instructively Section 27, article II of the Constitution states that ***"The State shall maintain honesty and integrity in the public service and take positive an effective measures against graft and corruption."***

It is further expounded by Section 2 of the Code of Conduct and Ethical Standards for Public Official and Employees (RA 6713) by providing that public officials and employee shall at all times be accountable to the people by serving them with responsibility, integrity and efficiency while at the same time leading and living a modest lives. Section 7 (d) of RA 6713 directs that: ***"Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or use anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office.. xxx."***

Section 1 of the Anti-Graft and Corrupt Practices Act (RA 3019) provides that: ***"It is the policy of the Philippine Government, in line with the principle that a public office is a public trust, to repress certain acts of public officers and private persons alike which constitute graft or corrupt practices or which may lead thereto."*** Conflict of interest and personal gain affect the faithful performance of one's official duty and run contrary to a public servant's commitment to public interest. Public officials and employees shall always uphold the public interest over and above personal interest. Section 3 (b) and (c) of RA 3019 defines corrupt practices as: ***"Directly or indirectly requesting or receiving gift, present, share, percentage or benefit for himself or for any other person, in connection with any contract or transaction between the Government and any other party, wherein the public officer in his official capacity has to intervene under the law"*** and ***"Directly or indirectly requesting or receiving any gift, present or other material benefit, for himself or for another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any Government permit or license, in consideration for the help given or to be given,xxx."***

Section 29 of the Code of Corporate Governance for Government-Owned or Controlled Corporation (GCG MC No. 2012-07) mandates that: **"Every Governing Board shall formally adopt a "No Gift Policy" within the GOCC and ensure its full advertisement to the community and its strict implementation by particular set of rules."**

Section 6 (b) of PDA Office Order No.06-97 dated November 17, 1997 (PDA Code of Conduct) has consistently emphasized that: **"Soliciting or accepting, directly or indirectly, any gift, gratuity or favor, loan or anything of monetary value by any official or employee by reason of his/her official position for consideration of a favor or preferential treatment in official transactions is strictly prohibited and shall be a ground for administrative action."**

II. DEFINITION OF TERMS

The Terms used in this Office Order shall mean as follows:

- A. PDA/Administration - refers to the Partido Development Administration.
- B. Board of Directors/Board - refer to the members if the Board of directors of PDA, both the ex-officio members and the Private Sector Representative (PSR).
- C. Benefit - a right, privilege, entertainment, advantage, exemption, or any other similar act of liberality in favor of another.
- D. Employees - includes of personnel regardless of appointment status, whether it is Permanent, Co-terminus, Casual, Job Orders and Consultants.
- E. Gifts - refers to a thing or a right disposed of gratuitously, or any act of liberality, in favor of another who accepts it. It shall include, but not limited to, any gratuity, favor, service, discount or price concession, legacy (except from a relative), fee, compensation, cash, securities, entertainment, simulated sale or loan, or use of anything of monetary value, whether real or personal property.
- F. Gift Register - a record of gifts received by PDA Officials and Employees.
- G. Gifts of Nominal Value - refers to gifts which value does not exceed Five Hundred Pesos (P 500.00)

(Replaced by this) Loans - cover both simple loan and commodatum as well as guarantees, financing arrangement or accommodations intended to ensure its approval. Commodatum refers to a contract whereby one of the parties delivers to another something not consumable so that the latter may use the same for a certain time and return it.

- H. Receiving any gift - includes the act of accepting directly or indirectly a gift from a person other than a member of the public

officer's immediate family, in behalf if himself, even on the occasion of a family celebration or national festivity like Christmas if the value of the gift is, under the circumstances, manifestly excessive. (Section 2 (c) of RA 3019.

I. Policy - refers to the **"PDA NO GIFT POLICY"**.

III. OBJECTIVE

To provide PDA Officials and Employees with guidelines in the handling of gifts received from individuals and entities in the workplace

IV. COVERAGE

This policy shall apply to all PDA Board members, Officials and Employees regardless of employment status.

V. POLICIES

A. "NO GIFT POLICY" - Except as otherwise provided in this policy, all employees of PDA and Board of Directors, shall not solicit, demand or accept, directly or indirectly, any gift from any person, group, association, or juridical entity, whether from the public or private sector, at anytime, or off the work premises, where such gift is either:

1. Directly or indirectly soliciting gifts, favors or benefits from stakeholders;
2. Directly or indirectly accepting or receiving any gift, favor or benefit from any party which may influence the performance of their official functions or which may be perceived as influencing their past, present and future official functions.

B. ALLOWABLE GIFTS - The following gifts shall be exempted from the prohibition under this policy:

1. PDA Board of Directors, Officials and Employees may receive token gifts, plaques, awards, certificates, souvenir items and other tokens of courtesy, appreciation or gratitude from individuals and other institutions or agencies provided that:
 - a. The token gifts, plaques, awards, certificates, souvenir items, other tokens of courtesy, appreciation or gratitude are deemed appropriate to the occasion or ceremonies for which they are given or made; and
 - b. The giving and receiving shall not influence the PDA Board of Director, Officials and Employees' performance of official functions.
2. The following gifts and benefits are likewise not covered by the policy:
 - a. Gifts and benefits including grants and donations received by PDA as an institution from other offices or organizations;

- (Replaced by this) The acceptance or availment by PDA of grants from local or foreign institution in the pursuit of the mandates, projects and activities, such as those coming from ADB, Worldbank, USAID, etc., provided that the availment thereof shall be strictly in compliance with applicable procurement laws, rules and regulations. (based on GCG MC 2012-12)
- b. Scholarship, travels and similar benefits granted to PDA Board of Directors, Officials and Employees by other government agencies, private institution or by local or international organizations provided that such acceptance is consistent and appropriate with the interest of the government and/or the PDA.
- Deleted (rephrased (h))
- c. Trainings and travels provided to PDA Board of Directors, Officials and Employees in relation to effective use of an equipment or a system supplied by a contractor or supplier as part of its contract with PDA;
 - (Replaced by this) Trainings and travels approved by Chairman of the PDA Board provided to PDA Board of Directors, Officials and Employees in relation to effective use of an equipment or a system supplied by a contractor or supplier as part of its contract with PDA;
- d. Gift or cash awards given by PDA to its PDA Board of Directors, Officials and Employees during Christmas and Anniversary celebrations;
 - (Replaced by this) PDA may give gifts or cash awards if allowed by law or under a duly authorized compensation plan, they are not covered by "no gift policy" since they are not considered gift at all.
- e. Seminar items (e.g. pens, hand-outs, etc) or any other materials which are uniformly given to all participants in the seminar;
- f. Books, pamphlets, publications, data and other information or reading materials that are directly useful to PDA in the performance of its mandates, objectives and are given by individuals or organization that have no pending business with PDA as to create an actual or potential conflict of interest;
- g. Gifts given on special occasions between and among PDA Board of Directors, Officials and Employees;
 - (Replaced by this) Gifts given on special occasions between and among PDA Board of Directors, Officials and employees. Gifts stated herein should be unsolicited gifts of small or insignificant value offered or given as a mere ordinary token of gratitude or friendship according to local customs or

usage, and in accordance with Section 14 of Republic Act no. 3019, otherwise known as the "Anti-Graft and Corrupt Practices Act."

- h. Scholarship or fellowship grants, travel grants or expenses for travel taking place within or outside of the Philippines (such as allowances, transportation, food and lodging) if appropriate and consistent with the interest of the government, and with prior approval by the proper authorities in accordance with applicable laws or regulations;
 - (Revised) Scholarship or fellowship, travel grants or expenses for travel taking place within or outside the Philippines (such as allowances, transportation, food and lodging), if such acceptance is appropriate or consistent with the interest of PDA and the government, and acceptance is permitted by the Chairman of the PDA Board.
- i. Honoraria given as speaker or resource person in seminars when such honoraria are authorized under existing laws or rules and regulations and subject to compliance with all the requirements prescribed therein;
- j. -(Replaced by this) Honoraria given as speaker or resource person in seminars when such honoraria are authorized under existing laws or rules and regulations and subject to compliance with all the requirements prescribed therein; PDA officers and employees may receive honoraria only when they act as lecturers, resource persons, coordinators or facilitators in the **PUBLIC SECTOR**. It remain inhibited to PDA Officers and Employees from receiving honoraria when acting as such in the private sector. It is reiterated that Government personnel should receive compensation only from public coffers, and should remain insulated from being compensated by the private sector.
- k. Working breakfast or lunches or dinners with clients or other stakeholders of PDA if such breakfast, lunches and dinner are inevitable in the course of official transactions;
 - Working breakfast, lunches or dinners with clients or other stakeholders of PDA, if such breakfast, lunches and dinner are inevitable, in the course of official transaction, of modest value not beyond what is normal or customary within 4th District of Camarines Sur or the Partido Area.
- l. Product samples of nominal value given by clients or potential clients if giving such samples are allowed under the law or part of the standard procedures mandated by law or the rules (e.g. rules on bidding); and
- m. Unsolicited gifts of nominal or insignificant value provided it is nor given in anticipation of or in exchange for a favor from the public official or employee.

C. GIFT REGISTERS

Any gift received regardless of value or kind, shall be registered in a "GIFT REGISTRY" to be maintained by the Property Officer. The Registry shall be accomplished by the "Officer of the Day". Approved Monthly consolidated Report will be submitted by the Property Officer to the GCG Compliance Officer on the 5th day of ensuing month. The following information about the gift shall be recorded in the said registry:

1. Purpose
2. Nature, form, or kind
3. Amount/value (if Applicable)
4. Date and time of Receipt
5. Name, Office address and contact number of the giver
6. Name and position of the director/employee who received the gift
7. Date and time of delivery to the Gift Registry
8. Such other information as PDA may deem necessary

Duty to return the gifts inevitably received

- a. No address - if it is considered an office supplies, it shall be form part of the PDA property to be surrendered to the PDA property office for proper recording.
- b. If consumable/perishable like food shall be donated to the nearest institution needing the most, to be properly acknowledge by the recipient (Infirmary)
- c. With Address - Return to the address through registered mail with acknowledgment, with a letter of gratitude and polite refusal of the gift, stating therein the policy of PDA concerning gifts.

VI. RESPONSIBILITIES

- A. **Posting of "No Gift Policy"** - Notices of this Policy shall be posted in conspicuous areas of all Divisions and other satellite offices of PDA and Other Operating Units;
- B. **Duty of Director/Officials/Employees if Gift is Offered or Given** - if any gift prohibited under this policy is offered or given to any Director, Official or Employee, the latter shall politely decline acceptance of such gift and courteously inform the offeror or giver about the administration's "NO GIFT POLICY";
- C. **Duty of Director, Official or Employee if Gift is Inevitably Received** - In the event that, despite diligent efforts to refuse acceptance, any gift is inevitably received because it was sent through modes other than personal delivery or the offeror insisted acceptance, the recipient of the gift shall, within twenty-four (24) hours receipt, report the acceptance thereof and turn-over to the Property Officer for proper documentation and handling of gift in accordance with the provision of this policy.

Additional: compliance with comment 5.

- D. **Return and Acknowledgment of Gift** - if PDA, any of its officers or employees, receives a gift covered by this policy, such gift, if feasible, shall immediately and politely be declined. In the event that it is not feasible, or it is inappropriate or impractical, to return the gift, e.g. it is perishable item, the gift shall be donated to an appropriate charitable or social welfare institution. An acknowledgment letter shall be sent to the donor informing him/her of the "No Gift Policy" or that the gift has been returned or donated to a Charitable or Social Welfare institution.

VII. PENALTIES FOR VIOLATION

- A. Violation by an Officials or Employees of the provision of this Policy shall be dealt with in accordance with the specific provisions of RA 6713, RA 3019, the Revised Rules on Administrative Cases in the Civil Services (RRACCS) and other pertinent laws, rules and regulations.

VIII. AMENDMENT

This policy shall be subjected to periodic review and may be amended by the Board of Directors as often as it may deem necessary.

IX. EFFECTIVITY

This Office Order shall take effect upon its approval by the PDA Board of Directors through Board Resolution.

ROSA B. CATOLICO
Administrator I

Republic of the Philippines
PARTIDO DEVELOPMENT ADMINISTRATION
Created Under Republic Act 7820
Caraycayon Tigaon Camarines Sur

GIFT REGISTER

For the Period

Description of Gift, Favor or Benefits	Estimated Value of Gift, Favor or Benefit	Date of Delivery/Receipt	Name of Giver/Position and Office	Name and Signature of Recipient	Action Taken on the Gift

Prepared by:

Attested by:

Property Officer

Administrator I