



December 18, 2013

**CIRCULAR NO. 2013-010**

**SUBJECT: NO GIFT POLICY**

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**BACKGROUND**

**1.0 CONSTITUTIONAL POLICY GOVERNING PUBLIC OFFICERS**

Section 1, Article XI of the 1987 Constitution delineates the accountability of public officers, thus:

**Article XI**

**Accountability of Public Officers**

**Section 1. PUBLIC OFFICE IS A PUBLIC TRUST. PUBLIC OFFICERS AND EMPLOYEES MUST, AT ALL TIMES, BE ACCOUNTABLE TO THE PEOPLE; SERVE THEM WITH UTMOST RESPONSIBILITY, INTEGRITY, LOYALTY, AND, EFFICIENCY; ACT WITH PATRIOTISM AND LEAD MODEST LIVES.**

The principle is reiterated in Section 1 of the Code of Conduct and Ethical Standards for Public Officials and Employees<sup>1</sup> thus;

***SEC.2. Declaration of Policies. It is the policy of the State to promote a high standard of ethics in public service. Public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility ,integrity, competence , and, loyalty ,act with patriotism and justice .lead modest lives ,and uphold public interest over personal interest.***

**2.0 STATUTORY POLICIES AND RULES AGAINST ACCEPTANCE OF GIFTS BY PUBLIC OFFICERS AND EMPLOYEES.**

2.1 It is policy of the Philippine Government, in line which the principle that 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***.<sup>2</sup>

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<sup>1</sup> RA No. 6713

<sup>2</sup> Sec. 1, RA 3109, Anti-Graft and Corrupt Practices Act



2.2 Section 3 of the Anti-Graft and Corrupt Practices Act provides that, among other acts or omissions, the following shall constitute corrupt practices of any public officer and thereby declared to be unlawful.

"(b) "Directly or indirectly requesting or receiving any 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".

"(c) "Directly or indirectly requesting or receiving any gift, present, or other pecuniary or 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 help given or to be given."

2.3 Section 7 (d) of the Code of Conduct and Ethical Standards for Public officials and Employees, provides that public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or 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".

### 3.0 **MANDATE OF GOCCs TO FORMALLY ADOPT A "NO-GIFT POLICY"**

3.1 Whereas, under Section 29 of the Code of Corporate Governance for GOCCs<sup>3</sup> it is mandated 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".

### **THE TRANSCO "NO GIFT POLICY"**

4.0 **Declaration of Policy-** TransCo is committed to sustain the highest degree of *Excellence, Professionalism* and *Integrity* in the conduct of its business and operations. All TransCo personnel are expected to imbibe and live up to these values.



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<sup>3</sup> GCG Memorandum Circular No. 2012-07