



OFFICE ORDER NO. 2015 –149
Series of 2015

**ADOPTING A REVISED “NO GIFT POLICY” IN THE
EMPLOYEES’ COMPENSATION COMMISSION**

In the interest of the service, and toward upholding efficiency and integrity in the Employees’ Compensation Commission, the following policy and guidelines relating to the “No Gift Policy” shall be implemented:

I. LEGAL BASIS

These guidelines are anchored on the following statutory policies and rules against acceptance of gifts by public officers and employees:

1. Section 3 of **Republic Act No. 3109** otherwise known as 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. Section 7(d) of **Republic Act 6713** otherwise known as 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. Rule III of **DOLE Administrative Order No. 476, s. 2010** on Solicitation and Acceptance of Gifts under the Code of Conduct for DOLE Officials and Employees;
4. Section 29 of the **Code of Corporate Governance for GOCCs** (GCG Memorandum Circular No. 2012-07) provides 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."

5. DOLE Administrative Order No. 35, series of 2014, on Guidelines in the Implementation of the *"No Gift Policy"*
6. Rule II of **DOLE Administrative Order No. 55, s. 2013** on Offenses and Schedule of Penalties;

II. COVERAGE

The *"No Gift Policy"* shall apply to all levels of officials and employees of the Employees Compensation Commission, regardless of employment status.

III. THE ECC 'NO GIFT POLICY'

1. Prohibition

ECC officials and employees shall not, directly or indirectly, solicit, accept or receive any gift and/or benefit for themselves or for others from the following:

- a. Claimants, appellants, program beneficiaries or their dependents;
- b. Suppliers, contractors and their agents;
- c. Other parties transacting business with the ECC.

The prohibition shall include, but not be limited to the following:

- a. Requesting or receiving any gift in connection with any transaction on procurement or those that need the approval of ECC officials;
- b. Requesting or receiving gifts from EC claimants and appellants;
- c. Requesting or receiving gifts from any person in consideration for the assistance provided or to be provided;
- d. Requesting or receiving gifts from a private institution in exchange of a positive rating or feedback to earn/vie for government incentives and awards;
- e. Accepting or receiving honoraria when acting as speaker or resource person in seminars or where the officer or employee is participating by reason of his office in the ECC;
- f. Accepting sponsorship in any form of any of the internal programs, activities, and affairs of the ECC, such as Christmas parties, anniversary commemoration, etc.
- g. Soliciting advertisements in the publication of the ECC;
- h. Receiving discounts, rebates, waivers and other forms of monetary incentives or benefits given to the Commission, its officers and employees, in availing of the services and/or facilities of persons or entities under the jurisdiction of the ECC;

- i. Accepting invitations to social lunches and dinners with persons or entities under the jurisdiction of the ECC.

2. Exception:

Acceptance of gifts may be **ALLOWED** in the following circumstances:

- a) Moderate gifts or cash awards given by the agency to its officials and employees during Anniversary, Christmas celebrations, and other related official or milestone events and those covered by appropriate Collective Negotiations Agreement (CNA);
- b) Gifts of nominal value that may be exchanged between and among DOLE officials, ECC officials and employees provided they are given not in anticipation of, or exchange for a favor during special occasions such as Christmas or birthday celebration;
- c) Gifts that may be exchanged between and among members of the inter-agency committees and other organizations to which the ECC belongs during special occasions, provided the gifts are of nominal value;
- d) Performance-based cash rewards, scholarship or fellowship grants, travel grants and similar incentives and benefits granted to ECC officials and employees by appropriate government agencies, private institutions or national or international organizations provided the scholarship or fellowship grant is appropriate and consistent with the interests of the Government and/or the ECC and the performance-based cash rewards and similar benefits from private persons or entities are pursuant to their programs or projects that are available to the general public, that gives awards, rewards or prizes for exceptional accomplishments or special achievements, and the grant of which might not be reasonably perceived as intended to influence official action;
- e) Acceptance of grants from local or foreign institutions in the pursuit of the mandates, projects and activities such as those coming from ADB, ILO, World bank, USAID, etc... provided that the availment thereof shall be strictly in compliance with applicable procurement laws, rules and regulations;
- f) Acceptance and retention of certificates, plaques, cards, thank you notes, or other written forms of souvenir or mark of courtesy;
- g) Acceptance of seminar bags and contents, and partaking of moderately priced meals and beverages that officers and employees obtain at events, such as conferences and seminars, and which are offered equally to all members of the public attending the event;
- h) Books, pamphlets, publications and data and other information or reading materials that are directly useful to the agency in the performance of its mandates, objectives and, which books and other materials are given by individuals or organizations that have no pending business with the ECC as to create an actual or potential conflict of interest;

IV. REQUIREMENT TO INFORM:

The officials and employees of the ECC are required to professionally inform any individual or organization with any actual or potential business with the agency of this "No Gift Policy", the reasons the ECC has adopted this policy, and request that such individual or organization respect such policy. Notices informing walk-in clients and visitors of the Policy shall likewise be posted in conspicuous areas within the ECC premises.

V. RETURN AND ACKNOWLEDGMENT OF GIFT:

If the officials and employees of the ECC receive 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 acknowledgement 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.

VI. COMPLIANCE MONITORING AND SANCTIONS:

The Administrative Division shall ensure the proper information dissemination, implementation and compliance as regards the "No Gift Policy" of the ECC. Any violation of these Rules shall be endorsed by the Administrative Division to the Administrative Complaints Committee (ACC) for investigation and the determination of possible disciplinary action against the concerned officer, employee or personnel under pertinent ECC rules and regulations without prejudice to possible criminal or civil liability under Republic Act No. 3109 (Anti-Graft and Corrupt Practices Act), Republic Act 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees), Civil Service Laws and other pertinent laws, rules and regulations.

The Chief, Administrative Division shall submit the investigation reports to the ECC Compliance Officer, who is in charge of reporting to the Governance Commission all violations of the "No Gift Policy" which are under investigation at the end of each calendar year and not later than 30th of January of the succeeding year.

VII. WRITTEN EXEMPTION:

Any exception to this "No Gift Policy" may be made only with the written permission of the Chairman of the Governance Commission for GOCCs (GCG).

For information and strict implementation.


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