

MEMORANDUM CIRCULAR NO. 002

Subject : **The PRA “NO GIFT POLICY”**

Date : September 23, 2014

The “**NO GIFT POLICY**” involving all public officials and employees is enshrined in the following provisions of the Constitution and existing laws, thus:

1. Section 1, Article XI (Accountability of Public Officers) of the 1987 Constitution:

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 justice; and lead modest lives.

2. Section 1 of the Code of Conduct and Ethical Standards for Public Officials and Employees:

Section 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.

3. Section 7 (d) of the Code of Conduct and Ethical Standards for Public Officials and Employees: “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”.

4. Section 3 of the Anti-Graft and Corrupt Practices Act: The following shall constitute corrupt practices of any public officer and thereby declared to be unlawful:

“(a) 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”.

“(b) 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 the help given or to be given”.

5. Section 29 of the Code of Corporate Governance for GOCCs: “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”.

DECLARATION OF POLICY

It is the declared policy of PRA to be legally compliant at all times and to exercise the highest standard of ethics and to uphold public interest over personal interest in carrying out its mandates and discharging its functions.

NO GIFT POLICY

PRA (PEA) officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or anything of monetary value as defined in the succeeding paragraph, from any person or juridical entities 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.

A thing of monetary value is one which is evidently or manifestly excessive by its very nature.

The propriety or impropriety of the foregoing shall be determined by its value, kinship or relationship between giver and receiver and the motivation.

EXCEPTIONS

Exempted from this “NO GIFT POLICY” are the following:

1. Unsolicited gift of nominal or insignificant value as defined in the succeeding paragraph, which is not given in anticipation of, or in exchange for, a favour from a public official or employee or given after the transaction is completed, or service is rendered;

As to what is a gift of nominal value will depend on the circumstances of each case taking into account the salary of the official or employee, the frequency or infrequency of the giving, the expectation of benefits, and other similar factors;

2. A gift from a member of his family or relative as defined in the Code of Ethics on the occasion of a family celebration, and without any expectation of pecuniary gain or benefit;
3. Nominal donations from persons with no regular, pending, or expected transactions with the PRA and without any expectation or pecuniary gain or benefits;
4. Donations coming from private organizations whether local or foreign, which are considered and accepted as humanitarian and altruistic in purpose and mission;
5. Donations from government to government entities;
6. The acceptance and retention by the PRA (PEA) official or employee from foreign governments of a gift of nominal value tendered and received as souvenir or mark of courtesy;
7. The acceptance by the PRA (PEA) official or employee from foreign governments of a gift or grant in the nature of a scholarship or fellowship grant or medical treatment; or
8. The acceptance by the PRA (PEA) official or employee of travel grants or expenses from foreign governments for PRA official travel taking place entirely outside the Philippines (such as allowances, transportation, food, lodging) of more than nominal value if such acceptance is appropriate or consistent with the interest of the PRA and permitted by the PRA Head office.

REQUIREMENT TO INFORM

The PRA officers and employees are required to professionally inform any individual or organization with any actual or potential business with the PRA of this “**NO GIFT POLICY**” and the reasons why the PRA has adopted this policy, and request that such individual or organization respect such policy.

RETURN AND ACKNOWLEDGMENT OF GIFT

If the PRA, any of its officer 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 a 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.

WRITTEN EXEMPTION

Any exception to this “**NO GIFT POLICY**” may be made only with the written permission of the PRA Chairman in the case of the members of PRA Board of Directors and written permission of the General Manager and CEO for all PRA employees.

For guidance and strict compliance.

(original signed)
PETER ANTHONY A. ABAYA
General Manager and CEO