

## **TOURISM PROMOTIONS BOARD NO GIFT POLICY**

### **1. 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 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.**

The Principle is reiterated in Section 1 of the Code of Conduct and Ethical Standards for Public Officials and Employees, 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. STATUTORY POLICIES AND THE RULES AGAINST ACCEPTANCE OF GIFTS BY PUBLIC OFFICERS AND EMPLOYEES**

**2.1.** It is policy of the Philippine Government, in line with the principles that public office is a trust, to repress certain acts of public officers and private persons alike which constitute graft or corrupt practices or which may lead thereto.<sup>1</sup>

**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 this official capacity 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 obtain, any Government permit or license, in consideration for the help given or to be given...”

**2.3.** Section 7(d) of Code of Conduct and Ethical Standards for Public Officials and Employees, provides that “[p]ublic officials and employees shall not solicit or accept, directly or indirectly, any gift,

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<sup>1</sup> Sec. 1, Rep. act No. 3109, Anti-Graft and Corrupt Practices Act



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.”

**2.4.** Rule X section 1 (f) of the Implementing Rules and Regulation of Republic Act 6713, provides soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his office. The propriety or impropriety of the foregoing shall be determined by its value, kinship or relationship between giver or receiver and the motivation. A thing of monetary value, is one which is evidently or manifestly excessive by its very nature.<sup>2</sup>

**Gift** refers to a thing or a right disposed of gratuitously, or any act of liberality, in favor of another who accepts it, and shall include a simulated sale or an ostensibly onerous disposition thereof.

**Loan** covers both simple loan and commodatum as well as guarantees, financing agreement or accommodations intended 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.

### **3. MANDATE OF GOCCs TO FORMALLY ADOPT A “NO-GIFT POLICY”**

**3.1** Whereas, under Section 29 of the Code of Corporate Governance of 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 TPB “NO GIFT POLICY”**

**4. Declaration of Policy.** – Being constituted of public servants who adhere to the principle that public office is a public trust, the Corporation is committed to the highest standards of ethics and conduct. The Corporation requires that all of its officers and employees practice and demonstrate equal treatment, unbiased professionalism, and non-discriminatory actions in the performance of their duties and functions, without expectation of any undue favor or reward.

To avoid any conflict of interest, the appearance of a conflict of interest, or the need for the Corporation officers and employees to examine the ethics of acceptance, the Corporation adopts this “No Gift Policy”.

**5. No Gift Policy.** – The Corporation its officers and employees, shall NOT SOLICIT OR ACCEPT, directly or indirectly, any gift gratuity, favor, entertainment, loan, or use, anything of monetary value form a person, groups, associations, or juridical entities, whether from the public or the

<sup>2</sup> PD No. 46 make it punishable for any public official or employee, whether of the national or local Governments, to receive, directly or indirectly, and for private persons to give any gift, present, or other valuable thing is given by reason of his official position, regardless of whether or not the same is for past favors or favors or the giver hopes or expects to receive a favor or better treatment in the future from the public official or employee concerned in the discharged of his official functions. Included within the prohibition is the hosting of parties or entertainments in honor of the official employee or his immediate relatives.

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



private sectors, at any time, on or off the work premises, 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. The prohibition shall include, but not limited to:

**5.1.** Honoraria given as a speaker or resource person in seminars or where the Corporation office or employee is participating by reason of his/her office with the Corporation.

**5.2.** Sponsorship in any form of any of the internal programs, activities, and affairs of the Corporation, such as Christmas parties, anniversary commemorations, etc.

**5.3.** Advertisements in the publication of the Corporation.

**5.4.** Discounts, rebates, waivers and other forms of monetary incentives or benefits given to the Corporation, its officers, and employees, in availing of the services and/or facilities of persons or entities under the jurisdiction of the Corporation.

**5.5.** Acceptance of invitations to social lunches and dinners with persons or entities under the jurisdiction of the Corporation.

**6. Exceptions.** – Excepted from this “No Gift Policy” are the following:

**6.1.** The acceptance and retention of certificates, plaques, cards, thank you notes, or other written forms of souvenir or mark of courtesy.

**6.2.** The 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 public attending the event;

**6.3.** The acceptance of books, pamphlets, publications, and data and other information or reading materials that are directly useful to the Corporation in the performance of its mandates, objectives and, and which books and other materials are given by individuals or organizations that have no pending business with the Corporation as to create an actual or potential conflict of interest.

**6.4.** The acceptance by TPB Officers and employees of a scholarship fellowship grant, travel grants or expense for travel taking place within or outside of the Philippines (such as allowances, transportation, food and lodging) or more than nominal value, if such acceptance is appropriate and consistent with the interest of the Government, and permitted by the Chief Operating Office of the Corporation.

**6.5.** The acceptance or availment by the Corporation of grants from local or foreign institutions in the pursuit of the mandates, projects and activities, such as those coming from ADB, World Bank, USAID, etc., provided that the availment thereof shall be strictly in compliance with applicable procurement, laws, rules and regulations.

**7. Requirement to inform.** – Corporation officers and employees are required to professionally inform any individual or organization with any actual or potential business with the Corporation of this “No Gift Policy”, the reasons the Corporation 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 TPB premises.

**8. Return and Acknowledgement of Gift.** – If the Corporation, any of its officers and 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 appropriate or impractical, to return the gift, 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.