

POLICY AND PROCEDURAL GUIDELINES ON CITEM "NO GIFT" POLICY

In compliance with Section 29 of the Code of Corporate Governance for GOCCs (GCG Memorandum Circular No. 2012-07, s. 2012) which 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"

I. RATIONALE AND LEGAL PROVISIONS:

1. Section 27, Article II of the 1987 Constitution states that "The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption";
2. Section 1, Article XI of the 1987 Constitution provides that "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, competence and loyalty, act with patriotism and justice; and lead modest lives";
3. 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";
4. Section 3 (b) and (c) of RA 3019 declare as a corrupt practice the acts of:
 - 4.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" and
 - 4.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 7 (d) of the Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6713) mandates 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. x x x; and
6. Section 1, Rule IV of the Manual on Code of Ethics of the Development Bank of the Philippines prohibits acceptance or solicitation by its officers and employees of gifts, donations or loans in the course of their official duties or in connection with any transaction which may be affected by the functions of their office.
7. Sec. 49, Rule VI of the CITEM Code of Corporate Governance states that A member of the Board or its Officers or any of its employees shall not solicit, nor accept directly

or indirectly, any gift, gratuity, favour, entertainment, loan or anything of monetary value from any person, where such gift:

- a. Would be illegal or in violation of law;
- b. Is part of an attempt or agreement to do anything in return;
- c. Has a value beyond what is normal and customary in the Agency's business
- d. Is being made to influence any member of the Governing Board or Officers
- e. Could create the appearance of a conflict of interest

II. COVERAGE

This Policy shall apply to all CITEM employees and the members of its Board of Governors.

All service company workers deployed in CITEM shall likewise be covered by these guidelines.

III. DEFINITION OF TERMS

The following terms shall be defined as follows:

1. CITEM – refers to the Center for International Trade Expositions and Missions
2. Board of Governors – refer to the members of the Board of Governors of CITEM as defined under Sec. 4 of EO 989
3. Employee – includes permanent, temporary, service providers, directly-hired and rank and file employees and officers of CITEM.
4. Gift – 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, fee, compensation, cash, securities, entertainment, simulated sale or loan, or use of anything of monetary value, whether real or personal property.
5. Gifts of Nominal or Insignificant Value – refer to gifts which value does not exceed Five Hundred Pesos (P500.00).
6. Gift Register - refers to a record of gifts received by CITEM officials and employees.
7. Policy – refers to the "CITEM No Gift Policy".
8. Receiving Any Gift - includes the act of accepting directly or indirectly a gift from a person other than a member of a public officer's/employee's immediate family, in behalf of herself or himself or of any member of his or her family, even on the occasion of a family celebration of national festivity such as but not limited to Christmas, if the value of the gift is, under the circumstance, manifestly excessive.

In this Policy, reference to the male gender includes the female and singular includes the plural.

IV. GENERAL GUIDELINES /POLICIES AND PROCEDURES

1. NO GIFT POLICY

Sec. 49 of the CITEM Code of Corporate Governance expressly states that:

A member of the Board or its Officers or any of its employees shall not solicit, nor accept directly or indirectly, any gift, gratuity, favour, entertainment, loan or anything of monetary value from any person, where such gift:

- a. Would be illegal or in violation of law;
- b. Is part of an attempt or agreement to do anything in return;
- c. Has a value beyond what is normal and customary in the Agency's business
- d. Is being made to influence any member of the Governing Board or Officers
- e. Could create the appearance of a conflict of interest

2. EXCEPTIONS / ALLOWABLE GIFTS

The following gifts shall be exempted from the prohibition under this Policy:

2.1 CITEM officials and employees may receive token, gifts, plaques, awards, certificates, souvenir items, and other tokens of courtesy, appreciation or gratitude from individuals, entities and other institutions or agencies, provided that:

- a. The token, gifts, plaques, awards, certificates, souvenir items, 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 CITEM officials and employees' performance of official functions.

2.2 Unsolicited gifts or presents of small, nominal or insignificant value offered or given as a mere ordinary token, gratitude or friendship according to local customs or usage, not given in anticipation of, or in exchange for, a favor from a CITEM employee;

2.3 A gift from a member of the family, relatives or friends on the occasion of a family celebration, and without any expectation of pecuniary gain or benefit;

2.4 Nominal gifts from persons, individuals, or entities with no regular, pending, or expected transactions with the department or unit with which the employee is connected, and without any expectation of pecuniary gain or benefit;

- 2.5 Working meals, hospitality or legitimate representational functions to meet and discuss business with clients;
- 2.6 Solicitations from individuals, entities or persons where the solicitation is to deliver the function or mandate of CITEM and it will redound to the benefit of CITEM;
- 2.7 Scholarships, travels and similar benefits granted to CITEM officials and employees by other government agencies, private institutions or by local or international organizations provided that such acceptance is consistent and appropriate with the interests of the government or of CITEM.
- 2.8 Gifts given on special occasions between and among CITEM employees or directors;
- 2.9 Gifts or cash awards given by CITEM to its officials and employees during Christmas and Anniversary celebrations.

V. POSTING OF NO GIFT POLICY

Notices of this Policy shall be posted in conspicuous areas of CITEM.

VI. REFUSAL

Any offer of gift, solicitation, grant prohibited under this policy, or is considered excessive, or will put the recipient under an obligation, or influence a decision, or be in doubtful task or be liable to bring the reputation of CITEM into a disrepute should be politely declined or returned to the giver and courteously inform the offeror or giver about the CITEM's "No Gift Policy".

VII. REFUSAL IS INEVITABLE

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 from receipt, report the acceptance thereof and turn-over the gift to the proper Division to be identified by CITEM, for proper documentation and handling of the gift in accordance with the provisions of this Policy.

VIII. GIFT REGISTRY

Any gift received, regardless of value or kind, shall be registered in a Gift Registry to be maintained by the proper Division to be identified by CITEM, as the case may be. 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 necessary

IX. DONATION OF GIFTS TO CHARITABLE INSTITUTIONS

All gifts received shall be donated to appropriate charitable or social welfare institutions to be chosen by CITEM. An acknowledgment letter shall be sent to the giver of the gift informing the latter about the donation to the said institution/s.

X. VIOLATION AND PENALTIES

Any violation of this No Gift Policy shall be subject to disciplinary action and penalty in accordance with the specific provisions of the Revised Rules on Administrative Cases in the Civil Service (RRACCS) and RA 7613 and RA 3019, and other pertinent laws, rules and regulations.

XI. AMENDMENT / REPEALING CLAUSE

All previous issuances and orders inconsistent herewith are deem superseded/amended.

XII. EFFECTIVITY

This No Gift Policy shall take effect immediately.

APPROVED:

CITEM BOARD OF GOVERNORS

SECRETARY GREGORY L. DOMINGO

Chairman



UNDERSECRETARY PONCIANO C. MANALO, JR.

Alternate Chairman

MS. MARGIE A. JORILLO
Member, Government Service Insurance System



DIR. MA. MERCEDES G. YACAPIN
Member, National Food Authority

MS. LEILA C. MARTIN
Member, Land Bank of the Philippines


MS. WILHELMINA C. MAÑALAC
Member, Bangko Sentral ng Pilipinas

MS. ROSARIO VIRGINIA C. GAETOS
Appointive Member

DISPOSAL OF UNSERVICEABLE
RATIFICATION OF ACTS