

[DBP Circular No. 03, February 12, 2015]

REVISED "NO GIFT POLICY";

Adopted: 12 February 2015

Date Filed: 17 February 2015

Section I. RATIONALE

The Development Bank of the Philippines (DBP) hereby adopts this "No Gift Policy":

A. In compliance with Section 29 of the Code of Corporate Governance for GOCCs (GCG Memorandum Circular No. 2012-07, s. 2012) which mandates that: "*x x x 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*"; and

B. Pursuant to the following constitutional and legal provisions:

1. Section 27, Article II of the 1987 Constitution which 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 which 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) which 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 which declares as a corrupt practice the acts of: "*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 "*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 , x x x.*";
5. Section 7 (d) of the Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6713) which 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 which 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.

Section II. DEFINITION OF TERMS

The terms used in this Circular shall mean as follows:

- A. *Bank/DBP* – refers to the Development Bank of the Philippines.
- B. *Board of Directors/Directors* – refer to the members of the Board of Directors of DBP.
- C. *Employee* - includes regular, temporary, coterminous, directly-hired and casual rank and file employees and officers of the Bank, unless used in a more specific context.
- D. *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, legacy (except from a relative), fee, compensation, cash, securities, entertainment, simulated sale or loan, or use of anything of monetary value, whether real or personal property.
- E. *Policy* - refers to the "DBP No Gift Policy".

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

Section III. COVERAGE

This Policy shall apply to all employees of DBP and the members of its Board of Directors.

Section IV. RULES

- A. **"NO GIFT POLICY"** - Except as otherwise provided in this Policy, all employees of DBP and members of its Board of Directors, shall not solicit, demand, or accept, directly or indirectly, any gift from any person, group, association, or juridical entity, whether from the public or private sector, at any time, on or off the work premises, where such gift is either:
 1. Given in the course of their official duties or in connection with any transaction which may be affected by the functions of their office;
 2. Illegal or in violation of laws;
 3. Part of an attempt or agreement to do anything in return;
 4. Given to influence the actions of directors or employees; or
 5. Create the appearance of a conflict of interest.