



# AFP RETIREMENT AND SEPARATION BENEFITS SYSTEM

424 Capinpin Avenue, Camp General Emilio Aguinaldo, Quezon City 1110

<b>AFPRSBS "NO GIFT" POLICY</b>	<b>Policy No.</b>	<b>CPO 01-2014</b>
	<b>Effective Date</b>	<b>NOV 07 2014</b>
	<b>Approval</b>	 <b>NORMAN C LEGASPI</b> President/CEO

## I. BACKGROUND/RATIONALE

Public officials and employees shall at all times uphold the public interest over and above personal interest. Acceptance of gifts that cause conflict of interest or lead to personal gain may affect the faithful performance of one's official duty and runs contrary to a public servant's commitment to public interest.

## II. LEGAL BASIS

This "No Gift" Policy is issued pursuant to the following:

- A. Section 27, Article II of the 1987 Constitution provides that "The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption."
- B. Section 1 of the Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act) 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."
- C. Section 2 of the Republic Act No. 6713 (Code of Ethical Standards for Public Officials and Employees) provides that "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."
- D. Section 29 of GCG MC No. 2012-07 (Code of Corporate Governance for Government Owned and Controlled Corporations) states 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.”

**III. PURPOSE**

- To provide AFPRSBS officials and employees with guidelines in the handling of gifts received from individuals and entities in the workplace.
- To promote transparency and eliminate graft and corrupt practices.
- To ensure that AFPRSBS officials and employees shall at all times uphold the public interest over and above personal interest.

**IV. COVERAGE**

This policy shall apply to all AFPRSBS officials and employees regardless of status of appointment.

**V. POLICY**

**A. Prohibited Acts**

AFPRSBS officials and employees are prohibited from the following acts that may lead to personal gain and/or conflict of interest:

1. Directly or indirectly soliciting gifts, favor or benefits from stakeholders; and
2. Directly or indirectly accepting or receiving any gift, favor or benefit from any party which may influence the performance of employees' official functions or which may be perceived as influencing their past, present and future official functions.

**B. Exceptions**

1. AFPRSBS officials and employees may receive token gifts, plaques, awards, certificates, souvenir items, and other tokens of courtesy, appreciation or gratitude from individuals and other institutions or agencies provided that:
  - a. The token gifts, plaques, award, certificates, souvenir items, other 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 AFPRSBS officials and employees' performance of official functions.
2. The following gifts and benefits are likewise not covered by the policy:
- a. Gifts and benefits including grants and donations received by the AFPRSBS as an institution from other offices or organizations;
  - b. Scholarships, travel and similar benefits granted to AFPRSBS officials and employees by other government agencies, private institutions or by local or institutional organizations provided that such acceptance is consistent and appropriate with the interest of the government and/or the System;
  - c. Trainings and travels provided to AFPRSBS officials and employees in relation to the effective use of an equipment or a system supplied by a contractor or supplier as part of its contract with AFPRSBS; and
  - d. Gifts or cash awards given by the AFPRSBS to its officials and employees during Christmas and anniversary celebrations.

**C. Gift Register**

- 1. To further ensure transparency in the way AFPRSBS officials and employees deal with their stakeholders, a Gift Register (Annex "A") shall be maintained in all AFPRSBS offices for the purpose of monitoring and recording gifts given to and received by AFPRSBS officials and employees.
- 2. AFPRSBS official or employee who received a gift, favor or benefit in the workplace, regardless of value, from individuals or entities shall cause the registration of said gift in the Gift Register and sign the appropriate receipt portion thereof.
- 3. The Gift Register shall likewise require the following information:
  - a. Date of delivery or receipt of gift, grant of favor or benefit;
  - b. Description of the gift, favor or benefit received;
  - c. Estimated value of gift;
  - d. Name, position or office of giver of gift;
  - e. Name of recipient; and
  - f. Action taken on the gift, e.g. Consumed, Donated, Returned/ Courteously declined.

*JAC*

#### **D. Responsibilities**

1. The Head of Offices/Units, through their respective staff, shall be responsible for maintaining a Gift Register, and submitting the annual report on gifts, favors or benefits received by AFPRSBS officials and employees under their Office/Unit to the Compliance Officer.

The reports of the operating units shall be consolidated by the Office of the Executive Vice President, while reports of the Executive Support Offices shall be consolidated by the Office of the President.

2. The Compliance Officer shall submit a report of gifts, favors or benefits given to AFPRSBS officials and employees to the Board of Trustees. The report shall include the following:
  - a. Instances of possible conflict of interest, if any; and
  - b. Propriety of the action taken on the gifts.
3. The Corporate Planning Office (CPO) shall disseminate this policy.

#### **E. Violations and Penalties**

Any violation of this policy shall be referred to the Human Resource Office for investigation and disciplinary action in accordance with the specific provisions of RA 6713, RA 3019, the Revised Rules on Administrative Cases in the Civil Service (RRACCS) and other pertinent laws, rules and regulations.

This Policy shall take effect immediately.



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#### GIFT REGISTER

\_\_\_\_\_ (Group/Department/Office)

Date Delivery/ Receipt	Description of Gift, Favor or Benefit	Estimated Value	Name of Giver/ Position and Office	Name and Signature of Recipient	Action Taken (Consumed, Donated, Returned/Courteously Declined)

Prepared by: \_\_\_\_\_  
(Staff-in-Charge)

Noted by: \_\_\_\_\_  
(Group/Dept/Office Head)

*PC*