



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
Manila

097.12 DPWH
02-02-2006

FEB 02 2006

SPECIAL ORDER) CREATION OF A TECHNICAL WORKING GROUP
No. 23) **(TWG) AND A SECRETARIAT TO ASSIST THE**
Series of 2006) **DPWH MANCOM IN THE PREPARATION AND**
) **PUBLICATION OF THE DPWH ANNUAL REPORTS**

In connection with the implementation of the recommendations outlined in the DPWH Annual Report Format and Procedures under the Business Improvement Implementation Projects (BIIPs) of the Road Improvement and Management Support System (RIMSS), the DPWH Management Committee (MANCOM) is hereby authorized to approve the following:

1. The DPWH Annual Report format to be adopted each year;
2. Responsibilities for assembling data and calculating the Key Result Areas for the Reports; and,
3. The contents of the DPWH Annual Reports to be published in hardcopy and on the Department's Website.

In the finalization of DPWH Annual Reports, the MANCOM shall be supported by a Technical Working Group (TWG) with the Assistant Secretary for Planning as its Head and with the Heads of the following Offices as TWG members:

1. Bureau of Construction (BOC);
2. Bureau of Maintenance (BOM);
3. Bureau of Design (BOD);
4. Bureau of Research and Standards (BRS);
5. Planning Service (PS);
6. Comptrollership and Financial Management Service (CFMS);
7. Administrative and Manpower Management Service (AMMS); and,
8. Environmental and Social Services Office (ESSO).

The TWG shall perform the following tasks:

1. Review the DPWH Annual Report format/layout for approval;
2. Validate the data/information to be presented in the Annual Report;
3. Monitor the progress of the production of the Annual Report;
4. Recommend appropriate action to be taken to correct any Agency performance problem identified; and,
5. Present the draft Annual Report to the MANCOM for approval.

The Public Information Division (PID) is hereby designated as the Secretariat for the Annual Reports and will have overall responsibility for the coordination, management and reporting on the contents of the Annual Reports. Relative to this, the Secretariat shall undertake the following:

1. In consultation with concerned parties, recommend the Annual Report contents to be reported each year, taking into consideration the proposal on contents of the relevant BIIPs;
2. Propose a section on a Special Theme to be presented each year as a centerpiece of the Report;
3. Brief the TWG on the collection of data to be presented in the Annual Report and the preparation of write-ups for editing by PID;
4. Schedule meetings with TWG and MANCOM on the Annual Report contents and quality of the write-ups;
5. Oversee the collection of data and formulation of results by the assigned offices;
6. Prepare brief minutes of meetings with the MANCOM and TWG and status reports on the progress of preparation of the Annual Report; and,
7. Produce the Annual Report each year on the basis of decisions promulgated during the sessions with the MANCOM.

Final production/printing/posting of the DPWH Annual Reports must be completed within forty-five working days from the end of each year, pursuant to the provisions of Section 5 (b) of RA No. 6713.

All offices concerned shall extend their cooperation and assistance to the TWG and the Secretariat for the Annual Reports to achieve the successful establishment, institutionalization and implementation of said reporting in the Department. Likewise, all offices are hereby directed to strictly comply with the deadlines set forth by the TWG/Secretariat on the submission of the required data/information.

This Order takes effect immediately.


HERMOGENES E. ERDANE, JR.
Acting Secretary



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Code of Conduct and Ethical Standards for Public Officials and Employees

REPUBLIC OF THE PHILIPPINES

Congress of the Philippines

Metro Manila

Second Regular Session

Began and held in Metro Manila, on Monday, the twenty-fifth day of July, nineteen hundred and eighty-eight.

REPUBLIC ACT NO. 6713)

AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST, GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THERE AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title. — This Act shall be known as the "Code of Conduct and Ethical Standards for Public Officials and Employees."

SEC. 2. Declaration of Policy.

— 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 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.

SEC. 3. Definitions of Terms.

— As used in this Act, the term: (a) "Government includes the National Government, the local governments, and all other instrumentalities, agencies or branches of the Republic of the Philippines including government-owned or controlled corporations, and their subsidiaries." (b) "Public Officials" includes

elective and appointive officials and employees, permanent or temporary, whether in the career or non-career service, including military and police personnel, whether or not they receive compensation, regardless of amount.

(c) "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. It shall not include an unsolicited gift of nominal or insignificant value not given in anticipation of, or in exchange for, a favor from a public official or employee.

(d) "Receiving any gift" includes the act of accepting, directly or indirectly, a gift from a person other than a member of his family or relative as defined in this Act, even on the occasion of a family celebration or national festivity like Christmas, if the value of the gift is given in anticipation of, or in exchange for, a favor.

(e) "Loan" covers both simple loan and commodatum as well as guarantees, financing arrangements or

accommodations intended to ensure its approval.

(f) "Substantial stockholder" means any person who owns, directly or indirectly, shares of stock sufficient to elect a director of a corporation. This term shall also apply to the parties to a voting trust.

(g) "Family of public officials or employees" means their spouses and unmarried children under eighteen (18) years of age.

(h) "Person" includes natural and juridical persons unless the context indicates otherwise.

(i) "Conflict of interest" arises when a public official or employee is a member of a board, an officer, or a substantial stockholder of a private corporation or owner or has a substantial interest in a business, and the interest of such corporation or business, or his rights or duties therein, may be opposed to or affected by the faithful performance of official duty.

(j) "Divestment" is the transfer of title or disposal of interest in property by voluntarily, completely and actually depriving or dispossessing oneself of his right or title to it in favor of a person or persons other than his spouse and relatives as defined in this Act.

(k) "Relatives" refers to any and all persons related to a public official or employee within the fourth civil degree of consanguinity or affinity, including *bilas*, *inso* and *balae*.

SEC. 4. — Norms of Conduct of Public Officials and Employees. — (A) Every public official and employee shall observe the following as

standards of personal conduct in the discharge and execution of official duties:

(a) Commitment to public interest. — Public officials and employees shall always uphold the public interest over and above personal interest. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in public funds and revenues.

(b) Professionalism. — Public officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. They shall enter public service with utmost devotion and dedication to duty. They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.

(c) Justness and sincerity. — Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms

are coterminous with theirs.

(d) Political neutrality. — Public officials and employees shall provide service to everyone without unfair discrimination and regardless of party affiliation or preference.

(e) Responsiveness to the public. — Public officials and employees shall extend prompt, courteous, and adequate service to the public. Unless otherwise provided by law or when required by the public interest, public officials and employees shall provide information on their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures, avoid red tape and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed rural and urban areas.

(f) Nationalism and patriotism. — Public officials and employees shall at all times be loyal to the Republic and to the Filipino people, promote the use of locally produced goods, resources and technology and encourage appreciation and pride of country and people. They shall endeavor to maintain and defend Philippine sovereignty against foreign intrusion.

(g) Commitment to democracy. — Public officials and employees shall commit themselves to the democratic way of life and values, maintain the principle of public accountability, and manifest by deeds the supremacy of civilian authority over the military. They shall at all times uphold the Constitution and put loyalty to country above loyalty to persons or party.

(h) Simple living. — Public officials and employees and their families shall lead modest lives appropriate to their positions and income. They shall not indulge in extravagant or

ostentatious display of wealth in any form.

(B) The Civil Service Commission shall adopt positive measures to promote

(1) observance of these standards including the dissemination of information programs and workshops authorizing merit increases beyond regular progression steps to a limited number of employees recognized by their office colleagues to be outstanding in their observance of ethical standards; and (2) continuing research and experimentation on measures which provide positive motivation to public officials and employees in raising the general level of observance of these standards.

SEC. 5. — Duties of Public Officials and Employees. —

In the performance of their duties, all public officials and employees are under obligation to:

(a) Act promptly on letters and requests. — All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.

(b) Submit annual performance report. — All heads or other responsible officers of offices and agencies of the government and of government-owned or controlled corporations shall, within forty-five (45) working days from the end of the year, render a performance report of the agency or office or corporation concerned. Such report shall be open and available to the public within regular office hours.

(c) Process documents and papers expeditiously. — All official papers and documents must be processed and completed within a reasonable time from the preparation thereof and must contain, as far as practicable, not more than

three (3) signatories therein. In the absence of duly authorized signatories, the official next in rank or officer-in-charge shall sign for and in their behalf.

(d) Act immediately on the public's personal transactions. — All public officials and employees must attend to anyone who wants to avail himself of the services of their offices and must, at all times act promptly and expeditiously.

(e) Make documents accessible to the public. — All public documents must be made accessible to, and readily available for inspection by, the public within reasonable working hours.

SEC. 6. — System of Incentives and Rewards. — A system of annual incentives and rewards is hereby established in order to motivate and inspire public servants to uphold the highest standards of ethics. For this purpose, a Committee on Awards to Outstanding Public Officials and Employees is hereby created composed of the following: the Ombudsman and Chairman of the Civil Service Commission as Co-Chairmen, and the Chairman of the Commission on Audit, and two government employees to be appointed by the President, as members.

It shall be the task of this Committee to conduct a periodic, continuing review of the performance of public officials and employees, in all the branches and agencies of Government and establish a system of annual incentives and rewards to the end that due recognition is given to public officials and employees of outstanding merit on the basis of the standards set forth in this Act.

The conferment of awards shall take into account, among other things, the following: the years of service and the quality and consistency of performance, the obscurity of the position, the level of salary,

the unique and exemplary quality of a certain achievement, and the risks and temptations inherent in the work. Incentives and rewards government officials and employees of the year to be announced in public ceremony honoring them may take the form of bonuses, citations, directorships in government-owned or controlled corporations, local and foreign scholarship grants, paid vacations, and the like. They shall likewise be automatically promoted to the next higher position with the commensurate salary suitable to their qualifications. In case there is no next higher position or it is not vacant, said position shall be included in the budget of the office in the next General Appropriations Act. The Committee on Awards shall adopt its own rules to govern the conduct of its activities.

SEC. 7. Prohibited Acts and Transactions. — In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful:

(a) Financial and material interest. — Public officials and employees shall not, directly or indirectly, have any financial or material interest in any transaction requiring the approval of their office.

(b) Outside employment and other activities related thereto. — Public officials and employees during their incumbency shall not:

(1) Own, control, manage or accept employment as officer, employee, consultant, counsel, broker, agent, trustee or nominee in any private enterprise regulated, supervised or licensed by their office unless expressly allowed by law;

(2) Engage in the private practice of their profession

unless authorized by the Constitution or law, provided that such practice will not conflict or tend to conflict with their official functions; or

(3) Recommend any person to any position in a private enterprise which has a regular or pending official transaction with their office.

These prohibitions shall continue to apply for a period of one (1) year after resignation, retirement, or separation from public office, except in the case of subparagraph (b)(2) above, but the professional concerned cannot practice his profession in connection with any matter before the office he used to be with, in which case the one-year prohibition shall likewise apply.

(c) Disclosure and/or misuse of confidential information — Public officials and employees shall not use or divulge confidential or classified information officially known to them by reason of their office and not made available to the public, either;

(1) To further their private interests, or give undue advantage to anyone; or
(2) To prejudice the public interest.

(d) Solicitation or acceptance of gifts. — 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 in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office.

As to gifts or grants from foreign governments, the Congress consents to —

(i) The acceptance and retention by a public official or employee of a gift of nominal value tendered and received as a souvenir or mark of courtesy;
(ii) The acceptance by a public official or employee of a gift in the nature of a scholarship or fellowship grant or medical

treatment; or

(iii) The acceptance by a public official or employee of travel grants or expenses for travel taking place entirely outside the Philippines (such as allowances, transportation, food, and lodging) of more than nominal value if such acceptance is appropriate or consistent with the interests of the Philippines, and permitted by the head of the office, branch or agency to which he belongs.

The Ombudsman shall prescribe such regulations as may be necessary to carry out the purpose of this subsection, including pertinent reporting and disclosure requirements.

Sec. 8. Statements and Disclosure. — Public officials and employees have an obligation to accomplish and submit declarations under oath of, and the public has the right to know, their assets, liabilities, net worth and financial and business interests including those of their spouses and of unmarried children under eighteen (18) years of age living in their households.

(A) Statement of Assets and Liabilities and Financial Disclosure. — All public officials and employees, except those who serve in an honorary capacity, laborers and casual or temporary workers, shall file under oath their Statement of Assets, Liabilities and Net Worth and a Disclosure of Business Interests and Financial Connections and those of their spouses and unmarried children under eighteen (18) years of age living in their households.

The two documents shall contain information on the following:

(a) real property, its improvements, acquisition costs, assessed value and current fair market value;

(b) personal property and acquisition costs;

(c) all other assets such as investments, cash on hand or in banks, stocks, bonds, and the

like;

(d) liabilities, and
(e) all business interests and financial connections.

The documents must be filed:
(a) within thirty (30) days after assumption of office;

(b) on or before April 30, of every year thereafter; and

(c) within thirty (30) days after separation from the service.

All public officials and employees required under this section to file the aforestated documents shall also execute, within thirty (30) days from the date of their assumption of office, the necessary authority in favor of the Ombudsman to obtain from all appropriate government agencies, including the Bureau of Internal Revenue, such documents as may show their assets, liabilities, net worth, and also their business interests and financial connections in previous years, including, if possible, the year when they first assumed any office in the Government.

Husband and wife who are both public officials or employees may file the required statements jointly or separately.

The Statements of Assets, Liabilities and Net Worth and the Disclosure of Business Interests and Financial Connections shall be filed by:

(1) Constitutional and national elective officials, with the national office of the Ombudsman;

(2) Senators and Congressmen, with the Secretaries of the Senate and the House of Representatives, respectively; Justices, with the Clerk of Court of the Supreme Court; Judges, with the Court Administrator; and all national executive officials with the Office of the President;

(3) Regional and local officials and employees, with the Deputy Ombudsman in their respective regions;

(4) Officers of the armed forces from the rank of colonel or naval captain, with the Office of the President, and

those below ranks, with the Deputy Ombudsman in their respective regions; and

(5) All other public officials and employees defined in Republic Act No. 3019, as amended, with the Civil Service Commission.

(B) Identification and disclosure of relatives. — It shall be the duty of every public official or employee to identify and disclose, to the best of his knowledge and information, his relatives in the Government in the form, manner and frequency prescribed by the Civil Service Commission.

(C) Accessibility of documents. — (1) Any and all statements filed under this Act, shall be made available for inspection at reasonable hours.

(2) Such statements shall be made available for copying or reproduction after ten (10) working days from the time they are filed as required by law.

(3) Any person requesting a copy of a statement shall be required to pay a reasonable fee to cover the cost of reproduction and mailing of such statement, as well as the cost of certification.

(4) Any statement filed under this Act shall be available to the public for a period of ten (10) years after receipt of the statement. After such period, the statement may be destroyed unless needed in an ongoing investigation.

(D) Prohibited acts. — It shall be unlawful for any person to obtain or use any statement filed under this Act for:

(a) any purpose contrary to morals or public policy; or

(b) any commercial purpose other than by news and communications media for dissemination to the general public.

Sec. 9. Divestment. — A public official or employee shall avoid conflicts of interest at all times. When a conflict of interests arises, he shall resign from his position in any private

business enterprise within thirty (30) days from his assumption of office and/or divest himself of his shareholdings or interest within sixty (60) days from such assumption.

The same rule shall apply where the public official or employee is a partner in a partnership.

The requirement of divestment shall not apply to those who serve the Government in an honorary capacity nor to laborers and casual or temporary workers.

Sec. 10. Review and Compliance Procedure. — (a) The designated Committee of both Houses of the Congress shall establish procedures for the review of statements to determine whether said statements have been submitted on time, are complete, and are in proper form. In the event a determination is made that a statement is not so filed, the appropriate Committee shall also inform the reporting individual and direct him to take the necessary corrective action.

(b) In order to carry out their responsibilities under this Act, the designated Committees of both Houses of the Congress shall have the power, within their respective jurisdictions, to render any opinion interpreting this Act, in writing, to persons covered by this Act, subject in each instance to the approval by affirmative vote of the majority of the particular House concerned.

The individual to whom an opinion is rendered, and any other individual involved in a similar factual situation, and who, after issuance of the opinion acts in good faith in accordance with it shall not be subject to any sanction provided in this Act.

(c) The heads of other offices shall perform the duties stated in subsections (a) and (b) hereof insofar as their respective offices are concerned, subject to the approval of the Secretary

of Justice, in the case of the Executive Department and the Chief Justice of the Supreme Court, in the case of the Judicial Department.

Sec. 11. Penalties. — (a) Any public official or employee, regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of this Act, shall be punished with a fine not exceeding the equivalent of six (6) months salary suspension not exceeding one year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute.

Violations of Sections 7, 8, or 9 of this Act shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000.00), or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office.

(b) Any violation hereof proven in proper administrative proceeding shall be sufficient cause for removal or dismissal of a public official or employee, even if no criminal prosecution is instituted against him.

(c) Private individuals who participate in conspiracy as co-principals, accomplices or accessories, with public officials or employees, in violation of this Act, shall be subject to the same penal liabilities as the public officials or employees and shall be tried jointly with them.

(d) The official or employee concerned may bring an action against any person who obtains or uses a report for any purpose prohibited by Section 8 (D) of this Act. The Court in which such action is brought may assess against such person a penalty in any amount not to

exceed twenty-five thousand pesos (P25,000.00) under any other law is heavier, the latter shall apply.

Sec. 12. Promulgation of Rules and Regulations, Administration and Enforcement of this Act. — The Civil Service Commission shall have the primary responsibility for the administration and enforcement of this Act. It shall transmit all cases for prosecution arising from violations of this Act to the proper authorities for appropriate action: Provided, however, that it may institute such administrative actions and disciplinary measures as may be warranted in accordance with law. Nothing in this provision shall be construed as a deprivation of the right of each House of Congress to discipline its Members for disorderly behavior.

The Civil Service Commission is hereby authorized to promulgate rules and regulations necessary to carry out the provisions of this Act, including guidelines for individuals who render free voluntary service to the Government. The Ombudsman shall likewise take the steps to protect citizens who denounce acts or omissions of public officials and employees which are in violation of this Act.

Sec. 13. Provisions for More Stringent Standards. — Nothing in this Act shall be

Approved,

RAMON V. MITRA
Speaker of the House of
Representatives

This Act which is a consolidation of Senate Bill No. 139 and House Bill No. 12069 was finally passed by the Senate and the House of Representatives on October 21, 1988 and February 1, 1989, respectively.

QUIRINO D. ABAD SANTOS, JR.
Secretary of the House
of Representatives

EDWIN P. ACOBA
Secretary of the Senate

JOVITO R. SALONGA
President of the Senate

CORAZON C. AQUINO
President of the Philippines

Approved: February 20, 1989

constructed to derogate from any law, or any regulation prescribed by any body or agency, which provides for more stringent standards for its officials and employees.

Sec. 14. Appropriations. — The sum necessary for the effective implementation of this Act shall be taken from the appropriations of the Civil Service Commission. Thereafter, such sum as may be needed for its continued implementation shall be included in the annual General Appropriations Act.

Sec. 15. Separability Clause. — If any provision of this Act or the application of such provision to any person or circumstance is declared invalid, the remainder of the Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

Sec. 16. Repealing Clause. — All laws, decrees and orders or parts thereof inconsistent herewith, are deemed repealed or modified accordingly, unless the same provide for a heavier penalty.

Sec. 17. Effectivity. — This Act shall take effect after thirty (30) days following the completion of its publication in the Official Gazette or in two (2) national newspapers of general circulation.