



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila

DEPARTMENT OF LABOR AND EMPLOYMENT
Administrative Service Central Records Section-GSD

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ADMINISTRATIVE ORDER NO. 35
Series of 2014

GUIDELINES IN THE IMPLEMENTATION OF THE "NO GIFT POLICY"

Toward upholding efficiency and integrity in the Department and pursuant to Administrative Order No. 476, s. 2010, *Rule III. Solicitation and Acceptance of Gifts under the Code of Conduct for DOLE Officials and Employees*, the following Guidelines are hereby issued.

I. BASIC POLICIES

a. DOLE officials and employees shall not, directly or indirectly, solicit, accept or receive any gift and/or benefit for themselves or for others from the following:

- Parties, counsel/s and their agents;
- Recruitment agencies and their agents;
- Suppliers, contractors and their agents; and
- Other parties transacting business with the Department. (*Sec 1, Rule III*)

b. The following acts are **STRICTLY PROHIBITED**:

- Receiving of gifts given by an applicant before and after their interview schedule;
- Accepting gifts to facilitate the immediate actions or release of documents that are filed in the Department especially those that need the approval of DOLE officials in exchange of a favor or special request;
- Receiving of gifts given by parties or clients that have pending complaints and cases filed in the Department;
- Accepting gifts as a result of gratitude from client/customers out of excellent services;
- Accepting gifts from a private institution in exchange of a positive rating or feedback to earn/vie for government incentives and awards; and
- Other analogous circumstances.

II. COVERAGE

These policies shall apply to all levels of officials and employees of the DOLE Offices, Services, Bureaus, Regional Offices and Philippine Overseas Labor Offices, regardless of employment status.

Attached Agencies are encouraged to adopt these guidelines for implementation in their respective offices.

III. EXEMPTIONS:

Acceptance of gifts, however, may be **ALLOWED** in the following circumstances:

1. Moderate gifts and/or benefits received by the Department as an institution from other offices, organizations or individuals not covered under Rule III, Section 1 above, including grants and donations which are aimed at sustaining or enhancing DOLE programs and services to intended clients as well as gifts and benefits for official functions/events like Christmas/Labor Day/Founding Anniversary/ Independence Day Celebrations; that in case of grants and donations, duly authenticated copies of the supporting documents related thereto, such as, but not limited to Memorandum of Agreement, Deed of Donation, shall be furnished to DOLE;
2. Moderate gifts or cash awards given by the Department to its officials and employees during Anniversary, Christmas celebrations, and other related official or milestone events and those covered by appropriate Collective Negotiation Agreement (CNA);
3. Gifts that may be exchanged between and among DOLE officials and employees provided they are given not in anticipation of, or exchange for a favor during special occasions such as Christmas or birthday celebrations and *do not exceed P2,000.00 in value;*
4. Gifts that may be exchanged between and among members of the Inter-Agency Committees and other organizations to which the DOLE belongs during special occasions, provided the gifts do not exceed P2,000.00 in value; and
5. Performance-based cash rewards, scholarship grants, and similar incentives and benefits granted to DOLE officials and employees by appropriate government agencies, private institutions, or national or international organizations. *(Sec. 2, Rule III)*

Relative thereto, in the course of the performance of their official functions, DOLE officials and employees shall not accept any fee or remuneration beyond what they are legally entitled to receive in their official capacity. However, they may receive plaques, awards, certificates, souvenirs or other tokens of appreciation or gratitude as appropriate to the **occasion/ceremonies** in which it is made, provided that such plaques, awards or certificates, might not be reasonably perceived as **intended to influence** the officials/employees in the performance of their official functions. *(Sec. 3, Rule III)*

IV. PENALTY

The commission of the herein administrative offenses are classified as **GRAVE OFFENSES** punishable by **DISMISSAL** from the service per *Administrative Order 55 s. 2013 Rule XII on Offenses and Schedule of Penalties* which states that:

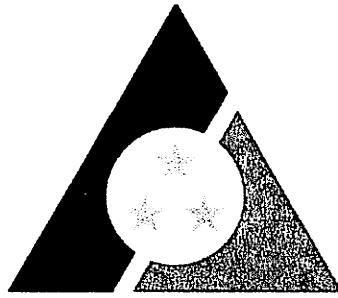
- *“Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift, or those valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws”; and*

- *“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 and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature”.*

All offices are hereby directed to post the official signage on the **“NO GIFT POLICY ”** (Annex “A”) in all DOLE offices particularly in the areas where frontline services are rendered or where employees and DOLE clients usually converge.


ROSALINDA DIMAPILIS BALDOZ
Secretary

10 3 FEB, 2014 .



*More than jobs!
It's decent jobs.*

The Department of Labor and Employment observes a NO-GIFT POLICY.

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- Parties, counsel/s and their agents;
- Recruitment agencies and their agents;
- Suppliers, contractors and their agents; and
- Other parties transacting business with the Department.

As stated on Administrative Order No. 476, s. 2010, Rule III (Solicitation and Acceptance of Gifts under the Code of Conduct for DOLE Officials and Employees). And A.O. _____