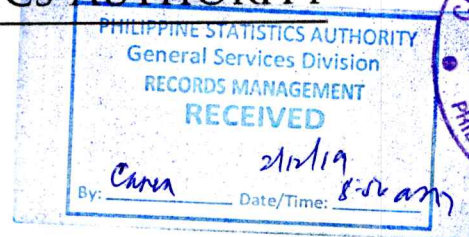




REPUBLIC OF THE PHILIPPINES
PHILIPPINE STATISTICS AUTHORITY

Reference No. 19CRCSO03-MC-02-001



MEMORANDUM CIRCULAR NO. 2019-04

TO : ALL PSA OFFICIALS AND EMPLOYEES
CONTRACT OF SERVICE AND JOB ORDER WORKERS
CLIENTS/GENERAL PUBLIC AND PARTNER INSTITUTIONS
SUPPLIERS, CONTRACTORS AND CONCESSIONAIRES

SUBJECT : Promulgating and Mandating the Institutionalization of a No Gift Policy of the Philippine Statistics Authority, Prescribing the Liabilities or Penalties for Violations Thereof, and for Other Purposes.

DATE : 01 February 2019

To further strengthen ethical standards, accountability, honesty, integrity and professionalism in the delivery of services and loyalty to the Republic of the Philippines, pursuant to Section 27¹, Article II, and Section 1², Article XI of the 1987 Philippine Constitution, Republic Act No. 6713³ specifically Section 2⁴ thereof, Republic Act No. 3019⁵ specifically Section 1⁶ thereof, CSC MC No. 29, 2016 dated December 22, 2016⁷, and such applicable laws, rules and regulations, a "No Gift Policy" is promulgated and institutionalized in the Philippine Statistics Authority, hereinafter referred to as the "PSA No Gift Policy", for *brevity*, effective 01 February 2019 and thereafter, for strict compliance of all concerned.

This Memorandum Circular and the PSA No Gift Policy is to supplement, clarify, or amend or modify to and supersedes previous orders, circulars, memoranda, issuances and instructions inconsistent hereof. In case of conflict, the pertinent provisions of this Memorandum Circular and the PSA No Gift Policy shall prevail over the previous orders, circulars, memoranda, issuances and instructions as enunciated under **Mecano v. COA** except, those functions and duties prescribed by legislative delegation.

THIS MEMORANDUM CIRCULAR AND THE PSA NO GIFT POLICY IS TO TAKE EFFECT IMMEDIATELY THIS 1ST DAY OF FEBRUARY 2019 AND IS TO REMAIN IN FULL FORCE UNTIL SOONER REVOKED OR MODIFIED.

Lisa Grace S. Bersales

LISA GRACE S. BERSALES, Ph.D.

Undersecretary

National Statistician and Civil Registrar General

DAAS/JBP/RPB/LCDC/SLR/CCV

Copy furnished:

____ All PSA Official/Officers and Employees

____ All COSWs and JOWs of PSA

____ Others concerned

¹ "The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption".

² "Public officers and employees must at all times be accountable to the people, serve them with utmost responsibilities, integrity, loyalty, and efficiency, act with patriotism and lead modest lives

³ "Code of Conduct and Ethical Standards for Public Officials and Employees".

⁴ "It is the policy of the State to promote a high standard of ethics in public service".

⁵ "Anti-Graft and Corrupt Practices Act".

⁶ "It is the policy of the Philippine Government, in line with 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.

⁷ "Prohibition on Solicitation or Acceptance of Gifts".



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NO GIFT POLICY OF THE PHILIPPINE STATISTICS AUTHORITY
(PSA No Gift Policy)
Effective 01 February 2019 and Thereafter

1. **Coverage.** – This No Gift Policy is to cover all officials and employees or personnel of the Philippine Statistics Authority who are on regular/permanent, coterminous or contractual employment status as well as all Contract of Service Workers (COSWs) and Job Order Workers (JOWs) hired by the PSA and its concessionaires or contractors through individual contract and/or institutional contract or outsourcing.



The coverage or application of this policy extends to the members of the family and relatives within fourth civil degree of consanguinity or family of the foregoing officials, employees or personnel and persons.

2. **Definition of Terms.** – The following terms are defined and be used operationally in harmony with relevant issuances by the DBM, CSC, COA and as prescribed under existing laws, rules and regulations, to wit:
 - 2.1. *Action* refers to the written approval or disapproval made by any Office/Service/Section/Unit and the concerned officials thereof on the application or request submitted by an applicant or requesting party for processing⁸.
 - 2.2. *Advertisements* refer to notice given in a manner designed to attract public attention; information communicated to the public, or to an individual concerned, by means of handbills or the newspaper⁹.
 - 2.3. *A Thing of Monetary Value* refers to one which is evidently or manifestly excessive by its very nature.
 - 2.4. *ANS* refers to the Assistant National Statistician who is the head of the Office of the Assistant National Statistician (OANS) duly appointed by the President of the Philippines or the Officer-in-Charge (OIC) or Acting thereof duly designated by the Office of the President or by the NSCRG.
 - 2.5. *Chief of Division or Division Chief* refers to the officer in the Central Office or Regional Office who occupies below the Director position duly appointed by the NSCRG or the Officer-in-Charge (OIC) or Acting thereof duly designated by the NSCRG.
 - 2.6. *CO* refers to the Central Office, where the NSCRG, as head of the PSA, holds office which, is also comprised of the ONSCRG, ODNSS, OANSS, and Services and the units/sections thereof.
 - 2.7. *Commodatum* refers to a contract whereby one of the parties delivers to another something not consumable so that the latter may use the same for a certain time and return it¹⁰.
 - 2.8. *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

⁸ SEC. 4 (a) of Republic Act No. 11032 otherwise known as the Ease of Doing Business and Efficient Government services Delivery Act of 2018".

⁹ Black's Law Dictionary.

¹⁰ Section 1, Rule of the Implementing Rules and Regulations of RA. 6713.


2 

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 duty¹¹.

- 2.9. *Contract* is a meeting of minds between two persons whereby one binds himself, with respect to other, to give something or to render some service¹².

The essential elements of a contract, as judicially interpreted in ***Heirs of Dr. Mario Intac and Angelina Intac v. Court of Appeals, et al.***¹³ of which the Supreme Court pronounced:

“A contract, as defined in the Civil Code, is a meeting of minds, with respect to other, to give something or to render some service. Article 1318 provides:

Art. 1318. There is no contract unless the following requisites concur:

- (1) Consent of the contracting parties;
- (2) Object certain which is the subject matter of the contract; and
- (3) Cause of the obligation which is established.

Accordingly, for a contract to be valid, it must have three essential elements: (1) consent of the contracting parties; (2) object certain which is the subject matter of the contract; and (3) cause of the obligation which is established.

All these elements must be present to constitute a valid contract. Consent is essential to the existence of a contract; and where it is wanting, the contract is non-existent.”

- 2.10. CSC refers to the Civil Service Commission created pursuant to Article IX-B of the 1987 Philippine Constitution.
- 2.11. CSC FO refers to the Field Office of the Civil Service Commission.
- 2.12. CSS refers to the Chief Statistical Specialist who serves as the head and performs the administrative supervision and leadership functions of the PSO.
- 2.13. *Discounts* refer to the deduction from the usual cost of something, typically given for prompt or advance payment or to a special category of buyers.
- 2.14. *Division* refers to an organizational subdivision of the PSA headed by a Chief or its equivalent with salary grade of 24 or higher. A division is to have at least two (2) sections or units with staff complement in accordance with the approved Staffing Pattern of the PSA.
- 2.15. *DNS* refers to the Deputy National Statistician who is the head of the Office of the Deputy National Statistician (ODNS) duly appointed by the

¹¹ Section 3(j) of Republic Act No. 6713.

¹² Article 1305, Chapter 1, Title II of Republic Act No. 386 otherwise known as the “The Civil Code of the Philippines”.

¹³ ***Heirs of Dr. Mario Intac and Angelina Intac v. Court of Appeals, et al.***, G.R. No. 173211, October 11, 2012, citing *Sps. Ramon Lequin and Virginia Lequin v. sps. Raymundo Vizconde*, G.R. No. 177710, October 12, 2009, 603 SCRA 407, 417.

President of the Philippines or the Officer-in-Charge (OIC) or Acting thereof duly designated by the Office of the President or by the NSCRG.

- 2.16. *Employee*, when used this reference to a person in the public service, includes any person in the service of the government or any of its agencies, divisions, subdivisions or instrumentalities¹⁴. It also refers to a person who works at PSA and occupies a position in either the first and second level whose functions are not managerial in nature¹⁵.
- 2.17. *Entertainment* refers to the action of providing or being provided with amusement or enjoyment.
- 2.18. *Family of Public Officials or Employees* means their spouses and unmarried children under eighteen (18) years of age¹⁶.
- 2.19. *Favor* refers to an act of kindness beyond what is due or usual.
- 2.20. *Fellowship Grant* refers to funding designed to help an applicant either financially or by providing valuable on-the-job training, immersion and similar activity or undertaking.
- 2.21. *Field Office* refers to either Regional Statistical Services Office (RSSO) or Provincial Statistics Office (PSO).
- 2.22. *Foreign Grant* refers to economic, military, technical, and financial assistance given on an international and usually inter-governmental level with no repayment obligation.
- 2.23. *Gift* refers to a thing or a right to dispose of gratuitously, or any act or 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 employee¹⁷.
- 2.24. *Gratuity* refers to a favor or gift, usually in the form of money, given in return for service.
- 2.25. *Head of Office* refers to the NSCRG, or DNS, or RD, as the case may be, who is discharging administrative supervision and control of the Supervisor, and with the authority to confirm the results of the evaluation/assessment as provided hereof.

As an act of supervision and control¹⁸, the authority to "confirm" contemplated above is to be exercised as an affirmation or provide

¹⁴ Section 2(15) of the Introductory Provisions of Executive Order No. 292 otherwise known as the "Administrative Code of 1987".

¹⁵ Section 4(k), Rule 1 of CSC *En Banc* Resolution No. 1701077 promulgated on July 3, July 2017 otherwise, "2017 Rules on Administrative Cases in the Civil Service (2017 RACCS)".

¹⁶ Section 3(g) of Republic Act No. 6713.

¹⁷ Section 3(c) of Republic Act No. 6713.

¹⁸ **Miltiades C. Spandonis v. DOJ, et al.**, (G.R. No. 122636), March 15, 2000, citing among others, *Mondano v. Silvana*, 97 Phil. 143, 147-148 (1995), the Supreme Court clearly pronounced:

"Supervision" and "control" of a department head over his subordinates have been defined in administrative law as follows:

"In administrative law, supervision means overseeing or the power of authority of an officer to see that subordinate officers perform their duties. If the latter fail or neglect to fulfill them, the former may take such action or step as prescribed by law to make them perform such duties. Control, on the other hand, means the power of an officer to alter or modify or nullify or set aside what a subordinate officer had done in the performance of his duties and to substitute the judgment of the former for that of the latter."

proper action on the process and the results of the evaluation or assessment with the opportunity to review, modify or nullify or set aside thereof subject to applicable laws, rules and regulations.

- 2.26. *Honoraria* refers to an honorary or free gift; a gratuitous payment, as distinguished from hire or compensation for service; a lawyer's or counselor's fee¹⁹. An honorarium is defined as something given not as a matter of obligation but in appreciation for services rendered, a voluntary donation in consideration not consumable so that the latter may use the same for a certain time and return it²⁰.
- 2.27. *HRD* refers to the Human Resources Division of the PSA headed by a Chief and under the direct administrative control and supervision of the DNS for CRCSO through the ANS for FAS.
- 2.28. *Loan* covers both simple loan and commodatum as well as guarantees, financing arrangements or accommodations intended to ensure its approval²¹.
- 2.29. *Motu Proprio* refers to an action taken by the disciplining authority on its own initiative²². In PSA setting, the disciplining authority is the NSCRG and his/her representatives which include the Head of Office as provided under Clause 2.25 above.
- 2.30. *Nominal Value* is the value of a product or service quoting the money of the day, without taking into account any changes in prices, i.e. inflation. Nominal figures are misleading when we use them to compare values in different periods, because inflation diminishes the real value of something over time. Nominal value contrasts with *real value*, which factors in the effect of inflation. With real value, the nominal figure is adjusted to remove the distortions caused by price rises. In the world of business and finance, when issuing a security, instrument or currency, the nominal value means the same as the *par value* or *face value* – it is the security's value when it was first issued. It is the stated price that is written on the front of a security²³. Nominal refers to existing in name only or of a price or amount trifling, especially as compared what would be expected. Nominal value is also known as par value which is the value of an instrument or security as shown on its face²⁴.
- 2.31. *NSCRG* refers to the National Statistician and Civil Registrar General who serves as the head and appointing authority of the PSA pursuant to the provisions of Republic Act No. 10625 and applicable laws, rules and regulations.

Review as an act of supervision and control by the justice secretary over the fiscals and prosecutors finds basis in the doctrine of exhaustion of administrative remedies which holds that mistakes, abuses or negligence committed in the initial steps of an administrative activity or by an administrative agency should be corrected by higher administrative authorities, and not directly by courts. As a rule, only after administrative remedies are exhausted may judicial recourse be allowed."

¹⁹ Black's Law Dictionary.

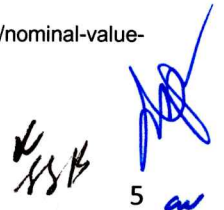
²⁰ *Santiago v. COA*, G.R. No. 92284, July 12, 1981.

²¹ Section 3(e) of Republic Act No. 6713.

²² Section 4(q), Rule 1 of CSC *En Banc* Resolution No. 1701077 promulgated on July 3, July 2017 otherwise, "2017 Rules on Administrative Cases in the Civil Service (2017 RACCS)".

²³ Downloaded or retrieved on January 30, 2019 from <https://marketbusinessnews.com/financial-glossary/nominal-value-definition-meaning/>.

²⁴ Black's Law Dictionary, Eight Edition (2004).


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- 2.32. *Office* refers to the Central Office headed by the NSCRG or the Offices of the Deputy National Statisticians (ODNSs) each headed by the DNS and Regional Offices each headed by an RD under the direct supervision and control of the ONSCRG
- 2.33. *Officer* as distinguished from “clerk” or “employee”, refers to a person whose duties, not being of a clerical or manual nature, involves the exercise of discretion in the performance of the functions of the government. When used with reference to a person having authority to do a particular act or perform a particular function in the exercise of government power, “officer” includes any government employee, agent or body having authority to do the act or exercise that function²⁵. The word “official” is operationally and interchangeably used in this Memorandum Order with similar meaning and elements of an “officer”.
- 2.34. *Official* refers to a person who occupies either a professional, technical, or scientific position and whose functions are managerial in character, exercising management over people, resource and/or policy and exercising functions such as planning, organizing, directing, coordinating, controlling, and overseeing the activities of an organization, a unit thereof or a group, requiring some degree of professional, technical or scientific knowledge and experience, application of managerial skills required to carry out basic duties and responsibilities involving leadership, functional guidance and control. Positions of officials require intensive and thorough knowledge of a specialized field²⁶.
- 2.35. *Person* includes natural and juridical persons unless the context indicates otherwise²⁷.
- 2.36. *Personnel* used generally to refer to the subordinate officials or clerical employees of an office or enterprise, not to the managers, directors or heads thereof²⁸.
- 2.37. *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 amount²⁹.
- 2.38. *Public Officer* includes elective and appointive officials and employees, permanent or temporary, whether in the classified or unclassified or exempt service receiving compensation, even nominal, from the government as defined in the preceding subparagraph³⁰.
- 2.39. *PSA* refers to the Philippine Statistics Authority created pursuant to the provisions of Republic Act No. 10625 with the mandates and functions provided therein and such applicable laws.

²⁵ Section 2(14) of the Introductory Provisions of Executive Order No. 292 otherwise known as the “Administrative Code of 1987”.

²⁶ Section 4(r), Rule 1 of CSC *En Banc* Resolution No. 1701077 promulgated on July 3, July 2017 otherwise, “2017 Rules on Administrative Cases in the Civil Service (2017 RACCS)”.

²⁷ Section 3(h) of Republic Act No. 6713 and Section 2(d) of Republic Act No. 3109.

²⁸ **A.M. NO. 17-07-05-SC and A.M. No. 18-02-13-SC**, July 3, 2018, “RE: Memorandum dated July 10, 2017 from Associate Justice Teresita J. Leonardo- de Castro” and “RE: Letter of Resignation of Atty. Brenda Jay Angeles Mendoza, PHILJA Chief of Office for the Philippine Mediation Center” citing, *Manalang v. Quitoriano*, 94 Phil. 903 (1954).

²⁹ Section 3(b) of Republic Act No. 6713.

³⁰ Section 2(b) of Republic Act No. 3019.

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- 2.40. *PSO* refers to the Provincial Statistics Office of the PSA in various provinces duly created by existing laws.
- 2.41. *RD* refers to the Regional Director of the PSA duly appointed by the President of the Philippines or the Officer-in-Charge (OIC) or Acting thereof duly designated by the Office of the President or by the NSCRG in various administrative regions.
- 2.42. *Rebates* refer to discount; reducing the interest of money in consideration of prompt payment³¹.
- 2.43. *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 R.A. No. 6713 and its IRR, even on the occasion of a family celebration or national festivity like Christmas, if the value of the gift is neither nominal nor insignificant, or the gift is given in anticipation of, or in exchange for, a favor³².
- Moreover, *receiving any gift* includes the act of accepting directly or indirectly a gift from a person other than a member of the public officer's immediate family, in behalf of himself or of any member of his family or relative within the fourth civil degree, either by consanguinity or affinity, even on the occasion of a family celebration or national festivity like Christmas, if the value of the gift is under the circumstances manifestly excessive³³.
- 2.44. *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*³⁴.
- 2.45. *Resident Ombudsman* refers to the official or employee, who is designated by the NSCRG, to be known as the PSA Resident Ombudsman, pursuant to Section 7³⁵, Rule III of the Implementing Rules and Regulations³⁶ of Republic Act No. 6713, or by the Ombudsman or his Deputies pursuant to the Administrative Order No. 10, s. 2001 dated January 4, 2001³⁷, as amended. The duly appointed or designated Resident Ombudsman is to perform the duties and functions provided under Administrative Order No. 10, s. 2001 dated January 4, 2001, as provided herein, and such applicable laws, rules and regulations.
- 2.46. *RSSO* refers to the Regional Statistical Services Office of the PSA in various administrative regions.
- 2.47. *Service* refers to an organizational subdivision of the PSA headed by an ANS or Director with salary grade of 26 and above. A service is to have at least two (2) divisions and each division to have at least two (2) sections or units with staff complement in accordance with the approved Staffing Pattern of the PSA.

³¹ Black's Law Dictionary.

³² Section 3(d) of Republic Act No. 6713.

³³ Section 2(c) of Republic Act No. 3019.

³⁴ Section 3(k) of Republic Act No. 6713.

³⁵ "Every department, office and agency shall, in consultation with the Office of the Ombudsman, appoint or designate a Resident Ombudsman who shall act immediately on all request for public assistance referred to him by the Ombudsman and his Deputies. He shall be held accountable for the disposition of all requests for assistance".

³⁶ Adopted on April 21, 1989, as amended.

³⁷ "Guidelines on the Installation of Resident Ombudsman (Non-Organic)".

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- 2.48. *Service Director* refers to the Director of a Service, e.g. Legal, ICU, PMS, SMU, etc. who is the head of the Office of the Director duly appointed by the President of the Philippines or the Officer-in-Charge (OIC) or Acting thereof duly designated by the Office of the President or by the NSCRG.
- 2.49. *Show-Cause Order* refers to the written document requiring a person to explain, or justify before the disciplining authority or its duly authorized representative within a given period why no disciplinary action shall be taken against him/her
- 2.50. *Sponsorship* refers to the act of supporting a person, organization, or activity by giving money, encouragement, or other help.
- 2.51. *Support Services* may include janitorial, security, driving, data encoding, equipment and grounds maintenance and other services that support the day to day operations of the PSA³⁸.
- 2.52. *Supervisor* refers to any officer of the PSA who performs direct supervision and administrative control of an officer or employee. Applying the doctrine in ***Daza v. Lugo***³⁹, the Supervisor of the officers or employees is any of the following:
- (a) The supervisor of the official or employee in the CO include the concerned Division Chief, Service Director, ANS, DNS or the NSCRG, as the case may be.
 - (b) The supervisor of the employees in the RO include the Division Chief concerned or the RD, as the case may be.
 - (c) The supervisor of the employees in the PSO include the supervisor directly supervising the employee and the CSS-PSO, as the case may be.
- Provided*, that in case of joint supervision is to be determined based on the functional and direct relationship of the duties and functions of the officials/officers or employees or personnel with the identified supervisors.
- 2.53. Waiver refers to the intentional relinquishment of a known right⁴⁰.

3. ***Adoption of Prohibited Acts and Transactions, and Corrupt Practice of Public Officers To Ensure Strict Implementation of the No Gift Policy.*** – The PSA adopts and strictly implements 7(d) of Republic Act No. 6713, and Section 3 (c) of Republic Act No. 3019, as verbatimly reproduced hereunder:

“Section 7. *Prohibited Acts and Transactions.* – xxxxxxxxxxxx

Xxxxxxxxxxxx

³⁸ Clause 5.1 of CSC-COA-DBM Joint Circular No. 1, s. 2017 dated June 15, 2017.

³⁹ In ***Raul A. Daza v. Ronan P. Lugo***, (G.R. No. 168999, April 30, 2008), the Supreme Court held:

“Even if respondent is allowed to rate himself in the Performance Evaluation Form, it is the supervisor's rating that is controlling because, indeed, it would be absurd for a probationary employee to rate himself. The duty to evaluate the performance of such employee belongs to the concerned department head who has supervision over him.”

⁴⁰ ***Castro v. Del Rosario***, 19 SCRA 196.

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- (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 or in connection with any operation being related by, or any transaction which may be affected by the functions of their office.”⁴¹

“Section 7. *Corrupt practices of public officers.* – xxxxxxxxxxxx

Xxxxxxxxxxxx

- (e) 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, without prejudice to Section thirteen of this Act.”

In line thereof, it is declared policy that soliciting or receiving, by PSA officials, employees or personnel, regardless of employment status, of any gift from any person, whether natural or juridical, whether from the public or the private sector, at any time, within or outside the work premises, in the course of their official duties or in connection with the proper implementation of R.A. No. 1062⁴², R.A. No. 11055⁴³, R.A. No. 10712⁴⁴, R.A. No. 9858⁴⁵, R.A. No. 9255⁴⁶, R.A. No. 9048⁴⁷, and Act No. 3753⁴⁸ and their respective Implementing Rules and Regulations (IRRs), and subsequent issuances and jurisprudence thereof or any transaction authorized and prescribed under applicable laws, rules and regulations which may be affected by the functions of their office, are prohibited, except as expressly provided herein.

Relatedly, CSC MC No. 29, s. 2016 dated December 22, 2016, among others, provides:

“In this regard, all government officials and employees are advised to avoid soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value, or sponsorship for programs or activities 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 as well as from the tobacco industry”.

⁴¹ *Petra C. Martinez v. Filomena L. Villanueva*, G.R. No. 169196 and *Office of the Ombudsman v. Filomena L. Villanueva*, G.R. No. 169198, July 6, 2011, the Supreme Court held:

“Said prohibition in Section 7(d) is *malum prohibitum*. It is the commission of that act as defined by the law, and not the character or effect thereof, that determines whether or not the provision has been violated. Therefore, it is immaterial whether respondent has fully paid her loans since the law prohibits the mere act of soliciting a loan under the circumstances provided in Section 7(d) of R.A. No. 6713.”

⁴² “Philippine Statistical Act of 2013”.

⁴³ “Philippine Identification System Act”.


⁴⁴ “An Act Further Authorizing The City Or Municipal Civil Registrar Or The Consul General To Correct Clerical Or Typographical Errors In The Day And Month In The Date Of Birth Or Sex Of A Person Appearing In The Civil Register Without Need Of A Judicial Order, Amending For This Purpose Republic Act Numbered Ninety Forty-Eight.”

⁴⁵ “An Act Providing For The Legitimation Of Children Born To Parents Below Marrying Age, Amending For The Purpose The Family Code Of The Philippines, As Amended.”

⁴⁶ “An Act Allowing Illegitimate Children To Use The Surname Of Their Father, Amending For The Purpose Article 176 Of Executive Order No. 209, Otherwise Known As The “Family Code Of The Philippines.”

⁴⁷ “An Act Authorizing The City Or Municipal Civil Registrar Or The Consul General To Correct A Clerical Or Typographical Error In An Entry And/Or Change Of First Name Or Nickname In The Civil Register Without Need Of A Judicial Order, Amending For This Purpose Articles 376 And 412 Of The Civil Code Of The Philippines.”

⁴⁸ “Law on Registry of Civil Status.”

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4. **Prohibitions.** – The prohibitions contemplated in Clause 3 above and applying the decision in **Mabini v. Raga**⁴⁹, include, but not be limited to:

- 4.1. Honoraria given as a speaker or resource person, evaluator, assessor or such role or services during seminars, conferences, trainings or activities where the officer, employee or personnel is participating by reason of his/her office with the PSA.

Specifically, PSA officials and employees as prohibited from demanding, receiving or accepting honoraria of any seminars, conferences, trainings or activities organized by the Local Civil Registrars, Consular Offices or Embassies, solemnizing officers, BREQs, travel and tours agencies, local and national government agencies and private entities. This prohibition also extends to the performance of duties of Officials and employees as Chairperson, vice Chairperson and Members of the Bids and Awards Committee and its Secretariat in procurement activities, and during the conduct of surveys, censuses and statistical programs, projects and activities.

- 4.2. Sponsorship or financial assistance in any form of the internal functions, affairs, programs or activities of the PSA such as, Christmas parties, anniversary commemoration, censuses, surveys and data gathering, press conferences and data dissemination, etc.
- 4.3. Advertisements in the publications, journals, leaflets and other information and education campaign (IEC) materials of the PSA.
- 4.4. Discounts, rebates, waivers and other forms of monetary incentives or benefits given to the PSA, its officials, employees and personnel in availing of the services and/or facilities of persons or entities under the jurisdiction of the PSA.
- 4.5. Acceptance of invitations and attending to social dining with persons or entities under the jurisdiction of the PSA.
- 4.6. Acceptance of foods, beverages, medical, beauty and health items, apparels, jewelries, or such supplies and materials including product samples that will directly or potentially influence the action/s sought for by the client/s in any transaction, request or issues within the responsibility of the Official, employee or personnel.

⁴⁹ **Laura E. Mabini v. Eustacio Raga**, A.M. No. P-06-2150, June 21, 2006, the Supreme Court held:

“Clearly, a gift is covered by the prohibition, so long as it has more than nominal monetary value. It is not necessary for the solicitation to be for a fund-raising project.

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Second, respondent Lilia cannot take refuge in the fact that the gift was actually unsolicited, because the mere receipt of gifts is prohibited. Section 3(d) of Republic Act No. 6713 defines receiving any gift as follows:

[T]he act of *accepting* directly or indirectly, a gift from a person other than a member of his family or relative x x x if the value of the gift is *neither nominal nor insignificant*, or the gift is given in anticipation of, or *in exchange for*, a favor.

The foregoing provision does not distinguish between solicited and unsolicited gifts. As stated earlier, the mere receipt of gifts is prohibited, so long as the value of the gift is neither nominal nor insignificant; or the gift is given in anticipation of, or in exchange for, a favor.

In other words, the mere fact that the gift received was unsolicited cannot, by itself, suffice to exonerate the recipient. It would only suffice to exonerate the recipient if the unsolicited gift is also nominal in value and not given in anticipation of, or in exchange for, a favor. In such a situation, the gift would fall outside the purview of RA 6713, which expressly provides that the term gift does 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.”

- 4.7. Such conditions or events analogous to the foregoing.
5. **Exceptions.** – The acceptance, retention, preservation and use of any and/or of the following are excepted from the “PSA No Gift Policy”, to wit:
- 5.1. Pursuant to Section 7 of Republic Act No. 6713, as to gifts or grants from foreign governments, the Congress consents to:
- 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;
 - The acceptance by a public official or employee of a gift in the nature of a scholarship or fellowship grant or medical treatment; or
 - The acceptance by a public official or employee of travel grants or expenses for travel taking place entirely outside the Philippine (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 office, branch or agency to which he belongs.

In reference to Clause 5.1(a) above, certificates, plaques, cards of thank you notes, picture frames, medals, trophies and other written forms of souvenir or mark of courtesy or appreciation of services rendered, performance and achievements by the PSA officials, employees or personnel.

In reference to Clause 5.1(b)(c) above, scholarship or fellowship grant, travel grants or expense for travel, the acceptance of such scholarship or fellowship grant, or travel grants are to be explicitly approved by the NSCRG upon the recommendation by the duly constituted Human Resource Learning, Scholarship and Development Committee and the concerned Head of Office.

These also include trainings, seminars, and travels provided to PSA officials, employees or personnel in relation to the effective and efficient use of an equipment, procedures, practices and system provided by a contractor or supplier or partner institutions, both local and abroad, pursuant to a subsisting contract or agreement with the PSA.

- 5.2. Unsolicited gifts of minimal value provided it is not given in anticipation of, or in exchange for, a favor from the PSA official, employee or personnel or given after the transaction is completed, or service is rendered. As to what is a gift of nominal value will depend on the circumstances of each case taking into account the salary of the official, employee or personnel, the frequency or infrequency of the giving, the expectation of benefits, and other similar factors⁵⁰.

⁵⁰ Section 1(1), Rule X of the Implementing Rules and Regulations of Republic Act No. 6713.

18B
11

Unsolicited items of nominal value offered or given on special milestones or occasions between or among PSA officials, employees or personnel as an ordinary token of gratitude or as a sign of friendship, kinship, brotherhood or partnership consistent with the local customs and usage.

- 5.3. A gift from a member of his family or relatives as defined in Clause 2.18 hereof on the occasion of family celebration, and without any expectation of pecuniary gain or benefit⁵¹.
- 5.4. Nominal donations from persons with no regular, pending, or expected transactions with the PSA its offices/services/divisions/units/section with which of the official or employee, and without any expectation of pecuniary gain or benefit⁵².
- 5.5. Donations coming from private organizations whether local or foreign, which are considered and accepted as humanitarian and altruistic in purpose and mission⁵³.
- 5.6. Donations coming from foreign government to government entities⁵⁴.

Grants and donations from local or foreign institutions in the pursuit of the mandates, projects, programs, and activities such as, those coming from the United Nations (UN) and similar international bodies including their subsidiaries or instrumentalities and other offices or organizations, both local and abroad, provided that the entitlement thereof are strictly in compliance with Republic Act No. 9184 and its 2016 Revised Implementing Rules and Regulations, and such applicable procurement laws and policies.

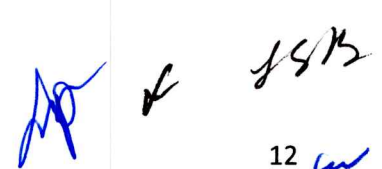
- 5.7. Seminar bags and contents or materials (pens, hand-outs, mugs, key chains, picture frames, umbrella, etc.) and partaking of moderately priced meals and beverages that officials, employees and personnel obtain at events or activities, such as conferences and seminars or trainings, and which are offered equally or uniformly given to all participants or public attending the event or activity.
- 5.8. Books, publications, leaflets, pamphlets, data, reading materials, USBs, laptops, cellular phones, and other portable gadgets or materials that are directly and inherently useful to the PSA in the performance of its mandates, objectives, objectives, priorities and plans, and are given by individuals or entities that have no pending request, transactions or business with the PSA to create an actual or potential conflict of interest and undue disadvantages to other clients and the government.
- 5.9. Working lunches, dinners, snacks or meals with clients or other stakeholders of the PSA when such meals are inevitable in the course of conducting meetings, gatherings and official transaction and of modest value consistent with what is frugal or customary. *Provided*, that the source of fund/s of these meals are to be charged from the PSA

⁵¹ Section 1(2), Rule X of the Implementing Rules and Regulations of Republic Act No. 6713.

⁵² Section 1(3), Rule X of the Implementing Rules and Regulations of Republic Act No. 6713.

⁵³ Section 1(4), Rule X of the Implementing Rules and Regulations of Republic Act No. 6713.

⁵⁴ Section 1(5), Rule X of the Implementing Rules and Regulations of Republic Act No. 6713.

Handwritten signatures and initials in blue ink, including a large signature on the left, a checkmark in the middle, and the letters 'JSB' on the right.

appropriate funds subject to availability of funds, and usual accounting and auditing rules and regulations.

5.10. Educational, scientific or cultural exchange programs, provided that national security requirements are complied with.

5.11. Such conditions or events analogous to the foregoing.

6. ***Mechanism on Receipt, Acknowledgement, Refusal or Return and Registry of Gift.*** – The following guidelines are to be strictly observed:

6.1. If any official, employee or personnel is a recipient of a covered or packed gift, such gift will not be opened and be immediately and politely declined within twenty-four (24) hours from receipt thereof. An Acknowledgement, Refusal and Return Notice (**Annex A**) is to be sent to the giver or source informing him/her of the “PSA No Gift Policy” and the gift has been returned complete and, on such condition proximate from receipt thereof.

6.2. Should any gift/s have been inadvertently received, by the staff in the course of the latter’s administrative or secretarial performance of duty, or when it is no longer feasible, unfitting or unrealistic to return the gift, the concerned official, employee or personnel is to cause for the donation of the gift to the charitable or social welfare institutions nearest of the office. The purpose/s of the donation, among others, to support the needs of the victims during disasters, economic uncertainties and such reasonable and valid grounds or conditions as the No Gift Policy IMEC.

An appropriate Acknowledgement Notice of Donation (**Annex B**) is to be received by the donee/s indicating, among others, the date, address and manner of disposition of the gift and copy furnished to the giver.

To facilitate the donation, the No Gift Policy IMEC is to closely coordinate with the Department of Social Welfare and Development (DSWD) and such government and non-government organizations, and charitable institutions and maintain a registry of qualified donees or recipients to be updated annually.

6.3. A registry of gift is to be established maintained in each of the Head of Office where the gifts received, refused, returned or donated are to be properly recorded. The information or data to be included or supplied in the Gift Registry (**Annex C**) are as follows:

- a. The declarant, whether officer, employee or personnel;
- b. Purpose of why the gift is given as indicated in the appropriate notice, if there’s any;
- c. Brief description to include the nature, form or kind;
- d. Name, address and contact details of the source or giver;
- e. Estimated value of the gift;
- f. Date and time of receipt by the staff of the Office; and
- g. Date and time of delivery to the Gift Registry Unit.

An appropriate acknowledgement notice is to be issued to the declarant and copies of which are to be maintained at the Head of Office, Legal Services and the staff in-charge of the Gift Registry.

- 6.4. All gifts provided in Clause 4 and Clause 5 above, whether received in the Philippines or abroad, are to be declared or disclosed as provided herein.
- 6.5. In any instances above, the Security Guard on duty is authorized to inspect and check the gift and report the same to intended recipient and to the concerned Head of Office.

Upon proper instruction by the recipient or Head of Office, the gift is to be immediately refused receipt by the staff of the office and thereafter returned using the form in **Annex A** hereof.

- 6.6. In all instances above, the Security Guard on duty is to record in the designated Security Guard Logbook for Gifts (**Annex D**) the brief description, source, and estimated value of the gift including the date and time of delivery.
- 6.7. A repetition of sending of gift for whatever form, nature and purpose is to be refused and returned and will subject the giver/s to possible investigation as the concerned Head of Office and No Gift Policy IMEC may determine in accordance with applicable laws, rules and regulations
7. **Determination of Allowable Maximum Nominal Value of Gifts.** – The No Gift Policy IMEC constituted in Clause 8 hereof, is to determine the allowable maximum nominal value of gifts annually in such classification/s as may deemed proper as provided under Clause 5 above subject to the review and approval of the NSCRG and applicable laws, rules and regulations.
8. **Committee on the Implementation, Monitoring and Evaluation of the No Gift Policy.** – The Committee on the Implementation, Monitoring and Evaluation of the No Gift Policy hereinafter referred to as the “No Gift Policy IMEC”, for brevity, is created to be composed of the DNS for CRCSO as Chairperson, Resident Ombudsman as Co-Chairperson, all DNSs as Vice Chairpersons, at least two (2) representatives each from the 1st, 2nd and third levels of the employees designated by the NSCRG, as Members.

The duly constituted No Gift Policy IMEC is to be directly responsible in the implementation, monitoring and evaluation of this PSA No Gift Policy. It shall devise, revise or enhance and execute strategies, guidelines and forms deemed necessary to ensure proper, effective and efficient implementation of the PSA No Gift Policy.

9. **Dissemination, Translation to Local Dialects and Posting/Display of the PSA No Gift Policy.** – The No Gift Policy IMEC in coordination with the Head of Office and the Human Resource Division are directed to ensure wide dissemination to and strict observance of this policy by all concerned.

The posting or display of the poster/signage “**PSA STRICTLY IMPLEMENT NO GIFT POLICY**” Per Republic Act No. 6713, Republic Act No. 3019 and



Memorandum Circular No. _____ dated 01 February 2019 and its local dialect translations in various Field Offices, in the PSA websites, Transparency and Freedom of Information Bulletin Boards, waiting or visitor's lounge, tellers or collecting and work stations of the officials, employees and personnel of PSA as well as conference, training and meeting rooms and service vehicles, routing slips, business cards, procurement documents of the Offices/Services/Units/Sections, is mandatory and is to be strictly monitored by the Resident Ombudsman, No Gift Policy IMEC and by the concerned Head of Office.

The No Gift Policy IMEC, in consultation with the Heads of Office, is to prepare and adopt the design of the poster/signage to be indicated, posted or displayed as provided above.

10. *Transitory Provisions.* – The following provisions are to be carried out:

- 10.1. All Heads of Office are to serve as the transition Resident Ombudsmen in their respective jurisdiction until a Resident Ombudsman of the entire PSA is duly designated or appointed in accordance with this PSA No Gift Policy and applicable laws, rules and regulations. The transition Resident Ombudsmen are to discharge the duties and functions of a regular Resident Ombudsman pursuant to Administrative Order No. 10, s. 2001 dated January 4, 2001 and lead in the proper, effective and efficient implementation of this PSA No Gift Policy within their respective jurisdiction.
 - 10.2. Within fifteen (15) days from issuance hereof, all Officials of PSA are directed to fully implement the provision of Clause 8 above and submit to the NSCRG, through the DNS for CRCSO and the No Gift Policy IMEC, compliance report with attached pictorials.
 - 10.3. Within fifteen (15) days from issuance hereof, the No Gift Policy IMEC is to hold its first organizational meeting and come up with plans and strategies during transition and full implementation of this PSA No Gift Policy.
 - 10.4. All posters, forms and templates are to be adjusted pursuant to the provisions of this PSA No Gift Policy. The No Gift Policy IMEC is to ensure that the integration, posting and display of the poster provided in Clause 9 above is continually updated to conform with the trends of the times.
- 11. *Funding.*** – All amounts necessary to support the expenses of the No Gift Policy IMEC and other officials in the implementation of this PSA No Gift Policy are to be charged from the PSA funds subject to usual accounting and auditing rules and regulations.
- 12. *Administrative Liability.*** – Violation/s of this PSA No Gift Policy by any PSA official/, employee/s or personnel and person/s constitute administrative offense/s which are to be dealt with accordingly, without prejudice of filing appropriate civil and criminal case/s, in accordance with the provisions of the CSC Resolution No. 1701077 promulgated on July 3, 2017⁵⁵, Republic Act No.

⁵⁵ "2017 Rules on Administrative Cases in the Civil Service (2017 RACCS)."

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15 

6713, Republic Act No. 3019, Revised Penal Code of the Philippines, and subsequent issuances thereof, applicable PSA policies, civil service laws, and existing laws, rules and jurisprudence.

Furthermore, the Head of Office may, after proper consultation/s with the concerned Supervisor/s, or the Resident Ombudsman, as the authorized representative of the NSCRG, as the disciplining authority, or *mutu proprio*, issue show-cause order (**Annex E**) or initiate administrative proceedings against any of the officials, employees or personnel and individuals covered of this PSA No Gift Policy, as a delegated authority by the disciplining authority, for any violation/s of this PSA No Gift Policy, subject to the due process of law and the requirements prescribed under applicable, laws, rules and regulations.

13. **Suppletory Applications of Existing Laws, Rules and Regulations.** – The pertinent provisions of existing laws, rules and regulations are to be applied suppletory to and to serve as the governing guidelines of this PSA No Gift Policy.
14. **Repealing, Supplementary, Clarificatory and Modification Clause.** – This PSA No Gift Policy is to supplement, clarify, or amend or modify to and supersedes previous orders, circulars, memoranda, issuances and instructions inconsistent hereof. In case of conflict, the pertinent provisions of this PSA No Gift Policy shall prevail over the previous orders, circulars, memoranda, issuances and instructions as enunciated under **Mecano v. COA**⁵⁶ except, those functions and duties prescribed by legislative delegation.

⁵⁶ **Antonio A. Mecano v. Commission on Audit**, G.R. No. G.R. No. 103982 December 11, 1992 citing *Posadas vs. National City Bank*, 296 U.S. 497, 80 L. Ed. 351 (1935); *Maceda vs. Macaraig*, 197 SCRA 771 (1991); and *Villegas vs. Subido*, 41 SCRA 190 (1971), the Supreme Court clearly rules:

"Repeal by implication proceeds on the premise that where a statute of later date clearly reveals an intention on the part of the legislature to abrogate a prior act on the subject, that intention must be given effect. Hence, before there can be a repeal, there must be a clear showing on the part of the lawmaker that the intent in enacting the new law was to abrogate the old one. The intention to repeal must be clear and manifest; otherwise, at least, as a general rule, the later act is to be construed as a continuation of, and not a substitute for, the first act and will continue so far as the two acts are the same from the time of the first enactment.

There are two categories of repeal by implication. The first is where provisions in the two acts on the same subject matter are in an irreconcilable conflict, the later act to the extent of the conflict constitutes an implied repeal of the earlier one. The second is if the later act covers the whole subject of the earlier one and is clearly intended as a substitute, it will operate to repeal the earlier law.

Implied repeal by irreconcilable inconsistency takes place when the two statutes cover the same subject matter; they are so clearly inconsistent and incompatible with each other that they cannot be reconciled or harmonized; and both cannot be given effect, that is, that one law cannot be enforced without nullifying the other."

Annex A



ACKNOWLEDGEMENT NOTICE

REPUBLIC OF THE PHILIPPINES
PHILIPPINE STATISTICS AUTHORITY

PSA-NGP Form No. 1
Approved per MC No. 2019-
dated 31 Jan. 2019
Revision No. 0

ACKNOWLEDGEMENT, REFUSAL AND RETURN NOTICE

(Date)

Dear Sir/Ma'am:

Greetings!

Please be informed that the gift described below cannot be accepted or has been refused receipt pursuant to our strong resolve of ensuring proper implementation of the "PSA No Gift Policy" pursuant to Republic Act No. 6713, Republic Act No. 3019, Memorandum Circular No. _____ dated 01 February 2019, and applicable laws, rules and regulations.

Brief Description: _____
Date Delivered: _____ Received by: _____
Purpose: _____ Estimated Value: _____

In view thereof, we are returning the same complete in the same/proximate condition upon arrival or receipt with the information that a repetition of sending of gift for whatever form, nature and purpose is to be refused and returned and will subject you and your company to possible investigation in accordance with applicable laws, rules and regulations.

Very truly yours,

Official/officer/employee

Noted:

Supervisor

Deputy National Statistician/Regional Director

Endorsed by:

DR. LISA GRACE S. BERSALES
Undersecretary
National Statistician and Civil Registrar General

Copy furnished:

____ HRD Chief, PSA

____ Resident Ombudsman

[Handwritten signatures and initials]
17

Annex B

ACKNOWLEDGEMENT NOTICE OF DONATION



REPUBLIC OF THE PHILIPPINES
PHILIPPINE STATISTICS AUTHORITY

PSA-NGP Form No. 2
Approved per MC No. 2019-
dated 30 Jan. 2019
Revision No. 0

ACKNOWLEDGEMENT NOTICE OF DONATION

(Date)

Dear Sir/Ma'am:

Greetings!

Please be informed that the gift delivered by _____ on _____ has been refused by this Office pursuant to our strong resolve of ensure proper implementation of the "PSA No Gift Policy" pursuant to Republic Act No. 6713, Republic Act No. 3019, Memorandum Circular No. _____ dated 01 February 2019, and applicable, laws, rules and regulations.

In this connection, we are donating the same to your institution for the exclusive use in the realization of mandates, vision, mission and objectives thereof.

Please acknowledge hereof by signed the "Conforme/Accepted" in the space provided below.

Very truly yours,

Official/officer/employee

Noted:

Supervisor

Deputy National Statistician/Regional Director

Endorsed by:

DR. LISA GRACE S. BERSALES
Undersecretary
National Statistician and Civil Registrar General

CONFORME/ACCEPTED:

Signature over printed name/date: _____

Copy furnished:

____ HRD Chief, PSA ____ Resident Ombudsman ____ President of the Giver

SECURITY GUARD LOGBOOK OF GIFTS

PHILIPPINE STATISTICS AUTHORITY

Revision No. 0

LOGBOOK OF GIFTS AT _____

[illegible]

Annex E

PSA-NGP Form No. 5
Approved per MC No. 2019-
dated 31 Jan. 2019
Revision No. 0

SHOW-CAUSE ORDER



REPUBLIC OF THE PHILIPPINES
PHILIPPINE STATISTICS AUTHORITY

SHOW-CAUSE ORDER

(Date)

SUBJECT: SHOW CAUSE ORDER

Dear _____:

Greetings!

This Office received a report that you have committed any and/or all of the act/s described below which are in violation of "PSA No Gift Policy" pursuant to Republic Act No. 6713, Republic Act No. 3019, Memorandum Circular No. _____ dated 01 February 2019, and applicable, laws, rules and regulations:

[] received or accepted gift/s describe below which was not reported and registered at the PSA Registry of Gifts:

Brief Description/Nature/Kind: _____

Date received: _____ Estimated Value: _____

Brief Description: _____

[] conducted solicitation activities.

In view thereof, you are directed to explain within seventy-two (72) hours why no administrative charge will be filed against you on the foregoing ground/s.

Signed per Clause _____ of Memorandum Circular No. _____ dated 01 February 2019 this _____ at PSA, Quezon City.

Head of Office/Deputy National Statistician/Regional Director

Copy furnished:

____ HRD Chief, PSA
____ Legal Services

____ Resident Ombudsman
____ ONSCRG

____ President of the Giver