

REPUBLIC OF THE PHILIPPINES  
OFFICE OF THE PRESIDENTIAL ASSISTANT  
FOR FOOD SECURITY AND AGRICULTURAL MODERNIZATION  
**PHILIPPINE COCONUT AUTHORITY**

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**MEMORANDUM CIRCULAR No. 03**

Series of 2015

To: **ALL CONCERNED**



## NO GIFT POLICY

### 1. BASIS

- 1.1. Whereas, Section 29 of GCG Memorandum Circular No. 2012-07 Series of 2012, otherwise known as the Code of Corporate Governance for GOCCs provides that: "*x x x Every Governing Board shall formally adopt a 'No Gift Policy' within the GOCC and ensure its full advertisement to the community and its strict implementation by particular set of rules*";
- 1.2. Whereas, Section 3 (b) and (c) of RA 3019, otherwise known as Anti-Graft and Corrupt Practices Act, declares as a corrupt practice the acts of: "*Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or for any other person, in connection with any contract or transaction between the Government and any other party, wherein the public officer in his official capacity has to intervene under the law*" and "*Directly or indirectly requesting or receiving any gift, present or other pecuniary or material benefit, for himself or for another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any Government permit or license, in consideration for the help given or to be given, x x x*";
- 1.3. Whereas, Section 7 (d) of RA 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, mandates that "*Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or use anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office. x x x*";

## 2. DEFINITION OF TERMS

The terms hereunder shall have the following meanings:

- 2.1. An Employee shall include any person with regular, temporary, coterminous, contractual or casual appointment whether rank-and-file or officer of the PCA.
- 2.2. A Gift refers to a thing or a right disposed of gratuitously, or any act of liberality, in favor of another who accepts it. It shall include, but is not limited to, any gratuity, favor, service, discount or price concession, entitlement, privilege, legacy (except from a relative), fee, compensation, cash, securities, entertainment, simulated sale or loan, or use of anything of monetary value, whether real or personal property.
- 2.3. Policy – refers to the *"the PCA No Gift Policy"*.

## 3. RULES

**"No Gift Policy"** – Except as otherwise provided in this Policy, all employees of the PCA and the members of the Governing Board, shall not solicit, demand, or accept, directly or indirectly, any gift from any person, group, association, or juridical entity, whether from the public or private sector, at any time, inside or outside the work premises, where such gift:

- 3.1. Would be illegal or in violation of applicable laws, rules and regulations;
- 3.2. Is given in the course of their official duties or in connection with any transaction which may be affected by the functions of their office;
- 3.3. Is part of an attempt or agreement to perform or not to perform, in return thereof;
- 3.4. Is being made to influence the action or inaction of Directors or employees;
- 3.5. Is in exchange for giving unwarranted benefits, advantage or right to any person;
- 3.6. Could create the appearance of a conflict of interest;
- 3.7. Has a value beyond what is normal and customary in the PCA's business.

**4. Allowable Gifts** – The following gifts shall be exempted from the prohibition under this Policy:

- 4.1. Certificates, plaques, cards, thank you notes, or other written forms of souvenir or mark of courtesy, recognition, or appreciation;
- 4.2. Seminar items such as pens, hand-outs, etc., or any other materials which are uniformly given to all participants in the seminar;
- 4.3. Books, pamphlets, publications, data and other information or reading materials that are directly useful to the PCA in the performance of its mandates, objectives, and are given by individuals or organizations that have no pending business with the PCA as to create an actual or potential conflict of interest;
- 4.4. Gifts given on special occasions between and among the PCA employees or the members of the Governing Board, provided that such gifts are unsolicited gifts of small or insignificant value offered or given as mere ordinary tokens of gratitude or friendship according to local customs or usage, in accordance with Republic Act 3019;
- 4.5. Scholarships or fellowship grants, travel grants or expenses for travel taking place within or outside of the Philippines, such as allowances, transportation, food and lodging, if appropriate and consistent with the interest of the government, and with prior approval by the Chairman of the PCA Governing Board consistent with Section 7(d)(iii) of R.A. No. 6713;
- 4.6. Honoraria given as speaker or resource person in seminars provided that: (a) the speaker or resource person acts as lecturer, resource person, coordinator or facilitator in government agencies or GOCCs other than of PCA; (b) such honoraria are authorized under existing laws or rules and regulations; and (c) subject to compliance with all the requirements prescribed therein.
- 4.7. Working lunches or dinners with clients or other stakeholders of the PCA if such lunches or dinners are inevitable in the course of official transactions and are of modest value and not beyond what is customary in the sector where PCA operates;
- 4.8. Product samples of nominal value given by clients or potential clients if giving such samples are allowed under the law or part of the standard procedures mandated by law or the rules (e.g. rules on bidding); and

4.9. Unsolicited gifts of nominal or insignificant value provided it is not given in anticipation of or in exchange for a favor from the public official or employee.

**5. Posting of No Gift Policy** – Notices of this Policy shall be posted in conspicuous areas in the PCA Central Office, Regional Offices and Research Centers.

**6. Duty of Director or Employee if Gift is Offered or Given** – If any gift prohibited under this Policy is offered or given to any director or employee, the latter shall politely decline the acceptance of such gift and courteously inform the offeror or giver about the PCA *"No Gift Policy"*.

**7. Duty of Director or Employee if Gift is Inevitably Received** – In the event that, despite diligent efforts to refuse acceptance, any gift is inevitably received because it was sent through modes other than personal delivery or the offeror insisted acceptance, the recipient of such gift shall, within twenty-four (24) hours from receipt, report the acceptance thereof and turn-over the gift to the Finance Department (FD) or Administrative and General Services Department (AGSD), as the case may be, for proper documentation and handling of the gift in accordance with the provisions of this Policy.

**8. Gift Registry** – Except for Section IV (B), Nos. 1, 2, 3 and 4, any gift received, regardless of value or kind, shall be registered in a Gift Registry to be maintained by the Finance Department (FD) or Administrative and General Services Department (AGSD), as the case may be. The following information about the gift shall be recorded in the Gift Registry:

8.1. Purpose

8.2. Nature, form, or kind

8.3. Amount/value (if applicable)

8.4. Date and time of receipt

8.5. Name, office address, and contact number of the giver

8.6. Name and position of the director/employee who received the gift

8.7. Date and time of delivery to the Gift Registry

8.8. Such other information as may be deemed necessary

**9. Donation of Gifts to Charitable Institutions** – All gifts received shall be donated to appropriate charitable or social welfare institutions to be chosen from a list to be provided. An acknowledgment letter shall be sent to the giver of the gift informing the latter about the donation to the recipient institution/s.

**10. Policy Implementation and Monitoring** – The PCA shall ensure full advertisement, monitoring, and strict implementation of this Policy. A report of the gifts received and donated or that no gift has been received shall be submitted by the FD/AGSD to the Compliance Officer every 2nd week of January and 2nd week of July in time for the scheduled Board and/or Management Meetings.


## **11. PENALTIES FOR VIOLATION**

11.1. Any violation by an employee of the provisions of this Policy shall be dealt with in accordance with the Revised Rules on Administrative Cases in the Civil Service, without prejudice to any civil or criminal liability that may arise therefrom under other applicable laws, rules and regulations.

11.2. Any violation by a director of the provisions of this Policy shall be dealt with in accordance with applicable laws.

This Circular takes effect immediately.

For strict compliance.

  
**ROMULO N. ARANCON, JR.**  
Administrator <sub>cont.</sub> 14-21-15-091

*Revised and approved by the PCA Governing Board in its meeting held on the 20<sup>th</sup> day of April 2015 in Quezon City, Philippines, per Board Resolution No. 063-2015.*