1.0 REFERENCES

a. Article XI of the 1987 Philippine Constitution;

b. Implementing Rules and Regulations of Republic Act 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees; and,


2.0 RATIONALE

Section 1, Article XI (Accountability of Public Officers) of the 1987 Constitution provides that public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice and lead modest lives.

On the other hand, Section 7 (d) of the Code of Conduct and Ethical Standards for Public Officials and Employees provides that 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 regulated by, or any transaction which may be affected by the functions of their office.

In line with these laws, the Bureau of Jail Management and Penology commits to reinforce its system of internal checks and balances to constantly promote transparency in the conduct of all BJMP functions and procedures.

3.0 OBJECTIVES

This policy aims to promote a high standard of ethics among jail officials and employees who are held accountable to the people and mandated to 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.

4.0 SCOPE

a. This policy applies to all BJMP employees regardless of rank and status of appointment.

b. These rules shall likewise extend to members of the family or relatives within the fourth civil degree, whether by affinity or consanguinity, of the abovementioned officials and employees.
5.0 DEFINITION OF TERMS

a. Gift - refers to a thing or a right to dispose 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 (Section 3(c) of Republic Act No. 6713).

b. Receiving any gift - includes the act of accepting, directly or indirectly, a gift from a person other than a member of his/her family or relative as defined in Republic Act 6713, 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 favor (Section 3 (d) of RA No. 6713).

6.0 GUIDELINES AND PROCEDURES

a. All BJMP officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or anything of monetary value from person/s, group/s, association/s or juridical entities, whether from the public or the private sectors, at any time, on or off the work premises, 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.

b. Receiving any gift of monetary value which is evidently or manifestly excessive by its very nature is unethical. The propriety or impropriety of the foregoing shall be determined by its value, kinship or relationship between giver and receiver and the motivation.

c. The following shall be exempt from this "NO GIFT POLICY":

   c.1 Unsolicited gift of nominal or insignificant value not given in anticipation of, or in exchange for, a favor from a public official or employee 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 jail officer or employee, the frequency or infrequency of the giving, the expectation of benefits, and other similar factors;

   c.2 A gift to a member of the BJMP official or employee’s family or relative as defined in Republic Act 6713 on the occasion of a family celebration, and without any expectation of pecuniary gain or benefit;

   c.3 Nominal donations from persons with no regular, pending, or expected transactions with the BJMP and without any expectation of pecuniary gain or benefits;

   c.4 Donations coming from private organizations whether local or foreign, which are considered and accepted as humanitarian and altruistic in purpose and mission;

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c.5 Donations coming from other private organizations in furtherance of their respective missions (e.g. AFPMBAI, AFPSLAI, BJMP-MPC and other similar organizations);

c.6 Donations from government agencies to the BJMP;

c.7 The acceptance and retention by a BJMP officer or employee from foreign governments of a gift of nominal value tendered and received as souvenir or mark of courtesy;

c.8 The acceptance by a BJMP officer or employee from foreign governments of a gift in the nature of a scholarship or fellowship grant or medical treatment; or

c.9 The acceptance by a BJMP officer or employee of travel grant or expense from foreign governments for a travel taking place entirely outside the Philippines (such as allowances, transportation, food, lodging) of more than nominal value if such acceptance is appropriate or consistent with the interest of the BJMP, as recommended by the Chief, BJMP and authorized by the Secretary of Interior and Local Government.

d. Requirement to Inform

BJMP officials and employees are required to professionally inform any individual or organization with any actual or potential business with the BJMP of this “NO GIFT POLICY” and the reasons the BJMP has adopted this policy, and request that such individual or organization respect this policy.

e. Return and Acknowledgment of Gift

If the BJMP, through any of its officials or employees, is offered a gift covered or prohibited by this policy, the same shall be immediately and politely declined. In the event that it is not feasible, or it is inappropriate or impractical, to return the gift (e.g., it is a perishable item), the gift shall be donated to an appropriate charitable or social welfare institution. An acknowledgement letter shall be sent to the donor informing him/her of the “NO GIFT POLICY” or that the gift has been returned or donated to a charitable or social welfare institution.

f. Written Exemption

Any proposed exemption to this “NO GIFT POLICY” may be made only with the written permission of the Chief, BJMP subject to all existing laws, rules and regulations.

g. Implementation, Compliance Monitoring and Sanctions

The Directorate for Personnel and Records Management (DPRM) and the Directorate for Intelligence (DI) along with its respective divisions in Regional Offices shall ensure the proper information dissemination, implementation and compliance as regards the BJMP’s “No Gift Policy.”

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h. Posting of BJMP No Gift Policy

The BJMP’s No Gift Policy shall be posted in the BJMP website and in conspicuous areas of all BJMP offices and jail facilities (see Annex “A” for template).

7.0 MONITORING CLAUSE

The guidelines reflected herein shall be reviewed every year or earlier should review be warranted.

8.0 PENAL CLAUSE

This policy shall supplement all existing laws, rules and regulations covering unethical gift-giving and receiving. Any violation of this policy shall be subjected to administrative sanctions under the BJMP Comprehensive Administrative Disciplinary Machinery, without prejudice to possible criminal, administrative or civil liability under R.A. No. 3019, R.A. No. 6713, Civil Service Laws and other pertinent laws, rules and regulations.

9.0 SEPARABILITY CLAUSE

In the event that any provision or part of this policy is declared illegal or rendered invalid by competent authority, those provisions not affected by such declaration shall remain valid and effective.

10. REPEALING CLAUSE

All issuances inconsistent with this policy are hereby rescinded or modified accordingly.

11. EFFECTIVITY

This Memorandum Circular shall take effect fifteen (15) days from filing thereof with the Office of the National Administrative Register (ONAR), University of the Philippines Law Center (UPLC) in accordance with Sections 3 and 4, Chapter II, Book VII of Executive Order No. 292 otherwise known as the Administrative Code of 1987.

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<th>PREPARED BY:</th>
<th>REVIEWED BY:</th>
<th>APPROVED BY:</th>
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<tbody>
<tr>
<td>Ms. Marie Louise E. Engracial Human Resource Management Officer</td>
<td>DENNIS U ROCAMORA, CESE Jail Chief Superintendent Deputy Chief for Operations of the Jail Bureau QMR</td>
<td>ALLAN S. IRAL, CESE Jail Director Chief, BJMP</td>
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The BJMP observes a
NO GIFT POLICY

All BJMP officials and employees shall not solicit or accept, directly or indirectly, any gifts, gratuity, favor, loan, hospitality and/or entertainment, or anything of monetary value from a person, groups, associations or juridical entities, whether from the public or the private sectors, at any time, on or off the work premises, 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.

All BJMP officials and employees have been instructed to strictly comply with the BJMP's No Gift Policy. For complaints or concerns, contact the BJMP Hotline via 09217405555/09159200915.

We thank you for your support in upholding this policy.

"Changing Lives, Building a Safe Nation"