

## **PCC BIDS AND AWARDS COMMITTEE (PBAC)**

### **PBAC Resolution No. 201901- 003**

#### **ADOPTING A “NO GIFT POLICY” FOR THE INTERNAL GOVERNANCE OF THE PHILIPPINE COMPETITION COMMISSION BIDS AND AWARDS COMMITTEE**

**WHEREAS**, Section 27, Article II of the 1987 Constitution states that: “The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption.”

**WHEREAS**, Sec. 1, Article XI of the 1987 Constitution states that: “Public office is a public trust and all 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 lead modest lives.”

**WHEREAS**, Republic Act No. 3019, Anti-Graft and Corrupt Practices Act provides that: “It is the policy of the Philippine Government, in line with the 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.”

**WHEREAS**, Republic Act No. 6713, Code of Ethical Standards for Public Officials and Employees provides that: “It is the policy of the State to promote a high standard of ethics in public service.”

**WHEREAS**, Pillar IV of the Agency Procurement Compliance and Performance Indicator on Integrity and Transparency of Agency Procurement System, requires an agency to have an efficient procurement complaint system and a specific anti-corruption program/s related to procurement.

**NOW THEREFORE**, the PBAC **RESOLVES**, as it hereby **RESOLVES**, to adopt the “No Gift Policy” for the internal governance of the Philippine Competition Commission, *viz*:

#### **A. Declaration of Policy**

The Philippine Competition Commission (PCC) Bids and Awards Committee (BAC) adheres to the principle that public office is a public trust and promotes a high standard of ethics in public service. The Head of Procuring Entity (HOPE), BAC, the BAC Secretariat, the Technical Working Group (TWG), the End-Users, and all entities, individuals or personnel involved in whatever capacity in the procurement process, require that all stakeholders practice and demonstrate equal treatment, unbiased professionalism, and non-discriminatory action in the performance of their duties and functions, without expectation of any undue favor or reward.





## **B. Scope**

This Policy shall apply to the internal governance of BAC, including its Secretariat, TWG, end-users, and other individuals, entities and personnel involved in whatever capacity in the procurement process. It also applies to contractual employees and consultants of PCC.

## **C. Prohibition on Solicitation and Acceptance of Gifts<sup>1</sup>**

1. Any member of the BAC, BAC Secretariat, TWG, and end-users shall not solicit, accept or use, directly or indirectly, any gift, gratuity, favor, loan, hospitality and/or entertainment, or anything in the course of their official duties or in connection with any procurement activity or other transaction, which may unduly influence the functions of their office or which may affect their judgement in the performance of their duties and responsibilities. This applies to the family and/or relatives of aforesaid PCC personnel.
2. Any member of the BAC, BAC Secretariat, and TWG shall not allow their actions and decisions to be influenced by the prospect of future favor, benefit, employment, or any transaction with others who deal with the aforesaid personnel.
3. Any personnel of the BAC, BAC Secretariat, and TWG shall not exercise the influence obtained from their public office, or use official information, or gain any improper benefit for themselves or others.
4. The prohibition shall include, but not be limited to:
  - a) Honoraria, regardless of amount given as speaker or resource person in seminars or where the BAC, BAC Secretariat, or TWG personnel is participating by reason of his/her office with the Procuring Entity;
  - b) Sponsorship in any form of any of the procurement activities, internal programs, and activities of the PCC, such as Christmas parties, anniversary, commemorations, and other events;
  - c) Advertisements in the publications of the PCC;
  - d) Discounts, rebates, waivers and other forms of monetary incentives or benefits given to the members of the BAC, BAC Secretariat, TWG, and end-user in availing of the services and/or facilities of persons or entities under the jurisdiction of the PCC not generally available and offered equally to the public;
  - e) Gifts which would be illegal or in violation of law;
  - f) Gifts which is part of an attempt or agreement to do anything in return;

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<sup>1</sup> "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 of not more than PhP500.00 and not given in anticipation of, or in exchange for, a favor from BAC, BAC Secretariat, TWG, and end-user personnel of PCC.



- g) Gift which is being made to influence the action of any member of the BAC, BAC Secretariat, TWG, and end-user; and
- h) Gift which would create or appear a conflict of interest<sup>2</sup>.

#### **D. Exceptions to the Prohibition on Acceptance and Giving of Gifts**

1. Exempted from this Prohibition are the following:

- a) Gift of nominal or insignificant value amounting to Php500.00 and below and in the nature of souvenir, token of appreciation, symbolic item, institutional token, or moderate and occasional acts of hospitality or goodwill; provided, in accepting such gift, hospitality or goodwill, the public interest and integrity of the PCC will not be or appear to be compromised in any way.
- b) Donations coming from funding institutions, other government entities, and private organizations whether local or foreign, which are considered and accepted as humanitarian or in the furtherance of its mandate. The PCC shall abide by the existing government accounting and auditing rules and regulations relative to the receipt of donations.
- c) Gifts that may be given from another government agency in the customary and normal course of business, as may be determined and approved by the HOPE;
- d) Gifts or tokens offered or given as symbol of kinship or partnership during gatherings or conferences to which the PCC is a participant, host or sponsor;
- e) The acceptance and retention of certificates, plaques, cards, thank you notes, or other written forms of souvenir or mark of courtesy;
- f) The acceptance of seminar bags and contents, and partaking of moderately priced meals and beverages that any member of the BAC, BAC Secretariat, TWG, and end-user obtain at events, such as conferences and seminars, and which are offered equally to all members of the public attending the event;
- g) Acceptance of books, pamphlets, publications, and data and other information or reading materials that are directly useful to the PCC in the performance of its mandates, objectives, which books and other materials are given by individuals or organizations that have no pending business with the PCC as to create an actual or potential conflict of interest;

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<sup>2</sup> "Conflict of Interest" arises when any member of the BAC, BAC Secretariat, TWG, and end-user has competing professional or personal obligation or financial interest, or he/she has some influence in any transaction involving him/ her that is inconsistent with his/her loyalty to public service. It may also exist when such personnel is influenced or appears to be influenced by his/her personal interests, or when an official act results in unwarranted personal benefit or to that of his/her family and relatives. Personal interests include not only such personnel's financial or other private interests but the financial or other interests of his/her family or relatives.



- h) The acceptance by any member of the BAC, BAC Secretariat, TWG, and end-user of a scholarship or fellowship grant, travel grants or expense for travel taking place within or outside of the Philippines (such as allowances, transportation, food and lodging) of more than nominal value, if such acceptance is appropriate and consistent with the interests of the Government, and authorized by the HOPE and/or PCC Chairman; and
- i) The acceptance or availment by the PCC of grants from local or foreign institutions or development partners in the pursuit of the mandates, projects and activities, provided that the availment thereof shall be strictly in compliance with applicable procurement laws, rules and regulations.

#### **E. Compliance and Complaint System**

1. The HOPE, BAC, BAC Secretariat, TWG, and end-user shall uphold all laws, rules and regulations in accordance with their oath of office and to act all times befitting of a public servant.
2. The BAC shall demonstrate their awareness of the standards in this Policy by modeling them in their own behavior. They shall have the responsibility to ensure that all members of the BAC Secretariat, TWG, and end-user have received a copy, read and understood this Policy.
3. A complaint against any member of the BAC, BAC Secretariat, TWG, and end-user under this Policy shall be handled in accordance with the Revised Uniform Rules on Administrative Cases in the Civil Service, without prejudice to other appropriate legal or authorized action, if warranted.
4. Any PCC personnel who has personal knowledge of an infringement of this Policy or any applicable laws shall raise this issue with his/her concerned superior or official for appropriate action.
5. Upon recommendation of the BAC, the HOPE shall take a swift and decisive action on any verifiable information in violation of any provisions hereof or related applicable laws.
6. Any member of the BAC, BAC Secretariat, TWG, and end-user being harassed or coerced in relation to any report or investigation concerning any provisions hereof or any applicable laws shall resort initially to the existing grievance mechanism.

#### **F. Public Information**

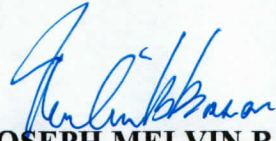
1. All stakeholders are enjoined to read, understand, and observe the standards and procedures prescribed of this Policy.
2. This Policy shall be posted in the website and conspicuous places of PCC.




**G. Effectivity**

This Policy shall take effect immediately upon approval.


Recommended for approval on 9 January 2019:



**ATTY. JOSEPH MELVIN B. BASAS**

 PBAC Chairperson

**ATTY. ORLANDO P. POLINAR**  
PBAC Vice-Chairperson

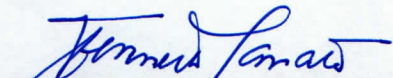


**ATTY. FERDINAND REDULLA**  
PBAC Member



**ALLAN ROY D. MORDENO**  
PBAC Member

Approved by:



**DR. KENNETH V. TANATE**  
Executive Director /  
Head of Procuring Entity

Date:     JAN 09 2019