



MC No. 13 , s. 2022

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES, DEPARTMENTS, BUREAUS, AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED AND -CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS; AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : Prohibition on Solicitation and Acceptance of Gifts

With the coming Christmas season, all government officials and employees are directed to strictly follow the pertinent provisions of law prohibiting solicitation and acceptance of gifts in connection with one's work and under certain circumstances. As such, all government officials and employees are reminded of the following provisions of law:

- 1. Section 7 (d) of Republic Act (R.A.) No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees)** declares 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.”*

Under **Section 11 (a)** of said law, violations of **Section 7** shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (PHP5,000), or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office.

Furthermore, any violation proven in a proper administrative proceeding shall be sufficient cause for the removal or dismissal of a public official or employee, even if no criminal prosecution is instituted against him/her.

- 2. Section 3 (b)(c) of R.A. No. 3019 (Anti-Graft and Corrupt Practices Act)** provides:

“Section 3. Corrupt practices of public officers. — In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

[...]

Bawat Kawani, Lingkod Bayani

(b) 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.

(c) 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.”

Under **Section 9**, any public officer or private person committing any of the unlawful acts or omissions enumerated in **Section 3** of this Act, shall be punished with imprisonment for not less than six years and one month nor more than fifteen years, perpetual disqualification from public office, and confiscation or forfeiture in favor of the Government of any prohibited interest and unexplained wealth manifestly out of proportion to his salary and other lawful income.

The violation of said section, if proven in a proper administrative proceeding, shall be sufficient cause for removal or dismissal of a public officer, even if no criminal prosecution is instituted against him/her.

3. **Section 46 (b) (9), Chapter 7, Subtitle A, Title I, Book V of Executive Order (E.O.) No. 292 (Administrative Code of 1987)** prohibits officers and employees in the civil service from *“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 other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons, or committing acts punishable under the anti-graft laws.”*

In **Section 22 (Paragraph 1) (i) (k)** of the **Omnibus Rules Implementing Book V of E.O. No. 292 (Administrative Code of 1987)**, this provision was translated into the following prohibitions, violations of which are punishable by dismissal from the service:

“(i) 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 other 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;

[...]

“(k) Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value in the course of one’s



official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of one's 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;"

In this regard, all government officials and employees are directed to strictly adhere to the provisions of the law mentioned above, as any violation thereof shall result in the institution of appropriate administrative and/or criminal proceedings.

For strict compliance.



ATTY. KARLO A. B. NOGRALES
Chairperson

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