



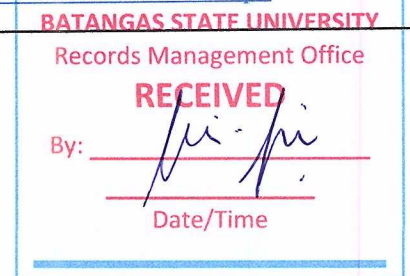
Republic of the Philippines
BATANGAS STATE UNIVERSITY

Batangas City

Tel Nos.: (+63 43) 980-0385; 980-0387; 980-0392 to 94; 425-7158 to 62 loc. 1546/1822
Email Address: president@g.batstate-u.edu.ph Website Address: <http://www.batstate-u.edu.ph>

Office of the University President

Memorandum Order No. **353-a**
Series of 2021



TO : **ALL CONCERNED**

THRU : **VICE PRESIDENTS AND CHANCELLORS**

SUBJECT : **IMPLEMENTATION OF ANTI- GRAFT AND CORRUPTION LAWS, RULES, AND REGULATIONS**

DATE : **9 JUNE 2021**

In line with the principle that a public office is a public trust, and the declared policy of the State Public that “*officials and employees shall at all times be accountable to the people and shall 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*”, all forms of graft and corrupt practices in the University are absolutely prohibited. Hence, all personnel are hereby directed to consistently observe the following:

1. Republic Act (RA) No. 3019 Anti-Graft and Corrupt Practices Act and its Implementing Rules and Regulations (IRR);
2. RA No. 11032 or The Ease of Doing Business and Efficient Government Service Delivery Act of 2018 and its IRR
3. RA No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees
4. Section 65 of RA 9184 or the “Government Procurement Reform Act”; and
5. All other laws, rules, and regulations penalizing public officials from committing corruption and bribery such as Articles 210 to 212 of the Revised Penal Code of the Philippines.

All members of the BatStateU committee are expected to uphold the core values of the University. Attached are the copies of the abovementioned laws for ready reference.

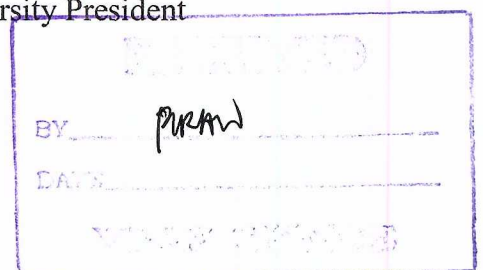
For strict compliance.

Dr. TIRSO A. RONQUILLO
University President

cc: Office of the University and Board Secretary
Records Management Office, Central Administration

Received by:
SHARINA DE JESUS
JAN -

Received by:
VPEA1 - Janine
Received by:
VPRMSI - Apollo



[REPUBLIC ACT NO. 3019]

ANTI-GRAFT AND CORRUPT PRACTICES ACT

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Statement of policy. — 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.

Section 2. Definition of terms. — As used in this Act, the term —

(a) "Government" includes the national government, the local governments, the government-owned and government-controlled corporations, and all other instrumentalities or agencies of the Republic of the Philippines and their branches.

(b) "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 subparagraph.

(c) "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 excessive.

(d) "Person" includes natural and juridical persons unless the context indicates otherwise.

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:

(a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense.

(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.

(d) Accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the pendency thereof or within one year after its termination.

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

(f) Neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party.

(g) Entering, on behalf of the Government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby.

(h) Directly or indirectly having financial or pecuniary interest in any business, contract or transaction in connection with which he intervenes or takes part in his official capacity, or in which he is prohibited by the Constitution or by any law from having any interest.

(i) Directly or indirectly becoming interested, for personal gain, or having a material interest in any transaction or act requiring the approval of a board, panel or group of which he is a member, and which exercises discretion in such approval, even if he votes against the same or does not participate in the action of the board, committee, panel or group.

Interest for personal gain shall be presumed against those public officers responsible for the approval of manifestly unlawful, inequitable, or irregular transaction or acts by the board, panel or group to which they belong.

(j) Knowingly approving or granting any license, permit, privilege or benefit in favor of any person not qualified for or not legally entitled to such license, permit, privilege or advantage, or of a mere representative or dummy of one who is not so qualified or entitled.

(k) Divulging valuable information of a confidential character, acquired by his office or by him on account of his official position to unauthorized persons, or releasing such information in advance of its authorized release date.

The person giving the gift, present, share, percentage or benefit referred to in subparagraphs (b) and (c); or offering or giving to the public officer the employment mentioned in subparagraph (d); or urging the divulging or untimely release of the confidential information referred to in subparagraph (k) of this section shall, together with the offending public officer, be punished under Section nine of this Act and shall be permanently or temporarily disqualified in the discretion of the Court, from transacting business in any form with the Government.

Section 4. Prohibition on private individuals. — (a) It shall be unlawful for any person having family or close personal relation with any public official to capitalize or exploit or take advantage of such family or close personal relation by directly or indirectly requesting or receiving any present, gift or material or pecuniary advantage from any other person having some business, transaction, application, request or contract with the government, in which such public official has to intervene. Family relation shall include the spouse or relatives by consanguinity or affinity in the third civil degree. The word "close personal relation" shall include close personal friendship, social and fraternal connections, and professional employment all giving rise to intimacy which assures free access to such public officer.

(b) It shall be unlawful for any person knowingly to induce or cause any public official to commit any of the offenses defined in Section 3 hereof.

Section 5. Prohibition on certain relatives. — It shall be unlawful for the spouse or for any relative, by consanguinity or affinity, within the third civil degree, of the President of the Philippines, the Vice-President of the Philippines, the President of the Senate, or the Speaker of the House of Representatives, to intervene, directly or indirectly, in any business, transaction, contract or application with the Government: *Provided*, That this section shall not apply to any person who, prior to the assumption of

office of any of the above officials to whom he is related, has been already dealing with the Government along the same line of business, nor to any transaction, contract or application already existing or pending at the time of such assumption of public office, nor to any application filed by him the approval of which is not discretionary on the part of the official or officials concerned but depends upon compliance with requisites provided by law, or rules or regulations issued pursuant to law, nor to any act lawfully performed in an official capacity or in the exercise of a profession.

Section 6. Prohibition on Members of Congress. — It shall be unlawful hereafter for any Member of the Congress during the term for which he has been elected, to acquire or receive any personal pecuniary interest in any specific business enterprise which will be directly and particularly favored or benefited by any law or resolution authored by him previously approved or adopted by the Congress during the same term.

The provision of this section shall apply to any other public officer who recommended the initiation in Congress of the enactment or adoption of any law or resolution, and acquires or receives any such interest during his incumbency.

It shall likewise be unlawful for such member of Congress or other public officer, who, having such interest prior to the approval of such law or resolution authored or recommended by him, continues for thirty days after such approval to retain such interest.

Section 7. Statement of assets and liabilities. — Every public officer, within thirty days after assuming office, thereafter, on or before the fifteenth day of April following the close of every calendar year, as well as upon the expiration of his term of office, or upon his resignation or separation from office, shall prepare and file with the office of the corresponding Department Head, or in the case of a Head of department or Chief of an independent office, with the Office of the President, a true, detailed sworn statement of assets and liabilities, including a statement of the amounts and sources of his income, the amounts of his personal and family expenses and the amount of income taxes paid for the next preceding calendar year: *Provided*, That public officers assuming office less than two months before the end of the calendar year, may file their first statement on or before the fifteenth day of April following the close of the said calendar year. (As amended by RA3047, PD 677, January 24, 1978).

Section 8. Prima facie evidence of and dismissal due to unexplained wealth. — If in accordance with the provisions of Republic Act Numbered One thousand three hundred seventy-nine, a public official has been found to have acquired during his incumbency, whether in his name or in the name of other persons, an amount of property and/or money manifestly out of proportion to his salary and to his other lawful income, that fact shall be a ground for dismissal or removal. Properties in the name of the spouse and dependents of such public official may be taken into consideration, when their acquisition through legitimate means cannot be satisfactorily shown. Bank deposits in the name of or manifestly excessive expenditures incurred by the public official, his spouse or any of their dependents including but not limited to activities in any club or association or any ostentatious display of wealth including frequent travel abroad of a non-official character by any public official when such activities entail expenses evidently out of proportion to legitimate income, shall likewise be taken into consideration in the enforcement of this section, notwithstanding any provision of law to the contrary. The circumstances hereinabove mentioned shall constitute valid ground for the administrative suspension of the public official concerned for an indefinite period until the investigation wealth is completed. (As amended by BP Blg., 195, March 16, 1982)

Section 9. Penalties for violations. — (a) Any public officer or private person committing any of the unlawful acts or omissions enumerated in Sections 3, 4, 5 and 6 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.

Any complaining party at whose complaint the criminal prosecution was initiated shall, in case of conviction of the accused, be entitled to recover in the criminal action with priority over the forfeiture in favor of the Government, the amount of money or the thing he may have given to the accused, or the fair value of such thing.

(b) Any public officer violating any of the provisions of Section 7 of this Act shall be punished by a fine of not less than one thousand pesos nor more than five thousand pesos, or by imprisonment not exceeding one year and six months, or by both such fine and imprisonment, at the discretion of the Court.

The violation of said section 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. (Amended by BP Blg. 195, March 16, 1982).

Section 10. Competent court. — Until otherwise provided by law, all prosecutions under this Act shall be within the original jurisdiction of the Sandiganbayan. (As amended by BP Blg. 195, March 16, 1982)

Section 11. Prescription of offenses. — All offenses punishable under this Act shall prescribe in fifteen years.

Section 12. Termination of office. — No public officer shall be allowed to resign or retire pending an investigation, criminal or administrative, or pending a prosecution against him, for any offense under this Act or under the provisions of the Revised Penal Code on bribery.

Section 13. Suspension and loss of benefits. — Any incumbent public officer against whom any criminal prosecution under a valid information under this Act or under Title Seven Book II of the Revised Penal Code or for any offense involving fraud upon government or public funds or property whether as a simple or as complex offense and in whatever stage of execution and mode of participation, is pending in court shall be suspended from office. Should he be convinced by final judgement, he shall lose all retirement or gratuity benefits under any law, but if he is acquitted, he shall be entitled to reinstatement and to the salaries and benefits which he failed to receive during suspension, unless in the meantime administrative proceedings have been filed against him.

In the event that such convicted officer, who may have been separated from the service has already received such benefits he shall be liable to restitute the same to the government. (As amended by BP Blg. 195, March 16, 1982).

Section 14. Exception. — Unsolicited gifts or presents of small or insignificant value offered or given as a mere ordinary token of gratitude or friendship according to local customs or usage, shall be excepted from the provisions of this Act.

Nothing in this Act shall be interpreted to prejudice or prohibit the practice of any profession, lawful trade or occupation by any private person or by any public officer who under the law may legitimately practice his profession, trade or occupation, during his incumbency, except where the practice of such profession, trade or occupation involves conspiracy with any other person or public official to commit any of the violations penalized in this Act.

Section 15. Separability clause. — If any provision of this Act or the application of such provision to any person or circumstances is declared invalid, the remainder of the Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

Section 16. Effectivity. — This Act shall take effect on its approval, but for the purpose of determining unexplained wealth, all property acquired by a public officer since he assumed office shall be taken into consideration.

Approved, August 17, 1960.

S. No. 1311
H. No. 6579

Republic of the Philippines
Congress of the Philippines
Metro Manila

Seventeenth Congress

Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fourth
day of July, two thousand seventeen.

[REPUBLIC ACT NO. **11032**]

AN ACT PROMOTING EASE OF DOING BUSINESS AND
EFFICIENT DELIVERY OF GOVERNMENT SERVICES,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
9485, OTHERWISE KNOWN AS THE ANTI-RED TAPE
ACT OF 2007, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the
Philippines in Congress assembled:*

SECTION 1. Section 1 of Republic Act No. 9485, otherwise
known as the "Anti-Red Tape Act of 2007", is hereby amended
to read as follows:

"SECTION 1. *Short Title.* – This Act shall be
known as the Ease of Doing Business and Efficient
Government Service Delivery Act of 2018."

SEC. 2. Section 2 of the same Act is hereby amended
to read as follows:

"SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to promote integrity, accountability, proper management of public affairs and public property as well as to establish effective practices, aimed at efficient turnaround of the delivery of government services and the prevention of graft and corruption in government. Towards this end, the State shall maintain honesty and responsibility among its public officials and employees, and shall take appropriate measures to promote transparency in each agency with regard to the manner of transacting with the public, which shall encompass a program for the adoption of simplified requirements and procedures that will reduce red tape and expedite business and nonbusiness related transactions in government."

SEC. 3. Section 3 of the same Act is hereby amended to read as follows:

"SEC. 3. *Coverage.* – This Act shall apply to all government offices and agencies including local government units (LGUs), government-owned or -controlled corporations and other government instrumentalities, whether located in the Philippines or abroad, that provide services covering business and nonbusiness related transactions as defined in this Act."

SEC. 4. Section 4 of the same Act is hereby amended to read as follows:

"SEC. 4. *Definition of Terms.* – As used in this Act, the following terms are defined as follows:

"(a) *Action* refers to the written approval or disapproval made by a government office or agency on the application or request submitted by an applicant or requesting party for processing;

"(b) *Business One Stop Shop (BOSS)* – a single common site or location, or a single online website

or portal designated for the Business Permit and Licensing System (BPLS) of an LGU to receive and process applications, receive payments, and issue approved licenses, clearances, permits, or authorizations;

"(c) *Business-related transactions* – a set of regulatory requirements that a business entity must comply with to engage, operate or continue to operate a business, such as, but not limited to, collection or preparation of a number of documents, submission to national and local government authorities, approval of application submitted, and receipt of a formal certificate or certificates, permits, licenses which include primary and secondary, clearances and such similar authorization or documents which confer eligibility to operate or continue to operate as a legitimate business;

"(d) *Complex transactions* – applications or requests submitted by applicants or requesting parties of a government office which necessitate evaluation in the resolution of complicated issues by an officer or employee of said government office, such transactions to be determined by the office concerned;

"(e) *Fixer* – any individual whether or not officially involved in the operation of a government office or agency who has access to people working therein, and whether or not in collusion with them, facilitates speedy completion of transactions for pecuniary gain or any other advantage or consideration;

"(f) *Government service* – the process or transaction between applicants or requesting parties and government offices or agencies involving applications for any privilege, right, reward, license, clearance, permit or authorization, concession, or for any modification, renewal or extension of the enumerated applications or requests which are acted

upon in the ordinary course of business of the agency or office concerned;

“(g) *Highly technical application* – an application which requires the use of technical knowledge, specialized skills and/or training in the processing and/or evaluation thereof;

“(h) *Nonbusiness transactions* – all other government transactions not falling under Section 4 (c) of this Act;

“(i) *Officer or employee* – a person employed in a government office or agency required to perform specific duties and responsibilities related to the application or request submitted by an applicant or requesting party for processing;

“(j) *Processing time* – the time consumed by an LGU or national government agency (NGA) from the receipt of an application or request with complete requirements, accompanying documents and payment of fees to the issuance of certification or such similar documents approving or disapproving an application or request;

“(k) *Red tape* – any regulation, rule, or administrative procedure or system that is ineffective or detrimental in achieving its intended objectives and, as a result, produces slow, suboptimal, and undesirable social outcomes;

“(l) *Regulation* – any legal instrument that gives effect to a government policy intervention and includes licensing, imposing information obligation, compliance to standards or payment of any form of fee, levy, charge or any other statutory and regulatory requirements necessary to carry out activity; and

“(m) *Simple transactions* – applications or requests submitted by applicants or requesting parties of a government office or agency which only require ministerial actions on the part of the public officer or employee, or that which present only inconsequential issues for the resolution by an officer or employee of said government office.”

SEC. 5. Section 5 of the same Act is hereby amended to read as follows:

“SEC. 5. *Reengineering of Systems and Procedures.* – All offices and agencies which provide government services are hereby mandated to regularly undertake cost compliance analysis, time and motion studies, undergo evaluation and improvement of their transaction systems and procedures and reengineer the same if deemed necessary to reduce bureaucratic red tape and processing time.

“The Anti-Red Tape Authority, created in this Act, shall coordinate with all government offices covered under Section 3 of this Act in the review of existing laws, executive issuances and local ordinances, and recommend the repeal of the same if deemed outdated, redundant, and adds undue regulatory burden to the transacting public.

“All proposed regulations of government agencies under Section 3 of this Act shall undergo regulatory impact assessment to establish if the proposed regulation does not add undue regulatory burden and cost to these agencies and the applicants or requesting parties: *Provided*, That when necessary, any proposed regulation may undergo pilot implementation to assess regulatory impact.

“Upon effectivity of this Act, all LGUs and NGAs are directed to initiate review of existing policies and operations and commence with the

reengineering of their systems and procedures in compliance with the provisions of this Act, pending the approval of the implementing rules and regulations (IRR) thereof.”

SEC. 6. Section 6 of the same Act is hereby amended to read as follows:

“SEC. 6. *Citizen's Charter*. – All government agencies including departments, bureaus, offices, instrumentalities, or government-owned and/or -controlled corporations, or LGUs shall set up their respective most current and updated service standards to be known as the Citizen's Charter in the form of information billboards which shall be posted at the main entrance of offices or at the most conspicuous place, in their respective websites and in the form of published materials written either in English, Filipino, or in the local dialect, that detail:

“(a) A comprehensive and uniform checklist of requirements for each type of application or request;

“(b) The procedure to obtain a particular service;

“(c) The person/s responsible for each step;

“(d) The maximum time to conclude the process;

“(e) The document/s to be presented by the applicant or requesting party, if necessary;

“(f) The amount of fees, if necessary; and

“(g) The procedure for filing complaints.”

SEC. 7. A new Section 7 is hereby inserted after Section 6 of the same Act to read as follows:

“SEC. 7. *Zero-Contact Policy*. – Except during the preliminary assessment of the request and evaluation of sufficiency of submitted requirements, no government officer or employee shall have any contact, in any manner, unless strictly necessary with any applicant or requesting party concerning an application or request. Once the Department of Information and Communications Technology (DICT) has completed a web-based software enabled business registration system that is acceptable to the public as mandated under Section 26 of this Act, all transactions shall be coursed through such system. All government agencies including LGUs shall adopt a zero-contact policy.”

SEC. 8. Section 7 of the same Act is hereby renumbered as Section 8 to read as follows:

“SEC. 8. *Accountability of Heads of Offices and Agencies*. – The head of the office or agency shall be primarily responsible for the implementation of this Act and shall be held accountable to the public in rendering fast, efficient, convenient and reliable service. All transactions and processes are deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned.”

SEC. 9. Section 8 of the same Act is hereby amended and renumbered as Section 9 to read as follows:

“SEC. 9. *Accessing Government Services*. – The following shall be adopted by all government offices and agencies:

“(a) Acceptance of Applications or Requests. –

“(1) All officers or employees shall accept written applications, requests, and/or documents being submitted by applicants or requesting parties of the offices or agencies.

"(2) The receiving officer or employee shall perform a preliminary assessment of the application or request submitted with its supporting documents to ensure a more expeditious action on the application or request. The receiving officer or employee shall immediately inform the applicant or requesting party of any deficiency in the accompanying requirements, which shall be limited to those enumerated in the Citizen's Charter.

"(3) The receiving officer or employee shall assign a unique identification number to an application or request, which shall be the identifying number for all subsequent transactions between the government and the applicant or requesting party regarding such specific application or request.

"(4) The receiving officer or employee shall issue an acknowledgement receipt containing the seal of the agency, the name of the responsible officer or employee, his/her unit and designation, and the date and time of receipt of such application or request.

"(b) Action of Offices. -

"(1) All applications or requests submitted shall be acted upon by the assigned officer or employee within the prescribed processing time stated in the Citizen's Charter which shall not be longer than three (3) working days in the case of simple transactions and seven (7) working days in the case of complex transactions from the date the request and/or complete application or request was received.

"For applications or requests involving activities which pose danger to public health, public safety, public morals, public policy, and highly technical application, the prescribed processing time shall in no case be longer than twenty (20) working days or as determined by the government agency or instrumentality concerned, whichever is shorter.

"The maximum time prescribed above may be extended only once for the same number of days, which shall be indicated in the Citizen's Charter. Prior to the lapse of the processing time, the office or agency concerned shall notify the applicant or requesting party in writing of the reason for the extension and final date of release of the government service/s requested. Such written notification shall be signed by the applicant or requesting party to serve as proof of notice.

"If the application or request for license, clearance, permit, certification or authorization shall require the approval of the local *Sangguniang Bayan*, *Sangguniang Panlungsod*, or the *Sangguniang Panlalawigan* as the case may be, the *Sanggunian* concerned shall be given a period of forty-five (45) working days to act on the application or request, which can be extended for another twenty (20) working days. If the local *Sanggunian* concerned has denied the application or request, the reason for the denial, as well as the remedial measures that may be taken by the applicant shall be cited by the concerned *Sanggunian*.

"In cases where the cause of delay is due to *force majeure* or natural or man-made disasters, which result to damage or destruction of documents, and/or system failure of the computerized or automatic processing, the prescribed processing times mandated in this Act shall be suspended and appropriate adjustments shall be made.

"(2) No application or request shall be returned to the applicant or requesting party without appropriate action. In case an application or request is disapproved, the officer or employee who rendered the decision shall send a formal notice to the applicant or requesting party within the prescribed processing time, stating therein the reason for the disapproval. A finding by a competent authority of

a violation of any or other laws by the applicant or requesting party shall constitute a valid ground for the disapproval of the application or request, without prejudice to other grounds provided in this Act or other pertinent laws.

“(c) Denial of Application or Request for Access to Government Service. – Any denial of application or request for access to government service shall be fully explained in writing, stating the name of the person making the denial and the grounds upon which such denial is based. Any denial of application or request is deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned.

“(d) Limitation of Signatories. – The number of signatories in any document shall be limited to a maximum of three (3) signatures which shall represent officers directly supervising the office or agency concerned: *Provided*, That in case the authorized signatory is on official business or official leave, an alternate shall be designated as signatory. Electronic signatures or pre-signed license, clearance, permit, certification or authorization with adequate security and control mechanism may be used.

“(e) Electronic Versions of Licenses, Clearances, Permits, Certifications or Authorizations. – All government agencies covered under Section 3 of this Act shall, when applicable, develop electronic versions of licenses, clearances, permits, certifications or authorizations with the same level of authority as that of the signed hard copy, which may be printed by the applicants or requesting parties in the convenience of their offices.

“(f) Adoption of Working Schedules to Serve Applicants or Requesting Parties. – Heads of offices and agencies which render government services shall

adopt appropriate working schedules to ensure that all applicants or requesting parties who are within their premises prior to the end of official working hours are attended to and served even during lunch break and after regular working hours.

“(g) Identification Card. – All employees transacting with the public shall be provided with an official identification card which shall be visibly worn during office hours.

“(h) Establishment of Public Assistance/ Complaints Desk. – Each office or agency shall establish a public assistance/complaints desk in all their offices.”

SEC. 10. Section 9 of the same Act is hereby amended and renumbered as Section 10 to read as follows:

“SEC. 10. *Automatic Approval or Automatic Extension of License, Clearance, Permit, Certification or Authorization.* – If a government office or agency fails to approve or disapprove an original application or request for issuance of license, clearance, permit, certification or authorization within the prescribed processing time, said application or request shall be deemed approved: *Provided*, That all required documents have been submitted and all required fees and charges have been paid. The acknowledgement receipt together with the official receipt for payment of all required fees issued to the applicant or requesting party shall be enough proof or has the same force and effect of a license, clearance, permit, certification or authorization under this automatic approval mechanism.

“If a government office or agency fails to act on an application or request for renewal of a license, clearance, permit, certification or authorization subject for renewal within the prescribed processing time, said license, clearance, permit, certification or

authorization shall automatically be extended: *Provided*, That the Authority, in coordination with the Civil Service Commission (CSC), Department of Trade and Industry (DTI), Securities and Exchange Commission (SEC), Department of the Interior and Local Government (DILG) and other agencies which shall formulate the IRR of this Act, shall provide a listing of simple, complex, highly technical applications, and activities which pose danger to public health, public safety, public morals or to public policy."

SEC. 11. New sections to be numbered as Sections 11, 12, 13, 14, 15, 16, 17, 18 and 19 are hereby inserted after Section 9 of the same Act, to read as follows:

"SEC. 11. *Streamlined Procedures for the Issuance of Local Business Licenses, Clearances, Permits, Certifications or Authorizations.* – The LGUs are mandated to implement the following revised guidelines in the issuance of business licenses, clearances, permits, certifications or authorizations:

"(a) A single or unified business application form shall be used in processing new applications for business permits and business renewals which consolidates all the information of the applicant or requesting party by various local government departments, such as, but not limited to, the local taxes and clearances, building clearance, sanitary permit, zoning clearance, and other specific LGU requirements, as the case may be, including the fire clearance from the Bureau of Fire Protection (BFP). The unified form shall be made available online using technology-neutral platforms such as, but not limited to, the central business portal or the city/municipality's website and various channels for dissemination. Hard copies of the unified forms shall likewise be made available at all times in designated areas of the concerned office and/or agency.

"(b) A one-stop business facilitation service, hereinafter referred to as the business one stop shop, (BOSS) for the city/municipality's business permitting and licensing system to receive and process manual and/or electronic submission of application for license, clearance, permit, certification or authorization shall be established within the cities/municipalities' *Negosyo Center* as provided for under Republic Act No. 10644, otherwise known as the "Go Negosyo Act". There shall be a queuing mechanism in the BOSS to better manage the flow of applications among the LGUs' departments receiving and processing applications. LGUs shall implement colocation of the offices of the treasury, business permits and licensing office, zoning office, including the BFP, and other relevant city/municipality offices/departments, among others, engaged in starting a business, dealing with construction permits.

"(c) Cities/Municipalities are mandated to automate their business permitting and licensing system or set up an electronic BOSS within a period of three (3) years upon the effectivity of this Act for a more efficient business registration processes. Cities/Municipalities with electronic BOSS shall develop electronic versions of licenses, clearances, permits, certifications or authorizations with the same level of authority, which may be printed by businesses in the convenience of their offices. The DICT shall make available to LGUs the software for the computerization of the business permit and licensing system. The DICT, DTI, and DILG, shall provide technical assistance in the planning and implementation of a computerized or software-enabled business permitting and licensing system.

"(d) To lessen the transaction requirements, other local clearances such as, but not limited to, sanitary permits, environmental and agricultural clearances shall be issued together with the business permit.

"(e) Business permits shall be valid for a period of one (1) year. The city/municipality may have the option to renew business permits within the first month of the year or on the anniversary date of the issuance of the business permit.

"(f) Barangay clearances and permits related to doing business shall be applied, issued, and collected at the city/municipality in accordance with the prescribed processing time of this Act: *Provided*, That the share in the collections shall be remitted to the respective barangays.

"The pertinent provisions of Republic Act No. 7160, otherwise known as "The Local Government Code of 1991", specifically Article IV, Section 152(c) is hereby amended accordingly."

"SEC. 12. *Streamlined Procedures for Securing Fire Safety Evaluation Clearance (FSEC), Fire Safety Inspection Certificate (FSIC), and Certification of Fire Incidents for Fire Insurance.* – For the issuance of FSEC, FSIC, and certification of fire incidents, the following shall be adopted to make business permitting more efficient:

"(a) Issuance of FSEC and FSIC shall in no case be longer than seven (7) working days;

"(b) For new business permit application, the FSIC already issued during the occupancy permit stage shall be sufficient as basis for the issuance of the FSIC for a business entity as a requirement for the business permit;

"(c) For renewal of business permit, the BFP shall, within three (3) working days from application, present the FSIC to the city/municipality, either thru the copy of the FSIC or the negative/positive list: *Provided*, That the business entity shall inform the BFP and submit the necessary documentary

requirements if renovations, modifications or any form of alterations are made to the original building structure thirty (30) working days before the expiration of the business permit;

"(d) If the BFP fails to furnish the city/municipality with an FSIC or to inform the same through the negative/positive list within three (3) working days from the application of business renewal, the business entity shall be deemed to have a temporary valid FSIC and, therefore, shall serve as the basis for the automatic renewal of the business permit;

"(e) Issuance of the certification of fire incident for fire insurance purposes shall in no case be longer than twenty (20) working days, and may be extended only once for another twenty (20) working days;

"(f) The BFP or any of its officials or employees shall not sell, offer to sell, or recommend specific brands of fire extinguishers and other fire safety equipment to any applicant or requesting party or business entity. Any violation thereof shall be punishable by imprisonment of one (1) year to six (6) years and a penalty of not less than Five hundred thousand pesos (P500,000.00), but not more than Two million pesos (P2,000,000.00);

"(g) The BFP shall colocate with the BOSS or in an appropriate area designated by the city/municipality within its premises to assess and collect the fire safety inspection fees;

"(h) The BFP may enter into agreements with cities/municipalities, allowing the latter to be deputized as assessors and/or collecting agents for the fire safety inspection fees; and

"(i) The BFP shall develop and adopt an online or electronic mechanism in assessing fees, collecting/

accepting payments and sharing/exchange of other relevant data on business permit processing.

"The pertinent provisions of Republic Act No. 9514, otherwise known as the "Revised Fire Code of the Philippines of 2008", are hereby amended accordingly."

"SEC. 13. *Central Business Portal (CBP)*. – To eliminate bureaucratic red tape, avert graft and corrupt practices and to promote transparency and sustain ease of doing business, the DICT shall be primarily responsible in establishing, operating and maintaining a CBP or other similar technology, as the DICT may prescribe.

"The CBP shall serve as a central system to receive applications and capture application data involving business-related transactions, including primary and secondary licenses, and business clearances, permits, certifications or authorizations issued by the LGUs: *Provided*, That the CBP may also provide links to the online registration or application systems established by NGAs.

"The DICT, upon consultation with the National Privacy Commission (NPC), NGAs and LGUs shall issue rules and guidelines on the following: (a) the establishment, operation and maintenance of the CBP; and (b) the use of electronic signatures.

"The DICT is hereby mandated to implement an Interconnectivity Infrastructure Development Program for interconnectivity between and among NGAs and LGUs.

"The DICT, in coordination with other concerned NGAs and LGUs, shall also conduct information dissemination campaigns aimed towards raising public awareness on the existence of the CBP

and the improved access to and effective utilization of the program."

"SEC. 14. *Philippine Business Databank (PBD)*. – Within a period of one (1) year from the effectivity of this Act, the DICT, in coordination with the concerned agencies, shall establish, manage and maintain a PBD which shall provide the concerned NGAs and LGUs access to data and information of registered business entities for purposes of verifying the validity, existence of and other relevant information pertaining to business entities. All concerned NGAs and LGUs shall either link their own database with the system or periodically submit to the system updates relevant to the information registered with them.

"The DICT, in consultation with the DTI, SEC, Cooperative Development Authority (CDA), NPC, DILG, LGUs, and other concerned agencies, shall issue the IRR on the development, management, operation and maintenance of the PBD within three (3) months from the effectivity of this Act.

"Documents already submitted by an applicant or requesting party to an agency which has access to the PBD shall no longer be required by other NGAs and LGUs having the same access. Documents or information shall be crosschecked and retrieved in the PBD.

"At the local government level, the city or municipal business process and licensing office shall not require the same documents already provided by an applicant or requesting party to the local government departments in connection with other business-related licenses, clearances, permits, certifications or authorizations such as, but not limited to, tax clearance, occupancy permit and barangay clearance."

"SEC. 15. *Interconnectivity Infrastructure Development*. – In order to expedite the processing of licenses, clearances, permits, certifications or authorizations, the Authority, together with the DICT, shall develop a fast and reliable interconnectivity infrastructure. In relation to this, the processing and approval of licenses, clearances, permits, certifications or authorizations for the installation and operation of telecommunication, broadcast towers, facilities, equipment and service shall be:

"(a) a total of seven (7) working days for those issued by the barangay;

"(b) a total of seven (7) working days for those issued by LGUs; and

"(c) seven (7) working days for those issued by NGAs.

"If the granting authority fails to approve or disapprove an application for a license, clearance, permit, certification or authorization within the prescribed processing time, said application shall be deemed approved: *Provided*, That when the approval of the appropriate local legislative body is necessary, a nonextendible period of twenty (20) working days is hereby prescribed.

"For homeowners and other community clearances, the officers of the homeowners association shall be given ten (10) working days to refer the application to the members of the association pursuant to Section 10(k) of Republic Act No. 9904, otherwise known as the "Magna Carta for Homeowners and Homeowners Associations": *Provided*, That a nonextendible period of thirty (30) working days is granted the homeowners association to give its consent or disapproval: *Provided, further*,

That in case of disapproval, the granting authority shall notify the applicant or requesting party within the prescribed period of the reason/s for disapproval as well as remedial measures that may be taken by the applicant or requesting party.

"Within three (3) months upon the approval of the IRR of this Act, the Authority, in coordination with the DICT, shall review and recommend the repeal of outdated, redundant and unnecessary licenses, clearances, permits, certifications or authorizations being required by NGAs, LGUs, and private entities."

"SEC. 16. *Anti-Red Tape Unit in the Civil Service Commission (CSC)*. – The CSC shall maintain an anti-red tape unit in its central and all its regional offices, utilize Report Card Survey findings for purposive and integrated government-wide human resource systems and programs toward efficient delivery of government service as contemplated in this Act; and receive, review, hear, and decide on complaints on erring government employees and officials and noncompliance with the provisions of this Act."

"SEC. 17. *Anti-Red Tape Authority*. – To ensure the attainment of the objectives of this Act, there is hereby created the Anti-Red Tape Authority, herein referred to as the Authority, which shall be organized within six (6) months after the effectivity of this Act. The Authority shall be attached to the Office of the President.

"The Authority shall have the following powers and functions:

"(a) Implement and oversee a national policy on anti-red tape and ease of doing business;

"(b) Implement various ease of doing business and anti-red tape reform initiatives aimed at improving the ranking of the Philippines;

"(c) Monitor and evaluate the compliance of agencies covered under Section 3 of this Act, and issue notice of warning to erring and/or noncomplying government employees or officials;

"(d) Initiate investigation, *motu proprio* or upon receipt of a complaint, refer the same to the appropriate agency, or file cases for violations of this Act;

"(e) Assist complainants in filing necessary cases with the CSC, the Ombudsman and other appropriate courts, as the case may be;

"(f) Recommend policies, processes and systems to improve regulatory management to increase the productivity, efficiency, and effectiveness of business permitting and licensing agencies;

"(g) Review proposed major regulations of government agencies, using submitted regulatory impact assessments, subject to proportionality rules to be determined by the Authority;

"(h) Conduct regulatory management training programs to capacitate NGAs and LGUs to comply with sound regulatory management practices;

"(i) Prepare, in consultation with the appropriate agencies, regulatory management manuals for all government agencies and/or instrumentalities and LGUs;

"(j) Provide technical assistance and advisory opinions in the review of proposed national or local legislation, regulations or procedures;

"(k) Ensure the dissemination of and public access to information on regulatory management system and changes in laws and regulations relevant to the public by establishing the Philippine Business Regulations Information System;

"(l) Enlist the assistance of the CSC, DTI and other government agencies in the implementation of its powers and functions provided for in this Act; and

"(m) Perform such acts as may be necessary to attain the objectives of this Act."

"SEC. 18. *Composition of the Authority.* – The Authority shall be headed by a Director General to be appointed by the President of the Philippines upon effectivity of this Act, and such appointment shall be coterminous with the tenure of the President of the Philippines. The Director General shall enjoy the benefits, privileges, and emoluments equivalent to the rank of Secretary.

"The Director General shall oversee the day-to-day operations of the Authority. He/She shall be assisted by three (3) Deputy Directors General each for legal, operations, and administration and finance: *Provided*, That they are career officials as defined in existing laws, rules and regulations. The Deputy Directors General shall enjoy the benefits, privileges, and emoluments equivalent to the rank of Undersecretary and shall likewise be appointed by the President of the Philippines.

"The Director General of the Authority, in consultation with the CSC, DTI and the Department of Budget and Management (DBM), shall determine the organizational structures including regional or field offices, qualification standards, staffing pattern and compensation of the newly created Authority in accordance with existing laws, rules and regulations:

Provided, That in the absence of regional or field offices, the Authority may deputize the regional personnel of the DTI to perform its powers and functions."

"SEC. 19. *Ease of Doing Business and Anti-Red Tape Advisory Council*. – There is hereby created an Ease of Doing Business and Anti-Red Tape Advisory Council, herein referred to as the Council. It shall be composed of the Secretary of the DTI as Chairperson, the Director General of the Authority as Vice-Chairperson, the Secretaries of the DICT, DILG and Department of Finance (DOF), and two (2) representatives from the private sector as members. The department secretaries may designate their representatives, who shall sit in a permanent capacity, with no less than Undersecretary in rank, and their acts shall be considered the acts of their principals. The private sector representatives shall be appointed by the President of the Philippines for a term of three (3) years, and may be reappointed only once, from the nominees submitted by reputable business groups or associations.

"The Council shall be the policy and advisory body to the Authority. The Council shall formulate policies and programs that will continuously enhance and improve the country's competitiveness and ease of doing business. Towards this end, the Council shall have the following powers and functions:

"(a) Plan, draft and propose a national policy on ease of doing business and anti-red tape;

"(b) Recommend policies, processes and systems to improve regulatory management to increase the productivity, efficiency, and effectiveness of permitting and licensing agencies;

"(c) Design and identify systems that will continuously enhance and improve the delivery of

services in government and ease of doing business in the country;

"(d) Authorize the creation or appointment of specific working groups or task forces in aid of the implementation of this Act;

"(e) Propose legislation, amendments or modifications to Philippine laws related to anti-red tape and ease of doing business;

"(f) Periodically review and assess the country's competitiveness performance, challenges, and issues;

"(g) Provide technical assistance and advisory opinions in the review of proposed national or local legislation, regulations, or procedures;

"(h) Recommend to the Authority the issuance of the appropriate measures to promote transparency and efficiency in business practices and delivery of services in government; and

"(i) Perform such other functions as may be necessary or as may be directed by the President of the Philippines for the successful implementation to attain the objectives of this Act.

"The Authority shall serve as Secretariat to the Council to be headed by its Deputy Director General for operations.

"The National Competitiveness Council (NCC), created under Executive Order No. 44, Series of 2011, shall be renamed and reorganized as the Council. The pertinent provisions under the following presidential orders: Executive Order No. 571, Executive Order No. 44, and Administrative Order No. 38 are hereby repealed accordingly."

SEC. 12. Section 10 of the same Act is hereby amended and renumbered as Section 20 to read as follows:

"SEC. 20. *Report Card Survey.* – All offices and agencies providing government services shall be subjected to a Report Card Survey to be initiated by the Authority, in coordination with the CSC, and the Philippine Statistics Authority (PSA), which shall be used to obtain feedback on how provisions in the Citizen's Charter and the provisions of this Act are being followed and how the agency is performing.

"The Report Card Survey shall also be used to obtain information and/or estimates of hidden costs incurred by applicants or requesting parties to access government services which may include, but is not limited to, bribes and payment to fixers. The result of the survey shall also become basis for the grant of awards, recognition and/or incentives for excellent delivery of services in all government agencies.

"A feedback mechanism shall be established in all agencies covered by this Act and the results thereof shall be incorporated in their annual report."

SEC. 13. Sections 11 and 12 of the same Act are hereby deleted, and replaced with new sections to be numbered as Sections 21 and 22, to read as follows:

"SEC. 21. *Violations and Persons Liable.* – Any person who performs or cause the performance of the following acts shall be liable:

"(a) Refusal to accept application or request with complete requirements being submitted by an applicant or requesting party without due cause;

"(b) Imposition of additional requirements other than those listed in the Citizen's Charter;

"(c) Imposition of additional costs not reflected in the Citizen's Charter;

"(d) Failure to give the applicant or requesting party a written notice on the disapproval of an application or request;

"(e) Failure to render government services within the prescribed processing time on any application or request without due cause;

"(f) Failure to attend to applicants or requesting parties who are within the premises of the office or agency concerned prior to the end of official working hours and during lunch break;

"(g) Failure or refusal to issue official receipts; and

"(h) Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage."

"SEC. 22. *Penalties and Liabilities.* – Any violations of the preceding actions will warrant the following penalties and liabilities.

"(a) First Offense: Administrative liability with six (6) months suspension: *Provided, however,* That in the case of fixing and/or collusion with fixers under Section 21(h), the penalty and liability under Section 22(b) of this Act shall apply.

"(b) Second Offense: Administrative liability and criminal liability of dismissal from the service, perpetual disqualification from holding public office and forfeiture of retirement benefits and imprisonment of one (1) year to six (6) years with a fine of not less than Five hundred thousand pesos (P500,000.00), but not more than Two million pesos (P2,000,000.00).

"Criminal liability shall also be incurred through the commission of bribery, extortion, or when the violation was done deliberately and maliciously to solicit favor in cash or in kind. In such cases, the pertinent provisions of the Revised Penal Code and other special laws shall apply."

SEC. 14. Section 13 of the same Act is hereby renumbered as Section 23 to read as follows:

"SEC. 23. *Civil and Criminal Liability, Not Barred.* – The finding of administrative liability under this Act shall not be a bar to the filing of criminal, civil or other related charges under existing laws arising from the same act or omission as herein enumerated."

SEC. 15. Section 14 of the same Act is hereby amended and renumbered as Section 24 to read as follows:

"SEC. 24. *Administrative Jurisdiction.* – The administrative jurisdiction on any violation of the provisions of this Act shall be vested in either the CSC, or the Office of the Ombudsman as determined by appropriate laws and issuances."

SEC. 16. Section 15 of the same Act is hereby renumbered as Section 25, and all succeeding sections of the same Act are hereby deleted.

"SEC. 25. *Immunity; Discharge of Co-Respondent/ Accused to be a Witness.* – Any public official or employee or any person having been charged with another offense under this Act and who voluntarily gives information pertaining to an investigation or who willingly testifies therefore, shall be exempt from prosecution in the case/s where his/her information and testimony are given. The discharge may be granted and directed by the investigating body or court upon the application or petition of any of the

respondent/accused-informant and before the termination of the investigation: *Provided, That:*

"(a) There is absolute necessity for the testimony of the respondent/accused-informant whose discharge is requested;

"(b) There is no other direct evidence available for the proper prosecution of the offense committed, except the testimony of said respondent/accused-informant;

"(c) The testimony of said respondent/accused-informant can be substantially corroborated in its material points;

"(d) The respondent/accused-informant has not been previously convicted of a crime involving moral turpitude; and

"(e) Said respondent/accused-informant does not appear to be the most guilty.

"Evidence adduced in support of the discharge shall automatically form part of the records of the investigation. Should the investigating body or court deny the motion or request for discharge as a witness, his/her sworn statement shall be inadmissible as evidence."

SEC. 17. New sections to be numbered as Sections 26, 27, 28, 29, 30, 31, 32 and 33 are hereby inserted after Section 15 of the same Act to read as follows:

"SEC. 26. *Transition from Manual to Software-Enabled Business-Related Transactions.* – The DICT, in coordination with other concerned agencies, shall within three (3) years after the effectivity of this Act, automate business-related transactions by developing the necessary software and technology-neutral platforms and secure infrastructure that is web-based and accessible to the public. The DICT

shall ensure that all municipalities and provinces classified as third (3rd), fourth (4th), fifth (5th) and sixth (6th) class are provided with appropriate equipment and connectivity, information and communications technology platform, training and capability building to ensure the LGUs compliance with this Act.”

“SEC. 27. *Transitory Provisions.* –

“(a) The Director General of the Authority, in consultation with the DTI, shall determine the organizational structure and personnel complement of the Authority. To ensure continued implementation of ease of doing business and anti-red tape reforms, the teams or units involved in regulatory improvement and/or ease of doing business-related programs of the DTI-Competitiveness Bureau shall serve as temporary secretariat of the Authority until such time that its organizational structure and personnel complement have been determined and filled up: *Provided*, That the staff of the DTI-Competitiveness Bureau shall have the option to be absorbed or transferred laterally to the Authority without diminution of their rank, position, salaries and other emoluments once the staffing pattern and plantilla position of the Authority has been approved.

“(b) All regulatory management programs and anti-red tape initiatives across government agencies shall be gathered by the Authority. The DTI, CDA, NCC, DOF, Development Academy of the Philippines (DAP), and National Economic and Development Authority (NEDA) shall submit to the Authority a report on the status of their respective projects related to regulatory management.

“(c) The Authority, in coordination with CSC and the Council, shall conduct an information dissemination campaign in all NGAs and LGUs to

inform them of this Act amending Republic Act No. 9485, otherwise known as the Anti-Red Tape Act of 2007.”

“SEC. 28. *Congressional Oversight Committee.*

– To monitor the implementation of this Act, there shall be created a Congressional Oversight Committee on Ease of Doing Business (COC-EODB), to be composed of five (5) members from the Senate, which shall include the Chairpersons of the Senate Committees on Trade and Commerce and Entrepreneurship, Civil Service, Government Reorganization and Professional Regulation, and Economic Affairs; and five (5) members from the House of Representatives which shall include the Chairpersons of the House Committees on Trade and Industry, Civil Service and Professional Regulation, Government Reorganization, and Economic Affairs. The COC-EODB shall be jointly chaired by the Chairpersons of the Senate Committee on Trade and Commerce and Entrepreneurship and the House of Representatives Committee on Trade and Industry: *Provided*, That the oversight committee shall cease to exist after five (5) years upon the effectivity of this Act.

“The Secretariat of the COC-EODB shall be drawn from the existing personnel of the Senate and House of Representatives committees comprising the COC-EODB.”

“SEC. 29. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be charged against the current year’s appropriations of the concerned agencies. In addition, the amount of Three hundred million pesos (P300,000,000.00) as initial funding for the Authority to be charged against the unexpended Contingency Fund of the Office of the President is hereby appropriated. Thereafter, the amount needed for the

implementation of this Act shall be included in the annual General Appropriations Act."

"SEC. 30. *Implementing Rules and Regulations.*

– The Authority with the CSC and DTI, and in coordination with the DICT, DOF, DILG, NEDA, PSA, CDA, SEC, the Office of the Ombudsman, Housing and Land Use Regulatory Board (HLURB) and the Union of Local Authorities of the Philippines (ULAP), shall promulgate the necessary rules and regulations within ninety (90) working days from the effectivity of this Act."

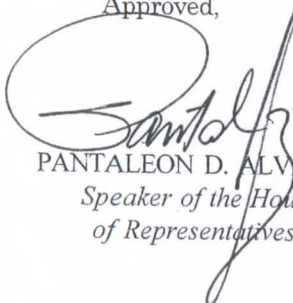
"SEC. 31. *Separability Clause.* – If any provision of this Act shall be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining provisions of this Act."


"SEC. 32. *Repealing Clause.* – All provisions of laws, presidential decrees, letters of instruction and other presidential issuances which are incompatible or inconsistent with the provisions of this Act are hereby deemed amended or repealed accordingly."

"SEC. 33. *Effectivity.* – This Act shall take effect within fifteen (15) days following its publication in the *Official Gazette* or in two (2) national newspapers of general circulation."

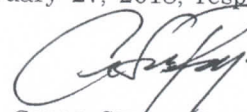
SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.


Approved,


PANTALEON D. ALVAREZ
Speaker of the House
of Representatives


AQUILINO "KOKO" PIMENTEL III
President of the Senate

This Act which is a consolidation of Senate Bill No. 1311 and House Bill No. 6579 was finally passed by the Senate and the House of Representatives on February 21, 2018 and February 27, 2018, respectively.


CESAR STRAIT PAREJA
Secretary General
House of Representatives

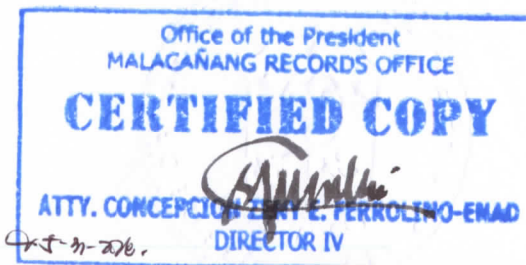

LUTGARDO B. BARBO
Secretary of the Senate

Approved: MAY 28 2018


RODRIGO ROA DUTERTE
President of the Philippines



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[REPUBLIC ACT NO. 6713]

**AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS
FOR PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED
PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST,
GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE,
ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Title. — This Act shall be known as the "Code of Conduct and Ethical Standards for Public Officials and Employees."

Section 2. Declaration of Policies. — It is the policy of the State to promote a high standard of ethics in public service. Public officials and employees shall at all times be accountable to the people and shall 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.

Section 3. Definition of Terms. — As used in this Act, the term:

(a) "Government" includes the national government, the local governments, and all other instrumentalities, agencies or branches of the Republic of the Philippines including government-owned or controlled corporations, and their subsidiaries.

(b) "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 amount.

(c) "Gift" refers to a thing or a right disposed 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 employee.

(d) "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 this Act, 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.

(e) "Loan" covers both simple loan and *commodatum* as well as guarantees, financing arrangements or accommodations intended to ensure its approval.

(f) "Substantial stockholder" means any person who owns, directly or indirectly, shares of stock sufficient to elect a director of a corporation. This term shall also apply to the parties to a voting trust.

(g) "Family of public officials or employees" means their spouses and unmarried children under eighteen (18) years of age.

(h) "Person" includes natural and juridical persons unless the context indicates otherwise.

(i) "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 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 duty.

(j) "Divestment" is the transfer of title or disposal of interest in property by voluntarily, completely and actually depriving or dispossessing oneself of his right or title to it in favor of a person or persons other than his spouse and relatives as defined in this Act.

(k) "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*.

Section 4. Norms of Conduct of Public Officials and Employees. — (A) Every public official and employee shall observe the following as standards of personal conduct in the discharge and execution of official duties:

(a) *Commitment to public interest.* — Public officials and employees shall always uphold the public interest over and above personal interest. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in public funds and revenues.

(b) *Professionalism.* — Public officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. They shall enter public service with utmost devotion and dedication to duty. They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.

(c) *Justness and sincerity.* — Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are coterminous with theirs.

(d) *Political neutrality.* — Public officials and employees shall provide service to everyone without unfair discrimination and regardless of party affiliation or preference.

(e) *Responsiveness to the public.* — Public officials and employees shall extend prompt, courteous, and adequate service to the public. Unless otherwise provided by law or when required by the public interest, public officials and employees shall provide information of their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures, avoid red tape and develop an understanding and appreciation of the socio-

economic conditions prevailing in the country, especially in the depressed rural and urban areas.

(f) *Nationalism and patriotism.* — Public officials and employees shall at all times be loyal to the Republic and to the Filipino people, promote the use of locally produced goods, resources and technology and encourage appreciation and pride of country and people. They shall endeavor to maintain and defend Philippine sovereignty against foreign intrusion.

(g) *Commitment to democracy.* — Public officials and employees shall commit themselves to the democratic way of life and values, maintain the principle of public accountability, and manifest by deeds the supremacy of civilian authority over the military. They shall at all times uphold the Constitution and put loyalty to country above loyalty to persons or party.

(h) *Simple living.* — Public officials and employees and their families shall lead modest lives appropriate to their positions and income. They shall not indulge in extravagant or ostentatious display of wealth in any form.

(B) The Civil Service Commission shall adopt positive measures to promote (1) observance of these standards including the dissemination of information programs and workshops authorizing merit increases beyond regular progression steps, to a limited number of employees recognized by their office colleagues to be outstanding in their observance of ethical standards; and (2) continuing research and experimentation on measures which provide positive motivation to public officials and employees in raising the general level of observance of these standards.

Section 5. Duties of Public Officials and Employees. — In the performance of their duties, all public officials and employees are under obligation to:

(a) *Act promptly on letters and requests.* — All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.

(b) *Submit annual performance reports.* — All heads or other responsible officers of offices and agencies of the government and of government-owned or controlled corporations shall, within forty-five (45) working days from the end of the year, render a performance report of the agency or office or corporation concerned. Such report shall be open and available to the public within regular office hours.

(c) *Process documents and papers expeditiously.* — All official papers and documents must be processed and completed within a reasonable time from the preparation thereof and must contain, as far as practicable, not more than three (3) signatories therein. In the absence of duly authorized signatories, the official next-in-rank or officer-in-charge shall sign for and in their behalf.

(d) *Act immediately on the public's personal transactions.* — All public officials and employees must attend to anyone who wants to avail himself of the services of their offices and must, at all times, act promptly and expeditiously.

(e) *Make documents accessible to the public.* — All public documents must be made accessible to, and readily available for inspection by, the public within reasonable working hours.

Section 6. *System of Incentives and Rewards.* — A system of annual incentives and rewards is hereby established in order to motivate and inspire public servants to uphold the highest standards of ethics. For this purpose, a Committee on Awards to Outstanding Public Officials and Employees is hereby created composed of the following: the Ombudsman and Chairman of the Civil Service Commission as Co-Chairmen, and the Chairman of the Commission on Audit, and two government employees to be appointed by the President, as members.

It shall be the task of this Committee to conduct a periodic, continuing review of the performance of public officials and employees, in all the branches and agencies of Government and establish a system of annual incentives and rewards to the end that due recognition is given to public officials and employees of outstanding merit on the basis of the standards set forth in this Act.

The conferment of awards shall take into account, among other things, the following: the years of service and the quality and consistency of performance, the obscurity of the position, the level of salary, the unique and exemplary quality of a certain achievement, and the risks or temptations inherent in the work. Incentives and rewards to government officials and employees of the year to be announced in public ceremonies honoring them may take the form of bonuses, citations, directorships in government-owned or controlled corporations, local and foreign scholarship grants, paid vacations and the like. They shall likewise be automatically promoted to the next higher position with the commensurate salary suitable to their qualifications. In case there is no next higher position or it is not vacant, said position shall be included in the budget of the office in the next General Appropriations Act. The Committee on Awards shall adopt its own rules to govern the conduct of its activities.

Section 7. *Prohibited Acts and Transactions.* — In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful:

(a) *Financial and material interest.* — Public officials and employees shall not, directly or indirectly, have any financial or material interest in any transaction requiring the approval of their office.

(b) *Outside employment and other activities related thereto.* — Public officials and employees during their incumbency shall not:

(1) Own, control, manage or accept employment as officer, employee, consultant, counsel, broker, agent, trustee or nominee in any private enterprise regulated, supervised or licensed by their office unless expressly allowed by law;

(2) Engage in the private practice of their profession unless authorized by the Constitution or law, provided, that such practice will not conflict or tend to conflict with their official functions; or

(3) Recommend any person to any position in a private enterprise which has a regular or pending official transaction with their office.

These prohibitions shall continue to apply for a period of one (1) year after resignation, retirement, or separation from public office, except in the case of subparagraph (b) (2) above, but the professional concerned cannot practice his profession in connection with any matter before the office he used to be with, in which case the one-year prohibition shall likewise apply.

(c) *Disclosure and/or misuse of confidential information.* —

Public officials and employees shall not use or divulge, confidential or classified information officially known to them by reason of their office and not made available to the public, either:

- (1) To further their private interests, or give undue advantage to anyone; or
- (2) To prejudice the public interest.

(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 regulated by, or any transaction which may be affected by the functions of their office.

As to gifts or grants from foreign governments, the Congress consents to:

- (i) 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;
- (ii) The acceptance by a public official or employee of a gift in the nature of a scholarship or fellowship grant or medical treatment; or
- (iii) 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.

The Ombudsman shall prescribe such regulations as may be necessary to carry out the purpose of this subsection, including pertinent reporting and disclosure requirements.

Nothing in this Act shall be construed to restrict or prohibit any educational, scientific or cultural exchange programs subject to national security requirements.

Section 8. Statements and Disclosure. — Public officials and employees have an obligation to accomplish and submit declarations under oath of, and the public has the right to know, their assets, liabilities, net worth and financial and business interests including those of their spouses and of unmarried children under eighteen (18) years of age living in their households.

(A) *Statements of Assets and Liabilities and Financial Disclosure.* — All public officials and employees, except those who serve in an honorary capacity, laborers and casual or temporary workers, shall file under oath their Statement of Assets, Liabilities and Net Worth and a Disclosure of Business Interests and Financial Connections and those of their spouses and unmarried children under eighteen (18) years of age living in their households.

The two documents shall contain information on the following:

- (a) real property, its improvements, acquisition costs, assessed value and current fair market value;
- (b) personal property and acquisition cost;
- (c) all other assets such as investments, cash on hand or in banks, stocks, bonds, and the like;
- (d) liabilities, and;
- (e) all business interests and financial connections.

The documents must be filed:

- (a) within thirty (30) days after assumption of office;
- (b) on or before April 30, of every year thereafter; and
- (c) within thirty (30) days after separation from the service.

All public officials and employees required under this section to file the aforesaid documents shall also execute, within thirty (30) days from the date of their assumption of office, the necessary authority in favor of the Ombudsman to obtain from all appropriate government agencies, including the Bureau of Internal Revenue, such documents as may show their assets, liabilities, net worth, and also their business interests and financial connections in previous years, including, if possible, the year when they first assumed any office in the Government.

Husband and wife who are both public officials or employees may file the required statements jointly or separately.

The Statements of Assets, Liabilities and Net Worth and the Disclosure of Business Interests and Financial Connections shall be filed by:

- (1) Constitutional and national elective officials, with the national office of the Ombudsman;
- (2) Senators and Congressmen, with the Secretaries of the Senate and the House of Representatives, respectively; Justices, with the Clerk of Court of the Supreme Court; Judges, with the Court Administrator; and all national executive officials with the Office of the President;
- (3) Regional and local officials and employees, with the Deputy Ombudsman in their respective regions;
- (4) Officers of the armed forces from the rank of colonel or naval captain, with the Office of the President, and those below said ranks, with the Deputy Ombudsman in their respective regions; and

(5) All other public officials and employees, defined in Republic Act No. 3019, as amended, with the Civil Service Commission.

(B) *Identification and disclosure of relatives.* — It shall be the duty of every public official or employee to identify and disclose, to the best of his knowledge and information, his relatives in the Government in the form, manner and frequency prescribed by the Civil Service Commission.

(C) *Accessibility of documents.* — (1) Any and all statements filed under this Act, shall be made available for inspection at reasonable hours.

(2) Such statements shall be made available for copying or reproduction after ten (10) working days from the time they are filed as required by law.

(3) Any person requesting a copy of a statement shall be required to pay a reasonable fee to cover the cost of reproduction and mailing of such statement, as well as the cost of certification.

(4) Any statement filed under this Act shall be available to the public for a period of ten (10) years after receipt of the statement. After such period, the statement may be destroyed unless needed in an ongoing investigation.

(D) *Prohibited acts.* — It shall be unlawful for any person to obtain or use any statement filed under this Act for:

(a) any purpose contrary to morals or public policy; or

(b) any commercial purpose other than by news and communications media for dissemination to the general public.

Section 9. Divestment. — A public official or employee shall avoid conflicts of interest at all times. When a conflict of interest arises, he shall resign from his position in any private business enterprise within thirty (30) days from his assumption of office and/or divest himself of his shareholdings or interest within sixty (60) days from such assumption.

The same rule shall apply where the public official or employee is a partner in a partnership.

The requirement of divestment shall not apply to those who serve the Government in an honorary capacity nor to laborers and casual or temporary workers.

Section 10. Review and Compliance Procedure. — (a) The designated Committees of both Houses of the Congress shall establish procedures for the review of statements to determine whether said statements which have been submitted on time, are complete, and are in proper form. In the event a determination is made that a statement is not so filed, the appropriate Committee shall so inform the reporting individual and direct him to take the necessary corrective action.

(b) In order to carry out their responsibilities under this Act, the designated Committees of both Houses of Congress shall have the power within their respective jurisdictions, to render any opinion interpreting this Act, in writing, to persons covered by this Act, subject in each instance to the approval by affirmative vote of the majority of the particular House concerned.

The individual to whom an opinion is rendered, and any other individual involved in a similar factual situation, and who, after issuance of the opinion acts in good faith in accordance with it shall not be subject to any sanction provided in this Act.

(c) The heads of other offices shall perform the duties stated in subsections (a) and (b) hereof insofar as their respective offices are concerned, subject to the approval of the Secretary of Justice, in the case of the Executive Department and the Chief Justice of the Supreme Court, in the case of the Judicial Department.

Section 11. Penalties. — (a) Any public official or employee, regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of this Act shall be punished with a fine not exceeding the equivalent of six (6) months' salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute. Violations of Sections 7, 8 or 9 of this Act shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000), or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office.

(b) Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public official or employee, even if no criminal prosecution is instituted against him.

(c) Private individuals who participate in conspiracy as co-principals, accomplices or accessories, with public officials or employees, in violation of this Act, shall be subject to the same penal liabilities as the public officials or employees and shall be tried jointly with them.

(d) The official or employee concerned may bring an action against any person who obtains or uses a report for any purpose prohibited by Section 8 (D) of this Act. The Court in which such action is brought may assess against such person a penalty in any amount not to exceed twenty-five thousand pesos (P25,000.00). If another sanction hereunder or under any other law is heavier, the latter shall apply.

Section 12. Promulgation of Rules and Regulations, Administration and Enforcement of this Act. — The Civil Service Commission shall have the primary responsibility for the administration and enforcement of this Act. It shall transmit all cases for prosecution arising from violations of this Act to the proper authorities for appropriate action: *Provided, however,* That it may institute such administrative actions and disciplinary measures as may be warranted in accordance with law. Nothing in this provision shall be construed as a deprivation of the right of each House of Congress to discipline its Members for disorderly behavior.

The Civil Service Commission is hereby authorized to promulgate rules and regulations necessary to carry out the provisions of this Act, including guidelines for

individuals who render free voluntary service to the Government. The Ombudsman shall likewise take steps to protect citizens who denounce acts or omissions of public officials and employees which are in violation of this Act.

Section 13. *Provisions for More Stringent Standards.* — Nothing in this Act shall be construed to derogate from any law, or any regulation prescribed by any body or agency, which provides for more stringent standards for its official and employees.

Section 14. *Appropriations.* — The sum necessary for the effective implementation of this Act shall be taken from the appropriations of the Civil Service Commission. Thereafter, such sum as may be needed for its continued implementation shall be included in the Annual General Appropriations Act.

Section 15. *Separability Clause.* — If any provision of this Act or the application of such provision to any person or circumstance is declared invalid, the remainder of the Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

Section 16. *Repealing Clause.* — All laws, decrees and orders or parts thereof inconsistent herewith, are deemed repealed or modified accordingly, unless the same provide for a heavier penalty.

Section 17. *Effectivity.* — This Act shall take effect after thirty (30) days following the completion of its publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

Approved, February 20, 1989.

FROM THE REVISED PENAL CODE OF THE PHILIPPINES

Section Two. - *Bribery*

Article 210. *Direct bribery.* - Any public officer who shall agree to perform an act constituting a crime, in connection with the performance of this official duties, in consideration of any offer, promise, gift or present received by such officer, personally or through the mediation of another, shall suffer the penalty of prison mayor in its medium and maximum periods and a fine of not less than the value of the gift and] not less than three times the value of the gift in addition to the penalty corresponding to the crime agreed upon, if the same shall have been committed.

If the gift was accepted by the officer in consideration of the execution of an act which does not constitute a crime, and the officer executed said act, he shall suffer the same penalty provided in the preceding paragraph; and if said act shall not have been accomplished, the officer shall suffer the penalties of prison correccional, in its medium period and a fine of not less than twice the value of such gift.

If the object for which the gift was received or promised was to make the public officer refrain from doing something which it was his official duty to do, he shall suffer the penalties of prison correccional in its maximum period and a fine of not less than the value of the gift and not less than three times the value of such gift.

In addition to the penalties provided in the preceding paragraphs, the culprit shall suffer the penalty of special temporary disqualification.

The provisions contained in the preceding paragraphs shall be made applicable to assessors, arbitrators, appraisal and claim commissioners, experts or any other persons performing public duties. (As amended by Batas Pambansa Blg. 871, approved May 29, 1985).

Article 211. *Indirect bribery.* - The penalties of prison correccional in its medium and maximum periods, and public censure shall be imposed upon any public officer who shall accept gifts offered to him by reason of his office. (As amended by Batas Pambansa Blg. 871, approved May 29, 1985).

Article 211-A. *Qualified bribery.* - If any public officer is entrusted with law enforcement and he refrains from arresting or prosecuting an offender who has committed a crime punishable by reclusion perpetua and/or death in consideration of any offer, promise, gift or present, he shall suffer the penalty for the offense which was not prosecuted.

If it is the public officer who asks or demands such gift or present, he shall suffer the penalty of death. (As added by Sec. 4, RA No. 7659).

Article 212. *Corruption of public officials.* - The same penalties imposed upon the officer corrupted, except those of disqualification and suspension, shall be imposed upon any person who shall have made the offers or promises or given the gifts or presents as described in the preceding articles.