



Republic of the Philippines
Department of Health
OFFICE OF THE SECRETARY

December 27, 2007

ADMINISTRATIVE ORDER
No. 2007-0043

SUBJECT: Department of Health Rules on Gift Giving

I. PURPOSE

Seriously implementing and fully supporting our people's fight against graft and corruption, and guided by the principles that a public office is a public trust and that all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism, and lead modest lives, the Department of Health (DOH) is committed to uphold the highest standards of honesty and integrity throughout the institution.

In the performance of their duties and responsibilities, the officials and employees of this Department should serve as the protectors of the people and paragons of truth and justice. Thus, any act of indiscretion or impropriety, or suspicion of such on their part shall greatly affect the honor and dignity of the institution and the people's confidence in it.

In this light, there is a need to establish additional rules on gifts and benefits that might be given to DOH officials and employees.

II. SCOPE

These Rules shall apply to all officials and employees of the offices and hospitals of the Department of Health. These Rules are in addition to other prohibitions imposed by law on soliciting and receiving gifts and benefits.

III. POLICIES AND RULES

Section 1. Definition: As used herein, the term:

1.1 Gift - refers to money or a material object in whatever form given to a recipient, and shall include a simulated sale or the disposition of any material object/s or property onerous to the giver and/or unduly beneficial to the recipient.

1.2 Benefit — refers to a right, privilege, form of entertainment, exemption or any other similar act of liberality in favor of a recipient.

1.3 Receiving any gift — includes the act of accepting directly or indirectly, a gift regardless of cost from a person other than a member of his family or relative as defined under RA 6713, even on the occasion of a family celebration or national festivity like Christmas, if the gift is given in anticipation of, or in exchange for a favor.

1.4 Agent — refers to a person who acts as a representative of another.

1.5 DOH — refers to the offices and hospitals of the Department of Health,

1.6 DOH hospital — refers to the hospitals that are under the administrative and technical supervision of the DOH, including its corporate hospitals

1.7 CO — refers to the DOH offices/units in the central office located at San Lazaro Compound, Manila, the Health Emergency Management Staff in Quezon City, the Bureau of Food and Drugs in Alabang, Muntinlupa, and the Bureau of Quarantine in Port Area, Manila.

Section 2. DOH officials and employees shall not solicit, directly or indirectly, any gift and/or benefit for themselves or for others, regardless of the cost , unless otherwise approved by the Department of Social Welfare and Development.

Section 3. DOH officials and employees shall not accept or receive, directly or indirectly, any gift or benefit, regardless of the cost, where this may influence, or may reasonably be seen to influence or to have influenced past, present, or future performance of their official functions.

Section 4. In the course of the performance of their official functions, DOH officials and employees shall not accept any fee or remuneration beyond what they are legally entitled to receive in their official capacity in accordance with the law.

Section 5. DOH officials and employees shall not accept or receive any gift and/or benefit , directly or indirectly, regardless of the cost from any of the following:

5.1 Any tobacco or milk company and organizations/interests associated with or related to these industries.

5.2 Anybidder, supplier, contractor, or entity with contract/s with the DOH, and the agents of these parties;

5.3 Any individual or party applying for any form of DOH authorization (e. g. license, permit, certificate of product registration, accreditation certificate, import certificate, or customs clearance);

5.4 Other parties transacting business with any DOH office/bureau/center/hospital;

5.5 Any individual, counsel, witness, or their agent undergoing any fact—finding/formal investigation being conducted by the DOH or by any government agency

5.6 Any accused individual, counsel, witness, or their agent in any case before the Department of Health or before any court.

Section 6. DOH officials and employees may accept gifts and/or benefits from individuals that do not fall within any of the classifications in Section 5, provided that the gifts and/or benefits received under this Section that were delivered in the work place and valued at TEN THOUSAND pesos (P10,000.00) or more shall be recorded in the Registry Book of Gifts to be provided and kept in custody by the DOH Internal Audit Service (IAS) for the CO and by the Administrative Officer (AO) for the other DOH agencies.

Section 7. DOH officials and employees may give and or/receive token gifts and/or benefits to/from their fellow officials and employees appropriate to the occasion during which it is given provided that each gift and/or benefit received under this Section valued at ten thousand pesos (P10,000.00) or more shall be recorded in the Registry Book of Gifts to be provided and kept in custody by the DOH IAS for the CO and by the AO for the other DOH agencies.

Section 8. DOH hospital officials and staff may give and/or receive gifts or benefits from patients provided that each gift and/or benefit received under this Section valued at ten thousand pesos (P10,000.00) or more shall be recorded in the Registry Book of Gifts to be provided and kept in custody by the hospital AO.

Section 9. DOH officials and employees may give and/or receive to/from their fellow officials and employees emergency contributions/assistance of a reasonable value or amount in cases of death, illness, calamity, and other similar situations.

Section 10. DOH officials and employees may receive donations of food, medical supplies, medicines, and medical devices from any donor provided that such donations are covered by an appropriate Memorandum of Agreement/Memorandum of Understanding, certificate of donation, or acknowledgement receipt and provided further that these donations shall be given to DOH hospitals for their indigent patients or distributed during DOH public health campaigns or DOH health emergency response activities. Recipients of the donations shall be identified and shall affix their signature as proof of receipt of donation. The official/employee concerned shall submit a report on use of the donation to the head of agency or chief of hospital and the accounting unit. However, if the donation costs less than 500 pesos, only an acknowledgement receipt shall be required.

Section 11. DOH officials and employees may receive plaques, awards, certificates, souvenirs, or other tokens of gratitude and/or benefits as appropriate to the occasion/ceremony to which he/she is invited as a guest speaker or lecturer, provided that such plaques, awards, certificates, souvenirs, or tokens of gratitude shall not be reasonably perceived as intended to influence the officials/employees in the performance of their official functions. Transportation and

accommodation provided to enable the DOH official/employee to be a speaker or lecturer during the occasion ceremony may also be accepted.

Section 12. DOH officials/employees may receive gifts or cash awards given by the DOH to its officials and employees during Anniversary and Christmas celebrations;

Section 13. DOH officials/employees may receive gifts exchanged or given on occasions such as Christmas and anniversary celebrations to members of Inter-Agency Councils, Committees, and other organizations to which the DOH belongs provided that each gift received under this Section valued at ten thousand pesos (P10,000.00) or more shall be recorded in the Registry Book of Gifts to be provided and kept in custody by the DOH IAS for the CO and by the AO for the other DOH agencies.

Section 14. All prohibited gifts left in DOH premises shall be immediately returned to the giver. In circumstances where it is considered inappropriate or impractical to return the said gift (e.g., perishable goods), the official/employee shall immediately hand over the gift to the head of agency or the Administrative Service (AS) Director for the DOH CO, or to the chief of hospital or AO for the other DOH agencies, who shall then dispose of the item in favor of charitable organizations, schools, libraries, museums, or any other appropriate institutions or organizations, including indigent families. The head of agency, the AS Director or the AO shall notify the gift-giver in writing of the disposition of the item, copy furnished the IAS, and shall submit a monthly written report on any matter covered by this Section to the IAS Director.

Section 15. DOH officials and employees may receive performance-based cash rewards, scholarship grants, and similar benefits granted by appropriate government agencies, non-profit private institutions, and national or international non-profit organizations

Section 16. Monthly reports on gifts registered in the Registry Book of Gifts shall be submitted by the IAS to the CO Integrity Development Committee, for central office agencies, and by the AO of the other agencies to their agency's Integrity Development Committee.

IV. PENALTIES

Any violation of this Administrative Order shall be a ground for disciplinary action, without prejudice to the filing of the appropriate administrative or criminal charges, if warranted, against the erring official and/or employee.

V. EFFECTIVITY

This Administrative Order shall take effect within five (5) days of its posting in the DOH Intranet website.

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Secretary of Health