

**[DOH ADMINISTRATIVE ORDER NO. 2007-0043,
December 27, 2007]**

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 Any bidder, supplier, contractor, or entity with contract/s with the DOH, and

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