

[OMB OFFICE ORDER NO. 05-15, S. 2005, January 24, 2005]

RULES ON GIFTS AND BENEFITS

I. PURPOSE

Being at the forefront in the fight against graft and corruption and guided by the principles that a public office is a public trust and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and lead modest lives, the Office of the Ombudsman is committed to upholding the highest standards of honesty and integrity throughout the institution.

In the performance of their duties and responsibilities, the officials and employees of this Office should serve as the protectors of the people and paragons of truth and justice. Thus, any act of indiscretion or impropriety, or suspicion of indiscretion 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 an imperative need to establish rules on gifts and benefits that are peculiar to the officials and employees of the Office of the Ombudsman.

II. SCOPE

These Rules shall apply to all officials and employees of the Office of the Ombudsman, in addition to other prohibitions on soliciting and receiving gifts and benefits imposed by law.

III. POLICIES AND RULES

Section 1. As used herein, the term:

Gift - refers to a thing disposed of gratuitously in favor of another, and shall include a simulated sale or a disposition onerous to the giver and/or unduly beneficial to the recipient.

Benefit - refers to a right, privilege, entertainment, exemption or any other similar act of liberality in favor of another.

Agent - a person who acts in representation of another.

Section 2. OMB officials and employees shall not solicit, directly or indirectly, gifts and/or benefits, for themselves or for others.

Section 3. OMB officials and employees shall not, directly or indirectly, accept or receive any gift or benefit from any party which may influence their official actions or which might reasonably be perceived as influencing or improperly relating to past, present or future performance of their official functions.

Section 4. In the course of the performance of their official functions, OMB 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 law.

Section 5. OMB officials and employees shall not accept or receive gifts and/or benefits, directly or indirectly, from any of the following:

- (a) Parties, counsel, and their agents;
- (b) Accused, defense counsel, and their agents in any Ombudsman case before any court;
- (c) Suppliers and contractors, and their agents; and
- (d) Other parties transacting business with the Office.

Section 6. OMB officials and employees shall likewise not accept or receive gifts and/or benefits from other persons belonging to the public sector not falling within the classification in the previous Section.

Section 7. OMB officials and employees may accept gifts and/or benefits from their spouses, children and parents, provided that the latter shall not appear or act as counsel in any case before the Office of the Ombudsman, or as defense counsel in any Ombudsman case before any court. They may also accept gifts and/or benefits from their parents-in-law, brothers and sisters, provided the latter do not fall in the classification in Section 5. Gifts and/or benefits received under this Section valued at Two Thousand Pesos (P2,000.00) or more shall be recorded in a Registry Book to be provided and kept in custody by the Internal Affairs Board (IAB).

OMB officials and employees may also accept gifts and/or benefits from their other relatives within the 4th civil degree, who do not fall within the same classification in Section 5; Provided, that any such gift and/or benefit valued at Two Thousand Pesos (P2,000.00) or more shall be recorded in the Registry Book in the custody of the IAB.

The gifts and/or benefits allowed in this Section shall not be given and/or accepted within the Office and its premises or such other places temporarily occupied by the Office or its officers and employees in the conduct of office-related functions and activities.

Section 8. OMB officials and employees may give and/or receive token gifts of nominal value from their fellow officials and employees appropriate to the occasion in which it is made. A gift shall be considered nominal if it has a value of Three Hundred Pesos (P300.00), more or less, on a per giver/recipient basis or such similar amount as may be appropriate to the position and/or income of the giver. It must be understood, however, that if the aggregate amount of the token gifts of nominal value received under this section within the calendar year is Two Thousand