

[EXECUTIVE ORDER NO. 317, November 09, 2000]

PRESCRIBING A CODE OF CONDUCT FOR RELATIVES AND CLOSE PERSONAL RELATIONS OF THE PRESIDENT, VICE PRESIDENT AND MEMBERS OF THE CABINET

WHEREAS, the President, Vice President and Members of the Cabinet are duty bound to follow the highest standard of ethics in public service.

WHEREAS, the duty of the President, Vice President and Members of the Cabinet extends also to those related to them by consanguinity, affinity, intimacy or close personal relations, who must conduct themselves in a manner which would not cast doubt on the integrity and impartiality of the President, Vice President and Members of the Cabinet.

WHEREAS, there is a need to remove whatever public perception that relatives and close personal relations of the President, Vice President and Members of the Cabinet are or may be taking undue advantage of such relationship to obtain unwarranted advantage and benefits from the government.

WHEREAS, even without deliberately capitalizing, exploiting or taking advantage of their family or close personal relations with the President, Vice President and Members of the Cabinet in engaging in certain transactions, the proximity of relatives and close personal relations to the President, Vice President and Members of the Cabinet may create a wrong perception that such relations are or have been abused by them.

WHEREAS, there is a need to lay down a Code of Conduct for relatives and close personal relations of the President, Vice President and Members of the Cabinet to ensure that existing laws in place cannot and will not be circumvented and that undue influence will not be exerted nor undue advantage taken by these people as a result of their closeness with the President, Vice President and Members of the Cabinet.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, hereby direct and order, as follows:

SECTION 1. *Definition of Terms.* — As used in this Executive Order, the term:

- (a) "Relative" refers to any and all persons related to the President, Vice President and Members of the Cabinet within the fourth civil degree of consanguinity or affinity, and shall include any offspring of the President, Vice President and Members of the Cabinet and the parent of such offspring, as

well as those related to the latter within the fourth civil degree of consanguinity or affinity.

(b) "Close Personal Relation" shall mean any person enjoying close association or intimacy with the President, Vice President and Members of the Cabinet, which insures easy access to his person such as political contributors, personal friends of long standing, and former schoolmates of the President, Vice President and Members of the Cabinet.

(c) "Gift" refers to a thing or a right to dispose 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 the President, Vice President, Members of the Cabinet or any other public official or employee.

(d) "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.

(e) "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.

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

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

(h) "Public Official" 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.

SEC. 2. *Prohibited Acts and Transactions.* — In addition to acts and omissions of presidential Relatives provided in the Constitution and existing laws, the following shall constitute prohibited acts and transactions by a Relative or a Close Personal Relation:

(a) Solicitation and acceptance, directly or indirectly, of any funds, gift, gratuity, favor, entertainment, loan or anything of monetary value for any purpose from any person or corporation;