

LBRDC RESOURCES AND DEVELOPMENT CORPORATION

“NO GIFT POLICY”

A. Objective

The following guidelines on solicitation and acceptance of gifts and donations are issued in line with LBRDC’s commitment to uphold the highest standards of ethics and moral values and as an embodiment of its social duty, as well as comply with the specific provisions of 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*) and RA No. 3019 (*Anti-Graft and Corrupt Practices Act*).

B. Coverage

These guidelines shall cover all LBRDC employees as defined under Item C.5 hereof.

C. Definition of Terms

1. **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 an LBRDC employee. The term “gift” is used interchangeably with “donation.”
2. **Gift of monetary value** refers to a thing which is evidently or manifestly excessive by its very nature.
3. **Gift of nominal or insignificant value** shall depend on the circumstances of each case taking into account the salary of the LBRDC employee, the frequency or infrequency of the giving, the expectation of benefits, and other similar factors.

4. **Receiving any gift** includes the act of accepting directly or indirectly, a gift from a person other than a member of his/her family or relative as defined in these guidelines, 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 if given in anticipation of, or in exchange for, a favor.
5. **LBRDC employee** shall refer to the members of the Board of Directors, corporate officers and rank-and-file employees, whether permanent, temporary, co-terminus, project employee or directly hired contractual.
6. **Family of LBRDC employees** means their spouses and children.
7. **Relatives** refer to any and all persons related to an LBRDC employee within the fourth civil degree of consanguinity or affinity, including *bilas*, *inso* and *balae*.
8. **Person** includes natural and juridical persons unless the context indicates otherwise.
9. **Commodatum** refers to a contract whereby one of the parties delivers to another something not consumable so that the latter may use the same for a certain time and return it.
10. **Pecuniary gain or benefit** means monetary or financial gain/benefit.

D. General Guidelines/Policies/Procedures

1. As a general rule, solicitation and acceptance of gifts and donations is strictly prohibited. The following acts or omissions shall constitute the prohibited acts on solicitation and acceptance of gifts and donations:
 - 1.1 Soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, commodatum or anything of monetary value in the course of the LBRDC employee's official duties or in connection with any operation being regulated by or any transaction which may be affected by the functions of his/her office.
 - 1.2 Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself/herself or for any other person, in connection with any contract or transaction between the LBRDC and any other party, wherein the LBRDC employee is his/her official capacity has to intervene under the law or existing policies of the LBRDC.

- 1.3 Directly or indirectly requesting or receiving any gift, present or other pecuniary or material benefit, for himself/herself or any other party, from any person for whom the LBRDC employee, in any manner or capacity, has secured or obtained, or will secure or obtain, any Company product or service, in consideration for the help given or to be given.
2. Any offer of gift or entertainment which might be seen as excessive, or put the recipient under an obligation, or influence a procurement decision, or be in doubtful taste or be liable to bring the name of LBRDC into *disrepute* should be declined or returned to the giver. "Excessive" would include offers of gift or entertainment that are over-frequent; or part of a pattern of invitations that, taken together, appears inappropriate; or disproportionately lavish considering the relationship between or the position of the giver and the recipient.
3. Gifts and all packages shall continue to be scanned by the security guard as part of their security and monitoring functions.
4. In cases where it is considered inappropriate or impractical to decline or return a gift, the LBRDC employee concerned shall immediately turn over the gift to the Administrative & General Services Department for its proper disposition. The Administrative & General Services Department or the LBRDC employee concerned shall formally acknowledge the gift and inform the giver of the intended disposition.
5. Queries relating to the implementation of these guidelines shall be directed to the Administrative & General Services Department.
6. Posting of No Gift Policy. Notices of this Policy shall be posted in conspicuous areas in the LBRDC Office.
7. LBRDC officers and employees shall inform any individual or organization with any actual or potential business with the company about the "No Gift Policy".

E. Exceptions

The following shall be excluded in the prohibition on solicitation and acceptance of gifts/donations:

1. Unsolicited gifts or presents of small/nominal or insignificant value offered or given as a mere ordinary token of gratitude or friendship according to local customs or usage, not given in anticipation of, or in exchange for, a favor from

an LBRDC employee or given after the transaction is completed, or service is rendered;

2. A gift from a member of the family, relative or friends on the occasion of a family celebration, and without any expectation of pecuniary gain or benefit;
3. Gifts offered in a public forum where refusal would cause embarrassment, subject to the provision under item D.4 hereof;
4. Nominal gifts or grants from persons with no regular, pending, or expected transactions with the department or unit with which the LBRDC employee is connected, and without any expectation of pecuniary gain or benefit; and
5. Gifts or grants coming from government entities or private organizations whether local or foreign, which are considered and accepted as humanitarian and altruistic in purpose and mission.

F. Violation and Sanction

1. Any violation of this policy shall be a ground for filing an administrative case.
2. Any violation by an employee of the provisions of this Policy shall be dealt with in accordance with the Revised Rules on Administrative Cases in the Civil Service, without prejudice to any civil or criminal liability that may arise therefrom under applicable laws, rules and regulations.
3. Any violation by a director of the provisions of this Policy shall be dealt with in accordance with applicable laws.

G. Effectivity

These guidelines shall take effect upon approval.

SIMEONA S. GUEVARRA
President & General Manager