



Republic of the Philippines
Department of Finance
INSURANCE COMMISSION
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Circular Letter No : 12-2012

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CIRCULAR LETTER

To : All Insurance Commission Officials and Employees,
Companies and Individuals under the Supervision of the
Insurance Commission and all Others Concerned

Subject : **GIFTS POLICY**

I. BASIS

This Gifts Policy is issued pursuant to the following:

- A. Sec. 27, Article II of the 1987 Constitution that states: "The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption";
- B. Sec. 1, Article XI of the 1987 Constitution that states: "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";
- C. Republic Act 3019 otherwise known as Anti-Graft and Corrupt Practices Act that provides: "It is the policy of the Philippine Government, in line with the principle that a public office is a public trust, to repress certain acts of public officers and private persons alike which constitute graft or corrupt practices which may lead thereto";
- D. Republic Act 6713 otherwise known as Code of Conduct and Ethical Standards for Public Officials and Employees that says: "It is the policy of the state to promote a high standard of ethics in public service"; and
- E. First item, second paragraph of the IC Integrity Pledge - a commitment to ethical business practices and good corporate governance - signed and recited by all IC officers and employees as follows: "Henceforth, we pledge: To combat graft in any form and in all activities. We will ensure transparency by

implementing strict guidelines on the receiving and giving of gifts, charitable or political contributions, sponsorships and other tokens that attempt to unduly influence the recipient – whether from the government or the private sector – into an improper exercise of functions, duties, or judgment.”

II. SCOPE

This Policy shall apply to all officials and employees, including contractual and job order employees, of the Insurance Commission as well as consultants, conservators, receivers, and liquidators appointed by the Commissioner with respect to the company assigned to them. This Policy shall also cover the agents of the persons mentioned above.

III. DEFINITIONS

SECTION 1: As used herein, the terms:

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. Gift shall also include a right, privilege, entertainment, exemption or any other similar act of liberality in favor of another. This shall also include invitation for breakfast, lunch or dinner outside the premises of the Office.

Agent – a person who acts in representation of another.

Nominal/small or insignificant value – refers to the value of a gift not exceeding Five Hundred Pesos (P 500.00).

IV. POLICIES AND RULES

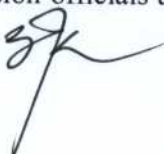
SECTION 1: Insurance Commission employees shall not solicit, directly or indirectly, gifts and/or benefits, for themselves or for others.

SECTION 2: Insurance Commission 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 3: In the course of their official functions, Insurance Commission 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 4. Allowable Gifts. The following are allowable gifts:

- a. Small gifts of insignificant value that may be exchanged between and among Insurance Commission officials and employees appropriate to the occasion in which it is made.



- b. Gifts that may be exchanged between and among members of the Inter-Agency Committees, offices and other organizations to which the Insurance Commission belongs during special occasions, provided the gifts do not exceed P2,000.00;
- c. Performance-based cash rewards, scholarship grants, and similar incentives and benefits granted to Insurance Commission officials and employees by appropriate government agencies, private institutions, or national or international organizations; and
- d. Unsolicited gifts or tokens of nominal or insignificant value offered or given as a mere ordinary token of gratitude or friendship according to local customs or usage in accordance with Section 14 of Republic Act (RA) 3019 (Anti-Graft and Corrupt Practices Act) and Section 3 (d) of RA 6713.

SECTION 5. All other gifts not mentioned above shall not be accepted. Items already received shall be immediately returned by the recipient. In circumstances where it is impracticable to return the said gifts, they shall be given in the name of the Insurance Commission to charitable organizations or any other appropriate institutions or organizations, including indigent families.

V. PENALTIES


This Policy shall serve as a supplement to existing laws, rules, or regulations covering gift-giving and receiving. Any violation of this Policy shall be subject to administrative sanctions under Civil Service Law and Rules, and other applicable laws. Insofar as practicable, all cases related to this Policy should be resolved first by the Commission.

VI. EFFECTIVITY

This Policy shall become effective fifteen (15) days from the date of its filing with the University of the Philippines Law Center pursuant to Administrative Code of 1987. This Policy shall be posted in the Insurance Commission Website and disseminated in the Office including the insurance companies and other stakeholders included within the scope of this Policy.


EMMANUEL F. DOOC
Insurance Commissioner

Noted by:


Atty. RUBY R. GONZALES
Resident Ombudsman