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NATIONAL IRRIGATION ADMINISTRATION

BOARD OF DIRECTORS RESOLUTION

SUBJECT: Amendment to MC No. 82, Series of 2007 re Rules on Gifts and Benefits.

RESOLUTION NO. 8277-16  
SERIES OF 2016

*RESOLVED, as it is hereby resolved, on motion duly seconded*, that the amendment to MC No. 82, Series of 2007 re Rules on Gifts and Benefits, be and is hereby noted.

Date Adopted:

February 18, 2016

I, the undersigned, hereby certify that the foregoing is a true copy of the Resolution adopted by the Board of Directors of the National Irrigation Administration and as read in the Minutes of a duly constituted meeting of said Board held on February 18, 2016.

911<sup>th</sup> Regular Board Meeting

  
GENEVER M. DIONIO  
Acting Corporate Board Secretary



Republic of the Philippines  
Office of the President  
*National Irrigation Administration*  
(PAMBANSANG PANGASIWAAN NG PATUBIG)  
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MC No. 59, s. 2015

**MEMORANDUM CIRCULAR**

**TO: THE DEPUTY ADMINISTRATORS, DEPARTMENT/REGIONAL/  
OPERATION/PROJECT MANAGERS, IRRIGATION MANAGEMENT  
OFFICERS AND ALL OTHERS CONCERNED**

**SUBJECT: AMENDMENT TO MC NO. 82, SERIES OF 2007 RE RULES ON GIFTS  
AND BENEFITS**

WHEREAS, this Agency has issued **Memorandum Circular (MC) No. 82, s. 2007** on 10 December 2007, the Rules on Gifts and Benefits, as amended by MC No. 6, s. 2009;

WHEREAS, under Republic Act (R.A.) No. 10149 known as the GOCC Governance Act of 2011, the Governance Commission for Government-Owned or – Controlled Corporations (GCG) was created as a central advisory, monitoring and oversight body to formulate, implement and coordinate policies for GOCCs;

WHEREAS, per GCG's evaluation dated 21 September 2015 on the Agency's No Gift Policy, there is a need to revise some provisions of the said policy in accordance with the Implementing Rules of Republic Act No. 6713, the Code of Conduct and Ethical Standards for Public Officials and Employees, R.A. No. 10149 and Executive Order No. 80, s. 2012.

NOW, THEREFORE, Sections 8 and 11 (d) of MC No. 82, s. 2007 are hereby amended to read as follows:

**Section 8.** NIA 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. As to what is a gift of nominal value will depend on the circumstances of each case taking into account the salary of the official or employee, the frequency or infrequency of the giving, the expectation of benefits, and other similar factors. If the aggregate amount of the token gifts of nominal value received is more than Two Thousand Pesos (P2,000.00), the recipient shall cause the same to be recorded in a Registry Book in the custody of the CSAO.

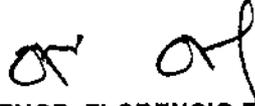
On the other hand, a thing of monetary value is one which is evidently or manifestly excessive by its very nature. Hence, if the token gift received under this section is of monetary value, the recipient shall cause the same to be recorded in a Registry Book in the custody of the CSAO.

**Section 11. xxx**

- (d) Performance-based cash rewards, scholarship grants, and similar benefits granted to NIA officials and employees by appropriate government agencies.

All other provisions not inconsistent herewith remain valid and subsisting.

Be guided accordingly.



**ENGR. FLORENCIO F. PADERNAL, DPA**  
Administrator

29 October 2015



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**MC No. 6, s. 2009**

**TO : THE DEPUTY ADMINISTRATOR, ASSISTANT ADMINISTRATORS,  
DEPARTMENT/ REGIONAL/OPERATION/PROJECT MANAGERS PROVINCIAL  
IRRIGATION OFFICERS, IRRIGATION SUPERINTENDENTS AND ALL OTHERS  
CONCERNED.**

**SUBJECT : AMENDING MEMORANDUM CIRCULAR NO. 82 S. 2007  
ON THE RULES ON GIFTS AND BENEFITS**

For the guidance of every NIA officials and employees, the following provisions of NIA Memorandum Circular No. 82, S 2007, are hereby amended which shall now be read as follows:

**Section 10.** All prohibited gifts left at the Office or its premises shall be immediately returned to the giver. In circumstances where it is considered inappropriate or impractical to return the said gifts (e.g. perishable goods), the official or employee concerned shall immediately hand over the same to the Head, CSAO or his duty designated representative, who shall dispose of the same in favor of charitable organizations, including indigent families. The Head, CSAO or his designated representative of the Central Office, or the Chief of Office of the field office concerned, shall report to the administrator any incident covered by this Section.

**Section 12.** In the Central Office, it shall be the duty of the Head, CSAO to submit quarterly reports on the gifts registered in the Registry Book to the Internal Audit Service.

In the field offices, the guard-on-duty shall be tasked to record in a Registry Book the gifts referred to in the foregoing Sections. The Chief of Office of the field office concerned shall submit a quarterly report to the Internal Audit Service on the gifts registered in the Registry Book.

The Internal Audit Service Officer shall monitor the Registry Book, and shall in turn submit annual report to the Administrator.

**IV. PENALTIES**

Any violation of these Rules shall be a ground for disciplinary action under the Civil Service Rules and Regulations, without prejudice to the filing of appropriate criminal charges, if warranted, against the erring official and/or employee.

Please be guided accordingly.

**CARLOS S. SALAZAR**  
Administrator

19 February 2009



(NATIONAL IRRIGATION ADMINISTRATION)  
Lungsod ng Quezon

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OUR REFERENCE:

MC No. 82, s. 2007

TO : THE DEPUTY ADMINISTRATOR, ASSISTANT ADMINISTRATORS,  
DEPARTMENT/ REGIONAL/OPERATION/PROJECT MANAGERS  
PROVINCIAL IRRIGATION OFFICERS, IRRIGATION SUPERINTENDENTS  
AND ALL OTHERS CONCERNED.

SUBJECT : RULES ON GIFTS AND BENEFITS

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## I. PURPOSE

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 and consistent with the efforts of the national government to create a graft-free working environment, the National Irrigation Administration (NIA) is committed to upholding the highest standards of honesty and integrity throughout the Agency.

In the performance of their duties and responsibilities, the officials and employees of this Office should at all times display professionalism, honesty and integrity. Thus, any act of indiscretion or impropriety, or suspicion of indiscretion on their part, shall greatly affect the honor and dignity of the Agency 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 NIA.

## II. SCOPE

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

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### 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.** NIA officials and employees shall not solicit, directly or indirectly, gifts and/or benefits, for themselves or for others.

**Section 3.** NIA 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, NIA 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.** NIA officials and employees shall not accept or receive gifts and/or benefits, directly or indirectly, from any of the following:

- (a) Suppliers and contractors, and their agents; and
- (b) Other parties transacting business with the Office.

**Section 6.** NIA 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.** NIA officials and employees may accept gifts and/or benefits from their spouses, children and parents, parents-in-law, brothers and sisters as well as other relatives within the 4<sup>th</sup> civil degree, 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 Civil Security Affairs Office (CSAO).

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.** NIA 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 Pesos (P 2,000.00) or more, the recipient shall cause the same to be recorded in a Registry Book in the custody of the CSAO.

NIA officials and employees may give and/or receive to/from their fellow officials and employees emergency contribution/assistance of reasonable value or amount in cases of death, illness and other similar situations.

**Section 9.** Officials and employees may receive plaques, awards, certificates, souvenirs or other tokens of appreciation or gratitude and/or benefits as appropriate to the occasion/ceremonies in which it is made provided that such plaques, awards or certificates, and/or benefits might not reasonably be perceived as intended to influence the officials/employees in the performance of their official functions.

**Section 10.** All prohibited gifts left at the Office or its premises shall be immediately returned to the giver. In circumstances where it is considered inappropriate or impractical to return the said gifts (e.g., perishable goods), the official or employee concerned shall immediately hand over the same to the Head, CSAO, or his duly designated representative, who shall dispose of the same in favor of charitable organizations, schools, libraries, museums or any other appropriate institutions or organizations, including indigent families. The Head, CSAO or his designated representative, shall report to the Administrator any incident covered by this Section.

**Section 11.** These rules shall not apply to the following:

- (a) Gifts and/or benefits received by the Office as an institution from other offices or organizations, including grants and donations;
- (b) Gifts or cash awards given by the Office to its officials and employees during Anniversary and Christmas celebrations and other milestone celebrations;

- (c) Gifts exchanged on occasions of Christmas celebrations among members of the Inter-Agency Anti-Graft Coordinating Council, the Constitutional Fiscal Autonomy Group and other organizations to which NIA belongs; and
- (d) Performance-based cash rewards, scholarship grants, and similar benefits granted to NIA officials and employees by appropriate government agencies, private institutions, or national or international organizations.

Under paragraphs a and c of this section however, if the total value of the gifts and/or benefits received is Two Thousand Pesos (P2,000.00) or more, it shall likewise be recorded in the Registry Book kept in custody by the CSAO.

**Section 12.** It shall be the duty of the Head, CSAO to submit quarterly reports to the NIA on gifts herein registered.

#### IV. PENALTIES

Any violation of these Rules shall be a ground for disciplinary action, without prejudice to the filing of appropriate criminal charges, if warranted, against the erring official and/or employee.

#### V. EFFECTIVITY

This Circular shall take effect immediately.

  
MARCELINO V. TUGAOEN, JR., Ph. D.  
Administrator