



REPUBLIC OF THE PHILIPPINES
SOCIAL SECURITY COMMISSION

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SSS NO GIFT POLICY

Background

In accordance with the policy of promoting a high standard of ethics, maintaining accountability and integrity in public service, and the prioritization of public interest over personal interest, the Social Security Commission (SSC) under SSC Resolution No. 376 dated 10 July 2008, approved the "Code of Ethical Standards for Social Security System Officials and Employees".

The Code highlights the duty of all Social Security System (SSS) officials and employees to comply with all declarations, principles, laws and regulations applicable to public servants, including but not limited to those which are enshrined in the Constitution, specific laws such as the Revised Penal Code, Anti-Graft and Corrupt Practices Act (Republic Act No. 3019), Code of Conduct and Ethical Standards for Public Officials and Employees (Republic Act No. 6713), Civil Service Rules and Regulations, relevant administrative issuances and internal office policies, issuances and procedures.

The SSS, through its governing board, the Social Security Commission, commits to reinforce its system of internal checks and balances; to institutionalize mechanisms to monitor and prevent conflicts of interest, including the appearance thereof; and to constantly promote transparency in the conduct of all SSS functions and procedures.

The Policy set forth below, which serves to elaborate on the previously adopted "SSS No Gift Policy" in the SSS Manual of Corporate Governance, is in consonance with the principles of transparency, accountability and professionalism in public service.

Section 29 of the Governance Commission for GOCCs (GCG) Memorandum Circular No. 2012-07 provides for the pertinent rule, viz:

"A Director or Officer shall not solicit, nor accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value ("Gift") from any person where such Gift:

- a. Would be illegal or in violation of law;
- b. Is part of an attempt or agreement to do anything in return;
- c. Has a value beyond what is normal and customary in the GOCC's business;
- d. Is being made to influence the member of Board's, or Officer's actions as such; or
- e. Could create the appearance of a conflict of interest.

Every Governing Board shall formally adopt a 'No Gift Policy' within the GOCC and ensure its full advertisement to the community and its strict implementation by particular set of rules."

Rule I **Coverage**

The "SSS No Gift Policy" applies to all SSS officials and employees regardless of rank and status of appointment, including members of the Social Security Commission and staff, coterminous employees, contractual/service bureau personnel, and consultants of the SSS.

These rules shall likewise extend to members of the family or relatives within the fourth civil degree, whether by affinity or consanguinity, of the abovementioned SSS officers, employees, and personnel.

Rule II **Definition**

In accordance with GCG Memorandum Circular No. 2012-07, a "*gift*" is hereby defined as a gift, gratuity, favor, entertainment, loan or anything of monetary value received from any person with a value beyond what is normal and customary in SSS business.

The above prohibition on soliciting or accepting any gift applies to any such item, whether or not it is considered normal or customary in SSS, if it is illegal or in violation of law, is part of an attempt or agreement to do anything in return, is being made to influence a member of the SSC, or an officer's actions, or when it could create the appearance of a conflict of interest.

The SSS likewise adopts the definition of "*gift*" under Section 3(c) of R.A. No. 6713, as amended, and "*receiving any gift*" as defined in the same law, and other similar statutes, viz:

"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 a public official or employee.

"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.

Rule III **Policy**

SSC and SSS officials, employees, and personnel are prohibited from soliciting¹ or receiving any gift from any person, whether natural or juridical, whether from the public or the private sector, at any time, on or off the work premises, in the course of their official duties or in connection with the proper implementation of the SS Law or any transaction which may be affected by the functions of their office. The prohibition shall include, but not be limited to:

1. Honoraria given as speaker or resource person in seminars or where the officer, employee or personnel is participating by reason of his/her office with the SSC or SSS.
2. Sponsorship in any form of any of the internal programs, activities, and affairs of the SSC or SSS, such as Christmas parties, anniversary commemorations, etc.
3. Advertisements in the publications of the SSC or SSS.
4. Discounts, rebates, waivers and other forms of monetary incentives or benefits given to the SSC/SSS, its officers, employees, and personnel in availing of the services and/or facilities of persons or entities under the jurisdiction of the SSC or SSS.
5. Acceptance of invitations to social dining with persons or entities under the jurisdiction of the SSC or SSS.

Exceptions

Exceptions from this "SSS No Gift Policy" include the following and other items analogous hereto:

1. The acceptance and retention of certificates, plaques, cards, thank you notes, or other written forms of souvenir or mark of courtesy.²

¹ The pertinent provision in R.A. No. 6713 on solicitation or acceptance of gifts is as follows: "*Solicitation or acceptance of gifts.* – Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office".

² Adopted from Section 7(i) of R.A. No. 6713.

2. The acceptance of seminar bags and contents, and partaking of moderately priced meals and beverages that officers, employees and personnel obtain at events, such as conferences and seminars, and which are offered equally to all members of the public attending the event.
3. Acceptance of books, pamphlets, publications, and data and other information or reading materials that are directly useful to the SSC/SSS in the performance of its mandates, objectives and, which books and other materials are given by individuals or organizations that have no pending business with the SSC or SSS as to create an actual or potential conflict of interest.
4. The acceptance by SSC/SSS officers, employees, and personnel of a scholarship or fellowship grant, travel grants or expense for travel taking place within or outside of the Philippines (such as allowances, transportation, food and lodging) of more than nominal value from other government agencies, private institutions or local or international organizations, if such acceptance is appropriate and consistent with the interests of the Government, and/or the SSC or SSS. The acceptance of such scholarship or fellowship grant, or travel grants must be permitted by the SSC Chairman and approved by the SSC.
5. Trainings and travels provided to SSC/SSS officials and employees in relation to the effective use of an equipment or system provided by a contractor or supplier pursuant to a contract with the SSC or SSS.
6. The acceptance or availment by the SSC or SSS of grants and donations from local or foreign institutions in the pursuit of the mandates, projects and activities, such as those coming from ADB, World Bank, USAID, and other offices or organizations, provided that the availment thereof shall be strictly in compliance with applicable procurement laws, rules and regulations.
7. Educational, scientific or cultural exchange programs, provided that national security requirements are complied with.³

Rule IV **Return and Acknowledgment of Gift**

If any member of the Commission, SSS officer, employee or personnel under Rule I is a recipient of a covered gift under Rule III, such gift shall be immediately and politely declined. An acknowledgment letter shall be sent to the donor informing him/her of the "SSS No Gift Policy" and that the gift has been returned.

³ These are not prohibited under Sec. 7, R.A. No. 6713 as long as pertinent rules and regulations and national security requirements are complied with.

In the event that a gift had been inadvertently received, or when it is no longer feasible, inappropriate or impractical to return the gift, the gift shall be donated to a charitable or social welfare institution. In such case, an acknowledgment letter shall likewise be sent to the donor indicating the above manner of disposition.

For the above purpose, SSS shall maintain a Gift Registry where gifts received under paragraph 2 of this Rule will be recorded together with all the pertinent information of the gift, donor and recipient, and transmitted to the charitable or social welfare institution designated by the Corporate Communications Department, or in the case of Branches, similar institutions in their respective areas. An acknowledgment receipt by the said institution shall be kept by the Gift Registry personnel and annually reported to the Compliance Officer through the Chief Legal Counsel.

Rule V

Implementation, Compliance Monitoring, and Sanctions

The Human Resource Management Division (HRMD) shall ensure the proper information dissemination, implementation and compliance as regards the SSS No Gift Policy.

Any violation of these rules shall be endorsed by the HRMD to the Legal Services Division for investigation and the determination of possible disciplinary action against the concerned officer, employee or personnel under pertinent SSS rules and regulations, without prejudice to possible criminal, administrative or civil liability under R.A. No. 3019, R.A. No. 6713, Civil Service Laws and other pertinent laws, rules and regulations.

The Chief Legal Counsel shall submit the investigation reports to the Compliance Officer who shall, in turn, report to the Commission all violations of the "SSS No Gift Policy" which are under investigation at the end of each calendar year and not later than the 30th of January of the succeeding year.

Rule VI

Posting of SSS No Gift Policy

The SSS No Gift Policy shall be posted in the SSS website, in conspicuous areas of all SSS offices, branches, service offices, and other SSS properties.

Rule VII

Effectivity

The SSS No Gift Policy shall take effect immediately.

ADOPTED AND APPROVED by the Social Security Commission under SSC Resolution No. 133 dated 6 February 2014, as amended under SSC Resolution No. 598 dated 2 July 2014.

APPROVED/DISAPPROVED:

GOVERNANCE COMMISSION FOR GOCCs