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SUBJECT: Code of Conduct for TESDA Officials and Employees		Page 1 of 20 page/s Number 26 Series of 2015
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In support of President Aquino's Social Contract with the Filipino People, TESDA envisions itself as a catalyst of change in the areas of transformational leadership, economic growth, government service, gender equality, peace and order, and environment protection.

To fulfill the 16-Point Agenda which addresses said priority development areas and in adherence to *Daang Matuwid,* the TESDA workforce must be equipped not only with the core competencies expected of them, but also with the right attitude, values and untainted credibility. For this purpose, TESDA, therefore, hereby promulgates this Code of Conduct for TESDA Officials and Employees pursuant to Sec. 1, Article XI of the 1987 Philippine Constitution which states that **"Public Office is a Public Trust.**", including the following legal bases:

1. Republic Act 6713 (Code of Conduct of and Ethical Standards for Public Officials and Employees);
2. Republic Act 9485 (Anti-Red Tape Act of 2007);
3. Republic Act 3019 (Anti-Graft and Corrupt Practices Act);
4. Republic Act 9184 (Government Procurement Reform Act) and its Revised Implementing Rules and Regulations;
5. 1987 Administrative Code;
6. Civil Service Commission Rules and Regulations;
7. Presidential Decree No. 749 (Granting Immunity from Prosecution to Givers of Bribes and Other Gifts and to their Accomplices in Bribery and other Graft Cases against Public Officers);
8. Presidential Decree No. 46 (Making it Punishable for Public Officials and Employees to Receive, and for Private Persons to

Give Gifts on any Occasion, including Christmas);

9. Presidential Decree No. 6 (Amending Certain Rules on Discipline of Government officials and Employees); and

10. Title VII, Revised Penal Code (Crimes Committed by Public Officers)

11. Code of Conduct for DOLE Officials and Employees

12. Republic Act No. 6981 (An Act Providing for a Witness Protection, Security and Benefit Program and for Other Purposes)

GENERAL PROVISIONS

Section 1. OBJECTIVES

1. To serve as an instrument to achieve the TESDA vision, mission and goal and live the core values;

2. To set the guidelines and parameters for TESDA officials and employees to meet the highest standards of integrity and excellence in the performance of their duties as public servants;

3. To serve as preventive measures to avert corrupt practices in the delivery of services;

4. To provide applicable administrative sanctions for any violation of this Code of Conduct; and

5. To establish effective mechanisms for excellent conduct and accountability of TESDA officials and employees and to provide rewards and incentives thereof.

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Section 2. COVERAGE

This Code covers all officials and employees of the TESDA Central, Regional and Provincial Offices and the TESDA Technology Institutions (COROPOTI), regardless of employment status.

Section 3. DEFINITION OF TERMS

1. *"Benefit"* refers to a right, privilege, entertainment, exemption or any other similar act of liberality in favor of another.

2. *"Confidential Information"* refers to information not yet made available to the public relating to pending cases, complaints, investigations, procurements and such other transactions with the Agency.

3. *Conflict of Interest* refers to a situation where the personal concerns of a TESDA official or employee run counter to the objective of the Agency or to the unit where he/she belongs or when his/her official act results in undue personal benefit or advantage on his/her part or on the part of any of his/her relatives within the fourth civil degree by consanguinity or affinity (great-great grandchild, grandniece/nephew; first cousin; great aunt-uncle; great-great grandparent).

4. *"Cronyism"* refers to partiality to long-standing friends, especially by appointing them to positions of authority, regardless of their qualifications.

5. *"Divestment"* refers to the transfer of title or disposal of interest in property by voluntarily, completely and actually depriving or dispossessing oneself of his/her right or title to it in favor of a person or persons other than his/her spouse and relatives as defined in RA 6713.

6. *"Employees"* refers to regular and non-regular employees such as casual and regular contractual as defined under the CSC law.

7. *"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.

8. *"Honorarium"* refers to a form of compensation, either in cash or cheque, given for gratuitous services on account of one's broad and superior knowledge or expertise in a specific field.

9. *"Nepotism"* refers to employment of relatives within the third degree of affinity or consanguinity of the appointing or recommending authority or of the persons exercising immediate supervision over them.

10. *"Officials"* refers to the Director General, Executive/Regional Director, Provincial Director and Administrators of TESDA Technology Institutions.

11. *"Post-employment"* refers to the time where a public official leaves the Agency due to retirement, resignation or separation and finds employment again either in private or public sector.

12. *"Protected disclosure"* refers to the deliberate and voluntary disclosure by an official or employee who has relevant information of an actual or anticipated wrongdoing by an official or employee, or by any TESDA organizational unit which relates to the performance of official duties.

13. *"Token"* refers to an item of minimal value given as an expression of appreciation for services rendered.

14. *"Whistleblower"* refers to an official or employee who makes protected disclosure to his/her immediate supervisor, other superior officers, and/or duly authorized representative of TESDA officials.

Section 4. CORE VALUES

TESDA is committed to uphold the highest standards of excellent public service by promoting, as a way of life of its personnel, the following core values:

Duty above all

- Commitment to public interest – Upholding public interest over and above personal interest
- Responsiveness to the public- Extending prompt, courteous, and adequate service to the public

Objectivity and Integrity

- Justness and Sincerity – Remaining true to the people at all times, not discriminating against anyone; and respecting the rights of others and refraining from doing acts contrary to law, morals, good customs, public policy, public order, public safety and public interest
- Simple Living – leading modest lives appropriate to the position and income

Loyalty

- Political neutrality – providing service to everyone without discrimination and regardless of party affiliation or preference; non-participation in any partisan political activity at the expense of public service

- Commitment to Democracy – maintaining the principle of public accountability, committing to the democratic way of life and values; and upholding the Constitution at all times

- Nationalism and Patriotism – Being loyal to the Republic, the Constitution and to the Filipino people and being obedient to all the laws, rules, regulations and other legal orders of duly constituted authorities

Excellence

- Professionalism – Performing duties with the highest degree of excellence, professionalism, intelligence and skill

SPECIFIC RULES OF CONDUCT

RULE I. Fidelity to Duty

Section 1. TESDA officials and employees shall be consistently polite and responsive to all clients, superiors, subordinates and co-workers.

Section 2. TESDA officials and employees shall, at all times, courteously deliver services in accordance with the procedures and timeframe provided in our service standards as contained in the TESDA's Citizen's Charter and/or other work process manuals of each office, as the case may be.

Section 3. TESDA officials and employees shall use the office's resources wisely and exercise powers responsibly and solely for official matters. These include also the observance of austerity measures and avoidance of misuse and non-use of human resources, government time, property and funds.

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Section 4. TESDA officials and employees shall attend to all clients at their respective offices even during break-time.

Section 5. TESDA officials and employees shall transact with clients only within their respective offices and during official government hours, unless expressly authorized such as acts that would include inspection, serving writ of execution and garnishment of debts and credits, conduct of certification election, plant visits, plant/institution-based training, etc.

Section 6. TESDA officials and employees shall consistently demonstrate impartially in dealing with clients regardless of their social standing, party affiliations or preference and take an active role in ensuring that their work environment is free of discrimination and harassment.

Section 7. TESDA officials and employees shall live within their means and shall at all times avoid ostentatious display of wealth in any form.

Section 8. TESDA officials and employees shall accurately disclose all means of their income in their income tax returns, annual statement of assets, liabilities and net worth (SALN) and other documents relating to financial and business ownership or interest. They shall consistently observe filing procedures prescribed in Sec. 8 of RA 6713.

Section 9. TESDA officials and employees may attend to personal visits such as death of a colleague and serious illness on official time as along as it does not hamper the delivery of service of the office and upon the approval of the authorized official.

Section 10. TESDA officials and employees shall honor the flag and are encouraged to regularly attend the flag-raising ceremony every Monday, as an expression of respect and loyalty to the

Agency and to the country. This rule does not cover officials and employees whose religious affiliation prohibits attendance to flag-raising ceremony.

Section 11. TESDA officials and employees shall promote Green Workplace Advocacy by observing proper disposal of garbage and avoid usage of plastics, Styrofoam and other toxic materials. If the utilization of plastics and Styrofoam is inevitable, the same must be properly disposed of in accordance with existing health and safety rules and standards.

Section 12. Delivery of snacks and lunch may be allowed, provided it will not disrupt the operation of the office.

RULE II. Conflict of Interest

Section 1. TESDA officials and employees shall not engage, directly or indirectly in any of the following acts, among others:

a. Enter into any contract with the TESDA or any of its offices for the procurement of supplies or services, and lease or sale of property except with duly registered TESDA employees organizations, subject to regular procurement procedures;

b. Have any financial or material interest, directly or indirectly, in any transaction requiring the approval of TESDA;

c. Exert pressure/undue influence on the employment of a relative in the same office;

d. Exert pressure/undue influence on any person for employment to any client, or any other person or entity doing business with the TESDA or any of its offices, and

e. Give undue preference/favor to anyone to further personal interest.

Section 2. All TESDA officials and employees shall, upon assumption of office, make a full disclosure of their financial or business interests. When a conflict of interest arises, TESDA officials and employees shall observe the rule on divestment under RA 6713, that is, to resign from his/her assumption of office and/or divest himself/herself of his/her shareholdings or interest within sixty (60) days from such assumption. This rule shall also apply where the public official or employee is a partner in a partnership but shall not apply to those who serve the Government in an honorary capacity nor to casual, contractual or temporary workers.

Section 3. No unofficial transaction shall be done during office hours, except in case of emergency or expediency of the service.

RULE III. Solicitation and Acceptance of Gifts

Section 1. TESDA officials and employees shall not, directly or indirectly, solicit, accept or receive any gift and/or benefit for themselves or for others from the following:

a. Parties, counsel/s and their agents;

b. Recruitment agencies and their agents;

c. Suppliers and contractors and their agents; and

d. Other parties transacting business with the Agency.

Section 2. The following are exceptions to Sec. 1:

a. Moderate gifts and/or benefits received by the Agency

as an institution from other offices, organizations or individuals not covered under Rule III, Section 1 above, including grants and donations which are aimed at sustaining or enhancing TESDA programs and services to intended clients as well as gifts and benefits for official functions/events like Christmas/labor Day/Founding Anniversary/Independence Day Celebrations; provided that in case of grants and donations, duly authenticated copies of the supporting documents related thereto, such as, but not limited to Memorandum of Agreement, Deed of Donation, shall be furnished to TESDA;

b. Moderate gifts or cash awards given by the Agency to its officials and employees during Anniversary, Christmas celebrations, and other related official or milestone events and those covered by appropriate Collective Negotiation Agreement (CNA);

c. Gifts that may be exchanged between and among TESDA officials and employees provided they are given not in anticipation of or exchange for a favor during special occasions such as Christmas or birthday celebrations and do not exceed P2,000.00 in value;

d. Gifts that may be exchanged between and among members of the Inter-Agency Committees and other organizations to which the TESDA belongs during special occasions, provided the gifts do not exceed P2,000.00 in value; and

e. Performance-based cash rewards, scholarship grants, and similar incentives and benefits granted to TESDA officials and employees by appropriate government agencies, private institutions, or national or

international organizations.

Section 3. In the course of the performance of their official functions, TESDA officials and employees shall not accept any fee or remuneration beyond what they are legally entitled to receive in their official capacity. However, they may receive plaques, awards, certificates, souvenirs or other tokens of appreciation or gratitude as appropriate to the **occasion/ceremonies in** which it is made provided that such plaques, awards or certificates, might not be reasonably perceived as **intended to influence** the officials/employees in the performance of their official functions.

RULE IV. Outside Employment

Section 1. Employment in the TESDA is a full-time occupation and shall constitute the primary employment of its officials and employees. TESDA officials and employees cannot engage in the practice of their profession, own, control, manage or accept employment as officer, employee, consultant, broker, agent, trust or nominee in any private enterprise regulated, supervised or licensed by TESDA, unless expressly allowed by law and provided that such practice of profession or employment **does not conflict or tend to conflict with their official functions.**

Section 2. The private practice of the following profession is not allowed, except in cases duly authorized by the Director General of TESDA and those allowed by the Civil Service Commission:

1. Providing services as instructor and professor;
2. Performing notarial services by lawyers;
3. Rendering legal advice for a fee in legal matters other

than labor law;

4. Drafting of pleadings for criminal or civil cases or other legal documents not related to labor;

5. Appearing as counsels in any court of justice, electoral tribunal, quasi-judicial or other administrative agencies;

6. Rendering accounting services by Certified Public Accountants;

7. Rendering consultancy services by IT people; and

8. Rendering engineering, architectural and designs services by engineers and architects.

Section 3. TESDA officials and employees who wish to avail of the exception may submit a prior written authorization for approval of the Director General of the Technical Education and Skills Development Authority (TESDA), subject to applicable CSC rules and regulations.

Section 4. Outside employment, when allowed or authorized, shall be done outside office hours and shall not utilize government resources such as supplies, equipment and vehicle.

Section 5. Outside employment should not compel the TESDA official or employee to disclose confidential information acquired by reason of his/her employment in the Agency. However, in cases authorized by the Director General of Technical Education and Skills Development Authority (TESDA) and allowed under CSC rules, the concerned TESDA official or employee engaged in outside employment may be required by TESDA to which the said employee is connected, to submit pertinent documents related to his/her outside employment

such as certification of his/her schedule.

Section 6. TESDA officials and employees who act as lecturers, resource persons, coordinators or facilitators in other government agencies which are outside of their mother agencies, may be paid honoraria at such rates as provided for under the Department of Budget and Management (DBM's) issuances.

Section 7. TESDA officials and employees who are designated lecturers, resource persons and facilitators within their respective sponsoring agencies shall not be granted honoraria, as such services are deemed part of the duties and responsibilities of their appointive positions to disseminate information, to clarify issues and concerns and to interact with clients and/or implementers of agency mandates.

Section 8. TESDA officials and employees who are in charge of the conduct of training and similar programs and activities by virtue of their positions in the sponsoring agency, are not entitled to honoraria when they act as lecturers, resource persons, coordinators or facilitators in in-house training and similar programs and activities.

Section 9. TESDA officials and employees may only receive honoraria when invited by private institutions to lecture or train for the latter's employees on topics which are not part of their official functions and not within office hours.

RULE V. Nepotism

Section 1. Except for confidential positions, no appointment shall be made in favor of a family member or relative within the third degree either of consanguinity or affinity of the appointing authority or recommending authority or of the chief of bureau or office, or of the person exercising immediate supervision over the

appointee.

Section 2. The above restriction shall not be applicable to the case of a member of any family who, after his or her appointment to any position in a division/office, contracts marriage with someone in the same division/office in which event the employment or retention of both husband and wife may be allowed.

RULE VI. Cronyism

Section 1. TESDA officials and employees shall avoid the practice of cronyism or showing preference to friends when appointing people to positions of power, awarding contracts and delegating tasks related to their office, regardless of their qualifications.

RULE VII. Confidentiality

Section 1. TESDA officials and employees shall not use or divulge confidential or classified information officially known to them by reason of their office and not made available to the public, either to further their private interests, or to give undue advantage to anyone, or to prejudice the public interest;

Section 2. Duly authorized TESDA officials and employees who possess, or have knowledge of any confidential information, by virtue of their position, may grant access to confidential information only to co-employees duly authorized for the purpose and on a need-to-know basis;

Section 3. Confidential information shall be disclosed only by persons duly authorized to do so and only to persons duly authorized to receive the same by reason of court order, administrative policy, or written and sworn mutual agreement;

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Section 4. TESDA officials and employees shall not alter, falsify, conceal, destroy or mutilate any record containing confidential information. Disposal of the same shall be governed by government rules on Records Disposition.

RULE VIII. Post Employment

Section 1. Incumbent TESDA officials and employees must not entertain pressure or influence from former TESDA officials and employees who have joined the private sector and whose present employment bears a direct relationship with their former position in TESDA;

Section 2. The prohibition in Section 1 applies to former TESDA officials and employees who have joined other government offices: provided, however, that said TESDA officials and employees who are involved in the investigation, adjudication and prosecution of corruption-related cases and who, as such, are coordinating and interacting with this Agency in the investigation, adjudication and prosecution of said cases (e.g. Office of the Solicitor General, Department of Justice, office of the Ombudsman), shall be exempted from the foregoing prohibition;

Section 3. Former TESDA officials and employees are prohibited for a period of **one (1) year** after their separation from public office from directly or indirectly having any financial or material interest in any transaction requiring the approval of their former office; owning, controlling, managing, or accepting employment in any private enterprise regulated, supervised, or licensed by their office unless expressly allowed by law, practicing profession in connection with any matter before the office they used to be with; or recommending any person to any position in a private enterprise which has a regular or pending official transaction with their former office.

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RULE IX. Procurement of Goods, Consulting Services and Infrastructure Projects

Section 1. All officials and employees shall strictly comply with R.A. 9184 and its Implementing Rules and Regulations in the procurement of goods, services and infrastructure projects;

Section 2. Members of the Bids and Awards Committee (BAC), including its staff and personnel, its Secretariat and Technical Working Group, are prohibited from personally transacting with any bidder or supplier.

RULE X. Encouraging Reporting of Malpractices, Corruption and Other Protected Disclosures

Section 1. Coverage:

This Rule shall cover a whistleblower as defined in this Code and other officials and employees with protected disclosures on any graft and corruption related activities.

Section 2. Conditions for Whistleblower and Protected Disclosure:

a. The disclosure is made voluntarily, in writing and under oath;

b. The disclosure is related to conduct constituting graft and corruption;

c. The disclosure pertains to a matter not yet the subject of a complaint already filed with, or investigated by the Agency, or by any other concerned office or pending before any court of justice or quasi-judicial body;

d. The whistleblower assists and/or participates in the acts or omission subject matter of the disclosure provided that he or she is the least guilty;

e. The whistleblower should have personal knowledge of existing facts and information covered by the disclosure;

f. The information given to the whistleblower can be supported by other material evidence.

Section 3. Procedure for Protected Disclosures:

a. TESDA Efficiency and Integrity Board (EIB) shall evaluate the written disclosure in ten (10) working days upon its receipt. If upon evaluation, the disclosure meets the conditions specified in Sec. 2, the appropriate complaint shall then be numbered and the whistleblower shall enjoy the rights under this Code;

b. The Board shall conduct an investigation which should be completed not more than forty-five (45) days reckoned from receipt of the complaint, including the submission of the complete investigation report and recommendation which shall be endorsed to the TESDA EIB;

c. The Uniform Rules on Administrative Cases in the Civil Service (URACC) shall be observed in all proceedings involving whistleblowers and protected disclosures.

Section 4. Other Protected Disclosures:

a. The disclosure is made by an official or employee who is not part of the anomaly, collusion or offense but meets Sec. 2 Conditions a,b,c, and e.

b. Such qualified person in the proceeding statement (a) shall also be entitled to the rights, protection, and incentives of a whistleblower.

Section 5. Rights and Protection of Whistleblower:

a. A person who has made or is believed or suspected to have made a protected disclosure under this Code is not liable to disciplinary action for making such protected disclosure. Any whistleblower or any official or employee with protected disclosure who refuses to follow orders of his/her immediate superior/supervisor outside of his/her regular functions that would cause him/her to violate any provision of this Code shall likewise be protected from reprisals and retaliatory action in the workplace, such as punitive transfer, undue poor performance reviews; obstruction of the investigation; withdrawal of essential resources; adverse reports; attachment of adverse notes in the personal file; ostracism; questions and attacks on motives; accusations of disloyalty and dysfunction; public humiliation; and the denial of work necessary for promotion.

b. All information received shall be treated with strict confidentiality and every effort shall be made not to reveal the identity of the whistleblower or any official or employee with protected disclosures if he/she so wishes. At the appropriate time, however, he/she may

need to come as a primary or state witness.

c. A whistleblower shall be applied for coverage/admission under Republic Act 6981 or the "Witness Protection, Security and Benefit Act" and shall therefore enjoy all rights and benefits stated therein.

Section 6. Unprotected Disclosures are as follows:

a. Disclosure made by an official or employee in connection with a matter subject of his/her official investigation;

b. Disclosure which later found to be without basis;

c. False and misleading disclosures; and

d. Disclosures that are later retracted by the whistleblower for any reason. Such "whistleblower" shall lose the right to claim protection under this Code for future disclosures.

RULE XI. Penalties and Sanctions

Any violation of the provisions of this Code shall be subject to administrative sanctions under Civil Service Law and Rules, and other applicable laws.

RULE XII. Incentives and Rewards System

The TESDA Program on Awards and Incentives for Service Excellence (TESDA PRAISE) approved by the Civil Service Commission shall be continuously improved and updated.

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RULE XIII. Separability Clause

If any provision of this Order is held unconstitutional or invalid, other provisions not affected thereby shall remain valid and binding.

RULE XIV. Sustainability of Implementation and Amendments

The Code and its implementation shall be regularly reviewed and monitored and its evaluation shall be conducted on an annual basis.

An orientation on this Code for existing and newly-hired employees shall be held. This Code shall be made available in the TESDA website and each office shall be furnished a copy.

RULE XV. Effectivity

This Order takes effect fifteen (15) days after its publication in two (2) newspapers of general circulation. The Records Officer of this Agency is hereby directed to file three (3) certified copies thereof with the University of the Philippines Law Center pursuant to Section 3, Chapter 2 Book VII of the Administrative Code of 1987.

SECRETARY EMMANUEL JOEL J. VILLANUEVA
Director General