GUIDELINES ON PUBLIC ACCESS TO STATEMENT OF ASSETS LIABILITIES AND NETWORTH (SALNS) OF BOC PERSONNEL FILED WITH THE BUREAU OF CUSTOMS

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Pursuant to Section 608 of the Tariff and Customs Code of the Philippines (TCCP), as amended, in relation to Section 8 of Republic Act No. 6713, otherwise known as Code of Conduct and Ethical Standards for Public Officials and Employees, this Bureau hereby adopts the following guidelines that will govern the request for access to SALNs filed with the Bureau of Customs.

I.

Statement of Policy. All Statements of Assets and Liabilities and Net Worth (SALNs) filed with the Bureau of Customs shall be accessible and made available to the public for inspection and reproduction during reasonable hours of working days, subject to guidelines herein provided.

II.

Period of Accessibility. The SALNs shall be available to the public for inspection and reproduction after ten (10) working days from the time they are filed as required by law for a period of ten (10) years upon receipt thereof.

III.

Where to file. A request for a copy of SALN shall be addressed directly to the Customs Commissioner and filed with the Office of the Deputy Commissioner for Internal Administration Group.

IV.

Procedure

A.

Except in case of subpoena issued by a competent authority in a pending case or a request personally signed by the authorized officer of either a quasi-judicial agency in a pending case or an investigative body, all SALN request shall be made by filling up the prescribed SALN Request Form (see Annex A) in duplicate copies which shall clearly and legibly indicate therein the following: (1) requesting party's full name and signature (2) business or residential address and contact number, and (3) explanation of the requesting party's specific purpose and their individual interest sought to be served.

1.

The requesting party shall present at least two IDs, one of which is a government issued ID bearing his picture and signature for photocopying;

2.

In case the purpose is for media dissemination to the general public, the requesting member of the press should present, in addition to the government issued ID, his/her official Press ID with proof of affiliation of accreditation as a legitimate media practitioner;

3.

If the requesting party is a student, he/she shall present his or her current student ID along with an indorsement from proper school authorities;

4.

In case of private entities/organization, the request shall be filed by the responsible officer of the same.

B.

An Undertaking shall likewise be submitted with averment of the party's circumstances showing that it is not fictitious, and a commitment that the request shall only be for the stated purpose, to be sworn to before any authorized officer of the Bureau.

C.

All requests for copies of SALN shall be granted, except where:

1.

The request is prompted by sheer idle curiosity;

2.

The identity of the requesting party appears to be fictitious;

3.

The requesting party has a derogatory record of having misused any information previously furnished;

4.

The purpose of the request is contrary to law, morals, or public policy.

5.

The request is for any commercial purpose other than by news and communications media;

6.

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There are grounds to believe that the request is being made with a plainly discernible improper motive (e.g. harassment) or other analogous circumstances).

D.

The SALN request shall be assessed by the Head, Human Resource and Management Division, who shall preliminary determine if the request is not covered by the limitations and prohibitions provided in RA No. 6713, its implementing rules and regulations and in accordance with the afore-cited guidelines. Thereafter, the same shall be recommended for approval/final determination to the Deputy Commissioner, Internal Administration Group through the Director, Administration Office.

E.

In exceptional cases the SALN request may be referred for study and appropriate action to the Legal Service.

F.

If warranted, additional documents or information may be required from the requesting party.

G.

The favorable action or specific ground/s for not granting the request shall be clearly stated in the appropriate space in the SALN Request Form, one copy of which shall be returned to the requester.

H.

All SALN requests shall be acted upon within a reasonable period.

I.

The private address of the concerned public official or employee shall be redacted or blackened to protect his/her right to privacy as guaranteed by the Constitution.

J.

The requesting party shall pay the cost of reproduction. The Director, Financial Management Office (FMO) shall periodically review and recommend the schedule of fees to be charged.

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V.

Public Record. All requests for access to SALN Form and Undertaking shall form part of the public record and can be accessed by the concerned official or employee.

In case there is showing of a violation of the requesting party's Undertaking in the SALN request or an encroachment on the public official or employee's right to privacy that is attributable to the requesting party, the concerned public official or employee shall request a copy of requesting party's SALN request form for purposes of availing legal remedies. Such letter-request shall be referred to the Legal Service for appropriate action.

VI.

Miscellaneous Provision. These guidelines do not cover request for copies of curriculum vitae, or other similar profile documents of a public official or employee which request shall be referred to the concerned individual or appropriate office as may be provided by law.

VII.

Repealing Clause. All memoranda, orders and other issuances inconsistent herewith are hereby repealed/superseded and/or modified accordingly.

VIII.

Effectivity. This order shall take effect immediately.

(SGD) ROZZANO RUFINO B. BIAZON
Commissioner

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