

PRESCRIBING A CODE OF CONDUCT FOR RELATIVES AND CLOSE PERSONAL RELATIONS OF THE PRESIDENT, VICE PRESIDENT AND MEMBERS OF THE CABINET

EXECUTIVE ORDER NO. 317, November 09, 2000

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WHEREAS, the President, Vice President and Members of the Cabinet are duty bound to follow the highest standard of ethics in public service.

WHEREAS, the duty of the President, Vice President and Members of the Cabinet extends also to those related to them by consanguinity, affinity, intimacy or close personal relations, who must conduct themselves in a manner which would not cast doubt on the integrity and impartiality of the President, Vice President and Members of the Cabinet.

WHEREAS, there is a need to remove whatever public perception that relatives and close personal relations of the President, Vice President and Members of the Cabinet are or may be taking undue advantage of such relationship to obtain unwarranted advantage and benefits from the government.

WHEREAS, even without deliberately capitalizing, exploiting or taking advantage of their family or close personal relations with the President, Vice President and Members of the Cabinet in engaging in certain transactions, the proximity of relatives and close personal relations to the President, Vice President and Members of the Cabinet may create a wrong perception that such relations are or have been abused by them.

WHEREAS, there is a need to lay down a Code of Conduct for relatives and close personal relations of the President, Vice President and Members of the Cabinet to ensure that existing laws in place cannot and will not be circumvented and that undue influence will not be exerted nor undue advantage taken by these people as a result of their closeness with the President, Vice President and Members of the Cabinet.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, hereby direct and order, as follows:

SECTION 1. Definition of Terms. — As used in this Executive Order, the term:

(a) "Relative" refers to any and all persons related to the President, Vice President and Members of the Cabinet within the fourth civil degree of consanguinity or affinity, and shall include any offspring of the President, Vice President and Members of the Cabinet and the parent of such offspring, as well as those related to the latter within the fourth civil degree of consanguinity or affinity.

(b) "Close Personal Relation" shall mean any person enjoying close association or intimacy with the President, Vice President and Members of the Cabinet, which insures easy access to his person such as political contributors, personal friends of long standing, and former schoolmates of the President, Vice President and Members of the Cabinet.

(c) "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 the President, Vice President, Members of the Cabinet or any other public official or employee.

(d) "Government" includes the national government, the local governments, the government-owned and government-controlled corporations, and all other instrumentalities or agencies of the Republic of the Philippines and their branches.

(e) "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.

(f) "Loan" covers both simple loan and commodatum as well as guarantees, financing arrangements or accommodations intended to ensure its approval.

(g) "Person" includes natural and juridical persons unless the context indicates otherwise.

(h) "Public Official" includes elective and appointive officials and employees, permanent or temporary, whether in the career or non-career service, including military and police personnel, whether or not they receive compensation, regardless of amount.

SEC. 2. Prohibited Acts and Transactions. — In addition to acts and omissions of presidential Relatives provided in the Constitution and existing laws, the following shall constitute prohibited acts and transactions by a Relative or a Close Personal Relation:

(a) Solicitation and acceptance, directly or indirectly, of any funds, gift, gratuity, favor, entertainment, loan or anything of monetary value for any purpose from any person or corporation;

(b) Persuading, inducing or influencing another public official to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter;

(c) Directly or indirectly engaging in transactions with Government, particularly government financial institutions ("GFIs"), including securing any loan or accommodation from such GFIs;

(d) Exerting undue influence, directly or indirectly, on the outcome public biddings for government contracts;

(e) Directly or indirectly having financial or pecuniary interest in any business, contract or transaction with the Government.

(f) Using the name of the President, Vice President or Members of the Cabinet, directly or through another person not related to the President, Vice President and Members of the Cabinet, in order to obtain any contract, favor or other benefit from the government.

SEC. 3. Simple Living. — Relatives and Close Personal Relations shall lead modest lives appropriate to their positions and income. They shall not indulge in extravagant and ostentatious display of wealth in any form.

SEC. 4. Prohibition on Government Financial Institutions . — GFIs are prohibited from increasing its equity or investing its funds for purposes of conferring a seat as director to a Relative or Close Personal Relation by means of increasing capital or equity or through any other means.

SEC. 5. Lawful Exercise of Profession . — Nothing in this Executive Order shall cover lawful acts of persons considered as a Relative or Close Personal Relation who have been engaged in the traditional, established, and lawful exercise of their profession, business or trade.

SEC. 6. Penalties for Violations . — In addition to the criminal liabilities provided for by existing laws should any act defined herein fall within the definition of such laws, all agreements, contracts, and any other transaction entered into with the Government in violation of any prohibition herein shall be deemed void and of no effect. Any government official or employee who shall tolerate or conspire with any Relative or Close Personal Relation in violation of this Executive Order shall be subject to suspension or removal from office as may be determined by the President and following an investigation of such violation.

SEC. 7. Effectivity . — This Order shall take effect immediately.

Adopted: 09 Nov. 2000

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

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