



REVISED

October 23, 2015

CIRCULAR NO. 2015-002
DBP DATA CENTER, INC.
“NO GIFT POLICY”

Section I. RATIONALE

The DBP Data Center, Inc. (DCI) hereby adopts this “No Gift Policy”:

- A. In compliance with Section 29 of the Code of Corporate Governance for GOCCs (GCG Memorandum Circular No. 2012-07, s. 2012) which mandates that: “x x x 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”; and
- B. Pursuant to the following constitutional and legal provisions:
1. Section 27, Article II of the 1987 Constitution, which states that “*The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption*”;
 2. Section 1, Article XI of the 1987 Constitution, which provides that “*Public office is a public trust. Public officers and employees must, at all times, be accountable to the people; serve them with utmost responsibility, integrity, competence and loyalty, act with patriotism and justice, and lead modest lives*”;
 3. Section 1 of the Anti-Graft and Corrupt Practices Act (RA 3019) which provides that: “*It is the policy of the Philippine Government, in line with the principle that a public office is a public trust, to repress certain acts of public officers and private persons alike which constitute graft or corrupt practices or which may lead thereto*”;
 4. Section 3 (b) and (c) of RA 3019 which declares as a corrupt practice the acts of: “*Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or for any other person, in connection with any contract or transaction between the Government and any other party, wherein the public officer in his official capacity has to intervene under the law*” and “*Directly or indirectly requesting or receiving any gift, present or other pecuniary or*

material benefit, for himself or for another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any Government permit license, in consideration for the help given or to be given, x x x”.

5. Section 7 (d) of the Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6713) which mandates that *“Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or use 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. x x x.*

Section II. DEFINITION OF TERMS

The terms used in this Circular shall mean as follows:

- A. *Company/DCI* - refers to the DBP Data Center, Inc.
- B. *Board of Directors/Directors* - refer to the members of the Board of Directors of DCI.
- C. *Employee* - includes regular, temporary, coterminous, directly-hired and casual rank and file employees and officers of the Company, unless used in a more specific context.
- D. *Gift* - refers to a thing or a right disposed of gratuitously, or any act of liberality, in favor of another who accepts it. It shall include, but not limited to, any gratuity, favor, service, discount or price concession, legacy (except from a relative), fee, compensation, cash, securities, entertainment, simulated sale or loan, or use of anything of monetary value, whether real or personal property.
- E. *Gifts of Nominal Value* - refer to gifts or nominal value that 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 factor.
- F. *Policy* - refers to the “DCI No Gift Policy”.

In this Circular, reference to the male gender includes the female and singular includes the plural.

Section III. COVERAGE

This Policy shall apply to all employees of DCI and the members of its Board of Directors.

Section IV. RULES

- A. **“No Gift Policy”** – Except as otherwise provided in this Policy, all employees of DCI and members of its Board of Directors, shall not solicit, demand, or accept, directly or indirectly, any gift from any person, group, association, or juridical entity, whether from the public or private sector, at any time, on or off the work premises, where such gift is either:
1. Given in the course of their official duties or in connection with any transaction which may be affected by the functions of their office;
 2. Illegal or in violation of laws;
 3. Part of an attempt or agreement to do anything in return;
 4. Given to influence the actions of directors or employees; or
 5. Creating the appearance of a conflict of interest.
- B. **Allowable Gifts** – The following gifts shall be exempted from the prohibition under this Policy:
1. Certificates, plaques, cards, thank you notes, or other written forms of souvenir or mark of courtesy, recognition, or appreciation;
 2. Seminar items (e.g. pens, hand-outs, etc.) or any other materials, which are uniformly given to all participants in the seminar;
 3. Books, pamphlets, publications, data and other information or reading materials that are directly useful to the Bank in the performance of its mandates, objectives, and are given by individuals or organizations that have no pending business with the Company as to create an actual or potential conflict of interest;
 4. Gifts given on special occasions between and among DCI employees or directors which is unsolicited gifts of small or insignificant value offered or given as a mere ordinary token of gratitude or friendship according to local customs or usage, in accordance with Section 14 of R.A. No. 3019, the Anti-Graft and Corrupt Practices Act;
 5. Scholarships or fellowships grants, travel grants or expenses for travel taking place within or outside of the Philippines (such as allowances, transportation, food and lodging) if appropriate and consistent with the interest of the government, and with prior approval by the proper authorities in accordance with applicable laws or regulations. The approving authority for such grants should, however, be the Chairman of DCI consistent with Section 7(d)(iii) of R.A. No. 6713 which requires the “head of office, branch, or agency” as the approving authority;
 6. **Honoraria given as speaker or resource person in seminars provided that: (a) the speaker or resource person acts as lecturer, resource person, coordinator or facilitator in government agencies or GOCCs other than DCI; (b) such honoraria are authorized under existing laws or rules and regulations; and (c) subject to compliance with all the requirements prescribed therein;**
 7. Working lunches or dinners with clients or other stakeholders of the Company if such lunches or dinners are inevitable in the course of official transaction as long as such lunches or dinners

should, however, be of modest value not beyond what is normal or customary in the business of DCI;

8. Product samples of nominal value given by clients or potential clients if giving such samples are allowed under the law or part of the standard procedures mandated by law or the rules (*e.g. rules on bidding*); and
9. Unsolicited gifts of nominal or insignificant value provided it is not given in anticipation of or in exchange for a favor from the public official or employee.

- C. **Posting of No Gift Policy** – Notices of this Policy shall be posted in conspicuous areas of all Departments and Offices of the Company.
- D. **Duty of Director or Employee if Gift is Offered or Given** – If any gift prohibited under this Policy is offered or given to any director or employee, the latter shall politely decline acceptance of such gift and courteously inform the offeror or giver about the Company’s “No Gift Policy”.
- E. **Duty of Director or Employee if Gift is Inevitably Received** – In the event that, despite diligent efforts to refuse acceptance, any gift is inevitably received because it was sent through modes other than personal delivery or the offeror insisted acceptance, the recipient of the gift shall, within twenty-four (24) hours from receipt, report the acceptance thereof and turn-over the gift to the IT & Operations Division of the Admin & Finance Department, for proper documentation and handling of the gift in accordance with the provisions of this Policy.
- F. **Gift Registry** – Except for Section IV (B), Nos. 1, 2, 3 and 4, any gift received, regardless of value or kind, shall be registered in a Gift Registry to be maintained by the receptionist who is under the supervision of the IT & Operations Division of the Admin & Finance, as the case may be. The following information about the gift shall be recorded in the said registry:
1. Purpose
 2. Nature, form, or kind
 3. Amount/value (if applicable)
 4. Date and time of receipt
 5. Name, office address, and contact number of the giver
 6. Name and position of the director/employee who received the gift
 7. Date and time of delivery to the Gift Registry
 8. Such other information as the IT & Operations Division of Admin & Finance may deem necessary
- G. **Donation of Gifts to Charitable Institutions** – All gifts received shall be donated to appropriate charitable or social welfare institutions to be chosen from a list to be provided by the Human Resource Division of the Admin & Finance. An acknowledgment letter shall be sent to the giver of the gift informing the latter about the donation to the said institution/s.
- H. **Adoption of “No Gift Policy” in all Contracts of the Company** – A provision adopting this Policy shall be incorporated in all contracts entered into by the Company with its consultants, contractors, suppliers, service providers, vendors or other such persons and institutions who have

business, contractual or other similar dealings or transactions with the Company.

- I. **Policy Implementation and Monitoring** - The IT & Operations Division of the Admin & Finance Department together with other Department and Heads shall ensure full advertisement, monitoring, and strict implementation of this Policy. A monthly report of the gifts received and donated, or that no gift has been received, shall be submitted by the Receptionist to IT & Operations Division, within the first seven (7) working days of the following month.

Section V. PENALTIES FOR VIOLATION

- A. Violation by an employee of the provisions of this Policy shall be dealt with in accordance with the Company's Implementing Guidelines on the Code of Discipline on Administrative Cases, without prejudice to any civil or criminal liability that may arise therefrom under other special laws.
- B. Violation by a director of the provisions of this Policy shall be dealt with in accordance with applicable laws.

Section VI. AMENDMENT

This Policy shall be subject to periodic review and may be amended by the Board of Directors as often as it may deem necessary.

Section VII. EFFECTIVITY

This Circular shall take effect upon its approval by the Board of Directors.



GIL A. BUENAVENTURA
Chairman, DCI Board of Directors

Certified Copy:



ATTY. EUTGARDA C. BAQUIRAN-PERALTA

Corporate Secretary

October 23, 2015