

July 3/17

**CODE OF CONDUCT AND ETHICAL STANDARDS
OF THE
DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES (DENR)**

WHEREAS, Section 1, Article XI of the 1987 Philippine Constitution 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, loyalty, and efficiency, act with patriotism and justice, and lead modest lives";

WHEREAS, Section 7, Chapter II, Book IV of Executive Order No. 292, otherwise known as the "Administrative Code of 1987" empowers the Secretary to promulgate administrative issuances necessary for the efficient administration of the DENR;

WHEREAS, Section 13 of Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees" provides that nothing in said Act shall be construed to derogate from any law, or any regulation prescribed by any body or agency, which provides for more stringent standards for its officials and employees;

WHEREAS, the Cabinet in coordination with the Presidential Anti-Graft Commission (PAGC) adopted a national anti-corruption framework known as Integrity Development Action Plan (IDAP) on 17 December 2004;

WHEREAS, on 15 April 2005, the DENR submitted its agency-specific IDAP commitments to the PAGC;

WHEREAS, one of the DENR's IDAP commitments is the formulation of the Code of Conduct and Ethical Standards;

WHEREAS, Republic Act No. 9485, otherwise known as the "Anti-Red Tape Act of 2007" provides that the State shall maintain honesty and responsibility among its public officials and employees. It shall take appropriate measures to promote transparency in each agency with regard to the manner of transacting with the public, which shall encompass a program for the adoption of simplified procedures that will reduce red tape and expedite transaction in government; and

NOW, THEREFORE, the DENR hereby promulgates this Code of Conduct and Ethical Standards, to wit:

GENERAL PROVISIONS

Section 1. Title. This Code shall be known as the "Code of Conduct and Ethical Standards of the Department of Environment and Natural Resources".

Section 2. Objectives. The following are the objectives of this Code of Conduct and Ethical Standards:

- a. To serve as a tool to attain the DENR vision, mission and the core values;

- b. To provide employees with guidance in ethically ambiguous situations in the performance of their duties and responsibilities;
- c. To sharpen the DENR criteria and standards for public service accountability and good governance;
- d. To serve as guidepost in clarifying desirable and undesirable governance;
- e. To provide protection for employees against arbitrary or unethical behavior of superior officials;
- f. To develop and maintain public trust, transparency and integrity in the performance of official duties and functions;
- g. To help promote professionalism and standards of excellence in public service;
- h. To impress upon employees the standards of behavior required of them in the performance of their duties; and
- i. To provide a detailed set of rules and guidelines for all officials and employees to meet the highest standard of integrity in public service.

Section 3. DENR Vision and Mission.

VISION: A nation enjoying and sustaining its natural resources and a clean and healthy environment.

MISSION: The DENR shall be the driving force in the pursuit of sustainable development, enabling stakeholders' participation in the protection, conservation and management of the environment and natural resources for the present and future generations.

Section 4. Core Values. Towards the attainment of the DENR Vision and Mission, the following Core Values shall be upheld:

- a. The environment and natural resources are critical to the well-being of Filipinos and the development of the country, and must therefore be governed with a deep sense of responsibility and accountability.
- b. As conservator and manager of the environment and natural resources, the DENR shall fully observe integrity, accountability and transparency in its programs and projects.
- c. The DENR shall ensure effective and efficient delivery of its services.
- d. DENR officials and employees shall lead simple and modest lives, observe low carbon lifestyles, and cultivate sincere appreciation for natural ecosystems appropriate for stewards of the country's environment and natural resources.
- e. DENR officials and employees shall observe professionalism and organizational discipline pursuant to laws and regulations and this Code.

- f. Due diligence shall be observed in the making of decisions or actions and their implementation.
- g. All officials and employees of the DENR shall always promote nationalism, patriotism and the sovereignty of the Philippines.
- h. Improve the management of environment and natural resources in accordance with the Constitution in partnership with stakeholders.

Section 5. Scope and Applicability. This Code shall apply to all officials and employees regardless of employment status within the DENR and its attached agencies, including those on leave and those classified as contractual regardless of any stipulation of the absence of an employer-employee relationship with the DENR (e.g. Job Order or Contract of Service).

This Code shall complement the provisions of Executive Order No. 292, otherwise known as the "Administrative Code of 1987", Republic Act No. 6713 otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees", its Implementing Rules and Regulations, and issuances of the Civil Service Commission and other relevant and related laws.

Former officials and employees shall within one (1) year from separation be prohibited from transacting with their former offices and subordinates. Rendition of consultancy services to former offices shall not be considered as transacting with said offices. Provided that those that have compulsorily retired may not be hired as consultants.

Agency-Specific Ethical Obligations and Standards

Rule 1. RESPECT FOR THE CONSTITUTION, LAWS, ORDERS AND PROCEDURES.

- 1.1. Officials and employees shall faithfully implement Environment and Natural Resources (ENR) laws, rules and regulations.
- 1.2. Officials and employees shall comply with lawful and reasonable directions from superiors.
- 1.3. Officials and employees shall exercise their powers and duties lawfully and responsibly and at all times provide information and assistance to the public in accordance with law.
- 1.4. Constructive feedback mechanisms shall be encouraged in carrying out the vision and mission of the DENR.
- 1.5. Officials and employees must actively prevent abusive and demeaning conduct, discrimination (as to gender, ethnicity, age, disability, status and religion) sexual harassment and the like, committed by co-officials and co-employees, otherwise they shall be punished in accordance with existing and applicable laws, rules and regulations.

- 1.6. Management shall ensure that all employees have a safe and sanitary work place with appropriate space, ventilation and lighting, otherwise they shall be subject to grievance procedure.
- 1.7. Proper office decorum shall be observed, including proper wearing of uniform and ID, otherwise erring official or employee shall be dealt accordingly.
- 1.8. Officials and employees shall actively implement the DENR Citizen's Charter for efficient, responsive and satisfactory delivery of frontline services.

Rule 2. INTEGRITY. All DENR officials and employees shall avoid any conduct that would cause breach of the public trust and confidence. Any conflict that may arise between personal interest and public interest must be resolved in favor of the latter.

- 2.1. Officials and supervisors shall treat customers, stakeholders, co-employees and officials with utmost honesty, impartiality and fairness, and respect their rights and obligations.
- 2.2. Officials and supervisors shall be fair and reasonable in making decisions and in giving directions to subordinates.
- 2.3. Officials and employees shall notify or disclose to the appropriate authority violations of law and breaches of ethical standards.
- 2.4. Officials and employees shall demonstrate good leadership and promote behavior consistent with this Code.
- 2.5. Officials and supervisors shall acknowledge the good work of subordinates, delegate authority with prudence and encourage professional development.
- 2.6. Employees shall be represented in the selection and recruitment process. The merit promotion plan of the DENR shall be observed to strengthen professionalism. The appointing authority shall give regard to the recommendation of the Personnel Selection Board (PSB).

Rule 3. CONFLICT OF INTEREST. Conflict of interest arises when a public official or employee or a relative within the 4th civil degree of consanguinity or affinity of the owner of a business, partner in a firm, member of a board, an officer or a substantial stockholder of a private corporation who transact business with the DENR or applies for a license or permit. All DENR officials and employees shall avoid conflict of interest in the performance of their duties and functions.

- 3.1. Upon assumption into office or acceptance of employment or engagement in the DENR, and everytime it becomes necessary, officials and employees shall identify, declare areas of conflict of interest, and resolve such conflict in favor of the government.

- 3.2. Officials and employees as defined in Section 5 hereof shall disclose their business and financial interests in their Annual Statement of Assets, Liabilities and Net worth (SALN) and everytime it becomes necessary.
- 3.3. The practice of profession shall not be allowed unless authorized in writing by the proper authority and shall not be in conflict with one's functions in the DENR.
- 3.4. Violations of this Rule shall be punished in accordance with existing and applicable laws, rules and regulations.

Rule 4. ✓ RECEIVING AND HANDLING OF COMPLAINTS

✓4.1. Cases originally filed with the DENR

All administrative complaints filed at the DENR Central Office, unless referred to the Environmental Ombudsman or otherwise directed by the Office of the Secretary, shall be referred to the appropriate division of the Legal Service and shall be acted upon and disposed in the following manner:

✓A. Disposition of Cases without any Investigation

1. Complaints filed by anonymous complainants, such as those by "concerned citizens", "concerned DENR employees", etc., shall not be acted upon and be dismissed outright through the issuance of a standard Order to be signed by the Secretary or his/her authorized representative (Format "A-1"), unless –
 - a) there is obvious truth or merit to the allegation, as can be ascertained from a sufficiently detailed description of the act or omission complained of, and the logical connections of the circumstances alleged, based on ordinary human experience (otherwise the case will be dismissed); or
 - b) there is documentary or direct evidence attached that proves the allegations, but the allegation/s thus proved must constitute the major element of the act or omission complained of (otherwise the case will be dismissed).
2. Complaints filed against unnamed respondents such as those against "certain officials", "certain employees", etc. shall not be acted upon and be dismissed outright through the issuance of a standard Order to be signed by the Secretary or his/her authorized representative (Format "B"). If the complainant is merely requesting for an investigation and not for the imposition of administrative penalties, the complaint shall be forwarded to the concerned office for investigation and action. A report shall be rendered on the sufficiency and merit of the allegations and be submitted to the Office of the Secretary.
3. Complaints wherein the name of the complainant is indicated but without signature, or those with signature but not under oath, shall

be returned to the complainant for his/her signature and oath. If no address is indicated in the complaint, the same shall be dismissed outright pursuant to Section 48, Chapter 6, Subtitle A, Title I of Book V of the Administrative Code of 1987, through the issuance of a standard Order to be signed by the Secretary or his/her duly authorized representative (Format "A-2").

4. Complaints that identify both complainant/s and respondent/s but without narration of relevant and material facts which show act/s or omission/s being complained of, shall be dismissed outright for utter lack of merit through the issuance of standard Order to be signed by the Secretary or his/her duly authorized representative (Format C).
5. Cases involving tardiness, habitual absenteeism and the like, where the offense is clearly established by official records of the DENR, the head of office having jurisdiction or supervision the employee, shall require the respondent to explain in writing within three (3) days why no administrative sanctions shall be imposed against him/her. Should the respondent admit the act/s or omission/s complained of, and does not raise any factual or legal defense, the matter shall be referred to the Director of the Administrative Service in the case of the Central Office who shall recommend to the Office of the Secretary the imposition of the appropriate penalty, without the necessity of referring the case to the appropriate division of the Office of the Legal Services. However, in the case of the Regions, Bureaus and Attached Agencies, the matter shall be handled by the Legal Division which shall recommend to the Head of Agency, the imposition of appropriate penalty.
6. Penalty may be reduced based on mitigating circumstances such as the candor of respondent in readily admitting the offense.

B. Disposition of Cases through Preliminary Investigation

1. The following shall be subjected to preliminary investigation provided under Section 12 of the Uniform Rules:
 - a) Cases falling under the exceptions provided in paragraphs (a and b) of Item 1 above;
 - b) Cases falling under Item 2 above, when the Secretary/Head of Agency directs the conduct of preliminary investigation based on the recommendations of the Administrative Service and Legal Division in the Central Office and the Regional Offices, Bureaus, and Attached Agencies, respectively, after identity of the respondent had been established; and
 - c) Cases falling under Item 3 above, when the complainant affixes his/her signature or subscribes to the complaint under oath.

2. Preliminary Investigation Proper

- a) Preliminary investigation shall be conducted by requiring respondent to file Counter-Affidavit or Comment under oath within three (3) days from receipt of the Complaint and Notice.
- b) After receipt of the respondent's Counter-Affidavit or Comment, or when the deadline had lapsed without such Counter-Affidavit or Comment, the case will be resolved based on the evidence on hand:
 1. When there is substantial evidence proving the act or omission complained of, then an Order will be issued declaring the respondent guilty and imposing the appropriate penalty;
 2. When there is no substantial evidence, but there is prima facie case then:
 - 2.1. Further preliminary investigation shall be conducted if the act or omission is a light offense of the first or second incidence. Such investigation shall be completed within one (1) month as far as practicable, after which the case shall be resolved through an Order either declaring the respondent guilty if there is substantial evidence supporting the same, or dismissing the case if none is presented; and
 - 2.2. If the act or omission is a grave or less grave offense, or light offense of the third incidence, then a Formal Charge (See Annex Format) shall be issued against the respondent, unless the case is referred to the Environmental Ombudsman for further action.
 3. When neither substantial evidence nor prima facie case exists, then an Order will be issued dismissing the case.

C. Disposition of Cases Through Formal Investigation

Formal investigation shall be conducted in accordance with Section 35 of the Uniform Rules, without prejudice to the resolution of the case at any stage of the proceedings should substantial evidence emerge to support the allegations in the complaint provided the respondent was given reasonable opportunity to meet the evidence against him. Otherwise, the case shall be dismissed after the conclusion of the Formal Investigation.

4.2. Cases Originally Filed with the Office of Ombudsman

Cases that have been previously filed with the Ombudsman involving the same parties and cause of action as the one filed with the DENR shall be resolved in the following manner:

- A. Where the Ombudsman exercises jurisdiction over the case by requiring the respondent to submit his Answer/Counter-Affidavit or Comment, then the DENR shall dismiss the case filed with it, without prejudice to any directive of the Office of the Ombudsman pursuant to Republic Act No. 6770, otherwise known as the "Ombudsman Act", such as referral or indorsement.
- B. Where the Ombudsman has not yet required the respondent to submit his or her Answer/Counter-affidavit or Comment, then the DENR shall hold the case in abeyance, until the Ombudsman acts on the case, after which the case will be dismissed, unless the case is immediately dismissible without investigation, in accordance with Rule 4.A.1 above.

4.3. Cases that maybe subjected to Alternative Dispute Resolution

Pursuant to Executive Order No. 523 and Republic Act No. 9285, those cases appropriate for Alternative Dispute Resolution shall be subjected to such process. Such cases are the following:

- A. Cases arising from a personal transaction between complainant and respondent such as agreements and contracts where a dispute or disagreement arose; and
- B. Those arising from personal quarrels and the like, and there are no allegations involving graft and corrupt practices, grave misconduct or gross negligence in the performance of official functions.

4.4. Grievance Machinery. Work related issues or complaints giving rise to employee dissatisfaction shall be addressed through the grievance machinery. These cases or issues shall not include the following: disciplinary cases, sexual harassment cases, union related issues and concern, and complaint relative to the Performance Evaluation System.

Rule 5. GIVING AND RECEIVING OF GIFTS. The DENR hereby adopts the following gifts policy for all officials and employees.

No official or employee shall receive any gift in consideration of improper exercise of official functions. Provided that any gift received in the amount of more than Php 5,000.00 except for the DENR as an institution shall be presumed to have been given and received in consideration of improper exercise of official functions. Entertainment, travels whether local or abroad, hotel accommodation, dinners and the like shall be considered gifts. However, this rule shall not apply to relatives within the third degree of consanguinity or affinity. Violation of this Rule shall be punished in accordance with existing and applicable laws, rules and regulations.

Rule 6. PROHIBITION ON NEPOTISM. The DENR shall strictly prohibit Nepotism which is the appointment made in favor of a relative of the appointing or recommending authority, or of the Chief of Office, or of the person exercising immediate supervision over the appointee. The prohibition shall apply to relatives and members of the family within the 3rd civil degree either of consanguinity or affinity, except to persons employed in a confidential capacity.

The official, who appointed, recommended or the Chief of Office or supervisor of the appointee shall be liable for nepotism and be punished accordingly. The appointment issued in violation of this Rule shall accordingly be revoked.

The DENR discourages the employment of the members of the same family within the 3rd civil degree either of consanguinity or affinity in its different offices including attached agencies.

Rule 7. USING AND DISCLOSING OFFICIAL INFORMATION.

1. Officials and Employees shall recognize the Constitutional right of the people to information on public concerns, and to have access to official records, documents and papers pertaining to official acts, transactions or decisions, subject to limitations as may provided by law and existing rules and regulations on confidentiality of information.
2. All officials and employees must not permit the unauthorized use, dissemination or disclosure of information and documents that may be used against the interest of the DENR. Otherwise they shall be liable in accordance with existing laws, rules and regulations.
3. All papers, thesis, dissertation and other output from government sponsored scholarship grants are considered properties of the DENR in accordance with the law on Intellectual Property. Using the same without permission from the DENR shall be punished in accordance with existing and applicable laws, rules and regulations.

Rule 8. DISCLOSURE OF MALPRACTICES AND CORRUPTION. In the interest of improving accountability and fostering the fight against corruption the DENR hereby prescribes the following:

1. The DENR shall encourage truthful disclosures of wrongdoing at the same time provide sanctions for knowingly making-up false and malicious allegations.
2. The DENR shall encourage voluntary disclosure of malpractices and corruption. Such disclosure shall be in writing, signed and under oath by the informant stating his personal data, brief statement of facts and evidence in support of the information given.
3. DENR officials and employees shall disclose to the proper authority any evidence of fraud, corruption, maladministration, official misconduct and negligent management resulting in waste of government funds amounting to at least One Million Pesos (Php 1,000,000.00), or when such malpractice result to great risk to the environment.
4. An employee making false accusation knowing it to be false shall be punished in accordance with existing and applicable laws, rules and regulations depending upon the gravity or nature of the accusation.

1. In the event that the testimonies of the informant is necessary or indispensable to the successful litigation of the case arising from the protected disclosure, the informant maybe compelled to testify.
2. Any DENR official or employee under obligation to report or disclose in accordance with Rule 8 of this Code who fails to do the same shall be held liable depending on the circumstances of the case and be punished in accordance with existing and applicable laws, rules and regulations.

Rule 9. RIGHTS AND PRIVILEGES OF INTERNAL REPORTER

1. Any official or employee disclosing any evidence of fraud, corruption, maladministration, official misconduct and negligent management resulting in waste of government funds amounting to at least One Million Pesos (Php 1,000,000.00), or great risk to the environment shall have the right to demand immediate action by the implementing bodies.
2. The DENR shall ensure that the identity of the informant and the disclosed information shall be kept confidentially and be protected from any retaliatory actions, such as criminal, civil and administrative suits, including threat of transfer, unwarranted poor performance evaluation, withholding of benefits and denial of work necessary for promotion. Any official or employee making or causing any retaliatory action shall be held liable depending on the circumstances of the case and be punished in accordance with existing and applicable laws, rules and regulations.
3. An internal reporter who has an obligation by way of oath, rule or practice to maintain confidentiality of information shall not be deemed to have committed a breach of such duty if he makes a protected disclosure of such information.
4. An internal reporter shall be entitled to a commendation, promotion and any other form of incentive as may be deemed appropriate; provided, that in cases involving graft and corruption, the internal reporter may be granted a monetary incentive proportionate to the amount of savings brought to the DENR as a result of the protected disclosure.

Rule 10. IMPLEMENTING BODY. The following are the additional duties and functions of the Administrative Service (Central Office) or the Legal Division of the Regional Offices, Bureaus and Attached Agencies in relation to the implementation of this Code.

1. Shall be the lead office in the implementation of the anti-corruption programs in their respective offices.
2. Shall be the hearing office in the event that there is breach of this Code, the Code of Conduct and Ethical Standards of Public Officials and Employees and other applicable rules and regulations.

3. Shall act on complaints in relation to the implementation and enforcement of this Code.
4. Shall coordinate with the Office of the Ombudsman in conducting and monitoring lifestyle of its employees.
5. The Legal Service shall handle appealed cases of violation of this Code, the Code of Conduct and Ethical Standards of Public Officials and Employees and other applicable rules and regulations which were decided or recommended by the Regional Office, Bureau or Attached agency of the DENR.

Rule 11. PENALTIES AND SANCTION. Any administrative offense arising herein shall be prosecuted, without prejudice to the filing of appropriate criminal and civil charges, if warranted. Violation of the Citizen's Charter shall be punished in accordance with R.A. No. 9485.

Rule 12. REPEALING CLAUSE. All DENR orders, rules and regulations which are inconsistent with the provisions of this Code are hereby repealed, amended or modified accordingly, unless the same provide for a heavier penalty.

Rule 13. SEPARABILITY CLAUSE. If for any reason or reasons, any portion or provision of this Code shall be held unconstitutional or invalid, all other parts or provisions not affected shall continue to remain in full force and effect.

Rule 14. EFFECTIVITY AND DISSEMINATION. This Code shall take effect after 15 days following its publication in a newspaper of general circulation and after registration with the UP Law Center.

Approved:


JOSE L. ATIENZA, JR.
Secretary

