



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM
ELLIPTICAL ROAD, DILIMAN, QUEZON CITY • TELS. 928-7031 TO 39

MEMORANDUM CIRCULAR No. 10
Series of 2007

SUBJECT : Code of Conduct for the Officials and Employees of DAR

ARTICLE I

PREFATORY STATEMENT

The Comprehensive Agrarian Reform Program (CARP) is a social justice program of the government geared towards attaining a more equitable distribution and ownership of land to provide farmers and farm workers with the opportunity of enhancing their dignity and improving the quality of their lives through greater productivity of agricultural lands. As the lead implementing agency of the program, the Department of Agrarian Reform (DAR) is faced with enormous tasks and challenges which require utmost dedication, commitment, efficiency, integrity, moral uprightness, and patriotism among its officials and employees in the performance of their assigned duties and responsibilities. Towards this end, the herein Code of Conduct is hereby promulgated:

ARTICLE II

PRELIMINARY PROVISIONS

Section 1. This Code of Conduct shall apply to all officials and employees of DAR and the DAR Adjudication Board (DARAB) who are either occupying third, second or first level position in a permanent, temporary, co-terminus, casual or contractual status.

ARTICLE III

FIDELITY TO DUTY

Section 2. DAR officials and employees shall, at all times, perform their official duties properly and diligently. They shall fully commit themselves to the duties and responsibilities of their office during working hours.

Section 3. DAR officials and employees shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

Section 4. DAR officials and employees shall not discriminate against other clients by way of dispensing special favors to anyone. They shall not allow kinship, rank, position or favors from any party to influence their official acts or duties.

Section 5. DAR officials and employees shall not solicit or accept any gift, favor or benefit based on any or explicit or implicit understanding that such gift, favor or benefit shall influence their official functions and actions.

Section 6. DAR officials and employees shall not accept any fee or remuneration beyond what they are entitled to in their official capacity.

Section 7. DAR officials and employees and their families shall lead modest lives appropriate to their positions and income. This means that they should maintain a standard of living within their visible means of income as correctly disclosed in their income tax returns, annual statements of assets, liabilities and net worth and other documents relating to financial and business ownership or interest.

Section 8. DAR officials and employees shall use the office's resources, property and funds in their custody only in an official matter and in a judicious manner and solely in accordance with the prescribed statutory and regulatory guidelines or procedures. In particular, public funds and property for official use and purpose shall be utilized with the diligence of a good father of a family.

Section 9. DAR officials and employees shall not engage in fixing nor deal directly or indirectly with fixers involving agrarian cases, applications for retention, conversion or exemption or any other transactions which are processed and/or resolved by the Department. For purposes of this Code, a fixer is a person, who, for a fee or consideration performs the following acts/services for and in behalf of an applicant or grantee in conversion, retention or exemption applications, or for and in behalf of the parties in agrarian cases:

- a. Preparation of pleadings;
- b. Filing of application, petition, motion and other pleadings;
- c. Receiving of notices of hearing, resolution, decision, order and other related documents;
- d. Making any transaction/arrangement not otherwise authorized; and
- e. Influencing the decision/action of the officials of the Department.

The following, however, are not considered fixers, i.e., a) a lawyer (or his authorized liaison officer) who is hired to represent the applicant/parties to a case, or b) a person duly authorized to represent for and in behalf of a party, corporation or juridical entity.

ARTICLE IV

CONFIDENTIALITY

Section 10. DAR officials and employees shall not disclose any confidential information acquired by them in the course of their employment in the office. Pursuant to Section 7 (c) of Republic Act 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, they 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: a) to further their private interests or give undue advantage to anyone; or b) to prejudice the public interest.

Confidential information means information not yet made available to the public relating to pending cases, complaints, investigations, internal deliberations, procurements and such other transactions with the office, including notes, drafts, research papers, internal memoranda, and similar papers thereon.

The foregoing rules on confidentiality apply to all incumbent DAR officials and employees and those who have resigned or retired from the service or have been separated thereto.

Section 11. Duly authorized DAR officials and employees who possess, or have knowledge of, any confidential information may grant access to confidential information only to co-employees duly authorized for the purpose and on a need-to-know basis.

Section 12. Confidential information by reason of statute, court order, administrative policy or mutual agreement shall be disclosed only by persons duly authorized to do so and only to persons duly authorized to receive the same.

Section 13. DAR officials and employees shall not disclose confidential information given by parties to a case, counsel, witness, or any other person, unless expressly authorized by proper authority.

Section 14. DAR officials and employees shall not alter, falsify, conceal, destroy or mutilate any record.

ARTICLE V

CONFLICT OF INTEREST AND POST-EMPLOYMENT

Section 15. DAR officials and employees shall exercise extraordinary diligence to avoid any conflict of interests in connection with their official duties and functions of the office. In the event that conflict of interest may arise, DAR officials and employees shall, in writing, immediately disclose the same to their immediate supervisor and terminate the same.

Section 16. A conflict of interest may exist in a situation where:

- a. The objectivity of a DAR official or employee in performing official duties is impaired or may reasonably appear to be impaired; or
- b. A DAR official or employee or his immediate family within the fourth civil degree by consanguinity or affinity, his common relations or his business or other financial interest would derive financial gain because of his official act.

Section 17. DAR officials and employees shall not engage, directly or indirectly, in any of the following or similar acts:

- a. Enter into any contract with the Department for the procurement for a cost, of supplies or services, and lease or sale of property. This prohibition shall extend to their relatives within the fourth civil degree, by consanguinity or affinity;
- b. Receive tips or other remuneration for assisting or attending to parties engaged in transactions or involved in actions or proceedings with the Department;
- c. Participate in any official action involving a party with whom either he or any of his relatives within the fourth civil degree, by consanguinity or affinity, is negotiating for future employment;
- d. Seek additional employment or engage in any other undertaking outside the Department that prejudices in any manner his performance of official functions, or undermines the interest of the office;
- e. Recommend for employment in the Department any of his relatives within the fourth civil degree, by consanguinity or affinity, except to confidential positions in the office;
- f. Recommend private attorneys to litigants/parties or prospective litigants, in any case/transaction filed with or originating from the Department, or to anyone dealing with the office; or
- g. Solicit or accept any gift, loan gratuity, discount, favor, hospitality, service or benefit under any circumstances from any person who has transactions with the Department, or any person acting for and in behalf of said person.

Section 18. Nothing in Section 17 above shall prohibit any DAR official or employee from (a) accepting invitations to, or attending social functions in relation to their official duties; (b) accepting a public award presented in recognition of public services; (c) receiving a commercially reasonable loan made as part of the ordinary transaction of the lender's business; (d) donating to the Department for the benefit of

a group of personnel (e.g. all personnel of an office or unit of the Department); provided, that the award, loan or donation is from a person or entity other than that mentioned in Section 17 (g) above.

Section 19. The full-time position in the Department of every personnel shall be his primary employment. For purposes of this Code, "primary employment" means the position that consumes the entire normal working hours of the personnel and requires his exclusive attention in performing the assigned official duties.

DAR officials or employees may be allowed to engage in the limited private practice of their profession, through the issuance of authority signed by the Regional Director and/or Secretary, subject to the following conditions:

- a. It shall not entail any conflict of interest insofar as the specified objectives of the Department is concerned;
- b. It shall not be in representation of a client whose cause of action is against the Department and/or the government;
- c. It shall not involve the use of the Department's funds or property;
- d. The private practice of one's profession shall be performed outside the working hours;
- e. It shall not impair the concerned personnel's efficiency in the discharge of his regular functions in the office, and absences incurred, if any, shall be covered by duly approved leave and pass slip; and
- f. It shall be subject to the provisions of R.A. No. 6713 and such other relevant Civil Service Laws and Rules.

Section 20. Post-Employment is where a public official/employee leaves the public sector and obtains employment in the private sector. The type of employment which may be cause for concern is that which bears a close or sensitive relationship with the person's former position as public official or more particularly, as an official or employee of the Department.

Section 21. To promote the highest standards of ethics in public service, former DAR officials and employees who have joined the private sector and whose present employment bears a direct relationship with their former position as such DAR officials and employees, are strictly prohibited from meeting, transacting or dealing, directly or indirectly, with incumbent DAR officials and employees, on any matter/case pending with the office. In this regard, incumbent DAR officials and employees shall refer/indorse the former DAR officials or employees' concern to the Public Assistance and Complaints Unit (PACU) of DAR or Special Concerns Staff (SCS) which shall extend assistance on official business only.

Section 22. The same ethical standards as that stated under Section 21 of this Code applies to former DAR officials and employees who have joined other government offices: Provided, however, that subject DAR officials and employees who are involved in the investigation or prosecution of corruption-related cases or have worked in government offices which coordinate or interact with the department, shall be exempted from the foregoing prohibition.

ARTICLE VI

PERFORMANCE OF DUTIES

Section 23. DAR officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. They shall render public service with utmost devotion and dedication to duty.

Section 24. It is the responsibility of the Secretary, Undersecretaries, Assistant Secretaries and other heads of offices, bureaus, services and divisions to ensure that functions/duties of their respective offices are effectively performed or implemented. In this connection, they may be held responsible for any omission/negligence of their subordinates that could have been prevented or avoided had they exerted adequate supervision or guidance over their subordinates.

Section 25. DAR officials and employees shall make use of their official time in doing productive activities and thus, shall not engage in such activities as loitering in the corridors of the department, staying long in the canteen during office hours and making unnecessary visit to other units/bureaus that would disturb/disrupt the work of others.

Section 26. Unless authorized by the Secretary or other concerned official, DAR officials and employees shall avoid making inappropriate public comments, written or verbal, including the issuance of statements or personal opinions that can be construed as official. The circulation/dissemination of "white paper" or "poison letter" shall be highly reprehensible and shall be a cause for corresponding disciplinary action. The security guards and janitors shall be made responsible to monitor officials, employees and other private individuals who will circulate those papers or letters in the department and shall cause the immediate reporting of same to the Office of the Administrative Service or its regional and provincial counterpart or to the Head Executive Assistant. In this connection, the Director of the Administrative Service or its regional and provincial counterpart, thru the Intelligence, Civil and Security Unit (ICSU), shall assess the performance of the security guards and janitors as regards the faithful implementation of this section.

Section 27. In performing official duties, DAR officials and employees shall not discriminate nor manifest by word or by conduct, bias or prejudice based on race, religion, national or ethnic origin, perceived economic status, gender or political affiliation.

Section 28. DAR officials and employees shall commit themselves to fairness and equality. They shall take an active role in ensuring that their work environment is free from discrimination and harassment.

Section 29. DAR officials and employees shall act on and/or dispose of any written request, petition or motion, within fifteen (15) days from receipt of the said request, petition or motion subject to the provisions under Article IV of this Code (Confidentiality).

ARTICLE VII

PENALTY

Section 30. Any violation of this Code shall be a ground for disciplinary action, without prejudice to the filing of appropriate criminal charges, if warranted.

ARTICLE VIII

PERSONNEL DISCIPLINE UNIT

Section 31. Pursuant to DAR Memorandum Order No. 4, Series of 1993, as amended by DAR Memorandum Order No. 1, Series of 1997 (General Guidelines and Delegation of Authority on Disciplinary Cases), the Office of the Undersecretary for Policy, Planning and Legal Affairs through the Legal Service or the Office of the Regional Director, shall serve as the channel for complaints against DAR officials and employees. The said office shall evaluate the complaints and proceed with the conduct of investigations in accordance with the Uniform Rules on Administrative Cases. The said office may also refer the complaints against DAR officials and employees to the Ombudsman for further action/prosecution.

ARTICLE IX

FINAL PROVISIONS

Section 32. All provisions of law, Civil Service Rules and Regulations governing or regulating the conduct of public officials and employees that are applicable to the department including its administrative issuances are deemed incorporated into this Code.

Section 33. These Rules shall take effect ten (10) days after publication in two (2) newspapers of general circulation.

December 19, 2007, Diliman, Quezon City.


NASSER C. PANGANDAMAN

Secretary 

Published in two (2) National Newspapers
of general Circulations:
1. Phillippine Star
2. Malaya

Date of Publication - December 28, 2007



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CERTIFICATION

This is to certify that Memorandum Circular No. 10, Series of 2007 entitled “**CODE OF CONDUCT FOR THE OFFICIALS AND EMPLOYEES OF DAR**” is published today, Friday, 28 December 2007 at Philippine Star and Malaya newspapers.

Issued this 28th day of December 2007 for whatever purpose it may serve.


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