

BASES CONVERSION AND DEVELOPMENT AUTHORITY

VIOLATIONS OF EMPLOYEES

VIOLATIONS OF GOVERNMENT EMPLOYEES

Violations under PD 46

- receiving directly or indirectly any gift, present or any other valuable thing on any occasion, including Christmas, when such gift, present or other valuable thing is given by reason of his official position.

Violations under RA 3019 (Anti-Graft and Corrupt Practices Act)

- 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 part, wherein the public officer in his official capacity has to intervene under the law. *[Section 3 (b)]*

- accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the pendency thereof or within one year after its termination. *[Section 3 (d)]*

- causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. *[Section 3 (e)]*

- neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party. *[Section 3 (f)]*

- entering, on behalf of the Government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby. *[Section 3 (g)]*

- directly or indirectly having financing or pecuniary interest in any business, contract or transaction in connection with which he intervenes or takes part in his official capacity, or in which he is prohibited by the Constitution or by any law from having any interest. *[Section 3 (h)]*

- directly or indirectly becoming interested, for personal gain, or having a material interest in any transaction or act requiring the approval of a board, panel or group of which he is a member, and which exercises discretion in such approval, even if he votes against the same or does not participate in the action of the board, committee, panel or group. *[Section 3 (i)]*
- knowingly approving or granting any license, permit, privilege or benefit in favor of any person not qualified for or not legally entitled to such license, permit, privilege or advantage, or of a mere representative or dummy of one who is not so qualified or entitled. *[Section 3 (j)]*
- divulging valuable information of a confidential character, acquired by his office or by him on account of his official position to unauthorized persons, or releasing such information in advance of its authorized release date. *[Section 3 (k)]*

Violations under RA 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees) and its Implementing Rules

- directly or indirectly having financial and material interest in any transaction requiring the approval of his office. *[Rule X Section 1 (a)]*
- recommending any person to any position in a private enterprise which has a regular or pending official transaction with his office. *[Rule X Section 1 (d)]*
- disclosing or misusing confidential or classified information officially known to him by reason of his office and not made available to the public, to further his private interests or give undue advantage to anyone, or to prejudice the public interest. *[Rule X Section 1 (e)]*
- soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of, his office. *[Rule X Section 1 (f)]*
- unfair discrimination in rendering public service due to party affiliation or preference. *[Rule X Section 1 (h)]*
- failure to act promptly on letters and request within fifteen (15) days from receipt. *[Rule X Section 1 (j)]*
- failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof. *[Rule X Section 1 (k)]*

- failure to attend to anyone who wants to avail himself of the services of the office, or to act promptly and expeditiously on public personal transactions. *[Rule X Section 1 (l)]*
- failure to resign from his position in the private business enterprise within thirty (30) days from assumption of public office when conflict of interest arises, and/or failure to divest himself of his shareholdings or interests in private business enterprise within sixty (60) days from such assumption of public office when conflict of interest arises. *[Rule X Section 1 (n)]*

Violations under Book V, Title I, Subtitle A of EO 292 (Revised Administrative Code of 1987)

- dishonesty. *[Chapter 7 Section 46 (b) (1)]*;
- oppression. *[Chapter 7 Section 46 (b) (2)]*
- neglect of duty. *[Chapter 7 Section 46 (b) (3)]*
- misconduct. *[Chapter 7 Section 46 (b) (4)]*
- disgraceful and immoral conduct. *[Chapter 7 Section 46 (b) (5)]*
- being notoriously undesirable. *[Chapter 7 Section 46 (b) (6)]*
- discourtesy in the course of official duties. *[Chapter 7 Section 46 (b) (7)]*
- inefficiency and incompetence in the performance of official duties. *[Chapter 7 Section 46 (b) (8)]*
- receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift, or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons, or committing acts punishable under the anti-graft laws. *[Chapter 7 Section 46 (b) (9)]*
- falsification of official document. *[Chapter 7 Section 46 (b) (13)]*
- loafing during regular office hours. *[Chapter 7 Section 46 (b) (14)]*
- habitual drunkenness. *[Chapter 7 Section 46 (b) (15)]*
- gambling. *[Chapter 7 Section 46 (b) (16)]*
- physical or mental incapacity or disability due to immoral or vicious habits. *[Chapter 7 Section 46 (b) (19)]*

- willful failure to pay just debts. *[Chapter 7 Section 46 (b) (22)]*
- contracting loans of money or other property from persons with whom the office of the employee concerned has business relations. *[Chapter 7 Section 46 (b) (23)]*
- conduct prejudicial to the best interest of the service. *[Chapter 7 Section 46 (b) (27)]*
- promoting the sale of tickets in behalf of private enterprises that are not intended for charitable or public welfare purposes and even in the latter cases if there is no prior authority. *[Chapter 7 Section 46 (b) (29)]*

Violations under Act 3815 (Revised Penal Code)

- direct bribery - agreeing to perform an act constituting a crime or not, in connection with the performance of this official duties, or refraining from doing something which it was his official duty to do, in consideration of any offer, promise, gift or present received by such officer, personally or through the mediation of another. *[Article 210]*
- indirect bribery - accepting gifts offered to him by reason of his office. *[Article 211]*
- entering into an agreement with any interested party or speculator or make use of any other scheme, to defraud the Government, in dealing with any person with regard to furnishing supplies, the making of contracts, or the adjustment or settlement of accounts relating to public property or funds. *[Article 213 par. 1]*
- directly or indirectly become interested in any contract or business in which it is his official duty to intervene. *[Article 216]*
- appropriating, misappropriating or permitting any other person to take public funds or property *[Article 217]*

Violations under RA 9184 (Government Procurement Reform Act)

- opening any sealed bid including but not limited to bids that may have been submitted through the electronic system and any and all documents required to be sealed or divulging their contents, prior to the appointed time for the public opening of bids or other documents. *[Section 65 (a) (1)]*

- delaying, without justifiable cause, the screening for eligibility, opening of bids, evaluation and post evaluation of bids, and awarding of contracts beyond the prescribed periods of action provided for in the Implementing Rules and Regulations of RA 9184. *[Section 65 (a) (2)]*
- unduly influencing or exerting undue pressure on any member of the Bids and Awards Committee (BAC) or any officer or employee of the procuring entity to take a particular action which favors, or tends to favor a particular bidder. *[Section 65 (a) (3)]*
- splitting of contracts which exceed procedural purchase limits and competitive bidding. *[Section 65 (a) (4)]*
- when the head of the agency abuses the exercise of his power to reject any and all bids as mentioned under Section 41 of RA 9184 with manifest preference to any bidder who is closely related to him in accordance with Section 47 of RA 9184. *[Section 65 (a) (5)]*
- conspiring with two or more bidders who agree and submit different bids as if the bids were bona fide, when the bidders knew that one or more of them was so much higher than the other that it could not be honestly accepted and that the contract will surely be awarded to the pre-arranged lowest bid. *[Section 65 (b) (1)]*
- conspiring with a bidder who maliciously submits different bids through two or more persons, corporations, partnerships or any other business entity in which the bidder has interest to create the appearance of competition that does not in fact exist so as to be adjudged as the winning bidder. *[Section 65 (b) (2)]*
- conspiring with two or more bidders who enter into an agreement which call upon one bidder to refrain from bidding for procurement contracts, or which call for withdrawal of bids already submitted, or which are otherwise intended to secure an undue advantage to any one of the bidders. *[Section 65 (b) (3)]*
- conspiring with a bidder, by himself or in connivance with other bidders, employ schemes which tend to restrain the natural rivalry of the parties or operates to stifle or suppress competition and thus produce a result disadvantageous to the public. *[Section 65 (b) (4)]*
- conspiring with a bidder who submits eligibility requirements of whatever kind and nature that contain false information or falsified documents calculated to influence the outcome of the eligibility screening process or conceal such information in the eligibility requirements when the information will lead to a declaration of ineligibility from participating in public bidding. *[Section 65 (c) (1)]*

- conspiring with a bidder who submits bidding documents of whatever kind and nature that contain false information or falsified documents or conceal such information in the bidding documents, in order to influence the outcome of the public bidding. *[Section 65 (c) (2)]*
- conspiring with a bidder who participates in a public bidding using the name of another or allow another to use one's name for the purpose of participating in a public bidding. *[Section 65 (c) (3)]*
- conspiring with a bidder who withdraws a bid, after it shall have qualified as the lowest calculated bid/highest rated bid, or refuse to accept an award, without just cause or for the purpose of forcing the procuring entity to award the contract to another bidder. This shall include the non-submission within the prescribed time, or delaying the submission of requirements such as, but not limited to, performance security, preparatory to the final award of the contract. *[Section 65 (c) (4)]*