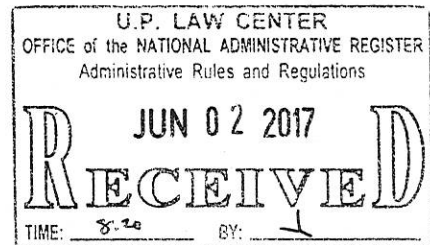




REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS
MANILA 1099



CUSTOMS ADMINISTRATIVE ORDER (CAO)
NO. 4-2017

SUBJECT: RULE ON NEPOTISM IN THE BUREAU OF CUSTOMS

Introduction. This CAO repeals CAO 03-2014, also known as "Anti-Nepotism Rules on Appointments and Designation in the Bureau of Customs" and CAO 02-2015, also known as "Clarification on the Anti-Nepotism Rules on Hiring Under Contract of Service", in compliance with Section 59, Chapter 8, Title I (A), BOOK V, Executive Order No. 292, also known as the Administrative Code of 1987.

Section 1. Scope. This CAO shall cover the policy of the Bureau with respect to appointments and promotions of personnel *vis-à-vis* the prohibition on nepotism, as provided in BOOK V, Title I (A), Chapter 8, Section 59, Executive Order No. 292, also known as the Administrative Code of 1987.

Section 2. Objectives.

- 2.1 To harmonize the Bureau's policy on nepotism with that of the Civil Service Commission.
- 2.2 To clearly identify the personnel covered by the prohibition on nepotism.

Section 3. Definition of Terms. For the purposes of this CAO, the following terms are defined accordingly

- 3.1 **Nepotism** – an appointment issued in favor of a relative within the third civil degree of consanguinity or affinity of any of the following: (1) appointing authority; (2) recommending authority; (3) chief of the bureau or office; and (4) person exercising immediate supervision over the appointee.¹
- 3.2 **Relative** – family member within the third civil degree of consanguinity or affinity of person/s or official/s mention in item 3.1.²
- 3.3 **Confidential Capacity** – shall refer to employment in confidential position, which is characterized by the close proximity of the positions of

¹ cf. par. 1, Section 59, Chapter 8, Title A, Book V of the Administrative Code of 1987

² cf. par. 1, Section 59, Chapter 8, Title A, Book V of the Administrative Code of 1987

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the appointer and appointee as well as the high degree of trust and confidence inherent in their relationship.³

- 3.4 Appointing Authority** – person authorized by law to make appointments in the BOC.
- 3.5 Recommending Authority** – person authorized by law to recommend appointment of an individual.
- 3.6 Appointment** – includes original appointment, designation, reassignment, promotion and other personnel action.

Section 4. General Provisions.

- 4.1** All appointments made in favor of a relative of the appointing or recommending authority, or chief of the bureau or office, or persons exercising immediate supervision over him, are hereby prohibited.⁴
- 4.2** In case an individual was employed in a confidential capacity or position, such appointment shall be reported to the Civil Service Commission.⁵
- 4.3** All applicants for employment shall include in his/her application a Certification under oath stating the fact that he/she is "not a relative within the 3rd civil degree of consanguinity or affinity of the appointing or recommending authority, of the chief of the bureau or office, or of the person exercising immediate supervision over him.

Section 5. Exceptions. The prohibition does not apply to the following:

- 5.1** Persons employed in a confidential capacity.⁶
- 5.2** Individuals who, after his or her appointment to any position contracts marriage with someone in the BOC.⁷

Section 6. Repealing Clause. This CAO specifically repeals CAO 03-2014, CAO 02-2015 and all other previously issued customs rules and regulations which are inconsistent with this Order.

Section 7. Separability Clause. If any part of this Order is declared unconstitutional or contrary to existing laws, the other parts not so declared shall remain in full force and effect.

³ cf. CSC v. Javier, G.R. No. 173264, February 22, 2008

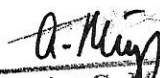
⁴ cf. par. 1, Sec. 59, Chapter 8, Title I (A), BOOK V, Administrative Code of 1987

⁵ cf. par. 2, Sec. 59, Chapter 8, Title I (A), BOOK V, Administrative Code of 1987

⁶ cf. par. 2, Sec. 59, Chapter 8, Title I (A), BOOK V, Administrative Code of 1987

⁷ cf. par. 2, Sec. 59, Chapter 8, Title I (A), BOOK V, Administrative Code of 1987

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Section 8. Effectivity. This Order shall take effect fifteen (15) days after its complete publication in the Official Gazette or a newspaper of general circulation.

The Office of National Administrative Register (ONAR) of the UP Law Center shall be provided three (3) certified copies of this CAO.


NICANOR E. FAELDON
Commissioner

 Bureau of Customs
NICANOR E. FAELDON
Commissioner


MAY 09 2017  17-03523

Approved:


CARLOS G. DOMINGUEZ III
Secretary of Finance



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