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May 02, 2022. LAW CENTER
OFFICE of the NATIONAL ADMINISTRATIVE REGISTER
Administrative Rules and Regulations
RECEIVED
AUG 04 2022
TIME: BY: *lch*

CUSTOMS MEMORANDUM ORDER
No. 21-2022

SUBJECT: Bureau of Customs Equal Opportunity Policy (BOC EOP)

Pursuant to the Civil Service Commission Memorandum Circular No. 24, s. 2016, Program to Institutionalize Meritocracy and Excellence in Human Resource Management (PRIME-HRM) Enhanced Maturity Level Indicators, this Customs Memorandum Order (CMO) establishes the guidelines and procedures in implementing Equal Opportunity Policy (EOP) in the core systems of human resource: recruitment, selection and placement, learning and development, performance management, as well as rewards and recognition.

1.0 PURPOSE

1.1 This CMO is being issued to:

- 1.1.1 Provide guidelines and procedures in providing Equal Opportunity (EO) in the four (4) core systems of human resource (HR): recruitment, selection and placement, learning and development, performance management, as well as rewards and recognition;
- 1.1.2 Ensure that the abovementioned HR systems are based on merit and fitness principle and discrimination shall be removed in personnel actions and employment decisions;
- 1.1.3 Sustain an efficient and effective human resource whose diversity on account of age, gender, disability, political affiliation, ethnicity, civil status, as well as socio-economic condition are recognized and respected.

2.0 SCOPE

This CMO shall apply to all employees of BOC and shall cover the four (4) core systems of human resource: recruitment, selection and placement, learning and development, performance management, and rewards and recognition.

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3.0 LEGAL BASES

- 3.1 **Presidential Decree 966, July 20, 1976**
"Declaring Violations of the International Convention of the Elimination of All Forms of Racial Discrimination to be Criminal Offenses and Providing Penalties Therefor"
- 3.2 **1987 Philippine Constitution (Article II Section 14)**
"The State recognizes the role of women in nation building and shall promote the fundamental equality before the law of women and men"
- 3.3 **Republic Act No. 6725, May 12, 1989**
"An Act Strengthening the Prohibition on Discrimination Against Women with Respect to Terms and Conditions of Employment, Amending for the Purpose Article One Hundred Thirty-five of the Labor Code, As Amended"
- 3.4 **CSC Memorandum Circular No. 10, s. 1989**
"Establishing the Personnel Development Committee (PDC)"
- 3.5 **CSC Memorandum Circular No. 28, s. 1990**
"Reiterating Certain Policies in the Conduct of Government Training and Development Program and Amending the Provision of CSC MC No. 9, s. 1909"
- 3.6 **Republic Act No. 7041, June 5, 1991**
"An Act Requiring Regular Publication of Existing Vacant Positions in Government Offices, Appropriating Funds Therefor and for other Purposes"
- 3.7 **Republic Act No. 7192, July 21, 1991**
"Women in Development and Nation Building Act"
- 3.8 **CSC Memorandum Circular No. 43, s. 1993**
"Streamlining and Deregulating Human Resource Development Function"
- 3.9 **Republic Act No. 7877, Anti-Sexual Harassment Act of 1995**
"An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment and for other Purposes"
- 3.10 **Republic Act No. 8371, October 29, 1997**
"An Act to Recognize, Protect and Promote the Rights of Indigenous Cultural Communities/Indigenous Peoples, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanisms, Appropriating Funds Therefor and for Other Purposes"

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- 3.11 **Republic Act No. 8972, November 7, 2000**
"The Solo Parents' Welfare Act of 2000"
- 3.12 **CSC Memorandum Circular No. 01, s. 2001**
"Program on Awards and Incentives for Service Excellence"
- 3.13 **CSC Memorandum Circular No. 2, s. 2001**
"Revised Policies on the Settlement of Grievances in the Public Sector"
- 3.14 **Republic Act No. 9262, March 8, 2004**
"Anti-Violence Against Women and Their Children Act of 2004"
- 3.15 **CSC Memorandum Circular No. 07, s. 2007**
"Program on Awards and Incentives for Service Excellence"
- 3.16 **Republic Act No. 10028, March 16, 2010**
"An Act Expanding the Promotion of the Breastfeeding, Amending for the Purpose Republic Act No. 7600, Otherwise Known as "An Act Providing Incentives to All Government and Private Health Institution with Rooming-in and Breastfeeding Practices and for Other Purposes"
- 3.17 **CSC Memorandum Circular No. 6, s. 2012**
"Guidelines in the Establishment and Implementation of Agency Strategic Performance Management System (SPMS)"
- 3.18 **CSC Memorandum Circular No. 48, s. 2013**
"Directing all Concerned Government Agencies to Adopt the Gender Equality Guidelines in the Development of their Respective Media Policies and Implementing Programs in Order to Promote Gender Mainstreaming"
- 3.19 **CSC Memorandum Circular No. 7, s. 2014**
"Encouraging Government Agencies to hire PWDs pursuant to Republic Act No. 7277"
- 3.20 **CSC Memorandum Circular No. 30, s. 2014**
"Adoption of HR Maturity Level Indicators for the Human Resource Management Systems in the Public Sector dated December 22, 2014"
- 3.21 **CSC Memorandum Circular No. 24, s. 2016**
"Program to Institutionalize Meritocracy and Excellence in Human Resource Management (PRIME-HRM) Enhanced Maturity Level Indicators"
- 3.22 **Republic Act No. 10911, July 21, 2016**
"An Act Prohibiting Discrimination Against and Any Individual in Employment on Account of Age and Providing Penalties therefor"

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4.0 DEFINITION OF TERMS

- 4.1 **Equal Opportunity Principle**– refers to non-discrimination principle which emphasizes that opportunities in employment, advancement, benefits, rewards and recognition should be accessible to all employees regardless of their age, gender, civil status, disability, pregnancy, religion, ethnicity, political affiliation, or socio-economic status.
- 4.2 **Discrimination** - refers to any distinction, exclusion or preference made based on age, gender, civil status, disability, pregnancy, religion, ethnicity, political affiliation, or socio-economic status which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
- 4.2 **Indirect Discrimination** - refers to an occurrence wherein a policy or requirement is imposed or proposed and someone with a particular attribute cannot comply with the requirement;
- 4.3 **Bullying** – refers to repeated, unreasonable behavior, can be physical or verbal, directed towards a person or group of people creating a risk to their psychological or physical health and safety;

Reasonable management actions carried out in a fair way are not bullying, such as but not limited to the following:

- a. Setting performance goals, standards, and deadlines;
 - b. Deciding not to select a worker for promotion;
 - c. Informing a worker about unsatisfactory work performance;
 - d. Informing a worker about inappropriate behavior;
 - e. Implementing organizational changes;
 - f. Allocating targets or measures to employees;
 - g. Performance management processes; and
 - h. Constructive feedback .
- 4.4 **Diverse workplace** – refers to a workplace which is composed of employees with different experiences and varying characteristics including, but not limited to, age, gender, civil status, disability, religion, ethnicity, or political affiliation;
 - 4.5 **Sexual Harassment** – refers to an act or a series of acts involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by a government employee or official in a work-related, training- or education- related environment, online as well as in streets and public spaces;

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4.6 **Specialized Group** – refers to those groups who require special attention or consideration from the Bureau, such as but not limited to the following:

- a. Pregnant Women;
- b. Solo Parents;
- c. Senior Citizens;
- d. Differently-abled Persons;
- e. Indigenous Peoples; and
- f. Others that may be administered by BOC

5.0 ACTS OF DISCRIMINATION

The following are categorized as acts of discrimination:

- 5.1 Decline any employment application because of the individual's age, religion, sex, sexual orientation and gender identity, civil status, disability, ethnicity and/or other factors which have the effect of impairing equality of opportunity;
- 5.2 Using qualification standards, employment tests, or other selection criteria that screen out a person with disability;
- 5.3 Deny promotion, training opportunities, study and scholarship grants, solely on account of the concerned employees' age, gender, civil status, disability, pregnancy, religion, ethnicity, political affiliation, or socio-economic status;
- 5.4 Discriminate against Indigenous Cultural Committees (ICC) with respect to the terms and conditions of employment on account of their ethnicity;
- 5.5 Disqualification of nominees to any rewards program on account of their age, gender, civil status, disability, pregnancy, religion, ethnicity, political affiliation, or socio-economic status;
- 5.6 Re-assignment or transfer of employees to job positions they cannot perform because of their age, disability, or health conditions;
- 5.7 The submission to or rejection of the sexual harassments is used as basis for any employment decision (including but not limited to, matters related to hiring, promotion, raises in salary, job security, benefits and any other personnel action) affecting the applicant/employee;
- 5.8 Other acts similar to the foregoing.

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6.0 GENERAL GUIDELINES

The Bureau of Customs is an advocate of Equal Opportunity Principle (EOP). It shall ensure that strategies and standards of the four (4) core HR systems: recruitment, selection, and placement, learning and development, performance management, as well as rewards and recognition adhere to and are consistent with meritorious employment practices.

6.1 Recruitment, Selection and Placement

Subject to all relevant policies in the Bureau of Customs, the Recruitment, Selection, and Placement shall be based on the merit and fitness, qualification, and competency to perform the duties responsibilities of the positions. There shall be no discrimination in the selection of employees on account of age, gender, civil status, disability, creed, ethnicity, or political affiliation.

6.1.1 Human Resource Management Division (HRMD) shall not publish and print advertisements for vacancies, in any media or internet, which suggest preferences and discrimination. Vacancy publications shall always include BOC's statement on EOP:

"This Bureau complies with the Equal Opportunity Principle (EOP) and highly encourages interested and qualified applicants regardless of age, sex, sexual orientation and gender identity, civil status, disability, religion, ethnicity, political affiliation, or socio-economic status" (2017 ORAOHRA, as amended and RA 10524)."

6.1.2 When a position in the First or Second level becomes vacant, all applicants for appointment, who are competent, qualified, and have the appropriate civil service eligibility based on the CSC-prescribed qualification standards, shall be considered for permanent appointment regardless of their age, gender, civil status, disability, pregnancy, religion, ethnicity, political affiliation, or socio-economic status;

6.1.3 HRMD shall make sure that applicants with special needs are properly informed of their schedules of technical assessment and interview; and if necessary, shall provide separate schedule and venues which are more accessible to them;

6.1.4 HRMD shall take note if there are differently-abled or senior citizen applicants so that appropriate tools and assistive devices will be provided throughout the initial and technical assessments as well as during interviews, when possible;

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- 6.1.5 BOC Central and Local Human Resource Merit Promotion and Selection Board (HRMPSB) shall be informed of the diverse status of applicants during the initial meeting and orient them
- 6.1.6 about the assistance and consideration that the BOC has accorded to the applicants who belong to specialized groups.
- 6.1.7 During HRMPSB panel interview, the HRMPSB shall only ask questions related to the applicants' suitability against the minimum qualification standards for the positions to be filled;
- 6.1.8 HRMPSB shall deliberate the fitness of applicants for hiring and promotion based on competence and qualifications to perform the duties and responsibilities which the positions entail and without regard to age, religion, sex, sexual orientation and gender identity, civil status, disability, ethnicity and or any other factors which have the effect of impairing equality of opportunity;
- 6.1.9 The HRMPSB together with the HRMD shall ensure that selection of employees for appointment in the government service shall be open to all qualified men and women according to the principle of merit and fitness. There shall be equal employment opportunity for men and women at all levels of positions in the Bureau; provided, they meet the minimum requirements of the position to be filled;
- 6.1.10 The HRMD shall maintain an information system of applicants which includes the data on classification of age, sexual orientation, gender identity, civil status, disability, religion, ethnicity, social status, income, class, political affiliation or other similar factors/personal circumstances which will be part of the monitoring mechanism for the implementation of EOP.
- 6.1.11 HRMD shall record its encounter with applicants, who are included in the specialized groups, and shall provide proper assistance to them.

6.2 Learning and Development

BOC shall ensure that all employees have equitable access to learning opportunities for their development.

6.2.1 The Interim Training and Development Division (ITDD) shall align learning and development programs to the agency's vision, mission, and mandate, specifically to intensify the BOC capacity building programs of its officials and employees.

6.2.2 ITDD shall include EOP in the orientation of the newly hired employees during the on-boarding program;

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- 6.2.3 ITDD shall ensure that all employees will be given an equal opportunity to participate to internal and external trainings, scholarships or fellowship grants/programs, depending on their job requirements, performance, accomplishments, and merit;
- 6.2.4 ITDD shall ensure that training programs, both local and foreign are open to all qualified officials and employees and shall be published through a Customs Training Circulars (CTC)/ Customs Training Memoranda;
- 6.2.5 ITDD and GAD Focal Point System (GFPS) shall develop gender and development (GAD) capacity development programs that support continuing gender education, updating and enhancing skills customized according to the functions of the GFPS, to be integrated in the regular agency Learning and Development Plan. These capacity development programs may include gender sensitivity, gender analysis, gender-responsive planning and budgeting and gender audit, among others;
- 6.2.6 ITDD shall provide necessary trainings and seminars relating to the different laws protecting the rights of the specialized groups to BOC officials and employees to raise awareness and develop their capabilities in managing diverse workforce;
- 6.2.7 All heads of the offices shall recommend employees to ITDD for training programs in accordance with the merit and fitness principle and ensure that all personnel reporting to them are properly equipped with knowledge and skills through appropriate learning and development interventions;
- 6.2.8 ITDD shall take note of training participants who are included in the specialized group (e.g solo parent, indigenous people, PWD or pregnant women etc.) during conduct of learning and development programs so that their needs will be properly addressed;
- 6.2.9 Training modules/topics, learning materials and language shall be sensitive to the needs/physical well-being of specialized groups;
- 6.2.10 Venues for trainings should be in a location where facilities for people with special needs are available.
- 6.2.11 Food provisions should consider the participants' religion or health conditions.

- 6.2.12 ITDD, in coordination with HRMD, shall monitor the learning and development interventions provided to employees and ensure

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that the trainings are in line with the objectives of the Bureau and of the employees; and

6.2.13 ITDD shall maintain an information system of employees which comprises of sex-disaggregated data, number of differently-abled employees, as well as number of employees needing adjustment in the workplace; and include analysis thereof in planning and implementation of learning and development programs.

6.3 Performance Management

BOC's performance objectives, evaluation and analysis shall be based on accomplishment and merit. The BOC shall also be more perceptive to the needs and circumstances of the employees and shall provide appropriate support to them.

6.3.1 The EOP shall be integrated in the performance strategies and tools such as the Strategic Performance Management System (SPMS).

6.3.2 The CSC-approved BOC rating scale shall strictly apply during review and evaluation of performance of personnel. Immediate superiors shall not exercise biases or give ratings based on the limitations and restrictions considered during assignment of tasks/targets to personnel belonging to specialized groups.

6.3.3 Needs of employees belonging to specialized groups or those who are recuperating from life-threatening illness/undergoing chemotherapy or radiation shall be considered during assignment of tasks and targets;

6.3.4 All heads of offices shall assign targets and performance measures to senior citizens and differently-abled staff which will not keep them from meeting their performance objectives efficiently because of their personal circumstances;

6.3.5 Pregnant employees shall be given due consideration on assignment of tasks to ensure their safety as well as that of their unborn child;

6.3.6 Assignment of tasks and/or activities shall not be in contrary with the cultural beliefs and practices of employees belonging to the Indigenous Peoples; and

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6.3.7 The BOC shall not assign targets and tasks to Solo Parent employees which will separate them from their children for a long period of time;

6.4 Rewards and Recognition

BOC shall ensure that all personnel are given equal opportunities to be recognized and rewarded for their excellent performance and achievement regardless of their age, sex, sexual orientation and gender identity, civil status, disability, creed, ethnicity, or political affiliation.

6.4.1 The Bureau of Customs Program on Awards and Incentives for Service Excellence (BOC PRAISE) Committee shall establish a system of incentives and rewards to recognize and motivate all employees for their optimum performance and best conduct;

6.4.2 All heads of offices shall only nominate staff, who are qualified based on merit and fitness principle, to be recipients of awards;

6.4.3 BOC PRAISE Committee shall ensure that nominations for incentives and rewards are open to every employee and will be based on performance, merit, as well as accomplishment, and employees belonging to the specialized group shall not be discriminated because of their limitations;

6.4.4 BOC PRAISE Committee shall make sure that every employee is rewarded and recognized according to his/her contribution to the achievement of the organization's goals and objectives;

6.4.5 HRMPSB may use rewards and recognitions awarded as reference in granting additional points during the application, assessment, and promotion process; and

6.4.6 HRMD shall allocate the 5% of its fund for the PRAISE.

7.0 ROLES AND RESPONSIBILITIES

7.1 Human Resource Management Division

a. Ensures that reasonable steps were taken to prevent discrimination, harassment, abuses, and retaliation from occurring in the workplace.

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- b. Implements this guideline and educates personnel about inappropriate behavior, enforce grievance procedures and monitors compliance by all employees;

7.2 Employees

- a. Employees shall ensure that they don't discriminate, harass, bully, abuse and retaliate against other employees in the workplace;
- b. Employees shall be aware that they can be held legally responsible for their unlawful acts or the acts of others on their behalf;
- c. Employees who shall assist or encourage inappropriate acts such as bullying or harassment shall be held liable;
- d. Employees shall report any incidents or suspected incidents to their immediate supervisors.

7.3 Heads of Offices

- a. All heads of office shall ensure that inappropriate workplace behavior is prevented.
- b. All heads of office shall not engage in discrimination against, harassment, bullying, abuse or retaliation against employees.
- c. All heads of office shall ensure that all their subordinates understand and implement this policy and ensure that an appropriate work culture is maintained.

8.0 DISSEMINATION AND IMPLEMENTATION

The HRMD and all Heads of Office shall ensure the proper dissemination of the guidelines and provisions of this policy.

Complaints involving the implementation of the Equal Opportunity Principle or conduct of any personnel deemed discriminatory shall be dealt with in sensitive and confidential manner.

All formal complaints shall be dealt with through the Grievance Mechanism, the Committee on Decorum and Investigation (CODI) of Sexual Harassment Cases, or the Revised Rules on Administrative Cases in the Civil Service, as the case may be.

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9.0 SEPARABILITY CLAUSE

If, for any reason, any provision of this CMO is held to be unconstitutional or invalid, other sections or provisions hereof which are not affected thereby shall continue to be in effect.

10.0 REPEALING CLAUSE

All previous issuances inconsistent with these guidelines are hereby repealed accordingly.

11.0 EFFECTIVITY

This policy shall take effect immediately until amended, repealed, or superseded.

REY LEONARDO B. GUERRERO
Commissioner



BOC-03-15472

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Civil Service Commission National Capital Region

27 June 2022

DEPUTY COMMISSIONER DONATO B. SAN JOSE — *JUAN*
Internal Administration Group
Bureau of Customs
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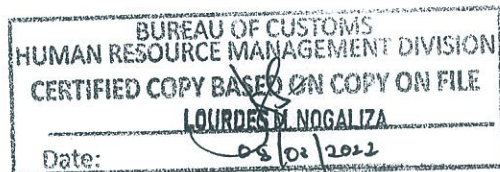
Dear **Deputy Commissioner San Jose**:

We acknowledge receipt of the Bureau of Customs Equal Opportunity Policy (EOP) in accordance with Civil Service Commission Memorandum Circular No. 27, 2016.

The Civil Service Commission-National Capital Region notes and appreciates the Bureau's support to the Program to Institutionalized Meritocracy and Excellence in Human Resource Management (PRIME-HRM) and we look forward to your achievement of the highest PRIME-HRM Maturity Level.

Very truly yours,

Judith A. Dongallo-Chicano
JUDITH A. DONGALLO-CHICANO
Director IV



Bawat Kawani, Lingkod Bayani