

CUSTOMS MEMORANDUM ORDER

NO. 25-2010

TO: All Bureau Officials and Employees
SUBJECT: BOC-FUNCTION-SPECIFIC CODE OF CONDUCT

In line with the BOC Integrity Action Plan pursuant to CMO-23-2008 dated April 25, 2008 and the Integrity Development Action Plan initiated by the Presidential Anti-Graft Commission; the Bureau of Customs hereby promulgates the BOC Function-Specific Code of Conduct.

I.OBJECTIVE

1. To implement a function-specific code of conduct and rules of ethics for Customs officials and employees including gifts policy, conflict of interest, whistleblowing nepotism and complaint handling, and table of offenses and rewards.
2. To uphold the highest standards of professionalism, integrity, transparency, accountability, consistency, and simplicity throughout the Bureau of Customs.
3. To establish a system of rewards and incentives which shall motivate, inspire, and encourage Customs personnel to uphold the highest standards of ethics in customs service.
4. To impose disciplinary action/s against Customs officials and personnel for violations of the code of conduct subject to existing civil service rules on administrative cases.
5. To ensure that all Customs officials and employees shall certify that they have received, read and understood the provisions of the BOC Function-Specific Code of Conduct.

II.SCOPE

This Code of Conduct shall apply to all officials and employees of the Bureau of Customs, permanent, casual and co-terminous, including, but not limited to, the Commissioner and Deputy Commissioner.

III. SIGNING OF THE CODE OF CONDUCT

The Interim Training and Development Division shall conduct a briefing for Customs officials and employees on the provisions of this Code after which they shall be required to sign a certification that they have received, read and understood the provisions of the BOC Function-Specific Code of Conduct which shall form part of their 201 files.

IV. CREATION AND FUNCTIONS OF THE GRIEVANCE COMMITTEE

Pursuant to Section 6 and 7, Grievance Mechanism (appendix C) of the BOC Function-Specific Code of Conduct, a two-tier Grievance Committee is hereby created which shall be composed of the following:

A. CENTRAL GRIEVANCE COMMITTEE

Chairperson - Deputy Commissioner, Internal Administration Group

Members - Director, Administration Office
- Chief, Ruling & Research Division
- Two Representatives of the District Port/Service where the grievance originated
- One representative each from BOCEA and CURE

Secretariat - Chief, HRMD and designated staff

B. Local Grievance Committee

Chairperson - District Collector of the port concerned

Vice Chairperson - Deputy Collector for Administration

Members - One member from BOCEA/CURE
- Two representatives from the rank and file chosen by both parties
- One representative from Law Division of the port or if none, from a lawyer in Legal Service

Secretariat - Staff from Administrative Division of the port

C. Functions of the Grievance Committees

1. To prevent grievances, develop and implement pro-active measures or activities, such as employee assembly which shall be conducted at least once every quarter, talakayan, counseling and other HRM interventions. Minutes of the proceedings of these activities shall be documented for audit purposes.

2. Conduct continuing information drive on Grievance Machinery among officials and employees in collaboration with the personnel unit.

3. Conduct dialogue between and among the parties involved.

4. Conduct an investigation and hearing within ten (10) working days from receipt of grievance and render decision within five (5) working days after the investigation.

5. Direct the documentation of the grievance including the preparation and signing of written agreements reached by the parties.

6. Issue Certification on the Final Action on the Grievance (CFAG). This is a certification that contains the history and final action taken by the Bureau on the grievance.

7. Submit a quarterly report of accomplishments and status unresolved grievances to the Civil Service Commission.

In order to perform these functions, the Grievance Committee shall establish and formulate its internal procedures consistent with the Code and other relevant rules and regulations.

V. EFFECTIVITY

The BOC Function-Specific Code of Conduct shall take effect immediately.

NAPOLEON L. MORALES
Commissioner

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Title I
GENERAL ETHICAL PROVISIONS

Section 1. DECLARATION OF POLICY

Public office is a public trust. All public officials 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.

Section 2. PUBLIC ACCOUNTABILITY

Every Customs official and employee, **MUST**:

- 2.1.** Uphold the Constitution, laws and regulations of the Republic of the Philippines.
- 2.2.** Refrain from doing acts contrary to law, good morals, good custom, public policy, public order, public safety and public interest.
- 2.3.** Extend prompt, courteous and efficient service to the public.
- 2.4.** Act with honesty, impartiality and efficiency and perform their duties to the best of their ability, with skill, fairness and understanding, having regard only for the public interest.
- 2.5.** Commit to the democratic way of life and maintain the principle of public accountability.
- 2.6.** Lead modest life appropriate to his position and income and shall not indulge in extravagant or ostentatious display of wealth in any form.
- 2.7.** Act in a manner that will ensure the promotion of public confidence in the integrity of the Bureau and impartiality of his office.
- 2.8.** Adhere to the vision, mission and goals of the Bureau of Customs in all policy recommendations and decisions, government resources and powers to avoid wastage public funds and revenues.
- 2.9.** Use efficiently, effectively, honestly and economically government resources and powers to avoid wastage in public funds and revenues
- 2.10.** Give a full day's labor for a full day's pay, performing their duties with utmost efficiency and best thought. He should strictly observe the eight-hour workday period and avoid tardiness. He must accomplish and submit the required Daily Time Record within the period provided by law, rules and regulations.
- 2.11.** Take appropriate and immediate action upon knowledge of a subordinates' or superior's violation of laws, rules and regulations and this Code.

Section 3. TRANSPARENCY OF POLICIES; INFORMATION DISSEMINATION

- 3.1.** A Customs official or employee is duty-bound to provide information on policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policies, rules and procedures.
- 3.2.** A Customs official or employee is mandated to grant access to documents and/or disclose information only in accordance with the law, Customs rules and regulations and this Code.
- 3.3.** Transparency in the procurement of goods and services shall be observed at all times. Copies of all contracts/agreements entered into for such purpose/s must be provided to the proper office/s within the prescribed period.

3.4. A Customs official or employee should refrain from making any comment that will paint a negative image of the Bureau.

Section 4. CONFIDENTIALITY OF INFORMATION AND DOCUMENTS

A Customs official or employee shall not divulge, confidential or classified information, documents and records stored electronically or manually, known to him by reason of his office, whether to further his private interest; or give undue advantage to anyone; or prejudice public interest.

- 4.1.** Protect the confidentiality and security of documents or evidence for which he is responsible or of which he became aware of by reason of his office.
- 4.2.** Not divulge to any party confidential information acquired in the course of the performance of his official duty even after his separation, resignation or retirement from the Bureau.
- 4.3.** Not utilize information gained from confidential records, to take advantage of a person, whether for his own benefit or for the benefit of others.
- 4.4.** Not release or communicate classified information unless authorized by proper authority.

Section 5. SAFEKEEPING OF DOCUMENTS AND EVIDENCE

- 5.1.** Secure documents and evidence in his actual possession and ensure that the documents are stored in a safe place.
- 5.2.** Not alter, falsify, destroy or mutilate any record within his control.
- 5.3.** Adhere to the Commission on Audit (COA) and the National Archives of the Philippines' rules and regulations on proper records disposal.

Section 6. POLITICAL, SOCIAL AND OTHER PRESSURES

A customs official or employee should not allow political social, family or other relations to influence the exercise of functions or the implementation of customs laws and policies. His positions should not be used or lent to advance his or other's political or social interest, nor convey or permit others to convey the impression that the latter is in a special position to influence him. He **MUST NOT**:

- 6.1.** Allow himself to be put, or appear to be put in a position of obligation to return a favor to any person or body, nor should his conduct in his official capacity or private life make him susceptible to improper influence of others.
- 6.2.** Dispense or extend undue favors, on account of his office, to his relatives except with respect to appointments in office to positions considered strictly confidential or as members of his personal staff whose terms are co-terminus with him.
- 6.3** Hesitate to report, either verbally or in writing, to his immediate superior any incident of political pressure which affects or would affect the exercise of his functions or the discharge of his duties.

Section 7. NEPOTISM

7.1. (a) All appointments made in favor of a relative of the appointing or recommending authority, or of the chief of the bureau or office, or of the persons exercising immediate supervision over him, are hereby prohibited.

As used in this Section, the word "relative" and members of the family referred to are those related within the third degree either of consanguinity or of affinity.

(b) Persons employed in a confidential capacity are exempted from the operation of the rules on nepotism. Provided, however, that in this particular instance full report of such appointment shall be made to the Civil Service Commission.

The restriction mentioned in subsection (7.1.a.) shall not be applicable to the case of a member of any family who, after his or her appointment to any position in an office or bureau, contracts marriage with someone in the same office or bureau, in which event the employment or retention therein of both husband and wife may be allowed.

(c) In order to give immediate effect to the foregoing provisions, cases of previous appointments which are in contravention hereof shall be corrected by transfer, and pending such transfer, no promotion or salary increase shall be allowed in favor of the relative or relatives who were appointed in violation of these provisions.

7.2. No employee may be reassigned/designated/promoted/hired to an office/division/port where the immediate and next immediate supervisor is a relative of the applicant up to the 3rd civil degree, either by affinity or consanguinity. Hence, the concerned employee shall attach to his application for reassignment/designation/promotion/employment a certification under oath stating this fact subject to validation by the HRMD/Administrative Division.

Section 8. PUBLIC/WORKING RELATIONS

A customs official or employee must, at all times, discharge his duties faithfully and efficiently, respecting the rights of the public, his colleagues, subordinates and staff. He **MUST**:

8.1. Be courteous both in his relations with the public, his colleagues, subordinates, and staff.

8.2. Perform his duties with due deference and respect to the performance of functions of his colleagues, subordinate and staff and shall not interfere or intrude therein unless his function requires him to do so.

8.3. Respect the privacy of his colleagues, subordinates and staff

8.4. Not endanger or cause unreasonable distress to the public, his colleagues, subordinates or staff, or disrupt the workplace in any way other than through lawful intervention.

8.5. Perform his duties without allowing workplace or personal relationships to adversely affect him.

8.6. Neither refuse to perform the work assigned to him nor refuse to obey a lawful order of his superior.

8.7. Maintain open channels of communication with staff. He must encourage and maintain equality and professionalism.

8.8. Not discriminate against or favor the public, his colleagues, subordinates and staff by reason of affiliation in an organization, sex or sexual orientation, color, race, ethnic origin, age, religious belief, disability, marital status or family responsibilities.

8.9. Not utilize, in the guise of a superior's directive, his subordinates for personal matters.

8.10. Not utilize or engage the services of persons or group of persons who are not organic personnel or have no existing contract of service with the Bureau to perform his functions and responsibilities or the function and responsibilities of a Bureau staff. This prohibition includes the use of "haoshiao".

8.11. Not engage in plagiarism, in the preparation of reports, research papers and studies.

Section 9. CONFLICT OF INTEREST

A customs official must avoid conflict of interest, as defined under Republic Act 6713, (The Code of Conduct and Ethical Standards for Public Officials and Employees), at all times. He **MUST NOT**:

9.1. Engage in any business or financial transaction with a broker, importer, exporter, his representative, or any group or association thereof, under circumstances which might reasonably be construed as influencing or improperly relating to the performance of his duties.

9.2. Directly or indirectly have any financial or material interest in any transaction requiring the approval of the Bureau.

9.3. Recommend any person to any position in a private enterprise which has a regular or pending official transaction with the Bureau.

9.4. Own, manage or accept employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised, or licensed by the Bureau unless expressly allowed by law. This prohibition shall continue to apply within one (1) year from his retirement, resignation, or separation from office. When a conflict of interest arises, a customs official or employee shall resign from his position in any private business enterprise within thirty (30) days from his assumption of office and/or divest himself of his shareholdings or interest within sixty (60) days from such assumption.

The same rule shall apply where the customs official or employee is a partner in a partnership.

The requirement of divestment shall not apply to those who serve in an honorary capacity nor casual or temporary workers.

Section 10. PRACTICE OF PROFESSION

Unless authorized by law and the Commissioner of Customs a customs official or employee cannot engage in the practice of his profession, carry on or conduct any business related to his profession, or engage in any other business, trade, profession or occupation for gain that have direct or indirect transactions or dealings with the Bureau.

Section 11. POLICY ON GIFTS

The rules on the solicitation, acceptance, giving or receipt of gifts by Customs officials or employees shall be that which is provided in **Appendix "A"** of this Code.

Section 12. WHISTLEBLOWING

A customs official or employee is encouraged to expose/report any incident of corruption to any of the following:

- a. His immediate superior
- b. His Director
- c. His Deputy Commissioner
- d. His Commissioner
- e. The Chief, Internal Inquiry and Prosecution Division
- f. The Presidential Anti-Graft Commission
- g. The office of the Ombudsman
- h. Any other office or agency authorized to received reports complaints of corruption

The rules of procedure on internal whistleblowing and reporting is provided in **Appendix "B"** of this Code.

Section 13. USE OF WORKSTATIONS, COMPUTERS AND OTHER OFFICE EQUIPMENTS

In the performance of official function/s, the following rules shall be strictly implemented:

13.1. Servers, workstations, printers and other related equipment shall be accessed/ used by authorized personnel only. Access to servers and applications shall be regulated by valid access accounts.

13.2. Disclosure of personal passwords to anybody as well as usage of password by unauthorized personnel is prohibited. Both the password owner and person using the same without authority shall be penalized.

13.3. In performing official business, the personnel are encouraged to use officially-designated email accounts.

13.4. Only officially-issued thumb (flash) drives, diskettes and other mobile storage devices shall be used for data transport.

13.5. Downloading of any application/program shall be prohibited. All applications required by an office shall be requested officially.

13.6. Video streaming and downloading of songs, instrumentals or any musical-related works shall be prohibited

13.7. Access to website or search engines with sexual or terrorism-oriented content is prohibited.

13.8. Use of chat engines is allowed only for official communication needs.

Title II DEFINITION OF TERMS

Unless specifically provided herein, the words or terminologies in this Code shall be understood in their ordinary meaning.

Section 1. NEPOTISM - a situation where appointments or recommendations for a position or designation or transfer are made in favor of a relative of the appointing or recommending authority, or of the chief of the bureau or office, or of the person exercising immediate supervision over the appointee. As used in this definition, the word "relative" refer to those related to the appointing authority within the third degree either of consanguinity or of affinity.

Section 2. HAOSHIAO - refers to any person purporting to be a customs employee and performing functions of Bureau of Customs personnel, whether or not under the direction or with the permission of BOC officials/employees.

Section 3. OPEN-CLOSE EXAMINATION - Act of examining shipments which are still inside the container by merely peeking and/or opening and immediately closing the container.

Section 4. TABLE EXAMINATION - Mere examination of documents instead of actual physical examination of the shipment/cargo.

Section 5. LAWYERING - Performing or doing legal work or action that would benefit the importer, exporter, broker or other stakeholder, whether or not the work or action requires the intervention of his office.

Section 6. EXTORTION- Illegal use of one's official position or power to obtain property, funds, or patronage.

Title III SPECIFIC ETHICAL PROVISIONS

In addition to the General Ethical Standards provided in this Code, the following shall govern the conduct of Customs officials and employees performing official functions, as follows:

A. ASSESSMENT

A customs official or employee performing assessment functions such as those assigned in offices or units under the Office of the Deputy Commissioner for Assessment and Operation Coordinating Group, Deputy Collector for Assessment, Entry Processing Units, Formal Entry Division, Informal Entry Division Warehousing Assessment Division, Bonds Division, Collection Division, Liquidation Billing Division, and other offices with similar functions, **MUST:**

Section 1. Ensure that the processing of amendments, if any, to the inward foreign manifest is in accordance with existing rules and regulations.

Section 2. Not sign or stamp his name in the IEIRD/IED when the documents attached to the entry for processing are falsified and incomplete.

Section 3. Ensure that the individual assignment of appraiser and examiner are done through a system that will assure every employee the chance of getting an assignment fairly and equitably.

Section 4. Diligently and strictly check and verify the entry declarations and documents of importations, and ensure that the required documents attached to the entry are complete. Likewise, a customs official or employee should determine with utmost care that the statements and declarations on the IEIRD/IED matches with the data indicated in the attached documents and the inward foreign manifest.

Section 5. Maintain, at all times, records of entries for processing and entries which are already processed. Section 6. Strictly examine, appraise and classify imported articles and ensure the proper assessment of customs duties, taxes and other charges.

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Section 7. Assign the entry for processing to the designated section.

Section 8. Process only those entries assigned to his section.

Section 9. Perform the necessary physical examination not only on shipments selected "red" but also on shipments required to be examined pursuant to existing laws, rules and regulations. "Open-close" and "table" examinations relative to the stated shipments are not sufficient examinations as contemplated in this section.

Section 10. Subject the shipment for x-ray examination when the rules and regulations provides for such examination.

Section 11. Not submit or attempt to submit unlawfully altered examiner's/appraiser's return or report, to benefit himself or any other person.

Section 12. Not falsely declare or allege to importers or other stakeholders that their import documents are questionable, for purposes of extorting money.

Section 13. Expeditiously issue matching-prompt transmittal to the proper office.

Section 14. Ensure the expeditious liquidation of bonds; maintain records on unliquidated/due and demandable bonds; and recommend the filing of appropriate case(s) against bonding/ insurance companies that failed to comply with the conditions of the bond.

Section 15. Not renew accreditations of delinquent bonding companies.

B. OPERATIONS

A customs official or employee performing operations functions such as those assigned in offices or units under the Office of the Deputy Commissioner for Assessment and Operations Coordinating Group and its Services and Divisions, the Office of the Deputy Collector for Operations, Piers and Inspection Division, Customs Container and Control Division, Aircraft Operations Division, Customs Duty-Free Shops Division, Auction and Cargo Disposal Division, Export Division, Customs Bonded Warehouse Division, Customs Accreditation Secretariat, and other offices with similar functions, **MUST:**

Section 1. Supervise the discharging of imported shipmen goods and the loading of goods for export and ensure that same matches the inward foreign manifest and the outward fore manifest. He shall not accept questionable and/or incomplete documents. Incomplete documents shall refer, but is not limited, to submitted documents which do not bear the signature of the master of the vessel or aircraft or without the Crew List, Store List, General Declaration, Drugs and Ammunitions List, Dangerous Cargo List, Health Clearances, and other documents required by the law, rules and regulations to be submitted.

Section 2. Ensure that the goods for transshipment are intact until it reaches final destination. A customs employee, under-guarding the goods, must see to it that during transit the seal/package is not tampered. He shall neither abandon his assigned post, nor engage in unauthorized activities, such as gambling or drinking alcoholic beverages while waiting for guard duties.

Section 3. Ensure compliance with the rules and regulations of duty free shopping at all times. He should not allow the purchase of goods by unqualified buyers. He should not permit the illegal withdrawal of goods from Duty Free Shops.

Section 4. Determine the correct value of goods that are for auction or other forms of disposal to ensure maximum profit for the government.

Section 5. Ensure the integrity of the auction processes. A customs employee assigned thereon must not perform any act that would give the impression of giving undue favor to a bidder. He shall give each bidder only one bidding sample. He should not allow unqualified bidder to participate in biddings. He shall immediately conduct biddings and refrain from incurring delay in the conduct of the same. Unjustified delay in the conduct of bidding is presumed intentional if it results in the depreciation of the goods as shown by the rock bottom floor prices of the goods and/or a resort to negotiated sale. When a shipment has been declared abandoned, upon expiration of the period provided in the TCCP, auction thereof must be immediately conducted to ensure that sale price is maximized.

Section 6. Ensure the integrity of export processes. A customs employee assigned thereon must supervise the stuffing/packing of goods/shipments for export. He shall verify actual goods against export declaration. They shall neither allow unauthorized illegal or undeclared items to be included in packages for export nor allow paper exportations.

Section 7. Ensure the integrity of warehousing processes. A customs employee assigned thereon must ascertain that the goods under his watch are intact and undamaged. He must not allow the illegal/unauthorized withdrawal of goods from warehouses. He in should ensure that wastages are properly assessed.

Section 8. Ensure that imported raw materials are actually being processed at manufacturing warehouses. He should not allow the diversion of goods, whether raw materials or finished product, entered under warehousing, to the local market. Collusion with importers/exporters in the commission of fraudulent/illegal acts mentioned herein shall constitute grave misconduct.

Section 9. Not submit or attempt to submit inaccurate or false liquidation documents.

Section 10. Immediately report to the proper official or employee unmanifested cargo or cargo with security and safety risk.

Section 11. Not issue boat notes when the shipments appear to be questionable. A customs employee assigned thereon must monitor boat notes issued by him. He shall see to it that the duly received boat notes must be returned to him within the required period. He must immediately report, to the designated official or office, for verification, any issued boat note which is still outstanding beyond the mandatory period.

Section 12. Not permit diversion of goods covered by a boat note, unless otherwise allowed by existing laws, rules of regulations.

Section 13. Not abandon or leave his post without due replacement or clearance.

Section 14. Not accept or process application for accreditation either falsified/tampered/expired or of dubious source. A customs With incomplete documents or documents which are or might s employee must not recommend the approval of application for accreditation with incomplete or falsified/tampered/expired documents or with any derogatory report(s). He must not accept or extort money in exchange for favorable action on the application.

Section 15. Not submit false accreditation inspector's report or report contrary to the inspector's findings. A customs employee/inspector must not accept or extort money in exchange for favorable action on the application.

Section 16. Not manipulate or hack the Client Profile Registration System. A customs employee must not encode false or untruthful entries of applicants for accreditation to the computer system.

Section 17. Not approve the application for accreditation of brokers and importers despite the latter's non-qualification.

Section 18. Not withhold or delay the release of Certificate of Accreditation for purposes of extorting money.

C. INTELLIGENCE AND ENFORCEMENT

A customs official or employee performing intelligence and enforcement functions such as those assigned in the Office of the Deputy Commissioner for Intelligence, Office of the Deputy Commissioner for Investigation Service and its Divisions, Enforcement and Security Service and its Divisions, Container X-Ray Inspection Group, and other offices with similar functions, **MUST:**

Section 1. Strictly comply with the "no-contact" policy with the subject of the investigation during the course of intelligence information gathering.

Section 2. Be discreet in gathering raw data and or intelligence information.

Section 3. Be impartial and independent in the conduct of background investigation on all applicants and employees of the Bureau.

Section 4. Conduct the investigation and issue his report without delay and within the period provided under existing rules and regulations.

Section 5. Not employ verbal or physical abuse in the conduct of investigation.

Section 6. Not alter or adjust the finding of the investigative so as to favor or give undue advantage to the subject thereof

Section 7. Not use intelligence information as a tool for extortion. Any information obtained, through intelligence information gathering, background investigation or such other mode allowed the law, rules or regulations shall not be utilize for harassment.

Section 8. Disclose all information gathered in the investigation to his immediate superior.

Section 9. Perform his mandate to maintain peace and order secure buildings and establishments within the Bureau's premises throughout the various ports in the country, with utmost care and dedication and with consideration to human dignity.

Section 10. Be polite and courteous in dealing with employees and stakeholders and shall enforce Bureau policies, rules and regulations equally to all those entering the Bureau premises.

Section 11. Not leave his post while on duty. He is likewise prohibited from drinking alcoholic beverages, playing card games of gambling while within Bureau of Customs premises, even if already out of duty.

Section 12. Not issue alert or hold order absent any clear specific violation of the Tariff and Customs Code of the Philippines (TCCP) as amended and or any other laws, rules and regulations

Section 13. Not use or abuse his authority for purposes d harassing the transacting public. In the service of warrants, he shall use only necessary force and shall not employ tactics that would undermine the public's perception of the Bureau.

D. PASSENGER SERVICE

A customs official or employee performing passenger service functions such as those assigned in the Office of Deputy Collector for Passenger Services, Departure Operations Division, Arrival Operations Division, Baggage Assistance Division, and other offices with similar functions, **MUST:**

Section 1. Be presentable and well-groomed at all times before reporting for duty; wear the uniform properly and with dignity; ensure that he is physically and psychologically fit in serving the public every time they report for work.

Section 2. Refrain from exhibiting improper decorum in the performance of their duties particularly in performing action that calls/attracts the attention of passenger.

Section 3. Exercise maximum tolerance in dealing with argumentative, irate clientele.

Section 4. Treat all passengers fairly regardless of whether they be very important persons (VIP) with escorts and/or liaison officers.

Section 5. Refrain from making any official comment to the media about incidents/aspects of government or ministerial policy or its implementation unless authorized by the Commissioner/District Collector for him to make such comment.

E. INFORMATION AND COMMUNICATIONS TECHNOLOGY

A customs official or employee performing information and communications technology functions, such as those assigned in the Management and Information Systems and Technology Group and its Services and Divisions, and other offices with similar functions, **MUST:**

Section 1. Ensure the integrity of electronically stored data. Data manipulation or tampering, whether or not it benefited the person who committed the act or another person with dealings in Customs, shall be considered as grave offense subject to penalty/ies hereinafter provided.

Section 2. Desist from bringing in and out in secured or restricted premises (such as ICT/MISTG building) devices such as disc or any other related hardware components, whether personal or official.

Section 3. Not install and/or connect any kind of Hardware device or its part/s to BOC- issued computers without proper clearance from concerned official/s.

The following specific acts involving Software/s shall also be prohibited:

3.1. Installation/use of pirated/unlicensed software in Bureau-issued computers.

3.2. Illegal or unauthorized copying, distribution and selling of licensed/copyrighted software owned by the Bureau.

3.3. Illegal or unauthorized installation of obscene, violent or malicious software, games or applications in any form and kind.

3.4. Any act that may be considered misuse/abuse of access privilege given for the use of licensed/copyrighted software owned by the Bureau.

3.5. Unauthorized installation, use, upgrade of the systems and/or software with intention to share, record, transmit, alter, delete, or in any way alter information from any systems. Reactivation/deactivation must be with proper authority/clearance from proper office.

Section 4. Not intentionally or maliciously change/alter the selectivity system to the prejudice of the government/public, brokers, importers or other stakeholders; or, for the purpose of extortion.

Section 5. Not commit any act tantamount to hacking and/or unauthorized access or viewing of data in computers belonging, assigned or appropriated to someone else.

Section 6. Install and/or use so-called "back-up" computer programs/devices, as well as off-site back-up facilities only to ensure retrieval of necessary/important data. The same shall be subject to regular monitoring by the proper office to ensure that it will not be utilized for unofficial or illegal purpose/s.

Section 7. In the allocation of computers to BOC offices, accord principal consideration to the functional requirements of the particular office, to avoid perception of bias or partiality.

Section 8. Adhere to the Bureau's and Commission on Audit rules and regulations on equipment inventory, procurement, issuance and condemnation.

F. LEGAL

A customs official or employee performing legal functions, such as those assigned in the Revenue Collection and Monitoring Group (RCMG) specifically the Legal Service, in the Law Divisions/Units in various ports, and other offices with similar functions, **MUST:**

Section 1. Act with dispatch on request for opinions/rulings, claims, and/or resolve complaints, petitions, cases on appeal or automatic review, within the period provided by the law, rules and regulations.

Section 2. Accord parties/claimants full right to be heard according to law, and, except as authorized by law, neither initiate nor consider ex parte a pending proceeding.

Section 3. Not recommend or suggest, specifically or by implication, to an importer/exporter/broker or other stakeholders, a lawyer, broker, accountant or law firm or brokerage company or accountant or broker to represent the former on any matter before his office or any other office in the Bureau.

Section 4. Not prepare pleadings or assist an importer/exporter/broker or other stakeholder, in any manner that would be tantamount to lawyering.

Section 5. Include/discuss in their resolution/decision the relevant facts of the case and the applicable law, rules and regulations used as basis therein.

Section 6. Be patient, dignified and courteous to parties/ claimants and other persons subject to their direction and control

Section 7. Immediately respond and/or act on orders or directives issued by courts, ports, other offices and agencies. This includes appearance/attendance of hearings.

Section 8. Timely prepare and submit pleadings and such other document or evidence required by the courts, other offices or agencies.

Section 9. Actively prosecute cases assigned to him. Failure, without just cause, to appear or represent the Bureau, or submit pleadings resulting to dismissal by default shall be considered inefficiency and incompetence in the performance of official duties.

Section 10. Ensure the integrity and security of official documents and evidence in his actual possession. In case of omission/failure to produce such documents/evidence, the employee concerned shall be liable for infidelity in the custody of documents and gross neglect of duty.

Section 11. Not connive with importers, brokers, exporters and stakeholders in securing favorable resolution with their cases claims and request.

Section 12. Not engage in hostile or outrageous behaviour when appearing in courts, ports, units, or such other offices or agencies.

G. AUDIT

A customs official or employee performing audit functions such as Post Entry Audit Group, Warehousing Audit and Monitoring Unit, Bonds Audit, Liquidation and Assessment Audit Division, Internal Control Office and other offices with similar functions, **MUST:**

Section 1. Observe the Post Entry Audit Group's dress code, i.e., business attire, except in cases of onsite audit in warehouses or factories, in which case the use of attire appropriate under the circumstances is required. He is required to wear his Bureau identification card, at all times, within the premises of his work area or the auditee's premises.

Section 2. Conduct periodic audit and submit timely reports as required by existing regulations. The integrity of the audit report must be ensured at all times.

Section 3. Conduct field audit only when authorized by, or pursuant to a valid Mission Order/Audit Notification Letter issued by the proper authority.

Section 4. Carry out audit examinations and/or business matters only at the office or at the auditee's premises and during official hours, unless otherwise justified by extraordinary circumstances.

Section 5. Respect the confidentiality of information of the importer's affairs acquired in the course of audit, unless specific authority has been given to disclose information or there is a legal or professional duty to disclose.

Section 6. Ensure that information acquired in the course of audit is not used for personal advantage or for the advantage of third parties;

Section 7. Not demand money or any thing of value in exchange for withholding or suppression of unfavorable audit findings and/or incriminating supporting documents. The same will apply for non-performance of audit on stakeholders, when the same was made in exchange for monetary consideration or any thing of value.

Section 8. Demand and collect the correct taxes and duties. He shall demand from affected stakeholders only what is authorized by law.

Section 9. Disclose to his immediate superior all conflicts of interest, i.e. relationship to the importer/broker subject of his audit.

Section 10. Be truthful in his declaration of his whereabouts and hours of work.

Section 11. Observe the established security regulations on custodianship of records and property. He shall avoid the use of government property/supplies/ equipment for personal gain.

Section 12. Ensure the effective implementation of the systems, procedures and manual of operations of respective BOC offices.

H. ADMINISTRATIVE

Customs officials or employee performing administrative functions such as those assigned at the Office of the Deputy Commissioner for Internal Administration Group, Administration Resources Office, Financial Management Office, Human Management Division, Medical and Dental Division, Accounting Division, Budget Division Planning and Policy Research Division, International Affairs Office, General Services Division, Central Records Management Division, Public Information and Assistance Division, Administrative Division, Bids and Awards Committee Members and other offices with similar functions, **MUST:**

Section 1. Strictly monitor the implementation of contracts specifically on quality, quantity and testing requirements.

Section 2. Check that validity of payment of billings always accurate, complete, and in full compliance with all rules and regulations, including time and cost allocations, He shall see to it that all records are properly duplicated for safekeeping.

Section 3. Strictly monitor the use/disbursements of funds. He should endeavor to comply with the austerity measures of the government and the conservation of government resources. He should strictly implement all budgetary rules and regulations pertaining to utilization/disbursements of appropriations.

Section 4. Issue only truthful, accurate and complete certifications.

Section 5. Exhibit transparency to all applicants for hiring or promotion and treat them fairly,

Section 6. Strictly monitor and maintain the Bureau's existing resources. He should have proper documentation and accounting of properties issued. He should effectively implement a distribution mechanism in the use of supplies and materials for a timely delivery.

Section 7. Conduct continuing information campaign to promote a positive image of the Bureau, specifically on anti- corruption, anti-smuggling, and revenue collection with submission of a quarterly progress report to the proper office. He should be truthful, accurate, and avoid misrepresentation of facts.

Section 8. Strictly adhere to existing training regulations on the evaluation and selection of trainees both local and foreign with the end that all Customs officials and employees will be given equal opportunity to avail of such trainings.

Section 9. Accord fair treatment to Customs officials and employees, their heirs or representatives in the processing of claims for retirement benefits, monetization of leave credits and other personnel benefits.

Section 10. Adhere to Commission on Audit rules and regulations and the National Archives of the Philippines pertaining to records disposal.

Section 11. Procure only commonly used medicines, supplies and material. Procurement of special medicines, supplies and materials should always be with prior approval of the appropriate supervisor of the requesting office/division.

Section 12. Strictly implement the policy that medical service including the dispensation of medicines, can be availed of by all Bureau employees and officials without discrimination as to rank position or other considerations.

Section 13. Comply with the provisions of Republic Act 9184 (Government Procurement Act) and relevant laws, rules and regulations on procurement. He must not engage in any outside affiliations with competitors, customers or suppliers. He shall never divulge confidential bid information. He should disclose to Bids and Awards Committee (BAC) members the presence of friends who participate in the bidding process.

Section 14. Not utilize information gained from confidential records to take advantage of a person. He is not allowed to release or communicate classified information.

Section 15. Not issue certificates for trainings not completed or attended.

Section 16. Not alter, falsify, destroy or mutilate any record within their control.

Section 17. Not use government funds for personal or financial gain. He shall immediately liquidate cash advances and/or remit to authorized depository bank/s within the period provided by law, rules and regulations.

Section 18. Not utilize medical/dental facilities, or one facilities for personal or private practice.

Title IV OFFENSES AND THEIR CORRESPONDING FACILITIES

Section 1. Administrative offenses with their corresponding penalties are classified into grave, less grave and light depending on the gravity of their nature and effects on government service.

Section 2. The following are Grave Offenses with their corresponding penalties.

Offense	Penalty
Dishonesty	1 st Offense – Dismissal
Gross neglect of duty	1 st Offense – Dismissal
Grave misconduct	1 st Offense – Dismissal
Being notoriously undesirable	1 st Offense – Dismissal
Conviction of a crime involving moral turpitude	1 st Offense – Dismissal
Falsification of official document	1 st Offense – Dismissal
Physical or mental incapacity or disability due to vicious habits	1 st Offense – Dismissal
Engaging directly or indirectly in partisan political activities by one holding non-political office	1 st Offense – Dismissal
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 one person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons or committing acts punishable under the anti-graft laws	1 st Offense – Dismissal
Contracting loans of money or other property from persons with whom the office of the employee has business relations	1 st Offense – Dismissal
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	1 st Offense – Dismissal

operation being regulated by, or any transaction which may be affected by the functions of his office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its nature	
Nepotism	1 st Offense – Dismissal
Disloyalty to the Republic of the Philippines and to the Filipino people	1 st Offense – Dismissal
Oppression	1 st Offense – Suspension for six (6) months to one (1) year 2 nd Offense - Dismissal
Disgraceful and immoral conduct	1 st Offense – Suspension for six (6) months to one (1) year 2 nd Offense - Dismissal
Inefficiency and incompetence in the performance of official duties	1 st Offense – Suspension for six (6) months to one (1) year 2 nd Offense - Dismissal
Frequent unauthorized absences or tardiness in reporting for duty, loafing, or frequent unauthorized absences from duty during regular office hours	1 st Offense – Suspension for six (6) months to one (1) year 2 nd Offense – Dismissal
Refusal to perform official duty	1 st Offense – Suspension for six (6) months to 1 (1) year 2 nd Offense – Dismissal
Gross Insubordination	1 st Offense – Suspension for six (6) months to one (1) year 2 nd Offense – Dismissal
Conduct grossly prejudicial to the best interest of the service	1 st Offense – Suspension for six (6) months to 1 (1) year 2 nd Offense - Dismissal
Directly or indirectly having financial and material interest in any transaction requiring the approval of his office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something.	1 st Offense – Suspension for six (6) months to 1 (1) year 2 nd Offense – Dismissal
Owning, controlling, managing or accepting, employment as officer, employee, broker, agent, trustee, or nominee in any private enterprise regulated, supervised or licensed by his office, unless expressly allowed by law	1 st Offense – Suspension for six (6) months to 1 (1) year 2 nd Offense – Dismissal
Engaging in private practice of his profession unless authorized by the constitution, law or regulation, provided that such practice will not conflict with his official functions	1 st Offense – Suspension for six (6) months to 1 (1) year 2 nd Offense – Dismissal
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.	1 st Offense – Suspension for six (6) months to 1 (1) year 2 nd Offense – Dismissal

Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public	1 st Offense – Suspension for six (6) months to 1 (1) year 2 nd Offense – Dismissal
Recommending any person to any position in which has a regular or pending official transaction with his office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or as part of the function of his office.	1 st Offense – Suspension for six (6) months to 1 (1) year 2 nd Offense – Dismissal

Sec. 2. The following are less grave offenses with their corresponding penalties.

Simple neglect of duty	1 st Offense- Suspension for one (1) month and one (1) day to six (6) 2 nd Offense - Dismissal
Simple misconduct	1 st Offense- Suspension for one (1) month and one (1) day to six (6) 2 nd Offense - Dismissal
Gross discourtesy in the course of official duties	1 st Offense- Suspension for one (1) month and one (1) day to six (6) 2 nd Offense - Dismissal
Violation of existing civil service law and rules of serious nature	1 st Offense- Suspension for one (1) month and one (1) day to six (6) 2 nd Offense - Dismissal
Insubordination	1 st Offense- Suspension for one (1) month and one (1) day to six (6) 2 nd Offense - Dismissal
Habitual drunkenness	1 st Offense- Suspension for one (1) month and one (1) day to six (6) 2 nd Offense - Dismissal
Unfair discrimination in rendering public service due to party affiliation or preference	1 st Offense- Suspension for one (1) month and one (1) day to six (6) 2 nd Offense - Dismissal
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 interest in private business enterprise within sixty (60) days from assumption of public office when conflict of interest arises: Provided, however, That where a conflict of interest arises for those who are already in the service, the official or employee must either resign or divest himself of said interest within the periods herein-above provided, reckoned from the date when the conflict of interest had arisen.	1 st Offense- Suspension for one (1) month and one (1) day to six (6) 2 nd Offense - Dismissal
Failure to file Swom Statements of Assets, Liabilities and Net Worth, and Disclosure of Business Interest and Financial Connections including those of their spouses and unmarried	1 st Offense- Suspension for one (1) month and one (1) day to six (6) 2 nd Offense - Dismissal

children under eighteen (18) years of age living in their household.	
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Sec. 3. The following are light offenses with their corresponding penalties:

Discourtesy in the course of official duties	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense - Dismissal
Improper or unauthorized solicitation of contributions from subordinate employees	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense – Dismissal
Violation of reasonable office rules and regulations.	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense – Dismissal
Frequent unauthorized (Habitual Tardiness)	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense – Dismissal
Gambling prohibited by law	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense – Dismissal
Refusal to render overtime service	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense - Dismissal
Disgraceful, immoral, dishonest conduct prior to entering the service	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense – Dismissal
Borrowing money by superior officers from subordinates	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense - Dismissal
	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense - Dismissal
Lending money at usurious rates of interest	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense – Dismissal
Willful failure to pay just debts	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense - Dismissal
Pursuit of private business, vocation or profession without the permission required by civil service rules and regulations	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense - Dismissal
Lobbying for personal interest or gain in legislative hall and offices without authority	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense - Dismissal

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	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense - Dismissal
Failure to act promptly on letters and request within five (5) or (10) days from receipt, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees and the Anti-Red Tape Law	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense - Dismissal
Failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof, except as otherwise provided in the Anti-Red Tape Law and the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees Failure to attend to anyone who wants to avail himself of the services of the office, or act promptly and expeditiously on public transactions	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense - Dismissal
Engaging in the private practice of his profession unless authorized by the Constitution, law or regulation, provided that such practice will not conflict with his official functions.	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense - Dismissal
	1 st Offense – Reprimand 2 nd Offense – Suspension for one (1) day to thirty (30) days 3 rd Offense - Dismissal

Title V

RULES ON RECEIVING AND HANDLING ADMINISTRATIVE COMPLAINTS

Rule I

PRELEMINARY PROVISIONS

Section 1. TITLE – These Rules shall be known as the “BOC Rules of Procedure”.

Section 2. SCOPE – Subject to the Grievance Mechanism provided in **Appendix “C”** of this Code, these Rules shall govern the procedures in receiving and handling of administrative complaints against Bureau of Customs (BOC) officials and employees.

Rule II

COMPLAINT

Section 1. FORM OF COMPLAINT – A complaint against a customs employee shall be in writing subscribed and sworn to by the complainant. Complaints initiated by the disciplining authority, however, need not be under oath. Requests for investigations shall be treated as complaints only when ordered by the Commissioner, his Deputies, District Collectors, Directors or the Central Grievance Committee.

The complaint should contain the following:

- a. full name and address of the complainant;
- b. full name and address of the person complained of, as well as the latter's position and office of employment;
- c. a narration of the relevant and material facts which shows the acts or omissions allegedly committed by the employee complained of;
- d. certified true copies of documentary evidence and affidavits of the complainant's witnesses, if any and;
- e. certification and statement of non-forum shopping.

Failure to comply with any of foregoing requirements with result in the dismissal of the complaint

Section 2. ANONYMOUS COMPLAINTS - No anonymous complaint to the allegations or supported by documentary or direct evidence, in which case the person complained of may be required complaint shall be entertained unless there is obvious truth or to comment.

Section 3. COMPLAINTS, WHERE FILED - A complaint shall be filed, at any time, before the Internal Inquiry and Prosecution Division (IIPD) or other office performing similar functions.

Section 4. ACTION ON THE COMPLAINT - Upon receipt of the complaint, office clerk of IIPD or other office performing similar functions shall, within twenty-four (24) hours from receipt thereof, make a case folder and assign a docket number therein, clearly indicating the name(s) of the Customs personnel complained of or subject of investigation and the complainant(s), if any. Within the twenty-four (24) hour period, he shall forward the case folder to the Chief IIPD who, in turn, shall, within forty-eight (48) hours from receipt, assign the same to an investigator.

Section 5. COMPLAINT AGAINST IIPD – A complaint against personnel of IIPD or other office performing similar functions shall be in the same form addressed directly to the Commissioner. The latter, within five (5) days from receipt thereof shall constitute an independent body to conduct the requisite preliminary investigation. The preliminary investigation shall be conducted in the same manner as provided herein.

RULE III PRELIMINARY INVESTIGATION

Section 1. PRELIMINARY INVESTIGATION DEFINED - A preliminary investigation involves the ex parte examination of records and documents submitted by the complainant and the person complained of, as well as the documents readily available from other government offices. During the said investigation, the parties are given the opportunity to submit affidavits and counter-affidavits. Failure of the person being complained of to appear in the Preliminary Investigation or to submit his counter-affidavit shall be considered as waiver of his right thereof.

Section 2. PROCEDURE- The preliminary investigation shall be conducted in the following manner:

- a. Within ten (10) days from receipt of the case folder of the Chief, IIPD or other office performing similar function the investigating officer shall evaluate the same I finds no ground to continue with the investigation he recommend the dismissal of the complaint, otherwise b shall issue a subpoena, attaching thereto a copy of the complaint and the supporting affidavits and documents to the respondent directing the latter to file his Counter Affidavit/Answer.

b. Within ten (10) days from receipt of the subpoena, the respondent shall submit his Counter-Affidavit/Answer and that of his witnesses and other supporting documents relied upon for his defense respondent shall not be allowed to file a Motion to Dismiss in lieu of a Counter-Affidavit. copy furnished the complainant. The

c. If the respondent cannot be subpoenaed, or if subpoenaed does not submit his Counter-Affidavit/Answer within the ten (10) day period, the investigating officer shall resolve the complaint based on the evidence presented by the complainant.

d. The investigating officer may set a hearing if there are facts and issues to be clarified from a party or a witness. The parties can be present at the hearing but without the right to examine or cross-examine. They may, however, submit to the investigating officer questions which may be asked to the party or witness concerned.

e. The hearing shall be held within ten (10) days from submission of the counter-affidavits and other documents or from the expiration of the period for their submission. shall be terminated within five (5) days.

f. The Preliminary Investigation shall not exceed sixty (60) days from receipt of complaint; Provided, that the sixty-day period may be extended for valid and compelling reasons.

Section 3. RESOLUTION OF CASES AND QUANTUM OF EVIDENCE - Within thirty (30) days from termination of the Preliminary Investigation, the investigating officer shall submit an Investigation Report which shall contain a recommendation on whether a prima facie case has been duly established that would warrant the issuance of a Formal Charge against an erring Customs employee. Otherwise, if no prima facie case has been established, the Investigator shall recommend, upon concurrence of the Chief UPD or other office performing similar functions, that the complaint shall be dismissed. In any case, no complaint shall be dismissed without the approval of the Commissioner.

Section 4. FORMAL CHARGE – Upon finding of a prima facie case, a Memorandum, signed by the Investigator-On-Case duly concurred by the Chief IIPD or other office performing similar functions, recommending that a Formal Charge be issued against the erring customs employee. The Memorandum and the Formal Charge, together with the entire case folder shall be forwarded to the Director, CIIS. The latter, if he concurs with the finding(s), shall, within ten (10) days from receipt thereof forward the same to the Deputy Commissioner Intelligence Group. Otherwise, he may return the same to the IIPD or other office performing similar functions for further investigation. The reinvestigation should not exceed fifteen (15) days from receipt of the case folder by the IIPD or other office performing similar functions. The Deputy Commissioner, Intelligence Group, may also order a reinvestigation, within the same period if he is not satisfied with the finding(s), otherwise, he must submit/ forward the Formal Charge, together with the case folder, to the Commissioner of Customs for his appropriate action.

Whenever warranted, the Formal Charge shall include a prayer for the issuance of Preventive Suspension against the erring employee.

Rule IV
PREVENTIVE SUSPENSION

Section 1. PREVENTIVE SUSPENSION- Upon petition of the complainant, recommendation of the IIPD or other office performing similar functions, or motu proprio, the Commissioner may issue an order of preventive suspension upon service of the Formal Charge or immediately thereafter, if there are reasons to believe that the respondent is guilty of charges which would warrant removal from the service, or if the respondent's continued stay in office may prejudice the just, fair and independent disposition of the case filed against him, or if the charge involves:

- a) Dishonesty;
- b) Oppression;
- c) Grave Misconduct; or
- d) Neglect in the performance of duty.

In lieu of preventive suspension, for the same purpose, the Commissioner may reassign respondent to other units of the Bureau during the formal proceedings.

Section 2. DURATION - The preventive suspension shall continue until the case is terminated; however, the total period of preventive suspension should not exceed ninety (90) days.

Nevertheless, when the delay in the disposition of the case is due to the fault, negligence or any cause attributable to the respondent, the period of such delay shall not be counted in computing the period of suspension herein provided.

Upon expiration of the period of preventive suspension, the respondent shall be automatically reinstated. The Directors, Legal Service and Administration Office, are tasked to monitor the service compliance of the preventive suspension.

The Commissioner or the Deputy Commissioner, Internal Administration Group, pursuant to existing laws, rules and regulations, for purposes of clarifying/determining if the respondent is reinstated to his previous position or to a new position, and to determine the date of effectivity of the reinstatement, shall issue a Personnel Order to that effect. The same shall be served to the parties and the Directors, Legal Service and Administration Office, for information and their appropriate action.

Rule V FORMAL PROCEEDINGS

Section 1. TRANSMITTAL OF THE CASE FOLDER THE LEGAL SERVICE - Within fifteen (15) days from receipt of the Formal Charge and the case folder, the Commissioner shall forward the same to the Legal Service for evaluation.

Section 2. ROUTING OF THE CASE FOLDER TO THE CHIEF, PLD - Within five (5) days from receipt of the Formal Charge and the case folder, the Director, Legal Service shall forward the same to the Chief, Prosecution and Litigation Division (PLD).

Section 4. ISSUANCE OF SUMMONS - The hearing Officer shall, within five (5) days from receipt of the Formal Charge, issue summons requiring the respondent to file his Answer to the Formal Charge.

Section 5. ANSWER – Within ten (10) days from service of Summons, the respondent shall file his answer to the complaint and serve a copy thereof on the complainant and the IIPD.

Section 6. EFFECT OF FAILURE TO ANSWER – Should the respondent fail to answer the Formal Charge within the period above provided, he shall be considered to have waived his right for resolution. thereto and the Hearing Officer may consider the case submitted

Section 7. PRE-HEARING - The Hearing Officer may conduct a pre-hearing conference, following the procedure on pre-hearing as provided for under the rules on Administrative cases in the civil service.

Section 8. HEARING - Whether, on the basis of the Answer and pleadings submitted by the parties, the hearing Officer deems it necessary to conduct a formal hearing, he shall issue a Notice of

Hearing, within ten (10) days from submission of the last pleading requiring the parties to appear on the date, time and place stated in the notice.

No postponement or continuance shall be allowed by the Hearing Officer except upon meritorious grounds and subject to the requirement of expeditious disposition of cases. In any case, the formal hearing shall be terminated within fifteen (15) calendar days.

Subject to the requirements of due process in administrative cases, the technicalities of law, procedure and evidence shall not strictly apply thereto. The Hearing Officer may avail himself of all reasonable means to ascertain speedily the facts of the case. He shall take full control of the proceedings, with proper regard to the right of the parties to due process, and shall limit the presentation of evidence to matters relevant to the issue(s) before him and necessary for a just and speedy disposition of the case.

Section 9. SUBMISSION OF POSITION PAPERS – Within fifteen (15) days from termination of hearing, the Hearing Office shall issue an Order requiring the parties to submit their respective Position Papers, after which the case is deemed submitted for resolution.

RULE VI DECISION

Section 1. SUBMISSION OF THE CASE FOR DECISION - Within ten (10) days from submission by the parties of their position papers or such other pleadings they may submit, or the lapse of the period to submit the same, the case shall be declared submitted for decision.

Section 2. RENDITION OF DECISION - Not later than thirty (30) days after the case is declared submitted for decision the Hearing Officer shall submit a proposed decision containing his findings and recommendation for the approval of the Commissioner. The proposed decision shall be reviewed by the Director of the Legal Service and the Deputy Commissioner for Revenue Collection and Monitoring Group (RCMG). Except for valid and compelling reasons, the period for review by the Director, Legal Service and the Deputy Commissioner shall not exceed thirty (30) days. The decision shall be clear and concise and shall include a brief statement of the: a) facts of the case; b) issues involved; c) applicable laws or rules; d) conclusions and the reasons thereof.

Section 3. EXECUTION OF THE DECISION - Upon approval by the Commissioner of the decision, he shall forward the same to the Internal Administration Group, who shall serve the decision to the parties, through the Human Resource Management Division. for information and compliance.

Rule VII MOTION FOR RECONSIDERATION OR REINVESTIGATION

Section 1. MOTION FOR RECONSIDERATION OR REINVESTIGATION: GROUNDS - A motion for reconsideration or reinvestigation may only be entertained if filed within fifteen (15) days from receipt of the decision, order or Formal Charge by the party on the basis of any of the following grounds:

- a) New evidence had been discovered which materially affects the order, directive or decision;
or
- b) Grave errors of facts or laws or serious irregularities have been committed prejudicial to the interest of the respondent;

Only one motion for reconsideration or reinvestigation shall be allowed, and the Commissioner, through the PLD shall resolve the same within five (5) days from the date of receipt of the Motion.

**Rule VIII
APPEALS**

Section 1. APPEAL - decision of the Commissioner of Customs may file an appeal to the Civil Service Commission in accordance with Rule 43 of the Uniform Rules on Administrative Cases in the Civil Service.

**Rule IX
MISCELLANEOUS PROVISIONS**

Section 1. MOTION TO INHIBIT – No Motion to inhibit or motion for inhibition can be filed. Similarly, no motions to transfer the case to the IIPD and other investigative bodies within the Bureau shall be entertained. Once a case has been filed with the IIPD, it shall operate to vest it with jurisdiction to the exclusion of other investigating bodies with the Bureau.

Section 2. PROHIBITED PLEADINGS - The IIPD and other office performing similar functions or the Legal Service shall not entertain motions for clarification, bills of particular or motions to dismiss which tends to delay the conduct of administrative proceedings. If such pleadings are filed by persons complained of or subject of an investigation, the same shall be considered as his her counter-affidavit.

Section 3. MOTION TO DISMISS BASED ON UNREASONABLE LENGTH OF TIME INVESTIGATE/HEAR - All pending investigation/hearing of cases not resolved by IIPD a other office performing similar functions or the Legal Service within one (1) year from the time of receipt of the complaint or the Formal Charge may, upon motion of the complainant, be dismissed.

Section 4. CONFIDENTIALITY OF INVESTIGATION HEARING - Investigation of cases shall be strictly confidential Any person who shall disclose or deliberately obtain confidential information gained during such investigation/hearing shall be deal with in accordance with Section 3604 of the Tariff and Custom: Code and this Code.

Section 5. RULES OF COURT, APPLICATION - In all matters not provided in these rules, the Rules of Court and/or Uniform Rules on Administrative Cases shall apply in a suppletory character, or by analogy whenever practicable and convenient.

**Title X
FINAL PROVISIONS**

Section 1. REPEALING CLAUSE - All CAO's, CMOS, administrative issuances, rules and regulations or parts thereof that are in conflict with this Code are hereby repealed or modified accordingly.

Section 2. APPLICABILITY; EFFECTIVITY - This Code shall take effect fifteen (15) days after publication.

RULES ON GIFTS AND BENEFITS

**RULE I
PURPOSE**

Consistent with the policy of the Bureau of eradicating all conceivable forms of graft and corruption among its officials and employees, who should not only be honest but above suspicion and reproach, there is a need to establish rules on gifts and benefits that are peculiar to the officials and employees of the Bureau of Customs.

RULE II SCOPE

These Rules shall apply to all Bureau of Customs officials and employees, whether permanent, temporary, casual, contractual or co-terminus.

RULE III POLICIES AND RULES

Section 1. Definition of Terms. Unless specifically provided herein, the words or terminologies in these Rules shall be understood in their ordinary meaning.

Gift – refers to a thing disposed of gratuitously in favor of another, and shall include a simulated sale or a disposition onerous to the giver and/or unduly beneficial to the recipient.

Benefit – refers to a right, privilege, entertainment, exemption or any other act of liberality in favor of another.

Receiving any Gift- includes the act of accepting directly or indirectly, a gift regardless of cost from a person other than a member of an employee's family or his relative as defined under Republic Act 6713 (Code of Conduct and Ethical Standards for Government Officials and Employees), even on occasion of family celebrations or national festivities, if the gifts are given in anticipation of, or in exchange for a favor

Agent - a person who acts as a representative of another.

Section 2. Customs officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, share, percentage or anything of monetary value from any of the following:

- a. Importer, exporter, broker, shipping/airline agent, forwarder and agents of these persons.
- b. Bidder, supplier, contractor, and their agents transacting with the Bureau.
- c. Any person applying for any form of Bureau authorization, such as, but not limited to license, permit, certificate of accreditation.
- d. Any person, counsel, witness, or their agent undergoing any investigation or formal proceeding being conducted by the Bureau.
- e. Other parties transacting business with the Bureau of Customs.

Section 3. Customs officials and employees shall not accept or receive gifts and/or benefits from other persons from the public sector not falling within the classification in the previous Section.

Section 4. Customs officials and employees may give and/or receive token gifts of nominal value from persons or individuals that do not fall within any of the classifications in Sections 2 and 3, as well as from their fellow officials and employees appropriate to the occasion which it is made. A gift shall be considered nominal if it has a value of Ten Thousand Pesos (Php10,000.00), more or less, on a per giver/recipient basis or such similar amount as may be appropriate to the position and/or income of the giver, Provided, that the recipient of gifts and benefits valued at more than Ten Thousand Pesos (Php10,000.00) shall cause the same to be recorded in the Gift Registry Book in the custody of the Administrative Office/Division/Section.

Section 5. Customs officials and employees may give and/or receive to/from their fellow officials and employees emergency contribution/assistance of a reasonable value or amount in cases of death, illness, calamity, and other similar situations.

Section 6. All prohibited gifts left at the Bureau or its premises shall be immediately returned to the giver. In circumstances where it is considered inappropriate or impractical to return the said gifts, the official or employee concerned shall immediately hand over the same to the Administrative Officer or his duly authorized representative, who shall dispose of the same in favor of charitable organizations, including indigent families/individuals.

- a. Gifts and/or benefits received by the office as an institution from other offices or organizations, including grants and donations.
- b. Gift or cash awards given by the Office to its officials and employees during Anniversary and Christmas celebrations and other milestone celebrations.
- c. Gifts exchanged on occasions of Christmas celebrations among members of Inter-Agency Anti-Graft Coordinating Council, the Constitutional Fiscal Autonomy Group and other organization to which the Bureau of Customs belongs.
- d. Performance-based cash awards, scholarship grants, and similar benefits granted to BOC officials and employees by appropriate government agencies, private institutions, of national or international organizations.

RULE IV PENALTIES

Any violation of these Rules shall constitute an offense as provided in Title IV of the BOC Function-Specific Code of Conduct.

RULE V EFFECTIVITY

This Rule shall take effect upon the effectivity of the BOC Function-Specific Code of Conduct.

RULES ON INTERNAL WHISTLEBLOWING AND REPORTING

I. OBJECTIVES

- a. To encourage its officials and employees to disclose wrongdoings/misdeeds, corrupt, illegal, improper, or fraudulent act of their co-officials and employees.
- b. To protect the rights of the whistleblower and to guard them from any form of retaliation and reprisals.
- c. To promote greater confidence in reporting any wrongdoing committed by its officials and employees.

II. SCOPE

These rules shall apply to all officials and employees of the Bureau of Customs.

III. DEFINITION OF TERMS

- a. **"Protected Disclosures"** refers to the deliberate and voluntary disclosure by an official or employee who has relevant information of an actual, suspected or anticipated wrongdoing by any official or employee, or by any BOC organizational unit.

b. **"Whistleblower"** refers to an official or employee who makes protected disclosure to his immediate supervisor, other superior officer, the administrator and/or his duly authorized/designated representative.

c. **"Retaliatory Action"** pertains to negative or obstructive responses or reactions to a disclosure of misconduct or wrongdoing taken against the whistleblower and/or those officials and employees supporting him, or any of the whistleblower's relatives within the fourth civil degree of consanguinity or affinity. It includes, but is not limited to civil, administrative, or criminal proceedings commenced or pursued against the whistleblower and/or those officials and employees supporting him, or any of the whistleblowers relatives within the fourth civil degree either by consanguinity or affinity, by reason of the disclosure made under these rules. It also includes reprisals against the whistleblowers and/or those officials and employees supporting him, or any of his relatives within the fourth civil degree to retire and/or transfer; negative performance appraisals; fault finding; undue criticism; alienation; blacklisting; and such other similar acts.

IV. POLICIES AND RULES

Section 1. A whistleblower may complain on or report acts or omissions that are:

- a. contrary to law, rules and regulations;
- b. unreasonable, unjust, unfair, oppressive or discriminatory;
- c. undue or improper exercise of powers and prerogatives.

Section 2. A whistleblower is encouraged to expose/report any incident of corruption to any of the following:

- a) his immediate superior;
- b) his Director;
- c) the Deputy Commissioner;
- d) the Commissioner;
- e) the Chief, Internal Inquiry and Prosecution Division;
- f) the Presidential Anti-Graft Commission;
- g) the Office of the Ombudsman;
- h) any other office or agency authorized to receive reports complaints of corruption.

Section 3. Rights of Whistleblowers:

a. *Protection Against Retaliatory Actions* - No criminal administrative, or civil action shall be entertained against a whistleblower involving a protected disclosure.

b. *Defense of Privilege Communication* -A whistleblower has a defense of absolute privilege communication in any action against him arising from a protected disclosure he has made.

c. *No Breach of Duty of Confidentiality* - A whistleblower 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.

Section 4. Confidentiality-At all times during and after the protected disclosure, and throughout and after any proceeding taken thereon, the whistleblower is entitled to confidentiality as to:

- a. his identity;
- b. the subject matter of his disclosure;
- c. the person to whom such disclosure was made.

Section 5. Necessity for Testimony-Notwithstanding the provisions in the immediately preceding section, the whistleblower may be compelled to testify if his testimony is necessary or indispensable to the successful prosecution of any charge arising from the protected disclosure.

Section 6. Confidential Information Any official or employee to whom a protected disclosure has been made or referred shall not disclose any information that may identify or tend to identify the whistleblower or reveal the subject matter of such disclosure, except only in the following instances:

- a. The whistleblower consents in writing prior to the disclosure of the information.
- b. The disclosure of the information is indispensable and essential, having regard to the necessary proceedings to be taken after the disclosure, or
- c. The disclosure or referral of the information is made pursuant to an obligation under these Rules.

Section 7. Protection Against Retaliatory Actions - A whistleblower who has made or is believed or suspected to have made protected disclosure under these Rules shall not be liable to disciplinary action for making such disclosure. No retaliatory action shall be taken against a whistleblower such as, but limited to, discriminatory action, including those made under the guise of policy and procedural determinations designed to avoid claims of victimization, reprimand, punitive transfer, referral to a psychiatrist or counselor, undue poor performance reviews, obstruction of the investigation, withdrawal of essential resources, adverse reports, attachment of adverse notes in the personnel file, ostracism, questions and attacks on motives, accusations of disloyalty and dysfunctional public humiliation, and the denial of work necessary for promotion.

Any official or employee who refuses to follow orders to perform an act that would constitute a violation of this section shall likewise be protected from retaliatory actions.

Section 8. Conditions for Protected Disclosure – Whistleblowing Shall be entitled to the benefits under these Rules, provided that all the following requisites concur:

- a. The disclosure is made voluntarily, in writing and under oath;
- b. The disclosure pertains to a matter not yet the subject of a complaint already filed with, or investigated by the Bureau, or any other concerned office, unless, the disclosures are necessary for the effective and success prosecutions, or essential for the acquisition of material evidence not yet in possession;
- c. The whistleblower assists and participates in proceedings commenced in connection with the subject matter of the disclosure; and
- d. The information given by the whistleblower contains sufficient particulars and, as much as possible, supported by other material evidence.

Section 9. Unprotected Disclosure The following shall not be deemed protected disclosure under these Rules:

- a. Disclosure made by an official or employee in connection with a matter subject of his official investigation;
- b. Disclosure which later appear to be absolutely groundless or without basis. An investigation maybe declined or discontinued if it is shown that the disclosure was made without reasonable grounds.
- c. Disclosure concerning merits of office policy.

d. Absolutely false and misleading disclosures.

e. Disclosures that were later retracted by the whistleblower for any reason. Such person shall lose the right to claim benefit or protection under these rules for the same disclosure and his retraction shall be considered in determining whether or not he will be admitted as a whistleblower with respect to future disclosures.

A person who makes a disclosure deemed unprotected shall not enjoy any immunity, or any other right or privilege accorded under these Rules.

Section 10. Disclosure Made by a Party to a Misconduct-disclosure made by a person who is himself a party to the disclosed conduct constituting misconduct or wrong doings whether as principal, accomplice or accessory, is deemed a protected disclosure under these Rules and such person shall be entitled to the benefits of a whistleblower, provided that:

a. The whistleblower complies with the conditions under Section 8 hereof;

b. The whistleblower should not appear to be the most guilty;

c. The whistleblower has not been previously convicted by final judgment of a crime involving moral turpitude.

Section 11. Disclosure Made Before Proper Persons - Any BOC official or employee to whom a disclosure is made shall have the following obligations;

a. Maintain the confidentiality of the identity of the whistleblower and the subject matter of the disclosure;

b. Undertake measures to ensure the well being of the whistleblower;

c. Report the disclosure in full detail to the Administrator within a period of five days from date of disclosure.

Section 12. Creation of the Committee on Discipline - As referred to in the immediately succeeding Section, and for the purpose of receiving protected disclosure, the Commissioner, upon approval of this Rules, shall create a Committee on Discipline.

Section 13. Procedure for Protected Disclosure-Immediately upon receipt of the disclosure, the official referred to in Section 2 hereof shall refer the same to the Committee on Discipline, which shall:

a. Evaluate the disclosure if the same qualifies as protected disclosure as under Section 1 of these Rules.

b. Should the disclosure qualify as such, process the protected disclosure in accordance with the applicable provisions of Section 8 hereof.

Section 14. Obligation to Testify Any official or employee who has personal knowledge of any matter pertaining to a protected disclosure shall, if called upon, have the obligation to testify in any proceedings arising from such protected disclosures.

Section 15. Protection of Witnesses - Any official or employee who testifies in any proceedings arising from a protected disclosure shall be accorded the same protection against retaliatory actions as provided in Section 6 hereof.

Section 16. Incentives for the Whistleblower- A whistleblower shall be entitled to a commendation, promotion, and/or other form of incentives as may be deemed appropriate.

IV. REMEDIES AND SANCTIONS

Section 17. Violations of Confidentiality - Any official or employee who violates the protection of confidentiality of a protected disclosure and of the confidentiality of the proceedings shall be liable for disciplinary sanctions.

Section 18. Retaliatory Actions Any official or employee who encourages retaliatory actions, as defined in these Rules, against a whistleblower, or persons believed or suspected to be one, and/or those officials and employees supporting him or any of his relatives within the fourth civil degree of consanguinity or affinity, shall be immediately be subjected to administrative and/or criminal proceedings, and in appropriate cases, immediately placed under preventive suspension.

Section 19. Failure to Act or Report Any official or employee under obligation to report a disclosure under these Rules, or who fails to act thereon or cause an investigation thereof, shall be liable for disciplinary action.

Section 20. Failure or Refusal to Testify -Any official or employee who fails or refuses to testify, or to continue to testify, or who adversely varies his testimony, without just cause, in any proceeding arising from a protected disclosure, shall be liable for disciplinary action.

Section 21. Perjurious Statements-False and misleading disclosure or statement shall be sufficient ground for the termination of benefits of the whistleblower under these Rules, including his immunity from administrative, criminal, and/or civil suits.

V. EFFECTIVITY

This rule shall take effect upon the effectivity of the BOC Function-Specific Code of Conduct.

APPENDIX C

GRIEVANCE MECHANISM

Section 1. Scope. This Grievance Machinery applies to all levels of BOC officials and employees, whether permanent, temporary casual or co-terminous.

Section 2. Definition of Terms.

Accredited or Recognized Employee Union - An employee union accredited pursuant to Executive Order No. 180 and its implementing rules and regulations, which as of this date, include the BOCEA and CURE.

Grievance - A work-related discontentment or dissatisfaction which had been expressed verbally or in writing and which, in the aggrieved employee's opinion, has been ignored or dropped without consideration.

Grievance Machinery - A system or method of determining and evaluating the best way to address the specific cause or causes of a grievance.

Alternative Dispute Resolution (ADR) - A process wherein an ADR specialist is called to assist the parties in resolving intra-office disputes.

Section 3. Application of Grievance Machinery. The following instances shall be acted upon through this Grievance Machinery:

3.1. Non-implementation of policies, practices and procedures on economic and financial issues and other terms and conditions of employment fixed by law, including salaries, incentives, working hours, leave benefits such as delay in the processing of overtime pay, unreasonable withholding of salaries and inaction on application for leave;

3.2. Non-implementation of policies, practices and procedures affecting personnel movement such as recruitment, promotion, transfer, detail, retirement, termination, lay-off and other

related issues such as failure to observe selection process in appointment and undue delay in the processing of retirement papers;

3.3. Inadequate physical working conditions such as lack of proper ventilation in the workplace, and insufficient facilities and equipment necessary for the safety and protection of employees whose nature and place of work are classified as high risk or hazardous;

3.4. Poor interpersonal relationships and linkages such as unreasonable refusal to give official information by one employee to another;

3.5. Protest on appointments;

3.6. All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated above.

Section 4. Basic Policies:

The following policies on grievance shall be strictly adhered to:

1. A grievance shall be resolved expeditiously at all times at the lowest level possible. However, an appeal mechanism shall have to be provided in order to afford opportunity for the aggrieved party to present his grievance following the hierarchy of positions in the Bureau.
2. The aggrieved party shall be assured freedom from coercion, discrimination, reprisal and biased action on the grievance.
3. Grievance proceedings shall not be bound by legal rules and technicalities. Even verbal grievance must be acted upon expeditiously. The services of a legal counsel shall not be allowed.
4. Only permanent officials and employees shall be appointed as members of the Grievance Committee. In the selection of the committee members, their integrity, probity, sincerity and credibility shall be considered.
5. A grievance may be elevated to the Civil Service Commission only upon submission of a Certification on the Final Action duly issued by the Grievance Committee.
6. Supervisors or officials who refuse to take action on a grievance brought to their attention shall be liable for neglect of duty in accordance with existing civil service law, rules and regulations.

Section 5. Grievance Procedures: The procedures seeking redress of grievances shall be as follows:

1. Discussion with the Immediate Supervisor

For any grievance an employee would like to ventilate, he/she should present the same to his/her Division Chief/Office Head either verbally or in writing. The said grievance should be acted upon by the Division Chief/Office Head concerned and the aggrieved employee informed within five (5) working days from date of presentation. The information may likewise be done verbally or in writing. Provided, however, that where the object of the grievance is the Division Chief/Office Head himself/herself, the aggrieved employee may bring the grievance to the Service Director/ District Collector, as the case maybe, who shall likewise take action on the grievance within five (5) working days. If the aggrieved party is holding a position of Division Chief or higher, the first presentation of the grievance shall be to the Service Director/District Collector, as the case maybe. The appeal process shall then follow the levels as hereunder presented.

2. Voluntary referral of dispute to ADR

If the grievance or complaint fall under any of the circumstances that will qualify it to ADR, the same shall be referred to a duly-recognized ADR specialist of the Bureau for mediation. The ADR specialist shall schedule the mediation where all of the parties in the complaint shall meet to ventilate their concerns/problems. If the grievance is not resolved, the same will be returned to the his/her Service Director/District Collector, and shall proceed in accordance with the procedure herein provided.

3. Appeal to the Local Grievance Committee.

If the aggrieved party is not satisfied with the mediation and/or resolution of the Head of Office, he shall signify his intent to appeal his case to the Local Grievance Committee within five (5) working days from receipt of the resolution from the Division Chief/Office Head. The District Collector shall then convene the Local Grievance Committee to hear the case. The District Collector shall thereafter render a decision in writing within five (5) working days from the termination of the hearing. Provided, however, that where the object of the grievance is the District Collector himself/ herself, the aggrieved party may bring the grievance to the Central Grievance Committee.

4. Appeal to the Central Grievance Committee.

If the aggrieved party is not satisfied with the information/decision of the Local Grievance Committee, he/she can then elevate his/her grievance to the Central Grievance Committee. This must be done in writing and submitted within five (5) working days from receipt of the decision of the Local Grievance Committee. The Central Grievance Committee may then conduct an investigation and hearing within ten (10) days from receipt of the grievance and render a decision within five (5) working days after investigation.

5. Appeal to the Commissioner of Customs.

If the aggrieved party is not satisfied with the decision of the Central Grievance Committee, he/she can elevate his/her grievance within five (5) working days from receipt of the decision from the Committee to the Commissioner of Customs. The Commissioner shall render his decision within ten (10) working days after receipt of the grievance. Provided, however, that where the object of the grievance is the Commissioner of Customs, the aggrieved employee may directly bring his grievance to the Civil Service Commission Regional Office.

6. Appeal to the Civil Service Commission Regional Office.

If the aggrieved party is not satisfied with the decision of the Commissioner of Customs, he/she may elevate his/her grievance to the Civil Service Commission Regional Office within fifteen (15) working days from receipt of such decision. Together with the appeal, the aggrieved party shall submit a Certification on the Final Action on the Grievance (CFAG). The Civil Service Commission Regional Office shall rule on the appeal in accordance with existing civil service law, rules and regulations.

Section 6. Composition of the Local Grievance Committee: The Grievance Committee shall be composed of the following:

Chairperson - District Collector of the port concerned

Vice Chairperson - Deputy Collector for Administration

Members - One member from BOCEA/CURE

Two representatives from the rank and file chosen by both parties

One representative from Law Division of the port or if none, from a lawyer in Legal Service Secretariat - Staff from HRMD

Section 7. Composition of the Central Grievance Committee: The Grievance Committee shall be composed of the following:

- Chairperson - Deputy Commissioner for Internal Administration Group
- Member - Director, Administration Office
- Chief, Ruling & Research Division
- Two representatives of the District Port/Service where the grievance originated
- One representative each from BOCEA and CURE
- Secretariat - Chief, HRMD and designated staff

In addition to finding the best way to address specific grievance, the Committee shall have the following responsibilities:

1. Establish its own internal procedures and strategies. Membership in the grievance committee shall be considered part of the members' regular duties.
2. Develop and implement pro-active measures or activities to prevent grievance such as employee assembly which shall be conducted at least once every quarter, talakayan, counseling and other HRD interventions. Minutes of the proceedings of these activities shall be documented for audit purposes.
3. Conduct continuing information drive on Grievance Machinery among officials and employees in collaboration with the personnel unit.
4. Conduct dialogue between and among the parties involved.
5. Conduct an investigation and hearing within ten (10) working days from receipt of grievance and render a decision within five (5) working days after the investigation.
6. Direct the documentation of the grievance including the preparation and signing of written agreements reached by parties.
7. Issue Certification on the Final Action on the Grievance (CFAG). This is a certification that contains the history and final action taken by the Bureau on the grievance.
8. Submit a quarterly report of accomplishments and status of unresolved grievances to the Civil Service Commission.

Section 8. Decision; Implementation. Unless appealed, the decision of the concerned authorities shall take effect immediately and/or upon receipt of the decision of all parties involved.

Section 9. Responsibilities. All records involving complaints and grievances shall be kept by the Human Resources Management Division of the Bureau and by the Records Officer of the recognized association