



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

July 1, 2013

CUSTOMS MEMORANDUM ORDER
NO. 2-2013

TO: All Bureau Officials and Employees

SUBJECT: Amendments to CMO 25-2010, entitled, BOC Function-Specific Code of Conduct

In compliance with Department of Finance Order No. 50-2010, additional provisions to Title III.F are directed as follows:

*F. Legal

Section 13. Transmit to the Secretary of Finance all decisions dismissing graft-related cases including but not limited to offenses under RA 3019 (Anti-Graft and Corrupt Practices Act) and RA 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees), and Grave Offenses under Section 52.A, Rule IV of the Uniform Rules on Administrative Cases in the Civil Service, within fifteen (15) days from the date of approval of the decision.

Section 14. Automatically transmit and refer to the Secretary Finance, through the Revenue Integrity Protection Service (RIPS), all complaints involving lifestyle checks."

Likewise, in compliance with Joint Memorandum Circular No. 2010-01 of the Civil Service Commission and the Department of Health, Section 14, entitled, Protection against Tobacco Industry Interference is hereby added to Title I, as follows:

"Section 14. Protection against Tobacco Industry Interference. The Philippines, as signatory to the World Health Organization Framework Convention on Tobacco Control (WHO FCTC), is mandated to set and implement public health policies with respect to tobacco control and to protect these policies from commercial and vested interests of the tobacco industry. Thus, CSC and DOH issued Joint Memorandum Circular No. 2010-01, Section 4.2 of which directed all agencies to incorporate in their respective Codes of Conduct the rules provided in Annex A of the Circular. Tobacco control measures under the WHO FCTC include price and tax policies, bans on tobacco advertising, promotion and sponsorship, packaging and labelling requirements, protection from exposure to second-hand smoke, education and public awareness measures,

regulation of tobacco product contents and disclosures, treatment for tobacco dependence, and measures to combat illicit trade. As a government agency directly involved in the implementation of specific tobacco control measures, all customs officials and employees must adhere to the following policies in the protection against tobacco industry interference:

- 14.1. A customs official and employee shall limit interaction with the tobacco industry to those strictly necessary for its regulations and to ensure the transparency of those that occur.
- 14.2. In the event that a meeting is strictly necessary, a customs official/employee shall abide with the following rules:
 - 14.2.1. Set the meeting agenda.
 - 14.2.2. Ask the industry about what they want to discuss, in writing, then decide whether to agree with the meeting or not. Stick to the agenda and make the meeting brief.
 - 14.2.3. Clarify the goal and structure of the meeting.
 - 14.2.4. Before the meeting, it must be made clear that such interaction does not imply partnership, dialogue or collaboration and indicate in writing to the tobacco industry that they may not mischaracterize the nature of the meeting.
 - 14.2.5. Hold the meeting at the premises of the BOC. Ensure that any photograph taken of this meeting is strictly for documentation purposes only and not for public relations activities of the tobacco industry.
 - 14.2.6. Pre-determine the meeting participants by asking for the names and positions of those who will attend the meeting.
 - 14.2.7. Moderate the meeting. A customs lawyer must be part of the customs group in order to provide advice to the group.
 - 14.2.8. Write the official minutes. A voice recording of the meeting may be made to assist the staff in preparing the transcript of the meeting. Transcript of the meeting must be filed for record purposes and be made available to the public upon request.
 - 14.2.9. Maintain the right to terminate the meeting at any point.
 - 14.2.10. Distribute information on the meetings as appropriate. Publicly correct any misinformation regarding the meeting.
 - 14.2.11. Decide on follow-up questions that must be answered after the meeting.
 - 14.2.12. All non-mediated exchanges (in person, phone or e-mail) between customs officials and employees and representatives of the industry should be avoided.

14.3. A customs official and employee shall declare interest in the tobacco industry. He/She shall resign from his/her position in the tobacco industry within thirty (30) days from his assumption of office and/or divest himself/herself of any shareholding or interest within sixty (60) days from such assumption. For purposes of this rule, interest in the tobacco industry means personal, financial or other interest, including but not limited to:

14.3.1. having an existing ownership or investment in the tobacco industry;

14.3.2. being a member of the Board of Directors, an officer of the corporation or a partner in a partnership in the tobacco industry; and

14.3.3. receiving any contribution from the tobacco industry.

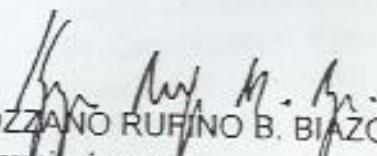
14.4. A customs official and employee shall not demand or receive any contribution from the tobacco industry for himself/herself, his family, relatives, friends or for any other person or organization. Contributions shall include, but are not limited to, payments, gifts, and services, monetary or in-kind, research funding, financial aid, policy draft and legal advice.

14.5. A customs official and employee shall avoid creation of any perception of real or potential partnership or cooperation with the tobacco industry, and shall publicly correct any perception of partnership that may have been created.

14.6. A customs official and employee, shall declare any current or previous occupational activity with any tobacco industry whether gainful or not, within thirty (30) days upon assumption to office and shall likewise inform BOC of any intention to engage in an occupational activity within the tobacco industry, whether gainful or not, on his last day of service with BOC."

These new provisions of the BOC Function-Specific Code of conduct shall take effect immediately and shall be incorporated in the next printing of the Code.

For information and guidance.


ROZZANO RUFINO B. BIAZON
Commissioner



04 JUL 2013