



## **CODE OF CONDUCT AND ETHICAL STANDARDS OF THE LAGUNA LAKE DEVELOPMENT AUTHORITY (LLDA)**

**WHEREAS**, Section 1, Article XI of the 1987 Philippine Constitution provides that “Public office is a public trust. Public officers 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”;

**WHEREAS**, Section 29 Chapter VI, Book IV of Executive Order No. 292, otherwise known as the “Administrative Code of 1987” empowers the Head of Bureau or Office to exercise overall authority in matters within the jurisdiction of the bureau, office or agency, including those relating to its operations and enforce all laws and regulations pertaining to it.

**WHEREAS**, Section 13 of Republic Act No. 6713, otherwise known as the “Code of Conduct and Ethical Standards for Public Officials and Employees” provides that nothing in said Act shall be construed to derogate from any law, or any regulation prescribed by anybody or agency, which provides for more stringent standards for its officials and employees;

**WHEREAS**, the Governance Commission for GOCCs (GCG) by virtue of GCG Memorandum Circular No. 2012-07 issued the code of corporate governance for GOCCs;

**WHEREAS**, the Civil Service Commission (CSC) and the Department of Health (DOH) in the Joint Memorandum Circular No. 2010-01 promulgated the policy on Protection of the Bureaucracy against Tobacco Industry Interference;

**WHEREAS**, one of the LLDA’s commitments is to promote the formulation and enforcement of Code of Conduct and Ethical Standards by government agencies in the Philippines embodied in the education component of the Integrity Development Action Plan (IDAP);

**WHEREAS**, Republic Act No. 9485, otherwise known as the “Anti-Red Tape Act of 2007” provides that the State shall maintain honesty and responsibility among its public officials and employees. It shall take appropriate measures to promote transparency in each agency with regard to the manner of transacting with the public which shall encompass a programs for the adoption of simplified procedures that will reduce red tape and expedite transaction in government; and

**NOW, THEREFORE**, the LLDA hereby promulgates this Code of Conduct and Ethical Standards, to wit:

## GENERAL PROVISIONS

**Section 1.** Title. This Code shall be known as the “Code of Conduct and Ethical Standards of the Laguna Lake Development Authority”.

**Section 2.** Objectives. The following are the objectives of this Code of Conduct and Ethical Standards:

- a. To serve as a tool to attain the LLDA vision, mission and the power, roles and functions;
- b. To provide employees with guidance in ethically ambiguous situations in the performance of their duties and responsibilities;
- c. To sharpen the LLDA criteria and standards for public service accountability and good governance;
- d. To develop and maintain public trust, transparency and integrity in the performance of official duties and functions
- e. To help promote professionalism and standards of excellence in public service;
- f. To impress upon employees the standards of behavior required of them in the performance of their duties; and
- g. To provide a detailed set of rules and guidelines for all officials and employees to meet the highest standard of integrity in public service.

### **Section 3.** LLDA Vision and Mission

**VISION:** “By year 2020, the Laguna de Bay Basin has been transformed as the focal center for sustainable development in the country through sound ecological governance.”

**MISSION:** “To catalyze a climate change-sensitive Integrated Water Resource Management in the Laguna de Bay Region, with clear focus on preserving ecological integrity and promoting sustainable economic growth.”

### **Section 4.** Core Values.

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| <b>L</b> | - <b>Love of the Environment</b>     | “We are foremost advocates of environmental protection and sustainable development in this day and age of climate change.” |
| <b>L</b> | - <b>Leadership/ Professionalism</b> | “We adhere to the highest standards of civil Service and professional meritocracy.”  |
| <b>D</b> | - <b>Disciplined/ Science-driven</b> | “We believe in empirically-driven and science-based environmental governance and management.”                              |

- A - Adaptability** “We believe in change management and the  
**Innovativeness** value of innovation and creativity”

**Section 5. Scope and Applicability** - This Code shall apply to all LLDA officials and employees regardless of employment status including those on leave and those classified as contractual regardless of any stipulation of the absence of an employer-employee relationship with the LLDA (e.g. Job Order, Contract of Services and *consultants*).

This Code shall complement the provisions of Executive Order No. 292, otherwise known as the “Administrative Code of 1987”, Republic Act No. 6713 otherwise known as the “Code of Conduct and Ethical Standards for Public Officials and Employees”, GCG Code its Implementing Rules and Regulations, and issuances of the Civil Service Commission and other relevant and related laws.

Former officials and employees shall within one (1) year from separation to LLDA be prohibited from transacting business with their former offices/divisions and subordinates. Rendition of consultancy services to former offices shall not be considered as transacting with said offices. Provided that those that have compulsory retired shall not be hired as consultants.

### **Agency-Specific Ethical Obligations and Standards**

**Rule 1. RESPECT FOR THE CONSTITUTION, LAWS, ORDERS AND PROCEDURES.**

- 1.1 Officials and employees shall faithfully and religiously promote and accelerate the development and balanced growth of the Laguna Lake area and the surroundings provinces, cities and towns;
- 1.2 Officials and employees shall exercise their powers and duties lawfully and responsibly and at all times provide information and assistance to the public in accordance with law;
- 1.3 Constructive feedback mechanisms shall be encouraged in carrying out the vision and mission of the LLDA;
- 1.4 Officials and employees must actively prevent abusive and demeaning conduct, discrimination (as to gender, ethnicity, age, disability, status and religion), sexual harassment and the like, committed by co-officials and co-employees, otherwise they shall be punished in accordance with existing and applicable laws, rules and regulations;
- 1.5 Management shall ensure that all employees have a safe and sanitary work place with appropriate space, ventilation and lighting; otherwise they shall be subject to grievance procedure.

- 1.6 Proper office decorum shall be observed, including proper wearing of uniform and ID, otherwise erring official or employee shall be dealt with accordingly.
- 1.7 Officials and employees shall actively implement the LLDA Citizen's Charter for efficient, responsive and satisfactory delivery of frontline services.

**Rule 2. INTEGRITY.** All LLDA officials and employees shall avoid any conduct that would cause breach of the public trust and confidence. Any conflict that may arise between personal interest and public interest must be resolved in favor of the latter.

- 2.1 Officials and employees shall perform their responsibility with the highest sense of integrity, *act promptly* and imbued with spiritual value;
- 2.2 Officials and supervisors shall treat customers, stakeholders, co-employees and officials with utmost honesty, impartiality, fairness and shall at all times respect their rights and obligations;
- 2.3 Officials and supervisors shall be fair and reasonable in making decisions and in giving directions to subordinates;
- 2.4 Officials and employees shall notify or disclose to the appropriate authority violations of law and breaches of ethical standards;
- 2.5 Officials and employees shall demonstrate good leadership and promote behavior consistent with this Code;
- 2.6 Officials and supervisors shall acknowledge the good work of subordinates, delegate authority with prudence and encourage professional development;
- 2.7 Employees shall be represented in the selection and recruitment process. The merit selection plan of the LLDA shall be observed to strengthen professionalism.

**Rule 3. CONFLICT OF INTEREST.** Conflict of interest arises when public official or employee or a relative within the 4<sup>th</sup> civil degree of consanguinity or affinity of the owner of the business, partner in a firm, member of a board, an officer or a substantial stockholder of a private corporation who transact business with the LLDA or applies for a license or permit. All LLDA officials and employees shall avoid conflict of interest in the performance of their duties and functions.

- 3.1 Upon assumption into office or acceptance of employment or engagement in the LLDA, and every time it becomes necessary, officials and employees shall identify, declare areas of conflict of interest, and resolve such conflict in favor of the government.

- 3.2 Officials and employees as defined in Section 5 hereof shall disclose their business and financial interests in their Annual Statement of Assets, Liabilities and Net worth (SALN) and every time it becomes necessary.
- 3.3 The practice of profession shall not be allowed unless authorized in writing by the proper authority and shall not be in conflict with one's functions in the LLDA.
- 3.4 Violations of this rule shall be punished in accordance with existing and applicable laws, rules and regulations.

#### **Rule 4. RECEIVING AND HANDLING OF COMPLAINTS**

##### **4.1 Cases originally filed with the LLDA**

All administrative complaints filed at the LLDA shall be referred to the Management Services Department and shall be acted upon and disposed in the following manner:

##### **A. Disposition of Cases without any Investigation**

1. Complaints filed by anonymous complainants, such as those by "concerned citizens", "concerned LLDA employees", etc., shall not be acted upon and be dismissed outright through the issuance of a standard Order to be signed by the General Manager or his/her authorized representative (Format "A-1"), unless -
  - a) there is obvious truth or merit to the allegation, as can be ascertained from a sufficiently detailed description of the act or omission complained of, and the logical connections of the circumstances alleged, based on ordinary human experience (otherwise the case will be dismissed); or
  - b) there is documentary or direct evidence attached that proves the allegations, but the allegation/s thus  
  
proved must constitute the major element of the act or omission complained of (otherwise the case will be dismissed).
2. Complaints filed against unnamed respondent such as those against "certain officials", etc. shall not be acted upon and be dismissed outright through the issuance of a standard Order to be signed by the General Manager or his/her authorized representative (Order Format "B"). If the complainant is merely requesting for an investigation and not for the imposition of administrative penalties, the complaint shall be forwarded to the concerned office for investigation and action. A report shall be rendered on the sufficiency and merit of the allegations and be submitted to the

Office of the General Manager within fifteen (15) days upon receipt of complaint.

3. Complaints wherein the name of the complainant is indicated but without signature, or those with signature but not under oath, shall be returned to the complainant for his/her signature and oath. If no address is indicated in the complaint, the same shall be dismissed outright pursuant to Section 48, Chapter 6, Subtitle A, Title 1 of Book V of the Administrative Code of 1987, through the issuance of a standard Order to be signed by the General Manager or his/her duly authorized representative (Format "A-2").
4. Complaints that identify both complainant/s and respondent/s but without narration of relevant and material facts which show act/s or omission/s being complained of, shall be dismissed outright for utter lack of merit through the issuance of standard Order to be signed by the General Manager or his/her duly authorized representative (Format C).
5. Cases involving tardiness, habitual absenteeism and the like, where the offense is clearly established by official records of the LLDA, the head of office having jurisdiction or supervision the employee, shall require the respondent to explain in writing within seventy two (72) hours why no administrative sanctions shall be imposed against him/her. Should the respondent admit the act/s or omission/s complained of, and does not raise any factual or legal defense, the matter shall be referred to the Department Head of the Management Services Department who shall recommend to the Office of the General Manager the imposition of the appropriate penalty, without the necessity of referring the case to Legal and Adjudication Division.
6. Penalty may be reduced based on mitigating circumstances such as the candor of respondent in readily admitting the offense.

#### **B. Disposition of Cases through Preliminary Investigation**

1. The following shall be subjected to preliminary investigation provided under Rule 4 of the Revised Rules on Administrative Case:
  - a) A complaint sufficient in form and in substance;
  - b) Cases wherein the complaint is initiated by the LLDA General Manager shall issue a show-cause memorandum directing the person/s complained of to explain why no administrative case should be filed against him/her/them.
2. Preliminary Investigation Proper

- a) Within five (5) days from receipt of the complaint, the person/s complained of shall be required to submit his/her/their counter-affidavit/comment.
- b) After receipt of the respondent's Counter-Affidavit/Comment, or when the deadline had lapsed without such Counter-Affidavit/Comment shall be considered a waiver thereof, the case will be resolved based on the evidence on hand:
  1. When there is substantial evidence proving the act or omission complained of, then the Order will be issued declaring the respondent guilty and imposing the appropriate penalty;
  2. When there is no substantial evidence, but there is prima facie case then:
    - 2.1 Further preliminary investigation shall be conducted if the act or omission is a light offense of the first and second incidence. Such as investigation shall be completed within one (1) month as far as practicable, after which the case shall be resolved through an Order either declaring the respondent guilty if there is substantial evidence supporting the same, or dismissing the case if none is presented; and
    - 2.2 If the act or omission is a grave or less grave offense, or light offense of the third incidence, then a Formal Charge (See Annex Format) shall be issued against the respondent, unless the case is referred to the Environmental Ombudsman for further action.
  3. When neither substantial evidence nor prima facie case exists, then an Order will be issued dismissing the case.

### **C. Disposition of Cases Through Formal Investigation**

Formal investigation shall be conducted in accordance with Rule 5 of the Revised Rules, without prejudice to the resolution of the case at any stage of the proceedings should substantial evidence emerge to support the allegations in the complaint provided the respondent was given reasonable opportunity to meet the evidence against him. Otherwise, the case shall be dismissed after the conclusion of the Formal Investigation.

## **4.2 Cases Originally Filed with the Office of Ombudsman**

Cases that have been previously filed with the Ombudsman involving the same parties and cause of action as the one filed with the LLDA shall be resolved in the following manner:

- a. Where the Ombudsman exercises jurisdiction over the case by requiring the respondent to submit his Answer/Counter-Affidavit or Comment, then the LLDA shall dismiss the case filed with it, without prejudice to any directive of the Office of the Ombudsman pursuant to Republic Act No. 6770, otherwise known as the “Ombudsman Act”, such as referral or endorsement.
- b. Where the Ombudsman has not yet required the respondent to submit his or her Answer/Counter-Affidavit or Comment, then the LLDA shall hold the case in abeyance, until the Ombudsman acts on the case, after which the case will be dismissed, unless the case is immediately dismissible without investigation, in accordance with Rule 4.A.1 above.

## **4.3 Cases that maybe subjected to Alternative Dispute Resolution**

Pursuant to executive Order No. 523 and Republic Act No. 9285, those cases appropriate for Alternative Dispute Resolution shall be subjected to such process. Such cases are the following:

- A. Cases arising from a personal transaction between complainant and respondent such as agreements and contracts where a dispute or disagreement arose; and
- B. Those arising from personal quarrels and the like, and there are no allegations involving graft and corrupt practices, grave misconduct or gross negligence in the performance of official functions.

**4.4 Grievance Machinery.** Work-related issues or complaints giving rise to employee dissatisfaction shall be addressed through the grievance machinery. These cases or issues shall not include the following: disciplinary cases, sexual harassment cases, union related issues and concern, and complaint relative to the Performance Evaluation System.

## **Rule 5. Ethics Rules, Regulations and Policies**

1. The LLDA observes/adopts the “NO GIFT POLICY”.
2. Policy on Protection of the Bureaucracy Against Tobacco Industry Interference
  - 2.1 LLDA employees shall limit interactions with the tobacco industry to those strictly necessary for its regulations and to ensure the transparency of those that occur.



2.2 In the event that a meeting is strictly necessary, LLDA employees shall abide by the following rules:

2.2.1 Set the meeting agenda.

2.2.2 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.

2.2.3 Clarify the goal and structure of the meeting.

2.2.4 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.

2.2.5 Hold the meeting at the premises of the department/institution/agency/local government. Ensure documentation purposes only and not for the public relations activities of the tobacco industry.

2.2.6 Predetermine the meeting participants by asking for the names and positions of those who will attend the meeting.

2.2.7 Moderate the meeting. A lawyer must be present and must closely advise the official/employee/representative during the meeting.

2.2.8 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.

2.2.9 Maintain the right to terminate the meeting at any point.

2.2.10 Distribute information on the meetings as appropriate. Publicly correct any misinformation regarding the Meeting

2.2.11 Decide on follow up questions that must be answered after the meeting.

2.2.12 All non-mediated exchanges (in person, phone or email) between officials, employees and representatives of the agency should avoided.

- 2.3 LLDA employees shall declare any interest in the tobacco industry. They shall resign from his/her position in the tobacco industry within thirty (30) days from his assumption of office and/or divest himself of his shareholding or interest within sixty (60) days from such assumption.

For the purpose of this rule, interest in the tobacco industry means personal, financial or other interest, including, but not limited to:

- 2.3.1 having an existing ownership or investment in the tobacco industry;
  - 2.3.2 being a member of the Board of Directors, an officer of the corporation or a partner in a partnership in the tobacco industry;
  - 2.3.3 receiving any contribution from the tobacco industry.
- 2.4 LLDA employees shall not demand or receive any contribution from the tobacco industry for themselves, their families, relatives, friends, or any other persons or organizations. Contributions shall include, but are not limited to, payments, gifts and services, monetary or in-kind, research funding, financial aid, policy drafts and legal advice.
- 2.5 LLDA employees shall avoid the 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.
- 2.6 LLDA employees which have a role in setting and implementing public health policies with respect to tobacco control, shall inform their institutions about any intention to engage in an occupational activity within the tobacco industry, whether gainful or not, within a specified period of time after leaving service; and to require applicants for such public office positions to declare any current or previous occupational activity with any tobacco industry whether gainful or not.

**Rule 6. PROHIBITION ON NEPOTISM.** The LLDA shall strictly prohibit Nepotism, which is the appointment made in favor of a relative of the appointing or recommending authority, or of the Chief of Office, or of the person exercising immediate supervision over the appointee. The prohibition shall apply to relatives and members of the family within the 3<sup>rd</sup> civil degree either of consanguinity or affinity, except to persons employed in a confidential capacity.

The official, who appointed, recommended or the Chief of Office or supervisor of the appointee shall be liable for nepotism and be punished accordingly. The appointment issued in violation of this Rule shall accordingly be revoked.

The LLDA discourages the employment of the members of the same family within the 3<sup>rd</sup> civil degree either of consanguinity or affinity.

## **Rule 7. USING AND DISCLOSING OFFICIAL INFORMATION**

1. Officials and employees shall recognize the Constitutional right of the people to information on public concerns, and to have access to official records, documents and papers pertaining to official acts, transactions or decisions, subject to limitations as may provided by law and existing rules and regulations on confidentiality of information.
2. All officials and employees must not permit the unauthorized use, dissemination or disclosure of information and documents that may be used against the interest of the LLDA. Otherwise they shall be liable in accordance with existing laws, rules and regulations.
3. All papers, thesis, dissertation and other output from government sponsored scholarship grants are considered properties of the LLDA in accordance with the law on Intellectual Property. Using the same without permission from the LLDA shall be punished in accordance with existing and applicable laws, rules and regulations.

**Rule 8. DISCLOSURE OF MALPRACTICES AND CORRUPTION.** In the interest of improving accountability and fostering the fight against corruption the LLDA hereby prescribes the following:

1. The LLDA shall encourage truthful disclosures of wrongdoing at the same time provide sanctions for knowingly making-up false and malicious allegations.
2. The LLDA shall encourage voluntary disclosure of malpractices and corruption. Such disclosure shall be in writing, signed and under oath by the informant stating his personal data, brief statement of facts and evidence in support of the information given.
3. LLDA officials and employees shall disclose to the proper authority any evidence of fraud, corruption, mal-administration, official misconduct and negligent management resulting in waste of government funds *regardless of amount*, or when such malpractice result to great risk to environment.
4. An employee making false accusation knowing it to be false shall be punished in accordance with existing and applicable laws, rules and regulations depending upon the gravity or nature of the accusation.
5. In the event that the testimonies of the informant are necessary or indispensable to the successful litigation of the case arising from the protected disclosure, the informant maybe compelled to testify.
6. Any LLDA official or employee under obligation to report or disclose in accordance with Rule 8 of this Code who fails to do the same shall be held

liable depending on the circumstances of the case and be punished in accordance with existing and applicable laws, rules and regulations.

**Rule 9. RIGHTS AND PRIVILEGES OF INTERNAL COMPLAINANT**

1. Any official or employee disclosing any evidence of fraud, corruption, mal-administration, official misconduct and negligent management resulting in waste of government funds regardless of amount, or great risk to the environment shall have the right to demand immediate action by the implementing bodies.
2. The LLDA shall ensure that the identity of the informant and the disclose information shall be kept confidentially and be protected from any retaliatory actions, such as criminal, civil and administrative suits, including threats of transfer, unwarranted poor performance evaluation, withholding of benefits and denial of work necessary for promotion. Any official or employee making or causing any retaliatory action shall be held liable depending on the circumstances of the case and be punished in accordance with existing and applicable laws, rules and regulations.
3. An internal complainant 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.
4. An internal complainant shall be entitled to a commendation, promotion and any other form of incentive as may be deemed appropriate; provided, that in cases involving graft and corruption, the internal reporter may be granted a monetary incentive proportionate to the amount of savings brought to the LLDA as a result of the protected disclosure.

**Rule 10. IMPLEMENTING BODY.** The following are the additional duties and functions of the Management Services Department – Administrative Division and the Legal and Adjudication Division in relation to the implementation of this Code

1. Shall be the lead office in the implementation of the anti-corruption programs in their respective offices.
2. Shall be the hearing office in the event that there is breach of this Code, the Code of Conduct and Ethical Standards of Public Officials and Employees and other applicable rules and regulations.
3. Shall act on complaints in relation to the implementation and enforcement of this Code.
4. Shall coordinate with the Office of the Ombudsman in conducting and monitoring lifestyle of its employees.

5. The Legal and Adjudication Division shall handle appealed cases of violation of this Code, the Code of Conduct and Ethical Standards of Public Officials and Employees and other applicable rules and regulations which were decided or recommended by the Investigation Committee or the Grievance Committee.

**Rule 11. PENALTIES AND SANCTION.** Any administrative offense arising herein shall be prosecuted, without prejudice to the filing of appropriate criminal and civil charges, if warranted. Violation of the Citizen's Charter shall be punished in accordance with R.A. No. 9485.

**Rule 12. REPEALING CLAUSE.** All LLDA orders, rules and regulations which are inconsistent with the provision of this Code are hereby repealed, amended or modified accordingly, unless the same provide for a heavier penalty.

**Rule 13. SEPARABILITY CLAUSE.** If for any reason or reasons, any portion or provision of this Code shall be held unconstitutional or invalid, all other parts or provision not affected shall continue to remain in full force and effect.

**Rule 14. EFFECTIVITY AND DISSEMINATION.** This code shall take effect after 15 days following its publication in a newspaper of general circulation.

Approved:

(Signed)

**J. R. NEREUS O. ACOSTA, PhD.**

Secretary/Presidential Adviser for

Environmental Protection/General Manager