

**CODE OF CONDUCT
FOR THE OFFICIALS AND EMPLOYEES OF THE
NATIONAL WAGES AND PRODUCTIVITY COMMISSION (NWPC)**

PURSUANT to Section 1, Article XI of the 1987 Philippine Constitution which declares that a public office is a public trust and all 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, and to Administrative Order No. 255 issued on 30 January 2009 by the President directing all heads of agencies to adopt and implement a Moral Renewal Program, the following Rules are hereby issued for the guidance and compliance by all concerned:

**RULE I
Title**

This set of rules shall be known as the Code of Conduct for the NWPC Officials and Employees.

**RULE II
Coverage**

This Code shall apply to the officials and employees of the National Wages and Productivity Commission (NWPC) including its regional boards and non-career employees whenever applicable.

**RULE III
Definition of Terms**

For the purpose of this Code, the following terms shall be construed to mean as follows:

- a. "Code" shall refer to this Code of Conduct.
- b. "NWPC" refers to National Wages and Productivity Commission, including its Regional Tripartite Wages and Productivity Boards (RTWPBs).
- c. "CSC" refers to Civil Service Commission.
- d. "Citizen's Charter" refers to an official document, a service standard, or a pledge, that communicates, in simple terms, information on the services provided by the government to its citizens. It describes the step-by-step procedure for availing a particular service, and the guaranteed performance level that they may expect for that service. (*Sec.2b, IRR of R.A. 9485*)

- e. “Family of public officials or employees” means their spouses and unmarried children under eighteen (18) years of age. (*Sec.3g, R.A. 6713*)
- f. “Relatives” refers to any and all persons related to a public official or employee within the fourth civil degree of consanguinity or affinity, including *bilas, insos* and *balae*, in regard to the disclosure of relatives in the government service in filling up the Statement of Assets and Liabilities. (*Sec.3k, R.A. 6713*). For purposes of the provisions on nepotism, the words “relative” and “members of the family” refer to those related within the third degree either of consanguinity or of affinity. (*Sec. 59[1], Chapter 8, Subtitle A, Title I, Book V of E.O. 292*)
- g. “Conflict of interest” arises when a public official or employee is a member of a board, an officer, or a substantial stockholder of a private corporation or owner or has a substantial interest in a business, and the interest of such corporation or business, or his rights or duties therein, may be opposed to or affected by the faithful performance of official duty. (*Sec.3i, R.A. 6713*)
- h. “Gift” refers to a thing or a right disposed of gratuitously, or any act of liberality, in favor of another who accepts it, and shall include a simulated sale or an ostensibly onerous disposition thereof. It shall not include an unsolicited gift of nominal or insignificant value not given in anticipation of, or in exchange for, a favor from a public official or employee. (*Sec.3c, R.A. 6713*)
- i. “Receiving any gift” includes the act of accepting, directly or indirectly, a gift from a person other than a member of his family or relative, even on the occasion of a family celebration or national festivity like Christmas, if the value of the gift is neither nominal nor insignificant, or the gift is given in anticipation of, or in exchange for, a favor. (*Sec.3d, R.A. 6713*)
- j. “Modest and simple living” means maintaining a standard of living within the public official or employee’s visible means of income as correctly disclosed in his income tax returns, annual statement of assets, liabilities and net worth and other documents relating to financial and business interests and connections. (*Sec.8, Rule VI, Rules Implementing R.A. 6713*)
- k. “Grievance Machinery” refers to a system or method of determining and finding the best way to address the specific cause or causes of grievance.
- l. “Procurement” refers to the acquisition of goods, consulting services, and the contracting for infrastructure projects by the Procuring Entity. Procurement shall also include the lease of goods and real estate. With respect to real property, its procurement shall be governed by the provisions of Republic Act No. 8974, entitled "An Act to Facilitate the Acquisition of Right-of -Way Site or Location of National Government Infrastructure Projects and for Other Purposes" and other applicable laws, rules and regulations. (*Sec.5n, R.A. 9184*)
- m. “Goods” refer to all items, supplies, materials and general support services, except consulting services and infrastructure projects, which may be needed in the transaction of the public businesses or in the pursuit of any government undertaking, project or activity, whether in the nature of equipment, furniture,

stationery, materials for construction, or personal property of any kind, including non-personal or contractual services such as the repair and maintenance of equipment and furniture, as well as trucking, hauling, janitorial, security, and related or analogous services, as well as procurement of materials and supplies provided by the procuring entity or such services. (*Sec.5h, R.A. 9184*)

- n. “Competitive Bidding” refers to a method of procurement which is open to participation by any interested party. (*Sec.5e, R.A. 9184*)
- o. “Compensatory Overtime Credit” (COC) refers to the accrued number of hours an employee earns as a result of services rendered beyond regular working hours, and/or those rendered on Saturdays, Sundays, Holidays or scheduled days off without the benefit of overtime pay. (*CSC-DBM Joint Circular No. 2, series of 2004*)

RULE IV **General Norms of Conduct**

Section 1. **Commitment to public interest.** NWPC officials and employees shall uphold public interest over and above personal interest. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in public funds and revenues. (*Sec.4a, R.A. 6713*)

Section 2. **Professionalism.** NWPC officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. (*Sec.4b, R.A. 6713*)

Section 3. **Justness and sincerity.**

- a) NWPC officials and employees shall act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. (*Sec.4c, R.A. 6713*)
- b) NWPC officials and employees shall at all times respect the rights of others, and refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. (*Sec.4c, R.A. 6713*)
- c) NWPC officials and employees shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are co-terminous with theirs.

Section 4. **Political neutrality.** NWPC officials and employees shall provide service to everyone without unfair discrimination and regardless of party affiliation or preference. (*Sec.4d, R.A. 6713*)

Section 5. **Responsiveness to the public.**

- a) NWPC officials and employees shall extend prompt, courteous, and adequate service to the public. (*Sec.4e, R.A. 6713*)
- b) NWPC officials and employees shall respond to letters, telegrams or other means of communications sent by the public within the period prescribed under the NWPC Citizen's Charter in conformity with Republic Act No. 9485 or the "Anti-Red Tape Act of 2007".

Section 6. **Simple living.** NWPC officials and employees shall lead modest lives appropriate to their position and income. They shall not indulge in extravagant or ostentatious display of wealth in any form. (*Sec.4h, R.A. 6713*)

RULE V
Transparency

Section 1. Unless otherwise provided by law or when required by the public interest, NWPC officials and employees shall provide information of their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures, avoid red tape and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed rural and urban areas. (*Sec.4e, R.A. 6713*)

RULE VI
Confidentiality

Section 1. **Confidential/classified information.** NWPC officials and employees shall not use or divulge, confidential or classified information officially known to them by reason of their office and not made available to the public, either to further their private interests, or give undue advantage to anyone, or to prejudice the public interest. (*Sec.7c, R.A. 6713*)

Section 2. **Responsible officers.** Division/Unit heads shall be responsible for the physical safety and security of all official documents in their custody. (*NWPC Memorandum No. 35-2009*)

Section 3. **Request for document.**

- a) Request for release of any official document for legal purposes shall be upon prior approval of the Executive Director. Unauthorized release of the aforementioned official documents is prohibited. (*NWPC Memorandum No. 35-2009*)
- b) The Executive Director reserves the right to deny requests for documents/information for security reasons. (*NWPC Memorandum No. 35-2009*)

RULE VII
Conflict of Interest

Section 1. NWPC officials and employees shall avoid conflicts of interest at all times. When a conflict of interest arises, he/she shall resign from his/her position in any private business enterprise within thirty (30) days from his assumption of office and/or divest himself of his/her shareholdings or interest within sixty (60) days from such assumption. *(Sec.9, R.A. 6713)*

Section 2. NWPC officials and employees shall not directly or indirectly have any financial or material interest in any transaction requiring the approval of their office. *(Sec.7a, R.A. 6713)*

Section 3. NWPC officials and employees shall not own, control, manage or accept employment as officer, employee, consultant, counsel, broker, agent, trustee or nominee in any private enterprise regulated, supervised or licensed by their office unless expressly allowed by law. *(Sec.7b1, R.A. 6713)*

Section 4. NWPC officials and employees shall not engage in the private practice of their profession unless authorized by the Constitution or law, provided, that such practice will not conflict or tend to conflict with their official functions. *(Sec.7b2, R.A. 6713)*

Section 5. NWPC officials and employees shall not recommend any person to any position in a private enterprise which has a regular or pending official transaction with their office. *(Sec.7b3, R.A. 6713)*

Section 6. NWPC officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office. *(Sec.7d, R.A. 6713)*

RULE VIII
Nepotism

Section 1. Appointment made in favor of a relative of the appointing or recommending authority, or the chief of the Division, or of the person exercising immediate supervision over the appointee, is hereby prohibited. *(Sec. 59[1], Chapter 8, Subtitle A, Title I, Book V of E.O. 292)*

Section 2. The above restriction shall not be applicable to the case of member of any family who, after his or her appointment to any position in a Division/office, contracts marriage with some in the same division/office in which event the employment or retention therein of both husband and wife may be allowed. *(Sec. 59[2], Chapter 8, Subtitle A, Title I, Book V of E.O. 292)*

Section 3. For purposes of this Rule, the words “relative” and “members of the family” refer to all those related within the third degree either of consanguinity or of affinity. (*Sec. 59[1], Chapter 8, Subtitle A, Title I, Book V of E.O. 292*)

Section 4. Exempted from the operations of the rules on nepotism are persons employed in a confidential capacity. (*Sec. 59[2], Chapter 8, Subtitle A, Title I, Book V of E.O. 292*)

RULE IX **Attendance**

Section 1. Daily Attendance.

- a) All officers and employees except for presidential appointees and their assigned drivers shall be required to use the swipe machine and/or Bundy clock, where applicable, to record their daily attendance (i.e. work-in and work-out, lunch-out and lunch-in). (*Office Order No. 41, s.2002*)

Presidential appointees need not swipe or punch in, but attendance and all absences of such officers must be recorded. (*Sec.3, Rule XVII, Omnibus Rules Implementing Book V of EO 292*)

- b) Employees authorized to go out on official business (OB) must record their time of departure and time of return using the swipe machine (i.e. OB-out and OB-in). “Direct” and/or “Not Coming Back” OB may be allowed in certain cases upon the discretion of the employee’s immediate supervisor. (*Office Order No. 41, s.2002*)
- c) All employees authorized to go on official business (OB) within and outside Metro Manila, or in case of Regional Board employees, outside their respective regions, including staff drivers and those attending trainings/seminars/conferences, must accomplish two (2) copies of the prescribed Personnel Locator Slip (PLS) to be approved by their immediate supervisor. The staff concerned shall submit one copy of the approved PLS to the Personnel Unit before the scheduled OB and keep the other copy for his/her file. (*Office Order No. 41, s.2002*)
- d) If it is not possible to submit the approved PLS prior to the date of OB, the same shall be submitted within the next working day. Non-submission of approved PLS shall cause the concerned employee to be considered absent. (*Office Order No. 41, s.2002*)
- e) Employees authorized to go on OB outside Metro Manila shall submit an approved Travel Order to the Personnel Unit prior to departure date, in addition to the approved PLS. (*Office Order No. 41, s.2002*)

Section 2. **Overtime.** Employees authorized to render overtime (OT) in accordance with Section 3 of herein Rule X are also required to record their OT services rendered using the swipe machine as follows:

- a) For OT after regular office hours – employees to swipe OT-in and OT-out.
- b) For OT during weekends and holidays – employees to swipe OT-in and OT-out plus lunch-out and lunch-in. (*Office Order No. 41, s.2002*)

Compensatory Overtime Credits (COCs) cannot be used to offset undertime/s or tardiness incurred by the employee during regular working days. (*CSC-DBM Joint Circular No. 2, s. of 2004*)

Section 3. Leave applications. The filing of leave applications shall strictly follow CSC rules on the same, i.e. applications for vacation leave, forced leave and special leave privileges shall be submitted for approval of the authorized official five (5) days prior to the effectivity date of such leave whenever possible. On the other hand, applications for sick leave shall be filed immediately upon the employee's return to work. (*Office Order No. 41, s.2002*)

Section 4. Reports.

- a) A "Semi-Monthly Report of Attendance" or SMRA of each employee shall be prepared and distributed by the Personnel Unit twice a month for the employee's validation and/or correction. Once validated/corrected, the SMRA shall be returned to the Personnel Unit within five (5) working days from receipt of said report. Should an employee fail to submit the validated/corrected SMRA to the Personnel Unit, the attendance tracking system shall treat such circumstances in accordance with the "System Treatment of the Attendance and Leave Tracking Module" (Annex B of NWPC Office Order No. 41, series of 2002).
- b) A print-out of each employee's Monthly Daily Time Record (MDTR) shall also be distributed by the Personnel Unit on the 10th working day of the succeeding month, for signature by the employee and his/her supervisor. The signed MDTR should be returned to the Personnel Unit within three (3) working days from receipt of said report. (*Office Order No. 41, s.2002*)

Section 5. Prohibited Acts/Violations.

- a) Swiping of one's ID card is purely a personal act of an employee and cannot be delegated. (*Office Order No. 41, s.2002*)
- b) Swiped ID cards shall be returned to their storage place provided by the office immediately after each use. Keeping or taking home of swipe ID cards is strictly prohibited. (*Office Order No. 41, s.2002*)
- c) Falsification or irregularities in the keeping of time records will render the guilty officer or employee administratively liable without prejudice to criminal prosecution as the circumstances warrant. (*Sec. 4, Rule XVII, Omnibus Rules Implementing Book V of E.O. 292*)

RULE X
Work Schedule

Section 1. Official Working Hours.

- a) The Official Working Hours shall be from 7:00 a.m. to 6:30 p.m. except on Mondays which shall be until 5:00 p.m. only. The Core Working Hours (CWH) shall be from 9:30 a.m. to 4:00 p.m., with lunch break from 12:00 noon to 1:00 p.m. and 15-minute snack breaks in the morning and afternoon. (*Office Order No. 18, s.2009*)
- b) All employees are required to complete at least eight (8) hours of work per day. An employee may start and end work at a time convenient to him/her anytime between 7:00 a.m. and 6:30 p.m., provided that this shall not prejudice the prompt and efficient delivery of services nor disrupt the daily operations of the office where he/she is assigned. (*Office Order No. 18, s.2009*)
- c) An employee must be present during the CWH, except when he/she is on official business. An employee who reports beyond 9:30 a.m. shall be considered tardy and who leaves before completing eight (8) hours of work shall be considered undertime. (*Office Order No. 18, s.2009*)

Section 2. Tardiness and undertime.

- a) Employees who have incurred tardiness and undertime, regardless of the number of minutes per day, ten (10) times a month for at least two (2) consecutive months during the year or for at least two (2) months in a semester shall be subject to disciplinary action. (*Sec. 8, Rule XVII, Omnibus Rules Implementing Book V of E.O. 292*)
- b) Off-setting of tardiness or absences by working for an equivalent number of minutes or hours by which an employee has been tardy or absent beyond the official working hours shall not be allowed. (*Sec. 9, Rule XVII, Omnibus Rules Implementing Book V of E.O. 292*)

Section 3. Rendering overtime. An employee may be allowed to render overtime services in excess of eight hours during regular working hours or during Saturdays/Sundays upon approval of the NWPC Executive Director/Regional Board Chairman, subject to the Civil Service Commission and Department of Budget and Management Joint Circular No. 2, series of 2004 and 2A, series of 2005. (*Office Order No. 18, s. 2009*)

Section 4. Staying in the office premises beyond office hours.

- a) No employee shall be allowed to stay in the office premises beyond 6:30 p.m. except on approved overtime and/or on official business as may be authorized. (*Office Order No. 18, s. 2009*)

- b) No employee shall be allowed to enter the office premises on weekends and holidays nor sleep in the office without written permission or authority from the Executive Director. In the case of Regional Board employees, the authority shall come from the Chairman/Board Secretary. (*Office Order No. 18, s. 2009*)

RULE XI **Office Decorum**

Section 1. Office attire.

- a) Employees are required to wear the prescribed uniform during Mondays to Thursdays. On Fridays, employees shall wear “smart casual” attire (e.g. t-shirt with collar). Wearing of t-shirts without collar, slippers, rubber shoes and excessive jewelries or accessories at the office is prohibited. (*NWPC Memorandum No. 079-08*)
- b) Employees are required to wear their office ID at all times while in the office premises. (*NWPC Memorandum No. 079-08*)

Section 2. Work environment.

- a) Employees are advised to keep noise level down to a minimum at all times. No shouting and loafing/hanging around. (*NWPC Memorandum No. 079-08*)
- b) NWPC is a “SMOKE-FREE” zone. Smoking is not allowed inside the office premises. (*NWPC Memorandum No. 079-08*)

RULE XII **Performance Evaluation**

Section 1. Performance evaluation of NPWC officials and employees shall be made in accordance with NWPC Office Order No. 15, Series of 1997 (Guidelines on the Performance Evaluation System), in conformity with Civil Service rules and regulations.

Section 2. **Period.** Performance evaluation shall be conducted every six months, which shall comprise one rating period. However, if the organizational needs require a shorter or longer period, the minimum rating period shall be three (3) months. In no case shall it be longer than one (1) year.

Section 3. **Appeals.** An employee who is dissatisfied with the rating given him/her may appeal to the duly established Grievance Committee of NWPC within 15 calendar days after receipt of his/her copy of Performance Evaluation Report.

RULE XIII
Statement of Assets and Liabilities

Section 1. All NWPC officials and employees, except those who serve in an honorary capacity, laborers and casual or temporary workers, shall file under oath their Statement of Assets, Liabilities and Net Worth and a Disclosure of Business Interests and Financial Connections and those of their spouses and unmarried children under eighteen (18) years of age living in their households. (Section 8 of Republic Act No. 6713 and Section 7 of Republic Act No.3019)

Section 2. **Period to file.**

- a) Within thirty (30) days after assumption of office, statements of which must be reckoned as of his first day of service;
- b) On or before April 30 of every year thereafter, statements of which must be reckoned as of the end of the preceding year; and
- c) Within thirty (30) days after separation from the service, statements of which must be reckoned as of his last day of office. (*Sec.1[b], Rule VII, Rules Implementing R.A. 6713*)

RULE XIV
Procurement of Goods and Services

Section 1. **Competitive Bidding.** All Procurement shall be done through Competitive Bidding, except as provided for in Section 2 of this Rule. (*Sec. 10, R.A. 9184*)

Section 2. **Alternative Methods.** Subject to the prior approval of the Executive Director or his duly authorized representative, and whenever justified by the conditions provided herein, NWPC may, in order to promote economy and efficiency, resort to any of the following alternative methods of procurement:

- a. *Limited Source Bidding, otherwise known as Selective Bidding* - a method of Procurement that involves direct invitation to bid by the Procuring Entity from a set of pre-selected suppliers or consultants with known experience and proven capability relative to the requirements of a particular contract;
- b. *Direct Contracting, otherwise known as Single Source Procurement* - a method of Procurement that does not require elaborate Bidding Documents because the supplier is simply asked to submit a price quotation or a pro-forma voice together with the conditions of sale, which offer may be accepted immediately or after some negotiations;
- c. *Repeat Order.* - a method of Procurement that involves a direct Procurement of Goods from the previous winning bidder, whenever there is a need to replenish Goods procured under a contract previously awarded through Competitive Bidding;

- d. *Shopping* - a method of Procurement whereby the Procuring Entity simply requests for the submission of price quotations for readily available off-the-shelf Goods or ordinary/regular equipment to be procured directly from suppliers of known qualification; or
- e. *Negotiated Procurement* - a method of Procurement that may be resorted under the extraordinary circumstances provided for in Section 53 of this Act and other instances that shall be specified in the IRR, whereby the Procuring Entity directly negotiates a contract with a technically, legally and financially capable supplier, contractor or consultant.

In all instances, NPWC shall ensure that the most advantageous price for the government is obtained. (*Sec.48, R.A. 9184*)

Section 3. **Report of BAC.** The NWPC Bids and Awards Committee shall be responsible for ensuring that the procuring entity abides by the standards set forth by Republic Act No. 9184 and its Implementing Rules and Regulations. (*Sec. 12.2, Rule V, IRR of R.A. 9184*)

RULE XV

Records Management and Disposal

Section 1. **Records Management.** All official documents must be properly filed/kept in accordance with NWPC Memorandum No. 079-08 (5S Program Implementing Guidelines).

Section 2. **Records Disposal.** Disposal of official documents must be done according to NWPC Records Disposition Program. Before its disposal, the reverse side of used bond papers shall be used in printing draft documents.

RULE XVI

Compliance and Reporting Violations

Section 1. The NWPC official and employee shall uphold the observance of all laws, rules and regulation in accordance with their oath of office and to act at all times befitting of a public servant.

Section 2. Any NWPC official or employee who has personal knowledge of any wrongdoing or violation of any existing or applicable laws shall report the matter with his/her immediate supervisor or to the head of agency for appropriate action.

Section 3. A complaint against any NWPC official and employee under these Code shall be handled in accordance with the Uniform Rules on Administrative Cases in the Civil Service.

Section 4. The NWPC shall provide protection to any person who will voluntarily report or disclose any wrongdoing or violation of these Code or of any existing laws, rules or regulations.

RULE XVII
Grievance Machinery

Section 1. The procedures prescribed under the NWPC Manual on Grievance Handling shall apply to all complaints and grievances of all levels of officials and employees of the National Wages and Productivity Commission including its Regional Boards and non-career employees whenever applicable.

RULE XVIII
Discipline

Section 1. No officer or employee of NWPC shall be removed or suspended except for cause as provided by law and after due process (Section 1, Rule XIV, Book V of E.O. 292)

Section 2. A complaint against a NWPC official and employees shall not be given due course unless it is in writing and subscribed and sworn to by the complainant. However, in case initiated by the proper disciplining authority, the complaint need not be under oath. (Section 8, Rule II, Uniform Rules on Administrative Cases in the Civil Service)

Section 3. No anonymous complaint shall be entertained unless there is obvious truth or merit to the allegations therein or supported by documentary or direct evidence, in which case the person complained of may be required to comment. (Section 8, Rule II, Rules on Administrative Cases in the Civil Service)

Section 4. In cases of violation of existing rules and the provisions of this Code, the procedure, remedies and penalties prescribed by the Uniform Rules on Administrative Cases of the Civil Service Commission shall be applied.

Section 5. The finding of administrative liability under the Code shall not be a bar to the filing of criminal, civil or other related charges under existing laws arising from the act or omission complained of.

Rule XIX
Applicability of Other Legal Provisions

All provisions of law, CSC and NWPC rules and regulations governing the conduct of public officials and employees not provided for in this Code shall likewise be applicable.

Rule XX
Amendment

Any modification or amendment on the provisions of this Code shall be in accordance with existing laws, rules and regulations.

Done this 16th of July 2009 in the City of Manila.

CIRIACO A. LAGUNZAD III
Executive Director IV