



Republic of the Philippines
Department of Education

21 JAN 2020

DepEd MEMORANDUM
No., **004** s. 2020

ALLEGED SOLICITATIONS FROM THE OFFICE OF THE SECRETARY

To: Undersecretaries
Assistant Secretaries
Bureau and Service Directors
Regional Directors
Schools Division Superintendents
Public and Private Elementary and Secondary School Heads
All Others Concerned

1. It has come to the attention of the Office of the Secretary (OSec) that certain individuals, introducing themselves as staff of OSec, are using the Secretary's name to solicit gifts, favors, or anything of monetary value from the Department of Education's suppliers and project contractors.

2. The general public is advised that **OSec does not solicit from any individual or any organization**, in adherence to the provisions of Republic Act (RA) No. 6713, Sec. 7 (d), or the **Code of Conduct and Ethical Standards for Public Officials and Employees**:

- o *(d) Solicitation or acceptance of gifts — Public 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.*

and RA 3019, Sec. 3 (b) or the **Anti-Graft and Corrupt Practices Act**:

- o *(b) Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or for any other person, in connection with any contract or transaction between the Government and any other party, wherein the public officer in his official capacity has to intervene under the law.*

3. Any encounter with such malicious and unethical activities are requested to be reported to the authorities immediately. Violators will be subjected to the penalty clauses stipulated under RA 6713:

- o *Section 11. Penalties. — (a) Any public official or employee, regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of this Act shall be punished with a fine not exceeding the equivalent of six (6) months' salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. If the violation is punishable by a*

heavier penalty under another law, he shall be prosecuted under the latter statute. Violations of Sections 7, 8 or 9 of this Act shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000), or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office. (b) Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public official or employee, even if no criminal prosecution is instituted against him. (c) Private individuals who participate in conspiracy as co-principals, accomplices or accessories, with public officials or employees, in violation of this Act, shall be subject to the same penal liabilities as the public officials or employees and shall be tried jointly with them. (d) The official or employee concerned may bring an action against any person who obtains or uses a report for any purpose prohibited by Section 8 (D) of this Act. The Court in which such action is brought may assess against such person a penalty in any amount not to exceed twenty-five thousand pesos (P25,000). If another sanction hereunder or under any other law is heavier, the latter shall apply.

and/or RA 3019:

- Section 9. Penalties for violations. — (a) Any public officer or private person committing any of the unlawful acts or omissions enumerated in Sections 3, 4, 5 and 6 of this Act shall be punished with imprisonment for not less than six years and one month nor more than fifteen years, perpetual disqualification from public office, and confiscation or forfeiture in favor of the Government of any prohibited interest and unexplained wealth manifestly out of proportion to his salary and other lawful income. Any complaining party at whose complaint the criminal prosecution was initiated shall, in case of conviction of the accused, be entitled to recover in the criminal action with priority over the forfeiture in favor of the Government, the amount of money or the thing he may have given to the accused, or the fair value of such thing. (b) Any public officer violating any of the provisions of Section 7 of this Act shall be punished by a fine of not less than one thousand pesos (P1,000) nor more than five thousand pesos (P5,000), or by imprisonment not exceeding one year and six months, or by both such fine and imprisonment, at the discretion of the Court. The violation of said section proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public officer, even if no criminal prosecution is instituted against him. (Amended by BP Blg. 195, March 16, 1982).

4. For more information, please contact the **Public Assistance Action Center**, Ground Floor, Mabini Building, Department of Education Central Office, DepEd Complex, Meralco Avenue, Pasig City through email at action@deped.gov.ph and telephone nos. (02) 8636-1663 and (02) 8633-1942.

5. Immediate dissemination of this Memorandum is desired.


LEONOR MAGTOLIS BRIONES
Secretary

Reference:

N o n e

To be indicated in the Perpetual Index
under the following subjects:

BUREAUS AND OFFICES
EMPLOYEES
OFFICIALS

SMMA, DM Memorandum on the Alleged Solicitations from the OSec
0037/January 21, 2020