



"Enhancing Global Competitiveness Through Best Practices"

How to Stay Out of Trouble While Serving in the Government

Easing Your Transition into Public Service

Friday & Saturday, October 28 & 29, 2022 * 9:00am to 12:00nn via ZOOM

COURSE OUTLINE

1. Fundamental Principles of Government Service

- a. What is public office?
- b. Who are public officers?
- c. Behavioral Standards and Norms for Government Workers under the Civil Code of the Philippines and Code of Conduct and Ethical Standards for Government Workers (RA 6713)
 - i. SALN vs ITR, example: Accounts Receivables
 - ii. Safe Spaces Act (RA 11313)

d. Recommendation No. 1: Build your personal transition team to temper or lower your learning curve

- i. Fields of Expertise: Legal, Technical, Financial, Human Resources/ Organizational Development, and Procurement
- ii. Formal or Informal Team
- iii. A word on "PhDs" among government workers
- iv. Manner of contracting your Formal Team
 1. As employees or as individual consultants
 2. SC Decision: Re: Consultancy Services of Helen P. Macasaet, A.M. No. 17-12-02-SC. July 16, 2019

2. Knowing your Organization: "Looking beyond the Charter"

a. Rationale

b. Areas for Immediate Attention or Study:

i. "Legal"

1. What, if any, are the latest amendments, legal issuances, or restrictions upon the powers of your Government Entity (GE)?
2. To identify those with urgent requirements, what, if any, is the status of:
 - a. criminal, administrative, or civil cases filed for, or against, your GE?
 - b. cases pending with the Commission on Audit (COA), Civil Service Commission (CSC), Bureau of Internal Revenue (BIR), and other quasi-judicial tribunals or administrative bodies?
 - c. Pending/ongoing in-house criminal or administrative investigations against GE personnel or against erring suppliers, service providers, contractors, or consultants?
3. What, if any, are the existing contractual obligations with other government agencies (OGAs), non-government organizations / civil society organizations (NGOs/CSOs), or with PPP private sector partners?

ii. "Organizational"



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1. Is your GE covered by CSC or Labor Code? GSIS or SSS?
 - a. Chartered vs. Non-Chartered GOCC
 - b. GOCC Subsidiaries vs. GOCC Affiliates
2. Is your GOCC under the supervision of the Governance Commission for GOCCs (GCG)?
3. What is the current organizational structure and what are the current levels of delegated authorities?
4. What are the applicable frameworks for compensation, benefits, and performance management?
5. What is the level of compliance with the Anti-Red Tape Act (ARTA) or East of Doing Business Law?
6. What is the level of compliance with the Safe Spaces Act?
7. Is there an Employees' Association and a prevailing Collective Negotiation Agreement (CNA)?
8. Is there a duly registered cooperative in the GE?
9. Are there COA Orders of Execution (COE) that are currently being or should be enforced? Will the take home pay of some employees be sub-zero?

iii. "Technical": Review --

1. List of Priority or "Legacy" Projects
2. Status of Ongoing Projects, whether annual or multi-year, whether RA 9184, BOT, JV, or ODA.
3. Status of enforcement of GE rights in problematic projects
4. Status of Project Planning and Preparations
5. Technical Capacity or Capability for new Programs, Activities, and Projects (PAPs)

iv. "Financial": Review --

1. Approved Budget, Budget Utilization, and Budget Space for New PAPs
2. COA Annual Audit Reports (AARs for FY 2021, 2020, and 2019)
 - a. Observations and Recommendations on Accounting and Auditing Processes and/or Operational Process, addressed in full or in part or recurring
 - b. Compensation-Related AOMs, NS, NDs, NC, COA Order of Execution
3. Compliance with Financial Reporting System for GBE (PFRS) or Non-GBE (PPSAS or IPSAS)
4. Overall fiscal health of the GE

v. "Procurement": Review --

1. Composition of the Bids and Awards Committee (BAC) for RA 9184, Project BAC for BOT Law for PPP-BOT Law, or Joint Venture Steering Committee (JVSC) for JVs
2. 2022 Approved Annual Procurement Plan (APP) and revisions thereto, Procurement Monitoring Reports (PMR), and Status of Procurement Projects under RA 9184 including those under Early Procurement, and those with pending Requests for Reconsideration, Protests, or judicial proceedings.
3. Status of ongoing Solicited or Unsolicited BOT/JV/PPP Selection Processes
4. RA 9184 Capacity Development or Enhancement Programs

3. Working Norms for Public Officers

- a. Presumption of Regularity in the performance of official duties
- b. Dealing with People
- c. Dealing with Public Funds and Property



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- i. Procurement Planning, Budgeting Cycle, and Absorptive Capacities
- ii. Certificate of Availability of Funds (CAF)
- iii. 2009 COA Revised Rules of Procedure
- iv. 10 Do's and Don'ts to Avoid COA AOMs from GABOTAF

4. Liability Statutes

- a. Distinguishing Malfeasance, Misfeasance, and Non-Feasance
- b. Civil Liabilities:
 - i. Articles 19, 20, 21, 27, and 32 New Civil Code
- c. Administrative and/or Criminal Liabilities:**
 - i. CSC Revised Rules on Administrative Cases in the Civil Service (2017 RRACCS)
 - ii. RA 6713 - Code of Conduct and Ethical Standards for Public Officers
 - iii. Revised Penal Code, Titles IV and VII
 - iv. RA 3019 -- Anti-Graft and Corrupt Practices Act (AGCPA)
 - v. RA 7080 -- Plunder Law
 - vi. RA 9184 - Government Procurement Reform Act
 - vii. PD 46, RA 1379 (Forfeiture Law), and Other special penal statutes
 - viii. RA 4200 -- Anti-Wiretapping Law
 - ix. RA 11313 - Safe Spaces Act
 - x. RA 11032 - Anti Red Tape Act
 - xi. Libel vs. Cyber Libel

5. Summary and Best Practices Recommendations

For query, consulting requirements or request for in-house training programs, please contact:

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