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RESEARCH ARTICLE

BUREAUCRACY ON TRAIL: ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES

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ABSTRACT

Ethical conducts of public servants is reinforced by political commitment. This political commitment, difficult to benchmark, has been demonstrated by some policy and pronouncements. It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.

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INTRODUCTION

The legal infrastructure that prescribes ethical conducts of public servants is reinforced by political commitment. This political commitment, while difficult to benchmark, has been demonstrated by some policy pronouncements. It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist. The legal infrastructure and political commitment are supported and complemented by the existence of oversight institutions. The creation of the oversight institutions that deal with issues of ethics, accountability, graft and corruption are mandated by the Constitution. The common feature of these institutions is they enjoy a substantive degree of fiscal autonomy in the sense that they are not subject to the fiscal controls of the executive. The budget is directly released to these institutions and the heads are authorized to realign savings from their budget. They also have quasi-judicial powers in that they can adjudicate and decide cases and enforce their own decisions, including the imposition of sanctions which may include suspension from

office or even dismissal from government service. Under a democracy such as in the Philippines, the people's fundamental faith in the integrity of political institutions is what holds the system together even under the most difficult times. The present situation in the Philippines is a test of this principle. Whether or not the test is passed with success is a matter yet to be seen. However, what could be gainfully learned from present experience is the knowledge that people's trust seems to lie on the existence of ethics and accountability mechanisms and infrastructure. As shown and proven with quite a measure of success by many studies, ethics and accountability are keys not only to effective government but also to effective governance.

Legal Framework

The 1987 Constitution of the Philippines provides the basis of ethical and accountable behavior in the public sector. Section 1 of Article XI states 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. This provision requires every public official and employee to exhibit and live certain values while in government service. In addition, the State has been mandated by the Constitution to "maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption". In 1989, the Philippine legislature passed Republic Act No. 6713, a law embodying the Code of

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Conduct and Ethical Standards for Public Officials and Employees. The Code spells out in fine detail the do's and don'ts for government officials and employees in and out of the workplace. These do's and don'ts are encapsulated in the eight norms of conduct to be observed by all government officials and employees. These norms or standards are:

- Commitment to public interest
- Professionalism
- Justness and sincerity
- Political neutrality
- Responsiveness to the public
- Nationalism and patriotism
- Commitment to democracy
- Simple living

There have been numerous initiatives in promoting ethics and accountability in the public sector. As shown in the earlier discussions, all the above mechanisms focus on exacting as well as developing ethics and accountability consciousness in government officials and employees. The other approaches that will be given emphasis in the discussion are the various developmental initiatives, which are within the area of knowledge and competence of the Civil Service Commission (CSC). As earlier mentioned, RA 6713 has put in place an incentive and awards program in government. Every year, officials and employees who have demonstrated exemplary service and conduct in observance of the eight norms of conduct are chosen and are conferred awards by the Office of the President and the CSC. The Presidential Lingcod Bayan (meaning: "Serving the Nation") Award is conferred by the President to an individual for consistent and dedicated performance which made significant impact to the public and the country as a whole. The CSC Pag-asa (meaning: "Hope") Award is granted to a group of individuals or a team who demonstrated outstanding teamwork and cooperation which resulted in better delivery of public service, improved the lives of clients or beneficiaries, or instituted efficiency and economy in government operations.

In preparing public servants for ethical dilemma, all new entrants in government service undergo the Alay sa Bayan (meaning: "For the Country") Induction Program. This aims to focus and enhance the energies and commitment of new employees as they assume their new roles as government employees. What follows this is a three-day training program Values Orientation Workshop. The VOW is designed to inculcate appropriate norms and conduct becoming of government employees. For career executives, a program called Gabayng Paglilingkod (translated as "Guide to Service") is a capability building program that provides a forum for discussion on values and principles of public ethics and accountability among government managers. One of CSC's present initiatives is the training on public sector ethics and accountability, which is being developed under the auspices of the United Nations Development Programme - PARAGON Regional Governance Reform Program. The training course forms part of a six-module training package on governance, which UNDP hopes to pilot across the Asia Pacific Region. The framework that is being pursued for this training course basically focuses on the individual. Because what is being

dealt with are moral and ethical issues, the resolve to behave in accordance with the standards of conduct and to live a life of integrity depends greatly on the individual. Of course, as previously elucidated in the paper, the standards for individual behavior should be reinforced by existing mechanisms in the organization.

At the community level, there should be ethical infrastructures that will further reinforce and sustain ethical and accountable behavior. The framework therefore suggests mechanisms or ethics infrastructures, which are not only at the personal level but also at the levels of the organization and the community. The mechanisms and infrastructures common to all levels are commitment, workable code of conduct, effective legal framework, professional socialization mechanisms, efficient accountability mechanisms, ethics coordinating body, supportive public sector conditions and active civil society. Market principle is at work in government operations. This simply means that the services provided by the government are dictated, to a large extent, by the need of the people. Some mechanisms by which the extent, type and adequacy of services are gauged are feedback surveys and the practice of benchmarking. There have been numerous initiatives in promoting ethics and accountability in the public sector, which are within the area of knowledge and competence of the Civil Service Commission.

Objectives of the Study

This study examines the awareness of the public officials and employees to the identified government offices. The following inquiries to wit:

- To determine the respondents extent of awareness with the norms of conduct for public servants; and
- To evaluate the practices under the Code.

Respondents

This study involves the identified local government legislative officials in Metro Cebu.

Methodology

The descriptive-qualitative survey method was utilized in this study. The instrument used is a modification from a locally accepted questionnaire. To clarify the answers and solicit the opinions of the respondents, the questionnaire is the main tool for gathering data which was supplemented with random interviews conducted.

RESULTS AND DISCUSSION

Legislative intent and declaration of policy

It is the policy of the Philippine Government, in line with the principle that a public office is a public trust, to repress certain acts of public officer and private persons alike which constitute graft and corrupt practices which may lead thereto. Pursuant to the provisions of Section 12 of Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical

Standards for Public Officials and Employees”, approved on February 20, 1989, and which took effect on March 25, 1989, conformably to Section 17 thereof, the following Rules are hereby adopted in order to carry out the provisions of the said Code. It is also essential that government attract those citizens best qualified to serve. Thus, the law against conflict of interest must be so designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. Public officials should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except when conflicts with the responsibility of such officials to the public cannot be avoided. Likewise essential that the people be free to seek redress of their grievances and express their opinions to all government officials on current issues and past or pending legislative and executive actions at every level of government. In order to preserve and maintain the integrity of the governmental process, it is necessary that the identity, expenditures, and activities of those persons who regularly engage in efforts to persuade public officials to take specific actions, either by direct communication with such officials or by solicitation of others to engage in such efforts, be regularly disclosed to the people.

The intent of this act to implement these objectives of protecting the integrity of government and of facilitating the recruitment and retention of qualified personnel by prescribing restrictions against conflicts of interest without creating unnecessary barriers to public service. Hereby declared to be the policy of the state that no officer or employee of a state agency or of a county, city, or other political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest. To implement this policy and strengthen the faith and confidence of the people of the state in their government, there is enacted a code of ethics setting forth standards of conduct required of state, county, and city officers and employees, and of officers and employees of other political subdivisions of the state, in the performance of their official duties. It is the intent of the Legislature that this code shall serve not only as a guide for the official conduct of public servants in this state, but also as a basis for discipline of those who violate the provisions of this part. And it is declared to be the policy of the state that public officers and employees state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments.

Such officers and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered with respect hereto regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

Conclusion

The issues of ethics and accountability pose a continuing challenge to the Philippine government. The mechanisms and infrastructure that have been put in place may not yet be the best or ideal in the sense that ethical and accountable behavior in the public sector is still much to be desired in the Philippines. But, there is so much hope to hold and believe that there will be many opportunities to lead and change for the best.

Recommendation

Based on the findings of the study, the public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.

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