



20 May 2009

Administrative Order No. 07
Series of 2009

SUBJECT: Code of Conduct for the Officials and Employees of the Department of Agriculture

Pursuant to the Presidential Anti-Graft Commission (PAGC) Memorandum dated 28 January 2009 on Agency-Specific Code of Conduct.

Pursuant to DA Special Order 458 series of 2008 on the creation of a seven-member team to implement the PAGC project "Promoting the Formulation and Enforcement of the Code of Conduct of Government Agencies in the Philippines."

NOW THEREFORE, the Department of Agriculture hereby promulgates these:

CODE OF CONDUCT FOR THE OFFICIALS AND EMPLOYEES OF THE DEPARTMENT
OF AGRICULTURE

Rule I

Scope

The provisions of this Code shall have common applications to all officials and employees of the offices of the Department of Agriculture.

Rule II

Definition of Terms

Terms as used in these guidelines shall have the following definition:

- 1) DA refers to the office/units of the Department of Agriculture.
- 2) DA officials and employees are all those employed in the DA central office, RFUs, Bureaus, Attached Agencies, and Attached Corporations.

2.1 RFUs are the DA Regional Field Units, includes:

- a) CAR, Region I-XII, Caraga and ARMM

2.2 Bureaus include:

- a) Agricultural Training Institute (ATI)
- b) Bureau of Agriculture & Fisheries Product Standards (BAFPS)

- c) Bureau of Animal Industry (BAI)
- d) Bureau of Agricultural Research (BAR)
- e) Bureau of Agricultural Statistics (BAS)
- f) Bureau of Plant Industry (BPI)
- g) Bureau of Soils & Water Management (BSWM)

2.3 Attached Agencies:

- a) Agricultural Credit Policy Council (ACPC)
- b) Bureau of Fisheries Aquatic Resources (BFAR)
- c) Bureau of Post Harvest Research & Extension (BPHRE)
- d) Cotton Development Administration (CODA)
- e) Fertilizer Pesticide Authority (FPA)
- f) Fiber Industry Development Authority (FIDA)
- g) Livestock Development Council (LDC)
- h) National Agricultural & Fisheries Council (NAFC)
- i) National Meat Inspection Service (NMIS)
- j) Philippine Carabao Center (PCC)

2.4 Attached Corporations

- a) National Dairy Authority (NDA)
- b) National Food Authority (NFA)
- c) National Irrigation Administration (NIA)
- d) National Tobacco Administration (NTA)
- e) Philippine Coconut Authority (PCA)
- f) Philippine Crop Insurance Corporation (PCIC)
- g) Philippine Rice Research Institute (PhilRice)
- h) Quedan Rural Credit Guarantee Corp. (Quedancor)
- i) Philippine Fisheries Dev't Authority (PFDA)
- j) Sugar Regulatory Authority (SRA)

- 3) Central Office refers to the DA offices/units located at Elliptical Road Diliman, Quezon City.
- 4) Gift is the thing or a right given gratuitously, or an act of liberality in favor of another who accepts it, and shall include a simulated sale or an ostensibly onerous disposition thereof. ~~It shall include an unsolicited gift of nominal or insignificant value not given in~~ anticipation of, or in exchange for, a favor from any DA official or employee.
- 5) Family of public officials or employees means their spouses and children.
- 6) Relatives refer to any and all persons related to a DA officials or employee up to the fourth civil degree of consanguinity or affinity, including bilas, inso, balae.
- 7) Conflict of interest arises when a DA official or employee is a member of board, an officer, a substantial stockholder of a private corporation, an owner or one who has substantial interest in a business such that the interest of a such corporation or business, or his rights or duties therein may be opposed to or affected by the faithful performance of official duty. A conflict of interest may also exist when the objectivity of a DA official or employee in performing official duties is impaired or may reasonably appear to be impaired by the personal concerns of a DA official and employee which

run counter to the objectives of the agency; or when the official act results in unwarranted personal benefit on his/her part or of his/her relatives.

- 8) Post-employment is when a DA official or employee leaves the agency permanently and obtains employment in the private sector or another government agency.
- 9) Confidential information means information related to pending cases not yet made a matter of public record, as well as information not yet made public concerning the work of any personnel.

Notes, drafts, research papers, internal discussion, internal memoranda, records of internal deliberations and similar papers that DA officials and employees use in preparing decisions, resolutions or orders are covered by the definition of the term "confidential information".

Rule III

Fidelity to Duty

Section 1. DA officials and employees shall, at all times, exhibit utmost respect to the public and deep sense of commitment to the mandate of the Office.

Section 2. DA officials and employees shall not discriminate against or dispense undue favors to anyone. Neither shall they allow kinship, rank, position, affiliation or favors to influence the performance of their official acts or duties. They shall endeavor to discourage wrong perception of their roles as dispensers or peddlers of undue patronage.

Section 3. DA officials and employees shall perform their duties efficiently, promptly, and without bias or prejudice.

Section 4. DA officials and employees shall avoid any impropriety and the appearance of any impropriety in all of their activities.

Section 5. DA officials and employees shall not engage in conduct incompatible with the faithful discharge of their official duties.

Section 6. DA officials and employees shall, at all times, perform official duties properly and diligently. They shall fully commit themselves to the duties and responsibilities of their office during working hours.

Section 7. DA officials and employees shall not discriminate or manifest, by word or conduct, bias or prejudice based on race, religion, national or ethnic origin, gender, political belief or affiliation.

Section 8. DA officials and employees shall use the assets and resources of the office, including funds, properties, goods and services economically, productively, effectively, only for official activities, and solely for the purpose required by law.

Section 9. DA officials and employees shall carry out their duties and responsibilities as public servants with utmost and genuine courtesy, fairness, honesty and compliance with the law.

Section 10. DA officials and employees shall submit performance reports and other documents required by law such as Statement of Assets and Liabilities and Net worth, Income Tax Returns and other public document as may be required by the Agency.

Rule IV

Confidentiality

Section 1. DA officials and employees shall not disclose to any unauthorized person any confidential information acquired by them while employed in the Department, whether such information came from authorized or unauthorized sources.

Section 2. Confidential information available to specific individuals by reason of statute, rule or administrative policy shall be disclosed only by persons authorized to do so.

Section 3. DA officials and employees leaving the Department for whatever reason, including resignation, termination of contract, or dismissal, shall bind themselves not to disclose confidential information acquired by them during their employment in the Department otherwise their clearances will not be issued.

Rule V

Transparency

Section 1. DA officials and employees shall extend prompt, courteous, adequate and effective service to the public.

Section 2. DA officials and employees shall state their policies and procedures in clear and understandable language, ensure openness of information, public consultation whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures.

Section 3. DA officials and employees shall, at all times, exercise transparency in all transactions, contracts relationships and all other matters involving public interest.

Section 4. DA officials and employees shall, at all times make accessible all public documents and transactions for inspection by the public within reasonable working hours provided:

- (a.) such information, record or document must be kept secret in the interest of national defense or security or the conduct of foreign affairs;
- b) such disclosure would put the life and safety of an individual in imminent danger;
- c) the information, record or document sought falls within the concepts of establishing privilege or recognized exceptions as may be provided by law or settled policy or jurisprudence* (e.g. closed door Cabinet sessions, executive

sessions of Congress, deliberations of the Supreme Court, trade secrets and the like);

- d) such information, record or document comprises drafts decisions, orders, policy decisions, memoranda, etc;
- e) it would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- f) it would disclose investigatory records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would: (i) interfere with enforcement proceedings, (ii) deprive a person of a fair trial or impartial adjudication, (iii) disclose the identity of a confidential information furnished only by the confidential source or (iv) unjustifiably disclose investigative techniques and procedures.

Rule VI

Conflict of Interest

DA officials and employees shall always uphold the public interest over personal interest. DA resources and powers must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in public funds and revenues, thus:

Section 1. DA officials and employees shall avoid conflicts of interest in performing official duties. They are required to exercise utmost diligence in detecting conflicts of interest, in disclosing them to the designated authority and in terminating them as they arise.

(a) A conflict of interest exists when:

(i) The DA officials and employees objectivity or independence of judgment in performing official duties is impaired or may reasonably appear to be impaired, or;

(ii) The DA officials and employees, his or her immediate family, common-law relations or business or other financial interest, would derive pecuniary or material benefit because of his /her official act.

(b) The term "immediate family" shall include the following: whether related by consanguinity or affinity, (i) spouse, (ii) children, (iii) brother, (iv) sister, (v) parent, (vi) grandparent, (vii) grandchildren, (viii) and all other relative within the fourth civil degree.

Section 2. DA officials and employees shall not:

- (a) Receive cash, gifts, travel or other forms of material accommodation for assisting or attending to parties engaged in transactions or involved in actions or proceedings with the Department. Neither shall he / she accept such cash,

gifts and other forms of remuneration given for the reason of his / her office or functions.

- (b) Solicit or accept any gifts, loan, gratuity, discount, favor, hospitality, service or benefit under any circumstances from any person who shall transact, or who has transactions with the Department, or from any person acting and in behalf of said person.

Included in this scope is the acceptance of any cash, gift, travel or other forms of remunerations from persons, or anyone acting in behalf of them, who does not have pending applications filed before this Department but within the scope of its jurisdiction.

- (c) Use their position within the Department for personal gain or for the benefit of others, or provide assistance or advice to others in order to give them an unfair advantage, whether for a gain or not, over other people in their dealings with the Department.

- (d) Participate in any official action involving a party with whom either the said DA officials and employees or any member of the said personnel's immediate family is negotiating for future employment.

- (e) Knowingly employ or recommend for employment any member of the immediate family of any other DA officials and employees.

Section 3. For purposes of this Code, cash, gifts and other forms of material accommodation shall be presumed to have been given for the reason of his / her office or functions if they were given by government officials and employees within the jurisdiction of the Department to investigate.

Cash gifts and other forms of material accommodation shall also be presumed to have been given for the reason of DA officials and employees' office or functions.

Section 4. Nothing in Section 2 and 3 above shall prohibit DA officials and employees from (a) accepting invitations to or attending social functions in relation to the personnel's official duties; (b) accepting a public award presented in recognition of public services; (c) receiving commercially reasonable loan made as part of the ordinary transaction of the lender's businesses; and (d) donating to the Department, provided, however that the award, loan or donation does not pertain to a person or entity who has transactions or involved in actions or proceedings with the Department, or from any person acting for and in behalf of said person or entity.

Section 5. The practice of profession is prohibited except on a limited basis subject of the express permission and limited scope of authority given by the Secretary and provided that:

- a) The practice of profession does not require or induce the DA officials and employees to disclose confidential information acquired while performing official duties;

- b) The practice of profession shall not be in favor of, or shall not be under an existing employment with, any other government agency;
- c) The practice of profession shall not in any way be contrary to the matters affecting the operations of DA; neither shall the practice pertain to any matter, proceeding or application pending with DA;
- d) The practice of profession shall in no way use directly or indirectly any resource of the Department or any Government property;
- e) The practice of profession shall not in any way interfere with the responsibilities and duties of the personnel;
- f) The practice of profession shall be subject to the provisions of RA 6713 and such other relevant Civil Service Rules;

Rule VII

Duty to Report

It is the duty of all DA officials and employees who witness or become aware of any violation of this Code by any DA Personnel, or any attempted or consummated act of graft and corruption involving any DA Personnel, to report the same at the earliest possible time to the Legal Division of the Department.

Rule VIII

Reporting and Protection of the Whistleblower

Section 1. A Whistleblower shall report/ complain about acts or omissions that are:

- a) Contrary to laws, rules or regulations and office policies;
- b) Unreasonable, unjust, unfair, oppressive or discriminatory; or
- c) Undue or improper exercise of powers and prerogatives.

Section 2. Rights of Whistleblowers:

~~2.1 Protection Against Retaliatory Actions~~ — No administrative action shall be entertained against a whistleblower involving a protected disclosure.

No retaliatory action shall be against a whistleblower such as, but not limited to, discriminatory action, including those made under the guise of policy and procedural determinations designed to avoid claims of victimization; reprimand; punitive transfer; undue poor performance reviews; obstruction of the investigation; withdrawal of essential resources; adverse reports; attachment of adverse notes in the personnel file; ostracism; questions and attacks on motives; accusations of disloyalty and dysfunction; public humiliation; and the denial of work necessary for promotion.

Any official or employee who refuses to follow orders to perform an act that would constitute a violation of this Section shall likewise be protected from retaliatory actions.

2.2 No Breach of Duty of Confidentiality - A whistleblower that 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/ she / they make/s a protected disclosure of such information.

Section 3. Conditions for Protected Disclosure - Whistleblowers shall be entitled to protection on and benefits under these Rules provided that all the following requisites are fulfilled:

- a) The disclosure is made voluntarily, in writing and under oath;
 - b) The disclosure pertains to a matter not yet the subject of a complaint already filed with, or investigated by the Department or by any other concerned office; unless, the disclosure are necessary for the effective and successful prosecutions, of material evidence not yet in its possession;
 - c) The whistleblower assists and / or participates in proceedings commenced in connection with the subject matter of the disclosure;
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- d) The whistleblower should have personal knowledge of facts and information covered by the disclosure; and
 - e) The information given by the whistleblower contains sufficient particulars and, as much as possible, supported by other material evidence.

Section 4. Unprotected Disclosures - The following shall not be deemed protected disclosure under these Rules:

- a) Disclosure made by an official or employee in connection with a matter subject of his/her official investigation;
 - b) Disclosures which later appear to be absolutely groundless or without basis. An investigation may be declined or discontinued if it is shown that the disclosure was made without reasonable grounds;
 - c) Disclosures concerning merits of Office policy;
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- d) False and misleading disclosures; and
 - e) Disclosure that are later retracted by the whistleblower for any reason. Such "whistleblower" shall lose the right to claim benefit or protection under these Rules for the same disclosure and his/her retraction shall be considered in determining whether or not he/she will be admitted as a whistleblower with respect to future disclosures.

A person who makes a disclosure deemed unprotected shall not enjoy any immunity, or other right or privilege accorded under these Rules.

Section 5. Confidentiality - At all times during and after the protected disclosure, and throughout and after any proceeding taken thereon, the whistleblower, subject to

the condition in Section 6 hereof shall be entitled to confidentiality as to his / her/their identity.

Section 6. Necessity for Testimony - Notwithstanding the provisions in the immediately preceding section, the whistleblower may be compelled to disclose his / her / their identity and testify if his/her/ their testimony is necessary or indispensable to the successful prosecution of any charge arising from the protected disclosure.

Section 7. Disclosure made by a Party to a Misconduct- A disclosure made by a person who is himself/herself a party to be disclosed conduct constituting misconduct or wrongdoing, whether as principal, accomplice or accessory, is deemed a protected disclosure under these Rules and such person shall be entitled to the benefits of a whistle blower, provided that:

- a) The whistleblower complies with the conditions under Section 3 hereof;
- b) The whistleblower should not appear to be the guiltiest;
- c) The whistleblower testifies in accordance with his/her disclosures.
- d) There is no other direct evidence available for the proper persecution of the misconduct in relation to Section 3 (b); and
- e) The whistleblower's testimony can be substantially corroborated on material points in conformity to Section 3 (e).

Section 8. Procedure for Protected Disclosure-Immediately upon receipt of the disclosure, the Secretary, or his/her duly authorized representative, or the DA Resident Ombudsman shall:

- a) Evaluate the disclosure if the same qualifies as protected disclosure under Section 1, Section 3, and as may be applicable Section 7 of these Rules;
- b) Should disclosure qualify as such, to certify it as a protected report; and
- c) To conduct appropriate actions, provided, further, that the declaration as to whether or not a report shall be considered as a protected disclosure shall be made within a period not exceeding three (3) working days from the receipt thereof.

Section 9. Protection of Witnesses-Any employee who testifies in any proceedings arising from a protected disclosure shall be accorded in the same protection against retaliatory actions as provided in Section 2 hereof.

Section 10. Incentives for the Whistleblower- The Secretary may elect to accord the whistleblower an incentive he/she may deem appropriate, subject to existing rules and regulations governing such incentives, e.g. Civil Service Commission, Commissions on Audit, Department of Budget and Management, etc.

Section 11. Violations of Confidentiality-Any employee who violates the protection of confidentiality of a protected disclosure and of the confidentiality of proceedings shall be subject to disciplinary actions as may be provided under relevant

Department issuances, Civil Service Commission issuances, the Administrative Code of 1987, RA 6713, RA 3019, and other relevant laws, rules and/or regulations.

Section12. Retaliatory Actions-Any employee who does, causes or encourages retaliatory actions, as defined in these Rules, against a whistleblower and/or employees supporting him/her, or any of his/her relatives within the fourth civil degree of consanguinity or affinity shall be immediately subjected to administrative and/or criminal proceedings, and in appropriate cases, immediately placed under preventive suspension.

Section13. Perjurious Statements- False and misleading disclosures or statements shall be sufficient ground for the termination of benefits of whistleblowers under these Rules, including his immunity from administrative cases as well as disciplinary proceedings against the whistleblower(s) as may be appropriate.

Rule IX

Nepotism

Section 1. Appointment made in favor of a relative of the appointing or recommending authority, or of the chief of the Division/Service, or of the person exercising immediate supervision over the appointee, is hereby prohibited.

Section 2. For purposes of this code, the word "relative" and members of the family referred to all those related within the 4th degree either of consanguinity or of affinity.

Section 3. Exempted from the operation of the rules on nepotism are persons employed on a confidential capacity.

Section 4. The restriction mentioned in section 1, shall not be applicable to the case of a member of any family who, after his or her appointment to any position in a Division/Service, contracts marriage with someone in the same Division/Section in which event the employment or retention therein of both husband and wife may be allowed.

Rule X

Performance of Duties

Section1. DA officials and employees shall avoid impropriety and the appearance of impropriety in all of their activities. For purposes of this Code, impropriety is defined as actions or representations that are unbecoming of public officers and / or employees.

Section2. As a subject of constant public scrutiny, DA officials and employees must conduct themselves in a way that is consistent with the dignity of the Department so as to be considered as beyond reproach and should do so freely and willingly.

Section 3. DA officials and employees in their personal relations with professionals, who practice regularly in the Department's hearing or conferences, shall avoid

situations that might reasonably give rise to the suspicion or appearance of favoritism or partiality.

Section 4. DA officials and employees shall not participate in the determination of a case in which any member of their immediate family represents a litigant or is associated in any manner with the case in which conflict of interest may arise.

Section 5. DA officials and employees shall not allow the use of their residence or any place other than the office of DA to receive formal complaints, motions or manifestations from complainants, respondents, witnesses, or their lawyers or representatives.

Section 6. DA officials and employees, like any other citizen, are entitled to freedom of expression, belief, association and assembly, but in exercising such rights, they shall always conduct themselves in such manner as to preserve the dignity and impartiality of the Department.

Section 7. DA officials and employees shall carry out their responsibilities as public servants as courteously as possible.

Section 8. DA officials and employees shall not alter, falsify, destroy or mutilate willfully any official record within their control, or cause or allow any other person to do so.

This provision does not prohibit the expunging, amendment or correction of records or documents pursuant to an order by the Department or by an authorized official of the Department.

Section 9. In performing official duties, DA officials and employees shall not discriminate or manifest, by word or conduct, bias or prejudice based on race, religion, national or ethnic origin, perceived economic status, gender, or political affiliation.

Section 10. DA officials and employees shall not recommend any particular professionals to complainants or respondents, witnesses, or to anyone officially dealing with the Department.

Section 11. DA officials and employees shall expeditiously enforce rules and implement orders of the Department within the limits of their authority.

Section 12. The concerned DA officials and employees shall make sure that the Department acknowledge the receipt of a written request, complain, or motion immediately, and in no case beyond fifteen (15) days from receipt of the request, complaint, or motion by the Department, and shall act on it within reasonable period of time.

Rule XI

Internal Conflict and Disputes

Section 1. A grievance shall be resolved expeditiously at all times at the lowest level possible in the agency. However, if not settled at the lowest level possible, an aggrieved party shall present his or her grievance step by step following the hierarchy of authority.

Section 2. All agencies shall establish grievance machinery with the end in view of finding the best way to address grievance between or among government officials and employees.

Section 3. The aggrieved party shall be assured freedom from coercion, discrimination, harassment, reprisal and biased action on the grievance.

Section 4. Grievance proceedings shall not be bound by the Rules of Court or technicalities of evidence. Even verbal grievance must be acted upon expeditiously. The services of a legal counsel shall not be allowed.

Section 5. A grievance shall be presented verbally or in writing in the first instance by the aggrieved party to his or her immediate supervisor. The latter shall, within three (3) working days from the date of presentation, inform verbally the aggrieved party of the corresponding action. If the party being complained of is the immediate supervisor, the grievance shall be presented to the next higher supervisor.

Section 6. Grievance refers to work related issues giving rise to employee dissatisfaction. The following cases shall be acted upon through the grievance machinery:

- a. Non – implementation of policies, practices and procedures on economic and financial issues and other terms and conditions of employment fixed by law including salaries, incentives, working hours, leave benefits, and other related terms and conditions;
- b. Non – implementation of policies, practices and procedures which affect employees from recruitment to promotion, detail, transfer, retirement, termination, lay off, and other related issues that affect them;
- c. Physical working condition;
- d. Interpersonal relationships and linkages;
- e. Protest on appointments; and
- f. All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated in Item No. 6.

Section 7. Only permanent officials, whenever applicable, shall be appointed or elected as members of the grievance committee.

In the appointment or election of the committee members, their integrity, probity, sincerity and credibility shall be considered.

Section 8. Agencies with regional offices shall establish separate grievance committee in their head and regional offices. The composition is as follows:

- a. In the central office, the highest official responsible for Human Resource Management (HRM) shall act as chairperson. In the regional offices, the chairperson shall be the chief or Head of Administrative Division.

The committee shall elect among themselves the vice – chairman who will act as the chairman in case the chair is the object of the grievance.

In addition, if any of the members inhibits him because he is the subject of the complaint, a replacement shall be chosen from among their respective level. Such that, election of alternate shall be simultaneously done during election thereof.

- b. Two (2) Division Chiefs or their equivalent positions chosen from among themselves;
- c. Two (2) representatives from the career rank-and-file employees to be designated by the accredited employees' association / union.
- d. The Bilis Aksyon Partner (BAP) duly designated.

Section 9. The Agency head shall ensure equal opportunity for men and women to be represented in the grievance committee.

Section 10. The agency grievance committee shall develop and implement pro – active measures that would prevent grievance, such as employee assembly which shall be conducted at least once every quarter, " talakayan " counseling, HRD interventions and other similar activities.

Section 11. The DA Personnel Unit, in collaboration with the agency grievance committee, shall conduct a continuing information drive on grievance machinery among its officials and employees.

Section 12. The grievance committee shall conduct an investigation and hearing within ten (10) working days from the receipt of the grievance and render a decision within five (5) working days after the investigation. Provided, however, that where the object of the grievance is, the grievance committee, the aggrieved party may submit the grievance to the top management.

Section 13. A grievance may be elevated to the Civil Service Commission Regional Office concerned only upon submission of a Certificate of the Final Action on the Grievance (CFAG) issued by the grievance committee. The CFAG shall contain, among other things, the following information: history and final action taken by the agency on the grievance.

Rule XII

Discipline

Section1. No DA officials and employees shall be removed or suspended except for a cause as provided by law.

Section2. Any complaint against any DA officials and employees of the Department under this Administrative Order shall be initiated by a verified complaint, or, if not verified is verifiable and supported by the necessary evidence. This section shall also cover situations wherein members of DA officials and employees of

the Department institute an administrative action against a co-member or co-worker in the Department.

2.1 Compliant whether verified or not shall be referred to the Legal Division, for appropriate administrative action.

Section 3. Any violation of this Code shall be subject of the pertinent provisions of the Civil Service rules on administrative due process, actions, penalties, sanctions and remedies.

Rule XIII

Effectivity


This Administrative Order shall take effect after fifteen (15) days from the date of publication in a newspaper of general circulation and filing thereof with the National Administrative Register of the University of the Philippines Law Center.

All existing administrative orders, rules and regulations that are inconsistent with the provisions of this Order are hereby revoked or modified accordingly.

Issued this 29 day of May 2009 at Quezon City.



ATTY. ARTHUR C. YAP
Secretary

DEPARTMENT OF AGRICULTURE

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