

Memorandum Circular	IMPLEMENTING GUIDELINES OF THE WHISTLEBLOWING POLICY	Date: 17 January 2019
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1. REFERENCE DOCUMENT:

GCG Memorandum Circular No. 2016-02 "Revised Whistleblowing Policy for the GOCC Sector"

2. STATEMENT OF POLICY

The Development Academy of the Philippines (DAP), acting through its Board of Trustees (BOT) and duly authorized Officers and personnel, shall conduct its affairs, operations, and business in full compliance with applicable laws, rules, regulations. As public officers, its Trustees, Officers and personnel must exemplify the behavior and professional demeanor consistent with such laws, rules and regulations, policies and procedures of the highest standards.

3. BACKGROUND AND PURPOSE

The purpose of this Whistleblowing Policy is to enable any concerned individual to report and provide information, anonymously if he/she wishes, and even testify on matters involving the actions or omissions of the Trustees, Officers and personnel of the Academy that are illegal, unethical, violate good governance principles, are against public policy and morals, promote unsound and unhealthy business practices, are grossly disadvantageous to the Academy and/or the Government.

4. COVERAGE

This Policy shall be applicable to all Trustees, Officers and personnel of the Academy.

5. DEFINITION OF TERMS

- a. **Whistleblowing** - is the disclosure of and/or giving of evidence to information that a Whistleblower reasonably believes constitute graft and corrupt practices.
- b. **Whistleblower**- refers to any concerned individual who reports and provides information, anonymously if he/she wishes, and even testify on matters covered under this Memorandum Circular.
- c. **DAP Personnel** for this purpose shall refer to Academy Plantilla and Non-Plantilla personnel.

6. REPORTABLE CONDITIONS

Whistleblowers may report to the **Governance Commission** such acts or omissions that are illegal, unethical, in violation of good governance principles, are against public

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policy and morals, promoting unsound and unhealthy business practices, and are grossly disadvantageous to the Academy or the Government, such as, but not limited to:

- a. Abuse of Authority
- b. Bribery
- c. Conflict of Interest
- d. Destruction/Manipulation of Records
- e. Fixing
- f. Inefficiency
- g. Making False Statements
- h. Malversation
- i. Misappropriation of Assets
- j. Misconduct
- k. Money Laundering
- l. Negligence of Duty
- m. Nepotism
- n. Plunder
- o. Receiving a Commission
- p. Solicitation of Gifts
- q. Taking Advantage of Corporate Opportunities
- r. Undue Delay in Rendition of Service
- s. Undue Influence
- t. Violation of Procurement Laws

Whistleblowers may also report such other acts or omissions that otherwise involve violations of the following laws, rules and regulations:

- a. R.A. No. 6713 known as "Code of Conduct and Ethical Standards for Public Officials and Employees";
- b. R.A. No. 3019 known as "Anti-Graft and Corrupt Practices Act";
- c. R.A. no. 7080, as amended, known as "The Plunder Law";
- d. Book II, Title VII, Crimes Committed by Public Officers, The Revised Penal Code;
- e. Executive Order (E.O.) No. 292, s.1987 known as "Administrative Code of 1987";
- f. R.A. No. 10149 known as the GOCC Governance Act of 2011;
- g. GCG M.C. No. 2012-05 on "Fit and Proper Rules"
- h. GCG M.C. No. 2012-06 on "Ownership and Operations Manual Governing the GOCC Sector"
- i. GCG M.C. No. 2012-07 on "Code of Corporate Governance for GOCCs";
- j. Violations of the DAP Charter; and
- k. Other GCG Circulars and Orders, and applicable laws and regulations.

7. GCG WHISTLEBLOWING WEB PORTAL

The Governance Commission has established the website www.whistleblowing.gcg.gov.ph as the primary reporting channel for Whistleblowers. It is an on-line based platform by which Whistleblowers may securely submit reports electronically while at the same time ensuring anonymity and confidentiality of reports.

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Whistleblowers are encouraged to utilize this online reporting channel.

8. ALTERNATIVE REPORTING CHANNELS

Whistleblowers may also submit whistleblowing reports to the Governance Commission through the following alternative reporting channels:

- a. Face to face Meetings : with GCG Officers and Employees;
- b. E-mail : feedback@gcg.gov.ph
- c. Mail : 3/F Citibank Center 8741 Paseo De Roxas,
Makati City Philippines 1226
- d. Telephone : (632) 328-2030 to 33
- e. Fax : (632) 328-2030 to 33

9. CONFIDENTIALITY

Except when the Whistleblower does not invoke anonymity and/or confidentiality when invoking the Policy under this Circular, the Governance Commission shall ensure confidentiality of all information arising from whistleblowing reports. It shall treat all reports, including the identity of the Whistleblower and the person/s complained of, in a confidential and sensitive manner. The identity of the Whistleblower will be kept confidential, unless compelled by law or the Courts to be revealed, or unless the Whistleblower authorized the release of his/her identity.

10. PROTECTION AGAINST RETALIATION

Retaliatory acts against Whistleblowers who submit whistleblowing reports in good faith shall not be tolerated by the Governance Commission. Such retaliatory acts may include:

- a. Discrimination or harassment in the workplace;
- b. Demotion;
- c. Reduction in salary or benefits;
- d. Termination of contract;
- e. Evident bias in performance evaluation; or
- f. Any acts or threats that adversely affect the rights and interests of the Whistleblower.

If the Whistleblower has reasonable ground to believe that abovementioned, or similar acts, are being directed against him/her, he/she, may report the same to the Governance Commission for extension of all possible assistance under the law and the circumstances present.

11. UNTRUE ALLEGATIONS

If a Whistleblower makes allegations that are determined by the Governance Commission to be fabricated or malicious or falsehoods, and/or if he/she persists in making them, legal action may be taken against him/her by the Commission.

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Notwithstanding the action of the Commission, the person subject of the Whistleblowing or the allegation may still institute a separate legal action.

12. HANDLING OF WHISTLEBLOWING REPORTS

- a. **Filing of Whistleblowing Reports** – All whistleblowing reports must be submitted to the Governance Commission through the website: www.whistleblowing.gcg.gov.ph or through any of the Alternative Reporting Channels identified in paragraph 8 above.
- b. **Investigation by the Office of the General Counsel** – All whistleblowing reports shall be evaluated and investigated by the Office of the General Counsel which reserves the right to disregard reports that are vague, ambiguous, patently without merit, or are simply made with malicious intent to tarnish the name and reputation of the person/s complained of.


13. ACTION ON WHISTLEBLOWING REPORTS

In case of Whistleblowing reports against the DAP Trustees, Officers and personnel, the Governance Commission may pursue the following actions:

- a. Dismiss the whistleblowing report for want of palpable merit;
- b. Forward the Whistleblowing report to the Academy for corresponding official action;
- c. Submit a formal recommendation to the BOT of the Academy for the suspension of the respondent Appointive Director;
- d. Submit a formal recommendation to the President for the removal of the respondent Appointive Director;
- e. Indorse to the proper Government Agency, such as the Office of the Ombudsman, the pursuit of the criminal and/or administrative processes against the respondents;
- f. Enjoin the BOT and Management to comply with applicable laws or jurisprudence and/or to undertake corrective measures to address the matters raised in the complaint; and
- g. Consider the whistleblowing report closed and terminated if the response of the respondent is found to be adequate.

13. EFFECTIVITY

This Memorandum Circular shall take effect immediately. All previous issuances inconsistent with the provisions of this Memorandum Circular are hereby amended, repealed, and superseded.


ATTY. ENGELBERT C. CARONAN, JR., MNSA
President and CEO

BOARD RESOLUTION NO. 2018-028**ESTABLISHING A WHISTLEBLOWING SYSTEM IN THE DEVELOPMENT ACADEMY OF THE PHILIPPINES (DAP) AND DIRECTING THE DAP PRESIDENT/CEO TO FORMULATE THE NECESSARY GUIDELINES THEREFOR**

WHEREAS, Republic Act No. 10149, or the "Government-Owned or –Controlled Corporation (GOCC) Governance Act of 2011," espouses the principle of transparency, responsibility and accountability in the governance of GOCC;

WHEREAS, Governance Commission for GOCCs (GCG) Memorandum Circular No. 02 (s. 2016) establishes a whistleblowing policy for the GOCC sector and mandates all GOCCs to establish: a) their own whistleblowing system, duly approved by their Governing Boards, b) an online portal in their official websites to GCG's whistleblowing web portal and c) such regulations that provide protection to whistleblowers.

WHEREAS, under a whistleblowing system, a GOCC must have a mechanism that enables any concerned individual to report and provide information, anonymously if the person so wishes, and even testify on matters involving the actions or omissions of the directors/trustees, officers and employees of a GOCC, that are illegal, unethical, violate good governance principles, are against public policy and morals, promote unsound and unhealthy business practices; and are grossly disadvantageous to the GOCC and the Government; and,

WHEREAS, there is a need to establish a whistleblowing system in DAP and promulgate pertinent guidelines or regulations therefor.

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that a whistleblowing system, subject to GCG MC No. 02 (s. 2016), be established in DAP.

RESOLVED FURTHER, that the DAP President/CEO be authorized to formulate the necessary guidelines, which shall include mechanisms to address sexual harassment such as the creation of a Committee on Decorum and Investigation, and to submit the same for the approval of the Board.


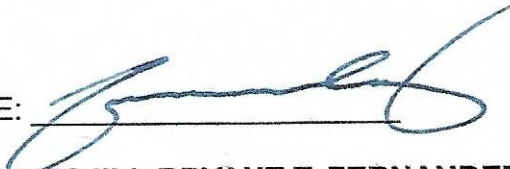
Adopted by the Board of Trustees on 10-08-18.

BOARD OF TRUSTEES
ACTION FORM

BOARD RESOLUTION NO. 2018-028

**ESTABLISHING A WHISTLEBLOWING SYSTEM IN THE DEVELOPMENT
ACADEMY OF THE PHILIPPINES (DAP) AND DIRECTING THE DAP
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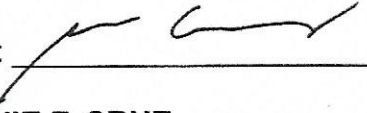
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED REMARKS: _____ _____ _____	SIGNATURE: <u></u> NAME: CHAIRPERSON ALICIA DELA ROSA-BALA POSITION: DAP CHAIRPERSON DATE: _____ AGENCY: Civil Service Commission
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED REMARKS: _____ _____ _____	SIGNATURE: <u></u> NAME: ATTY. MCJILL BRYANT T. FERNANDEZ POSITION: Acting Deputy Executive Secretary for General Administration / DAP Vice Chairperson DATE: _____ AGENCY: Office of the President

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<p><input checked="" type="checkbox"/> APPROVED</p> <p><input type="checkbox"/> DISAPPROVED</p> <p>REMARKS:</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>SIGNATURE: </p> <p>NAME: ATTY. ENGELBERT C. CARONAN, JR.</p> <p>POSITION: President and CEO</p> <p>DATE: _____</p> <p>AGENCY: Development Academy of the Philippines</p>
<p><input checked="" type="checkbox"/> APPROVED</p> <p><input type="checkbox"/> DISAPPROVED</p> <p>REMARKS:</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>SIGNATURE: </p> <p>NAME: BERNIE F. CRUZ</p> <p>POSITION: Undersecretary</p> <p>DATE: _____</p> <p>AGENCY: Department of Agrarian Reform</p>

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<p><input checked="" type="checkbox"/> APPROVED</p> <p><input type="checkbox"/> DISAPPROVED</p> <p>REMARKS:</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>SIGNATURE: _____ <i>Jesus Enrico Moises B. Salazar</i></p> <p>NAME: JESUS ENRICO MOISES B. SALAZAR</p> <p>POSITION: Assistant Secretary</p> <p>DATE: _____</p> <p>AGENCY: Department of Environment and Natural Resources</p>

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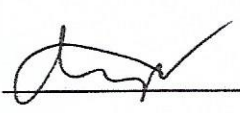
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED REMARKS: _____ _____ _____	SIGNATURE: <u><i>J. Dela Rosa</i></u> NAME: JOSE MIGUEL R. DELA ROSA POSITION: Undersecretary DATE: _____ National Economic and Development Authority
<input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED REMARKS: _____ _____ _____	SIGNATURE: <u><i>L. Pascua</i></u> NAME: LAURA B. PASCUA POSITION: Undersecretary DATE: <u>10/31/18</u> AGENCY: Department of Budget and Management

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<p><input type="checkbox"/> APPROVED</p> <p><input type="checkbox"/> DISAPPROVED</p> <p>REMARKS:</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p style="text-align: center;"></p> <p>SIGNATURE: _____</p> <p>NAME: MA. LOURDES V. DEDAL</p> <p>POSITION: Director IV</p> <p>DATE: <u>10/20/18</u></p> <p>AGENCY: Department of Finance</p>