



GUIDELINES ON THE WHISTLEBLOWING PROGRAM AND COMPLAINT POLICY OF THE NATIONAL ELECTRIFICATION ADMINISTRATION

A. INTRODUCTION

It is the State's policy that the governance of government-owned and controlled corporations (GOCCs) shall be carried out in a transparent, responsible and accountable manner with the utmost degree of professionalism and effectiveness.¹ As a GOCC, integrity and accountability are necessary to maintain public trust and restore credibility in the public service. Whistleblowers are the primary vehicle through which misconduct is exposed and employees are therefore encouraged to come forward and voice their concerns about any aspect of this Office's work. However, witnesses to misconduct are oftentimes subject to retaliation for speaking out. This retaliation creates a chilling effect on the willingness of the employees to come forward and bring to light these misconducts.

The GCG has implemented Memorandum Circular No. 2016-02 entitled "Revised Whistleblowing Policy for the GOCC Sector". This policy is therefore issued in order to implement the aforesaid memorandum on Whistleblowing Policy of the National Electrification Administration (NEA).

The purpose of this Whistleblowing Policy is to enable any concerned individual to report and provide information, anonymous if he/she wished and even testify on matters involving the actions or omissions of the employees, officers and members of the Board of Administrators of NEA and protect the identity of the whistleblower from retaliation for his/her actions.

B. OBJECTIVES OF THE POLICY

A whistleblowing policy is an important element of internal audit and control. Its main objectives are as follows:

1. To encourage employees to bring suspected malpractices, ethical and legal violations they are aware of to the attention of an internal authority;
2. To avoid exposing the office to risk or damage that may occur when employees violate certain code of conduct. A strong whistleblowing program is one of the best means of reducing the impact of fraud and serious misconduct;
3. To help promote and develop a culture of openness, accountability and integrity within the office. The policy supports and assists personnel who have genuine concern to bring it to the attention of people within the office who can take appropriate actions;

C. DEFINITION OF TERMS

Employee – refers to any individual who performs services for or under the control and direction of an employer for wages or other remuneration. For purposes of this Whistleblowing Policy, it shall also include rank-and-file, regular or contractual, job order or plantilla employees, supervisors, officers and members of the Board of Administrators.

Office – refers to the National Electrification Administration (NEA).

Reportable Conditions – matters that may be brought to the attention of NEA through this Policy.

Reporting Channels – can be any of the following: (1) email; (2) mail; (3) telephone; (4) facsimile; (5) website; and (6) face-to-face meetings.

Respondent – the person who is the subject of a report filed with NEA pursuant to this Policy.

Retaliatory Actions – actions carried out by the respondent officer in retaliation against a whistleblowing employee/s, such as, discharge, suspension, demotion, harassment, blacklisting or the refusal to hire an employee, or other adverse employment action taken against an employee in the terms and conditions of employment, or other actions which interfere with an employee's ability to engage in protected activities set forth under this policy.

Whistleblower – a person who reports a reportable condition to NEA through this Policy.

Whistleblowing – refers to the process whereby employees are encouraged to report suspected violations, complaints or concern involving financial disclosures, accounting, code of conduct and ethics or policies. Whistleblowing encourages employees to bring unethical or illegal practices to the forefront and addressing them before they become detrimental to the Office.

Whistleblowing Report – refers to a complaint filed by a Whistleblower about a Reportable Condition.

D. SCOPE OF THE POLICY

1. The policy shall apply to all employees of NEA as defined.
2. The following concerns and issues shall encompass reporting by concerned employees:

2.1 Reportable Conditions – Whistleblowers may report to NEA such acts or omissions that are illegal, unethical, violate good governance principles, are against public policy and morals, promote unsound and unhealthy business practices, are grossly disadvantageous to NEA and/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) Receiving a commission;
- o) Solicitation of gifts;
- p) Taking advantage of corporate opportunities;
- q) Undue delay in rendition of service;
- r) Undue Influence;
- s) Violation of procurement laws.

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

- a) R. A. No. 6731, "Code of Conduct and Ethical Standards for Public Officials and Employees";
- b) R. A. 3019, "Anti-Graft and Corrupt Practices Act";
- c) R. A. 7080, as amended, "The Plunder Law";
- d) Book II, Title VII, Crimes Committed by Public Officers, The Revised Penal Code;
- e) Executive Order No. 292 s. 1987, "Administrative Code of 1987";
- f) R. A. No. 10149, "The GOCC Governance Act of 2011";
- g) GCG MC No. 2012-05, "Fit and Proper Rule";
- h) GCG MC No. 2012-06, "Ownership and Operations Manual Governing the GOCC Sector";
- i) GCG MC NO. 2012-07, "Code of Corporate Governance for GOCCs";
- j) Reportable Conditions as provided under GCG Memorandum Circular No. 2016-02, Revised Whistleblowing Policy for the GOCC Sector, and
- k) Other Circulars and Orders and applicable laws and regulations.

2.3 Whistleblowing Reports must contain the following:

- a) Specific condition/s, action/s, omission/s being complained about;
- b) Corresponding laws, rules, and regulations allegedly violated; and
- c) If available, any documentary and other evidence in support of the allegation for evaluation purposes.

E. PROTECTED ACTIVITIES

No retaliatory action shall be made against an employee because he/she does any of the following:

1. Discloses, threatens to disclose, or is about to disclose to his immediate superior or through any means under this policy an activity, policy or practice of the officers, co-employee, or any of the members of the Board of Administrators, that the employee reasonably believes is in violation of a law, regulation or policy.
2. Provides information to, or testifies before any panel duly constituted under this policy or competent court of jurisdiction conducting an investigation, hearing or inquiry into any violation committed of under the scope of this program or of any law, rule, regulation or policy.
3. Discloses, threatens to disclose or is about to disclose to a superior or through any means provided under this policy, or public officer a policy or practice of an officer, co-employee or any of the members of the Board of Administrators that the employee reasonably believes is incompatible with the mandate of this office.

F. NEA MONITORING COMMITTEE

Chairperson : Deputy Administrator, Corporate Resources & Financial Services
Vice Chairperson: Department Manager, Legal Services Office

Members:

- a) Representative, Office of the Administrator
- b) Department Manager, Human Resource and Administration Department
- c) Representative, Samahan ng mga Makarepormang Kawani ng NEA (Samakaren)

The Chairperson of the NEA MC shall conduct an initial evaluation of the Whistleblowing Report in accordance with Section L (3) of this policy and convene the NEA MC as may be needed.

Decisions of the NEA MC on the Whistleblowing Report shall be submitted to the Management Committee for approval.

G. GCG WHISTLEBLOWING WEB PORTAL

The Governance Commission has established the website www.whistleblowing.gcg.gov.ph as its primary reporting channel for whistleblowers under GCG Memorandum Circular No. 2016-02, Revised Whistleblowing Policy for the GOCC Sector.

This reporting channel is an online-based platform by which whistleblowers may securely submit reports electronically while at the same time ensuring their anonymity and the confidentiality of their reports. Whistleblowers are encouraged to utilize this online reporting channel.

H. NEA REPORTING CHANNELS

The following are dedicated Reporting Channels in NEA which Whistleblowers can use to submit Whistleblowing Reports:

- a. Email : nea_hrad@yahoo.com.ph
- b. Mail : NEA Monitoring Committee
57 NIA Road, Government Center, Diliman, Quezon City
- c. Telephone : 8929-1909
- d. Fax : 8929-2167
- e. Website : www.nea.gov.ph
- f. Face-to-face meetings : with the NEA MC Chair or any of its members

I. CONFIDENTIALITY

NEA shall ensure the confidentiality of all information arising from the report. It shall also treat the identity of the whistleblower and the respondent 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.

J. PROTECTION OF A WHISTLEBLOWER AGAINST RETALIATION

NEA shall not tolerate any retaliation in whatever form and manner, against a whistleblower who submits a whistleblowing report in good faith. NEA shall also extend all possible assistance to the whistleblower under the law and given the circumstances.

Such retaliatory acts may include:

- Discrimination or harassment in the workplace;
- Demotion/ denial of promotion;
- Reduction in salary benefits;
- Termination of contract;
- Evident bias in performance evaluation; or
- Any acts or threats that adversely affect the rights and interests of the whistleblower, such as, but not limited to: deliberately delaying/failing to act on requests/disapproving leaves/subjecting individual to humiliation and embarrassment/ deliberate disapproval of requests for training/DTRs.

K. UNTRUE ALLEGATIONS

If a whistleblower makes allegations that are unfounded, fabricated or malicious falsehoods as determined by the NEA MC, NEA may take legal action/s against the person.

L. PROCEDURE ON HANDLING WHISTLEBLOWING REPORTS

1. **Filing of Whistleblowing Reports** – all reports must be submitted to NEA through the channels provided in Section H of this policy.

While a report may be filed anonymously, the whistleblower's connection to NEA and general relationship to the respondent, if any, must be stated.

To aid the NEA MC, it is incumbent upon the whistleblower to include files, photographs, videos, recordings, news clippings and articles, among other relevant documents, to support the reported complaint.

In cases of vague complaints which have no corroborating evidence to support the allegations, the report shall either be dismissed or referred back to the whistleblower to substantiate.

2. **Handling Initial Receipt of Whistleblowing Reports** – the following personnel will handle initial receipt of reports from the different reporting channels:

Reporting Channel	Concerned NEA unit
E-mail	nea_hrad@yahoo.com.ph
E-Mail	nea_hrmd@yahoo.com.ph
Telephone	8929-1909 loc 127
Fax	8929-2167
Website	www.nea.gov.ph
Face-to-face meeting	Chair or any member of the NEA Monitoring Committee

3. **Preliminary Evaluation** – the information in the Whistleblowing Report, whether anonymously filed or not, may be considered sufficient in form if:
- a) The full name and position of the NEA official or employee subject of the information is identified;
 - b) Violations and/or charges are specified, including the relevant material facts (nature of the incident, time and places of the incident, persons involved, evidence, if any, and other important matters necessary to establish a case);
 - c) Corresponding laws, rules, and regulations allegedly violated; and
 - d) Documents in support of the allegations submitted.

Thereafter, the NEA MC Chairperson will determine whether the information may be considered as a Reportable Condition under Section D hereof, and if in the affirmative, shall refer the same to the NEA MC for appropriate action.

If the NEA MC Chairperson determines that such information does not qualify as a Reportable Condition under this Policy, the same may be treated as a complaint which will be acted on in accordance with applicable laws, rules and regulations.

The NEA MC Chairperson reserves the right to disregard Whistleblowing Reports that are vague, ambiguous, patently without merit, or are clearly harassment complaints against the Respondent/s. The Chairperson shall communicate the initial findings on such Whistleblowing Reports to the Whistleblower who will be given an opportunity to substantiate the report within fifteen (15) days upon receipt of the same. If matters raised in the initial findings were unsubstantiated within the given period, the report will be considered closed and terminated subject to the approval of the Management Committee upon prior recommendation of the NEA MC.

4. **Full Investigation** – if the NEA MC finds the report sufficient in form and substance after the fact-finding, it shall recommend the conduct of full investigation in accordance with relevant laws, rules, and regulations. The NEA MC must conclude the investigation within 60 days.
5. **Monitoring** – the NEA MC shall submit a progress report on a quarterly basis on all whistleblowing cases to the GCG with the corresponding actions taken thereon.

M. FINAL ACTIONS ON THE WHISTLEBLOWING REPORTS

In cases of whistleblowing reports against NEA, its members of the Board of Administrators, officers, and employees, the GCG may pursue any of the following actions:

- a) Dismiss the whistleblowing report for want of palpable merit;
- b) Forward the whistleblowing report to NEA Management for corresponding official action;
- c) Submit a formal recommendation to the NEA Management for the discipline/suspension of the respondent employee;
- d) Submit a formal recommendation to the NEA Board of Administrators for the discipline/suspension of respondent Officer/s and Director/s;
- e) Submit a formal recommendation to the Office of the President of the Philippines for the removal of the respondent member of the NEA Board of Administrators;

- f) Indorse to the proper Government Agency, such as the Office of the Ombudsman, the pursuit of the criminal and/or administrative processes against the respondent/s;
- g) Enjoin the Board of Administrators and Management to comply with applicable laws or jurisprudence and/or to undertake corrective measures to address the matters raised in the complaint; and
- h) Consider the whistleblowing report closed and terminated if the response of the respondent is found inadequate.

N. REPEALING CLAUSE

All other NEA orders, circulars, issuances, and decisions that are inconsistent with this Policy are hereby repealed and/or modified accordingly.

O. EFFECTIVITY CLAUSE

This implementing rules and regulations shall take effect immediately after the submission of three (3) certified copies of the same to the office of the National Administrative Registry at the University of the Philippines Law Center.



EDGARDO R. MASONGSONG

Administrator

NATIONAL ELECTRIFICATION
ADMINISTRATION
Office of the Administrator



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