

WHISTLEBLOWING PROGRAM AND COMPLAINT POLICY

NEA's Whistleblowing Program and Complaint Policy was duly approved by the NEA Board of Administrators (NEA-BOA) through Board Resolution No. 57, series of 2017 dated May 31, 2017 and correspondingly submitted to the Office of National Administrative Registry at the University of the Philippines Law Center on June 19, 2017 for filing, publication and recording.

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. 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 the Office's work. However, whistleblowers in 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 guideline 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 wishes 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. DEFINITION OF TERMS

- OFFICE** - refers to the National Electrification Administration (NEA).
- 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 task and file, regular or contractual, job order or plantilla employees, supervisors, officers and members of the Board of Administrators.
- RETALIATORY ACTION** - means the 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.
- WHISTLEBLOWING** - refers to the process whereby employees are encouraged to report suspected violations, complaints or concerns 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.

C. OBJECTIVES OF THE POLICY

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

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

D. SCOPE OF THE GUIDELINE

- The guidelines shall apply to all employees of NEA as defined.
- The following contents and issues shall encompass reporting by concerned employees:
 - Violations of the provisions of the following rules and regulations, to wit:
 - Q.A. No. 6731, "Code of Conduct and Ethical Standards for Public Officials and Employees"
 - R.A. 3016, "Anti-Grant and Conflict of Interest Act"
 - R.A. 7502, as amended, "The Power Law"
 - Task II, Title VII, Crimes Committed by Public Officers, "The Revised Penal Code"
 - Executive Order No. 290 s. 1987, "Administrative Code of 1987"
 - R.A. No. 10143, "The GOCC Governance Act of 2011"
 - GCG MC No. 2012-05, "Task and Proper Role"
 - GCG MC No. 2012-06, "Disciplinary and Codebooks Manual Governing the GOCC Sector"
 - GCG MC No. 2013-07, "Code of Corporate Governance for GOCCs", and
 - Other Circulars and Orders and applicable laws and regulations.
 - Provisional Conditions as provided under GCG Memorandum Circular No. 2016-02, Revised Whistleblowing Policy for the GOCC Sector.

E. PROTECTED ACTIVITIES

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

- Discloses, threatens to disclose, or is about to disclose to his/her immediate superior or through any means under this policy an activity, policy or practice of the office, 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.
- Provides information to, or testifies before any panel duly constituted under this policy or to a judicial body of jurisdiction conducting an investigation, hearing or inquiry into any violation committed under the scope of this program or of any law, rule, regulation or policy.
- Discloses, threatens to disclose or is about to disclose to a superior or through any means provided under this policy, to 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 standards of the office.

F. POLICIES

- A confidential reporting channel/mechanism shall be established wherein whistleblowers may convey or communicate their concerns and/or complaints.
- All reports must state the specific conditions, actions and/or omission/s being complained about, as well as the corresponding laws, rules or regulations allegedly violated. If possible, documentary and other evidence in support of the allegation must be submitted for evaluation.
- All reports by whistleblowers shall be treated fairly, properly and confidentially to the greatest extent possible. As such, the process allows for anonymous reporting. The whistleblower who informs against any wrongdoing may choose to maintain his anonymity and provide a manner by which he/she can be contacted without jeopardizing his anonymity. If any employee is making an identity disclosure, said employee shall retain his/her anonymity unless he/she agrees otherwise.
- The anonymity is limited and exclusive only to the whistleblower. All respondents or those complained of must be clearly identified by their full names and location. Furthermore, the alleged violations, actions and/or omissions must be clearly identified, together with the law, rule and regulation allegedly violated.
- In the event that the whistleblower withdraws or desist from providing additional information, the investigation shall continue provided that the evidence gathered is sufficient as determined by the whistleblowing committee.
- In the event that the complainant employee refuses prior to the final resolution of the case against him/her, the investigation shall still continue provided that the evidence gathered is sufficient as determined by the whistleblowing committee.
- The filing of a case in a court of competent jurisdiction does not affect the conduct of the investigation to determine administrative liability, if any.
- The whistleblowing program intends to provide warnings and promote ethical conduct in the office. In this manner, the whistleblower may raise matters of concern or issues that are within the scope of the program enumerated per letter D above.
- The Office shall ensure that no employee shall be at risk of suffering some form of retaliation as a result of reporting or raising a concern.
- Employees shall be responsible to raise only genuine concerns, in good faith and without any sinister motive. The process shall not be used to support personal grievances about conditions of employment or disputes.
- The Administrator may create and appoint a "Whistleblowing Committee" that would handle the overall responsibility for the implementation and maintenance of the program.

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. CONFIDENTIALITY

Except when the whistleblower does not invoke anonymity and/or confidentiality when reporting the policy under this guideline, the office shall ensure confidentiality of all information arising from whistleblowing reports submitted. It shall treat all reports including the identity of the whistleblower and the person complained of in a confidential and sensitive manner. The identity of the whistleblower will be kept confidential unless compelled by law or the Court to be revealed, or unless the whistleblower authorized the release of his/her identity.

I. PROTECTION OF A WHISTLEBLOWER AGAINST RETALIATION

Retaliatory acts against whistleblowers who submit whistleblowing reports in good faith shall not be tolerated by this office which shall 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;
- Reduction in salary or benefits;
- Termination of contract;
- Evident bias in performance evaluation; or
- Any act or threat that interferes with the rights and interests of the whistleblower.

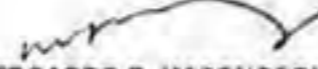
J. UNTRUE ALLEGATIONS

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

K. EFFECTIVITY CLAUSE

This guideline shall take effect fifteen (15) days after the approval by the NEA Board of Administrators, and after 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.




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Administrator