



PHILGUARANTEE
Philippine Guarantee Corporation

PHILIPPINE GUARANTEE CORPORATION

**PHILGUARANTEE WHISTLEBLOWING
POLICY
2022**

The Philippine Guarantee Corporation (PHILGUARANTEE) hereby adopts the **“PHILGUARANTEE WHISTLEBLOWING POLICY”** pursuant to the Corporation’s compliance with respect to the Manual of Corporate Governance, Code of Ethics and Business Conduct (2021), and related laws, rules and regulations and company policies and procedures. All PHILGUARANTEE officials and employees including under Contract of Service, Job Order and Consultants are directed to strictly observe this **“WHISTLEBLOWING POLICY.”**

1. BASIS

- 1.1. Governance Commission for Government Owned or Controlled Corporations (GCG) Memoranda Circular Nos. 2014-04, or the “Whistleblowing Policy for the GOCC Sector” and 2016- 02, or the “Revised Whistleblowing Policy for the GOCC Sector”.
- 1.2. Code of Ethics and Business Conduct, which governs the conduct and behavior of all PHILGUARANTEE officials and employees including the members of the Board of Directors, and serving as their guide in carrying out professional and ethical standards of behavior at the highest degree.
- 1.3. Corporate Compliance Program, which has a purpose – “to provide an internal self-regulatory mechanism for the observance of laws, rules and regulations relevant to the operations of PHILGUARANTEE and for the enforcement of company policies, procedures and standards of conduct. It is intended to establish a framework for an orderly implementation of ethical responsibilities and legal compliance by PHILGUARANTEE directors, officers and employees.”

2. COVERAGE

This Policy shall be applicable to all the members of the PHILGUARANTEE Board of Directors, officers and employees, whether permanent, temporary or co-terminus including those employed under Contract of Service, Job Order and Consultants.

3. DEFINITION OF TERMS

- 3.1. Alternative Reporting Channels – can be any of the Governance Commission for GOCCs’ reporting channels.
- 3.2. PHILGUARANTEE Integrity Monitoring Committee (PIMC) – refers to the Committee tasked with handling the implementation of this Policy.
- 3.3. Reportable Conditions – matters that may be brought to the attention of the PIMC through this Policy as enumerated in Section 5.
- 3.4. Reporting Channels – can be any of the following: (1) PHILGUARANTEE Website; (2) E-mail; (3) Mail; (4) Telephone; and (5) Face-to-Face Meeting.
- 3.5. Respondent – the person who is the subject of a report files with the PIMC pursuant to this Policy.
- 3.6. Whistleblower – a person who reports a Reportable Condition to the PIMC through this Policy.
- 3.7. Whistleblowing Report (WR) – refers to a complaint filed by a Whistleblower about Reportable Condition.

4. PHILGUARANTEE INTEGRITY MONITORING COMMITTEE (PIMC)

The PIMC shall be composed of the following:

Chairperson : Head, Legal Services Group
Vice Chairperson : Head, Corporate Services Group

Members :

- a) The Chief Compliance Officer
- b) Head, Internal Audit Office

- c) Head, Human Resource and Organizational Development Department
- d) Representative, PHILGUARANTEE Employee Association

The Head of Legal Services Group shall conduct an initial evaluation of the Whistleblowing Report in accordance with 7.3.2 of this policy and convene the PHILGUARANTEE IMC as may be needed.

Decision of the PIMC on the Whistleblowing Report (WR) shall be submitted to the Corporate Governance Committee for approval.

In case any of the members of the PIMC is the whistleblower or respondent in the WR, he shall inhibit himself from the proceedings of the PIMC relative to the aforesaid WR except to provide the required information or documents as provided under item 7.3.2.

The HRODD shall provide secretariat support to the PIMC and shall act as repository of all documents pertaining to a WR.

In case a member of the Board is the respondent in a WR or a member of the Board is one of the respondent in a WR, the Corporate Governance Committee shall act as the PIMC.

5. REPORTABLE CONDITIONS

5.1. Whistleblowers may report to the Corporation such acts or omissions that are illegal, unethical, violate good morals, promote unsound and unhealthy business practices, are grossly disadvantageous to the Corporation 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) 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; and
- t) Violation of Procurement Laws.

5.3. 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, "Code of Conduct and Ethical Standards for Public Officials and Employees";
- b) R.A. No. 3019, "Anti-Graft and Corrupt Practices Act";
- c) R.A. No. 7080, as amended, "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, "Administrative Code of 1987";
- f) R.A. No. 10149, the 'GOCC Governance Act of 2011';
- g) GCG M.C. No. 2012-05, "Fit and Proper Rule";
- h) GCG M.C. No. 2012-06, "Ownership and Operations Manual Governing the GOCC Sector";
- i) GCG M.C. No. 2012-07, "Code of Corporate Governance for GOCCS";
- j) Violations of the Charter of the GOCC; and

- k) Other GCG Circulars and Orders, and applicable laws and regulations.

6. POLICY STATEMENT

All PHILGUARANTEE's groups/departments/offices, pursuant to its compliance with respect to the Manual of Corporate Governance, Code of Ethics and Business Conduct, Corporate Compliance Program and related laws, rules and regulations and company policies and procedures, shall ensure to uphold this Policy. PHILGUARANTEE embraces complaints as opportunities to improve efficiency and quality in delivery of service. PHILGUARANTEE also views complaints as opportunities to increase goodwill and obtain respect from citizens it serves.

7. POLICY STATEMENT IMPLEMENTING GUIDELINES

Any individual, employee, group, entity, or other party affected or likely to be affected by PHILGUARANTEE's policies and initiatives can file a complaint. If a complaint is made on behalf of another party, that group should be identified and evidence of authority to represent that group should be provided.

7.1 Reporting Channels. Complaints can be filed through the following dedicated reporting channels:

- 7.1.1 Web-site – <http://www.philguarantee.gov.ph>
- 7.1.2 E-mail – pimc@philguarantee.gov.ph
- 7.1.3 Mail – PHILGUARANTEE Integrity Monitoring Committee, Philippine Guarantee Corporation, 17/F BDO Towers Valero, 8741 Paseo De Roxas St., Makati City, 1226
- 7.1.4 Telephone – (632) 8-885-4700
- 7.1.5 Face-to-Face Meeting – with PIMC Chairperson or any member of the PIMC

The complaint need not follow a specific format. However, it helps to speed up the process if the following details are provided:

- Name, address, telephone number, fax number, and e-mail address of the complainant;
- Background information on the complaint, including the names of any party that the complaint has dealt with in attempt to resolve the issue or raise the concerns;
- A clear statement outlining the complainant's opinion of the possible effects of the problem;
- The complainant's opinion on the desired result or outcome of an investigation; and
- What has been done to solve the problem, if any, including any previous contact with PHILGUARANTEE.

7.2. **Alternative Reporting Channels.** Whistleblowers may submit their reports directly to the Governance Commission for GOCCs (GCG) through the whistleblowing portal found at the PHILGUARANTEE website or at www.whistleblowing.gcg.gov.ph Whistle blowers are encouraged to utilize this online reporting channel.

Whistleblowers may also submit their whistleblowing report to the GCG through the following channels:

7.2.1. Face-to-Face Meetings – with GCG Officers and Employees

7.2.2. E-Mail – feedback@gcg.gov.ph

7.2.3. Mail – 3/F Citibank Center 8741 Paseo De Roxas, Makati City
Philippines 1226

7.2.4. Telephone – (632)328-2030 to 33

7.2.5. Fax – (632) 328-2030 to 33

WR must state the specific condition/s, action/s and/or omission/s complained of, as well as the corresponding laws, rules or regulations allegedly violated. If possible, documentary and other evidence in support of the WR shall be submitted to the PIMC.

Reports of the whistleblower shall be resolved in accordance with the procedure prescribed in the 2017 Rules on Administrative cases in the civil service (2017 RACCS) or any subsequent amendments thereof or rules that may be issued thereafter replacing or repealing the same.

7.3. Procedures in Handling Whistleblowing Reports

7.3.1. **Filing of Whistleblowing Reports.** All WR must be submitted to PHILGUARANTEE through the Reporting Channels or through any of the Alternative Reporting Channels identified in paragraphs 7.1 & 7.2 of this policy, respectively.

To aid the PIMC, 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 case 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.

7.3.2. **Preliminary Evaluation.** The information in the WR, whether anonymously filled or not, may be considered sufficient in form if:

- The full name and position of the PHILGUARANTEE official or employee subject of the information is identified;
- Violations and/or charges are specified, including the relevant material facts (nature of incident, time and places of the incident, persons involved, evidence if any, and other important matters necessary to establish a case);
- Corresponding laws, rules and regulations allegedly violated; and
- Documents in support of the allegations submitted.

Thereafter, the Legal Services Group will make the initial determination of whether or not the information may be considered as a Reportable Condition under Section 5 hereof, and if in the affirmative, shall refer the same to the PIMC for appropriate action.

If the Head of Legal Services Group determines that such information does not qualify as a Reportable Condition under this Policy, the same may be treated as an ordinary complaint which will be acted on in accordance with applicable laws, rules and regulations.

The Legal Services Group reserves the right to disregard WRs that are vague, ambiguous, patently without merit, or are clearly harassment complaints against the Respondent/s. The Head of Legal Services Group shall communicate his/her initial findings on such WRs 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 Senior Management Committee upon prior recommendation of the PIMC.

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

7.4. **Anonymous Reporting**

The Agency shall accept reports made anonymously. The complainant/whistleblower who files a report anonymously may choose to provide a manner by which he/she can be contacted without jeopardizing his/her anonymity. Acceptable means shall include, but it is not limited to using the e-mail, a landline call or pre-paid mobile number, and the like.

Anonymous reporting is limited to the identity of the complainant/whistleblower. The full names, positions and the alleged violations, actions and/or omission must be clearly identified, together with the law, rule and regulations being violated.

8. DUTIES AND PROTECTION OF WHISTLEBLOWERS

A. Whistleblowers may be entitled to protection under this policy, provided the following requisites are present:

8.1. The Whistleblower is an Employee or a Member of the Board of Directors. A Third Party shall not be qualified to avail of the protection under this Policy. The corporation, upon the recommendation and approval of the PIMC, shall refer the whistleblower to the proper government agency for possible coverage under the Witness Protection Program

8.2. The disclosure is:

8.2.1. Voluntary, in writing and under oath;

8.2.2. Accurate and based on personal knowledge of the Whistleblower;

8.2.3. Related to an Illegal Activity or any conduct in violation of applicable laws as defined herein; and

8.2.4. Not yet the subject of any investigation or court proceedings.

8.3. The information given by the Whistleblower:

8.3.1. Can be corroborated by documentary and/or testimonial evidence;

8.3.2. Leads to a successful gathering of evidence to support a cause of action or defense until the termination of the case; and

8.4. The Whistleblower is not the most guilty in the Illegal Activity subject of disclosure.

8.5. The Whistleblower provides information based on his/her personal knowledge that an Illegal Activity has been committed or is about to be committed;

8.6. The Whistleblower makes him/herself available during investigation by the PIMC and appear as witness in proceedings conducted by external agencies such as the Office of the Ombudsman or regular courts;

8.7. The Whistleblower Maintains confidentiality of all matters pertaining to the investigation or proceedings in connection with the disclosure.

B. Protection of a Whistleblower

The Corporation, through the PIMC, shall extend protection and security to ensure the safety of Whistleblowers during its review or investigation and until the termination of the case/s filed in relation or as a consequence thereof, such as but not limited to:

a. Legal Assistance; and

b. Other assistance, which the PIMC may deem necessary.

The Corporation, upon recommendation of the PIMC, shall refer the whistleblower to the proper government agency for possible coverage under the Witness Protection Program.

Whistleblowers shall be given the opportunity to transfer to another department if they feel they will be discriminated against, isolated, ostracized, ridiculed and treated differently by their officers and peers in their offices for making a WR.

Whistleblowers shall be entitled to protection from Retaliation on account of his/her participation in the investigation of a WR, as may be approved by the PIMC.

Whistleblowers shall report direct and imminent threat/s against them or members of their immediate family directly to the PIMC. The PIMC shall undertake appropriate measures to protect the whistleblowers and their families. If necessary, the PIMC shall likewise coordinate with local or national enforcement agencies.

9. PROTECTION OF A WHISTLEBLOWER AGAINST RETALIATION

The Corporation shall ensure that Whistleblowers who submits WR in good faith shall be protected and that no retaliatory acts against them shall be tolerated. The Corporation shall extend all possible assistance to the Whistleblower under the law and given the circumstances. Such retaliatory acts may include:

- 9.1. Discrimination or harassment in the workplace;
- 9.2. Demotion
- 9.3. Reduction in salary or benefits
- 9.4. Termination of contract
- 9.5. Evident bias in performance evaluation; or
- 9.6. Any acts or threats that adversely affect the rights and interests of the Whistleblower.

Interference, retaliation and other forms of retribution against Whistleblowers shall be considered as a grave administrative offense and shall be dealt with accordingly.

Whistleblowers and Witnesses who have been retaliated against or who believe that they are being subjected to Retaliation for disclosing a suspected Illegal Activity or for participating in an investigation of a suspected Illegal Activity shall immediately notify the PIMC through a Retaliation Complaint.

A Retaliation Complaint shall not in any way affect an investigation of a prior allegation of a suspected Illegal Activity.

Upon receipt of a Retaliation complaint, the PIMC shall docket the same and conduct the necessary fact-finding investigation and evaluation, and make a report thereof for its information and appropriate action.

If after due investigation, the PIMC finds that acts of Retaliation are committed against the Whistleblower or Witness, the person named in the Retaliation complaint shall be dealt with in accordance with the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS).

Whistleblowers are given six (6) months from the occurrence of the Interference or Retaliation to file a Retaliation Complaint with the PIMC.

10. 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 by the PHILGUARANTEE.

11. CONFIDENTIALITY

Communication with parties during the course of the resolution process will be treated as privileged. The same constraints apply when confidential business information is received during investigations.

12. EFFECTIVITY

This Policy shall take effect immediately upon its approval by the Board of Directors and the Corporate Governance Committee as endorsed by the President and CEO or in his absence the duly designated Officer-In-Charge of the Agency.

Approved by the Corporate Governance Committee on **16 August 2022**.

Approved by the Board on **13 September 2022**.