



GCG MEMORANDUM CIRCULAR NO. 2016 – 02

SUBJECT : REVISED WHISTLEBLOWING POLICY FOR THE GOCC SECTOR

DATE : 22 APRIL 2016

1. **STATEMENT OF POLICY.** – It is the State's policy that the governance of GOCCs shall be carried out in a transparent, responsible and accountable manner and with the utmost degree of professionalism and effectiveness.¹ Furthermore, the Governing Boards of every GOCC and its subsidiaries must be competent to carry out the GOCCs functions, be fully accountable to the State as its fiduciaries, and act in the best interest of the GOCC and the State.²

GOCCs, acting through their Governing Boards and duly authorized Officers and Employees, shall conduct the affairs, operations and business of the GOCC in full compliance with applicable laws, rules, regulations. As public officers, all GOCC Directors/Trustees, Officers and Employees, as well as Officers and Employees of the Governance Commission, must exemplify the behavior and professional demeanor consistent with such laws, rules, regulations, policies and procedures of the highest standard.

2. **BACKGROUND AND PURPOSE.** – The purpose of this Whistleblowing Policy (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 Directors/Trustees, Officers and Employees of GOCCs, as well as the Chairman, Commissioners, Officers and Employees of the Governance Commission, 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 GOCC and/or the Government.
3. **COVERAGE.** – This Policy shall be applicable to all GOCCs, GFIs, GICPs/GCEs, including their Subsidiaries and Affiliates, which are covered by the provisions of Republic Act (R.A.) No. 10149 and are subject to the regulatory jurisdiction of the Governance Commission.
4. **REPORTABLE CONDITIONS.** – Whistleblowers may report to the Governance Commission 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 the GOCC and/or the Government, such as, but not limited to:

¹ R.A. No. 10149, Sec. 2(c).

² R.A. No. 10149, Sec. 2(e).

- (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, "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";