



**POLICY AND PROCEDURAL GUIDELINES NO. 311-17**

**FUNCTIONAL AREA** : All Functional Areas

**DISTRIBUTION** : All Senior Vice Presidents  
All Vice Presidents  
All Managers

**SUBJECT** : **Whistleblower Policy**

**I. BACKGROUND/RATIONALE**

The Constitution provides that the State shall maintain honesty and integrity in public service and take positive and effective measure against graft and corruption.<sup>1</sup> This embodies the government's anti-corruption policy that encourages citizens to stand up and report alleged violations of law, improper use of resources, conflicts of interests and abuse of power by both elected and appointed officials.

Whistleblowing is essentially the reporting of wrongdoings that need to be stopped in order to protect the public interest and curb official abuses of entrusted power.

Crucial concern is protecting the whistleblower from retaliatory acts while we strengthen accountability and reduce corruption in both the public and private sectors.

GSIS is committed to high standards of ethical, moral and legal business conduct and the promotion of open communications, organizational culture and values that emphasize integrity and honesty within the System.

In line with these commitments and pursuant to the relevant provisions of the Governance Commission for Government Owned or Controlled Corporations (GCG) Memorandum Circular (MC) No. 2016-02 (Revised Whistleblowing Policy for the GOCC Sector), this PPG is intended to provide an avenue for employees to raise concerns and be reassured that they will be protected from reprisals or unfair treatment for whistleblowing.

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<sup>1</sup> Section 27, Article II of the 1987 Philippine Constitution

## II. OBJECTIVES

This PPG aims to:

- A. Prevent and stop breaches of regulations that, if left unaddressed in their early stages of occurrence, may lead to serious problems that may have an adverse impact on the System;
- B. Promote whistleblowing as an instrument for detecting corrupt activities and a deterrent for committing infractions or omissions that are grossly disadvantageous to the System and the Government and the commission of which will tarnish the image and integrity of public service;
- C. Provide GSIS employees and officials avenues for reporting anomalies or irregularities and receiving feedback on any actions taken thereon;
- D. Provide measures for protection and reassurance of GSIS employees and officials who provide the information on complaints, or cause the information to be provided, or assist in the investigation, that they will be protected from reprisals or victimization for whistleblowing in good faith; and
- E. Provide policy guidelines and procedures on whistleblowing that will be implemented across the organization.

## III. DEFINITION OF TERMS

The following terms shall be defined as:

- A. Conflict of Interest - A conflict between the duty of a public officer and his or her private interest including that of his or her living family member up to the fourth civil degree of consanguinity or affinity, where the private interest could improperly influence the performance of the public officer's official duties and responsibilities.
- B. Corrupt activities - Engaging in, attempting to engage in, conspiring to engage in, coercing, or intimidating another person to engage in a dishonest or unethical act involving a public officer entrusted with a position of authority to acquire private or personal gain.
- C. Fixing - Dishonest activity to make certain that a competition, e.g. bidding, is

won by a particular favored person, e.g., bidder.

- D. Retaliatory Action - Action that may adversely affect the rights and interest of a whistleblower usually taken by his or her employer, superior, supervisor or head of agency. This includes dismissal from the service, suspension, transfer or demotion, among others.
- E. Undue Delay in Rendition of Service - A situation where a client has to wait way too long or excessively before a request is given due action or a task is done by a public officer.
- F. Undue Influence - A situation where a person uses power or authority in an unfair way to influence a legal decision or to gain an unfair advantage, e.g., award of a contract, without adequate attention to the consequences.
- G. Whistleblower - A person who publicly reveals a concealed misconduct, a commission of a crime, a violation or attempted violation of a law by a person, an employer or employee, or by an agency. Provided that the said person has not participated or refused to participate in the misconduct, commission of a crime or the violation or attempted violation of a law.
- H. Whistleblowing - The disclosure or giving of evidence to an information that a whistleblower reasonably believes constitutes a 1) violation of law, rule, regulation or policy; 2) fraud and corruption; 3) abuse of authority 4) gross mismanagement and waste of funds and other similar omissions.

#### IV. POLICIES

##### A. Coverage

1. This policy shall cover all whistleblowing efforts in the Central Office and Branch Offices with regard to:

- a. Activities that are violative of GSIS policies;
- b. Any violation of:
  - (1) Republic Act (RA) No. 6713 (Code of Conduct and Ethical Standards for Public Officials);
  - (2) RA No. 3019 (Anti-Graft and Corrupt Practices Act);
  - (3) RA No. 7080 (Anti-Plunder Law);
  - (4) RA No. 9184 (Government Procurement Reform Act)
  - (5) Executive Order (EO) No. 292 (Administrative Code of 1987);
  - (6) Book II, Title VII, Crimes Committed by Public Officers, The Revised Penal Code;
  - (7) RA No. 10149 (GOCC Governance Act of 2011);
  - (8) GCG MC 2012-07 (Code of Corporate Governance for GOCCs);
  - (9) GCG MC 2016-02 (Revised Whistleblowing Policy for the GOCC Sector); and
  - (10) All other laws which penalize or sanction any act or omission of a public officer or employee;

## 2. Reportable Acts or Omissions

Whistleblowers may report to the GSIS and/or to the GCG the following acts or omissions<sup>2</sup>, as punished under relevant laws, to wit:

- 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 (Government) Assets;

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<sup>2</sup> Item No. 4, GCG MC 2016-02, *Revised Whistleblowing Policy for the GOCC Sector*, 22 April 2016

- 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.

3. The resolution of issues and complaints related to performance appraisal, behavioral problems of staff or supervisor, policies on promotion, and sexual harassment shall be directly reported and/or elevated to the appropriate GSIS Committee and shall not be covered by this PPG.

**B. Reporting Responsibility**

- 1. It shall be the responsibility of all GSIS officials and employees to comply with the GSIS policies, aforementioned laws and regulations, and report any violation or suspected violation thereof.
- 2. The complaint against GSIS officials and employees shall be in writing attaching thereto any evidence that may be available and indicating witnesses to the occurrence. Complainants are encouraged to indicate their names to facilitate investigation and follow-up inquiries.

Reports may be submitted through any of the following modes:

- a. E-mail or letter to the following:

Subject of Complaint	Receiving Office
Members of the Board of Trustees (BOT) and their staff, the President and General Manager (PGM) and his or her staff, and the Chief Legal Counsel (CLC) and staff of the Legal Services Group (LSG)	GCG at <a href="http://www.whistleblowing.gcg.gov.ph">www.whistleblowing.gcg.gov.ph</a>
Executives or employees	Office of the President and General Manager (OPGM)

- b. Phone call to the GSIS Whistleblower Hotline (02-479-3600).

The whistleblower shall be asked to submit the corresponding complaint or report in writing within ten (10) working days from the date the complaint or report was made through phone call.

c. Online at:

[www.whistleblowing.gcg.gov.ph](http://www.whistleblowing.gcg.gov.ph)

### **C. Action on Anonymous Report or Complaint**

An anonymous report or complaint shall be given due attention only when supported by documentary or direct evidence or such evidence as would provide verifiable leads, in which case the person complained of may be required to comment on the report or complaint.

The report or complaint shall be acted upon taking into consideration the following:

1. Seriousness of the issue raised;
2. Credibility of the concern; and
3. Likelihood of confirming the allegation from credible sources.

### **D. Safeguards**

1. All reports or complaints shall be treated with utmost confidentiality in order to protect the identity of the whistleblower as well as the subject of the investigation. However, a statement from the complainant may be required as part of the investigation process.
2. No person to whom a disclosure has been made or referred to shall divulge any information that may identify or tend to identify a whistleblower or reveal the subject matter of such disclosure, unless consent has been secured from the complainant and such disclosure is indispensable and essential in the investigation.
3. Any person who shall disclose or divulge any information related to a complaint without the consent of the complainant shall be subject to appropriate administrative disciplinary action.
4. Any GSIS employee or official reporting an irregularity or anomaly or filing a complaint concerning a violation or suspected violation of GSIS policies and aforementioned laws and regulations shall enjoy the presumption of good faith; Provided, that said employee or official has reasonable grounds and evidentiary basis to believe that violation of GSIS laws, policies, and rules or commission of an irregularity or anomaly has been committed.
5. The employee or official who files a report or complaint in good faith shall be protected by this policy even if the said report or complaint is, after investigation, proven to be unfounded. However,

administrative disciplinary action shall be taken against any GSIS employee or official who maliciously files a false report or complaint, without prejudice to other liabilities under existing laws.

6. GSIS shall ensure that the employee or official who reported the violation shall not suffer harassment, retaliation or adverse employment consequence in any form.

Any person who shall commit any retaliatory act against the whistleblower shall be reported to the OPGM, and shall be subject to administrative disciplinary action which shall be independent of any action that an aggrieved person may take before the Ombudsman or the regular courts, as the case may be.

7. The whistleblower or the witness, who believe that he or she is being subjected to retaliatory acts must notify the OPGM and seek relief from the perceived retaliation.
8. The GSIS, through the OPGM, will endeavor to ensure that whistleblowers and witnesses of whistleblowing are protected from any retaliatory acts.

#### **E. Retaliatory Acts**

The following shall be considered as retaliatory acts:<sup>3</sup>

1. Discrimination or harassment in the workplace;
2. Demotion;
3. Reduction in salary or benefits;
4. Termination of contract;
5. Evident bias in performance evaluation; or
6. Any other act or threat that adversely affect the rights and interests of the whistleblower.

#### **F. Reporting and Monitoring Process**

1. The employee or official shall file a report or complaint with the OPGM, if the report or complaint is against any GSIS executive or employee.

A report or a complaint against any member of the BOT, the PGM, BOT staff, OPGM staff, the CLC and staff of the LSG, shall be filed with or endorsed to the GCG pursuant to GCG MC 2016-02.

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<sup>3</sup> Paragraph 8, GCG MC 2016-02, *Revised Whistleblowing Policy for the GOCC Sector*, 22 April 2016

2. The report or complaint shall be acknowledged if the identity of the complainant is known, with the following details:
  - a. Date when the written complaint or report is received; and
  - b. Process by which the complaint or allegation will be handled.
3. The OPGM shall conduct an initial evaluation or investigation on the matter. An initial report shall be submitted to the CLC or the Board within ten (10) working days from receipt thereof, and at least every month thereafter, for monitoring purposes.

The monthly report shall include retaliatory acts taken against the whistleblower, if any, and the actions taken by GSIS or the whistleblower against such acts.

4. The CLC shall conduct the corresponding fact-finding investigation of the complaint or report consistent with the procedures and timelines of the LSG on administrative investigation and pursuant to the Revised Rules on Administrative Cases in the Civil Service (RRACCS).
5. The complainant, if the identity is known, shall be updated on the status and outcome of the investigation on a regular basis.
6. A report on all complaints or allegations, including the findings, merits of the case, recommendations and final decisions shall be documented and filed accordingly for future reference.
7. All files related to complaints or reports arising from whistleblowing shall be properly logged for monitoring purposes and secured in a controlled location to ensure the safety and confidentiality of the whistleblower and the documents.
8. The OPGM may seek assistance from any unit or office within GSIS or from other government agencies in the course of the investigation.
9. The OPGM shall monitor the status of complaints and reports on any accounted retaliatory act.

#### **G. Setting Up of a Hotline**

The Information Technology Services Group (ITSG) shall provide the necessary telephone line solely dedicated to receive calls from whistleblowers. This hotline shall be located at the OPGM.



## H. Information Dissemination

The Corporate Communications Office (CCO) shall prepare information materials for the dissemination of this PPG.

## V. PROCEDURES

The detailed procedures to be included in the Manual of Operations of the Operating Units Concerned (OUC) shall adhere to the following general procedures:

### A. Written Complaints

Activity		Responsible
<b>I. Reporting and Receiving of Complaint or Allegation</b>		
1.	Receive written complaint or report with attached proof or evidence to support complaint/allegation, if any.	OPGM
2.	Determine subject of complaint or report.  2.1 If complaint or report is against GSIS employee or officer, forward written complaint or report to appropriate unit, officer or staff for initial evaluation and investigation or proceed to Activity No. 3 or No. 4, as the case maybe.  2.2 If the complaint or report is against any member of the BOT or the PGM or their respective staff, the CLC and staff of the LSG, forward written complaint or report and any available supporting documents to the GCG. <i>(Note: Any action after this shall be in accordance to Sections 10 and 11 of GCG MC 2016-02).</i>	OPGM
3.	Acknowledge receipt of complaint or report, and indicate necessary details specified in this PPG. <i>(Note: This activity can only be undertaken if the identity of the complainant is known to the receiver of the complaint.)</i>	
4.	Refer complaint or report and any available supporting documents to LSG for further investigation and/or fact-finding.	
<b>II. Conduct of Investigation</b>		
5.	Assign a handling lawyer.	CLC (LSG)
6.	Conduct initial fact-finding on the case and submit report to CLC (LSG) recommending	Handling Lawyer

Activity		Responsible
	either the conduct of further investigation or termination of the investigation.	
7.	<p>Review fact-finding report of handling lawyer and evaluate the recommendation.</p> <p>7.1 If recommendation to conduct further investigation is approved by the CLC (or recommendation to terminate investigation is disapproved), proceed with the full investigation following the procedures of the LSG on administrative investigation.</p> <p>7.2 If recommendation to terminate investigation is approved by the CLC (or recommendation to conduct further investigation is disapproved), instruct handling lawyer to prepare a report for the PGM or the Chairman. Inform complainant, if identified, of the resolution.</p>	CLC (LSG)
<i>End of Process</i>		

**B. Complaints Received through the Whistleblower Hotline and/or Online Facility**

Activity		Responsible
<b>I. Reporting and/or Receiving of Complaint / Allegation</b>		
1.	Call the Whistleblower Hotline or Log-on to the On-Line Facility to report a complaint.	Complainant
2.	<p>Get the necessary details of the complaint and the complainant, if willing, and document the same. Log complaint.</p> <p>2.1 If complaint or allegation is against GSIS employee or officer, determine if complaint or report is whistleblowing or an administrative case. Forward written complaint or report to CLC, LSG.</p> <p>2.2 Advise complainant to submit a written complaint or report within ten (10) working days from the date the call on the Whistleblower Hotline was made.</p> <p>2.3 If the complaint or report is against any member of the BOT or the PGM or their respective staff, the CLC and the staff of LSG, forward written complaint and any available supporting documents to the GCG. (Note: Any action after this shall be in</p>	OPGM

Activity		Responsible
	accordance to Sections 10 and 11 of GCG MC 2016-02).	OPGM
3.	Prepare acknowledgement report and send to complainant. (Note: This activity can only be undertaken if the identity of the complainant is known to the receiver of the complaint.)	
<b>II. Conduct of Investigation</b> – The procedures on the investigation of Written Complaints (Activities II.5 to 7) shall be followed.		
End of Process		

All Orders, Circulars, Policy and Procedural Guidelines which are inconsistent herewith are hereby superseded or modified accordingly.

This PPG shall take effect after fifteen (15) days from the date of its publication in the Official Gazette or in a newspaper of general circulation.

**ORIGINAL SIGNED**

**ATTY/NORA MALUBAY-SALUDARES**

Officer-In-Charge, Office of the President and General Manager

Date signed: JUN 08 2017