

**APO Production Unit, Inc.**

# **Whistleblowing Policy**

Internal Guidelines



**MEMORANDUM ORDER NO. \_\_\_\_\_**

*Series of 2019*

**APO Production Unit, Inc. (APUI) Internal  
Whistleblowing Policy**

**A. STATEMENT OF POLICY**

It is the State's policy that the governance of Government Owned or Controlled Corporations (GOCCs) shall be carried out in a transparent, responsible and accountable manner and with the utmost degree of professionalism and effectiveness. The Governing Board of APUI shall carry out its mandate and functions, be fully accountable to the State as its fiduciaries, and act in the best interest of APUI and the State.

APUI, acting through its Governing Board and duly authorized Officers and Employees shall conduct the affairs, operations and business of APUI in full compliance with applicable laws, rules and regulations. As public officers, all APUI Trustees, Officers and Employees must exemplify behavior and professional demeanor of the highest standard, consistent with such laws, rules, regulations, policies and procedures.

**B. BACKGROUND**

On 22 April 2016, the Governance Commission for Government Owned or Controlled Corporations (GCG) issued GCG Memorandum Circular No. 2016-02, which enjoins GOCCs to establish their own whistle blowing systems, duly approved by their respective Governing Boards, which adhere to the policy and purpose enunciated in said GCG Memorandum Circular.

It further mandates that GOCCs must provide a working environment that promotes whistle blowing and establish such rules and regulations that provide protection to whistleblowers against retaliatory actions.

**C. PURPOSE**

The purpose of this Whistleblowing Policy (the "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 APUI's Trustees, Officers and Employees that are illegal, unethical, violate good governance principles, against public policy and morals, promote unsound and unhealthy business practices, violate policies, procedures, rules and regulations, or are grossly disadvantageous to APUI and/or the Government.

**D. COVERAGE**

The APUI Whistleblowing Policy shall be applicable to all the members of the Board of Trustees, Officers and employees, whether permanent, casual or co-terminus including those employed under Contracts of Service.

**E. REPORTABLE CONDITIONS**

Whistleblowers may report to the Governance Commission or the Whistleblowing Committee 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 APUI and/or the Government, such as, but not limited to:

1. Abuse of authority;
2. Bribery;
3. Conflict of interest;
4. Destruction/ Manipulation of records;
5. Fixing;
6. Inefficiency;
7. Making false statements;
8. Malversation;
9. Misappropriation of assets;
10. Misconduct;
11. Money laundering;
12. Negligence of duty;
13. Nepotism;
14. Plunder;
15. Receiving a commission;
16. Solicitation of gifts;
17. Taking advantage of corporate opportunities;
18. Undue delay in rendition of service;
19. Undue influence; and,

20. Violation of procurement laws.

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

1. R.A. No. 6713, "Code of Conduct and Ethical Standards for Public Officials and Employees";
2. R.A. 3019, "Anti-Graft and Corrupt Practices Act";
3. R.A. 7080, as amended, "The Plunder Law";
4. Book II, Title VII, Crimes Committed by Public Officers, The Revised Penal Code;
5. Executive Order No. 292, s. 1987, "Administrative Code of 1987";
6. R.A. No. 10149, "The GOCC Governance Act of 2011";
7. GCG MC No. 2012-05, "Fit and Proper Rule";
8. GCG MC No. 2012-06, "Ownership and Operations Manual Governing the GOCC Sector";
9. GCG MC No. 2012-07, "Code of Corporate Governance for GOCCs";
10. Manual of Corporation Governance of Philhealth; and,
11. Other issuances, orders and applicable laws and regulations

**F. REPORTING CHANNELS**

Whistleblowers may also submit Whistleblowing reports to APUI through the following reporting channels:

1. Face-to-face meetings : with any APUI Officer
2. E-mail : [whistleblowing@apo.gov.ph](mailto:whistleblowing@apo.gov.ph)
3. Postal mail : 2nd floor, PIA Bldg. Brgy. Vasra,  
Visayas Avenue, Quezon City
4. Trunkline : (02) 282-5309
5. FAX : (02) 927-6793

**G. GCG WHISTLEBLOWING WEB PORTAL**

The GCG has established a website ([www.whistleblowing.gcg.gov.ph](http://www.whistleblowing.gcg.gov.ph)) as the alternative reporting channel for whistleblowers. 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 invoking this Policy, the Corporation and its Whistleblowing Committee shall ensure confidentiality of all information arising from Whistleblowing reports.

It shall treat all reports, including the identity of the whistleblower and the person/s complained of, 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.

## **I. PROTECTION OF A WHISTLEBLOWER AGAINST RETALIATION**

Retaliatory acts against whistleblowers who submit Whistleblowing reports in good faith shall not be tolerated by the Corporation which shall extend all possible assistance to the whistleblower under the law and given the circumstances. Such retaliatory acts may include:

1. Discrimination or harassment in the workplace;
2. Demotion;
3. Reduction in salary benefits;
4. Termination of contract;
5. Evident bias in performance evaluation; and,
6. Any acts or threats that adversely affect 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 maybe taken against him/her by APUI.

## **K. INVESTIGATION OF WHISTLEBLOWING REPORT**

1. Whistleblowing reports submitted through the GCG Whistleblowing website shall be evaluated and investigated in accordance with the provisions of GCG Memorandum Circular No. 2016-02.
2. Whistleblowing reports submitted through any of the alternative reporting channels will be evaluated and investigated by the APUI Legal Department, which reserves the right to disregard reports that are

vague, ambiguous, patently without merit, or are simply made with malicious intent to tarnish the name and reputation of the person/s complained of.

3. An anonymous Whistleblowing report may be entertained, provided:
  - a) there is obvious truth or merit to the allegations in the Whistleblowing report; or
  - b) the allegations in the Whistleblowing report are supported by documentary or direct evidence; or
  - c) the Whistleblowing report contains sufficient particulars to enable the taking of further action.

**L. PROCEDURE IN HANDLING/INVESTIGATING WHISTLEBLOWING REPORTS**

1. A Whistleblowing report shall be immediately endorsed to the Legal Department for action in accordance with this Policy.
2. If the Whistleblowing report is not disregarded, the Legal Department shall, within five (5) calendar days upon receipt of the Whistleblowing report, send a notice to the person complained of requiring the latter to comment on the allegations contained in the Whistleblowing report. Such notice should state that retaliatory actions against the whistleblower shall not be tolerated and shall be strictly dealt with in accordance with this Policy.
3. The person complained of shall be entitled to not less than three (3) calendar days from receipt of the aforesaid notice to submit his/her comment.
4. The investigation shall commence not later than five (5) calendar days from receipt of the comment of the person complained of and shall be terminated within twenty (20) calendar days thereafter. If deemed necessary, the Legal Department may summon the whistleblower and/or the person complained to a conference where clarificatory questions may be propounded or additional documents/evidence may be submitted.
5. The Legal Department shall submit its investigation report including its recommendations within five (5) calendar days from the termination of the investigation.

6. The investigation shall be conducted in a confidential manner, to ensure protection of the rights of both the whistleblower and the person complained of.
7. The Legal Department shall establish such additional procedures for the investigation of a Whistleblowing report, provided they are consistent with the provisions of this Policy and do not violate the rights of the parties involved.

**M. ACTION ON WHISTLEBLOWING REPORTS**

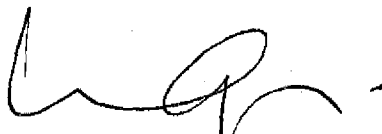
In cases of Whistleblowing reports against APUI, its Trustees, officers, and employees, the Whistleblowing Committee may pursue any of the following actions:

1. Dismiss the Whistleblowing report for want of palpable merit;
2. Forward the Whistleblowing report to the concerned officer for corresponding official action;
3. Submit a formal recommendation to the Board for the discipline of respondent Officer;
4. Submit a formal recommendation to the Board for the suspension of the respondent Appointive Trustee;
5. Submit a formal recommendation to the President for the removal of the respondent Appointive Trustee;
6. Indorse to the proper Government Agency, such as the Office of the Ombudsman, the pursuit of the criminal and/or administrative processes against the respondents;
7. Enjoin the Board and Management to comply with applicable laws or jurisprudence and/or to undertake corrective measures to address the matters raised in the complaint; and,
8. Consider the Whistleblowing report closed and terminated if the response of the respondent is found to be adequate.

**N. MISCELLANEOUS PROVISIONS**

1. This Policy shall be posted on the APUI website and shall be downloadable by any interested party.

2. This Policy shall take effect upon approval of the Board of Trustees of APUI.

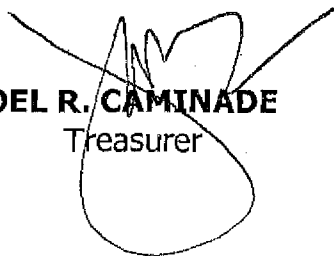


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