

<p>Republic of the Philippines Office of the President</p> <p>BCDA Bases Conversion and Development Authority</p>	BASES CONVERSION AND DEVELOPMENT AUTHORITY	
	WHISTLEBLOWING POLICY	Page No. 1 of 10
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1. PURPOSE

It shall be the policy of BCDA to carry out its governance processes in a transparent, responsible and accountable manner and with the utmost degree of professionalism and effectiveness. It shall likewise promote responsible reporting and disclosure of information vital to BCDA to increase the possibility of detecting fraud, bribery and corruption, and to punish its perpetrators.

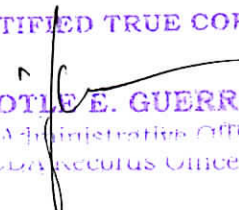
The Whistleblowing Policy aims to –


- Encourage any BCDA employee and/or concerned individual to report and provide information, and even testify on matters involving the actions or omissions of the BCDA Officers and Employees, including Members of the BCDA Board, that are illegal, unethical, violate good governance principles and the BCDA Code of Conduct, are against public policy and morals, promote unsound and unhealthy business practices which are grossly disadvantageous to BCDA.
- Impress upon the employees of BCDA that it is their bounden duty and responsibility as public servants to disclose wrongdoings committed by their co-officials and co-employees.
- Prescribe the facility for reporting reportable conditions, and procedures for handling reports.
- Identify and describe reportable disclosures/conditions covered within the scope of this Policy.
- Define and prescribe the protection afforded to Whistleblower/s and witnesses, and the conditions for entitlement to protection to deter frivolous and false disclosures.

Increasing the flow of information through whistleblowing improves the efficiency of corruption controls by bringing out in the open corrupt practices that are well-hidden.

2. COVERAGE

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 BCDA Records Office

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The BCDA officers and employees, Members of the BCDA Board, contractual employees/workers under Contracts of Service, and Consultants providing service to BCDA under Consultancy Agreements shall be covered by this Policy.

3. DEFINITION OF TERMS

Web-based Anonymous Reporting System - a tool or mechanism by which the officers and employee of BCDA, BCDA Group, BCDA stakeholders, and the general public, can report ethical concerns and suspected fraudulent activities in confidence without fear of risk or reprisal.

BCDA Integrity Monitoring Committee (BIMC) – refers to the special committee tasked to handle the implementation of this Policy.

Reportable Condition - covers any of the acts and conditions as defined and described in Section 6 of this Policy.

Respondent - the person who is the subject of the Whistleblower Report submitted to the BIMC covered by this Policy.

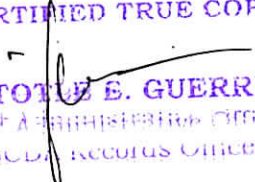
Retaliation - any detrimental act, direct or indirect, recommended, threatened or taken against a Whistleblower or witness or person associated with the whistleblower or witness in a manner material to the complaint because of the report or cooperation with the BCDA investigation by the whistleblower or witness. It includes, but is not limited to harassment, discriminatory treatment, assignment of work outside the corresponding job description, inappropriate performance appraisals or salary adjustments, or the withholding of an entitlement.


SuperUsers - pertain to two persons who shall be designated to access the Whistleblower Report submitted via the Web-based Anonymous Reporting System.

Whistleblower – refers to any person who, in good faith, voluntarily reports, or is believed to be about to report, or is believed to have reported about a suspected integrity violation committed by a BCDA officer or employee. The Whistleblower may or may not be an officer or employee of BCDA or of the subsidiaries of BCDA. The Whistleblower has to show in his/her disclosure that the BCDA officer or employee “has engaged, is engaging or proposes to engage in improper conduct” or “has taken, is taking or proposes to take detrimental action”.

Whistleblower Report (WR) - refers to the complaint filed by the Whistleblower about a Reportable Condition. The Whistleblower shall use the Whistleblower Complaint/Disclosure Form in making the report.

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Whistleblowing - is the act of reporting suspected integrity violation that needs to be corrected or terminated in order to protect the public interest. It is also viewed as a form of “ethical informing” which is motivated by the desire to protect and promote the public interest.

Witness - refers to any person who is not the subject of an investigation but who provides information or evidence about the matter under investigation.

4. **The BCDA INTEGRITY MONITORING COMMITTEE and the SUPERUSER**

The BCDA Integrity Monitoring Committee (BIMC) shall be responsible to assess, evaluate and conduct preliminary investigation on submitted Whistleblower Report (WR). The BIMC shall be composed of the following:

- a) General Counsel as Chairperson;
- b) Vice President, CSG, as Vice Chairperson;
- c) HEA, Office of the President and CEO, as Member
- d) Head, ICTD, as Member; and
- e) Head, ODMD, as Member

The **SuperUsers** shall be given access to the Web-based Reporting System to receive the WR for submission to the BIMC. The SuperUsers shall be composed of representatives from ICTD and ODMD.

A Special Order shall be issued by the Office of the President and CEO for the creation of the BIMC, and the designation of the SuperUsers.


5. **GENERAL PRINCIPLES**

This Policy shall be guided by the following principles:

- a. The BCDA officers and employees are duty-bound to report any suspected wrongdoing as defined under Reportable Conditions.
- b. The Whistleblower or anyone who reports a suspected wrongdoing may remain anonymous or upon request, his/her name be kept confidential.
- c. The SuperUsers and members of the BIMC shall ensure confidentiality of information. They shall treat all reports, including the identity of the Whistleblower and the Respondent, in a confidential and sensitive manner. The

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identity of the Whistleblower shall be kept confidential, unless compelled by law to reveal the identity.

- d. Whistleblower/s shall be accorded protection and incentive as provided for in Section 10 of this Policy.
- e. A Whistleblower, witness or any person who reports false or malicious allegations shall be subject to disciplinary action in accordance with Civil Service Rules on Administrative Cases.
- f. All information provided by the Whistleblower shall be treated with strict CONFIDENTIALITY.
- g. Whistleblowers and witnesses who have committed wrongdoing may not avoid sanction by reporting reportable conditions and seek protection as provided for in this Policy.
- h. A Whistleblower who has been subjected to retaliation as a consequence of reporting reportable conditions can seek relief from retaliation by submitting a Retaliation Complaint to the BIMC.


6. REPORTABLE CONDITIONS

Reportable Conditions covered by this Policy shall pertain to reports relating to information or conditions involving:

- A. Acts committed within the scope of the following laws and regulations (see Attachment for details):
 - i. **Republic Act No. 3019** otherwise known as the Anti-Graft and Corrupt Practices Act;
 - ii. **Republic Act No. 6713** establishing the Code of Conduct and Ethical Standards for Public Officials and Employees
 - iii. **Republic Act No. 7080**, an act Defining and Penalizing the Crime of Plunder;
 - iv. **Book II, Titles IV and VII of the Revised Penal Code (Act 3815)**, Crimes against Public Interest and Crimes Committed by Public Officers;
 - v. **Book V, Title I, Subtitle V of Executive Order No. 292** known as the Revised Administrative Code of 1987;
 - vi. **Violations under Republic Act 9184** otherwise known as the Government Procurement Act and its Implementing Rules and Regulations

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- vii. **Republic Act 9485** otherwise known as the Anti-Red Tape Act of 2007
- viii. **BCDA Code of Conduct**

- B. **Retaliation Complaint** – refers to a complaint filed by the Whistleblower due to any undesirable action taken against him/her, and in direct response to the whistleblowing because he/she reported a reportable condition.
- C. **Discrimination Complaint** – refers to a different treatment based on a personal characteristic (race, ethnic origin, sexual orientation, disability, age, etc.) which has an adverse impact on an individual or group.
- D. **Violence or Threat** – refers to an expression of the intention to inflict evil, injury, or damage to a person or their property.

7. REPORTING CHANNELS

The Whistleblower shall have the freehand in choosing his/her preferred reporting channel, either through internal or external channels. Among the options are listed hereunder.

a. **Web-based Anonymous Reporting System**


The Whistleblower may opt to report reportable conditions through the BCDA web-based reporting facility. The system shall provide a template to guide the Whistleblower in disclosing reportable conditions. The system shall also allow the Whistleblower to revisit the site and check the status of the report. The system shall also enable the Whistleblower to make additional information on his/her previous report. The system requires two designated SuperUsers to receive the WR. The Whistleblower can communicate with the SuperUsers using a unique ticket number and link which is generated by the system per logged report.

b. **Anonymous Letter**

The Whistleblower may opt to disclose reportable conditions through an anonymous letter or “white paper”, addressed to the BCDA President and CEO (P/CEO), Chairperson or members of the BIMC, or to an officer or employee to whom the Whistleblower is comfortable with because he/she believes that the information will be handled with strict confidentiality. The officer or employee, to whom the Whistleblower discloses the reportable condition, shall refer the same to the BIMC.

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c. Other medium of disclosing reportable conditions shall be through:

- Electronic Mail
- Telephone or through text messaging
- Face to face meeting
- Fax

8. HANDLING REPORTABLE CONDITIONS

8.1 *Submission and Receipt of Whistleblower Reports*

The WR coursed through the different reporting channels shall initially be received accordingly as follows:

Reporting Channel	Designated Recipient
1. Web-based Anonymous Reporting	SuperUsers (Heads of ICTD and ODMD)
2. Face-to-Face meeting	Any of the BIMC Member
3. Mail	HEA, Office of the P/CEO; General Counsel
4. E-mail 5. Telephone and Text messaging 6. Fax	VP-CSG / HEA, Office of the P/CEO

The concerned BIMC Member who shall conduct the Face-to-Face meeting with the Whistleblower shall be responsible to fully disclose the WR to the BIMC.


The designated recipients shall accomplish the Whistleblower Complaint/Disclosure (WCD) Form based on the information disclosed by the Whistleblower. The WCD shall serve as a tool for monitoring the status of the WR, hence it must be updated as the case progresses until its final disposition and closure.

8.2 *Preliminary Evaluation of Reports from the Whistleblower*

The designated recipient of the WR shall request the Chairperson of the BIMC, to convene the BIMC meeting to conduct preliminary evaluation and assessment of the WR. The BIMC shall determine if the information reported by the Whistleblower is sufficient. The information is sufficient if:

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 BCDA/Recrus Group

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- The Respondent is sufficiently/particularly identified by his/her full name and position; and
- The committed acts are specific, including the relevant and material facts (e.g. nature, time and place of the incident/condition, persons involved, supporting evidence, and other important information, as specified in the WCD, necessary to establish a case)

The BIMC may opt to dismiss the WR outright if it finds, after the conduct of initial assessment of the WR, that:

- a) The allegations of the Whistleblower are fabricated, malicious and untrue. *A disciplinary action may be taken against such Whistleblower in accordance with the BCDA policies and applicable civil service rules and guidelines.*
- b) The WR is not adequately supported by documentary evidence, and the Respondent is not sufficiently identified.

8.3 Conduct of Preliminary Investigation

A preliminary investigation shall be conducted by the BIMC after it has been established that the WR is determined to be sufficient. The recommendation to conduct preliminary investigation shall be submitted to the BCDA P/CEO for approval.


In the event that the Respondent involves an officer or employee who is a member of the BIMC or his/her subordinate/s, such member shall not be allowed to participate in the assessment, evaluation and preliminary investigation to avoid the perception of bias and conflict of interest.


Under highly extreme circumstances that the Respondent is identified to be someone who occupies a sensitive position in the organization (BCDA), a high level independent special investigating committee shall be constituted to conduct the preliminary and/or formal investigation. The composition of such committee shall be designated and approved by the BCDA Board, absent such faulting high ranking officer.

8.4 Conduct of a Formal Investigation

If the result of the preliminary investigation shows that the reportable condition warrants the filing of a formal charge, the BIMC shall recommend the conduct

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of a formal investigation in accordance with BCDA policies and applicable civil service rules and guidelines. Said recommendation shall be subject to approval by the BCDA P/CEO. A separate Investigating Body shall be created for this purpose.

The BIMC shall update the Whistleblower about the status of the ongoing investigation. He shall be given an opportunity to provide additional information or controverting evidence to refute the comments of the Respondent.

The Investigating Body shall draft its recommendation on the basis of the merits of the testimonial and documentary evidence, and submit the same to the Chairman of BIMC.

8.5 Reporting and Monitoring

Upon receipt of the report from the Investigating Body, the Chairperson of the BIMC shall convene a meeting for the purpose of issuing a resolution for submission to the P/CEO. The P/CEO shall have the discretion to approve and implement the resolution of the BIMC as recommended by the Investigating Body, or to elevate the same to the BCDA Board for further disposition.

Upon approval of the final resolution, the case records shall be closed and the Whistleblower shall be notified accordingly.

The BIMC shall maintain a case file of all whistleblowing reports received, and shall submit a quarterly report to the BCDA Board indicating the following: (a) Reports received; (b) Status of outstanding reports; and (c) Final resolution of the case.

Sanctions involving disciplinary actions must be filed in the 201 file of the Respondents.


BCDA Management may further elevate the case to the Civil Service Commission or to the Office of the Ombudsman, as the case maybe, for appropriate disposition.

9. WITHDRAWAL OF REPORT BY THE WHISTLEBLOWER

In the event that the Whistleblower withdraws his report, either due to his/her own free will or due to harassment, the investigation shall continue provided that the evidence gathered is sufficient in accordance with Section 8.2 of this policy.

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10. MITIGATING THE RISKS OF WHISTLEBLOWING

A. *Protecting Whistleblowers*

Whistleblowers need to be protected and encouraged because they volunteer new and crucial information about certain wrongdoings. Recognizing the role of Whistleblowers in establishing a culture of accountability, honesty and integrity, BCDA must ensure that appropriate protection and support shall be given to the Whistleblower/s such as:

1. Assurance of anonymity (of the Whistleblower) and confidentiality (of disclosed information).
2. Protection from retaliation and harassment
Sanctions must be provided against BCDA officer/s and employee/s who are proven to have initiated retaliatory and harassment acts (based on workplace interaction) against Whistleblowers
3. Provision for physical security, to include the whistleblower's family, on a case to case basis.
4. Priority in the request for work transfer, subject to certain qualifications
5. Safeguard from media coverage
6. Security of employment and/or career protection
7. Protection from attack against personal reputation

The protection herein provided for the Whistleblowers shall extend to the Witness/es who may have been subject to retaliation as a consequence of his/her/their cooperation with the investigating body.

B. *Rewards/Incentive to Whistleblowers*

Whistleblowers shall be accorded incentives and rewards to encourage whistleblowing. The incentive and reward maybe in the form of (a) Recognition; (b) Commendation; (c)Promotion, or any other material reward as maybe determined by the ODMD, subject to the approval of the P/CEO.

The award of incentives and rewards shall be subject to the following:

1. Rewards shall be given only for whistleblowing BCDA officers, to include any member of the BCDA Board. BCDA officers shall include supervisory and managerial positions (SG 24 to 31);
2. Rewards shall be granted upon rendition of the final disposition of the case;

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3. The BIMC shall determine the reward/incentive based on the following:
 - Motive or primary reason of the Whistleblower for whistleblowing; and
 - Magnitude and significant impact to BCDA of the disclosed information
4. Rewards shall not be given to Whistleblowers with ill motives, and who make allegations found to be fabricated or malicious; and
5. A Whistleblower who withdraws his/her report shall not be entitled to the incentive and reward even if his/her report has prospered into a case in which a favorable decision on the part of BCDA was made.

11. RESOLUTION PERIOD

All cases herein arising from the WR must be resolved within a reasonable time as determined by the BIMC from the time all relevant information and documentary evidence have been obtained.

12. RESPONSIBILITY

The BIMC shall be responsible for the implementation of this Policy.

13. EFFECTIVITY

This Policy shall be effective immediately upon issuance of the Office Order by the BCDA P/CEO and after posting on the BCDA Bulletin Board and website for fifteen (15) days.

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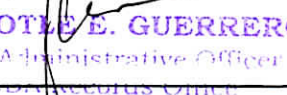


WHISTLEBLOWER COMPLAINT / DISCLOSURE FORM

RESPONDENT'S PERSONAL CIRCUMSTANCES				
NAME (Surname, First Name, Middle Name)			DATE OF BIRTH / AGE	PROFESSION
HOME ADDRESS			OFFICE ADDRESS	
GROUP/DEPARTMENT/UNIT			DESIGNATION	
TELEPHONE NO. (Home)	TELEPHONE NO. (Office)	E-MAIL ADDRESS	FAX NO.	
INFORMATION CONCERNING THE REPORTABLE CONDITION (BY THE WHISTLEBLOWER)				
IDENTIFY THE ISSUE/S INVOLVED <i>(check as many as applicable)</i> <i>(Specific Acts defined for each law cited hereunder are listed at the back of this page)</i>				
<input type="checkbox"/> ACTS WHICH CONSTITUTE CORRUPT PRACTICES (RA 3019) <input type="checkbox"/> PROHIBITED ACTS AND TRANSACTIONS BY ANY PUBLIC OFFICIAL AND EMPLOYEE UNDER REPUBLIC ACT 6713 <input type="checkbox"/> ACQUISITION OF PROPERTY OR ANY MATERIAL POSSESSION THRU MEANS AND SCHEMES DEFINED UNDER REPUBLIC ACT 7080 <input type="checkbox"/> ACTS/CRIMES COMMITTED BY PUBLIC OFFICERS UNDER ACT NO. 3815, BOOK II, TITLE VII (REVISED PENAL CODE) <input type="checkbox"/> ACTS SUBJECT FOR DISCIPLINARY ACTION UNDER BOOK V, TITLE I OF EXECUTIVE ORDER NO. 292 (REVISED ADMINISTRATIVE CODE OF 1987) <input type="checkbox"/> VIOLATIONS UNDER REPUBLIC ACT NO. 9184 (GOVERNMENT PROCUREMENT LAW) <input type="checkbox"/> MONEY LAUNDERING ACTIVITIES as defined in RA 8294 (Anti-Money Laundering Act of 2001) <input type="checkbox"/> BCDA CODE OF CONDUCT <input type="checkbox"/> RETALIATION COMPLAINTS <input type="checkbox"/> DISCRIMINATION COMPLAINTS <input type="checkbox"/> VIOLENCE OR THREAT				
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WHAT HAPPENED? <i>(Please attach additional sheet if necessary)</i>	What other evidence, including physical evidence or documentation, exist to corroborate your report? <i>(Please attach additional sheet if necessary)</i>			
HOW DID YOU KNOW ABOUT THE SUBJECT OF THE COMPLAINT? <input type="checkbox"/> Personal or direct knowledge <input type="checkbox"/> Others have told me about it <input type="checkbox"/> White paper (anonymous letter) <input type="checkbox"/> Others (Please specify)	SUPPORTING DOCUMENTS <i>(Indicate number of pages)</i>			
WHO ARE INVOLVED? <i>(Please attach additional sheets if necessary)</i>				
FULL NAME	DESIGNATION	COMPANY	GROUP/DEPT	NATURE OF INVOLVEMENT
WHERE AND WHEN DID THE SUBJECT OF THIS COMPLAINT FIRST HAPPEN?			FREQUENCY OF RECURRENCE	
HOW MUCH IS INVOLVED? <i>(Provide an estimate amount)</i>			IS THERE AN IDENTIFIED WITNESS? <i>(If yes, provide the identity of the Witness/es)</i>	
WAS THIS DISCLOSURE PREVIOUSLY REPORTED TO MANAGEMENT? If Yes, to whom?			WHAT DO YOU THINK WAS THE REASON FOR LACK OF IMMEDIATE ACTION?	
HOW CAN YOU BE CONTACTED?				
COMPLAINANT WILL: <input type="checkbox"/> E-mail/Fax <input type="checkbox"/> make a phone call <input type="checkbox"/> Visit BCDA <input type="checkbox"/> Others (specify)			BCDA Integrity Monitoring Committee (BIMC) shall make a feedback: <input type="checkbox"/> By phone / Text message <input type="checkbox"/> Thru E-mail <input type="checkbox"/> Others (specify)	

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FOR BIMC USE		
MODE OF SUBMISSION of Whistleblowing Report (WR) Written <input type="checkbox"/> E-Mail / Web-based <input type="checkbox"/> FAX <input type="checkbox"/> Registered Mail <input type="checkbox"/> Text /SMS <input type="checkbox"/> Coursed thru 3 rd Party Verbal <input type="checkbox"/> Telephone <input type="checkbox"/> Face to Face meeting	REFERENCE Receipt No. Log No. (for Web-based)	
RECEIPT OF WHISTLEBLOWING REPORT		
RECEIVED BY Name _____ Designation _____ Date _____	FACE TO FACE INTERVIEW Name of Interviewee _____ Designation _____ Date _____	
PRELIMINARY EVALUATION		
ACTION TAKEN	DATE	REMARKS
<input type="checkbox"/> For Investigation		
<input type="checkbox"/> For Referral To _____		
DISPOSITION OF THE CASE		
CASE CLOSED? <input type="checkbox"/> Yes Date: _____ Remarks : _____ Approved by: Name _____ Designation _____	<input type="checkbox"/> No Referred To _____ Approved by _____ Date _____ FINAL DISPOSITION _____ _____ Approved by Name _____ Designation _____ Date _____	
WHISTLEBLOWER'S IDENTITY		
NAME	HOME ADDRESS	
OFFICE ADDRESS	DESIGNATION / POSITION	

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