



REVISED PCSO WHISTLE BLOWING POLICY

I. BACKGROUND

The right of the public to petition government for redress of grievances without fear of reprisal is guaranteed by the Constitution. Pursuant to this constitutional provision, it is the responsibility of the government to encourage people to report any irregularities and violations of good governance principles and acts or omissions that are illegal, against public policy and unhealthy business practices within its organization. Hence, the Philippine Charity Sweepstakes Office (PCSO) adopted the whistle blowing policy and guidelines¹ under **Governance Commission for Government Owned and Controlled Corporations (GCG) Memorandum Circular No. 2014-04²** to enable any concerned individual to report and provide information, anonymously if he/she wishes, and even to testify on matters involving actions or omission of the Directors, Officers and Employees of PCSO that are illegal, unethical, violate good governance principles, are against public policy and morals, promote unsound and unhealthy business practices or grossly disadvantageous to PCSO and/or the Government.

On February 23, 2017, pursuant to **GCG Memorandum Circular 2016-02** ("Revised Whistle Blowing Policy for the GOCC Sector), the PCSO approved the Implementing Rules and Regulations of the PCSO Whistle Blowing Policy³ detailing the handling of the whistle blowing reports, the form and content of the whistle blowing report/complaint, and action thereto, among others.

On April 13, 2023, the **GCG issued Memorandum Circular No. 2023-03**, amending certain provisions of GCG Memorandum Circular No. 2016-02 requiring among others, the adoption of process and inclusion in the organization's charter the handling of whistle blowing reports and complaints, and submission of report concerning the handling of whistleblowing reports or complaints.

II. STATEMENT OF POLICY

The Whistle Blowing Policy mandates all GOCC Director/Trustees, Officers and Employees to exemplify the behavior and professional demeanor consistent with such laws, rules and regulations, policies and procedures of the highest standard in line with the State's policy that the governance of Government Owned and

¹ 2016 Philippine Charity Sweepstakes Office (PCSO) Manual of Corporate Governance, page 11, approved under Board Resolution No. 072, s. 2014.

² Whistle Blowing Policy for the GOCC Sector; April 14, 2014.

³ PCSO Board Resolution No. D-0044, s. 2017

Controlled corporations (GOCCs) shall be carried out in a transparent, responsible and accountable manner; and with the utmost degree of professionalism and effectiveness. The Governance 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.

III. DEFINITION OF TERMS

a. Whistleblowing: The process of revealing wrongdoing within an organization, which serves to uphold ethical standards and protect public interests.

b. A whistleblower is a person who exposes information about illegal, unethical, or improper conduct within an organization

IV. REPORTABLE CONDITIONS

The following are reportable conditions and shall be treated as serious and sensitive in character, with considerable impact on PCSO in particular, or the GOCC Sector in general, as to warrant action under this policy:

A. Specific act/omission:

1. Conflict of Interest⁴;
2. Abuse of Authority;
3. Bribery;
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. Receiving a Commission;
15. Solicitation of Gifts;
16. Taking Advantage of Corporate Opportunities;
17. Undue Delay in Rendition of Service; and
18. Undue Influence.

⁴ Id.; see note 1; “Conflict of interest exists for any Board member or executive officer of the PCSO when:

a. He/she supplies or is attempting or applying to supply goods or services to the PCSO or endorsing those supplied by their relatives or friends;

b. He/she supplies or is attempting to supply goods, services or information to an entity in competition with the PCSO;

c. By virtue of his or her office, acquires or is attempting to acquire for him/herself a business opportunity which should belong to the PCSO;

d. He/she accepts an offer or receives a favor or consideration for delivering the business of PCSO to a third party; and

e. He/she is engaged or is attempting to engage in a business or activity which competes with or works contrary to the best interest of the PCSO.”

B. Violation of special laws and rules:

1. RA 1169, as amended (PCSO Charter);
2. R.A. No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees);
3. R.A. No. 3019 (Anti-Graft and Corrupt Practices Act);
4. R.A. No. 7080 (The Plunder Law);
5. R.A. No. 9485 (Anti-Red Tape Act of 2007);
6. R.A. No. 7877 (Anti-Sexual Harassment Act of 1995)
7. R. A. No. 9262 (Anti-Violence Against Women and Their Children Act)
8. Book II, Title VII, Crimes Committed by Public Officers, The Revised Penal Code;
9. Executive Order No. 292, s. 1987 (Administrative Code of 1987);
10. R.A. No. 10149 (GOCC Governance Act of 2011);
11. R.A. No. 9184 and its IRR (Government Procurement Reform Law);
12. GCG MC No. 2012-05 (Fit and Proper Rule);
13. GCG MC No. 2012-06 (Ownership and Operations Manual Governing the GOCC Sector);
14. GCG MC No. 2012-07 (Code of Corporate Governance for GOCCs);
15. Republic Act No. 113313 or the Safe Spaces Act;
16. 2017 Rules on Administrative Cases in the Civil Service;
17. Other relevant CSC Circulars and applicable laws and regulations;
18. Violation of other GCG Circulars and Orders; and
19. Other applicable laws, rules and regulations.

All whistle blowing reports/complaints shall state the specific condition/s, action/s, and/or omission/s being complained about, as well as the corresponding laws, rules and regulations allegedly violated. If possible, documentary and other documents in support of the whistleblowing report/complaints must be submitted to the PCSO Whistleblowing Committee (PWC) as provided in this IRR.

V. PCSO WHISTLEBLOWING COMMITTEE (PWC)

The PCSO Whistleblowing Committee (PWC) is hereby created which shall be created by the Board of Directors to be composed of the Manager of the Legal Department, as Chairperson, with the following members: Manager of the Human Resources Department and Manager of the Internal Audit Services, Attorney V from the Legal Department. Whenever the whistleblowing report/complaint is submitted/initiated by an employee or official of PCSO, a representative from their sole bargaining agent or recognized association of managers/executives, as the case may be, shall also sit as the fifth member of the PWC. Members of the Committee shall be designated by the General Manager.

The PWC shall perform duties, including but not limited to:

- a. Determination of the veracity of a whistle blowing report/complaint in accordance with the **2017** Revised Rules on Administrative Cases in the Civil Service (RRACCS) through the conduct of an investigation on the

matter subject of the report/complaint. The PWC may dismiss the whistle blowing report/complaint for lack of merit, otherwise it shall submit a formal recommendation to the PCSO Governing Board for the discipline of the respondent official/employee and/or referral of the same to appropriate court for filing of criminal/civil case;

- b. Conduct preliminary investigation to determine whether a report/complaint falls within the scope of **this Policy**, particularly Section 4 hereof or the reportable conditions under Paragraph 4 of GCG MC No. 2016-02;
- c. In cases of whistleblowing reports against the Chairperson and Directors, the complaint shall be endorsed to the Office of the General Counsel of the Governance Commission for GOCCs (GCG);
- d. Formulation and adoption of its internal rules on the disposition of whistleblowing report/complaint.

VI. REPORTING CHANNELS

The following are dedicated reporting channels which the whistleblower can use to file any reportable condition:

- a) directly to GCG's whistleblowing web portal (www.whistleblowing.gcg.gov.ph); and/or
- b) thru and/or the PCSO reporting channel for whistle blower/s thru the PCSO Human Resources Department (HRD), as follows:
 - b.1. E-mail: www.whistleblowing@pcso.gov.ph
 - b.2. Mail:
Attention: The Human Resources Department
c/o Office of the Manager
Philippine Charity Sweepstakes Office 1507
10th Floor Sun Plaza Building
Shaw Boulevard Corner Princeton St. Mandaluyong City
 - b.3. Telefax: (02)8706-4450
 - b.4. Drop box: Located on the Ground Floor, PCSO Conservatory Building 605 Shaw Boulevard, Mandaluyong City

VII. HANDLING OF WHISTLEBLOWING REPORTS

The PCSO HRD shall be tasked to receive and endorse all whistle blowing report/complaint. It shall verify the names and positions of the officials, or employees

complained of. Thereafter, the HRD shall endorse the whistleblowing report to the PWC within five (5) calendar days from its receipt of the report/complaint.

VIII. ACTION ON WHISTLEBLOWING REPORT

The PWC shall prepare its formal recommendation based on its investigation and present it to the PCSO Governing Board for approval within five (5) calendar days from the termination of the investigation.

IX. CONFIDENTIALITY OF WHISTLEBLOWING REPORT/S (WR)

Except when the whistleblower does not invoke anonymity and/or confidentiality, the PCSO shall ensure confidentiality of all information arising from whistleblowing reports/complaints. 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 except in the following situations:

- a. When compelled by law or the Courts to be revealed;
- b. The whistleblower authorized the release of his/her identity;
- c. Upon the determination of the probability of the veracity of his report/complaint, the whistleblower must identify himself in order for the investigation to proceed.

The confidentiality nature of the information subject of the whistleblowing report/complaint shall be observed except to the extent necessary to conduct a complete and fair investigation and hearing of the same.

X. PROTECTION OF A WHISTLEBLOWER AGAINST RETALIATION

Retaliatory acts against whistleblowers (whether employed by PCSO or from the public) who submit whistleblowing reports in good faith shall not be tolerated. For this purpose, PCSO shall protect the whistleblower from retaliation and extend all possible assistance to the whistleblower under the law.

The following acts against the person of the whistle blower during the evaluation of his/her report/complaint by duly constituted committees in the agency and after the conduct of investigation shall be prohibited:

- a. Discrimination or harassment in the workplace;
- b. Demotion;
- c. Reduction in salary or benefits;
- d. Termination of Contract;
- e. Evident bias or threats that adversely affect the right and interests of the whistleblower.

Any whistleblowing report/complaint which is to be heard by the PWC shall be with the representation from the registered and sole bargaining agent of rank and file personnel, in case the whistleblower is a rank and file employee; or from the recognized association of managers/executives, in case the whistleblower is an official of PCSO.

The whistleblower, if he/she desires, may be assisted by a counsel of his/her choice. However, the expenses incidental to the prosecution of his report/complaint should be on his/her sole account and in no case shall be charged to PCSO.

XI. A. UNTRUE ALLEGATIONS

If whistleblower makes allegations that are determined to be fabricated or malicious falsehoods, legal action may be taken against him by the PCSO and/or the respondent under applicable laws, rules, and regulations.

XI. B. OTHER DUTIES OF PCSO

The PCSO shall comply with the following:

- a. **Whistleblowing Portal.** Maintenance of a whistleblowing system, including the whistleblowing portal available at its web portal;
- b. **Process.** Adoption of a process and inclusion in its Citizen Charter the handling of whistleblowing reports and complaints;
- c. **Turn-Around-Time.** Resolution of the whistleblowing reports or complaints within the periods prescribed by relevant issuances or orders and as provided in its Citizens Charter;
- d. **Client Satisfaction Survey.** Administration of a satisfaction survey in accordance with applicable rules and regulations relative to the grant of the Performance-Based Bonus and Performance Based Incentive;
- e. **Reportorial Duty.** Submission to the GCG-Office of the General Counsel, Integrity Division an annual report prepared by the concerned office and certified by the Governing Board that:
 - i. Rules in Handling Whistleblowing Reports or complaints were institutionalized or if processes are already in place, if the same were subjected to modifications;
 - ii. Summary of all whistleblowing reports received by the PCSO;
 - iii. Summary of the actions taken thereon;
 - iv. Results of the corresponding Customer Satisfaction Survey;
 - v. Percentage of reports resolved within the prescribed period, percentage of reports resolved outside the prescribed period, and percentage of reports that remain unresolved;

- vi. Copies of the reports and complaints, relevant letters and memoranda, evidence of administration of the Customer Satisfaction Survey, and other pertinent documents.

XII. VALIDATION

The **GCG**-Office of the General Counsel (OGC), Integrity Division may conduct validation of the reports and documents submitted by PCSO enumerated under Section XI.B.(e) (Reportorial Duty), including on-site validation confirming the reports submitted by the PCSO in relation to maintenance of Whistleblowing Portal, PCSO Citizen Charter with respect to the handling of whistleblowing reports and complaints, Client Satisfaction Survey and Reportorial Duty i.e., annual report in accordance with GCG Memorandum Circular No. 2023-03, particularly Item No. 3 thereof, including on-site validation confirming the reports submitted by the PCSO. If the reports are substantiated, then the OGC, Integrity Division shall issue the following:

- a. Rules in handling whistleblowing reports and complaints exists, and status of the same, if subjected to modifications;
- b. The PCSO indicated all the whistleblowing reports and complaints received;
- c. The PCSO acted, disposed, if not resolved all the whistleblowing reports and complaints, including the resolution and disposition rates.
- d. Client Satisfaction Survey was undertaken and the results were submitted.

XIII. GOOD GOVERNANCE CONDITION

Full compliance with the foregoing requirements shall be a Good Governance Condition for the grant of Performance Based Bonus and Performance-Based Incentives of the offices handling the whistleblowing reports, complaints or concerns of their stakeholders, and the Governing Board and Management.

APPROVED:

January 17, 2024