



Republic of the Philippines
PHILIPPINE RECLAMATION AUTHORITY
(Public Estates Authority)

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PRA Circular No. 002

Series of 2016

TO : PRA OFFICERS and EMPLOYEES

SUBJECT : WHISTLEBLOWING POLICY OF THE
PHILIPPINE RECLAMATION AUTHORITY (PRA)

DATE : July 29, 2016

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The Philippine Reclamation Authority (PRA) aims to promote transparency and responsibility to uphold the highest ethical standards among its employees as well as promote good governance at all levels of the organization pursuant to the Code of Conduct and Ethical Standards of PRA (PEA) Officials and Employees and similar applicable issuances through prevention and control of serious misconduct and unethical work habits by providing a confidential reporting channel.

Pursuant to Governance Commission for Government Owned or Controlled Corporations (GCG) Memoranda Circular Nos. 2014-04 and 2016-02, or the Revised Whistleblowing Policy for the GOCC Sector, this Circular is hereby promulgated to prescribe the guidelines and procedure for the implementation of the Whistleblowing Policy for the PRA.

A. OBJECTIVE

The PRA Whistleblowing Policy is issued to enable any concerned individual, either PRA employees or non-PRA employees, to report and provide information, anonymously if opted to, and testify on matters involving acts or omissions of the PRA Board of Directors, Officers and Employees that are illegal, unethical, violate good governance principles, contrary to public policy and morals, promote unsound and unhealthy business practices that are grossly disadvantageous to PRA and/or the Government.

B. COVERAGE

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

C. DEFINITION OF TERMS

1. **PRA employee** - shall refer to PRA Board of Directors, Officers and employees, whether permanent, temporary, co-terminus or directly hired contractual, including those employed under Contracts of Service.
2. **PRA Integrity Monitoring Committee (PRA-IMC)** – shall refer to the Committee tasked with handling the implementation of this Policy.

The **PRA-IMC** shall be composed of the following:

Chairman : Assistant General Manager for Legal & Administrative Services

Vice – Chairman : General Manager’s Head Executive Assistant

Members:

(a) Manager – Legal Department

(b) Manager – Management Information System

(c) Manager – Human Resource Management Division

(d) PEA-Union Representative

3. **Reportable Conditions** – matters that may be brought to the attention of the PRA-IMC through this Policy as enumerated in Section D.
4. **Reporting Channels** – The following are the dedicated Reporting Channels which the Whistleblower can use to file any Reportable Condition:

a. PRA Website : www.pea.gov.ph



- b. Face-to-Face meetings : the PRA-IMC or any PRA employee
- c. E-mail : info@pea.gov.ph
- d. Mail : 7th & 8th Floor Legaspi Towers 200 Bldg.,
Paseo de Roxas, Makati City, 1226
- e. Telephone : (02) 459-5000
- f. Fax : 815-2662

5. Respondent – the person who is the subject of a Whistleblowing Report filed through any of the Reporting Channels.

6. Retaliatory Actions - refers to negative or obstructive responses or actions carried out by a Respondent in retaliation against a Whistleblower, such as, but not limited to, administrative or criminal proceedings commenced or pursued, reprisals or threats against the whistleblower and/or those PRA employees supporting him/her or any of the whistleblower's relatives, such as, but not limited to, forcing or attempting to force any of them to resign, retire or transfer, giving negative performance appraisals, fault-finding, undue criticism, alienation, blacklisting and other similar acts, discrimination or harassment in the PRA workplace carried out by a Respondent against a Whistleblowing Employee.

7. Whistleblower – any concerned individual, PRA employee or group of PRA employees who reports a Reportable Condition through any of the Reporting Channels.

8. Whistleblowing Report (WR) – refers to a Complaint filed by a Whistleblower about a Reportable Condition.

D. SCOPE OF REPORTABLE CONDITIONS

Whistleblowing is the disclosure of and/or giving of evidence to information of such acts or omissions that are illegal, unethical, violate good governance principles, contrary to public policy and morals, promote unsound and unhealthy business practices that are grossly disadvantageous to PRA and/or the Government, such as, but not limited to:

- 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.

Whistleblower 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. Code of Conduct and Ethical Standards of PRA (PEA) Officials and Employees;
- g. Violations of the PRA's Charter, Presidential Decree (P.D.) No. 1084, as amended;
- h. PRA Manual on Corporate Governance;
- i. PRA Fit and Proper Rule; and
- j. Other applicable laws and regulations.



E. PROCEDURES IN HANDLING WHISTLEBLOWING REPORTS

1. FILING OF WR

- 1.1. Who may File.** Any concerned individual or PRA employee who witnesses or becomes aware of any attempted, ongoing or consummated Reportable Conditions involving any PRA employee may file the WR.

The Whistleblower who files the WR anonymously may choose to provide a manner by which he/she can be contacted without jeopardizing his/her anonymity. Such means shall include, but shall not be limited to using an e-mail, a prepaid mobile number and the like.

- 1.2. Where to File:** The WR shall be filed with the PRA-IMC or through any of the Reporting Channels.

- 1.3. Form of the WR:** The WR must be in writing and shall contain the following:

- a. The Respondent must be clearly identified by his/her full name and position;
- b. The specific condition(s), action(s), and/or omission(s) being complained about, as well as the corresponding laws, rules and regulations allegedly violated;
- c. Documentary and other evidence to support the allegations.

2. PRELIMINARY EVALUATION OF THE WR

- 2.1.** The PRA-IMC will make the initial determination of whether or not information provided may be considered as a Reportable Condition. If the PRA-IMC determines that such information does not qualify as a Reportable Condition, the same shall be treated as ordinary complaint which will be acted on accordingly in accordance with applicable PRA policy, or existing rules and regulations.



The PRA-IMC reserves the right to disregard WRs that are vague, ambiguous, patently without merit, or are clearly harassment complaints against the Respondent/s. The PRA-IMC shall communicate its initial findings on such WRs to the Whistleblower who will be given the opportunity to substantiate the same, failing in which the matters raised in the WR will be considered closed and terminated.

3. FULL INVESTIGATION

- 3.1.** If the PRA-IMC finds the WR sufficient in form and substance, the PRA-IMC shall conduct an investigation, part of which will involve informing the Respondent of the allegations against him/her and requiring the Respondent to submit comments within fifteen (15) calendar days from receipt thereof.

The PRA-IMC shall furnish the Whistleblower a copy of the comments of the Respondent, and shall give him/her opportunity to provide more information or controverting evidence within fifteen (15) calendar days from receipt of the copy of the Respondent's comments. If the Whistleblower submits additional information or evidence, the PRA-IMC shall likewise give the Respondent the opportunity to submit rebutting evidence.

- 3.2.** If the PRA-IMC is satisfied that all the information and evidence necessary for the resolution/decision of the WR are ready on hand, it may proceed to draft the corresponding resolution/decision of the WR and submit its recommendation to the General Manager/CEO and the PRA Board of Directors.

4. FINAL ACTION ON THE PRA-IMC's REPORT

- 4.1.** In cases of WR filed against PRA employees (other than the members of the PRA Board), the PRA Board of Directors in consideration of the resolution/decision and/or recommendation of the PRA-IMC, may pursue any of the following actions:
- a.** Dismiss the WR for want of palpable merit;
 - b.** Impose disciplinary action or sanction against the Respondent pursuant to existing rules and regulations;



- c. Indorse to the proper Government Agency, such as the Office of the Ombudsman and/or Civil Service Commission, the pursuit of the criminal and/or administrative processes against the Respondent;
 - d. Enjoin the PRA Management to comply with applicable laws or jurisprudence and/or to undertake corrective measures to address the matters raised in the Complaint; and
 - e. Consider the PRA-IMC report closed and terminated if the response of the Respondent is found to be adequate.
- 4.2. In cases of WR's filed against the members of the PRA Board of Directors, the PRA-IMC shall submit its recommendation to the Governance Commission for GOCCs for appropriate action.

F. GENERAL GUIDELINES

1. **Withdrawal of Report by the Whistleblower.** In the event that the Whistleblower withdraws his/her WR, the investigation shall continue provided that the evidence gathered is sufficient as determined by the PRA-IMC.
2. **Resignation of Respondent pending Completion of Investigation.** In the event that the Respondent resigns prior to the final resolution of the case against him, the investigation shall still continue provided that the evidence gathered is sufficient as determined by the PRA-IMC.
3. **Confidentiality** - Except when the whistleblower does not invoke anonymity and/or confidentiality under this Policy, the PRA-IMC shall ensure confidentiality of all information arising from WRs. 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.
4. **Protection of Concerned Individual against Retaliatory Actions.** Retaliatory acts against a concerned individual who submits WRs in good faith shall not be tolerated by the PRA which shall extend possible assistance to the whistleblower under the law.



5. Protection of PRA Employee against Retaliatory Actions.

- a.** No administrative action shall be entertained or pursued by PRA against a PRA Employee who submits WRs and who is deemed protected under these guidelines and he/she shall be extended possible assistance under the law.
- b.** No retaliatory action shall be taken against a Whistleblower who is a PRA Employee such as, but not limited to the following:
 - i. discriminatory action;
 - ii. reprimand;
 - iii. punitive transfer;
 - iv. demotion;
 - v. evident bias in performance evaluation;
 - vi. attachment of adverse notes in the personnel 201 file;
 - vii. accusations of disloyalty and dysfunction;
 - viii. public humiliation;
 - ix. the denial or work necessary for promotion;
 - x. reduction in salary or benefits;
 - xi. termination of contract;
 - xii. any acts or threats that adversely affect the rights and interest of the whistleblower.

Any PRA employee who refuses to follow orders to perform an act that would constitute a violation of this provision shall likewise be protected from retaliatory actions.

6. Whistleblower is a Party to the Reportable Conditions

A Whistleblower, who is a party in the Reportable Condition, shall be accorded protection and assistance by the PRA in accordance with this Policy provided that:

- a.** The whistleblower shall formally undertake to actively participate in the investigation and testify in the appropriate proceedings to be filed against the Respondent/s.
- b.** He/She has personal knowledge of material facts and information regarding the Reportable Condition; and



c. He/She should not appear to be the most guilty.

7. No Breach of Duty of Confidentiality: A Whistleblower that has an obligation by way of oath, rule or practice to maintain confidentiality of information shall not be deemed to have committed a breach of confidentiality if he/she makes a Protected Disclosure of such information.

G. REMEDIES AND SANCTIONS

1. Retaliatory Actions: Any PRA employee, who does, causes or encourages retaliatory actions as defined under these Policy against a Whistleblower and/or PRA employees supporting him/her or any of his/her relatives shall be subjected to administrative, civil and/or criminal proceedings.

2. False, Untrue, Misleading and Malicious Reports: If a Whistleblower makes allegations that are determined to be fabricated or malicious falsehoods, and/or he/she persists in making them, appropriate legal action may be taken against him/her by the PRA.

H. EFFECTIVITY

This Policy becomes effective upon approval of the PRA Board of Directors on July 12, 2016.

PETER ANTHONY A. ABAYA
General Manager and CEO

