



Republic of the Philippines
METROPOLITAN WATERWORKS AND SEWERAGE SYSTEM
Katipunan Road, Balara, Quezon City 1105 Philippines



AJA18-0185

Excerpts from the Minutes of the Seventeenth (17th) Regular Board Meeting held on 10 September 2019:

“RESOLUTION NO. 2019-146-CO

(In re: Policy on Whistleblowing)

WHEREAS, GCG Memorandum Circular No. 2016-02 which is the Revised Whistleblowing Policy of the GOCC Sector, requires each Government-owned and controlled corporation (GOCC) to have its whistleblowing policy following the circular guidelines;

WHEREAS, the MWSS Whistleblowing Policy encourages employees and officials to report to the Governance Commission for GOCCs (GCG) any actions of any employee or official of MWSS that are illegal, unethical, violate good governance principles, that are against public policy and morals, promote unsound and unhealthy business practices, and are grossly disadvantageous to the GOCC and/or the Government;

WHEREAS, the Policy covers the following subjects:



1. Reportable Conditions;
2. Confidentiality – the protection of the identity of the whistleblower is ensured except if he wants to waive this and when required by law;
3. Protection of whistleblower – identifies retaliatory acts which the GCG will protect the reporter from;
4. False allegations – Actions by GCG on proven cases of false allegations;
5. Handling of whistleblowing report – identifies venues with which to file the whistleblowing report (e.g., GCG online portal. Face-to-face meeting with GCG officers, Email, telephone);
6. GCG Action on the Reports – various courses of action that can be taken by GCG with a report.

WHEREFORE, as recommended by Management and favorably endorsed by the Executive and Governance Committee (EGC), on motion made and duly seconded, **RESOLVE**, as it is hereby **RESOLVED**, to **APPROVE** the MWSS-CO Policy on Whistleblowing, copy attached as Annex “A.”

* * *

I, the undersigned, hereby certify that the foregoing is a true copy of the Resolution adopted by the Board of Trustees of Metropolitan Waterworks and Sewerage System, and spread in the Minutes of a duly constituted meeting of said Board held on 10 September 2019.

Renee G. Inting
RENEE JOSEPHINE G. INTING
OIC Board Secretariat

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POLICY: WHISTLEBLOWING POLICY				
Author: PPPRD	Reference No. MWSS-PRD-P-002	Revision No. Original	Effectivity Date:	Page: Page 1 of 4

1.0 OBJECTIVES

1. To enable and encourage employees including the Board of Directors to report actions of any employee, member of the Board of Directors and officers of the GCG, that are unethical, anomalous, unlawful and/or grossly disadvantageous to government, as a whole, pursuant to GCG MC No. 2016-02.

2.0 POLICY STATEMENT

It is the policy of the agency that governance shall be carried out in a transparent and responsible manner with the utmost degree of professionalism, effectiveness and accountability.

3.0 COVERAGE

All employees of the MWSS Corporate Office and GCG including their respective officers and Board of Directors

4.0 GUIDELINES

- 4.1. REPORTABLE CONDITIONS. — Whistleblowers may report to the Governance Commission 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 the GOCC 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;

- Whistleblowers 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) R.A. No. 10149, the "GOCC Governance Act of 2011";



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- (g) GCG M.C. No. 2012-05, "Fit and Proper Rule";
 - (h) GCG M.C. No. 2012-06, "Ownership and Operations Manual Governing the GOCC Sector;
 - (i) GCG M.C. No. 2012-07, "Code of Corporate Governance for GOCCs";
 - (j) Violations of the Charter of the GOCC; and
 - (k) Other GCG Circulars and Orders, and applicable laws and regulations;
- 4.2. All whistleblowing reports should be directed to the GCG in either of the following formats:
- 4.2.1. GCG website whistleblowing portal at www.whistleblowing.gcg.gov.ph as its primary reporting channel
 - 4.2.2. Face-to-Face Meetings with GCG Officers and Employees
 - 4.2.3. E-Mail to feedback@gcg.gov.ph;
 - 4.2.4. Mail to GCG address of 3/F Citibank Center 8741 Paseo De Roxas, Makati City Philippines 1226;
 - 4.2.5. GCG Telephone - (632) 328-2030 to 33; and
 - 4.2.6. GCG Fax - (632) 328-2030 to 33;
- 4.3. **CONFIDENTIALITY.** — Except when the whistleblower does not invoke anonymity and/or confidentiality, the GCG 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 confidence, unless compelled by law or the Courts to be revealed, or unless the whistleblower authorizes the release of his/her identity.
- 4.4. **PROTECTION OF A WHISTLEBLOWER AGAINST RETALIATION.** — Retaliatory acts against whistleblowers who submit whistleblowing reports in good faith shall not be tolerated by the Governance Commission which shall extend all possible assistance to the whistleblower under the law and given the circumstances. Such retaliatory acts may include:
- (a) Discrimination or harassment in the workplace;
 - (b) Demotion;
 - (c) Reduction in salary or benefits;
 - (d) Termination of contract;
 - (e) Evident bias in performance evaluation; or
 - (f) Any acts or threats that adversely affect the rights and interests of the whistleblower.
- 4.5. **FALSE ALLEGATIONS.** — If a Whistleblower makes allegations that are proven to be fabricated or malicious falsehoods, and/or he/she persists in making them, legal action may be taken against him by the Governance Commission.
- 4.6. **HANDLING OF WHISTLEBLOWING REPORTS.** —



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- 4.6.1. Filing of Whistleblowing Reports — All whistleblowing reports must be submitted to the Governance Commission through the website www.whistleblowing.qcg.gov.ph or through any of the Alternative Reporting Channels identified in paragraph 4.2 of this policy.
- 4.6.2. Investigation by the Office of the General Counsel - All whistleblowing reports will be evaluated and investigated by the Office of the General Counsel 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.

Subject to the approval of the Department of Budget and Management, the Office of the General Counsel shall establish a division to be called the Integrity Division with the primary task of implementing the provisions of this memorandum circular and investigating all whistleblowing reports submitted pursuant thereto, as well as recommending policy issuances on whistleblowing to the Governance Commission.

The Office of the General Counsel is hereby authorized to promulgate such regulations and protocols that will facilitate the full implementation of the GCG memorandum circular on Whistleblowing.

4.7. GCG ACTION ON WHISTLEBLOWING REPORTS. —

- 4.7.1. In cases of whistleblowing reports against GOCCs, their Directors/Trustees, officers, and employees, the Governance Commission may pursue any of the following actions:
- i. Dismiss the whistleblowing report for want of palpable merit;
 - ii. Forward the whistleblowing report to the concerned GOCC for corresponding official action;
 - iii. Submit a formal recommendation to the Governing Board of the concerned GOCC for the discipline of respondent Officer;
 - iv. Submit a formal recommendation to the Governing Board of the concerned GOCC for the suspension of the respondent Appointive Director;
 - v. Submit a formal recommendation to the President for the removal of the respondent Appointive Director;
 - vi. Endorse to the proper Government Agency, such as the Office of the Ombudsman, the pursuit of the criminal and/or administrative processes against the respondents;
 - vii. Enjoin the GOCC Governing 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
 - viii. Consider the whistleblowing report closed and terminated if the response of the respondent is found to be adequate.



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- 4.7.2 In cases of whistleblowing reports against the Chairman, the Commissioners, or Directors of the Governance Commission, the Office of the General Counsel may dismiss the whistleblowing report for want of merit, or submit their recommendations on proposed sanctions against the respondents to the Office of the President.

- 4.7.3 In cases of whistleblowing reports against other officers and employees of the Governance Commission, the Office of the General Counsel may dismiss the whistleblowing reports for want of merit or submit their recommendations on proposed sanctions against the respondents to the Governance Commission.