

# **REVISED WHISTLE BLOWING POLICY FOR THE NATIONAL TOBACCO ADMINISTRATION (GCG MEMORANDUM CIRCULAR NO. 2016-02)**

## **I. POLICY:**

It is the State's policy that the governance of government-owned and controlled corporations (GOCCs) shall be carried out in a transparent, responsible and accountable manner and with the utmost degree of professionalism and effectiveness. Furthermore, the NTA Governing Board must be competent to carry out its functions, be fully accountable to the State as its fiduciaries, and act in the best interest of the NTA and the State.

The NTA, through the NTA Governing Board, and duly authorized officers and employees of the NTA, shall conduct affairs, operations and business of the NTA in full compliance with the applicable laws, rules and regulations. As public officers, the Appointive Directors, Officers and Employees of the NTA must exemplify the behavior and professional demeanor consistent with such laws, rules, regulations, policies and procedures of the highest standard.

## **II. PURPOSE:**

This policy is aimed to enable any concerned individual to report and provide information, anonymously if he/she wishes, and even testify on matters involving actions or omissions of the Appointive Directors, Officers and Employees of the NTA, 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 NTA or the government.

## **III. COVERAGE:**

This policy shall be applicable to all Appointive Directors, Officers and Employees, including those hired under Contract of Services, Job Order Contracts and Consultancy Agreements.

#### **IV. DEFINITIONS OF TERMS:**

- a. Agency Integrity Monitoring Committee (AIMC) – refers to the committee tasked with handling the implementation of this policy;
- b. GCG – refers to the Governance Commission for GOCCs;
- c. Management Committee (MANCOM) – refers to the Administrator, Deputy Administrator and Department Managers who manage the daily operations of the NTA. The MANCOM reports directly to the NTA Governing Board;
- d. Reportable Conditions – Matters that may be brought to the attention of the NTA or the GCG through this policy as enumerated in Item VI.A below;
- e. Reporting Channels – can be any of the following: (1) NTA website; 2) Face-to-face meeting; 3) e-mail; 4) Mail; 5) Telephone; and, 6) Fax;
- f. Respondent – the person who is the subject of a report filed with the NTA/GCG pursuant to this policy.
- g. Retaliation Actions – actions carried out by a Respondent in retaliation against a Whistleblower, such as, but not limited to, discrimination or harassment in the workplace carried out by a respondent officer against a whistleblower employee;
- h. Whistleblower – a person who reports a Reportable Condition to the NTA/GCG through this policy; and
- i. Whistleblowing Report (WR) – refers to a complaint filed by a Whistleblower about a Reportable Condition.

#### **V. AGENCY INTEGRITY MONITORING COMMITTEE (AIMC)**

The AIMC shall be composed of the following:

Chairman	-	Department Manager III Internal Audit Service
Vice-Chairman	-	Executive Assistant IV
Members	-	Attorney V Chief, Mgmt. Information Div., Corporate Planning Department Board Secretary V

The Chairman shall make an initial evaluation of the submitted WRs in accordance with Section VI.3 below and convene the AIMC accordingly as may be needed.

Decisions of the AIMC on the WRs shall be submitted for the approval of the MANCOM.

**VI. 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 NTA 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; and
- 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:

- 1) R.A. No. 6713 - “Code of Conduct and Ethical Standards for Public Official and Employees”;
- 2) R.A. No. 3019 - “Anti-Graft and Corrupt Practices Act”
- 3) R.A. No. 7080 - “The Plunder Law”;
- 4) Book II, Title VII of the Revised Penal Code - “Crimes Committed by Public Officers”;
- 5) Executive Order No. 292, s. 1987 - “Administrative Code of 1987”;
- 6) R.A. No. 10149 - “GOCC Governance Act of 2011”;

- 7) GCG M.C. No. 2012-05 - "Fit and Proper Rules";
- 8) GCG M. C. No. 2012-06 - "Ownership and Operations Manual Governing the GOCC Sector";
- 9) GCG M.C. No. 2012-07 - "Code of Corporate Governance for GOCCs";
- 10) Violations of Executive Order No. 245, s. 1987 – "Charter of the NTA"; and
- 11) Other GCG Circulars and Orders, and Applicable Laws and Regulations.

**V. GCG WHISTLEBLOWING WEB PORTAL** – Whistleblowers are encouraged to utilize the Governance Commission website at [www.whistleblowing.gcg.gov.ph](http://www.whistleblowing.gcg.gov.ph) as the primary reporting channel. This 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.

**VI. ALTERNATIVE REPORTING CHANNELS** – Whistleblowers may also submit reports to the NTA through the following channels:

- 1) Website: <http://www.nta.da.gov.ph/>
- 2) Face-to-Face Meetings: with NTA officers or employees
- 3) E-mail: [oadnta@gmail.com](mailto:oadnta@gmail.com) or [nta\\_mis@nta.da.gov.ph](mailto:nta_mis@nta.da.gov.ph)
- 4) Mail: The Agency Integrity Monitoring Committee  
NTA Bldg. Sct. Reyes St., corner Panay Avenue  
1103 Quezon City Philippines
- 5) Telephone No. (632)374-3987/(632)374-2505
- 6) Fax No. (632)373-2095

**VII. CONFIDENTIALITY** – Except when the whistleblower does not invoke anonymity and/or confidentiality when invoking the Policy under GCG Memorandum Circular No. 2016-02, the NTA Governing Board shall ensure confidentiality of all information arising from whistleblowing reports submitted pursuant to GCG Memorandum Circular No. 2016-02. It shall treat all reports, including the identity of the Whistleblower and the persons complained of, in a confidential and sensitive manner. The identity of the Whistleblower will be kept confidential, unless compelled by law or by the Courts to be revealed, or unless the Whistleblower authorizes the disclosure of his/her identity.

**VIII. PROTECTION OF A WHISTLEBLOWER AGAINST RETALIATION** – Retaliatory acts against whistleblowers who submits whistleblowing reports in good faith shall not be tolerated

by the NTA 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. Ant acts or threats that adversely affect the rights and interests of the whistleblower.

**IX. UNTRUE ALLEGATIONS** – If a Whistleblower make allegations that are determined to be fabricated or malicious falsehoods, and/or he/she persists in making them, legal action may be taken against him/her by the NTA.

**X. PROCEDURE ON HANDLING WHISTLEBLOWING REPORTS –**

**10.1 Filing of Whistleblowing Reports** – All whistleblowing reports must be submitted to the Governance Commission through the website [www.whistleblowing.gcg.gov.ph](http://www.whistleblowing.gcg.gov.ph) or through any one of the Alternative Reporting Channels identified in paragraph 6 of this Revised Whistleblowing Policy.

**10.2 Investigation by the AIMC**– All whistleblowing reports will be evaluated and investigated by the AIMC 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.

**XI. NTA ACTION ON WHISTLEBLOWING REPORTS**

11.1 In cases of whistleblowing reports against NTA, the Appointive Directors, officers and employees, the AIMC 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 official for corresponding official action;

- (iii) Submit a formal recommendation to the NTA Governing Board for the discipline of respondent Officer;
- (iv) Submit formal recommendation to the NTA Governing Board for suspension of the respondent Appointive Director;
- (v) Submit a formal recommendation to the Governance Commission for the removal of respondent Appointive Director;
- (vi) Indorse to the proper Government Agency, such as the Office of the Ombudsman, the pursuit of the criminal and/or administrative processes against the respondent;
- (vii) Enjoin the NTA Governing Board and Management to comply with applicable law 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.

11.2 In cases of whistleblowing reports against the Chairman, Vice-Chairman and the Appointive Directors, the AIMC may dismiss the whistleblowing reports for want of merit, or submit their recommendations on the proposed sanctions against respondents to the GCG.

11.3 In cases of whistleblowing reports against officers and employees, the AIMC may dismiss the whistleblowing reports for want of merit, or submit their recommendations on the proposed sanctions against respondents to the NTA Governing Board.

**XII. EFFECTIVITY** – This Revised Whistleblowing Policy of the NTA shall take effect immediately.