



BONIFACIO DRIVE, SOUTH HARBOR, PORT AREA, MANILA 1018, PHILIPPINES
P.O. BOX 436, MANILA, PHILIPPINES
TEL. NO. (0632) 527-8356, FAX. NO. (0632) 527-4855
HTTP://WWW.PPA.COM.PH



JUN 02 2017

**PPA ADMINISTRATIVE ORDER
NO. 06 - 2017**

**TO : PPA OFFICIALS AND EMPLOYEES
PORT USERS
ALL CONCERNED**

**SUBJECT : PHILIPPINE PORTS AUTHORITY (PPA) WHISTLEBLOWING
POLICY**

SECTION 1. LEGAL BASES

The PPA Whistleblowing Policy (Policy) is hereby adopted in compliance with GCG Memorandum Circular No. 2016-02 which mandates, among others, that Government Owned or Controlled Corporations (GOCCs) acting through their Governing Board and duly authorized Officers and Employees, shall conduct the affairs, operations and business thereof in full compliance with applicable laws, rules, regulations and that as public officials, all Members of the Board of Directors, Officers and Employees, must exemplify the behaviour and professional demeanour consistent with such laws, rules, regulations, policies and procedures of the highest standard. This is in line with the State's policy that the governance of GOCCs shall be carried out in a transparent, responsible and accountable manner and with the utmost degree of professionalism and effectiveness pursuant to Sec. 2 (c), R.A. No. 10149 and, furthermore, the Governing Board of every GOCC 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 pursuant to Sec. 2 (e) of R.A. 10149.

SECTION 2. PURPOSE

The purpose of this Policy is to enable any concerned individual to report and provide information, anonymously if he/she wishes, and even testify on matters involving the actions or omissions of the Members of the Board of Directors, Officers and Employees of PPA 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.

VISION

By 2020, PPA shall have provided globally competitive port services in the Philippines characterized by increased productivity, efficiency, connectivity, comfort, safety, security and environmental sustainability

1

MISSION

- 1 Provide reliable and responsive services in ports, sustain development of communities and the environment, and be a model corporate agency of the government.
- 2 Establish a mutually beneficial, equitable and fair relationship with partners and service providers
- 3 Provide meaningful and gainful employment while creating a nurturing environment that promotes continuous learning and improvement.
- 4 Establish a world-class port operation that is globally competitive adding value to the country's image and reputation

SECTION 3. COVERAGE

This Policy shall be applicable to all officials and employees of the PPA, whatever status of employment, whether permanent or temporary, career or non-career service, receiving compensation from the PPA, including the Members of the Board.

SECTION 4. DEFINITION OF TERMS

- a) PPA Integrity Monitoring Committee (PPAIMC) – refers to the Committee tasked with handling the implementation of this Policy
- b) Management Executive Committee (MEC) – refers to the PPA Committee composed of the General Manager, the Assistant General Managers, the Managers of Legal Services Department, the Corporate Planning Department, the Corporate Board Secretary, and the Special Assistant to the Corporate Head
- c) Respondent - the person who is the subject of a report filed pursuant to this Policy
- d) 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 by a respondent officer against a whistle blowing employee
- e) Whistleblower – a person who reports a Reportable Condition through this Policy
- f) Whistleblowing Report – refers to a complaint filed by a Whistleblower about a Reportable Condition.

SECTION 5. REPORTABLE CONDITIONS

Whistleblowers may report 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 PPA 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"
- (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 Presidential Decree No. 857, as amended
- (k) Other GCG Circulars and Orders, and applicable laws and regulations

All Whistleblowing Reports must state the specific condition/s, action/s and/or omission/s being complained about, as well as the corresponding laws, rules or regulations allegedly violated. If possible, documentary and other evidence in support of the Whistleblowing Reports must be submitted to the PPAIMC for evaluation. All respondents must be clearly identified by their full names and positions.

SECTION 6. PPA WHISTLEBLOWING WEB PORTAL.

PPA has established the website: <http://www.ppa.com.ph/> through the Information and Communications Technology Department (ICTD) as its primary reporting channel for whistleblowers under this memorandum circular. This reporting 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. Whistleblowers are encouraged to utilize this online reporting channel.

SECTION 7. ALTERNATIVE REPORTING CHANNELS

Whistleblowers may also submit Whistleblowing Reports to the PPA through the following alternative reporting channels:

- a) Face-to-Face Meetings: with PPA Officers and Employees
- b) E-Mail: ogm@ppa.com.ph
- c) Mail: P.O. Box 436, Manila, Philippines:

- d) Telephone: (632) 527-83-56 to 83
- e) Fax: (632) (527-48-53
- f) Drop Box located at the Ground Floor, PPA Head Office Building, A. Bonifacio Drive, Port Area, South Harbor, Manila

SECTION 8. CONFIDENTIALITY

Except when the whistleblower does not invoke anonymity and/or confidentiality when invoking this Policy under this Administrative Order PPA shall ensure confidentiality of all information arising from whistleblowing reports submitted pursuant to this administrative order. 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 the Courts to be revealed, or unless the whistleblower authorized the release of his/her identity.

SECTION 9. PROTECTION OF A WHISTLEBLOWER AGAINST RETALIATION

Retaliatory acts against whistleblowers who submit Whistleblowing Reports in good faith shall not be tolerated by the PPA 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 whistle-blower.

SECTION 10. UNTRUE ALLEGATIONS

If a Whistleblower makes 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 PPA.

SECTION 11. HANDLING OF WHISTLEBLOWING REPORTS

a) Filing of Whistleblowing Reports - All Whistleblowing Reports must be submitted to PPA through the website <http://www.ppa.com.ph/> or through any of the Alternative Reporting Channels identified in Section 7 of this Memorandum Circular.

b) PPA Integrity Monitoring Committee (PPAIMC) - The PPAIMC is hereby created which shall be composed of the following:

- Chairperson : Assistant General Manager for Operations
- Co-Chairperson : Assistant General Manager for Engineering
: Assistant General Manager for Finance and Administration
- Vice-Chairperson : Special Assistant to the Corporate Head
- Members : Manager, Legal Services Department
Manager, Human Resource Management Department
Manager, Internal Audit Department
Manager, Port Police Department

c) The PPAIMC has the primary task of implementing the provisions of this Administrative Order and assessing all Whistleblowing Reports submitted thereto, as well as recommending policy issuances on whistleblowing to the PPA Board.

d) In no case shall a member of the PPAIMC evaluate a claim of a potential whistleblower which involves him/her. In such cases, the member shall be inhibited by the PPAIMC and be replaced by an alternate member from any of the Responsibility Centers mentioned above. The alternate member shall not come from the Responsibility Center as the member who inhibited.

e) The PPAIMC shall perform the following duties:

1. Determine the veracity of a Whistleblowing Report/Complaint in accordance with the Revised Rules on Administrative Cases in the Civil Service (RRACCS) through the conduct of an investigation of the subject matter of the report/complaint. The PPAIMC may dismiss the Whistleblowing Report/Complaint against officers/employees of PPA (below the rank of Assistant General Manager) for lack of merit, otherwise it shall submit a formal recommendation to the General Manager for the discipline of the respondent official/employee and/or refer the same to the appropriate court or body for filing of criminal/administrative case.

The PPAIMC may dismiss the Whistleblowing Report outright that are vague, ambiguous, patently without merit or are clearly harassment complaints against officials/employees complained of.

2. Conduct preliminary investigation to determine whether a report/complaint falls within the scope of this administrative order particularly Section 5 hereof or the reportable conditions under paragraph 4 of GCG Memorandum Circular No. 2016-02.
3. In cases of Whistleblowing Report against the PPA Board Chairperson and Members including those against the General Manager and Assistant

General Managers, the complaint shall be endorsed to the Office of the General Counsel of the Governance Commission for GOCCs (GCG) which may dismiss the Whistleblowing Report for want of merit or submit its recommendations on proposed sanctions against the respondents to the GCG and/or the Office of the President, as the case may be, or refer the same to the appropriate body for filing of criminal or administrative complaint.

4. Decisions of the PPAIMC on the Whistleblowing Report shall be submitted for approval to the General Manager.
5. Formulation and adoption of its internal rules on the disposition of Whistleblowing Report/Complaint.

SECTION 12. REPEALING CLAUSE

All other PPA orders, circulars, issuances, and decisions, which are inconsistent with this Administrative Order are hereby repealed or modified accordingly.

SECTION 13. SEPARABILITY CLAUSE

If any part of this Administrative Order is declared unconstitutional or illegal by any court of competent jurisdiction, any part hereof not affected by such declaration shall remain valid and existing.

SECTION 14. EFFECTIVITY CLAUSE

This Administrative Order shall take effect immediately upon publication in a newspaper of general circulation.

By authority of the Board pursuant to Resolution No. 2625 adopted on May 25, 2017 .

JAY DANIEL R. SANTIAGO
General Manager *JDS*

Published in the Philippine Star - June 6, 2017

