

# PORO POINT MANAGEMENT CORPORATION WHISTLE BLOWING POLICY

## 1. POLICY

The Poro Point Management Corporation (PPMC) shall promote transparency, responsibility and accountability in the Poro Point Freeport Zone (PPFZ) including the San Fernando International Seaport and San Fernando Airport with utmost degree of integrity, loyalty, professionalism and efficiency.

PPMC shall conduct its day-to-day operations in full compliance with the Constitution, applicable laws, rules, regulations. The Board of Directors, Officers and Employees must exemplify the behavior and professional demeanor consistent with existing laws, rules, regulations, policies and procedures governing government owned and controlled corporations

## 2. OBJECTIVE/S

This Whistleblowing Policy (Policy) aims to provide an enabling mechanism that allows any concerned individual to report and provide information, and testify, if there is a need to do so on matters involving the actions or omissions of the PPMC Board of Directors, Officers and rank & file employees contrary to law, unethical, violates good governance principles, against public policy and morals.

3. **COVERAGE.** - This policy shall be applicable to all concerned individuals, reporting and providing information on matters involving acts or omissions of the PPMC Board of Directors, Officers and Employees, filed through any of the reporting channels provided under this Policy.
4. **WHISTLEBLOWER.** - Any individual who believes on reasonable grounds that a PPMC Board of Director, Officer and/or rank and file employee has engaged, is engaging or attempting to engage in illegal and/or improper conduct in the performance of his/her office.
5. **REPORTING CHANNELS.** – Whistleblower/s is/are encouraged to use the online platform as the primary reporting channel under this Policy:
  - a. **GCG Whistleblowing Web Portal.** - The primary reporting channel under this policy is the online based platform of the GCG

([www.whistleblowing.gcg.gov.ph](http://www.whistleblowing.gcg.gov.ph)) linked with the Corporate Governance of PPMC ([www.poropointfreeport.gov.ph](http://www.poropointfreeport.gov.ph)).

- b. **Alternative Channels.** – Whistleblowing reports may also be submitted to the to the PPMC through the following means:

- i. Meeting : Officers or Employees
- ii. E-mail : [poropointfreeportzone@gmail.com](mailto:poropointfreeportzone@gmail.com)
- iii. Courier/Mail : The President and CEO  
PPMC Admin Bldg., Gov. Joaquin  
L. Ortega Ave., Poro Point Freeport  
Zone Complex, San Fernando City, LU
- iv. Telephone : 072- 242-4016
- v. Fax : 072- 242-0683

6. **REPORTABLE CONDITIONS.** – Whistleblowers may report to the GCG or to the PPMC the following:

- a. Acts or omissions that are punishable under the Revised Penal Code and Special Laws, unethical, those that violate good governance principles, are against public policy and morals, promote unsound and unhealthy business practices, such as but not limited to:

- i. Abuse of Authority;
- ii. Conflict of Interest;
- iii. Fixing;
- iv. Inefficiency;
- v. Misconduct;
- vi. Money Laundering;
- vii. Negligence of Duty;
- viii. Nepotism;
- ix. Receiving a Commission;
- x. Solicitation of Gifts;
- xi. Taking Advantage of Corporate Opportunities;
- xii. Undue Delay in Rendition of Service;
- xiii. Violation of Procurement Laws.

- b. Acts or omissions that are otherwise involve any of the following laws, rules, or regulations:

- i. R. A. 7877, ‘Anti Sexual Harassment Act of 1995’
- ii. R.A. No. 6713, "Code of Conduct and Ethical Standards for Public Officials and Employees";
- iii. R.A. No. 3019, "Anti-Graft and Corrupt Practices Act";
- iv. R.A. No. 7080, as amended, "The Plunder Law";
- v. Book II, Title VII, Crimes Committed by Public Officers,
- vi. The Revised Penal Code;
- vii. Executive Order (E.O.) No. 292, s. 1987, "Administrative Code of 1987";
- viii. R.A. No. 10149, the 'GOCC Governance Act of 2011';
- ix. GCG M.C. No. 2012-05, "Fit and Proper Rule";

- x. GCG M.C. No. 2012-06, "Ownership and Operations Manual Governing the GOCC Sector;
- xi. GCG M.C. No. 2012-07, "Code of Corporate Governance for GOCCS";
- xii. Violations of the Articles of Incorporation and By-Laws of PPMC; and
- xiii. Other GCG Circulars and Orders, and applicable laws and regulations.

c. Acts or omissions in violation of the PPMC's Manual of Personnel and Code of Discipline.

**7. NON-REPORTABLE CONDITIONS.** - Whistleblowing reports which involves any of the following are considered non-reportable under this Policy:

- a. Matters subject of the whistleblower's under the principle of *sub-judice*;
- b. Reported violations covered by the PPMC Manual of Personnel and Code of Discipline;

**8. CONFIDENTIALITY.** – PPMC shall ensure confidentiality of the information arising from whistleblowing reports except when the whistleblower does not invoke anonymity and/ or confidentiality under this Policy. The reports including the identity of the whistleblower and the person(s) complained of must be treated in utmost confidentiality. The identity of the whistleblower shall be kept confidential unless (i) compelled by law or the Courts to be revealed, or (ii) the whistleblower authorized the release of his/her identity.

**9. PROTECTION OF THE WHISTLEBLOWER AGAINST RETALIATORY ACTION/S.** - PPMC shall extend all possible assistance existing under laws, rules and regulations to whistleblowers who will submit whistleblowing reports, in good faith, against retaliatory acts. 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; (f) bullying; or (g) any acts or threats that adversely affect the rights and interests of the whistleblower.

**10. FALSE/ MISLEADING/ FABRICATED ALLEGATIONS.** – Reporting false, misleading, and/or fabricated allegations, shall be a sufficient ground for the forfeiture of the benefits of the whistleblower for the year, including his/her immunity from criminal, civil and administrative suits.

## **11. HANDLING OF WHISTLEBLOWING REPORTS**

- a. **Filing of Whistleblowing Reports.** - All whistleblowing report/s pertaining to PPMC shall be submitted through the whistleblowing link in GCG's website or at above alternative channels.

Whistleblowing report/s filed or submitted through the online platform of the GCG shall follow the handling procedure of the GCG. Otherwise, the PPMC's procedure shall apply.

- b. **Investigation by the Human Resource and Admin Office (HRA) and Legal Office (LO).** – All whistleblowing reports involving Department Managers and below, received through by PPMC, may be investigated by the HRA and LO provided that the report is not vague, ambiguous, patently without merit or maliciously intended to blemish the respondent officer or employee's name.

## **12. PPMC ACTIONS ON WHISTLEBLOWING REPORTS/ RECOMMENDATIONS RECEIVED FROM THE GCG**

- a. In cases of whistleblowing report/s against the Board of Directors and Officers, PPMC shall endorse the report to the concerned Committee of the Board which may pursue any of the following actions:
  - i. Dismiss the whistleblowing report for lack of merit;
  - ii. Submit the formal recommendation to the Board of Directors for the disciplinary actions against respondent Officer or employee;
  - iii. Submit the formal recommendation to the Board of Directors for the suspension of the concerned Appointive Director;
  - iv. Submit their recommendations on proposed sanctions against the concerned Director to the Office of the President;
  - v. Consider the whistleblowing report closed and terminated if the response of the person/s complained of is found to be adequate.

If a member of the Committee is the one who is the subject of said WB report, the member shall be substituted by another director.

- b. In cases of whistleblowing report/s against employees, the HRA and LO shall conduct their initial evaluation and submit their written report with recommendation to the PCEO who shall review the recommendation for appropriate action.

The PCEO shall designate an Investigation Committee (IC) pursuant to the PPMC Manual of Personnel on Code of Discipline in case where the whistleblowing report/s against an employee was found to have merit.

## **13. OTHER IMPLEMENTING GUIDELINES**

### **Section 1. WHISTLEBLOWER'S RIGHTS, PRIVILEGES, AND OBLIGATIONS**

- b. Immunity from civil, administrative, criminal liability when reporting the reportable conditions, in good faith;
- c. Confidentiality of the whistleblower's identity, the subject matter of report; and the identity of the PPMC Officer/s or Employee/s to whom such a report was made; and
- d. The whistleblower may be compelled to testify if the testimony is necessary or indispensable to the successful prosecution of any charge arising from the whistleblowing report.

**Section 2. INCENTIVES FOR WHISTLEBLOWER** - A whistleblower shall be entitled to a commendation, and/or any other form of incentives as provided by existing laws, rules and regulations.

### **Section 3. RESPONSIBILITIES OF THE RECIPIENTS OF THE WHISTLEBLOWING REPORT**

- a. The recipient shall maintain confidentiality and undertake measures to ensure the well-being of the whistleblower;

- b. In cases of whistleblowing report/s against the Chairman, Directors and Officers, whether from GCG or through email, the recipient shall forward the report to the Board, through the Office of the Corporate Secretary and/or Legal Counsel, **within three (3) days** from the date receipt thereof:
- c. In cases of whistleblowing report/s against the Employees, whether from GCG or through email, the recipient shall forward the whistleblowing report to the the Office of the President and CEO (OPCEO), **within three (3) days** from the date receipt thereof.

**Section 4. VIOLATIONS OF CONFIDENTIALITY AND/OR ANONYMITY-PENALTY** - Any PPMC Directors, official or employee who shall violate the confidentiality of the same shall be subject to administrative sanction under PPMC Manual of Personnel Discipline and Office Decorum.

**Section 5. OBLIGATION TO TESTIFY**- Any PPMC official or employee who may have personal knowledge on matters pertaining to the reportable conditions shall be obliged to testify in any proceedings after due notice.

**Section 6. PROTECTION OF WITNESSES** - Any PPMC official or employee who testifies in any proceedings arising from any of the reportable conditions shall enjoy the same protection against retaliatory actions.

**Section 7. FAILURE TO ACT OR REPORT** - Any official or employee of PPMC under the obligation to receive or process the whistleblowing report/s covered by this Policy; and who fails to act thereon or cause an investigation thereof, shall be liable for disciplinary action.

**Section 8. REPORTORIAL REQUIREMENTS.** – The HRA shall submit a quarterly monitoring of whistleblowing reports received, within ten (10) working days, after the end of each quarter. The data will be posted in the PPMC website.

**15. REPEALING CLAUSE.** – Any and all other PPMC policies, memoranda, orders contrary to this Policy are deemed repealed or modified accordingly.

**16. EFFECTIVITY CLAUSE.** - This Policy shall take effect within fifteen (15) days from the date of posting in the PPMC website ([www.poropointfreeport.gov.ph](http://www.poropointfreeport.gov.ph)).

**RULES, CONTENTS AND FORMAT OF  
FILING COMPLAINTS AGAINST THE PPMC**

1. **Written Letters:** Gov. Joaquin L. Ortega Avenue, Poro Point Freeport Zone, Poro, City of San Fernando, La Union
2. **Electronic Mail:** [poropointfreeportzone@gmail.com](mailto:poropointfreeportzone@gmail.com)

**A. Format of Complaints**

1. All Official Complaints may be filed in Written Format duly signed by the Complainant; and
2. Addressed to Poro Point Management Corporation (PPMC) and/or the PPMC President and CEO.

**B. Contents of the Complaints**

1. Complainant must indicate the following:
  - a. Full name of the Complainant(s);
  - b. Contact details, including: Mailing Address and/or Telephone Number;
  - c. Concern/Interest/Legal Standing on the issue sought to be addressed; and
  - d. Personality (Whom among those above-stated valid complainants is being represented).
2. Name of the specific PPMC Director and/or PPMC Officer/Employee(s) concerned.
3. Date of the initial letter of request by the Complainant to PPMC, attached as Annex A (“Complainant’s Receiving Copy”) with an indication whether or not PPMC acknowledged receiving thereof within fifteen (15) days from receipt.
4. Date of the official PPMC response letter (if any) attached as Annex B.
5. Indicate the specific action being requested and the official action taken by PPMC (if any).
6. Full and complete signature of the Complainant or their authorized Representative.

## **PROCEDURE OF FILING COMPLAINTS AGAINST PPMCOFFICERS, EMPLOYEES AND SERVICES PROVIDED**

**STEP 1:** File the WRITTEN COMPLAINT to address indicated and/or the electronic mail address of PPMC.



**STEP 2:** The PPMC designated WB receiver shall acknowledge receipt of the WB Report and marked stamped Received.



**STEP 3:** The PPMC shall transmit the WB Report Complaint to the responsible supervising officers, copy furnishing the PPMC President and CEO within five (5) days from receipt.



**STEP 4:** The PPMC, through its Legal Counsel, shall inform the Officer/Employee concerned and give him fifteen(15) days from notice for filing a Counter-Affidavit to the Complaint.



**STEP 5:**The Legal Counsel shall review and analyze the information in the Complaint and the Counter-Affidavit within thirty (30) days from the receipt of the last document filed. It shall thereafter make its recommendation to the President.



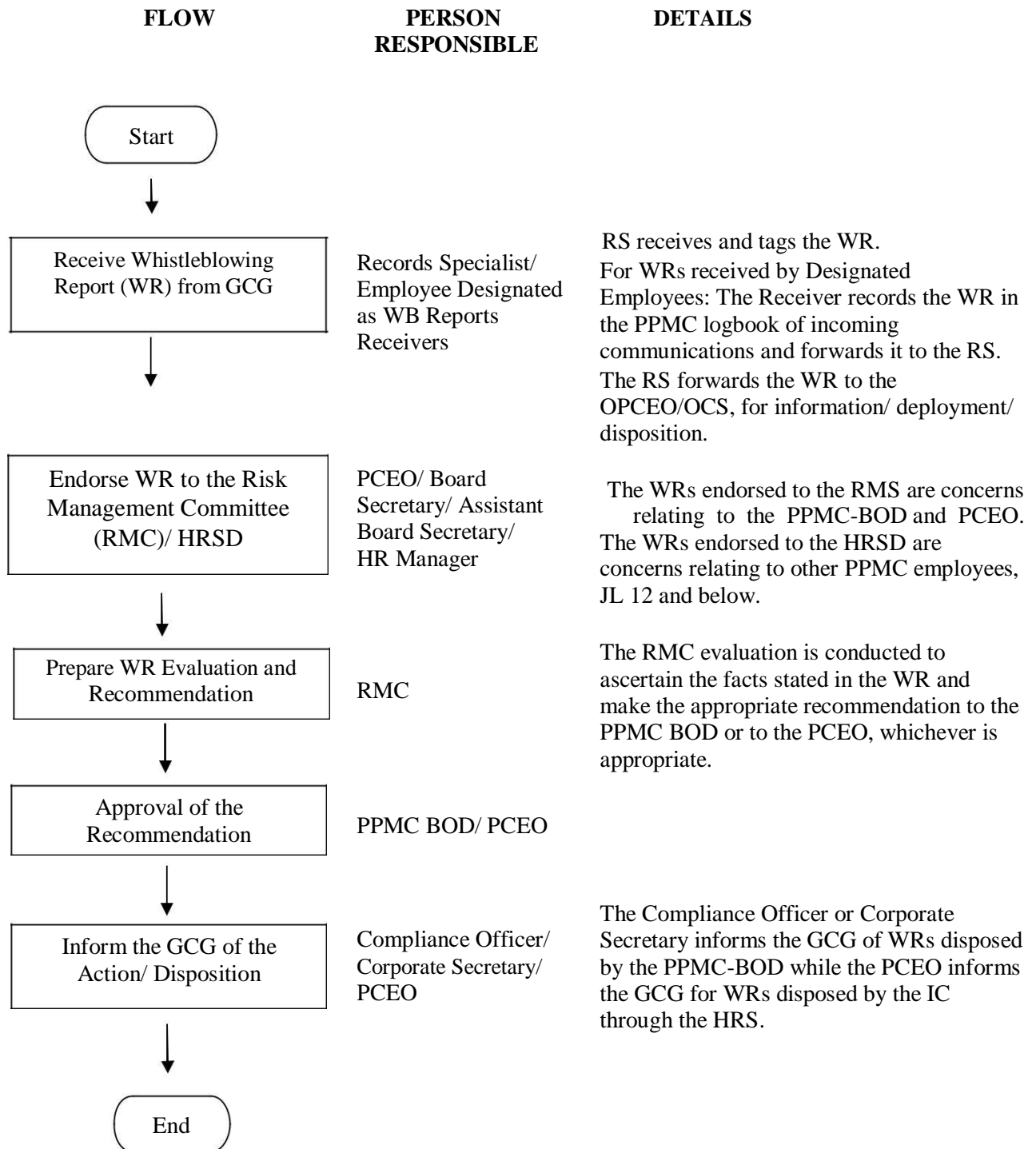
**STEP 6:**An Office Order shall be issued by the President and CEO indicating the official action taken by PPMC and the same shall be copy furnished to the Complainant as well as the PPMC Officer/Employee concerned.



**STEP 7:**The PPMC shall provide fifteen (15) days from the receipt of either party to file for a Motion for Reconsideration of the Office Order. A decision on the Motion for Reconsideration shall be made within fifteen (15) days therefrom and no further Reconsideration shall be permitted thereafter.



**STEP 8:**The Office Order shall become final after fifteen (15) days from its issuance thereof if no Motion for Reconsideration is filed or fifteen (15) days after the decision on the Motion for Reconsideration. The Office Order shall then be implemented within ten (10) days from its finality.





**Annex B: Handling of Whistleblowing Reports from Alternative Channels**

