

## PDIC WHISTLEBLOWING POLICY

### 1. Statement of Policy

The Corporation shall be governed with integrity, honesty, transparency and accountability in the pursuit of its public service mandate towards nation building. As such, its operations shall be in adherence to all applicable laws, rules, regulations, ethical standards, and corporate policies.

The Corporation, acting through its governing Board and duly authorized officers and employees, shall promote and strengthen public partnership by providing an accessible, efficient and reliable feedback mechanism.

### 2. Background and Purpose

This whistleblowing policy shall provide feedback channels for any individual to report, anonymously if he/she wishes, and testify on matters involving the actions or omissions, of all covered personnel<sup>1</sup>, that are illegal, unethical, violate good governance principles, are against public policy and morals, and promote unsound and unhealthy business practices, that are grossly disadvantageous to the Corporation and/or the government.

### 3. Coverage

This Policy shall cover all whistleblowing reports received by the Corporation against covered personnel from the general public, PDIC personnel and those referred by the Governance Commission for GOCCs (GCG) for appropriate action.

### 4. Definition of Terms

- a) Reportable Conditions – matters that may be brought to the attention of the Corporation through this Policy as enumerated in item #5.
- b) Reporting Channels – can be any of the following: 1) GCG Website; 2) Face-to-face meetings; 3) Email; 4) Mail; 5) Telephone; and 6) Fax.
- c) Respondent – the person who is the subject of the report filed with the Corporation 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 out by a

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<sup>1</sup> Covered personnel include employees, officers, and directors of the Corporation including its agents, external counsels, and outsourced personnel.

respondent officer against a whistleblowing employee;

- e) Whistleblower – a person who reports a Reportable Condition to the Corporation through this Policy.
- f) Whistleblowing Report (WR) – a complaint filed by a Whistleblower about a Reportable Condition.

## **5. Reportable Conditions**

Whistleblowers may report to the Corporation such acts or omissions that are illegal, unethical, violate good morals, promote unsound and unhealthy business practices, are grossly disadvantageous to the Corporation 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. 21 2-05, "Fit and Proper Rule"
- h) GCG M.C. No. 201 2-06, "Ownership and Operations Manual"

- Governing the GOCC Sector
- i) GCG M.C. No. 2012-07, "Code of Corporate Governance for GOCC Sector"
  - j) R.A. No. 3591, as amended, the "PDIC Charter", such as, but not limited to, the following:

Personnel of the Corporation are hereby prohibited from:

1. Being an officer, director, consultant, employee or stockholder, directly or indirectly, of any bank or banking institution except, as otherwise provided in R.A. No. 3591, as amended;
2. Receiving any gift or thing of value from any officer, director or employee thereof;
3. Revealing in any manner, except as provided in R.A. No. 3591, as amended or under order of the court, information relating to the condition or business of any such institution.

This prohibition shall not apply to the giving of information to the Board of Directors, the President of the Corporation, Congress, any agency of government authorized by law, or to any person authorized by either of them in writing to receive such information; and

- k) Other GCG Circulars and Orders, and applicable laws and regulations.

## **6. Reporting Channels**

Whistleblowers may submit whistleblowing reports directly to the GCG through the whistleblowing portal found at the PDIC website or to the Office of the General Counsel of the Corporation through the following reporting channels:

- a) Face-to-face Meetings: with the Office of the General Counsel
- b) Email: [WR@pdic.gov.ph](mailto:WR@pdic.gov.ph)
- c) Mail: Office of the General Counsel, 9/F SSS Bldg., 6782 Ayala Ave., Cor. Rufino Sts., Makati City
- d) Telephone: 8841- 4101
- e) Fax: 8841-4103

## **7. Handling of Whistleblowing Reports**

- a) All whistleblowing reports received through the reporting channels or referred to by the GCG shall be evaluated by the Office of the General Counsel (OGC). The OGC shall define the procedures for investigation, appeals, and required reports to be submitted to concerned parties. Such procedures may be aligned with existing procedures in handling grievance cases, customer complaints handling, investigation of unsafe and unsound banking practices, among others.
- b) Investigation by the OGC

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 complained of.

The Office of the General Counsel shall be responsible in implementing the provisions of this Policy, and investigating all whistleblowing reports submitted pursuant thereto.

- c) In cases of whistleblowing reports against any employee and officer of the Corporation, the OGC may pursue any of the following actions:
1. Dismiss the whistleblowing report for want of palpable merit;
  2. Submit a recommendation to the appropriate authorities, upon approval of the Board Governance Committee, for the discipline of the respondent;
  3. Endorse to the GCG all whistleblowing reports concerning any Appointive Director, including the General Counsel, for appropriate action;
  4. Endorse, upon approval of the Board Governance Committee, to the proper Government Agency, such as the Office of the Ombudsman, the pursuit of the criminal and/or administrative processes against the respondents;
  5. Enjoin the management to comply with applicable laws and jurisprudence and/or to undertake corrective measures to address the matters raised in the complaint; and
  6. Consider the whistleblowing report closed and terminated if the response of the respondent is found to be adequate.

d) **Withdrawal of Report by the Whistleblower**

In the event that the Whistleblower withdraws his or her WR, the investigation shall continue, provided that the evidence gathered is sufficient as determined by the appropriate investigating unit/committee.

## 8. Confidentiality

The Corporation shall ensure that all information from whistleblowing reports and the person/s complained of shall be kept confidential including the identity of the whistleblower, except when the whistleblower authorizes the release of his/her identity or unless compelled by law or the Courts.

## 9. Untrue Allegations

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 by the Corporation.

## **10. Protection of a Whistleblower Against Retaliation**

The Corporation shall ensure that whistleblowers who submits whistleblowing reports in good faith shall be protected and that no retaliatory acts against them shall be tolerated. The Corporation 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 of threats that adversely affect the rights and interests of the whistleblower.

## **11. Resignation of Respondent Pending Completion of Investigation**

In the event that the respondent resigns prior to the final resolution of the case against him/her, the investigation shall still continue provided that the evidence gathered is sufficient as determined by appropriate investigating unit/committee.

## **12. Monitoring**

The OGC shall submit to Board Governance Committee (BGC) a monthly status report of all WRs with the corresponding actions taken thereon.

## **13. Effectivity Clause**

This policy shall take effect immediately upon approval of the Board of Directors.