	JOHN HAY MANAGEMENT CORPORATION	Document Code	JHMC-WB-HRSD-2017
	<b>POLICY ON WHISTLEBLOWING</b>	Revision Number	1
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## 1. POLICY

It is the policy of the John Hay Management Corporation (JHMC) to promote transparency, responsibility and accountability in administering and managing the Camp John Hay Reservation Area (CJRA) and Camp John Hay Special Economic Zone (CJSEZ) with utmost degree of integrity, loyalty, professionalism and efficiency to achieve its mandate as a government-owned-and controlled corporation and serve the best interest of the country.

JHMC shall conduct its affairs and operations in full compliance with applicable laws, rules, regulations considering that public office is a public trust<sup>1</sup>. The Board of Directors, Officers and Employees must exemplify the behavior and professional demeanor consistent with such laws, rules, regulations, policies and procedures of the highest standard<sup>2</sup>.

## 2. OBJECTIVE/S

The JHMC Policy on Whistleblowing (Policy) aims to provide an enabling mechanism that allows 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 JHMC Board of Directors, Officers and Employees, that are considered illegal, unethical, violates good governance principles, against public policy and morals, promote unsound and unhealthy business practices and grossly disadvantageous to the JHMC and/or the Government.

3. **COVERAGE.** - This Policy shall be applicable to all concerned individuals, reporting and providing information on matters involving acts or omissions of the JHMC Board of Directors, Officers and Employees, filed through any of the reporting channels provided under this Policy.
4. **WHISTLEBLOWER.** - Any JHMC officer, employee or concerned individual who believe on reasonable grounds that a JHMC Board of Director, Officer and/or Employee has engaged, is engaging or proposes to engage in improper conduct in their capacity as public officer.
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


<sup>1</sup> Section 1, Article XI, Philippine Constitution

<sup>2</sup> GCG Memorandum Circular 2016-02

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([www.whistleblowing.gcg.gov.ph](http://www.whistleblowing.gcg.gov.ph)) linked with the Transparency Seal of the JHMC ([www.jhmc.com.ph](http://www.jhmc.com.ph)).

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

- i. Meeting : BOD, Officers or Employees
- ii. E-mail : [mgmt@jhmc.com.ph](mailto:mgmt@jhmc.com.ph)
- iii. Courier/Mail : The President and CEO  
John Hay Management Corporation  
John Hay Special Economic Zone  
Camp John Hay, Loakan Road,  
Baguio City 2600
- iv. Telephone : 074- 422-4360


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

- a. Acts or omissions that are illegal, unethical, those that violate good governance principles, are against public policy and morals, promote unsound and unhealthy business practices, are grossly disadvantageous to JHMC and/or the government such as but not limited to:
  - i. Abuse of Authority;
  - ii. Bribery;
  - iii. Conflict of Interest;
  - iv. Destruction/Manipulation of Records;
  - v. Fixing;
  - vi. Inefficiency;
  - vii. Making False Statements;
  - viii. Malversation;
  - ix. Misappropriation of Assets;
  - x. Misconduct;
  - xi. Money Laundering;
  - xii. Negligence of Duty;
  - xiii. Nepotism;
  - xiv. Plunder;
  - xv. Receiving a Commission;
  - xvi. Solicitation of Gifts;
  - xvii. Taking Advantage of Corporate Opportunities;
  - xviii. Undue Delay in Rendition of Service;
  - xix. Undue influence; and
  - xx. Violation of Procurement Laws.

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- b. Acts or omissions that are otherwise involve the of the following laws, rules or regulations:
- i. R.A. No. 6713, "Code of Conduct and Ethical Standards for Public Officials and Employees";
  - ii. R.A. No. 3019, "Anti-Graft and Corrupt Practices Act";
  - iii. R.A. No. 7080, as amended, "The Plunder Law";
  - iv. Book II, Title VII, Crimes Committed by Public Officers,
  - v. The Revised Penal Code;
  - vi. Executive Order (E.O.) No. 292, s. 1987, "Administrative Code of 1987";
  - vii. R.A. No. 10149, the 'GOCC Governance Act of 2011';
  - viii. GCG M.C. No. 2012-05, "Fit and Proper Rule";
  - ix. GCG M.C. No. 2012-06, "Ownership and Operations Manual Governing the GOCC Sector;
  - x. GCG M.C. No. 2012-07, "Code of Corporate Governance for GOCCS";
  - xi. Violations of the Charter of the GOCC;
  - xii. Sexual harassment contemplated under RA 7877, otherwise known as the "Anti-Sexual harassment Act of 1995", RA No. 11313, otherwise known as the "Safe Spaces Act", RACCS, other relevant CSC Circulars and applicable laws and regulations; and
  - xiii. Other GCG Circulars and Orders, and applicable laws and regulations.

**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 official investigation;
- b. Reported violations covered by the JHMC Code of Discipline and Office Decorum;
- c. Groundless reports;
- d. Patently false and misleading reports; and
- e. Retracted whistleblowing reports.


**8. CONFIDENTIALITY.** – JHMC shall ensure confidentiality of the information arising from whistleblowing reports, regardless of the reporting channel, 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.** - JHMC shall extend all possible assistance existing under laws, rules and

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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. If the whistleblower persists (reporting at least twice) in making false, misleading and/or fabricated reports, legal action may be taken against him by the JHMC.

**11. HANDLING OF WHISTLEBLOWING REPORTS (WBR)**

- a. **Filing of Whistleblowing Reports.** - All whistleblowing report/s pertaining to JHMC shall be submitted through the whistleblowing link in GCG’s website or any of the alternative reporting channel/s identified in **Item 5 (b)** of this Policy.

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

*Annex A: Handling of Whistleblowing Reports from GCG or from Alternative Channels*

- b. **Investigation by the Legal Department (LD).** – All whistleblowing reports received from the GCG or from alternative channels, shall be evaluated and investigated by the LD. The LD 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.

In addition to the evaluation and investigation of all WBR, the LD shall ensure the implementation and monitoring of this Policy, and other related tasks related to WBR.


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

- a. In cases of whistleblowing report/s against the Chairman, Appointive Directors and Officers, the LD shall endorse its evaluation report to the Board through the Risk Management Committee (RMC) which may pursue any of the following actions:

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- i. Dismiss the whistleblowing report for lack of merit;
- ii. Submit the formal recommendation to the Board of Directors for the discipline of concerned Officer;
- 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 of the Republic of the Philippines;
- v. Enjoin the Management to comply with applicable laws or jurisprudence and/or to undertake corrective measures to address the matters raised in the complaint; or
- vi. 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 RMC is the one who is the subject of said WB report, the member shall be substituted by another director through random selection.

- b. In cases of whistleblowing report/s against employees (JG 12 and below), the LD shall submit its evaluation report to the PCEO or VPCOO, as the case maybe, who shall review the recommendation, and thereby approving or disapproving the same.

### 13. ACTIONS ON WHISTLEBLOWING REPORT/S RECEIVED THROUGH THE ALTERNATIVE CHANNELS

- a. In cases of whistleblowing report/s against the Chairman, Appointive Directors and Officers, the whistleblowing report/s shall be acted upon in accordance with **Item 12 (a)** of this Policy.
- b. In cases of whistleblowing report/s against employees (JG 12 and below), the whistleblowing report/s shall be acted upon in accordance with **Item 12 (b)** of this Policy.

### 14. OTHER IMPLEMENTING GUIDELINES


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

- a. Immunity from civil, administrative, criminal liability when reporting the reportable conditions, in good faith;
- b. Confidentiality of the whistleblower's identity, the subject matter of report; and the identity of the JHMC Officer/s or Employee/s to whom such a report was made; and

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- c. 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 maybe deemed appropriate.

**Section 3. RESPONSIBILITIES OF THE RECEIVER OF THE WHISTLEBLOWING REPORT (WBR)**

- a. The Records Management Specialist (RMS) shall maintain confidentiality and/or anonymity, when invoked, of the whistleblower's identity and the subject of the whistleblowing report;
- b. The RMS shall undertake measures to ensure the well-being of the whistleblower;
- c. The RMS shall transmit all whistleblowing report/s received and shall endorse the same to the LD through the PCEO, within one (1) day from receipt thereof.

**Section 4. VIOLATIONS OF CONFIDENTIALITY AND/OR ANONYMITY-PENALTY** - Any JHMC official or employee, tasked to receive whistleblowing reports, shall maintain the confidentiality of the whistleblowing report and/or anonymity of the whistleblower at all times. Penalties pertaining to the violation of the same shall be subject to the guidelines which will be incorporated in the JHMC Code of Discipline and Office Decorum.

**Section 5. OBLIGATION TO TESTIFY**- Any JHMC official or employee who may have personal knowledge on matters pertaining to the reportable conditions shall have the obligation to testify in any proceedings, if called upon.

**Section 6. PROTECTION OF WITNESSES** - Any JHMC official or employee who testifies in any proceedings arising from any of the reportable conditions shall be accorded the same protection against retaliatory actions as provided in Item 9 of this Policy.


**Section 7. FAILURE TO ACT OR REPORT** - Any official or employee of JHMC 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.**

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- a. The LD shall submit to the Corporate Planning Unit (CPU) a quarterly monitoring of whistleblowing reports received and actions taken thereon, within ten (10) working days, after the end of each quarter. The data shall be posted on the JHMC website.
- b. Likewise, the LD shall prepare and submit an annual report, certified by the JHMC Board, to the CPU for submission to the GCG which shall contain the following:
  1. Summary of all whistleblowing reports received by the GOCC;
  2. Summary of actions taken thereon;
  3. Results of the corresponding CSS;
  4. Percentage of reports resolved within the prescribed period; and percentage of reports resolved outside the prescribed period; and percentage of reports that remain unresolved;
  5. Copies of the reports and complaints, relevant letters and memoranda, evidence of administration of the CSS, and other pertinent documents.


**15. REPEALING CLAUSE.** - All other JHMC policies, memoranda, orders, or parts of the foregoing, which are inconsistent with this Policy are hereby repealed or modified accordingly.

**16. EFFECTIVITY CLAUSE.** - This Policy shall take effect upon approval of the JHMC Board.

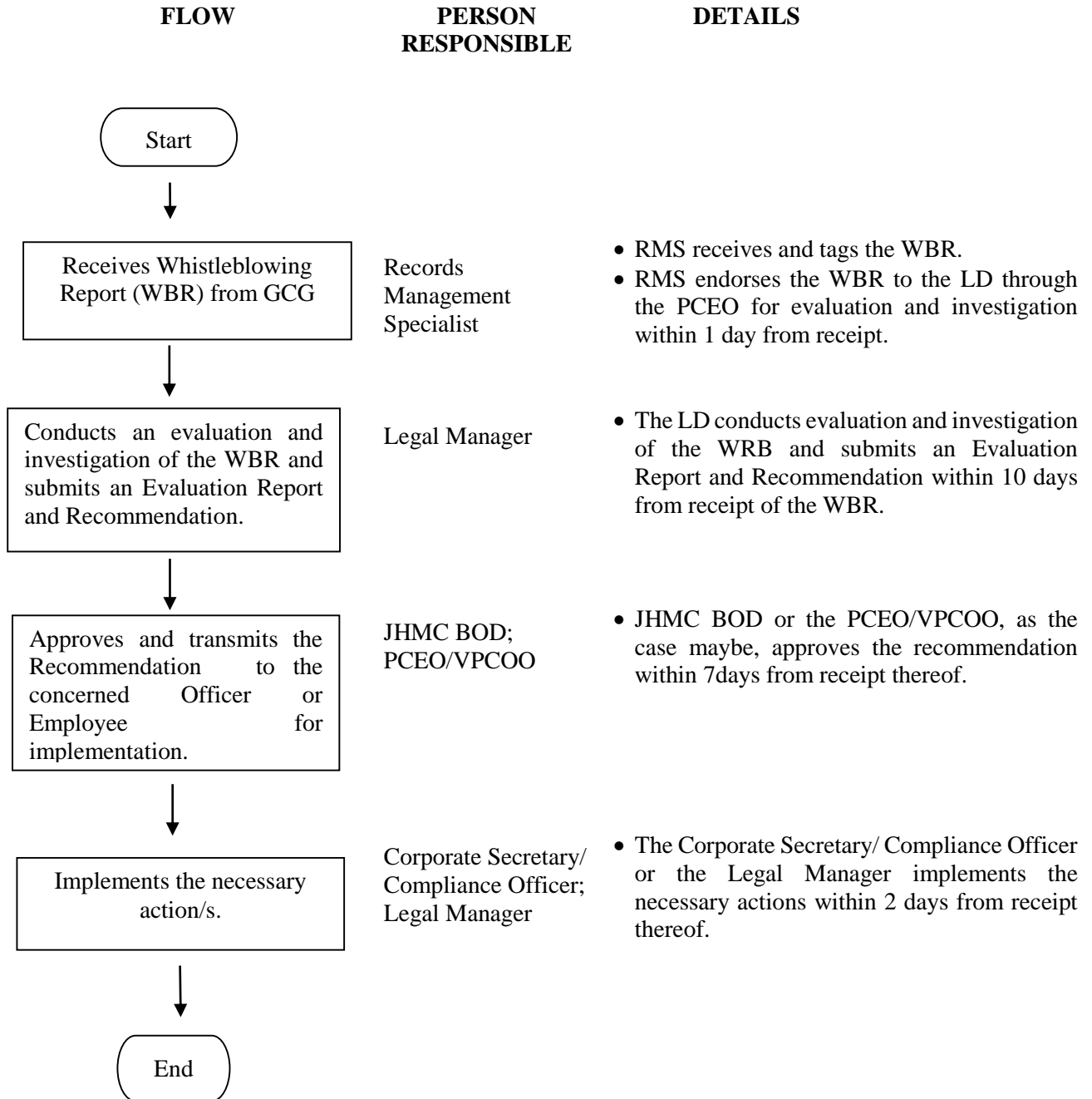
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**Annex A: Handling of Whistleblowing Reports Received from the GCG or from the Alternative Channels**



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