



National Power Corporation

Circular No. **2024-003**
01 February 2024

NPC REVISED WHISTLEBLOWING POLICY

I. STATEMENT OF POLICY

It is the policy of the National Power Corporation (NPC) to carry out its management based on transparency, responsibility and accountability with utmost degree of professionalism and effectiveness through prevention and control of serious misconduct and unethical work habits by providing a confidential reporting channel.

II. PURPOSE

The purpose of this Whistleblowing Policy (the Policy) is to enable any concerned individual to report and provide information, anonymously if he/she wishes and to testify on matters involving the actions or omissions of the Directors, Officials and Employees of NPC, that are illegal, unethical, violative of good governance principles, contrary to public policy and morals and those acts or omissions that promote unsound and unhealthy business practices that are grossly disadvantageous to the Corporation and the State.

All persons, stakeholders and institutions concerned are encouraged and empowered, through this Policy, to report to NPC using the modes and procedures stated herein, any or all issues and concerns involving the aforementioned actions or omissions.

III. LEGAL BASIS

This revised policy is pursuant to the Governance Commission on GOCCs(GCG) Memorandum Circular No. 2016-02 (Revised Whistleblowing Policy for the GOCC Sector) issued on 22 April 2016, as amended by GCG Memorandum Circular No. 2023-03 dated 13 April 2023.

IV. DEFINITION OF TERMS

A. NPC Investigation Committee – refers to the Committee responsible in the determination of the veracity of a report through the conduct of an investigation on the matter reported. The Committee shall be headed by

the Vice President – Legal Counsel of NPC and composed of the Department Manager of the Legal Services Department, Department Manager of the Human Resource Department, one (1) Corporate Attorney and one (1) Corporate Staff Officer C from the Office of the Legal Counsel as Members. The NPC Investigation Committee shall not be precluded to appoint additional members as they deem necessary to assist in the investigation. Representatives from other government agencies such as but not limited to the following may be invited to assist the NPC Investigation Committee as the Chair may deem fit:

- i. Office of the Solicitor General
- ii. National Bureau of Investigation
- iii. Philippine National Police

- B. Management Committee – refers to the Committee responsible for the operations of NPC composed of the President & CEO, Senior Vice President, Vice Presidents and Senior Department Managers directly reporting to the President & CEO.
- C. National Power Board – refers to the governing body of NPC.
- D. Reportable Conditions – matters that may be brought to the attention of NPC through this Policy as enumerated in Section V hereof.
- E. Reporting Channels – can be any of the following: (1) e-mail; (2) mail; (3) telephone; and (4) Face-to-face meetings.
- F. Respondent – the person who is the subject of a report filed with NPC pursuant to this Policy.
- G. Retaliatory 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 whistleblowing employee.
- H. Whistleblower – a person who reports a reportable condition to NPC through this Policy.
- I. Complaint – any document that sets forth a basis for investigation by the NPC Investigation Committee alleging causes of action against concerned NPC officers and employees.

- J. Report – refers to a complaint filed by a Whistleblower about a Reportable Condition.

V. SCOPE

1. Coverage

This Policy shall apply to all NPC officers and employees regardless of the status of employment. It shall be implemented in connection with the acts or omissions that are of a serious and sensitive character with considerable negative impact to NPC warranting special attention and action such as but not limited to the violations of the provision provided for in the following:

- a. Article XI, Section 1 of the 1987 Philippine Constitution
- b. Executive Order No. 292, Series of 1987 or the Administrative Code of the Philippines
- c. Book II, Title VII, Act 3815, The Revised Penal Code of the Philippines
- d. Revised Rules on Administrative Cases in the Civil Service;
- e. Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees
- f. Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act;
- g. Republic Act No. 7080, as amended or the Plunder Law;
- h. Republic Act No. 10149 or the GOCC Governance Act of 2011;
- i. GCG Memorandum Circular No. 2012-05 or the Fit and Proper Rule;
- j. GCG Memorandum Circular No. 2012-06 or the Ownership and Operations Manual Governing the GOCC Sector;
- k. GCG Memorandum Circular No. 2012-07 or the Code of Corporate Governance for GOCCs;
- l. GCG Memorandum Circular No. 2014-04 of the Whistleblowing Policy for the GOCC Sector
- m. NPC Code of Conduct and Discipline
- n. Other NPC policies as well as applicable laws, rules and regulations.

1.1 Whistleblowers may report to NPC such acts or omissions that are illegal, unethical violate good governance principles, go against public policy and morals, promote unsound and unhealthy business practices, and are grossly disadvantageous to NPC 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;

1.2 Whistleblowers may also report such other acts or omission that 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"; R.A. 3019, "Anti-Graft and Corrupt Practices Act",
- b. R.A. No. 3019, "Anti-Graft and Corrupt Practices Law"
- 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 2987",
- 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 GOCC;,"
- j. Violations of the Charter of the GOCC;
- k. Sexual harassment contemplated under RA No. 7877, otherwise known as the "Anti-Sexual Harassment Act of 1995", RA No. 11313, otherwise known as the "Safe Spaces Act", 2017 RACCS, other relevant CSC Circulars, and applicable laws and regulations; and,
- l. Other GCG Circulars and Orders, and applicable laws and regulations.

1.3 Complaints or reports submitted must contain the following:

- a. Specific condition/s, action/s, and/or omission/s being complained about;
- b. Corresponding laws, rules or regulations allegedly violated;

- c. If any, documentary and other evidence in support of the allegation and facilitate the evaluation process.

2. Reporting Channels

- a. E-mail : whistleblower@napocor.gov.ph
- b. Mail : National Power Corporation Investigation Committee through the Office of the Legal Counsel
- c. Telephone : (02) 8921-3518
- d. Face to Face : Chair or any of the members of the Investigation Committee

3. Anonymous Reporting

NPC shall accept reports made anonymously in any manner provided in the reporting channels. The Whistleblower who files a complaint or report anonymously may choose to provide a manner by which he or she may be contacted without jeopardizing his anonymity. Such means shall include but is not limited to using an email, a prepaid mobile number and the like.

It must be noted that anonymous reporting is limited to the identity of the Whistleblower. However, once the report or complaint is taken cognizance by the Investigation Committee, the identity of the Whistleblower must be made known to the Investigation Committee in order to receive the benefits under this Policy and/or to impose sanction under Item VII hereof. Reports or complaints must clearly identify all Respondent/s by their full names and positions. Furthermore, the alleged violation/s, action/s, and/or omission/s being complained must be clearly identified together with the corresponding laws, rules or regulations allegedly violated and if any, documentary and other evidence in support of the allegation.

Subject to the provisions of Item V hereof and should the circumstances so warrant, the Investigation Committee may invite the Whistleblower to a confidential meeting. The Investigation Committee may take such measure, such as but not limited to, issuance of official Travel Orders, to insure the safety and confidentiality of the identify of the Whistleblower. The same action may be taken by the Investigation Committee if and when it is necessary to invite the Respondent/s.

4. **Withdrawal of Report by the Whistleblower or Resignation of the Person Complained of Pending Investigation**

The withdrawal of the complaint does not result in its outright dismissal nor discharge the person complained from any administrative liability. Where there is obvious truth or merit to the allegation in the complaint or where there is documentary evidence that would tend to prove the guilt of the person/s complained of, the same should be given due course.

VI. CONFIDENTIALITY OF THE INFORMATION

NPC shall ensure the confidentiality of all information arising from the report of the Whistleblower. It shall treat all reports or complaints including the identity of the Whistleblower and Respondent 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 authorized the disclosure of his/her identity.

VII. PROTECTION OF A WHISTLEBLOWER AGAINST RETALIATION

Retaliation acts against whistleblowers who submit whistleblowing reports in good faith shall not be tolerated by NPC 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 benefits;
- d. Termination of contracts;
- e. Evident bias in performance evaluation; or
- f. Any acts or threats that adversely affect the rights and interest of the whistleblower.

VIII. UNTRUE ALLEGATIONS

If a Whistleblower makes allegations that are unfounded, fabricated or malicious falsehoods as determined by the Investigation Committee, NPC may take legal action/s against him/her.

False and misleading disclosure shall be sanctioned under applicable criminal, civil and/or administrative laws, rules and regulations without prejudice to the

aggrieved party's right to file a separate action/s as he/she may deem fit arising from the said disclosure.

IX. PROCEDURE ON HANDLING WHISTLEBLOWING REPORTS OR COMPLAINTS

1. Filing of Reports

All reports must be submitted to NPC through any of the Reporting Channels enumerated in Section V (2).

While a report may be filed anonymously, the Whistleblower must state his/her connection to NPC, as well as his/her general relationship to the Respondent, if any. The revelation of the identity of the Whistleblower shall be subject to Section V (3).

It is incumbent upon the Whistleblower to include all relevant documents, files, photographs, videos, records, recordings, news clippings and articles, among others, to support his/her reports and complaints.

2. Handling Initial Receipt of Whistleblowing Reports

The following NPC personnel will handle initial receipt of reports from the different reporting channels:

	Reporting Channels	Concerned NPC Official
a. E-mail	: whistleblower@napocor.gov.ph	Office of the Legal Counsel
b. Mail	: National Power Corporation Investigation Committee	Office of the Legal Counsel
c. Telephone	: (02) 8921-3518	Office of the Legal Counsel
d. Face to Face	: National Power Corporation Investigation Committee	Chair or any member of Investigation Committee

3. Preliminary Evaluation

The information in a report, whether anonymously filed or not, may be considered sufficient in form, if:

- a. The NPC official or employee complained of is sufficiently identified by his full name and position;

- b. Action/s and/or omission/s committed, violation/s and/or charges are specified and are supported by material facts such as but not limited to:
 - Nature of the complaint;
 - Time and place of the incident;
 - Persons involved;
 - Evidence, if any; and
 - Other matters necessary to establish a case.
- c. Provisions of the laws, rules and regulations purportedly violated;
- d. Documents in support of the allegations submitted.

Thereafter, the Chair-Investigation Committee will make a determination of whether or not the information provided may be considered as a reportable condition under Section V hereof and, if in the affirmative, shall refer the same to the IC for proper disposition.

Upon proper determination of the Chair-Investigation Committee that a report does not fall within the ambit of a reportable condition under this Policy, the same may be treated as an ordinary complaint which will be acted upon in accordance with applicable laws, rules and regulations.

The Chair-Investigation Committee reserves the right to disregard a report or complaint that are vague, ambiguous, patently without merit, or are clearly harassment complaints against the Respondent/s subject to the approval of the Management Committee upon prior recommendation of the Investigation Committee. In case of anonymous report, the Chair-Investigation Committee shall communicate the initial findings to the Whistleblower who shall be afforded the opportunity to substantiate the report within fifteen (15) days upon receipt of the same. In case the matters which were raised in the initial findings were not substantiated within the given period, the report shall be disregarded and considered closed and terminated subject to the approval of the Management Committee upon prior recommendation of the Investigation Committee.

For purposes of conducting Preliminary Evaluation, the Chair- Investigation Committee may task any lawyer from OLC to assist in such activity.

4. Full Investigation

If the Investigation Committee finds the report or complaint sufficient in form and substance, it shall recommend the conduct of full investigation in accordance with the Revised Rules on Administrative Cases in the Civil Service and NPC's Code of Conduct and Discipline.

5. Progress Monitoring

The Investigation Committee shall submit a progress report to the Management Committee, which shall transmit the same to the Board of Directors, of all pending whistleblowing cases with the corresponding action/s taken thereon by the Management Committee.

6. The Investigation Committee shall resolve the whistleblowing reports or complaints within the periods prescribed by relevant issuances and orders and as provided under the NPC Citizen's Charter.

X. FINAL ACTIONS ON THE REPORTS OF THE INVESTIGATION COMMITTEE

1. The Management Committee shall:

1.1 Submit to the National Power Board a report or the action taken by NPC in accordance with the Revised Rules on Administrative Cases in the Civil Service. In the event that the Investigation Committee determines that the case is more appropriate for the filing of criminal charges before the Ombudsman/National Bureau of Investigation/Prosecutor, it shall submit a recommendation therefor to be approved by the NP Board.

1.2 Consider the report closed and terminated as provided under Section IX (3), fourth paragraph;

1.3 Recommend to take legal action against Whistleblower for untrue/fabricated allegations;

1.4 Recommend any corrective action/policy to address issues/concerns raised in the complaint, if needed.

2. Report against NPC Officials and Employees – The NPC Board shall issue a formal directive to the NPC Management Committee to enforce the action required.

3. Report against Members of the NPC Board of Directors – The Management Committee may dismiss the report for want of merit or submit their recommendations on the proposed sanction against the Respondent/s to the Governance Commission for GOCC (GCG) for proper disposition.
4. The Management Committee shall submit to the GCG-Office of the General Counsel, Integrity Division an annual report containing the following:
 - i. Rules in Handling Whistleblowing Reports or complaints and its modifications, if any;
 - ii. Summary of all whistleblowing reports received by NPC;
 - iii. Summary of the actions taken thereof;
 - iv. Results of the corresponding Customer Satisfaction Survey (CSS);
 - v. Percentage of reports resolved within the prescribed period, percentage of reports resolved beyond the prescribed period, and percentage of reports that remain unresolved;
 - vi. Copies of the reports and complaints, relevant letters and memoranda, evidence of administration of the CSS, and other pertinent documents.

XI. EFFECTIVITY

This revised policy shall be effective immediately upon approval of the NPC Board, dissemination to all NPC employees and publication in the NPC website.


FERNANDO MARTIN Y. ROXAS
President and CEO