

**WHISTLE BLOWING POLICY FOR THE  
NATIONAL TOBACCO ADMINISTRATION  
(GCG MEMORANDUM CIRCULAR NO. 2014-04)**

**I. POLICY:**

It is the State's policy that the governance of government-owned and controlled corporations (GOCCs) shall be carried out in a transparent, responsible and accountable manner and with the utmost degree of professionalism and effectiveness. Furthermore, the NTA Governing Board must be competent to carry out its functions, be fully accountable to the State as its fiduciaries, and act in the best interest of the NTA and the State.

The Appointive Members, officers and employees shall conduct affairs, operations and business of the NTA in full compliance with the applicable laws, rules and regulations. As public officers, the Appointive Directors, Officers and Employees of the NTA must exemplify the behavior and professional demeanor consistent with such laws, rules, regulations, policies and procedures of the highest standard.

**II. PURPOSE:**

This policy is aimed to enable any concerned individual to report and provide information, anonymously if he/she wishes, and even testify on matters involving actions or omissions of the Appointive Directors, Officers and Employees of the NTA, 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 NTA or the government.

All persons, stakeholders and institutions concerned are encouraged and empowered, through this policy, to report to the NTA or the Governance Commission for GOCCs, using the modes and procedures herein established, any and all issues and concerns respecting the aforementioned actions or omissions.

### **III. COVERAGE:**

This policy shall be applicable to all Appointive Directors, Officers and Employees, including those hired under Contract of Services, Job Order Contracts and Consultancy Agreements.

### **IV. DEFINITIONS OF TERMS:**

- a. Agency Integrity Monitoring Committee (AIMC) – refers to the committee tasked with handling the implementation of this policy;
- b. GCG – refers to the Governance Commission for GOCCs;
- c. Management Committee (MANCOM) – refers to the Administrator, Deputy Administrator and Department Managers who manage the daily operations of the NTA. The MANCOM reports directly to the NTA Governing Board;
- d. Reportable Conditions – Matters that may be brought to the attention of the NTA or the GCG through this policy as enumerated in Item VI.A below;
- e. Reporting Channels – can be any of the following: (1) NTA website; 2) Face-to-face meeting; 3) e-mail; 4) Mail; 5) Telephone; and, 6) Fax;
- f. Respondent – the person who is the subject of a report filed with the NTA/GCG pursuant to this policy.
- g. 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 respondent officer against a whistleblower employee;
- h. Whistleblower – a person who reports a Reportable Condition to the NTA/GCG through this policy; and
- i. Whistleblowing Report (WR) – refers to a complaint filed by a Whistleblower about a Reportable Condition.

### **V. AGENCY INTEGRITY MONITORING COMMITTEE (AIMC)**

The AIMC shall be composed of the following:

- |               |   |  |
|---------------|---|--|
| Chairman      | - | Department Manager III<br>Internal Audit Service |
| Vice-Chairman | - | Executive Assistant IV                           |
| Members       | - | Attorney V                                       |

Chief, Mgmt. Information Div.

Corporate Planning Department  
Board Secretary V

The Chairman shall make an initial evaluation of the submitted WRs in accordance with Section VI.3 below and convene the AIMC accordingly as may be needed.

Decisions of the AIMC on the WRs shall be submitted for the approval of the MANCOM.

**VI. SCOPE:**

**VI.A Reportable Conditions** – This policy is intended to be implemented in connection with acts or omissions that are of a serious and sensitive character, with considerable negative impact on the NTA in particular or the GOCC sector in general, as to warrant special attention and action under this policy.

Such acts or omissions must involve violations of the provisions of the following laws, rules and regulations:

- 1) R.A. No. 6713 - “Code of Conduct and Ethical Standards for Public Official and Employees”;
- 2) R.A. No. 3019 - “Anti-Graft and Corrupt Practices Act”
- 3) R.A. No. 7080 - “The Plunder Law”;
- 4) Book II, Title VII of the Revised Penal Code - “Crimes Committed by Public Officers”;
- 5) Executive Order No. 292, s. 1987 - “Administrative Code of 1987”;
- 6) R.A. No. 10149 - “GOCC Governance Act of 2011”;
- 7) GCG M.C. No. 2012-05 - “Fit and Proper Rules”;
- 8) GCG M. C. No. 2012-06 - “Ownership and Operations Manual Governing the GOCC Sector”;
- 9) GCG M.C. No. 2012-07 - “Code of Corporate Governance for GOCCs”;
- 10) Violations of Executive Order No. 245, s. 1987 – “Charter of the NTA”; and
- 11) Other GCG Circulars and Orders, and Applicable Laws and Regulations.

All WRs must state the specific conditions, actions and/or omissions being complained about, as well as the corresponding laws, rules or regulations allegedly violated. If

possible, documentary and other evidence in support of the WRs must be submitted to the AIMC for evaluation.

**VI.B Reporting Channels**—the following are dedicated Reporting Channels which the Whistleblower can use to file any Reportable Condition:

- 1) Website: <http://www.nta.da.gov.ph/>
- 2) Face-to-Face Meetings: with NTA officers or employees
- 3) E-mail: [oadnta@gmail.com](mailto:oadnta@gmail.com) or [nta\\_mis@nta.da.gov.ph](mailto:nta_mis@nta.da.gov.ph)
- 4) Mail: The Agency Integrity Monitoring Committee  
NTA Bldg. Sct. Reyes St., corner Panay Avenue  
1103 Quezon City Philippines
- 5) Telephone No. (632)374-3987/(632)374-2505
- 6) Fax No. (632)373-2095

**VI.C Anonymous Reporting** – The NTA shall accept WRs made anonymously. The Whistleblower who files a WR anonymously may choose to provide a manner by which he/she can be contacted without jeopardizing his/her anonymity. Such means shall include, but is not limited to using e-mail, a prepaid mobile number, and the like.

It must be noted, however, that Anonymous Reporting is limited to the identity of the Whistleblower. All respondents must be clearly identified by their full names and positions. Furthermore, the alleged violations, actions and/or omissions must also be clearly identified, together with the laws, rules and regulations allegedly violated.

**VI.D Withdrawal of Report by the Whistleblower** – In the event that the Whistleblower withdraws his WR, the investigation shall continue provided that the evidence gathered is sufficient as determined by the AIMC.

**VI.E Resignation of Respondent Pending Completion of investigation** – In the event that the Respondent resigns prior to the final resolution of the case against him, the investigation shall continue provided that the evidence gathered is sufficient as determined by the AIMC.

**VI.F Confidentiality** – The NTA shall ensure confidentiality of all information arising from WRs. It shall treat all reports,

including the identity of the Whistleblower and the 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 authorizes the disclosure of his/her identity.

**VI.G Protection of a Whistleblower Against Retaliation –** Retaliation Actions against a Whistleblower will be taken cognizance of by the AIMC if the WR is made in good faith, and the NTA shall extend possible assistance to the Whistleblower under the law and given the circumstances.

**VI.H Untrue Allegations –** If a Whistleblower make 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 the NTA.

**VI.J Procedure on Handling Whistleblowing Reports –**

- 1. Filing of WRs –** All WRs must be submitted to the NTA through any one of the Reporting Channels enumerated in Section VI.2.

While WRs may be filed anonymously, the Whistleblower, whenever applicable, must state his/her connection to the NTA as well as his/her general relationship to the Respondent, if any (e.g. Board Member, Officer, Employee, Customer, Supplier, Investor, Creditor, or Concerned Citizen).

To aid the AIMC in evaluating and investigating the WRs, it is the duty of 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 NTA Officials will handle initial receipt of WRs from the different reporting Channels:

<b>Reporting Channel</b>	<b>Concerned NTA Officials</b>
Website	MIS, Corp. Plan. Dept.
Face-to-Face meetings	Any Division Chief and Higher

E-mail	Attorney V
Mail	Attorney V
Telephone	Any Division Chief and Higher
Fax	Any Division Chief and Higher

It is the responsibility of the concerned NTA Officials in cases of face-to-face meetings and teleconferences, to refer and fully disclose the WR to AIMC. The concerned NTA Officials shall ask the Whistleblower if he/she is willing to sign the transcript of the discussion between them.

3. **Preliminary Evaluation of Whistleblowing Reports** - The concerned NTA Officials receiving WRs shall coordinate with the Attorney V for an evaluation of the information provided therein.

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

- The NTA is identified;
- The Respondent is identified by his full name and position;
- Violations and/or charges are specified, including relevant materials facts (e.g. nature of the incident, time and place of the incident, persons involved, evidence, if any, and other important matters necessary to establish a case;
- The corresponding law, rules, or regulations or memorandum Circular provisions violated are specified; and
- Documents in support of the allegations are submitted.

The Attorney V shall make the initial determination of whether or not information provided may be considered as a Reportable Condition, in which case the Attorney V will refer the same to the AIMC for appropriate action.

If the Attorney V determines that such information does not qualify as a Reportable Condition, the same may be treated as an ordinary complaint which will be acted on in accordance with existing NTA rules on ordinary complaints

and shall refer the same to the Administrative Department for appropriate action.

The Attorney V reserves the discretion to disregard WRs that are vague, ambiguous, patently without merit, or are clearly harassment complaints against the Respondent/s. The Attorney V shall communicate his/her findings on such WRs to the Whistleblower who will be given the opportunity to substantiate the same, failing in which the matters raised in the WRs will be considered closed and terminated.

4. **Full Investigation** – If the AIMC finds the WR sufficient in form and substance, it shall immediately conduct an investigation, part of which will involve informing the Respondent of the allegations against him/her and requiring the Respondent to submit comments within fifteen (15) days from receipt thereof. The AIMC may also seek the assistance of other government agencies, such as but not limited to the Office of the Government Corporate Counsel, the Civil Service Commission and the GCG, in the conduct of investigation of the WRs.

The AIMC shall then furnish the Whistleblower a copy of the comments of the Respondent, and give him/her the opportunity to provide more information or controverting evidence within five (5) days from receipt of Respondent's comment. If the Whistleblower submits additional information or evidence, the AIMC shall give the Respondent five (5) days to submit rebutting evidence.

If the AIMC is satisfied that all information and evidence necessary for the resolution of the WR are already on hand, it may proceed to draft the corresponding resolution of the WR, and submit its recommendation to the MANCOM.

5. **Monitoring** –The AIMC shall submit to the MANCOM a quarterly status report of all WRs with the corresponding actions taken thereon.

#### **VI.K Final Actions on the WRs –**

1. In case of WRs against the Appointive Directors, officers and employees, the NTA may pursue any of the following actions:
  - a. Dismiss the WR outright for want of palpable merit;
  - b. Submit a formal recommendation to the NTA Governing Board for the discipline of the Respondent NTA Official or Employee;
  - c. Submit a formal recommendation to the NTA Governing Board for the suspension of the Respondent Appointive Director;
  - d. Submit a formal recommendation to the GCG for the removal of the respondent Appointive Director;
  - e. Indorse to the proper Government Agency, such as the Office of the Ombudsman, the pursuit of the criminal and/or administrative processes against the respondents;
  - f. Enjoin the NTA Governing Board and Management to comply with applicable laws or jurisprudence to undertake corrective measures to address the matters raised in the complaint; and
  - g. Consider the WR closed and terminated if the response of the respondent is found to be adequate.
  
2. In cases of WRs against the Chairman, Vice-Chairman, Appointive Directors of the NTA, the AIMC may dismiss the WRs for want of merit, or submit their recommendations on proposed sanctions against respondent to the Office of the President, through the GCG.

## **VII. EFFECTIVITY:**

This Whistleblowing Policy shall take effect immediately upon its publication in the NTA's website.