



WHISTLEBLOWING POLICY OF NFA

1. **STATEMENT OF POLICY** - It is the state's policy that the government of GOCCs shall be carried out in a transparent, responsible and accountable manner and with the utmost degree of professionalism and effectiveness. Furthermore, the Governing Board of NFA must be competent to carry out the NFA's functions, be fully accountable to the State as its fiduciaries, and act in the best interest of the NFA and the State.

NFA, acting through its Governing Board and duly authorized Officers and Employees, shall conduct the affairs, operations and business of the Agency in full compliance with applicable laws, rules, regulations. As public officers, all Directors, Officers and Employees of the NFA must exemplify the behavior and professional demeanor consistent with such laws, rules, regulations, policies and procedures of the highest standard.

2. **PURPOSE** - As provided under the GCG Memorandum Circular No. 2014-04 and 2016-02, the purpose of a whistleblowing policy is to enable 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 Directors/Trustees, Officers and employees, 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 NFA and/or the Government.
3. **COVERAGE** - This policy shall be applicable to all NFA Officials and employees which are covered by the provisions of Republic Act No. 10149 and are subject to the regulatory jurisdiction of the Governance Commission.
4. **OPEN DOOR POLICY** - NFA's open door policy encourages each employee to speak up when there is an issue or concern that affects work or accomplishments. It promotes an environment of open communication between employees and all levels of management, to ask questions and report concerns. It is the obligation of everyone to speak up or report about a known or suspected violation to protect the company.
5. **REPORTABLE CONDITIONS** — Whistleblowers may opt to report to the Whistleblowing Committee (WC), such acts or omissions 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 GOCC 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;
- (l) 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;
- (l) 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; Executive
- (e) Order (E.O.) No. 292, s. 1987, "Administrative Code of 1987",
- (f) GCG M.C. No. 2012-05, "Fit and Proper Rule",
- (g) GCG M.C. No. 2012-06, "Ownership and Operations Manual Governing the GOCC Sector",
- (h) GCG M.C. No. 2012-07, "Code of Corporate Governance for GOCCs",
- (i) Violations of the Charter of the GOCC; and
- (j) Other GCG Circulars and Orders, and applicable laws and regulations;

6. **REPORTING CHANNEL** – Integrity starts with a commitment to ask questions, raise concerns and engage in an open dialogue. The following are dedicated reporting channels which the whistleblower can use to file reportable condition:

a. **GCG Whistleblowing Web Portal (www.whistleblowing.gcg.gov.ph)**
– is an online-based platform by which whistleblowers may securely submit reports electronically while at the same time ensuring their anonymity and the confidentiality of their reports.

b. **Other GCG Reporting Channels:**

- Face-to-Face Meetings : with GCG Officers and Employees;
- E-Mail : feedback@gcg.gov.ph;
- Mail : 3/F Citibank Center 8741 Paseo De Roxas, Makati City Philippines 1226;
- Telephone : (632) 328-2030 to 33; and
- Fax : (632) 328-2030 to 33;

c. **NFA Reporting Channels:**

- Website : nfa.gov.ph
- Face-to-Face Meetings with NFA Officials, Officers, and Employees:

**National Food Authority Building,
Visayas Avenue, Barangay VASRA,
Diliman, Quezon City 1128**

Hotline : 09171139347

7. **WHISTLEBLOWING COMMITTEE (WC)** – There should be a Committee to oversee the implementation of the whistleblowing policy, composed of the head of the following departments:

- 1) Chairperson – Administrative and General Services Department (AGSD)
- 2) Vice Chairperson – Legal Affairs Department (LAD)
- 3) Members:
 - Corporate Planning and Management Services Department (CPMSD)
 - Internal Audit Department (IAD)
 - Administrator’s Office – Public Affairs Division (AO-PAD)

Duties and Responsibilities:

- 1) Administrative and General Services Department** – Encourage employees to speak up when there's an issue or concerns/suspected violations that need to be raised or reported. Receive issues/complaints that affect works or accomplishments. Provide a working environment that promotes whistleblowers against retaliation actions.
- 2) Legal Affairs Department** – Implement due process of law, to handle investigation of cases promptly, consistently and appropriately, and to conduct a fact-finding investigation vis-à-vis the acts or omissions committed which may likewise result to the filing of administrative / criminal cases against erring individuals.
- 3) Corporate Planning and Management Services Department** – Open a website which the whistleblower can use to file any reportable condition or engage in an open dialogue.
- 4) Internal Audit Department** – Provide assistance in the conduct of investigation and handling of complaints
- 5) Administrator's Office – Public Affairs Division** – Disseminate information on whistleblowing.

8. PROCEDURES IN HANDLING WHISTLEBLOWING REPORTS

a. Filing of Whistleblowing Reports (WR)

- a1 Who may File** – Any concerned individual or NFA employee who witnesses or becomes aware of any attempted, ongoing or consummated Reportable Conditions involving any NFA employee may file the WR.

The Whistleblower who files the 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 not limited to using an e-mail, a pre-paid mobile number and the like.

- a2 Where to File** – The WR shall be filed with the NFA-WC or through any of the Reporting Channels.
- a3 Form of the WR** – The WR must be in writing and shall contain the following:

- i. The Respondent must be clearly identified by his/her full name and position;
- ii. The specific conditions, actions and/or omissions being complained about, as well as the corresponding laws, rules and regulations allegedly violated;
- iii. Documentary and other evidence to support the allegations.

b. Preliminary Evaluation of the WR

b1 The NFA-WC will make the initial determination of whether or not the information provided may be considered as a Reportable Condition. If the NFA-WC determines that such information does not qualify as a Reportable Condition, the same shall be treated as ordinary complaint which will be acted on accordingly in accordance with applicable NFA policy, or existing rules and regulations.

b2 The NFA-WC reserves the right to disregard WRs that are vague, ambiguous, patently without merit, or are clearly harassment complaint against the Respondent. The NFA-WC shall communicate its initial findings on such WRs to the Whistleblower who will be given the opportunity to substantiate the same, failing to do so, the matters raised in the WRs will be considered closed and terminated.

c. Full Investigation

c1 If the NFA-WC finds the WR to be sufficient in form and substance, the NFA-WC shall 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) calendar days from receipt thereof.

The NFA-WC shall furnish the Whistleblower a copy of the comments of the Respondent, and shall give him/her the opportunity to provide more information or controverting evidence within fifteen (15) calendar days from receipt of the copy of the Respondent's comments. If the Whistleblower submits additional information or evidence, the NFA-WC shall likewise give the Respondent the opportunity to submit rebutting evidence within ten (10) calendar days from receipt thereof.

c2 If the NFA-WC is satisfied that all the information and evidence necessary for the resolution/decision of the WR are ready on hand, it may proceed to draft the corresponding resolution/decision of the

WR and submit its recommendation to the Administrator and other members of the NFA Executive Committee (ExCom)

d. Final action on the NFA's Report

d1 In cases of WR filed against NFA employees, the NFA ExCom, in consideration of the resolution/decision and/or recommendation of the NFA-WC, may pursue any of the following actions:

- i. Dismiss the WR for want of palpable merit;
- ii. Impose disciplinary action or sanction against the Respondent pursuant to existing rules and regulations;
- iii. Indorse to the proper Government Agency, such as the Office of the Ombudsman and/or Civil Service Commission, the pursuit of the criminal and/or administrative processes against the Respondent;
- iv. Enjoin the NFA Management to comply with applicable laws or jurisprudence and/or undertake corrective measures to address the matters raised in the WR; and
- v. Consider the NFA-WC report closed and terminated if the response of the Respondent is found to be adequate.

d2 In cases of WRs filed against the members of the NFA ExCom, the NFA-WC shall submit its recommendation to the Governance Commission for GOCCs for appropriate action.

9. CONFIDENTIALITY – Except when the whistleblower does not invoke anonymity and/or confidentiality when invoking the Policy under this Memorandum Circular, the Governance Commission/GOCC shall ensure confidentiality of all information arising from whistleblowing reports submitted pursuant to this memorandum circular. It shall treat all reports, including the identity of the whistleblower and the person/s complained of, in a Confidential and sensitive manner. The identity of the whistleblower will be kept confidential, unless compelled by law or the Courts to be revealed, or unless the whistleblower authorized the release of his/her identity.

10. PROTECTION AGAINST RETALIATION – Any retaliation against a whistleblower or any personnel for any report will be taken cognizance by the NFA Officials / Whistleblower Committee if the report is made in good faith and the NFA shall extend all possible assistance to the whistleblower under the law and given the circumstances.

11. UNTRUE ALLEGATIONS - If a whistleblower makes 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 Government Commission or NFA.

12. DISCLOSURE MADE BY A PARTY TO A MISCONDUCT – A disclosure made by a person who is himself/herself a party to the disclosed conduct constituting misconduct or wrongdoing, whether as principal, accomplice or accessory, is deemed a protected disclosure under this Policy and such person shall be entitled to the benefits of a whistleblower, provided that:

- a. The whistleblower complies with the conditions hereof.
- b. The whistleblower should not appear to be the most guilty.
- c. The whistleblower has not been previously convicted by final judgment of a crime involving moral turpitude.
- d. The whistleblower testifies in accordance with his/her disclosure.

13. DISCLOSURE MADE BEFORE PROPER PERSONS – Any official, director, or employee to whom a disclosure is made shall have the following obligations:

- a. Maintain confidentiality of the identity of the whistleblower and the subject matter of the disclosure;
- b. Undertake measure to ensure the well-being of the whistleblower; and
- c. Report the disclosure in full detail to the WC Chair or the Chair of the ExCom.

14. OBLIGATION TO TESTIFY – Any official or employee who has personal knowledge of any matter pertaining to a protected disclosure shall, if called upon, have the obligation to testify in any proceedings arising from such protected disclosure.

15. PROTECTION OF WITNESSES – Any official or employee who testifies in any proceedings arising from a protected disclosure shall be accorded the same protection against retaliatory actions.

16. INCENTIVES FOR WHISTLEBLOWER – A whistleblower shall be entitled to commendation, promotion, and/or other form of incentive as may be deemed appropriate.

17. REMEDIES AND SANCTIONS

- a. **Violations of Confidentiality:** Any official or employee who violates the protection of confidentiality of a protected disclosure and of the confidentiality of the proceedings shall be liable for disciplinary sanctions.
- b. **Retaliatory actions:** Any official or employee who does, causes, or

encourages retaliatory actions as defined in this Policy, against a whistleblower, or persons believed or suspected to be one, and/or those officials and employees supporting him/her, or any of his/her relatives within the fourth civil degree of consanguinity or affinity, shall be immediately subjected to administrative and/or criminal proceedings, and in appropriate cases, immediately placed under preventive suspension.

- c. **Failure to act or report:** Any official or employee under obligation to report a disclosure under this Policy, or who fails to act thereon or cause an investigation thereof, shall be liable for disciplinary action.
- d. **Failure or refusal to testify:** Any official or employee, who fails or refuses to testify, or to continue to testify, or who adversely varies his/her testimony, without just cause, in any proceedings arising from a protected disclosure, shall be liable for disciplinary action.

18. REPEALING CLAUSE – All other Board resolutions, corporate orders, and issuances, which are inconsistent with this Policy are hereby repealed or modified accordingly.

19. EFFECTIVITY CLAUSE – This Policy shall take effect immediately upon the approval of the Executive Committee.