

# Whistleblowing Program



Public Office is a public trust. It is the policy of the State to promote and ensure full accountability in the conduct of its officers and employees, and exact full retribution from those who shall engage in improper conduct. Hence, the National Food Authority implements the Whistleblowing program to promote the reporting of wrongdoings in order to protect the public interest. Whistleblowing may curb official abuses of entrusted power for unlawful personal gain. As such, the Whistleblowing policy and its implementation may bolster existing anti-corruption initiatives within our agency.

## Who may be admitted into the Program?

Any person who has witnessed or has knowledge or information on the commission of a crime and has testified or is testifying or about to testify before any judicial or quasi-judicial body, or before any investigating authority, may be admitted into the Program: Provided, That:

- a) The offense in which his testimony will be used is a grave felony as defined under the Revised Penal Code or its equivalent under special laws;
- b) His testimony can be substantially corroborated in its material points;
- c) The disclosure is voluntary, in writing, and under oath;
- d) the disclosure relates to an act constituting improper conduct; and
- e) the information to be disclosed is admissible in evidence.

If the appropriate department or office, after examination of said applicant and other relevant facts, is convinced that the requirements of this policy have been complied with, it shall admit said applicant to the Program, require said witness to execute a sworn statement detailing his knowledge or information on the commission of the crime, and thereafter issue the proper certification. For purposes of this Act, any such person admitted to the Program shall be known as the Witness.

## What are required from the person to be protected?

Before a person is provided protection under this Act, he shall first execute a Memorandum of Agreement which shall set forth his responsibilities including:

- a) to testify before and provide information to all appropriate law enforcement and/or administrative officials concerning all appropriate proceedings in connection with or arising from the activities involved in the offense charged;
- b) to avoid the commission of the crime;
- c) to take all necessary precautions to avoid detection by others of the facts concerning the protection provided him under this Act;
- d) to comply with legal obligations and civil judgments against him;
- e) to cooperate with respect to all reasonable requests of officers and employees of the Government who are providing protection under this Act; and
- f) to regularly inform the appropriate program official of his current activities and address.

## What is the effect of Breach of the Memorandum of Agreement?

Substantial breach of the memorandum of agreement shall be a ground for the termination of the protection provided under this Act: Provided, however, That before terminating such protection, the appropriate officer shall send notice to the person involved of the termination of the protection provided under this Act, stating therein the reason for such termination.

## Nature of the Proceedings in the Whistleblower program

All proceedings involving application for admission into the Program and the action taken thereon shall be confidential in nature. No information or documents given or submitted in support thereof shall be released except upon written order of the Department or the proper court.

## Confidentiality

Except as allowed by the rules of court, or as ordered by court, during and after a disclosure, and throughout after any proceeding taken thereafter, a whistleblower or an informant is entitled to absolute confidentiality about:

- (a) Personal identity;
- (b) The subject matter of the disclosure; and
- (c) The person to whom such disclosure was made.

There shall be no such confidentiality of personal identity if a whistleblower or an informant makes a public disclosure, unless, notwithstanding such public disclosure, the whistleblower has taken means and measures obviously intended to preserve anonymity.

## What are the Rights, protection and benefits of the Witness?

The witness shall have the following rights, protection and benefits:

Witness be removed from or demoted in work because or on account of his absences due to his attendance before any judicial or quasi-judicial body or investigating authority, including legislative investigations in aid of legislation, in going thereto and in coming therefrom: Provided, That his employer is notified through a certification issued by the Department, within a period of thirty (30) days from the date when the Witness last reported for work: Provided, further, That in the case of prolonged transfer or permanent relocation, the employer shall have the option to remove the Witness from employment after securing clearance from the Department upon the recommendation of the Department of Labor and Employment.

Any Witness who failed to report for work because of witness duty shall be paid his equivalent salaries or wages corresponding to the number of days of absence occasioned by the Program. For purposes of this Act, any fraction of a day shall constitute a full day salary or wage. This provision shall be applicable to both government and private employees.

To be provided with reasonable travelling expenses and subsistence allowance by the Program in such amount as the Department may determine for his attendance in the court, body or authority where his testimony is required, as well as conferences and interviews with prosecutors or investigating officers.

A whistle-blower who has made, or is believed or suspected to have made a disclosure is not liable to disciplinary action for making the disclosure. Prohibited acts include reprisals in the workplace or prejudicial conduct towards a whistleblower such as discriminatory actions behind policies and procedures, unwarranted reprimand, punitive transfers, malicious referral to a psychiatrist or counsellor, and unfounded or baseless poor performance reviews. Other prejudicial acts include obstruction of an investigation, withdrawal of essential resources, undue reports, and the attachment of false personnel file or notes.