

PHILHEALTH WHISTLEBLOWING POLICY

1. **STATEMENT OF POLICY.** – Governance of the Philippine Health Insurance Corporation (PhilHealth/ Corporation) shall be carried out in a transparent, responsible, and accountable manner and with the utmost degree of professionalism and effectiveness.¹ Furthermore, the Board of Philhealth must be competent to carry out Philhealth functions, and be fully accountable to and act in the best interest of the government and its stakeholders.

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

2. **BACKGROUND AND PURPOSE.** – The purpose of this Whistleblowing Policy (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 of the Corporation 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 Corporation or the government.

3. **REPORTABLE CONDITIONS.** – Whistleblowers may report to the Whistleblowing Committee 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 Corporation, 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;

¹ RA No 10149, Sec 2(c).

- o. Receiving a commission;
- p. Solicitation of gifts;
- q. Taking advantage of corporate opportunities;
- r. Undue delay in rendition of service;
- s. Undue influence; and,
- t. 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. 3019, “Anti-Graft and Corrupt Practices Act”;
- c. R.A. 7080, as amended, “The Plunder Law”;
- d. Book II, Title VII, Crimes Committed by Public Officers, The Revised Penal Code;
- e. Executive Order No. 292, s. 1987, “Administrative Code of 1987”;
- f. R.A. No. 10149, “The GOCC Governance Act of 2011”;
- g. GCG MC No. 2012-05, “Fit and Proper Rule”;
- h. GCG MC No. 2012-06, “Ownership and Operations Manual Governing the GOCC Sector”;
- i. GCG MC No. 2012-07, “Code of Corporate Governance for GOCCs”;
- j. Manual of Corporation Governance of Philhealth; and,
- k. Other issuances, orders and applicable laws and regulations.

4. **WHISTLEBLOWING WEB PORTAL.** – Whistleblowers are encouraged to utilize the online reporting channel to be established by the Whistleblowing Committee.

5. **ALTERNATIVE REPORTING CHANNELS.** – Whistleblowers may also submit whistleblowing reports to the Corporation through the following alternative reporting channels:

- a. Face-to-Face Meetings : with Directors, Officers, and Employees
- b. Email :
- c. Mail : 1711 17/F Citystate Center 709 Shaw Blvd,
Mandaluyong MM
- d. Phone & Fax :

6. **CONFIDENTIALITY.** – Except when the whistleblower does not invoke anonymity and/or confidentiality when invoking this Policy, the Corporation and its Whistleblowing Committee shall ensure confidentiality of all information arising from whistleblowing reports. 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.

7. **PROTECTION OF A WHISTLEBLOWER AGAINST RETALIATION.** – Retaliatory acts against whistleblowers who submit whistleblowing reports in good faith shall not be tolerated by the Corporation 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 contract;
 - e. Evident bias in performance evaluation; and,
 - f. Any acts or threats that adversely affect the rights and interests of the whistleblower.

8. **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 by the Corporation

9. **ACTION ON WHISTLEBLOWING REPORTS.** – In cases of whistleblowing reports against Philhealth, its Directors/Trustees, officers, and employees, the Whistleblowing Committee may pursue any of the following actions:
 - a. Dismiss the whistleblowing report for want of palpable merit;
 - b. Forward the whistleblowing report to the concerned officer for corresponding official action;
 - c. Submit a formal recommendation to the Board for the discipline of respondent Officer;
 - d. Submit a formal recommendation to the Board for the suspension of the respondent Appointive Director;
 - e. Submit a formal recommendation to the President for the removal of the respondent Appointive Director;
 - f. 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;
 - g. Enjoin the Board and Management to comply with applicable laws or jurisprudence and/or to undertake corrective measures to address the matters raised in the complaint; and,
 - h. Consider the whistleblowing report closed and terminated if the response of the respondent is found to be adequate.

10. **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 these Rules 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.

11. **DISCLOSURES 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 measures to ensure the well-being of the whistleblower; and,
- c. Report the disclosure in full detail to the Whistleblowing Committee Chair, or the Chair of the Board.

12. **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.

13. **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.

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

15. **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 these Rules, against a whistleblower, or persons believed or suspected to be one, and/or those officials and employees supporting him, or any of his/her relatives within the forth 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 these Rules, 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.
16. **REPEALING CLAUSE.** – All other Board resolutions, corporate orders, and issuances, which are inconsistent with this Policy are hereby repealed or modified accordingly.
17. **EFFECTIVITY CLAUSE.** – This order shall take effect immediately.