



MANILA
INTERNATIONAL
AIRPORT
AUTHORITY

NOV 27 2019,

MEMORANDUM CIRCULAR NO. 24
Series of 2019

SUBJECT: MIAA WHISTLEBLOWING POLICY

GENERAL

1. This MC is hereby adopted pursuant to the State's policy that the governance of GOCCs shall be carried out in a transparent, responsible and accountable manner and with the utmost degree of professionalism and effectiveness, and in compliance to the GCG Memorandum Circular No 2016-02 also known as the "*Revised Whistleblowing Policy for the GOCC Sector*". Further, the Governing Board of every GOCC must be competent to carry out the GOCCs functions, be fully accountable to the State as its fiduciaries, and act in the best interest of the GOCC and the State pursuant to Sec 2 (e) of RA 10149.

PURPOSE

2. The purpose of this Circular 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 Members of the Board of Directors, Officers and Employees of MIAA, 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.

SCOPE

3. All officials and employees of the MIAA, regardless of the status of employment, whether permanent, contractual, job order or *plantilla* employees, career or non career service, supervisors, and officers who are receiving compensation from the Authority, including the Members of the Board are covered by this Policy.

STATEMENT OF POLICY

4. The Authority, acting through their Governing Board and duly authorized Officers and employees, shall conduct the affairs, operations and business thereof in full compliance with applicable laws, rules, regulations and that as public officials, all Members of the Board of Directors, Officers and Employees, must exemplify the behavior and professional demeanor consistent with such laws, rules, regulations, policies and procedures of the highest standard.

DEFINITION OF TERMS

5. The following terms or words shall mean, or be understood as follows:
- a. **Respondent** – refers to the person who is the subject of a report filed pursuant to this Policy.
 - b. **Retaliation Actions** – refers to the actions or obstructive responses or reactions by a Respondent in retribution against a Whistleblower, such as but not limited to the items enumerated below; carried by a respondent officer against a whistle blowing employee
 - (i) Discrimination or harassment in the workplace;
 - (ii) Demotion;
 - (iii) Reduction in salary or benefits;
 - (iv) Termination of Contract;
 - (v) Evident bias in performance evaluation; or
 - (vi) Any acts or threats that adversely affect the right and interests of the Whistleblower
 - c. **Whistleblower** – refers to a person who reports a Reportable Conditions through this Policy.
 - d. **Whistleblowing** – refers to the process in which any concerned person/s can file a report against the respondent/s who committed acts/omissions included on the list of Reportable Conditions, which are also in violation of the code of conduct, and ethics and policies of the MIAA.
 - e. **Whistleblowing Report** – refers to a complaint filed by a Whistleblower about a Reportable Conditions.

GUIDELINES

6. REPORTABLE CONDITIONS

Whistleblower/s may report 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 MIAA 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

Whistleblowers may also report such other acts or omissions that otherwise involve violations of the following laws, rules and regulations:

- a. RA No 6713, "*Code of Conduct and Ethical Standards for Public Officials and Employees*"
- b. RA No 3019, "*Anti-Graft and Corrupt Practices Act*"
- c. RA No 7080, as amended, "*The Plunder Law*"
- d. Book II, Title VII, Crimes Committed By Public Officers, The Revised Penal Code
- e. Executive Order (EO) No 292, s 1987, "*Administrative Code of 1987*"
- f. RA No 10149, the "*GOCC Governance Act of 2011*"
- g. GCG MC No 2012-05, "*Fit and Proper Rule*"
- h. GCGMC No 2012-06, "*Ownership and Operations Manual Governing the GOCC Sector*"
- i. GCGMC No 2012-07, "*Code of Corporate Governance for GOCCS*"
- j. Violations of the Presidential Decree No 857, as amended
- k. Other GCG Circulars and Orders, and applicable laws and regulations

All Whistleblowing Reports must state the specific condition/s, action/s and/or omission/s being complained about, as well as the corresponding laws, rules or regulations allegedly violated. If possible, documentary and other evidence in support of the Whistleblowing Reports may be submitted to the MIAA Legal Office or to the MIAA General Manager or uploaded to the MIAA Whistleblowing Web Portal for evaluation. All respondents must be clearly identified by their full names and positions. If the whistleblower invokes anonymity/confidentiality of his/her identity, the MIAA Legal Office must ensure the confidentiality of all information arising from the reports.

7. MIAA WHISTLEBLOWING WEB PORTAL

The Authority has established a MIAA Whistleblowing Web Portal as its primary reporting/communication channel for Whistleblower under this Memorandum Circular. It may be accessed from the MIAA website (www.miaa.gov.ph) by clicking the Whistleblowing Policy icon.

8. ALTERNATIVE REPORTING/COMMUNICATION CHANNELS

The following are the dedicated reporting/communication channels which the Whistleblower can utilize in filing any Reportable condition/s:

- a. Report directly to GCG's whistleblowing web portal (www.whistleblowing.gcg.gov.ph). This reporting channel is an online-based platform by which whistleblowers may securely submit reports electronically while at the same time ensuring their anonymity to utilize this online reporting/communication channel; and/or
- b. Face-to-Face Meetings with MIAA Officials

- c. E-Mail gmo@miaagovphils.onmicrosoft.com
- d. Telephone (632) 8877-1109 loc 716
- e. Fax No. (632) 8833-1180
- f. Drop Box located at the Ground Floor, MIAA Administration Building, MIA Road, NAIA Complex, Pasay City

9. CONFIDENTIALITY

Except when the Whistleblower does not invoke anonymity and/or confidentiality when invoking this Policy under this Memorandum Circular, the Authority 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 persons 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 OF A WHISTLEBLOWER AGAINST RETALIATION

Retaliation actions against Whistleblower who submit Whistleblowing Reports in good faith shall not be tolerated by the Authority which shall extend all possible assistance to the Whistleblower under the law and given the circumstances. Such retaliation actions may include:

- a. Discrimination or harassment in the workplace;
- b. Demotion;
- c. Reduction in salary or benefits;
- d. Termination of Contract;
- e. Evident bias in performance evaluation; or
- f. Any acts or threats that adversely affect the right and interests of the Whistleblower

11. UNTRUE ALLEGATIONS

If a Whistleblower makes allegations that are determined to be fabricated or malicious falsehoods, and/or he/she persists in making, legal actions may be taken against him by the Authority and/or the respondent under applicable laws, rules, and regulations.

12. HANDLING OF WHISTLEBLOWING REPORTS

- a. **Filing of Whistleblowing Reports** - All whistleblowing reports must be submitted to the Authority through the MIAA Whistleblowing Policy Web Portal or through any of the Alternative Reporting/Communication Channels identified in Section 8 of this Circular.
- b. **Preliminary Review by the MIAA Legal Office** - All whistleblowing reports shall be evaluated by the Legal Office within five (5) days from receipt of the complaint, the Legal Office shall recommend the action to be taken thereon. The action may be to disregard the report for being vague, ambiguous, patently without merit, or are simply made with malicious intent to tarnish the name and reputation of the person/s complained of or to endorse the complaint to the Permanent Administrative Investigation Committee (PAIC) or Special Investigative Committee on Police Matters (SICOP). The recommendation shall be subject to the approval of the MIAA General Manager except in cases where the subject of

the complaint is the General Manager or members of the Board. In the latter case, the report will be referred directly to the Board of Directors.

13. ACTION ON WHISTLEBLOWING REPORTS

In cases of whistleblowing reports against the MIAA Board of Directors, Officers and personnel, the Governance Commission may pursue any of the following actions:

- a) Dismiss the whistleblowing report for want of palpable merit;
- b) Forward the whistleblowing report to the Authority for corresponding official action;
- c) Submit a formal recommendation to the Board of Directors of the Authority for the suspension of the respondent Appointive Director;
- d) Submit a formal recommendation to the President 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 Board of Directors and Management to comply with applicable laws or jurisprudence and/or to undertake corrective measures to address the matters raised in the complaint; and
- g) Consider the whistleblowing report closed and terminated if the response of the respondent is found to be adequate.

REPEALING CLAUSE

14. All previous issuances inconsistent with the provisions of this Memorandum Circular are hereby amended, repealed and superseded.

SEPARABILITY CLAUSE

15. If any part of this Memorandum Circular is declared unconstitutional or illegal by any court of competent jurisdiction, any part hereof not affected by such declaration shall remain valid and existing.

EFFECTIVITY

16. This Memorandum Circular shall take effect immediately after the approval of the MIAA Board of Directors.

By authority of the Board pursuant to Resolution No. 2019-105 adopted on 27 Nov. 2019, 2019.


EDDIE V. MONREAL
General Manager



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