INTERNAL RULES ON WHISTLEBLOWING AND REPORTING

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I. SCOPE

These Rules shall apply to all Officers, Non-Commissioned Officers and Non-Uniformed Personnel of the Bureau of Fire Protection

II. AUTHORITY

The BFP adheres to the constitutional policy that public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.

Specifically, RA 6713 states that it is the policy of the State to promote a high standard of ethics in public service. Public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest.

III. OBJECTIVES

The Bureau of Fire Protection, in exercising its mandated function of saving lives and properties, must exercise a catalytic role in improving the quality of public service by maintaining the high standards of conduct and integrity among its public officials and employees.

For this reason, the Bureau of Fire Protection promulgates these internal rules and standards to impress upon its officials and employees that it is their bounden duty as responsible public servants and law-abiding citizens to disclose the wrongdoings / misdeeds committed by any of their co-workers in the government; to encourage its officials and employees to disclose any corrupt, illegal, improper or fraudulent act of their co-officials and co-employees; to protect whistleblowers from any form of retaliation or reprisal; and to establish greater confidence in reporting any wrongdoing committed by its officials and employees.

IV. DEFINITION OF TERMS

(a) Protected disclosure refers to the deliberate and voluntary disclosure by an official or employee who has relevant information of a wrongdoing whether consummated or not, supported by credible evidence, committed by any Officer or Non-Commissioned Officer or Non-Uniformed Personnel of the BFP.

(b) Wrongdoings, enumerated under Section 1 of this Circular, are acts or omissions prejudicial to the government and to the service.

(c) Whistleblower refers to an official or employee who makes protected disclosure to the Internal Affairs Services or directly to the Chief, BFP.

(d) Retaliatory Action pertains to negative or obstructive responses or reactions of the person complained of

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against the whistleblower or any personnel supporting him or any of the whistleblower's relatives in the BFP within the fourth civil degree either by consanguinity or affinity with an intention to discourage the whistleblower from pursuing the case or to continue in his disclosure.

V. POLICIES AND RULES

SECTION 1. The following acts or omissions shall be considered wrongdoings under this Circular:

(a) Those which are contrary to laws, rules or regulations;

(b) Unreasonable, unjust, unfair, oppressive or discriminatory acts in the performance of one's official functions.

(c) Undue or improper exercise of powers and prerogatives.

SECTION 2. Rights of Whistleblowers

2.1. Protection Against Retaliatory Actions –

(a) Administrative cases and/or countercharges involving or arising from protective disclosure. – All administrative actions against the whistleblower, involving or arising from the protected disclosure, shall be dismissed. Where the case filed has no relation to the subject matter of protective disclosure, the Internal Affairs Service shall determine if there exist merit in the case. If the IAS found the case groundless, the same shall be considered as retaliatory action, hence shall be dismissed outright. In addition thereto, the complainant of groundless suit shall be charged of Simple Dishonesty.

(b) Temporary Reassignment – Where the person complained of in a protective disclosure is the superior officer or head of office of the whistleblower, or if there are reasons to believe that the whistleblower will be harassed, intimidated or be unduly influenced while in his present assignment, the latter may temporarily request for transfer or reassignment to other office/unit pending investigation of the case.

(c) Other Retaliatory Actions – No retaliatory action shall be taken against a whistleblower such as, but not limited to, discriminatory action, including those made under the guise of policy and procedural determinations designed to avoid claims of victimization; reprimand; punitive transfer; referral to a psychiatrist or counselor; undue poor performance reviews; obstruction of the investigation; withdrawal of essential resources; adverse reports; attachments of adverse notes in the personnel file; ostracism; questions and attacks on motives; accusations of disloyalty and dysfunction; public humiliation; and the denial of work necessary for promotion. In no case shall a whistleblower be removed from, or demoted in work because of or on account of his absences arising from the faithful discharge of his duties under these Rules. Provided, however, that the Chief, BFP shall be notified through a certification issued by the IAS, within a period of five (5) days from the date when the whistleblower last reported for work.

Despite the fact that a whistleblower has all the protection against retaliatory actions, he/she still has the obligation to perform his/her regular duties whenever he/she is assigned as a member of the BFP and that his/her disclosure should not be used without justifiable reasons as an excuse for his/her continuous long absence in the office or station where he/she is assigned.

Any Officer, Non-Commissioned Officer and Non-Uniformed Personnel who refuses to follow orders to perform an act that would constitute a violation of this Section shall likewise be protected from retaliatory actions.

2.2 No Breach of Duty of Confidentiality – A whistleblower who has an obligation by way of oath, rule or practice to maintain confidentiality of information shall not be deemed to have committed a breach of such duty

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should the whistleblower make a protected disclosure of such information.

SECTION 3. Confidentiality. – At all times during and after the protected disclosure, and throughout and after any proceeding taken thereon, the whistleblower is entitled to confidentiality as to:

(a) his identity;

(b) the subject matter of his disclosure; and

(c) the person or persons to whom such disclosure was made.

SECTION 4. Necessity for Testimony – Notwithstanding the provisions in the immediately preceding section, while whistleblower may be called to testify if his testimony is necessary or indispensable to the successful prosecution of any administrative charge arising from the protected disclosure.

SECTION 5. Confidential Information – Any official or employee to whom a protected disclosure has been made or referred shall not disclose any information that may identify or tend to identify the whistleblower or reveal the subject matter of such disclosure, except only in the following instances.

(a) The whistleblower consents in writing prior to the disclosure of the information;

(b) The disclosure of the information is indispensable and essential, having regard to the necessary proceedings to be taken after the disclosure; or

(c) The disclosure or referral of the information is made pursuant to an obligation under these Rules.

The prohibition on disclosure under this section shall apply to any official or employee who has become privy to any confidential information, whether officially or by other means.

SECTION 6. Conditions for Protected Disclosure – Whistleblowers shall be entitled to the benefits under these Rules, provided that all the following requisites concur;

(a) The disclosure is made voluntarily in writing and under oath;

(b) The disclosure pertains to a matter not yet the subject of a complaint already filed with, or investigated by the IAS or by any other concerned office unless, the disclosures are necessary for the effective and successful prosecutions, or essential for the acquisitions of material evidence not yet in its possession;

(c) The whistleblower assists and participates in proceedings commenced in connection with the subject matter of the disclosure; and

(d) The information given by the whistleblower contains sufficient particulars and, as much as possible, supported by other material evidence.

SECTION 7. Unprotected Disclosures – The following shall not be deemed protected disclosure under these Rules:

(a) Disclosure made by an Officer, Non-Commissioned Officers and Non-Uniformed Personnel in connection with a matter subject of his official investigation;

(b) Malicious disclosures which later appear to be absolutely groundless or without basis. An investigation may be declined or discounted if it is shown that the disclosure was made without reasonable grounds;

(c) Disclosures concerning merits of Office policy unless the same is contrary to law or covered by Section 1 of these rules;

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(d) Absolutely false and misleading disclosures; and

(e) Disclosures that were later retracted by the whistleblower for any reason. Such person shall lose the right to claim benefit or protection under these Rules for the same disclosure and his retraction shall be considered in determining whether or not he will be admitted as a whistleblower with respect to future disclosures.

A person who makes unprotected disclosure shall not be entitled to any benefit provided under these rules.

SECTION 8. Disclosure made by a Party to a Wrongdoing – A disclosure made by a person who is himself a party or a privy to the disclosed conduct constituting misconduct or wrongdoing 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 under Section 6 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; and

(d) The whistleblower testifies in accordance with his disclosures.

SECTION 9. Procedure for Protected Disclosures – Immediately upon receipt of the disclosure, the Internal Affairs Service shall have the following obligations:

(a) Evaluate the disclosure if the same qualifies as protected disclosure under Section 6 of these Rules;

(b) Should the disclosure qualify as such, to process the protected disclosure in accordance with the applicable provisions of these rules and to conduct appropriate actions in accordance with CSC Resolution No. 991936.

(c) Undertake measures to ensure the well being of the whistleblower and to immediately facilitate his entitlement to all the protection and benefits under these rules.

SECTION 10. Disclosures Made Against the Chief, BFP, Deputy Chiefs, Chief of Directoral Staff, Directorates, Regional Directors, Chief of Internal Affairs Service and Hearing Officer – A disclosure made by personnel against the Directorates and Regional Directors shall be immediately reported to the Internal Affairs Services (IAS) within a period of five (5) days from date of disclosure. Upon receipt of the disclosure, the IAS shall evaluate if the same qualifies as protected disclosure. Should the disclosure qualify as such, it shall immediately conduct its investigation and submit its Investigation Report and recommendation to the Chief, BFP for his appropriate action.

A disclosure made by personnel against the Fire Chief, Deputy Fire Chiefs and Chief of the Directorial Staff shall be immediately reported to the Internal Affairs Services (IAS) within a period of five (5) days from date of disclosure. Upon receipt of the disclosure, the IAS shall evaluate if the same qualifies as protected disclosure. Should the disclosure qualify as such, it shall make proper endorsement to the Department of the Interior and Local Government (DILG) for its appropriate action.

Should the whistleblower find the evaluation of the IAS unreasonable, the whistleblower can directly bring the matter to the DILG with the IAS as additional respondent.

A disclosure made by personnel against the Chief, Internal Affairs Service and Hearing Officer shall be directly reported to the Chief, BFP within a period of five (5) days from date of disclosure. The Chief, BFP shall designate a Special Investigator and Special Hearing Officer to determine existence of prima facie evidence and to resolve the case, respectively. The Special Investigator shall evaluate if the complaint qualifies as protected disclosure and shall make proper endorsement to the Chief, BFP as evidence may warrant.

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SECTION 11. Obligation to Testify – All Officers, Non-Commissioned Officers and Non-Uniformed Personnel who have personal knowledge of any matter pertaining to a protected disclosure shall be compelled to testify in any proceedings arising from such protected disclosure.

SECTION 12. Protection of Witnesses. – Any Officer, Non-Commissioned Officer and Non-Uniformed Personnel who testifies in any proceedings arising from a protected disclosure shall be accorded the same protection against retaliatory actions as provided in Section 2 hereof.

SECTION 13. Incentives for the Whistleblower – A whistleblower shall be entitled to a commendation, promotion, moral and spiritual support, psychological advice and legal assistance for the case in which he acted as a whistleblower, as may be deemed appropriate.

VI. REMEDIES AND SANCTIONS

SECTION 14. Violations of Confidentiality – Any Officer, Non-Commissioned Officer or Non-Uniformed Personnel who violates the protection of confidentiality of a protected disclosure and of the confidentiality of proceedings shall be liable for Simple Misconduct.

SECTION 15. Retaliatory Actions – Any official or employee who does, causes or encourages retaliatory actions, as defined in these Rules, against a whistleblower and / or those Officers, Non-Commissioned Officers and Non-Uniformed Personnel supporting him, or any of his relatives in the BFP within the fourth civil degree by consanguinity or affinity, shall be immediately subjected to administrative proceedings. A whistleblower who suffers from retaliatory actions at work does not carry the burden of proving that retaliation exists. The burden is placed on the person accused of carrying out the retaliatory actions.

SECTION 16. Failure or Refusal to Testify – Any Officer, Non-Commissioned Officers and Non-Uniformed Personnel, who fails or refuses to testify, or to continue to testify, or who adversely varies his testimony, without just cause, in any administrative proceeding arising from a protected disclosure, shall be liable for Simple Neglect of Duty.

SECTION 17. False and Misleading Disclosures and Testimony – A whistleblower who willfully and deliberately gives false and misleading disclosures and testimony in connection with acts or omissions enumerated under Section 1 of these Rules shall be liable for Dishonesty under Rule IV, Section 52 para (A) subpara (1) of CSC Resolution No. 991936.

VII. EFFECTIVITY

This Memorandum Order shall take effect within fifteen (15) days after its publication in the Official Gazette and upon the filling with the University of the Philippines Law Center of three (3) certified copies thereof.

Adopted: 11 Nov. 2009

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