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Section 1. Overview

In response to the need for the establishment of additional mechanisms to prevent graft and corruption, the Light Rail Transit Authority (LRTA) creates these policies and guidelines on protected disclosure (whistleblowing). These guidelines shall impose upon employees, officials and service providers of LRTA their duty to disclose and report any wrongdoing or misdeed on the part of their co-officials and co-employees.

Section 2. Objective

These policies and guidelines will encourage confidence in reporting any wrongdoing or misdeed committed by any employee, official or service provider of LRTA. Moreover, these rules shall safeguard the rights of the whistleblower, giving him/her ample protection. These also define the conditions for protecting the whistleblower so as to deter frivolous and false disclosures.

Section 3. Scope


These policies and guidelines shall apply to all employees, officials and service providers of LRTA.

Section 4. Definition of Terms

- 4.1 Protected Disclosure – refers to the deliberate and voluntary disclosure by one employee or member of the organization who has relevant information of an actual, suspected or anticipated wrongdoing/misdeed, any corrupt, illegal or improper act of another employee or member of the organization.
- 4.2 Whistleblower – refers to an official or employee who makes protected disclosure to his immediate supervisor, other superior officers, and/or the duly authorized/designated representative of the Fact Finding Committee of the LRTA.
- 4.3 Retaliatory Action – pertains to negative or obstructive responses or reactions to a disclosure of misconduct or wrongdoing taken against the whistleblower and/or those officials and employees supporting him, or any of the whistleblower's relatives within the fourth civil degree by consanguinity or affinity. It includes, but is not limited to, civil, administrative or criminal proceedings, reprisals such as forcing or attempting to force any of them to resign, to retire and/or transfer, negative performance appraisals, fault finding, undue criticism, alienation, blacklisting, and such other similar acts.

Section 5. Policies and Guidelines

- 5.1 A whistleblower may complain on or report acts or omissions that are contrary to laws, rules or regulations; unreasonable, unjust, unfair, oppressive or discriminatory or undue or improper exercise of powers and prerogatives.
- 5.2 Rights of Whistleblowers:
- 5.2.1 Protection against retaliatory actions - No criminal, administrative or civil action shall be entertained against a whistleblower involving a protected disclosure.
- 5.2.2 Defense of privileged communication - A whistleblower has the defense of absolute privileged communication in any action against him arising from a protected disclosure he has made.

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5.2.3 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 if he/she makes a protected disclosure of such information.

5.3. 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 his/her identity, the subject matter of his/her disclosure and the person to whom such disclosure was made.

5.4 Necessity for Testimony - Notwithstanding the provisions in the immediately preceding section, the whistleblower may be compelled to testify if his/her testimony is necessary or indispensable to the successful prosecution of any charge arising from the protected disclosure.

5.5 Protection against retaliatory actions - A whistleblower who has made or is believed or suspected to have made protected disclosure under these Rules shall not be liable to disciplinary action for making such disclosure. 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, attachment of adverse notes in the personnel file, ostracism, questions and attacks on motives, accusations of disloyalty and dysfunction, and the denial of work necessary for promotion.

Any official or employee who refuses to follow orders to perform an act that would constitute a violation of this Section shall, likewise, be protected from retaliatory actions.


5.6 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 Fact-Finding Committee 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.

5.7 Unprotected Disclosures - The following shall not be deemed protected disclosure under these Rules:

- (a) Disclosure made by an official or employee in connection with a matter subject of his official investigation;
- (b) Absolutely false and misleading disclosures; and
- (c) 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 retractions shall be considered in determining whether or not he will be admitted as a whistleblower with respect to future disclosures.

A person who makes a disclosure deemed unprotected shall not enjoy the immunity, or any other right or privilege accorded under these Rules.

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5.8 Disclosure made by a party to a misconduct - A disclosure made by a person who is himself a party to the disclosed 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 under Section 5.7 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.

5.9 Disclosures made before proper persons - Any LRTA official to whom a disclosure is made shall have the following obligations:

- (a) Maintain the 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 Chairman of the Fact-Finding Committee, if not reported to them directly, within a period of Five (5) days from date of disclosure.

5.10 Procedure for protected disclosures - Immediately upon receipt of the disclosure, the Fact-Finding Committee shall:

- (a) Evaluate the disclosure if the same qualifies as protected disclosure under Section 5.1 of these Rules;
- (b) Should the disclosure qualify as such, to process the protected disclosure in accordance with the applicable provisions of Section 5.7 hereof; and
- (c) Conduct appropriate actions in accordance with the established procedures of the Fact-Finding Committee in resolving administrative cases.


5.11 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.

5.12 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 and provided in Section 5.6 hereof.

5.13 Incentives for the Whistleblower - A whistleblower shall be entitled to a commendation, promotion and/or any other form of incentive as may be deemed appropriate.

Section 6. Penalties

Any violation of these Rules shall be a ground for disciplinary action, without prejudice to the filing of appropriate criminal charges, if warranted, against the erring employee and/or official.

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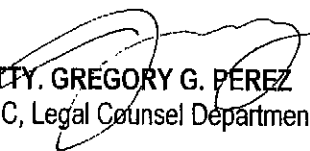
Section 7. Effectivity


This policy shall take effect immediately after ratification of the LRTA Board of Directors and after 30 days from the date of publication in the LRTA website. All previous issuances inconsistent with the provisions herein promulgated are hereby superseded.

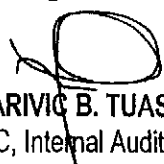
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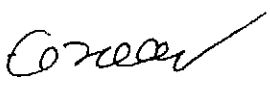
INTEGRITY DEVELOPMENT COMMITTEE MEMBERS:



ELEANORE T. DOMINGO
 OIC, Planning Department

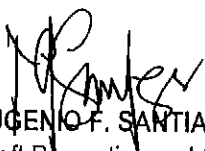

ATTY. GREGORY G. PEREZ
 OIC, Legal Counsel Department


DIVINA J. GUISON
 OIC, HRM Division


MARIVIC B. TUASON
 OIC, Internal Audit Department


ATTY. CEZAR M. TIROL
 Resident Ombudsman


ESTHER A. SONEJA
 IRD Chief

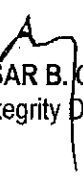

EUGENIO F. SANTIAGO IV
 Graft Prevention and Control Officer II (OMB)

MARCELINO CAJA
 CBCP Representative

or


ERNESTO M. BURDEOS
 CBCP Representative

Recommending Approval:


CESAR B. CHAVEZ, PhD
 Chairman, Integrity Development Committee

Approved by:


MELQUIADES A. ROBLES
 Administrator

Date: _____