

OFFICE ORDER NO. 004  
Series of 2016

To : **ALL OFFICERS AND EMPLOYEES**

Subject : **ADOPTION OF THE BCDA CODE OF CONDUCT**

Date : **23 February 2016**


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Pursuant to Memorandum Circular No. 76 issued by the Office of the President and as part of BCDA's commitment to the Governance Commission for GOCCs (GCG) for 2015, the BCDA hereby adopts the "BCDA Code of Conduct" as approved by the BCDA Board of Directors through Resolution No. 2015-12-176 dated 16 December 2015.

All BCDA officers and employees are hereby directed to strictly observe and adhere with the provisions of the "BCDA Code of Conduct", a copy of which is hereby attached and made an integral part hereof.

**FOR YOUR STRICT COMPLIANCE.**

  
**ARNEL PACIANO D. CASANOVA, Esq.**  
President and Chief Executive Officer

<p>Republic of the Philippines Office of the President</p>  <p><b>BCDA</b> Bases Conversion and Development Authority</p>	<p><b>BASES CONVERSION AND DEVELOPMENT AUTHORITY</b></p>	
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## 1. Introduction


The Bases Conversion and Development Authority (BCDA) is a government instrumentality vested with corporate powers under Republic Act (RA) 7227 (Bases Conversion and Development Act of 1992) which was signed into law by President Corazon C Aquino on March 13, 1992. RA 7227 was amended by RA 7917 in 1995, and further amended by RA 9400 in 2007.

Mandated to transform former US military bases into alternative productive civilian use, BCDA creates economic opportunities in the country through the establishment of integrated developments, dynamic business centers, and vibrant communities.

## 2. Background

- 2.1. 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 live modest lives.
- 2.2. Towards this end, and in pursuit of the BCDA vision, mission, and corporate values, BCDA hereby promulgates this Code of Conduct.
- 2.3. This Code is anchored on the following legal bases:
  - a. Section 1, Article XI of the 1987 Constitution;
  - b. Republic Act 6713 - Code of Conduct and Ethical Standards for Public Officials and Employees;
  - c. Republic Act 9485 - Anti-Red Tape Act of 2007;
  - d. Republic Act 3019 - Anti-Graft and Corrupt Practices Act;
  - e. Republic Act 9184 - Government Procurement Reform Act and its revised Implementing Rules and Regulations;
  - f. 1987 Administrative Code;
  - g. Civil Service Commission (CSC) Rules and Regulations;
  - h. Presidential Decree No. 749 - Granting Immunity from Prosecution to Givers of Bribes and Other Gifts and to their Accomplices in Bribery and Other Graft Cases against Public Officers;
  - i. Presidential Decree No. 46 - Making it Punishable for Public Officials and Employees to Receive, and for Private Persons to give gifts on any occasion, including Christmas;
  - j. Presidential Decree No. 6 - Amending Certain Rules on Discipline of Government Officials and Employees;



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- k. Title VII, Revised Penal Code - Crimes Committed by Public Officers; and
- l. Moral Renewal Program Administrative Order No. 255 dated 30 January 2009.

### 3. Coverage


This Code of Conduct shall apply to all BCDA officers and employees. All aspects of the Code, which are specifically related to BCDA officers and employees must also be adhered to by the officers and employees of BCDA subsidiaries and affiliates, contractors, consultants, joint venture and other private sector partners, agents, sub-contractors, and anyone acting in behalf of or representing BCDA.

### 4. Principles

- 4.1. A public office is a public trust;
- 4.2. Adherence to BCDA's core values of Integrity, Excellence and Stewardship;
- 4.3. Adherence to the highest degree of ethical standards and good governance through the promotion of integrity and transparency in all its transactions and in carrying out one's duties;
- 4.4. Treating an individual with respect, dignity and fairness regardless of race, age, religion, nationality, gender and sexual orientation; and
- 4.5. Any violation of this Code of Conduct shall not be tolerated.


### 5. Definitions of Terms

- 5.1. *BCDA Officers and Employees* – refer to Members of the BCDA Board, officers, personnel, project employees, consultants and contractual employees working for BCDA.
- 5.2. *Code of Conduct* – sets forth the principles, corporate values and the rules of conduct of BCDA officers and employees that shall govern their conduct, actions and decisions when performing their official duties and responsibilities.

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- 5.3. *Conflict of interest* –It arises when a BCDA official or employee is a member of a board, an officer, or a substantial stockholder of a private corporation or owner or has a substantial interest in a business, and the interest of such corporation or business, or his/her rights or duties therein, may be opposed to or affected by the faithful performance of official duty, as defined further in Section 6.1 of this Code.
- 5.4. *Divestment* – is the transfer of title or disposal of interest in property by voluntarily, completely and actually depriving or dispossessing oneself of his/her right or title to it.
- 5.5. *Gift* –something that is voluntarily given without payment or any act of liberality in favor of another who accepts it. It shall also include a right, privilege, favor, entertainment, service, compensation, cash, or use of anything of monetary value. It shall exclude an unsolicited gift of nominal or insignificant value as enumerated under exceptions in the “No Gift Policy” of BCDA, which is given freely without any form of anticipation of, or exchange for, a favor from a public official or employee.
- 5.5 *Government* – includes the national and local governments, and all other instrumentalities, agencies or branches including government-owned or controlled corporations and their subsidiaries.
- 5.6 *Nepotism* –refers to employment of relative within the fourth degree of consanguinity or affinity by the recommending or appointing authority or of the head of the office, or of the persons exercising immediate supervision over them.
- 5.7 *Primary occupation* - the position that consumes the entire normal working hours of the BCDA personnel and requires the personnel’s exclusive attention in performing official duties.
- 5.8 *Relatives* – refers to any and all persons related to a public official or employee within the fourth civil degree of consanguinity or affinity, including *bilas*, *inso*, and *balae*.
- 5.9 *Special discount* – is a discount not usually given to the public in general.



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5.10 *Violators* – BCDA officers and employees who (a) commit prohibited acts or who fail to implement prescribed acts when there is an obvious opportunity to do so; (b) knowingly abet such acts of commissions or omission or who fail to report such acts that violate this Code; and (c) who fail to impose the necessary disciplinary measures against the violators.

## 6. Policies

### 6.1 *Conflict of Interest*


Public policy dictates that the personal interest of BCDA officers and employees should never prevail over the interest of BCDA. As such, all BCDA officers and employees may not directly or indirectly derive any personal profit or advantage by reason of their position in the BCDA.

6.1.1 BCDA officers and employees shall avoid conflicts of interest in performing official duties. All BCDA officers and employees are required to exercise utmost diligence in being aware of conflicts of interest, disclosing conflicts of interest to the designated authority, and terminating them as they arise.

6.1.2 When a conflict of interest arises, BCDA officers and employees shall resign from their position in any private business enterprise within thirty (30) days from their assumption of office and/or divest themselves of their shareholdings or interest within sixty (60) days from such assumption.

6.1.3 ***Determination of conflict of interest.*** A conflict of interest exists when:


- a. The objective ability or independence of judgment by a BCDA officer or employee in performing official duties is impaired or may reasonably appear to be impaired; or
- b. A BCDA officer or employee, his/her relatives, or his/her business or financial interest would directly or indirectly derive financial gain because of his/her official act.

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6.1.4 BCDA officers and employees shall not:

- a. Enter into any contract with the BCDA and its Subsidiaries for services, lease or sale of property apart from the employment contract relating to the position of BCDA officers and employees; nor use that position to assist any member of their relatives in securing a contract with the BCDA.
- b. Receive gifts or other remunerations for assisting or attending to parties engaged in any transaction with BCDA.
- c. Participate in any official action involving a party with whom either the BCDA officers and employees or any member of their relatives is negotiating for future employment.
- d. Use his/her position to recommend for employment any of their relatives to BCDA and any of its subsidiaries.
- e. Recommend any person to any position in a private enterprise which has a regular or pending official transaction with their office.
- f. Engage in the private practice of their profession unless authorized, provided that such practice will not conflict or tend to conflict with their official functions.
- g. Influence another officer or employee to perform an act constituting a violation of company rules and regulations, or allowing himself/herself to be influenced to commit such a violation/offense.
- h. Benefit by lending money to BCDA officers and/or employees with usurious interest or using the company-issued ATM cards as collateral.



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- i. Shall not accept any special discounts or other concessions to buy/lease property from any party who had or has dealings with BCDA.
- j. Receive gifts in any form from business partners and other parties who have dealings with BCDA.
- k. Illegally occupy or lease in any BCDA lot/land.
- l. Acquire any right or interest to any property owned or administered by BCDA by reason of his/her position without being lawfully entitled thereto.

6.1.5 All BCDA officers and employees shall file a financial disclosure statement (e.g. Statement of Assets, Liabilities and Net Worth; Sworn Disclosure of Business Interests, Financial Connections, and Possible Conflicts of Interest in the Employee’s Personal Capacity and/or Limited Practice of Profession, etc.) with the designated authority at the beginning and upon termination of employment in such position, and annually while so employed. The disclosure shall follow the guidelines established by the designated authority, and shall include all sources of personal and business income, including investments in personal or real property, as well as all income received by their spouses or dependent children.

**6.2 No Gift Policy**

BCDA shall adhere to the highest form of ethical standards. The BCDA Board of Directors, Officers, Managers and employees shall demonstrate fairness, professionalism and deliver quality services without expectations of any undue favor or reward.

BCDA shall comply with the provisions of its No Gift Policy as part of its Corporate Governance, a copy which is attached hereto as “Annex A” and made integral part hereof.

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### 6.3 Confidentiality

- 6.3.1 BCDA officers and employees shall not use or disclose confidential information made known to them in the course of, or by reason of their employment, either to further their private interest or to give undue advantage to anyone, to the prejudice of BCDA and/or the public interest.
- 6.3.2 Confidential information includes any non-public information that if disclosed might be harmful to BCDA, its subsidiaries, affiliates, clients, or such other parties with whom BCDA has business relationships.
- 6.3.3 Confidential information shall be disclosed only by BCDA officers and employees expressly authorized to do so and only to persons duly authorized to receive the same when disclosure is mandated by competent authority.
- 6.3.4 BCDA officers and employees shall not alter, falsify, conceal, destroy or mutilate any record containing confidential information. Disposal of such documents shall be made in accordance with BCDA internal policies and government rules and regulations.

### 6.4 Outside Employment

- 6.4.1 Employment with BCDA shall be on a full time capacity and shall constitute as the primary occupation of a BCDA officer or employee. Full time service with BCDA should be the principal concern, which should not be subordinated with one's personal interest.
- 6.4.2 BCDA officers and employees during their incumbency shall not:
- a. Own, control, manage or accept employment as an officer, employee, consultant, counsel, broker, agent, trustee or nominee in any private enterprise wherein BCDA has interest or business relations unless expressly allowed by law;
  - b. Engage in the private practice of profession unless approved by the BCDA President and CEO, provided, that such practice



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shall not conflict or tend to conflict with one's official functions;

- c. Recommend any person to any position in a private enterprise, which has a regular or pending official transaction with BCDA.


6.4.3 Part-time employment, practice of possession, or engaging in business may be allowed, subject to the following conditions:

- a. Generally, it shall be done outside of regular office hours and shall not violate the required 40-hour work week schedule;
- b. No government resources such as supplies, equipment, utilities, vehicle and manpower shall be utilized;
- c. It should not be in conflict with one's official duty;
- d. It shall not affect the regular tasks or compromise one's performance;
- e. It shall not harm or disgrace the reputation of BCDA;
- f. For purposes of transparency, any extra or additional earnings derived therefrom shall be disclosed in the concerned employee's Sworn Statement of Assets, Liabilities, and Net Worth (SALN), which shall be submitted to BCDA on an annual basis.

#### 6.4 Post-Employment

6.5.1 Former BCDA officers and employees shall within one (1) year from separation be prohibited from:

- a. Transacting business with BCDA;
- b. Rendering consultancy service/work to BCDA (in case of compulsory retirement or early retirement package);

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- c. Soliciting favors or funds from BCDA and former co-workers;
- d. Employment with BCDA's private joint venture partners, lessees, and clients; and
- e. Participating or extending influence in any activity and/or meeting of his/her former co-employee association.

6.5.2 Former BCDA officers and employees, including their heirs and relatives, are prohibited from illegally occupying any BCDA lot/land.

## 6.6. Nepotism

6.6.1 All appointments in BCDA made in favor of a relative of the appointing or recommending authority, or of the persons exercising immediate supervision over him/her, is hereby prohibited.


6.6.2 BCDA limits employment or appointment of its officer's or employee's relative, as defined in these policies, under any or all of the following circumstances:

- a. Where the officer or employee/relative would have authority to supervise, appoint, remove, or discipline the other;
- b. Where the officer or employee/relative would be responsible for auditing the work of the other;
- c. Where both parties would report to the same immediate supervisor; or
- d. Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of BCDA.

## 6.7 Use of Resources

6.7.1 BCDA officers and employees shall maintain utmost objectivity and fairness in the exercise of their official duties in dealing with business partners or third party stakeholders, entering into contracts, and




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adjustment or settlement of accounts relating to funds and properties aimed at attaining the best interest of the parties concerned.

- 6.7.2 BCDA officers and employees shall use the funds, properties and other resources of BCDA economically, productively and effectively. They shall avoid wastage and extravagance in the use of BCDA funds and property.
- 6.7.3 BCDA officers and employees shall not use government funds and resources for personal purposes and/or gains.
- 6.7.4 BCDA officers and employees shall strictly comply with R.A. 9184 and its revised implementing rules and regulations in the procurement of goods, consulting services, and infrastructure projects.
- 6.7.5 Members of the BAC, its staff personnel, its secretariat and TWG shall not be allowed to personally transact with any bidder or supplier except in transmitting official and authorized communications of the BAC or the duly designated official.
- 6.7.6 Accountable officers who are entrusted with BCDA funds under his/her control shall not appropriate such funds to purposes other than for its intended use.
- 6.7.7 BCDA officers and employees shall be held liable for the loss or destruction of BCDA's property through malice, carelessness or negligence.

## **6.8 Relations with Internal Stakeholders**

- 6.8.1 BCDA officers and employees shall make timely and accurate disclosure, for transparency, on all material aspects and development regarding BCDA, including its financial condition, performance, ownership, and governance.
- 6.8.2 BCDA officers and employees shall conduct themselves with courtesy, fairness and candor toward their colleagues and observe and maintain the respect due to everyone.

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6.8.3 BCDA officers and employees must always act with fairness, honesty, integrity, openness; respect the opinion of others and treat all with equality and dignity without regard to gender, race, creed, political beliefs, religion, social status, disability, age and sexual orientation.

6.8.4 BCDA officers and employees shall, at all times, act with honesty and integrity in accordance with the standards of the Civil Service and this Code.

## **6.9 Relations with External Stakeholders**

6.9.1 BCDA officers and employees shall conduct its business strictly in accordance with the rule of law and shall be supportive of the primary goals and objectives of the State.

6.9.2 BCDA officers and employees shall adhere to the highest degree of ethical standards and promote accountability and fairness in all its business transactions.

6.9.3 BCDA officers and employees will take all action to ensure that the integrity of BCDA and its role in stewardship in public trust is perceived and manifested. Actions that may serve to compromise the integrity of BCDA and stewardship obligation will not be condoned or allowed.


6.9.4 BCDA officers and employees must take every precaution to ensure that there is not and there shall not appear to be any conflict between the personal and private interest of officers and employees and their responsibility to BCDA and its stakeholders.

6.9.5 BCDA shall conduct all its bidding in accordance with the pertinent laws, rules and regulations and with utmost transparency.

6.9.6 The rights of the private sector partners shall be respected, including their right to the fair return of investment.

6.9.7 Financial reports and public documents shall be full, fair, accurate,



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timely and understandable. All corporate records must be true, accurate and complete.

6.9.8 BCDA shall promptly respond to all letters, queries and inquiries within the period provided by pertinent law, rules and regulations.

6.9.9 BCDA officers and employees, in charge with the actual remittance of the proceeds from the disposition program and/or Joint Ventures, shall accurately and timely remit and report to the National Treasury or to any designated entity authorized by law, the said proceeds.

6.9.10 BCDA shall completely and satisfactorily turnover the replicated facilities to the concerned beneficiary, in accordance with the approved design standards and specifications.

#### **6.10 Fidelity to and Performance of Duties**


6.10.1 BCDA officers and employees shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

6.10.2 BCDA officers and employees shall not discriminate by offering special favors to anyone. They shall not allow favors from anybody to influence their official acts or duties.

6.10.3 BCDA officers and employees shall not accept any fee or compensation beyond what they receive or are entitled to in their official capacity.

### **7. Policy Implementation and Monitoring**

7.1 BCDA officers and employees commit to comply with this Code and endeavor to obtain the same commitment from its stakeholders. BCDA officers and employees are, therefore, tasked to explain to their stakeholders the BCDA's principles and corporate values set forth in this Code and emphasize the importance of conducting themselves in accordance with the standards set by this Code.

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7.2 BCDA shall ensure dissemination, monitoring and strict implementation of this Code.

7.3 No waiver of any provisions of this Code in favor of any BCDA officer or employee shall be granted.

## **8. Penalties for Violation**

Violation by any BCDA officer or employee of the provisions of this Code shall be dealt with in accordance with the Revised Rules on Administrative Cases in the Civil Service, without prejudice to any administrative, civil or criminal liability that may arise therefrom under other special laws.

Disciplinary action against violators of this Code shall be commensurate to the gravity of the offense. The BCDA Integrity Monitoring Committee (BIMC) created under the Policy and Procedure on Whistle-blowing shall determine the penalty to be imposed and the gravity of the offense.


## **9. Responsibility Areas**

9.1 President and CEO – serves as the Integrity Champion and ensures that the BCDA Code of Conduct as well as all BCDA policies on integrity are implemented through the BCDA Integrity Monitoring Committee (BIMC).

9.2 BCDA Integrity Monitoring Committee (BIMC) - implements the BCDA Code of Conduct and the BCDA Whistle-blowing Policy. The BIMC shall render reports on all investigations conducted concerning any violations of the said BCDA policies and recommends to the Office of the President and CEO any action and the imposition of the proper penalty to any violations of said policies.

9.3 Organization Development and Management Department (ODMD) - ensures that in the hiring of BCDA officers and employees, the integrity of the candidate is the top consideration. It ensures that all employees have signed the BCDA Integrity Pledge and a contract/commitment to strictly comply with the BCDA Integrity Policy and Code of Conduct. ODMD likewise ensures that all training efforts support BCDA mission, vision and core values and principles to strengthen the BCDA integrity plans and programs.



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9.4 Internal Audit Service Office (IASO) - Promotes effective, efficient, ethical and economical operations by conducting review and appraisal of adequacy of internal controls of operating and support systems and governance processes

## **10. Procedures**

The procedures for reporting violation of this Code of Conduct is embodied in the Policy and Procedures on Whistle-blowing, attached as “Annex B” of this Code.

## **11. Adoption of the Code of Conduct**

11.1 Pursuant to the program on Strengthening Integrity Development (STRIDE) and all other BCDA efforts pertaining to integrity management and development, the BCDA Code of Conduct, which has been approved by the BCDA Board of Directors pursuant to Board Resolution No. 2015-12-176 shall be promulgated through the issuance of an Office Order.

11.2 All BCDA officers and employees are hereby directed to strictly comply with the provisions of the Code of Conduct.

## **12. Provision for Amendment**

This Code of Conduct may be amended as necessary as approved by the BCDA Board and in accordance with the Document Control Procedure of the BCDA Quality Management System.

This Code may be reviewed at least once every two (2) years or such other frequency as may be determined by the BIMC.

**OFFICE ORDER NO. 016**  
Series of 2014

**To : ALL OFFICERS AND EMPLOYEES**

**Subject : ADOPTION OF THE REVISED "NO GIFT POLICY"**


**Date : 03 December 2014**

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As embodied in Section 2.8 of the BCDA Code of Corporate Governance, the BCDA has adopted and committed to comply with the "No Gift Policy," the revised version of which has been approved by the BCDA Board of Directors in its Resolution No. 2014-08-134 dated 13 August 2014.


All BCDA officers and employees are hereby directed to strictly observe and comply with the provisions of the "No Gift Policy," a copy of which is attached hereto as "Annex A" and made an integral part hereof.

**FOR YOUR STRICT COMPLIANCE.**

  
**ARNEL PACIANO D. GASANOVA, Esq.**  
President and CEO





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## 1.0 COVERAGE

This policy shall apply to all officers and employees of BCDA.

## 2.0 RULES

### 2.1 POLICY

BCDA shall adhere to the highest form of ethical standards. The BCDA officers and employees shall demonstrate fairness, professionalism and deliver quality services without expectations of any undue favor or reward.

2.1.1 BCDA adopts a "No Gift Policy". All officers and employees shall NOT solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or use, or anything of monetary value ("gift") from a person, group, association, or juridical entity, whether from the public or the private sectors, at any time, on or off the work premises, in the course of their official duties or in connection with any operation being regulated by the functions of their office, where such gift:

2.1.1.1 Would be illegal or in violation of law:

2.1.1.2 Is part of an attempt or agreement to do or refrain from doing anything in return:

2.1.1.3 Has a value beyond what is normal and customary in the business of BCDA:


2.1.1.4 Is being made to influence the officers and employees' actions as such; or

2.1.1.5 Could create the appearance of a conflict of interest.

**2.2 EXCEPTIONS** - The following shall be exempted from the prohibition under this policy:

2.2.1 Certificates, plaques, cards, thank you notes, or other written forms of souvenir or mark of courtesy, recognition, or appreciation:

2.2.2 Books, pamphlets, publications, data and other information or reading materials that are directly useful to BCDA in the performance of its


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mandates, objectives, and are given by individuals or organizations that have no pending business with the BCDA as to create an actual or potential conflict of interest;

- 2.2.3 Gifts given on special occasions between and among BCDA officers and employees, including the subsidiaries, that are unsolicited and of small or insignificant value offered or given as a mere ordinary token of gratitude or friendship according to local customs and usage.
- 2.2.4 Product samples of nominal value given by clients or potential clients if giving such samples are allowed under the law or part of the standard procedures mandated by law or the rules (e.g. rules on bidding);
- 2.2.5 Promotional materials of nominal value such as calendars, umbrellas, planners;
- 2.2.6 Working meals with clients or other stakeholders of the BCDA if such meals are inevitable in the course of official transaction provided that such meals are of modest value not beyond what is normal or customary in the business of BCDA;
- 2.2.7 Seminar items (e.g. pens, hand-outs, etc.) or any other materials which are uniformly given to all participants in the seminar;
- 2.2.8 Scholarships or fellowship grants, travel grants or expenses for travel taking place within or outside of the Philippines (such as allowances, transportation, food and lodging) if appropriate and consistent with the interest of the government, and with prior approval by the Chairman of BCDA Board of Directors and/or the BCDA President and Chief Executive Officer, in accordance with the BCDA Manual of Approval; and
- 2.2.9 Honoraria or tokens given to BCDA officers and employees who are authorized by the BCDA President and Chief Executive Officer to act as lecturers, resource persons, coordinators and facilitators in other government agencies or private organizations, as well as receive such honoraria or tokens for serving as such except when such engagement is made by reason of the official capacity in BCDA of the concerned officer or employee;

**2.3 REQUIREMENT TO INFORM** – BCDA officers and employees are required to professionally inform any individual or organization with any



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actual or potential business with BCDA of this "No Gift Policy." Notices informing walk-in clients and visitors of this Policy shall be posted in conspicuous areas within BCDA.

**2.4 DUTY OF OFFICER OR EMPLOYEE IF GIFT IS OFFERED OR GIVEN** – If any gift prohibited under this Policy is offered or given to any officer or employee, the latter shall politely decline acceptance of such gift and courteously inform the offeror or giver about the BCDA's "No Gift Policy."

**2.5 DUTY OF OFFICER OR EMPLOYEE IF GIFT IS INEVITABLY RECEIVED** – In the event that, despite diligent efforts to refuse acceptance, any gift is inevitably received because it was sent through modes other than personal delivery or the offeror insisted acceptance, the recipient of the gift shall, within twenty-four (24) hours from receipt, report the acceptance thereof and turn over the gift to the Central Receipt and Receiving Area (CRRRA) for proper documentation and handling of the gift in accordance with the provisions of this Policy.


BCDA shall acknowledge courteously the gifts received and thank the giver but at the same time the giver must be informed about the "No Gift Policy" of BCDA.

**2.6 DONATION OF GIFTS TO CHARITABLE INSTITUTIONS** – In the event that a gift is received and declining it is not feasible, or it is inappropriate or impractical to return, such as in the case of perishable items, it shall be donated to identified charitable or social welfare institutions. An acknowledgment letter shall be sent to the giver of the gift informing the latter about the donation to the said institution/s.

**2.7 GIFT REGISTRY** – Except for Section II (B), Nos. 1, 2, 3 and 7, any gift received, regardless of value or kind, shall be registered in a Gift Registry to be maintained by the CRRRA. The following information about the gift shall be recorded in the said registry:

- 2.7.1 Nature, form, or kind
- 2.7.2 Date and time of receipt
- 2.7.3 Name, office address, and contact number of the giver
- 2.7.4 Name and position of the officer or employee who received the gift
- 2.7.5 Such other information as may be deemed necessary.

**2.8 ADOPTION OF "NO GIFT POLICY" IN ALL CONTRACTS OF BCDA**  
– A provision adopting this Policy shall be incorporated in all contracts

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entered into by the BCDA with its consultants, contractors, suppliers, service providers, vendors or other such persons and institutions who have business, contractual or other similar dealings or transactions with the BCDA.

**2.9 POLICY IMPLEMENTATION AND MONITORING** – BCDA shall ensure full advertisement, monitoring, and strict implementation of this Policy.


**3.0 PENALTIES FOR VIOLATION**

Violation by an officer or employee of the provisions of this Policy shall be dealt with in accordance with the Revised Rules on Administrative Cases in the Civil Service, without prejudice to any administrative, civil or criminal liability that may arise therefrom under other special laws.

**4.0 PROVISION FOR AMENDMENT**

The BCDA No Gift Policy may be amended as necessary in accordance with the Document Control Procedure of the BCDA Quality Management System.



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## 1. PURPOSE


It shall be the policy of BCDA to carry out its governance processes in a transparent, responsible and accountable manner and with the utmost degree of professionalism and effectiveness. It shall likewise promote responsible reporting and disclosure of information vital to BCDA to increase the possibility of detecting fraud, bribery and corruption, and to punish its perpetrators.

The Whistleblowing Policy aims to –

- Encourage any BCDA employee and/or concerned individual to report and provide information, and even testify on matters involving the actions or omissions of the BCDA Officers and Employees, including Members of the BCDA Board, that are illegal, unethical, violate good governance principles and the BCDA Code of Conduct, are against public policy and morals, promote unsound and unhealthy business practices which are grossly disadvantageous to BCDA.
- Impress upon the employees of BCDA that it is their bounden duty and responsibility as public servants to disclose wrongdoings committed by their co-officials and co-employees.
- Prescribe the facility for reporting reportable conditions, and procedures for handling reports.
- Identify and describe reportable disclosures/conditions covered within the scope of this Policy.
- Define and prescribe the protection afforded to Whistleblower/s and witnesses, and the conditions for entitlement to protection to deter frivolous and false disclosures.

Increasing the flow of information through whistleblowing improves the efficiency of corruption controls by bringing out in the open corrupt practices that are well-hidden.

## 2. COVERAGE

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The BCDA officers and employees, Members of the BCDA Board, contractual employees/workers under Contracts of Service, and Consultants providing service to BCDA under Consultancy Agreements shall be covered by this Policy.

### 3. DEFINITION OF TERMS

**Web-based Anonymous Reporting System** - a tool or mechanism by which the officers and employee of BCDA, BCDA Group, BCDA stakeholders, and the general public, can report ethical concerns and suspected fraudulent activities in confidence without fear of risk or reprisal.

**BCDA Integrity Monitoring Committee (BIMC)** – refers to the special committee tasked to handle the implementation of this Policy.

**Reportable Condition** - covers any of the acts and conditions as defined and described in Section 6 of this Policy.

**Respondent** - the person who is the subject of the Whistleblower Report submitted to the BIMC covered by this Policy.


**Retaliation** - any detrimental act, direct or indirect, recommended, threatened or taken against a Whistleblower or witness or person associated with the whistleblower or witness in a manner material to the complaint because of the report or cooperation with the BCDA investigation by the whistleblower or witness. It includes, but is not limited to harassment, discriminatory treatment, assignment of work outside the corresponding job description, inappropriate performance appraisals or salary adjustments, or the withholding of an entitlement.

**SuperUsers** - pertain to two persons who shall be designated to access the Whistleblower Report submitted via the Web-based Anonymous Reporting System.

**Whistleblower** – refers to any person who, in good faith, voluntarily reports, or is believed to be about to report, or is believed to have reported about a suspected integrity violation committed by a BCDA officer or employee. The Whistleblower may or may not be an officer or employee of BCDA or of the subsidiaries of BCDA. The Whistleblower has to show in his/her disclosure that the BCDA officer or employee “has engaged, is engaging or proposes to engage in improper conduct” or “has taken, is taking or proposes to take detrimental action”.

**Whistleblower Report (WR)** - refers to the complaint filed by the Whistleblower about a Reportable Condition. The Whistleblower shall use the Whistleblower Complaint/Disclosure Form in making the report.



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**Whistleblowing** - is the act of reporting suspected integrity violation that needs to be corrected or terminated in order to protect the public interest. It is also viewed as a form of “ethical informing” which is motivated by the desire to protect and promote the public interest.

**Witness** - refers to any person who is not the subject of an investigation but who provides information or evidence about the matter under investigation.

#### 4. **The BCDA INTEGRITY MONITORING COMMITTEE and the SUPERUSER**

The BCDA Integrity Monitoring Committee (BIMC) shall be responsible to assess, evaluate and conduct preliminary investigation on submitted Whistleblower Report (WR). The BIMC shall be composed of the following:

- a) General Counsel as Chairperson;
- b) Vice President, CSG, as Vice Chairperson;
- c) HEA, Office of the President and CEO, as Member
- d) Head, ICTD, as Member; and
- e) Head, ODMD, as Member


The **SuperUsers** shall be given access to the Web-based Reporting System to receive the WR for submission to the BIMC. The SuperUsers shall be composed of representatives from ICTD and ODMD.

A Special Order shall be issued by the Office of the President and CEO for the creation of the BIMC, and the designation of the SuperUsers.

#### 5. **GENERAL PRINCIPLES**

This Policy shall be guided by the following principles:

- a. The BCDA officers and employees are duty-bound to report any suspected wrongdoing as defined under Reportable Conditions.
- b. The Whistleblower or anyone who reports a suspected wrongdoing may remain anonymous or upon request, his/her name be kept confidential.
- c. The SuperUsers and members of the BIMC shall ensure confidentiality of information. They shall treat all reports, including the identity of the Whistleblower and the Respondent, in a confidential and sensitive manner. The

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identity of the Whistleblower shall be kept confidential, unless compelled by law to reveal the identity.


- d. Whistleblower/s shall be accorded protection and incentive as provided for in Section 10 of this Policy.
- e. A Whistleblower, witness or any person who reports false or malicious allegations shall be subject to disciplinary action in accordance with Civil Service Rules on Administrative Cases.
- f. All information provided by the Whistleblower shall be treated with strict CONFIDENTIALITY.
- g. Whistleblowers and witnesses who have committed wrongdoing may not avoid sanction by reporting reportable conditions and seek protection as provided for in this Policy.
- h. A Whistleblower who has been subjected to retaliation as a consequence of reporting reportable conditions can seek relief from retaliation by submitting a Retaliation Complaint to the BIMC.

## 6. REPORTABLE CONDITIONS

Reportable Conditions covered by this Policy shall pertain to reports relating to information or conditions involving:

- A. Acts committed within the scope of the following laws and regulations (see Attachment for details):
  - i. **Republic Act No. 3019** otherwise known as the Anti-Graft and Corrupt Practices Act;
  - ii. **Republic Act No. 6713** establishing the Code of Conduct and Ethical Standards for Public Officials and Employees
  - iii. **Republic Act No. 7080**, an act Defining and Penalizing the Crime of Plunder;
  - iv. **Book II, Titles IV and VII of the Revised Penal Code (Act 3815)**, Crimes against Public Interest and Crimes Committed by Public Officers;
  - v. **Book V, Title I, Subtitle V of Executive Order No. 292** known as the Revised Administrative Code of 1987;
  - vi. **Violations under Republic Act 9184** otherwise known as the Government Procurement Act and its Implementing Rules and Regulations



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- vii. **Republic Act 9485** otherwise known as the Anti-Red Tape Act of 2007
- viii. **BCDA Code of Conduct**

- B. ***Retaliation Complaint*** – refers to a complaint filed by the Whistleblower due to any undesirable action taken against him/her, and in direct response to the whistleblowing because he/she reported a reportable condition.
- C. ***Discrimination Complaint*** – refers to a different treatment based on a personal characteristic (race, ethnic origin, sexual orientation, disability, age, etc.) which has an adverse impact on an individual or group.
- D. ***Violence or Threat*** – refers to an expression of the intention to inflict evil, injury, or damage to a person or their property.

## 7. REPORTING CHANNELS


The Whistleblower shall have the freehand in choosing his/her preferred reporting channel, either through internal or external channels. Among the options are listed hereunder.

### a. Web-based Anonymous Reporting System

The Whistleblower may opt to report reportable conditions through the BCDA web-based reporting facility. The system shall provide a template to guide the Whistleblower in disclosing reportable conditions. The system shall also allow the Whistleblower to revisit the site and check the status of the report. The system shall also enable the Whistleblower to make additional information on his/her previous report. The system requires two designated SuperUsers to receive the WR. The Whistleblower can communicate with the SuperUsers using a unique ticket number and link which is generated by the system per logged report.

### b. Anonymous Letter

The Whistleblower may opt to disclose reportable conditions through an anonymous letter or “white paper”, addressed to the BCDA President and CEO (P/CEO), Chairperson or members of the BIMC, or to an officer or employee to whom the Whistleblower is comfortable with because he/she believes that the information will be handled with strict confidentiality. The officer or employee, to whom the Whistleblower discloses the reportable condition, shall refer the same to the BIMC.

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c. Other medium of disclosing reportable conditions shall be through:

- Electronic Mail
- Telephone or through text messaging
- Face to face meeting
- Fax

## 8. HANDLING REPORTABLE CONDITIONS

### 8.1 *Submission and Receipt of Whistleblower Reports*

The WR coursed through the different reporting channels shall initially be received accordingly as follows:

Reporting Channel	Designated Recipient
1. Web-based Anonymous Reporting	SuperUsers (Heads of ICTD and ODMD)
2. Face-to-Face meeting	Any of the BIMC Member
3. Mail	HEA, Office of the P/CEO; General Counsel
4. E-mail	VP-CSG / HEA, Office of the P/CEO
5. Telephone and Text messaging	
6. Fax	


The concerned BIMC Member who shall conduct the Face-to-Face meeting with the Whistleblower shall be responsible to fully disclose the WR to the BIMC.

The designated recipients shall accomplish the Whistleblower Complaint/Disclosure (WCD) Form based on the information disclosed by the Whistleblower. The WCD shall serve as a tool for monitoring the status of the WR, hence it must be updated as the case progresses until its final disposition and closure.

### 8.2 *Preliminary Evaluation of Reports from the Whistleblower*

The designated recipient of the WR shall request the Chairperson of the BIMC, to convene the BIMC meeting to conduct preliminary evaluation and assessment of the WR. The BIMC shall determine if the information reported by the Whistleblower is sufficient. The information is sufficient if:



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- The Respondent is sufficiently/particularly identified by his/her full name and position; and
- The committed acts are specific, including the relevant and material facts (e.g. nature, time and place of the incident/condition, persons involved, supporting evidence, and other important information, as specified in the WCD, necessary to establish a case)

The BIMC may opt to dismiss the WR outright if it finds, after the conduct of initial assessment of the WR, that:

- a) The allegations of the Whistleblower are fabricated, malicious and untrue. *A disciplinary action may be taken against such Whistleblower in accordance with the BCDA policies and applicable civil service rules and guidelines.*
- b) The WR is not adequately supported by documentary evidence, and the Respondent is not sufficiently identified.

### **8.3 Conduct of Preliminary Investigation**


A preliminary investigation shall be conducted by the BIMC after it has been established that the WR is determined to be sufficient. The recommendation to conduct preliminary investigation shall be submitted to the BCDA P/CEO for approval.

In the event that the Respondent involves an officer or employee who is a member of the BIMC or his/her subordinate/s, such member shall not be allowed to participate in the assessment, evaluation and preliminary investigation to avoid the perception of bias and conflict of interest.

Under highly extreme circumstances that the Respondent is identified to be someone who occupies a sensitive position in the organization (BCDA), a high level independent special investigating committee shall be constituted to conduct the preliminary and/or formal investigation. The composition of such committee shall be designated and approved by the BCDA Board, absent such faulting high ranking officer.

### **8.4 Conduct of a Formal Investigation**

If the result of the preliminary investigation shows that the reportable condition warrants the filing of a formal charge, the BIMC shall recommend the conduct

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of a formal investigation in accordance with BCDA policies and applicable civil service rules and guidelines. Said recommendation shall be subject to approval by the BCDA P/CEO. A separate Investigating Body shall be created for this purpose.

The BIMC shall update the Whistleblower about the status of the ongoing investigation. He shall be given an opportunity to provide additional information or controverting evidence to refute the comments of the Respondent.

The Investigating Body shall draft its recommendation on the basis of the merits of the testimonial and documentary evidence, and submit the same to the Chairman of BIMC.

#### **8.5 Reporting and Monitoring**

Upon receipt of the report from the Investigating Body, the Chairperson of the BIMC shall convene a meeting for the purpose of issuing a resolution for submission to the P/CEO. The P/CEO shall have the discretion to approve and implement the resolution of the BIMC as recommended by the Investigating Body, or to elevate the same to the BCDA Board for further disposition.

Upon approval of the final resolution, the case records shall be closed and the Whistleblower shall be notified accordingly.

The BIMC shall maintain a case file of all whistleblowing reports received, and shall submit a quarterly report to the BCDA Board indicating the following: (a) Reports received; (b) Status of outstanding reports; and (c) Final resolution of the case.


Sanctions involving disciplinary actions must be filed in the 201 file of the Respondents.

BCDA Management may further elevate the case to the Civil Service Commission or to the Office of the Ombudsman, as the case maybe, for appropriate disposition.

### **9. WITHDRAWAL OF REPORT BY THE WHISTLEBLOWER**

In the event that the Whistleblower withdraws his report, either due to his/her own free will or due to harassment, the investigation shall continue provided that the evidence gathered is sufficient in accordance with Section 8.2 of this policy.



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## 10. MITIGATING THE RISKS OF WHISTLEBLOWING

### *A. Protecting Whistleblowers*

Whistleblowers need to be protected and encouraged because they volunteer new and crucial information about certain wrongdoings. Recognizing the role of Whistleblowers in establishing a culture of accountability, honesty and integrity, BCDA must ensure that appropriate protection and support shall be given to the Whistleblower/s such as:

1. Assurance of anonymity (of the Whistleblower) and confidentiality (of disclosed information).
2. Protection from retaliation and harassment  
Sanctions must be provided against BCDA officer/s and employee/s who are proven to have initiated retaliatory and harassment acts (based on workplace interaction) against Whistleblowers
3. Provision for physical security, to include the whistleblower's family, on a case to case basis.
4. Priority in the request for work transfer, subject to certain qualifications
5. Safeguard from media coverage
6. Security of employment and/or career protection
7. Protection from attack against personal reputation


The protection herein provided for the Whistleblowers shall extend to the Witness/es who may have been subject to retaliation as a consequence of his/her/their cooperation with the investigating body.

### *B. Rewards/Incentive to Whistleblowers*

Whistleblowers shall be accorded incentives and rewards to encourage whistleblowing. The incentive and reward maybe in the form of (a) Recognition; (b) Commendation; (c)Promotion, or any other material reward as maybe determined by the ODMD, subject to the approval of the P/CEO.

The award of incentives and rewards shall be subject to the following:

1. Rewards shall be given only for whistleblowing BCDA officers, to include any member of the BCDA Board. BCDA officers shall include supervisory and managerial positions (SG 24 to 31 );
2. Rewards shall be granted upon rendition of the final disposition of the case;

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3. The BIMC shall determine the reward/incentive based on the following:
  - Motive or primary reason of the Whistleblower for whistleblowing; and
  - Magnitude and significant impact to BCDA of the disclosed information
4. Rewards shall not be given to Whistleblowers with ill motives, and who make allegations found to be fabricated or malicious; and
5. A Whistleblower who withdraws his/her report shall not be entitled to the incentive and reward even if his/her report has prospered into a case in which a favorable decision on the part of BCDA was made.

#### **11. RESOLUTION PERIOD**

All cases herein arising from the WR must be resolved within a reasonable time as determined by the BIMC from the time all relevant information and documentary evidence have been obtained.

#### **12. RESPONSIBILITY**

The BIMC shall be responsible for the implementation of this Policy.

#### **13. EFFECTIVITY**

This Policy shall be effective immediately upon issuance of the Office Order by the BCDA P/CEO and after posting on the BCDA Bulletin Board and website for fifteen (15) days.





## WHISTLEBLOWER COMPLAINT / DISCLOSURE FORM

RESPONDENT'S PERSONAL CIRCUMSTANCES			
NAME (Surname, First Name, Middle Name)		DATE OF BIRTH / AGE	PROFESSION
HOME ADDRESS		OFFICE ADDRESS	
GROUP/DEPARTMENT/UNIT		DESIGNATION	
TELEPHONE NO. (Home)	TELEPHONE NO. (Office)	E-MAIL ADDRESS	FAX NO.
INFORMATION CONCERNING THE REPORTABLE CONDITION (BY THE WHISTLEBLOWER)			
<b>IDENTIFY THE ISSUE/S INVOLVED</b> <i>(check as many as applicable)</i> <i>(Specific Acts defined for each law cited hereunder are listed at the back of this page)</i>			
<input type="checkbox"/> ACTS WHICH CONSTITUTE CORRUPT PRACTICES (RA 3019)  <input type="checkbox"/> PROHIBITED ACTS AND TRANSACTIONS BY ANY PUBLIC OFFICIAL AND EMPLOYEE UNDER REPUBLIC ACT 6713  <input type="checkbox"/> ACQUISITION OF PROPERTY OR ANY MATERIAL POSSESSION THRU MEANS AND SCHEMES DEFINED UNDER REPUBLIC ACT 7080  <input type="checkbox"/> ACTS/CRIMES COMMITTED BY PUBLIC OFFICERS UNDER ACT NO. 3815, BOOK II, TITLE VII (REVISED PENAL CODE)  <input type="checkbox"/> ACTS SUBJECT FOR DISCIPLINARY ACTION UNDER BOOK V, TITLE I OF EXECUTIVE ORDER NO. 292 (REVISED ADMINISTRATIVE CODE OF 1987)  <input type="checkbox"/> VIOLATIONS UNDER REPUBLIC ACT NO. 9184 (GOVERNMENT PROCUREMENT LAW)  <input type="checkbox"/> MONEY LAUNDERING ACTIVITIES as defined in RA 8294 (Anti-Money Laundering Act of 2001)  <input type="checkbox"/> BCDA CODE OF CONDUCT  <input type="checkbox"/> RETALIATION COMPLAINTS  <input type="checkbox"/> DISCRIMINATION COMPLAINTS  <input type="checkbox"/> VIOLENCE OR THREAT			

<b>WHAT HAPPENED?</b> <i>(Please attach additional sheet if necessary)</i>		What other evidence, including physical evidence or documentation, exist to corroborate your report? <i>(Please attach additional sheet if necessary)</i>		
<b>HOW DID YOU KNOW ABOUT THE SUBJECT OF THE COMPLAINT?</b>  <input type="checkbox"/> Personal or direct knowledge <input type="checkbox"/> Others have told me about it <input type="checkbox"/> White paper (anonymous letter) <input type="checkbox"/> Others (Please specify )		SUPPORTING DOCUMENTS <i>(Indicate number of pages)</i>		
<b>WHO ARE INVOLVED?</b> <i>(Please attach additional sheets if necessary)</i>				
<b>FULL NAME</b>	<b>DESIGNATION</b>	<b>COMPANY</b>	<b>GROUP/DEPT</b>	<b>NATURE OF INVOLVEMENT</b>
<b>WHERE AND WHEN DID THE SUBJECT OF THIS COMPLAINT FIRST HAPPEN?</b>		<b>FREQUENCY OF RECURRENCE</b>		
<b>HOW MUCH IS INVOLVED?</b> <i>(Provide an estimate amount)</i>		<b>IS THERE AN IDENTIFIED WITNESS?</b> <i>(If yes, provide the identity of the Witness/es)</i>		
<b>WAS THIS DISCLOSURE PREVIOUSLY REPORTED TO MANAGEMENT?</b> If Yes, to whom?		<b>WHAT DO YOU THINK WAS THE REASON FOR LACK OF IMMEDIATE ACTION?</b>		
<b>HOW CAN YOU BE CONTACTED?</b>				
<b>COMPLAINANT WILL:</b>  <input type="checkbox"/> E-mail/Fax <input type="checkbox"/> make a phone call <input type="checkbox"/> Visit BCDA <input type="checkbox"/> Others (specify)		<b>BCDA Integrity Monitoring Committee (BIMC) shall make a feedback:</b>  <input type="checkbox"/> By phone / Text message <input type="checkbox"/> Thru E-mail <input type="checkbox"/> Others (specify)		



FOR BIMC USE										
<b>MODE OF SUBMISSION of Whistleblowing Report (WR)</b>  <b>Written</b> <input type="checkbox"/> E-Mail / Web-based <input type="checkbox"/> FAX <input type="checkbox"/> Registered Mail <input type="checkbox"/> Text /SMS <input type="checkbox"/> Coursed thru 3 <sup>rd</sup> Party  <b>Verbal</b> <input type="checkbox"/> Telephone <input type="checkbox"/> Face to Face meeting	<b>REFERENCE</b>  Receipt No.  Log No. (for Web-based)									
RECEIPT OF WHISTLEBLOWING REPORT										
<b>RECEIVED BY</b>  Name Designation Date	<b>FACE TO FACE INTERVIEW</b>  Name of Interviewee Designation Date									
PRELIMINARY EVALUATION										
<table border="1"> <thead> <tr> <th>ACTION TAKEN</th> <th>DATE</th> <th>REMARKS</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> For Investigation</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> For Referral To _____</td> <td></td> <td></td> </tr> </tbody> </table>	ACTION TAKEN	DATE	REMARKS	<input type="checkbox"/> For Investigation			<input type="checkbox"/> For Referral To _____			
ACTION TAKEN	DATE	REMARKS								
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DISPOSITION OF THE CASE										
<b>CASE CLOSED?</b>  <input type="checkbox"/> Yes Date: _____  Remarks : _____  Approved by:  Name _____ Designation _____	<input type="checkbox"/> No Referred To _____ Approved by _____ Date _____  <b>FINAL DISPOSITION</b> _____ _____  Approved by  Name _____ Designation _____ Date _____									
WHISTLEBLOWER'S IDENTITY										
<b>NAME</b>	<b>HOME ADDRESS</b>									
<b>OFFICE ADDRESS</b>	<b>DESIGNATION / POSITION</b>									