



Sigurado ang Bukas



SSS WHISTLEBLOWING POLICY

The Social Security Commission (SSC), in its Resolution No. 193-s.2017 dated March 15, 2017 has approved the SSS Whistleblowing Policy which provides a formal mechanism that encourages and empowers all persons, whether SSS employees or not, to report and provide information that would involve actions or omissions of officials, including the members of the SSC, and employees of the SSS, that are illegal, unethical, violative of good governance principles, against public policy and morals, promote unsound and unhealthy business practices, or are grossly disadvantageous to the SSS.

SCOPE AND COVERAGE

Whistleblowers may report information or allegations of suspected acts 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 Written Statements
- h. Malversation
- i. Misappropriation of SSS Assets
- j. Misconduct
- k. Money Laundering
- l. Negligence of Duty
- m. Nepotism
- n. Plunder
- o. Receiving a Commission in SSS Official Transactions
- p. Solicitation of Gifts
- q. Taking Advantage of Corporate Opportunities
- r. Violation of Procurement Laws

Whistleblowers may also report other acts or omissions that involve any violation of the following laws, rules and regulations:

- a. Code of Ethical Standards for Social Security System Officials and Employees;
- b. SSS Circulars, Orders and applicable laws and regulations;
- c. Republic Act (R.A.) No. 6713, "Code of Conduct and Ethical Standards for Public Officials and Employees";
- d. R.A. No. 3019, "Anti-Graft and Corrupt Practices Act";
- e. R.A. No. 7080, as amended, "The Plunder Law";
- f. Book II, Title VII, Crimes Committed By Public Officers, The Revised Penal Code;
- g. Executive Order (E.O.) No. 292, "Administrative Code of 1987";
- h. R.A. No. 10149, the "GOCC Governance Act of 2011";
- i. GCG Memorandum Circular (M.C.) No. 2012-05, "Fit and Proper Rule";
- j. GCG M.C. No. 2012-06, "Ownership and Operations Manual Governing the GOCC Sector";
- k. GCG M.C. No. 2012-07, "Code of Corporate Governance for GOCCs";

- l. Violations of R.A. No. 8282, "Social Security Act of 1997"; and
- m. Other GCG Circulars and Orders, and applicable laws and regulations.

FORM OF REPORT AND REPORTING CHANNELS

A Whistleblowing Report (WR) may be in any form, whether verbal or written. An anonymous WR or one which does not disclose the identity of the complainant will be acted upon only if it merits appropriate consideration, or contains sufficient leads or particulars to enable the taking of further action.

WRs may be made or submitted through the following reporting channels:

- a. Face-to-Face Meeting : with the Compliance Officer if the person subject of the report is below the rank of President; with the SSC Chairperson if the person subject of the report is the Compliance Officer; and with the Governance Commission for Government Owned or Controlled Corporations (GCG), if the person subject of the report is any member of the SSC
- b. E-Mail : whistleblowing@sss.gov.ph
- c. Mail : to the Compliance Officer, or the SSC Chair
12 Floor SSS Bldg., Makati Ave. corner Rufino St.,
Makati City
Or,
: to the Governance Commission for GOCCs
3F, Citibank Center, 8741 Paseo de Roxas, Makati City
1226
- d. Web : www.sss.gov.ph
: www.whistleblowing.gcg.gov.ph
- e. SMS : (to be assigned)
- f. Viber : (to be assigned)
- g. Telephone : (to be assigned)
- h. Fax : (to be assigned)

CONFIDENTIALITY

SSS shall ensure the confidentiality of all information arising from WR. All WRs, including the identity of the whistleblower and the person/s complained of, shall be handled in a confidential manner, unless disclosure is compelled by law or the Courts or the whistleblower consents to reveal his/her identity.

PROTECTION FROM RETALIATION

SSS shall not tolerate retaliatory acts against SSS employee-whistleblowers and witnesses who submitted WRs or testify thereon in good faith. All possible assistance under applicable laws and rules given the circumstances shall be extended to them. Such retaliatory acts may include:

- a. Discrimination or harassment in the workplace
- b. Demotion in rank, status or salary
- c. Reduction in salary or benefits
- d. Termination of contract
- e. Evident bias in performance evaluation
- f. Any acts of threats that adversely affect the rights and interests of the whistleblower

MALICIOUS ALLEGATIONS

In case where after investigation, it was determined that the Whistleblower and/or Witness has made baseless, untruthful, fabricated, malicious or vexatious allegations, and/or persists in making them, SSS will extend assistance to the official/employee subject of the WRs, should he/she decides to initiate a disciplinary or legal action against the whistleblower.

PROCEDURE

A. Handling Whistleblowing Reports

The whistleblower may file a WR with, the Compliance Officer, regardless of the rank of the person complained of. But, in case a WR is against the Compliance Officer himself/herself, the same shall be submitted/filed directly with the Chairperson of the SSC.

If the WR is against any member of the SSC, the same should be filed with the GCG.

WRs may also be reported and filed directly with the GCG as provided under GCG M.C. No. 2016-02 through their website: www.whistleblowing.gcg.gov.ph.

A proper WR shall include the following requirements:

- Full name and position of the person complained of
- Specification of charge/s
- Statement of the relevant and material facts, including the approximate time and place of commission of act being reported
- All supporting evidence including affidavits of witnesses, if any.
- Contact details of the whistleblower (email address, mobile number, etc.)
- Certificate of non-forum shopping. The Certificate of non-forum shopping should be dispensed for an anonymous whistleblower

A whistleblower shall have the option to disclose or withhold his/her identity. However, to aid further investigation, he/she can be contacted without compromising anonymity (e.g., email address, telephone, or mobile number).

If the WR is made through a face-to-face meeting, a phone call, or any of the mobile messaging schemes, a written report thereon shall be made by the Compliance Officer within three (3) working days from receipt of such non-written report. If the same is against the Compliance Officer, the Chairperson may designate any of his/her staff to make such written report.

B. Evaluation of the WR

All WRs shall be personally evaluated by the Compliance Officer or the Chairperson, as may be applicable, within fifteen (15) calendar days from receipt thereof, to determine whether it falls within the scope of this Policy and if in the affirmative, determine likewise if the same is sufficient in substance.

The Compliance Officer may conduct his/her own investigation for a proper evaluation of the WR. He/She may gather relevant evidence by:

- a) calling the person/s complaint of and/or witnesses to appear for a discussion;
- b) requiring the complainant, if identified, to a discussion and/or submit added information relevant to the WR;

- c) requiring the person/s complained of to submit a comment;
- d) directing the proper office/department to submit papers or documents relevant to the matter subject of the WR;
- e) conducting the inspection at the workplace of the person/s complained of; and
- f) conducting such other acts in aid of the proper evaluation of the WR.

The fifteen (15) day period is correspondingly extended for such time that the papers or documents required from the office/department are not submitted.

Upon determination that the reports does not fall within the ambit of a WR under this Policy or found to be vague, ambiguous, patently or without merit, the Compliance Officer or the Chairperson, as may be applicable shall recommend to the SSC that the same shall be considered closed and terminated and the complainant, if identified, shall be informed accordingly.

Should the Compliance Officer or the Chairperson, as may be applicable, determine that the WR falls within the Policy, he/she shall pursue the following alternative courses of action:

- a) Recommend to the SSC for the indorsement of the WR to the proper government agency, such as the Office of the Ombudsman and the Civil Service Commission.
- b) Submit a report to the SSC recommending the creation of a Fact-Finding Committee or Investigating Committee that will investigate and deliberate the case.

The composition of the Fact-Finding Committee or Investigating Committee as may be formed by the SSC, depends upon who is the subject of the whistleblowing complaint/report.

If the WR is determined to be sufficient in substance, a Formal Charge shall be issued by the disciplining authority, as recommended by the Investigating Committee. But if the person complained of falls within the disciplining authority of the President and CEO (PCEO), the Formal Charge shall be issued by the PCEO. In both cases, the Formal Charge shall direct the respondent to file his/her answer to the Formal Charge. Thereafter a formal investigation shall ensue. It shall be terminated within thirty (30) days from date of issuance of the formal charge. In case of a whistleblower who wish to remain anonymous, the Investigating Committee shall devise appropriate means to safeguard him/her without violating the right of the respondent to face his/her accuser.

It is understood that the proper disciplining authority refers to the PCEO for officials and employees below the rank of Vice President and the SSC for those occupying the positions of Vice President and above.

C. Investigation, recommendation and Conclusion

1. The Investigating Committee, sitting as a panel, shall conduct an investigation pursuant to the Revised Rules on Administrative Cases in the Civil Service (RRACCS). In case of a whistleblower who wishes to remain anonymous, care and caution must be exercised to respect the option of the whistleblower to secure his/her identity.
2. The result of the investigation and the recommendation of the Investigating Committee shall be submitted to the disciplining authority for approval,

within fifteen (15) days after the formal investigation has been terminated. The disciplining authority shall render a decision within thirty (30) days from receipt thereof. The whistleblower, if identified, and the respondent shall be informed in writing of the actions on the WR.

3. If the whistleblower decides to withdraw the WR or desist, the investigation shall continue if the evidence on hand is sufficient to warrant the continuation of the proceedings.
4. In the event that the employee under investigation resigns from the service pending the completion of the investigation or the final resolution of the case, benefits due, if any, shall be withheld pending final resolution of the case.

D. Handling Anonymous Complaints

An anonymous WR or one which does not disclose the identity of the complainant shall be made in writing form and will be acted upon only if it merits appropriate consideration, or contains sufficient leads and pieces of evidence to enable the taking of further action.

In cases of complaints reported verbally, the Compliance Officer/duly designated staff of the Chairperson shall log the complaint. The whistleblower who opts to keep his/her identity anonymous shall be required to submit sufficient evidence. The complainant has the option to disclose or withhold identity and/or sources of information. However, the WR shall clearly identify the person complained of by his/her full name and position. To aid further investigation, he/she should provide means by which he/she can be contacted without compromising anonymity (e.g. email address, mobile number).

An anonymous WR shall be evaluated personally by the Compliance Officer or the Chairperson, as may be applicable, within fifteen (15) days from receipt thereof and shall follow the same requirements and procedure for a WR with an identified complainant.

E. Handling Complaints Against Retaliation (CAR)

1. Submission of Complaint against Retaliation

Any whistleblower and/or witness who believes that he/she has been retaliated upon for filing a WR or for participating or cooperating in an investigation under this Policy may file a written Complaint Against Retaliation (CAR) with the Compliance Officer/Chairperson within three (3) days from the occurrence of the alleged act or incident on retaliation.

2. The CAR should indicate the following details:

- Name, position, work address, contact number of complainant;
- Name and position of officials/employees alleged to have retaliated or involved in the retaliation against the complainant;
- Brief description and date of the WR to which the alleged retaliation relates;
- Brief description and details of the alleged retaliation (date/time, place and manner);
- Relevant evidence to prove the retaliation;
- Certificate of Non-forum shopping.

3. Preliminary Evaluation, Investigation and Reporting

The procedure for the preliminary evaluation, investigation and reporting of the WR as provided herein shall also be followed.

F. Motion for Reconsideration

A motion for reconsideration of the decision may be filed by the party adversely affected thereby within fifteen (15) days from receipt of a copy thereof. The Motion shall be based on any of the following:

- a) Newly-discovered evidence;
- b) The decision is not supported by evidence; or
- c) Errors of law or irregularities have been committed prejudicial to the interest of the movant;

In resolving the MR, the disciplining authority should require the comment of the other party and within thirty (30) days from receipt of said comment, resolve the same.

G. Appeal

The party adversely affected by the decision on the MR may file within fifteen (15) days from receipt of a copy thereof to the proper appellate bodies.

REPORT MONITORING

All WRs and CARs received shall be assigned a control number for monitoring purposes.

A monthly progress report shall be submitted by the Compliance Officer to the SSC of all pending WR and CAR cases, respectively, with the corresponding status and action/s taken thereon.

If the WR is against the Compliance Officer, the Chairperson may designate any of his/her staff to assign a separate control number and prepare a monthly progress report to be submitted to the SSC.

APPLICATION OF THE REVISED RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (RRACCS)

In all matters not provided in this Policy, the RRACCS shall apply in suppletory character.