

**[BFP MEMORANDUM CIRCULAR NO. 2009-15,
November 11, 2009]**

INTERNAL RULES ON WHISTLEBLOWING AND REPORTING

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 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 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