

**[ OMB OFFICE ORDER NO. 05-18, January 24,  
2005 ]**

**RULES ON INTERNAL WHISTLEBLOWING AND REPORTING**

**I. PURPOSE**

As the constitutional body mandated to enforce public accountability, the Office of the Ombudsman exercises a catalytic role in promoting high standards of integrity, honesty and responsibility.

For this reason, the Office of the Ombudsman has to formulate internal rules and standards that would impress upon its officials and employees that it is their bounden duty as law-abiding citizens and responsible public servants to disclose wrongdoings/misdeeds on the part of their co-officials and employees; encourage its officials and employees to disclose any corrupt, illegal, improper or fraudulent act of their co-officials and co-employees; protect whistleblowers from any form of retaliation or reprisal; and encourage greater confidence in reporting any wrongdoing committed by its officials and employees.

These Rules shall serve as safeguards to the whistleblowers' rights and shall correspondingly define the conditions for protecting whistleblowers so as to deter frivolous and false disclosures.

**II. SCOPE**

These Rules shall apply to all officials and employees of the Office of the Ombudsman.

**III. DEFINITION OF TERMS**

(a) **"Protected disclosure"** refers to the deliberate and voluntary disclosure by an official or employee who has relevant information of an actual, suspected or anticipated wrongdoing by any official or employee, or by any OMB organizational unit.

(b) **"Whistleblower"** refers to an official or employee who makes protected disclosure to his immediate supervisor, other superior officers, the Tanodbayan and/or his duly authorized/designated representative or the Internal Affairs Board (IAB).

(c) **"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 either by consanguinity or affinity. It includes, but is not limited to, civil, administrative or criminal proceedings commenced or pursued against the whistleblower and/or those officials and employees supporting him, or any of the

whistleblower's relatives within the fourth civil degree either by consanguinity or affinity, by reason of the disclosure made under these Rules. It also includes reprisals against the whistleblower and/or those officials and employees supporting him, or any of his relatives within the fourth civil degree either by consanguinity or affinity, 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.

#### IV. POLICIES AND RULES

*SECTION 1.* A whistleblower may complain on or report acts or omissions that are:

- (a) Contrary to laws, rules or regulations;
- (b) Unreasonable, unjust, unfair, oppressive or discriminatory; or
- (c) Undue or improper exercise of powers and prerogatives.

*SECTION 2. Rights of Whistleblowers:*

**2.1. Protection Against Retaliatory Actions** - No criminal, administrative or civil action shall be entertained against a whistleblower involving a protected disclosure.

**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.

**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 makes 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 to whom such disclosure was made.

*SECTION 4. Necessity for Testimony* - Notwithstanding the provisions in the immediately preceding section, the whistleblower may be compelled to testify if his testimony is necessary or indispensable to the successful prosecution of any 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;