

# NATIONAL BUREAU OF INVESTIGATION CODE OF CONDUCT



## DECLARATION OF POLICY

Public office is a public trust. 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.

## RULE I

### NORMS OF BEHAVIOR

#### **Section 1. Norms of Conduct/Behavior of NBI Officials and Employees.**

1. NBI officials and employees shall always uphold public interest over and above personal interest. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in public funds and revenues.
2. NBI officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. They shall enter public service with utmost devotion and dedication to duty. They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.
3. NBI officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the

underprivileged. They shall, at all times, respect the rights of others and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives, whether by consanguinity or affinity, except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are co-terminous with theirs.

4. NBI officials and employees shall provide service to everyone without discrimination and regardless of party or religious affiliation or preference.
5. NBI officials and employees shall extend prompt, courteous, and adequate service to the public. Unless otherwise provided by law or when required by the public interest, NBI officials and employees shall provide information of their policies and procedures in clear and understandable language, conduct public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policies, rules and procedures, avoid red tape and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed rural and urban areas.
6. NBI officials and employees shall, at all times, be loyal to the Republic and to the Filipino people, promote the use of locally produced goods, resources and technology and encourage appreciation and pride of country and people. They shall endeavor to maintain and defend Philippine sovereignty against foreign intrusion.
7. NBI officials and employees shall, at all times, uphold the Constitution and commit themselves to the democratic way of life and values and maintain the principle of public trust and accountability.
8. NBI officials and employees and their families shall lead modest lives appropriate to their positions and income. They shall not indulge in extravagant or ostentatious display of wealth in any form.

## **Section 2. Norms of Conduct/Behavior of NBI Operatives.**

In addition to Section 1, NBI Agents/Special Investigators are also duty-bound to:

1. Safeguard lives and property; and protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder.
2. Respect the Constitutional rights of all persons to liberty, equality and justice.
3. Keep their private lives unsullied as an example to all.
4. Maintain courageous calm in the face of danger, scorn or ridicule.
5. Develop self-restraint.
6. Be constantly mindful of the welfare of others.
7. Be honest in thought and in deed, in both their personal and official lives.
8. Keep secret what they hear or see of a confidential nature or that is confided to them in their official capacities, unless revelation is necessary in the performance of their duty.
9. Keep personal feelings, prejudices, animosities or friendships from influencing their decisions.
10. Enforce the law courteously and appropriately without fear or favor, malice or ill will, without employing unnecessary force or violence, and without accepting gratuities.
11. Be exemplary by obeying the laws of the land.
12. Never use unnecessary force or violence.
13. Recognize their badge of office as a symbol of public faith and accept it as a public trust, to be held so long as they are true to the ethics of the law enforcement service.

### **Section 3. Duties of NBI Officials and Employees.**

In the performance of their duties, NBI officials and employees are duty-bound to:

1. Act promptly on letters and requests sent by the public (*thru e-mail or other means of communication*) within five (5) working days for simple transactions and ten (10) working days for complex transactions from receipt thereof. The reply must contain the action taken on the request.
2. File their true and complete annual Sworn Statements of Assets, Liabilities and Net Worth (SSALN) on or before April 15 of every year.
3. Process and complete documents and papers expeditiously within a reasonable time from the preparation thereof. The documents must contain, as far as practicable, not more than three (3) signatories. In the absence of duly authorized signatories, the official next-in-rank or officer-in-charge shall sign for and in their behalf.
4. Attend to anyone who wants to avail himself/herself of the services of their offices and must, at all times, act promptly and expeditiously.
5. In case of transfer or change of command/assignment, the transferred/reassigned official/employee shall make a formal turn-over, within three (3) days upon receipt of notice of transfer/reassignment, of all records of cases, vehicles (*including accessories/spare parts*), equipment, among others, previously assigned/issued to him/her to the incoming official or employee.

The Memorandum Receipt to be signed by the transferee shall indicate the availability or non-availability of accessories/spare parts in the equipment or vehicle turned-over. Unexplained loss of these items shall be a basis for investigation/action by the Internal Affairs Division (IAD).

### **Section 4. Other Bureau Ethics.**

1. NBI officials and employees are NOT ALLOWED to stay and sleep inside the Bureau premises after office hours except technical personnel on night shift, those rendering overtime work upon written orders of their immediate supervisors, NBI Agents/Special Investigators actually conducting investigation on cases assigned to them, and those directed to do so by the NBI Director.
2. NBI Investigators should observe office hours and record their time of arrival to and departure from office in their respective Command's official logbook. Investigators doing field duty during office hours should notify their Commands of their whereabouts and the purpose of their being out of the Office.
3. NBI officials and employees shall not alter, falsify, conceal, destroy, or remove documents which have come into their possession by reason of their employment.
4. Requests for NBI Clearance processing service outside the Bureau shall not be allowed except upon written authority of the NBI Director.

## **RULE II**

### **POLICY ON NEPOTISM**

**Section 1.** All appointments in the Bureau made in favor of a relative of the appointing or recommending authority, or of the chief of the bureau or office, or of the persons exercising immediate supervision over him/her, are hereby prohibited.

The aforementioned restriction shall not be applicable to the case of a member of any family who, after his or her appointment to any position in an office or bureau, contracts marriage with someone in the same office or bureau, in which event the employment or retention therein of both husband and wife may be allowed.

**Section 2.** A person employed in a confidential capacity is exempted from the operation of the rules on nepotism.

**Section 3.** In order to give immediate effect to these provisions, cases of previous appointments, which are in contravention hereof, shall be corrected by transfer and pending such transfer, no promotion or

salary increase shall be allowed in favor of the relative or relatives who were appointed in violation of these provisions.

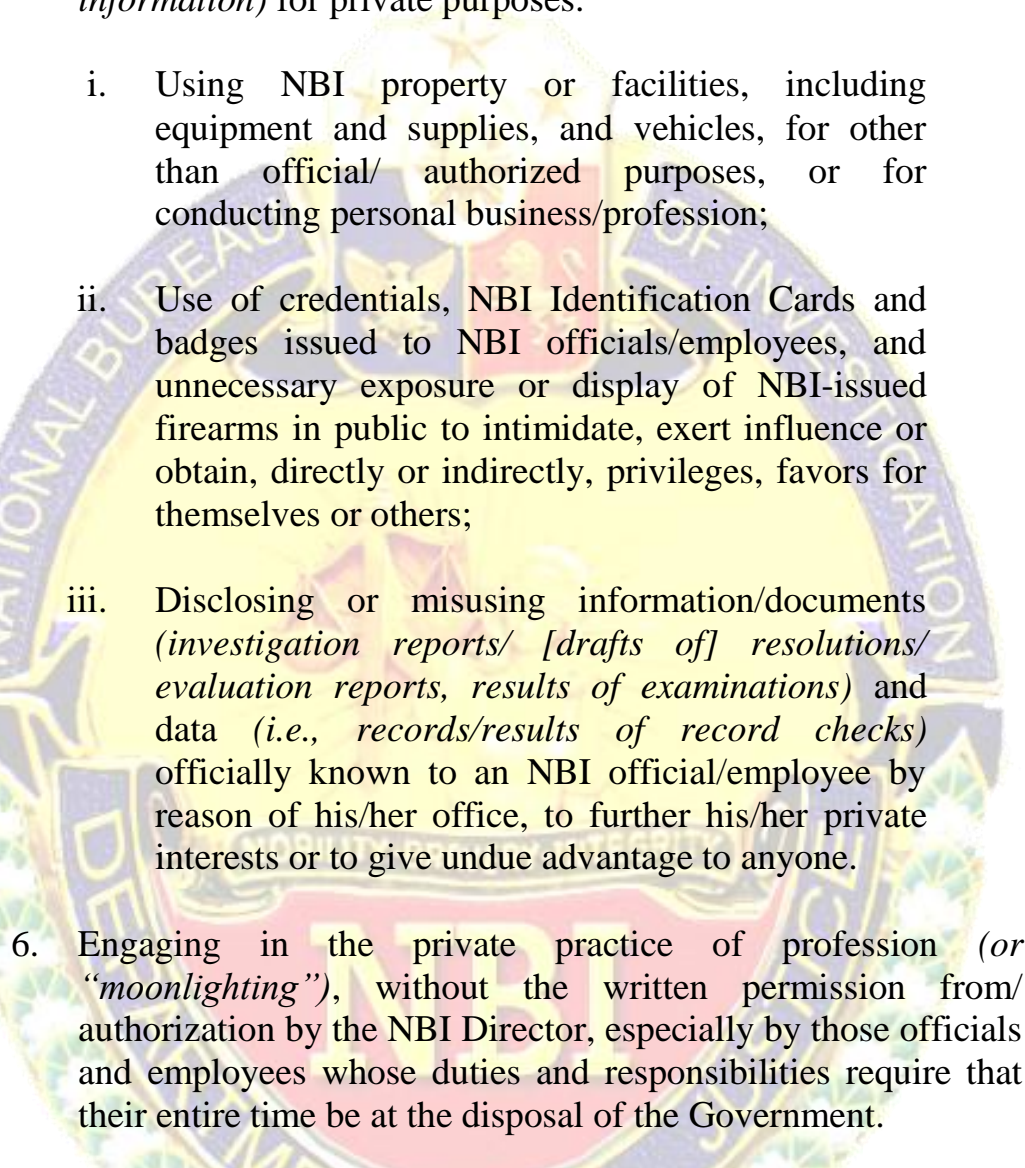
### **RULE III**

#### **CONFLICT OF INTEREST**

**Section 1.** An NBI official/employee (*who is necessarily in a position of public trust*) shall avoid conflict of interest at all times.

**Section 2.** The following acts are within the contemplation of conflict of interest and are, thus, prohibited:

1. Directly or indirectly having financial or pecuniary interest in any business, contract or transaction in connection with which an NBI official/employee intervenes or takes part in his/her official capacity.
2. Directly or indirectly requesting or receiving any gift, present, share, percentage, or any other pecuniary or material benefit, for himself/herself or for another, from a person with whom an NBI official/employee conducts official business.
3. Entering, on behalf of the NBI, into any contract or transaction disadvantageous to the same.
4. Representing oneself as being able, whether real or imagined, to influence, facilitate, or assist another person having transaction, application, request or contract with the NBI in which an NBI official/employee has to intervene (*influence peddling*).
  - i. Following-up/expediting processing/release of NBI clearance applications/escorting clearance applicants at the clearance processing areas (*clearance fixing*).
  - ii. Unduly influencing an NBI official/employee to take a particular action which favors, or tends to favor, a particular subject (*complainant or accused on a case being handled by an NBI official/employee*).

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- iii. Unduly influencing an NBI official/employee to take a particular action which favors, or tends to favor, a particular private contracting party/bidder/supplier.
  5. Using NBI property (*facilities, equipment, documents/information*) for private purposes.
    - i. Using NBI property or facilities, including equipment and supplies, and vehicles, for other than official/ authorized purposes, or for conducting personal business/profession;
    - ii. Use of credentials, NBI Identification Cards and badges issued to NBI officials/employees, and unnecessary exposure or display of NBI-issued firearms in public to intimidate, exert influence or obtain, directly or indirectly, privileges, favors for themselves or others;
    - iii. Disclosing or misusing information/documents (*investigation reports/ [drafts of] resolutions/ evaluation reports, results of examinations*) and data (*i.e., records/results of record checks*) officially known to an NBI official/employee by reason of his/her office, to further his/her private interests or to give undue advantage to anyone.
  6. Engaging in the private practice of profession (*or "moonlighting"*), without the written permission from/ authorization by the NBI Director, especially by those officials and employees whose duties and responsibilities require that their entire time be at the disposal of the Government.
  7. Owning, controlling, managing or accepting employment (*during an NBI official's/employee's incumbency and within one (1) year after resignation, retirement or separation*) as officer, employee, consultant, counsel, broker, agent, trustee or nominee in any private enterprise which transactions may be subject to NBI investigation.
  8. Engaging in the private practice of profession by a resigned, retired or separated NBI official/employee, *in connection with*

*any matter before the NBI, within one (1) year after such resignation, retirement or separation.*

9. Recommending (*during an NBI official's/employee's incumbency and within one (1) year after resignation, retirement or separation*) any person to any position in a private enterprise which has regular/pending official transaction with the NBI.

## **RULE IV**

### **POLICY ON GIFT-GIVING AND ACCEPTANCE OF GIFTS, DONATIONS AND SPONSORSHIP**

An NBI official/employee shall not solicit, accept, demand or receive (*on any occasion*), directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in return for performing or refraining from performing the functions of his/her office.

**Section 1.** An NBI official/employee is prohibited from receiving salary or any other remuneration from a private source that could generate doubt as to the official's/employee's sound judgment and integrity.

**Section 2.** NBI officials and employees shall not solicit and must decline any gift, donation, favor, loan, gratuity, sponsorship, entertainment or any other form of benefit from:

1. bidders, suppliers, contractors, entities (and/or their representatives/agents) and those with existing contracts with the NBI;
2. individuals (complainants/subjects/witnesses or their representatives) who have pending cases with the NBI;
3. Clearance applicants; and
4. any individual or entity transacting with the NBI.

**Section 3.** Donations shall be made to the NBI Director covered by Deeds of Donation in favor of the NBI. The NBI reserves the right

to decline donations that it determines require expenditure beyond its resources.

All donations received by any office/unit shall be forwarded to the Office of the Director for processing/approval. Ownership of all donations resides with the NBI whether or not the donation is received for the benefit of the NBI generally or for some specific purpose.

**Section 4.** Officials and employees may also receive plaques, awards, souvenirs, tokens of gratitude and other similar benefits given by other government agencies and private institutions during their official visits or functions. Likewise, NBI officials and employees who act as lecturers or speakers in seminars, conferences and other similar fora may accept honorarium and other similar benefits.

**Section 5.** An official's/employee's spouse, children or relatives shall not accept gifts or gratuities prohibited to the official/employee on account of the latter's official functions.

## **RULE V**

### **TRANSPARENCY OF TRANSACTION AND ACCESS TO INFORMATION**

The NBI recognizes the constitutional right of the people to information on matters of public concern.

**Section 1.** NBI officials/employees shall (*upon prior approval of the NBI Director or his duly authorized representative*) provide official information, records or documents to any requesting party, **EXCEPT IF:**

1. such information, record or document must be kept secret in the interest of national defense or security or the conduct of foreign affairs;
2. the information, record or document sought falls within the concept of established privilege or recognized exceptions as may be provided by law or settled policy or jurisprudence (*i.e. Confidentiality provision under Section 6 of RA 9208*);

3. such information, record or document comprises drafts of resolutions, orders, dispositions, policy decisions, memoranda, minutes of meetings/internal deliberations, among others;
4. it would disclose information, at any stage of the investigation, on any matter pending before the NBI;
5. it would disclose information the premature disclosure of which would likely or significantly frustrate implementation of a proposed official action;
6. if the records sought involve investigation/evaluation reports or records of cases investigated by the NBI and contents of NBI files/records (*being the national clearing house of all criminal and other information*) unless otherwise requested by higher officials of the Executive and Legislative Branches or directed by the courts or tribunal, through a valid subpoena *duces tecum*; and
7. involves information the disclosure of which may be harmful to public interest.

**Section 2.** Requests for record check by other government agencies must be in writing with the approval of the requesting party's chief of office and said requests must always be related to the requesting party's performance of official functions or assignments. Such requests for record check shall not be allowed unless approval by the NBI Director or his duly authorized representative has been secured; Provided, that the subject matter of the request shall cover only cases where the subject of the operation has records on the following:

1. conviction;
2. "wanted"/standing warrant of arrest.

**Section 3.** All documents gathered in the course of investigation should be held in strict confidence and should not be divulged/released to private parties, especially the subject.

**Section 4.** All forms of official outgoing correspondence shall be signed by the Director or, in his absence, by the Assistant Director, or Heads of Service.

1. No medical/forensic reports shall be released without prior authorization of the NBI Director or his specifically-authorized representative.
2. All letters-transmittal for preliminary investigation or inquest proceedings shall be signed by the NBI Director or, in his absence, by the Assistant Director or Heads of Service. In no case shall letters-transmittal be signed without coursing the same to the Legal and Evaluation Division for review and initials. Letters-transmittal for preliminary investigation or inquest proceedings in Regional and District Offices shall be reviewed and signed by the respective heads of offices/units.
3. Opinions, comments, pleadings, letters-reply to official queries by other government agencies/public shall be signed by the NBI Director or, in his absence, by the Assistant Director or pertinent heads of Service.

**Section 5.** All statements/press releases pertaining to any and all cases issued to the mass media must have prior clearance from the NBI Director or his specifically-authorized representative.

**Section 6.** NBI officials/employees shall not communicate/provide information to the media. Only the designated official spokesperson of the NBI may communicate and convey official statement to the media, subject to the supervision and direction of the NBI Director or, in his absence, his authorized representative.

## **RULE VI**

### **RECEIVING AND HANDLING GRIEVANCE / COMPLAINTS**

#### **Section 1. Grievance.**

The NBI adheres to the basic administrative policy of creating an atmosphere conducive to good supervisor-employee relations and improving the morale of its employees.

#### **Section 2. The NBI Grievance Machinery.**

1. The NBI Grievance Machinery was established to address grievances between and among officials and employees of the NBI.
2. A grievance shall be resolved expeditiously at all times at the lowest possible level in the Bureau.
3. The aggrieved party shall be assured freedom from coercion, discrimination, reprisal and biased action on the grievance.
4. Grievance proceedings shall not be bound by legal rules and technicalities. Even verbal grievance must be acted upon expeditiously. The services of a legal counsel shall not be allowed.
5. Supervisors or officials who refuse to take action on a grievance brought to their attention shall be liable for neglect of duty in accordance with existing Civil Service laws, rules and regulations.

### **Section 3. Creation and Composition of the NBI Grievance Committee.**

Only permanent officials and employees, whenever applicable, shall be designated or selected as members of the Committee. In the designation or selection of committee members, their integrity, probity, sincerity and credibility shall be considered.

### **Section 4. Application of Grievance Machinery.**

The following instances shall be acted upon through the Grievance Machinery:

1. non-implementation of policies, practices and procedures on economic and financial issues and other terms and conditions of employment fixed by law, such as salaries, incentives, working hours, leave benefits, among others;
2. non-implementation of policies, practices and procedures which affect employees from recruitment to promotion, detail, transfer, retirement, termination, lay-off, and other related issues;
3. inadequate physical working conditions;

4. poor interpersonal relationships and linkages;
5. protests on appointments, promotions; and
6. all other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated above.

The following cases shall not be acted upon through the Grievance Machinery:

1. administrative disciplinary cases which shall be resolved pursuant to the Uniform Rules on Administrative Cases (These are complaints/cases investigated by the Internal Affairs Division which warrant disciplinary action. The NBI Board of Discipline hears cases where an employee is formally charged with an administrative offense.);
2. sexual harassment cases as provided for in RA 7877 (These are investigated and heard by the NBI Committee on Decorum and Investigation.); and
3. union-related issues and concerns.

#### **Section 5. Responsibilities of the Grievance Committee.**

In addition to finding the best way to address specific grievance, the Committee shall have the following responsibilities:

1. Develop and implement pro-active measures or activities to prevent grievance such as employee assembly, which shall be conducted at least once every quarter, “*talakayan*”, counseling and other Human Resource Development (HRD) interventions.
2. Conduct continuing information drive on Grievance Machinery among officials and employees in collaboration with the Personnel Division.
3. Conduct dialogue between and among the parties involved.
4. Conduct investigation and hearing within 10 working days from receipt of the grievance and render a decision within five (5) working days after the investigation.

5. Direct the documentation of the grievance including the preparation and signing of written agreements reached by the parties involved.
6. Issue Certification on the Final Action on the Grievance (CFAG) which shall contain, among others, the history and final action on the grievance taken by the Committee.
7. Submit a quarterly report of its accomplishments and status of unresolved grievances to the CSC Regional Office concerned.

### **Section 6. Procedures in Filing a Grievance.**

The procedure for seeking redress of grievances shall be as follows:

1. Discussion with immediate supervisor. The aggrieved party shall present a grievance verbally or in writing to his/her immediate supervisor.
2. Appeal to the higher supervisor. If the aggrieved party is not satisfied with the decision, he/she may submit the grievance in writing, within five (5) working days, to the next higher supervisor who shall render his/her decision within five (5) working days from receipt of the grievance.
3. Appeal to the Grievance Committee. The decision of the next higher supervisor may be elevated to the Grievance Committee within five (5) working days from receipt of the decision of the next higher supervisor.
4. Appeal to the NBI Director. If the aggrieved party is not satisfied with the decision of the Committee, he/she may elevate his/her grievance within five (5) working days from receipt of the decision, through the Committee, to the NBI Director, who shall render a decision within 10 working days from receipt of the grievance.
5. Appeal to the CSC Regional Office. If the aggrieved party is not satisfied with the decision of the NBI Director, he/she may appeal or elevate his/her grievance to the CSC Regional Office concerned within 15 working days from the receipt of the decision. Together with the appeal, the aggrieved party shall submit a Certification on the Final Action on the Grievance. The CSC Regional Office shall rule on the appeal in

accordance with existing Civil Service laws, rules and regulations.

### **Section 7. Sexual Harassment Cases.**

The NBI, pursuant to Section 4 of Republic Act 7877, has promulgated rules and regulations prescribing the procedure for the investigation of sexual harassment cases.

### **Section 8. Definition of Sexual Harassment.**

Sexual harassment is committed when:

- 1) the sexual favor is made as a condition in the hiring or in the employment, re-employment, or continued employment of an individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in the limiting, segregating, or classifying the employee, which in any way would discriminate, deprive, or diminish employment opportunities or otherwise adversely affect said employee;
- 2) the above acts would impair the employee's rights or privileges under existing laws; or
- 3) the above acts would result in an intimidating, hostile or offensive environment for the employee.

### **Section 9. Forms of Sexual Harassment.**

Sexual harassment may take place:

- a. in the workplace;
- b. anywhere else as part of work assignment;
- c. during office-related social functions;
- d. while on official mission outside the work station or during work-related travel;
- e. at official conferences, fora, symposia, workshops, or training sessions; or

- f. at any place where, or any activity during which, two (2) or more persons who work in the same office are together, whether or not work-related.

## **Section 10. The NBI Committee on Decorum and Investigation of Sexual Harassment Cases.**

The Committee has the following powers and functions:

- 1) investigates and conducts hearings in accordance with the Uniform Rules of Procedure in the Conduct of Administrative Investigations in the Civil Service;
- 2) conducts meetings with NBI officials and employees to increase understanding and prevent incidents of sexual harassment;
- 3) adopts measures that will expedite investigation and adjudication of sexual harassment cases; and
- 4) administers oaths, issues subpoena and subpoena *duces tecum*, takes testimony in any investigation or inquiry, institutes contempt proceedings in accordance with the procedures prescribed in the Rules of Court.

## **Section 11. Procedure in the Disposition of Sexual Harassment Cases.**

- A. Filing of Complaint. All complaints for sexual harassment must be under oath and supported by the affidavit of the offended party. No anonymous complaint shall be entertained or shall any civil servant be required to answer or comment on said anonymous complaint.
- B. Action on Complaint. All complaints shall be sufficient in form and substance and shall be filed with the NBI Director who shall, within five (5) days from receipt thereof, transmit the same to the Committee on Decorum and Investigation.
- C. Preliminary Investigation. The Committee shall conduct a preliminary investigation where the complainant and the

respondent shall submit their affidavit and counter-affidavit, as well as those of their witnesses.

- D. Record of Proceedings. During preliminary investigation, the Committee shall record the clarificatory questions propounded to the parties and their witnesses and the answers given thereto.
- E. Hearings. Hearings shall be conducted on hearing dates set by the Committee or as agreed upon during a pre-hearing conference.
- F. Duration of Investigation. The preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the Committee and shall be terminated not later than 10 days thereafter.
- G. Investigation Report. Within five (5) days from the termination of the preliminary investigation, the Committee shall submit its report and recommendation to the NBI Director who shall forward the same to the Legal and Evaluation Division for review and final recommendation.
- H. Formal Charge. When the Committee finds the existence of a *prima facie* case, it shall recommend for respondent to be formally charged.
- I. Formal Investigation. If the NBI Director approves the recommendation to file a formal charge against the respondent, he shall designate a Hearing Officer and Prosecutor to conduct formal hearing of the case which shall be completed 60 days from the date of the service of the formal charge, unless the period is extended in meritorious cases.

## **RULE VII**

### **ENCOURAGING REPORTING OF MALPRACTICES, CORRUPTION AND OTHER PROTECTED DISCLOSURES**

#### **Section 1. Coverage of Protected Disclosures.**

Any conduct, act or omission of an NBI official or employee solely, or in conspiracy or cooperation with private persons, if the person

making it reasonably believes that it involves violation of any law, rule or regulation, such as, but not limited to, the following:

- a. Republic Act No. 3019 *“The Anti-Graft and Corrupt Practices Act”*;
- b. Republic Act No. 1379 *“An Act Declaring Forfeiture of Ill-Gotten Wealth of Public Officers and Employees”*;
- c. Republic Act No. 6713 *“Code of Conduct and Ethical Standards For Public Officials and Employees”*;
- d. Republic Act No. 7080 *“An Act Defining and Penalizing the Crime of Plunder”*;
- e. Executive Order No. 292 *“Administrative Code of 1987”*;
- f. Title VII (*Crimes Committed By Public Officers*), Book Two of the Revised Penal Code, as amended;
- g. Republic Act No. 9184 (*“Government Procurement Reform Act”*); and
- h. Republic Act No. 9485 (*“Anti-Red Tape Act of 2007”*).

## **Section 2. Qualifications of Whistleblowers.**

A whistleblower is an NBI official or employee who is:

1. occupying a plantilla or contractual position at the time of the complaint/disclosure;
2. personally involved and/or may have benefited from an irregularity or anomaly in whatever degree of participation;
3. is not the most guilty among the respondents concerned or, in instances where he/she is, such disclosure is compelling against one in higher authority;
4. is willing to execute a sworn statement/complaint outlining, in sufficient detail, the participation/complicity of those involved in the anomaly; and
5. prepared and willing to assist in the prosecution of those involved in the anomaly/irregularity and, when necessary, offer

`evidence and give testimony against co-respondents before the court/pertinent tribunal.

### **Section 3. Other Protected Disclosures.**

The disclosure shall likewise be protected if made by an NBI official/employee who possesses all the qualifications enumerated in the immediately preceding Section except those in numbers 2 and 3 thereof but has personal knowledge of the anomaly/irregularity by reason of his/her relation, proximity, association, among others, to the person/s subject of the public disclosure.

### **Section 4. Conditions for Protecting Disclosure.**

Disclosures made by those referred to in Sections 2 and 3 above shall be protected if:

1. the disclosure is made voluntarily, in writing and under oath;
2. the disclosure relates to any act, conduct or omission stated in Section 1 of this Rule;
3. the disclosure is not the subject of an existing and/or filed complaint or inquiry, or introduces new evidence of a case earlier dismissed/archived, or will strengthen the prosecution of a case or conduct of an investigation/inquiry;
4. the disclosure is made before a qualified person of the NBI;
5. the whistleblower/informer assists or participates in the proceedings commenced to enforce the provisions of this Rule in connection with the subject matter of his disclosure;
6. the information given by the whistleblower can be corroborated/supported by other material evidence; and
7. the information disclosed leads to successful conduct of investigation and gathering of evidence sufficient to sustain the filing of a formal charge.

### **Section 5. Certification for Qualification.**

The NBI Director or such other authorized/designated official shall, after proper evaluation and scrutiny, certify that an NBI official/employee, having met all the requirements under Section 2 or 3, and Section 4 of this Rule, is qualified to be a whistleblower and, as such, entitled to the rights and protection accorded whistleblowers under this Rule. The determination by the official concerned, when done in the due and regular performance of his/her functions, shall not be actionable subsequently by reason of mistake or error in judgment.

### **Section 6. Qualified Person, Office or Agency.**

A qualified person, office or agency before whom/which a protected disclosure can be made shall include:

- a. officials of the NBI (*i.e., Director, Assistant Director, Deputy Directors, Regional Directors and Assistant Regional Directors*);
- b. Chief of the NBI Internal Affairs Division;
- c. DOJ Secretary;
- d. heads of other public offices, e.g., Office of the Ombudsman, Civil Service Commission; and
- e. such other officials as may thereafter be authorized under the law.

### **Section 7. Procedure for Protected Disclosures.**

Immediately upon receipt of the written disclosure by any qualified person enumerated in Section 4 hereof, the same shall be endorsed to the Internal Affairs Division within three (3) working days from receipt and:

- a. The Internal Affairs Division shall evaluate the disclosure within three (3) working days if the same qualifies as protected disclosure. Once evaluation has been conducted, the complaint shall be numbered and dated and shall be considered a protected disclosure and the whistleblower shall enjoy the rights and protections provided under this Rule.
- b. Upon approval by the NBI Director, the Internal Affairs Division shall conduct a preliminary investigation which should be completed not more than 45 days including the submission of the preliminary investigation report.

- c. If there is a *prima facie* case, the preliminary investigation report and the formal charge, including the order of preventive suspension if warranted, shall be forwarded to the NBI Director for approval/signature.
- d. Respondent shall be provided a copy of the formal charge which shall include all evidence supporting the formal charge. He/She shall be informed of his/her right to a formal investigation and counsel of his/her choice and shall be required to submit a sworn answer within five (5) days from receipt of the formal charge.
- e. Uniform Rules on Administrative Cases in the Civil Service (URACC) shall be observed in all the proceedings.

### **Section 8. Violations of Whistleblowers.**

In the event that a whistleblower, after having executed his/her sworn written statement, subsequently retracts or withdraws the same, or desists thereafter, or is found, during evaluation or prosecution of the case, to have given false testimony or perjured oneself, all benefits provided for under Rule VIII shall be deemed automatically terminated; and, when appropriate, he/she shall be accordingly charged for whatever criminal and/or administrative offense he/she may be liable for.

Such retraction or desistance by the whistleblower shall not affect the case after a formal charge has been made provided there are other evidence to support the charge other than the testimony/statement of the whistleblower.

### **Section 9. Unprotected Disclosures.**

The following disclosures shall not be deemed protected disclosures under this Rule:

- a. disclosures made by a public official or employee in connection with a matter subject of his/her official investigation;
- b. disclosures which are later found to be without basis;
- c. false or misleading disclosures; or
- d. disclosures subsequently retracted/withdrawn by the whistleblower for any reason. Such official/employee shall lose

the right to claim immunity benefit or protection under Rule VIII for the same or future disclosures.

## **RULE VIII**

### **PROTECTION AND RIGHTS OF WHISTLEBLOWERS**

#### **Section 1. Protection Against Other Actions.**

Any NBI official/employee who has made a protected disclosure under Rule VII shall not be subject to any liability, whether administrative, civil, criminal, or other proceedings, for making a protected disclosure and no action, claim or demand may be taken or made of, or against, the whistleblower for making the disclosure. This protection shall also operate as immunity in favor of the whistleblower against any action or proceeding that may be taken against him/her by any person subject of the protected disclosure and by reason thereof.

#### **Section 2. Defense of Privileged Communication.**

Any NBI official/employee who has made a protected disclosure may claim, in any other inquiry or proceeding, the defense of privileged communication with respect to the subject matter of the disclosure or information given to a qualified person, office or agency as defined under Rule VII, Section 6 of this Code.

#### **Section 3. Rights and Benefits of Protected Whistleblowers.**

1. Protection against disciplinary action and reprisals: An NBI official/employee who has made, or is believed or suspected to have made, a protected disclosure under this Rule shall not be liable for any disciplinary action for making such protected disclosure.
2. An NBI official/employee who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or fail to take, or threaten to take or fail to take, a personnel action, as defined below, with respect to any NBI official/employee as a form of reprisal for a protected disclosure.

3. A whistleblower shall be applied for coverage/admission under Republic Act No. 6981 “*The Witness Protection Security and Benefit Act*” provided he/she shall qualify. Should a whistleblower fail to qualify under said Act, the NBI shall continue to provide protection to the whistleblower in accordance with this Rule.
4. A whistleblower shall also be entitled to such other rights, privileges and protection that may benefit him/her pursuant to future laws which may be passed regarding protection of whistleblowers.

#### **Section 4. Administrative Sanctions.**

An NBI official/employee who violates any of the provisions of this Rule shall be subject to appropriate administrative sanctions under Rule IX.

Any NBI official or employee who directly or indirectly causes or encourages retaliatory action or reprisal against a whistleblower or anyone believed or suspected to have made a protected disclosure shall be formally charged by the NBI Director in accordance with existing CSC rules and regulations.

### **RULE IX**

#### **PENALTIES / ADMINISTRATIVE SANCTIONS**

Violation of any of the provisions of this Code shall constitute a ground for administrative disciplinary action in accordance with existing NBI Internal Rules and Regulations, Civil Service Laws, and other applicable laws.

Appropriate criminal charges may also be filed against erring NBI officials or employees with the Courts and pertinent tribunals.

### **RULE X**

#### **INCENTIVES AND REWARDS**

A system of incentives and rewards is established to motivate and inspire NBI officials and employees to uphold the highest standards of ethics in government service and to strictly abide by the provisions of this Code of Conduct.

For such purpose, the NBI Program of Awards and Incentives for Service Excellence (NBIPRAISE) Committee, which is responsible for the development, administration, monitoring and evaluation of the awards and incentives system of the Bureau, will determine both monetary and non-monetary incentives and rewards to the end that due recognition is given to deserving officials and employees of the Bureau for outstanding merit on the basis of the standards set forth.

Incentives and rewards may be in the following forms:

1. monetary award;
2. trophies, plaques and certificates;
3. on-the-spot grant of recognition;
4. attendance in conferences on official business;
5. foreign and local trainings;
6. travel packages;
7. recognition posted at the Wall of Fame featured in the Bureau's publication;
8. promotion to the next higher position depending on the qualifications and availability of vacant position; and
9. such other incentives and rewards as may be determined by the NBIPRAISE Committee.

The conferment of awards shall take into account, among other things, the following:

- a. years of service;
- b. quality and consistency of performance;
- c. position and the level of salary; and
- d. exemplary or outstanding performance.

The NBIPRAISE Committee adopts its own existing rules to govern the conduct of its activities to achieve the purpose for which it was created.

## **RULE XI**

### **DISSEMINATION, IMPLEMENTATION AND MONITORING OF THE CODE**

**Section 1. Dissemination.** The NBI Training Division and Management, Planning and Audit Division shall implement the information dissemination program of the Bureau relative to the enforcement of the Code.

**Section 2. Implementation.** The NBI Director shall monitor and enforce the strict implementation of the Code.

**Section 3. Monitoring.** The Code shall be reviewed at least every two (2) years by the Committee, to be created by the NBI Director, which shall:

1. evaluate and monitor the Code and its usefulness;
2. conduct awareness program/communicate the Code to all NBI personnel;
3. recommend amendments/improvements on the Code; and
4. perform such other duties, functions and responsibilities as may be necessary to effectively attain the objectives of the Code.

## **RULE XII**

### **MISCELLANEOUS PROVISIONS**

**Section 1. Effectivity.** This Code shall take effect upon its approval by the NBI Director.

**Section 2. Coverage.** All NBI personnel occupying plantilla or contractual positions shall abide by the provisions of this Code of Conduct.

**Section 3. Separability Clause.** If any provision in this Code is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

**Section 4. Amendment.** This Code may be amended or modified as may be necessary.

**Section 5. Repealing Clause.** All NBI issuances, rules or regulations, circulars, or memoranda inconsistent with the provisions of this Code are hereby repealed or modified accordingly.

## GLOSSARY OF TERMS

**Confidential Capacity** – Denotes not only confidence in the aptitude of the appointee for the duties of the office, but primarily close intimacy, which ensures freedom of intercourse without embarrassment or freedom from misgivings of betrayals of personal trust on confidential matters *x x x*. (*CSC Resolution No. 983037 dated 20 November 1998 citing Cadiente vs. Santos, 142 SCRA 280*)

**Conflict of Interest** – A situation in which an NBI official/employee (*who is necessarily in a position of public trust*) has competing professional or personal interests or incentives for action in a particular situation. It is a conflict between the public duty and private interests of an NBI official/employee.

**Fixer** – Refers to any individual, whether or not officially involved in the operation of the NBI, who has access to NBI officials/employees working therein and whether or not in collusion with them, facilitates speedy completion of transactions for pecuniary gain or any other advantage or consideration.

**Fixing** – Refers to the act that involves undue facilitation of transactions for pecuniary gain or any other advantage or consideration.

Gift – Refers to a thing or a right disposed of gratuitously, or any act of liberality, in favor of another who accepts it, and shall include a simulated sale or an ostensibly onerous disposition thereof.

Influence Peddling – Representing oneself as being able, whether real or imagined, to influence, facilitate, or assist another person having transaction, application, request or contract with the NBI in which an NBI official/employee has to intervene.

Non-Career Service – Characterized by (1) entrance on bases other than those of the usual tests of merit and fitness utilized for the career service; and (2) tenure which is limited to a period specified by law, or which is co-terminous with that of the appointing authority or subject to his pleasure, or which is limited to the duration of a particular project for which purpose employment was made.

Personnel Action – Refers to any action denoting the movement or progress of personnel in the Civil Service which shall include appointment through certification, promotion, transfer, reinstatement, reemployment, detail, reassignment, secondment, demotion and separation from the service.

Privileged Communication – A communication made in good faith on any subject matter in which a communicator has an interest, or concerning which he has a duty, although it contains incriminatory matter which, without the privilege, would be libelous and actionable (*Rhodora M. Ledesma vs. CA, et. Al., G.R. No. 113216, 5 September 1997*).

Receiving Any Gift – Includes the act of accepting, directly or indirectly, a gift from a person other than a member of his family or relative, even on the occasion of a family celebration or national festivity like Christmas, if the value of the gift is neither nominal nor insignificant, or if the gift is given in anticipation of, or in exchange for, a favor (RA 6713).

Relative – Refers to any and all persons related to a public official or employee within the fourth (4<sup>th</sup>) civil degree of consanguinity or affinity, including *bilas, inso and balae* (RA 6713).

“Relative” and members of the family referred to in Rule II of this Code (*Policy on Nepotism*) are those related within the third (3<sup>rd</sup>) degree either of consanguinity or of affinity.

Sexual Harassment – A form of misconduct involving an act, gesture or other verbal or physical behavior of a sexual nature, made directly, indirectly or impliedly, creating in the process an intimidating humiliating, hostile, or offensive work environment to the harassed.

