

Q & A on the DBPLC REVISED WHISTLEBLOWER PROTECTION POLICY

Q: What is the DBPLC Whistleblower Protection Policy (WPP)?

A: It is the policy adopted by DBPLC for the protection of a Whistleblower of, and/or Witness to, an Illegal Activity committed against the DBPLC.

Q: Who can be a Whistleblower?

A: Any regular, temporary, coterminous, directly-hired and casual employee or officer of DBPLC, as well as member of the Board of Directors, who:

1. Has personal knowledge or access to any data, information, fact, or event constituting an Illegal Activity;
2. Does not have any participation in the Illegal Activity or in case he/she participated, he/she is not the most guilty; and
3. Makes a voluntary disclosure of the Illegal Activity to the proper authorities as provided under the WPP.

Q: Aside from the Whistleblower, who else can avail of the protection under the WPP?

A: A Witness to a reported Illegal Activity may also avail of the protection under the WPP.

Q: What is the Whistleblower Protection Committee (“Committee”)?

A: It is the Committee duly constituted by the Board to determine, among others, the qualifications and entitlement to protection of a potential Whistleblower or Witness.

Q: What are the other functions of the Committee?

A: The Committee:

1. Determines the appropriate protection that the Whistleblower or Witness may need;
2. Provides guidance, advice, assistance, and support to Whistleblowers or Witnesses;
3. Acts on requests for transfer to another department or branch by Whistleblower or Witness;

4. Evaluates and determines, in coordination with the RCO and/or Office of the Legal Counsel, whether an appropriate case arising out of the Protected Disclosure may be filed against the Employees, Directors, or Third Parties involved in the subject disclosure. Provided that, no case shall be filed against Directors without prior approval of the Board.
5. Executes the Memorandum of Agreement and any such contracts between the DBPLC and the Whistleblower or Witness.
6. Performs other functions as may be determined by the Board of Directors.

Q: Can a Third Party (a non-DBPLC employee/officer/member of the Board of Directors) report an Illegal Activity?

A: Yes, if the person is any of the following:

1. Consultant;
2. Contractor;
3. Supplier;
4. Service Provider;
5. Vendor or other person who has business, contractual, or other similar dealings or transactions with DBPLC; or
6. Any other person as may be determined by the Committee.

Q: Can the Third Party also avail of the protection provided under WPP?

A: No. However, DBPLC, upon recommendation of the Committee, shall refer the Third Party to the proper government agency for possible coverage under the Witness Protection Program.

Q: When is an act/omission reportable as Illegal Activity?

A: It is reportable as Illegal Activity when the act/omission:

1. Involves any of the following:
 - Graft and corruption
 - Unethical or unlawful behavior
 - Unsafe or unsound business practices
 - Financial improprieties
 - Accounting malpractices
 - Failure to comply with legal obligations and statutes
 - Violation of other applicable laws, rules and regulations, policies, and procedures of DBPLC

2. Is considered as grave or less grave offense/felony as defined under Applicable Laws;
3. Is committed in relation to or in connection with DBPLC operations and transactions;
4. Is committed against DBPLC by its employees, members of the Board of Directors, or third parties.

Q: What are these “Applicable Laws”?

A: Applicable Laws refer to any of the following special laws:

1. Anti-Graft and Corrupt Practices Act (R.A. No. 3019);
2. Code of Conduct and Ethical Standards for Public Officials and Employees (R.A. No. 6713);
3. Plunder Law (R.A. No. 7080);
4. Anti-Money Laundering Act of 2001 (R.A. No. 9160 as amended by R.A. No. 9194);
5. Government Procurement Reform Act (R.A. No. 9184);
6. Revised Penal Code (Act No. 3815, as amended);
7. General Banking Law of 2000 (R.A. No. 8791);
8. Securities Regulation Code (RA 8799); and
9. Other similar laws, including any amendments thereto, and their implementing rules and regulations.

Q: Within what period can an Illegal Activity be reported?

A: It shall be reported within the period prescribed under the relevant law or rules and regulations violated which period shall be computed from the date that the Whistleblower or Third Party personally know or discover the Illegal Activity.

Q: To whom should an Illegal Activity be reported?

A: It must be reported to any of the following senior officers of DBPLC:

1. President and Chief Executive Officer;
2. VP for Operations;
3. AVP for Legal Services / Legal Officer;
4. Risk and Compliance Officer;
5. VP for Finance; or
6. Human Resources Specialist

Q: What if the person subject of the report is a member of the Committee or any employee under his direct supervision?

A: The Committee member shall be automatically disqualified and shall be replaced by another member of the Board of Directors in the following order:

- a. Chairman of the Audit Committee;
- b. Chairman of the Risk and Governance Committee;
- c. Chairman of the Anti-Money Laundering Committee; and
- d. Other Members of the Board or officer designated by the Board of Directors.

Q: Should the disclosure of an Illegal Activity be in writing?

A: Yes, it must be in writing and under oath.

Q: Can an Illegal Activity be reported through telephone call, "white paper", electronic message, or other electronic means?

A: Yes, provided that within seventy-two (72) hours from initial report, it must be made in writing and under oath. The initial report will only be treated as a valid disclosure from the time it is made in writing and under oath.

Q: What if the person who made the report/disclosure or author of the "white paper" does not come out within 72 hours from receipt of initial report?

A: The report/disclosure or "white paper" shall be treated as an anonymous complaint and if the allegations therein are verifiable and supported by evidence, a fact-finding investigation shall be conducted in accordance with the DBPLC's Implementing Guidelines of the Revised Rules on Administrative Cases. An investigation shall also be conducted to ascertain the identity of the author of the "white paper" or person who made the report/disclosure for possible filing of appropriate charges against him if the allegations are proven to be false and malicious in accordance with Section 9.4 of the Policy.

Q: What kind of information should be stated in the report?

A: The information must be:

1. Accurate and based on personal knowledge;
2. Not yet the subject of any investigation or court proceedings; and
3. Supported by documentary and/or testimonial evidence.

Q: How will the report be handled by RCO?

A: RCO shall docket it as an adverse report and proceed with the fact-finding investigation thereon until its final determination.

Q: What protection will DBPLC give to a Whistleblower or Witness?

A: DBPLC, upon approval of the Committee, will provide the following:

- A maximum budget of Five Hundred Thousand Pesos (₱ 500,000.00) for every Whistleblower or Witness, to cover his/her protection and security during the investigation until termination of the case. This may be in the form of:
 1. Legal assistance;
 2. Coverage under Directors and Officers Liability Insurance (DOLI) whenever applicable; and
 3. Others which the Committee may deem necessary
- Opportunity to transfer to another department or branch if the Whistleblower or Witness feels that he/she will be discriminated against, isolated, ridiculed and treated differently by his/her officers and peers in the office for making a protected disclosure;
- Protection from retaliation upon filing of a Retaliation Complaint before the RCO.

Q: What are the requisites in order to avail of the protection provided by DBPLC?

A: The Whistleblower must:

1. Be a DBPLC employee, officer, or member of the Board of Directors;
2. Not be the most guilty, in case he/she participated in the Illegal Activity; and
3. Execute a Memorandum of Agreement between him/her and DBPLC defining the nature of the disclosure as well as the terms and conditions of the protection to be extended to the Whistleblower.

In case of a **Witness**, he/she must:

1. Be an employee, officer, or member of the Board of Directors;
2. Not be the subject of an inquiry conducted by DBPLC's RCO or the Whistleblower Protection Committee, or if he is a subject of such inquiry, he is not the most guilty;
3. Provide information or evidence voluntarily or at the request of the Whistleblower Protection Committee; and
4. Execute a Memorandum of Agreement between him/her and DBPLC defining the nature of the disclosure as well as the terms and conditions of the protection to be extended to the Witness.

Q: What are the duties of a Whistleblower or Witness?

A: The Whistleblower or Witness shall:

1. Make himself available as witness during investigation by RCO or in proceedings conducted by external agencies such as the Office of the Ombudsman or regular courts; and
2. Maintain confidentiality of all matters pertaining to the investigation or proceedings in connection with the disclosure

Q: Will the identity of the Whistleblower be made public?

A: No, but the Whistleblower's identity may be disclosed during fact-finding investigation or in the appropriate judicial, quasi-judicial, or administrative proceedings.

Q: Will the report be treated as confidential?

A: Yes, the subject matter of the disclosure and all the documents and relevant proceedings shall be treated with absolute confidentiality.

Q: What are the safeguards that the Whistleblower's report will be treated confidentially?

A: The following safeguards are provided:

1. The Committee, officers and staff of the RCO, and all other DBPLC personnel, directly or indirectly working relative to a Whistleblower case, shall strictly protect the identity of Whistleblowers and Witnesses from unauthorized disclosure before, during and after an investigation;
2. Protected Disclosures, including all files, documents and records thereon, are privileged information and therefore shall not be shared with parties other than the officers and staff of RCO, members of the Board of Directors, and members of the Whistleblower Protection Committee, unless otherwise ordered by a court of competent jurisdiction or by law, or authorized by the Board of Directors, or upon request by concerned government agencies through appropriate legal processes;
3. Officers and staff from the Units mentioned in the preceding section who have conflicts of interest and those who have inhibited themselves from an investigation shall neither have access to files or records nor be made privy to any information concerning said investigation.

Q: How will a Whistleblower or Witness be protected if the person reported retaliates against him/her?

A: The Whistleblower or Witness must file a Retaliation Complaint with the RCO.

Q: What acts are considered as Retaliation?

A: It refers to any detrimental act, whether direct or indirect, threatened, recommended, or taken against a Whistleblower, a Witness or any Person Closely Associated with a Whistleblower or Witness, in relation to a reported disclosure under investigation.

Q: Who is a Person Closely Related to the Whistleblower or Witness?

A: A member of the family of the Whistleblower or Witness within the second degree of consanguinity (parents, siblings, children, grandparents, grandchildren) or affinity (in-laws within the same degrees) or a person who maintains close relationship with a Whistleblower or Witness as may be determined by the Committee.

Q: What are the forms of Retaliation?

A: It may come in the form of, but is not restricted to:

1. Threats of physical harm;
2. Harassment;
3. Discrimination;
4. Withholding of benefits;
5. Unjustified performance rating;
6. Re-assignment affecting prospects of promotion;
7. Punitive work assignments; and
8. Termination from employment

Q: How can the Whistleblower or Witness be protected with the filing of a Retaliation Complaint?

A: If after due investigation, the RCO finds that retaliation exists, the person named in the Retaliation Complaint shall be dealt with in accordance with the DBPLC's HR Manual.

Q: When should a Retaliation Complaint be filed?

A: It must be filed within six (6) months from occurrence of the retaliation.

Q: What are the punishable acts under the WPP?

A: The following acts are punishable under the WPP and in accordance with the DBPLC's HR Manual without prejudice to criminal and civil liabilities that may arise therefrom:

1. **Malicious/False Reporting** - Any willful act of reporting a false, misleading and malicious allegation of an Illegal Activity.
2. **Illegal Order** - Any directive to violate or assist in violating an applicable law, rule, regulation or DBPLC policies or any order to work or cause others to work in conditions outside of their line of duty that may unreasonably affect the DBPLC, its employees, clients or other third parties.
3. **Interference** - The direct or indirect use of authority to obstruct an individual's right to make a protected disclosure.

Q: What is the effect if the reported disclosure is subsequently withdrawn?

A: It shall not stop the RCO from proceeding with the investigation and prosecution.

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