Institutional Policy on Anti-Sexual Harassment of Davao de Oro State College

AY 2025-2026

5.6.8

Policy Protecting Those Reporting Discrimination

CONTENT OF MEANS OF VERIFICATION (MOV)

Primary MOV:

- **Institutional Policy on Anti-Sexual Harassment of Davao de Oro State College**
- **DdOSC Committee on Decorum and Investigation (CODI) Policy**

Legal Basis:

- **Safe Spaces Act (Republic Act 11313)**
- **Anti-Sexual Harassment (RA 7877)**
- **Civil Service Commission Resolution No. 2100064**

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ADMINISTRATIVE ORDER NO. 0825-01
Series of 2022

"REITERATION OF THE INSTITUTIONAL POLICY ON ANTI-SEXUAL HARASSMENT OF DAVAO DE ORO STATE COLLEGE"

With reference to the issuance of the Civil Service Commission (CSC) Memorandum Circular No. 11, series of 2021, the herein institutional policy on Anti-sexual Harassment is hereby reiterated with amendments incorporating the new issuance of CSC thereof.

The Davao de Oro State College upholds the dignity of all men and women in the academic community and thus endeavors to promote a just, humane, and equal treatment among its faculty, staff, and students as it condemns all forms and acts of gender-based violence and discrimination and any related retaliation.

Zero Tolerance Policy against any form of gender-based sexual violence and discrimination shall be imposed with corresponding disciplinary sanctions commensurate to the severity of the infractions including termination or dismissal when warranted.

By virtue of the powers vested to the College President of Davao de Oro State College and pursuant to Republic Act No. 11313 or *"AN ACT DEFINING GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, ONLINE, WORKPLACES, AND EDUCATIONAL OR TRAINING INSTITUTIONS, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFORE"*, otherwise known as the *"SAFE SPACES ACT"*, and its Implementing Rules and Regulations, this Anti-Sexual Harassment Policy is hereby established.

Section 1. OBJECTIVES

This document thereby asserts DDOSC's commitment to prevent gender-based sexual harassment and ensures that all its officials, faculty, staff, and students have a safe learning and working environment that is free from all manner of harassment and intimidation. It shall serve as guide for all members of the academic community in observing high standard of conduct with due regard to the College's values and proper decorum expected from each member. It shall provide procedural rules in addressing gender-based sexual harassment and online sexual harassment in conformance to the provisions required in the law and its rules.

Section 2. SCOPE

This policy applies to all members of the Davao de Oro State College academic community particularly in its main campus in Compostela and branches in Maragusan, Montevista, and New Bataan, all in Davao de Oro province.

Section 3. DEFINITION OF SEXUAL HARASSMENT AND GENDER-BASED ONLINE SEXUAL HARASSMENT

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The College adopts the definition of Gender-Based Sexual Harassment and Gender-Based Online Sexual Harassment of Republic Act No. 11313 or the "Safe Spaces Act".

3.1 GENDER-BASED SEXUAL HARASSMENT

a. An act or series of acts involving any unwelcome sexual advances, requests, or demand for sexual favors or any act of sexual nature, whether done verbally, physically, or through the use of technology such as text messaging or electronic mail or through any other forms of information and communications systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;

b. A conduct of sexual nature and other conduct based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically, or through the use of technology such as text messaging or electronic mail, or through any other forms of information and communication systems; and

c. A conduct that is unwelcome and pervasive and creates an intimidating, hostile, or humiliating environment for the recipient.

“Sexual harassment in the workplace may also be committed by a government employee or official in a work-related, training or education related environment of the person complained of, against any person regardless of the motive for committing such action or remarks, between peers, and by a subordinate to a superior officer.

SEXUAL HARASSMENT IN STREETS AND PUBLIC SPACES is committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

Sexual harassment in streets and public spaces includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic and sexists slurs, persistent uninvited comments or gestures on a person’s appearances, relentless request for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal of physical, that is unwanted and has threatened one’s sense of personal space and physical safety, and committed in public spaces as alleys, roads, sidewalks and parks. Acts constitutive of sexual harassment in streets and public spaces are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.”

3.2 GENDER-BASED ONLINE SEXUAL HARASSMENT

This refers to the use of information and communication technology in targeting or terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of

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victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about the victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.

Section 4. DEFINITION OF RETALIATION

Retaliation includes any act, such as threats, intimidation, and/or any hostile act related to employment decisions, that would keep a person to file a complaint of sexual harassment or from supporting a complaint or from serving as witness in an investigation.

Section 5. GENERAL GUIDELINES

Any and all acts of Gender-Based Sexual Harassment and any related retaliation is prohibited in all campuses of the College. The College will not tolerate any form of sexual harassment or retaliation against any victim or witness to a sexual harassment. Any person under the scope of this Policy who engages or participates in any of the above acts will be subjected to disciplinary action which may include dismissal.

Persons who commit acts which direct or induce another to commit sexual harassment or acts that show cooperation which without said cooperation, the sexual harassment would not have been committed will also be in violation of this Policy and be subject to disciplinary action, while retaliation in any form against persons directly or indirectly involved in any incident report or case involving GBSH, shall be ground for disciplinary action.

Section 6. SPECIFIC GUIDELINES

The College shall undertake the following measures to prevent GBSH and online sexual harassment and at the same time encourage that any such behavior be reported for proper investigation:

a. Maintain an enabling, gender-fair, safe, and healthy learning and working environment for all its stakeholders;
b. Provide relevant information through forum/orientation of the law, age-appropriate training on gender sensitivity and gender-based violence, including sexual harassment and other Gender and Development related topics to all stakeholders;
c. Create an internal mechanism to investigate and address complaints of GBHS;
d. Designate an office or a person to receive complaints of gender-based sexual harassment; and
e. Set administrative penalties/sanctions in accordance with the law.

Section 7. DECORUM OF TEACHING AND NON-TEACHING PERSONNEL

All teaching and non-teaching staff irrespective of employment status are expected to:

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a. Observe high standards of conduct and are required to perform their duties and responsibilities in a manner that prevents and discourages sexual harassment in the academic institution;
b. Treat everyone with respect and dignity, without discrimination against or preference for anyone on the basis of age, gender, sexual orientation, race, ethnicity, national origin, religion, disability, status, or other circumstances and conditions;
c. Handle relationships with colleagues, students, parents, and other stakeholders on a professional level;
d. Avoid dating or asking for a date with, engaging in amorous or sexual activities or relationships with, or engaging in any activity designed to encourage or which does encourage an amorous or sexual relationship with any students or other individual within the College for whom they have or are scheduled to have a responsibility for assessing, supervising, advising, mentoring, training, counseling, selecting or providing administrative support; and
e. Be cautious in the use of social media and messaging and call applications, especially when used to interact or communicate with students and co-employees.

Section 8. DECORUM OF STUDENTS

All students are expected to:

a. Treat everyone in the academic community with respect and dignity irrespective of age, gender, sexual orientation, race, ethnicity, national origin, religion, disability, status, or other circumstances and conditions;
b. Maintain harmonious and healthy relationships with faculty, staff, and other students and conduct themselves in a proper and impeccable manner in their dealings and relationships with others;
c. Conduct themselves in a manner that promote their continuing development as students along with peers, instructors, trainers, and coaches.

Section 9. ROLES AND RESPONSIBILITIES

9.1 RESPONSIBILITY OF EVERYONE TO REPORT

A person who believes that he/she has experienced or witnessed any behavior that may constitute a form of sexual harassment or any related retaliation is encouraged to report said behavior to the designated Officer In-charge to receive complaints for proper endorsement to the Committee on Decorum and Investigation (CODI).

Reports of sexual harassment or any retaliation must be in writing. Everyone is encouraged to make use of the Complaint Form attached as Annex A when reporting a sexual harassment or a related retaliation.

9.2 RESPONSIBILITIES OF THE HEAD OF OFFICE/DIVISION/SECTION/UNIT

If a head of office/division/section/unit receives a report of sexual harassment or any related retaliation or witnesses the same, he/she is required to report said suspected

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sexual harassment or retaliation to the Committee on Decorum and Investigation (CODI) through the designated Officer In-Charge. If the employee had made a verbal report to his/her immediate supervisor, the concerned supervisor must encourage the employee to make a written report following the provided template.

Any head of office/division/section/unit who fails to report any suspected case of sexual harassment or retaliation or knowingly allows the same to continue shall likewise be subject to disciplinary action.

9.3 DUTIES AND LIABILITIES OF THE COLLEGE PRESIDENT
The College President shall have the duty to prevent and deter the occurrence of sexual harassment cases, as well as ensure that necessary action be taken on complaint filed with the CODI. To this extent, the College President shall perform the following through his/her constituents:

9.3.1 Disseminate or post in a conspicuous place a copy of the law and this rule to all persons in the workplace, which shall include the following:

a. Send copies of the law and its rules through official notices or means of communications to heads of different departments, bureaus, offices, units or such subdivisions in a workplace for proper information of their members.
b. Post a copy of the law and its rules online or in the official website of the workplace.
c. Conduct orientations on the law and its rules and providing its employees with copies in print or electronic form as well as preparing information materials such as primers, frequently asked questions and the like.

9.3.2 Provide measures to prevent sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars, which shall be provided to all employees, regardless of rank and status.

Trainings on gender sensitivity, orientations on gender-based violence, and other relevant topics may also be conducted, in addition to the conduct of anti-sexual harassment seminars. Such trainings and orientations, when conducted, should form part of their staff development and basic knowledge of employees.

Trainings to further capacitate and increase the awareness of CODI members on preventing sexual harassment and proper case handling shall also be considered.

Furthermore, the College shall adopt mechanisms to provide assistance to the alleged victim of sexual harassment which may include counselling, referral to an agency offering professional help, and advice on options available before the filing of the complaint.

Section 10. THE COMMITTEE ON DECORUM AND INVESTIGATION (CODI)

The Committee on Decorum and Investigation (CODI) of the College shall investigate and resolve reports of sexual harassment and related retaliations in the academic workplace.

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10.1 ORGANIZATION AND COMPOSITION

The CODI as per RA 11313, otherwise known as the "Safe Spaces Act", shall be composed of:

Chairperson	-	Head or Duly Designated Official per Campus/Branch
Permanent Alternate	-	Permanent Alternate in the absence of the Chairperson
Members	-	Representative each from Instructors, Coaches, Trainers, and Students
Secretariat	-	Human Resource Management Section/Unit Head

a. A person is disqualified from being a member of the CODI if he/she has a record of involvement in a sexual harassment case either as a respondent, defendant, or accused.

b. When the complainant or the person complained of is a member of the Committee, he/she shall be disqualified from being a member thereof or the complaint may be filed directly with the Civil Service Commission or other disciplinary authorities with jurisdiction over the case.

c. The members of the CODI shall be elected by each group through a vote. After the members of the CODI have been selected, each group shall likewise vote for another representative to replace the corresponding representative in the event that said representative inhibits from a case or cannot investigate and decide on a case.

d. Members of the CODI must inhibit themselves from any part of the proceedings if they are related to either the complainant or respondent by affinity or consanguinity.

e. The CODI shall, at all times, be headed by a woman and not less than half of the membership of the CODI shall be women.

f. All members of the CODI and their substitutes, if already known, shall, if needed, undergo continuous training on gender sensitivity, gender-based violence, sexual orientation, gender identity and expression, and other gender and development topics.

g. The term of office of its members shall not be more than 2 years. However, elections may be conducted whenever a member of the CODI resigns from the College.

10.2 POWERS AND RESPONSIBILITIES

The CODI shall have the following duties and functions:

a. Receive all reports and complaints of sexual harassment and related retaliation through the Officer In-Charge, officially delegated to receive complaints;
b. Conduct investigations on reports and complaints of sexual harassment and related retaliation;

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c. Submit its findings and recommendations to the Office of the College President as the Disciplining Authority;
d. Promote a better understanding of this Policy and other anti-sexual harassment laws and to prevent incidents of sexual harassment by conducting training, orientations, and other activities, as may be necessary, for officers and employees; and
e. Disseminate information on sexual harassment through the Information, Education and Communication Team instituted for the purpose.
f. Ensure the protection of a complainant from retaliation without causing her/him any disadvantage, diminution of benefits or displacement, and without compromising his/her security of tenure. It shall also guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible.
g. Investigate sexual harassment complaints including preliminary investigation in accordance with the prescribed procedure.
h. Within ten (10) days from the termination of the conduct of the investigation, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision.
i. Guarantee confidentiality to the greatest extent possible as well as ensure that the respondent is given the opportunity to be properly notified of and respond to the charge/s and that parties are given information on the hearings and its outcomes.
j. Establish a localized CODI in the branches which shall have the same functions as stated above and shall submit the report of investigation with its recommendation directly to the disciplining authority.

10.3 CONFLICT OF INTEREST

A complainant or respondent may request that a member of the CODI to inhibit or, a member of the CODI may, on his own initiative, inhibit from the investigation and disposition of a certain case based on conflict of interest, manifest partiality, or other reasonable grounds. If a member of the CODI inhibits, said member may be replaced as provided herein.

A report filed against the College President shall be referred to the Board of Trustees for investigation and appropriate action.

Section 11. INVESTIGATION AND DISPOSITION OF COMPLAINTS

a. Upon receipt of a complaint by the CODI thru the Receiving Officer, the CODI shall convene to begin the investigation of the complaint within ten (10) days.

b. The complaint must be in writing and duly signed and sworn to by the complainant, containing the following:

a. full name and address of the complainant;
b. full name, address, and government position of the respondent;
c. brief narration of the incident;
d. evidence in support of the complaint; and
e. certification of non-forum shopping.

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c. If the complaint is not under oath, or does not comply with any of the stipulated requirements above, the CODI may notify the complainant within ten (10) days from receipt of summon or notice of compliance.

d. Withdrawal of the complaint maybe allowed at any stage of the proceedings without preventing the CODI to conclude its investigation and make a report of its findings and recommendation of the disciplining authority when the evidence so warrants.

e. After evaluating the complaint, the CODI shall dismiss the complaint for non-compliance of the requirement or proceed with the investigation if the complaint is sufficient in form and substance.

11.1 PREVENTIVE SUSPENSION

The CODI may make an initial determination of whether the continued presence of the respondent who is charged with sexual harassment or any related retaliation poses an imminent threat on their co-workers. If so, then the CODI may recommend to the College President that the respondent be placed on preventive suspension during the period of the investigation, which shall not be more than ten (10) days from receipt of the complaint.

A respondent under preventive suspension shall be prohibited of the following acts:

a. attending classes and or rendering work;
b. entering the campus premises;
c. using the college/campus facilities; and
d. participating activities within the campus' premises

A Temporary or Permanent Protection Order maybe issued depending on the gravity of the case as part of the corrective measures. With the Protection Order, the respondent is prohibited from:

a. threatening the complainant directly or indirectly such as harassing, discriminating or committing any acts that may damage his/her reputation;
b. staying in the office or class of the complainant if both are officemates or classmates; and
c. staying in residence or any place frequented by the complainant.

Violation thereof shall be subject to disciplinary action as recommended by the CODI to the College President.

11.2 NOTICE TO RESPONDENT

The CODI shall send a written notice to the respondent that a complaint was filed against him/her. The written notice shall include a copy of the written complaint/formal charge and a statement that the respondent has three (3) calendar days to submit an answer to the complaint against him/her. The respondent may likewise submit any evidence that they possess which may include witness statements or other pertinent documents.

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The respondent must submit two copies of the answer and all attached exhibits to the CODI.

11.3 COMPLAINANT'S RESPONSE

Upon the receipt of the respondent's answer, the CODI shall immediately give one copy of the answer to the complainant who shall be informed that he/she may submit a reply to the answer. The complainant shall be given two (2) calendar days from receipt of the respondent's answer to give a reply.

The complainant must submit two copies of the reply and all attached exhibits. The second copy shall be given to the respondent.

11.4 HEARING OR CONFERENCE

The CODI shall set the preliminary hearing not later than two (2) weeks after receipt of the respondent's answer or after the expiration of the period within which the respondent should answer.

During the hearing or conference, the respondent shall be given the opportunity to further rebut the allegations against him/her. The parties may, if desired, bring their counsel.

The hearing shall be conducted through this manner:
a. Presentation of complainant's evidence
b. Presentation of respondent's evidence

In both cases, the parties may cross-examine the witnesses. Thereafter, the parties shall submit their formal offer of evidence in writing.

The hearing proceedings before the CODI shall be summary in nature. The CODI shall not be bound by technical rules of evidence. The parties and witnesses, if any, shall submit affidavits subject to its clarificatory questions.

11.5 WAIVER

Respondent's failure to submit an answer and attend the hearing or conference, for no justifiable cause, shall constitute a waiver of the right to be heard and the complaint shall be decided ex parte based on the evidence available to the CODI.

Complainant's failure to attend the hearing or conference, for no justifiable cause, may result in the automatic dismissal of the case.

11.6 FINALITY OF THE DECISION

After ten (10) days of the termination of the hearing or conference/formal investigation, the CODI shall submit its investigation report to the Office of the College President. A copy of the investigation report shall be provided to the complainant and the respondent.

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The College President shall decide the case within thirty (30) days from receipt of the formal investigation report. The decision of the College President shall be final and executory ten (10) days after receipt of the copy thereof by both parties.

11.7 APPEALS

In cases where the corrective measures is expulsion/dismissal, the same shall be automatically appealed to the Office of the College President. No motion for reconsideration is allowed.

A party adversely affected by the decision may file an appeal or motion for reconsideration with the Office of the College President within fifteen (15) working days upon receipt of the decision.

If the appeal has been filed within the given fifteen (15) working-day period, the same shall be heard and decided within three (3) working days from the receipt of the appeal.

The decision of the College President after the first appeal shall be final and is not subject to further appeals.

11.8 JURISDICTION OF THE CSC OVER SEXUAL HARASSMENT CASES

In case a complaint for sexual harassment is filed with the Commission, the same shall be remanded to the agency where the alleged offender is employed. However, the Commission may take cognizance of the case under any of the following circumstances:

a. the College has no CODI;
b. the disciplining authority is the subject of the complaint;
c. the subject of the complaint is a CODI member; or
d. there is unreasonable delay in complying with the periods provided in these Rules for the investigation and adjudication of a sexual harassment complaint.

For this purpose, there is unreasonable delay when any of the periods set in these Rules lapsed for a period of more than thirty (30) days without justifiable reason.

In cases wherein the respondent to a sexual harassment complaint is the head of office, a complaint for sexual harassment shall be filed directly with the proper disciplining authority.

11.9 WITHDRAWAL OF THE COMPLAINT

The withdrawal of the complaint does not result in its outright dismissal or discharge of the person complained of from any administrative liability.

Section 12. CONFIDENTIALITY

All proceedings before the CODI shall be conducted under strict confidentiality.

Section 13. CLASSIFICATION OF ACTS OF SEXUAL HARASSMENT AND THEIR CORRESPONDING ADMINISTRATIVE OFFENSES (Section 51 A of the 2017 RACCS)

13.1 GRAVE OFFENSES which are punishable by dismissal from the service shall include the following, but not limited to:

a. unwanted touching of private parts of the body (inner thighs, genitalia, buttocks, and breast);
b. sexual assault;
c. malicious touching;
d. requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance; and
e. other analogous cases.

13.2 LESS GRAVE OFFENSES shall include the following, but are not limited to:

a. unwanted touching or brushing against the victim's body;
b. pinching not falling under grave offenses;
c. derogatory or degrading remarks or insinuations directed toward the members of one sex, or one's sexual orientation or used to describe a person;
d. verbal abuse with sexual overtones; and
e. other analogous cases.

13.3 LIGHT OFFENSES shall include the following acts, but are not limited to:

a. surreptitiously looking at a person's private part or worn undergarments;
b. making sexist statements and uttering smutty jokes or sending these through text, electronic mail including but not limited to social media platform, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive or vulgar;
c. malicious leering or ogling;
d. display of sexually offensive pictures, materials or graffiti;
e. unwelcome inquiries or comments about a person's sex life;
f. making offensive hand or body gestures at an employee;
g. persistent unwanted attention with sexual overtones;
h. unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
i. other analogous cases.

13.4 For the purpose of this policy, the ADMINISTRATIVE OFFENSE OF SEXUAL HARASSMENT is further described in the following circumstances:

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a. Work-related sexual harassment is committed under the following circumstance:
  a.1 submission to or rejection of the act or series of acts is used as a basis for any employment decision (including, but not limited to, matters related to hiring, promotion, raise in salary, job security, benefits and any other human resource action) affecting the applicant/employee; or
  a.2 the act or series of acts have the purpose or effect of interfering with the complainant's work performance, or creating an intimidating, hostile or offensive work environment; or
  a.3 the act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a co-employee, applicant, customer, or word of the person complained of.

b. Education or training-related sexual harassment is committed against one who is under the actual or constructive care, custody or supervision of the offender, or against one whose education, training, apprenticeship, internship or tutorship is directly or constructively entrusted to, or is provided by, the offender, when:
  b.1 submission to or rejection of the act or series of acts as a basis for any decision affecting the complainant, including, but not limited to, the giving of a grade, the granting of honors or a scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration;
  b.2 the act or series of acts have the purpose or effect of interfering with the performance, or creating an intimidating, hostile or offensive academic environment of the complainant; or
  b.3 the act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a trainee, apprentice, intern, tutee or ward of the person complained of.

c. The offense may also take place in the following instances:
  c.1 in the premises of the workplace of office or of the school or training institution;
  c.2 in any place where the parties were found as a result of work or education or training responsibilities or relations;
  c.3 at work or education or training-related social functions;
  c.4 while on official business outside the office or school or training institution or during work or school or training-related travel;
  c.5 at official conferences, for a symposia or training sessions; or
  c.6 by telephone, cellular phone, fax machine or electronic mail.

Section 14. SPECIFIC SANCTIONS

GRAVE OFFENSE

a. Teaching and Non-Teaching Staff	-	1st offense – DISMISSAL
b. Students	-	1st offense – suspension for one (1) academic year to expulsion

LESS GRAVE OFFENSE

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a. Teaching and Non-Teaching Staff	-	1st offense – suspension for six (6) months to one (1) year
	-	2nd offense – dismissal
b. Students	-	1st offense – community service of 60 hours
	-	2nd offense – suspension for one (1) Semester to one (1) year
	-	3rd offense – expulsion

LIGHT OFFENSE

a. Teaching and Non-Teaching Staff	-	1st offense – reprimand or suspension for one (1) month to six (6) months
	-	2nd offense – fine or suspension for six (6) months to one (1year)
	-	3rd offense – dismissal
b. Students	-	1st offense – reprimand or community service not exceeding 30 hours
	-	2nd offense – suspension not exceeding one (1) semester
	-	3rd offense – expulsion

Section 15. INDEPENDENT ACTIONS FOR DAMAGES

Every person has the right to seek redress from the courts even when steps are taken under this Policy. Likewise, nothing in this Policy shall prevent a victim of sexual harassment or related retaliation from instituting a separate and independent action for damages and other relief.

The College undertakes to support and assist the victim in any independent action that they may undertake for any sexual harassment or related retaliation under this Policy.

Section 16. PROTOCOLS AND INFORMATION DISSEMINATION

The CODI shall formulate, disseminate, and publish protocols for the preventions of sexual harassment in consultation with the faculty, staff, and students. A copy of this Policy, the Safe Spaces Act (Republic Act No. 11313), and its Implementing Rules and Regulations (IRR) shall be posted in conspicuous places and social media platforms by the Information, Education, and Communication (IEC) Team constituted for the purpose.

The Human Resource Management Section is advised to provide all new employees a copy of this Policy upon the start of their employment for their reference and guidance. Any officer or employee or student may request for a copy of this Policy, the law, and/or its IRR, through the Records Management Section.

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Anti-Sexual Harassment orientation shall form part in the student, faculty and staff clearance requirement including personnel action such as hiring and promotion.

Anti-Sexual Harassment protocol with contractors and other program partners shall be integrated in any Memorandum of Understanding and Agreements forged with the College.

Section 17. REPEALING CLAUSE

All issuances inconsistent with the provisions hereof are hereby repealed or modified accordingly.

Section 18. EFFECTIVITY

This order shall take effect immediately and shall remain in force and effect until otherwise revoked or amended by the undersigned or by any competent authority.

Signed this 25th day of August 2022 at the DDOSC Main Campus, Compostela, Davao de Oro Province.

Digitally signed by
Ganiera Christie Jean
Villanueva
Date: 2022.08.26
09:12:47 +08'00'

CHRISTIE JEAN VILLANUEVA GANIERA, Ed. D., CESE
College President

cf: File,
All Offices, Divisions, Sections, Units in all campuses,
Records Mgt. Section

OFFICE OF THE COLLEGE PRESIDENT

VISION

A proactive academic pillar of development in the ASEAN Region.

MISSION

CVSC shall provide golden opportunities to its stakeholders toward producing globally competent graduates, relevant and responsive research, extension, and production services anchored on good governance.

GOALS

- Quality Instruction
- Relevant and Responsive Research, Extension and Production Services
- Effective and Efficient Resource Management

ADMINISTRATIVE ORDER NO. 008
Series of 2021

"RECONSTITUTION OF THE COMMITTEE ON DECORUM AND INVESTIGATION (CODI) OF COMPOSTELA VALLEY STATE COLLEGE"

Pursuant to the provision of Section 4, of Republic Act No. 7877 entitled "Anti-Sexual Harassment Act of 1995", which mandates to create a committee on decorum and investigation, in order to prevent or deter the commission of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment, the Compostela Valley State College (CVSC) constituted the Committee on Decorum and Investigation (CODI) of CVSC through the issuance of Administrative Order 006, series of 2019, and was reconstituted through Administrative Order 062, dated November 5, 2020.

By virtue of the passage of the Republic Act 11313, also known as the Safe Spaces Act, which stipulations encompass the gender-based sexual harassments in the workplace, the reconstitution of the Committee on Decorum and Investigation is deemed necessary.

Given the above premise and by the powers vested to the College President, the Committee on Decorum and Investigation (CODI) of Compostela Valley State College is now reconstituted, to wit:

Composition	
Main Campus	**Montevista Branch**
Chairperson: DR. LILYBETH M. MATUNHAY *Vice President for Academic Affairs* DR. JUANITA C. LEOPOLDO *Faculty Association President* *Permanent Alternate in Case of Absence* Members: DR. KHRIS JUNE L. CALLANO DR. LEONILA M. FAJARDO	Chairperson: DR. KARREN S. REDOBLADO *Branch Director* MR. NIÑO JAN G. OLAIVAR *Permanent Alternate in Case of Absence* Members: MS. CHARIS ABANTE *Instructor*

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• Effective and Efficient Resource Management

MS. MAIDA MAE B. CALPO, MSc. MR. LEO C. WENCESLAO *Department Head/Focal* MR. JONELL R. PALANAS *Trainer* MS. GLORYJEAN C. ALTAMERA *Coach* MR. ROMEO M. SANCHEZ, JR. *Student Representative*	MR. JOECEL JAN GOMEZ *Trainer* MS. LOVELY ASUR *Coach* MARK ANTHONY BALABA *Student Representative*
Maragusan Branch	**New Bataan Branch**
Chairperson: ENGR. GRACE O. TULANG *Branch Director* MR. RHOLEY R. PICAZA *Permanent Alternate in Case of Absence* Members: MS. JOVELYN LAYAGUE *Instructor* MR. ED SIM T. SABIDOR *Trainer* MS. KEI D. INANSUGAN *Coach* MR. JASPER T. EGPIT *Student Representative*	Chairperson: DR. JOEL E. FELICILDA *Branch Director* MR. GABRELLE D. CUBERO *Permanent Alternate in Case of Absence* Members: MS. NICE YUYEN B. LANABAN *Instructor* MS. KIM NOREEN O. CORONEL *Trainer* MS. KARA H. DUPAY *Coach* MR. RUDYARD D. LADESMA *Student Representative*

Functions:

1. Observe due process at all times. Investigate and decide on the complaints within ten (10) days or less upon receipt from the officially designated in charge of receiving complaints related to Gender-Based Sexual Harassment and online sexual harassment;
2. Ensure the protection of the complainant from retaliation without causing her/him any disadvantage, diminution of benefits or displacement and without compromising his/her security of tenure;
3. Ensure that the respondent is given the opportunity to be properly notified of and respond to the charge/s and that parties are given information on the hearings and outcomes;
4. Guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible;
5. Ensure appeal process;

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6. Respect the privacy of the victim and exert efforts to determine the readiness and willingness to pursue a case against the perpetuator;
7. Submit a report of the findings with the corresponding recommendation to the disciplining authority for decision;
8. Lead in the conduct of discussion about sexual harassment and other related gender-based sexual offenses within the institution to increase the community's understanding of, and prevent incidents of, sexual harassment and other related forms of sexual offenses; and
9. Conduct such other activities that would engender a safe environment for women in school campuses and training-related programs in the college.

Repealing Clause: All previous orders inconsistent with the provisions hereof are hereby superseded, repealed or amended accordingly.

Effectivity: This order shall take effect immediately and shall remain in force until otherwise revoked or amended by the undersigned or by any competent authority.

Signed this 5th day of February 2021 at the CVSC-Main Campus, P-10 Poblacion, Compostela, Davao de Oro Province.

CHRISTIE JEAN VILLANUEVA-GANIERA, Ed. D., CESE
College President

cf: file, All Committee Members,
Records Management Section
/nmb

S. No. 1558
H. No. 8794

Republic of the Philippines
Congress of the Philippines
Metro Manila

Seventeenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen.

[REPUBLIC ACT NO. 11313]

AN ACT DEFINING GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, ONLINE, WORKPLACES, AND EDUCATIONAL OR TRAINING INSTITUTIONS, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* – This Act shall be known as the "Safe Spaces Act".

SEC. 2. *Declaration of Policies.* – It is the policy of the State to value the dignity of every human person and guarantee full respect for human rights. It is likewise the policy of the State to recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men. The State also recognizes that both men and women must have equality, security and safety not only in private, but also on the streets, public spaces, online, workplaces and educational and training institutions.

SEC. 3. *Definition of Terms.* – As used in this Act:

(a) *Catcalling* refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;

(b) *Employee* refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical, and whether private or public, who exercises fundamental control over the work, regardless of the term or duration of agreement: *Provided,* That for the purposes of this law, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee;

(c) *Employer* refers to a person who exercises control over an employee: *Provided,* That for the purpose of this Act, the status or conditions of the latter's employment or engagement shall be disregarded;

(d) *Gender* refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them;

(e) *Gender-based online sexual harassment* refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft;

(f) *Gender identity and/or expression* refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, in which case this person is considered transgender;

(g) *Public spaces* refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as

evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport network services and other recreational spaces such as, but not limited to, cinema halls, theaters and spas; and

(h) *Stalking* refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.

ARTICLE I

GENDER-BASED STREETS AND PUBLIC SPACES SEXUAL HARASSMENT

SEC. 4. *Gender-Based Streets and Public Spaces Sexual Harassment.* – The crimes of gender-based streets and public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

Gender-based streets and public spaces sexual harassment includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs, persistent uninvited comments or gestures on a person's appearance, relentless requests for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces such as alleys, roads, sidewalks and parks. Acts constitutive of gender-based streets and public spaces sexual harassment are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

SEC. 5. *Gender-Based Sexual Harassment in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and Other Privately-Owned Places Open to the Public.* – Restaurants, bars,

cinemas, malls, buildings and other privately-owned places open to the public shall adopt a zero-tolerance policy against gender-based streets and public spaces sexual harassment. These establishments are obliged to provide assistance to victims of gender-based sexual harassment by coordinating with local police authorities immediately after gender-based sexual harassment is reported, making CCTV footage available when ordered by the court, and providing a safe gender-sensitive environment to encourage victims to report gender-based sexual harassment at the first instance.

All restaurants, bars, cinemas and other places of recreation shall install in their business establishments clearly-visible warning signs against gender-based public spaces sexual harassment, including the anti-sexual harassment hotline number in bold letters, and shall designate at least one (1) anti-sexual harassment officer to receive gender-based sexual harassment complaints. Security guards in these places may be deputized to apprehend perpetrators caught in *flagrante delicto* and are required to immediately coordinate with local authorities.

SEC. 6. *Gender-Based Sexual Harassment in Public Utility Vehicles.* – In addition to the penalties in this Act, the Land Transportation Office (LTO) may cancel the license of perpetrators found to have committed acts constituting sexual harassment in public utility vehicles, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of transportation operators who commit gender-based streets and public spaces sexual harassment acts. Gender-based sexual harassment in public utility vehicles (PUVs) where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of employees and rendering the owner or operator solidarily liable for the offenses of the employee.

SEC. 7. *Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors.* – In case the offense is committed by a minor, the Department of Social Welfare and Development (DSWD) shall take necessary disciplinary measures as provided for under Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006".

SEC. 8. *Duties of Local Government Units (LGUs).* – local government units (LGUs) shall bear primary responsibility in enforcing the provisions under Article I of this Act. LGUs shall have the following duties:

(a) Pass an ordinance which shall localize the applicability of this Act within sixty (60) days of its effectivity;

(b) Disseminate or post in conspicuous places a copy of this Act and the corresponding ordinance;

(c) Provide measures to prevent gender-based sexual harassment in educational institutions, such as information campaigns and anti-sexual harassment seminars;

(d) Discourage and impose fines on acts of gender-based sexual harassment as defined in this Act;

(e) Create an anti-sexual harassment hotline; and

(f) Coordinate with the Department of the Interior and Local Government (DILG) on the implementation of this Act.

SEC. 9. *Role of the DILG.* – The DILG shall ensure the full implementation of this Act by:

(a) Inspecting LGUs if they have disseminated or posted in conspicuous places a copy of this Act and the corresponding ordinance;

(b) Conducting and disseminating surveys and studies on best practices of LGUs in implementing this Act; and

(c) Providing capacity-building and training activities to build the capability of local government officials to implement this Act in coordination with the Philippine Commission on Women (PCW), the Local Government Academy (LGA) and the Development Academy of the Philippines (DAP).

SEC. 10. *Implementing Bodies for Gender-Based Sexual Harassment in Streets and Public Spaces.* – The Metro Manila

Development Authority (MMDA), the local units of the Philippine National Police (PNP) for other provinces, and the Women and Children's Protection Desk (WCPD) of the PNP shall have the authority to apprehend perpetrators and enforce the law: *Provided,* That they have undergone prior Gender Sensitivity Training (GST). The PCW, DILG and Department of Information and Communications Technology (DICT) shall be the national bodies responsible for overseeing the implementation of this Act and formulating policies that will ensure the strict implementation of this Act.

For gender-based streets and public spaces sexual harassment, the MMDA and the local units of the PNP for the provinces shall deputize its enforcers to be Anti-Sexual Harassment Enforcers (ASHE). They shall be deputized to receive complaints on the street and immediately apprehend a perpetrator if caught in *flagrante delicto*. The perpetrator shall be immediately brought to the nearest PNP station to face charges of the offense committed. The ASHE unit together with the Women's and Children's Desk of PNP stations shall keep a ledger of perpetrators who have committed acts prohibited under this Act for purposes of determining if a perpetrator is a first-time, second-time or third-time offender. The DILG shall also ensure that all local government bodies expedite the receipt and processing of complaints by setting up an Anti-Sexual Harassment Desk in all barangay and city halls and to ensure the set-up of CCTVs in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence. The DILG, the DSWD in coordination with the Department of Health (DOH) and the PCW shall coordinate if necessary to ensure that victims are provided the proper psychological counseling support services.

SEC. 11. *Specific Acts and Penalties for Gender-Based Sexual Harassment in Streets and Public Spaces.* – The following acts are unlawful and shall be penalized as follows:

(a) For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, cursing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details such as name, contact and social media details or destination, the use of words, gestures or actions that ridicule on the basis of sex,

gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety –

(1) The first offense shall be punished by a fine of One thousand pesos (P1,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by *arresto menor* (6 to 10 days) or a fine of Three thousand pesos (P3,000.00);

(3) The third offense shall be punished by *arresto menor* (11 to 30 days) and a fine of Ten thousand pesos (P10, 000.00).

(b) For acts such as making offensive body gestures at someone, and exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions –

(1) The first offense shall be punished by a fine of Ten thousand pesos (P10,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by *arresto menor* (11 to 30 days) or a fine of Fifteen thousand pesos (P15,000.00);

(3) The third offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) and a fine of Twenty thousand pesos (P20,000.00).

(c) For acts such as stalking, and any of the acts mentioned in Section 11 paragraphs (a) and (b), when accompanied by touching, pinching or brushing against the

body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in Section 11 paragraphs (a) and (b) –

(1) The first offense shall be punished by *arresto menor* (11 to 30 days) or a fine of Thirty thousand pesos (P30,000.00), provided that it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) or a fine of Fifty thousand pesos (P50,000.00);

(3) The third offense shall be punished by *arresto mayor* in its maximum period or a fine of One hundred thousand pesos (P100,000.00).

ARTICLE II

GENDER-BASED ONLINE SEXUAL HARASSMENT

SEC. 12. *Gender-Based Online Sexual Harassment.* – Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.

SEC. 13. *Implementing Bodies for Gender-Based Online Sexual Harassment.* – For gender-based online sexual harassment, the PNP Anti-Cybercrime Group (PNPACG) as the National Operational Support Unit of the PNP is primarily

responsible for the implementation of pertinent Philippine laws on cybercrime, shall receive complaints of gender-based online sexual harassment and develop an online mechanism for reporting real-time gender-based online sexual harassment acts and apprehend perpetrators. The Cybercrime Investigation and Coordinating Center (CICC) of the DICT shall also coordinate with the PNPACG to prepare appropriate and effective measures to monitor and penalize gender-based online sexual harassment.

SEC. 14. *Penalties for Gender-Based Online Sexual Harassment.* – The penalty of *prision correccional* in its medium period or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

If the perpetrator is a juridical person, its license or franchise shall be automatically deemed revoked, and the persons liable shall be the officers thereof, including the editor or reporter in the case of print media, and the station manager, editor and broadcaster in the case of broadcast media. An alien who commits gender-based online sexual harassment shall be subject to deportation proceedings after serving sentence and payment of fines.

Exemption to acts constitutive and penalized as gender-based online sexual harassment are authorized written orders of the court for any peace officer to use online records or any copy thereof as evidence in any civil, criminal investigation or trial of the crime: *Provided,* That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses may produce, and upon showing that there are reasonable grounds to believe that gender-based online sexual harassment has been committed or is about to be committed, and that the evidence to be obtained is essential to the conviction of any person for, or to the solution or prevention of such crime.

Any record, photo or video, or copy thereof of any person that is in violation of the preceding sections shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

ARTICLE III

QUALIFIED GENDER-BASED STREETS, PUBLIC SPACES AND ONLINE SEXUAL HARASSMENT

SEC. 15. *Qualified Gender-Based Streets, Public Spaces and Online Sexual Harassment.* – The penalty next higher in degree will be applied in the following cases:

(a) If the act takes place in a common carrier or PUV, including, but not limited to, jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger;

(b) If the offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;

(c) If the offended party is diagnosed with a mental problem tending to impair consent;

(d) If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform; and

(e) If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee.

ARTICLE IV

GENDER-BASED SEXUAL HARASSMENT IN THE WORKPLACE

SEC. 16. *Gender-Based Sexual Harassment in the Workplace.* – The crime of gender-based sexual harassment in the workplace includes the following:

(a) An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;

(b) A conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems;

(c) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: *Provided*, That the crime of gender-based sexual harassment may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee; and

(d) Information and communication system refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.

SEC. 17. *Duties of Employers.* – Employers or other persons of authority, influence or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment in the workplace. Towards this end, the employer or person of authority, influence or moral ascendancy shall:

(a) Disseminate or post in a conspicuous place a copy of this Act to all persons in the workplace;

(b) Provide measures to prevent gender-based sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars;

(c) Create an independent internal mechanism or a committee on decorum and investigation to investigate and address complaints of gender-based sexual harassment which shall:

(1) Adequately represent the management, the employees from the supervisory rank, the rank-and-file employees, and the union, if any;

(2) Designate a woman as its head and not less than half of its members should be women;

(3) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;

(4) Investigate and decide on the complaints within ten (10) days or less upon receipt thereof;

(5) Observe due process;

(6) Protect the complainant from retaliation; and

(7) Guarantee confidentiality to the greatest extent possible;

(d) Provide and disseminate, in consultation with all persons in the workplace, a code of conduct or workplace policy which shall:

(1) Expressly reiterate the prohibition on gender-based sexual harassment;

(2) Describe the procedures of the internal mechanism created under Section 17(c) of this Act; and

(3) Set administrative penalties.

SEC. 18. *Duties of Employees and Co-Workers.* – Employees and co-workers shall have the duty to:

(a) Refrain from committing acts of gender-based sexual harassment;

(b) Discourage the conduct of gender-based sexual harassment in the workplace;

(c) Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of gender-based sexual harassment; and

(d) Report acts of gender-based sexual harassment witnessed in the workplace.

SEC. 19. *Liability of Employers.* – In addition to liabilities for committing acts of gender-based sexual harassment, employers may also be held responsible for:

(a) Non-implementation of their duties under Section 17 of this Act, as provided in the penal provisions; or

(b) Not taking action on reported acts of gender-based sexual harassment committed in the workplace.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Five thousand pesos (P5,000.00) nor more than Ten thousand pesos (P10,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Ten thousand pesos (P10,000.00) nor more than Fifteen thousand pesos (P15,000.00).

SEC. 20. *Routine Inspection.* – The Department of Labor and Employment (DOLE) for the private sector and the Civil Service Commission (CSC) for the public sector shall conduct yearly spontaneous inspections to ensure compliance of employers and employees with their obligations under this Act.

ARTICLE V

GENDER-BASED SEXUAL HARASSMENT IN EDUCATIONAL AND TRAINING INSTITUTIONS

SEC. 21. *Gender-Based Sexual Harassment in Educational and Training Institutions.* – All schools, whether public or private, shall designate an officer-in-charge to receive complaints regarding violations of this Act, and shall ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

Every school must adopt and publish grievance procedures to facilitate the filing of complaints by students and

faculty members. Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of a student or faculty member and school authorities have knowledge or reasonably know about a possible or impending act of gender-based sexual harassment or sexual violence, the school should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which the act of gender-based sexual harassment or sexual violence were committed, and take appropriate steps to resolve the situation. If a school knows or reasonably should know about acts of gender-based sexual harassment or sexual violence being committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent their recurrence, and address their effects.

Once a perpetrator is found guilty, the educational institution may reserve the right to strip the diploma from the perpetrator or issue an expulsion order.

The Committee on Decorum and Investigation (CODI) of all educational institutions shall address gender-based sexual harassment and online sexual harassment in accordance with the rules and procedures contained in their CODI manual.

SEC. 22. *Duties of School Heads.* – School heads shall have the following duties:

(a) Disseminate or post a copy of this Act in a conspicuous place in the educational institution;

(b) Provide measures to prevent gender-based sexual harassment in educational institutions, like information campaigns;

(c) Create an independent internal mechanism or a CODI to investigate and address complaints of gender-based sexual harassment which shall:

(1) Adequately represent the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be;

(2) Designate a woman as its head and not less than half of its members should be women;

(3) Ensure equal representation of persons of diverse sexual orientation, identity and/or expression, in the CODI as far as practicable;

(4) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;

(5) Investigate and decide on complaints within ten (10) days or less upon receipt thereof;

(6) Observe due process;

(7) Protect the complainant from retaliation; and

(8) Guarantee confidentiality to the greatest extent possible.

(d) Provide and disseminate, in consultation with all persons in the educational institution, a code of conduct or school policy which shall:

(1) Expressly reiterate the prohibition on gender-based sexual harassment;

(2) Prescribe the procedures of the internal mechanism created under this Act; and

(3) Set administrative penalties.

SEC. 23. *Liability of School Heads.* – In addition to liability for committing acts of gender-based sexual harassment, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an educational or training institution may also be held responsible for:

(a) Non-implementation of their duties under Section 22 of this Act, as provided in the penal provisions; or

(b) Failure to act on reported acts of gender-based sexual harassment committed in the educational institution.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Five thousand pesos (P5,000.00) nor more than Ten thousand pesos (P10,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Ten thousand pesos (P10,000.00) nor more than Fifteen thousand pesos (P15,000.00).

SEC. 24. *Liability of Students.* – Minor students who are found to have committed acts of gender-based sexual harassment shall only be held liable for administrative sanctions by the school as stated in their school handbook.

SEC. 25. *Routine Inspection.* – The Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA) shall conduct regular spontaneous inspections to ensure compliance of school heads with their obligations under this Act.

ARTICLE VI

COMMON PROVISIONS

SEC. 26. *Confidentiality.* – At any stage of the investigation, prosecution and trial of an offense under this Act, the rights of the victim and the accused who is a minor shall be recognized.

SEC. 27. *Restraining Order.* – Where appropriate, the court, even before rendering a final decision, may issue an order directing the perpetrator to stay away from the offended person at a distance specified by the court, or to stay away from the residence, school, place of employment, or any specified place frequented by the offended person.

SEC. 28. *Remedies and Psychological Counselling.* – A victim of gender-based street, public spaces or online sexual harassment may avail of appropriate remedies as provided for under the law as well as psychological counselling services with the aid of the LGU and the DSWD, in coordination with the DOH and the PCW. Any fees to be

charged in the course of a victim's availment of such remedies or psychological counselling services shall be borne by the perpetrator.

SEC. 29. *Administrative Sanctions.* – Above penalties are without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

SEC. 30. *Imposition of Heavier Penalties.* – Nothing in this Act shall prevent LGUs from coming up with ordinances that impose heavier penalties for the acts specified herein.

SEC. 31. *Exemptions.* – Acts that are legitimate expressions of indigenous culture and tradition, as well as breastfeeding in public shall not be penalized.

ARTICLE VII

FINAL PROVISIONS

SEC. 32. *PNP Women and Children's Desks.* – The women and children's desks now existing in all police stations shall act on and attend to all complaints covered under this Act. They shall coordinate with ASHE officers on the street, security guards in privately-owned spaces open to the public, and anti-sexual harassment officers in government and private offices or schools in the enforcement of the provisions of this Act.

SEC. 33. *Educational Modules and Awareness Campaigns.* – The PCW shall take the lead in a national campaign for the awareness of the law. The PCW shall work hand-in-hand with the DILG and duly accredited women's groups to ensure all LGUs participate in a sustained information campaign and the DICT to ensure an online campaign that reaches a wide audience of Filipino internet-users. Campaign materials may include posters condemning different forms of gender-based sexual harassment, informing the public of penalties for committing gender-based sexual harassment, and infographics of hotline numbers of authorities.

All schools shall educate students from the elementary to tertiary level about the provisions of this Act and how they can report cases of gender-based streets, public spaces and

online sexual harassment committed against them. School courses shall include age-appropriate educational modules against gender-based streets, public spaces and online sexual harassment which shall be developed by the DepEd, the CHED, the TESDA and the PCW.

SEC. 34. *Safety Audits.* – LGUs are required to conduct safety audits every three (3) years to assess the efficiency and effectivity of the implementation of this Act within their jurisdiction. Such audits shall be multisectoral and participatory, with consultations undertaken with schools, police officers, and civil society organizations.

SEC. 35. *Appropriations.* – Such amounts as may be necessary for the implementation of this Act shall be indicated under the annual General Appropriations Act (GAA). National and local government agencies shall be authorized to utilize their mandatory Gender and Development (GAD) budget, as provided under Republic Act No. 9710, otherwise known as "The Magna Carta of Women" for this purpose. In addition, LGUs may also use their mandatory twenty percent (20%) allocation of their annual internal revenue allotments for local development projects as provided under Section 287 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991".

SEC. 36. *Prescriptive Period.* – Any action arising from the violation of any of the provisions of this Act shall prescribe as follows:

(a) Offenses committed under Section 11(a) of this Act shall prescribe in one (1) year;

(b) Offenses committed under Section 11(b) of this Act shall prescribe in three (3) years;

(c) Offenses committed under Section 11(c) of this Act shall prescribe in ten (10) years;

(d) Offenses committed under Section 12 of this Act shall be imprescriptible; and

(e) Offenses committed under Sections 16 and 21 of this Act shall prescribe in five (5) years.

SEC. 37. *Joint Congressional Oversight Committee.* – There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of this Act and to review the implementing rules and regulations promulgated. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the Chairpersons of the Senate Committee on Women, Children, Family Relations and Gender Equality and the House Committee on Women and Gender Equality.

SEC. 38. *Implementing Rules and Regulations (IRR).* – Within ninety (90) days from the effectivity of this Act, the PCW as the lead agency, in coordination with the DILG, the DSWD, the PNP, the Commission on Human Rights (CHR), the DOH, the DOLE, the DepEd, the CHED, the DICT, the TESDA, the MMDA, the LTO, and at least three (3) women's organizations active on the issues of gender-based violence, shall formulate the implementing rules and regulations (IRR) of this Act.

SEC. 39. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

SEC. 40. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 41. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any two (2) newspapers of general circulation in the Philippines.

Approved,

GLORIA MACAPAGAL-ARROYO
Speaker of the House of Representatives

VICENTE C. SOTTO III
President of the Senate

This Act which is a consolidation of Senate Bill No. 1558 and House Bill No. 8794 was passed by the Senate of the Philippines and the House of Representatives on February 6, 2019.

DANTE ROBERTO P. MALING
Acting Secretary General
House of Representatives

MYRA MARIE D. VILLARICA
Secretary of the Senate

Approved: APR 17 2019

RODRIGO ROA DUTERTE
President of the Philippines

O

REPUBLIC OF THE PHILIPPINES
PRRD 2016 - 011183

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ATTY. CONCEPCION [illegible] E. TERRIGLINO-ENAD
DIRECTOR IV
7-15-2019

CIVIL SERVICE COMMISSION
Republic of the Philippines

MC No. 11, s. 2021

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES, DEPARTMENT, BUREAUS AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS; STATE COLLEGES AND UNIVERSITIES

SUBJECT : Revised Administrative Disciplinary Rules on Sexual Harassment Cases (Amendment to the Sexual Harassment Provisions in the 2017 Revised Rules on Administrative Cases in the Civil Service)

Pursuant to **CSC Resolution No. 2100064** dated **January 20, 2021**, the Commission resolved to promulgate the following Revised Administrative Disciplinary Rules on Sexual Harassment Cases (Amendment to the Sexual Harassment Provisions in the 2017 Revised Rules on Administrative Cases in the Civil Service)[1] pursuant to Republic Act No. 11313 (Safe Spaces Act) which provides, as follows:

*"**Section. 4. Definition of Terms**.*

*'aa. **SEXUAL HARASSMENT***

SEXUAL HARASSMENT IN THE WORKPLACE includes the following:

"i. An act or series of act involving any unwelcome sexual advances, request or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individuals' employment or education, job performance or opportunities.

[1] Amendments are in bold letters.

"ii. A conduct of sexual nature affecting the dignity of a person, which is unwelcome, unreasonable and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems.

iii. A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient.

"Sexual harassment in the workplace may also be committed by a government employee or official in a work-related, training or education related environment of the person complained of, against any person regardless of the motive for committing such action or remarks, between peers, and by a subordinate to a superior officer.

SEXUAL HARASSMENT IN STREETS AND PUBLIC SPACES is committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

Sexual harassment in streets and public spaces includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic and sexists slurs, persistent uninvited comments or gestures on a person's appearances, relentless request for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal of physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces as alleys, roads, sidewalks and parks. Acts constitutive of sexual harassment in streets and public spaces are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

ONLINE SEXUAL HARASSMENT refers to:

Gender-based online sexual harassment may be committed through an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear for personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photo's without consent, video and audio recordings, cyberstalking and online identity theft.

Gender-based online sexual harassment includes acts that use information and communication technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about the victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.

x x x

"Section 14. Complaints in Sexual Harassment Cases.

*'**a. Filing of Complaint.** In sexual harassment cases, the complaint shall be filed with the Committee on Decorum and Investigation (CODI) which shall be created in all national or local agencies of the government, state/local colleges and universities, including government-owned or controlled corporations with original charters.*

'b. Composition of CODI.[2]

'1. CODI shall serve as an independent internal mechanism to address and investigate complaints of sexual harassment.

'2. CODI in workplaces shall be composed of at least one representative each from the management, the employees from the supervisory rank, the rank-and-file employees, and the union/s or employees association, if any. The head of agency shall also ensure that there will be a sufficient number of people who may immediately replace any member of the CODI in case s/he inhibits from any case, or when needed, so as not to cause any delay in the process being undertaken.

'3. In educational and training institutions, the CODI shall be composed of at least one (1) representative each from the school administration, the trainers, faculty members or instructors/professors, coaches and students or trainees, as

[2] In reference to Section 33 of the IRR of RA No. 11313.

deemed appropriate. Aside from the regular members of the CODI, the school head or the head of training institution must designate their respective permanent alternate who shall act on their behalf in case of absence of the regular member and must have the authority to render decision so as not to delay the proceedings being undertaken and to ensure continuity of deliberation.

'4. Every CODI shall be headed by a woman and not less than half of its members shall be women.

'5. When the complainant or the person complained of is a member of the Committee, he/she shall be disqualified from being a member thereof or the complaint may be filed directly with the Civil Service Commission or other disciplinary authorities with jurisdiction over the case.

'6. The complainant or the person complained of may request a member of the CODI to inhibit, or the CODI member may, on his/her initiative, cause the inhibition based on conflict of interest, manifest partiality, and other reasonable grounds. Upon such a grant of inhibition, the member shall immediately be replaced so as not to cause a delay in the proceedings.

'7. The CODI shall ensure the protection of a complainant from retaliation without causing her/him any disadvantage, diminution of benefits or displacement, and without compromising his/her security of tenure. It shall also guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible.

***'8. The CODI shall observe due process and within ten (10) days from the termination of the conduct of the investigation**, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision.*

'c. Duties and Liabilities of the Head of Office/Agencies or other Persons of Authority, Influence or Moral Ascendancy.[3] The head of office or agency or other persons of authority, influence or moral ascendancy, shall have the duty to prevent and deter the occurrence of sexual harassment cases,

[3] In reference to Section 19 of the IRR of RA No. 11313.

as well as ensure that necessary action be taken on complaint filed with the CODI. To this extent, the head of office or agency shall:

'1. Disseminate or post in a conspicuous place a copy of the law and this rule to all persons in the workplace, which shall include the following:

1.1 Sending copies of the law and its rules through official notices or means of communications to heads of different departments, bureaus, offices, units or such subdivisions in a workplace for proper information of their members;
1.2 Posting a copy of the law and its rules online or in the official website of the workplace;
1.3 Conducting orientations on the law and its rules and providing its employees with copies in print or electronic form as well as preparing information materials such as primers, frequently asked questions and the like.

'2. Provide measures to prevent sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars, which shall be provided to all employees, regardless of rank and status.

Trainings on gender sensitivity, orientations on gender-based violence, and other relevant topics may also be conducted, in addition to the conduct of anti-sexual harassment seminars. Such trainings and orientations, when conducted, should form part of their staff development and basic knowledge of employees.

Trainings to further capacitate and increase the awareness of CODI members on preventing sexual harassment and proper case handling shall also be considered;

'3. Create a Committee on Decorum and Investigation (CODI) to investigate and address complaints of sexual harassment

'4. Develop and disseminate, in consultation with employees or their unions, if any, a code of conduct on sexual harassment and CODI manual, which will be in accordance with the provisions of the 2017 RACCS.

'5. The agency may formulate its own rules governing the term of office of its members which should not be more than two years, and other matters pertaining to the functions of the Committee not otherwise provided in these Rules.

'6. Non-implementation of the above duties and the failure to create a CODI or not taking action on complaints filed by the head of office or agency shall be charged with Neglect of Duty.

x x x

"Section 15. Jurisdiction of the CSC over Sexual Harassment Cases. In case a complaint for sexual harassment is filed with the Commission, the same shall be remanded to the agency where the alleged offender is employed. However, the Commission may take cognizance of the case under any of the following circumstances:

a. *the agency has no CODI;*
b. *the disciplining authority is the subject of the complaint;*
c. *the subject of the complaint is a CODI member; or*
d. *there is unreasonable delay in complying with the periods provided in these Rules for the investigation and adjudication of a sexual harassment complaint.*

For this purpose, there is unreasonable delay when any of the periods set in these Rules lapsed for a period of more than thirty (30) days without justifiable reason.

In cases wherein the respondent to a sexual harassment complaint is the head of office who is either a presidential appointee or an elective official, a complaint for sexual harassment shall be filed directly with the proper disciplining authority.

The Commission shall conduct periodic review to ensure compliance of all government offices and/or agencies in accordance with the guidelines provided under the PRIME-HRM.

x x x

"Section 16. Withdrawal of the Complaint. The withdrawal of the complaint does not result in its outright dismissal or discharge of the person complained of from any administrative liability.

"Section 17. Action on the Complaint. Upon receipt of a complaint which is sufficient in form and substance, the disciplining authority shall conduct a preliminary investigation to determine the existence of a prima facie case. The disciplining authority may create an investigating committee or designate an investigator for such purpose.

In sexual harassment cases, the CODI shall perform the following functions:

1. *Receive complaints of sexual harassment;*
2. *Investigate sexual harassment complaints including preliminary investigation in accordance with the prescribed procedure;*
3. ***Within ten (10) days from the termination of the conduct of the investigation**, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;*
4. ***Ensure the protection of the complainant from retaliation and guarantee confidentiality to the greatest extent possible as well as ensure that the respondent is given the opportunity to be properly notified of and respond to the charge/s and that parties are given information on the hearings and its outcomes.***[4]
5. *Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment;*

Localized CODI established in the regional or field offices, as the case may be, of the agency or institution shall have the same functions as stated above and shall submit the report of investigation with its recommendation directly to the disciplining authority.

The agency shall adopt mechanisms to provide assistance to the alleged victim of sexual harassment which may include counselling, referral to an agency offering professional help, and advice on options available before the filing of the complaint.

x x x

"Section 51. Other Specific Offenses. The following acts also constitute administrative offenses.

A. The Offense of Sexual Harassment.

[4] In reference to Section 13 of the IRR of RA No. 11313.

Sexual Harassment in the Workplace

I. *Grave Offenses punishable by dismissal from the service shall include, but are not limited to:*

- ***a.*** *unwanted touching of private parts of the body (inner thighs, genitalia, buttocks and breast);*
- ***b.*** *sexual assault;*
- ***c.*** *malicious touching;*
- ***d.*** *requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance; and*
- ***e.*** *other analogous cases.*

II. *Less Grave Offenses punishable by suspension of one month and one day to six months for the first offense; and dismissal from the service for the second offense, shall include, but are not limited to:*

- ***a.*** *unwanted touching or brushing against a victim's body;*
- ***b.*** *pinching not falling under grave offenses;*
- ***c.*** *derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;*
- ***d.*** *verbal abuse with sexual overtones; and*
- ***e.*** *other analogous cases.*

III. *Light Offenses punishable by reprimand for the offense; suspension of one to thirty days for the second offense; and dismissal from the service for the third offense, shall include, but are not limited to:*

- ***a.*** *surreptitiously looking at a person's private part or worn undergarments;*
- ***b.*** *making sexist statements and uttering smutty jokes or sending these through text, electronic mail including but not limited to social media platform, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive or vulgar;*

c. *malicious leering or ogling;*
d. *display of sexually offensive pictures, materials or graffiti;*
e. *unwelcome inquiries or comments about a person's sex life;*
f. *unwelcome sexual flirtation, advances, propositions;*
g. *making offensive hand or body gestures at an employee;*
h. *persistent unwanted attention with sexual overtones;*
i. *unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and other analagous cases.*

Sexual Harassment in Streets and Public Places

A government official or employee who commits sexual harassment in streets or public spaces as defined shall be meted the following penalties depending on the gravity of the offense:

a. ***Light Offense of Sexual Harassment in Streets and Public Spaces is committed when a public official or employee engages in acts that include catcalling or wolf-whistling. Such acts are punishable by reprimand for the first offense, suspension of one (1) to thirty (30) days for the second offense and dismissal from the service for the third offense.***

b. ***Less Grave Offense of Sexual Harassment in Streets and Public Spaces is committed when a public official or employee engages in acts that include unwanted invitations, misogynistic, transphobic and sexists slurs, persistent uninvited comments or gestures on a person's appearances, relentless request for personal details or making statements comments and suggestions with sexual innuendos such acts are punishable by suspension of one (1) month and one (1) day suspension to six (6)months for the first offense, and dismissal from the service for the second offense.***

c. ***Grave Offense of Sexual Harassment in Streets and Public Spaces is committed by a public official or employee who engages in acts that include public masturbation or flashing of private parts, groping, or any advances, whether verbal of physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces as alleys, roads, sidewalks and parks. Such acts are punishable by dismissal from the service.***

Online Sexual Harassment

a. Light Online Sexual Harassment is committed by a government official or employee who engages in acts that include unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging with sexual overtones. Such acts are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense.

b. Less Grave Online Sexual Harassment is committed by a government official or employee who engages in acts that include the use information and communication technology in terrorizing and intimidating victims through physical, psychological, and emotional threats with sexual overtones. Such acts are punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; and dismissal from the service for the second offense.

c. Grave Online Sexual Harassment punishable by dismissal from the service, includes uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing online of any of the victim's photos, videos, or any information of sexual content, impersonating identities of victims online or posting lies of sexual nature about the victims to harm their reputation, or filing false abuse reports to online platforms to silence victims of sexual harassment.

IV. *For the purpose of these Rules, the administrative offense of sexual harassment is further described in the following circumstances:*

a. *Work-related sexual harassment is committed under the following circumstances:*

1. *submission to or rejection of the act or series of acts is used as a basis for any employment decision (including, but not limited to, matters related to hiring, promotion, raise in*

salary, job security, benefits and any other human resource action) affecting the applicant/employee; or

2. *the act or series of acts have the purpose or effect of interfering with the complainant's work performance, or creating an intimidating, hostile or offensive work environment; or*

3. *the act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a co-employee, applicant, customer, or word of the person complained of.*

b. *Education or training-related sexual harassment is committed against one who is under the actual or constructive care, custody or supervision of the offender, or against one whose education, training, apprenticeship, internship or tutorship is directly or constructively entrusted to, or is provided by, the offender, when:*

1. *submission to or rejection of the act or series of acts as a basis for any decision affecting the complainant, including, but not limited to, the giving of a grade, the granting of honors or a scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration; or*

2. *the act or series of acts have the purpose or effect of interfering with the performance, or creating an intimidating, hostile or offensive academic environment of the complainant; or*

3. *the act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a trainee, apprentice, intern, tutee or ward of the person complained of.*

b. *The offense may also take place in the following instances:*

1. *in the premises of the workplace or office or of the school or training institution;*

2. *in any place where the parties were found as a result of work or education or training responsibilities or relations;*
3. *at work or education or training-related social functions;*
4. *while on official business outside the office or school or training institution or during work or school or training-related travel;*
5. *at official conferences, fora, symposia or training sessions; or*
6. *by telephone, cellular phone, fax machine or electronic mail, or any online platforms*

"*V. Persons Liable for Sexual Harassment xxx."*

All rules, regulation and issuances which are inconsistent with this policy are hereby modified and amended accordingly.

CSC Resolution No. 2100064 shall take effect on **June 2, 2021** or after fifteen (15) days from its publication in the Daily Tribune on May 17, 2021.

ALICIA dela ROSA-BALA
Chairperson

22 July 2021

Republic of the Philippines
Congress of the Philippines
Metro Manila

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, nineteen hundred and ninety-four.

[REPUBLIC ACT 7877]

AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Title*. — This Act shall be known as the "Anti-Sexual Harassment Act of 1995."

SEC. 2. *Declaration of Policy*. — The State shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

SEC. 3. *Work, Education or Training-related Sexual Harassment Defined.* — Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

(a) In a work-related or employment environment, 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 said individual, or in granting said individual favorable compensation, terms,

conditions, promotions, or privileges; or the refusal to grant the sexual favor results in 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 wold impair the employee's rights or privileges under existing labor laws; or

(3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.

(b) In an education or training environment, sexual harassment is committed:

(1) Against one who is under the care, custody or supervision of the offender;

(2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;

(3) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; or

(4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act.

SEC. 4. *Duty of the Employer or Head of Office in a Work-related, Education or Training Environment.* — It shall be the duty of the employer or the head of the work-related, educational or training environment or institution, to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment. Towards this end, the employer or head of office shall:

(a) Promulgate appropriate rules and regulations in consultation with and jointly approved by the employees or students or trainees, through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor.

Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.

The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions.

(b) Create a committee on decorum and investigation of cases on sexual harassment. The committee shall conduct meetings, as the case may be, with officers and employees, teachers, instructors, professors, coaches, trainors and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of alleged cases constituting sexual harassment.

In the case of a work-related environment, the committee shall be composed of at least one (1) representative each from the management, the union, if any, the employees from the supervisory rank, and from the rank and file employees.

In the case of the educational or training institution, the committee shall be composed of at least one (1) representative from the administration, the trainors, teachers, instructors, professors or coaches and students or trainees, as the case may be.

The employer or head of office, educational or training institution shall disseminate or post a copy of this Act for the information of all concerned.

SEC. 5. *Liability of the Employer, Head of Office, Educational or Training Institution.* — The employer or head of office, educational or training institution shall be solidarily liable for damages arising from the acts of sexual harassment committed in the employment, education or training environment if the employer or head of office, educational or training institution is informed of such acts by the offended party and no immediate action is taken thereon.

SEC. 6. *Independent Action for Damages.* — Nothing in this Act shall preclude the victim of work, education or training-related sexual harassment from instituting a separate and independent action for damages and other affirmative relief.

SEC. 7. *Penalties*. — Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Ten thousand pesos (₱10,000) nor more than Twenty thousand pesos (₱20,000), or both such fine and imprisonment at the discretion of the court.

Any action arising from the violation of the provisions of this Act shall prescribe in three (3) years.

SEC. 8. *Separability Clause*. — If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

SEC. 9. *Repealing Clause*. — All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with provisions of this Act are hereby repealed or modified accordingly.

SEC. 10. *Effectivity Clause*. — This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) EDGARDO J. ANGARA
President of the Senate

(Sgd.) JOSE DE VENECIA, JR.
Speaker of the House of Representatives

This Act which is a consolidation of House Bill No. 9425 and Senate Bill No. 1632 was finally passed by the House of Representatives and the Senate on February 8, 1995.

(Sgd.) EDGARDO E. TUMANGAN
Secretary of the Senate

(Sgd.) CAMILO L. SABIO
Secretary General
House of Representatives

Approved: February 14, 1995

(Sgd.) FIDEL V. RAMOS
President of the Philippines

Republic of the Philippines
CIVIL SERVICE COMMISSION

MC NO. 19, S. of 1994

MEMORANDUM CIRCULAR

TO: All Heads of Departments, Bureaus and Agencies of the National and Local Government Including Government Owned and Controlled Corporations And State Colleges and Universities

SUBJECT: **POLICY ON SEXUAL HARASSMENT IN THE WORKPLACE**

Pursuant to CSC Resolution No. 94-2854 dated May 31, 1994, the Commission has adopted a Policy on Sexual Harassment in the Workplace, as follows:

RESOLUTION NO. 94-2854

WHEREAS, the State values the dignity of every human person and guarantees full respect to human rights.

WHEREAS, sexual harassment is recognized as a violation of human rights, morale and efficiency in the workplace, violates the merit and fitness principle in the civil service and creates a hostile environment in the workplace which adversely affect productive performance.

WHEREAS, Section 4 RA 6713, provides for norms of personal conduct which every public official and employee must observe in the discharge and execution of official duties; that they shall act without discrimination against anyone, and shall at all times respect the rights of others and refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest.

WHEREAS, Section 1, Chapter I, Title (A), Book V of the Administrative Code of 1987 and Section 4(B), RA 6713, empower the Civil Service Commission to adopt positive measures, to promote morale and efficiency, and observance of the standards of personal conduct, among others, in the civil service;

NOW, THEREFORE, the Commission hereby resolves to promulgate this Policy on Sexual Harassment in the Workplace.

POLICY ON SEXUAL HARASSMENT IN THE WORKPLACE

Section 1. Policy Statement and Objective

It is the policy of the state to afford protection to working women and ensure equal work opportunity for all, as well as full respect for human rights. Towards this end, the Civil Service Commission commits to provide a work environment supportive of productivity, wherein all officials and employees area treated with dignity and respect and will not tolerate any sexual harassment, whether engaged in by fellow employees, supervisors, associates or clients;

Sexual harassment by another employee or officer constitutes a ground for administrative disciplinary action under the offense of Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service or Simple Misconduct provided in Section 46(b), Chapter 6, Title I(A), Book V of the Administrative Code of 1987 and subject to penalties up to dismissal from the service.

Section 2. Coverage

This policy covers all officials and employees in government, whether in the Career or Non-Career Service, holding positions under permanent or temporary status in the national or local government, including government-owned or controlled corporations, with original charters, state colleges and universities.

This policy shall also include applicants for employment after the application has been received by the agency.

The Commission recognizes that officers and employees may be the subject of sexual harassment by clients who transact business with them. Under this circumstance, the head of agency shall take responsibility to support and assist the person subjected to such sexual harassment.

Notwithstanding the existence of this policy, every person can have the right to seek redress from the courts, even when steps are being taken under this policy.

This policy is not intended to constrain social interaction between people in government.

Section 3. Definition.

(a) Sexual harassment is one or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of sexual nature, made directly, indirectly and impliedly when:

(1) such conduct might reasonably be expected to cause insecurity, discomfort, offense or humiliation to another person or group; or

(2) submission to such conduct is made either implicitly or explicitly a condition of employment, or any opportunity for training or grant of scholarship, or

(3) submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, raise in salary, job security and benefits affecting the employee); or

(4) such conduct has the purpose or the effect of interfering with a person's work performance, or creating an intimidating, hostile or offensive work environment.

(b) For this purpose, "employment-related sexual harassment" means sexual harassment by a member or employee of the agency which occurs:

(1) in the working environment, or

(2) anywhere else as a result of employment responsibilities or employment relationship.

It includes but is not limited to sexual harassment:

- at the office
- outside the office
- at office-related social functions
- in the course of work assignments outside the office
- at work-related conferences or training sessions
- during work-related travel
- over the telephone

Section 4. Responsibilities of Heads of Agencies

The head of agency is responsible for:

(1) informing officials and employees of this Policy on Sexual Harassment including their rights and responsibilities and the existence of procedures available under this policy;

(2) investigating every formal written complaint of sexual harassment and imposing strict disciplinary measures when a complaint of employment related sexual harassment is found to have been substantiated, regardless of the position and status of the offender;

(2) doing all in its power to provide advice, support and assistance to employees of the agency and applicants who are subjected to sexual harassment, whether one or both parties involved are employed within the same agency;

(4) appointing advisors, and providing the training and resources for them to fulfill their responsibilities under this policy;

(5) designating an officer of the agency who will be responsible for the investigation and hearing of complaints on sexual harassment;

(6) strictly maintaining confidentiality in all stages of the proceedings to protect the interests of the complainant, the person complained against and any other person who may report cases of sexual harassment;

(7) maintaining records as required by this policy.

Section 5. Procedures in disposition of Sexual Harassment Cases

All complaints for sexual harassment shall be investigated and disposed of in accordance with existing rules and procedures on administrative proceedings.

WHEREFORE, the Commission resolves as it hereby resolved to approve this Policy on Sexual Harassment.

You are hereby enjoined to adopt and implement this Policy upon its effectivity.

This Memorandum Circular takes effect fifteen days (15) after publication in a newspaper of general circulation.

PATRICIA A. STO. TOMAS
Chairman

Republic of the Philippines
CIVIL SERVICE COMMISSION

Resolution No**. 956161**

WHEREAS, the State values the dignity of every human being and guarantees full respect for human rights;

WHEREAS, an act of sexual harassment is recognized as a violation of human rights, defeats and impairs morale and efficiency in the workplace, violates the merit and fitness principle in the civil service and creates or fosters a hostile environment in the workplace which adversely affect productive performance;

WHEREAS, R.A. 7877, An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment and for other purposes, was enacted on February 14, 1995 and became effective on March 5, 1995, fifteen days after its publication in the Malaya and Times Journal on February 18, 1995.

WHEREAS, Section 4, Republic Act 7877 mandates each employer or head of agency to promulgate appropriate rules and regulations in consultation with and jointly approved by the employees through their duly designated representatives, to include guidelines on proper decorum and to create a Committee on Decorum and Investigation;

NOW, THEREFORE, this Commission hereby promulgates these Rules and Regulations prescribing procedures for the resolution, settlement or prosecution and adjudication of sexual harassment cases, as well as guidelines for the proper decorum of officials and employees in the Commission which shall be supplementary to these Rules (under separate cover);

Rule I. COVERAGE

Section 1. These Rules shall apply to all officials and employees in the Commission, including the Career Executive Service Board (CESB), Regional and Field Offices, whether in the Career or Non-Career service and holding positions under permanent or temporary status.

Rule II. JURISDICTION

Section 2. Jurisdiction. - The Commission as the disciplining authority over all its officials and employees shall exercise exclusive jurisdiction over acts and omissions which constitute sexual harassment. The decision of the Commission shall be final and appealable only to the Court of Appeals.

Rule III. DEFINITION OF SEXUAL HARASSMENT

Section 3. Sexual harassment is a form of misconduct involving an act or a series of unwelcome sexual advances, requests for sexual favours, or other verbal or physical behaviour of a sexual nature, made directly, indirectly or impliedly under the following instances:

(a) such behaviour might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to another person or group; or

(b) submission to such conduct is made either implicitly or explicitly a condition of employment; or

(c) submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, raise in salary, job security and benefits affecting the employee); or

(d) such behaviour has the purpose or the effect of interfering with a person's work performance, or creating an intimidating, hostile or offensive work environment.

Rule IV. SPECIFIC ACTS CONSTITUTING SEXUAL HARASSMENT

Section 4. The following acts constitute Employment or Work-Related Sexual Harassment:

(a) Demand, request or requirement for sexual favor is made for the following considerations:

1. as a condition for hiring or employment, re-employment or continued employment of an individual, or

2. in granting said individual favorable compensation, terms or conditions of employment, promotion or privileges;

(b) the demand, request or requirement for sexual favor is made against one whose training is entrusted to the offender;

(c) the refusal of the demand, request or requirement for sexual favor will limit, classify or segregate an employee as would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;

(d) the demand, request or requirement for sexual favor would result in intimidating, hostile or offensive environment for the employee.

For this purpose, work or employment related sexual harassment may take place in the following:

1. the office
2. anywhere else as a result of work responsibilities or employment relations
3. at office related social functions
4. while on official business outside the office or during work-related travel
5. at official conferences, fora, symposia or training sessions
6. over the telephone, cellular phone, fax machine, E-mail

Rule V. FORMS OF SEXUAL HARASSMENT

Section 5. The acts of sexual harassment may take any of the following forms:

(a) Physical

i. Physical Contact or Malicious Touching
ii. Overt sexual advances
iii. Unwelcome, improper or any unnecessary gesture of a sexual nature; or
iv. any other suggestive expression or lewd insinuation

(b) Verbal, such as requests or demands for sexual favors or lurid remarks

(c) Use of objects, pictures, letters or written notes with bold persuasive sexual under-pinnings and which create a hostile, offensive or intimidating work or training environment which is annoying or disgusting to the victim.

Rule VI. PERSONS LIABLE FOR SEXUAL HARASSMENT

Section 6. Any official having authority, influence or moral ascendancy over another person in the Commission, or employee, regardless of sex, are liable for sexual harassment in the Commission.

Any official or employee in the Commission, regardless of sex shall similarly be held liable for sexual harassment under the following circumstances:

1. Directing or inducing another to commit any of the acts of sexual harassment defined in these Rules (Principal by Induction) or

2. Cooperating in the commission of the sexual harassment by another without which it would not have been committed (Principal by Indispensable Cooperation).

Rule VII. DUTY OF THE COMMISSION

Section 7. The Commission shall initiate measures to:

(a) prevent or deter the commission of acts of sexual harassment through an extensive awareness campaign or informal education, research and survey of data to determine extent of the problem, the profile of harassers and their victims and the forms of sexual harassment take and its consequences;

(b) implement the procedures for the resolution, settlement or prosecution of acts of sexual harassment provided in these Rules;

(c) create a Committee on Decorum and Investigation of cases on sexual harassment; and

(d) furnish a copy of these Rules and Regulations to each of the officer or employee in the Commission and post a copy thereof in two conspicuous locations in places of work or training.

Rule VIII. COMMITTEE ON DECORUM AND INVESTIGATION OF SEXUAL HARASSMENT CASES

Section 8. A Committee on Decorum and Investigation shall be created in the Commission and each Regional Office, including the Career Executive Service Board (CESB). Said Committee shall perform the following:

(a) Receive the complaint, file the formal charge and investigate and conduct hearings in accordance with the Uniform Rules of Procedure in the Conduct of Administrative Investigation in the Civil Service Commission. It shall submit a report of its findings with the corresponding recommendation to the Commission for final decision. Said report shall be considered strictly confidential.

(b) Conduct meetings with officers, employees and trainees to increase understanding and prevent incidents of sexual harassment; and

(c) Recommend measures to the Commission that will expedite the investigation and adjudication of sexual harassment cases.

In the Regional Office, the authority to investigate and hear sexual harassment case shall devolve upon the Local Committee which shall submit the report of investigation with its findings and recommendation directly to the Commission.

When a member of the Committee is a complainant or respondent in a sexual harassment case, the member shall inhibit himself/herself from the deliberations of the Committee.

Section 9. Composition. The Committee on Decorum and Investigation shall be composed of the following:

(a) Central Committee

- Chairman: A Director appointed by the Commission for a term of one (1) year
- The CSC Focal Point on Women and Development
- President CSC Employee Association or in the Absence thereof, a representative elected by the General Assembly
- An employee in the Second Level
- An employee in the First Level

(b) Local Committee

- The Regional Director as Chairman
- Equality Advocate (EQUAD) in the Regional office
- A representative of the Employee Association
- An employee in the Second Level
- An employee in the First Level

The representatives of the First and Second level employees in the Personnel Selection Board of this Commission who have been elected in a general assembly of employees shall concurrently sit as members of the Committee on Decorum and Investigation.

Rule IX. PROCEDURES IN THE DISPOSITION OF SEXUAL HARASSMENT CASES

Section 10. All complaints for sexual harassment must be under oath and supported by the Affidavit of the offended party. Any complaint shall be investigated and disposed of in accordance with the Uniform Rules of Procedure in the Conduct of Administrative Investigations in the Civil Service Commission.

No action shall be taken on an anonymous complaint, nor shall any civil servant be required to answer or comment on said anonymous complaint.

Section 11. Action on the Complaint. Upon receipt of a complaint which is sufficient in form and substance, the head of office shall within five (5) days transmit the same to the Committee on Decorum and Investigation. The Committee on Decorum, both central and local, shall have authority to file the formal charge. The Committee for this purpose will designate a hearing officer from among themselves.

Section 12. Preliminary Investigation. A preliminary investigation shall be conducted by the Committee wherein the complainant and the respondent shall submit their affidavits and counter-affidavits, as well as those of their witnesses. Failure of the respondent to submit his counter affidavit shall be construed as a waiver thereof.

During the inquiry or proceedings, the parties and their witnesses shall be asked to affirm their signature on said documents and the truthfulness of the statements contained therein. Under no circumstances shall cross-examination of the witnesses be allowed but the hearing officer may propound clarificatory questions.

Section 13. Failure to Affirm Signature and the Contents of Affidavit. Failure of the parties or witnesses to affirm their signature in their affidavits and the contents thereof during the preliminary investigation shall render such affidavit without evidentiary value.

Section 14. Record of Proceedings. During the preliminary investigation, the hearing officer shall record in his own handwriting his clarificatory questions to the parties and their witnesses and the answers given thereto. Such record and other notes made by the Hearing Officer shall form part of the records of the case.

Section 15. Duration of Investigation. The preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the Central or Local Committee and shall be terminated not later than ten (10) days thereafter.

Section 16. Investigation Report. Within five (5) days from the termination of the preliminary investigation, the investigating officer shall submit the Report of Investigation and the complete records of the proceeding to the Committee on Decorum for appropriate action.

Section 17. Formal Charge. When the Committee finds the existence of a prima facie case, the respondent shall be formally charged. The respondent shall be furnished copies of the complaint, sworn statements and other documents submitted by the complainant, unless the respondent shall be given at least seventy-two (72) hours from receipt of said formal charge to submit the answer under oath, together with the affidavits of the witnesses and other evidence. The respondent shall also be informed of the right to assistance of a counsel of his/her choice. If the respondent has already submitted the comment and counter-affidavits during the preliminary investigation, the respondent shall be given opportunity to submit additional evidence.

Section 18. Conduct of Formal Investigation. A formal investigation shall be held after the respondent has filed the answer or after the period for filing an answer has expired. It shall be completed within thirty (30) days from the date of the service of the formal charge, unless the period is extended by the Commission in meritorious cases.

Although the respondent did not elect a formal investigation, one shall nevertheless be conducted if upon evaluation of the complaint, the answer, and the documents in support thereof, the merits of the case can not be judiciously resolved without conducting such a formal investigation.

Section 19. Failure to File an Answer. If respondent fails or refuses to file the answer, respondent shall be considered to have waived the right to file an answer to the charges and formal investigation may already commence.

Section 20. Continuous Hearing Until Terminated: Postponement. Hearing shall be conducted on the hearing dates set by the hearing officer or as agreed upon during the pre-hearing conference. Postponements shall not be allowed except in meritorious cases, provided, that a party shall not be granted more than two (2) postponements.

The parties, their counsel and witnesses, if any shall be given a notice at least (5) days before the first scheduled hearing specifying the time, date, and place of the said hearing and subsequent hearings. Thereafter, the schedule of hearings previously set shall be strictly followed without further notice.

If the respondent fails or refuses to appear during the scheduled hearings, the investigation shall proceed *ex parte* and the respondent is deemed to have waived the right to be present and to submit evidence in his/her favor during those hearings.

Rule X. ADMINISTRATIVE LIABILITIES

Section 21. Any person who is found guilty of sexual harassment shall after investigation be meted the penalty corresponding to the gravity and seriousness of the offense.

Section 22. The penalties for light, less grave, and grave offenses are as follows:

A. For light offenses:

1. Reprimand or fine or suspension not exceeding ten days; or
2. Fine or suspension not exceeding twenty days; or
3. Fine or suspension not exceeding thirty days at the discretion of the disciplining authority.

B. For less grave offenses:

1. Transfer or demotion in rank or salary of one grade or fine or suspension not exceeding six months; or

2. Fine not exceeding four (4) months or suspension not exceeding eight (8) months at the discretion of the disciplining authority.

C. For grave offenses:

1. Transfer or demotion in rank or salary from two to three grades or fine in an amount equivalent to six (6) months salary; or

2. Suspension for one year; or

3. Dismissal, at the discretion of the disciplining authority.

Section 23. The head of office who fails to act on any complaint properly filed for sexual harassment after being informed thereof against any employee in that Office shall be charged with neglect of duty.

Rule XI. PRESCRIPTIVE PERIOD

Section 24. Any complaint or action arising from the violation of these Rules should be filed within three (3) years from the commission of such violation, otherwise, the same shall be deemed to have prescribed.

Rule XII. EFFECT ON OTHER ISSUANCES

Section 25. Memorandum Circular No. 19, series of 1994 of this Commission shall be suppletory to these Rules in so far as it is not inconsistent herewith.

Rule XIII. REPEALING CLAUSE

Section 26. Rules and Regulations, other issuances, or parts thereof inconsistent with the provisions of these Rules are hereby repealed or modified accordingly.

Rule XIV. AMENDMENT

Section 27. The Civil Service Commission may amend or modify these Rules as may be necessary.

Rule XV. EFFECTIVITY CLAUSE

Section 28. These Rules and Regulations shall take effect immediately upon approval by the Commission.

October 10, 1995

(Sgd.) CORAZON ALMA G. DE LEON
Chairman

(Sgd.) RAMON P. EREÑETA, JR.
Commissioner

(Sgd.) THELMA P. GAMINDE
Commissioner

Attested by:

(Sgd.) CARMENCITA GISELLE B. DAYSON
Board Secretary VI

CLASSIFICATION OF ACTS OF SEXUAL HARASSMENT INTO GRAVE, LESS GRAVE OR LIGHT OFFENSE

In consonance with the definition of Section 3, Rule III Section 4, Rule IV and Section 5, Rule V of the Rules and Regulations of this Commission Implementing R.A. 7877, An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for other purposes, I propose that the following acts of sexual harassment be classified into three categories namely, grave or serious, less grave and light offense, to wit:

Grave Offenses:

(a) unwanted touching of private parts of the body or any other act of malicious touching;
(b) sexual assault;
(c) any act of sexual harassment mentioned in Section 5(a) and (b), Rule V of the CSC Implementing Rules and Regulations, committed by a superior officer or any person having moral ascendancy over the victim

The Less Grave Offenses may include but are not limited to:

(a) requesting for dates to public places or sexual favors in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments or grant of benefits;
(b) pinching not falling under grave offenses;
(c) unnecessary touching or brushing against a victim's body;
(d) derogatory or degrading remarks or innuendos directed toward members of one sex or one sexual orientation or used to describe a person; or
(e) verbal abuse or threats

The following may be considered Light Offenses:

(a) persistently telling sexist/smutty jokes causing embarassment or offense, told or carried out after the joker has been advised that they are offensive or embarassing or are by their nature clearly embarassing, offensive or vulgar;
(b) leering or ogling which is an unwelcome, suggestive, flirtatious, knowing or malicious look at another;
(c) voyeurism which is sexual stimulation derived through visual means;
(d) the display of sexually offensive pictures, materials or graffiti;
(e) unwelcome inquiries or comments about a person's sex life;
(f) unwelcome sexual flirtation, advances, propositions;
(g) making offensive hand or body gestures at an employee; or
(h) persistent unwanted contact or attention after the end of a romantic relationship.

The above classification will greatly facilitate imposition of the proper penalty depending on the gravity and seriousness of the act of sexual harassment.

(Sgd.) EVALYN I. FETALINO
Director IV
CIVIL SERVICE COMMISSION

25 August 1995

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Manila

ADMINISTRATIVE ORDER NO. 68
Series of 1992

AMENDING ADMINISTRATIVE ORDER NO. 80
Policy Against Sexual Harassment

WHEREAS, Administrative Order No. 80, series of 1991, besides defining and laying down the policy of the Department of Labor and Employment (DOLE) against sexual harassment, also attempts to lay down mechanisms that would help deter such acts or ensure protection of victims of such acts committed by or against employees or officials of the Department;

WHEREAS, some of the provisions of said Order need to be further strengthened and clarified;

WHEREAS, the Department recognizes the need to come up with more concrete measures to ensure and effectuate protection of victims against sexual harassment as such offense violates the principle of merit and fitness in the civil service, undermines the integrity of the workplace, creates a hostile working atmosphere and adversely affects workers' performance and productivity;

THEREFORE, in the light of the foregoing, Administrative Order No. 80, series of 1991 is hereby amended as follows:

Section 1. Declaration of Policy

In furtherance of the Constitutional provision relative to public office and human rights, as well as the protection of workers and equality of employment opportunities for all, the Department of Labor and Employment shall not tolerate sexual harassment committed by DOLE officials, employees, applicants for employment or any person transacting official business with DOLE. It shall take disciplinary measures against official or employee, whether permanent, casual or contractual, who subjects any fellow official or employee, applicant for employment or client, to sexual harassment.

Section 2. What Constitutes Sexual Harassment

Any unwanted or unwelcome sexual advance, demand or request for sexual favor, or other act or conduct of sexual nature whether written, oral or physical, shall constitute sexual harassment when the act is committed by a DOLE official or employee upon his/her co-official, co-employee, applicant for employment or any other client of the DOLE, and such act is:

1. committed to take advantage of the weakness, vulnerability, status and professional, social and economic standing of the official, employee or client; or

2. explicitly or implicitly imposed as a condition for securing employment, advancement, promotion or preferential treatment; or

3. adversely interfering with the official's or employee's performance; or

4. bound to create a hostile, offensive, intimidating or uncomfortable work environment.

Sexual harassment constitutes a disgraceful and immoral act which is classified and penalized as a grave offense under the Grounds for Disciplinary Action of the DOLE Manual on Disposition of Administrative Cases. Such classification and its corresponding penalties shall be adopted by this Order without prejudice to the filing of other cases involving the same act with the regular courts.

Section 3. Fact-Finding Committee: Creation and Composition

A Special Fact-Finding Committee is hereby created to receive and investigate/hear sexual harassment complaints and submit reports/recommendations to the Secretary.

The Committee shall be composed of the following:

1. DOLE Resident Ombudsperson - Chairperson

2. Chairperson, DOLE Philippine Development Plan for Women (PDPW) Focal Point - Co-Chairperson

3. Assistant Secretary for Management Services - Member

4. Director, Human Resource Development Service - Member

5. Director, Legal Service - Member

6. President, DOLE or its Concerned Agency Employees Union - Ad Hoc Member

7. Resident Ombudsperson of the Agency Concerned - Ad Hoc Member

Any member of the Committee who complains of or is complained against any act of sexual harassment shall inhibit himself/herself from participating in the deliberations of the Committee.

Section 4. Secretariat

The Legal Service shall act as the Secretariat of the Fact-Finding Committee.

Section 5. Procedure in the Disposition of Sexual Harassment Cases

The Secretary shall promulgate rules and regulations implementing this Administrative Order.

Section 6. Awareness Raising Campaign/Information Dissemination

Concerned agencies shall undertake information dissemination campaigns to raise awareness on the policy against sexual harassment and to prevent incidence of the same.

This Order shall take effect immediately.

(Sgd.) MA. NIEVES R. CONFESOR
Acting Secretary

25 March 1992