

RA 7877

**ANTI-SEXUAL
HARASSMENT
ACT OF 1995**

**CSC MEMORANDUM CIRCULAR
No. 17 (23 July 2001)**

**DOLE ADMINISTRATIVE ORDER
No. 250 (21 June 1995)**

Published by:



Office of the President
Philippine Commission on Women
1145 J. P. Laurel Street San Miguel
1005 Manila Philippines

Copyright: 1996

5th Printing
December 2011

Complimentary copy. Not for sale.

REPUBLIC ACT NO. 7877

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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 NO. 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 a any other person who, having authority, influence or moral ascendancy over another in 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 the 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 would 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 (P10,000) nor more than Twenty thousand pesos (P20,000), 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.

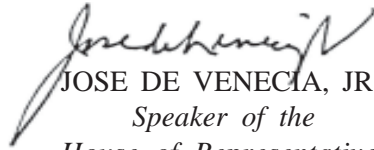
SEC. 8. *Separability Clause.* — If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

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.

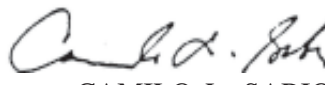
Approved,


EDGARDO J. ANGARA
President of the Senate



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.


EDGARDO E. TUMANGAN
Secretary of the Senate


CAMILO L. SABIO
Secretary General House of Representatives

Approved: February 14, 1995


FIDEL V. RAMOS
President of the Philippines

Republic of the Philippines
CIVIL SERVICE COMMISSION

**MEMORANDUM CIRCULAR NO. 17
SERIES OF 2001**

TO: All Heads of Departments, Bureaus and Agencies of the National Government, Local Government Units, including Government-Owned and Controlled Corporations with Original Charters, State Universities and Colleges, and All Civil Service Officials and Employees

SUBJECT: **ADMINISTRATIVE DISCIPLINARY RULES ON SEXUAL HARASSMENT CASES IN THE CIVIL SERVICE**

The Commission in CSC Resolution No. 01-0940 dated May 21, 2011 promulgated the “Administrative Disciplinary Rules on Sexual Harassment Cases”. It defines the administrative offense of sexual harassment and prescribes the standard procedure for the administrative investigation, prosecution and resolution of sexual harassment cases in the public sector.

CSC Resolution No. 01-0940 was published on July 20, 2001 in the Philippine Daily Inquirer and pursuant to Section 68 of the Rules, it will take effect fifteen (15) days after its publication in a newspaper of general circulation, hence on August 5, 2001.

In connection therewith, all concerned are reminded that under Section 58 of the Rules, all agencies of the government shall promulgate or modify their rules and regulations in conformity with the CSC Resolution No. 01-0940, in consultation with their employees, within six (6) months from the effectivity of said Resolution and those who fail to do so shall be charged with Neglect of Duty.

Further, all agencies of the government are also reminded of their duty to submit their rules and regulations on sexual harassment cases to the Commission within one (1) month from the date of their promulgation. However, in case there is a complaint alleging acts constituting sexual harassment during the period the agency is still in the process of promulgation or modifying its own rules and regulations, the case shall be administratively prosecuted, resolved and adjudicated based on Resolution No. 01-0940

For strict compliance.

Quezon City, July 23, 2001.

(Sgd.) **KARINA CONSTATINO-DAVID**
Chairman

Republic of the Philippines
CIVIL SERVICE COMMISSION

RESOLUTION NO. 01-0940

**ADMINISTRATIVE DISCIPLINARY RULES ON
SEXUAL HARASSMENT CASES**

WHEREAS, Section 11, Article II of the 1987 Philippine Constitution provides that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, the Vienna Declaration and Programme of Action of the World Conference on Human Rights (June 1993) and the Beijing Declaration and Platform for Action of the Fourth World Conference on Women (September 1995) reaffirm the equal rights and inherent human dignity of women and men, and particularly the human rights of women as an inalienable, integral and indivisible part of all human rights and fundamental freedoms;

WHEREAS, the Philippines, with other States of the World, has reaffirmed, through the Vienna Declaration and Programme of Action and the Beijing Declaration and Platform for Action, its solemn commitment to fulfill its obligations to promote universal respect for, and observance and protection of all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law;

WHEREAS, the Vienna Declaration and Programme of Action stresses that all forms of sexual harassment are incomparable with the dignity and worth of the human person and must be eliminated by legal measures and through national action, while the Beijing Platform for Action specifically mandates Governments to "enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress" violence against women including sexual harassment and "develop programmes and procedures to eliminate sexual harassment and other forms of violence against women in all educational institutions, workplaces and elsewhere;"

WHEREAS, the Philippine Congress enacted on February 14, 1995, Republic Act No. 7877, otherwise known as the “Anti-Sexual Harassment Act of 1995”, which took effect on March 5, 1995 and declares unlawful sexual harassment against women and men in the employment, education and training environment;

WHEREAS, Section 4 (a) of Republic Act No. 7877 mandates every employer or head of agency in the public and private sectors to promulgate rules and regulations prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor;

WHEREAS, there is a need to devise uniform rules and regulations particularly in the definition of the administrative offense of sexual harassment and the sanctions therefor, and the procedures for the administrative investigation, prosecution and adjudication of sexual harassment cases;

WHEREAS, Section 3, Article IX (B) of the 1987 Constitution, Section 1 and Section 12 (19), Subtitle A, Title I of Book V of the Administrative Code of 1987 (Executive Order No. 292) and Section 4 (B), Republic Act No. 6713, otherwise known as the “Code of Conduct and Ethical Standards for Public Officials and Employees,” empower the Civil Service Commission, as the central personnel agency of the Government, to adopt positive measures for the observance of substantive and procedural administrative standards, including standards for the personal conduct of government officials and employees, in order to promote morale, efficiency, integrity, responsiveness and progressiveness in the entire government bureaucracy;

WHEREAS, Section 4 of Republic Act NO. 6713 provides norms of personal conduct for public officials and employees to observe in the performance of official duties, and specifically directs 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, sexual harassment violates the dignity of workers and their right to humane, just and safe work environment, defeats and impairs morale and efficiency in the workplace, and violates the merit and fitness principle in the civil service;

NOW, THEREFORE, this Commission hereby promulgates these Rules and Regulations defining the administrative offense of sexual harassment and prescribing the standard procedure for the administrative investigation and resolution of sexual harassment cases in the public sector.

RULE I
Title

Section I. These Rules shall be known as the Administrative Disciplinary Rules on Sexual Harassment Cases.

RULE II
Coverage

Section 2. These Rules shall apply to all officials and employees in government, whether in the career or non-career service and holding any level of position, including Presidential appointees and elective officials, regardless of status, in the national or local government, state colleges and universities, including government-owned or controlled corporations, with original charters.

RULE III
Definition

Section 3. For the purpose of these Rules, the administrative offense of sexual harassment is an act, or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by a government employee or official in a work-related, training or education related environment of the person complained of.

(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 personnel 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.

(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.

Section 4. Sexual harassment may take place:

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.

**RULE IV
FORMS OF SEXUAL HARASSMENT**

Section 5. The following are illustrative forms of sexual harassment:

- (a) Physical
 - (1) Malicious Touching;
 - (2) Overt sexual advances;
 - (3) Gestures with lewd insinuation.
- (b) Verbal, such as but not limited to, requests or demands for sexual favors, and lurid remarks;
- (c) Use of objects, pictures or graphics, letters or writing notes with sexual underpinnings;
- (d) Other forms analogous to the forgoing.

**RULE V
PERSONS LIABLE FOR SEXUAL HARASSMENT**

Section 6. Any government official or employee, regardless of sex, is liable for sexual harassment when he/she:

- (a) directly participates in the execution of any act of sexual harassment as defined by these Rules;
- (b) induces or directs another or others to commit sexual harassment as defined by these Rules;
- (c) cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished;

(d) cooperates in the commission of sexual harassment by another through previous or simultaneous acts.

**RULE VI
COMMITTEE ON DECORUM AND
INVESTIGATION OF SEXUAL HARASSMENT CASES**

Section 7. A Committee on Decorum and Investigation shall be created in all national or local agencies of the government, state colleges and universities, including government-owned or controlled corporations with original charter. The Committee shall perform the following functions:

- (a) Receive complaints of sexual harassment;
- (b) Investigate sexual harassment complaints in accordance with the prescribed procedure;
- (c) Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
- (d) Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment;

Localized Committees on Decorum and Investigation 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.

When a member of the Committee is the complainant or the person complained of in a sexual harassment case, he/she shall be disqualified from being a member of the Committee.

Section 8. *Composition.* - In a work-related environment, a Committee on Decorum and Investigation shall be composed of at least one (1) representative each from the management, the accredited

union, if any, the second level employees, and from the first level employees, duly selected by the unit concerned.

In an educational or training institution, the Committee shall be composed of at least one (1) representative from the administration, the trainers, teachers, instructors, professors or coaches, and students or trainees, as the case may be, duly selected by the level concerned.

Section 9. The agency may formulate its own rules governing the term of office of its members which should be more than two years, and other matters pertaining to the functions of the Committee not otherwise provided in these Rules.

**RULE VII
PRE-FILING STANDARD OPERATING
PROCEDURES IN ATTENDING TO VICTIMS OF
SEXUAL HARASSMENT**

Section 10. *The Pre-filing Stage.* – The agency may adopt mechanisms to provide assistance to an alleged victim of sexual harassment which may include counseling, referral to an agency offering professional help, and advice on options available before the filing of the complaint.

**RULE VIII
STANDARD PROCEDURAL REQUIREMENTS**

Section 11. The procedural rules provided hereunder are the standard requirements in handling a sexual harassment case.

Section 12. *Complaint.* -

(a) The complaint may be filed at any time with the disciplining authority of the office or agency, or with the Committee on Decorum and Investigation. Upon receipt of the complaint by the disciplining authority of the office or agency, the same shall be transmitted to the Committee on Decorum and Investigation, if there is any. In the absence of a Committee on Decorum and Investigation, the head office or agency shall immediately cause the creation of Committee on Decorum and Investigation in accordance with the law and rules, and transmit the complaint to the Committee.

(b) The complaint must be in writing, signed and sworn to by the complainant. It shall contain the following:

- (1) the full name and address of the complainant;
- (2) the full name, address, and position of the respondent;
- (3) a brief statement of the relevant facts;
- (4) evidence, in support of the complainant, if any;
- (5) a certification of non-forum shopping.

In the absence of any one of the aforementioned requirements, the complaint shall be dismissed without prejudice to its refiling.

Where the complaint is not under oath, the complainant shall be summoned by the Committee to swear to the truth of the allegations in the complaint.

(c) Complaints sent by telegram, radiogram, electronic mail or similar means of communication shall be considered non-filed unless the complainant shall comply with the requirements provided in Section 12(b) within ten (10) days from receipt of the notice for compliance.

(d) Withdrawal of the complaint at any stage of the proceedings shall not preclude the Committee from proceeding with the investigation where there is obvious truth or merit to the allegations in the complaint or where there is documentary or direct evidence that can prove the guilt of the person complained of.

Section 13. Action on the Complaint. – Upon receipt of a complaint that is sufficient in form and substance, the Committee on Decorum and Investigation shall require the person complained of to submit a Counter-Affidavit/Comment under oath within three (3) days from receipt of the notice, furnishing a copy thereof to the complainant, otherwise the Counter-Affidavit/Comment shall be considered as not filed.

Section 14. Preliminary Investigation. – A preliminary investigation shall be conducted by the Committee on Decorum and Investigation. The investigation involves the *ex-parte* examination of documents submitted by the complainant and the person complained of, as well as documents readily available from other government offices.

During the preliminary investigation, the parties may submit affidavits and counter-affidavits.

Upon receipt of the counter-affidavit or comment under oath, the Committee on Decorum and Investigation may now recommend whether a *prima facie* case exists to warrant the issuance of a formal charge.

During preliminary investigation, proceedings before the Committee on Decorum and Investigation shall be held under strict confidentiality.

Section 15. *Duration of the Investigation.* – A preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the Committee on Decorum and Investigation and shall be terminated within fifteen (15) working days thereafter.

Section 16. *Investigation Report.* – Within five (5) working days from the termination of the preliminary investigation, the Committee on Decorum and Investigation shall submit the Investigation Report and the complete records of the case to the disciplining authority.

Section 17. *Decision or Resolution After Preliminary Investigation.* – If a *prima facie* case is established during the investigation, a formal charge shall be issued by the disciplining authority within three (3) working days from receipt of the Investigation Report.

In the absence of a *prima facie* case, the complaint shall be dismissed within the same period.

Section 18. *Formal Charge.* – After finding a *prima facie* case, the disciplining authority shall formally charge the person complained of. The formal charge shall contain a specification of the charge(s), a brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, if any, sworn statements covering the testimony of witnesses, a directive to answer the charge(s) in writing under oath in not less than seventy-two hours from receipt thereof, an advice for the respondent to indicate in his/her answer whether

or not he/she elects a formal investigation of the charge(s), and a notice that he/she is entitled to be assisted by a counsel of his/her choice.

If the respondent has submitted his/her comment and counter-affidavits during the preliminary investigation, he/she shall be given the opportunity to submit additional evidence.

The Committee on Decorum and Investigation shall not entertain requests for clarification, bills of particulars or motions to dismiss which are obviously designed to delay the administrative proceeding. If any of these pleadings is filed by the respondent, the same shall be considered as part of his/her answer which he/she may file within the remaining period for filing the answer.

Section 19. Answer. – The answer which must be in writing and under oath, shall be specific and shall contain material facts and applicable laws, if any, including documentary evidence, sworn statements covering testimonies of witnesses, if there be any, in support of respondent's case. It shall also include a statement indicating whether he/she elects a formal investigation.

Section 20. Failure to File an Answer. – If the respondent fails or refuses to file his/her answer to the formal charge within seventy-two (72) hours from receipt thereof without justifiable cause, he/she shall be considered to have waived his right thereto and formal investigation may commence.

Section 21. Preventive Suspension. – Upon petition of the complainant or *motu proprio* upon the recommendation of the Committee on Decorum and Investigation, at any time after the service of the Formal Charge to the respondent, the proper disciplining authority may order the preventive suspension of the respondent during the formal investigation, if there are reasons to believe that he/she is probably guilty of the charges which would warrant his/her removal from the service.

An order of preventive suspension may be issued to temporarily remove the respondent from the scene of his/her misfeasance or malfeasance and to preclude the possibility of his/her exerting undue influence or pressure on the witnesses against him/her or tampering of documentary evidence on file with this office.

Section 22. Duration of Preventive Suspension. - When the administrative case against the respondent under preventive suspension is not finally decided by the disciplining authority within the period of ninety (90) days after the date of his/her preventive suspension, unless otherwise provided by special law, he/she shall be automatically reinstated into the service: *Provided*, that when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of delay should not be included in the counting of the ninety (90) calendar days period of preventive suspension: *Provided, further*, That should the respondent be on paternity/maternity leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully enjoyed.

Section 23. Remedies from the Order of Prevention Suspension. – The respondent may file a motion for reconsideration with the disciplining authority or may elevate the same to the Civil Service Commission by way of an appeal within fifteen (15) days from receipt thereof.

Section 24. Conduct of Formal Investigation. – Although the respondent does not request a formal investigation, one shall nevertheless be conducted by the Committee on Decorum and Investigation if it deems such investigation as necessary to decide the case judiciously.

The investigation shall be held not earlier than five (5) days nor later than ten (10) days from receipt of the respondent's answer. Said investigation shall be finished within thirty (30) days from the issuance of the formal charge or the receipt of the answer unless the period is extended by the disciplining authority in meritorious cases.

Section 25. Pre-hearing Conference. – At the commencement of the formal investigation, the Committee on Decorum and Investigation may conduct a pre-hearing conference for the parties to appear, consider and agree on any of the following:

- (a) stipulation of facts;
- (b) simplification of issues;
- (c) identification and marking of evidence of the parties;
- (d) waiver of objections to admissibility of evidence;
- (e) limiting the number of witnesses, and their names;
- (f) dates of subsequent hearings; and
- (g) such other matters as may aid in the prompt and just resolution of the case.

The parties may submit position paper/memoranda and submit the case for resolution based on the result of the pre-hearing conference without any need for further hearing.

Section 26. *Continuous Hearing Until Terminated; Postponement.* – Hearings shall be conducted on the hearing dates set by the Committee on Decorum and investigation or as agreed upon during a pre-hearing conference.

Where no pre-hearing conference is conducted, the parties, their counsels and witnesses, if any, shall be given a notice of at least five (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. A party shall be granted only three (3) postponements upon oral or written requests. A further postponement may be granted only upon written request and subject to the discretion of the Committee on Decorum and investigation.

If the respondent fails to appear during the scheduled hearings despite due notice, the investigation shall proceed *ex-parte* and the respondent is deemed to have waived his right to be present and to submit evidence in his favor during those hearings.

Section 27. *Preliminary Matters.* – At the start of the hearing, the Committee on Decorum and Investigation shall note the appearances of the parties and shall proceed with the reception of evidence for the complainant.

If the respondent appears without the aid of a counsel, he/she shall be deemed to have waived his/her right to counsel.

Before taking the testimony of a witness, the Committee on Decorum and Investigation shall place him/her under oath and then take his/her name, address, civil status, age, and place of employment.

Section 28. *Appearance of Parties.* – Any person representing any of the parties before any hearing or investigation shall manifest orally or in writing his/her appearance for either the respondent or complainant, stating his/her full name and exact address where he/she can be served with notices and other documents. Any pleading or appearance made without complying with the above stated requirements shall not be recognized.

Section 29. *Order of Hearing.* – Unless the Committee on Decorum and Investigation directs otherwise, the order of hearing shall be as follows:

(a) The complainant shall present evidence in support of the charge;

(b) The respondent shall then offer evidence in support of his/her defense;

(c) The complainant may then offer rebuttal evidence, and the respondent, sur- rebuttal evidence.

Every witness may be examined in the following order:

(a) Direct examination by the proponent;

(b) Cross-examination by the opponent;

(c) Re-direct examination by the opponent;

(d) Re-cross examination by the opponent.

A sworn statement of witnesses, properly identified and affirmed by the witness before the Committee on Decorum and Investigation shall constitute his/her direct testimony.

When the presentation of evidence has been concluded, the parties shall formally offer their evidence either orally or in writing and thereafter objections thereto may also be made either orally or in writing. Thereafter, both parties may be given time to submit their respective memorandum which in no case shall be beyond five (5) days after the termination of the investigation. Failure to submit the memorandum within the given period shall be considered a waiver thereof.

Section 30. *Objections.* – All objections raised during the hearing shall be resolved by the Committee on Decorum and Investigation. However, objections that cannot be ruled upon by the Committee shall be noted with the information that the same shall be included in the memorandum of the concerned party to be ruled upon by the proper disciplining authority.

The Committee on Decorum and Investigation shall accept all evidence deemed material and relevant to the case. In case of doubt, the Committee on Decorum and Investigation shall allow the admission of evidence subject to the objection interposed against its admission.

Section 31. *Markings.* – All documentary evidence or exhibits shall be properly marked by letters (A, B, C, etc.) if presented by the respondent. These shall form part of the complete records of the case.

Section 32. *Request for Subpoena.* – If a party desires the attendance of a witness or the production of documents of things, he/she shall make a request for the issuance of the necessary subpoena, at least three (3) days before the scheduled hearing.

Section 33. *Issuance of Subpoena.* – The Committee on Decorum and Investigation may issue *subpoena ad testificandum* to compel the attendance of witnesses and *subpoena duces tecum* for the production of documents or objects.

Section 34. *Records of Proceedings.* – The proceedings of the formal investigation must be recorded either through shorthand or stenotype or by any other method.

Section 35. *Effect of the Pendency of an Administrative Case.* – The pendency of any administrative case shall not disqualify the respondent for promotion or from claiming maternity/paternity benefits. For this purpose, an administrative case shall be construed as pending when the disciplining authority has issued a formal charge.

Section 36. *Formal Investigation Report.* – Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the Committee on Decorum and Investigation to the disciplining authority. The complete records of the case shall be attached to the Report of Investigation.

The complete records shall be systematically and chronologically arranged, paged, and securely bound to prevent loss. A table of contents shall be prepared. Whoever is in-charge of the transmittal of the complete records shall be held responsible for any loss or suppression of pages thereof.

Section 37. *When Case is Decided.* – The disciplining authority shall render his decision on the case within thirty (30) days from receipt of the Report on Investigation.

Section 38. *Finality of Decisions.* – A decision rendered by heads of agencies where a penalty of suspension for not more than thirty (30) days or a fine in an amount not exceeding thirty (30) days salary is imposed, shall be final and executory. However, if the penalty imposed is suspension exceeding thirty (30) days or a fine exceeding thirty (30) days salary, the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.

**RULE IX
REMEDIES AFTER A DECISION**

Section 39. *Filing of Motion for Reconsideration.* – The party adversely affected by the decision may file a motion for reconsideration with the disciplining authority who rendered the decision within fifteen (15) days from receipt thereof.

Section 40. *When Deemed Filed.* – A motion for reconsideration shall be deemed filed on the date stamped on the official copy by the proper receiving authority, and in case it was sent by mail, on the date shown by the postmark on the envelope which shall be attached to the records of the case.

Section 41. *Grounds for Motion for Reconsideration.* – The motion for reconsideration shall be based on any of the following:

- (a) New evidence has been discovered which materially affects the decision rendered; or
- (b) The decision is not supported by the evidence on record; or
- (c) Errors of law irregularities have been committed prejudicial to the interest of the movant.

Section 42. *Limitation.* – Only one motion for reconsideration shall be entertained.

Section 43. *Effect of Filing.* – The filing of a motion for reconsideration within the reglementary period of fifteen (15) days shall stay the execution of the decision sought to be reconsidered.

Section 44. *Filing of Appeals.* – Decisions of heads of departments, agencies, provinces, cities, municipalities and other instrumentalities imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary, may be appealed to the Commission Proper within a period of fifteen (15) days from receipt thereof.

In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department head and finally to the Commission Proper. Pending

appeal, the same shall be executory except where the penalty is removal, in which case the same shall be executory only after confirmation by the Secretary concerned.

A notice of appeal including the appeal memorandum shall be filed with the appellate authority, copy furnished the disciplining office. The latter shall submit the records of the case, which shall be systematically and chronologically arranged, paged and securely bound to prevent loss with its comment, within fifteen (15) days, to the appellate authority.

Section 45. *When Deemed Filed.* – An appeal sent by mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case and in the case of personal delivery, the date stamped thereon by the proper office.

Section 46. *Appeal Fee.* – The appellant shall pay an appeal fee of Three Hundred Pesos (P300.00) and a copy of the receipt thereof shall be attached to the appeal.

Section 47. *Perfection of an Appeal.* – To perfect an appeal, the appellant shall within fifteen (15) days from receipt of the decision submit the following:

(a) Notice of appeal which shall specifically state the date of the decision appealed from and the date of receipt thereof;

(b) Three (3) copies of appeal containing the grounds relied upon for the appeal, together with the certified true copy of the decision, resolution or order appealed from, and certified copies of the documents or evidence;

(c) Proof of service of a copy of the appeal memorandum to the disciplining office;

(d) Proof of payment of the appeal fee; and

(e) A statement or certification of non-forum shopping.

Failure to comply with any of the above requirements within the reglementary period shall be construed as failure to perfect an appeal and shall cause its dismissal.

Section 48. *Effect of Filing.* – An appeal shall not stop the decision from being executory, and in case the penalty is suspension or removal, the respondent shall considered as having been under preventive suspension during the pendency of the appeal, in the event he wins the appeal.

Section 49. *When Case is Remanded for Violation of Respondent's Right to Due Process.* – If the case on appeal with the Commission Proper is remanded to the proper disciplining authority for further investigation, the said disciplining authority through the Committee on Decorum and Investigation shall finish the investigation within three (3) calendar months from the date of receipt of the records from the Commission, unless the investigation is delayed due to the fault, negligence or petition of the person complained of, or an extension is granted by the Commission Proper in meritorious cases. The period of delay shall not be included in the computation of the prescribed period.

Within fifteen (15) days from the submission of the investigation report to the disciplining authority, it shall render its decision. If, at the end of said period, the disciplining authority fails to decide the case, the Commission Proper shall vacate and set aside the appealed decision and declare the person complained of exonerated of the charge. If the person complained of is under preventive suspension, he shall be immediately reinstated.

The Civil Service Regional Office or the Office for Legal Affairs of the Civil Service Commission shall evaluate requests for the extension of formal investigations and grant the same on meritorious grounds. In disposing the requests, said office shall be guided by the principles of justice and fair play, provided, that the extension shall not be for more than twenty (20) days.

For this purpose, the Regional Director shall monitor the implementation of the CSC Resolution remanding the case to the proper disciplining authority for further investigation and submit a report to

the Commission Proper.

Section 50. *Petition for Review.* - A complainant may elevate the decision of the disciplining authority dismissing a complaint for lack of a prima facie case before the Commission Proper through a Petition for Review within fifteen (15) days from the receipt of said decision.

Section 51. *Petition for Review with the Court of Appeals.* – A party may elevate a decision of the Commission before the Court of Appeals by way of Petition for Review under Rule 43 of the 1997 Revised Rules of Court.

Section 52. *Petition for Certiorari.* – When the disciplining authority has acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction and there is no appeal, nor any plain, speedy and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition for certiorari in the proper court under Rule 65 of the Rules of Court.

RULE X

CLASSIFICATION OF ACTS OF SEXUAL HARASSMENT

Section 53. *Sexual harassment is classified as grave, less grave and light offenses.*

A. Grave Offenses shall include, but are not limited to:

1. unwanted touching of private parts of the body (genitalia, buttocks and breast);
2. sexual assault;
3. malicious touching;
4. 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
5. other analogous cases.

B. Less Grave Offenses shall include, but are not limited to:

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

C. The following shall be considered Light Offenses;

1. surreptitiously looking or staring a look of a person's private part or worn undergarments;
2. telling sexist/smUTTY jokes or sending these through text, electronic mail or other similar means, 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;
3. malicious leering or ogling;
4. the display of sexually offensive pictures, materials or graffiti;
5. unwelcome inquiries or comments about a person's sex life;
6. unwelcome sexual flirtation, advances, propositions;
7. making offensive hand or body gestures at an employee;
8. persistent unwanted attention with sexual overtones;
9. unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
10. other analogous cases.

**RULE XI
ADMINISTRATIVE LIABILITIES**

Section 54. The head of office who fails to act within fifteen (15) days from receipt of any complaint for sexual harassment properly filed against any employee in that office shall be charged with Neglect of Duty.

Section 55. Any person who is found guilty of sexual harassment shall, after the investigation, be meted the penalty corresponding to the gravity and seriousness of the offense.

Section 56. The penalties for light, less grave, and grave offenses are as follows:

(a) For light offenses:

1st offense – Reprimand

2nd offense – Fine or suspension not exceeding thirty (30) days

3rd offense – Dismissal

(b) For less grave offenses:

1st offense – Fine or suspension of not less than thirty (30) days and not exceeding six (6) months

2nd offense – Dismissal

(c) For grave offenses: Dismissal

Section 57. If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.

**RULE XII
DUTY OF THE AGENCIES OF THE GOVERNMENT**

Section 58. All national and local government agencies, state colleges and universities, including government-owned or controlled corporations with original charter, shall promulgate or modify their own rules and regulations in conformity with these Rules, in consultation with their employees, within six (6) months from the effectivity of this Resolution.

Section 59. All agencies of the government shall submit an authenticated copy of their rules and regulations on sexual harassment to the Commission for approval within one (1) month from the date of their promulgation. They shall likewise submit to the Commission a list of the members of their Committee on Decorum and investigation immediately after its composition.

Section 60. All agencies of the government shall develop an education and training program for their officials and employees and the members of their Committee on Decorum and Investigation to increase understanding about sexual harassment, prevent its occurrence, and ensure proper investigation, prosecution and resolution of sexual harassment cases.

Section 61. The head of office who after six (6) months from the effectivity of this Resolution, fails to cause the promulgation or modification of the agency's rules and regulations on sexual harassment in conformity with these Rules, shall be charged with Neglect of Duty.

RULE XIII DUTY OF THE COMMISSION

Section 62. The Commission, through its Field Offices, shall monitor the implementation of the directive to all government agencies to promulgate or modify, as the case may be, their rules and regulations on sexual harassment, as well as the conduct of the training programs as provided in Sections 59 and 60.

Section 63. In case a complaint alleging acts constituting sexual harassment as defined herein is filed with the Commission, the same shall be remanded to the agency where the alleged offender is employed for appropriate action in accordance with their own rules and regulations on sexual harassment.

Section 64. The Civil Service Commission shall render technical assistance to agencies in the formulation of their rules and regulations on sexual harassment and the development and implementation of an intervention and prevention program on sexual harassment.

**RULE XIV
CASES DURING THE INTERVENING PERIOD**

Section 65. During the period when the agency is still in the process of promulgating or modifying its own rules and regulations on sexual harassment, a complaint alleging acts constituting sexual harassment shall be administratively prosecuted, resolved and adjudicated based on these Rules.

**RULE XV
FORUM SHOPPING**

Section 66. Under the same set of ultimate facts, the filing of a complaint based on an agency's rules and regulations on sexual harassment shall preclude the filing of another administrative complaint under any other law.

**RULE XVI
REPEALING CLAUSE**

Section 67. Rules and regulations and other issuances or parts thereof inconsistent with the provisions of these Rules are hereby repealed or modified accordingly.

**RULE XVII
EFFECTIVITY CLAUSE**

Section 68. These Rules shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Quezon City, May 21, 2001.

(Sgd.) **KARINA CONSTATINO-DAVID**
Chairman

(Sgd.) **JOSE F. ERESTAIN, JR.**
Commissioner

(Sgd.) **J. VLADEMAR V. VALMORES**
Commissioner

Attested by:

(Sgd.) **ARIEL G. RONQUILLO**
Director III

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Manila

ADMINISTRATIVE ORDER NO. 250
21 June 1995

**RULES AND REGULATIONS IMPLEMENTING
REPUBLIC ACT No. 7877 (ANTI-SEXUAL
HARASSMENT ACT OF 1995)
IN THE DEPARTMENT OF LABOR AND
EMPLOYMENT**

Pursuant to the provisions of Section 4, Republic Act No. 7877, An Act Declaring Sexual Harassment Unlawful In the Employment, Education or Training Environment, And For Other Purposes, the following Rules and Regulations governing the prevention of sexual harassment, procedure for the resolution, settlement and/or disposition of sexual harassment cases, as well as prescribing the proper decorum in the workplace for officials and employees of the Department of Labor and Employment are hereby issued.

RULE I
Definition of Terms

SECTION 1. Definition of Terms. — As used in this Rules, the following terms shall mean and be understood as indicated below:

- (a) “Department” refers to the Department of Labor and Employment including its Services, Bureaus, Regional Offices and Attached Agencies or shall be the employer or head of office referred to under Sections 4 and 5 of the Act.
- (b) “Secretary” refers to the Secretary of the Department of Labor and Employment.
- (c) “Department Official” refers to an official of the Department with the rank of Director and higher regardless of salary grade.
- (d) “Department Employee” refers to an employee of the Department below the rank of Director.

- (e) “Overseas Labor Officer” refers to all officer assigned abroad who acts as an operating arm of the Department for the administration and enforcement of DOLE policies and programs, labor and employment laws, rules and regulations applicable to overseas workers. It may also refer to an officer who responds to, monitors problems, complaints, queries or overseas workers and their families within their jurisdiction.
- (f) “Applicant/Client” refers to a person seeking employment in the Department or any person who seeks assistance and/or avails of the various services, projects and programs of the Department, applicants for licenses, permits and all other individuals transacting official matters or business in the Department.
- (g) “Trainee” refers to a person undergoing an organizational and instructional process undertaken by the Department through which an individual acquires any knowledge and skill.
- (h) “Victim” refers to any Department official or employee, any applicant/client or trainee against whom acts of sexual harassment have been committed.
- (i) “Career Position” refers to a position where entrance is based on merit and fitness to be determined as far as practicable by a competitive examination or based on highly technical qualifications. The position is characterized by opportunities for advancement to higher career positions and security of tenure.
- (j) “Non-Career Position” refers to a position requiring entrance based on factors or criteria other than those of the usual tests of merit and fitness utilized for the career service. The tenure is limited to a period specified by law or which is co-terminus with that of the appointing authority or subject to his pleasure. It may also be limited to the duration of a particular project for which employment was made.
- (k) “Permanent Status” refers to the status of an employee once he meets all the requirements for the position to which he is being appointed, including the appropriate civil service eligibility requirement.

- (l) “Temporary Status” refers to an employment status of an employee who is not a civil service eligible but meets the other requirements of the position.
- (m) “Casual Status” refers to an appointment which is good only when such services are essential and necessary and the regular staff complement of the employing agency is insufficient to carry out the demands of the service.
- (n) “Supervisory Employee” refers to one who, in the interest of the employer, effectively recommends managerial actions such as hiring, transferring, suspending, laying-off, recalling, discharging, assigning or disciplining employees if the exercise of such authority is not merely routinary or clerical in nature but requires the use of independent judgment. In the Department, this refers to the Chief Labor and Employment Officer and to the Supervising Labor and Employment Officer.
- (o) “Rank-and-File Employee” refers to one not falling within the definition of supervisory employee.
- (p) “Committee” refers to the Committee on Decorum and Investigation in the Central and Regional Offices and Attached Agencies.

RULE II Coverage

SECTION 1. Officials and Employees. — This Rules and Regulations shall apply to any official or employee of the Department, its offices and bureaus as well as its attached agencies, who complains of or is complained of sexual harassment, regardless of whether such official or employee is classified as belonging to the career or non-career service or holding position under permanent, temporary, casual or contractual status including overseas labor officers.

SECTION 2. Applicants and Clients. — This Rules shall also cover applicants for employment in the Department, its offices, bureaus and attached agencies as well as its clients, trainees and other persons transacting official matters or business with the Department against whom acts of sexual harassment may be committed by Department officials or employees.

RULE III
Sexual Harassment

SECTION 1. Who Are Liable. — Sexual harassment is committed by any DOLE official or employee against another official, employee, applicant for employment in the Department, client or trainee over whom he or she has authority, influence or moral ascendancy regardless of whether or not the demand, request or requirement for submission to such acts is accepted by the person against whom acts of sexual harassment are alleged are to have been committed.

SECTION 2. Other Persons Liable. — Any Department official or employee who directs or induces another to commit any act of sexual harassment as stated under this Section 1 of this Rule or who cooperated in the commission thereof by another without which it would not have been committed, shall also be liable for sexual harassment.

SECTION 3. When Committed. — Sexual harassment is committed when:

- (a) a sexual favor is made as a condition in hiring, reemployment or continued employment or in granting favorable compensation, promotions or privileges, and other terms and conditions of employment;
- (b) the refusal to grant sexual favor, demand, request or requirement results in limiting, segregating or classifying an employee which in any way would discriminate against, deprive or diminish the victim of employment opportunities or otherwise adversely affect said victim;
- (c) the above acts would violate or impair the victims rights or privileges under existing laws; or
- (d) the above acts would result in an intimidating, hostile or offensive environment for the victim.

SECTION 4. Where Committed. — Sexual harassment may be committed in any work or training environment. It may include but are not limited to the following:

- (a) in or outside the office building or training site;
- (b) at office or training-related social functions;
- (c) in the course of work assignments outside the office;
- (d) at work-related conferences, studies or training sessions; or
- (e) during work-related travel.

RULE IV
Forms of Sexual Harassment

SECTION 1. Forms of Sexual Harassment. — Sexual harassment may be committed in any of the following forms:

- (a) Overt sexual advances;
- (b) Unwelcome or improper gestures of affection;
- (c) Request or demand for sexual favors including but not limited to going out on dates, outings or the like for the same purpose; and
- (d) Any other act or conduct of a sexual nature or for purposes of sexual gratification which is generally annoying, disgusting or offensive to the victim.

RULE V
Committee on Decorum and Investigation

SECTION 1. Creation. — The Committee on Decorum and Investigation shall be established in the Central and Regional Offices and Attached Agencies.

SECTION 2. Composition in Central Office. — The Committee in the Central Office may be composed of the following:

- (a) Assistant Secretary for Management Services - Chairperson
- (b) Director, Legal Service - Vice-Chairperson
- (c) Director, Human Resource Development Service - Member
- (d) President, DOLE Employees Union or Representative - Member
- (e) Representative of Supervisors - Member

(f) Representative of the Rank and File - Member

Members representing the supervisory and rank-and-file employees shall be elected by the employees they represent.

SECTION 3. Composition in Regional Offices and Attached Agencies. — The Committee in the Regional Offices and Attached Agencies may be composed of the following:

- (a) Resident Ombudsperson - Chairperson
- (b) Representative of Management - Member
- (c) President or Representative of Employees Union or Association -Member
- (d) Representative of Supervisors - Member
- (e) Representative of the Rank and File - Member

Representatives of the supervisors and rank-and-file employees shall be elected by the employees they represent.

SECTION 4. Functions. — The Committee shall receive complaints, investigate and hear sexual harassment cases, prepare and submit reports with corresponding recommendations for the decision of the Secretary.

The Secretary may delegate to the appropriate committee in the regional office or attached agency the authority to investigate and hear sexual harassment cases arising out of its jurisdiction in accordance with the procedure set forth under Rule VI of this Rules.

The Committee shall submit to the Secretary the results of its investigation and the corresponding recommendations, copy furnished the regional director or head of the attached agency.

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

SECTION 5. Other Functions. — The Committee shall develop and implement programs to increase understanding and awareness about sexual harassment. In addition, the Committee shall develop rules in the settlement and disposition of sexual harassment

complaints, taking into consideration confidentiality and respect to privacy. The Committee shall also ensure that no complainant shall be subjected to further harassment or retaliation by the person alleged to have committed acts of sexual harassment.

RULE VI
Procedure

SECTION 1. Complaint. —

- (a) The party filing the complaint shall be called the COMPLAINANT, while the officer or employee charged or against whom the complaint is filed shall be called the RESPONDENT.
- (b) The complaint shall be filed with the Committee on Decorum and Investigation.
- (c) No particular form is required but the complaint must be in writing, signed and sworn to by the complainant. It must contain the following:
 - (1) the full name and address of the complainant;
 - (2) the full name and address of the respondent;
 - (3) a specification of the charge or charges;
 - (4) a brief statement of the relevant and material facts.

Where the complaint is not under oath, the complainant shall be summoned by the Committee to swear to the truth of the allegations in the complaint.

- (d) In support of the complaint, the complainant shall submit any evidence he/she has, including affidavits of witnesses, if any, together with the complaint.
- (c) Where the complaint is vague or too general, the Committee may require the complainant to specify the acts complained of as sexual harassment in writing within five (5) days from receipt of the notice, otherwise, the complaint shall be dismissed.

- (f) Complaints sent by telegrams, radiograms and similar means of communication shall comply with the requirements enumerated in Section 1 (c) above within five (5) days from receipt of notice, otherwise such complaint shall not be deemed duly filed.
- (g) A withdrawal of the complaint made or filed at any stage of the proceedings shall not preclude the Committee from proceeding with the investigation of the case.

SECTION 2. Answer. —

- (a) Answers shall be filed within ten (10) days from the receipt of the complaint.
- (b) The answer shall be in writing, signed and sworn to by the respondent and copy furnished the complainant. No particular form is required but it is sufficient if the answer contains a specific admission or denial of the charge or charges and a statement of the relevant facts constituting the respondent's defense.
- (c) The respondent shall indicate in his/her answer whether or not he/she elects a formal investigation.
- (d) In support of the answer, the respondent shall submit any evidence he/she has including affidavits of witnesses, if any, together with the answer.
- (e) The answer may be filed through personal service or by registered mail. If it is filed by registered mail, the date of mailing shall be considered as the date of filing.
- (f) Unless otherwise directed by the Committee, failure of the respondent to file an answer or to appear in the investigation shall be construed as a waiver to present evidence in his/her behalf. On the basis of evidence and pleadings submitted and the report/recommendation of the Committee referred to under Section 6 hereof, the Secretary shall then resolve the case.

SECTION 3. Reply. — The complainant may file a reply within ten (10) days from receipt of the answer.

SECTION 4. Preventive Suspension. —

- (a) The Secretary may suspend any officer or employee for not more than ninety (90) days pending an investigation, if there are strong reasons to believe that the respondent is guilty of charges which would warrant his/her removal from the service.
- (b) When the case against the officer or employee under preventive suspension is not finally decided within a period of ninety (90) days after the date of suspension of the respondent, he/she shall be automatically reinstated in the service; Provided, That when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of the delay shall not be counted in computing the period of suspension.
- (c) The Secretary may recommend to the President the preventive suspension of a presidential appointee on the grounds provided under Section 4 (a) of this Rule.

SECTION 5. Hearing. —

- (a) After all the pleadings have been submitted, the Committee may conduct a hearing not earlier than five (5) days nor later than ten (10) days from the date of receipt of the respondent's answer or complainant's reply if any, and shall terminate such hearing within thirty (30) days from the filing of the charges. However, the Committee may extend the period of hearing if it deems necessary.
- (b) The parties and their respective witnesses shall be notified of the scheduled hearing at least five (5) days before the date thereof, specifying the time, date and place of hearing.
- (c) Either party may require the attendance of witnesses and the production of documentary evidence in his/her favor through the compulsory processes of subpoena or subpoena duces tecum.

- (d) Either party may avail himself/herself of the services of counsel.
- (e) No postponement shall be granted except in meritorious cases.
- (f) All documentary evidence shall be admitted for whatever value they may have and shall be attached to the record of the case.
- (g) The parties may be required to submit their respective memoranda within ten (10) days after the hearing of their case.

SECTION 6. Report and Recommendation. — A report/recommendation shall be submitted by the Committee to the Secretary within fifteen (15) days after conclusion of the investigation or hearing.

SECTION 7. Decision. —

- (a) Within thirty (30) days from receipt of the Committee report and recommendation, the Secretary shall render his/her decision.
- (b) The decision of the Secretary shall be final and executory ten (10) days after receipt of the copy thereof by the parties unless a motion for reconsideration is filed with the Secretary or an appeal is filed with the Civil Service.

SECTION 8. Administrative Penalty. — Sexual harassment amounts to disgraceful and immoral conduct. Such conduct is classified as a grave offense and shall be punishable as follows:

- (a) First Offense: Suspension for six (6) months and one (1) day to one (1) year.
- (b) Second Offense: Dismissal.

SECTION 9. Motion for Reconsideration. —

- (a) The aggrieved party may file a motion for reconsideration with the Office of the Secretary within ten (10) days from receipt of the copy of the decision based on any of the following grounds:
 - (1) New evidence has been discovered which materially affects the decision.
 - (2) The decision is not supported by the evidence on record.
 - (3) Errors of law or misappreciation of facts.
- (b) The motion for reconsideration shall be deemed filed on the date of receipt by the Office of the Secretary, if filed personally, or on the date shown by the postmark on the envelope which shall be attached to the records of the case if by registered mail.
- (c) A motion for reconsideration suspends the running of the period for appeal. Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.

SECTION 10. Informal Settlement. — Every employer or head of office is encouraged to adopt procedures for the informal settlement of sexual harassment complaints.

**RULE VII
Support Services to Victims**

The Department shall extend support services to its officials and employees who may be victims of sexual harassment committed by other officials and employees of the Department.

SECTION 1. Support and Assistance. - Subject to certain conditions imposed on official leave of absence, the victim may pursue activities indispensable to the prosecution of administrative, civil or criminal action, as the case may be, for sexual harassment on official time. Whenever possible, the victim shall inform the head of office, who is not the person complained of, at least one (1) day in advance of the intended date to undertake such activities on official time.

The Human Resource Development Service/ Internal Management Services Division (HRDS/IMSD) shall set up a system of referral for those seeking legal services. A directory of existing organizations, government and non-government offices, rendering legal counseling and assistance shall be posted and/or provided by the HRDS or IMSD.

SECTION 2. Counseling Services. - The victim may also avail of counseling services for emotional and moral support. The HRDS/IMSD shall set up a system of referral for those seeking counseling services. Such may also be obtained from specially designated officials and personnel in the Department who have undergone training for such services. A list of such specially designated officials and personnel of the Department and other relevant government and non-government offices shall be publicized or posted or a copy of which can be obtained from the HRDS/IMSD.

The services mentioned under this section may be availed of by Department officials and employees who are likewise subjected to acts of sexual harassment committed by client/applicants transacting business with the Department.

RULE VIII

Guidelines on Proper Decorum

The Guidelines on Proper Decorum is provided as Annex A of this Rules.

RULE IX
Appeal

The aggrieved party or parties may, within fifteen (15) days, appeal the decision of the Secretary to the Civil Service Commission.

RULE X
Independent Action for Damages

Nothing in this Rules shall preclude the victim of sexual harassment from instituting a separate and independent action for damages and other affirmative relief.

RULE XI
Prescription

Any action arising from the violation of any provision of this Rule or Act shall prescribe within three (3) years from the commission of the act complained of.

RULE XII
Responsibility of the Head of Office

SECTION 1. Establishment of Committee. - It shall be the responsibility of the head of office to ensure the establishment of the Committee on Decorum and Investigation created under Rule V of this Rules in their respective offices.

SECTION 2. Immediate Action on Complaints. - It shall likewise be his/her obligation to act immediately on any complaint arising from acts of sexual harassment committed in their respective employment environment. For purposes of the preceding paragraph, immediate action shall mean acting on the information within two (2) days from the time such information was given by the offended party.

RULE XIII
Effect on Administrative Order No. 68

This Rules supersedes the provisions of Administrative Order No. 68, S. of 1992.

RULE XIV
Effectivity

This Rules and Regulations shall take effect upon signing by the Acting Secretary. The Department shall disseminate or post a copy of this Rules in at least two (2) conspicuous places in the workplace for information of all concerned. A copy thereof shall be filed with the University of the Philippines Law Center.

(Sgd.) JOSE S. BRILLANTES
Acting Secretary

WE CONCUR:

(Sgd.)JOHNNY P. GARCIA
Secretary General
DOLE Employees Union

Done in the City of Manila, Philippines this 21st day of June, 1995.

ANNEX “A”
GUIDELINES ON PROPER DECORUM

The Code of Conduct and Ethical Standards for Public Officials and Employees (R.A. 6713) shall serve as anchor of this Guidelines, which states among others that:

“It is the policy of the State to promote a high standard of ethics in public service. Public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest.”
(Sec. 1, Rule II of Rules Implementing RA 6713)

Consonant to this, DOLE officials and employees must behave and conduct themselves in a manner that is above reproach and worthy of respect and emulation of others. Their actions must be governed by a desire to render the best possible service to the public in the most ethical manner.

Likewise, they are expected to be always conscious of their responsibilities and commitment to the DOLE, and to maintain high standards of morality, integrity and professionalism. Friendship and teamwork are encouraged but enough distance should be accorded to each employee’s individuality, giving rightful chance to privacy and respect.

It is incumbent upon the head of office to set an example on how they should conduct themselves in public office, to see to it that his/her employees work efficiently in accordance with Civil Service Rules and Regulations, ensure a healthy working atmosphere where in coworkers treat each other with respect, courtesy and cooperation, so that in the end public service will be benefited. In the same manner, employees

are expected to show respect and courtesy towards their superiors, subordinates and peers. Courtesy demands that one set a good example. Indulging in certain activities which destroy the prestige of the office or are inconsistent with the conduct of public service is hereby discouraged.

Here under are guidelines including but not limited to, some rules based on accepted norms of behavior in the public service that should prevail in the office in order to maintain a healthy and wholesome environment, and prevent incidents of sexual harassment:

A. Convey an image of professionalism and authority.

Employees are required to wear the prescribed office uniform in accordance with the assigned schedule. When wearing of uniform is not required, they must be modestly dressed. Discriminate use of jewelry is acceptable.

Both employees and visitors are required to wear their ID Card/Visitor's Card at all times while inside the DOLE office premises.

B. Steer conversation to productive work or career topics and avoid discussing personal life.

Office gossip should be avoided. Beware of obscene conversations.

C. Be assertive and in control.

Develop skills to handle aggressive people and difficult social situations.

D. Do not ask for or offer special favors.

E. Avoid conducting personal business during working hours.

Unless necessary, refrain from leaving respective place of assignment during office hours. Likewise, avoid loitering or wandering around.

Minimize receiving and/or entertaining personal visitors during office hours for reasons not connected with work in the DOLE.

Unauthorized possession, bringing, and drinking of alcoholic beverages in the DOLE premises or reporting for work under the influence of liquor is strictly prohibited.

Avoid willful showing or exhibiting of pornographic/obscene materials, pictures, or literatures within the DOLE premises.

No gambling is allowed within the office premises including games and sport activities whereby betting is involved.

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