

Republic of the Philippines
DEPARTMENT OF FINANCE

Roxas Boulevard Corner Pablo Ocampo, Sr. Street
Manila 1004

DEPARTMENT ORDER NO. 062.2019
Series of 2019

**DEPARTMENT OF FINANCE
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 incompatible 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;

A handwritten signature in black ink, consisting of a stylized 'J' followed by a checkmark-like flourish.

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 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 a 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;

WHEREAS, pursuant to Department Order No. 050-2018 dated 14 September 2018, the Board of Personnel Inquiry and Review of the Department of Finance (DOF) is authorized to perform the duties and functions of the Secretary of Finance in connection with his disciplining authority under existing Civil Service laws and regulations;

NOW THEREFORE, the DOF hereby promulgates these Rules and Regulations defining the administrative offense of sexual harassment and prescribing the standard procedure for the administrative investigation, prosecution and resolution of sexual harassment cases in the DOF;

RULE I. TITLE

Section 1. These Rules shall be known as the Administrative Disciplinary Rules on Sexual Harassment Cases of the DOF (Rules).

RULE II. COVERAGE

Section 2. These Rules shall apply to all officials and employees in the DOF proper, whether in the Career or Non-Career service and holding any level of position, including presidential appointees.

For purposes of these Rules, and pursuant to Department Order No. 050-2018, the DOF Board of Personnel Inquiry and Review shall serve as the disciplining authority for sexual harassment cases involving DOF officials and employees. For presidential appointees, the disciplining authority shall be the Office of the President.



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, made directly, indirectly, or impliedly, committed by a DOF employee or official in a work-related, training or education related environment of the person complained of. 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 has 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, client, or ward of the person complained of; or
- (4) Submission to or rejection of the act or series of acts is issued as a basis for any decision affecting the complainant, including, but not limited to, the giving of a grade, training, or other educational and/or scholarship grants, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration.

Section 4. Sexual harassment may take place:

1. in the premises of the workplace or office;
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 during work 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

- i. Malicious Touching
- ii. Overt sexual advances
- iii. 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 written notes with sexual underpinnings; and
- (d) Other forms analogous to the foregoing.

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. The duly-constituted Committee on Decorum and Investigation (CODI) of the DOF 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; and
- (d) Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment.

When a member of the CODI is the complainant or the person complained of in a sexual harassment case, he/she shall be disqualified from being a member of the CODI. Consequently, a temporary member holding the same employee level as the disqualified member shall be appointed by the remaining members of the CODI. The said temporary member shall serve until the sexual harassment case disqualifying the member of the CODI has been terminated with finality.



Section 8. Composition. The CODI shall be composed of four (4) members, with one (1) representative each from the following sectors of DOF: (a) management, (b) accredited union, (c) second level employees, and (d) first level employees. The sectors have the option to nominate a third-party expert to act as their CODI representative.

A quorum, consisting of a majority of the members of CODI, shall be required for any transaction of business. However, in rendering its findings and recommendations, a majority vote of all the members of the CODI shall be required.

The Personnel Services Division shall serve as the Secretariat of CODI.

Section 9. The members of the DOF CODI shall have a maximum term of two years and shall formulate such rules and other matters pertaining to the functions of the CODI 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 DOF, through the Central Administrative Office (CAO), shall 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 CODI, through the Personnel Services Division (PSD) of the DOF. Upon receipt of the complaint by the PSD, the same shall be immediately transmitted to CODI.
- 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 complaint, 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 re-filing.

Where the complaint is not under oath, the complainant shall be summoned by the CODI 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 as not 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.

Withdrawal of the complaint at any stage of the proceedings shall not preclude the CODI 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 and after determination by CODI that the complaint is sufficient in form and substance, the CODI shall require the person complained of to submit a Counter-Affidavit/Comment under oath within five (5) working 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 CODI. 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 CODI may recommend whether a prima facie¹ case exists to warrant the issuance of a formal charge.

During preliminary investigation, proceedings before the CODI shall be confidential.

¹ "Evidence which, if unexplained or uncontradicted, is sufficient to sustain a judgment in favor of the issue it supports, but which may be contradicted by other evidence." (2017 Rules on Administrative Cases in the Civil Service.)



Section 15. Duration of the preliminary investigation. - A preliminary investigation shall commence not later than ten (10) working days from receipt of the complaint by the CODI and shall be terminated within fifteen (15) working days thereafter. However, the CODI may extend such periods in meritorious cases.

Section 16. Preliminary Investigation Report. - Within five (5) working days from the termination of the preliminary investigation, the CODI shall submit the Investigation report and the complete records of the case to the disciplining authority. The preliminary investigation report shall include, among others, statement of facts, identification of the issue/s and offense/s involved, if any, and a recommendation on whether or not a prima facie case exists to warrant the issuance of a formal charge.

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

Section 18. Formal Charge. - After finding a prima facie case, the disciplining authority shall formally charge the respondent. 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 five (5) working days 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.

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.

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 disciplining authority 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 20. Failure to File an Answer. - If the respondent fails or refuses to file his/her answer to the formal charge within three (3) working days 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 CODI, 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 the DOF.

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 Preventive 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. - A formal investigation shall be conducted by the CODI where the merits of the case cannot be decided judiciously without conducting such investigation or when the respondent elects to have one. Although the respondent does not request a formal investigation, one shall nevertheless be conducted by the CODI if it deems such investigation necessary.

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 CODI in meritorious cases.

Section 25. Pre-hearing Conference. - At the commencement of the formal investigation, the CODI 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 CODI may, upon motion or motu proprio, require the parties to submit papers/memoranda and deem the case submitted for resolution based on all the information gathered at this stage of the proceedings.

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

Where no pre-hearing conference is conducted, the parties, their counsel 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 CODI.

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/her right to be present and to submit evidence in his/her favor during those hearings.

Section 27. Preliminary Matters. - At the start of the hearing, the CODI 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 CODI 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 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 CODI 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 proponent;
- d. Re-cross examination by the opponent.

A sworn statement of a witness, properly identified and affirmed by the witness before the CODI 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 CODI. However, objections that cannot be ruled upon by the CODI 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 disciplining authority.

The CODI shall accept all evidence deemed material and relevant to the case. In case of doubt, the CODI 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 complainant and by numbers (1, 2, 3, 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 or 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 CODI 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.

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 employee 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 thirty (30) 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 CODI to the disciplining authority. The complete records of the case shall be attached to the formal investigation report. The disciplining authority may extend the period to submit the formal investigation report in meritorious cases.

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. Privacy and Confidentiality of Proceedings. - All proceedings under these Rules shall be conducted in a manner consistent with the dignity of the parties and respect for their privacy. Records of the cases and proceedings shall also be treated with utmost confidentiality.

Section 38. When Case is Decided. - The disciplining authority shall render its decision on the case within thirty (30) days from receipt of the report of investigation.

Section 39. Finality of Decisions. - A decision rendered by the disciplining authority 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 40. Filing of Motion for Reconsideration. - The party adversely affected by the decision may file a motion for reconsideration with the disciplining authority which rendered the decision within fifteen (15) days from receipt thereof.



Section 41. When Deemed Filed. - A motion for reconsideration shall be deemed filed on the date stamped on the official copy by the Central Records Management Division, 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 42. 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;
- b. The decision is not supported by the evidence on record; or
- c. Errors of law or irregularities have been committed prejudicial to the interest of the movant.

Section 43. Limitation. - Only one motion for reconsideration shall be entertained.

Section 44. 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 45. Filing of Appeals. - Decisions of the disciplining authority imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary may be appealed to the Civil Service Commission (CSC) within a period of fifteen (15) days from receipt thereof.

A Notice of Appeal including the Appeal Memorandum shall be filed with the CSC, copy furnished the disciplining authority. 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 46. 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 case of personal delivery, the date stamped thereon by the proper office.

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 Memorandum 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 be 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 CSC is remanded to the DOF for further investigation, the case will be given back to the CODI which shall finish the re-investigation within three (3) calendar months from the date of receipt of the records from the CSC, unless the investigation is delayed due to the fault, negligence or petition of the person complained of, or an extension is granted by the CSC 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, the disciplining authority shall render its decision. If, at the end of said period, the disciplining authority fails to decide the case, the CSC 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 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 CSC.

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 CSC through a Petition for Review within fifteen (15) days from the receipt of said decision.

Section 51. 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.

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RULE X. CLASSIFICATION OF ACTS OF SEXUAL HARASSMENT

Section 52. 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 or threats with sexual overtones; and
5. Other analogous cases.

C. The following shall be considered Light Offenses:

1. Surreptitiously looking or stealing a look at a person's private part or worn undergarments;
2. Telling sexist/smatty 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 53. If the responsible officer/s under these Rules fail/s to act within fifteen (15) days from receipt of any complaint for sexual harassment properly filed against any DOF employee, he/she shall be charged with Neglect of Duty.

Section 54. 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 55. The penalties for light, less grave and grave offenses are as follows:

A. For light offenses:

1 st offense	-	Reprimand
2 nd offense	-	Fine or suspension not exceeding thirty (30) days
3 rd offense	-	Dismissal

B. For less grave offenses:

1 st offense	-	Fine or suspension not less than thirty (30) days and not exceeding six (6) months
2 nd offense	-	Dismissal

C. For grave offenses- Dismissal

Section 56. 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. For purposes of these Rules, the imposition of penalties based on the consideration of the said aggravating circumstances shall be in accordance with the 2017 Rules on Administrative Cases in the Civil Service.

Section 57. Complaints arising from the violation of these Rules shall prescribe in three (3) years from the date of the commission of the act.



RULE XII. DUTY OF THE AGENCIES OF THE GOVERNMENT

Section 58. The DOF shall submit an authenticated copy of its rules and regulations on sexual harassment to the CSC for approval within one (1) month from the date of its promulgation and the list of the members of its CODI.

Section 59. The DOF, through CAO, shall ensure that any agreement concerning the provision of service to the DOF by outsourced personnel, detailed personnel, contractual personnel, consultants, and on-the-job trainees, among others (non-DOF employee), shall contain provisions which provide for:

- a) awareness of all office rules and regulations in the DOF, including these Rules, and compliance with the applicable provisions thereof; and
- b) termination of contract in case of commission of any forms of sexual harassment defined under these Rules, upon summary recommendation of CODI after affording the non-DOF employee an opportunity to be heard.

Section 60. The DOF, through CAO, shall develop an education and training program for its officials and employees and the members of its CODI to increase understanding about sexual harassment, prevent its occurrence, and ensure proper investigation, prosecution and resolution of sexual harassment cases chargeable against the Gender and Development (GAD) budget.

Section 61. The attached agencies of DOF are enjoined to promulgate or modify their own rules and regulations on sexual harassment cases in conformity with the CSC Resolution No. 01-0940² and CSC Resolution No. 02-1170³.

RULE XIII. FORUM SHOPPING

Section 62. 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 XIV. REPEALING CLAUSE

Section 63. Rules and regulations and other issuances or parts thereof inconsistent with the provisions of these Rules are hereby repealed or modified accordingly.

² Administrative Disciplinary Rules on Sexual Harassment Cases, 21 May 2001.

³ Delegation of Authority to CSC Regional Offices to Approve Sexual Harassment Rules, 14 September 2002.




RULE XV. EFFECTIVITY CLAUSE

Section 64. These Rules shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Manila, 2019.




CARLOS G. DOMINGUEZ
Secretary
AUG 28 2019