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7877

ANTI-SEXUAL
HARASSMENT
ACT OF 1995

CSC MEMORANDUM CIRCULAR
No. 19 (SERIES OF 1994)

DOLE ADMINISTRATIVE ORDER
No. 68 (SERIES OF 1992)

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October 2006

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REPUBLIC ACT NO. 7877

*Anti-Sexual Harassment
Act of 1995*

**CSC MEMORANDUM
CIRCULAR NO. 19**

(Series of 1994)

**DOLE ADMINISTRATIVE
ORDER NO. 68**

(Series of 1992)

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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, trainer, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

(a) In a work-related or employment environment, sexual harassment is committed when:

- (1) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;
- (2) The above acts 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, trainers 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 trainers, 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.

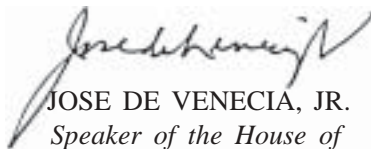
SEC. 9. *Repealing Clause.* — All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with provisions of this Act are hereby repealed or modified accordingly.

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.

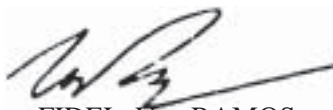


EDGARDO E. TUMANGAN
Secretary of the Senate



CAMILO L. SABIO
Secretary General House of Representatives

Approved: February 14, 1995



FIDEL V. RAMOS
President of the Philippines

MEMORANDUM CIRCULAR

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

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

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

RESOLUTION NO. 94-2854

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

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

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

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

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

POLICY ON SEXUAL HARASSMENT IN THE WORKPLACE

Section 1. Policy Statement and Objective

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

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

Section 2. Coverage

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

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

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

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

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

Section 3. Definition.

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

- (1) such conduct might reasonably be expected to cause insecurity, discomfort, offense or humiliation to another person or group; or
- (2) submission to such conduct is made either implicitly or explicitly a condition of employment, or any opportunity for training or grant of scholarship, or
- (3) submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, raise in salary, job security and benefits affecting the employee); or

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

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

- (1) in the working environment, or
- (2) anywhere else as a result of employment responsibilities or employment relationship.

It includes but is not limited to sexual harassment:

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

Section 4. Responsibilities of Heads of Agencies

The head of agency is responsible for:

- (1) informing officials and employees of this Policy on Sexual Harassment including their rights and responsibilities and the existence of procedures available under this policy;
- (2) investigating every formal written complaint of sexual harassment and imposing strict disciplinary measures when a complaint of employment related sexual harassment is found to have been substantiated, regardless of the position and status of the offender;

- (3) doing all in its power to provide advice, support and assistance to employees of the agency and applicants who are subjected to sexual harassment, whether one or both parties involved are employed within the same agency;
- (4) appointing advisors, and providing the training and resources for them to fulfill their responsibilities under this policy;
- (5) designating an officer of the agency who will be responsible for the investigation and hearing of complaints on sexual harassment;
- (6) strictly maintaining confidentiality in all stages of the proceedings to protect the interests of the complainant, the person complained against and any other person who may report cases of sexual harassment;
- (7) maintaining records as required by this policy.

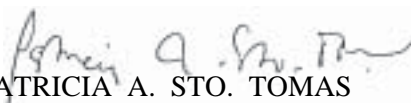
Section 5. Procedures in disposition of Sexual Harassment Cases

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

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

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

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


PATRICIA A. STO. TOMAS
Chairman

Republic of the Philippines
CIVIL SERVICE COMMISSION

Resolution No. **956161**

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

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

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

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

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

Rule I. COVERAGE

Section 1. These Rules shall apply to all officials and employees in the Commission, including the Career Executive Service Board (CESB),

Regional and Field Offices, whether in the Career or Non-Career service and holding positions under permanent or temporary status.

Rule II. JURISDICTION

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

Rule III. DEFINITION OF SEXUAL HARASSMENT

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

- (a) such behaviour might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to another person or group; or
- (b) submission to such conduct is made either implicitly or explicitly a condition of employment; or
- (c) submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, raise in salary, job security and benefits affecting the employee); or
- (d) such behaviour has the purpose or the effect of interfering with a person's work performance, or creating an intimidating, hostile or offensive work environment.

Rule IV. SPECIFIC ACTS CONSTITUTING SEXUAL HARASSMENT

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

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

1. as a condition for hiring or employment, re-employment or continued employment of an individual, or
2. in granting said individual favorable compensation, terms or conditions of employment, promotion or privileges;

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

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

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

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

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

Rule V. FORMS OF SEXUAL HARASSMENT

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

- (a) Physical
 - i. Physical Contact or Malicious Touching
 - ii. Overt sexual advances
 - iii. Unwelcome, improper or any unnecessary gesture of a sexual nature; or
 - iv. any other suggestive expression or lewd insinuation
- (b) Verbal, such as requests or demands for sexual favors or lurid remarks
- (c) Use of objects, pictures, letters or written notes with bold persuasive sexual under-pinnings and which create a hostile, offensive or intimidating work or training environment which is annoying or disgusting to the victim.

Rule VI. PERSONS LIABLE FOR SEXUAL HARASSMENT

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

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

1. Directing or inducing another to commit any of the acts of sexual harassment defined in these Rules (Principal by Induction) or
2. Cooperating in the commission of the sexual harassment by another without which it would not have been committed (Principal by Indispensable Cooperation).

Rule VII. DUTY OF THE COMMISSION

Section 7. The Commission shall initiate measures to:

- (a) prevent or deter the commission of acts of sexual harassment through an extensive awareness campaign or informal education, research and survey of data to determine extent of the problem, the profile of harassers and their victims and the forms of sexual harassment take and its consequences;
- (b) implement the procedures for the resolution, settlement or prosecution of acts of sexual harassment provided in these Rules;
- (c) create a Committee on Decorum and Investigation of cases on sexual harassment; and
- (d) furnish a copy of these Rules and Regulations to each of the officer or employee in the Commission and post a copy thereof in two conspicuous locations in places of work or training.

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

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

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

- (b) Conduct meetings with officers, employees and trainees to increase understanding and prevent incidents of sexual harassment; and
- (c) Recommend measures to the Commission that will expedite the investigation and adjudication of sexual harassment cases.

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

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

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

(a) Central Committee

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

(b) Local Committee

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

The representatives of the First and Second level employees in the Personnel Selection Board of this Commission who have been elected

in a general assembly of employees shall concurrently sit as members of the Committee on Decorum and Investigation.

Rule IX. PROCEDURES IN THE DISPOSITION OF SEXUAL HARASSMENT CASES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rule X. ADMINISTRATIVE LIABILITIES

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

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

A. For light offenses:

1. Reprimand or fine or suspension not exceeding ten days; or
2. Fine or suspension not exceeding twenty days; or

3. Fine or suspension not exceeding thirty days at the discretion of the disciplining authority.

B. For less grave offenses:

1. Transfer or demotion in rank or salary of one grade or fine or suspension not exceeding six months; or
2. Fine not exceeding four (4) months or suspension not exceeding eight (8) months at the discretion of the disciplining authority.

C. For grave offenses:

1. Transfer or demotion in rank or salary from two to three grades or fine in an amount equivalent to six (6) months salary; or
2. Suspension for one year; or
3. Dismissal, at the discretion of the disciplining authority.

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

Rule XI. PRESCRIPTIVE PERIOD

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

Rule XII. EFFECT ON OTHER ISSUANCES

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

Rule XIII. REPEALING CLAUSE

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

Rule XIV. AMENDMENT

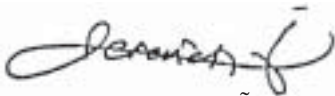
Section 27. The Civil Service Commission may amend or modify these Rules as may be necessary.

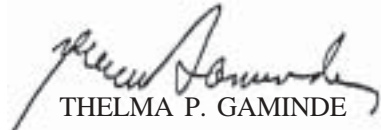
Rule XV. EFFECTIVITY CLAUSE

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

October 10, 1995


CORAZON ALMA G. DE LEON
Chairman


RAMON P. EREÑETA, JR.
Commissioner


THELMA P. GAMINDE
Commissioner

Attested by:


CARMENCITA GISELLE B. DAYSON
Board Secretary VI

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

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

Grave Offenses:

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

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

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

The following may be considered Light Offenses:

- (a) persistently telling sexist/smutty jokes causing embarrassment or offense, told or carried out after the joker has been

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

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



EVALYN I. FETALINO
Director IV
CIVIL SERVICE COMMISSION

25 August 1995

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Manila

ADMINISTRATIVE ORDER NO. 68
Series of 1992

AMENDING ADMINISTRATIVE ORDER NO. 80
Policy Against Sexual Harassment

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

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

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

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

Section 1. Declaration of Policy

In furtherance of the Constitutional provision relative to public office and human rights, as well as the protection of workers and equality of employment opportunities for all, the Department of Labor and Employment shall not tolerate sexual harassment committed by DOLE officials, employees, applicants for employment or any person

transacting official business with DOLE. It shall take disciplinary measures against official or employee, whether permanent, casual or contractual, who subjects any fellow official or employee, applicant for employment or client, to sexual harassment.

Section 2. What Constitutes Sexual Harassment

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

1. committed to take advantage of the weakness, vulnerability, status and professional, social and economic standing of the official, employee or client; or
2. explicitly or implicitly imposed as a condition for securing employment, advancement, promotion or preferential treatment; or
3. adversely interfering with the official's or employee's performance; or
4. bound to create a hostile, offensive, intimidating or uncomfortable work environment.

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

Section 3. Fact-Finding Committee: Creation and Composition

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

The Committee shall be composed of the following:

1. DOLE Resident Ombudsperson - Chairperson
2. Chairperson, DOLE Philippine Development Plan for Women (PDPW) Focal Point - Co-Chairperson
3. Assistant Secretary for Management Services - Member
4. Director, Human Resource Development Service - Member
5. Director, Legal Service - Member
6. President, DOLE or its Concerned Agency Employees Union - Ad Hoc Member
7. Resident Ombudsperson of the Agency Concerned- Ad Hoc Member

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

Section 4. Secretariat

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

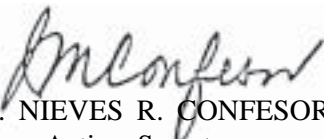
Section 5. Procedure in the Disposition of Sexual Harassment Cases

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

Section 6. Awareness Raising Campaign/Information Dissemination

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

This Order shall take effect immediately.


MA. NIEVES R. CONFESOR
Acting Secretary

25 March 1992



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