

**THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 11313
OR "AN ACT DEFINING GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC
SPACES, ONLINE, WORKPLACES, AND EDUCATIONAL OR TRAINING INSTITUTIONS,
PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR",
OTHERWISE KNOWN AS THE "SAFE SPACES ACT"**

Pursuant to Section 38 of Republic Act No. 11313, otherwise known as the Safe Spaces Act, the following rules and regulations are hereby issued:

**RULE I
GENERAL PROVISIONS**

SEC. 1. Title. — These rules and regulations shall be known and cited as the Implementing Rules and Regulations (IRR) of Republic Act (R.A.) No. 11313, otherwise known as the "Safe Spaces Act".

SEC. 2. Purpose. — These rules and regulations are hereby promulgated to provide guidelines and mechanisms in the implementation of the Safe Spaces Act.

SEC. 3. Declaration of Policies. — It is the policy of the State to value the dignity of every human person and guarantee full respect for human rights. It is likewise the policy of the State to recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men. The State also recognizes that both men and women must have equality, security, and safety not only in private but also on the streets, public spaces, online, workplaces and educational and training institutions.

**RULE II
DEFINITION OF TERMS**

SEC. 4. Definition of Terms. — As used in these rules, the following terms are defined as follows:

- a) *Catcalling* refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs.
- b) *Common carriers* refer to persons, corporations, firms or associations engaged in the business of carrying or transporting passengers or goods or both, by land, water, or air, for compensation, offering their services to the public.
- c) *Cyberstalking* is a form of stalking that is committed through an electronic medium in which online communication takes place.
- d) *Employee* refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical, and whether private or public, who exercises fundamental control over the work regardless of the term or duration of agreement. Employees in the informal economy are included herein. Provided, that for the purposes of the law and these rules, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee.

In the public sector, the term employee refers to any person who is in the service of the government or any of its agencies, divisions, subdivisions or instrumentalities including government-owned and controlled corporations with or without an original charter, or state universities or colleges with a regional charter.

- e) *Employer* refers to a person who exercises control over an employee: Provided, that for the purpose of the law and these rules, the status or conditions of the latter's employment or engagement shall be disregarded.

In the public sector, the term employer refers to the head of government agencies, divisions, subdivisions or instrumentalities including government-owned and controlled corporations with or without an original charter, or state universities or colleges with a regional charter which exercises control over an employee.

- f) *Gender* refers to a set of socially ascribed characteristics, norms, roles, attitudes, values, and expectations identifying the social behavior of men and women, and the relations between them.
- g) *Gender-based online sexual harassment* refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft.
- h) *Gender identity and/or expression* refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, or may have been assigned a particular sex at birth but who identifies with the opposite sex, or may have an identity that does not correspond to one's sex assigned at birth or to one's primary or secondary sex characteristics, in which case this person is considered transgender.
- i) *Homophobic remarks or slurs* are any statements in whatever form or however delivered, which are indicative of fear, hatred or aversion towards persons who are perceived to be or actually identify as lesbian, gay, bisexual, queer, pansexual and such other persons of diverse sexual orientation, gender identity or expression, or towards any person perceived to or actually have experienced same-sex attraction.
- j) *Information and communication system* refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.
- k) *Information and communications technology or ICT* shall mean the totality of electronic means to access, create, collect, store, process, receive, transmit, present and disseminate information.
- l) *Misogynistic remarks or slurs* are any statements in whatever form or however delivered, that are indicative of the feeling of hating women or the belief that men are inherently better than women.
- m) *Public spaces* refer to streets and alleys, roads, sidewalks, public parks, buildings, schools, churches, public washrooms, malls, internet shops, restaurants and cafes, transportation terminals, public markets, spaces used as evacuation centers, government offices, common carriers, public utility vehicles (PUVs) as well as private vehicles covered by app-based transport network services, other recreational spaces such as, but not limited to, cinema halls, theaters and spas, bars and clubs, resorts and water parks, hotels and casinos, and all other areas, regardless of ownership, openly accessible or offered to be accessed by the public.
- n) *Sexist remarks or slurs* are statements in whatever form or however delivered, that are indicative of prejudice, stereotyping, or discrimination on the basis of sex, typically against women.
- o) *Transphobic remarks or slurs* are any statements in whatever form or however delivered, that are indicative of fear, hatred or aversion towards persons whose gender identity and/or expression do not conform with their sex assigned at birth.
- p) *Stalking* refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.

RULE III
GENDER-BASED STREETS AND PUBLIC SPACES SEXUAL HARASSMENT

SEC. 5. Gender-Based Streets and Public Spaces Sexual Harassment. — The crimes of gender-based streets and public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

Gender-based streets and public spaces sexual harassment include, among others:

- a) Catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs;
- b) Persistent uninvited comments or gestures on a person's appearance;
- c) Relentless requests for personal details;
- d) Statement of sexual comments and suggestions;
- e) Public masturbation or flashing of private parts, groping, making offensive body gestures at someone, and other similar lewd sexual actions;
- f) Any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety. This may include cursing, leering and intrusive gazing, and taunting;
- g) Persistent telling of sexual jokes, use of sexual names; and
- h) Stalking.

SEC. 6. Gender-Based Sexual Harassment (GBSH) in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and Other Privately Owned Places Open to the Public. — The management of restaurants, bars, cinemas, malls, buildings and other privately-owned places open to the public shall adopt a policy of zero tolerance in their establishments against gender-based streets and public spaces sexual harassment.

Such policy, which will apply to all persons who are within its area or vicinity, shall include:

- a) Measures to prevent the occurrence of GBSH in such places, including among others:
 - 1) Installation in their business establishments of clearly visible warning signs against gender-based public spaces sexual harassment, including the anti-sexual harassment hotline number(s), which may include that of the nearest police station, in bold letters. The warning signs must be readable, written in a language that is understandable by customers, and placed in a conspicuous area within the vicinity of the establishment.
 - 2) Designation of at least one (1) anti-sexual harassment officer to receive GBSH complaints. Provided that, the officer must be competent and knowledgeable on GBSH and on the appropriate assistance to be provided to victims.
- b) Measures to address the occurrence of GBSH in such places, including, among others:
 - 1) Provision of assistance to victims of GBSH by coordinating with local police authorities immediately after GBSH is reported. This includes accompanying the victim to the police authorities, whenever necessary;
 - 2) Where it is required, and/or whenever possible, installation of functional closed-circuit television (CCTV) cameras. To the extent possible, the CCTV footages shall be made available to victims of GBSH as part of the package of assistance;
 - 3) Making CCTV footage available when ordered by the court. This is without prejudice to the prerogative/practice of establishments to make CCTV footage accessible even without a court order;
 - 4) Provision of a safe gender-sensitive environment to encourage victims to report GBSH as soon as it happens. This includes, among others, having a secure and

private area where the victim can narrate the events of GBSH, and whenever possible, providing an online platform for reporting GBSH incidents;

- 5) Development of protocols to be followed in cases of GBSH in their establishment. This will include procedures to speedily and effectively address reports and/or complaints of instances of GBSH. The complaint may be made immediately in person or online to the management of these places that are open to the public.

Whenever GBSH happens, a security guard or any person who witnessed the crime may conduct a citizen's arrest and apprehend the perpetrator in accordance with law. The security guards in these places may be deputized to apprehend perpetrators caught in *flagrante delicto* (or in the act of committing a crime) and are required to immediately coordinate with local authorities. Towards this end, the Philippine National Police (PNP) shall issue guidelines on the deputization of security guards.

A citizen's arrest is when any private person may arrest, without need of warrant under the following circumstances:

- a) When, in the presence of the private person, the person to be arrested has committed, is actually committing or is attempting to commit GBSH; and
- b) When GBSH has in fact just been committed, and the private person has personal knowledge of facts indicating that the person to be arrested has committed it.

To ensure that the security guards are knowledgeable on GBSH, awareness of the law will form part of topics or modules for trainings which are conducted before security agencies and security guards may renew their licenses.

SEC. 7. Gender-Based Sexual Harassment in Public Utility Vehicles (PUV). — In addition to the penalties in the law, the Land Transportation Office (LTO) may cancel the license of perpetrators found to have committed acts constituting sexual harassment in PUVs, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of transportation operators who commit gender-based streets and public spaces sexual harassment acts. GBSH in PUVs where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of employees and rendering the owner or operator solidarily liable for the offenses of the employee.

In cases of GBSH in PUVs, the LTO or the LTFRB may suspend or revoke the use of driver's license after finding of substantial evidence that the perpetrator committed any violation of the law, subject to LTO's own administrative procedure on suspension or revocation or of driver's license.

When a case is filed in the appropriate court, upon finding of guilt, the court may order the cancellation of the perpetrator's license, or revocation or suspension of their franchise. Whereupon, the LTO or the LTFRB, as the case may be, shall order such cancellation, suspension or revocation.

In cases where the court decision did not include such order, the LTO and LTFRB, may, after the filing of an administrative case, and hearing thereof, order such cancellation, suspension, or revocation. The court decision may form part of the evidence which may be presented by the complainant to the LTO or LTFRB.

SEC. 8. Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors. — In case the offense is committed by a minor, the Department of Social Welfare and Development (DSWD) shall take necessary disciplinary measures and diversion program as provided for under R.A. No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006". The program shall include age-appropriate gender sensitivity training and anti-sexual harassment awareness activities.

The rules and regulations issued to implement R.A. No. 9344 as amended by R.A. No. 10630 shall govern when the offense is committed by a minor.

SEC. 9. Duties of Local Government Units (LGUs). — Local government units (LGUs) shall bear primary responsibility in enforcing the provisions under Article I (Gender-Based Streets and Public Spaces Sexual Harassment) of R.A. No. 11313. LGUs shall have the following duties:

- a) Pass an ordinance that shall localize the applicability of the law within sixty (60) days from its effectivity. Such an ordinance shall consider and address the particular circumstances prevalent in their respective jurisdictions.

Ordinances passed pursuant to this law shall, to the extent possible: contain measures that will prevent the occurrence of GBSH such as provision of gender sensitivity training (GST), orientation on the law, creation of offices and appointment of people that will be responsible to address GBSH, including instances falling within the Katarungang Pambarangay system; create measures to efficiently respond to the issue such as clear protocols of reporting and responding to GBSH, and programs to help the victims as well as perpetrators; and ensure that there are mechanisms, people and budget to effectively respond to GBSH. Provided, however, that the passage of an ordinance shall not serve as a prerequisite for the implementation of the law by LGUs. The pendency of proceedings to adopt such local ordinance shall not be construed as a bar for LGUs from implementing the law;

- b) Disseminate or post in conspicuous places a copy of the law and the corresponding ordinance. The LGUs may come up with information, education, and communication (IEC) materials on the law and/or ordinance which may be in their respective local languages;
- c) Provide measures to prevent GBSH in educational institutions, such as information campaigns and anti-sexual harassment seminars;
- d) Discourage GBSH and impose fines on acts of GBSH as defined in the law;
- e) Establish an anti-sexual harassment hotline;

The LGU will ensure that the personnel assigned to attend the hotline are knowledgeable on GBSH and the forms of assistance made available by the LGU. The hotline shall have the following functions, among others:

- 1) Receive and record reports/complaints, and
 - 2) Act as a referral mechanism for complainants;
- f) Coordinate with the Department of the Interior and Local Government (DILG) on the implementation of the law;
- g) Establish a referral system for complainants of GBSH in streets and public spaces. This may form part of an existing referral system for complainants of other forms of gender-based violence;
- h) Provide training on the law for the Punong Barangay and members of the Lupong Tagapamayapa in cases covered by the Katarungang Pambarangay system, for traffic enforcers under their jurisdiction, and adopt training modules for concerned LGU personnel down to the barangay level;
- i) Set up Anti-Sexual Harassment (ASH) desks in all barangay, city and municipal halls, preferably staffed by a woman. VAW Desks may also serve as the ASH desks and the same shall be strengthened, following the guidelines to be set by the DILG; and
- j) Create a mechanism for handling and documentation of complaints including those in cases covered by the Katarungang Pambarangay system.

SEC. 10. Role of the DILG. — The DILG shall ensure the full implementation of R.A. No. 11313 by:

- a) Inspecting LGUs if they have disseminated or posted in conspicuous places a copy of the law and the corresponding ordinance. This may be done through monitoring LGU compliance, and other reportorial mechanisms;
- b) Conducting and disseminating surveys and studies on best practices of LGUs in implementing the law. The DILG shall provide avenues for exchanges of ideas among LGUs concerning their policies on the localization of the law;
- c) Providing capacity-building and training activities to build the capability of local government officials to implement the law in coordination with the Philippine Commission on Women (PCW), the Local Government Academy (LGA) and the Development Academy of the Philippines (DAP); and
- d) Assisting the LGUs in localizing the applicability of the law. The DILG shall lead in the development of guidelines and mechanisms to ensure the effective implementation and monitoring of the law and for such purpose, may consult other relevant agencies and civil society organizations (CSOs). This shall include guidelines on the interface of the law with the Katarungang Pambarangay System and the strengthening of the VAW desk.

SEC. 11. Implementing Bodies for Gender-Based Sexual Harassment in Streets and Public Spaces. — To respond to GBSH in streets and public spaces,

- a) The Metro Manila Development Authority (MMDA), the local units of the PNP for the provinces, and the Women and Children Protection Desk (WCPD) of the PNP shall have the authority to apprehend perpetrators and enforce the law.

The PNP and MMDA, shall ensure that their Anti-Sexual Harassment Enforcers (ASHE) undergo gender sensitivity training (GST), which shall cover topics, among others, gender, sexual orientation, gender identity, gender expression, sources of gender discrimination, the roles of different institutions in society in perpetuating discrimination, sexual orientation, gender identity, gender expression, the different manifestations of discrimination, including sexual harassment, and the solutions to minimize or eliminate such forms of discrimination.

LGUs may designate their traffic enforcers to respond to GBSH committed in the streets. The LGUs shall ensure that such designated traffic enforcers will undergo GST as mentioned above. In the case of special economic zones, its police shall also be tasked to apprehend perpetrators and the administrators of these areas shall ensure that its police force will undergo GST.

The authority vested on MMDA, local units of PNP, WCPD of PNP and the local traffic enforcers under the preceding paragraphs is suppletory to the authority vested on appropriate persons under existing rules on law enforcement, apprehension, and arrest.

- b) The MMDA and the PNP shall deputize its enforcers to be Anti-Sexual Harassment Enforcers (ASHE). The ASHE shall:
 - 1) Receive complaints on the street;
 - 2) Immediately apprehend a perpetrator if caught in *flagrante delicto* or in the act of committing the crime;
 - 3) Immediately bring the perpetrator to the nearest PNP station; and
 - 4) Together with the Women's and Children's Desk of PNP stations, keep a ledger of perpetrators who have committed acts prohibited under the law for purposes of determining if a perpetrator is a first-time, second-time or third-time offender. The Women's and Children's Desk shall forward its records to the Women and Children Protection Center (PNP WCPC).
- c) The DILG shall ensure that all local government bodies expedite the receipt and processing of complaints by setting up an Anti-Sexual Harassment Desk in all barangays,

municipal and city halls and to ensure the set-up of CCTVs in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence. Every city and municipality shall set-up an anti-sexual harassment desk and ensure the assignment of a person-in-charge thereof.

- d) The DILG and the DSWD in coordination with the Department of Health (DOH) and the PCW shall coordinate if necessary to ensure that LGUs facilitate the access of victims to proper psychological counseling support services and other services, in consonance with R.A. No. 11036 or the Philippine Mental Health Law. For this purpose, the LGUs may tap other service providers.

SEC. 12. Specific Acts and Penalties for Gender-Based Sexual Harassment in Streets and Public Spaces. — Per Section 11 of the law, the following acts shall be penalized as follows:

- a) For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, cursing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details such as name, contact and social media details or destination, the use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety.
- 1) The first offense shall be punished by a fine of One thousand pesos (P 1,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the LGU and the PCW. The PNP shall issue the certificate of completion of community service;
 - 2) The second offense shall be punished by *arresto menor* (6 to 10 days) or a fine of Three thousand pesos (P3,000.00);
 - 3) The third offense shall be punished by *arresto menor* (11 to 30 days) and a fine of Ten thousand pesos (P10, 000.00).
- b) For acts such as making offensive body gestures at someone, and exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions.
- 1) The first offense shall be punished by a fine of Ten thousand pesos (P 10,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW. The PNP shall issue the certificate of completion of community service;
 - 2) The second offense shall be punished by *arresto menor* (11 to 30 days) or a fine of Fifteen thousand pesos (P15,000.00);
 - 3) The third offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) and a fine of Twenty thousand pesos (P20,000.00).
- c) For acts such as stalking, and any of the acts mentioned in Section 11, paragraphs (a) and (b), when accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in Section 11, paragraphs (a) and (b).
- 1) The first offense shall be punished by *arresto menor* (11 to 30 days) or a fine of Thirty thousand pesos (P30,000.00), provided that it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW. The PNP shall issue the certificate of completion of community service;

- 2) The second offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) or a fine of Fifty thousand pesos (P 50,000.00);
- 3) The third offense shall be punished by *arresto mayor* in its maximum period or a fine of One hundred thousand pesos (P100,000.00).

RULE IV GENDER-BASED ONLINE SEXUAL HARASSMENT

SEC. 13. Gender-Based Online Sexual Harassment. — Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through:

- a) Physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages;
- b) Invasion of the victim's privacy through cyberstalking and incessant messaging;
- c) Uploading and sharing without the consent of the victim any form of media that contains photos, voice, or video with sexual content;
- d) Any unauthorized recording and sharing of any of the victim's photos, videos or any information online;
- e) Impersonating identities of victims online or posting lies about victims to harm their reputation; or
- f) Filing false abuse reports to online platforms to silence victims.

SEC. 14. Implementing Bodies for Gender-Based Online Sexual Harassment. — For gender-based online sexual harassment, the PNP Anti-Cybercrime Group (PNP ACG) as the national operational support unit of the PNP primarily responsible for the implementation of pertinent Philippine laws on cybercrime, shall receive complaints of gender-based online sexual harassment, develop an online mechanism for reporting real-time gender-based online sexual harassment acts and apprehend perpetrators.

The Department of Justice (DOJ) shall lead in the development of protocols and standards of gathering evidence and case build-up.

The Cybercrime Investigation and Coordinating Center (CICC) of the DICT shall coordinate with the PNP ACG, National Telecommunications Commission (NTC), National Privacy Commission (NPC) and other relevant agencies to prepare appropriate and effective measures to monitor and penalize gender-based online sexual harassment, including:

- a) The development of a monitoring and evaluation system, including a database for gender-based online sexual harassment, tools, and/or process to see whether the law is effectively being implemented.
- b) The recommendation of policies, law, issuances, and measures for the effective implementation and enforcement of the provisions of gender-based online sexual harassment, based, among others, on the results of the monitoring and evaluation.

The CICC may, whenever necessary, submit a report on the above-enumerated measures to the Oversight Body.

All agencies involved in receiving complaints, case build-up, and implementation of penalties shall at all times ensure confidentiality, privacy, and security of the victim.

SEC. 15. Procedure for Filing Cases of Gender-Based Online Sexual Harassment. — The DOJ, PNP, and NBI shall develop procedures and protocols for receiving complaints and addressing gender-based online sexual harassment, including preliminary measures to

immediately address reports of Gender-Based Online Sexual Harassment, within one hundred fifty (150) days from the effectivity of these rules.

SEC. 16. Penalties for Gender-Based Online Sexual Harassment. — The penalty of *prision correccional* in its medium period or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

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

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

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

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

SEC. 17. Qualified Gender-Based Streets, Public Spaces and Online Sexual Harassment. — The penalty next higher in degree will be applied in the following cases:

- a) If the act takes place in a common carrier or PUV including, but not limited to, jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger;
- b) If the offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;
- c) If the offended party is diagnosed with a mental condition tending to impair consent;
- d) If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform. For the purposes of these rules, persons who belong to reserve units of the AFP are considered to be members of the uniformed services only when they are undergoing active duty training or are mobilized upon order of the President;
- e) If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee.

RULE VI GENDER-BASED SEXUAL HARASSMENT IN THE WORKPLACE

SEC. 18. Gender-Based Sexual Harassment in the Workplace. — The crime of GBSH in the workplace includes the following:

- a) An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other

forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;

- b) A conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems;
- c) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient.

GBSH in the workplace may also be committed between peers, and by a subordinate to a superior officer.

Workplaces include all sites, locations, spaces, where work is being undertaken by an employee within or outside the premises of the usual place of business of the employer.

SEC. 19. Duties of Employers. — Employers or other persons of authority, influence or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of GBSH in the workplace. Towards this end, the employer or person of authority, influence or moral ascendancy shall:

- a) Disseminate or post in a conspicuous place a copy of the law to all persons in the workplace.

Dissemination of the law may be done through, among others:

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

Copies of the law and its rules should always be posted in workplace areas that are easily visible to employees, especially in areas where they usually congregate;

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

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

- c) Create an independent internal mechanism or a Committee on Decorum and Investigation (CODI) to investigate and address complaints of GBSH which shall carry out such functions as stated under Section 17(c) of the law and as further outlined in Sec. 33 of these rules;
- d) Develop and disseminate, in consultation with all persons in the workplace, including employees or their representatives and union, if any, a code of conduct or workplace policy which shall:
 - 1) Expressly reiterate the prohibition on GBSH;
 - 2) Describe the procedures of the internal mechanism created under Section 17(c) of the law; and
 - 3) Set administrative penalties.

In case of non-compliance in the public sector by the employer of their duties, an employee may file an administrative complaint with the Civil Service Commission (CSC).

In case the employer is a presidential appointee, elective official or official of the AFP, an administrative complaint may be filed with appropriate offices with such jurisdictions, such as the Office of the President or Office of the Ombudsman.

Compliance of employers of the duties as provided herein shall form part of the enforcement function of the Department of Labor and Employment (DOLE). Non-compliance with these duties shall also be reported to the DOLE. The latter shall conduct the inspection and require compliance in accordance with existing rules and regulations.

If the act was committed while the employee is in the workplace by a person other than those enumerated in Section 19 of these rules, the employer shall ensure that assistance is given to the employee, as mandated in the company's policies, and supervised by the CODI and/or Human Resources.

SEC. 20. Support for Workers in the Informal Economy. — Within sixty (60) days from the effectivity of these rules, the DOLE, in coordination with concerned agencies, shall develop guidelines on the provision of appropriate mechanisms and interventions, including redress mechanisms, for employees covered by R.A. No. 10361 or the Kasambahay Law, those employed in the informal economy and those employed in establishments where there are only ten or fewer employees.

SEC. 21. Duties of Employees and Co-Workers. — Employees and co-workers shall have the duty to:

- a) Refrain from committing acts of GBSH;
- b) Discourage the conduct of GBSH in the workplace;
- c) Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of GBSH; and
- d) Report acts of GBSH witnessed in the workplace. Reports may be made by any person to the employer or any agent of the employer. A report may be anonymous and, unless made by the victim in her/his own name, shall not constitute a formal complaint. Any such report shall constitute sufficient notice to the employer who shall thereafter verify and refer the matter to the CODI. An employee may choose to report directly to the CODI, in which case the CODI guidelines and procedures shall be observed

The failure of the employer to act on reports may make the employer liable under Section 19 (b) of the law.

The failure of the CODI to act on reports shall be subject to the penalties in the Code of Conduct to be developed in accordance with Section 32 of these rules.

SEC. 22. Liability of Employers. — In addition to liabilities for committing acts of GBSH, employers may also be held responsible for:

- a) Non-implementation of their duties under Section 17 of the law, as provided in penal provisions;
- b) Not taking action on reported acts of GBSH committed in the workplace.

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

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

SEC. 23. Independent Action for Damages. — Nothing shall preclude the victim of work-related GBSH from instituting a separate and independent action for damages and other affirmative relief.

SEC 24. Routine Inspection. — The DOLE for the private sector and the CSC for the public sector shall conduct yearly spontaneous, random, and unannounced inspections to ensure compliance of employers and employees in accordance with their rules on inspection and their obligations under the law.

**RULE VII
GENDER-BASED SEXUAL HARASSMENT IN
EDUCATIONAL AND TRAINING INSTITUTIONS**

SEC. 25. Gender-Based Sexual Harassment in Educational and Training Institutions. —

1. Designation of office or person to receive complaints. All educational and training institutions, whether public or private, shall designate an *officer-in-charge* to receive complaints regarding violations of the law, and shall ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

Towards this end, educational and training institutions shall:

- a) Assign an office or a person that must be readily accessible to receive complaints on GBSH. The educational and training institutions shall ensure that received complaints are processed in a manner that is most efficient and convenient to the complainant. The officer-in-charge shall also determine, upon receipt of the complaint, if the offended party needs immediate assistance, such as counseling, and/or medical services, and the same shall, to the extent possible, be provided, should the complainant choose to avail of such. The complaints shall be forwarded to the CODI within forty-eight (48) hours from receipt therefrom.

The office or the person assigned to receive complaints shall be knowledgeable about gender, gender-based violence such as sexual harassment, mental health, counselling, and other relevant knowledge and skills in handling the subject cases. The task will be part of the usual assignment of the office or the person, and will be included in the determination of salaries and benefits, if applicable, and, the performance shall be part of any regular work-related assessments.

- b) Ensure confidentiality in the process of accepting the complaint. The area where the offended party may stay to receive counseling or narrate the incident shall be comfortable and safe, keeping in mind the privacy and general well-being of the offended party.

For purposes of these rules, educational and training institutions include those that offer courses or programs online, alternative learning systems and other non-conventional forms of higher education. Government agencies with educational or training academies either for its employees or for the public are also covered by these rules. These rules shall also cover educational and training institutions with their own charter, or those created by law.

Students refer to those enrolled full-time or part-time in regular courses or short-term and special training offered by the educational or training institutions.

Notwithstanding this provision, an offended party may directly file a complaint with the CODI.

2. Within one hundred fifty (150) days from the effectivity of these rules, every education and training institution must adopt and publish grievance procedures to facilitate the filing of complaints by students, staff and faculty members as provided in Section 21 of the law. The pendency of the adoption or absence of such grievance procedures shall not prevent the educational and training institution from immediately addressing GBSH based on the law and these rules.

Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of a student, staff, or faculty member and school authorities have knowledge or reasonably know about a possible or impending act of GBSH or sexual

violence, the school should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which the act of GBSH or sexual violence were committed, and take appropriate steps to resolve the situation. If a school knows or reasonably should know about acts of GBSH or sexual violence could have been committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent their recurrence, and address their effects. This shall include the conduct of an investigation, on its own initiative, and referral of offended party for appropriate psychosocial or medical services.

Excluded

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

The Commission on Higher Education (CHED), Department of Education (DepEd), Technical Education and Skills Development Authority (TESDA), and other agencies or offices with attached training institutions shall formulate the guidelines to effectively implement this penalty. Provided, that the perpetrator covered in this section refers to students who were currently enrolled in the school or training institution at the time of the commission of the crime complained of.

The CODI of educational and training institutions shall address GBSH and online sexual harassment in accordance with the rules and procedures contained in their CODI manual. Provided, that, the CODI manual shall conform to the provisions required under the law and its rules.

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In all instances, the confidentiality of the proceeding shall be protected. Notwithstanding the prompt obligation of the school to investigate, it shall respect the privacy of the victim and exert efforts to determine the readiness and willingness to pursue a case against the perpetrator. In the event that the victim decides to go to court, it shall be incumbent upon the educational and training institutions to make the proper referral for legal assistance.

3. Support Parties Involved in GBSH-Related Court Proceedings. When a case is brought before the appropriate courts, educational and training institutions shall give due consideration to parties involved in court proceedings with respect to school or work requirements, such as excusing their absences from classes when they need to attend court hearings.

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SEC. 26. Who Can Commit Gender-Based Sexual Harassment in Educational and Training Institutions. — GBSH may be committed by principals, school heads, teachers, instructors, professors, coaches, trainers, or any person who has authority, influence or moral ascendancy over another, students, and trainees.

SEC. 27. Duties of School Heads and Heads of Training Institutions. — School heads and heads of training institutions shall have the following duties:

- a) Disseminate or post a copy of the law in a conspicuous place in the educational or training institution;

Dissemination of the law may be done through, among others:

- 1) Sending copies of the law and its Rules through official notices or means of communications among heads of different departments, bureaus, offices, units or such subdivisions in an educational or training institution for proper information to members;
- 2) Posting a copy of the law and its Rules online or in the official website of the educational or training institution;
- 3) Conducting orientation on the law and providing copies in print or electronically, as well as preparing information materials such as primers, frequently asked questions, and the like.

27

Copies of the law and its IRR should always be posted in areas of the educational or training institutions that are easily visible to students, especially in areas where they usually congregate.

The law and its rules may be translated into a language easily understandable to the students/trainees.

- b) Provide measures to prevent GBSH in educational or training institutions, like information campaigns, express inclusion in the student handbook, orientation of student organizations, and training of teaching and non-teaching staff, students, security officers, and other members of the school community.

Heads of educational and training institutions shall ensure that all students will receive age-appropriate training on gender sensitivity and gender-based violence, including sexual harassment and other gender and development (GAD) related topics as may be relevant;

- c) Create an independent internal mechanism or a CODI to investigate and address complaints of GBSH which shall carry out such functions as stated under Section 22(c) of the law and as further outlined in Section 33 of these rules;
- d) Provide and disseminate, in consultation with all persons in the educational or training institution, a code of conduct or school policy which shall:
- 1) Expressly reiterate the prohibition on GBSH;
 - 2) Prescribe the procedures of the internal mechanism created under the law; and
 - 3) Set administrative penalties;
- e) Designate an office or person to receive complaints of sexual harassment.

SEC. 28. Liability of School Heads and Heads of Training Institutions. — In addition to liability for committing acts of GBSH, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an educational or training institution may also be held responsible for:

- a) Non-implementation of their duties under Section 22 of the law, as provided in the penal provisions; or
- b) Failure to act on reported acts of GBSH committed in the educational institution.

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

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

These shall not preclude the filing of administrative cases against the school head with the appropriate disciplinary authority.

SEC. 29. Liability of Students. — Minor students who are found to have committed acts of GBSH shall only be held liable for administrative sanctions by the school as stated in their school handbook.

Sec. 30. Independent Action for Damages. — Nothing shall preclude the victim of education or training-related GBSH from instituting a separate and independent action for damages and other affirmative relief.

SEC. 31. Routine Inspection. — DepEd, CHED, and TESDA shall conduct regular spontaneous inspections to ensure compliance of school heads with their obligations under the law.

DepEd, CHED, and TESDA shall include consultations with the student councils or the student body in the conduct of their inspection.

RULE VIII
THE CODE OF CONDUCT AND THE
COMMITTEE ON DECORUM AND INVESTIGATION

SEC. 32. Development of Code of Conduct. — Within one hundred fifty (150) days from the effectivity of these rules, employers both from the public and private sector, and heads of educational and training institutions shall develop a Code of Conduct, in consultation with workers or the union, if any, in workplaces, and with the student council in the case of schools and training institutions, that will:

- a) Define GBSH, its coverage, forms, classifications, appropriate penalties; when and where it may be committed and by whom.

The Code of Conduct may include a prohibition against sexual harassment by:

- 1) Employers or employees to customers or clients of the establishment or agency;
 - 2) Employers or employees in a company, office, or agency acting as a Partner On-The-Job-Training Institution to student interns, if the Code of Conduct covers the workplace;
 - 3) Student interns to employers, employees, or workers in a company, office or agency that is acting as a Partner On-The-Job-Training Institution, if the Code of Conduct covers the educational or training institution;
- b) Specify the procedures in the filing of cases, investigation, and resolution and appeal thereof that will be the bases of the functions of the CODI.

Rules and procedures in case of a request for inhibition of any of the members of the CODI either from the parties or a member of the CODI shall also be developed;

- c) Specify the functions, responsibilities, composition, and qualifications of the members of the CODI, including the penalties to be imposed on members of the CODI in cases of non-performance or inadequate performance of functions. All members of the CODI shall undergo continuing training on gender sensitivity, gender-based violence, sexual orientation, gender identity and expression, and other gender and development (GAD) topics as needed.

To the extent possible, employers may also include the provision of support especially for victims of GBSH, including among others, psychological or psychosocial counseling services, or referral to such services, and assistance in the filing of administrative, civil, and/or criminal case/s.

SEC. 33. Committee on Decorum and Investigation (CODI). — Within one hundred fifty (150) days from the effectivity of these rules, employers and heads of educational and training institutions shall constitute a Committee on Decorum and Investigation (CODI) that shall serve as an independent internal grievance mechanism that will act as the main body in the investigation and resolution of cases involving GBSH in the workplace and in educational and training institutions.

- a) For workplaces, the CODI shall be composed of at least one representative each from the management, the employees from the supervisory rank, the rank-and-file employees, and the union/s or employees association, if any. The representatives of the workers shall be selected among them and by vote. The employer may include other groups in the CODI as may be applicable. The employer shall also ensure that there will be a sufficient number of people who may immediately replace any member of the CODI in case s/he inhibits from any case, or when needed, so as not to cause any delay in the process being undertaken.
- b) For educational and training institutions, the CODI shall be composed of at least one (1) representative each from the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be. The school

head or the head of the training institution may include other groups in the CODI as may be applicable. It shall be ensured that there is equal representation of persons of diverse sexual orientation, gender identity and/or expression, as far as practicable. Aside from the regular members of the CODI, the school head or the head of training institution must designate their respective permanent alternate who shall act on their behalf in case of absence of the regular member and must have the authority to render decision so as not to delay the proceedings being undertaken and to ensure continuity of deliberation.

- c) Every CODI shall be headed by a woman and not less than half of its members shall be women.
- d) Every CODI shall be composed of members who should be impartial and not connected or related to the alleged perpetrator within the fourth degree of consanguinity or affinity and have no prior record of involvement as a respondent, defendant or accused in any case of whatever nature on Sexual Harassment. Further, in case of relation by consanguinity or affinity to either the complainant or respondent, the CODI member shall inhibit from participating in any part of the proceeding, or be substituted by another.

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

The CODI shall, at all times, observe due process and, investigate and decide on written complaints within ten (10) working days or less upon receipt thereof. It shall ensure the protection of the complainant from retaliation and guarantee confidentiality to the greatest extent possible. The ten-day period will not include the period of appeal which shall be available to either party.

The CODI, in accordance with the Code of Conduct, shall ensure that the respondent is given the opportunity to be properly notified of and respond to the charge/s and that parties are given information on the hearings and its outcomes. An appeal process will be ensured.

- e) The CODI shall ensure the protection of a complainant from retaliation without causing her/him any disadvantage, diminution of benefits or displacement, and without compromising his/her security of tenure.

It shall also guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible.

All workplaces, educational and training institutions that have existing Code of Conduct or Policy on Sexual Harassment, including a CODI established under Republic Act No. 7877 will heretofore amend them to conform to the law and these rules.

Notwithstanding the duty of every employer to develop CODI guidelines, it may consider as part thereof the guidelines, policies or pertinent issuances on sexual harassment developed by the DOLE for the effective implementation of the law in the private sector. The public sector shall comply with the standards set by the CSC.

School heads or heads of training institutions covered by CHED, DepED, and TESDA shall comply with the standards set by them, accordingly.

Nothing in these rules prevents the victim from seeking redress in the appropriate courts of justice.

RULE IX OVERSIGHT MECHANISM

SEC. 34 Oversight Mechanism. — An oversight body composed of agencies mandated to implement the law and its rules is hereby created to ensure the effective implementation of the law. The Philippine Commission on Women, the Department of the Interior and Local Government and the Department of Information and Communications Technology shall be co-chairs with the following as members:

- a) Civil Service Commission;
- b) Commission on Human Rights;
- c) Department of Justice;
- d) Department of Education;
- e) Department of Labor and Employment;
- f) Department of Social Welfare and Development;
- g) Department of Health;
- h) Commission on Higher Education;
- i) Technical Education and Skills Development Authority;
- j) Land Transportation Office;
- k) Metro Manila Development Authority;
- l) Land Transportation Franchising and Regulatory Board;
- m) Philippine National Police;
- n) National Bureau of Investigation;
- o) Cybercrime Investigation and Coordinating Center; and
- p) Three (3) CSOs active on issues of gender-based violence

The oversight shall have the following functions:

- 1) Harmonize the initiatives in implementing the law and ensure that there are no overlaps in activities;
- 2) Ensure and facilitate coordination and collaboration among agencies involved;
- 3) Develop a monitoring and evaluation system including a database for all the forms of Gender-Based Sexual Harassments in the law, tools, and/or process to see whether the law is effectively being implemented;
- 4) Recommend policies, guidelines, or measures to ensure effective implementation of the law;
- 5) Develop and recommend strategies for the prevention of GBSH;
- 6) Formulate a comprehensive and integrated program to prevent and suppress GBSH;
- 7) Include other agencies and CSOs/NGOs to the oversight body as may be necessary;
- 8) Meet at least twice a year, or as often as may be necessary; and
- 9) Perform such other functions necessary to attain the purposes and objectives of the law.

RULE X COMMON PROVISIONS

SEC. 35. Confidentiality. — At any stage of the investigation, prosecution, and trial of an offense under R.A. No. 11313, the rights of the victim and the accused who is a minor shall be recognized.

In all cases of GBSH as enumerated in the law, the confidentiality of records on the victim, and when the accused is a minor will be protected.

SEC. 36. Restraining Order. — Where appropriate, the court, even before rendering a final decision, may issue an order directing the perpetrator to stay away from the offended person at a distance specified by the court or to stay away from the residence, school, place of employment, or any specified place frequented by the offended person.

SEC. 37. Remedies and Psychological Counseling. — A victim of gender-based street, public spaces or online sexual harassment may avail of appropriate remedies as provided for under the law as well as psychological counseling services with the aid of the LGU and the DSWD, in

coordination with the DOH and the PCW. Any fees to be charged in the course of a victim's avilment of such remedies or psychological counseling services and other services in consonance with R.A. No. 11036 or the Philippine Mental Health Law shall be borne by the perpetrator.

LGUs and concerned agencies may partner with private entities in the provision of psychological counseling services and other related processes such as the development of a referral system. In all instances, any fees that may be charged or incurred in the course of the counseling shall be borne by the perpetrator.

Psychological counselling and other remedies referred to in this Section may also be provided to victims of workplace and school-based sexual harassment.

SEC. 38. Administrative Sanctions. — The imposition of penalties outlined under R.A. No. 11313 is without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

SEC. 39. Imposition of Heavier Penalties. — Nothing in the law shall prevent LGUs from coming up with ordinances that impose heavier penalties for the acts specified herein.

SEC. 40. Exemptions. — Acts that are legitimate expressions of indigenous culture and tradition, as well as breastfeeding in public shall not be penalized. Expressions of indigenous culture and tradition include, among others, the wearing of traditional attires of tribes or clans that may show partial nudity. Provided that, such expressions of indigenous culture and tradition do not discriminate against women, girls, and persons of diverse sexual orientation, gender identity, and expression.

RULE XI FINAL PROVISIONS

SEC. 41. PNP Women, and Children Protection Centers/Desks. — The women and children's desks and the Women and Children Protection Center shall act on and attend to all complaints covered under the law. They shall coordinate with ASHE officers on the street, security guards in privately-owned spaces open to the public, and anti-sexual harassment officers in government and private offices or schools in the enforcement of the provisions of the law.

SEC 42. Educational Modules. — All schools, whether public or private, including formal and non-formal systems, shall educate students from the elementary to tertiary level about the provisions of the law and how they can report cases of gender-based streets, public spaces and online sexual harassment committed against them. School courses shall include age-appropriate, inclusive and culturally-sensitive educational modules against gender-based streets, public spaces and online sexual harassment which shall be developed by DepEd, CHED, TESDA, and PCW.

Schools and agencies concerned shall ensure that all forms of GBSH shall be included in the development of said educational modules.

SEC. 43. Awareness Campaigns. — Role of agencies in disseminating information on the law:

- PCW shall take the lead in a national campaign for the awareness of the law;
- DILG and PCW, together with duly accredited women's groups shall coordinate to ensure participation of all LGUs in a sustained information campaign. Duly-accredited women's groups shall refer to CSOs which have been recognized as such by any government agency or LGUs, and with relevant mandate and competence;
- DICT shall ensure the development of an online campaign that reaches a wide audience of Filipino internet users.

Information, education, and communication (IEC) materials for such awareness campaigns may include all forms of media condemning different forms of GBSH, informing the public of penalties for committing GBSH, and infographics of hotline numbers of authorities.

In addition, these agencies shall ensure that all forms of GBSH covered by the law will be included in the communication plans and awareness campaigns.

SEC. 44. Safety Audits. — LGUs are required to conduct safety audits on their responsibilities enumerated in Section 8 of the law and Section 9 of these rules every three (3) years to assess the efficiency and effectivity of the implementation of the law within their jurisdiction. Such audits shall be multisectoral and participatory, with consultations undertaken with schools, police officers, and civil society organizations.

In conducting safety audits, provinces shall assess the implementation of cities and municipalities within their jurisdictions, and the cities and municipalities shall assess the barangays, in the exercise of their general supervision.

The DILG and concerned agencies shall assist the LGUs in developing indicators that will guide the safety audits, covering not only the extent of the people served by this law but also the effectivity of the law.

SEC. 45. Appropriations. — Such amounts as may be necessary for the implementation of R.A. No. 11313 shall be indicated under the annual General Appropriations Act (GAA). National and local government agencies shall be authorized to utilize their mandatory gender and development (GAD) budget, as provided under R.A. No. 9710, otherwise known as the Magna Carta of Women for this purpose. In addition, LGUs may also use their mandatory twenty percent (20%) allocation of their annual internal revenue allotments for local development projects as provided under Section 287 of R.A. No. 7160, otherwise known as the Local Government Code of 1991.

SEC. 46. Prescriptive Period. — Any action arising from the violation of any of the provisions of R.A. No. 11313 shall prescribe as follows:

- a) Offenses committed under Section 11(a) of the law shall prescribe in one (1) year;
- b) Offenses committed under Section 11(b) of the law shall prescribe in three (3) years;
- c) Offenses committed under Section 11(c) of the law shall prescribe in ten (10) years;
- d) Offenses committed under Section 12 of the law shall be imprescriptible; and
- e) Offenses committed under Sections 16 and 21 of the law shall prescribe in five (5) years.

SEC. 47. Separability Clause. — If any provision or part hereof of these rules is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain in full force and effect.

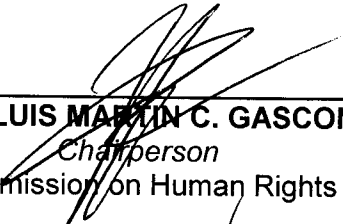
SEC. 48. Repealing Clause. — All administrative orders, rules, regulations, memoranda, circulars, local ordinances, resolutions, and other issuances or orders contrary to the provisions of the Safe Spaces Act or inconsistent herewith are hereby repealed, modified or amended accordingly.

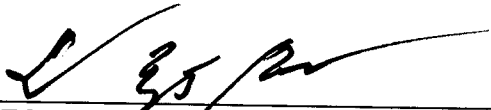
SEC. 49. Effectivity. — These Implementing Rules and Regulations shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved: October 28, 2019

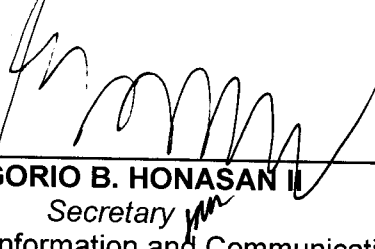
IRR Drafting Committee for Republic Act No. 11313:

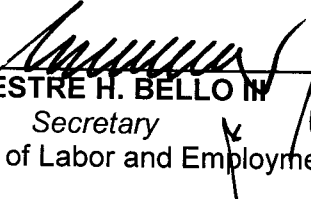

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Chairperson
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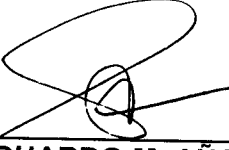

JOSE LUIS MARTIN C. GASCON
Chairperson
Commission on Human Rights

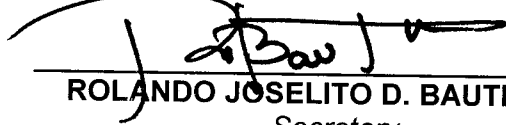

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FRANCISCO T. DUQUE III
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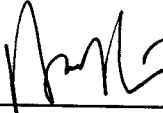

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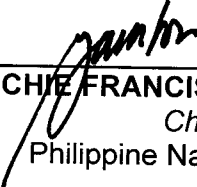

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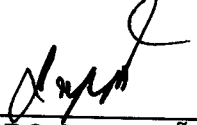


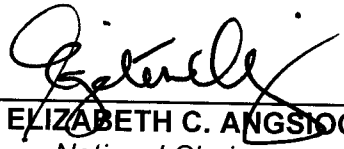

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MARIE HAZEL E. LAVITORIA
Executive Director
Sentro ng Alternatibong Lingap Panlegal


JELEN C. PACLARIN
Executive Director
Women's Legal and Human Rights Bureau

ACADEMIC REGULATIONS

SECTION 1. COURSE REQUIREMENTS

- 1.1. General Education Curriculum. All undergraduate students, regardless of their major, must complete the prescribed General Education Curriculum. This curriculum exposes them to various fields of knowledge and fosters intellectual skills such as critical, analytical, and creative thinking. It aligns with the guidelines set by the Commission on Higher Education (CHED) under CMO 20 s. 2013.
- 1.2. Specialization Courses. These courses comprise both mandatory and elective classes within a specific field of study, focusing on theoretical and practical aspects.
- 1.3. Thesis/Capstone/On-the-Job Training/Student Teaching: Both graduate and undergraduate programs require students to submit a research-based thesis relevant to their field of specialization or a technical/narrative report on Field Practice/On-the-Job Training (OJT). In the Teacher Education Program, a 6-unit Student Teaching experience is mandatory.

SECTION 2. GENERAL ADMISSION REQUIREMENTS

- 2.1. No student shall be denied admission to the University by reason of age, sex, race, and religion.
- 2.2. Admission to the University is subject to the following criteria:
 - a. New Students. Admission is granted through the MinSU Admission Test and applies to the following:
 - i. Graduating Senior High School Students of the school year preceding the academic year opened for admission;
 - ii. Senior High School Graduates from DepEd-recognized high schools (CHED Memorandum Order No. 10, s. 2017) or accredited secondary schools abroad who have not previously enrolled in any academic college course;
 - iii. Passers of the Philippine Educational Placement Test (PEPT), Alternative Learning System (ALS), or Non-Formal Education Accreditation and



MINDORO STATE UNIVERSITY EQUAL EMPLOYMENT OPPORTUNITY PRINCIPLE (EEOP)

I. RATIONALE

The Mindoro State University upholds and recognizes the value of equality and diversity among all pillars and elements of human resource management systems.

Guided by CSC Memorandum Circular 24 s. of 2016, which provides guidelines in the institutionalization of Equal Employment Opportunity Principle (EEOP) in all areas of human resource, particularly, its core systems on Recruitment, Selection and Placement (RSP), Learning and Development (L&D), Performance Management (PM), and Rewards and Recognition (R&R), MinSU establishes its internal guidelines on EEOP. This policy shall remove all barriers and discrimination in all personnel actions and employment decisions in terms of recruitment, selection and promotion, learning and development opportunities, performance evaluation and rewards and benefits. The University is an equal opportunity employer that protects all employees and provides equal opportunity and sustain an efficient and productive workforce whose diversity on account of age, gender preference, sexual orientation and gender identity, civil status, disability, religion, ethnicity, political affiliation, or any other characteristic protected by law are recognized and respected, subject to the University needs and requirements.

This policy also allows MinSU employees access to all services that MinSU is providing without regard to race, color, religion, age, sex, marital status, domestic partnership, disability, sexual orientation, familial status, gender identity and source of income.

Further, MinSU ensures that the applicants for employment are protected against any form of discrimination, thus no person with disability shall be denied access to employment opportunity in MinSU.

II. SCOPE

The MinSU Equal Employment Opportunity (EEOP) policy applies to all employees of the University covering the four (4) functional areas of human resource management, such as:



- Recruitment, Selection and Placement (RSP)
- Learning and Development (L&D)
- Performance Management (PM)
- Rewards and Recognition (R&R)

The policies and principles of EEOP also apply to all Job Order personnel, personnel on Contract of Service who are temporarily engaged by MinSU and any other persons or agencies with a Memorandum of Agreement/ Understanding with the University.

III. PROCEDURE

A. Recruitment, Selection and Placement (RSP)

MinSU administers EEO policy fairly and consistently hence it is committed to implement the following:

The University President shall ensure that at least one per cent (1%) of all positions in MinSU shall be reserved for persons with disability in accordance with sec. 1, Par 3, RA 10524.

MinSU administers Equal Employment Opportunity Principle (EEOP) fairly and consistently hence it is committed to implement the following:

a. Publication/ Announcement of Vacancy

1. Job descriptions shall specify the "essential functions" of the position such as major responsibilities and duties. It should indicate qualification standards such as Education, Experience, Eligibility, Training and Competencies (EEETC), that may be adopted for future implementation. All requirements must be job related and not tailored to a particular individual.
2. MinSU shall not print or publish or cause the printing, in any form of media, including the internet, any notice of advertisement relating to employment, suggesting preferences, limitations, specifications and discrimination or decline any employment application because of an individual's age, gender, civil status, disability, religion, ethnicity, social status, income, class, political affiliation or



other similar factors / personal circumstances which run employment opportunity.

3. The vacancy notice should include the EEOP statement:

“MinSU highly encourages all interested and QUALIFIED applicants including persons with disability (PWD), members of indigenous communities and those with diverse sexual orientation, gender identity and expression (SOGIE).”

b. Administration of Prequalifying Examination, Technical, Skills or Trade Test

1. Applicants with special needs (physically challenged, pregnant women, etc.) shall be given assistance such as, wheelchairs, ramps and other aids during the application process and examinations:

- a) Qualified interpreters or other effective methods of delivering materials to individuals with hearing impairments.
- b) Qualified readers, taped tests, or other effective methods of delivering materials to individuals with visual impairments.
- c) Acquisition or modification of equipment or devices.

2. The venue of examinations may be arranged to be accessible to applicant(s) with disability. The University Nurse shall assist, as needed, for health-related concerns and the University vehicle is ready for emergency concerns of applicants.

3. Incorporates Gender and Development (GAD) perspectives in the prequalifying examination;

c. Interview Process

1. To be able to provide access to person/ applicant with mobility disability, the interview location or site may be arranged to lower ground.
2. The HRMO shall inform the HRMPSB on the diverse status of applicants during the initial meeting and orient them with the assistance and consideration that MinSU has accorded to them.



3. During the interview process, all questions directed to applicants shall be related to the position for which they have applied for.

B. Learning and Development (L&D)

- a. All employees of MinSU shall be provided with opportunity to attend development intervention with at least one (1) intervention per year regardless of gender, status, disability, religion and ethnicity or political affiliation. Recommendation/s to attend HR intervention/s should be solely based on the training needs analysis, competencies and performance.
- b. MinSU shall promote EEOP for differently abled personnel through development intervention opportunities and other related activities.

C. Performance Management

- a. Subject to all existing policies of MinSU, there shall be no discrimination in the implementation of performance management system on account of age, gender, civil status, disability, religion, ethnicity, social status, income, class, political affiliation, or other similar factors/ personal circumstances which run counter to the principles of equal employment opportunity. The EEOP policy shall be imposed in the implementation of performance management strategies and tools such as the Strategic Performance Management System (SPMS)
- b. Consistent with the equal opportunity principle, MinSU shall provide enabling support for differently abled MinSU personnel or faculty members, particularly in the preparation of Office Performance Commitment and Review (OPCR) and Individual Performance Commitment and Review (IPCR) to be able to meet expected output.
- c. Recommendation/s for possible HR intervention/s relevant to the result of performance evaluation shall be based on the performance and competencies of the personnel and faculty members of MinSU.



- d. The distribution of tasks/ assignments of personnel/ faculty should be discussed by the supervisor and direct reports so that there will be consensus and agreements on commitments/ targets of the office/ department.
- e. Work areas that will ensure the safety and easy access of personnel who have physical limitations or health-related conditions must be provided.
- f. Pregnant personnel should not be given assignments/ tasks that may endanger their life as well as that of their unborn child.
- g. All personnel belonging to the Indigenous People's Group should not be given targets and activities which are contrary to their cultural beliefs and practices.

D. Rewards and Recognition (R&R)

- a. Subject to all existing policies of MinSU, the rewards and recognition of personnel and faculty shall be based on equal opportunity, merit, performance and accomplishments and not on age, gender, civil status, disability, religion, ethnicity, political affiliation or other similar factors/ personal circumstances which run counter to the principles of equal employment opportunity.
- b. MinSU shall promote equal opportunity to all teaching and non-teaching personnel in the nomination/ recommendation and identification of awards pursuant to the approved MinSU (Program on Awards and Incentives for Service Excellence) PRAISE Manual.
- c. Criteria for the selection shall be in accordance with the Equal Opportunity Principle (EOP) and the committee shall ensure that the final selection is fair and just.
The HRMO shall promptly report all incidents of discrimination or harassment and takes other appropriate measures to resolve the situation.



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IV. EFFECTIVITY

This guideline shall take effect immediately unless superseded by an appropriate issuance.

Sgd

JOELENE C. LEYNES

VP for Admin. and Finance

HRMPSB (Non-Teaching)/PMT/ FSDPSC Chairperson

Sgd

NEMESIO H. DAVALOS, Ph.D.

VP for Academic Affairs

HRMPSB (Teaching) Chairperson

Sgd

CHRISTIAN ANTHONY C. AGUTAYA, Ph.D.

OIC- Office of the University President

Republic of the Philippines
Congress of the Philippines
Metro Manila

Third Regular Session

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

[REPUBLIC ACT 7877]

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

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

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

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

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

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

- (1) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms,

conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;

- (2) The above acts 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 (₱10,000) nor more than Twenty thousand pesos (₱20,000), or both such fine and imprisonment at the discretion of the court.

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

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

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

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

Approved,

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

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

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

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

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

Approved: February 14, 1995

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

Republic of the Philippines
CIVIL SERVICE COMMISSION

MC NO. 19, S. of 1994

MEMORANDUM CIRCULAR

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

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

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

RESOLUTION NO. 94-2854

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

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

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

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

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

POLICY ON SEXUAL HARASSMENT IN THE WORKPLACE

Section 1. Policy Statement and Objective

It is the policy of the state to afford protection to working women and ensure equal work opportunity for all, as well as full respect for human rights. Towards this end, the Civil Service Commission commits to provide a work environment supportive of productivity, wherein all officials and employees 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;

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

Section 5. Procedures in disposition of Sexual Harassment Cases

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

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

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

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

PATRICIA A. STO. TOMAS
Chairman

Republic of the Philippines
CIVIL SERVICE COMMISSION

Resolution No. **956161**

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

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

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

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

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

Rule I. COVERAGE

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

Rule II. JURISDICTION

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

Rule III. DEFINITION OF SEXUAL HARASSMENT

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

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

Rule IV. SPECIFIC ACTS CONSTITUTING SEXUAL HARASSMENT

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

- (a) Demand, request or requirement for sexual favor is made for the following considerations:
 - 1. as a condition for hiring or employment, re-employment or continued employment of an individual, or
 - 2. in granting said individual favorable compensation, terms or conditions of employment, promotion or privileges;
- (b) the demand, request or requirement for sexual favor is made against one whose training is entrusted to the offender;
- (c) the refusal of the demand, request or requirement for sexual favor will limit, classify or segregate an employee as would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;

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

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

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

Rule V. FORMS OF SEXUAL HARASSMENT

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

(a) Physical

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

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

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

Rule VI. PERSONS LIABLE FOR SEXUAL HARASSMENT

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

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

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

Rule VII. DUTY OF THE COMMISSION

Section 7. The Commission shall initiate measures to:

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

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

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

- (a) Receive the complaint, file the formal charge and investigate and conduct hearings in accordance with the Uniform Rules of Procedure in the Conduct of Administrative Investigation in the Civil Service Commission. It shall submit a report of its findings with the corresponding recommendation to the Commission for final decision. Said report shall be considered strictly confidential.
- (b) Conduct meetings with officers, employees and trainees to increase understanding and prevent incidents of sexual harassment; and

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

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

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

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

(a) Central Committee

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

(b) Local Committee

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

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

Rule IX. PROCEDURES IN THE DISPOSITION OF SEXUAL HARASSMENT CASES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rule X. ADMINISTRATIVE LIABILITIES

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

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

A. For light offenses:

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

B. For less grave offenses:

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

C. For grave offenses:

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

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

Rule XI. PRESCRIPTIVE PERIOD

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

Rule XII. EFFECT ON OTHER ISSUANCES

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

Rule XIII. REPEALING CLAUSE

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

Rule XIV. AMENDMENT

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

Rule XV. EFFECTIVITY CLAUSE

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

October 10, 1995

(Sgd.) CORAZON ALMA G. DE LEON
Chairman

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

(Sgd.) THELMA P. GAMINDE
Commissioner

Attested by:

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

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

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

Grave Offenses:

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

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

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

The following may be considered Light Offenses:

- (a) persistently telling sexist/smuttery 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.

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

25 August 1995

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Manila

ADMINISTRATIVE ORDER NO. 68
Series of 1992

AMENDING ADMINISTRATIVE ORDER NO. 80
Policy Against Sexual Harassment

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

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

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

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

Section 1. Declaration of Policy

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

Section 2. What Constitutes Sexual Harassment

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

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

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

Section 3. Fact-Finding Committee: Creation and Composition

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

The Committee shall be composed of the following:

1. DOLE Resident Ombudsperson - Chairperson
2. Chairperson, DOLE Philippine Development Plan for Women (PDPW) Focal Point - Co-Chairperson
3. Assistant Secretary for Management Services - Member
4. Director, Human Resource Development Service - Member
5. Director, Legal Service - Member

6. President, DOLE or its Concerned Agency Employees Union - Ad Hoc Member
7. Resident Ombudsperson of the Agency Concerned - Ad Hoc Member

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

Section 4. Secretariat

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

Section 5. Procedure in the Disposition of Sexual Harassment Cases

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

Section 6. Awareness Raising Campaign/Information Dissemination

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

This Order shall take effect immediately.

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

25 March 1992