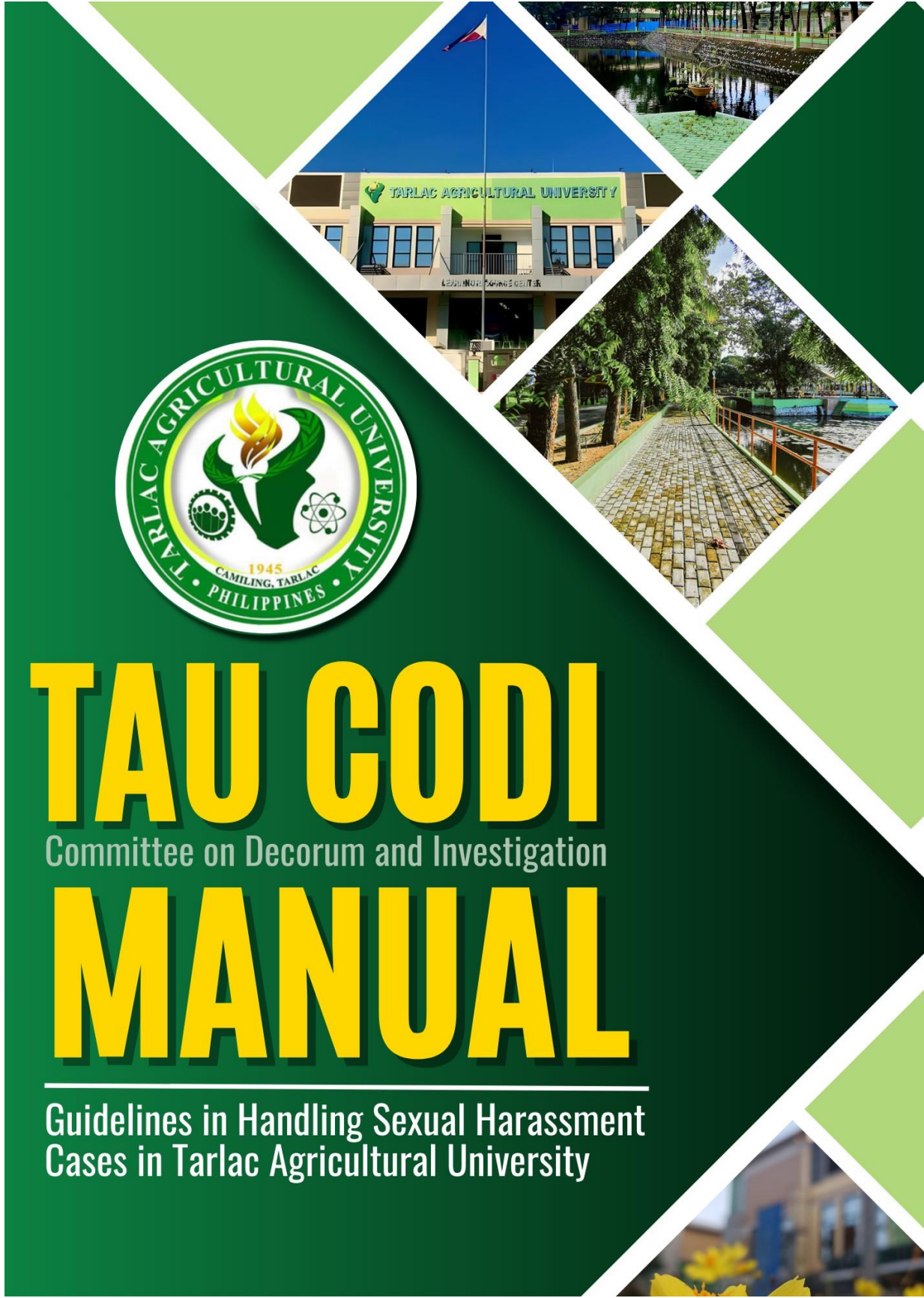


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TAU CODI

Committee on Decorum and Investigation

MANUAL

Guidelines in Handling Sexual Harassment Cases in Tarlac Agricultural University

MESSAGE FROM THE OFFICE OF THE UNIVERSITY PRESIDENT

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c/o OP

STATEMENT/MESSAGE FROM CODI MEMBERS

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c/o CODI Chair and Members

125 **LEGAL AND POLICY BASIS**

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1. Republic Act No. 11036, dated June 20, 2018 entitled, “An Act Establishing a National Mental Health Policy for the Purpose of Enhancing the Delivery of Integrated Mental Health Services, Promoting and Protecting the Rights of Persons Utilizing Psychiatric, Neurologic and Psychosocial Health Services, Appropriating Funds Therefor, and for Other Purposes”.
2. Republic Act No. 11313 entitled, “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”.
3. Republic Act No. 7877 entitled, “An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purpose” otherwise known as the Anti-Sexual Harassment Act of 1995.
4. Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees of 1989.
5. Civil Service Commission (CSC) Resolution No. 01-0940, dated May 21, 2001 entitled, “Administrative Disciplinary Rules on Sexual Harassment Cases”.
6. CSC Memorandum Circular No. 19, s. 1994 entitled, “Policy on Sexual Harassment in the Workplace”.
7. CSC Memorandum Circular No. 30, s. 1995 entitled, “Implementing Rules and Regulations on RA 7877, An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes”.
8. CSC Memorandum Circular No. 17, s. 2001 entitled, “Administrative Disciplinary Rules on Sexual Harassment Cases in the Civil Service”.
9. CSC Memorandum Circular No. 19, s. 2002 entitled, “Delegation of Authority to the CSC Regional Offices to Approve Administrative Disciplinary Rules on Sexual Harassment Cases of Agencies, LGUs, and SUCS Under Their Jurisdiction”.
10. CSC Memorandum Circular No. 11, s. 2004 entitled, “Amendment of Section 63, Rule XIII of the Administrative Disciplinary Rules on Sexual Harassment Cases”.
11. CSC Memorandum Circular No. 11, s. 2021 entitled, “Revised Administrative Disciplinary Rules on Sexual Harassment Cases (Amendment to the Sexual Harassment Provisions in the 2017 Revised Rules on Administrative Cases in the Civil Service)”.

- 169 12. Section 11, Article II, Philippine Constitution “...the State values the dignity of every
170 human person and guarantees full respect for human rights;” Sec 14, Article XIII, 1987
171 Constitution.
172
- 173 13. CSC Memorandum Circular No. 1701077, 2017 Rules on Administrative Cases in the Civil
174 Service (2017 RACCS).
175
- 176 14. The Implementing Rules and Regulations of Republic Act No. 11313 or “An Act Defining
177 Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces and
178 Educational or Training Institutions, Providing Protective Measures and Prescribing
179 Penalties Therefor”, Otherwise known as the Safe Spaces Act”.
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237

Part 1

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POLICY PRINCIPLES

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A. Title

Section 1. This Rules shall be known as the "Manual on the Administrative Disciplinary rules on Handling Sexual Harassment Cases in TAU otherwise known as the CODI Manual of TAU”

Policy Coverage

Section 2. This manual shall apply to all officials and employees in TAU regardless of employment status – be it permanent, temporary, or contractual (Teaching and Non-Teaching Personnel) and Students. These shall also cover those who may initiate actions for sexual harassment against TAU officials, employees, and students during the period of stay at TAU.

This Manual governs members of the University community namely personnel and students of the University. It prescribes the proper decorum; defines and prohibits offenses, sexual harassment, and other forms of sexual misconduct; sets the corresponding sanctions; lays down the procedures for addressing informal reports and formal complaints; and creates a University system to address the issues and institute preventive measures.

The TAU recognizes that officers, employees, and students may be the subject of sexual harassment by persons who transact with them in their official capacity. Under this circumstance, the TAU-CODI shall support and assist the person subjected to such sexual harassment.

To maximize the full implementation of the rules, the TAU may consider intervention programs for respondents/perpetuators.

Acts of sexual harassment committed in TAU premises or on official business by personnel whose services are contracted by the TAU through procurement under Republic Act No. 9184 and its Implementing Rules and Regulations shall be governed by the contract entered into by and between the TAU and the contractor.

The University shall ensure that contracts or agreements with third parties stipulate that they shall abide by the Safe Spaces Act (Republic Act No. 11313), Anti-Sexual Harassment Act of 1995 (Republic Act No. 7877), and related laws and issuances; undertake measures to prevent sexual harassment and other forms of sexual misconduct; and immediately address complaints regarding the same.

Any report or complaint of sexual harassment and other forms of sexual misconduct committed by a member of the University against any person falls within the coverage of this Manual.

Persons who wish to report incidents of sexual harassment or other forms of sexual misconduct committed by any personnel of the university may approach the CODI for assistance.

285 **DEFINITION OF TERMS**

286 **Section 3.** The terms hereunder shall be construed, as follows:

- 287
- 288 a. **APPOINTING AUTHORITY** refers to the person or body duly authorized to issue
- 289 appointments and other human resource actions in the civil service.
- 290
- 291 b. **ADULT** refers to an individual who is at least 18 years old.
- 292
- 293 c. **CATCALLING** refers to unwelcome comments spoken against a person, frequently in
- 294 the form of wolf-whistling and homophobic, sexist, transphobic, and sexist slurs.
- 295
- 296 d. **COMMITTEE ON DECORUM AND INVESTIGATION** refers to the committee that
- 297 the University President created to investigate sexual harassment claims and to
- 298 advocate for safe spaces and work conditions.
- 299
- 300 e. **COMPLAINANT** refers to an individual who files a formal complaint, charges, or
- 301 allegation against another person.
- 302
- 303 f. **DISCIPLINING AUTHORITY** refers to the person or TAU BOR duly authorized by
- 304 law to impose the penalty provided for by law or rules.
- 305
- 306 g. **FILE** means to submit a document with the appropriate body.
- 307
- 308 h. **GENDER** refers to a group of traits, roles, attitudes, beliefs, and expectations that
- 309 society assigns to men and women in order to identify their social behavior and the
- 310 relationships that exist between them.
- 311
- 312 i. **GENDER-BASED ONLINE SEXUAL HARASSMENT** refers to online behavior that
- 313 is directed at a specific person and causes or is likely to cause another person mental,
- 314 emotional, or psychological distress, fear for one's personal safety, sexual harassment
- 315 acts, such as unwanted sexual remarks and comments, threats, uploading or sharing
- 316 one's photos without consent, recording video and audio, cyberstalking, and online
- 317 identity theft.
- 318
- 319 j. **GENDER IDENTITY** and/or **EXPRESSION** refers to the personal sense of identity as
- 320 characterized, among others, by manner of clothing, inclinations, and behavior in
- 321 relation to masculine or feminine conventions. A person may have a male or female
- 322 identity with physiological characteristics of the opposite sex in which case this person
- 323 is considered transgender.
- 324
- 325 k. **GUARDIAN** refers to the person who has legal authority and responsibility to make
- 326 decisions in behalf of a minor, someone below 18 years old.
- 327
- 328 l. **SEXUAL HARASSMENT** is said to occur where an unwanted conduct related to the
- 329 sex of a person occurs with the purpose or effect of violating the dignity of a person

- 330 and of creating an intimidating, hostile, degrading, humiliating or offensive
331 environment.
- 332
- 333 m. **HOMOPHOBIC REMARKS** or **SLURS** are any statements in whatever form or
334 however delivered, which are indicative of fear, hatred, or aversion towards persons
335 who are perceived to be or actually identify as lesbian, gay, bisexual, queer, pansexual,
336 and such other persons of diverse sexual orientation, gender, identity, or expression, or
337 towards any person perceived to or actually have experienced same-sex attraction.
338
- 339 n. **HOMOPHOBIC REMARKS** are any statements which are indicative of fear, hatred,
340 or aversion towards persons who are perceived to be or actually identify as lesbian,
341 gay, bisexual, queer, pansexual, and such other persons of diverse sexual orientation,
342 gender, identity, or expression, or towards any person perceived to or actually have
343 experienced same-sex attraction.
344
- 345 o. **INFORMATION AND COMMUNICATION SYSTEM** refers to a system for
346 generating, sending, storing, or otherwise processing electronic data messages or
347 electronic documents and includes the computer system or other similar devices by or
348 in which data are recorded or stored and any procedure related to the recording or
349 storage of electronic data messages or electronic documents.
350
- 351 p. **INFORMATION AND COMMUNICATIONS TECHNOLOGY** or **ICT** refers to the
352 totality of electronic means to access, create, collect, store, process, receive, transmit,
353 present, and disseminate information.
354
- 355 q. **INTRUSIVE BEHAVIOR** refers to any action or utterance that is not sexual in nature
356 but violates the declared or reasonable expectations of an individual's boundaries.
357
- 358 r. **LASCIVIOUS** means lustful or lewd.
359
- 360 s. **MISOGYNISTIC REMARKS** or **SLURS** refer to statements in whatever form or
361 however delivered, that are indicative of the feeling of hating women or the belief that
362 men are inherently better than women.
363
- 364 t. **OFFICIAL** refers to an employee in TAU who occupies either a professional, technical,
365 or scientific position and whose functions are managerial in character, exercising
366 management over people, resource and/or policy and exercising functions such as
367 planning, organizing, directing, coordinating, controlling, and overseeing the activities
368 of an organization.
369
- 370 u. **PERSON COMPLAINED OF** refers to the person whom the allegation is made.
371
- 372 v. **PRIMA FACIE CASE** refers to the evidence which, if unexplained or uncontradicted,
373 is sufficient to sustain a judgment in favor of the issue it supports, but which may be
374 contradicted by other evidence.
375

- 376 w. PUBLIC SPACES refer to streets and alleys, public parks, schools, buildings, malls,
377 bars, restaurants, transportation terminals, public markets, spaces used as evacuation
378 centers, government offices, public utility vehicles as well as private vehicles covered
379 by app-based transport network services and other recreational spaces such as, but not
380 limited to, cinema halls, theaters, spas, bars, casinos, and all other areas, regardless of
381 ownership, openly accessible or offered to be accessed by the public.
382
- 383 x. RESPONDENT refers to the person who is issued a formal charge by the disciplining
384 authority.
385
- 386 y. SEXIST REMARKS or SLURS refers to statements in whatever form or however
387 delivered that are indicative of prejudice, stereotyping, or discrimination on the basis
388 of sex, typically against women.
389
- 390 z. STALKING refers to conduct directed at a person involving the repeated visual or
391 physical proximity, non-consensual communication, or a combination thereof that
392 causes or will likely cause a person to fear for one's own safety or the safety of others,
393 or to suffer emotional distress.
394
- 395 aa. STUDENT refers to a person who has enrolled full-time or part-time in an academic
396 program, short course, or special training offered by the University, whether for credit
397 or for audit purposes, and who has not been separated from the University by
398 completion of the program,
399
- 400 bb. course or training, school transfer, withdrawal, dismissal, expulsion, or expiration of
401 the maximum period for residency.
402
- 403 cc. SEXIST REMARKS or SLURS refers to statements in whatever form or however
404 delivered that are indicative of prejudice, stereotyping, or discrimination on the basis
405 of sex, typically against women.
406
- 407 dd. STUDENT refers to a person who has enrolled full-time or part-time in an academic
408 program, short course, or special training offered by the University, whether for credit
409 or for audit purposes, and who has not been separated from the University by
410 completion of the program, course or training, school transfer, withdrawal, dismissal,
411 expulsion, or expiration of the maximum period for residency.
412
- 413 ee. TRANSPHOBIC REMARKS OR SLURS refers to any statements in whatever form
414 or however delivered, that are indicative of fear, hatred or aversion towards persons
415 whose gender identity and/or expression do not conform with their sex assigned at
416 birth.
417
- 418 ff. SEXUAL HARASSMENT IN THE WORKPLACE includes the following:
419
- 420 (i) An act or series of acts involving any unwelcome sexual advances, requests or
421 demand for sexual favors or any act of sexual nature, whether done verbally,

422 physically or through the use of technology such as text messaging or electronic
423 mail, or through any other forms of information and communication systems, that
424 has or could have a detrimental effect on the conditions of an individual's
425 employment or education, job performance or opportunities, including but not
426 limited to hiring, promotion, salary raises, job security, benefits, and other human
427 resource action;

428
429 (ii) Conduct of sexual nature and other conduct-based on sex affecting the dignity of a
430 person, which is unwelcome, unreasonable, and offensive to the recipient, whether
431 done verbally, physically or through the use of technology such as text messaging
432 or electronic mail or through any other forms of information and communication
433 systems;

434
435 (iii) Conduct that is unwelcome and pervasive and creates an intimidating, hostile or
436 humiliating environment for the recipient,

437
438 Provided, That the crime of gender-based sexual harassment may also be
439 committed between peers and those committed to a superior officer by a
440 subordinate, or to a teacher by a student, or to a trainer by a trainee; and,
441 (RA 11313 and CSC Memorandum Circular No. 11, s. 2021)

442
443
444 gg. ONLINE SEXUAL HARASSMENT refers to: Gender-based online sexual harassment
445 may be committed through an online conduct targeted at a particular person that causes
446 or likely to cause another mental, emotional or psychological distress, and fear for
447 personal safety, sexual harassment acts including unwanted sexual remarks and
448 comments, threats, uploading or sharing of one's photo's without consent, video and
449 audio recordings, cyberstalking and online identity theft. (RA 11313)

450
451 hh. SEXUAL HARASSMENT IN STREETS AND PUBLIC SPACES is committed
452 through any unwanted and uninvited sexual actions or remarks against any person
453 regardless of the motive for committing such action or remarks. Sexual harassment in
454 streets and public spaces includes catcalling, wolf-whistling, unwanted invitations,
455 misogynistic, transphobic and sexist slurs, persistent uninvited comments or gestures
456 on a person's appearances, relentless request for personal details, statement of sexual
457 comments and suggestions, public masturbation or flashing of private parts, groping,
458 or any advances, whether verbal or physical, that is unwanted and has threatened one's
459 sense of personal space and physical safety, and committed in public spaces as alleys,
460 roads, sidewalks and parks. Acts constitutive of sexual harassment in streets and public
461 spaces are those performed in buildings, schools, churches, restaurants, malls, public
462 washrooms, bars, internet shops, public markets, transportation terminals or public
463 utility vehicles (RA 11313).

464
465 ii. SEXUAL HARASSMENT IN TRAINING RELATED ENVIRONMENTS is
466 committed against one who is under the actual or constructive care, custody or
467 supervision of the offender, or against one whose education, training, apprenticeship,

468 internship or tutorship is, directly or constructively entrusted to, or is provided by, the
469 offender, when:

- 470
- 471 1. Submission to or rejection of the act or series of acts as a basis for any decision
472 affecting the complainant, including, but not limited to, the giving of a grade, the
473 granting of honors or a scholarship, the payment of a stipend or allowance, or the
474 giving of any benefit, privilege or consideration; or
475
 - 476 2. The act or series of acts have the purpose or effect of interfering with the
477 performance, or creating an intimidating, hostile or offensive academic
478 environment of the complainant; or
479
 - 480
 - 481 3. The act or series of acts might reasonably be expected to cause discrimination,
482 insecurity, discomfort, offense or humiliation to a complainant who may be a
483 trainee, apprentice, intern, tutee or ward of the person complained of. (IRR of RA
484 11313)
485
- 486

487 **FORMS OF SEXUAL HARASSMENT AND**
488 **CORRESPONDING PENALTIES**

489

490 **A. SEXUAL HARASSMENT IN THE WORKPLACE**

491

492 **Grave Offense** - Includes but are not limited to:

- 493
- 494 a. unwanted touching of private parts of the body (inner thighs, genitalia, buttocks and breast);
 - 495 b. sexual assault;
 - 496 c. malicious touching;
 - 497 d. requesting for sexual favor in exchange for employment, promotion, local or foreign travels,
498 favorable working conditions or assignments, a passing grade, the granting of honors or
499 scholarship, or the grant of benefits or payment of a stipend or allowance; and,
 - 500 e. other analogous cases.

501 Any offense: Dismissal from service

502

503 **Less Grave Offense**-Includes but are not limited to:

- 504
- 505 a. unwanted touching or brushing against a victim's body;
 - 506 b. pinching not falling under grave offenses;
 - 507 c. derogatory or degrading remarks or innuendoes directed toward the members of one sex, or
508 one's sexual orientation or used to describe a person;
 - 509 d. verbal abuse with sexual overtones; and,
 - 510 e. other analogous cases.

511 1st Offense: Suspension of one month and one day to six months

512

513 2nd Offense: Dismissal from the service

514

515 **Light Offenses**-Includes but are not limited to:

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

530

531 1st Offense: Reprimand

532 2nd Offense: Suspension of one (1) to thirty (30) days

533 3rd offense: Dismissal from the service

534

535

536 **B. SEXUAL HARASSMENT IN PUBLIC PLACES**

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

539

540 **Grave Offense**

541 When government official or employee engages in acts of SH that include public masturbation or
542 flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has
543 threatened one's sense of personal space and physical safety, and committed in public spaces as alleys,
544 roads, sidewalks and parks.

545

546 Any Offense: Dismissal from the service.

547

548

549 **Less Grave Offense**

550 When a public official or employee engages in acts of SH that include:

551

- 552 a. unwanted invitations
- 553 b. misogynistic, transphobic and sexist slurs
- 554 c. persistent uninvited comments or gestures on a person's appearances
- 555 d. relentless request for personal details or
- 556 e. making statements comments and suggestions with sexual innuendos

557

558 1st Offense:

559 Suspension of one (1) month and one (1) day suspension to six (6) months

560

561 2nd Offense:
562 Dismissal from the service

563
564 **Light Offense**

565 When a public official or employee engages in acts of SH that include catcalling or wolf-whistling

566
567 1st Offense: Reprimand
568 2nd Offense: Suspension of one (1) to thirty (30) days
569 3rd Offense: Dismissal from the service

570
571
572 **C. ONLINE SEXUAL HARASSMENT**

573
574 **Grave Online Sexual Harassment**

575 Committed when a government official or employee engages in the following:

- 576 a. uploading and sharing without the consent of the victim, any form of media that
577 contains photos, voice, or video with sexual content,
578
579 b. any unauthorized recording and sharing online of any of the victim’s photos, videos,
580 or any information of sexual content, impersonating identities of victims online or
581 posting lies of sexual nature about the victims to harm their reputation,
582
583 c. filing false abuse reports to online platforms to silence victims of sexual harassment

584
585 Any Offense: Dismissal from the service

586
587
588 **Less Grave Online Sexual Harassment**

589 Committed by a government official or employee who engages in acts that include the use of information
590 and communication technology in terrorizing and intimidating victims through physical, psychological,
591 and emotional threats with sexual overtones.

592
593 1st Offense: Suspension of one (1) month and one (1) day to six (6) months
594 2nd Offense: Dismissal from the service

595
596
597 **Light Online Sexual Harassment**

598 Committed by a government official or employee who engages in acts that include unwanted
599 sexual misogynistic, transphobic, homophobic and sexist remarks and comments online
600 whether publicly or through direct and private messages, invasion of victim’s privacy through
601 cyberstalking and incessant messaging with sexual overtones.

602
603

604 1st Offense: Reprimand
605 2nd Offense: Suspension of one (1) to thirty (30) days
606 3rd Offense: Dismissal from the service

607 **I. Guidelines on Fines**

- 608 1. The disciplining authority may allow payment of fine in place of suspension if any of
609 the following circumstances is present:
610
611 a. When the functions/nature of the office is impressed with national interest such
612 as those involved in the maintenance of peace and order, health and safety, and
613 education;
614
615 b. When the respondent is actually discharging frontline functions or those directly
616 dealing with the public and the human resource complement of the office is
617 insufficient to perform such function;
618
619 c. When the respondent committed the offense without utilizing or abusing the
620 powers of his/her position or office; or
621
622 d. When the respondent has already retired or otherwise separated from
623 government service and the penalty of suspension could not be served anymore,
624 the fine may be sourced from the accumulated leave credits or whatever benefits
625 due to the respondent;
626
627 2. The payment of penalty of fine in lieu of suspension shall be available in Grave, Less
628 Grave and Light Offenses where the penalty imposed is for six (6) months or less at the
629 ratio of one (1) day of suspension from the service to one (1) day salary fine: Provided,
630 that in Grave Offenses where the penalty imposed is six (6) months and one (1) day
631 suspension in view of the presence of mitigating circumstance, the conversion shall
632 only apply to the suspension of six (6) months. Nonetheless, the remaining one (1) day
633 suspension is deemed included therein.
634
635 3. The maximum period to pay the fine shall not exceed one (1) year from the time the
636 decision/resolution becomes final and executory. The conversion of suspension into
637 fine shall render the decision final and executory and, therefore, not subject of appeal
638 or any other similar relief;
639
640 4. The failure of the respondent to pay the fine or part thereof shall cause the reversion to
641 the original penalty of suspension. As such, the respondent shall serve the original
642 penalty of suspension imposed, irrespective of the amount already paid;
643
644 5. Fine may be paid in equal monthly installments subject to the following schedule of
645 payment prescribed below:
646
647

648 **PERSONS LIABLE FOR SEXUAL HARASSMENT**

649 Pursuant to Section 51 of 2017 Rules on Administrative Cases in the Civil Service (RACCS), any TAU
650 official or employee, other personnel, and students, regardless of sex, position or relationship to the victim
651 (such as but not limited to supervisor, subordinate or colleague, clients) is liable for sexual harassment when
652 he/she:

- 653
- 654 1. Directly participates in the execution of any act of sexual harassment as defined by 2017 RACCS
655 and these Rules;
- 656
- 657 2. Directs or encourages someone else to engage in sexual harassment;
- 658
- 659 3. Participates in the sexual harassment of another person by performing an act without which the
660 sexual harassment would not have been possible.;
- 661
- 662 4. Cooperates in the commission of sexual harassment by another through previous or simultaneous
663 acts or Sexual Harassment (SH) may be committed by principals, school heads, teachers,
664 instructors, professors, coaches, trainers, or any person who has authority, influence, or moral
665 ascendancy over another, students and trainees;
- 666
- 667 5. Sexual harassment in the workplace may also be committed by a government employee or official
668 in a work-related, training or education-related environment of the person complained of, against
669 any person regardless of the motive for committing such action or remarks, between peers, and
670 by a subordinate to a superior officer.
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Part 2

702

Duties and Liabilities of Head of Office/Agencies

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704 **DUTIES AND LIABILITIES OF HEAD OF OFFICE/AGENCIES**

705 The University President is responsible for establishing a University CODI and ensuring that the
706 CODI takes proper action when a complaint is filed, as well as preventing and deterring sexual
707 harassment incidents, and ensuring the widest dissemination of the policies, rules, and procedures
708 on decorum among the University stakeholders.

709
710 To this extent, he/she shall:

- 711
- 712 1. Disseminate and post in a conspicuous place a copy of the law and ensure that this is
713 accessible to all persons in the university;
714
715 1.1. Send copies of the law and its guidelines to the TAU's Administrative Council,
716 College Deans, and Administrative Unit Heads for proper informational purposes
717 for their faculty, staff, and students.
718
719 1.2. Post a copy of the law and its rules on the TAU's official website;
720
721 1.3. Conduct orientations on the law and its rules and provide copies in print or
722 electronic form to its personnel and students, as well as generating information
723 materials such as primers, frequently asked questions, infographics, and the like.
724
725 1.4. Execute programs to ensure prevention of any form of SH in TAU (if needed).
726
 - 727 2. Provide measures to prevent sexual harassment at TAU, such as the delivery of anti-
728 sexual harassment workshops to all bonafide students and personnel, regardless of rank
729 or status.
730
731 2.1. In addition to anti-sexual harassment seminars, trainings on gender sensitivity,
732 orientations on gender-based violence, and other related topics shall be conducted.
733 When such trainings and orientations are held, they should be included as part of
734 the faculty and staff development and basic knowledge of personnel and students.
735
 - 736 3. Create a Committee on Decorum and Investigation (CODI) to investigate and address
737 complaints of Sexual Harassment (SH);
738
 - 739 4. Develop and disseminate, in consultation with employees or their respective
740 employees' association/s, a code of conduct on SH and CODI manual in accordance
741 with existing laws;
742
 - 743 5. Develop and disseminate, in consultation with employees or their respective
744 employees' association/s, a code of conduct on SH and CODI manual in accordance
745 with existing laws;
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6. Ensure that the proper conduct of investigation and prosecution is strictly followed in accordance with prescribed rules and regulations;
 7. Determine the term of office of the CODI members which should not be more than two (2) years;
 8. Perform such other functions as may be necessary to enable it to achieve a Sexual Harassment-Free Tarlac Agricultural University.
 9. Non-compliance with the aforementioned tasks, as well as failure to form a CODI or take action on complaints, shall be charged with Neglect of Duty.

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Part 3
COMMITTEE ON DECORUM
AND INVESTIGATION
(CODI)

779 **Composition and Constitution of Committee on Decorum and Investigation (CODI)**

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781 CODI shall serve as an independent internal mechanism to address and investigate complaints of
782 sexual harassment. CODI shall be composed of the following members:

783 CODI shall be headed by the highest female member of the top management or a female next in
784 rank.

785

786 1. The Vice-Chairperson shall be the GAD Director. The alternate shall come from the GFPS
787 Executive Committee member.

788

789 2. Faculty shall have four senior (2 males and 2 females) representatives and the non-
790 academic staff shall also be represented by four senior members (2 males and 2 females).

791

792 3. For the employee associations, the faculty association shall be represented by the president
793 of the CSC recognized SENA, while the non-academic staff shall be represented by the
794 Non-Academic Staff Association (NASA) president. Their alternatives shall be designated.

795

796 4. The CODI Secretariat shall be composed of 3 GFPS members and a representative/s from
797 the HR.

798

799 For Student Concerns:

800 5. For student concerns, there shall be a student regent representative or a designated
801 alternate.

802 6. Director of Student Affairs or his/her designated alternate who is his/her next in rank

803

	OFFICE/UNIT			
	PRINCIPAL REPRESENTATIVE		ALTERNATIVE REPRESENTATIVE	
CHAIRPERSON	Highest female member of the top management		No alternate	
VICE-CHAIRPERSON	GAD DIRECTOR		FEMALE GFPS EXECOM Member	
4 RANK and FILE EMPLOYEES (Faculty and Non-teaching)	SENIOR FACULTY MEMBERS REPRESENTATIVE	SENIOR NASA MEMBER REPRESENTATIVE	SENIOR FACULTY MEMBER REPRESENTATIVE	SENIOR FACULTY MEMBER REPRESENTATIVE
EMPLOYEE ASSOCIATION (Faculty association and NASA)	FACULTY ASSOCIATION PRESIDENT	NASA PRESIDENT	FACULTY DESIGNATED REPRESENTATIVE	NASA DESIGNATED REPRESENTATIVE
STUDENTS	STUDENT REGENT REPRESENTATIVE		STUDENT REGENT REPRESENTATIVE (designated alternate)	
SECRETARIAT	3 GFPS Members and representative/s from the HR			

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810 **Duties, Responsibilities, and Accountabilities of CODI**

811 The Committee shall have the following functions:

812

813 1. A CODI member shall enter into and observe a non-disclosure and confidentiality
814 agreement.

815

816 2. The Committee shall develop a CODI Alert Form with corresponding system
817 procedures, guidelines, and work instructions. These documents shall be made accessible
818 through offline and online platforms.

819

820 3. The committee shall investigate SH complaints and in accordance with the prescribed
821 procedure;

822

823 4. The Secretariat of CODI shall receive and record complaints about Sexual Harassment.
824 The Secretariat will endorse received complaints to the investigating team for review and
825 understanding of the case;

826

827 5. In the event that a member of the CODI is the complainant or the person complained of,
828 in a sexual harassment case, shall be automatically replaced by their alternate member.

829

830 6. A CODI member shall remain impartial and have no connections or relations with the
831 involved parties, and must have no prior record of involvement as a respondent, defendant,
832 or accused in any case related to Sexual Harassment.

833

834 7. Submit a report of its findings with the corresponding recommendation to the disciplining
835 authority for decision.

836

837 8. Submits CODI findings and recommendations to the Disciplining Authority (DA) for the
838 conduct of a preliminary investigation.

839

840 9. Lead in the conduct of discussion about SH within the office to increase understanding and
841 prevent incidents of SH.

842

843 10. Serve as legal counselors for guidance and assistance for the complainant;

844

845 11. CODI member alternates may be chosen by the relevant unit to function as members when
846 the primary member is unavailable to attend a CODI meeting.

847

848 12. CODI shall guarantee the respect of due process, gender-sensitive treatment of the cases,
849 and secrecy of the identification of the parties concerned, as well as ensure that the
850 complainant does not experience retribution or any disadvantage in terms of benefits or
851 security of tenure.

852

853 13. Ensure the provision of intervention and other support programs for the victim such as but
854 not limited to the following:

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- a. Psychosocial counseling;
 - b. Referral to an agency offering professional help and legal service; and coordination with women's organizations and advocacy groups;
 - c. Support from the Institution's GAD Focal Point System (e.g., awareness and education, policy advocacy, research).

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Part 4

PROCEDURES

881 **PRE-FILING STAGE**

882 The University shall adopt mechanisms to provide assistance to an alleged victim of sexual
883 harassment before the filing of the complaint by referring to the Registered Guidance Counselor
884 and/or Resident Psychologist which is a member of the CODI for proper advice and counseling.

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886

887 **FILING OF ACTUAL CASE REQUISITES OF A VALID COMPLAINT**

888 The complaint may be filed at any time directly to the University Committee on Decorum and
889 Investigation (CODI), or to the CODI through the University President. If through the University
890 President, the same shall be transmitted to the Committee on Decorum and Investigation upon
891 receipt of the complaint.

892

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

895

- 896 1. the full name, address, age, grade/year level/course, or designation/title and office of the
897 complainant;
- 898 2. the full name, age, address, grade/year level/course, or designation/title and office of the
899 person complained of;
- 900 3. a brief statement of the relevant facts;
- 901 4. evidence, in support of the complainant, if any; and
- 902 5. a certification of non-forum shopping.

903

904 In the absence of any one of the above-mentioned requirements, the complaint shall be dismissed
905 without prejudice to its refiling.

906

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

909

910 If the complainant is a minor, the parents, legal guardian, or person exercising substitute parental
911 authority shall co-sign the Complaint together with the minor, or shall sign the Complaint on behalf
912 of the minor.

913

914 Complaints sent by telegram, electronic mail, or similar means of communication shall be
915 considered non-filed unless the complainant complies with the abovementioned requirements
916 within ten (10) days from receipt of the notice for compliance.

917

918 An anonymous complaint is not prohibited provided that the allegation is of obvious truth and
919 supported by documentary or direct evidence against the person complained of.

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925 Upon receipt of a complaint that is sufficient in form and substance, the disciplining authority shall
926 conduct a preliminary investigation to determine the existence of a prima facie case. The
927 disciplining authority may create an investigating committee or designate an investigator for such
928 purpose.

929
930 Withdrawal of the complaint at any stage of the proceedings shall not preclude the Committee
931 from proceeding with the investigation where there is obvious truth or merit to the allegations in
932 the complaint or where there is documentary or direct evidence that can prove the guilt of the
933 person complained of.

934
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936 **ACTION ON THE COMPLAINT**

937 Upon receipt of the complaint that is sufficient in form substance, the CODI shall require the
938 person complained of to submit a Counter-Affidavit/ Comment under oath within three (3)
939 working days from receipt of the notice, furnishing a copy thereof to the complainant, otherwise
940 the Counter-Affidavit/Comment shall be considered as not filed.

941
942

943 **CONDUCT OF PRELIMINARY INVESTIGATION (CODI FUNCTION)**

944 A preliminary investigation shall be conducted by the CODI. The CODI shall be designated
945 through an office memorandum member who will conduct the investigation. The investigation
946 involves the *ex parte* examination of documents submitted by the complainant and the person
947 complained of, and documents readily available from other government offices.

948

949 The investigation of the complaint shall proceed as follows:

950

951 (a) Within five (5) working days upon receipt of the complaint, the CODI shall commence the
952 investigation by notifying the respondent of the complaint filed against him/her with a
953 directive to submit his/her counter-affidavit/comment under oath and evidence in his/her
954 defense within five (5) working days from receipt of the notice. (note: 10 days under RA
955 11313)

956

957 (b) Upon receipt of the counter-affidavit/comment under oath and evidence submitted by the
958 respondent, the CODI shall conduct an ex-parte examination of the documents submitted by
959 the parties, including available records of the case.

960

961 (c) The preliminary investigation shall terminate within ten (10) day upon receipt of complaint.

962

963 (d) The CODI shall within five (5) working days from such termination, submit to the
964 disciplining authority a report of its findings with a recommendation on whether or not there
965 exists a prima facie case to warrant the issuance of a formal charge against the respondent. If
966 there is no prima facie case to formally charge the respondent, the case shall be dismissed
967 within that 5-day period. All proceedings before the CODI shall be held under strict
968 confidentiality.

969
970 Withdrawal of the complaint at any stage of the proceedings shall not preclude the CODI from
971 proceeding with the investigation where there is obvious truth or merit to the allegations in the
972 complaint or where there is documentary or direct evidence that can prove the guilt of the person
973 complained of.

974
975

976 **DURATION OF INVESTIGATION AND INVESTIGATION REPORT**

977 A preliminary investigation shall commence not later than five (5) days upon the receipt of the
978 complaint by the Committee on Decorum and Investigation and shall be terminated within fifteen
979 (15) days thereafter.

980

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

984

985 If a *prima facie* case is established during the investigation, a formal charge shall be issued by the
986 disciplining authority within three (3) working days from receipt of the Investigation Report.

987

988 However, in the absence of a *prima facie* case, the complaint shall be dismissed within the same
989 period.

990

991

992 **FORMAL CHARGE**

993 After finding a *prima facie case*, the disciplining authority shall formally charge the person
994 complained of. The formal charge shall contain a specification of the charge(s), a brief statement
995 of materials or relevant facts, accompanied by certified true copies of the documentary evidence,
996 if any, sworn statements covering the testimony of witnesses, a directive to answer the charge(s)
997 in writing under oath in not less than seventy-two (72) hours from receipt thereof, an advice for
998 the respondent to indicate in his/her answer whether or not he/she elects a formal investigation of
999 the charge(s) and a notice that he/she is entitled to be assisted by a counsel of his/her choice

1000

1001 The CODI shall not entertain requests for clarification, bills of particulars or motion to dismiss
1002 which are obviously designed to delay the administrative proceedings. If any of these pleadings
1003 are filed by the respondent, the same shall be considered as part of his/her answer which he/she
1004 may file within the remaining period for filing the answer.

1005

1006

1007 **ANSWER**

1008 The answer which must be in writing and under oath, shall be specific and shall contain material
1009 facts and applicable laws, if any, including documentary evidence, sworn statements covering
1010 testimonies of witnesses, if there be any, in support of respondent's case. It shall also include a
1011 statement indicating whether he/she elects a formal investigation.

1012 If the respondent fails to answer or refuses to file his/her answer to the formal charge within 72
1013 hours from receipt thereof without justifiable cause, he/she shall be considered to have waived
1014 his/her right thereto and formal investigation may commence.

1015
1016

1017 **PREVENTIVE SUSPENSION**

1018 **When issued**

1019 Upon petition of the complainant or *motu proprio* upon the recommendation of the Committee
1020 on Decorum and Investigation, at any time after the service of the Formal Charge to the
1021 respondent, the proper disciplining authority may order the preventive suspension of the
1022 respondent during the formal investigation if there are reasons to believe that he/she is probably
1023 guilty of the charges which would warrant his/her removal from the service.

1024

1025 An order of preventive suspension may be issued to temporarily remove the respondent from
1026 the scene of his/her misfeasance or malfeasance and to preclude the possibility of his/her
1027 exerting undue influence or pressure on the witnesses against him/her or tampering of
1028 documentary evidence on file with this office.

1029

1030 **Duration**

1031 When the administrative case against the respondent under preventive suspension is not finally
1032 decided by the disciplining authority within the period of ninety (90) days after the date of
1033 his/her preventive suspension unless otherwise provided by special law, he/she shall be
1034 automatically reinstated into the service: *Provided*, that when the delay in the disposition of the
1035 case is due to the fault, negligence or petition of the respondent, the period of delay should not
1036 be included in the counting of the ninety (90) calendar days period of preventive suspension:
1037 *Provided, further*, That should the respondent be on paternity/maternity leave, said preventive
1038 suspension shall be deferred or interrupted until such time that said leave has been fully enjoyed.

1039

1040 **Remedies**

1041 The respondent may file a motion for reconsideration on the suspension order with the
1042 disciplining authority or may elevate the same to the Civil Service Commission by way of an
1043 appeal within fifteen (15) days from receipt thereof.

1044

1045 **CONDUCT OF FORMAL INVESTIGATION**

1046 A formal investigation shall be conducted by the CODI if it deems such an investigation is
1047 necessary to decide the case judiciously, although the respondent does not request a formal
1048 investigation. It shall be held not earlier than 5 days not later than 5 days from receipt of the
1049 respondent's answer. Said investigation shall be finished within 30 days from issuance of the
1050 formal charge or the receipt of the answer.

1051

1052

1053 **ONLINE/ VIRTUAL CONDUCT OF HEARINGS**

1054
1055 The University shall adopt guidelines on the use of a videoconferencing platform for hearings and
1056 pre-hearing conferences. This mechanism would allow speedy disposition of administrative cases
1057 despite the pandemic crisis while keeping participants safe from health risks.
1058

1059 Virtual hearings and pre-hearing conferences will be applicable not only during the declaration of
1060 a community quarantine but also in the case of unforeseen or fortuitous events that prevent in-
1061 person appearances.
1062

1063 The University will be using a corporate account and other platforms applicable for its virtual pre-
1064 hearing conferences and hearings. Participants should secure the official link or access code
1065 provided to them by the CODI Secretariat, and be at the virtual waiting room or lobby at least (15)
1066 minutes before the actual proceedings. Should there be any problems accessing the virtual
1067 platform, participants should immediately inform the CODI Secretariat via email, phone call, or
1068 other electronic means.
1069

1070 Participants will be joining a test run shortly before an actual hearing in order to resolve any
1071 technical problems. They will also be briefed on the procedures before starting so they know what
1072 to expect during the proceedings. At this point, the CODI and the participants will be ensuring
1073 steady connectivity, clear audio and video connection, and correct settings in order to proceed
1074 smoothly.
1075

1076 Other procedures usually done during in-person hearings, such as placing a witness under oath,
1077 testifying, and presenting documentary or object evidence, will also be done online.
1078
1079

1080 **PRE-HEARING CONFERENCE**

1081 At the commencement of the formal investigation, the Committee on Decorum and Investigation
1082 may conduct a pre-hearing conference for the parties to appear, consider, and agree on any of the
1083 following:

- 1084
1085 a. stipulation of facts;
1086
1087 b. simplification of issues;
1088
1089 c. identification and marking of evidence of the parties;
1090
1091 d. waiver of objections to admissibility of evidence;
1092
1093 e. limiting the number of witnesses, and their names;
1094
1095 f. dates of subsequent hearings; and
1096
1097 g. such other matters as may aid in the prompt and just resolution of the case.

1098
1099 The parties may submit position papers/memoranda and submit the case for resolution based on
1100 the result of the pre-hearing conference without any need for further hearings.

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1103 **CONTINUOUS HEARING**

1104 Hearings shall be conducted on the hearing dates set by the Committee on Decorum and
1105 Investigation or as agreed upon during a pre-hearing conference.

1106
1107 Where no pre-hearing conference is conducted, the parties, their counsels, and witnesses, if any,
1108 shall be given a notice of at least five (5) days before the first scheduled hearing specifying the
1109 time, date, and place of the said hearing and subsequent hearings. Thereafter, the schedule of
1110 hearings previously set shall be strictly followed without further notice. A party shall be granted
1111 only one (1) postponement upon oral or written requests. A further postponement may be granted
1112 only upon written request subject to the discretion of the Committee on Decorum and
1113 Investigation.

1114
1115 If the respondent fails to appear during the scheduled hearings despite due notice, the investigation
1116 shall proceed *ex-parte* and the respondent is deemed to have waived his right to be present and to
1117 submit evidence in his favor during those hearings.

1118
1119

1120 **Preliminaries**

1121 At the start of the hearing, the Committee on Decorum and Investigation shall note the appearances
1122 of the parties and shall proceed with the reception of evidence for the complainant.

1123
1124 If the respondent appears without the aid of a counsel, he/she shall be deemed to have waived
1125 his/her right to counsel.

1126
1127 Before taking the testimony of a witness, the Committee on Decorum and Investigation shall place
1128 him/her under oath and then take his/her name, address, civil status, age, and place of employment.

1129
1130

1131 **Appearance of Parties**

1132 Any person representing any of the parties before any hearing or investigation shall manifest orally
1133 or in writing his/her appearance for either the respondent or complainant, stating his/her full name
1134 and exact address where he/she can be served with notices and other documents. Any pleading or
1135 appearance made without complying with the above-stated requirements shall not be recognized.

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1141 **ORDER OF HEARING**

1142 Unless the Committee on Decorum and Investigation directs otherwise, the order of hearing shall
1143 be as follows:

- 1144 a. The complainant shall present evidence in support of the charge;
- 1145 b. The respondent shall then offer evidence in support of his/her defense; and
- 1146 c. The complainant may then offer rebuttal evidence, and the respondent, sur-rebuttal
1147 evidence.

1148 Every witness may be examined in the following order:

- 1149 a. Direct examination by the proponent;
- 1150 b. Cross-examination by the opponent;
- 1151 c. Re-direct examination by the opponent; and
- 1152 d. Re-cross examination by the opponent.

1153 A sworn statement from a witness, properly identified and affirmed by the witness before the
1154 Committee on Decorum and Investigation shall constitute his/her direct testimony.

1155 When the presentation of evidence has been concluded, the parties shall formally offer their
1156 evidence either orally or in writing, and thereafter objections thereto may also be made either orally
1157 or in writing. Thereafter, both parties may be given time to submit their respective memorandum
1158 which in no case shall be beyond five (5) days after the termination of the investigation. Failure to
1159 submit the memorandum within the given period shall be considered a waiver thereof.

1160
1161

1162 **Markings of Evidence**

1163 All documentary evidence or exhibits shall be properly marked by letters (A, B, C, etc.) if
1164 presented by the respondent. These shall form part of the complete records of the case.

1165
1166

1167 **SUBPOENA**

1168 **Request for Subpoena**

1169 If a party desires the attendance of a witness or the production of documents of things, he/she shall
1170 make a request for the issuance of the necessary subpoena, at least three (3) days before the
1171 scheduled hearing.

1172

1173 **Issuance of Subpoena**

1174 The Committee on Decorum and Investigation may issue a *subpoena ad testificandum* to compel
1175 the attendance of witnesses and *subpoena duces tecum* for the production of documents or objects.

1176
1177

1178 **RECORDS OF PROCEEDINGS**

1179 The proceedings of the formal investigation must be recorded either through shorthand or
1180 stenotype or by any other method. All records of the proceedings shall be handled by the secretariat
1181 with utmost confidentiality

1182 **FORMAL INVESTIGATION REPORT**

1183 Within fifteen (15) days after the conclusion of the formal investigation, a report containing a
1184 narration of the material facts established during the investigation, the findings and the evidence
1185 supporting said findings, as well as the recommendations, shall be submitted by the Committee on
1186 Decorum and Investigation to the disciplining authority. The complete records of the case shall be
1187 attached to the Report of Investigation.

1188
1189 The complete records shall be systematically and chronologically arranged, paged, and securely
1190 bound to prevent loss. A table of contents shall be prepared. Whoever is in charge of the transmittal
1191 of the complete records shall be held responsible for any loss or suppression of pages thereof.

1192

1193

1194 **DECISION**

1195 **When Issued**

1196 The disciplining authority shall render his decision on the case within thirty (30) days from receipt
1197 of the Report on Investigation.

1198

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1200 **Finality**

1201 A decision rendered by heads of agencies where a penalty of suspension for not more than thirty
1202 (30) days or a fine in an amount not exceeding thirty (30) days salary is imposed, shall be final
1203 and executory. However, if the penalty imposed is suspension exceeding thirty (30) days or a fine
1204 exceeding thirty (30) days salary, the same shall be final and executory after the lapse of the
1205 reglementary period for filing a motion for reconsideration or an appeal and no such pleading has
1206 been filed.

1207

1208

1209 **REMEDIES AFTER DECISION**

1210

1211 **Motion for Reconsideration**

1212 *Filing of Motion for Reconsideration.* – The party adversely affected by the decision may file a
1213 motion for reconsideration with the disciplining authority who rendered the decision within fifteen
1214 (15) days from receipt thereof.

1215

1216 *When Deemed Filed.* – A motion for reconsideration shall be deemed filed on the date stamped on
1217 the official copy by the proper receiving authority, and in case it was sent by mail, on the date
1218 shown by the postmark on the envelope which shall be attached to the records of the case.

1219
1220 *Grounds for Motion for Reconsideration.* – The motion for reconsideration shall be based on any
1221 of the following:

- 1222
- 1223 a. New evidence has been discovered that materially affects the decision rendered; or
 - 1224 b. The decision is not supported by the evidence on record; or
 - 1225
 - 1226 c. Errors of law irregularities have been committed prejudicial to the interest of the movant.

1227
1228 *Limitation.* – Only one motion for reconsideration shall be entertained.

1229
1230 *Effect of Filing.* – The filing of a motion for reconsideration within the reglementary period of
1231 fifteen (15) days shall stay the execution of the decision sought to be reconsidered.

1232
1233

1234 **Appeal**

1235 *Filing of Appeals.* – Decisions of heads of departments, agencies, provinces, cities, municipalities,
1236 and other instrumentalities imposing a penalty exceeding thirty (30) days suspension or fine in an
1237 amount exceeding thirty (30) days salary, shall be appealed to the Civil Service Commission within
1238 a period of fifteen (15) days from receipt thereof.

1239
1240 *Petition for Review* – In case the decision rendered by a bureau or office head is appealable to the
1241 Commission, the same may be initially appealed to the department head and finally to the
1242 Commission Proper. Pending appeal, the same shall be executory except where the penalty is
1243 removed, in which case the same shall be executory only after confirmation by the Secretary
1244 concerned.

1245
1246 A notice of appeal including the appeal memorandum shall be filed with the appellate authority,
1247 copy furnished the disciplining office. The latter shall submit the records of the case, which shall
1248 be systematically and chronologically arranged, paged and securely bound to prevent loss with its
1249 comment, within fifteen (15) days, to the appellate authority.

1250
1251 *When Deemed Filed.* – An appeal sent by mail shall be deemed filed on the date shown by the
1252 postmark on the envelope which shall be attached to the records of the case and in the case of
1253 personal delivery, the date stamped thereon by the proper office.

1254
1255 *Appeal Fee.* – The appellant shall pay an appeal fee of Three Hundred Pesos (P300.00) as
1256 prescribed by the CSC and a copy of the receipt thereof shall be attached to the appeal.

1257
1258 *Perfection of an Appeal.* – To perfect an appeal, the appellant shall within fifteen (15) days from
1259 receipt of the decision submit the following:

1260
1261 Notice of appeal which shall specifically state the date of the decision appealed from and the date
1262 of receipt thereof;

1263

- 1264 a. Three (3) copies of the appeal containing the grounds relied upon for the appeal, together
1265 with the certified true copy of the decision, resolution, or order appealed from, and certified
1266 copies of the documents or evidence;
1267
1268 b. Proof of service of a copy of the appeal memorandum to the disciplining office;
1269
1270 c. Proof of payment of the appeal fee; and
1271
1272 d. A statement or certification of non-forum shopping.
1273

1274 Failure to comply with any of the above requirements within the reglementary period shall be
1275 construed as a failure to perfect an appeal and shall cause its dismissal.
1276

1277 *Effect of Filing.* – An appeal shall not stop the decision from being executory, and in case the
1278 penalty is suspension or removal, the respondent shall be considered as having been under
1279 preventive suspension during the pendency of the appeal, in the event he wins the appeal.
1280

1281 *When Case is Remanded for Violation of Respondent’s Right to Due Process.* – If the case on
1282 appeal with the Commission Proper is remanded to the proper disciplining authority for further
1283 investigation, the said disciplining authority through the Committee on Decorum and Investigation
1284 shall finish the investigation within three (3) calendar months from the date of receipt of the records
1285 from the Commission, unless the investigation is delayed due to the fault, negligence or petition
1286 of the person complained of, or an extension is granted by the Commission Proper in meritorious
1287 cases. The period of delay shall not be included in the computation of the prescribed period.
1288

1289 Within fifteen (15) days from the submission of the investigation report to the disciplining
1290 authority, it shall render its decision. If, at the end of said period, the disciplining authority fails to
1291 decide the case, the Commission Proper shall vacate and set aside the appealed decision and
1292 declare the person complained of exonerated of the charge. If the person complained of is under
1293 preventive suspension, he shall be immediately reinstated.
1294

1295 The Office for Legal Affairs of the Civil Service Commission shall evaluate requests for the
1296 extension of formal investigations and grant the same on meritorious grounds. In disposing of the
1297 requests, said office shall be guided by the principles of justice and fair play, provided that the
1298 extension shall not be for more than twenty (20) days.
1299

1300 For this purpose, the Regional Director shall monitor the implementation of the CSC Resolution,
1301 remanding the case to the proper disciplining authority for further investigation and submit a report
1302 to the Commission Proper.
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1304

1305 **Petition for Review**

1306 *Petition for Review.* - A complainant may elevate the decision of the disciplining authority
1307 dismissing a complaint for lack of a *prima facie* case before the Commission Proper through a
1308 Petition for Review within fifteen (15) days from the receipt of said decision.

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

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

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Part 5

OTHER GUIDELINES

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1342 **CONFIDENTIALITY**

1343 At any stage of the investigation, prosecution, and trial of an offense under these Rules, the rights
1344 of the victim and the accused shall be recognized. In all cases of sexual harassment, as enumerated
1345 in these Rules, the confidentiality of records on the victim will be protected. (IRR, RA 11313)

1346
1347 The identities of the parties, and the proceedings and records of the Committee on Decorum and
1348 Investigation involving specific incidents (including but not limited to all statements, documents,
1349 and evidence submitted by the parties, and communications and reports by the TAU-CODI are
1350 confidential information. Confidential information may be disclosed only to authorized persons
1351 and cannot be disseminated to the public, except for general statistical information required to be
1352 disclosed in the CODI Report.

1353
1354 The complainant, respondent, and their witnesses will obtain confidential information in the
1355 course of their participation in the proceedings before the TAU-CODI.

1356
1357 They may also disclose confidential information to persons authorized by the TAU CODI
1358 Chairperson on a need-to-know basis, who need to access the confidential information to perform
1359 an official duty, function, or obligation; and other persons as allowed by existing or future laws
1360 and regulations.

1361
1362 HRMO shall be notified of all protective measures, orders, and decisions that affect personnel
1363 who are parties or witnesses to a case. The progress of the case shall also be disclosed to HRMO
1364 on a need-to-know basis.

1365
1366 Personnel who have authorized access to confidential information or acquire such information in
1367 the course of their work have the obligation to safeguard the information and prevent its
1368 disclosure to unauthorized persons.

1369
1370 Unauthorized disclosure of confidential matters related to CODI cases shall be penalized in
1371 accordance with relevant laws, rules, and issuances.

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1374 **REMEDIES AND PSYCHOLOGICAL COUNSELLING**

1375 A victim of the workplace, street, public spaces, or online sexual harassment may avail of
1376 appropriate remedies as provided for under these Rules as well as psychological counselling
1377 services with the aid of appropriate agencies, in coordination with the Department of Health
1378 (DOH), the Philippine Commission on Women (PCW), Department of Social Welfare and
1379 development (DSWD), and National Bureau of Investigation (NBI).

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1381 Any fees to be charged in the course of a victim's availment of such remedies or psychological
1382 counselling services and other services in consonance with Republic Act No. 11036 or the
1383 Philippine Mental Health Law shall be borne by the perpetrator.

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Counselling

1. Endeavor to develop linkages with mental health agencies, institutions, and organizations to whom CODI members may refer to complainants and victims of SH.
2. Develop a pool of CODI counselors to provide immediate counseling services to SH complainants and victims upon their request.
(IRR, RA 11313)

Internal Rules on Creating an SH Free Work Environment

The GAD Focal Point System shall implement programs and projects to raise the level of awareness and participation of all officials and employees in the establishment of safe space at the workplace. These programs shall include, but not limited to, the following:

Trainings

1. Conduct of mandatory training workshops in relation to handling sexual harassment cases to the members of CODI within six (6) months from the issuance of the Special Order constituting the same.
2. Continuous conduct of orientation/seminars on sexual harassment to all employees to effectively improve prevention of and response to sexual violence in the workplace.
3. Conduct of continuous education programs for the benefit of CODI members.
4. Conduct of training to develop counselors among CODI members.

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ANNEX

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COMPLAINT FORM FOR SEXUAL HARASSMENT

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Complainant Information:

Name: _____
Designation/Title _____
Course/Year: _____
Age: _____
Address: _____
Contact Number _____
Email Address _____

If you are a parent/guardian filling out this form on behalf of a minor complainant, please provide your contact information below.

Name: _____
Address: _____
Contact Number _____
Email Address _____

Complaint Information (Please give details of your complaint)

Your complaint of Sexual Harassment is made against:

Name: _____
Designation/Title: _____
Address: _____
Relationship: Supervisor Subordinate Co-worker Other(please specify):_____

Date(s) sexual harassment has occurred:_____

Time of the incident: _____

Location of the incident:_____

Is the sexual harassment continuing? Yes No

1485 Please describe a detailed account of the conduct or incident(s) for this complaint. If further
1486 explanation is necessary, please use additional pages and attach any relevant documents or
1487 evidence to support your case.

1488 _____
1489 _____
1490 _____
1491 _____
1492 _____
1493 _____
1494 _____

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1497 Please list the name and contact information of any witnesses or individuals that may have
1498 information related to your complaint:

1499	Name	Contact number/email
1500		
1501	1. _____	_____
1502	2. _____	_____
1503	3. _____	_____
1504	4. _____	_____

1505
1506

1507 I certify that the preceding is true and correct to my knowledge and belief.

1508
1509 _____
1510 Printed Name/Signature Date

1511
1512
1513
1514 Complaint Received by:

1515
1516 _____
1517 Printed Name/Signature Date