NATIONAL ADMINISTRATIVE REGISTER · FEBRUARY 12, 2004

RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 7877 (ANTI-SEXUAL HARASSMENT ACT OF 1995)

OB ADMINISTRATIVE ORDER NO. 18, February 12, 2004

Read online (full-text search, related cases, audio case brief): https://batas.org/library/8eb0f68bb415/

Pursuant to Section 4, Republic Act No. 7877 (Anti-Sexual Harassment Act of 1995); Section 13, par. (8), Article XI, Constitution; and Section 18, Republic Act No. 6770 (Ombudsman Act of 1989), the Office of the Ombudsman hereby promulgates the following Rules and Regulations prescribing the procedures for the adjudication of sexual harassment cases and administrative sanctions therefor, as well as the guidelines on proper decorum in the workplace.

Section 1. Coverage.- These Rules shall apply to administrative cases involving acts of sexual harassment and other forms of sexual misconduct filed against any officer or employee of the Office of the Ombudsman.

As used in these Rules, "officer or employee" shall refer to officers and employees in the Office of the Ombudsman, whether in the career or non-career service, and whether holding positions under permanent, temporary or confidential status.

Section 2. Jurisdiction.- The Tanodbayan, as the disciplining authority over all officers and employees of the Office of the Ombudsman, shall exercise exclusive jurisdiction over acts of any officer or employee constituting sexual harassment or other forms of sexual misconduct.

Section 3. Sexual Harassment Defined.- Sexual harassment is an act or series of acts committed by an officer or employee who, having authority, supervision, influence or moral ascendancy over another, solicits or demands any sexual favor from that person, regardless of whether the demand or request for sexual favor is accepted, under any of the following circumstances:

- The sexual favor is made as a condition in the hiring, employment, reemployment or continued employment of the offended party, or in granting the offended party favorable terms and conditions of employment, promotion, or other forms of privileges, leniencies or accommodations at work;

- The refusal to grant sexual favor results in the discrimination of or any other prejudice to the offended party;

- As a result, the employee's rights or privileges under the laws are impaired;

- The above act results in an intimidating, hostile, or offensive working environment for the offended party;

- The demand or request for sexual favor is made against any member of a Corruption Prevention Units (CPU) or Junior Graftwatch Unit (JGU), whether accredited or in the process of accreditation;

- The demand or request for sexual favor is made against a participant in a training, seminar, conference or symposium organized, sponsored or co-sponsored by the Office; or

- The demand or request for sexual favor is made against an on-the-job (OJT) trainee in the Office.

For purposes of this Section, sexual harassment may take place in the workplace; on the occasion of a training, seminar, conferences or symposium; in the course of any official business transaction or office-related social

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

functions, regardless of location; or through correspondence, phone, electronic mail, or any other means of communication.

Section 4. Decorum; Other Forms of Sexual Misconduct. An officer or employee shall strive at all times to avoid any impression of being engaged in any other form of sexual misconduct or sexually aberrant behavior not constituting sexual harassment, as defined, which includes:

- Malicious touching;
- Unsolicited sexual advances;
- Offensive sexually-oriented remarks;
- Unwelcome sexually suggestive acts or gestures;
- Scandalous exhibit of body parts;
- Offensive display of pornographic or sexually explicit pictures, films, notes, or objects.

For purposes of this Section, the last paragraph of Section 3 shall apply.

Section 5. Persons liable.- Any officer or employee who, having authority, supervision, influence or moral ascendancy over another person, commits any of the acts described in Section 3 hereof shall be held administratively liable for sexual harassment.

Any officer or employee who directs or induces another to commit any act of sexual harassment, as defined above, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held administratively liable for sexual harassment.

An officer or employee may also be held administratively liable for sexual misconduct not constituting sexual harassment for any of the acts described under Section 4 hereof, or such similar acts.

Section 6. Committee on Decorum and Investigation.- Committees on Decorum and Investigation ("Committee") shall be constituted each in the central office, Office of the Special Prosecutor, Office of the Deputy Ombudsman for Luzon, Office of the Deputy Ombudsman for Visayas, Office of the Deputy Ombudsman for Mindanao, and Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices, the composition of which shall be determined in corresponding Office Order(s) creating the same, which in every case shall include at least one (1) representative each from the three levels of employees/officers, and at least one (1) representative from the management, the totality of which must be an odd number, but not to exceed five (5). The Committees shall perform functions and duties as provided in these Rules, and such other related functions and duties as the Tanodbayan, the proper Deputy or the Special Prosecutor, as the case may be, may assign.

A vote of majority of all members of the Committee shall be necessary for the issuance of a ruling on substantive issues or a decision.

Section 7. Form of Complaint.- A complaint for sexual harassment or other forms of sexual misconduct shall be in writing and under oath. It shall contain a brief but particularized recital of the act or acts of sexual harassment or misconduct complained of. It shall be accompanied by the affidavit of the offended party and, whenever possible, supported by the affidavits of witnesses and other evidence.

Section 8. Evaluation. - Upon the filing of a complaint, all copies thereof including all attachments thereto shall be immediately forwarded to the proper Committee which shall proceed to evaluate the complaint if it is sufficient in form and substance:

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

(a) On a finding that a complaint is sufficient in substance but not in form, the Committee shall immediately summon the offended party to swear to the truth of the allegations in the complaint.

(b) If the complaint is sufficient in form but does not contain sufficient particulars, the Committee shall immediately require the complainant to specify in a supplemental affidavit the acts complained of within five (5) days from notice.

(c) In all other cases where, regardless of form, the complaint is not sufficient in substance, the Committee shall forthwith submit an Evaluation Report to the Tanodbayan, the proper Deputy or the Special Prosecutor, as the case may be, recommending the dismissal of the complaint.

(d) On a finding that a complaint is sufficient in both form and substance, the Committee shall forthwith submit an Evaluation Report to the Internal Affairs Board (IAB) of this Office containing its recommendation to conduct preliminary investigation and/or administrative adjudication. The Evaluation Report, in accordance with Administrative Order No. 16, shall be approved by the following:

i. The IAB Chairman, where the respondent or highest ranking respondent occupies a position belonging to the first level in the career service, or who is in the non-career service with Salary Grade 13 and below;

ii. The IAB en banc, where the respondent or highest ranking respondent occupies a position belonging to the second level of the career service with salary grade (SG) not higher than SG 24, or who is in the non-career service with Salary Grade 14 to 24; and

iii. The Tanodbayan, upon recommendation of the IAB en banc, where the respondent or the highest ranking respondent occupies a position with Salary Grade 25 or above.

Section 9. Preliminary Investigation. - Upon approval of the Evaluation Report recommending the conduct of preliminary investigation, the IAB shall proceed to conduct the same in accordance with Administrative Order No. 16 of this Office, subject to Section 13 hereof.

Section 10. Administrative Adjudication.- (a) Upon approval of the Evaluation Report recommending the conduct of administrative adjudication, the complaint shall be docketed as an administrative case, with the letters "CDI", for the acronym of the Committee on Decorum and Investigation, indicated at the end of the docket number.

(b) After the docketing, the Committee shall immediately furnish the respondent a copy of the complaint and other evidence submitted against him, and order the respondent to submit his counter-affidavit and other evidence within a period of ten (10) days from notice, copy furnished the complainant. Failure of the respondent to file his counter-affidavit shall be deemed a waiver of his right to present evidence in his behalf.

(c) The complainant may file a reply within five (5) days from receipt of a copy of any counter-affidavit that may be filed by the respondent.

(d) If the Committee finds, on the basis of the evidence submitted by the parties, that there is no sufficient cause to conduct further proceedings, it shall immediately recommend the dismissal of the case. Otherwise, the Committee shall proceed to determine whether a clarificatory questioning should be conducted to clarify vital issues of fact or the case be deemed submitted for decision after giving the parties a period of ten (10) days within which to submit their respective memoranda. In a clarificatory questioning, the parties shall be afforded the opportunity to be present but without the right to examine or cross-examine the witnesses being questioned.

(e) Within fifteen (15) days from submission of the case for decision, the Committee shall submit its findings and recommendations, in the form of a Decision, to the IAB. The decision shall be approved by the IAB en banc in cases where the respondent or highest ranking respondent occupies a position with a salary grade (SG) not higher than SG 24, and by the Tanodbayan, upon recommendation of the IAB en banc, in all other cases.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

Section 11. Motion for Reconsideration; Finality of Decision; - A decision shall become final after the expiration of ten (10) days from receipt by the parties of a copy of the decision, unless within that period a motion for reconsideration is filed. Motions for reconsideration filed within the prescribed period shall be acted upon by the Committee and finally disposed in accordance with the procedure set in the immediately preceding sub-paragraph.

Decisions dismissing a case or imposing a penalty not exceeding Suspension for one (1) month or Fine equivalent to one (1) month salary shall be final and unappealable.

Section 12. Penalties.- Any officer or employee found administratively guilty of sexual harassment upon adjudication shall be meted a penalty ranging from Suspension for a period not exceeding one (1) year or Fine not exceeding the equivalent of six (6) months salary to Dismissal from the Service, or both Suspension and Fine, depending on the gravity of the sexual harassment.

Any officer or employee found administratively guilty of sexual misconduct not constituting sexual harassment shall be meted a penalty ranging from Reprimand to Suspension for a period not exceeding six (6) months or Fine not exceeding the equivalent of six (6) months salary, or both Fine and Suspension, depending on the gravity of the sexual misconduct.

Section 13. Strict Confidentiality.- Confidentiality shall be strictly observed in all stages of the proceedings conducted under these Rules to ensure the protection of the reputation of the offended party, or that of the officer or employee complained against in case of false accusation.

Section 14. General Jurisdiction.- Nothing in these Rules shall prejudice the exercise by the Office of the Ombudsman of jurisdiction over administrative or criminal cases involving acts of sexual harassment or other sexual misconduct committed by officers or employees of other government offices, agencies or instrumentalities, including government owned or controlled corporations, in accordance with the plenary power of investigation of the Office of the Ombudsman; provided, that the proceedings in any such case filed before the Office of the Ombudsman shall be governed by Administrative Order No. 07, as amended, of this Office; and provided, further, that proceedings in criminal cases involving acts of sexual harassment committed by any officer or employee of the Office of the Ombudsman, as may be recommended on evaluation by the proper Committee, shall be governed by Administrative Order No. 16, as amended, of this Office.

Section 15. Rules of Suppletory Application.- In all matters not provided for in these rules, Administrative Order No. 16, Administrative Order No. 07, as amended, and the Rules of Court shall have suppletory application, in that preferential order.

Section 16. Modification.- All rules and other issuances, or any part thereof, inconsistent with the provisions of these Rules are hereby modified.

Section 17. Effectivity.- These Rules and Regulations shall take effect after fifteen days following the completion of its publication in the Official Gazette and upon filing with the University of the Philippines Law Center of three (3) certified copies thereof.

Adopted: 12 Feb. 2004

SIMEON V. MARCELO
Tanodbayan
Ombudsman

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.