

## RE: RULE ON ADMINISTRATIVE PROCEDURE IN SEXUAL HARASSMENT CASES AND GUIDELINES ON PROPER WORK DECORUM IN THE JUDICIARY

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/da2a94804239/>

---

RESOLUTION Acting on the report of the Committee on Revision of the Rules of Court submitting for this Court's consideration and approval the Proposed Rule on Administrative Procedure in Sexual Harassment Cases and Guidelines on Proper Work Decorum in the Judiciary, the Court Resolved to APPROVE the same. The Rule shall take effect on January 3, 2005 following its publication in a newspaper of general circulation not later than December 20, 2004. December 14, 2004. (SGD.) HILARIO G. DAVIDE, JR. Chief Justice RATIONALE OF THE RULE ON ADMINISTRATIVE PROCEDURE IN SEXUAL HARASSMENT CASES AND GUIDELINES ON PROPER WORK DECORUM IN THE JUDICIARY INTRODUCTION Sexual harassment is a problem that has a long past but a short history (1). Due to the prevailing normative attitudes that conspired over the centuries to keep the matter away from public scrutiny, women and men have silently suffered acts of ill-treatment and oppression in the workplace by reason of their sexuality or gender. It was only recently, the 1980s to be exact, that the problem acquired a name and a face. The publication in the United States of two surveys on sexual harassment at work - one, a reader survey undertaken by Redbook in 1976, and the other, a federal government survey of its employees in 1980, confirmed what had been going for centuries - the existence of unbridled harassment of workers on the basis of gender. Since then, increasing awareness of basic human rights and what constitutes acceptable conduct or behavior in the work or school environment has empowered victims of sexual harassment to come out in the open to assert their claims and seek relief in the law through the justice system. Today, the problem has become protean, for its nuances have gone far beyond its mere sexual content. It has given rise to serious questions involving psycho-sociological, ethical, economic and legal dimensions. Historical evidence of sexual harassment is largely informal and mostly anecdotal. In 19th century England, the Industrial Revolution underpinned by the theory of capitalism gave rise to capitalist market economies that spurred sexist attitudes in the labor force. These attitudes and norms of conduct had been largely influenced and contoured by the Victorian era, considered by feminist author Lin Farley as "the golden age of the double standard in sex relations." During this period, all attitudes on public morality weighed hard on women (2). Industrialization impelled women and children to leave their farms and seek work outside their homes, only to become part of the labor force that was the exclusive turf of men. The male workers resented the competition offered by the women, so that they schemed to force women to hold "women's jobs" only, of which there were few, and to withhold from them opportunities for training and enhancement of employment skills which the concept of "masculinity" reserved for the men only. Consequently, men were paid higher wages. To compound the situation, the male workers organized themselves into trade unions and excluded women from membership in these associations. This resulted in the gendering of work and created "artificial hierarchies of skill and pay" (3). The introduction of machines in the garment factories and sweatshops in Western Europe and the United States did nothing to improve the working status and condition of women as it simply perpetuated male dominance based on the self-serving and unproven argument that only men were capable of skilled craft. Thus, to keep their jobs, women had to bear silently the sexual advances of their male counterparts, because to refuse meant to lose employment or to suffer reduced wages. This was tantamount to starvation to them and their families. On the other hand, to

accept was a curse, for future marriage or better employment became an impossibility for the branded woman. Sexual harassment was first publicly reported in journalistic writings. In its landmark survey, Redbook revealed that of 9,000 reader-respondents, 88% claimed they had been personally harassed, and more than 90% confirmed that sexual harassment existed as a problem in their workplace (4). In her book *Sexual Harassment of Working Women: A Case of Sex Discrimination* (5), Catharine A. MacKinnon contended that sexual harassment was primarily directed at women for it rarely happened to men, Therefore it should be viewed as a form of sexual discrimination which violated Title VII of the Civil Rights Act of 1964. Under this law, it is unlawful for an employer to discriminate against an employee based on the person's sex, Discrimination is thus prohibited whenever an employer makes decisions concerning compensation, terms, conditions or privileges of employment (6). The earlier decisions of American courts however did not consider this point. For instance, in the case of *Come v. Bausch & Lomb* (7), the court held that no discrimination occurred because the harassment was unrelated to work and merely represented the supervisor's attempt to satisfy his personal urges. However, in *Williams v. Saxbe* (8), a federal court ruled that sexual advances made by a male supervisor to his female employee constituted sex discrimination that was actionable under Title VII, since the "conduct of the supervisor created an artificial barrier to employment which was placed before one gender and not the other, despite the fact that both genders are similarly situated." In 1981, in *Bundy v. Jackson* (9) harassment based on race that creates a hostile work environment for minority employees was applied to harassment based on sex, thus giving birth to the hostile environment sexual harassment claim. Then, in the watershed case of *Meritor Savings Bank v. Vinson* (10), the U.S. Supreme Court pronounced that Title VII prohibits two types of sexual harassment: quid pro quo, which involves conditioning concrete employment benefits on sexual favors, and hostile environment, wherein the woman sexually harassed feels humiliated, angry and/or frightened, often making it difficult for her to fulfill her job related responsibilities. Philippine jurisprudence abounds with cases on sexual harassment, some of the most notable of which predate R. A. No. 7877. In *Madrilejo v. Loyao Jr.* (11), the Court ruled that "The fact that the Anti-Sexual Harassment Act of 1995 was not yet in effect at the time does not make the act of soliciting sexual favor from a subordinate regular or valid. Sexual harassment was not criminal at that time, but neither was it acceptable x x x x." Citing the potency of the women labor force in contributing to the economic wellbeing of the country, the Court, in *Vedana v. Velencia* (12) stressed that "No less, than the Constitution itself has expressly recognized the invaluable contributions of the women's sector to national development, thus the need to provide women with a working environment conducive to productivity and befitting their dignity." Not sparing members of the judiciary, the High Tribunal brought down its majestic ire on an erring judge and dismissed him from service after finding him administratively liable for sexually harassing one of his court employees (13). The Anti-Sexual Harassment Act of 1995 was barely six months old when the reprehensible conduct took place. In this case, the Court observed that the actuations of respondent were aggravated by the fact that complainant was one of his subordinates over whom he exercised control and supervision, he being the executive judge, and that he took advantage of his position and power in order to carry out his lustful and lascivious desires. The latest ruling of the Court on sexual harassment is the case of *Civil Service Commission v. Allyson Bellagan* (14), where a resolution of the Civil Service Commission finding respondent liable for sexual harassment was reversed by the Court of Appeals. The appellate court justified its reversal on the basis of its finding that the complainant was an unreliable witness, her character being questionable, considering that given her aggressiveness and propensity for trouble, "she is not one (from) whom any male would attempt to steal a kiss." The Supreme Court however overturned the finding of the appeals court and upheld the resolution of the Civil Service Commission by declaring that there was sufficient evidence to support the accusation, and that respondent's attack on the credibility of complainant did not directly respond to the issue of the probability or improbability of the offense charged. UNDERSTANDING SEXUAL HARASSMENT: THE POWER OF SEXINESS v. THE SEXINESS OF POWER Sexual harassment has been defined as any form of sexual behavior by members of a dominant gender

group towards members of a subordinate gender group whose typical effect is to cause members of the subordinate group to experience their powerlessness as a member of that group (15). But the debate about what causes sexual harassment still goes on. One school of thought believes it is all about sex, while another advocates that it all deals with power. Others believe that it involves both, because while it connotes an imbalance of power, i.e., the dominant versus the subordinate, yet, underpinning the act is sex-role conditioning that dichotomizes the roles of the sexes. For instance, social psychologists Harriet Connolly and Judith Greenwald speak of the importance our culture places on the roles ascribed to boys, i.e., independent, initiates action, task-oriented, rational, analytical, etc., and to girls, i.e., possessing empathy, noncompetitive, dependent, nurturing and intuitive (16). Linda LeMoncheck (17) could not have expressed the concept better than when she observed that when beliefs such as "Power is sexy" and "Sex is all about power," are understood as part of the social construction of sexual harassment, complaints that sexual harassment is invasive or violative are not the complaints of moralizing prudes who would remove all sex from public discussion. Such complaints become reflections of the ways in which sexual stereotypes associated with women and men of various cultural backgrounds encourage specifically sexual harassment of women by men. She strongly contends that women and men in the industrialized West are socialized to regard women primarily in terms of their sexual availability to men. (This is best illustrated by catchy phrases in the workplace such as "lay down or lay off;" and, in the Philippine education environment, "kuwarta o kuatro"). Other feminists however argue that sexual harassment is not about sex, but about sexism on the job, which means that sexual harassment of women by men is about men claiming the workplace as a preserve of male competence and authority. It means putting women in a subordinate level in the gender hierarchy because it is the proper place for them, thus, in the words of Barbara Taylor, "a put-down, not a turn on." (18). Given these varying concepts, it is easy to see that sexual harassment which was initially perceived as merely an act performed by a supervisor on his employee as a means to satisfy a personal urge has engendered ramifications perhaps even to a degree not imagined by the advocates then.

**INTERNATIONAL AND PHILIPPINE LEGAL LANDMARKS ON SEXUAL HARASSMENT**

The UN Charter of 1945 and the Universal Declaration of Human Rights are the first international documents that proclaim the doctrine of equality of all human beings regardless of race, sex or creed. With the adoption by the United Nations General Assembly of the Convention on the Elimination of all Forms of discrimination against Women (CEDAW) in 1979, sexual harassment became an international concern. CEDAW specifically requires the elimination of gender-based discrimination by mandating that all State Parties accept the equality of rights and responsibilities of both men and women and take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. Its end is to achieve elimination of all prejudices and customs and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. The Philippines, as a State Party to these international instruments, is deeply committed to comply with these mandates. Thus, sexual harassment as a discriminatory act finds legal bedrock in Sec. 3, Art. XIII of the 1987 Philippine Constitution that states: "The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all." Art. 3 of the Labor Code (Pres. Decree No. 442, as amended) declares as its basic policy that "The State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed, and regulate the relations between workers and employers. The State shall ensure the rights of workers to self-organization, collective bargaining, security of tenure and just and humane conditions of work." However, up until the passage of Republic Act No. 7877 or the "Anti-Sexual Harassment Act of 1995, no specific legal provisions existed that penalized acts constituting sexual harassment. Cases of harassment of this nature that involved use of force or coercion or employment of machinations or strategies to compel resignation were generally considered as unfair labor practices under the Labor Code that also provided causes of action for civil damages. Insofar as government employees were concerned, harassment acts that were sexual in nature were

cause for administrative complaints that resulted in dismissal from service, suspension or the imposition of lesser penalties such as fine or reprimand on the perpetrator. SIGNIFICANT FEATURES OF REPUBLIC ACT NO. 7877 Republic Act No. 7877 (An Act Declaring Sexual Harassment Unlawful In The Employment, Education or Training Environment, And For Other Purposes), or the "Anti-Sexual Harassment Act of 1995, was signed into law on 14 February 1995. Its passage by the Philippine Congress capped a torturous journey of the bill from its initiatory advocacy discussions by women's groups, more particularly the Sama-samang Inisyatibo ng Kababaihan sa Pagbabago ng Batas at Lipunan (SIBOL), the Lakas Manggagawa Labor Center-Women's Commission, and the National Commission on the Role of Filipino Women (NCRFW), its spousal by then President Fidel V. Ramos as a certified administration bill in 1993, up to its enactment two years later. The State policy on sexual harassment is embodied in Section 2 of the law which provides that "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." Work, education or training-related sexual harassment is one committed by a 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 the act. It is worth to note that the law does not discriminate as to the gender of the victim, Thus, both female and male employees may be the object of sexual harassment in the workplace and consequently may claim relief through civil or criminal action. Civil liability for this act is not only confined to the harasser. The employer or head of office is solidarily liable for damages arising from the acts of sexual harassment committed in the workplace, provided the employer is informed of such acts by the offended party and no immediate action is taken thereon. This principle has been adopted from the "Known or Should Have Known Standard" set forth by the Equal Employment Opportunity Commission (EEOC) of the United States, the agency tasked with implementing Title VII of the Civil Rights Act of 1964. The standard declares that: "With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate actions." To implement the law, employers are directed to create a committee on decorum and investigation (CODI) of cases on sexual harassment. It is by virtue of this mandate that the Supreme Court, in its Resolution dated January 13, 2004 in A.M. No. 03-03-13-SC, as amended by Administrative Circular No. 18-2004 dated May 13, 2004 and its amendment on July 20, 2004, created a Special Committee tasked to draft the Rules on Sexual Harassment Cases in the Judiciary. HIGHLIGHTS OF THE RULE -

- The Rule APPLIES to all officials and employees of the Philippine Judiciary, including the Presidential Electoral Tribunal, the Office of the Court Administrator and the Philippine Judicial Academy. Not covered are Justices of the Supreme Court who are impeachable officials under the Constitution, and the members of the Judicial and Bar Council.
- In line with State Policy and the commitments of the Philippines under pertinent international conventions and instruments and their protocols, the OBJECTIVES of the Rule are to promote full respect for human rights; to uphold the dignity of every individual, especially employees and applicants for employment in the judiciary; and to enhance the development of the human resources of the State by promoting their right to a humane, just and safe work environment and improving their morale and efficiency in the workplace.
- In describing HOW WORK-RELATED SEXUAL HARASSMENT IS COMMITTED, the Committee drew from relevant provisions of R.A. 7877 and the amended Civil Service Rules on Sexual Harassment. Thus, sexual harassment occurs in the form of quid pro quo such as when the sexual favor is conditioned on hiring,

employment, re-employment or continued employment of the object of the conduct, in granting favorable compensation, terms, conditions, promotions or privileges; or the refusal to grant sexual favor would discriminate, deprive or diminish employment opportunities or otherwise adversely affect the employee. It may also result in an intimidating, hostile or offensive environment for the employee, or impair his rights and privileges under the law.

- The PERSONS ADMINISTRATIVELY LIABLE for sexual harassment under this Rule are those who (a) directly commit the act; (b) induce another person to commit the act; or (c) cooperate through an act without which sexual harassment would not have been accomplished.

- The Rule lays out the mechanics for the CREATION, COMPOSITION, TERM OF OFFICE, QUORUM AND VOTING BY THE MEMBERS, OF THE CODIs in the different court systems of the Philippine Judiciary, viz., Supreme Court, Court of Appeals and its Divisions in Cebu and Cagayan de Oro, Sandiganbayan, Court of Tax Appeals, Regional Trial Courts and First Level Courts. The Committee took into account the membership composition requirement of CODIs under Sec. 4 (b) of R.A. No. 7877 that in the case of a work-related environment, the CODI shall be composed of at least one representative each from the management, the union if any, the employees from the supervisory rank, and from the rank and file employees. Thus: For the CODI in the Supreme Court, the Chief Justice shall appoint its members who are as follows: the SC Clerk of Court as Chairperson, an OCA representative as Vice-Chairperson, and a representative each from the Office of the Chief Attorney, the Office of Administrative Services, the Medical and Dental Services, the Supreme Court Assembly of Lawyer-Employees (SCALE) and the Supreme Court Employees Association (SCEA). The members of the CODIs in the Court of Appeals, Sandiganbayan and Court of Tax Appeals shall be appointed by their Presiding Justices. The CODIs of these courts shall consist of the Presiding Justice as Chairperson, the Clerk of Court as Vice-Chairperson; and one representative each from the employees' associations. The members of the CODIs in the Court of Appeals Divisions in Cebu City and Cagayan de Oro City shall be appointed by their respective Executive Justices. The CODIs shall be composed of the Executive Justice as the Chairperson, the Clerk of Court as Vice-Chairperson; and one representative each from the employees' association. In multi-sala lower courts, the CODIs shall be composed of the Executive Judge as Chairperson, the Clerk of Court as Vice-Chairperson; and one representative each from the employees' associations. In the case of single sala lower courts, the Office of the Court Administrator shall cluster them for purposes of forming their respective CODIs.

- A majority of the members of the CODI shall constitute a QUORUM, and a VOTE OF MAJORITY of the CODI members present shall be necessary for the issuance of a recommendation. In case the Chairperson is disqualified or inhibits himself, the Assistant Clerk of Court, the most senior Justice or the Vice-Executive Judge, as the case may be, shall serve as the Acting Chairperson of the CODI. The members of the CODIs shall serve a term of office of two years from date of appointment.

- The CODIs shall have JURISDICTION over all complaints for sexual harassment committed by officials and employees of the judiciary, and shall: (a) receive the complaint, investigate its allegations and submit a report and recommendation to the proper court or authority as provided for in Sec. 18 of the Rule; (b) conduct meetings at least once a year with the representatives of the different offices for the purpose of recommending to the appropriate body such measures that shall increase the understanding and prevent incidents of sexual harassment; and, (c) perform such other functions as may be necessary and incidental to the achievement of the objectives of Republic Act No. 7877.

- The Rule also provides a PROCEDURE for the filing and hearing of the complaint for sexual harassment. This is described in Sees. 9, 10, 11, 12, 13, 14, 15, and 16 thereof. Notable among the features of the proceedings are the following: (a) The complaint must be in writing, verified, and accompanied by a certificate of non-forum shopping and affidavits of witnesses and other evidence. If found insufficient in form and substance, the CODI

shall recommend its dismissal. This is without prejudice to the filing of administrative, civil or criminal charges against the complainant and his assisting counsel if found manifestly frivolous and filed only for purposes of harassment. (b) No complaint will be allowed to be withdrawn if prejudicial to the interest of the service and its ethical standards. (c) The CODI may exclude any person from the hearing who does not have an direct interest in the case, if it determines on the record that requiring a party or any witness to testify in the presence of the public will not enhance the ascertainment of truth; would cause the party or witness psychological harm or render such party unable to effectively communicate due to embarrassment, fear or timidity; would violate the right of a party to privacy; or would be offensive to decency or public morals. The records of the proceeding may not be taken, examined or read except by a party or counsel of a party to the case, except upon order by the CODI. (d) Upon motion of the complainant, or motu proprio, the CODI may recommend to the proper court or authority the preventive suspension of the respondent for a period of thirty days. It may also recommend its extension. An order of suspension may be issued to temporarily remove the respondent from the scene of the misfeasance or malfeasance and to preclude the possibility of respondent's exerting undue influence or pressure on the witnesses or tampering of the documentary evidence on file. The aggrieved party however may file a motion to lift the order with the proper court or authority within fifteen days from receipt of such order.

- The CODI may recommend to the proper court or authority the proper penalty to be imposed taking into proper account the totality of the circumstances, including certain factors such as the nature or character of the act; the frequency of occurrence of the act; abuse of authority; degree of moral influence or ascendancy. In this respect, the Committee decided not to specifically classify the acts of sexual harassment into grave, less grave and light offenses, enumerate examples thereof and fix their corresponding penalties to allow enough flexibility, bearing in mind the objectives of the law and of the Rule.

Since the passage of the Anti-Sexual Harassment Act of 1995, visible progress has been observed in building consciousness and understanding of the problem of sexual harassment not only in the workforce and education and training environment but in the community as well. There is no doubt that the approval and implementation by the Court of this Rule on Administrative Procedure in Sexual Harassment Cases and Guidelines on Proper Work Decorum in the Judiciary will greatly contribute to the development of a higher degree of sensitivity in the judicial workplace to proper work attitude and conduct and thereby bring our government closer to the full attainment of the objective of the State to protect and promote the equality of the rights of Filipino women and men. END NOTES:

- William O'Donohue, Editor, Sexual Harassment, Theory, Research and Treatment, Allyn and Bacon, 1996.
- Sexual Shakedown: The Sexual Harassment of Women on the Job, McGraw Hill/Warner Books, 1978.
- Daniel E. Bender, Too Much of Distasteful Masculinity, Journal of Women's History, Indiana University press, Vol. 15, No. 4, Winter 2004.
- Clare Safran, What Men do to Women on the Job: A Shocking Look at Sexual Harassment, Redbook, November 1976, p. 149, 217- 223.
- 1979
- 42 U.S.C. Sec. 2000e-2(a)(1)
- 90 F. Supp.161, D. Arizona, 1975
- 423 F. Supp 654
- 641 F.2d 934

- 477 U.S. 57, 1986

- 316SCRA544

- 295 SCRA 1

- Talens-Dabon v Arceo, A.M. No. RTJ-96-1336. July 25, 1996

- G.R. No. 132164, October 19, 2004

- Crosthwaite and Priest, The Definition of Sexual Harassment, Australian Journal of Philosophy, 1986

- Lin Farley, Id.

- Sexual Harassment, Rowan and Littlefield, reprinted in Sexual Harassment, Issues and Answers, Oxford University Press, 2001,

- B.G. Taylor, Response: Who is Responsible for Sexual Harassment? 5 Thought and Action - The NEA Higher Education Journal, Vol. 39, Spring, 1989.

RULE ON ADMINISTRATIVE PROCEDURE IN SEXUAL HARASSMENT CASES AND GUIDELINES ON PROPER WORK DECORUM IN THE JUDICIARY SECTION 1. Coverage.- This Rule shall apply to all officials and employees of the Judiciary, including those in the Presidential Electoral Tribunal, the Office of the Court Administrator and the Philippine Judicial Academy. It shall not, however, apply to the members of the Supreme Court, who can only be removed by impeachment under the Constitution, and the members of the Judicial and Bar Council. SEC. 2. Objectives.- The objectives of this Rule are: to promote full respect for human rights; to uphold the dignity of every individual, especially employees and applicants for employment in the Judiciary; and to enhance the development of the human resources of the State by promoting their right to a humane, just and safe work environment and improving their morale and efficiency in the workplace. SEC. 3. Work-related Sexual harassment; Definition.- Work-related sexual harassment is committed by an official or employee in the Judiciary who, having authority, influence or moral ascendancy over another in a work 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 latter. SEC. 4. Work-related Sexual harassment; how committed.-Work-related sexual harassment is committed when: (a) 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. It shall include, but shall not be limited to, the following modes:

- Physical, such as malicious touching, overt sexual advances, and gestures with lewd insinuation.

- Verbal, such as requests or demands for sexual favors, and lurid remarks.

- Use of objects, pictures or graphics, letters or written notes with sexual underpinnings.

- Other acts analogous to the foregoing.

(b) The above acts would impair the employee's rights or privileges under existing laws; or (c) The above acts would result in an intimidating, hostile or offensive environment for the employee. SEC. 5. Persons liable.- Any person who (a) directly commits sexual harassment; (b) induces or directs another person to commit such harassment; or (c) cooperates through an act without which sexual harassment would not have been accomplished

shall be administratively liable for sexual harassment. SEC. 6. Creation of the Committee on Decorum and Investigation (CODI).- The Chief Justice shall appoint the members of the Supreme Court Committee on Decorum and Investigation (SC-CODI), while the Presiding Justices of the Court of Appeals, the Sandiganbayan and the Court of Tax Appeals shall appoint the members of their respective CODIs. In the Court of Appeals Divisions in Cebu City and Cagayan de Oro City, the Executive Justices shall appoint the members of their respective CODIs. In the lower courts, the Executive Judges shall appoint the members of their CODIs. The SC-CODI shall have jurisdiction over work-related sexual harassment cases committed by the officials and employees of the Supreme Court proper, the Presidential Electoral Tribunal, the Office of the Court Administrator, the Philippine Judicial Academy and the employees of the Judicial and Bar Council. SEC. 7. Committee on Decorum and Investigation -Composition, Voting and Term of Office.- The SC-CODI shall be composed of the Clerk of Court as Chairperson; a representative from the Office of the Court Administrator as Vice-Chairperson; and a representative each from the Office of the Chief Attorney, the Office of Administrative Services, the Medical and Dental Services, the Supreme Court Assembly of Lawyer-Employees, Inc. (SCALE), and the Supreme Court Employees Association (SCEA). The representatives of the SCALE and the SCEA shall be designated by their respective governing boards from among officials or members in good standing. The CODIs of the Court of Appeals, the Sandiganbayan and the Court of Tax Appeals shall be composed of the Presiding Justice as Chairperson; the Clerk of Court as Vice-Chairperson; and one representative each from the employees' associations duly accredited by the Office of the Court Administrator. The CODIs of the Court of Appeals Divisions in Cebu City and Cagayan de Oro City shall be composed of the Executive Justice as Chairperson; the Clerk of Court as Vice-Chairperson; and one representative each from the employees' associations duly accredited by the Office of the Court Administrator. In multi-sala lower courts, the CODIs shall be composed of the Executive Judge as Chairperson; the Clerk of Court as Vice-Chairperson; and one representative each from the employees' associations duly accredited by the Office of the Court Administrator. In the case of single sala lower courts, the Office of the Court Administrator shall cluster them for the purpose of forming their respective CODIs. A majority of the members of the CODI shall constitute a quorum. A vote of a majority of the CODI members present, there being a quorum, shall be necessary for the issuance of a recommendation. No CODI member shall participate in any proceeding where he or she is either a complainant or a respondent, or is related by consanguinity or affinity within the third civil degree to the complainant or the respondent. In case the Chairperson is disqualified or inhibits himself, the Assistant Clerk of Court in the Supreme Court, the most senior Associate Justice in the Court of Appeals, the Sandiganbayan and Court of Tax Appeals, or the Vice-Executive Judge in the lower courts shall serve as the Acting Chairperson of the CODIs in their respective courts. The members of the CODI shall serve for a term of two years from their date of appointment. SEC. 8. Jurisdiction, powers and responsibilities of the CODIs.-The CODIs shall have jurisdiction over all complaints for sexual harassment committed by officials and employees of the Judiciary. They shall:

- (a) Receive the complaint, investigate its allegations, and submit a report and recommendation to the proper court or authority, as provided for in Section 18 of this Rule; (b) Conduct meetings at least once a year with the representatives of the different offices for the purpose of recommending to the appropriate body measures that shall increase and promote understanding and prevent incidents of sexual harassment; and (c) Perform such other functions as may be necessary and incidental to the achievement of the objectives of Republic Act No. 7877.

SEC. 9. Complaint.- A complaint for sexual harassment shall be in writing, under oath, and accompanied by a certificate of non-forum-shopping. It shall be supported by the affidavits of witnesses, if any, and other evidence of the complainant. It shall be filed with the Office of the Clerk of Court in which the respondent is an official or employee. A docket number shall be assigned to each complaint filed. SEC. 10. Action on the complaint.- If the Committee finds the complaint sufficient in form and substance, a copy thereof shall be served upon the

respondent who shall be required to submit an answer under oath and supported by the affidavits of his witnesses and other evidence and furnish a copy thereof to the complainant, within five working days from date of service. The complainant may file a reply within five working days from receipt of the answer. If the complaint is insufficient in form or substance, the CODI shall recommend its dismissal. The dismissal is without prejudice to the filing of administrative, civil or criminal charges against the complainant and the assisting counsel, if any, if the complaint is manifestly frivolous and filed only for purposes of harassment. SEC. 11. Withdrawal of complaint.- The complainant will not be allowed to withdraw the complaint if such withdrawal would prejudice the interest of the service and its ethical standards. Sec. 12. Failure to file answer.- In case no answer is filed without any justifiable cause, the respondent shall be deemed to have waived the right to present evidence. The respondent may, however, be allowed to attend the hearings and cross-examine adverse witnesses. SEC. 13. Pre-hearing Conference.- Upon receipt of the answer, the CODI shall call the parties to a pre-hearing conference to consider the following:

- (a) stipulation of facts; (b) simplification of issues; (c) identification and marking of evidence; (d) waiver of objections to admissibility of evidence; (e) limitation of the number of witnesses; (f) dates of subsequent hearings; and (g) such other matters as may aid in the prompt and just disposition of the complaint.

The parties may file position papers and thereafter submit the case for disposition based on the result of the pre-hearing conference without any need for further hearing. Sec. 14. Formal Hearing.- The formal hearing shall be conducted by not less than the majority of the members of the CODI present. The CODI may order the exclusion from the hearing room of all persons who do not have a direct interest in the case. The order may be made if the CODI determines on the record that requiring a party or any witness to testify in open court would not enhance the ascertainment of truth; would cause the party or witness psychological harm or inability to effectively communicate due to embarrassment, fear, or timidity; would violate the right of a party to privacy; or would be offensive to decency or public morals. No copy shall be taken nor any examination or perusal of the records of the case or parts thereof be made by any person other than a party or counsel of a party, except by order of the court: Sec. 15. Preventive Suspension.- Upon motion of the complainant, or motu proprio, the CODI may recommend to the proper court or authority the preventive suspension of the respondent for a period of thirty days. It may also recommend its extension. An order of preventive suspension may be issued to temporarily remove the respondent from the scene of the misfeasance or malfeasance and to preclude the possibility of respondent's exerting undue influence or pressure on the witnesses or tampering of documentary evidence on file. Sec. 16. Remedy of party from the order of preventive suspension or its denial.- The aggrieved party may file a motion for reconsideration with the proper court or authority within fifteen days from receipt of the order of preventive suspension or its denial. SEC. 17. Penalty.- In recommending the penalty to be imposed, the CODIs shall consider the totality of the circumstances, including the following factors:

- (a) nature or character of the act; (b) frequency of occurrence of the act; (c) abuse of authority; (d) degree of moral influence or ascendancy; (e) concealment of the act; (f) effect on the victim; and (g) other analogous factors.

SEC. 18. Report and Recommendation.- Within twenty working days from the termination of the hearing, the CODI shall submit to the proper court or authority its report and recommendation with the complete record of the case. In the Supreme Court, a Division of the Court shall decide the case; however, where the recommended penalty is dismissal from the service, suspension for more than one year, or fine of more than twenty thousand pesos (P20,000.00), the Court en banc shall decide the case. In the Court of Appeals, Sandiganbayan and Court of Tax Appeals, a Division shall decide the case within sixty days from the date of filing of the last pleading, brief, or memorandum required by the court, regardless of the recommended penalty, subject to review by the Supreme Court, in accordance with the preceding paragraph. In the lower courts, the Office of the Court Administrator

shall decide the case within sixty days from the date of filing of the last pleading, brief, or memorandum required by it, regardless of the recommended penalty, subject to review by the Supreme Court, in accordance with the first paragraph herein. SEC. 19. Effect of proceeding on civil and criminal liabilities. -The proceedings taken under this Rule on the imposition of the appropriate penalty shall not interrupt or bar any civil or criminal action which the complainant has filed or may file against the respondent. SEC. 20. Guidelines on Proper Work Decorum.- Members, officials and employees of the Judiciary shall be guided on the matter of decorum by (a) the Code of Conduct and Ethical Standards for Public Officials and Employees; (b) the New Code of Judicial Conduct for the Philippine Judiciary; (c) the Code of Professional Responsibility; (d) the Code of Conduct for Court Personnel, and (e) other related issuances of the Court. Sec. 21. Transitory Provision.- All administrative cases of sexual harassment against officials and employees of the Judiciary filed after the effectivity of this Rule shall be investigated by the newly-constituted CODIs. Cases already filed before the effectivity of this Rule but not yet heard shall be forwarded to the proper CODIs. Those already filed and undergoing hearings before the effectivity of this Rule shall continue to be heard, and shall thereafter be decided by the court where the case has been filed and heard. SEC. 22. Effectivity.- This Rule shall take effect on January 3, 2005 following its publication in a newspaper of general circulation not later than December 20, 2004.

**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.