# REVISED IMPLEMENTING RULES AND REGULATIONS OF CSC RESOLUTION NO. 01-0940 RE-ADMINISTRATIVE DISCIPLINARY RULES ON SEXUAL HARASSMENT CASES

*PNP MEMORANDUM CIRCULAR NO. 2010-001, January 08, 2010*

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**1. REFERENCES:**

a. Memo Circular No. 2006-019 dated September 05, 2006, Revised Implementing Rules and Regulations of CSC Resolution No. 01-0940 Re-Administrative Disciplinary Rules on Sexual Harassment Cases;

b. Republic Act No. 7877 dated February 14, 1995 otherwise known as “An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment and for Other Purposes” which took effect on March 5, 1995; and

c. CSC Resolution No. 01-0940 dated May 21, 2001 that promulgates the Rules and Regulations defining administrative offense of sexual harassment and prescribing the standard procedure for the administrative investigation, prosecution and resolution of sexual harassment cases in public sector.

**2. SCOPE/COVERAGE:**

This Circular shall apply to all personnel of the Philippine National Police holding any level of positions, including Presidential appointees regardless of status. The Circular presents in detail the legal bases of the Anti-Sexual Harassment Law and discusses the new administrative rules on sexual harassment promulgated by the CSC. It provides for the general principles to be followed when resolving such cases and present a step-by-step procedure in handling complaints.

**3. OBJECTIVES:**

All personnel of the PNP is a potential victim of sexual harassment regardless of age, sex, gender, physical appearance, civil or marital status and it is a serious issue that must be addressed by the PNP in general. It is based on this premise that the PNP need to undertake the following:

a. Institutionalize a system to be followed when resolving sexual harassment cases and the procedural steps in handling complaints; and

b. Provide a policy that would facilitate the resolution of sexual harassment cases and the filing of appropriate charges to PNP personnel who are found to have committed such act.

**4. DEFINITION OF TERMS:**

a. Education or training-related sexual harassment is committed against one who is under the actual or constructive care, custody or supervision of the offender, or against one whose education, training, apprenticeship or internship is directly or constructively entrusted to, or is provided by the offender, when:
1) Submission to or rejection of the act or series of acts used as a basis for any decision affecting the complainant, including but not limited to, the giving of a grade, the granting of honors or a scholarship, the

payment of a stipend or allowance, or the giving of any benefit, privilege or consideration;

2) The act or series of acts have the purpose or effect of interfering with the performance, or creating an intimidating, hostile or offensive academic environment of the complainant; or

3) The act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a student, trainee, apprentice or intern of the person complained of.

b. Gender - refers to the personal characteristics, abilities, and interests that are culturally assigned and socially constructed differently between the two sexes.

c. Peer - refers to the co-employee with the same position title or functionally related position of comparable level within the same organizational unit who may have either direct or indirect working relationships with a peer;

d. PNP Personnel - refers to Uniformed and Non-Uniformed personnel of the PNP;

e. Sexual Harassment - for the purpose of these Rules, it is an act, or series of acts involving any unwelcome sexual advances, requests or demands for a sexual favor, or other verbal physical behavior of a sexual nature, committed by PNP personnel having authority, influence or moral ascendancy over another in a work related, training or education environment regardless of whether the demand, request of requirement is accepted;

f. Sexual Harassment in Workplace - any unwanted sexual attention that is explicitly or implicitly made a condition for favorable decisions affecting one's employment or that which creates an intimidating, hostile or offensive environment. At times regarded as harmless "flirting", it is increasingly recognized that whatever the intent of the perpetrator, it can demean and impair conditions at work causing damage to the victim affecting his/ her productivity;

g. Supervisor - refers to the immediate and direct supervisor of the personnel who, by nature of his position or authority is given by a competent authority, assigns work to the personnel, monitors and evaluates the employee's performance;

h. Subordinate - refers to the employee under the immediate or direct supervision of a superior.

i. Student - refers to PNP Uniformed and Non-Uniformed Personnel undergoing official training, specialized courses and schooling at the PNP Training Service, Philippine Public Safety College, PNP School for Investigation and Detective Development, and other training institutions;

j. Trainee/Recruit - refers to person(s) undergoing a basic training as Police Officer 1 entry level at any of the PNP Training School; and

k. Work-related sexual harassment is committed under the following circumstances:

1) Submission to or rejection of the act or series of acts, is used as a basis for any employment decision (including but not limited to, matters related to hiring, promotion, raise in salary, job security, benefits, and any other personnel actions) affecting the applicant/employee; or

2) The act or series of acts have the purpose or effect of interfering with the complainant's work performance, or creating an intimidating hostile offensive work environment; or

3) The act or series of acts which might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant, who may be a co-employee, applicant, recruit, student, customer, or ward of the person complained of.


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**5. WHERE SEXUAL HARASSMENT CAN TAKE PLACE:**

a. Within the premises of the workplace or office or of the school or training institution;

b. In any place where the parties were found as a result of work, of education or training responsibilities or relations;

e. At work or education or training-related social functions;

f. While on official business outside the office or school or training institution or during work or school or training-related travel;

g. At official conferences, fora, symposia or training sessions; and

h. By use of telephone, cellular phone, fax machine, text/SMS messages, or electronic mail.

**6. FORMS OF SEXUAL HARASSMENT:**

The following are illustrative forms of sexual harassment:

a. Physical

1) Malicious touching.
2) Overt sexual advances.
3) Gestures with lewd insinuations.

b. Verbal, such as but not limited to, requests or demands for sexual favors, and offensive remarks about sex or on the sexuality of the other person;

c. Use of objects, pictures or visual graphics, electronic images/notes, letters or written notes with sexual underpinnings; and

d. Other forms analogous to the foregoing.

**7. PERSONS LIABLE FOR SEXUAL HARASSMENT:**

Any PNP personnel, regardless of gender, is liable for sexual harassment when he/she:

a. Directly participates in the execution of any act of sexual harassment as defined under this Circular;

b. Induces or directs another or others to commit sexual harassment as defined under this Circular;

c. Cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished; and

d. Cooperates in the commission of sexual harassment by another through previous or simultaneous acts.

8. COMMITTEE ON DECORUM AND INVESTIGATION (CODI) OF SEXUAL HARASSMENT:

a. A Committee on Decorum and Investigation (CODI) shall be created in the National Headquarters, National Support Units, Regional, Provincial/City Police Offices to perform the following functions:
1) Receive complaints of sexual harassment;

2) Investigate sexual harassment complaints in accordance with the prescribed procedure;

3) Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;

4) Lead in the conduct of discussion about sexual harassment within the agency or institution to increase the

level of understanding, awareness and prevent incidents of sexual harassment;

5) Conduct information campaign drive of the PNP against sexual harassment for nationwide distribution to all Police Offices;

6) Find ways and means to create an environment free of stresses and threats of sexual harassment.

b. When a member of the Committee is the complainant or the person complained of in a sexual harassment case, he/she shall be disqualified and shall inhibit him/her self from being a member of the Committee;

c. The Committee on Decorum and Investigation shall be composed of the following with at least two (2) female members:

1) National Level

The Deputy Chief for Administration (TDCA)

- Chairman

The Director for Investigation and Detective Management (TDIDM)

- Vice-Chairman

The Director for Personnel and Records Management (TDPRM)

- Member

The Director for Public Community Relations (TDPCR)

- Member

Director, Legal Service (D, LS)

- Member

Chief Executive Senior Police Officer (CESPO)

- Member

Chief, NUPAD

- Member

NUP (male)

- Member

NUP (female)

- Member

Chief, Women and Children Protection Center

- Member

Chief, Pre-Charge Investigation Division (DIDM)

- Head , Secretariat

2) Directorial Staff


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Deputy Director (DD)

- Chairman

Executive Officer (Ex-O)

- Vice-Chairman

Legal Officer

- Member

Chief Clerk

- Member

NUP Supervisor

- Member

NUP (male)

- Member

NUP (female)

- Member

Female PCO/PNCO

- Member

Chief, Administrative Division

- Head, Secretariat

3) National Support Units

Deputy Director (DD)

- Chairman

Chief Directorial Staff (CDS)

- Vice-Chairman

Legal Officer

- Member

GESPO

- Member

NUP Supervisor

- Member

NUP (female)

- Member


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NUP (male)

- Member

Chief, WCCD

- Member

Chief, Administrative Division

- Head, Secretariat

4) Regional Level

Deputy Regional Director for Admin (DRDA)

- Chairman

Chief Regional Directorial Staff

- Vice-Chairman

Chief, Regional Investigation and Detective Management Division (RIDMD)

- Member

Chief, Regional Police Community Relations Division (RPCRD)

- Member

Chief, Regional Legal Office (RLO)

- Member

Regional Executive Senior Police Officer (RESPO)

- Member

NUP Supervisor

- Member

NUP (male)

- Member

NUP (female)

- Member

Chief, WCPD

- Member

Chief, Regional Personnel and Human Resource and Doctrine Development Division (RPHRDD)

- Head, Secretariat

5) NCR District

Deputy District Director for Admin (DDDA)


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- Chairman

Chief District Directorial Staff

- Vice-Chairman

Chief, District Investigation and Detective Management Division (DIDMD)

- Member

Chief, District Police Community Relations Division (DCRD)

- Member

Chief, District Legal Office (DLO)

- Member

District Executive Senior Police Officer (DESPO)

- Member

NUP Supervisor

- Member

NUP (male)

- Member

NUP (female)

- Member

Chief, WCPD

- Member

Chief, District Personnel and Human Resource and Doctrine Development Division (RPHRDD)

- Head, Secretariat

6) City/Provincial Level

Deputy Provincial/City Director for Admin (DPDA)

- Chairman

Chief, Provincial/City Investigation Branch

- Vice-Chairman

Chief, Provincial/City Police Community Relations Branch

- Member

Chief, Provincial/City Legal Officer

- Member

Provincial/City Executive Senior Police Officer


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- Member

NUP (male)

- Member

NUP (female)

- Member

Chief, WCPD

- Member

Chief, Provincial/City Administrative Branch

- Head, Secretariat

Whenever applicable, Municipal Police Stations may create their own CODI duplicating the above composition.

9. PRE-FILING STANDARD OPERATING PROCEDURES IN ATTENDING TO VICTIMS OF SEXUAL HARASSMENT:

During this stage, the complainant shall have two (2) options:

a. He/She may approach his/her immediate supervisor/Head of Office or go directly to the Women and Children Protection Center (WCPC) and concerned Women and Children Protection Desks (WCPDs) who/which shall provide assistance to the alleged victim of sexual harassment which may include counseling, referral to an agency offering professional help, and advice on options available before the filing of the formal complaint;

b. The complainant may go directly to the CODI for advice and assistance which include counseling, referral to an agency offering professional help, and advice on options available before the filing of the formal complaint; and

Moreover, upon filing of complaint by the alleged victim, the harasser shall immediately be transferred to another office where he/she cannot further intimidate him/ her unless the complainant requests that he/she be transferred to another office/unit.

**10. STANDARD PROCEDURAL REQUIREMENTS:**

The procedural rules provided hereunder are the standard requirements in handling sexual harassment case:

a. Complaint

1) The complaint may be filed at any time with the disciplining authorities of the PNP, or with the Committee on Decorum and Investigation. Upon receipt of the complaint by the disciplining authority, the same shall be transmitted to the Committee on Decorum and Investigation;

2) The complaint must be in writing, signed and sworn to by the complainant. It shall contain the following:
a) The full name and address of the complainant;
b) The full name, address and position of the respondent;
c) A brief statement of the relevant facts and circumstances;
d) Evidence, in support of the complaint, if any; and
e) A certification of non-forum shopping.

3) In the absence of any one of the aforementioned requirements, the complaint shall be dismissed without


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prejudice to its re-filing;

4) Where the complaint is not under oath, the complainant shall be summoned by the Committee to swear as to the truth of the allegations regarding the complaint;

5) Complaints sent by telegram, radiogram, electronic mail, text messages or similar means of communications shall be considered non-filed unless the complainant shall comply with the requirements provided above within ten (10) days from receipt of the notice for compliance;

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

7) When there is obvious truth or merit to the allegations in the complaint but the complainant withdrew his/her complaint for one reason or another, he/she shall also be correspondingly charged for dereliction of duty or for contempt.

b. Action on the Complaint

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

c. Preliminary Investigation

1) The Committee on Decorum and Investigation shall conduct a preliminary investigation. The investigation involves the ex-parte examination of documents submitted by the complainant and the person complained of, as well as documents readily available from other government offices;
2) During the preliminary investigation, the parties are required to submit affidavits and counter-affidavits;
3) Upon receipt of the counter-affidavit or comment under oath, the Committee on Decorum and Investigation may now recommend whether a prima facie case exists to warrant the issuance of a formal charge; and
4) During preliminary investigation, proceedings before the Committee on Decorum and Investigation shall be held under strict confidentiality.

d. Duration of the Investigation

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

e. Investigation Report

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

f. Decision or Resolution After Preliminary Investigation

1) If a prima facie case is established during the investigation, the disciplinary authority shall issue a formal charge within three (3) working days from receipt of the Investigation Report; and

2) In the absence of a prima facie case, the complaint shall be dismissed within the same period.

g. Formal Charge


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1) After finding a prima facie case, the disciplinary authority shall formally charge the person being complained. The formal charge shall contain the following:

a. Specification of the charge(s);
b. Brief statement of material or relevant facts, accompanied by certified true copies of the documentary documents, if any;
c. Sworn statement covering the testimony of witnesses;
d. Directive to answer charge(s) in writing under oath in not less than seventy-two hours from receipt thereof;
e. Advice the respondent to indicate his/her answer whether or not he/she elects a formal investigation of the charge(s); and
f. Notice that he/she is entitled to be assisted by a counsel of his/her choice.

2) If the respondent has submitted his/her comment and counter-affidavits during the preliminary investigation, he/she shall be given the opportunity to submit additional evidence; and

3) The Committee on Decorum and Investigation shall not act on any requests for clarification, bills of particulars or motions to dismiss which are obviously designed to delay the administrative proceeding. If any of these pleadings is filed by the respondent, the same shall be considered as part of his/her answer that he/she may file within the remaining period for filing the answer.

h. Answer

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

i. Failure to File an Answer

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

j. Preventive Suspension

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

2) An order of preventive suspension may be issued to temporarily remove the respondent from his/her current assignment/position from the scene of his/her misfeasance or malfeasance and to preclude the possibility of his/her exerting undue influence or pressure on the witnesses against him/her or tampering of documentary evidence on file with this Office.

k. Duration of Preventive Suspension

When the administrative case against the respondent under preventive suspension is not finally decided by the disciplinary authority within the period of ninety (90) days after the date of his/her preventive suspension, unless otherwise provided by special law, he/she shall be automatically reinstated into the service; provided that when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of

delay should not be included in the counting of the ninety (90) calendar days period of preventive suspension. Provided further that should the respondent be on paternity/maternity leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully enjoyed.

l. Remedies from the Order of Preventive Suspension

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

m. Conduct of Formal Investigation

1) A formal investigation shall be conducted by the Committee on Decorum and Investigation if it deems that such investigation is necessary to decide the case judiciously.

2) The investigation shall be held not earlier than five (5) days or later than ten (10) days from receipt of the respondent's answer. Said investigation shall be finished within thirty (30) days from the issuance of formal charge or the receipt of the answer.

n. Pre-hearing Conference

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

a) Stipulation of facts;
b) Simplification of issues;
c) Identification and marking of evidence of the parties;
d) Waiver of objections to admissibility of evidence;
e) Limiting the number of witnesses, and their names;
f) Dates of subsequent hearings; and
g) Such other matters as may aid in the prompt and just resolution of the case.

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

o. Conduct of Hearing and Postponement of Hearing

1) Hearings shall be conducted on the hearing dates set by the Committee on Decorum and Investigation or as agreed upon during a pre-hearing conference;

2) Where no pre-hearing conference is conducted, the parties, their counsel and witnesses, if any, shall be given a notice of at least five (5) days before the first scheduled hearing specifying the time, date, and place of the said hearing and subsequent hearings. Thereafter, the schedule of hearings previously set shall be strictly followed without further notice;

3) A party shall be granted only three (3) postponements upon oral or written requests. A further postponement may be granted only upon written request and subject to the discretion of the Committee on Decorum and investigation; and

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

p. Preliminary Matters


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1) At the start of the hearing, the Committee on Decorum and Investigation shall note the appearances of the parties and shall proceed with the reception of evidence for the complainant;

2) If the respondent appears without the aid of a counsel, he/she shall be deemed to have waived his/her right to counsel; and

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

q. Appearance of Parties

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

r. Order of Hearing

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

a. The complainant shall present evidence in support of the charge;

b. The respondent shall offer evidence in support of his/her defense;

c. The complainant may offer rebuttal evidence, and the respondent, sub- rebuttal evidence.

2) Every witness may be examined in the following order:

a. Direct examination by the proponent;

b. Cross-examination by the proponent;

c. Re-direct examination by the proponent; and

d. Re-cross examination by the proponent.

3) A sworn statement of a witness properly identified and affirmed by the witness before the Committee Decorum and Investigation shall constitute his/her direct testimony; and

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

s. Objections

1) All objections raised during the hearing shall be resolved by the Committee on Decorum and Investigation. However, objections that cannot be ruled upon by the Committee shall be noted with the information that the same shall be included in the memorandum of the concerned party to be ruled upon by the proper disciplinary authority; and

2) The Committee on Decorum and Investigation shall accept all evidence deemed material and relevant to the case. In case of doubt, the Committee on Decorum and Investigation shall allow the admission of evidence subject to the objection interposed against its admission.

t. Markings

All documentary evidence or exhibits shall be properly marked by letters (A, B, C, etc.) if presented by the complainant and by numbers (1, 2, 3, etc.) if presented by the respondent. These shall form part of the complete records of the case.

u. Request for Subpoena

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

v. Issuance of Subpoena

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

w. Records of Proceedings

The proceedings of the formal investigation must be recorded either through stenotype or by any other method.

x. Formal Investigation Report

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

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

y. When Case is Decided

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

z. Finality of Decisions

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

**11. REMEDIES AFTER A DECISION:**

a. Filing of Motion for Reconsideration

The party adversely affected by the decision may file a motion for reconsideration with the disciplinary authority that rendered the decision within fifteen (15) days from receipt thereof.

b. When Deemed Filed

A motion for reconsideration shall be deemed filed on the date stamped on the official copy by the proper receiving authority, and in case it was sent by mail, on the date shown by the postmark on the envelope which


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shall be attached to the records of the case.

c. Grounds for Motion for Reconsideration

The motion for reconsideration shall be based on any of the following:
a. New evidence has been discovered which materially affects the decision rendered; or

b. The decision is not supported by the evidence on record; or

c. Errors of law or irregularities have been committed prejudicial to the interest of the movant.

d. Limitation

Only one motion for reconsideration shall be entertained.

e. Effect of Filing

The filing of a motion for reconsideration within the reglementary period of fifteen (15) days shall stay the execution of the decision sought to be reconsidered.

f. Filing of Appeals

1) Decision of heads of offices/units imposing a penalty exceeding thirty (30) days suspension or in an amount exceeding thirty (30) days salary, may be appealed to the Civil Service Commission Proper within a period of fifteen (15) days from receipt thereof;

2) In case the decision rendered by head of office/unit is appealable to the Commission, the same may be initially appealed to the Chief, PNP and finally to the Civil Service Commission. Pending appeal, the same shall be executory except where the penalty is removal, in which case the same shall be executory only after confirmation by the Chief, PNP;

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

g. When Deemed Filed

An appeal sent by mail shall be deemed filed on the date shown by the postmark on the envelope that shall be attached to the records of the case and in case of personal delivery, the date stamped thereon by the proper office.

h. Perfection of an Appeal

To perfect an appeal, the appellant shall within fifteen (15) days from receipt of the decision submit the following:

1) Notice of appeal which shall specifically state the date of the decision appealed from and the date of receipt thereof;

2) Three (3) copies of appeal memorandum containing the grounds relied upon for the appeal, together with the certified true copy of the decision, resolution or order appealed from, and certified copies of the documents or evidence;

3) Proof of service of a copy of the appeal memorandum to the disciplining office;

4) Proof of payment of the appeal fee; and


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5) A statement or certification of non-forum shopping.

i. When Case is Remanded for Violation of Respondent's Right to Due Process

1) The case on appeal with the Civil Service Commission is remanded to the proper disciplinary authority for further investigation, the said disciplining authority through the Committee on Decorum and Investigation shall finish the investigation within three (3) calendar months from the date of receipt of the records from the CSC, unless the investigation is delayed due to the fault, negligence or petition of the person complained of, or an extension is granted by the CSC in meritorious cases. The period of delay shall not be included in the computation of the prescribed period;

2) Within fifteen (15) days from the submission of the investigation report to the disciplinary authority, the disciplinary authority shall render its decision. If, at the end of said period, the disciplinary authority fails to decide the case, the CSC shall vacate and set aside the appealed decision and declare the person complained of exonerated of the charge. If the person complained of is under preventive suspension, he shall be immediately reinstated;

3) The Civil Service Regional/Field Office or the Office for Legal Affairs of the Civil Service Commission shall evaluate requests for extension of formal investigation and grant the same on meritorious grounds. In disposing the requests, said office shall be guided by the principles of justice and fair play, provided, that the extension shall not be for more than twenty (20) days; and

4) For this purpose, the Regional/Field Director shall monitor the implementation of the CSC Resolution remanding the case to the proper disciplinary authority for further investigation and submit a report to the Civil Service Commission.

j. Petition for Review

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.

k. Petition for Certiorari

When the disciplinary 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.

**12. CLASSIFICATION OF ACTS OF SEXUAL HARASSMENT:**

Sexual harassment is classified as grave, less grave and light offenses:

a. Grave Offenses shall include but are not limited to:

1) unwanted touching of private parts of the body (genitalia, buttocks, and breasts);
2) sexual assault;
3) malicious touching;
4) requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors, awards and scholarship, or the grant of benefits or payment of a stipend or allowance; and
5) other analogous acts.

b. Less Grave Offenses shall include but are not limited to:

1) unwanted touching or brushing against a victim's body;
2) pinching not falling under grave offenses;
3) derogatory or degrading remarks if innuendoes directed toward the mem- bers of one's sex or one's sexual orientation or used to describe a person;
4) verbal abuse or threats with sexual overtones; and
5) other analogous acts.

c. Light Offenses shall include the following:

1) surreptitiously looking or stealing a look at a person's private part or worn undergarments;

2) Telling sexist/smutty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive or vulgar;

3) malicious leering or ogling;

4) the display of sexually offensive pictures, materials or graffiti;

5) unwelcome inquiries or comments about a person's sex life;

6) unwelcome sexual flirtation; advances, propositions;

7) making offensive hand or body gestures at an employee;

8) persistent unwanted attention with sexual overtones;

9) unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and

10) other analogous acts.

## 13. ADMINISTRATIVE LIABILITIES:

a. The head of office/unit who fails to act within fifteen (15) days from receipt of any complaint for sexual harassment properly filed against any employee in that office/ unit shall be charged with Neglect of Duty;

b. Any personnel who is found guilty of sexual harassment shall, after the investigation, be meted the penalty corresponding to the gravity and seriousness of the offense;

c. The penalties for light, less grave, and grave offenses are a follows:

1) For light offenses:

1st offense - Reprimand
2nd offense - Fine or suspension not exceeding thirty (30) days
3rd offense - Dismissal

2) For less grave offenses:

1st offense - Fine or suspension not less than thirty (30) days and not exceeding six (6) months

2nd offense - Dismissal

3) For grave offense - Dismissal

d. If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be at


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that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.

## 14. REPEALING CLAUSE

All rules, regulations and other issuances, or portions thereof, inconsistent with this Circular are repealed or modified accordingly.

**15. EFFECTIVITY:**

This Circular shall take effect after fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of Executive Order No. 292, otherwise known as “The Revised Administrative Code of 1987”, as amended

Adopted: 08 Jan. 2010

(SGD.) JESUS A VERZOSA, CEO VI
Police Director General
Chief, PNP


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