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MEMORANDUM

TO : All Bureau Directors
All Heads of Attached Agencies
All Regional Executive Directors

FROM : The Undersecretary
Finance, Information Systems, and Climate Change
The Chairperson
DENR National GAD Focal Point System

SUBJECT : **CIVIL SERVICE COMMISSION MEMORANDUM CIRCULAR,
NO. 11, SERIES OF 2021, AND RELATED MATTERS**

DATE : 07 September 2021

This refers to the Memorandum Circular No. 11, series of 2021 of the Civil Service Commission (CSC) on the Revised Administrative Disciplinary Rules on Sexual Harassment Cases (Amendment to the Sexual Harassment Provisions in the 2017 Revised Rules on Administrative Cases in the Civil Service), pursuant to Republic Act No. 11313 (Safe Spaces Act) effective 02 June 2021.

Please ensure widest dissemination of the above-cited to all of your constituents. Further, please submit to this Office on or before 17 September 2021, copies of your respective Special Orders creating your Committees on Decorum and Investigation, and Status Report of all sexual harassment-related complaints filed.

For compliance.


ATTY. ANALIZA REBUELTA-TEH

MEMO NO. 2021 - 610



MC No. 11, s. 2021

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES, DEPARTMENT, BUREAUS AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS; STATE COLLEGES AND UNIVERSITIES

SUBJECT : Revised Administrative Disciplinary Rules on Sexual Harassment Cases (Amendment to the Sexual Harassment Provisions in the 2017 Revised Rules on Administrative Cases in the Civil Service)

Pursuant to **CSC Resolution No. 2100064** dated **January 20, 2021**, the Commission resolved to promulgate the following Revised Administrative Disciplinary Rules on Sexual Harassment Cases (Amendment to the Sexual Harassment Provisions in the 2017 Revised Rules on Administrative Cases in the Civil Service)¹ pursuant to Republic Act No. 11313 (Safe Spaces Act) which provides, as follows:

“Section. 4. Definition of Terms.

‘aa. SEXUAL HARASSMENT

SEXUAL HARASSMENT IN THE WORKPLACE includes the following:

“i. An act or series of act involving any unwelcome sexual advances, request or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individuals’ employment or education, job performance or opportunities.

¹ Amendments are in bold letters.

“ii. A conduct of sexual nature affecting the dignity of a person, which is unwelcome, unreasonable and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems.

iii. A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient.

“Sexual harassment in the workplace may also be committed by a government employee or official in a work-related, training or education related environment of the person complained of, against any person regardless of the motive for committing such action or remarks, between peers, and by a subordinate to a superior officer.

SEXUAL HARASSMENT IN STREETS AND PUBLIC SPACES
is committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

Sexual harassment in streets and public spaces includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic and sexist slurs, persistent uninvited comments or gestures on a person’s appearances, relentless request for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one’s sense of personal space and physical safety, and committed in public spaces as alleys, roads, sidewalks and parks. Acts constitutive of sexual harassment in streets and public spaces are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

ONLINE SEXUAL HARASSMENT refers to:

Gender-based online sexual harassment may be committed through an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear for personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one’s photo’s without consent, video and audio recordings, cyberstalking and online identity theft.

Gender-based online sexual harassment includes acts that use information and communication technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about the victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.

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"Section 14. Complaints in Sexual Harassment Cases.

'a. Filing of Complaint. *In sexual harassment cases, the complaint shall be filed with the Committee on Decorum and Investigation (CODI) which shall be created in all national or local agencies of the government, state/local colleges and universities, including government-owned or controlled corporations with original charters.*

'b. Composition of CODI.²

'1. CODI shall serve as an independent internal mechanism to address and investigate complaints of sexual harassment.

'2. CODI in workplaces shall be composed of at least one representative each from the management, the employees from the supervisory rank, the rank-and-file employees, and the union/s or employees association, if any. The head of agency shall also ensure that there will be a sufficient number of people who may immediately replace any member of the CODI in case s/he inhibits from any case, or when needed, so as not to cause any delay in the process being undertaken.

'3. In educational and training institutions, the CODI shall be composed of at least one (1) representative each from the school administration, the trainers, faculty members or instructors/professors, coaches and students or trainees, as

² In reference to Section 33 of the IRR of RA No. 11313.

deemed appropriate. Aside from the regular members of the CODI, the school head or the head of training institution must designate their respective permanent alternate who shall act on their behalf in case of absence of the regular member and must have the authority to render decision so as not to delay the proceedings being undertaken and to ensure continuity of deliberation.

'4. Every CODI shall be headed by a woman and not less than half of its members shall be women.

'5. When the complainant or the person complained of is a member of the Committee, he/she shall be disqualified from being a member thereof or the complaint may be filed directly with the Civil Service Commission or other disciplinary authorities with jurisdiction over the case.

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

'7. The CODI shall ensure the protection of a complainant from retaliation without causing her/him any disadvantage, diminution of benefits or displacement, and without compromising his/her security of tenure. It shall also guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible.

'8. The CODI shall observe due process and within ten (10) days from the termination of the conduct of the investigation, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision.

'c. Duties and Liabilities of the Head of Office/Agencies or other Persons of Authority, Influence or Moral Ascendancy.³ The head of office or agency or other persons of authority, influence or moral ascendancy, shall have the duty to prevent and deter the occurrence of sexual harassment cases,

³ In reference to Section 19 of the IRR of RA No. 11313.

as well as ensure that necessary action be taken on complaint filed with the CODI. To this extent, the head of office or agency shall:

'1. Disseminate or post in a conspicuous place a copy of the law and this rule to all persons in the workplace, which shall include the following:

1.1 Sending copies of the law and its rules through official notices or means of communications to heads of different departments, bureaus, offices, units or such subdivisions in a workplace for proper information of their members;

1.2 Posting a copy of the law and its rules online or in the official website of the workplace;

1.3 Conducting orientations on the law and its rules and providing its employees with copies in print or electronic form as well as preparing information materials such as primers, frequently asked questions and the like.

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

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

Trainings to further capacitate and increase the awareness of CODI members on preventing sexual harassment and proper case handling shall also be considered;

'3. Create a Committee on Decorum and Investigation (CODI) to investigate and address complaints of sexual harassment

'4. Develop and disseminate, in consultation with employees or their unions, if any, a code of conduct on sexual harassment and CODI manual, which will be in accordance with the provisions of the 2017 RACCS.

'5. The agency may formulate its own rules governing the term of office of its members which should not be more than two years, and other matters pertaining to the functions of the Committee not otherwise provided in these Rules.

'6. Non-implementation of the above duties and the failure to create a CODI or not taking action on complaints filed by the head of office or agency shall be charged with Neglect of Duty.

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“Section 15. Jurisdiction of the CSC over Sexual Harassment Cases. In case a complaint for sexual harassment is filed with the Commission, the same shall be remanded to the agency where the alleged offender is employed. However, the Commission may take cognizance of the case under any of the following circumstances:

- a. the agency has no CODI;*
- b. the disciplining authority is the subject of the complaint;*
- c. the subject of the complaint is a CODI member; or*
- d. there is unreasonable delay in complying with the periods provided in these Rules for the investigation and adjudication of a sexual harassment complaint.*

For this purpose, there is unreasonable delay when any of the periods set in these Rules lapsed for a period of more than thirty (30) days without justifiable reason.

In cases wherein the respondent to a sexual harassment complaint is the head of office who is either a presidential appointee or an elective official, a complaint for sexual harassment shall be filed directly with the proper disciplining authority.

The Commission shall conduct periodic review to ensure compliance of all government offices and/or agencies in accordance with the guidelines provided under the PRIME-HRM.

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“Section 16. Withdrawal of the Complaint. The withdrawal of the complaint does not result in its outright dismissal or discharge of the person complained of from any administrative liability.

“Section 17. Action on the Complaint. Upon receipt of a complaint which is sufficient in form and substance, the disciplining authority shall conduct a preliminary investigation to determine the existence of a prima facie case. The disciplining authority may create an investigating committee or designate an investigator for such purpose.

In sexual harassment cases, the CODI shall perform the following functions:

- 1. Receive complaints of sexual harassment;*
- 2. Investigate sexual harassment complaints including preliminary investigation in accordance with the prescribed procedure;*
- 3. Within ten (10) days from the termination of the conduct of the investigation, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;*
- 4. Ensure the protection of the complainant from retaliation and guarantee confidentiality to the greatest extent possible as well as ensure that the respondent is given the opportunity to be properly notified of and respond to the charge/s and that parties are given information on the hearings and its outcomes.⁴*
- 5. Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment;*

Localized CODI established in the regional or field offices, as the case may be, of the agency or institution shall have the same functions as stated above and shall submit the report of investigation with its recommendation directly to the disciplining authority.

The agency shall adopt mechanisms to provide assistance to the alleged victim of sexual harassment which may include counselling, referral to an agency offering professional help, and advice on options available before the filing of the complaint.

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“Section 51. Other Specific Offenses. The following acts also constitute administrative offenses.

A. The Offense of Sexual Harassment.

⁴ In reference to Section 13 of the IRR of RA No. 11313.

Sexual Harassment in the Workplace

- I.** *Grave Offenses punishable by dismissal from the service shall include, but are not limited to:*
 - a. unwanted touching of private parts of the body (inner thighs, genitalia, buttocks and breast);*
 - b. sexual assault;*
 - c. malicious touching;*
 - d. 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 or scholarship, or the grant of benefits or payment of a stipend or allowance; and*
 - e. other analogous cases.*

- II.** *Less Grave Offenses punishable by suspension of one month and one day to six months for the first offense; and dismissal from the service for the second offense, shall include, but are not limited to:*
 - a. unwanted touching or brushing against a victim's body;*
 - b. pinching not falling under grave offenses;*
 - c. derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;*
 - d. verbal abuse with sexual overtones; and*
 - e. other analogous cases.*

- III.** *Light Offenses punishable by reprimand for the offense; suspension of one to thirty days for the second offense; and dismissal from the service for the third offense, shall include, but are not limited to:*
 - a. surreptitiously looking at a person's private part or worn undergarments;*
 - b. making sexist statements and uttering smutty jokes or sending these through text, electronic mail including but not limited to social media platform, 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;*

- c. malicious leering or ogling;*
- d. display of sexually offensive pictures, materials or graffiti;*
- e. unwelcome inquiries or comments about a person's sex life;*
- f. unwelcome sexual flirtation, advances, propositions;*
- g. making offensive hand or body gestures at an employee;*
- h. persistent unwanted attention with sexual overtones;*
- i. unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and other analagous cases.*

Sexual Harassment in Streets and Public Places

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

- a. Light Offense of Sexual Harassment in Streets and Public Spaces is committed when a public official or employee engages in acts that include catcalling or wolf-whistling. Such acts are punishable by reprimand for the first offense, suspension of one (1) to thirty (30) days for the second offense and dismissal from the service for the third offense.*
- b. Less Grave Offense of Sexual Harassment in Streets and Public Spaces is committed when a public official or employee engages in acts that include unwanted invitations, misogynistic, transphobic and sexist slurs, persistent uninvited comments or gestures on a person's appearances, relentless request for personal details or making statements comments and suggestions with sexual innuendos such acts are punishable by suspension of one (1) month and one (1) day suspension to six (6)months for the first offense, and dismissal from the service for the second offense.*
- c. Grave Offense of Sexual Harassment in Streets and Public Spaces is committed by a public official or employee who engages in acts that include public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces as alleys, roads, sidewalks and parks. Such acts are punishable by dismissal from the service.*

Online Sexual Harassment

- a. ***Light Online Sexual Harassment is committed by a government official or employee who engages in acts that include unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging with sexual overtones. Such acts are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense.***
 - b. ***Less Grave Online Sexual Harassment is committed by a government official or employee who engages in acts that include the use information and communication technology in terrorizing and intimidating victims through physical, psychological, and emotional threats with sexual overtones. Such acts are punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; and dismissal from the service for the second offense.***
 - c. ***Grave Online Sexual Harassment punishable by dismissal from the service, includes uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing online of any of the victim's photos, videos, or any information of sexual content, impersonating identities of victims online or posting lies of sexual nature about the victims to harm their reputation, or filing false abuse reports to online platforms to silence victims of sexual harassment.***
- IV.** *For the purpose of these Rules, the administrative offense of sexual harassment is further described in the following circumstances:*
- a. *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 human resource action) 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 or offensive work environment; 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 co-employee, applicant, customer, or word of the person complained of.*
- b. 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, internship or tutorship 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 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; or*
 - 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 trainee, apprentice, intern, tutee or ward of the person complained of.*
- b. The offense may also take place in the following instances:*
- 1. in the premises of the workplace or office or of the school or training institution;*

2. *in any place where the parties were found as a result of work or education or training responsibilities or relations;*
3. *at work or education or training-related social functions;*
4. *while on official business outside the office or school or training institution or during work or school or training-related travel;*
5. *at official conferences, fora, symposia or training sessions;*
or
6. *by telephone, cellular phone, fax machine or electronic mail, or any online platforms*

“V. Persons Liable for Sexual Harassment xxx.”

All rules, regulation and issuances which are inconsistent with this policy are hereby modified and amended accordingly.

CSC Resolution No. 2100064 shall take effect on **June 2, 2021** or after fifteen (15) days from its publication in the Daily Tribune on May 17, 2021.


ALICIA dela ROSA-BALA
Chairperson

22 July 2021