

ANTI-SEXUAL HARASSMENT POLICY



APO PRODUCTION UNIT, INC.
Gender and Development
Focal Point System

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Introduction

APO Production Unit, Inc. (“APO-PUI”) upholds the dignity of every person. In consonance with the organizations’ Gender and Development (GAD) mainstreaming efforts, APO-PUI cultivates a strong culture of respect for human rights. It is committed to providing a safe, respectful, and learning environment for all individuals associated with the company, including the Board of Trustees, employees, third-party service providers, outsourced personnel, clients, student trainees or On-the-Job training in the office, applicants, and visitors.

Sexual Harassment violates every person’s human right and dignity. It also creates a toxic and harmful environment that can damage one’s well-being, precariously affect job satisfaction, and eventually decrease productivity.

For these reasons, APO-PUI is committed to proactively prevent incidents of sexual harassment and holding accountable any personnel or person who may be found to have committed any act of sexual harassment.

Moreover, the company recognizes the fundamental need of any personnel or person to feel safe and secure in their places of work or offices. As such, APO-PUI values, in accordance with the Anti-Sexual Harassment Act (R.A. 7877) and Safe Spaces Act (R.A. 11313), the importance of making its offices and printing plant (both for QC and LIMA) free from discrimination on any ground and from any sexual harassment, and also ensure such as “safe places” where all persons are protected from gender-based sexual harassment (GBSH) and gender-based online sexual harassment.

Message

The APO-PUI Gender and Development (GAD) Focal Point System (GFPS) last Calendar Year (CY) 2023 has made significant progress in promoting women's empowerment and gender equality based on the positive signs of increasing commitment addressing gender issues of the organization. With the constant support from the Board of Trustees and the Management, we remained to be steadfast despite the many challenges we encountered.

As we reflect the years of gender advocacy efforts of this organization, APO-PUI GFPS hopes to play a vital role to ensure that implementation of various GAD Programs, Activities and Plans (PAPs) continue to deliver results. As such, this includes our obligation to provide and/or maintain a safe place or work environment for all individuals associated with and/or dealing with the company regardless of its sexual orientation, gender identity and gender expression. Thus, we take pride that the APO-PUI GFPS took a big step forward by initiating the development of this Anti-Sexual Harassment Policy.


We believe that in building a culture of respect for human dignity and vigilance against all forms of abuse and discrimination, the issuance of this Policy is of utmost importance to provide the procedure and system that will promptly set the necessary and effective steps to address sexual harassment, other forms of sexual misconduct, and inappropriate behavior.

I laud the members of the GFPS, its Secretariat, GAD Coordinators, Technical Working Group (TWG) including the Committee on Decorum and Investigation (CODI) in fulfilling this challenging task to craft this Policy.

This vital document, which is consistent and in accordance with the Anti-Sexual Harassment Act (R.A. 7877) and Safe Spaces Act (R.A. 11313), shall also serve as guide to future members of the GFPS, CODI, and all APO-PUI stakeholders.

Likewise, I commend the resource person, Atty. Allen L. Espino, GAD advocate and expert who took part in the consultation dialogues and provided invaluable insights in the development and completion of this Policy.

Lastly, may this serve as a continuation of APO-PUI's commitment to provide a safe environment free from discrimination on any ground and from harassment at work including sexual harassment.


HERMAN AMILIANO M. MEDINA-CUE
GFPS Chairperson
(February 2023 to Present)

Part 1. Definition of Terms

For the purposes of these rules, the following terms shall mean:

1. **“Answer”** refers to a responsive pleading containing the respondent’s negative and affirmative defenses;
2. **“Catcalling”** refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;
3. **“Complaint”** is an initiatory pleading which refers to a written and sworn statement regarding a wrong, grievance, or injury sustained by a person;
4. **“Complainant”** refers to one who initiates a complaint against an employee or official of the DND;
5. **“Contract of Service (COS)”** refers to the engagement of the services of an individual, private firm, other government agency, non-governmental agency or international organization as consultant, learning service provider or technical expert to undertake special project or job within a specific period;
6. **“Cyberstalking”** is a form of stalking that is committed through an electronic medium in which online communication takes place;
7. **“Decision”** refers to the written disposition of the case by the CODI stating clearly the facts and the law upon which it is based;
8. **“Disciplining authority”** refers to the President;
9. **“Electronic service”** is complete at the time of the electronic transmission of the document, or when available, at the time that the electronic notification of service of the document is sent. Electronic service is not effective or complete if the party serving the document learns that it did not reach the addressee or person to be served.
10. **“Employee”** refers to a worker, or a person who is hired to work for the department and occupies a position in either the first and second level whose functions are not managerial in nature and are paid through Personnel Services;

It excludes workers under contract of service (COS) and job-order (JO) status, student trainees/interns undergoing on-the-job training (OJT), third party workers who are paid through MOOE and do not have an employer-employee relationship with APUI.

11. **“Employer”** refers to the President as head of the agency. It shall also refer to persons of authority, influence, or moral ascendancy over an employee.
12. **“Ex-parte”** refers to the act or manner of conducting a proceeding where only one party is present without representation from or to other parties;

13. **“Filing”** is the act of submitting the complaint or other paper to CODI;
14. **“Formal charge”** refers to a written specification of the charge(s) against an employee or official by the disciplining authority;
15. **“Gender”** refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them;
16. **“Gender expression”** refers to a person’s manifestation of their gender identity, and the one that is perceived by others. This can include behavior and outward appearance such as dress, hair, make-up, body language and voice;
17. **“Gender identity”** refers to each person’s deeply felt internal and individual experience of gender, which may or may not correspond to the sex assigned at birth;
18. **“Homophobic remarks or slurs”** are any statements in whatever form or however delivered, which are indicative of fear, hatred or aversion towards persons who are perceived to be or actually identify as lesbian, gay, bisexual, queer, pansexual and such other persons of diverse sexual orientation, gender identity or expression, or towards any person perceived to or actually have experienced same-sex attraction;
19. **“Information and communication system”** refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents;
20. **“Job order (JO)”** refers to a piece work (pakyaw) or intermittent or emergency jobs such as clearing of debris on the roads, canals, waterways, etc. After natural/human-induced disasters/occurrences and other manual/trades and crafts services such as carpentry, plumbing, electrical and the like. These jobs are of short duration and for a specific piece of work;
21. **“Misogynistic remarks or slurs”** are any statement in whatever form or however delivered, that are indicative of the feeling of hating women or the belief that men are inherently better than women;
22. **“Official”** refers to a person who occupies either a professional, technical, or scientific position and whose functions are managerial in character, exercising management over people, resource and/or policy and exercising functions such as planning, organizing, directing, coordinating, controlling, and overseeing the activities of an organization, a unit thereof or of a group, requiring some degree of professional, technical or scientific knowledge and experience, application of managerial skills required to carry out basic duties and responsibilities involving leadership, functional guidance and control. Positions of officials require intensive and thorough knowledge of a specialized field;

23. ***“On-The-Job Training Programs”*** refer to training programs for students designed to immerse them in a work environment relevant to their courses as they desire to acquire productivity in, knowledge on, and respect for the workplace. It provides students an opportunity to not only apply the theories, principles, and ideas learned in the academe but also enhance the technical knowledge, skills, and attitudes of students towards work necessary for satisfactory job performance;
24. ***“Person complained of”*** refers to the person who is the subject of a complaint but who is not yet issued a formal charge by the disciplining authority;
25. ***“Personal service”*** is complete upon actual delivery. Service by ordinary mail is complete upon the expiration of ten (10) calendar days after mailing, unless the court otherwise provides. Service by registered mail is complete upon actual receipt by the addressee, or after five (5) calendar days from the date he or she received the first notice of the postmaster, whichever date is earlier. Service by accredited courier is complete upon actual receipt by the addressee, or after at least two (2) attempts to deliver by the courier service, or upon the expiration of five (5) calendar days after the first attempt to deliver, whichever is earlier.
26. ***“Pleading”*** refers to written statements of the respective claims and defenses of the parties submitted to the DND Proper CODI or disciplining authority for appropriate judgment;
27. ***“Prima facie case”*** refers to the evidence which, if unexplained or uncontradicted, is sufficient to sustain a judgment in favor of the issue it supports, but which may be contradicted by other evidence;
28. ***“Proof of Service”*** refers to the following:
 - a. Proof of personal service shall consist of a written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a statement of the date, place, and manner of service.
 - b. Proof of service by ordinary mail shall consist of an affidavit of the person mailing stating the facts showing compliance with Section 31 of this Part.
 - c. Proof of service by registered mail shall be made by the affidavit mentioned above and the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon its receipt by the sender, or in lieu thereof, the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee.
 - d. Proof of service by accredited courier service shall be made by an affidavit of service executed by the person who brought the pleading

or paper to the service provider, together with the courier's official receipt or document tracking number.

- e. Proof of service by electronic mail, facsimile, or other authorized electronic means of transmission shall be made by an affidavit of service executed by the person who sent the e-mail, facsimile, or other electronic transmission, together with a printed proof of transmittal.

29. "Public spaces" refer to streets and alleys, roads, sidewalks, public parks, buildings, schools, churches, public washrooms, malls, internet shops, restaurants and cafes, transportation terminals, public markets, spaces used as evacuation centers, government offices, common carriers, public utility vehicles (PUVs) as well as private vehicles covered by app-based transport network services, other recreational spaces such as, but not limited to, cinema halls, theaters and spas, bars, and clubs, resorts and water parks, hotels and casinos, and all other areas, regardless of ownership, openly accessible or offered to be accessed by the public;

30. "Respondent" refers to the person against whom a formal charge has been issued by the disciplining authority;

31. "Service" is the act of providing a party or their counsel with a copy of the pleading or any other CODI submission. Submissions may be served by:

- a. Personal service, which is personal delivery of a copy to the party, their counsel or authorized representative named in their pleading or motion, or by leaving the pleading in their office with their clerk or with a person in charge thereof, or by leaving the copy between eight in the morning and six in the evening at the party's or counsel's residence, with a person of sufficient age and discretion residing therein.
- b. Service by mail, which shall be made by depositing the copy in the post office, in a sealed envelope, plainly addressed to the party or their counsel at their office or residence, with postage fully pre-paid, and with instructions to the postmaster to return the mail to the sender after ten (10) calendar days if undelivered.
- c. Service by electronic means, which shall be made by sending an e-mail to the party's or counsel's electronic mail address or through other electronic means of transmission as the parties may agree on, or upon the direction of the CODI.

32. "Sexist remarks or slurs" are statements in whatever form or however delivered, that are indicative of prejudice, stereotyping, or discrimination on the basis of sex, typically against women;

33. "Sexual harassment" is any unwelcome sexual behavior that is offensive, humiliating or intimidating. It can be written, verbal or physical, and can happen in person or online;

34. **“Sexual harassment in streets and public spaces”** refers to any unwanted and uninvited sexual action or remark against any person regardless of the motive for committing such action or remarks. It 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 musturbation 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 or alleys, roads, sidewalks and parks;

35. **“Show-cause order”** refers to the written document requiring a person to explain, or justify before the disciplining authority or its duly authorized representative within a given period why no disciplinary action shall be taken against him/her;

36. **“Stalking”** refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one’s own safety or the safety of others, or to suffer emotional distress;

37. **“Student trainee”** refers to a student undergoing an on-the-job training (OJT) or internship program with the DND in cooperation with the student’s sending higher educational institution;

38. **“Third party worker”** refers to employees of any third party employer;

39. **“Transphobic remarks or slurs”** are any statements in whatever form or however delivered, that are indicative of fear, hatred or aversion towards persons whose gender identity and/or expression do not conform with their sex assigned at birth;

40. **“Workplaces”** refer to all sites, locations, spaces, where work or training is being undertaken by an employee or official within or outside the premises of the DND such as but not limited to:

- a. In the premises of the workplace or office or school or training institution;
- b. In any place where parties were found as a result of work or education or training responsibilities or relations;
- c. At work or education or training-related social functions;
- d. While on official business outside the office or school or training institution orduring work or school or training-related travel;
- e. At official conferences, fora, symposia or training sessions; and,
- f. By telephone, cellular phone, fax machine or email

Part 2. Zero Tolerance Against Sexual Harassment

APO Production Unit, Inc. (APO) is committed to providing a safe and respectful working and learning environment for all individuals associated with

our organization, including APO Board of Trustees, employees, third parties service providers, clients, students or On-the Job trainees, applicants and visitors.

Sexual harassment violates every person's human rights and dignity. It also creates a toxic work environment that can damage employees' well-being, negatively affect job satisfaction, and decrease productivity.

For these reasons, APO does not tolerate any form of sexual harassment committed by any employee against their co-employee. APO is committed to proactively preventing incidents of sexual harassment and holding accountable any personnel who may be found to have committed any act of sexual harassment.

Part 3. Proper Decorum

APO Production Unit Inc. adheres to a professional, respectful and decent work environment that is conducive to promoting employee well-being and positivity. To avoid incidents of sexual harassment, we at APO Production Unit Inc., shall observe proper decorum at all times within and outside company premises.

To this end, we shall:

1. Treat all individuals with respect, dignity, and fairness regardless of their positions, without discrimination against or preference for anyone on the basis of age, gender, sexual orientation, race, ethnicity, national origin, religion, disability, status or any circumstance or conditions.
2. Follow prescribed office uniform and dress code policy. (Please refer to Section 8.2.3.3 of APO Employee Handbook).
3. Avoid engaging in any form of harassment or offensive behavior, including but not limited to, derogatory comments, slurs, or sexual jokes, use of vulgar or obscene language; catcalling, wolf whistling, intrusive gazing, and other similar gestures; and malicious touching, pinching, and other similar actions.
4. Refrain from engaging in any behavior that may create a hostile or intimidating environment for others.
5. Avoid committing acts of lasciviousness, sexual molestation, willful indecent exposure, public scandal, etc. (Please refer to Sections 8.2.4.5 and 8.2.4.7 of APO Employee Handbook).
6. Use professional and non-sexist language and tone in all verbal and written communication with colleagues, clients and stakeholders.
7. Raise all concerns and complaints that are related to sexual harassment and proper decorum with the CODI.
8. Respect the privacy and personal space of others.
9. Be vocal about limitations and boundaries in conversing with colleagues, clients and stakeholders.

10. Be mindful of other acts that may threaten another person's sense of personal space and physical safety.

Part 4. Responsibilities

We at APO Production Unit, Inc. recognize that creating a safe work environment for everyone requires a concerted effort on the part of the management, the employees, and other stakeholders. Towards this end, the management shall:

1. Ensure that, as role models to their subordinates, they shall observe proper decorum at all times;
2. Provide employees with a work environment that does not discriminate and is free of harassment;
3. Provide financial, moral and other forms of support to all GAD and CODI-related activities;
4. Participate in GAD and CODI training, seminars, activities, programs and projects;
5. Create workplace policies and measures that prevent, deter and address sexual harassment; and,
6. Decide or act on the recommendation of the CODI within the prescribed period.

For their part, employees shall:

1. Participate in various seminars on sexual harassment, and other activities that promote safe spaces in the workplace;
2. Abide by the applicable rules, sanctions and legal mandates;
3. Contribute to creating a safe working environment by practicing what they have learned;
4. Familiarize themselves and comply with the Anti Sexual Harassment Policy;
5. Report or call out any acts of GBSH that they witness in the workplace;
6. Provide emotional and moral support to victim-survivors of sexual harassment; and,
7. Empower victim-survivors of sexual harassment to hold their perpetrators accountable.

Part 5. The Committee on Decorum and Investigation

The Committee on Decorum and Investigation (CODI) is hereby constituted in accordance with the Safe Spaces Act to lead activities designed to deter and prevent sexual harassment incidents, as well as to receive and handle complaints for sexual harassment, pursuant to the provisions of RA 7877, RA 11313 and CSC MC No. 11

1. Composition. The CODI shall be composed of the following:
 - a. At least one (1) representative each from the Management, employees from the supervisory rank, employees from the union, employees from the rank and file, duly selected by the General Manager;
 - b. It shall be headed by a woman and not less than half of its members shall be women; and,
 - c. A permanent alternate shall be designated to act as member whenever the principal or the regular member is unable to attend a meeting of the CODI. The permanent alternate must have the authority to render decision so as not to delay the proceedings and to ensure continuity of the deliberation of the Committee.
2. Term of Office. - The members of the CODI shall serve a term of two (2) years unless terminated.
3. Disqualification. - Whenever the complainant or the person complained of is a member the CODI, she/he shall be disqualified from being a member thereof.
4. Inhibition. - 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.
5. Functions/Duties of CODI. - The CODI shall perform the following duties and functions:
 - a. Receive all complaints of sexual harassment allegedly committed by any government official or employee or worker of APO;
 - b. Conduct preliminary investigation to determine the existence of a prima facie case and to start within five (5) days from receipt of the complaint;
 - c. Submit a report of its findings and recommendations to the disciplining authority for decision within ten (10) days from the termination of the conduct of its formal investigation;
 - d. Observe due process at all times;
 - e. Ensure the protection of the complainant from retaliation without causing her/him any disadvantage, diminution of benefits or displacement, and without compromising his/her security of tenure. The victim or the perpetrator shall be given the option to be transferred or placed on detail or reassigned from one organizational unit to another within the agency;

- f. Ensure utmost confidentiality of the identity of the parties and the proceedings; and,
- g. Ensure that the respondent is given the opportunity to be properly notified of and respond to the charge/s and that parties are given sufficient information on the hearings and its outcomes.

Part 6. Commitments and Interventions

Education, training, and information dissemination among employees at all levels are critical for the proper implementation of the company policy against sexual harassment.

A. Prevention and deterrence of sexual harassment

1. APO shall integrate the Anti-Sexual Harassment Policy into the employee on-boarding process;
2. APO shall ensure effective dissemination of information on sexual harassment, relevant laws and policies, and best practices through the production, distribution and sharing of flyers, posters, comics, leaflets, videos, infographics presentations and other IEC materials; posting of materials in conspicuous places, and through other platforms such as chat groups, social media, and email, among others.
3. APO shall strictly implement the Anti-Sexual Harassment Policy and other policies that may be subsequently issued.
4. APO shall consistently monitor compliance with the Anti-Sexual Harassment Policy and other related policies.

B. Addressing and resolution of sexual harassment cases.

1. APO shall ensure that substantive and procedural due process are properly observed during the resolution of sexual harassment cases.
2. APO shall provide capacity building opportunities to the members of the CODI on the following areas so that they are well-equipped with adequate knowledge to respond and address sexual harassment cases:
 - a. Investigation and resolution process;
 - b. Report writing;
 - c. Legal mandates;
 - d. Gender-sensitive, trauma-informed, survivor-centric handling of sexual harassment cases; and,
 - e. Other training needs that may be subsequently identified.
3. APO shall ensure that the CODI performs their duties and responsibilities in good faith, with honesty, fairness and integrity.

4. APO shall ensure the preservation of utmost confidentiality of sexual harassment cases to protect the involved employees' morale and dignity.
5. APO shall adopt mechanisms to provide assistance to sexual harassment complainants, which may include psychosocial counselling, referral to an agency for professional help, and advice on options available before or after the filing of the complaint.
6. APO shall establish open communication among CODI members, management and employees to encourage reporting of sexual harassment cases through appropriate feedback mechanisms.

C. Advocacy

1. APO shall actively promote a safe work environment through community engagements, information drives, partnership and collaboration, and other activities as part of the company's corporate social responsibility.

Part 7. Definition of Sexual Harassment

APO Production Unit adopts the definition of sexual harassment under the Safe Spaces Act, as reproduced below:

A. Sexual harassment in the workplace includes the following:

1. 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.
2. 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.
3. 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.

B. 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.

C. 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.

Part 8. Procedure for Investigating and Resolving Complaints for Sexual Harassment

STANDARD PROCEDURAL REQUIREMENTS IN HANDLING SEXUAL HARASSMENT COMPLAINTS

RULE 1. PRE-FILING

Section 1. *The pre-filing standard operating procedure.* The CODI shall provide assistance to a victim of any form or kind of sexual harassment, including gender-based sexual harassment and gender-based online sexual harassment, which may include counselling, referral to an agency offering professional help, and advice on options available before the filing of the complaint.

RULE 2. FILING AND SERVICE OF PLEADINGS, DECISIONS, AND OTHER PAPERS

Section 1. *Filing and service of pleadings.* The filing of pleadings shall be made by:

- a. Submitting personally the original thereof, plainly indicated as such, to the CODI;
- b. Registered mail or any reputable courier services; or
- c. Sending them by electronic mail. For this purpose, an official electronic mail (codi@apo.gov.ph) will be used and will be opened only by an email administrator authorized by the CODI.

Except for the initiatory complaint, the party filing all other pleadings shall serve the opposing parties with a copy and its supporting documents.

No pleading shall be considered without proof of service to the opposing parties except if filed and served with the other party simultaneously during a schedule set before the CODI. Absence of proof of service shall justify non-receipt or non-action on the pleading.

Any pleadings sent by registered mail or private courier service shall be deemed filed on the date stamped on the envelope or courier pack which shall be attached to the records of the case, and in case of personal delivery, the date stamped thereon.

Section 2. *Filing and service by electronic mail.* Except for the initiatory complaint filed, all pleadings to be filed or served through the electronic mail must state: case number, case title, and the pleading, motion, order, or document title properly assigned by CODI. The date of electronic transmission shall be considered as the date of filing.

Service to a party by electronic mail shall be made by sending an e-mail to the party's or counsel's electronic mail address on record. Proof of service by electronic mail shall be made by an affidavit of service by the person who sent the e-mail together with printed proof of transmittal.

A party who changes their electronic mail address pending investigation must immediately forward a notice of change of e-mail address with the CODI, and serve the notice on all other parties. In the absence of such notice of change, service through the electronic mail address of a party on record shall be presumed as valid.

Section 3. *Service of notices, resolutions, orders and decisions.* Notices, orders, or resolutions of the CODI, and decisions of the disciplining authority, shall be served personally upon the parties, by registered mail or authorized courier.

The CODI may electronically serve notices, resolutions, orders and other documents to all the parties which shall have the same effect and validity as provided herein. A paper copy of the e-mailed order or other document shall be attached to the record of the case.

The CODI secretariat shall be charged with the implementation of this provision.

Section 4. *Conventional filing and service.* The following orders and other documents must be filed and served personally:

- a. Subpoena;
- b. Preventive suspension orders;
- c. Confidential documents or records; and
- d. Other documents that are not readily amenable to electronic scanning may, at the option of the party filing such, be filed and served conventionally.

Section 5. *Effect of personal service on parties.* For purposes of this rule, notwithstanding that a party is represented by counsel, personal service on the complainant or the respondent, as the case may be, binds the contending parties and satisfies the service requirement upon proof of service.

RULE 3. COMPLAINT

Section 1. *Who may initiate.* Sexual harassment administrative proceedings may be initiated by the disciplining authority *motu proprio* as disciplining authority through the CODI, or by the complainant upon filing of a complaint before the CODI.

Section 2. *Requisites of a valid complaint.* Except when initiated by the disciplining authority or their authorized representative, no complaint against an employee or official shall be given due course unless the same is in writing, subscribed and sworn to by the complainant.

In cases initiated by the disciplining authority or their authorized representative, a show cause order is sufficient.

The complaint shall be written in clear, simple and concise language and in a systematic manner as to apprise the person complained of, of the nature and cause of the accusation, and to enable the person complained of to intelligently prepare a defense or answer/comment.

The complaint shall contain the following:

- a. Full name and address of the complainant;
- b. Full name and address of the person complained of as well as their position and office;
- c. A narration of the relevant and material facts which shows the acts allegedly committed;
- d. Documentary evidence and affidavits of their witnesses, if any; and
- e. Certification against forum shopping.

Section 3. *Anonymous Complaint.* No anonymous complaint shall be entertained unless the act complained of is of public knowledge or the allegations can be

verified or supported by documentary or direct evidence.

Section 4. *Where to file a complaint.* All complaints involving sexual harassment cases against officials and employees shall be directly filed with the CODI.

Section 5. *Action on the complaint.* Upon receipt and evaluation by the CODI of a complaint, it may:

- a. Dismiss the complaint for non-compliance with Section 2 of this Rule without prejudice to its refileing;
- b. Conduct a Preliminary Investigation in accordance with these Rules to determine the existence of a prima facie case if the complaint is sufficient in form and substance.

Section 6. *Withdrawal of the complaint.* Withdrawal of the complaint may be allowed at any stage of the proceedings. Withdrawal shall not preclude the CODI from concluding its investigation and making a report of its findings and recommendation to the disciplining authority when the evidence so warrants. The withdrawal of the complaint does not result in its outright dismissal or discharge of the person complained of from any administrative liability.

RULE 4. PRELIMINARY INVESTIGATION

Section 1. *Preliminary investigation; Defined.* A preliminary investigation is a mandatory proceeding undertaken to determine whether a prima facie case exists to warrant the issuance of a formal charge.

Section 2. *Who will conduct.* Upon receipt of a valid complaint, the preliminary investigation may be conducted:

- a. By the disciplining authority motu proprio, as disciplining authority;
- b. By the duly designated or deputized preliminary investigation officer; or
- c. By the CODI, as a preliminary investigation committee. For this purpose, the preliminary investigation committee shall be composed of the CODI chairperson and two (2) of its members.

Section 3. *How conducted.* Preliminary investigation may be conducted in any of the following manner:

- a. Requiring the submission of counter affidavit or comment and/or other documents from the person complained of within five (5) working days from receipt of the complaint;
- b. Ex-parte evaluation of the records; or
- c. Clarificatory meeting with the parties to discuss the merits of the case.

When the complaint is initiated by the disciplining authority or their authorized representative, a show cause order directing the person complained of to explain within the same five (5) day period why no administrative case should be filed

against said person shall be issued. The failure to submit a comment/counter-affidavit/explanation shall be considered a waiver thereof and the preliminary investigation may be completed even without the comment/counter-affidavit/explanation.

The right to counsel may be exercised even during the preliminary investigation.

Section 4. *Duration of the preliminary investigation.* A preliminary investigation shall commence within a non-extendible period of five (5) days upon receipt of the complaint by the CODI and shall be terminated within twenty (20) days thereafter. However, the disciplining authority or the authorized representative may extend such periods in meritorious cases.

Section 5. *Preliminary investigation report.* The Preliminary Investigation Officer or the CODI Preliminary Investigation Committee, as the case may be, shall submit to the disciplining authority a preliminary investigation report of its findings with a recommendation and the complete records of the case.

In case of varying recommendations from the members of the Preliminary Investigation Committee, the same shall be reflected in the report for the determination or consideration of the disciplining authority. The preliminary investigation report shall be treated with confidentiality.

Section 6. *Decision or resolution after preliminary investigation.* If a prima facie case is established after preliminary investigation, a formal charge pursuant to these Rules may be issued by the disciplining authority within five (5) days.

In the absence of a prima facie case, the complaint shall be dismissed by the disciplining authority.

Section 7. *Designation and deputation of lawyers.* The disciplining authority may designate lawyers for the conduct of preliminary investigation, who shall make the necessary reports and recommendation within the specified period.

For this purpose, lawyers from the agency may be deputized by the disciplining authority.

RULE 5. FORMAL CHARGE

Section 1. *Issuance of Formal Charge.* After a finding of a prima facie case, the disciplining authority shall formally charge the person complained of, who shall now be called as respondent.

All formal charges shall be coursed through the CODI for appropriate action.

Section 2. *Formal charge; contents.* The formal charge shall contain the following:

- a. A specification of charge,
- b. A brief statement of material or relevant facts, which shall be accompanied by copies of the complaint, sworn statements covering the testimony of witnesses and other documentary evidence submitted, if any;

- c. A directive to answer the charge in writing, under oath, in not less than three (3) calendar days but not more than ten (10) calendar days from receipt thereof;
- d. An advice for the respondent to indicate in the answer whether or not a formal investigation is demanded; and
- e. A notice that respondent may opt to be assisted by a counsel.

If the respondent receives a formal charge with incomplete attachments, the respondent may request for the lacking documents within ten (10) days from receipt of the formal charge and the period to answer will not run until the same is received by the respondent.

Section 3. *Prohibited pleadings.* The CODI shall not entertain requests for clarification, bills of particulars, motions to dismiss, motions to quash, motions for reconsideration and motion for extension of time to file answer. The same shall be noted without action and attached to the records of the case.

RULE 6. ANSWER

Section 1. *When filed.* The answer shall be filed with the CODI within the period provided in the formal charge.

Section 2. *Requisites and contents.* The answer, which is in writing and under oath, shall be specific and shall contain the following:

- a. Material facts and applicable laws, if any;
- b. Original or certified true copies of documentary evidence, sworn statements covering testimonies of witnesses, if any, in support of one's case; and
- c. An indication by the respondent whether or not they elect a formal investigation of the case.

Section 3. *Evaluation of answer.* When the CODI determines that the answer is satisfactory, the case shall be dismissed. Otherwise, the investigation shall proceed.

In case the respondent did not request for a formal investigation, the case shall be decided based on the records available. Provided, however, that a formal investigation shall nevertheless be held if the case cannot be decided judiciously from the allegations in the complaint and in the answer and their supporting documents.

Section 4. *Failure to file an answer.* If respondent fails or refuses to file an answer to the formal charge within the given period, respondent shall be considered to have waived the right to submit the same and the case shall be decided based on available records.

RULE 7. PREVENTIVE SUSPENSION

Section 1. *Preventive Suspension; Grounds.* Upon motion by the complainant, or upon the recommendation of the CODI, the disciplining authority may motu

proprio, issue an order of preventive suspension against the respondent upon issuance of the Formal Charge or immediately thereafter if:

- a. The charge involves:
 1. an offense punishable by dismissal from the service;
 2. an administrative offense committed on its second or third instance and the penalty is dismissal from the service; and
- b. The respondent is in a position to exert undue influence or pressure on the witnesses or in a position to tamper with evidence.

In order for a preventive suspension order to be valid, any of the conditions in items a or b must be present.

Section 2. *Duration of Preventive Suspension.* Unless otherwise provided by law, the disciplining authority may place the respondent under preventive suspension for a maximum period of ninety (90) days. When the administrative case against respondent under preventive suspension is not finally decided by the disciplining authority within the period of preventive suspension, the respondent shall be automatically reinstated in the service unless the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, in which case, the period of delay shall not be included in the counting of the period of preventive suspension.

Any period of delay caused by motions filed by the respondent shall be added to the period of preventive suspension. Provided, that where the order of preventive suspension is for a period less than the maximum period, the CODI undertakes to finish the formal investigation within the said period and is precluded from recommending to the disciplining authority the imposition of another preventive suspension. Provided, further that should the respondent be on authorized leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully exhausted.

Section 3. *Remedies from the Order of Preventive Suspension.* The respondent may file an appeal to the CSC within fifteen (15) days from receipt of the preventive suspension order. Pending appeal, the order shall be executory. A motion for reconsideration from the order of preventive suspension shall not be allowed. In case such motion is filed, the same shall be noted without action and attached to the records of the case and shall not stay the execution of the said order nor shall have the effect of stopping the running of the reglementary period to appeal.

If the preventive suspension is imposed by the CSC, the same is executory unless a Temporary Restraining Order is issued by the Court of Appeals or the Supreme Court.

Section 4. *Payment of back wages during preventive suspension.* The payment of back wages during the period of suspension shall be governed, as practicable, by the related provisions of 2017 RACCS.

RULE 8. FORMAL INVESTIGATION

Section 1. *Conduct of Formal Investigation.* A formal investigation shall be conducted by the CODI where the merits of the case cannot be decided judiciously without conducting such investigation or when the respondent elects to have one, in which case, the investigation shall be held not earlier than five (5) days nor 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 the Formal Charge unless the period is extended either by the disciplining authority or by the authorized representative.

Section 2. *Special Prosecutor.* The disciplining authority shall immediately designate any lawyer as special prosecutor to represent the department and to assist the complainant throughout the formal investigation process.

For this purpose, lawyers from the agency may be deputized by the disciplining authority as special prosecutor.

Section 3. *Submission of Position Paper/Memorandum.* At any stage of the proceedings, the parties may, based on their mutual consent, submit a position paper/memorandum and consider the case submitted for decision without need for further hearings.

Section 4. *Pre-Hearing Conference.* At the commencement of the formal investigation, the CODI shall 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;
- 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.

The parties may file their respective pre-hearing briefs, copy furnished the adverse party, three (3) days before the date of the pre-hearing conference.

The conduct of pre-hearing conference is mandatory. Failure of any party to attend the pre-hearing conference may cause the submission of the case for decision based on available records upon appropriate motion of the present party.

Section 5. *Pre-Hearing Order.* The agreement entered into during the pre-hearing conference shall be embodied in a pre-hearing order and is binding on both parties unless in the interest of justice, the CODI may allow a deviation from the same. Both parties may file their respective comments/opposition to the pre-hearing conference order within five (5) days from receipt thereof.

Section 6. *Continuous Hearing Until Terminated; Postponement.* - Hearings shall be conducted on the hearing dates set by the CODI or as agreed upon during the pre-hearing conference.

Each party may be granted one (1) postponement upon oral or written request.

If the respondent fails or refuses to appear or not represented by counsel during a scheduled hearing despite due notice, the investigation shall proceed ex-parte and the respondent is deemed to have waived its right to present evidence. (is the respondent allowed to replace its counsel?)

Section 7. *Preliminary Matters.* Other preliminary matters to be considered:

- a. At the start of the hearing, the CODI shall note the appearances of the parties. Any counsel appearing before any hearing or investigation shall manifest their appearance as herein provided.
- b. If, after being apprised of the right to counsel, respondent appears without the aid of a counsel, respondent shall be deemed to have waived the right thereto. Respondent may act as their counsel, with right to conduct direct-examination, cross-examination, submission of pleadings and motions, and other necessary conduct to defend himself/herself.
- c. Before taking the testimony of a witness, the CODI shall place them under oath and then take their name, address, civil status, age and complete name and place of employment.
- d. A sworn statement of the witness properly identified and affirmed shall constitute direct testimony, copy furnished the other party.
- e. The use of Judicial Affidavit may also be adopted in place of the direct testimonies of witnesses. The adoption of the Judicial Affidavit Rule is without prejudice to clarificatory questions that may be asked during the hearing.
- f. Records of the proceedings during the formal investigation may be taken in shorthand or stenotype or by any other means of recording.
- g. All pleadings filed by the parties shall be copy furnished the other party with proof of service in accordance with these Rules.

Section 8. *Appearance of Lawyer/Counsel.* Any lawyer/counsel who is a member of the Integrated Bar of the Philippines (IBP) appearing before any hearing or investigation shall manifest orally or in writing their appearance, stating their full name and complete address, which should not be a P.O. box address, their official electronic mail address, where they can be served with notices and other pleadings, Professional Tax Receipt (PTR) number, attorney's roll number, Mandatory Continuing Legal Education (MCLE) compliance certificate and IBP dues' receipt number.

A lawyer/counsel who works for the government is required to present an Authority to Practice Profession from their agency head or the agency head's authorized representative.

A private prosecutor may be allowed to appear provided that the special prosecutor shall have direct control and supervision over the private prosecutor at all times.

Section 9. *Order of Hearing.* Unless the CODI directs otherwise, the order of hearing shall be as follows:

- a. The prosecution shall present its evidence;
- b. The respondent shall present evidence in support of their defense;
- c. There may be rebuttal or sur-rebuttal.

When the presentation of evidence has been concluded, the parties shall formally offer their evidence either orally or in writing and thereafter objections thereto may also be made either orally or in writing. After which, 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 same within the given period shall be considered a waiver thereof.

Section 10. *Objections.* - All objections raised during the hearing shall be resolved by the CODI. However, those that cannot be ruled upon by the CODI 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 disciplining authority.

The CODI shall admit all evidence deemed material and relevant to the case. In case of doubt, the CODI shall allow the admission of evidence subject to the objection interposed against its admission.

Section 11. *Markings.* All documentary evidence or exhibits shall be property marked by letters (A, B, C, etc.) if presented by the prosecution and by numbers (1, 2, 3, etc.) if presented by the respondent. These shall form part of the complete records of the case.

Section 12. *Issuance of Subpoena.* The CODI may issue subpoena ad testificandum to compel the attendance of witnesses and subpoena duces tecum for the production of documents or things.

If a party desires the attendance of a witness and/or the production of documents, they shall make a request for the issuance of the necessary subpoena ad testificandum and/or subpoena duces tecum, at least seven (7) days before the scheduled hearing.

Section 13. *Formal Investigation Report.* Within ten (10) days after the conclusion of the formal investigation or after receipt of the memoranda of the parties, if any, a report shall be submitted by the CODI to the disciplining authority. The report shall contain:

- a. A narration of the material facts established during the investigation;

- b. The findings and the evidence supporting said findings;
- c. Jurisprudence, law or rules applicable, at the option of the CODI; and
- d. The recommendations.

The complete records of the case, systematically and chronologically arranged, paged and securely bound to prevent loss, shall be attached to the report of investigation which shall be treated with confidentiality. A table of contents shall be prepared.

The CODI Secretariat shall be in charge of the transmittal of the complete records to the disciplining authority.

RULE 9. PENDENCY OF ADMINISTRATIVE CASE

Section 1. *Effect of the Pendency of an Administrative Case.* Except as otherwise provided by law, pendency of any administrative or criminal case shall not disqualify the respondent for promotion and other human resource actions or from claiming maternity/paternity benefits.

For this purpose, a pending administrative case shall be construed as such when the disciplining authority has issued a Formal Charge to the respondent.

The release of retirement benefits of a person with a pending case shall be governed by Republic Act No. 10154 otherwise known as “An Act Requiring All Concerned Government Agencies to Ensure the Early Release of Retirement Pay, Gratuities and Other Benefits of Retiring Government Employees and its Implementing Rules”.

RULE 10. DECISION

Section 1. *When a Case is Decided.* The disciplining authority shall decide the case within thirty (30) days from receipt of the Formal Investigation Report.

Section 2. Finality of Decisions.

- a. A decision rendered by the disciplining authority imposing the following penalties shall not be appealable:
 1. Reprimand;
 2. Suspension for not more than thirty (30) days; or
 3. Fine in an amount not exceeding thirty (30) days’ salary.

It shall be final and executory unless a motion for reconsideration is seasonably filed. However, the respondent may file an appeal or petition for review when the issue raised is violation of due process.

- b. A decision rendered by the disciplining authority imposing the following penalties 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:

1. Suspension exceeding thirty (30) days; or
2. Fine in an amount exceeding thirty (30) days' salary.

RULE 11. MOTION FOR RECONSIDERATION

Section 1. *Filing.* A party adversely affected by the decision of the disciplining authority may file a motion for reconsideration with the CODI within fifteen (15) days from receipt thereof.

Section 2. *When deemed filed.* A motion for reconsideration shall be deemed filed in accordance with these Rules.

Section 3. *Grounds for Filing a Motion for Consideration.* The motion for reconsideration shall be based on any of the following:

- a. New evidence has been discovered which materially affects the decision; or
- b. The decision is not supported by evidence on records; or
- c. Error of law or irregularities have been committed prejudicial to the interest of the movant.

Section 4. *Limitation.* Only one (1) motion for reconsideration shall be reconsidered and/or entertained. If a second motion for reconsideration is filed notwithstanding its proscription under this IRR, the finality of action shall be reckoned from the denial of the first motion for reconsideration.

Section 5. *Effect of Filing.* The filing of the motion for reconsideration within the reglementary period of fifteen (15) days shall stay the execution of the decision sought to be reconsidered.

RULE 12. APPEAL

Section 1. *Filing.* Decisions of the disciplining authority imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary may be appealed to the Civil Service Commission (CSC) within a period of fifteen (15) days from receipt thereof.

A notice of appeal including the appeal memorandum shall be filed with the CSC, copy furnished the disciplining authority. 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 comment, within fifteen (15) days, to the appellate authority.

Section 2. *When deemed filed.* An appeal sent by mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon by the proper office.

Section 3. *Perfection of appeal.* To perfect an appeal, the appellant shall within fifteen (15) days from receipt of the decision, submit the following:

- a. Notice of appeal which shall specifically state the date of decision appealed from and the date of receipt thereof;
- b. 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;
- c. Proof of service of a copy of the appeal memorandum to the disciplining authority;
- d. Proof of payment of the appeal fee; and
- e. A statement of certification against forum shopping.

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

Section 4. *Effect of filing.* An appeal shall not stop the decision from being executory, and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency of the appeal, in the event respondent receives favorable decision.

Section 5. *When case is remanded for violation of respondent's right to due process.* If the case on appeal with the CSC is remanded to the agency for further investigation, the case will be given back to CODI which shall finish the re-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 prescription period.

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

Section 6. *Petition for review.* A complainant may elevate the decision of the disciplining authority dismissing a complaint for lack of prima facie case before the CSC through a petition for review within fifteen (15) days from the receipt of decision.

RULE 13. PENALTIES

Section 1. *Classification of Sexual Harassment and the Corresponding Penalties.* Sexual harassment is classified as grave, less grave, and light offenses.

a. **Sexual Harassment in the Workplace**

1. Grave Offenses punishable by dismissal from the service shall include, but are not limited to:
 - i. unwanted touching of private parts of the body (inner thighs, genitalia, buttocks and breast);
 - ii. sexual assault;
 - iii. malicious touching;
 - iv. 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 and scholarship, or the grant of benefits or payment of a stipend or allowance; and
 - v. other analogous cases.
2. Less Grave Offenses 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, shall include, but are not limited to:
 - i. unwanted touching or brushing against a victim's body;
 - ii. pinching not falling under grave offenses;
 - iii. derogatory or degrading remarks or innuendos directed toward the members of one sex, or one's sexual orientation or used to describe a person;
 - iv. verbal abuse with sexual overtones; and
 - v. other analogous cases.
3. Less Offenses punishable by reprimand for the first 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:
 - i. surreptitiously looking at a person's private part or worn undergarments;
 - ii. 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 advice, when they are by their nature clearly embarrassing, offensive or vulgar;

- iii. malicious leering or ogling;
- iv. display of sexually offensive pictures, materials or graffiti;
- v. unwelcome inquiries or comments about a person's sex life;
- vi. unwelcome sexual flirtation, advances, propositions;
- vii. making offensive hand or body gestures at an employee;
- viii. persistent unwanted attention with sexual overtones;
- ix. unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver, and other analogous cases.

b. Sexual Harassment in Streets and Public Places

An 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:

1. Light Offense of Sexual Harassment in Streets and Public Spaces is committed when an 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.
2. Less Grave Offense of Sexual Harassment in Streets and Public Spaces is committed when an 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.
3. Grave Offense of Sexual Harassment in Streets and Public Spaces is committed by an 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.

c. Online Sexual Harassment

1. Light Online Sexual Harassment is committed by an 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.

2. Less Grave Online Sexual Harassment is committed by an 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.
3. 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.

d. **Qualified Gender-Based Streets, Public Spaces and Online Sexual Harassment**

1. Higher penalty will be applied in the following cases:
 - i. If the offended party is a minor, a senior citizen, or a persons with disability (PWD), or a breastfeeding mother nursing her child;
 - ii. If the offended party is diagnosed with a mental problem tending to impair consent;
 - iii. If the perpetrator is a member of the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform; and
 - iv. If the act takes place in the premises of a government agency offering frontline services to the public.

Section 2. *Prescriptive period.* Complaints arising from the violation of these rules shall prescribe in three (3) years from the date of the commission of the act.

Section 3. *Multiple Charges.* If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to

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

RULE 14. MISCELLANEOUS PROVISIONS

Section 1. *Submission to CSC.* APO shall submit an authenticated copy of this revised IRR of the CODI to the CSC for approval within one (1) month from the date of its promulgation and the list of the members of CODI.

Section 2. *Confidentiality.* The identities of the parties, and the proceedings and records of the CODI involving specific incidents, communications and reports are confidential information. Confidential information may be disclosed only to authorized persons and cannot be disseminated to the public, except for general statistical information required to be disclosed.

Employees who have authorized access to confidential information or acquire such information in the course of their work have the obligation to safeguard the information and prevent its disclosure to unauthorized persons. Any breach of confidentiality rule whether intentional or unintentional shall be subject to disciplinary action.

Section 3. *Non-Retaliation.* Retaliation includes, but is not limited to, threats, intimidation, reprisals, and/or any adverse action related to employment against a person who reports an incident of sexual harassment or other form of sexual misconduct, or who testifies, assists, or participates in any proceeding, investigation, or resolution of a sexual harassment/sexual misconduct report or complaint.

A complaint for retaliation shall be filed with the disciplining authority through the Human Resources Department, copy furnished the CODI. The CODI Chairperson shall designate a member of the CODI to sit as a member of the Investigating Committee on hearing the complaint for retaliation.

Section 4. *Remedies and Psychological Counselling.* A victim of sexual and gender-based sexual harassment filed, may avail of the appropriate remedies under the law, as well as psychological counselling services with the aid of the Department of Social Work and Development (DSWD), or in coordination with the Department of Health (DOH) and the Philippine Commission on Women (PCW). In all instances, any fees that may be charged or incurred in the course of the counselling shall be borne by the respondent.

Section 5. *Repealing clause.* All circulars and/or orders inconsistent with this policy are hereby revoked, amended, or repealed accordingly.

Section 6. *Dissemination.* The Human Resources Department shall be responsible for the dissemination of this policy and other issuances related to the CODI. It shall likewise ensure that the same shall be included in the onboarding program or orientation of newly hired personnel.

Section 7. *Effectivity.* These rules and regulations shall take effect fifteen (15) days after its signing.

ANNEXES

Annex 1 INVESTIGATION/INTAKE DATA FORM

CONFIDENTIAL

Republic of the Philippines
APO Production Unit Inc.
COMMITTEE ON DECORUM AND INVESTIGATION

INVESTIGATION/INTAKE DATA FORM
To be accomplished by the CODI Duty Officer

DATE RECEIVED (Stamped and initialed by CODI Duty Officer)	CODI Docket No.: ADMIN CASE NUMBER CODI-ADM: _____
Time received:	Assigned to:
Receiving officer/staff:	Date assigned:

To be accomplished by the complainant/counsel. Use back portion if space is not sufficient.

COMPLAINANT/S: Name, Sex, Age and Address	PERSON COMPLAINED OF: Name, Sex, Age and Address
Contact No:	Contact No:
OFFENSE/S COMMITTED; LAW/S VIOLATED	WITNESS/ES: Name and Address

DATE AND TIME OF COMMISSION	PLACE OF COMMISSION

1. Has a similar complaint been filed before any other Committee? Yes ___ No ___
2. Is this complaint in the nature of a counter-charge? Yes ___ No ___
 - If yes, indicate details here: _____
3. Is this complaint related to another case before this Committee? Yes ___ No ___
 - If yes, indicate details here: _____

CERTIFICATION

I CERTIFY under oath that all the information on this sheet are true and correct to the best of my knowledge and belief, that I have not commenced any action or filed any claim involving the same issues in any court, tribunal, or quasi-judicial agency, and that if I should thereafter learn that a similar action has been filed and/or is pending, I shall report such fact to this Committee within five (5) days from knowledge thereof.

(Signature over printed name)

SUBSCRIBED AND SWORN TO before me this ___ day of _____ 2024 in Quezon City.

Administering CODI Officer

ANNEX 2 FORMAL CHARGE SAMPLE

CONFIDENTIAL

Republic of the Philippines
APO Production Unit Inc.
COMMITTEE ON DECORUM AND INVESTIGATION

APO Production Unit Inc.

Complainant,

ADMIN CASE NUMBER
CODI-ADM

-Versus-

**FOR: (Administrative Offense
for Sexual Harassment)**

Designation, Office

Respondent.

x ----- x

FORMAL CHARGE **(Sexual Harassment Complaint)**

After conducting a preliminary investigation based on the complaint of _____ dated _____ / based on the Show Cause Order dated _____, directing respondent _____ to explain why no administrative case for sexual harassment should be filed against him/her, the Disciplining Authority found the existence of a *prima facie* case, and hereby charges the above-named respondent with an administrative case for sexual harassment pursuant to (Specific Rule and Section) of the Memorandum Circular No. _____, committed as follows:

“That the above named respondent while being an officer/employee of APUI and within the disciplinary jurisdiction of the President, without proper authority (Specific acts committed).”

Contrary to APUI rules and regulations.”

In line with this, you are directed to file and serve to the complainant your answer (3 copies) to the foregoing charge within a non-extendable period of ten (10) calendar days upon receipt, in writing and under oath, accompanied by affidavits of witness(es) if any, and such other controverting evidence you may wish to present in your defense, and to indicate in your answer whether or not you elect a formal investigation.

Further, you are hereby notified of your right to seek the assistance of a counsel of your choice.

In support of the Formal Charge, the following are herewith attached:

1. Complaint;
2. Statements of witnesses (if any)
 - Ms. ____ dated ____
 - Ms. ____ dated ____
 - Mr. ____ dated ____
3. Other documentary evidence.

Quezon City, Philippines. [Date].

PRESIDENT
or
(BY THE AUTHORITY OF THE PRESIDENT
[NAME], [DESIGNATION])

