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MEMORANDUM CIRCULAR

No. 08
Series of 2009

SUBJECT: Administrative Disciplining Rules on Sexual Harassment Cases in the Department of Social Welfare and Development

I. Purpose

This Memorandum Circular is being issued to promulgate the Rules and Regulations defining the administrative offense of sexual harassment and prescribing the standard procedure for the administrative investigation, prosecution and resolution of sexual harassment cases in the Department of Social Welfare and Development.

II. Coverage

These Rules shall apply to all officials and employees in the Department, whether in the Career or Non-Career service and holding any level of position, including Presidential appointees.

III. Definition of Terms

For the purpose of these Rules, the administrative offense of sexual harassment is an act, or series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by a government employee or official in a work-related, training or education related environment of the person complained of¹.

1. **Work-related sexual harassment** – is committed under the following circumstances:
 - a. submission to or rejection of the act or series of acts is used as a basis for any employment decision (including, but not limited to, matters related to hiring, promotion, raise in salary, job security, benefits and any other personnel action) affecting the applicant/employee; or

¹ Civil Service Commission's definition of Sexual Harassment (Rule III, Section 3 of CSC Resolution No. 01-0940)

- b. 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
 - c. 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, client, or ward of the person being complained of.
2. **Training-related sexual harassment** – is committed against one who is under the care, custody or supervision of the offender, or against one whose training, apprenticeship, or tutorship is directly or constructively entrusted to, or is provided by, the offender, when:
 - a. the act or series of acts have the purpose or effect of interfering with the performance, or creating an intimidating, hostile or offensive environment for the complainant; or
 - b. the act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant.
 3. **Disciplining Authority** – the Secretary or his/her authorized representative.
 4. **Mediator/Counselor** – a person who conducts mediation. An active participant in the discussions and attempts to work out a solution.
 5. **Respondent/Offender** – the party who is required to answer a petition.
 6. **Prima Facie Case** – referring to a lawsuit or criminal prosecution in which the evidence before trial is sufficient to prove the case unless there is substantial contradictory evidence presented at trial.
 7. **ad testificandum** – duly testified documents.
 8. **duces tecum** – an order requiring a witness to bring documents on the possession or under the control of the witness to a certain place at a certain time.
 9. **ex parte** – refers to motions, hearings or orders granted on the request of and for the benefit of one party only.

IV. Legal Basis

Republic Act No. 7877 (Anti-Sexual Harassment Law of 1995) – An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes.

V. Sexual Harassment Circumstances

Sexual harassment may take place in the following circumstances:

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

VI. Forms of Sexual Harassment

The following are illustrative forms of sexual harassment:

1. Physical
 - a. Malicious Touching
 - b. Overt sexual advances
 - c. Gesture with lewd insinuation
2. Verbal, such as but not limited to, requests or demands for sexual favors, and lurid remarks
3. Use of objects, pictures or graphics, letters or written notes with sexual underpinnings
4. Other forms analogous to the foregoing

VII. Persons Liable for sexual Harassment

Any official or employee, regardless of sex, is liable for sexual harassment when he/she:

- a. directly participates in the execution of any act of sexual harassment as defined by these Rules;
- b. induces or directs another or others to commit sexual harassment as defined by these Rules;
- c. cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished;
- d. cooperates in the commission of sexual harassment by another through previous or simultaneous acts.

VIII. Committee on Decorum and Investigation of Sexual Harassment

1. A Committee on Decorum and Investigation shall be created in the Department to be composed of the following:

Central Office

Chairperson : Chairperson of the Integrity Development Committee

Vice-Chairperson : Director of Legal Service

Members : Representative from 3rd level positions
SWEAP Representative, one (1) from the 1st level
and one (1) from the 2nd level
Non – SWEAP Representative, one (1) from the 1st
Level and one (1) IDC member in good standing
from the 2nd level

Secretariat : Personnel Management Division

Regional Office

Chairperson : Assistant Regional Director

Members : Representative from RMANCOM
SWEAP Representative, one (1) from the 1st level
and one (1) from the 2nd level
Non – SWEAP Representative, one (1) from the 1st
Level and one (1) IDC Member in good standing
from the 2nd level

Secretariat : Personnel Management Division

The members of the Committee on Decorum shall have a fixed term of two (2) years.

The SWEAP local chapter shall designate their 1st and 2nd level representatives. Non-SWEAP representatives shall be nominated by their cluster for approval of the Undersecretary for GASSG. The 3rd level representative, in the case of Central Office shall be nominated by the MANCOM, for approval of the Undersecretary for GASSG. In the Region, the RMANCOM representative shall be nominated by the RMANCOM thereat.

SWEAP representative shall sit in cases involving SWEAP members, while non-SWEAP representative shall sit in cases involving non-SWEAP members. The first level representatives of SWEAP and Non-SWEAP members shall sit in cases involving 1st level employees, while the 2nd level representatives of SWEAP and Non-SWEAP members shall sit in cases involving 2nd level employees.

2. Functions of the Committee on Decorum

- a. Receive complaints of sexual harassment;
- b. Investigate sexual harassment complaints in accordance with the prescribed procedure;
- c. Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
- d. In partnership with the HRMDS, lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment.

IX. Standard Procedural Requirements

1. Pre-Filing Stage

- a. The complaint may be filed at any time with the disciplining authority of the Department, or with the Committee on Decorum and Investigation.
- b. The complaint must be in writing, signed and sworn to by the complainant. It shall contain the following:
 - b.1 the full name and address of the complainant;
 - b.2 the full name, office address, and position of the respondent;
 - b.3 a brief statement of the relevant facts;
 - b.4 evidence in support of the complaint, if any;
 - b.5 a certification of non-forum shopping.

In the absence of any one of the aforementioned requirements, the complaint shall be dismissed without prejudice to its refiling.

- c. Upon receipt of the complaint by the disciplining authority of the Department or the Committee on Decorum, as the case may be, the alleged victim of sexual harassment shall be referred to a designated mediator/counselor, who may be an official or employee with counseling skills. The purpose of the counseling is to assist the alleged victim in identifying options available and the consequences of each options.
- d. If the alleged victim decides to proceed with the complaint, the designated Mediator/Counselor shall endorse the complaint to the Committee on Decorum for further action.
- e. Where the complaint is not under oath, the complainant shall be summoned by the Committee to swear to the truth of the allegations of the complaint.
- f. Complaints sent by telegram or radiogram shall be considered non-filed unless the complainant shall comply with the requirements

provided in number two (2) within ten (10) days from receipt of the notice for compliance.

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

2. Action on the Complaint

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

3. Preliminary Investigation

- a. A preliminary investigation shall be conducted by the Committee on Decorum and Investigation. The investigation involves the *ex parte* examination of documents submitted by the complainant and the person being complained of, as well as documents readily available from government offices.
- b. During the preliminary investigation, the parties may submit affidavits and counter-affidavits.
- c. Upon receipt of the counter-affidavit or comment under oath, the Committee on Decorum and Investigation may now recommend whether a *prima facie* case exists to warrant the issuance of a formal charge.
- d. During preliminary investigation, proceedings before the Committee on Decorum and Investigation shall be held under strict confidentiality.

4. Duration of the Investigation

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

5. Investigation Report

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

6. Decision or Resolution After Preliminary Investigation

If a *prima facie* case is established during the investigation, a formal charge shall be issued by the disciplining authority within three (3) working days from the receipt of the Investigation Report.

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

7. Formal Charge

- a. After finding a *prima facie* case, the disciplining authority shall formally charge the person being complained of. The formal charge shall contain a specification of the charge(s), a brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, if any, sworn statements covering the testimony of witnesses, a directive to answer the charge(s) in writing under oath in not less than seventy-two hours from receipt thereof, an advice for the respondent to indicate in his/her answer whether or not he/she elects a formal investigation of the charge(s), and a notice that he/she is entitled to be assisted by a counsel of his/her choice.
- b. If the respondent has submitted his/her comment and counter affidavits during the preliminary investigation, he/she shall be given the opportunity to submit additional evidence.
- c. The Committee on Decorum and Investigation shall not entertain requests for clarification, bills of particulars or motion to dismiss which are obviously designed to delay the administrative proceeding. If any of these pleadings is filed by the respondent, the same shall be considered as part of his/her answer, which he/she may file within the remaining period for filing the answer.

8. The Answer

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

9. Failure to File an Answer

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

10. Preventive Suspension

- a. Upon petition of the complainant or *motu proprio* upon the recommendation of the Committee on Decorum and Investigation, at any time after the service of the Formal Charge to the respondent, the disciplining authority may order the preventive suspension of the respondent during the formal investigation, if there are reasons to believe that he/she is probably guilty of the charges which would warrant his/her removal from the service.
- b. An order of preventive suspension may be issued to temporarily remove the respondent from the scene of his/her misfeasance or malfeasance and to preclude the possibility of his/her exerting undue influence or pressure on the witnesses against him/her or tampering of documentary evidence on file with this Office.

11. Duration of Preventive Suspension

When the administrative case against the respondent under preventive suspension is not finally decided by the disciplining authority within the period of ninety (90) days after the date of his/her preventive suspension, unless otherwise provided by special law, he/she shall be automatically reinstated into the service; provided that when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of delay should not be included in the counting of the ninety (90) calendar days period of preventive suspension. Provided further that should the respondent be on paternity/maternity leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully enjoyed.

12. Remedies from the Order of Preventive Suspension

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

13. Conduct of Formal Investigation

- a. Although the respondent does not request a formal investigation, one shall nevertheless be conducted by the Committee on Decorum and Investigation if it deems such investigation is necessary to decide the case judiciously.
- b. The investigation shall be held not earlier than five (5) days and not 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 or the receipt of the answer unless the period is extended by the disciplining authority in meritorious cases.

14. Pre-hearing Conference

- a. At the commencement of the formal investigation, the Committee on Decorum and Investigation may conduct a pre-hearing conference for the parties to appear, consider and agree on any of the following:
 - a.1 stipulation of facts;
 - a.2 simplification of issues
 - a.3 identification and marking of evidence of the parties;
 - a.4 waiver of objections to admissibility of evidence;
 - a.5 limiting the number of witnesses, and their names;
 - a.6 dates of subsequent hearings; and
 - a.7 such other matters as may aid in the prompt and just resolution of the case.
- b. The parties may submit position papers/memoranda and submit the case for resolution based on the result of the pre-hearing conference without any need for further hearing.

15. Continuous Hearing Until Terminated; Postponement

- a. Hearings shall be conducted on the hearing dates set by the Committee on Decorum and Investigation or as agreed upon during a pre-hearing conference.
- b. Where no pre-hearing conference is conducted, the parties, their counsel and witnesses, if any, shall be given a notice of at least five (5) days before the first scheduled hearing specifying the time, date and place of the said hearing and sub-sequent hearings. Thereafter the schedule of hearings previously set shall be strictly followed without further notice. A party shall be granted only three (3) postponements upon oral or written requests. A further postponement may be granted only upon written request and subject to the discretion of the Committee on Decorum and Investigation.
- c. If the respondent fails to appear during the scheduled hearings despite due notice, the investigation shall proceed *ex-parte* and the respondent is deemed to have waived his right to be present and to submit evidence in his favor during those hearings.

16. Preliminary Matters

- a. At the start of the hearing, the Committee on Decorum and Investigation shall note the appearances of the parties and shall proceed with the reception of evidence for the complainant.
- b. If the respondent appears without the aid of a counsel, he/she shall be deemed to have waived his/her right to counsel.
- c. Before taking the testimony of a witness, the Committee on Decorum and Investigation shall place him/her under oath and then take his/her name, address, civil status, age and place of employment.

17. Appearance of Parties

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

18. Order of Hearing

- a. Unless the Committee on Decorum and Investigation directs otherwise, the order of hearing are as follows:
 - a.1 The complainant shall present evidence in support of the charge;
 - a.2 The respondent shall then offer evidence in support of his/her defense;
 - a.3 The complainant may then offer rebuttal evidence, and the respondent, sur-rebuttal evidence.
- b. Every witness may be examined in the following order:
 - b.1 Direct examination by the proponent;
 - b.2 Cross-examination by the opponent;
 - b.3 Re-direct examination by the proponent;
 - b.4 Re-cross examination by the opponent.
- c. A sworn statement of a witness, properly identified and affirmed by the witness before the Committee on Decorum and Investigation shall constitute his/her direct testimony.
- d. When a 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. Thereafter, both parties may be given time to submit their respective memorandum which in no case shall be beyond five (5) days after the termination of the investigation. Failure to submit the memorandum within the given period shall be considered a waiver thereof.

19. Objections

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

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

20. Markings

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

21. Request for Subpoena

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

22. Issuance of Subpoena

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

23. Records of Proceedings

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

24. Effect of the Pendency of an Administrative Case

The pendency of any administrative case shall not disqualify the respondent for promotion or from claiming maternity/paternity benefits. For this purpose, an administrative case shall be construed as pending when the disciplinary authority has issued a formal charge.

25. Formal Investigation Report

- a. Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the Committee on Decorum and Investigation to the disciplining authority. The complete records of the case shall be attached to the Report of Investigation.
- b. The complete records shall be systematically and chronologically arranged, paged and securely bound to prevent loss. A table of contents shall be prepared. Whoever is in-charge of the transmittal of

the complete records shall be held responsible for any loss or suppression of pages thereof.

26. When Case is Decided

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

27. Finality of Decisions

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

X. Remedies After A Decision

1. Filing of Motion for Reconsideration

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

2. When Deemed Filed

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

3. Grounds for Motion for Reconsideration

The motion for reconsideration shall be based on any of the following:

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

4. Limitation

Only one motion for reconsideration shall be entertained.

5. Effect of Filing

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

6. Filing of Appeals

- a. Decision of the disciplining authority imposing a penalty exceeding thirty (30) days suspension or a fine in an amount exceeding thirty days salary, may be appealed to the Commission Proper within a period of fifteen (15) days from receipt thereof.
- b. In case the decision rendered by the disciplining authority is appealable to the Commission, the same may be initially appealed to the Department Secretary and finally to the Commission Proper. Pending appeal, the same shall be executory except where the penalty is removal, in which case the same shall be executory only after confirmation by the Secretary concerned.
- c. A notice of appeal including the appeal memorandum shall be filed with the appeal authority, copy furnished the disciplining office. The latter shall submit the records of the case, which shall be systematically and chronologically arranged, paged and securely bound to avoid loss with its comment, within (15) days, to the appellate authority.

7. 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.

8. Appeal Fee

The appellant shall pay the necessary appeal fee and a copy of the receipt thereof shall be attached to the appeal.

9. Perfection of an 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 the decision appealed 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 office;
- d. Proof of payment of the appeal fee; and
- e. A statement or certification of non-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. Appeal filed after the reglementary period shall no longer be accepted.

10. 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 he wins the appeal.

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

- a. If the case on appeal with the Commission Proper is remanded to the proper disciplining authority of the Department for further investigation, the said disciplining authority through the Committee on Decorum and Investigation shall finish the investigation within three (3) calendar months from the date of receipt of the records from the Commission, unless the investigation is delayed due to the fault, negligence or petition of the person being complained of, or an extension is granted by the Commission Proper in meritorious cases. The period of delay shall not be included in the computation of the prescribed period.
- b. Within fifteen (15) days from the submission of the investigation report, the disciplining authority shall render his/her decision. If, at the end of said period, the disciplining authority fails to decide on the case, the Commission Proper shall vacate and set aside the appealed decision and declare the person being complained of exonerated of the charge. If the person being complained of is under preventive suspension, he shall be immediately reinstated.
- c. The Civil Service Regional Office for Legal Affairs of the Civil Service Commission shall evaluate requests for the extension of formal investigations and grant the same on meritorious grounds. In disposing the requests, said office shall be guided by the principles of justice and fair play, provided, that the extension shall not be for more than twenty (20) days.
- d. For this purpose, the Regional Director shall monitor the implementation of the CSC Resolution remanding the case to the proper disciplining authority for further investigation and submit a report to the Commission Proper.

12. Petition for Review

A complainant may elevate the decision of the disciplining authority dismissing a complaint for lack of a prima facie case before the Commission Proper through a Petition for Review within fifteen (15) days from the receipt of said decision.

13. Petition for Review with the Court of Appeals

A party may elevate a decision of the Commission before the Court of Appeals by way of Petition for Review under Rule 43 of the 1997 Revised Rules of Court.

14. Petition for Certiorari

When the disciplining authority has acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction and there is no appeal, nor any plain, speedy and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition for certiorari in the proper court under Rule 65 of the Rules of Court.

XI. Classification of Sexual Harassment Offenses

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

1. Grave Offenses shall include but not limited to:
 - a. unwanted touching of private parts of the body (genitalia, buttocks, and breast);
 - b. sexual assault;
 - c. malicious touching
 - d. requesting for sexual favor in exchange for employment, promotion, foreign or local travels, favorable working conditions or assignments, scholarship, or the grant of benefits or payment of a stipend or allowance; and
 - e. other analogous cases
2. Less Grave Offenses 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 or threats with sexual overtones; and
 - e. other analogous cases
3. The following shall be considered Light Offenses:
- a. surreptitiously looking or stealing a look at a person's private part or worn undergarments;
 - b. telling sexist/smatty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive or vulgar;
 - c. malicious leering or ogling;
 - d. the 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
 - j. other analogous cases.

XII. Administrative Liabilities

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

The penalties for light, less grave, and grave offenses are as follows:

- a. For light offenses:

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

- b. For Less grave offenses:

- 1st offense – Fine or suspension not less than thirty (30) days and not exceeding six (6) months
- 2nd offense – Dismissal

c. For grave offenses:

Dismissal

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.

XIII. Effectivity

This Circular shall take effect immediately upon approval by the Civil Service Commission.

Esperanza I. Cabral
DR. ESPERANZA I. CABRAL
Secretary
pub *by NY*

DSWD - OSEC



In Replying Please Cite: R0000011827

A CERTIFIED COPY:

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