

[PNP CIRCULAR NO. 2006-19, September 05, 2006]

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

I. REFERENCES:

1. Republic Act No. 7877 February 14, 1995 otherwise known as "*An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment and for Other Purposes*" which took effect on March 5, 1995;
2. CSC Resolution No. 01-0940 dated May 21, 2001 that promulgates the Rules and Regulations defining administrative offense of sexual harassment and prescribing the standard procedure for the administrative investigation, prosecution and resolution of sexual harassment cases in public sector.

II. SCOPE/COVERAGE:

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

III. OBJECTIVES:

All personnel of the PNP is a potential victim of sexual harassment regardless of age, sex, physical appearance, civil or marital status and it is an issue that needs to be taken seriously and with passion. Hence, there is a need for the PNP to undertake the following:

1. Institutionalize a system to be followed when resolving sexual harassment cases and the procedural steps in handling complaints
2. Provide a policy that would facilitate the resolution of sexual harassment cases and the filing of appropriate charges to personnel who are found to have committed such act.

IV. DEFINITION OF TERMS:

PNP Personnel - Uniformed and Non-Uniformed members of the PNP.

Sexual Harassment-for the purpose of these Rules, the administrative offense of sexual harassment is an act, or series of acts, involving any unwelcome sexual advances, requests or demands for a sexual favor, or other verbal physical behavior of a sexual nature, committed by PNP personnel, regardless of whether or not having authority, influence or moral ascendancy against another, in a work related, training or education environment regardless of whether or not the demand, request of requirement is accepted.

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

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

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

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

V. WORK-RELATED/EDUCATION OR TRAINING-RELATED SEXUAL HARASSMENT

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 actions) directing the applicant/employee; or
- 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 offensive work environment; or
- c. The act or series of acts which might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a co-employee, applicant, customer, or ward of the person complained of.

2. Education or training-related sexual harassment is committed against one who is under the actual or constructive care, custody or supervision of the offender, or against one whose education, training, apprenticeship, internship or tutorship is directly or constructively entrusted to, or is provided by, the offender, when:

- a. Submission to or rejection of the act or series of acts used as a basis for any decision affecting the complainant, including, but not limited to, the giving of a grade the granting of honors or a scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege

or consideration;

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

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 trainee, apprentice, intern, tutee or ward of the person complained of.

VI. WHERE SEXUAL HARASSMENT CAN TAKE PLACE

1. In the premises of the workplace or office or of the school or training institution.
2. In any place where the parties were found as a result of work, of education or training responsibilities or relations.
3. At work or education or training-related social functions.
4. While on official business outside the office or school or training institution or during work or school or training-related travel.
5. At official conferences, for a, symposia or training sessions.
6. By use of telephone, cellular phone, fax machine, or electronic mail.

VII. FORMS OF SEXUAL HARASSMENT

The following are illustrative forms of sexual harassment:

1. Physical
 - a. Malicious touching.
 - b. Overt sexual advances.
 - c. Gestures with lewd insinuations.
2. Verbal, such as but not limited to, requests or demands for sexual favors, and offensive remarks about sex or on the sexuality of the other person.
3. Use of objects, pictures or graphics, letters or written notes with sexual underpinnings.
4. Other forms analogous to the foregoing.

VIII. PERSONS LIABLE FOR SEXUAL HARASSMENT:

Any PNP personnel, regardless of sex, is liable for sexual harassment when he/she.

1. Directly participates in the execution of any act of sexual harassment as defined by this circular;
2. Induces or directs another or others to commit sexual harassment as defined by this circular;
3. Cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished;

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

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

1. A Committee on Decorum and Investigation shall be created in the National Headquarters, National Support Units, Regional, and Provincial offices to perform the following functions:

- 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. Lead in the conduct of discussion about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment.
- e. Find ways and means to create an environment free of stresses and threats of sexual harassment

2. When a member of the Committee is the complainant or the person complained of in a sexual harassment case, he/she shall be disqualified from being a member of the Committee.

3. The different PNP Committees on Decorum and Investigation shall have the following members who shall serve for a maximum of two (2) year term of office unless earlier resigned, retired, or otherwise separated from service, reassigned, designated or detailed to other position or offices, or dismissed from the PNP:

a. National Level

The Deputy Chief of Administration (TCDA)	- Chairman
The Director for Investigation and Detective Management (TDIDM)	- Vice Chairman
The Director for Personnel and Records Management (TDPRM)	- Member
The Director for Public Community Relations (TDPCR)	- Member
The Director for Intelligence (TDI)	- Member
The Director for Human Resource and Doctrine Development (TDHRDD)	- Member
Director, Legal Service (D, LS)	- Member
Chief Executive Senior Police Officer (CESPO)	- Member
NUPAI President	- Member
NUP 2nd Level representative	- Member
NUP 1st Level representative	- Head
Chief, investigation Division (DIDM)	- Secretariat

b. National Support Units

Deputy Director (DD)	- Chairman
Chief Directorial Staff (CDS)	- Vice Chairman

Administrative Officer	- Member
Personnel Officer	- Member
Command Inspectorate	- Member
Legal Officer	- Member
Public Information Officer	- Member
Chief Clerk	- Member
NUP 2nd Level representative	- Member
NUP 1st Level representative	- Member
Chief, Investigation Section	- Head, Secretariat

C. Regional Level

Dep Reg'l Director for Admin (DRDA)	- Chairman
The Chief Regional Directorial Staff	- Vice Chairman
C, Reg'l Intel and Inves Division (RIID)	- Member
C, Reg'l Personnel & Human Resource and Doctrine Development Division (RPHRDD)	- Member
C, Reg'l Public Community Relations Division (RPCRD)	- Member
Regional Legal Officer	- Member
Reg'l Executive Senior Police Officer (RESPO)	- Member
NUP 2nd Level representative	- Member
NUP 1st Level representative	- Member
Chief, Investigation Section	- Head, Secretariat

d. Provincial Level

Dep Prov'l Director for Admin (DPDA)	- Chairman
C, Prov'l Intel and Inves Section	- Vice Chairman
Prov'l Personnel & Human Resource Section	- Member
C, Prov'l Public Community Relations Section	- Member
Provincial Legal Officer	- Member
Prov'l Executive Senior Police Officer (PESPO)	- Member
NUP 2nd Level representative	- Member
NUP 1st Level representative	- Member
Chief, Investigation Section	- Head, Secretariat

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

During this stage, the PNP may adopt mechanisms to provide assistance to an alleged victim of sexual harassment which may include counseling, referral to an agency offering professional help, and advice on options available before the filing of the formal complaint.

Moreover, upon filing of complaint by the alleged victim, he/she shall immediately be transferred to another office where the respondent(s) cannot further intimidate him/her.

XI. STANDARD PROCEDURAL REQUIREMENTS

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