

**[NBI MEMORANDUM ORDER NO. 62, S. 98,
September 07, 1998]**

**RULES AND REGULATIONS PRESCRIBING THE PROCEDURE FOR
THE INVESTIGATION OF SEXUAL HARASSMENT CASES AND THE
ADMINISTRATIVE SANCTIONS THEREFOR IN THE NATIONAL
BUREAU OF INVESTIGATION**

Pursuant to Section 4 of RA 7877, otherwise known as the "Anti-Sexual Harassment Act of 1995", the following rules and regulations are hereby promulgated prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor in this Bureau.

**Rule I
Coverage**

SECTION 1. These rules shall cover all officials and employees of the NATIONAL BUREAU OF INVESTIGATION and holding positions under permanent and temporary status.

**Rule II
Definition**

SECTION 2. Sexual harassment is a form of misconduct involving an act, gesture or other verbal or physical behavior of a sexual nature, made directly, indirectly or impliedly, creating in the process an intimidating humiliating, hostile, or offensive work environment to the harassed.

For the purpose of this Memorandum Order, sexual harassment is committed when:

1. The sexual favor is made as a condition in the hiring or in the employment, re-employment, or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating, or classifying the employee, which in any way would discriminate, deprive, or diminish employment opportunities or otherwise adversely affect said employee;
2. The above acts would impair the employee's rights or privileges under existing laws; or
3. The above acts would result in an intimidating, hostile, or offensive environment for the employee.

Any person, who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this

Memorandum Order.

Rule III
Forms of Sexual Harassment

SECTION 3. Sexual Harassment may take place:

1. In the work place
2. Anywhere else as part of work assignment
3. At office related social functions
4. While on official mission outside the work station or during work related travel
5. At official conferences, fora, symposia, workshops or training sessions; or
6. At any place where, or any activity during which two or more persons who work in the same office are together, whether or not work-related

Rule IV
Committee on Decorum and Investigation of Sexual Harassment Cases

SEC. 4. A Committee on Decorum and Investigation of Sexual Harassment Cases is hereby created to be composed of the following:

Chairman — Deputy Director for Administrative Services

Member — Chief, Inspection and Investigation Division

Member — President or any officer, NBI Employees Association

Member — An employee in the second level

Member — An employee in the first level

SEC. 5. The Committee shall have the following powers and functions:

- a. Investigate and conduct hearings in accordance with the Uniform Rules of Procedure in the Conduct of Administrative Investigation in the Civil Service. It shall submit a report of its findings with the corresponding recommendation to the Director for decision. Said report shall be considered strictly confidential.
- b. Conduct meetings with the officials and employees to increase understanding and prevent incidents of sexual harassments;
- c. Adopt measures that will expedite the investigation and adjudication of sexual harassment cases; and
- d. Administer oaths, issue subpoena and subpoena duces tecum, take testimony in any investigation or inquiry, institute contempt proceedings in accordance with the