

**[PNP MEMORANDUM CIRCULAR NO. 2010-001,
January 08, 2010]**

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

1. REFERENCES:

- a. Memo Circular No. 2006-019 dated September 05, 2006, Revised Implementing Rules and Regulations of CSC Resolution No. 01-0940 Re-Administrative Disciplinary Rules on Sexual Harassment Cases;
- b. Republic Act No. 7877 dated 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; and
- c. 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.

2. SCOPE/COVERAGE:

This Circular shall apply to all personnel of the Philippine National Police holding any level of positions, including Presidential appointees 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.

3. OBJECTIVES:

All personnel of the PNP is a potential victim of sexual harassment regardless of age, sex, gender, physical appearance, civil or marital status and it is a serious issue that must be addressed by the PNP in general. It is based on this premise that the PNP need to undertake the following:

- a. Institutionalize a system to be followed when resolving sexual harassment cases and the procedural steps in handling complaints; and
- b. Provide a policy that would facilitate the resolution of sexual

harassment cases and the filing of appropriate charges to PNP personnel who are found to have committed such act.

4. DEFINITION OF TERMS:

a. *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 or internship is directly or constructively entrusted to, or is provided by the offender, when:

1) Submission to or rejection of the act or series of acts 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;

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

3) The act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a student, trainee, apprentice or intern of the person complained of.

b. *Gender* - refers to the personal characteristics, abilities, and interests that are culturally assigned and socially constructed differently between the two sexes.

c. *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 relationships with a peer;

d. *PNP Personnel* - refers to Uniformed and Non-Uniformed personnel of the PNP;

e. *Sexual Harassment* - for the purpose of these Rules, it 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 having authority, influence or moral ascendancy over another in a work related, training or education environment regardless of whether the demand, request or requirement is accepted;

f. *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

offensive 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;

g. *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;

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

i. *Student* - refers to PNP Uniformed and Non-Uniformed Personnel undergoing official training, specialized courses and schooling at the PNP Training Service, Philippine Public Safety College, PNP School for Investigation and Detective Development, and other training institutions;

j. *Trainee/Recruit* - refers to person(s) undergoing a basic training as Police Officer 1 entry level at any of the PNP Training School; and

k. *Work-related sexual harassment* is committed under the following circumstances:

1) Submission to or rejection of the act or series of acts, is used as a basis for any employment decision (including but not limited to, matters related to hiring, promotion, raise in salary, job security, benefits, and any other personnel actions) affecting the applicant/employee; or

2) The act or series of acts have the purpose or effect of interfering with the complainant’s work performance, or creating an intimidating hostile offensive work environment; or

3) 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, recruit, student, customer, or ward of the person complained of.

5. WHERE SEXUAL HARASSMENT CAN TAKE PLACE:

a. Within the premises of the workplace or office or of the school or training institution;

b. In any place where the parties were found as a result of work, of education or training responsibilities or relations;

e. At work or education or training-related social functions;

f. While on official business outside the office or school or training institution or during work or school or training-related travel;

- g. At official conferences, fora, symposia or training sessions; and
- h. By use of telephone, cellular phone, fax machine, text/SMS messages, or electronic mail.

6. FORMS OF SEXUAL HARASSMENT:

The following are illustrative forms of sexual harassment:

- a. Physical
 - 1) Malicious touching.
 - 2) Overt sexual advances.
 - 3) Gestures with lewd insinuations.
- b. 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;
- c. Use of objects, pictures or visual graphics, electronic images/notes, letters or written notes with sexual underpinnings; and
- d. Other forms analogous to the foregoing.

7. PERSONS LIABLE FOR SEXUAL HARASSMENT:

Any PNP personnel, regardless of gender, is liable for sexual harassment when he/she:

- a. Directly participates in the execution of any act of sexual harassment as defined under this Circular;
- b. Induces or directs another or others to commit sexual harassment as defined under this Circular;
- c. Cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished; and
- d. Cooperates in the commission of sexual harassment by another through previous or simultaneous acts.

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

- a. A Committee on Decorum and Investigation (CODI) shall be created in the National Headquarters, National Support Units, Regional, Provincial/City Police Offices to perform the following functions:

- 1) Receive complaints of sexual harassment;
 - 2) Investigate sexual harassment complaints in accordance with the prescribed procedure;
 - 3) Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
 - 4) Lead in the conduct of discussion about sexual harassment within the agency or institution to increase the level of understanding, awareness and prevent incidents of sexual harassment;
 - 5) Conduct information campaign drive of the PNP against sexual harassment for nationwide distribution to all Police Offices;
 - 6) Find ways and means to create an environment free of stresses and threats of sexual harassment.
- b. When a member of the Committee is the complainant or the person complained of in a sexual harassment case, he/she shall be disqualified and shall inhibit him/her self from being a member of the Committee;
- c. The Committee on Decorum and Investigation shall be composed of the following with at least two (2) female members:

1) National Level

The Deputy Chief for Administration- Chairman
(TDCA)

The Director for Investigation and- Vice-Chairman
Detective Management (TDIDM)

The Director for Personnel and- Member
Records Management (TDPRM)

The Director for Public Community- Member
Relations (TDPCR)

Director, Legal Service (D, LS) - Member
Chief Executive Senior Police Officer- Member
(CESPO)

Chief, NUPAD - Member

NUP (male) - Member

NUP (female) - Member

Chief, Women and Children- Member
Protection Center

Chief, Pre-Charge Investigation- Head ,
Division (DIDM) Secretariat

2) Directorial Staff

Deputy Director (DD) - Chairman

Executive Officer (Ex-O) - Vice-Chairman