

**[ OB ADMINISTRATIVE ORDER NO. 18, February  
12, 2004 ]**

**RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO.  
7877 (ANTI-SEXUAL HARASSMENT ACT OF 1995)**

Pursuant to Section 4, Republic Act No. 7877 (Anti-Sexual Harassment Act of 1995); Section 13, par. (8), Article XI, Constitution; and Section 18, Republic Act No. 6770 (Ombudsman Act of 1989), the Office of the Ombudsman hereby promulgates the following Rules and Regulations prescribing the procedures for the adjudication of sexual harassment cases and administrative sanctions therefor, as well as the guidelines on proper decorum in the workplace.

*Section 1. Coverage.*- These Rules shall apply to administrative cases involving acts of sexual harassment and other forms of sexual misconduct filed against any officer or employee of the Office of the Ombudsman.

As used in these Rules, "officer or employee" shall refer to officers and employees in the Office of the Ombudsman, whether in the career or non-career service, and whether holding positions under permanent, temporary or confidential status.

*Section 2. Jurisdiction.*- The Tanodbayan, as the disciplining authority over all officers and employees of the Office of the Ombudsman, shall exercise exclusive jurisdiction over acts of any officer or employee constituting sexual harassment or other forms of sexual misconduct.

*Section 3. Sexual Harassment Defined.*- Sexual harassment is an act or series of acts committed by an officer or employee who, having authority, supervision, influence or moral ascendancy over another, solicits or demands any sexual favor from that person, regardless of whether the demand or request for sexual favor is accepted, under any of the following circumstances:

1. The sexual favor is made as a condition in the hiring, employment, reemployment or continued employment of the offended party, or in granting the offended party favorable terms and conditions of employment, promotion, or other forms of privileges, leniencies or accommodations at work;
2. The refusal to grant sexual favor results in the discrimination of or any other prejudice to the offended party;
3. As a result, the employee's rights or privileges under the laws are impaired;
4. The above act results in an intimidating, hostile, or offensive working environment for the offended party;
5. The demand or request for sexual favor is made against any member of a Corruption Prevention Units (CPU) or Junior

- Graftwatch Unit (JGU), whether accredited or in the process of accreditation;
6. The demand or request for sexual favor is made against a participant in a training, seminar, conference or symposium organized, sponsored or co-sponsored by the Office; or
  7. The demand or request for sexual favor is made against an on-the-job (OJT) trainee in the Office.

For purposes of this Section, sexual harassment may take place in the workplace; on the occasion of a training, seminar, conferences or symposium; in the course of any official business transaction or office-related social functions, regardless of location; or through correspondence, phone, electronic mail, or any other means of communication.

*Section 4. Decorum; Other Forms of Sexual Misconduct.* An officer or employee shall strive at all times to avoid any impression of being engaged in any other form of sexual misconduct or sexually aberrant behavior not constituting sexual harassment, as defined, which includes:

1. Malicious touching;
2. Unsolicited sexual advances;
3. Offensive sexually-oriented remarks;
4. Unwelcome sexually suggestive acts or gestures;
5. Scandalous exhibit of body parts;
6. Offensive display of pornographic or sexually explicit pictures, films, notes, or objects.

For purposes of this Section, the last paragraph of Section 3 shall apply.

*Section 5. Persons liable.-* Any officer or employee who, having authority, supervision, influence or moral ascendancy over another person, commits any of the acts described in Section 3 hereof shall be held administratively liable for sexual harassment.

Any officer or employee who directs or induces another to commit any act of sexual harassment, as defined above, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held administratively liable for sexual harassment.

An officer or employee may also be held administratively liable for sexual misconduct not constituting sexual harassment for any of the acts described under Section 4 hereof, or such similar acts.

*Section 6. Committee on Decorum and Investigation.-* Committees on Decorum and Investigation ("Committee") shall be constituted each in the central office, Office of the Special Prosecutor, Office of the Deputy Ombudsman for Luzon, Office of the Deputy Ombudsman for Visayas, Office of the Deputy Ombudsman for Mindanao, and Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices, the composition of which shall be determined in corresponding Office Order(s) creating the same, which in every case shall include at least one (1)

representative each from the three levels of employees/officers, and at least one (1) representative from the management, the totality of which must be an odd number, but not to exceed five (5). The Committees shall perform functions and duties as provided in these Rules, and such other related functions and duties as the Tanodbayan, the proper Deputy or the Special Prosecutor, as the case may be, may assign.

A vote of majority of all members of the Committee shall be necessary for the issuance of a ruling on substantive issues or a decision.

*Section 7. Form of Complaint.* - A complaint for sexual harassment or other forms of sexual misconduct shall be in writing and under oath. It shall contain a brief but particularized recital of the act or acts of sexual harassment or misconduct complained of. It shall be accompanied by the affidavit of the offended party and, whenever possible, supported by the affidavits of witnesses and other evidence.

*Section 8. Evaluation.* - Upon the filing of a complaint, all copies thereof including all attachments thereto shall be immediately forwarded to the proper Committee which shall proceed to evaluate the complaint if it is sufficient in form and substance:

(a) On a finding that a complaint is sufficient in substance but not in form, the Committee shall immediately summon the offended party to swear to the truth of the allegations in the complaint.

(b) If the complaint is sufficient in form but does not contain sufficient particulars, the Committee shall immediately require the complainant to specify in a supplemental affidavit the acts complained of within five (5) days from notice.

(c) In all other cases where, regardless of form, the complaint is not sufficient in substance, the Committee shall forthwith submit an Evaluation Report to the Tanodbayan, the proper Deputy or the Special Prosecutor, as the case may be, recommending the dismissal of the complaint.

(d) On a finding that a complaint is sufficient in both form and substance, the Committee shall forthwith submit an Evaluation Report to the Internal Affairs Board (IAB) of this Office containing its recommendation to conduct preliminary investigation and/or administrative adjudication. The Evaluation Report, in accordance with Administrative Order No. 16, shall be approved by the following:

i. The IAB Chairman, where the respondent or highest ranking respondent occupies a position belonging to the first level in the career service, or who is in the non-career service with Salary Grade 13 and below;

ii. The IAB en banc, where the respondent or highest ranking respondent occupies a position belonging to the second level of the career service with salary grade (SG) not