

**[ DENR ADMINISTRATIVE ORDER NO. 2002-25,  
November 11, 2002 ]**

**REVISED IMPLEMENTING RULES AND REGULATIONS ON THE  
ANTI-SEXUAL HARASSMENT ACT OF 1995**

Pursuant to Section 4(a) of Republic Act No. 7877 otherwise known as "An Act Declaring Sexual Harassment Unlawful In The Employment, Education or Training Environment, And For Other Purposes" and by virtue of Civil Service Commission (CSC) Resolution No. 01-0940 otherwise known as "The Administrative Disciplinary Rules On Sexual Harassment Cases", the Department of Environment and Natural Resources (DENR) hereby adopts and promulgates the following Revised Implementing Rules and Regulations (IRR):

**RULE I.  
Preliminary Provisions**

*SECTION 1. Title.* — These rules and regulations shall be entitled "Revised Implementing Rules And Regulations On The Anti-Sexual Harassment Act Of 1995".

*SECTION 2. Basic Policy and Objective.* — The State values the dignity of every individual, enhances the development of its human resources, guarantees full respect for human rights, and upholds the dignity of workers, employees, and applicants for employment in the Civil Service. Sexual harassment is recognized as a violation of human rights, defeats and impairs morale and efficiency in the workplace, violates the merit and fitness principle in the civil service and creates or fosters a hostile environment in the workplace which adversely affect productive performance.

The DENR hereby promulgates these Revised IRR to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution and adjudication of sexual harassment cases.

**RULE II.  
Coverage**

*SECTION 3. Coverage.* — These Rules shall apply to all officials and employees of the DENR, including the Bureaus, Regional Offices, Provincial & Community Environment and Natural Resources Offices (PENROs & CENROs), Attached Agencies, and Government Owned or Controlled Corporations with original charters, whether in the Career or Non-Career service and holding any level of position under permanent, temporary, contractual, coterminous and casual status including Presidential appointees regardless of status. These shall likewise apply to trainees, consultants of the DENR and employees who have been dismissed by reason of application of these rules and other similarly-situated persons.

**RULE III.  
Definition**

*SECTION 4. Specific Acts Constituting Sexual Harassment.* — For the purpose of these Rules, the following shall be defined as follows:

a. "administrative offense of sexual harassment" is an act or a 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, regardless of whether the demand, request or requirement for submission is accepted, and committed by a government official or employee in a work-related or training-related environment of the person complained of.

b. "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, re-employment, continued employment, promotion, raise in salary, favorable compensation, job security, giving of benefits, privileges or consideration, and any other personnel action) 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 or offensive work environment; 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 co-employee, applicant, customer, client, trainee, apprentice or other similarly-situated persons, of the person complained of.

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

1. submission to or rejection of the act of series of acts is used as a basis for any decision affecting the complainant, including, but not limited to, granting of scholarships, the giving of a grade, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration; or

2. the act or series of acts have the purpose or effect of interfering with the performance, or creating an intimidating, hostile or offensive training 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 trainee, apprentice, or other similarly-situated persons, of the person complained of.

- d. "Disciplining Authority" refers to the DENR Secretary or Heads of Bureaus and Attached Agencies, as the case may be.
- e. "Committee" refers to either the Central or Localized Committee, as the case may be.

**SECTION 5.** *Place of Sexual Harassment.* — Sexual harassment may take place:

- 1. in the premises of the workplace, office or training environment;
- 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 environment or during work or training-related travel;
- 5. at official conferences, fora, symposia or training sessions; or
- 6. through letters, telephone, cellular phone, fax machine or electronic mail and other forms of communications.

#### **RULE IV. Forms of Sexual Harassment**

**SECTION 6.** *Forms of Sexual Harassment.* — The following are illustrative forms of sexual harassment:

- a) Physical
  - i. Malicious touching
  - ii. Overt sexual advances
  - iii. Unwelcome, improper or unnecessary gestures of a sexual nature.
- b) Verbal, such as but not limited to, requests or demands for sexual favors, and lewd remarks
- c) Use of objects, pictures or graphics, letters or written notes with persuasive sexual underpinnings and which create a hostile, offensive or intimidating work or training environment which is annoying or disgusting to the victim
- d) Any other forms analogous to the foregoing.

#### **RULE V. Persons Liable for Sexual Harassment**

**SECTION 7.** *Persons Liable for Sexual Harassment.* — Any official or employee of the DENR, regardless of sex, position, authority, influence or moral ascendancy over another person 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.

## **RULE VI.**

### **Committee on Decorum and Investigation of Sexual Harassment Cases**

*SECTION 8. Committee on Decorum and Investigation (CODI)* — A Committee on Decorum and Investigation (CODI) shall be created in the DENR Central Office, Bureaus, and Heads of Attached Agencies. Within thirty (30) days from promulgation of the Revised IRR, said offices shall be obliged to create their respective committees. Failure to submit to the Secretary an order or memorandum showing the creation of the said purpose shall be charged with Neglect of Duty. The Committee shall 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 discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment;

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

*SECTION 9. Composition.* — The Committee shall be composed of the following:

#### **I. DENR Central Office**

- a) Chairperson: An official occupying supervisory position appointed by the Secretary.
- b) Members: At least a Division Chief Level from the Legal and Legislative Affairs, Administrative Service, Personnel Division, and of the Complainant and the Person Complained of; a representative from the Gender and Development (GAD) Focal Point System, the duly accredited union, and the first level and second level rank-and-file employees.

#### **II. Localized Committee**

Bureau Directors and Heads of Attached Agencies shall have the authority and discretion to determine the composition of their localized committees.

*SECTION 10. Secretariat.* — A Secretariat shall be created by the designated Chairperson to provide administrative support to the Committee.

#### **RULE VII.**

#### **Pre-Filing Standard Operating Procedures in Attending to Victims of Sexual Harassment**

*SECTION 11. The Pre-Filing Stage.* — The DENR/Committee, before filing of any complaint, may provide assistance to an alleged victim of sexual harassment which may include counseling, referral to an offering professional help, and advice.

#### **RULE VIII.**

#### **Standard Procedural Requirements**

*SECTION 12. Complaint.*

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

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

Where the complaint is not under oath, the complainant shall be summoned by the Committee to swear to the truth of the allegations in the complaint.

- c. Complaints sent by telegram, radiogram, electronic mail or similar means of communication shall be considered non-filed unless the complainant shall comply with the requirements provided in Section 12(b) within ten (10) days from receipt of the notice for compliance.
- d. 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 complained of.

*SECTION 13. Action on the Complaint.* — Upon receipt of a complaint that is sufficient in form and substance, the Committee shall require the person complained