



MARIANO MARCOS STATE UNIVERSITY

Rules on Anti-Sexual Harassment

To carry out the provisions of the law, the University established the Administrative Disciplinary Rules on Sexual Harassment. This is in conformity with Republic Act No. 7877 (Anti-Sexual Harassment Act), Civil Service Commission Resolution No. 01-0940 and 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS).

The rules apply to all MMSU officials, employees whether part-time or full-time regardless of status-including but not limited to other MMSU workers engaged under a contract or service or job order status, and students.

Frequently asked questions (FAQs) are also posted online for everyone's reference (<https://www.facebook.com/share/p/yd5zSxU15FhCNemJ/>).



RULES ON ANTI-SEXUAL HARASSMENT

of The Mariano Marcos State University (MMSU)
- Codi (Committee On Decorum And Investigation)



RULES ON ANTI-SEXUAL HARASSMENT

RULES ON ANTI-SEXUAL HARASSMENT OF THE MARIANO MARCOS STATE UNIVERSITY (MMSU) - CODI (COMMITTEE ON DECORUM AND INVESTIGATION)

Republic Act 7877, also known as the Anti-Sexual Harassment Act and CHED Memorandum Order No. 01 s. 2015 provides that the state shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights and uphold the dignity of workers, employees, applicants for employment, students of those undergoing training, instruction or education.

Consistent with the mandate, the Civil Service Commission promulgated CSC Res. # 01-0940 dated March 01, 2001 requiring agencies to formulate and adopt policies in order to promote and protect the dignity of every human worker and his/her right to a humane, just and safe work environment as well as implement policies that will reinforce sanction on the commission of acts of sexual harassment or to eliminate any commission.

In order, therefore, to carry out the provisions of the law, the following Administrative Disciplinary Rules on Sexual Harassment are hereby established in conformity with RA 7877, CSC Res. No. 01-0940, and 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS).

I. OBJECTIVES: (CSC mc No. 19 S. 1994)

1. To protect the dignity of every human person and his/her right to a humane, just and safe education training and work environment;
2. To promote the efficiency and morale of all members of the MMSU community;
3. To encourage and enhance proper decorum in work, education or training environment; and
4. To adopt an effective mechanism in the administration, investigation, prosecution and adjudication of sexual harassment cases.

II. BASIC POLICIES: (CSC MC 19 s. 1994; RA 7877; CSC Res. No. 01-0940)

The University shall be guided with following basic policies:

1. Sexual harassment in any form in the Mariano Marcos State University is unlawful and prohibited;
2. Sexual harassment by another employee or employee or officer constitutes a ground for administrative disciplinary action under the offense Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service or Simple Misconduct provided in Section 46(b), Chapter 6, Title I(A), Book V of Administrative Code of 1987 and subject to the penalties up to dismissal from the service;
3. A complaint on sexual harassment filed with the Office of the University President that is sufficient in form and substance shall be considered and be resolved expeditiously as defined in these rules;
4. A University official or employee, regardless of sex is liable for sexual harassment when there is direct or indirect participation and commission in violation of the Anti-Sexual Harassment Act;

5. Sexual Harassment can be committed in the work-related or in the education or training-related environment;
6. A Committee on Decorum and Investigation (CODI) shall be established to conduct investigation and hearing of alleged cases of sexual harassment.

III. COVERAGE (Rule II, CSC Res. No. 01-0940)

These rules shall apply to all MMSU officials, employees whether part-time or full-time regardless of status - including but not limited to other MMSU workers engaged under a Contract of service or job order status, and students.

IV. DEFINITION OF TERMS: (CSC Res. No. 01-0940 and CSC Resolution No. 2100064)

For the purpose of these rules, the following terms are defined:

- a. **CODI.** It refers to the Committee on Decorum and Investigation duly appointed by the President.
- b. **Complaint.** It refers to a written notice filed to proper authority concerning the person complained of the nature as well as the cause of the accusation against him.
- c. **Direct Participation.** It is the immediate participation of a person in the execution of any act of sexual harassment or his/her influence and persuasion to another to commit sexual harassment.
- d. **Education or Training-related sexual harassment.** This 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, tutorship is directly or constructively entrusted to, or is provided by the offender, when:
 - i. Submission to, or rejection of, the act or series of acts can be used as a basis for any decision affecting complainant, including, but not limited to, the giving of grade, the granting of honors or scholarship, the payment of the stipend or allowance, or the giving of any benefit, privilege, or consideration;
 - ii. 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;
 - iii. 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.
- e. **Ex-parte.** Means in the absence of the respondent and his/her counsel.
- f. **Indirect participation.** There is indirect participation when:
 - i. when one induces another person or others to commit the act of sexual harassment; and
 - ii. when one cooperates in the commission of sexual harassment by another through an act without which sexual harassment would not have been committed.



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b. **Online Sexual Harassment** refers to:

Gender-based online sexual harassment may be committed through an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear for personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photo's without consent, video and audio recordings, cyberstalking and online identity theft.

Gender-based online sexual harassment includes acts that use information and communication technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about the victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.

h. **Party adversely affected.** It refers to the person or respondent employee against whom the administrative disciplinary case is filed or who has meted out the penalty imposed.

i. **Prima Facie Case-** refers to the evidence which, if unexplained or uncontradicted is sufficient to sustain a judgment in favor of the issue it supports, but which may be contradicted by other evidence.

j. **Sexual advances.** Are the gestures that suggests sexual desires such as kissing, hugging, touching a body part, mental undressing, making offensive or malicious sexual remarks, etc. or any of sexual nature done against the will or without the consent of the person.

k. **Sexual harassment.** Is an act, or a series of acts, involving any unwelcome sexual advances, requests or demands for sexual favor, or other verbal or physical behavior of a sexual nature, committed by a government employee or official in a work – related training or education-related environment on the person complained of.

l. **Sexual Harassment in streets and public spaces** - is committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

Sexual harassment in streets and public spaces includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic and sexist slurs, persistent uninvited comments or gestures on a person's appearances, relentless request for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces as alleys, roads, sidewalks and parks. Acts constitutive of sexual harassment in streets and public spaces are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

m. **Sexual Harassment in Workplace** includes the following:

- I. An act or series of act involving any unwelcome sexual advances, request or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individuals' employment or education, job performance or opportunities.
- II. A conduct of sexual nature affecting the dignity of a person, which is unwelcome, unreasonable and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems.
- III. A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient.

Sexual harassment in the workplace may also be committed by a government employee or official in a work-related, training or education related environment of the person complained of, against any person regardless of the motive for committing such action or remarks, between peers, and by a subordinate to a superior officer.

- n. **Victim.** May be male or female. It may also include but is not limited to job applicants in the process of recruiting and employment, trainees and applicants in the process of educational testing, clients.

V. FORMS AND CHARACTERISTICS OF SEXUAL HARASSMENT (Rule IV, CSC Res. No. 01-0940)

1. **Physical Acts** – kissing or embracing, hugging from behind or any other physical contact. This include:
Malicious touching certain parts of the body such as the breast, hip and the like;
overt sexual advances–brushing against private body parts;
gestures with lewd insinuation – repeated "accidental" brushing against body parts.



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2. **Verbal Acts** – such as, but not limited to, request or demands for sexual favors and lurid (loud) remarks such as obscene jokes, lewd talk, acts of coercing or conciliating sexual relations; unsolicited propositions for dates or sexual intercourse; and abusive jokes.
3. **Visual Acts** – use of posing or presenting obscene photos, pictures, graphics, underpinning, sending obscene letters or written notes directly or via fax, cell phone or computer, intentional touching of a part of one's own body related to sex.

Other words or acts considered as causing sexual harassment.

VI. NATURE OF SEXUAL HARASSMENT (Rule III, CSC Res. No. 01-0940)

1. **Education or training-related sexual harassment.** An act constitutes sexual harassment when it is made as a condition for academic favor, decision, or evaluation. It is committed:
 - a. Against one who is under the care, custody or supervision of the offender;
 - b. Against one whose education, training apprenticeship or tutorship is directly or constructively entrusted to or provided by the offender;
 - c. When sexual favor is made as a condition to the giving of a passing grade, of the granting of honors and scholarship, of the payment of stipend, allowance or other benefits, privileges and considerations.
 - d. When the sexual advances have the purpose or effect of interfering with the performance, or creating an intimidating, hostile or offensive academic environment of the complainant.
 - e. When sexual favor might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a trainee, apprentice, intern or ward of the person complained of.
2. **Online Sexual Harassment** – an online conduct constitutes sexual harassment when it causes another mental, emotional or psychological distress, and fear for personal safety. It is committed under the following circumstances:
 - a. by giving unwanted sexual remarks and comments, threats, uploading or sharing of one's photo's without consent, video and audio recordings, cyberstalking and online identity theft.
 - b. The use of use information and communication technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about the victims to harm their reputation, or filing false abuse reports to online



platforms to silence victims

3. Sexual Harassment in streets and public spaces – acts constitutive of sexual harassment committed in public spaces such as but not limited to; alleys, roads, sidewalks, parks, streets, buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles. It is committed under the following circumstances:

- a. by catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic and sexists' slurs, persistent uninvited comments or gestures on a person's appearances, relentless request for personal details, statement of sexual comments and suggestions.
- b. by public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety

4. Sexual harassment in Workplace. The unwanted, uninvited, indecent, amorous advances constitute sexual harassment when they are used as basis for employment advancement. This is committed under the following circumstances:

- a. when sexual favor is made as a condition
 - in the hiring, employment, re-employment or continued employment of an individual;
 - in granting the individual favorable compensation, terms, conditions, promotions or privileges;
 - in limiting or segregating the employee which in any way would discriminate deprive or diminish employment opportunities or otherwise affect the individual who refuses the sexual favor;
- b. when sexual favor would result in an intimidating, hostile or offensive environment for the employee.

VII. OCCURRENCE OF SEXUAL HARASSMENT (Sec. 4, Rule III, CSC Res. No. 01-0940)

Sexual harassment may take place:

- 1. In the premises of the workplace or office or of the school training institutions;
- 2. In any place where the parties were found as a result of work or education or training responsibilities;
- 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, forum, symposium or training sessions
- 6. By telephone, cellular phone, fax machine, electronic mail or social media.



VIII. CLASSIFICATION OF ACTS OF SEXUAL HARASSMENT (Sec. 51, CSC Res. No. 2100064)

1. Sexual Harassment in the Workplace

- I. Grave Offenses punishable by dismissal from the service shall include, but are not limited to:
 - a. unwanted touching of private parts of the body (inner thighs, genitalia, buttocks and breast);
 - b. sexual assault;
 - c. malicious touching;
 - d. requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance; and
 - e. other analogous cases.

- II. Less Grave Offenses punishable by suspension of one month and one day to six months for the first offense; and dismissal from the service for the second offense, shall include, but are not limited to:
 - a. unwanted touching or brushing against a victim's body;
 - b. pinching not falling under grave offenses;
 - c. derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;
 - d. verbal abuse with sexual overtones; and
 - e. other analogous cases.

- III. Light Offenses punishable by reprimand for the offense; suspension of one to thirty days for the second offense; and dismissal from the service for the third offense, shall include, but are not limited to:
 - a. surreptitiously looking at a person's private part or worn undergarments;
 - b. making sexist statements and uttering smutty jokes or sending these through text, electronic mail including but not limited to social media platform, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advice, when they are by their nature clearly embarrassing, offensive or vulgar;
 - c. malicious leering or ogling;
 - d. display of sexually offensive pictures, materials or graffiti;
 - e. unwelcome inquiries or comments about a person's sex life;
 - f. unwelcome sexual flirtation, advances, propositions;
 - g. making offensive hand or body gestures at an employee;
 - h. persistent unwanted attention with sexual overtones;
 - i. unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and other analogous cases.

2. Sexual Harassment in Street and Public Places

A government official or employee who commits sexual harassment in streets or public spaces as defined shall be meted the following penalties depending on the gravity of the offense:

II. Grave Offense of Sexual Harassment in Streets and Public Spaces is committed by a public official or employee who engages in acts that include public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces as alleys, roads, sidewalks and parks. Such acts are punishable by dismissal from the service.

III. Less Grave Offense of Sexual Harassment in Streets and Public Spaces is committed when a public official or employee engages in acts that include unwanted invitations, misogynistic, transphobic and sexist slurs, persistent uninvited comments or gestures on a person's appearances, relentless request for personal details or making statements comments and suggestions with sexual innuendos such acts are punishable by suspension of one (1) month and one (1) day suspension to six (6) months for the first offense, and dismissal from the service for the second offense.

IV. Light Offense of Sexual Harassment in Streets and Public Spaces is committed when a public official or employee engages in acts that include catcalling or wolf-whistling. Such acts are punishable by reprimand for the first offense, suspension of one (1) to thirty (30) days for the second offense and dismissal from the service for the third offense.

3. Online Sexual Harassment

I. Grave Online Sexual Harassment punishable by dismissal from the service, includes uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing online of any of the victim's photos, videos, or any information of sexual content, impersonating identities of victims online or posting lies of sexual nature about the victims to harm their reputation, or filing false abuse reports to online platforms to silence victims of sexual harassment

II. Less Grave Online Sexual Harassment is committed by a government official or employee who engages in acts that include the use information and communication technology in terrorizing and intimidating victims through physical, psychological, and emotional threats with sexual overtones. Such acts are punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; and dismissal from the service for the second offense.

III. Light Online Sexual Harassment is committed by a government official or employee who engages in acts that include unwanted sexual misogynistic, transphobic, homophobic



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and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging with sexual overtones. Such acts are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense.

IX. PERSONS LIABLE FOR SEXUAL HARASSMENT (Sec. 6, Rule V, CSC Res. No. 01-0940; RAs No. 7877; 8353; and 8505)

Sexual harassment is committed when a person:

- a. directly participates in the execution of any act of sexual harassment as defined under these rules;
- b. induces or direct another to commit, sexual harassment as defined under 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 act.

X. COMMITTEE ON DECORUM AND INVESTIGATION (CODI) OF SEXUAL HARASSMENT (Sec. 14 (B) CSC Res. No. 2100064; Part XIV, Rule I, CHED Memo No. 01, S. of 2015)

The chairperson and members shall be appointed by the University President to conduct investigation and hearing of alleged cases constituting sexual harassment. Membership shall be:

A. Composition

- a. Chairperson to be designated by the University President w
- b. ANTAP President
- c. President of the Faculty Association
- d. Administrative Officer
- e. Human Resource (HR) Office
- f. Ad Hoc Members:
 - Dean/Director of concerned unit
 - Immediate Supervisor of concerned employee
 - President of the University Student Council (if student is involved)
 - Director of Student Affairs (if student is involved)

The CODI shall be headed by a woman and not less than half of its members shall be women.

(Section 14 (b) (4) CSC Res. No. 2100064)

B. Function. The CODI shall:

- a. serve as an independent internal mechanism to address, investigate complaints of sexual harassment.
- b. lead in the conduct of discussion about sexual harassment within the University to increase understanding and prevent incident of sexual harassment;
- c. receive complaints of sexual harassments;
- d. provide the procedures for the investigating resolution; settlement or prosecution of acts of sexual harassment;
- e. investigate sexual harassment complaints; and
- f. submit a report of findings with the corresponding recommendation to the disciplinary authority for decision;

C. Term of Office (Sec. 8-9, Rule VI, CSC Res. No. 01-0940; RA 7877)

Term of office of the members shall be two (2) years.

D. Disqualification of Members (Section 14 (b) (5), CSC Res. No. 2100064)

When a member of the Committee is the Complainant or the person complained of is a member of the CODI, he/she shall be disqualified for being a member thereof or the complaint may be filed directly with the Civil Service Commission or other disciplinary authorities with jurisdiction over the case.

E. Inhibition of Members (Section 14 (b) (6), CSC Res. No. 2100064)

The complainant or the person complained of may request a member of the CODI to inhibit, or the CODI member may, on his/her own initiative, cause the inhibition based on conflict of interest, manifest partiality, and other reasonable grounds. Upon such grant of inhibition, the members shall immediately replace so as not to cause delay in the proceedings.

F. Protection of the Complainant (Section 14 (b) (7), CSC Res. No. 2100064)

The CODI shall ensure the protection of a complainant from retaliation without causing him/her any disadvantage, diminution of benefits or displacement, and without compromising his/her security of tenure. It shall also guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible.

XI. PROCEDURE (Sec. 12, Rule VIII, CSC Res. No. 01-0940; Section 09, CMO No. 01 S. 2015)

To expedite the disposition and resolution of complaints or cases on sexual harassment, it shall go through a standard procedural requirement, as follows:



1. FILING OF COMPLAINT

- 1.1 Form of Complaint. An act or offense committed in violation of Anti-Sexual Harassment Act shall be filed through a written complaint, under oath, and shall be written in a clear, simple and concise language and in a systematic manner as to appraise the civil servant concerned of the nature and cause of the accusation against him/her to enable him/her to prepare his/her defense and answer.
- 1.2 Content of Complaint. The complaint shall contain the following:
 - 1.2.1 the full name and address of the complainant;
 - 1.2.2 the full name, address and position of the respondent
 - 1.2.3 a brief statement of the relevant facts;
 - 1.2.4 evidence, in support of complaint; if any
 - 1.2.5 a certification of non-forum shopping
- 1.3 Requirement for a Complaint. The contained requirement must be completed. In the absence of any one of the requirements, the complaint shall be dismissed without prejudice to its refiling.
- 1.4 Complaint Sent by Mail. In cases where complaint is sent by electronic mail or similar means of communication, it shall be considered non-filed unless the complainant as provided in these rules shall submit and comply with the requirements of a complaint as provided in this rule within ten (10) days from receipt of the notice for compliance.
- 1.5 With Whom and When Complaint is Filed. The complaint maybe filed at any time with the Committee on Decorum and Investigation (X.B.b). Complaints filed directly to the disciplining authority of MMSU shall upon receipt thereof be transmitted to the Committee on Decorum and Investigation.
- 1.6 Effect of Withdrawal. Withdrawal of the complaint at any stage of the proceedings shall not preclude the committee from proceeding with the investigation where there is truth or merit to the allegation in the complaint or where there is documentary direct evidence that can prove the guilt of the person complained of.
- 1.7 Action on Complaint. Upon receipt of a complaint that is sufficient in form and substance, the Committee on Decorum and Investigation shall direct the person complained of to submit a counter affidavit/comment under oath within 3 days upon receipt of the notice, furnishing a copy thereof to the complainant, otherwise the counter-affidavit/comment shall be considered as not filed.

2. PRELIMINARY INVESTIGATION

This involves the ex parte examination of documents submitted by the complainant or the person complained of as well as documents readily available from other government offices.

- 2.1 The preliminary investigation shall be conducted by the CODI. The committee shall look into whether the complaint is under oath or not. The parties during the investigation may also be required to submit affidavit or counter-affidavit.



- 2.2 After such affidavit under oath have been secured and submitted, the CODI evaluates and recommend whether a prima facie case exists to warrant the issuance of a formal charge.
- 2.3 Proceedings during the preliminary investigation before the CODI shall be held under strict confidentiality.
- 2.4 Duration of the Investigation. A preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the CODI and shall be terminated within fifteen (15) working days thereafter.
- 2.5 Investigation Report. Within five (5) days from the termination of the preliminary investigation, the CODI shall submit the Investigation Report and the complete records of the case to the disciplining authority.
- 2.6 Decision or Resolution after Preliminary Investigation. If a prima facie case is established during the investigation, a formal charge shall be issued by the disciplining authority within three (3) working days from receipt of the Investigation Report. In the absence of a prima facie case, the complaint shall be dismissed within the same period.

3. ISSUANCE OF FORMAL CHARGE

After determining that a prima facie case exists, a formal charge shall be made by the disciplining authority against the person complained of/respondent.

- 3.1 the formal charge shall be in writing and shall contain the following:
 - 3.1.1 specification of the charge;
 - 3.1.2 a brief statement of material or relevant facts accompanied by certified true copies of the documentary evidence, if any;
 - 3.1.3 a sworn statement covering the testimony of witnesses;
 - 3.1.4 a directive to answer the charges in writing under oath within not less than 72 hours from receipt thereof;
 - 3.1.5 an advice for the respondent to indicate in his/her answer whether or not he/she elects a formal investigation of the charge(s); and
 - 3.1.6 a notice that he is entitled to be assisted by a counsel of his choice.
 - 3.1.7 a notice that request for clarification, bill of particulars, motion to dismiss, motion to quash, motion for reconsideration and motion for extension to file answer shall not be entertained. shall not be entertained. If any of these pleadings are interposed, the same shall be noted without action and attached to the records of the case.
- 3.2 if the respondent has submitted his comment and counter-affidavits during the preliminary investigation, he/she shall be given the opportunity to submit additional evidence.

4. ANSWER

The respondent shall file or submit his written answer and under oath.

- 4.1 Time to answer. It shall be submitted within the period specified in the notification of the charges.
- 4.2 Contents. The answer shall be specific and shall contain material facts and applicable laws, if any; including documentary evidence; sworn statement



covering testimonies of witness if there be any, in support of the respondent's defense.

- 4.3 Failure to File Answer. If the respondent fails or refuses to file his answer to the formal charge within 72 hours from receipt thereof without justifiable cause, he/she shall be considered to have waived his/her right thereto and formal investigation may commence.
- 4.4 Prohibited Pleadings after the Formal Charge. The CODI shall not entertain requests for clarifications, bills of particulars or motions to dismiss which are obviously designed to delay the administrative proceedings. If any of these pleadings is filed by the respondent, the same shall be considered as part of his answer which he may file within the remaining period for filing the answer.
- 4.5 Evaluation of Answer. If the answer is found satisfactory, the case shall be dismissed. Otherwise, a formal investigation shall be held subject to 3.1.5 if respondent elects for an informal investigation.

5. PREVENTIVE SUSPENSION

- 5.1 Grounds. Upon petition of the complainant or motu proprio, may issue an order of preventive suspension against the respondent upon issuance of the formal charge or notice of charge, or immediately thereafter, if;
 - 5.1.1 The Charge involves
 - 5.1.1.1 Grave Offenses punishable by dismissal from service; or
 - 5.1.1.2 Less Grave Offenses on second offense
 - 5.1.1.3 Light Penalty on third offense
 - 5.1.2 The respondent is in a position to exert undue influence or pressure on the witnesses and/or tamper with evidence.

In order for a preventive suspension order to be valid, any of the conditions in 5.1.1 and 5.1.2 must be present.

- 5.2 Nature of Preventive Suspension. It is not punishment or penalty for misconduct in office but is considered to be a preventive measure.
- 5.3 Purpose of Preventive Suspension. An order of preventive suspension may be issued to temporarily remove the respondent from the scene of his malfeasance and to preclude the possibility of his/her exerting undue influence or pressure on the witness against him/her or tampering of documentary evidence on file with his office.
- 5.4 When Issued and When Effective. This shall be issued by the disciplining Authority not earlier than the issuance of the formal charge. The order shall take effect upon receipt of the respondent thereof.
- 5.5 Duration of Preventive Suspension. When the administrative case against the respondent under preventive suspension is not finally decided by the disciplining authority within the period of 90 days after the date of his preventive suspension, unless otherwise provide by special law, he/she shall be automatically reinstated into service. Provided when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the

period of delay should not be included in the counting of the 90 calendar days' period of preventive suspension. Provided that should the respondent be on authorized leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully enjoyed.

- 5.6 Remedies from the Order of Preventive Suspension. The respondent may file a motion for reconsideration with the disciplining authority or may elevate the same to the CSC by the way of an appeal within 15 days from receipt thereof.

6. CONDUCT OF FORMAL INVESTIGATION

- 6.1 The conduct of formal investigation shall be ordered after the respondent has filed his/her answer or after the period for filing an answer has expired.
- 6.2 If it deems necessary that formal investigation shall be conducted to decide the case judiciously, the COMDI shall conduct one even if the respondent does not request such.
- 6.3 Duration of Formal Investigation. The investigation shall be held not earlier than 15 days nor later than 10 days from receipt of the respondent's answer. Said investigation shall be finished within 30 days from issuance of the final charge or receipt of the answer unless the period is extended by the disciplining authority in meritorious cases.

7. HEARING

- 7.1 Pre-Hearing Conference. At the commencement of the formal investigation, the CODI shall conduct a pre-hearing conference for the parties to appear, consider and agree on any of the following:
- a. stipulation of facts;
 - b. simplification of issues;
 - c. identification and marking of evidence of the parties;
 - d. waiver of objections to admissibility of evidence;
 - e. limiting the number of witnesses and their names;
 - f. dates of subsequent hearings; and
 - g. such other matters as may aid in the prompt and just resolution of the case.

The parties may submit position papers/memoranda and submit the case for resolution based on the result of the pre-hearing conference without any need for further hearing.

- 7.1.1 Minutes of the Pre-Hearing Conference. After the pre-hearing conference, the CODI shall prepare the minutes which shall contain a summary of the agreements of the parties, including the facts stipulated.
- 7.1.2 The failure of any party to attend the pre-hearing conference may cause the submission of the case for decision based on available record upon appropriate motion of the present party.
- 7.1.3 Request for Subpoena. If a party desires the attendance of witness of the production of documents, he/she shall make a request for the issuance of



the necessary subpoena duces tecum, at least three (3) days before the scheduled hearing.

7.2 Hearing Conference: Continuous hearing until terminated.

7.2.1 Notice of Hearing. The parties and their witnesses shall be notified of the scheduled hearing at least 5 days before the date thereof, specifying the date, time, place of the said hearing and subsequent hearings. Thereafter, the schedule of hearings set shall be strictly followed without further notice.

7.2.2 Postponement of Hearing. Postponement of hearing shall be discouraged and shall be allowed only in meritorious cases, like illness of the parties and counsel and other similar causes. A party shall be granted only three (3) postponements upon oral and written request subject to discretion of the CODI.

7.2.3 Preliminary Matters. At the start of the hearing, the CODI shall note the appearances of the parties and shall proceed with the reception of evidence for the complaint.

If the respondent fails to appear during the scheduled hearings despite due notice, the investigation shall proceed ex-parte and the respondent is deemed to have waived his/her right to be present and to submit evidence in his/her favor during those hearings. If he/she appears without the aid of a counsel, he/she shall be deemed to have waived his/her right thereto.

Before taking the testimony of a witness, the CODI shall place him/her under oath and take his/her name, address, civil status, age and place of employment.

7.2.4 Appearance of Parties. Any person representing any of the parties before any hearing or investigation shall manifest orally or in writing his/her appearance for either the respondent or complainant, stating his/her full name and exact address where he/she served with notices and other documents. Any pleading or appearance made without complying with the above stated requirements shall not be recognized.

7.2.5 Order of Hearing. Unless the CODI directs otherwise, the order of the hearing shall be as follows:

- a. the complainant shall present evidence in support of the charge;
- b. the respondent shall then offer evidence in support of his/her defense;
- c. the complainant may then offer rebuttal evidence and the respondent, sur-rebuttal evidence.

7.2.6 Order of examination. Every witness may be examined in the following order:

- direct examination by the proponent
- cross examination by the opponent
- re-direct examination by the proponent
- re-cross examination by the opponent

A sworn statement of a witness, properly identified and affirmed by the witness before the CODI shall constitute his/her direct testimony.

7.2.7 Objections. All objections raised during the hearing shall be resolved by the CODI. However, objections that cannot be ruled upon by the CODI shall be noted with the information that the same shall be included in the memorandum of the concerned party to be ruled upon by the disciplining authority.

8. EVIDENCE

8.1 Material and Relevant Evidence. The CODI shall accept all evidence deemed material and relevant to the case. In case of doubt, the CODI, shall allow the admission of evidence subject to the objection interposed against its admission.

8.2 Markings. All documentary evidence or exhibits shall be properly marked as follows:

- if presented by complaint, it shall be marked by letters A, B, C, D, etc.
- if presented by respondent it shall be marked by numbers 1, 2, 3, 4, etc.

These evidences shall form part of the complete records of the case.

8.3 Records of Proceedings. The proceedings of the formal investigation must be recorded by either through shorthand or stenotype or by any other method.

8.4 Effect of the Pendency of any Administrative Case. The pendency of any administrative case shall not disqualify the respondent for promotion or from claiming maternity/paternity benefits. For this purpose, an administrative case shall be construed as pending when the disciplining authority has issued a formal charge.

9. SUBMISSION OF FORMAL INVESTIGATION REPORT

9.1 Submission of investigation report. Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the CODI to the disciplinary authority. The complete records of the case shall be attached to the Report of Investigation.

9.2 Safety of the investigation report. The complete record shall be systematically and chronologically arranged, paged and securely bound to prevent loss. A table of contents shall be prepared. Whoever is in-charge on the transmittal of the complete records shall be held responsible for any loss or suspension of pages thereof.

10. DECISION

10.1 When case is decided. The disciplining authority shall render his/her decision or the case within thirty (30) days from receipt of the report of the Formal Investigation. The decision can be that the respondent is guilty or not.

10.2 Form and contents of decision. The decision shall be in writing and signed by the



RULES ON ANTI-SEXUAL HARASSMENT

Disciplining Authority. It shall contain the charge, the name of the respondent and his office, a brief statement of the material and relevant facts, findings offense committed and penalty imposed.

- 10.3 Finality of Decision. A decision rendered by Disciplining Authority where a penalty of suspension for not more than thirty (30) days or a fine in an amount not exceeding thirty (30) days salary is imposed, shall be final and executory.

However, if the penalty imposed is suspension exceeding thirty (30) days or a fine exceeding thirty (30) days salary, the same shall be final and executory after lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.

11. SUPPORT SERVICES

The University may at any time after receipt of the complaint refer and/or provide appropriate support to both the complainant and the person complained of.

Support services may refer but not limited to the following:

1. Medical and professional services;
2. Legal advice;
3. Counselling – guidance and spiritual;
4. Safety and security measures;
5. Support from the GAD focal committee or coordination with women's org and advocacy groups; and
6. Laboratory procedures.

Personnel involved in the provision of support services to parties in sexual harassment are required to undergo training/orientation for such purpose.

12. SETTLEMENT IN SEXUAL HARASSMENT CASES

In cases of light offenses, settlement between the parties may be resorted to with the assistance of CODI and subject to the following rules:

- a. the complaint is the first complaint filed against the person complained of;
- b. the complaint refers to a light offense;
- c. the procedure is limited to conciliation and mediation;
- d. compromise agreement is signed by the parties; and
- e. a decision shall be issued by the disciplining authority based on the Compromise Agreement.

13. REMEDIES AFTER DECISION

13.1 Filing of motion for reconsideration. The party adversely affected by the decision may file a motion for reconsideration.

13.2 Period for filing of motion for reconsideration. The period to file the motion for reconsideration is within fifteen (15) days from receipt of the decision of the disciplining authority.

- 13.3 When motion for reconsideration is deemed filed. A motion for reconsideration shall be deemed filed on the date stamped on the official copy by the proper receiving authority, and in case it was sent by mail, on the date shown by the postmark on the envelop which shall be attached to the records of the case.
- 13.4 Grounds for motion for reconsideration. The motion for reconsideration shall be based on any of the following:
- a. new evidence has been discussed which materially affects the decision rendered;
 - b. The decision is not supported by the evidence on record;
 - c. Errors of law irregularities have been committed prejudicial to the interest of the respondent.
- 13.5 Limitation. Only one motion for reconsideration shall be entertained.
- 13.6 Effect of filing. The filing of motion for reconsideration within the reglementary period of fifteen (15) days shall stay the execution decision sought to be considered or shall suspend the running of the period.

14. APPEAL

- 14.1 Filing of appeal. Only the respondent has the personality to appeal a decision. An Appeal made by any other person shall be dismissed. The decision rendered by the University President imposing a penalty exceeding thirty (30) days suspension or fine an amount exceeding thirty (30) days, may be appealed to the Commission Proper within a period of fifteen (15) days from receipt thereof.
- 14.2 When all appeal is deemed filed. An appeal sent by mail shall be deemed filed on the date showed by the postmark on the envelop which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon by the proper office.
- 14.3 Perfection of an appeal. To perfect an appeal, the appellant shall within fifteen (15) days from receipt of the decision submit the following:
- a. notice of appeal which shall specifically state the date of the decision appealed from and the date of receipt thereof;
 - b. three (3) copies of appeal memoranda containing the grounds relied upon for the appeal, together with the certified true copy of the decision, resolution or order appealed from, and certified copies of the document or evidence;
 - c. proof or service of a copy of the appeal memorandum to the disciplining office;
 - d. proof of payment of the appeal;
 - e. a statement on certification of non-forum shopping.
- Failure to comply with any of the above requirements within the reglementary period shall be construed as failure to perfect an appeal and shall cause dismissal.
- 14.4 Effect of filing. An appeal shall not stop the decision from being executory and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency



of the appeal.

- 14.5 Effect of Finding of Violation of Due Process. If on appeal, the Commission finds that the disciplining authority violated respondent-appellant's right to due process, the Commission shall dismiss the case against the respondent and order the immediate reinstatement of the respondent with payment of back wages and other benefits. However, the dismissal of the case shall without prejudice on the part of the disciplining authority to re-file it in accordance with law.

15. PETITION FOR REVIEW

A complainant may elevate the decision of the disciplining authority dismissing a complaint for lack of prima facie case before the Commission proper through a Petition for Review within fifteen (15) days from the receipt of said decision.

- 15.1 Petition for Review with the Court of Appeals. A party may elevate a decision of the Commission Before the Court of Appeals by way of Petition for Review under Rule 43 of the 1997 Revised Rules of Court.

- 15.2 Petition for Certiorari. When the disciplining authority acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction and there is no appeal, nor any plain, speedy and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition for certiorari in the proper court under Rule 65 of the Rules of Court.

16. ADMINISTRATIVE LIABILITIES

The head of office who fails to act within fifteen (15) days from receipt of any complaint for sexual harassment properly filed in the University shall be charged with Neglect of Duty.

Any person who is found guilty of sexual harassment shall, after the investigation, be meted the penalty corresponding to the gravity and seriousness of the offense.

The penalties for light, less grave and grave offenses are as follows:

- a. For light Offenses:
 - 1st offense – Reprimand
 - 2nd offense – Suspension one (1) day to thirty (30) days
 - 3rd offense – Dismissal from service
- b. For Less Grave Offenses:
 - 1st offense – Suspension of one (1) month and one (1) day to six (6) months
 - 2nd offense – Dismissal from service
- c. For Grave Offenses:

1st offense – Dismissal from service

If the respondent is found guilty of two (2) or more different offenses, the penalty to be imposed should be that corresponding to the most serious offense serious offense and the rest shall be considered as aggravating circumstances.

In case the respondent is found guilty of two (2) or more counts of the same offense, the penalty shall be imposed in the maximum regardless of the presence of any mitigating circumstance.

XII. EFFECTIVITY

The CODI Rules on Anti-Sexual Harassment for the Mariano Marcos State University shall become effective after its final review dated April 26, 2022 by the Civil Service.


Shirley C. Agrupis

University President



XIV. APPENDIX: FORM 1. Complaint

Republic of the Philippines
MARIANO MARCOS STATE UNIVERSITY
Batac, Ilocos Norte

Date: _____

The President
Mariano Marcos State University
Batac, Ilocos Norte

Sir:

I, (name of complainant), of legal age, (married, single, widowed, separated) Filipino, and with postal address at _____, do hereby charge Mr. _____, residing at _____ and employed as _____ in the (office/Section) of Mariano Marcos State University, with acts of sexual harassment committed as follows:

(Brief and chronological summary of relevant facts and Specification of charges)

In support of the above charges, I am submitting the following documentary evidences:

- a. Enumerate the documentary evidence with a brief statement of substance of each.
- b. Attach copies of the documentary evidence to the complaint, properly marked for identification purpose.

(Complainant)

Subscribed and sworn to before me this __ day of __, 20__, in _____ exhibited to me his/her Res. Certificate No. _____ issued at _____ on _____.

(Person authorized to Administer Oath)

**VERIFICATION and CERTIFICATION
AGAINST FORUM SHOPPING**

I, _____, of legal age, single, Filipino Citizen and a resident of Brgy. _____, _____, Ilocos Norte, after having been sworn in, in accordance with law, do hereby state:

1. I am the complainant in the above-entitled complaint affidavit;
2. I have caused the preparation of the foregoing complaint affidavit;
3. That I have read and understood the allegations therein contained and the same are true and correct based on my personal knowledge and authentic records;
4. I have not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or any other tribunal or agency; to the best of my knowledge and belief, no such action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or other tribunal or agency; that I should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or any other tribunal or agency, I under take to report that fact within five (5) days therefrom to this Honorable Court.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ in _____ Philippines.

(Complainant)

Subscribed and sworn to before me this __ day of ____, 20__, in _____ exhibited to me his/her Res. Certificate No. _____ issued at _____ on _____.

(Person authorized to Administer Oath)



VISION

A premier Philippine
university by 2028

MISSION

To develop virtuous human capital
and sustainable innovations
in a knowledge-driven global economy

CORE VALUES

Knowledge
Inclusiveness
Professionalism
Spirituality and Social Responsibility

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