



MC. No. 19 s. 2002

MEMORANDUM CIRCULAR

- TO: ALL HEADS OF DEPARTMENT, BUREAUS, AGENCIES OF NATIONAL AND LOCAL GOVERNMENTS INCLUDING GOVERNMENT OWNED AND/OR CONTROLLED CORPORATIONS, STATE COLLEGES AND UNIVERSITIES, CSC REGIONAL OFFICES**
- RE: DELEGATION OF AUTHORITY TO THE CSC REGIONAL OFFICES TO APPROVE ADMINISTRATIVE DISCIPLINARY RULES ON SEXUAL HARASSMENT CASES OF AGENCIES, LGU's AND SUCS UNDER THEIR JURISDICTION.**

Sections 58 and 59 of the Administrative Disciplinary Rules on Sexual Harassment Cases (CSC Res. No. 01-0490) dated May 21, 2001 which took effect on August 5, 2001, state as follows:

"Section 58. All national and local government agencies, state colleges and universities, including government-owned or controlled corporations with original charters, shall promulgate or modify their own rules and regulations in conformity with their Rules, in consultation with their employees, within six (6) months from the effectivity of this Resolution.

"Section 59. All agencies of the government shall submit an authenticated copy of their rules and regulations on sexual harassment to the Commission for approval within one (1) month from the dates of their promulgation. It shall likewise submit to the Commission a list of the members of the CODI immediately after its composition.

Thus, all national and local government agencies, state colleges and universities including government owned and/or controlled corporations with original charters are mandated to submit a copy of their Rules on Sexual Harassment to the Commission for approval. They are likewise required to submit a list of the members of their CODI to the Commission for record purposes. The deadline for the submission of the rules and regulation on sexual harassment for approval was originally set on February 5, 2002 while the list of CODI members shall be submitted to the Commission as soon as the CODI is constituted.

Nevertheless, for those agencies that still wish to submit their respective rules and regulations, they are given one (1) month from the date of effectivity of this Memorandum Circular to do so, after which no more extension shall be given.

Non-compliance herewith shall be construed as a waiver on the part of the agencies or instrumentalities, in which case, CSC Resolution No. 01-0940 shall apply.

To facilitate the Commission's approval of the agency's Rules, the following guidelines serve to clarify the process in securing such approval.

1. The rules and regulations on sexual harassment of local government units, state colleges and universities, and local or regional agencies or government owned or controlled corporations with original charters, such as the Cagayan Economic Zone Authority, Zamboanga City Special Economic Zone Authority and other special bodies based in that particular region only, shall be submitted to and approved by the CSC Regional Office which has jurisdiction over them;
2. The rules and regulations on sexual harassment of national agencies shall be submitted to and approved by the CSC central office through the Office for Legal Affairs;
3. The rules and regulations for sexual harassment of local government units, state colleges and universities and government-owned or controlled corporations with original charters in the NCR shall be submitted to and approved by the CSC-NCR.
4. The list of CODI members shall likewise be submitted for records purposes to the same office (CSC Regional Office or the OLA, as the case may be) authorized to approve their respective rules on sexual harassment.

The approval of the rules on sexual harassment shall be based on the following general guidelines:

1. The rules and regulations on sexual harassment submitted for approval should basically comply with the substantive and procedural standards of the Administrative Disciplinary Rules on Sexual Harassment including penalties and gravity of the offense committed. CSC Resolution No. 01-0940 provides the minimum standards, hence, the agency's rules should contain and reflect the basic provisions stipulated in the said Resolution.

Should the rules and regulations submitted by the agency fail considerably to comply with the minimum standards set forth in CSC Resolution No. 01-0940, the same shall be disapproved and returned to the

agency, indicating the defective portions thereof. Thereafter, the agency shall be required to resubmit said rules and regulations for approval within ten days from receipt of the returned implementing rules and regulations.

2. A CODI shall be created with definite membership and functions enumerated under Rule VI of CSC Resolution No. 01-0940. Thus, no other committee may assume the functions specifically assigned to the CODI.

Nevertheless, the agency may formulate its own rules governing the term of office of its CODI members which should not be more than two (2) years, and other matters pertaining to the functions of the Committee not otherwise provided in these Rules.

3. An agency will adopt only one type of CODI depending on the environment prevailing or the environment which is substantially germane to the functions of the said agency. For example, SUC's will adopt the prescribed composition for educational or training institutions but may modify or expand its membership provided all sectors will be properly represented.
4. The requirement of authority, influence or moral ascendancy on the part of the offender is not an indispensable element of the administrative offense of sexual harassment; it need not exist for sexual harassment to take place.
5. The agencies' rules and regulations on sexual harassment submitted to the CSCRO's shall be effective upon its approval. While said rules are still in the process of being approved or the agency has not yet submitted any rules for approval, CSC Resolution No. 01-0940 shall be applied by the agency in the event that a complaint for sexual harassment is filed with it.
6. Resolution No. 01-0940 (Sec. 7) allows the establishment of localized CODI in national agencies which have decentralized their disciplining power and functions. Thus, the list of local CODI Members shall also be submitted to the CSCRO concerned.

This Memorandum Circular shall take effect immediately.


KARINA CONSTANTINO-DAVID
 Chairman



Republic of the Philippines
Civil Service Commission
Constitution Hills, Batasang Pambansa Complex, Diliman, 1126 Quezon City

100 Years of Service;
Civil Service at Its Best,
Mamamayan Muna

RESOLUTION NO. 021170

WHEREAS, Section 58 of the Administrative Disciplinary Rules on Sexual Harassment Cases (CSC Resolution No. 01-0940) mandates all national and local government agencies, state colleges and universities, including government-owned or controlled corporations with original charters to promulgate or modify their own rules and regulations in conformity with said Rules.

WHEREAS, the Administrative Disciplinary Rules on Sexual Harassment Cases took effect on August 5, 2001 and government agencies and instrumentalities are given six (6) months from said date or until February 5, 2002 to submit their respective rules on sexual harassment. Non-compliance herewith shall be construed as a waiver on the part of the concerned government agencies and instrumentalities to promulgate or modify their own rules and regulations, in which case, CSC Resolution No. 01-0940 shall apply.

WHEREAS, agencies who promulgated or modified their own rules and regulations are required under Section 59 of the same Rules to submit an authenticated copy of their rules and regulations on sexual harassment to the Commission for approval within one (1) month from the date of their promulgation and to likewise submit a list of the members of the Committee on Decorum and Investigation (CODI) immediately after its composition.

WHEREAS, to facilitate the Commission's approval of the agency's Rules, there is the need to clarify the process in securing the approval of said Rules.

WHEREAS, it is within the mandate of the Civil Service Commission Regional Offices to enforce civil service law and rules, policies, standards on personnel management within their respective jurisdiction and to perform such other functions as may be delegated by the Commission.

NOW, THEREFORE, the Commission hereby promulgates the following in regard to the approval/disapproval of the rules on sexual harassment to be submitted by the different government agencies.

1. The rules and regulations on sexual harassment of local government units, state colleges and universities, and local or regional agencies or government owned or controlled corporations with original charters, such as the Cagayan Economic Zone Authority, Zamboanga City Special Economic Zone Authority and other special bodies based in that particular region only, shall be submitted to and approved by the CSC Regional Office which has jurisdiction over them;

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Board Secretary III

2. The rules and regulations on sexual harassment of national agencies shall be submitted to and approved by the CSC central office through the Office for Legal Affairs;
3. The rules and regulations on sexual harassment of local government units, state colleges and universities and government-owned or controlled corporations with original charters in the NCR shall be submitted to and approved by the CSC-NCR.
4. The list of CODI members shall likewise be submitted for records purposes to the same office (CSC Regional Office or the OLA, as the case may be) authorized to approve their respective rules on sexual harassment.

The approval of the rules on sexual harassment shall be based on the following general guidelines:

1. The rules and regulations on sexual harassment submitted for approval should basically comply with the substantive and procedural standards of the Administrative Disciplinary Rules on Sexual Harassment including penalties and gravity of the offense committed. CSC Resolution No. 01-0940 provides the minimum standards, hence, the agency's rules should contain and reflect the basic provisions stipulated in the said Resolution.

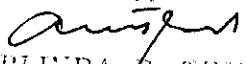
Should the rules and regulations submitted by the agency fail to comply with the minimum standards set forth in CSC Resolution No. 01-0940, the same shall be returned to the agency, indicating the defective portions thereof. Thereafter, the agency shall be required to resubmit said rules and regulations for approval within ten days from receipt of the returned implementing rules and regulations.

2. A CODI shall be created with definite membership and functions enumerated under Rule VI of CSC Resolution No. 01-0940. Thus, no other committee may assume the functions specifically assigned to the CODI.

Nevertheless, the agency may formulate its own rules governing the term of office of its CODI members which should not be more than two (2) years, and other matters pertaining to the functions of the Committee not otherwise provided in these Rules.

3. An agency will adopt only one type of CODI depending on the environment prevailing or the environment which is substantially germane to the functions of the said agency. For example, SUC's will adopt the prescribed composition for educational or training institutions but may modify or expand its membership provided all sectors will be properly represented.

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 Board Secretary

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- 4. The requirement of authority, influence or moral ascendancy on the part of the offender is not an indispensable element of the administrative offense of sexual harassment; it need not exist for sexual harassment to take place.
- 5. The agencies' rules and regulations on sexual harassment submitted to the CSCRO's shall be effective upon its approval. While said rules are still in the process of being approved or the agency has not yet submitted any rules for approval, CSC Resolution No. 01-0940 shall be applied by the agency in the event that a complaint for sexual harassment is filed with it.
- 6. Resolution No. 01-0940 (Sec. 7) allows the establishment of localized CODI in national agencies which have decentralized their disciplining power and functions. Thus, the list of local CODI Members shall also be submitted to the CSCRO concerned.

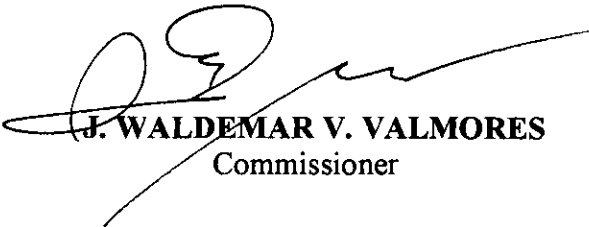
RESOLVED FURTHER that agencies which failed to submit their respective rules and regulations within the prescribed period under CSC Resolution No. 01-0940 are given a period of one (1) month to do so, after which no more extension shall be given. In such case, it is understood that the provisions of CSC Resolution No. 01-0940 shall apply in agencies without their own rules and regulations on sexual harassment.

This resolution shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

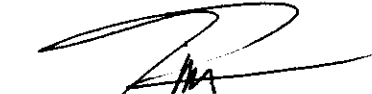
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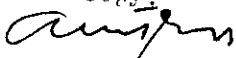

KARINA CONSTANTINO-DAVID
 Chairman


JOSE F. ERESTAIN, JR.
 Commissioner


J. WALDEMAR V. VALMORES
 Commissioner

Attested by:


ARIEL G. RONQUILLO
 Director III

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MA. ERLINDA B. TEJIDO
 Board Secretary III
 Commission Proper Secretary