



MC No. 11, s. 2004

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES;
DEPARTMENTS, BUREAUS, OFFICES AND AGENCIES OF
THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT
UNITS; GOVERNMENT-OWNED AND CONTROLLED
CORPORATIONS; AND STATE UNIVERSITIES AND
COLLEGES.

SUBJECT: Amendment of Section 63, Rule XIII of the Administrative
Disciplinary Rules on Sexual Harassment Cases

Pursuant to CSC Resolution No. 040579 dated May 24, 2004, Section
63, Rule XIII of the Administrative Disciplinary Rules on Sexual Harassment (CSC
Resolution No. 01-0940 dated May 21, 2001) is hereby amended to read as follows:

"Section 63. In case a complaint alleging acts constituting sexual harassment as defined herein is filed with the Commission, the same shall be remanded to the agency where the alleged offender is employed for appropriate action in accordance with its own rules and regulations on sexual harassment. However, the Commission may opt to take cognizance of the case under any of the following circumstances:

- a. the agency has no rules on sexual harassment;*
- b. the agency has no Committee on Decorum and Investigation;*
- c. the disciplining authority is subject of the complaint;*
- d. a Committee on Decorum and Investigation member is subject of the complaint; or*
- e. when there is unreasonable delay in complying with the periods provided in this Rules for the investigation and adjudication of a sexual harassment complaint.*

"For the purpose of Item (e) of this section, there is unreasonable delay when any of the periods set in this Rules lapsed for a period of more than thirty (30) days without justifiable reason."

This Memorandum Circular takes effect immediately.


KARINA CONSTANTINO-DAVID
Chair

27 May 2004

MVM/KPZ/X3/X19 d41
SHI/MC/vog



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

**Re: Sexual Harassment
Jurisdiction of the CSC**

X-----X

RESOLUTION NO. 040579

WHEREAS, the Administrative Disciplinary Rules on Sexual Harassment Cases (CSC Resolution No. 01-0940) took effect on August 5, 2001, and since then it is noted that numerous complaints for sexual harassment have been filed;

WHEREAS, Section 12(a) of the Administrative Disciplinary Rules on Sexual Harassment Cases provides that a complaint for sexual harassment may be filed with the disciplining authority or with the Committee on Decorum and Investigation of the concerned agency;

WHEREAS, the same Section provides that in case the complaint was filed with the disciplining authority, the same shall be transmitted to the Committee on Decorum and Investigation. If there is no Committee on Decorum and Investigation, the head of office or agency shall immediately cause the creation thereof;

WHEREAS, Section 63 of the Administrative Disciplinary Rules on Sexual Harassment Cases mandates that in case a complaint for sexual harassment is filed with the Civil Service Commission, the same shall be remanded to the agency where the alleged offender is employed for appropriate action in accordance with its own rules and regulations on sexual harassment;

WHEREAS, there are complaints for acts of sexual harassment directly filed with the Commission which, based on Section 63 of the Administrative Disciplinary Rules on Sexual Harassment Cases, must be remanded to the agency where the alleged offender is employed;

WHEREAS, the Commission, pursuant to its mandate as the central personnel agency of the Government, exercises concurrent jurisdiction with the heads of agencies over cases involving officers and employees of the government;

WHEREAS, the Commission is aware of certain exceptional circumstances which warrant the exercise of its primary jurisdiction over complaints alleging sexual harassment acts directly filed with it; and

WHEREAS, there is a need to modify Section 63 of the Administrative Disciplinary Rules on Sexual Harassment Cases (CSC Resolution No. 01-0940) to formalize the power of the Commission to take cognizance of sexual harassment complaints directly filed with it under exceptional circumstances.

NOW, THEREFORE, the Commission hereby resolves to amend Section 63 of CSC Resolution No. 01-0940, as follows:

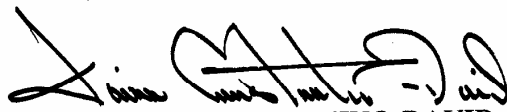
“Section 63. In case a complaint alleging acts constituting sexual harassment as defined herein is filed with the Commission, the same shall be remanded to the agency where the alleged offender is employed for appropriate action in accordance with its own rules and regulations on sexual harassment. However, the Commission may opt to take cognizance of the case under any of the following circumstances:

- a. the agency has no rules on sexual harassment;*
- b. the agency has no Committee on Decorum and Investigation;*
- c. the disciplining authority is subject of the complaint;*
- d. a Committee on Decorum and Investigation member is subject of the complaint; or*
- e. when there is unreasonable delay in complying with the periods provided in this Rules for the investigation and adjudication of a sexual harassment complaint.*

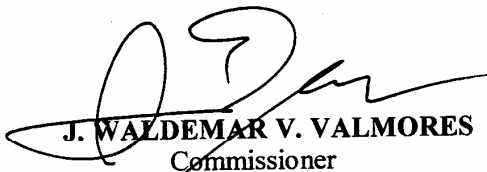
“For this purpose, there is unreasonable delay when any of the periods set in this Rules lapsed for a period of more than thirty (30) days without justifiable reason.”

Quezon City,

MAY 24 2004



KARINA CONSTANTINO-DAVID
Chairman

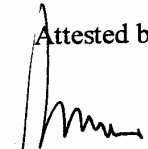


J. WALDEMAR V. VALMORES
Commissioner



CESAR D. BUENAFLOR
Commissioner

Attested by:



REBECCA A. FERNANDEZ
Director IV
Commission Secretariat and Liaison Office