



Republic of the Philippines  
Province of Benguet  
Municipality of Itogon  
**Office of the Municipal Mayor**

e-mail address: [mayorofficeitogon@gmail.com](mailto:mayorofficeitogon@gmail.com); [bernardwacelin08@gmail.com](mailto:bernardwacelin08@gmail.com)  
Cellphone No. 09393268022

**EXECUTIVE ORDER NO. 20**

Series of 2023

**PROVIDING FOR THE RULES OF PROCEDURE FOR THE COMMITTEE ON DECORUM AND INVESTIGATION (CODI) FOR SEXUAL HARASSMENT CASES IN THE MUNICIPAL GOVERNMENT OF ITOGON**

Whereas the Municipal Government of Itogon has created the Committee on Decorum and Investigation (CODI) for Sexual Harassment Cases in accordance with the newly-mandated composition and that this CODI shall serve as an independent internal mechanism to address and investigate complaints of sexual harassment;

Whereas pursuant to the Civil Service Commission (CSC) Resolution No. 2100064 dated January 20, 2021, the Commission resolved to promulgate the Revised Administrative Disciplinary Rules on Sexual Harassment Cases amending the sexual harassment provisions in the 2017 Revised Rules on Administrative Cases in the Civil Service (2017 RACCS) pursuant to Republic Act No. 11313 or the Safe Spaces Act;

Whereas to guide the CODI in judiciously hearing cases for sexual harassment lodged before its jurisdiction, there is a need to establish the Rules of Procedure taken from the 2017 RACCS and the amendments to the sexual harassment provisions in the 2017 RACCS as embodied in CSC Memorandum Circular (MC) No. 11, s. 2021;

Now therefore, by virtue of the powers vested in me as the Local Chief Executive of the Municipality of Itogon, in accordance with law, rules, and regulations, I, **BERNARD S. WACLIN**, do hereby promulgate the Rules of Procedure for the Committee on Decorum and Investigation (CODI) for Sexual Harassment Cases in the Municipal Government of Itogon:

**RULE I  
COVERAGE**

**Section 1. Coverage.** This Rules of Procedure shall cover all sexual harassment cases filed against officials and employees of the Municipal Government of Itogon that are within the jurisdiction of the Committee on Decorum and Investigation (CODI) for Sexual Harassment Cases.

**RULE II  
DEFINITION OF TERMS**

**Section 2. Definition of Terms.** As used in this rules, the following terms shall mean:

**2.1. Disciplining Authority** – refers to the person or body duly authorized by law to impose the penalty provided by law or rules.



Republic of the Philippines  
Province of Benguet  
Municipality of Itogon  
**Office of the Municipal Mayor**

e-mail address: [mayorsofficeitogon@gmail.com](mailto:mayorsofficeitogon@gmail.com); [bernardwaclin08@gmail.com](mailto:bernardwaclin08@gmail.com)  
Cellphone No. 09393268022

**2.2. Person Complained of** – refers to the person who is the subject of a complaint but who is not yet issued a notice of charge or formal charge by the Disciplining Authority.

**2.3. 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.

**2.4. Respondent** - refers to the person who is issued a notice of charge or formal charge by the disciplining authority.

**2.5. Sexual Harassment**” – Sexual Harassment in the workplace includes the following:

**2.5.1.** 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;

**2.5.2.** 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;

**2.5.3.** 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.

**2.6. Sexual Harassment in Streets and Public Places** - is committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

A



Republic of the Philippines  
Province of Benguet  
Municipality of Itogon  
**Office of the Municipal Mayor**

e-mail address: [mayorsofficeitogon@gmail.com](mailto:mayorsofficeitogon@gmail.com); [bernardwaclin08@gmail.com](mailto:bernardwaclin08@gmail.com)  
Cellphone No. 09393268022

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.

**2.7. 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.

**RULE III**

**COMMITTEE ON DECORUM AND INVESTIGATION (CODI) FOR SEXUAL HARASSMENT CASES AND ITS FUNCTIONS**

**Section 3. Committee on Decorum and Investigation (CODI) for Sexual Harassment Cases.** There shall be a CODI created in the Municipal Government of Itogon which shall



Republic of the Philippines  
Province of Benguet  
Municipality of Itogon  
**Office of the Municipal Mayor**

e-mail address: [mayorsofficeitogon@gmail.com](mailto:mayorsofficeitogon@gmail.com); [bernardwaclin08@gmail.com](mailto:bernardwaclin08@gmail.com)  
Cellphone No. 09393268022

serve as an independent internal mechanism to address and investigate complaints of sexual harassment.

**Section 4. Functions of the CODI.** The CODI shall perform the following functions:

- 4.1. Receive complaints of sexual harassment;
- 4.2. Investigate sexual harassment complaints including preliminary investigation in accordance with the prescribed procedure;
- 4.3. Within ten (10) days from the termination of the conduct of the investigation, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
- 4.4. Ensure the protection of the complainant from retaliation and guarantee confidentiality to the greatest extent possible as well as ensure that the respondent is given opportunity to be properly notified of and respond to the charge/s and that parties are given information on the hearings and its outcomes;
- 4.5. Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment.

**RULE IV  
COMPOSITION OF THE CODI**

**Section 5. Composition of the CODI.** The Committee on Decorum and Investigation (CODI) for Sexual Harassment Cases shall be composed of at least one representative from the:

- 5.1. Management;
- 5.2. Employees from the supervisory rank;
- 5.3. Rank-and-file employees; and
- 5.4. Union/s or employees' association, if any.

**Section 6. Number of Members.** Not less than half of the CODI members shall be women and the head of agency shall ensure that there will be a sufficient number of people who may immediately replace any member of the CODI in case a member inhibits from any case, or when needed, so as not to cause any delay in the process being undertaken.

**Section 7. Chairmanship.** The CODI shall be headed by a woman.

A



Republic of the Philippines  
Province of Benguet  
Municipality of Itogon  
**Office of the Municipal Mayor**

e-mail address: [mayorsofficeitogon@gmail.com](mailto:mayorsofficeitogon@gmail.com); [bernardwaclin08@gmail.com](mailto:bernardwaclin08@gmail.com)  
Cellphone No. 09393268022

**RULE V  
TERM OF OFFICE**

**Section 8. Term of Office.** The term of office of the members of the CODI shall not exceed two (2) years.

**RULE VI  
DISQUALIFICATION AND INHIBITION OF CODI MEMBERS**

**Section 9. Disqualification.** When the complainant or the person complained of is a member of the Committee, he/she shall be disqualified from being a member thereof or the complaint may be filed directly with the Civil Service Commission (CSC) or other disciplinary authorities with jurisdiction over the case.

**Section 10. Inhibition.** The complainant or the person complained of may request a member of the CODI to inhibit, or the CODI member may, on his/her initiative, cause the inhibition based on conflict of interest, manifest partiality, and other reasonable grounds. Upon such a grant of inhibition, the member shall immediately be replaced so as not to cause a delay in the proceedings.

**RULE VII  
COMPLAINT**

**Section 11. Filing of Complaint.** All complaints for sexual harassment in the Municipal Government of Itogon shall be filed with the CODI through its Chairman, except in the following cases:

- 11.1. there is no CODI created;
- 11.2. the disciplining authority is the subject of the complaint;
- 11.3. the subject of the complaint is a CODI member;
- 11.4. there is unreasonable delay in complying with the periods provided in these 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 these Rules lapsed for a period of more than thirty (30) days without justifiable reason.

For the above-enumerated cases (11.1, 11.2, 11.3, and 11.4), the Civil Service Commission (CSC) may take cognizance of the sexual harassment case.

For item 11.3, the CODI member subject of the complaint shall either be disqualified from being a member of the CODI or the complaint may be filed directly with the Civil Service Commission (CSC).

A



Republic of the Philippines  
Province of Benguet  
Municipality of Itogon  
**Office of the Municipal Mayor**

e-mail address: [mayorsofficeitogon@gmail.com](mailto:mayorsofficeitogon@gmail.com); [bernardwaclin08@gmail.com](mailto:bernardwaclin08@gmail.com)  
Cellphone No. 09393268022

**Section 12. Requisites of a Valid Complaint.** No complaint against an official or employee shall be given due course unless the same is in writing, subscribed and sworn to by the complainant.

The complaint shall be written in a clear, simple and concise language and in a systematic manner as to apprise the person complained of, of the nature and cause of the accusation and to enable the person complained of to intelligently prepare a defense or answer/comment. Should there be more than one person complained of, the complainant is required to submit additional copies corresponding to the number of persons complained of.

The complaint shall contain the following:

- 12.1. full name and address of the complainant;
- 12.2. full name and address of the person complained of as well as his/her position and office;
- 12.3. a narration of the relevant and material facts which shows the acts or omissions allegedly committed;
- 12.4. certified true copies of documentary evidence and affidavits of his/her witnesses, if any; and
- 12.5. certification or statement of non-forum shopping.

The absence of any of the aforementioned requirements may cause the dismissal of the complaint without prejudice to its refile upon compliance with the same.

**Section 13. Withdrawal of the Complaint.** The withdrawal of the complaint does not result in its outright dismissal or discharge of the person complained of from any administrative liability.

**Section 14. Action on the Complaint.** Upon receipt of a complaint which is sufficient in form and substance, the CODI shall conduct a preliminary investigation to determine the existence of a prima facie case.

### RULE VIII PRELIMINARY INVESTIGATION

**Section 15. Preliminary Investigation: Definition.** A Preliminary Investigation is a mandatory proceeding undertaken to determine whether a prima facie case exists to warrant the issuance of a formal charge/notice of charge.

**Section 16. How conducted.** Preliminary investigation may be conducted in any of the following manner:



Republic of the Philippines  
Province of Benguet  
Municipality of Itogon  
**Office of the Municipal Mayor**

e-mail address: [mayorsofficeitogon@gmail.com](mailto:mayorsofficeitogon@gmail.com); [bernardwaclin08@gmail.com](mailto:bernardwaclin08@gmail.com)  
Cellphone No. 09393268022

**16. 1.** Requiring the submission of counter-affidavit or comment and/or other documents from the person complained of within five (5) days from receipt of the complaint which is sufficient in form and substance;

**16.2.** Ex-parte evaluation of the records; or

**16.3.** Clarificatory meeting with the parties to discuss the merits of the case.

The failure to submit a comment/counter-affidavit shall be considered a waiver and the preliminary investigation may be completed even without the counter-affidavit/comment.

The right to counsel may be exercised even during the preliminary investigation.

**Section 17. Duration of the Preliminary Investigation.** A preliminary investigation shall commence within a non-extendible period of five (5) days upon receipt of the complaint by the CODI and shall be terminated within twenty (20) days thereafter. However, the CODI may extend such periods in meritorious cases.

**Section 18. Investigation Report.** Within five (5) days from the termination of the preliminary investigation, the CODI shall submit Investigation Report with recommendation and the complete records of the case to the disciplining authority.

The Investigation Report shall be treated with confidentiality.

**Section 19. Decision or Resolution after Preliminary Investigation.** If a prima facie case is established after preliminary investigation, the disciplining authority, may issue either a formal charge or a notice of charge.

In the absence of a prima facie case, the complaint shall be dismissed.

**RULE IX**  
**FORMAL CHARGE/NOTICE OF CHARGE**

**Section 20. Issuance of a Formal Charge: Contents.** After a finding of a prima facie case, the disciplining authority shall formally charge the person complained of, who shall now be called as "Respondent." The formal charge shall contain a specification of charge, a brief statement of material or relevant facts, which may be accompanied by certified true copies of the documentary evidence, sworn statements covering the testimony of witnesses, a directive to answer the charge in writing, under oath in not less than three (3) days but not more than ten (10) days from receipt thereof, an advice for the respondent to indicate in the answer whether or not a formal investigation is demanded, and a notice that respondent may opt to be assisted by a counsel.

A



Republic of the Philippines  
Province of Benguet  
Municipality of Itogon  
**Office of the Municipal Mayor**

e-mail address: [mayorsofficeitogon@gmail.com](mailto:mayorsofficeitogon@gmail.com); [bernardwaclin08@gmail.com](mailto:bernardwaclin08@gmail.com)  
Cellphone No. 09393268022

**Section 21. Notice of Charge.** In instances where the complaint was initiated by a person other than the disciplining authority, the disciplining authority may issue a written notice of the charge against the person complained of who will now be called "Respondent," to which shall be attached copies of the complaint, sworn statement and other documents submitted. The notice shall contain the charge against the respondent with a statement that a prima facie case exists. It shall also include a directive to answer the charge in writing, under oath in not less than three (3) days but not more than (10) days from receipt thereof, and a notice that he/she may opt to be assisted by a counsel of his/her choice and may elect to have a formal investigation.

If the respondent receives a notice of charge with incomplete attachments, the respondent may request for the lacking documents within ten (10) days from receipt of the formal/notice of charge and the period to answer will not run until the same is received by the respondent.

**Section 22. Prohibited Pleadings.** The disciplining authority shall not entertain requests for clarification, bills of particulars, motion to dismiss, motions to quash, motions for reconsideration and motion for extension of time to file answer. The same shall be noted without action and attached to the records of the case.

**RULE X  
ANSWER**

**Section 23. Requisites and Contents.** The Answer, which is in writing and under oath, shall be specific and shall contain material facts and applicable laws, if any, including original or certified copies of documentary evidence, sworn statements covering testimonies of witnesses, if there be any, in support of one's case.

**Section 24. Failure to File an Answer.** If respondent fails or refuses to file an answer to the formal charge or notice of charge within the given period, he/she shall be considered to have waived his/her right to submit the same and the case shall be decided based on available records.

**RULE XI  
FORMAL INVESTIGATION**

**Section 25. Conduct of Formal Investigation.** A formal investigation shall be conducted where the merits of the case cannot be decided judiciously without conducting such investigation or where the respondent elects to have one, in which case the investigation shall be held not earlier than five (5) days nor later than ten (10) days from receipt of the respondent's answer or upon the expiration of the period to answer. Said investigation shall be finished within thirty (30) days from the issuance of the Formal Charge/Notice of

A





Republic of the Philippines  
Province of Benguet  
Municipality of Itogon  
**Office of the Municipal Mayor**

e-mail address: [mayorsofficeitogon@gmail.com](mailto:mayorsofficeitogon@gmail.com); [bernardwaclin08@gmail.com](mailto:bernardwaclin08@gmail.com)  
Cellphone No. 09393268022

Charge unless the period is extended by the disciplining authority or its authorized representative, or the Civil Service Commission in meritorious cases.

**Section 26. Submission of Position Paper/Memorandum.** At any stage of the proceedings, the parties may, based on their mutual consent, submit position paper/memorandum and consider the case submitted for decision without any need for further hearings.

**Section 27. 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:

- 27.1. Stipulation of facts;
- 27.2. Simplification of issues;
- 27.3. Identification and marking of evidence of the parties;
- 27.4. Waiver of objections to admissibility of evidence;
- 27.5. Limiting the number of witnesses, and their names;
- 27.6. Dates of subsequent hearings; and
- 27.7. Such other matters as may aid in the prompt and just resolution of the case.

The agreement entered into during the pre-hearing conference shall be embodied in a pre-hearing order and is binding on both parties unless in the interest of justice, the CODI may allow a deviation from the same. The parties may file their respective pre-hearing briefs, copy furnished the adverse party, before the date of the pre-hearing conference.

The conduct of pre-hearing conference is mandatory. The failure of any party to attend the pre-hearing conference may cause the submission of the case for decision based on available records upon appropriate motion of the present party.

**Section 28. Continuous Hearing until Terminated: Postponement.** Hearings shall be conducted on the hearing dates set by the CODI or as agreed upon during the pre-hearing conference.

Each party may be granted one (1) postponement upon oral or written request.

If the respondent fails or refuses to appear or not represented by counsel during a particular hearing despite due notice, the investigation shall proceed and the respondent shall be deemed to have waived the right to present evidence.

**Section 29. Preliminary Matters.** At the start of the hearing, the appearances of the parties shall be noted.

A



Republic of the Philippines  
Province of Benguet  
Municipality of Itogon  
**Office of the Municipal Mayor**

e-mail address: [mayorsofficeitogon@gmail.com](mailto:mayorsofficeitogon@gmail.com); [bernardwaclin08@gmail.com](mailto:bernardwaclin08@gmail.com)  
Cellphone No. 09393268022

If, after being apprised of the right to counsel, the respondent appears without the aid of a counsel, he/she shall be deemed to have waived the right thereto.

Before taking the testimony, the witness shall be placed under oath and then the name, address, civil status, age, and complete name and address of employment shall be taken.

A sworn statement of the witness properly identified and affirmed shall constitute direct testimony, copy furnished the other party.

The use of Judicial Affidavit may also be adopted in place of the direct testimonies of witnesses. The adoption of the Judicial Affidavit Rule is without prejudice to clarificatory questions that may be asked during the hearing.

**Section 30. Order of Hearing.** Unless the CODI directs otherwise, the order of hearing may be as follows:

- 30.1.** Presentation of complainant's evidence; and
- 30.2.** Presentation of respondent's evidence.

In both cases, the parties may cross-examine the witnesses.

When the presentation of the witnesses has been concluded, the parties shall formally offer their evidence either orally or in writing and thereafter objections thereto may also be made either orally or in writing. After which, both parties may be given time to submit their respective memorandum which in no case shall be beyond five (5) days after the termination of the investigation. Failure to submit the same within the given period shall be considered a waiver thereof.

**Section 31. Formal Investigation Report.** Within ten (10) days from the termination of the conduct of the investigation, the CODI shall submit a report of its findings with the corresponding recommendation to the disciplining authority for decision.

**RULE XII  
DECISION**

**Section 32. When Case is Decided.** The disciplining authority shall decide the case within thirty (30) days from receipt of the Formal Investigation Report.

**Section 33. Finality of Decisions.** A decision rendered by the disciplining authority or by the Civil Service Commission - Regional Office whereby a penalty of reprimand, or suspension for not more than thirty (30) days or a fine in an amount not exceeding thirty (30) days' salary is imposed, shall not be appealable. It shall be final and executory unless

A



Republic of the Philippines  
Province of Benguet  
Municipality of Itogon  
**Office of the Municipal Mayor**

e-mail address: [mayorsofficeitogon@gmail.com](mailto:mayorsofficeitogon@gmail.com); [bernardwaclin08@gmail.com](mailto:bernardwaclin08@gmail.com)  
Cellphone No. 09393268022

a motion for reconsideration is seasonably filed. However, the respondent may file an appeal or petition for review when the issue raised is violation of due process.

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

### **RULE XIII**

#### **MOTION FOR RECONSIDERATION, APPEAL AND SUBSEQUENT PROCEEDINGS**

**Section 34. Filing of Motion for Reconsideration, Appeal and Subsequent Proceedings.** The filing of motion for reconsideration, appeal, and subsequent proceedings and other matters not covered by this rules shall be governed by the 2017 RACCS and other issuances of the Civil Service Commission.

### **RULE XIV**

#### **SEXUAL HARASSMENT OFFENSES AND PENALTIES**

**Section 35. Sexual Harassment Offenses and Penalties.** The following acts shall constitute as sexual harassment offenses with the corresponding penalties:

##### **35.1. 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;

A



Republic of the Philippines  
Province of Benguet  
Municipality of Itogon  
**Office of the Municipal Mayor**

e-mail address: [mayorsofficeitogon@gmail.com](mailto:mayorsofficeitogon@gmail.com); [bernardwaclin08@gmail.com](mailto:bernardwaclin08@gmail.com)  
Cellphone No. 09393268022

- 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.

### **35.2. Sexual Harassment in Streets 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:

- a. 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.

A



Republic of the Philippines  
Province of Benguet  
Municipality of Itogon  
**Office of the Municipal Mayor**

e-mail address: [mayorsofficeitogon@gmail.com](mailto:mayorsofficeitogon@gmail.com); [bernardwaclin08@gmail.com](mailto:bernardwaclin08@gmail.com)  
Cellphone No. 09393268022

b. 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.

c. 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.

### **35.3. Online Sexual Harassment**

a. Light Online Sexual Harassment is committed by a government official or employee who engages in acts that include 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 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.

b. 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.

c. 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



Republic of the Philippines  
Province of Benguet  
Municipality of Itogon  
**Office of the Municipal Mayor**

e-mail address: [mayorsofficeitogon@gmail.com](mailto:mayorsofficeitogon@gmail.com); [bernardwaclin08@gmail.com](mailto:bernardwaclin08@gmail.com)  
Cellphone No. 09393268022

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.

For the purpose of these Rules, the administrative offense of sexual harassment is further described in the following circumstances:

a. 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, promotion, raise in salary, job security, benefits and any other human resource 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, or word of the person complained of.

b. Education or training-related sexual harassment 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 or tutorship is directly or constructively entrusted to, or is provided by, the offender, when:

1. submission to or rejection of the act or series of acts as a basis for any decision affecting the complainant, including, but not limited to, the giving of a grade, the granting of honors or a scholarship, 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 academic 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

A



Republic of the Philippines  
Province of Benguet  
Municipality of Itogon  
**Office of the Municipal Mayor**

e-mail address: [mayorofficeitogon@gmail.com](mailto:mayorofficeitogon@gmail.com); [bernardwaclin08@gmail.com](mailto:bernardwaclin08@gmail.com)  
Cellphone No. 09393268022

complainant who may be a trainee, apprentice, intern, tutee or ward of the person complained of.

The offense may also take place in the following instances:

1. in the premises of the workplace or office or of the school or training institution;
2. in any place where the parties were found as a result of work or education or training responsibilities or relations;
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, fora, symposia or training sessions; or
6. by telephone, cellular phone, fax machine or electronic mail, or any online platforms.

**RULE XV**  
**EFFECTIVITY**

**Section 36. Effectivity.** This Rules of Procedure shall take effect immediately.

Done this August 15, 2023 at Itogon, Benguet.

  
**BERNARD S. WACLIN**  
Municipal Mayor

*Cf:*

*- All offices*

*-CODI members*