



Tanggapan ng Punonglungsod

REPUBLIKA NG PILIPINAS
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KALAKHANG MAYNILA



EXECUTIVE ORDER NO. 11
Series of 2016

**PROVIDING FOR ADMINISTRATIVE RULES ON THE HANDLING, PROCESSING AND
FILING OF CASES ON SEXUAL HARASSMENT IN THE WORKPLACE**

WHEREAS, the State values 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 or those undergoing training, instruction or education. The State, likewise, values the dignity of every human being and guarantees full respect for human rights;

WHEREAS, in consonance with this state policy, Congress enacted Republic Act No. 7877 entitled "*An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment and For Other Purposes*," on 14 February 1995 and became effective on 05 March 1995;

WHEREAS, an act of sexual harassment is recognized as a violation of human rights, defeats and impairs morale and efficiency in the workplace, violates the merit and fitness principle in the civil service, and creates or fosters a hostile environment in the workplace, which adversely affect productive performance;

WHEREAS, Section 4a of Republic Act No. 7877 mandates each employer or head of agency to promulgate appropriate rules and regulations, in consultation with, and jointly approved by, the employees or students or trainees, through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor;

NOW, THEREFORE, I, ATTY. JAIME R. FRESNEDI, City Mayor of Muntinlupa, by virtue of the powers vested in me by law, do hereby order and decree that:

RULE I
TITLE

Section 1. These Rules shall be known as the Administrative Disciplinary Rules of the City Government of Muntinlupa on Sexual Harassment Cases.



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PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

**RULE II
COVERAGE**

Section 2. These Rules shall apply to all officials and employees of the City Government of Muntinlupa, whether in the career or non-career service, and regardless of level of position and status.

**RULE III
DEFINITION**

Section 3. For the purpose of these Rules, the administrative offense of sexual harassment is an act, or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by a government employee or official in a work-related, training or education-related environment.

- A. Work related sexual harassment is committed under the following circumstances:
- 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 personnel action affecting the applicant or the employee; or
 - 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
 - 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:
- 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



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REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

granting of honors or a scholarship, the payment of a 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; or
- iii. the act or series of acts might reasonably 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.

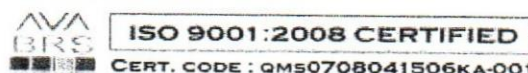
Section 4. Sexual harassment may take place:

- A. in the premises of the workplace, office, school or training institution;
- B. in any place as a result of work, education, training responsibilities or relations;
- C. at work or education or training-related social functions;
- D. while on official business outside the office, school, training institution or during work or school or training-related travel;
- E. at official conferences, fora, symposia or training sessions; or
- F. by telephone, cellular phone, fax machine or electronic mail.

RULE IV
FORMS OF SEXUAL HARASSMENT

Section 5. The following are illustrative forms of sexual harassment:

- A. Physical
 - i. Malicious Touching;
 - ii. Overt sexual advances;
 - iii. Gestures with lewd insinuation.



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REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

- B. Verbal, such as but not limited to, requests or demands for sexual favors, and lurid remarks;
- C. Use of objects, pictures or graphics, letters or writing notes with sexual underpinnings;
- D. Other forms analogous to the foregoing.

RULE V
PERSONS LIABLE FOR SEXUAL HARASSMENT

Section 6. Any City Government official or employee, regardless of sex, is liable for sexual harassment when such individual performs any of the following, namely:

- a. directly participates in the execution of any act of sexual harassment as defined by these Rules;
- b. induces or directs another or others to commit sexual harassment as defined by these Rules;
- c. cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished;
- d. cooperates in the commission of sexual harassment by another through previous or simultaneous acts.

RULE VI
COMMITTEE ON DECORUM AND INVESTIGATION
OF SEXUAL HARASSMENT CASES

Section 7. *Creation and Functions of the Committee on Decorum and Investigation.* -

A Committee on Decorum and Investigation, hereinafter referred to as the Committee, is hereby created to increase understanding and prevent incidents of sexual harassment in the City Government. The Committee shall meet as often as necessary in order to carry out its functions.



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PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

The Committee shall perform the following functions:

- a. receive complaints of sexual harassment;
- b. investigate sexual harassment complaints in accordance with the prescribed procedure;
- c. submit a report of its findings with the corresponding recommendation to the disciplining authority for decision; and
- d. lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment.

No member of the Committee shall participate in a proceeding where said member is a complainant or respondent; or related, by consanguinity or affinity, within the fifth degree to either the complainant or the respondent.

Section 8. *Composition.* –

The Committee shall be composed of the following members, who shall all hold permanent appointments to career positions and shall each have a term not exceeding two (2) years, unless otherwise removed for cause:

- | | | | |
|----|---|---|------------------|
| a. | City Attorney | - | Chairperson |
| b. | Representative from the City Administrator's Office | - | Vice Chairperson |
| c. | Executive Director,
Gender and Development Office (GAD) | - | Member |
| d. | Head, City Human Resources Management
Department (CHRMD) | - | Member |
| e. | President, Employees Union/Organization | - | Member |
| f. | Representative from the 1st level employees | - | Member |
| g. | Representative from the 2nd level employees | - | Member |



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REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

- h. Representative from the Ospital ng Muntinlupa - Member
- i. Representative from the Pamantasan
ng Lungsod ng Muntinlupa - Member

Section 9. *Quorum.* -

A majority of the members of the Committee shall constitute a quorum. A majority of members present shall be necessary to pass any action or decision.

RULE VII
STANDARD PROCEDURAL REQUIREMENTS

Section 10. *Complaint.* -

A complaint may be filed at any time with any member of the Committee or the Office of the Mayor. It must be in writing, signed and sworn to by the complainant and shall contain the following, namely:

- a. the full name and address of the complainant;
- b. the full name, address, and position of the respondent;
- c. a brief statement of the relevant facts;
- d. evidence, in support of the complainant, if any; and
- e. a certification of non-forum shopping.

In the absence of any of the aforementioned requirements, the complaint shall be dismissed without prejudice to another opportunity to refile. Where the complaint is not under oath, the complainant shall be summoned by the Committee to swear to the truth of the allegations in the complaint.

Withdrawal of the complaint at any stage of the proceedings shall not preclude the Committee from proceeding with the investigation, where there is obvious truth or merit to the allegations in the complaint or where there is documentary or direct evidence that can prove the guilt of the person complained of.



YAN ANG TAMA YAN ANG MUNTINLUPA!



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

Complaints by telegram, radiogram, electronic mail or similar means of communication shall be considered non-filed, unless the complainant shall comply with the requirements provided above within ten (10) days from receipt of the notice of compliance.

Section 11. *Action on the Complaint.* -

Upon receipt of a complaint that is sufficient in form and substance, the Committee shall require the person complained of to submit a Counter Affidavit or Comment, under oath, within three (3) days from receipt of the notice, furnishing a copy thereof to the complainant. Otherwise, the Counter Affidavit or Comment shall be considered as not filed.

Section 12. *Preliminary Investigation.* -

A preliminary investigation shall be conducted by the Committee. The investigation shall involve an *ex parte* examination of documents submitted by the complainant and the person complained of, as well as documents readily available from other government offices.

During the preliminary investigation, the parties may submit Affidavits and Counter Affidavits. Upon receipt of the Counter Affidavit or Comment, under oath, the Committee may now recommend whether a *prima facie* case exists to warrant the issuance of a formal charge.

Proceedings before the Committee shall be held under strict confidentiality during the preliminary investigation.

Section 13. *Duration of the Investigation.* -

A preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the Committee, and it shall be terminated within fifteen (15) working days thereafter.

Section 14. *Investigation Report.* -

Within five (5) working days from the termination of the preliminary investigation, the Committee shall submit the Investigation Report and the complete records of the case to the City Mayor.

Section 15. *Decision or Resolution After Preliminary Investigation.* -

If a *prima facie* case is established during the investigation, a formal charge shall be issued by City Mayor within three (3) working days from receipt of the Investigation Report.



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REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

In the absence of a *prima facie* case, the complaint shall be dismissed within the same period.

Section 16. *Formal Charge.* –

After finding a *prima facie* case, the City Mayor shall formally charge the person complained of. The formal charge shall contain the following, namely:

- a. a specification of the charge, or charges as the case may be;
- b. a brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, if any;
- c. sworn statements covering the testimony of witnesses;
- d. a directive to answer the charge(s) in writing, under oath, in not less than seventy-two hours from receipt thereof;
- e. an advice for the respondent to indicate in the answer the choice to proceed with a formal investigation of the charge(s) or not; and
- f. a notice that respondent is entitled to be assisted by a legal counsel of choice.

If the Counter Affidavit or Comment of the respondent is submitted during the preliminary investigation, additional evidence may be submitted.

The Committee shall not entertain requests for clarification, bills of particulars or motions to dismiss, which, when patently obvious, are designed to delay the administrative proceeding. The grant of such request shall only be done under very stringent circumstances.

If any of these pleadings is filed by the respondent, the same shall be considered as part of his or her Answer, which he or she may file within the remaining period for filing thereof.

Section 17. *Answer.* –

The Answer, which must be in writing and under oath, shall be specific and shall contain material facts and applicable laws, if there is any, including documentary evidence, sworn statements covering testimonies of witnesses, if there is any, in support of



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REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

respondent's case. It shall also include a statement indicating whether he or she elects a formal investigation.

Section 18. *Failure to File an Answer.* –

If the respondent fails or refuses to file his or her Answer to the formal charge within seventy-two (72) hours from receipt thereof, without justifiable cause, then he or she shall be considered to have waived his right thereto and the formal investigation may commence.

Section 19. *Preventive Suspension.* –

Upon petition of the complainant or *motu proprio* upon the recommendation of the Committee, at any time after the service of the Formal Charge to the respondent, the City Mayor may order the preventive suspension of the respondent during the formal investigation, in order to temporarily remove the respondent from the scene of his or her misfeasance or malfeasance and to preclude the possibility of his or her exerting undue influence or pressure on the witnesses, or tampering of documentary evidence on file.

Section 20. *Duration of Preventive Suspension.* –

When the administrative case against the respondent under preventive suspension has not yet been finally decided by the City Mayor within the period of ninety (90) days after the date of his or her preventive suspension, unless otherwise provided by special law, he or she shall be automatically reinstated into the service: *Provided, however,* that 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 ninety (90) calendar days period of preventive suspension: *Provided, further,* That should the respondent be on paternity or maternity leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully enjoyed.

Section 21. *Remedies from the Order of Prevention Suspension.* –

The respondent may file a Motion for Reconsideration with the City Mayor or may elevate the same to the Civil Service Commission, by way of an Appeal, within fifteen (15) days from receipt thereof.

Section 22. *Conduct of Formal Investigation.* –

Although the respondent does not request a formal investigation, one shall nevertheless be conducted by the Committee, if it deems such investigation as necessary to decide the case judiciously.



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REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

The investigation shall neither be held earlier than five (5) days nor later than ten (10) days from receipt of the respondent's Answer. Said investigation shall be finished within thirty (30) days from the issuance of the formal charge or the receipt of the Answer, unless the period is extended by the City Mayor in meritorious cases.

Section 23. *Pre-hearing Conference.* -

At the commencement of the formal investigation, the Committee may conduct a Pre-Hearing Conference for the parties to appear, consider and agree on any of the following, namely:

- 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 a Position Paper or Memoranda and submit the case for resolution based on the result of the Pre-Hearing Conference without any need for further hearing.

Section 24. *Continuous Hearing Until Terminated; Postponement.* -

Hearing shall be conducted on the dates set by the Committee or as agreed upon during the Pre-Hearing Conference.

Where no Pre-Hearing Conference is conducted, the parties, their counsels and witnesses, if any, shall be given a notice of at least five (5) days before the first scheduled hearing specifying the time, date and place of the said hearing and subsequent hearings. Thereafter, the schedule of hearings previously set shall be strictly followed without further notice. A party shall be granted only three (3) postponements upon oral or written



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REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

requests. A further postponement may be granted only upon written request and subject to the discretion of the Committee.

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 right to be present and to submit evidence in his favor during those hearings.

Section 25. *Preliminary Matters.* -

At the start of the hearing, the Committee shall note the appearances of the parties and shall proceed with the reception of evidence for the complainant. If the respondent appears without the aid of a counsel, he or she shall be deemed to have waived his or her right to counsel.

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

Section 26. *Appearance of Parties.* -

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

Section 27. *Order of Hearing.* -

1. Unless the Committee directs otherwise, the order of 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 or her defense;
 - c. The complainant may then offer rebuttal evidence, and the respondent, sub-rebuttal evidence.
2. Every witness may be examined in the following order:
 - a. Direct examination by the proponent;



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REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

- b. Cross-examination by the opponent;
- c. Re-direct examination by the opponent;
- d. Re-cross examination by the proponent.

A sworn statement of a witness, properly identified and affirmed by the witness before the Committee, shall constitute his or her direct testimony. When the presentation of evidence 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. 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 memorandum within the given period shall be considered a waiver thereof.

Section 28. *Objections.* -

All objections raised during the hearing shall be resolved by the Committee. However, objections that cannot be ruled upon by the Committee 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 proper disciplining authority.

The Committee shall accept all pieces of evidence deemed material and relevant to the case. In case of doubt, the Committee shall allow the admission of evidence subject to the objection interposed against its admission.

Section 29. *Markings.* -

All documentary evidence or exhibits shall be properly marked by letters (A, B, C, etc.) if presented by the respondent. These shall form part of the complete records of the case.

Section 30. *Request for Subpoena.* -

If a party desires the attendance of a witness or the production of documents of things, he or she shall make a request for the issuance of the necessary subpoena, at least three (3) days before the scheduled hearing.

Section 31. *Issuance of Subpoena.* -

The Committee may issue *subpoena ad testificandum* to compel the attendance of witnesses and *subpoena duces tecum* for the production of documents or objects.



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REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

Section 32. *Records of Proceedings.* –

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

Section 33. *Effect of the Pendency of an Administrative Case.* –

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

Section 34. *Formal 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 Committee to the City Mayor. The complete records of the case shall be attached to the Report of Investigation.

The complete records shall be systematically and chronologically arranged, paged, and securely bound to prevent loss. A table of contents shall be prepared. Whoever is in charge of the transmittal of the complete records shall be held responsible for any loss or suppression of pages thereof.

Section 35. *When Case is Decided.* –

The City Mayor shall render his decision on the case within thirty (30) days from receipt of the Report on Investigation.

Section 36. *Finality of Decisions.* –

A decision rendered by the City Mayor, 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 the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.

Section 37. *Filing of Civil or Criminal Case.* –

The administrative proceedings shall not be a bar to the filing of any civil or criminal case against the respondent.



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CERT. CODE : QMS0708041506KA-001

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REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

RULE VIII
REMEDIES AFTER A DECISION

Section 38. *Filing of Motion for Reconsideration. –*

The party adversely affected by the decision may file a Motion for Reconsideration with the City Mayor within fifteen (15) days from receipt thereof.

Section 39. *When 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 envelope which shall be attached to the records of the case.

Section 40. *Grounds for Motion for Reconsideration. –*

The Motion for Reconsideration shall be based on any of the following:

- a. new evidence has been discovered which materially affects the decision rendered;
- b. the decision is not supported by the evidence on record; or
- c. errors of law or irregularities have been committed prejudicial to the interest of the movant.

Section 41. *Limitation. –*

Only one Motion for Reconsideration shall be entertained.

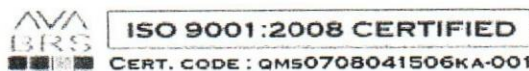
Section 42. *Effect of Filing. –*

The filing of a motion for reconsideration within the reglementary period of fifteen (15) days shall stay the execution of the decision sought to be reconsidered.

Section 43. *Filing of Appeals. –*

A decision by the City Mayor imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary, may be appealed to the Civil Service Commission, within a period of fifteen (15) days from receipt thereof.

Pending appeal, the same shall be executory, except where the penalty is removal, in which case the same shall be executory only after confirmation by the Secretary concerned.



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REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

A Notice of Appeal, including the Appeal Memorandum, shall be filed with the appellate authority, copy furnished the disciplining office. The latter shall submit the records of the case, which shall be systematically and chronologically arranged, paged and securely bound to prevent loss with its comment, within fifteen (15) days, to the appellate authority.

Section 44. *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, in the event he wins the appeal.

Section 45. *Appeal Fee.* –

The appellant shall pay an appeal fee of Five Hundred (Php 500.00) Pesos and a copy of the receipt thereof shall be attached to the appeal.

Section 46. *Perfection of an Appeal* –

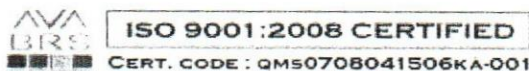
To perfect an Appeal, the appellant shall, within fifteen (15) days from receipt of the decision, submit the following:

- 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 Memorandum 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 documents or evidence;
- c. Proof of service of a copy of the appeal memorandum to the disciplining office;
- d. Proof of payment of the appeal fee; and
- e. A statement of 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 its dismissal.

Section 47. *When Case is Remanded for Violation of Respondent's Right to Due Process.* –

If the case on Appeal with the Commission Proper is remanded to the proper disciplining authority for further investigation, said disciplining authority, through the



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REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

Committee, shall finish the investigation within three (3) calendar months from the date of receipt of the records from the Commission, unless the investigation is delayed due to the fault, negligence or petition of the person complained of, or an extension is granted by the Commission Proper in meritorious cases. The period of delay shall not be included in the computation of the prescribed period.

Within fifteen (15) days from the submission of the investigation report to the disciplining authority, the disciplining authority shall render its decision. If at the end of said period, the disciplining authority fails to decide the case, the Commission Proper shall vacate and set aside the appealed decision and declare the person complained of exonerated of the charge. If the person complained of is under preventive suspension, he or she shall be immediately reinstated.

The Civil Service Regional Office or the Office of Legal Affairs of the Civil Service Commission shall evaluate requests for the extension of formal investigations and grant the same on meritorious grounds. In disposing the requests, said office shall be guided by the principles of justice and fair play: *Provided, however*, That the extension shall not be more than twenty (20) days.

Section 48. *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.

Section 49. *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 a Petition for Review under Rule 43 of the Revised Rules of Court.

Section 50. *Petition for Certiorari.* –

When the disciplining authority has 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 course of law, a person aggrieved may file a petition for certiorari in the proper court under Rule 65 of the Revised Rules of Court.

**RULE IX
CLASSIFICATION OF ACTS OF SEXUAL HARASSMENT**



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REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

Section 51. *Classification of Acts of Sexual Harassment.* –

Sexual harassment is classified as grave, less grave and light offenses.

1. Grave Offenses shall include:
 - a. unwanted touching of private parts of the body (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; or
 - e. other analogous cases.
2. Less Grave Offenses shall include:
 - 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 or threat with sexual overtones; or
 - e. other analogous cases.
3. Light Offenses shall include;
 - a. surreptitiously looking or staring a look of a person's private part or worn undergarments;
 - b. telling sexist or smutty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the offender



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has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive or vulgar;

- c. malicious leering or ogling;
- d. the 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; or
- j. other analogous cases.

RULE X
ADMINISTRATIVE LIABILITIES

Section 52. 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.

Section 53. The penalties for grave, less grave and light offenses are as follows:

- 1. For grave offenses - Dismissal
- 2. For less grave offenses:
 - a. 1st offense - Fine or suspension of not less than thirty (30) days and not exceeding six (6) months
 - b. 2nd offense - Dismissal



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3. For light offenses:

- a. 1st offense - Reprimand
- b. 2nd offense - Fine or suspension not exceeding thirty (30) days
- c. 3rd offense - Dismissal

Section 54. If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.

Section 55. The head of office who fails to act within fifteen (15) days from receipt of any complaint for sexual harassment properly filed against any employee in that office shall be charged with neglect of duty.

RULE XI
DUTY OF THE CITY GOVERNMENT

Section 56. The City Government shall develop an education and training program for its officials and employees and the members of the Committee to increase understanding about sexual harassment, prevent its occurrence, and ensure proper investigation, prosecution and resolution of sexual harassment cases.

RULE XII
FINAL PROVISIONS

Section 57. *Suppletory Application of Existing Legislation.* -

The provisions of Republic Act No. 7877, otherwise known as the "Anti-Sexual Harassment Act of 1995 and all other related laws shall be applied suppletorily to these Rules.

Section 58. *Repealing Clause.* -

Any order, memorandum or similar directive contrary to any of the provisions of this Executive Order is hereby amended or repealed accordingly.

Section 59. *Effectivity Clause.* -

This Executive Order shall take effect immediately.



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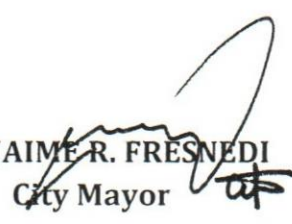


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DONE AND EXECUTED on this 12th day of May 2016 in the City of Muntinlupa.

Atty. JAIME R. FRESNEDI
City Mayor 



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