



Funding the Republic

REPUBLIKA NG PILIPINAS
KAGAWARAN NG PANANALAPI
KAWANIHAN NG INGATANG-YAMAN
(BUREAU OF THE TREASURY)
Intramuros, Manila

TREASURY OFFICE ORDER No. 12-2023
27 March 2023

In accordance with Civil Service Commission (CSC) Memorandum Circular (MC) No. 11 series 2021 in relation to Republic Act (RA) No. 11313, otherwise known as the Safe Spaces Act, and its Implementing Rules and Regulations (IRR), the guidelines and procedures in the disposition of gender-based sexual harassment in the Bureau of the Treasury (BTr) are hereby prescribed as follows:

Section 1. Purpose. – These guidelines shall provide the mechanisms for the disposition of gender-based sexual harassment in the BTr.

Section 2. Coverage. – These guidelines shall apply to all BTr officials and employees, including contractual personnel under contract of service or job order arrangement, employees of service contractors, suppliers, or consultants that are deployed or perform their work in any Bureau of the Treasury office premises and virtual spaces, and all clients/customers who are physically transacting inside BTr office premises or in virtual spaces owned or operated by the BTr.

Section 3. Definition of Terms. – As used in CSC MC No. 11 series 2021 and RA No. 11313 and its IRR, the following terms are defined as follows:

- a) **Catcalling** refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs.
- b) **Common carriers** refer to persons, corporations, firms or associations engaged in the business of carrying or transporting passengers or goods or both, by land, water, or air, for compensation, offering their services to the public.
- c) **Cyberstalking** is a form of stalking that is committed through an electronic medium in which online communication takes place.
- d) **Employee** refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical, and whether private or public, who exercises fundamental control over the work regardless of the term or duration of agreement. Employees in the informal economy are included herein. Provided, that for the purposes of the law and these rules, a person who is detailed to an entity under a subcontracting or

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secondment agreement shall be considered an employee. In the public sector, the term employee refers to any person who is in the service of the government or any of its agencies, divisions, subdivisions or instrumentalities including government-owned and controlled corporations with or without an original charter, or state universities or colleges with a regional charter.

- e) **Employer** refers to a person who exercises control over an employee: Provided, that for the purpose of the law and these rules, the status or conditions of the latter's employment or engagement shall be disregarded. In the public sector, the term employer refers to the head of government agencies, divisions, subdivisions or instrumentalities including government-owned and controlled corporations with or without an original charter, or state universities or colleges with a regional charter which exercises control over an employee.
- f) **Gender** refers to a set of socially ascribed characteristics, norms, roles, attitudes, values, and expectations identifying the social behavior of men and women, and the relations between them.
- g) **Gender-Based Online Sexual Harassment (GBOSH)** refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft.
- h) **Gender identity and/or expression** refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, or may have been assigned a particular sex at birth but who identifies with the opposite sex, or may have an identity that does not correspond to one's sex assigned at birth or to one's primary or secondary sex characteristics, in which case this person is considered transgender.
- i) **Homophobic remarks or slurs** are any statements in whatever form or however delivered, which are indicative of fear, hatred or aversion towards persons who are perceived to be or actually identify as lesbian, gay, bisexual, queer, pansexual and such other persons of diverse sexual orientation, gender identity or expression, or towards any person perceived to or actually have experienced same-sex attraction.
- j) **Information and communication system** refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar

devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.

- k) **Information and communications technology or ICT** shall mean the totality of electronic means to access, create, collect, store, process, receive, transmit, present and disseminate information.
- l) **Misogynistic remarks or slurs** are any statements in whatever form or however delivered, that are indicative of the feeling of hating women or the belief that men are inherently better than women.
- m) **Public spaces** refer to streets and alleys, roads, sidewalks, public parks, buildings, schools, churches, public washrooms, malls, internet shops, restaurants and cafes, transportation terminals, public markets, spaces used as evacuation centers, government offices, common carriers, public utility vehicles (PUVs) as well as private vehicles covered by appbased transport network services, other recreational spaces such as, but not limited to, cinema halls, theaters and spas, bars and clubs, resorts and water parks, hotels and casinos, and all other areas, regardless of ownership, openly accessible or offered to be accessed by the public. For purposes of these guidelines, BTr shuttle/transport vehicles are included in the term public space.
- n) **Sexist remarks or slurs** are statements in whatever form or however delivered, that are indicative of prejudice, stereotyping, or discrimination on the basis of sex, typically against women.
- o) **Transphobic remarks or slurs** are any statements in whatever form or however delivered, that are indicative of fear, hatred or aversion towards persons whose gender identity and/or expression do not conform with their sex assigned at birth.
- p) **Sexual harassment** refers to 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 any party covered by this guideline in (1) a work-related or training related environment, (2) via online or in a virtual space through the use of information and communication technology, and (3) gender-based sexual harassment in streets and public spaces, against an offended BTr official or employee.
- q) **Stalking** refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.

Section 4. Gender-based sexual harassment; What includes –

Section 4.1. Gender-Based Sexual Harassment in the Workplace (GBSH-W) includes the following:

- a) An act or series of acts 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;
- b) 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;
- c) 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.

In accordance with CSC MC No. 11 series of 2021, the administrative offense of 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

Section 4.2. Gender-based Sexual Harassment in Streets and Public Spaces (GBSH-SP) is committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks. Sexual harassment in streets and public spaces includes acts such as:

- a) Cursing;
- b) wolf-whistling;
- c) catcalling;
- d) leering and intrusive gazing;
- e) taunting, cursing, and unwanted invitations;
- f) misogynistic, transphobic, homophobic, and sexist slurs;
- g) persistent unwanted comments on one's appearance;
- h) relentless requests for one's personal details such as name, contact and social media details or destination;
- i) the use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs;
- j) the persistent telling of sexual jokes, use of sexual names, comments and demands;
- k) any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety;
- l) making offensive body gestures at someone;
- m) exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions;
- n) stalking;
- o) other acts of sexual harassment when accompanied by touching, pinching or brushing against the body of the offended person, or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body

Without prejudice to the jurisdiction of appropriate government authority on the criminal and civil aspect of the offense constituting gender-based sexual harassment, acts constitutive of GBSH-SP as applied to individuals covered by these guidelines are those committed against BTr official or employee in BTr office premises or buildings including halls, conference rooms, washrooms or toilets and BTr shuttle/transport vehicles.

Section 4.3. Gender-Based Sexual Harassment Online (GBSH-O) 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.

GBSH-O includes acts that use information and communications technology in terrorizing and intimidating victims through:

- a) Physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages;
- b) Invasion of the victim's privacy through cyberstalking and incessant messaging;
- c) Uploading and sharing without the consent of the victim any form of media that contains photos, voice, or video with sexual content;
- d) Any unauthorized recording and sharing of any of the victim's photos, videos or any information online;
- e) Impersonating identities of victims online or posting lies about victims to harm their reputation; or
- f) Filing false abuse reports to online platforms to silence victims.

Section 4.4. Gender-Based Sexual Harassment in Training Environment (GBSH-TE) is committed against one who is under the actual or constructive care, custody or supervision of the offender, or against one whose training is directly or constructively entrusted to or is provided by the offender, including peers, co-training participants, instructors, professors, coaches, trainers, supervisors, or any person who has authority, influence or moral ascendancy over another, students, and trainees.

GBSH-TE is committed when:

- a) Submission to or rejection of the act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of information and communication technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities in a training program organized by the BTr, including on-the-job training programs, and similar arrangements with educational institutions;
- b) The act or series of acts have the purpose or effect of interfering with the performance, or creating an intimidating, hostile or offense training environment

of the offended party, 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;

- c) The act or series of acts that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the offended party as to cause discrimination, insecurity, discomfort or humiliation to an individual who is a trainee, trainer, facilitator, or resource person in a training program organized by the BTr, including on-the-job training programs, and similar arrangements with educational institutions.

GBSH-TE may also be committed between peers, and by a subordinate to a superior officer, or by any BTr official or employee, including contractual personnel under contract of service or job order arrangement, employee of service contractor, supplier, or consultant who is deployed or perform their work in any BTr office premises, and are participants to the training activity or program organized by the BTr, including on-the-job training programs, and similar arrangements with educational institutions.

In accordance with CSC MC No. 11 series of 2021, 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 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.

Section 5. Committee on Decorum and Investigation. A Committee on Decorum and Investigation (CODI) for Gender-Based Sexual Harassment is hereby established in the central and regional offices of the BTr. The CODI shall serve as an independent mechanism to receive and investigate complaints on gender-based sexual harassment. It shall conduct investigation, and submit a report of its findings and recommendations directly to the disciplining authority having jurisdiction over the person complained of.

The CODI shall study, develop and recommend a Code of Conduct, and its improvements, taking into account changes in the legal framework pursuant to laws, rules and regulations pertaining to or affecting office policies on gender-based sexual harassment.

The chairperson of the CODI shall be a woman officer who is at least a second highest ranking officer in the central or regional office. In the event that no woman officer occupy the second highest rank position in the central or regional office, a woman officer occupying a third highest ranking position in the central or regional office shall be designated as chairperson of the CODI.

The CODI shall exercise the powers and perform the responsibilities as prescribed under the CSC MC No. 11 series 2021 and RA No. 11313 and its IRR.

Section 6. Complaint. – A complaint for gender-based sexual harassment must be in writing and signed by the complainant. The complaint must be under oath pursuant to the 2004 Rules on Notarial Practice and/or 2020 Interim Rules on Remote Notarization of Paper Documents issued by the Supreme Court of the Philippines.

The complaint shall be received by the CODI through its chairperson.

In case the subject of the complaint is the chairperson of the CODI in the central or regional office, the complaint for gender-based sexual harassment shall be filed with the following:

Where to file	Subject of Complaint for GBSH	Career Level & Nature of Appointment to position in agency
Office of the Secretary, Department of Finance	Chairperson, CODI-CO	3 rd level / Presidential Appointee <ul style="list-style-type: none"> • Deputy Treasurer of the Philippines SG-29 • Director III SG-27
Office of the Treasurer of the Philippines	Chairperson, CODI-RO	2 nd level / Permanent <ul style="list-style-type: none"> • Chief Treasury Operations Officer II SG-24

Section 6.1. Content of Complaint (ANNEX A). The complaint shall contain the following:

- i) Name, position, rank, address of complainant, personal email address of complainant;
- ii) Name, position, rank, address of respondent, personal email address of respondent (if available);
- iii) A concise and brief narration of the relevant facts and circumstances of the acts complained of as constitutive of gender-based sexual harassment;
- iv) Evidence in support of the complaint, including affidavit of witnesses, if any; and
- v) A certification or statement against non-forum shopping.

6.1.1 Where the complaint received by the CODI is not under oath in accordance with the legal formalities, the complainant shall be required by the CODI to comply therewith within ten (10) days upon receipt of such notice.

6.2.2 In case of failure of the complainant to submit a complaint under oath after the lapse of ten (10) days from such notice, the CODI shall issue a resolution dismissing the complaint for gender-based sexual harassment without prejudice to its refiling.

Section 6.2. Anonymous complaint. An anonymous complaint where the identity of the complainant is undisclosed or the name of the complainant is a pseudo name shall not be entertained and will be dismissed by the CODI, unless the act/s subject of the complaint is/are of public knowledge or the allegations can be verified or supported by documentary evidence or direct evidence.

Section 6.3. Manner of Filing the Complaint. A complaint for gender-based sexual harassment may be filed (i) in person; (ii) by registered mail or private courier services; or, (iii) by electronic mail.

- a) For complaint to be filed in person, the same, with all supporting documents, shall be directly submitted to the CODI Chairperson;
- b) For complaint to be filed through registered mail or private courier services, the same shall be submitted and addressed in the name of the CODI Chairperson;
- c) For complaint filed through electronic mail, the same, with all supporting documents, shall be delivered to the registered agency email address of the CODI <to create specific email for CODI> or to the registered agency email address of the CODI Chairperson.

Section 6.4. Action on the Complaint. - Upon receipt of the complaint, the CODI may either:

- a) Dismiss the complaint without prejudice based on Section 6.1.2 or Section 6.2; or
- b) Proceed with the conduct of investigation if the complaint is sufficient in form and substance.
- c) The Complaint may instantly be dismissed, if upon evaluation, the facts as alleged on the complaint does not constitute a GBSH, in which case, the Complainant shall be informed in writing, without prejudice to the refiling of the Complaint.

Section 6.4.1 Action on the Complaint when Respondent is not a BTr officer or employee.

- a) When the respondent is a temporary employee under a validly existing contract of service, job-order, or similar arrangement, the CODI shall proceed pursuant to Section 6.4;
- b) When the respondent is an employee or agent of a service contractor, supplier, or consultant who performs or delivers work inside the BTr office premises or buildings, the CODI shall proceed pursuant to Section 6.4;
- c) When the respondent is a client or guest who transacts business within the BTr office premises or buildings, the CODI shall dismiss the complaint without prejudice to its filing with the proper office or agency.

Section 7. Investigation; Summon, Notice or Request to Submit Notarized Counter Affidavit (ANNEX B) - The CODI shall summon the respondent to submit a notarized counter affidavit within ten (10) days from receipt of such notice, attaching thereto pieces of evidence in support of his/her claim and/or affidavits of his/her witness/es. The CODI shall provide the respondent with copies of the complaint and supporting documents, if any. The failure of the respondent, without justifiable

reasons, to submit a counter affidavit after ten (10) days from receipt of such notice shall be construed as a waiver of the respondent to submit his/her counter affidavit. Thereafter, the CODI shall proceed with the conduct of Preliminary Investigation.

The Preliminary Investigation shall have for its purpose the determination of the existence of probable cause of administrative violation of the CSC MC No. 11 series 2021 in relation to RA No. 11313 and its IRR and these guidelines.

The CODI shall complete the preliminary investigation proceedings within five (5) days after the lapse of the period granted to respondent to submit his/her counter affidavit. It shall submit its preliminary investigation report to the disciplining authority with recommended action to (i) dismiss the complaint without prejudice based on Section 6.1.2 or Section 6.2, or (ii) issue a Formal Charge to the respondent.

Section 8. Formal Charge. The Treasurer of the Philippines, as Head of the Agency and Disciplining Authority, shall issue a Formal Charge to the respondent, with a directive for such respondent to submit an answer, not a motion to dismiss, to the complaint within ten (10) days from receipt of the Formal Charge. The answer submitted by the respondent shall be accompanied by documentary evidence, including the judicial affidavit of witnesses for the respondent, if any. The respondent shall also furnish in the answer his/her email address to which notices and other communication from the CODI and or the disciplining authority may be served or delivered.

Section 9. Prohibited Pleading or Motion. The CODI shall not entertain following pleadings or motions:

- a) Bill of particulars;
- b) Motion to extend the period to file the answer;
- c) Motion to dismiss; and
- d) Other clarificatory motions.

Section 10. Answer. The respondent shall submit an answer to the complaint within ten (10) days from receipt of the notice issued by the CODI. The notice shall include copy of the complaint and its supporting documents, if any.

The answer must be in writing and under oath. A supporting document must be an original or a certified copy of the original. In case the document submitted is an affidavit of a witness, the same must be under oath.

The answer may be filed or submitted with the CODI either (i) in person, (ii) by registered mail or private courier services, or (iii) by electronic mail: provided, that in cases of answer submitted by electronic mail the respondent shall nominate and use

a personal email address through which all notices and other papers from the CODI shall be delivered.

Section 10.1. Failure to file answer; effect. If the respondent fails or refuses to file an answer to the formal charge, the respondent shall be considered to have waived his/her right thereto and the CODI shall continue with the disposition of the pending matter based on the evidence available and other documents entered into the records.

Section 11. Reply. Within five (5) days from receipt of the answer of the respondent, the complainant may file his/her reply to address only a counter complaint alleged in the answer.

Section 12. Preventive suspension. Upon motion or *moto proprio*, after the service of the Formal Charge to the respondent, the disciplining authority may order the preventive suspension of the respondent for a period not exceeding ninety (90) days from receipt of such Preventive Suspension Order (PSO). The PSO is a temporary measure to remove the respondent from his/her position to avoid exertion of undue influence or pressure on the witnesses and/or tamper with the evidence. After the lapse of the period of preventive suspension, the respondent shall be automatically reinstated without prejudice to the disposition of the case or other legal justification under existing provisions of law, rules and regulations.

In lieu of preventive suspension, the disciplining authority may temporarily reassign respondent to other units within the agency during the pendency of the administrative case.

Section 12.1. Relief against preventive suspension. The respondent may appeal the preventive suspension order to the Civil Service Commission (CSC) in accordance with the rules of procedure of the CSC. Unless restrained by the CSC, the preventive suspension order shall be immediately executory from receipt of the respondent.

Section 13. Service of Notice. Notices issued by the CODI may be served or delivered to the complainant and respondent either (i) personally; (ii) by registered mail or private courier services; or, (iii) electronically to the registered email address of the party: provided, that the date of the electronic message from the CODI as delivered to the email address of the concerned party shall be deemed as the date such notice is deemed received by the concerned party.

Section 14. Legal Representation. The complainant and the respondent shall have the right to be assisted by legal counsel of their own choice in the preparation of their pleadings and during the formal hearing of the CODI. This right may be waived: provided, that the party concerned shall submit a notarized waiver.

Section 15. Position Paper or Memorandum. The CODI may require the complainant and the respondent to submit simultaneous position papers or memoranda, summarizing therein their respective arguments and evidence, within five (5) days from receipt of such notice.

Section 16. Pre-Hearing Conference. After the issues are joined with the submission of the answer and/or the reply, the CODI shall conduct a pre-hearing conference for the parties to consider any of the following:

- a) Stipulation of facts;
- b) Simplification of the issues;
- c) Identification and marking of evidence of the parties.
- d) Waiver of objections to admissibility of evidence;
- e) Limiting number of witnesses, their names, and purpose of testimony;
- f) Hearing dates for each party; and
- g) Such other matters that may aid in the prompt and just resolution of the case.

The parties may agree to submit the case for resolution based on the result of the pre-hearing conference without the need of further proceedings by the CODI. In such case, the CODI shall require the parties to submit their respective position papers or memoranda within the time provided under Section 15.

The CODI shall issue a Pre-Hearing Conference order to summarize the agreement of the parties.

Section 17. Hearing Conference. Upon motion of the respondent or *moto proprio* at the instance of the CODI, the CODI may conduct a hearing to resolve the case judiciously. Otherwise, the case shall be submitted for resolution and shall proceed in accordance to Section 22 of this Rules.

The CODI shall issue a notice of hearing to the parties. The CODI shall follow the mode of service or delivery of notice under Section 13 of this guideline.

The hearing may be conducted in person or by virtual platform at the instance of the CODI.

The hearing shall terminate within thirty (30) days from the issuance of the Formal charge or the receipt of the answer unless the disciplining authority in meritorious cases extends the period.

Section 17.1. Quorum. A majority of the members of the CODI present during the hearing shall constitute a quorum.

Section 17.2 Presiding Officer. The CODI Chairperson shall preside in all proceedings of the CODI.

Section 17.3. Preliminary matters. At the start of the hearing the CODI shall note the appearances of the parties and their counsels, if any.

If a party appears without legal counsel or has waived the assistance of legal counsel, such party shall be deemed to have waived his/her right to counsel on that particular hearing.

Section 17.4. Order of Presentation. The complainant shall be required to present evidence to prove the allegations of his/her complaint. Thereafter, the respondent shall present evidence to support his/her defense. The complainant may present or offer rebuttal evidence, and the respondent sur-rebuttal evidence.

Evidence may be testimonial, documentary, or object evidence.

Each of the parties will observe the following order of examination of evidence:

- (i) Presentation of the Complaint;
- (ii) Cross-examination by the opposing party;
- (iii) Presentation of the Respondent;
- (iv) Cross-examination by the Complainant;

Section 17.5. Affidavit of Witness. Evidence in the form of testimony of a witness shall be presented in a form of a sworn affidavit taken by a lawyer and subscribed before a notary public.

The party presenting the judicial affidavit of a witness shall be required call the concerned witness during the hearing to affirm and confirm the truth of the allegations therein and the due execution of the affidavit.

The judicial affidavit shall serve as direct testimony of the witness, subject to cross-examination by the opposing party.

Section 17.5.1. Contents of Sworn Affidavit. - A sworn affidavit shall be prepared in the language known to the witness and, if not in English or Filipino, accompanied by a translation in English or Filipino, and shall contain the following:

- a) The name, age, residence or business address, and occupation of the witness;

- b) The name and address of the lawyer who conducts or supervises the examination of the witness and the place where the examination is being held;
- c) A statement that the witness is answering the questions asked of him, fully conscious that he does so under oath, and that he may face criminal liability for false testimony or perjury;
- d) Questions asked of the witness and his corresponding answers, consecutively numbered, that:
 - (1) Show the circumstances under which the witness acquired the facts upon which he testifies;
 - (2) Elicit from him those facts which are relevant to the issues that the case presents; and
 - (3) Identify the attached documentary and object evidence and establish their authenticity in accordance with the Rules of Court;
- e) The signature of the witness over his printed name; and
- f) A jurat with the signature of the notary public who administers the oath or an officer who is authorized by law to administer the same.

Section 17.5.2. Sworn attestation of the lawyer. –

- a) The sworn affidavit shall contain a sworn attestation at the end, executed by the lawyer who conducted or supervised the examination of the witness, to the effect that:
 - (1) He faithfully recorded or caused to be recorded the questions he asked and the corresponding answers that the witness gave; and
 - (2) Neither he nor any other person then present or assisting him coached the witness regarding the latter's answers.
- b) A false attestation shall subject the lawyer mentioned to disciplinary action, including disbarment in accordance to the rules and regulations of the Supreme Court of the Philippines.

Section 17.6. Identification or Marking of Evidence. The parties' documentary or object evidence, if any, which shall be attached to the sworn affidavits, shall be identified and marked as Exhibits A, B, C, and so on in the case of the complainant, and as Exhibits 1, 2, 3, and so on in the case of the respondent.

Should a party or a witness desire to keep the original document or object evidence in his/her possession, said party may, after the same has been identified, marked as exhibit, and authenticated, warrant in his/her sworn affidavit that the copy or reproduction attached to such affidavit is a faithful copy or reproduction of that original.

In addition, the party or witness shall bring the original document or object evidence for comparison during the pre-hearing conference with the attached copy, reproduction, or pictures, failing which the latter shall not be admitted by the CODI.

This is without prejudice to the introduction of secondary evidence in place of the original when allowed by existing rules.

Section 17.7. Subpoena (ANNEX C). The CODI shall have the power to issue subpoena to compel the attendance of witnesses or the production of documents or objects.

A party desiring the attendance of a witness or the production of documents or objects relevant to the case shall make a written request for the issuance of the necessary subpoena, at least three (3) days before the scheduled hearing.

Section 18. Continuous Hearing Until Terminated; Postponement. Hearings shall be conducted on the hearing dates set by the CODI or as agreed by the parties during a pre-hearing conference. Except for highly justifiable reasons, no motion or request for postponement of scheduled hearing will be given due course and shall be automatically denied by the CODI.

For this purpose, justifiable reasons shall be limited to any of the following causes: (i) illness requiring hospital confinement of a party as certified by a competent physician; (ii) separation from the service of any of the parties; or, (iii) fortuitous event or acts of God that prevents in person or virtual appearance of a party.

The movant or requesting party shall be responsible to communicate to the CODI, copy furnished the adverse party, through any available documented means of communication, ensuring such motion or request for postponement is received not later than 24 hours prior to a scheduled hearing.

In any event, the CODI shall not adjust the number of hearing days and dates agreed by the parties.

If any of the parties fail to appear during the scheduled hearing despite due notice, the hearing shall proceed ex-parte and the absent party shall be deemed to have waived the right to be present and submit evidence in his/her favor.

Section 19. Withdrawal of Complaint. Withdrawal of the complaint at any stage of the proceedings shall not divest the CODI from its jurisdiction. In such case, the CODI may proceed to dispose of the matter including completion of investigation and preparation of its report and recommendation to the disciplining authority.

Section 20. Separation from the Service; Effects. The separation from the service of a party during the pendency of the administrative case shall have the following effect:

- a) When the **respondent** is separated from the service, the pending administrative case shall be resolved as closed and terminated: provided, that the action to close and terminate the proceedings shall be without prejudice to other legal remedies of the complainant.
- b) When the **complainant** is separated from the service, the pending administrative case shall continue until the disciplining authority shall have issued a resolution/decision in the administrative case.

Section 21. Record. The CODI shall maintain a record of all documents and its proceedings. It shall docket matters as follows:

- a. For management of documents

Use Document Tracking System or equivalent system, and applicable records management processes

- b. For documents considered for "Investigation"

Record and label as **I.S. GBSH-(CO/RO-Nr.<Roman numeral >) No. XX-YYYY**, where **I.S.** means Investigation Sheet; **CO** means central office; **RO-Nr.** means concerned regional office followed by geographic location in Roman numeral except NCR e.g. RO-Nr. NCR or RO-Nr. I; **XX** as sequential number (01-99) of matters for investigation; **YYYY** means calendar year.

- c. For matters considered as "Administrative Case"

Record and label as **A.C.GBSH-(CO/RO-Nr.<Roman numeral>) No. XX-YYYY**, where **A.C.** Administrative Case; **CO** means central office; **RO-Nr** means concerned regional office followed by geographic location in Roman numeral except NCR e.g. RO-Nr NCR or RO-Nr I; **XX** as sequential number (01-99) of matters classified as administrative case; **YYYY** means calendar year.

Section 22. Formal Report of CODI. Within ten (10) days after the conclusion of the formal investigation/hearing, a report containing a narration of the material facts established during the investigation/hearing, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the CODI to the disciplining authority together with the complete records of the case.

Section 23. Period to Resolve by Disciplining Authority. The disciplining authority shall render his/her decision within thirty (30) days from receipt of the report and recommendation of the CODI.

Section 24. Motion for Reconsideration. Any party aggrieved of the decision of the disciplining authority may file a motion for reconsideration within fifteen (15) days from receipt of the assailed decision on any of the following grounds: (i) newly discovered evidence which materially affects the decision rendered; (ii) the decision is not supported by the evidence on record; or (iii) errors of facts or law, or irregularities have been committed which are prejudicial to the interest of the movant.

Section 25. Acts constituting Gender-Based Sexual Harassment; Penalty. In accordance with CSC MC No. 11 series 2021, the following acts constitute the administrative offense of sexual harassment:

Section 25.1. Sexual Harassment in the Workplace

- I. **Grave Offenses punishable by dismissal from the service** shall include, but are not limited to:
 - a) unwanted touching of private parts of the body (inner thighs, genitalia, buttocks and breast);
 - b) sexual assault;
 - c) malicious touching;
 - d) requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance; and
 - e) other analogous cases.
- II. **Less Grave Offenses punishable by suspension of one month and one day to six months for the first offense; and dismissal from the service for the second offense**, shall include, but are not limited to:
 - a) unwanted touching or brushing against a victim's body;
 - b) pinching not falling under grave offenses;
 - c) derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;
 - d) verbal abuse with sexual overtones; and
 - e) other analogous cases.
- III. **Light Offenses punishable by reprimand for the offense; suspension of one to thirty days for the second offense; and**

dismissal from the service for the third offense, shall include, but are not limited to:

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

Section 25.2. 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:

- I. **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.
- II. **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.

- III. **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.

Section 25.3. Online Sexual Harassment

- I. **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.
- II. **Less Grave Online Sexual Harassment** is committed by a government official or employee who engages in acts that include the use information and communication technology in terrorizing and intimidating victims through physical, psychological, and emotional threats with sexual overtones. Such acts are punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; and dismissal from the service for the second offense.
- III. **Grave Online Sexual Harassment** punishable by dismissal from the service, includes uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing online of any of the victim's photos, videos, or any information of sexual content, impersonating identities of victims online or posting lies of sexual nature about the victims to harm their reputation, or filing false abuse reports to online platforms to silence victims of sexual harassment.

Section 26. Fines. In meritorious cases, Fines may be imposed for the corresponding number of days or months, in lieu of suspension from the service.

Section 27. Penalty Imposable When Respondent is not a BTr officer or employee. When the respondent is not a BTr officer or employee, the penalty imposable shall be:

- a) When the respondent is a temporary employee under a validly existing contract of service, job-order, or similar arrangement, the penalty imposable, when found guilty of the offense of GBSH, shall be termination of contract, and respondent shall be barred from entering the BTr office premises or buildings or future employment in the BTr, without prejudice to the legal remedies of the complainant;
- b) When the respondent is an employee or agent of a service contractor, supplier, or consultant who performs or delivers work inside the BTr office premises or buildings, the penalty imposable, when found guilty of the offense of GBSH, shall be restriction/prohibition of person's access to BTr premises, without prejudice to the legal remedies of the complainant, and the forwarding of the case to the Service Provider/Contractor-Employer for the latter's appropriate action under its own CODI Rules.

Section 28. Finality and Executory Character of Decision in Gender-Based Sexual Harassment Cases. Decisions rendered by the disciplining authority in Gender-Based Sexual Harassment Cases whereby the penalty is Reprimand; or Suspension for not more than thirty (30) days; or Fine in an amount not exceeding Thirty (30) days salary - shall not be appealable. It shall be final and executory unless a motion for reconsideration is seasonably filed. However, the respondent may file an appeal or petition for review with the CSC when the issue raised is violation of due process: provided, that the appeal or petition for review shall comply with the rules of procedure of the CSC.

If the penalty imposed by the disciplining authority in Gender-Based Sexual Harassment Cases 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 pleadings have been filed.

Consistent with Section 47 (2), Chapter 6 Title 1-A, Book V of the 1987 Administrative Code (Executive Order No. 292, series of 1987), if the penalty imposed by the disciplining authority in Gender-Based Sexual Harassment Cases is removal or dismissal from the service, the decision issued by the disciplining authority may be initially appealed to the Department (Department of Finance) and finally to the CSC. Pending appeal and unless a restraining order is issued, the decision shall be executory after confirmation by the Department Secretary.

Section 29. Appeal. Any party aggrieved by the final order or decision issued by the disciplining authority in Gender-Based Sexual Harassment Cases may file a Notice of Appeal with the disciplining authority within fifteen (15) days from receipt of such final order or decision.

Within five (5) days from receipt of the Notice of Appeal, the disciplining authority shall forthwith transmit the entire records of the case on appeal to the CSC.

Section 30. Incorporation of CSC Rules and Procedures. The Revised Rules on Administrative Cases in the Civil Service (RRACCS), as may be amended by the CSC from time to time, shall apply and incorporated by reference to these guidelines. The CODI shall apply and observe all procedures in the conduct of administrative investigation and proceedings in the RRACCS not otherwise covered by these guidelines.

Section 31. Effectivity. These guidelines shall take effect after fifteen (15) days from its dissemination, and after the corresponding seminar explaining the intention and context of this issuance. Copy of these guidelines shall be posted in the agency website and in conspicuous places within the office premises and buildings of the BTr.

Section 32. Repeal and Amendment. This issuance repeals TOO 04-2011. All other office orders, circulars, or memoranda that are inconsistent herewith are deemed amended accordingly.



ROSALIA V. DE LEON
Treasurer of the Philippines



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KAGAWARAN NG PANANALAPI
KAWANIHAN NG INGATANG-YAMAN
(BUREAU OF THE TREASURY)
Intramuros, Manila

ANNEX A

COMMITTEE ON DECORUM & INVESTIGATION (CODI)

AFFIDAVIT-COMPLAINT

	COMPLAINANT	RESPONDENT
NAME:		
POSITION & UNIT:		
ADDRESS:		
PERSONAL EMAIL ADD:		

I am filing a complaint against the above respondent, as a consequence of the following incident (concise narration of incident, describing relevant facts & circumstances):

The following are my evidence in support of my complaint:

I hereby certify that I have not filed any other complaint, involving the same issue, in any other Office, Agency, Court or Tribunal. I undertake to inform the CODI within 3 days from knowledge thereof, if I learn that a similar case involving the same issues and parties has been filed in another Office, Agency, Court or Tribunal.

Name & Signature of Complainant

SUBSCRIBED & SWORN to before me, this ____ day of _____, 202__ affiant exhibiting to me his / her _____ ID issued at _____ on _____.

Doc. No. ____;
Page No. ____;
Book No. ____;
Series of 202__.

NOTARY PUBLIC

ISO 9001:2015 Quality Management System
Certificate No. SCP000233Q



Ayuntamiento Building, Cabildo Street corner A. Soriano Avenue, Intramuros, 1002 Manila
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Intramuros, Manila

ANNEX B

COMMITTEE ON DECORUM & INVESTIGATION (CODI)

I.S. GBSH-(CO)
No. 0__ - 202__

**REQUEST TO SUBMIT
A NOTARIZED COUNTER-AFFIDAVIT**

TO:

Mr. / Ms. _____

GREETINGS:

Within TEN (10) days from receipt hereof, kindly submit your **Notarized Counter-Affidavit** in response to the attached Complaint and supporting documents. Please attach your pieces of evidence in support of your statements.

Failure to submit a notarized counter-affidavit within the above period, shall be deemed a waiver on your part to explain your side, and CODI shall proceed with its Preliminary Investigation on the issue raised, and complete the same within FIVE (5) days.

Manila, Philippines, _____ 202__.

The COMMITTEE ON DECORUM & INVESTIGATION (CODI)

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Intramuros, Manila

ANNEX C

COMMITTEE ON DECORUM & INVESTIGATION (CODI)

Complainant

A.C. GBSH-(CO)
No. 0__ - 202__

Respondent

SUBPOENA¹

TO:

Mr. / Ms. _____

GREETINGS:

You are hereby required to appear before the COMMITTEE ON DECORUM & INVESTIGATION (CODI) on the following date:

Date: _____
Day: _____
Time: _____
Venue: _____

And to bring with you the following²

Manila, Philippines, _____ 202__.

The COMMITTEE ON DECORUM & INVESTIGATION (CODI)

¹ Complainant or Respondent may also request a subpoena to compel the attendance of their witnesses

² In case certain documents or items need to be produced

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