

**IMPLEMENTING RULES AND  
REGULATIONS (IRR)  
OF  
REPUBLIC ACT NO. 7877  
OR  
*THE ANTI-SEXUAL HARASSMENT ACT OF 1995,  
FOR THE PHILIPPINE SCIENCE HIGH SCHOOL  
SYSTEM (PSHS SYSTEM)***

- ❖ **ADMINISTRATIVE ORDER NO. 250, June 21, 1995 -  
RULES AND REGULATIONS IMPLEMENTING R.A. 7877  
(ANTI-SEXUAL HARASSMENT ACT OF 1995) IN THE  
DEPARTMENT OF LABOR AND EMPLOYMENT**
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In compliance with Section 4 of R.A. No. 7877 or the Anti-Sexual Harassment Act of 1995 and Section 58 of the “Administrative Disciplinary Rules on Sexual Harassment Cases” embodied in CSC Resolution No. 01-0940 and CSC MC No. 17, Series of 2001, the PSHS System Board of Trustees hereby promulgates these rules and regulations to effectively carry out the provisions of R.A. No. 7877, within the premises and jurisdiction of the PSHS System campuses.

**RULE I.  
Affirmation of State Policy and Commitment**

**SECTION 1. The PSHS System:**

- 1.1 values the dignity of every individual
- 1.2 enhances the development of its human resources
- 1.3 guarantees full respect for human rights

- 1.4 upholds the dignity of teachers, staff, employees, applicants for employment, students or those undergoing training, instruction or education.

SECTION 2. The PSHS System commits itself to provide a teaching-learning-working environment that is free from all forms of sexual harassment.

## **RULE II Coverage**

SECTION 1. These Rules and Regulations cover the following:

- 1.1 all school officials, teachers, staff, employees of agents of the school under a contract and students within the jurisdiction of the PSHS System.
- 1.2 all applicants for a teaching or administrative position, applicants for admission as students, after receipt of the application by the campus.

SECTION 2. Definition of Terms. —

- 2.1 PSHS System — includes the Office of the Executive Director, the PSHS Main Campus in Diliman, and the six (6) regional campuses, namely, PSHS Nueva Vizcaya, PSHS Camarines Sur, PSHS Western Visayas, PSHS Eastern Visayas, PSHS Northern Mindanao and PSHS Central Mindanao.
- 2.2 Student — means any person enrolled in the four-year secondary course at the PSHS System, including those who are participants in short-term training courses, seminars, workshops, review programs, contests or competitions conducted by any of the system campuses, on or off campus.
- 2.3 Employee/staff — means any person holding an appointment or designation in any unit of the PSHS System, including contractual employees and employees of

agents of the school under a Contract assigned at a particular PSHS campus.

- 2.4 Faculty/teacher — any teacher of the PSHS System, regardless of rank, including the guidance counselors, librarians, research assistants, as well as trainers/coaches, specialists, consultants and speakers invited during seminars, workshops, training and the like.

### **RULE III Sexual Harassment**

**SECTION 1.** Sexual Harassment is committed by:

- 1.1 school officials, teachers, staff, coach, trainor and employees of agents of the school under a contract or any other person.
- 1.2 such official, teacher, staff, etc., has authority, influence or moral ascendancy over another in any aspect of academic or administrative work in any campus, classroom, office or unit of the PSHS System;
- 1.3 such official, teacher, staff, etc., demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted or not by the object of such act.

**SECTION 2.** Other persons liable for sexual harassment:

- 2.1 Any person who directs or induces another to commit any act of sexual harassment as herein defined;
- 2.2 Any person who cooperates in the commission thereof by another without which sexual harassment would not have been committed.

**SECTION 3.** In a work-related environment, sexual harassment is committed when:

- 3.1 the sexual favor is made as condition for the hiring/employment/re-employment of the individual who is the object of sexual harassment; or
- 3.2 the sexual favor is made as a condition for granting such a person favorable compensation or promotion or any other terms, conditions or privileges; or
- 3.3 the refusal to grant sexual favor results in limiting, segregating or classifying a faculty/teacher/staff which would discriminate, deprive him or her or diminish employment opportunities or otherwise adversely affect such faculty member or staff;
- 3.4 the above acts would impair the teacher's/staff's rights or privileges under existing Civil Service laws, rules and regulations; or
- 3.5 the above acts would result in an intimidating, hostile or offensive environment for the teacher or staff.

SECTION 4. In the school or training environment, sexual harassment is committed:

- 4.1 against a student, tutee, trainee or one who is under the care, custody, supervision or advisorship of the offender;
- 4.2 against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
- 4.3 when the sexual favor is made as a condition to the giving of a passing or a high grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges or considerations; or
- 4.4 when the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

SECTION 5. Sexual Harassment under these rules includes those in peer relationships, such as:

- 5.1 Faculty-faculty
- 5.2 employee-employees and
- 5.3 student-student relations

SECTION 6. Sexual Harassment under these rules also include those involving harassment of teachers or employees by students.

SECTION 7. Forms of Sexual Harassment. —

- 7.1 Physical
  - 7.1.1 Malicious touching
  - 7.1.2 Overt sexual advances
  - 7.1.3 Gestures and lewd insinuations
- 7.2 Verbal, such as, but not limited to, requests or demands for sexual favors and lurid remarks
- 7.3 Use of objects, pictures or graphics, letters, written notes, texts via cellular phones with sexual underpinnings
- 7.4 Other forms analogous to the foregoing

SECTION 8. It shall be the duty of the Executive Director/Campus Director to:

- 8.1 prevent or deter the commission of acts of sexual harassment;
- 8.2 cause the settlement, prosecution or resolution of acts of sexual harassment in accordance with the procedure in these IRR.

**RULE IV**  
**Committee on Decorum and Investigation**

SECTION 1. A Committee on Decorum and Investigation is hereby created in each PSHS System campus under the office of the Campus Director.

SECTION 2. The Committee shall be composed of the following:

- 2.1 a Division Chief or Academic Chief as representative Administration, who shall act as Chairperson
- 2.2 a supervisor/area coordinator or unit head
- 2.3 a union member, if any
- 2.4 a rank and file faculty
- 2.5 a rank and file staff

SECTION 3. The Chairperson and members shall serve for a term of two (2) years.

SECTION 4. The Committee shall:

- 4.1 disseminate these rules, regulations procedures to the different sectors of the PSHS community to increase understanding and prevent incidents of sexual harassment.
- 4.2 receive and act on reports and complaints of sexual harassment.
- 4.3 provide support measures to victims of sexual harassment
- 4.4 conduct the preliminary investigation of sexual harassment cases

4.5 conduct the formal; investigation of the case, once formal charges are filed by the Campus Director.

4.6 submit a report of its findings to the Campus Director

## **RULE V Procedure**

### **A. Informal**

SECTION 1. Informal procedure refers to PSHS System action, through the CDI of each campus, which does not involve formal investigation nor the filing of formal charges. It may consist of counseling, providing information, referral to an agency offering professional help and advice on options available as well as other means of support.

SECTION 2. The aggrieved party or anyone who witnesses or discovers the commission of any act of sexual harassment shall report the incident/act, in writing, to the CDI or to any school official, faculty or staff who shall in turn endorse the said report to the CDI within twenty-four (24) hours from the receipt of such report.

SECTION 3. The aggrieved party shall be interviewed by the CDI, and where necessary referred to the Guidance Center or agency offering professional help for counseling and assistance.

SECTION 4. The CDI, after consultation with the persons concerned, shall recommend measures to be adopted to prevent the repetition of the incident.

SECTION 5. Incidents of sexual harassment dealt with in this manner shall be documented by the CDI to determine whether patterns of sexual harassment are present. If the situation requires resort to formal charges of sexual harassment, the procedure set out in the succeeding sections shall be complied with.

### **B. Formal Investigation of Sexual Harassment Case**

SECTION 1. Complaint. —

1.1 The Complaint may be filed directly with the Committee on Decorum and Investigation (CDI) or with the Campus Director who shall endorse the same within 24 hours from receipt thereof to the CDI.

1.2 The Complaint must be in writing, signed and sworn to by the complainant. It must contain the following:

- (1) full name and address of the complainant
- (2) full name, address and position of the respondent
- (3) a specification of the charge/charges
- (4) a brief statement of the relevant and material facts
- (5) evidence, in the form of affidavits of witnesses, in support of the Complaint, if any
- (6) a certification of non-forum shopping

1.3 In the absence of any one of the aforementioned requirements, the Complaint shall be dismissed without prejudice to its re-filing.

1.4 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.

1.5 A withdrawal of the Complaint at any stage of the proceedings shall not preclude the CDI from proceeding with the investigation of the case.

1.6 The CDI shall notify the respondent in writing of the sexual harassment charge.

SECTION 2. Counter-Affidavit/Comment. —



- 2.1 If the Complaint is sufficient in form and substance, the CDI will require the respondent to file a Counter-Affidavit/Comment, under oath, within three (3) working days from receipt of the notice of the sexual harassment charge.
- 2.2 The Respondent shall furnish a copy of such counter-affidavit/comment to the complainant, otherwise the same shall be considered as not filed.

SECTION 3. Preliminary Investigation. —

- 3.1 Within five (5) working days from receipt of the counter-affidavit-comments, the CDI shall conduct a preliminary investigation of the sexual harassment case by examining all the documents submitted, ex parte and shall be terminated fifteen (15) working days thereafter.
- 3.2 Within five (5) working days from the termination of the preliminary investigation, the CDI shall submit its Investigation Report and the complete records of the case to the Campus Director.

SECTION 4. Formal Charge. —

- 4.1 If, after preliminary investigation, a prima facie exists, a formal charge shall be issued by the Campus Director within (3) working days from receipt of the Investigation Report, otherwise, the complaint is dismissed within the same period.
- 4.2 The Formal charge shall contain:
  - a. specific charge(s)
  - b. a brief statement of material or relevant facts, with certified true copies of the documentary evidence, if any
  - c. sworn statements covering the testimony of witnesses

- d. a directive to answer the charges in writing under oath within 72 hours from receipt thereof
- e. an advice to indicate in the Answer that respondent elects/does not elect a formal investigation of the charges
- f. a notice that respondent is entitled to be assisted by counsel

SECTION 5. Answer. —

- 5.1 The Answer shall be in writing, signed and sworn to by the respondents, copy furnished the complainant, supported by documentary evidence, including affidavits of witnesses.
- 5.2 The respondent shall be given not less than 72 hours after receipt of the complaint to file an Answer, unless a different period is given.
- 5.3 The respondent shall indicate in his Answer whether or not he elects a formal investigation.
- 5.4 Failure of the respondent to file an Answer or to appear in the investigation shall be construed as a waiver to present evidence in his/her behalf.

SECTION 6. Preventive Suspension. —

- 6.1 The Board of Trustees (BOT), through the Executive Director, upon the recommendation of the CDI and the Campus Director, may order the preventive suspension of the respondent during the pendency of the investigation where the evidence of guilt is strong.
- 6.2 A Motion for Reconsideration of the Order of Preventive Suspension may be filed with the BOT or the said Order may be appealed before the Civil Service Commission within fifteen (15) days from the receipt of such Order.

6.3 If the case against the respondent is not finally decided within ninety days, after the date of suspension, he/she shall be automatically reinstated in the service.

SECTION 7. Pre-Hearing. —

7.1 The CDI may conduct a pre-hearing conference where the parties appear to agree on the following:

- a. stipulation of facts
- b. simplification of issues
- c. identification/marking of evidence
- d. number of names of witnesses
- f. dates of hearings
- g. other matters that may aid the prompt and just resolution of the case.

7.2 Parties may submit position papers or memoranda.

7.3 The case may be submitted for resolution without need of further hearing.

SECTION 8. Hearing. —

8.1 If the case is submitted for further hearing, the CDI shall conduct a hearing not earlier than five (5) working days nor later than ten working (10) days from the date of receipt of the respondent's Answer or Complainant's reply, if any.

8.2 The hearing shall be concluded within thirty (30) days from the filing of the charges.

8.3 The CDI shall submit its report and recommendations to the Campus Director within fifteen (15) days from the conclusion of the hearing.

SECTION 9. Decision. —

9.1 The Campus Director shall render a decision within thirty (30) days from receipt of the CDI report.

9.2 Such decision shall be final and executory where a penalty of suspension for not more than thirty (30) days or a fine not exceeding thirty (30) days salary is imposed.

SECTION 10. Motion for Reconsideration. —

10.1 A Motion for Reconsideration (MR) may be filed with the Campus Director within fifteen (15) days from receipt of the decision.

10.2 Only one MR shall be entertained.

10.3 The MR shall be based on any of the following grounds:

10.3.1 New evidence is discovered

10.3.2 The decision is not supported by the evidence on record.

10.3.3 Errors of law or irregularities have been committed prejudicial to the interest of the movant.

SECTION 11. Appeal. —

11.1 An appeal may be filed by the respondent with the Board of Trustees, through the Executive Director, within fifteen (15) days from the receipt of the decision of the Campus Director.

11.2 Any appeal of the decision shall be filed in accordance with the CSC rules on administrative cases.

## **RULE VI**

### **Administrative Penalties**

SECTION 1. Acts of sexual harassment shall be punishable as light, less grave and grave offenses, as follows:

1.1 Light Offenses

1st Offense — Reprimand

2nd Offense — Fine or Suspension not exceeding thirty (30) days

3rd Offense — Dismissal

1.2 Less Grave Offenses

1st Offense — Fine or Suspension not less than thirty (30) days and not exceeding six (6) months

2nd Offense — Dismissal

1.3 Grave Offenses — Dismissal

SECTION 2. A respondent found guilty of two or more charges shall be imposed the highest penalty corresponding to the most serious charge and the other charges shall be counted as aggravating circumstances.

SECTION 3. The Head of Agency 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 VII**

### **Guidelines on Proper Decorum at the PSHS System Campuses**

SECTION 1. School officials, members of the faculty and staff shall treat one another with dignity and respect. They shall:

- 1.1 avoid telling green jokes in the classroom and in other public places.
- 1.2 avoid the use of language with sexual overtones

SECTION 2. All employees shall adhere to the agency dress code while in the school premises. Students must be in proper and complete uniform at all times.

SECTION 3. All employees and students shall observe prudence in all their actions. They shall:

- 3.1 avoid talking and being left alone with the opposite sex in abandoned, secluded and unlighted places.
- 3.2 avoid body language or acts that would convey or invite sexual meanings or interpretations

SECTION 4. Dormitory rooms should be strictly off-limits to students of the opposite sex.

### **RULE VIII. Special Provisions**

SECTION 1. Independent Civil and/or Criminal Actions. —

- 1.1 After the filing of a formal charge (administrative case), the victim of sexual harassment is not precluded from instituting a separate and independent civil action for damages and other affirmative relief in any court or tribunal against the respondent.
- 1.2 Administrative sanctions shall not be a bar to the filing of a criminal action and prosecution in the proper courts for acts of sexual harassment

SECTION 2. Penalties. —

- 2.1 Any person who violates the provisions of R.A. 7877, shall upon conviction by the courts, be penalized by:
  - 2.1.1 imprisonment of not less than one (1) month nor more than six (6) months, or
  - 2.1.2 a fine of not less than ten thousand pesos (PhP10,000.00) not more than twenty thousand pesos (PhP20,000.00), or
  - 2.1.3 both such fine and imprisonment at the discretion of the court.

SECTION 3. Civil Liability of the Campus Director. —

- 3.1 The Campus Director shall be solidarily liable for damages arising from acts of sexual harassment in the campus, if formally informed of such acts by the offended party and no immediate action is taken thereon.

SECTION 4. Prescription. —

- 4.1. Any action arising from the violation of R.A. No. 7877 shall prescribe in three (3) years.

SECTION 5. Annual Report. —

- 5.1 The Campus Directors shall submit an annual report to the Executive Director on the implementation of these rules and regulations together with an evaluation thereof at the end of each school year

SECTION 6. Adoption of CSC Resolution No. 01-0940. —

- 6.1 Rules IX, X and XI of CSC Resolution No. 01-0940 are hereby adopted as part of this IRR.
- 6.2 All other provisions of the aforesaid resolution shall be applied suppletorily to this IRR.

6.3 In cases where provisions of this IRR overlap with those of the law and CSC Rules, the latter shall prevail (i.e., the law, CSC rules, PSHS System disciplinary rules).

**SECTION 7. Adoption of the PSHS System Code of Conduct. —**

7.1 In the case of student offenders, the PSHS System Code of Conduct shall be applied suppletorily to this IRR

**SECTION 8. Procedure for Offenders who are Employees of Agents of the School under a Contract. —**

8.1 Offenders who are employees of agents of the school under a Contract shall be proceeded against criminally or civilly.

8.2 The employee complained of shall be placed under preventive suspension by his employer upon the filing of the complaint.

**RULE IX  
Effectivity**

This implementing Rules and Regulations shall take effect upon its approval and publication in the respective school organs of the campuses, certified copies of which shall be filed with the UP law Center.

***Quezon City, February 6, 2002.***

***APPROVED:***

***(SGD.)  
ESTRELLA F. ALABASTRO  
Secretary, DOST & Chairman  
PSHS System Board of Trustees***