

Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
Manila

097-17-DPWH

10-15-01

26 September 2001

DEPARTMENT ORDER)

NO. 201)

Series 2001 10-15-01)

X-X-X-X-X-X-X-X-X-X-X-X-X-X-X

SUBJECT: CREATION OF A COMMITTEE ON
DECORUM AND INVESTIGATION
OF SEXUAL HARASSMENT CASES

Pursuant to Republic Act No. 7877, otherwise known as "Anti-Sexual Harassment Act of 1995" and CSC Resolution No. 01-940 dated May 2001, a Committee on Decorum and Investigation of Sexual Harassment Cases is hereby created in the DPWH. The Committee shall be composed of the following:

Chairman – Director Clarita Bandonillo (COGAD Chairperson)

Vice Chairman – Atty. Oscar Abundo

Members: Director Burt B. Favorito
Director B. Elizabeth Yap
Rank-and-File Representative

The rank-and-file representatives shall come from the DPWH Central Office Employees Union, i.e., One (1) from the second level and one (1) from the first level.

The functions of the Committee are:

1. Receives complaints of sexual harassment;
2. Investigates sexual harassment complaints in accordance with the prescribed procedures;
3. Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision; and,
4. Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment.

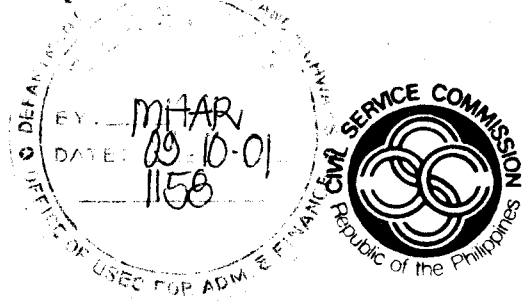
The Regional/District offices shall form their respective committees which shall have the same functions as indicated above and shall submit the report of investigation with its recommendation directly to the disciplining authority.

The Committees may formulate their own rules governing the term of office of their members which should not be more than two years and other matters pertaining to the functions not otherwise provided in the Rules.

The Central Office Committee shall be assisted by a Secretariat headed by the Chief, Personnel Division and each of the Committee of the Regional/District Offices shall be assisted by a Secretariat to be headed by the highest Human Resource Management Officer of the office concerned.


SIMEON A. DATUMANONG
Secretary

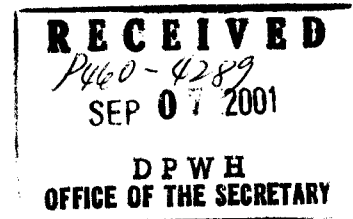
Republic of the Philippines
CIVIL SERVICE COMMISSION



Serbisyo Sibil: Isang Daang Taong Paglilingkod

August 7, 2001

Honorable SIMEON A. DATUMANONG
Secretary
Department of Public Works and Highways
Room 201 DPWH Building
Bonifacio Drive, Port Area
Manila



Dear Secretary Datumanong:

When President Gloria Macapagal-Arroyo, other high government officials, members of the press and representatives from civil society launched the Administrative Disciplinary Rules on Sexual Harassment Cases in the Civil Service during the July 20, 2001 Press Conference at Heroes Hall, Malacañang, Manila, the President recognized the importance and significance of said Rules. She stated that the enactment of these Rules is *"a significant event in the fight for gender equality and human dignity"* and *"a step forward in the government's efforts to ensure safe and wholesome work places for civil servants"*.

To ensure the strict implementation of these new Rules which are embodied in CSC Resolution No. 01-0940 dated May 21, 2001, the President in her speech ordered *"all entities of government to promulgate or modify their own regulations on sexual harassment in conformity with these Rules"*. She further urged all *"workers in government to actively participate in the crafting of said Rules"*. Furthermore, she hopes *"a report will be forthcoming in 30 days on compliance on an office to office basis from the Civil Service Commission"*.

In the light of the foregoing and to aid all concerned in complying with the above directives, we are furnishing you with copies of the following:

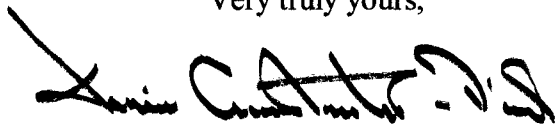
1. President Gloria Macapagal-Arroyo's Opening Statement during the July 20 Press Conference, Heroes Hall, Malacañang, Manila.

2. CSC Memorandum Circular No. 17, s. 2001 dated July 23, 2001.
3. CSC Resolution No. 01-0940 dated May 21, 2001.

Finally, may we also solicit your help in the dissemination of the above to your personnel including those in the Regional or Provincial Offices.

Thank you for your utmost cooperation.

Very truly yours,



KARINA CONSTANTINO-DAVID
Chairperson

The President's Message

President Gloria Macapagal-Arroyo's Opening Statement

During the July 20 Press Conference/Heroes Hall, Malacañang

That little ceremony that Karina and I did was the launching of the Administrative Disciplinary Rules on Sexual Harassment Cases. I consider the enactment of these Rules as a significant event in the fight for gender equality and human dignity. This day, therefore, marks a step forward in the government's efforts to ensure safe and wholesome work places for civil servants, both women and men.

Nothing can justify or mitigate sexual harassment. It is wrong and should not be tolerated. This administration is determined to address the problem of sexual harassment and make sure perpetrators are punished.

While it can occur anywhere, sexual harassment is most prevalent in the workplace. This is mostly due to the superior-subordinate relationships that abound in workplace organizations. Since government is the single biggest organization in the country, there is no denying that sexual harassment is a harsh reality in the ranks of the bureaucracy.

Sexual harassment has persisted despite the presence of laws because the process for getting redress is technically convoluted and shaded with gray areas. When the Republic Act 7877 was passed in 1995 – and I was honored to be the author of that bill although I was not the one who sponsored it because I was not the chairman of the committee – government agencies and private offices were supposed to draw up their rules to implement the law in their offices.

Not too many complied, choosing to lump sexual harassment with existing administrative offenses. The basic issue of what constitute sexual harassment and under what circumstances remained unclear. Harassers and their counsels were quick to exploit loopholes, technicalities and gray areas.

This is ironic because high moral standards are supposed to prevail in government. The irony is doubled when one considers the laws mandating proper behavior by public officials and employees, including R.A. 7877, the Anti-Sexual Harassment Act of 1995. Despite all the legislation and structures, harassment continues to be treated in a cavalier manner. More to the point, sexual harassment continues to be trivialized in the workplace and in society in general.

It has been trivialized because of socio-cultural factors such as the macho culture and gender stereotypes, including the false superiority of men over women.

There is also the "hiya" and "pakikisama" syndrome that advocates sweeping under the rug anything unpleasant that would erode smooth interpersonal relationships.

These socio-cultural factors are being addressed through gender-sensitivity programs but we have no illusion that these steps will be enough. We still have to wield the big stick, which brings me to my next point.

With the launching of these administrative rules, we will begin to clarify borderline areas and plug loopholes. Sexual harassment as a separate and distinct administrative offense is now addressed in fine detail, including the basic issue of what constitute sexual harassment.

The rules take out the subjectivity in a lot of this sensitive matter. Thus, outright assault is sometimes justified as a petty prank or harmless horseplay. These rules classify the gravity of specific acts of harassment and prescribe the corresponding punishment. For acts of sexual harassment classified as a grave, the punishment is dismissal on the first offense upon finding guilty. And I say: Very Good.

These rules also specify, also in fine detail, the processes and procedures to be followed in handling complaints. And the harassers need not be the direct superior of the victim for a sexual harassment charge to flourish. Under these rules, any public official, including elective official and presidential appointees or employee can be charged with sexual harassment if the evidence so warrants.

In fact, under these rules, the matter of management responsibility is addressed head-on: office heads now clearly have the obligation and responsibility to prevent sexual harassment in their offices and to act promptly when complaints are lodged. Any head of office who fails to act within 15 days from receipt of a properly filed complaint for sexual harassment shall be charged with neglect of duty.

Agencies now have original jurisdiction over sexual harassment cases with the Civil Service Commission coming only in an appellate capacity. In other words, no more excuses not to act. The toleration of sexual harassment in government offices is in large part due to the indifference of distorted values of those in position to stop the practice and punish the offenders but choose not to do so. There have been many instances when office management actively discourage or even threatened complaining victims from speaking up.

I know because when my daughter was consultant of the DFA during APEC she was a victim of sexual harassment, and there was a lot of pressure for her to drop her case—and she was already the daughter of a senator.

I am also very happy that the rules specifically mentioned the use of devices such as cell phones, pagers and e-mail in committing sexual harassment. Technology has ironically given harassers powerful tools with which to pursue their prey. We are putting a stop to this practice.

Finally, I am glad to note that sexual harassment is treated in gender-neutral terms. Sexual harassment has been stereotyped as a case of a male superior harassing female subordinates. This is true in the vast majority of cases that we have come to know of. But it is also true that sexual harassment can and does occur with the traditional roles reversed, or with the same gender involved.

I remember when we were having a debate in the senate when I was still senator with regard to my proposed bill which did not pass on domestic violence, on wife beating, that one was gender-specific—and some of the men in the senate would make fun of me and say, “What about husband beating?” and I would say, in a family the husband is the father of the family and he’s supposed to be a prudent protector of his wife, so, therefore, it is an even graver offense because he’s supposed to be the head of the family. But in this case, I said—and I mentioned—in the case of sexual harassment, there it is gender-specific because unlike a husband who’s supposed to love and care for his wife, the relationship between subordinate and superior, teacher and student, contractor and contractee, is supposed to be impersonal and not related to a relationship of love and protection so therefore it can be more gender-neutral than the case of wife beating.

Anyway, such situations do not lessen the offense in any way if the harassment was by a woman on a man or by one person of the same gender as the victim. In fact we’ve seen many movies: remember that movie of Demi Moore? That was a woman harassing a man. And we also had a very famous case of a man who got a very big settlement because he was harassed by a woman. And we have many cases in the Philippines—they were being investigated when I was a senator—of a male harassing another male sexually. So you really need to have harassment as gender-neutral.

And now I take this opportunity to order all entities of government to promulgate or modify their own regulations on sexual harassment in conformity with these rules. And I urge my fellow workers in government to actively participate in the crafting of such rules. And I hope a report will be forthcoming in 30 days on compliance on an office-to-office basis from the Civil Service Commission.

I also instruct all heads of government agencies to fully enforce these rules. Remember, you can be charged with neglect of duty if you fail.

I urge all victims of sexual harassment to come forward and seek the regress that is rightfully yours. Remember, the shame should be on the harasser, not on the victim. Your quest for justice need not be as painful, expensive and torturous as what happened before. *Magsumbong po kayo, nasa likod po ninyo ako.*

Finally, I give fair warning to all harassers and would-be harassers to cease and desist from their evil ways. Direct your desires and energies elsewhere: we do not need your kind. You are clearly out of place in the Civil Service or anywhere else.

Thank you.