



Republic of the Philippines
OFFICE OF THE PRESIDENT
COMMISSION ON HIGHER EDUCATION

CHED MEMORANDUM ORDER (CMO)

No. 26
Series of 2003.

SUBJECT : ENJOINING THE CREATION IN EVERY HIGHER EDUCATION INSTITUTION OF A COMMITTEE ON DECORUM AND INVESTIGATION ON SEXUAL HARASSMENT CASES AND IMPLEMENTING MEASURES TO AVOID COMMISSION OF SEX-RELATED OFFENSES AGAINST STUDENTS, FACULTY AND STAFF

In accordance with the pertinent provisions of Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994" as well as its Implementing Rules and Regulations, in relation to the express provisions of R.A. No. 7877 otherwise known as the Anti-Sexual Harassment Act of 1995", this Office, after having been informed about the increasing incidence of sexually-related crimes and misconduct that have been committed upon some students, faculty and staff of public and private Higher Education Institutions (HEIs) all over the country, hereby enjoins the support of all concerned HEIs to fully implement the following measures that would reduce if not completely prevent the occurrence of such acts:

1. Creation of the Committee on Decorum and Investigation (CODI) per Section 4 (b) of R.A. 7877, which shall be composed of at least one (1) representative from the administration, the trainers, teachers, instructors, professors or coaches and students or trainees, as the case may be. Additional members may be included as the school administration deems proper.
2. The School administration shall immediately take action on all reported acts of alleged sexual misconduct in the educational institution, by immediately endorsing the matter to the CODI for proper disposition in accordance with due process requirements.

3. All HEIs shall submit to the Commission on Higher Education the list of students, faculty and staff charged with alleged acts of sexual misconduct, as well as those who have been formally charged and disciplined accordingly. The referral should include the nature of the offense, manner of commission, name of complainant, stage of proceeding if pending investigation, decision of the CODI, and penalty meted on offender if any.
4. All HEIs are enjoined to undertake a background investigation of applicants to vacant faculty or staff positions to determine if they are morally fit for the position i.e. not found guilty of sex-related misconduct from a previous HEI employment, and to coordinate with the CHED Regional Offices in this regard.

The HEIs should submit their quarterly reports on the foregoing to the Commission through the Regional Offices, without prejudice to supplemental reports within the quarter on updates regarding these offenses.

The Regional Directors are hereby directed to immediately submit to the Central Office through the Executive Director, all quarterly reports as well as any updates submitted by the HEIs within their area of operations.

For strict compliance please.

Pasig City, Philippines, November 30, 2003.


ROLANDO R. DIZON
Chairman

REPUBLIC ACT No. 7877

AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Title. - This Act shall be known as the "Anti-Sexual Harassment Act of 1995."

Section 2. Declaration of Policy. - The State shall value 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. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

Section 3. Work, Education or Training -Related, Sexual Harassment Defined. - Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

(a) In a work-related or employment environment, sexual harassment is committed when:

- (1) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms of conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;
- (2) The above acts would impair the employee's rights or privileges under existing labor laws; or
- (3) The above acts would result in an intimidating, hostile, or

offensive environment for the employee.

(b) In an education or training environment, sexual harassment is committed:

- (1) Against one who is under the care, custody or supervision of the offender;
- (2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
- (3) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or consideration; or
- (4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act.

Section 4. Duty of the Employer or Head of Office in a Work-related, Education or Training Environment: - It shall be the duty of the employer or the head of the work-related, educational or training environment or institution, to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment. Towards this end, the employer or head of office shall:

(a) 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.

Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.

The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions.

(b) Create a committee on decorum and investigation of cases on sexual harassment. The committee shall conduct meetings, as the case may be, with officers and employees, teachers, instructors, professors, coaches, trainers, and students or trainees to increase understanding

and prevent incidents of sexual harassment. It shall also conduct the investigation of alleged cases constituting sexual harassment.

In the case of a work-related environment, the committee shall be composed of at least one (1) representative each from the management, the union, if any, the employees from the supervisory rank, and from the rank and file employees.

In the case of the educational or training institution, the committee shall be composed of at least one (1) representative from the administration, the trainers, instructors, professors or coaches and students or trainees, as the case may be.

The employer or head of office, educational or training institution shall disseminate or post a copy of this Act for the information of all concerned.

Section 5. *Liability of the Employer, Head of Office, Educational or Training Institution.* - The employer or head of office, educational or training institution shall be solidarily liable for damages arising from the acts of sexual harassment committed in the employment, education

or training environment if the employer or head of office, educational or training institution is informed of such acts by the offended party and no immediate action is taken.

Section 6. *Independent Action for Damages.* - Nothing in this Act shall preclude the victim of work, education or training-related sexual harassment from instituting a separate and independent action for damages and other affirmative relief.

Section 7. *Penalties.* - Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Ten thousand pesos (P10,000) nor more than Twenty thousand pesos (P20,000), or both such fine and imprisonment at the discretion of the court.

Any action arising from the violation of the provisions of this Act shall prescribe in three (3) years.

Section 8. *Separability Clause.* - If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

Section 9. *Repealing Clause.* - All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days

after its complete publication in at least two (2) national newspapers of general circulation.

Approved:

(Sgd.) **EDGARDO J. ANGARA**
President of the Senate

(Sgd.) **JOSE DE VENECIA, JR.**
Speaker of the House of Representatives

This Act is a consolidation of House Bill No. 9425 and Senate Bill No. 1632 was finally passed by the House of Representatives and the Senate on February 8, 1995.

(Sgd.) **EDGARDO E. TUMANGAN**
Secretary of the Senate

(Sgd.) **CAMILO L. SABIO**
Secretary General
House of Representatives

Approved: February 14, 1995

(Sgd.) **FIDEL V. RAMOS**
President of the Philippines

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