



METROPOLITAN WATERWORKS & SEWERAGE SYSTEM

REGULATORY OFFICE

CODI MANUAL:

ADMINISTRATIVE  
DISCIPLINARY  
RULES ON SEXUAL  
HARASSMENT  
CASES

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## **RULE I**

### **APPLICABILITY AND CONSTRUCTION**

**Section 1. *Title.*** These Rules shall be known as the "Administrative Disciplinary Rules on Sexual Harassment Cases in the Metropolitan Waterworks and Sewerage System Regulatory Office (MWSS RO)."

**Section 2. *Coverage.*** These Rules shall apply to all officials and employees in MWSS RO, whether in the career or non-career service and holding any level of position, including appointees, temporary employees, and contract of service (COS) employees.

**Section 3. *Construction.*** These Rules shall be liberally construed in order to promote the objective in obtaining just, speedy, and inexpensive disposition of sexual harassment cases.

Administrative investigations shall be conducted without strict recourse to technical rules of procedure and evidence applicable to judicial proceedings.

## **RULE II**

### **DEFINITION OF TERMS**

**Section 4.** For the purpose of these Rules, the administrative offense of sexual harassment is an act, or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by a government employee or official in a work-related, training, or education-related environment of the respondent.

**a. 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 personnel 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;
- (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 ward of the respondent; or
- (4) can also be committed through the use of technology such as text messaging or electronic mail.

**b. Education or training-related sexual harassment** is committed against one who is under the actual or constructive care, custody, or supervision of the offender, or against one whose education, training,

apprenticeship, internship, or tutorship is directly or constructively entrusted to, or is provided by, the offender under the following circumstances:

- (1) submission to or rejection of the act or series of acts is used as a basis for any decision affecting the complainant, including, but not limited to, the giving of a grade, the granting of honors or scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration;
- (2) the act or series of acts have the purpose or effect of interfering with performance, or creating an intimidating, hostile, or offensive environment for 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 respondent.

**Section 4a.** Sexual harassment may take place:

- (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) through the use of technology such as by telephone, cellular phone, fax machine, or electronic mail.

### **RULE III**

### **FORMS OF SEXUAL HARASSMENT**

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

- a. Physical, such as, but not limited to:
  - i. Malicious touching;
  - ii. Overt sexual advances; and
  - iii. Gestures with lewd insinuation.
- b. Verbal, such as, but not limited to, requests or demands for sexual favors, and lurid remarks.
- c. Use of objects, pictures or graphics, letters or written notes with sexual underpinnings.
- d. Other forms analogous to the foregoing.



## **RULE IV PERSONS LIABLE FOR SEXUAL HARASSMENT**

**Section 6.** Any government official or employee, regardless of sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC), is liable for sexual harassment when they:

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

## **RULE V**

### **COMMITTEE ON DECORUM AND INVESTIGATION OF SEXUAL HARASSMENT CASES**

**Section 7.** The MWSS RO Committee on Decorum and Investigation (the “Committee” or “CODI”) shall perform the following functions:

- a. Receive complaints of gender-based sexual harassment;
- b. Ensure that respondents are given the opportunity to be properly notified and respond to the charge/s and that parties are given information on the hearings and its outcomes;
- c. Investigate gender-based sexual harassment complaints in accordance with the prescribed procedure;
- d. Investigate and decide on such complaints within ten (10) working days or less upon receipt. The ten-day period shall not include the period of appeal which shall be available to each party;
- e. Within ten (10) days from the termination of the conduct of the investigation, submit a report of its findings with the

- corresponding recommendation to the disciplining authority for decision;
- f. Ensure the protection of complainants from retaliation without causing them any disadvantage, diminution of benefits or displacement, and without comprising their security of tenure;
  - g. Guarantee gender-sensitive handling of cases and confidentiality of the identity of the parties and the proceedings to the greatest extent possible;
  - h. Lead in the conduct of discussions about gender-based sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment;
  - i. Observe due process at all times; and
  - j. Comply with all relevant Commission on Civil Service (CSC) standards and/or guidelines.

The MWSS RO CODI shall also submit an Annual Report presenting the data summary on the number of cases filed, the nature of the charges, sex-disaggregated information, number of decisions rendered, number of decisions for reconsideration, number of

appeals, and informal reports received every end of the year.

**Section 8.** *Composition of the MWSS RO CODI and Terms of Office of the Members.* - The MWSS RO CODI shall be composed of at least one representative each from the management, employees from the supervisory rank, the rank-and-file employees, and RO-TUBIG or the accredited union or employees' association. The Chairperson shall be a woman and not less than half of the members shall be women.

The Chief Regulator must ensure that there will be a sufficient number of people who may immediately replace any member of the MWSS RO CODI in case they inhibit from any case, or when needed, so as not to cause any delay in the process being undertaken.

*Qualifications and Attributes.* - The Chairperson, Vice Chairperson, and members of the CODI must possess the following attributes:

- a. Good moral character;
- b. Known integrity, probity, and independence;

- c. Proven and demonstrable understanding of gender issues;
- d. No prior record of involvement as a respondent, defendant, or accused in any case within or outside the MWSS RO involving sexual harassment <sup>1</sup>, other forms of sexual misconduct, inappropriate behavior, or any form of gender-based discrimination;
- e. No prior involvement in any case which may affect one's credibility;
- f. Excellent interpersonal skills and able to work collaboratively with others;
- g. Excellent verbal and written communication skills;
- h. Able to analyze voluminous information and exercise critical thinking;
- i. Can handle confidential and sensitive information and not commonly known as a person who is participating in malicious rumors.

In accordance with CSC Memorandum Circular No. 11 s. 2021, "Revised Administrative Disciplinary Rules on Sexual Harassment

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<sup>1</sup> Sec. 33(d), IRR of the Safe Spaces Act.

Cases”, and with MWSS RO Office Order 090 s. 2022, “Reconstitution of the MWSS Regulatory Office Committee on Decorum and Investigation”, the term of office of its members should not be more than two (2) years.

**Section 9. *Disqualification.*** – When a Member is the complainant or the respondent in a sexual harassment case, such Member shall be disqualified from participating in the investigation and voting in such case.

**Section 10. *Inhibition.*** – If there is conflict of interest or if such Member is a material witness to the case, such Member may inhibit from participating in the proceeding of the said case. The Member shall notify the Chairperson within three (3) days from the Filing of the Complaint through a letter. Upon the determination of the Chairperson, the Chairperson shall notify the Member and the CODI Secretariat accepting their inhibition.

The complainant or the respondent may also request for a Member to inhibit in a case based on conflict of interest, manifest partiality, and other reasonable grounds. The request should

be made prior to the release of the Formal Charge. The request for inhibition may only be approved by a unanimous vote of the Members excluding the Member requested to inhibit.

**Section 11. *Meetings.*** - A determination of quorum is required before the MWSS RO CODI can hold a meeting and conduct its business. Majority of the Members will constitute the quorum.

**Section 12. *Voting.*** - Each Member is entitled to one (1) vote. The Chairperson will only vote in case of a tie.

**Section 13. *Vacancy.*** - There is a vacancy if a Member during their term resigns, retires, or terminates their employment with the MWSS RO. In such a case, a new Office Order shall be released assigning a replacement to the vacancy. The replacement will serve the remainder of the term of the incumbent Member.

**RULE VI**  
**PRE-FILING STANDARD OPERATING**  
**PROCEDURES IN ATTENDING TO**  
**VICTIMS OF SEXUAL HARASSMENT**

**Section 14.** *The Pre-filing Stage.* - The MWSS RO CODI shall provide assistance to an alleged victim of sexual harassment which may include counseling, referral to an agency offering professional help, and advice on options available before the filing of the complaint.

**RULE VII**  
**STANDARD PROCEDURAL**  
**REQUIREMENTS**

**Section 15.** *Complaint.*

- a. The complaint may be filed at any time with the MWSS RO CODI.
- b. The complaint must be in writing, signed and sworn to by the complainant. It shall contain the following:



- (1) the full name, address, and position of the complainant;
- (2) the full name, address, and position of the respondent;
- (3) a narration of the relevant facts;
- (4) evidence, in support of the complaint, if any;
- (5) certified true copies of documentary evidence and affidavits of their witnesses, if any; and
- (6) a certification of non-forum shopping.

In the absence of any one of the aforementioned requirements, the complaint shall be dismissed without prejudice to its refiling. Once the requirements are complete, the complaint may be filed again.

- c. Complaints sent by telegram, radiogram, electronic mail or similar means of communication shall be considered filed if the complaint as sent complied with the requirements provided in Section 15(b) hereof.

Otherwise, the complaint shall only be considered filed after the complainant has complied with the requirements provided in Section 15 (b) hereof within ten (10) days from receipt of the notice for compliance.

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

**Section 16.** *Action on the Complaint.* - Upon receipt of a complaint that is sufficient in form and substance, the MWSS RO CODI shall require the respondent to submit a Counter-Affidavit/Comment under oath within three (3) days from receipt of the notice. The respondent shall furnish a copy of their counter-affidavit/comment to the complainant, otherwise, their Counter-Affidavit/Comment

shall be considered as not having been filed/submitted.

**Section 17. *Preliminary Investigation.*** - A preliminary investigation shall be conducted by the MWSS RO CODI. The investigation involves the ex-parte examination of documents submitted by the complainant and the respondent, as well as documents readily available from other Regulation Areas, other government agencies, or other sources, if applicable.

During the preliminary investigation, submission of counter-affidavits or comments and/or other documents from the respondent is required. The documents are required to be submitted within five (5) days from receipt of the complaint.

A clarificatory meeting with the parties to discuss the merits of the case may also be conducted during the preliminary investigation.

Upon receipt of the counter-affidavit or comment under oath, the MWSS RO CODI shall

determine whether a prima facie case exists to warrant the issuance of a formal charge.

Failure of the respondent to submit their counter-affidavit shall be considered a waiver thereof.

The proceedings before the MWSS RO CODI during the preliminary investigation shall be held under strict confidentiality.

**Section 18.** *Duration of the Investigation.* - A preliminary investigation shall commence not later than five (5) days from receipt of the complaint by MWSS RO CODI and shall be terminated within twenty (20) days.

**Section 19.** *Investigation Report.* - Within five (5) days from the termination of the preliminary investigation, the MWSS RO CODI shall submit an Investigation Report and the complete records of the case to the Chief Regulator. The Investigation Report shall be treated with confidentiality.

**Section 20.** *Resolution After Preliminary Investigation.* - If a prima facie case is established

during the investigation, a formal charge shall be issued by the Chief Regulator within five (5) working days from receipt of the Investigation Report. The Preliminary Investigation may be extended by the disciplining authority in meritorious cases.

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

**Section 21. *Formal Charge.*** - The formal charge shall contain:

- a. A specification of charge(s);
- b. A brief statement of material or relevant facts;
- c. A directive to answer the charge(s) in writing and under oath within five (5) days from receipt thereof;
- d. An advice to the respondent to indicate in their answer whether or not they will elect a formal investigation (hearing) of the charge(s); and
- e. A notice that they are entitled to be assisted by a counsel of their choice.

The formal charge must be accompanied by certified true copies of the documentary evidence, if any, and sworn statements covering the testimonies of the witnesses against the respondent.

The MWSS RO CODI shall not entertain requests for clarification, bills of particulars or motions to dismiss, motions to quash, and motions for extension of time to file answer. If any of these pleadings is filed by the respondent, it shall be noted without action and attached to the records of the case.

**Section 22. *Answer.*** - The answer, which must be in writing and under oath, shall be specific and must contain allegation of material facts and applicable laws in support of the defense of respondent. It shall also include a statement indicating whether they will elect a formal investigation (hearing) of their case. Certified copies of documentary evidence and sworn statements covering the testimonies of the witnesses of the respondent, if there be any, shall be attached to the answer.

**Section 23.** *Failure to File an Answer.* - If the respondent fails or refuses to file their answer to the formal charge within five (5) days from receipt thereof without justifiable cause, the respondent's right shall be considered waived thereto and formal investigation may commence.

**Section 24.** *Preventive Suspension.* - Upon petition of the complainant or motu proprio upon the recommendation of the MWSS RO CODI, the Chief Regulator may issue an order of preventive suspension against the respondent upon the service of the Formal Charge, or immediately thereafter. Preventive Suspension serves as a measure of precaution so that the respondent may be removed from the scene of the alleged misfeasance/ malfeasance/ nonfeasance while the case is being investigated.

**Section 25.** *Duration of Preventive Suspension.* - Unless otherwise provided for by law, the disciplining authority may place the respondent under preventive suspension for a maximum period of ninety (90) days. When the administrative case of sexual harassment against the respondent under preventive suspension is not finally decided by the Chief

Regulator within the period of ninety (90) days from the effective date of their preventive suspension, unless otherwise provided by special law, the respondent shall be automatically reinstated in the service; Provided that when the delay in the disposition of the case is due to the fault, negligence, or petition of the respondent, the period of delay should not be included in the counting of the ninety (90) calendar day period of preventive suspension; Provided further that should the respondent be on paternity/maternity leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully enjoyed.

**Section 26.** *Remedies from the Order of Preventive Suspension.* - The respondent may file an appeal to the CSC within fifteen (15) days from receipt of the Order of Preventive Suspension. Pending appeal, the Order shall be executory. A motion for reconsideration shall not be allowed.

**Section 27.** *Conduct of Formal Investigation.* - Although the respondent does not request a formal investigation, one shall nevertheless be conducted by the MWSS RO CODI if it deems



such investigation is necessary to decide the case judiciously.

The investigation shall be held not earlier than five (5) days nor later than ten (10) days from receipt of the respondent's answer or after the period for filing of an answer has expired. Said investigation shall be completed within thirty (30) days from the date of service of the formal charge unless the period is extended by the Chief Regulator in meritorious cases.

**Section 28.** *Pre-hearing Conference.* - At the commencement of the formal investigation, the MWSS RO CODI may conduct a pre-hearing conference for the parties to appear, consider and agree on any of the following:

- a. Stipulation of facts;
- b. Simplification of issues;
- c. Identification and marking of evidence of the parties;
- d. Waiver of objections to admissibility of evidence;
- e. Limiting the number of witnesses, and their names;
- f. Dates of subsequent hearings; and

- g. Such other matters as may aid in the prompt and just resolution of the case.

At any stage of the proceedings, the parties may, based on their mutual consent, submit position papers/memoranda and submit the case for resolution based on the result of the pre-hearing conference without any need for further hearing.

**Section 29. *Continuous Hearing Until Terminated; Postponement.*** - Hearings shall be conducted on the hearing dates set by the MWSS RO CODI or as agreed upon during the pre-hearing conference.

Where no pre-hearing conference is conducted, the parties, their counsel and witnesses, if any, shall be given a notice of at least five (5) days before the first scheduled hearing specifying the time, date, and place of the said hearing and subsequent hearings. Thereafter, the schedule of hearings previously set shall be strictly followed without further notice. A party shall be granted one (1) postponement upon oral or written request. A further postponement may be

granted only upon written request and subject to the discretion of the MWSS RO CODI.

If the respondent fails to appear during the scheduled hearings despite due notice, the investigation shall proceed ex-parte and the respondent's right to be present and to submit evidence in their favor during those hearings is deemed to have waived.

**Section 30. *Preliminary Matters.*** - At the start of the hearing, the MWSS RO CODI shall note the appearances of the parties and shall proceed with the reception of evidence for the complainant.

If the respondent appears without the assistance of a counsel, the respondent's right to counsel shall be deemed to have waived.

Before taking the testimony of a witness, the MWSS RO CODI shall place them under oath and then take their name, address, civil status, age, and place of employment.

**Section 31. *Appearance of Parties.*** - Any counsel who is a member of the Integrated Bar of the

Philippines (IBP) representing any of the parties before any hearing or investigation shall manifest orally or in writing their appearance for either the respondent or complainant, stating the following: their full name and complete address where they can be served with notices and other documents, Professional Tax Receipt (PTR) number, attorney's roll number, Mandatory Continuing Legal Education (MCLE) compliance certificate, and IBP dues receipt number. A lawyer/counsel who works for the government is required to present an Authority to Practice Profession from their agency head or the agency head's authorized representative. Any pleading or appearance made without complying with the above stated requirements shall not be recognized.

**Section 32. *Order of Hearing.*** - Unless the MWSS RO CODI directs otherwise, the order of hearing shall be as follows:

- a. The complainant shall present evidence in support of the charge(s);
- b. The respondent shall then offer evidence in support of their defense;

- c. The complainant may then offer rebuttal evidence, and the respondent, sur-rebuttal evidence.

Every witness may be examined in the following order:

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

The direct testimony of a witness shall be in a form of a Sworn Statement. The witness shall properly identify and affirm it before the MWSS RO CODI.

When the presentation of evidence has been concluded, the parties shall formally offer their evidence either orally or in writing and, thereafter, objections thereto may also be made either orally or in writing. After which, both parties may be given time to submit their respective memorandum, which in no case shall be beyond five (5) days after the formal offer of

evidence. Failure to submit the memorandum within the given period shall be considered a waiver thereof.

**Section 33. *Objections.*** - All objections raised during the hearing shall be resolved by the MWSS RO CODI. However, objections that cannot be ruled upon by the Committee shall be noted with the information that the same shall be included in the memorandum of the concerned party to be ruled upon by the Chief Regulator.

The MWSS RO CODI shall accept all evidence deemed material and relevant to the case. In case of doubt, the admission of evidence shall be allowed subject to the objection interposed against its admission.

**Section 34. *Markings.*** - All documentary evidence or exhibits shall be properly marked by letters (A, B, C, etc.) if presented by the complainant and by numbers (1, 2, 3, etc.) if presented by the respondent. These shall form part of the complete records of the case.

**Section 35. *Request for Subpoena.*** - If any of the parties desire the attendance of a witness or the production of documents or things, they shall make a request for the issuance of the necessary subpoena at least seven (7) days before the scheduled hearing.

**Section 36. *Issuance of Subpoena.*** - The MWSS RO CODI may issue subpoena ad testificandum to compel the attendance of witnesses and subpoena duces tecum for the production of documents or objects.

**Section 37. *Records of Proceedings.*** - The proceedings during the formal investigation must be recorded either through shorthand or stenotype or by any other method.

**Section 38. *Effect of the Pendency of an Administrative Case.*** - The pendency of an administrative case for sexual harassment shall not disqualify the respondent for promotion or from claiming maternity/paternity benefits. For this purpose, an administrative case shall be construed as pending when the Chief Regulator has issued a formal charge.

**Section 39. *Formal Investigation Report.*** - Within fifteen (15) working days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the MWSS RO CODI to the Chief Regulator. The complete records of the case shall be attached to the Investigation Report.

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



## **RULE VIII**

### **DECISION**

**Section 40.** *When Case is Decided.* - The Chief Regulator shall render a decision on the case within thirty (30) days from receipt of the Investigation Report.

**Section 41.** *Finality of Decisions.* - A decision rendered by the Chief Regulator whereby a penalty of reprimand, a penalty of suspension for not more than thirty (30) days, or a fine in an amount not exceeding thirty (30) days' salary is imposed, **shall 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 when the issue raised is violation of due process.

If the penalty imposed is suspension exceeding thirty (30) days or a fine 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 pleading has been filed.

## **RULE IX**

### **REMEDIES AFTER A DECISION**

**Section 42.** *Settlement Applicability.* – In cases of light offenses where the act is purely personal on the part of the private complainant and the respondent and there is no apparent injury committed to the government, settlement of offenses may be considered. Provided that settlement can no longer be applied for the second offense of the same act committed by the respondent.

**Section 43.** *Guidelines for Settlement.* - The following are the guidelines in the settlement of purely personal matters in administrative cases:

- a. Settlement shall be allowed only for administrative offenses where the act is purely personal between the private complainant and the respondent and that is no apparent injury to the government;
- b. Upon filing of the complaint, the disciplining authority or its authorized representative motu proprio shall determine whether

the offense can be the subject of settlement. In the affirmative, the respondent shall be required to comment and indicate therein whether they are willing to submit a case for settlement;

- c. The respondent may move for the settlement of the complaint any time before the issuance of the former formal charge;
- d. If the respondent opts for settlement, the disciplining authority or authorized representative shall issue an order requiring the appearance of parties;
- e. If settlement succeeds, a Compromise Agreement shall be executed between the parties and attested by the disciplining authority or authorized representative;
- f. The Compromise Agreement shall be binding on the parties which cannot be impugned unless it is proven that there was duress or fraud in its execution on the part of any of the parties;

- g. A decision shall be issued by the disciplining authority based on the Compromise Agreement which may include, among others, the provisional dismissal of the complaint;
- h. In the event that the proceedings fail, the disciplining authority or authorized representative shall issue an order terminating the process and continue with the commune investigation of the case; and
- i. In case of non-compliance by the respondent with the Compromise Agreement, the case may be reopened for investigation until its final determination.

**Section 44.** *Filing of Motion for Reconsideration.* - The party adversely affected by the decision may file a motion for reconsideration with the Chief Regulator who rendered the decision within fifteen (15) calendar days from receipt thereof. A motion for extension of time to file a motion for reconsideration is not allowed.

**Section 45.** *Grounds for Filing of Motion for Reconsideration.* – The motion for reconsideration shall be based on any of the following:

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

**Section 46.** *Limitation.* – Only one motion for reconsideration shall be entertained.

**Section 47.** *When Deemed Filed.* - A motion for reconsideration shall be deemed filed on the date stamped on the official copy by the proper receiving authority, and in case it was sent by mail, on the date shown by the postmark on the envelope which shall be attached to the records of the case.

**Section 48.** *Effect of Filing.* - The filing of a motion for reconsideration within the reglementary period of fifteen (15) days shall stay the

execution of the decision sought to be reconsidered.

## **RULE X APPEALS**

**Section 49. *Filing of Appeals.*** - Decisions of the Chief Regulator imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty days salary may be appealed to the CSC within a period of fifteen (15) days from receipt thereof.

In case the decision rendered by the Chief Regulator is appealable to the CSC, the same may be initially appealed to the Department Head to assist the respondent in appealing to the CSC. Pending appeal, the same shall be executory except where the penalty is removal, in which case the same shall be executory only after confirmation by the Chief Regulator.

**Section 50. *Deemed Filed.*** - An appeal sent by registered mail or private courier service shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case and in case of personal

delivery, the date stamped thereon by the proper office.

**Section 51. *Appeal Fee.*** - The appellant shall pay an appeal fee of Three Hundred Pesos (PhP300.00) and a copy of the receipt thereof shall be attached to the appeal.

**Section 52. *Perfection of an Appeal.*** - To perfect an appeal, the appellant shall, within fifteen (15) days from receipt of the decision, submit the following:

- a. Notice of Appeal addressed to the MWSS RO CODI citing the appellate court to which the appellant wishes to submit the appeal, the date of the decision appealed from, and the date of receipt thereof;
- b. Three (3) copies of the Appeal Memorandum containing the following:
  - Grounds relied upon for the appeal;
  - Certified True Copies of the assailed decision, resolution, or order; and

- Certified True Copies of documents or evidence relevant to the case.
- c. Proof of service of a copy of the appeal memorandum to the disciplining office;
- d. Proof of payment of the appeal fee; and
- e. A statement or certification of non-forum shopping.

The notice of appeal and appeal memorandum shall be filed with the appellate authority, copy furnished the MWSS RO. The MWSS RO, through the CODI, shall submit the records of the case, which shall be systematically and chronologically arranged, paged, and securely bound to prevent loss, to the appellate authority together with its comment, within fifteen (15) days from receipt of the notice of appeal and the appeal memorandum.

Failure to comply with any of the above requirements within the reglementary period shall be construed as failure to perfect an appeal and shall cause its dismissal.



**Section 53.** *Effect of Filing.* - An appeal shall not stop the decision from being executory.

**Section 54.** *When case is Remanded for Violation of Respondent's Right to Due Process.* - If on appeal, the Commission finds that the disciplining authority violated respondent-appellant's right to due process, the Commission dismisses the case against the respondent, and the Commission orders the immediate reinstatement of the respondent with payment of back wages and other benefits, this dismissal of the case shall be without prejudice on the part of the disciplining authority to re-file it in accordance with law.

**Section 55.** *Petition for Review of CSC Field Office.*  
- A complainant or respondent may elevate the decision of the Chief Regulator before the Civil Service Commission Field Office through a Petition for Review within fifteen (15) days from the receipt of said decision.

**Section 56.** *Petition for Review with the Court of Appeals.* - A party may elevate a decision of the Civil Service Commission before the Court of

Appeals by way of Petition for Review under Rule 43 of the 1997 Revised Rules of Court.

**Section 57.** *Petition for Certiorari.* - When the disciplining authority has acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction and there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified Petition for Certiorari in the proper court under Rule 65 of the Rules of Court.

## **RULE XI**

### **CLASSIFICATION OF ACTS OF SEXUAL HARASSMENT**

**Section 58.** Sexual harassment is classified as grave, less grave, and light offenses.

- a. Grave Offenses shall include but are not limited to:
  - (1) Unwanted touching, and groping of private parts of the body (genitalia, buttocks, and breast), even if done over clothing;
  - (2) Unwanted sexual and lascivious brushing against any part of the body, even if done over clothing;
  - (3) Unwanted sexual advance, invitation, or flirtation with non-consensual and lascivious touching;
  - (4) Terrorizing the complainant through: unauthorized recording or sharing of any of the complainant's photos,

- videos, personal details, and other information online; impersonating the identity of the complainant online; posting lies about the complainant to harm the complainant's reputation, or posting false abuse reports online to silence victims;
- (5) Stalking;
  - (6) Exposing or flashing private parts, public masturbation, or similar acts committed for the sexual gratification of the respondent with the effect of demeaning, harassing, threatening, or intimidating the complainant;
  - (7) Sexual assault;
  - (8) Voyeurism;
  - (9) Sexual exploitation;
  - (10) 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
- (11) Other analogous cases

b. Less Grave Offenses shall include but are not limited to:

- (1) Unwanted pinching, touching, or brushing against a victim's body;
- (2) Unwanted sexual advance, invitation, or flirtation with no lascivious touching;
- (3) Request or demand for any unwanted sexual favor or invitation;
- (4) Offensive sexual remarks about a person's physical appearance;
- (5) Sending to the complainant, through the use of information and communication technology or other means, photos, audio recordings, or videos with sexual content causing embarrassment or

offense and carried out after the respondent has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive, or vulgar;

- (6) Offensive sexual body gestures;
- (7) Derogatory or degrading remarks or innuendoes directed toward the members of one sex or one's sexual orientation or used to describe a person;
- (8) Verbal abuse or threats with sexual overtones;
- (9) Repeated but not serious, pervasive, or persistent minor infractions; and
- (10) Other analogous cases.

c. The following shall be considered Light Offenses:

- (1) Catcalling;
- (2) Cursing with sexual content directed at the complainant;
- (3) Use of words, gestures, or actions that ridicule on the basis of the complainant's sex, gender, or sexual orientation, identity and/or expression, including misogynistic, transphobic, homophobic, or sexist remarks, slurs, words, or comments;
- (4) Ogling or leering;
- (5) Surreptitiously looking or stealing a look at a person's private part or worn undergarments;
- (6) Telling sexist/smutfy jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature

- clearly embarrassing,  
offensive or vulgar;
- (7) Malicious leering or ogling;
  - (8) The display of sexually  
offensive pictures, materials,  
or graffiti;
  - (9) Unwelcome inquiries or  
comments about a person's sex  
life;
  - (10) Unwanted requests for one's  
personal details such as name,  
contact number, social media  
details, or destination;
  - (11) Unwelcome sexual flirtation,  
advances, and propositions;
  - (12) Making offensive hand or  
body gestures at an employee;
  - (13) Persistent unwanted  
attention with sexual  
overtones;
  - (14) Unwelcome phone calls with  
sexual overtones causing  
discomfort, embarrassment,  
offense or insult to the receiver;  
and
  - (15) Other analogous cases.



#### d. Online Sexual Harassment

- (1) 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.
- (2) 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.

- (3) 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.

## **RULE XII**

### **ADMINISTRATIVE LIABILITIES**

**Section 59.** Any person who is found guilty of sexual harassment shall, after the investigation, be meted the penalty corresponding to the gravity and seriousness of the offense.

**Section 60.** The penalties for light, less grave, and grave offenses are as follows:

a. For Light Offenses:

1 <sup>st</sup> offense -	Written and oral reprimand
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2 <sup>nd</sup> offense -	Fine or suspension not exceeding thirty (30) days
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3<sup>rd</sup> offense - Dismissal

b. For Less Grave Offenses:

1<sup>st</sup> offense - Fine or  
suspension not  
less than thirty  
(30) days and  
not exceeding  
six (6) months

2<sup>nd</sup> offense - Dismissal

c. For Grave Offenses - Dismissal

**Section 61.** If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.

### **RULE XIII**

### **CORRECTIVE MEASURES**

**Section 62.** In addition to the sanctions prescribed in the previous Sections, any one or a combination of the following corrective

measures may likewise be imposed, depending on the circumstances:

- a. Written/personal apology;
- b. Formation sessions (counseling, therapy, moral guidance, anger management, etc.);
- c. Community service;
- d. Loss/temporary suspension of privileges;
- e. Mandatory psychological/clinical assessment and compliance with the recommendations of an accredited specialist;
- f. Restriction against participation in MWSS RO activities/further contact with aggrieved parties;
- g. Restriction against representing the MWSS RO in activities or events
- h. Issuance of no-contact order;
- i. Ban from entering MWSS RO, use of services, facilities, office, or sites;
- j. Removal from office;
- k. Disqualification from administrative appointment;
- l. Disqualification from promotion in rank;
- m. Disqualification from joining/participating in Learning and Development (L&D) Interventions;

- n. Non-renewal of contract;
- o. Prohibition from re-hiring;
- p. Non-readmission; and
- q. Other similar measures

## **RULE XIV FORUM SHOPPING**

**Section 63.** The filing of a complaint under these rules and regulations on sexual harassment shall preclude the filing of another administrative complaint against the same party involving the same essential facts, circumstances, acts, causes of action or relief, and all raising substantially the same issues.

## **RULE XV CONFIDENTIALITY CLAUSE**

**Section 64.** The identities of the parties, the proceedings, and the records of the MWSS RO involving specific incidents (including but not limited to all statements, documents, and evidence submitted by the parties, and communications and reports issued by the MWSS RO) are confidential information. Confidential information may be disclosed only

to authorized persons and cannot be disseminated to the public.

The complainant, respondent, and their witnesses will obtain confidential information in the course of their participation in the proceedings before the MWSS RO.

They cannot disclose this confidential information to anyone except to their:

- a. Lawyers;
- b. Immediate family members;
- c. Support persons;
- d. Counselor, psychotherapist, psychologist, and other mental health or medical professionals;
- e. Religious confessor bound by the seal of confession or spiritual director who is a priest or other religious minister;
- f. Deputy Administrator in the Regulation Area;
- g. Union/association officers (if the complainant or respondent is an official member of the union or workers association duly registered

- with the Department of Labor and Employment); and
- h. Confidant who is a member of the MWSS RO, subject to the approval of the Chairperson.

They may also disclose confidential information to persons authorized by the MWSS RO Chairperson on a need-to-know basis, who need to access the confidential information to perform an official duty, function, or obligation; and other persons as allowed by existing or future laws and regulations.

Members of the MWSS RO shall not confirm the existence of or otherwise comment about specific investigations or cases, whether ongoing or decided, to other employees not involved in the case.

Unauthorized disclosure of confidential information, whether done intentionally or through negligence, could violate individual privacy rights and non-disclosure agreements; prejudice the rights of the parties; unfairly damage the reputation of a person; endanger a person's safety and security; and undermine the



independence of the MWSS RO CODI established processes for investigating and resolving disputes.

Unauthorized disclosure of the identities of the parties or the proceedings and records of the MWSS RO CODI may be subject to disciplinary action and other legal remedies; provided, that nothing herein shall prevent individuals from reporting, talking, or speaking about their experience of sexual harassment, other forms of sexual misconduct, or inappropriate behavior whether it is happening to them or someone else. In so doing, however, they are expected to act responsibly by respecting the dignity, personality, and privacy of others, and by observing honesty and good faith.

## **RULE XVI REPEALING CLAUSE**

**Section 65.** Rules and regulations and other issuances or parts thereof inconsistent with the provisions of these Rules are hereby repealed or modified accordingly.

## **RULE XVII EFFECTIVITY CLAUSE**

**Section 66.** These Rules shall take effect immediately.

Reviewed by:



**ATTY. JUDIE ROSE T. DIMAYUGA**

*Member*

Philippine Commission on Women  
National Gender and Development Resource Pool

Endorsed by:

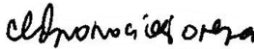


**PATRICIA PAULA A. SERIRITAN**

*Chairperson*

Committee on Decorum and Investigation

Recommending Approval by:



**ATTY. CLAUDINE B. OROCIO-ISORENA**

*Chairperson*

Gender and Development Focal Point System

*Deputy Administrator*

Administration and Legal Affairs

Approved by:



**ATTY. PATRICK LESTER N. TY**

*Chief Regulator*



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**Metropolitan Waterworks and Sewerage System  
Regulatory Office (MWSS RO)  
Committee on Decorum and Investigation (CODI)  
Gender and Development Focal Point System  
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