



Republic of the Philippines  
**OFFICE OF THE OMBUDSMAN**  
Agham Road, Diliman, 1104 Quezon City

**ADMINISTRATIVE ORDER NO. 2**  
**Series of 2020**

**CODE OF CONDUCT ON PROHIBITING SEXUAL HARASSMENT  
IN THE OFFICE OF THE OMBUDSMAN**

Pursuant to Section 18 of Republic Act No. 6770 (Ombudsman Act of 1989), Section 17 (d) of Republic Act No. 11313 or the Safe Spaces Act of 2019, Section 4(a) of Republic Act No. 7877 (Anti-Sexual Harassment Act of 1995), and Section 58, Rule XII of the Civil Service Commission Resolution No. 01-0940 (Administrative Disciplinary Rules on Sexual Harassment), the Office of the Ombudsman hereby adopts this CODE OF CONDUCT ON PROHIBITING SEXUAL HARASSMENT IN THE OFFICE OF THE OMBUDSMAN, prescribing guidelines, procedures for adjudication of sexual harassment cases and the administrative sanctions therefor.

**SECTION 1. Title.** – This Code shall be known as “CODE OF CONDUCT ON PROHIBITING SEXUAL HARASSMENT IN THE OFFICE OF THE OMBUDSMAN.”

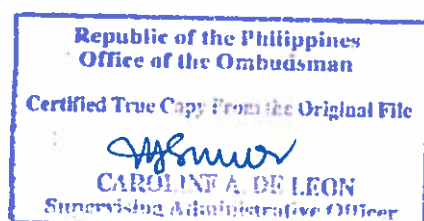
**SECTION 2. Declaration of Policies.** – The Office of the Ombudsman is committed to providing a safe environment for all its officers, employees, including agency employees, and clients free from discrimination on any ground and from any sexual harassment, including gender-based sexual harassment and gender based on-line sexual harassment. As such, the Office of the Ombudsman will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all cases of sexual harassment, gender based sexual harassment and gender based on-line sexual harassment.

**SECTION 3. Purpose.** – This Code is hereby adopted to prescribe and provide the guidelines of proper decorum in the workplace, and mechanisms and procedures for the investigation and resolution of all forms of sexual harassment, including gender-based sexual harassment cases and gender based on-line sexual harassment, and the administrative sanctions/penalties therefor.

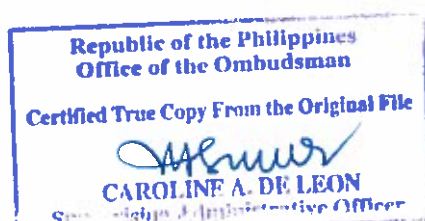
**SECTION 4. Coverage.** – This Code shall apply to investigation of cases involving all forms of sexual harassment acts, including gender-based sexual harassment and gender based on line sexual harassment, in the workplace, filed against any officer or employee of the Office of the Ombudsman. As used in this Code, the term “officer or employee” shall refer to officers and employees of the Office of the Ombudsman, whether in the career or non-career service, and whether holding positions under permanent, temporary or co- terminus status. It shall also include consultants, job orders and on-the-job trainees.

**SECTION 5. Jurisdiction.** - The Ombudsman, as the disciplining authority over all officers and employees of the Office of the Ombudsman, shall exercise administrative jurisdiction over acts of any officer and employee constituting all forms of sexual harassment unless the Ombudsman, upon recommendation of the CODI, decides to refer the matter to an appropriate agency.

**SECTION 6. Definition of Terms.** – As used in this Code, 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. *Cyberstalking* is a form of stalking that is committed through an electronic medium in which online communication takes place.
- c. *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.
- d. *Gender-based online sexual harassment* 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.
- e. *Gender identity and/or expression* refer 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.
- f. *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.
- g. *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.
- h. *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.
- i. *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.
- j. *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.
- k. *Sexual harassment* is an act or series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor be it physical, written or verbal, online, or similar behavior of a sexual nature, committed by a government employee or official in a work-related, training or education-related environment.
- l. *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.



- m. *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 7. Kinds of Sexual Harassment. -**

**A. Sexual Harassment under Republic Act No. 7877 and CSC Resolution No. 01-0940. -** 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, or training-related environment of the person complained of.

(a) **Work related sexual harassment** is committed under the following circumstances:

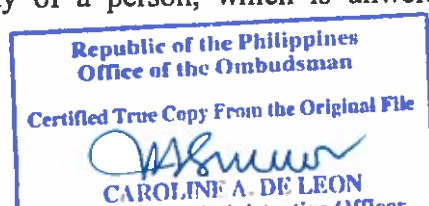
- (1) submission to or rejection of the act or series of acts is used as a basis for any employment decision including, but not limited to, matters related to hiring, promotion, raise in salary, job security, benefits and any other personnel action affecting the applicant/employee; or
- (2) the act or 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; 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, client or trainee of the person complained of.

(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, 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, or the giving of any benefit, privilege or consideration.
- (2) the act or series of acts have the purpose or effect of interfering with the performance, or creating an intimidating, hostile or offensive environment of the complainant; or
- (3) the act or series of acts might reasonably expect to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a trainee, apprentice, intern or client of the person complained of.

**B. Gender-Based Sexual Harassment in the Workplace under Republic Act No. 11313. -** Gender-based sexual harassment in the workplace includes but is not limited to the following:

- (a) An 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 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 training, job performance or opportunities;
- (b) A conduct of sexual nature and other conduct-based on sex or gender 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: *Provided*, That the gender-based sexual harassment may also be committed between peers or colleagues regardless of position and those committed to a superior officer by a subordinate, or to a trainer by a trainee;

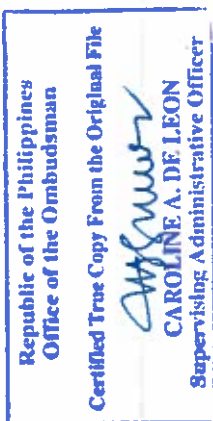
**C. Gender-Based On-Line Sexual Harassment under Republic Act No. 11313.** - Gender-based on-line sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through:

- 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 calling or messaging;
- c. Uploading and sharing without the consent of the victim any form of media that contains photos, voice, or video with sexual or sexist 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 8. Forms of Sexual Harassment.** - The acts of sexual harassment, gender-based sexual harassment and gender based on-line sexual harassment may take any of the following forms:

- a. Physical
  1. physical contact or malicious touching
  2. overt sexual advances
  3. unwelcome, improper or any unnecessary gesture of sexual nature, or
  4. any other suggestive expression or lewd insinuation
- b. Verbal, such as but not limited to
  1. requests or demand for sexual favor
  2. lurid remarks, or
  3. other analogous comments
- c. Use of objects, pictures, letters, media posts or written notes with sexual underpinnings
- d. Use of technology such as texts messaging, electronic mail or through any form of information and communication systems
- e. Other forms analogous to the foregoing.

**SECTION 9. Place of Commission of Sexual Harassment Acts.** - Sexual harassment, gender-based sexual harassment and gender based on-line sexual harassment may take place, whether or not actual work is being undertaken by an officer or employee in the following: (a) workplace,





which include all sites, locations, spaces, shuttle/transport services, within or outside the premises of the usual place of work; (b) on occasion of a training, seminar, conference, forum or symposium; (c) in the course of an official business transaction or office-related social functions, regardless of location; or (d) through correspondence, phone, electronic mail, social media, or through any other form of information and communication systems.

**SECTION 10. Persons Liable of Sexual Harassment, and How Committed.** - Regardless of rank, sex and age, the persons liable of sexual harassment, gender-based sexual harassment are the following:

- (a) any Ombudsman officer or employee to another Ombudsman officer or employee;
- (b) any Ombudsman officer or employee to the Office's clients or service provider employees (i.e. janitorial, security and other analogous services); and
- (c) any of the Office's clients or service provider employees (i.e. janitorial, security and other analogous services) to any Ombudsman officer or employee.

Sexual harassment, gender-based sexual harassment and gender based on-line sexual harassment, are committed when the said person:

- (a) directly participates in the execution of any act of sexual harassment, gender-based sexual harassment or gender-based on-line sexual harassment as defined by this Code;
- (b) induces or directs another or others to commit sexual harassment, gender-based sexual harassment or gender-based on-line sexual harassment as defined by this Code;
- (c) cooperates in the commission of sexual harassment, gender-based sexual harassment or gender-based on-line sexual harassment by another through an act without which the sexual harassment would not have been accomplished;
- (d) cooperates in the commission of sexual harassment, gender-based sexual harassment or gender-based on-line sexual harassment by another through previous or simultaneous acts.

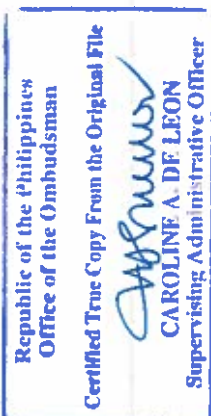
**SECTION 11. Classification of Acts of Sexual Harassment.** - Sexual Harassment, Gender-Based Sexual Harassment and Gender-Based On-line Sexual Harassment are classified as grave, less grave or light offenses.

A. Grave Offenses shall include, but are not limited to:

- 1. unwanted touching of private parts of the body (genitalia, buttocks and breast);
- 2. sexual assault;
- 3. malicious touching;
- 4. 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
- 5. other analogous cases.

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

- 1. unwanted touching or brushing against a victim's body;
- 2. pinching not falling under Grave Offenses;



3. derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;
4. catcalling;
5. verbal abuse or threats with sexual overtones; and
6. other analogous cases.

C. Light Offenses shall include, but are not limited to:

1. surreptitiously looking or staring at a person's private part or worn undergarments;
2. making sexist statements and uttering smutty jokes or sending these through text, electronic mail including but not limited to social media platform, 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 advice, when they are by their nature clearly embarrassing, offensive or vulgar;
3. malicious leering or ogling;
4. display of sexually offensive pictures, materials or graffiti;
5. unwelcome inquiries or comments about a person's sex life;
6. unwelcome sexual flirtation, advances, propositions;
7. making offensive hand or body gestures;
8. persistent unwanted attention with sexual overtones;
9. unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
10. other analogous cases.

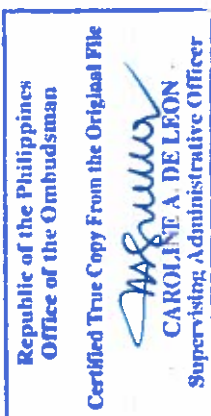
**SECTION 12. Decorum of Officers and Employees.** – An officer and employee of the Office of the Ombudsman shall have the duty to:

1. refrain from committing acts of sexual harassment, gender-based sexual harassment in the workplace or gender-based on-line sexual harassment;
2. avoid any impression of being engaged in any form of sexual harassment, gender-based sexual harassment in the workplace or gender-based on-line sexual harassment;
3. discourage the conduct of acts of sexual harassment, gender-based sexual harassment in the workplace or gender-based on-line sexual harassment;
4. report acts of sexual harassment, gender-based sexual harassment in the workplace or gender-based on-line sexual harassment to the Ombudsman or Committee on Decorum and Investigation (CODI) or any appropriate authority; and

**SECTION 13. Committee on Decorum and Investigation (CODI).** - Committees on Decorum and Investigation shall be constituted as follows:

1. one (1) CODI for all the offices in Quezon City (Ombudsman Central Office, Office of the Special Prosecutor, Office of the Ombudsman for Luzon and Office of the Ombudsman for the Military and Other Law Enforcement Offices);
2. one (1) CODI for the Office of the Ombudsman for Visayas (to include its regional offices); and
3. one (1) CODI for the Office of the Ombudsman for Mindanao (to include its regional office).

Each CODI shall serve as an independent internal grievance mechanism that will act as the main body in the investigation and resolution of cases involving sexual



harassment, gender-based sexual harassment in the workplace or gender-based on-line sexual harassment.

**SECTION 14. Composition of CODI.** – Every CODI shall be headed by a woman and not less than half of its members shall be women. The CODI shall be composed of:

1. one (1) representative from the management, as the Chairwoman;
2. one (1) representative of the employees from the supervisory rank, as the Vice-Chair;
3. one (1) representative from the rank-and-file employees, who shall be elected among them and by vote; and
4. two (2) representatives from the union or employees' association; and
5. two (2) representatives from the lawyers' association or if there is no existing lawyers' association, by two lawyers.

The Chairwoman and the representatives composing the CODI shall be appointed by the Ombudsman, except 1) the representative from the rank and file employees, who shall be elected among them and by vote; 2) representative/s of the employees union or association, who shall be selected or appointed by the union or association; and 3) representatives from the lawyers' association.

For the first CODIs pursuant to this Code, the two representatives each from the rank and file employees and the lawyers' association shall be appointed by the Ombudsman until the representatives thereto have been determined by the concerned association.

The Ombudsman may include other groups as members of the CODI as may be applicable and shall ensure that there is sufficient number of CODI members to conduct the investigation of cases and to prevent any delay in the proceeding.

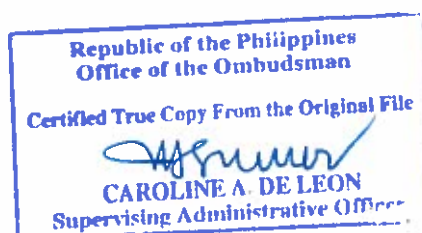
A vote of majority of all members of the Committee qualified to vote shall be necessary for the issuance of a ruling on substantive issues or decisions.

**SECTION 15. Qualifications of CODI Members, and their Inhibition.** – The CODI shall be composed of members who should be impartial and not connected or related to the alleged perpetrator/respondent within the fourth degree of consanguinity or affinity and have no prior record of involvement as a respondent, defendant or accused in any case of whatever nature on sexual harassment.

Further, in case of said relation by consanguinity or affinity to either the complainant or respondent, the CODI member shall inhibit from participating in any part of the proceeding, or be substituted by another. The complainant or the respondent may request for the inhibition of a CODI member or the CODI member may, on his/her initiative, cause the inhibition based on conflict of interest, manifest partiality, and other reasonable grounds. Upon such a grant of inhibition, the member shall immediately be replaced so as not to cause a delay in the proceedings.

**SECTION 16. Duties of the CODI.** - The CODI s shall-

1. at all times, observe due process and, investigate and decide/resolve on written complaints in accordance with the period provided in this Code.
2. ensure the protection of the complainant from retaliation and guarantee confidentiality to the greatest extent possible.



3. ensure that the respondent is given the opportunity to be properly notified of and to respond to the charge/s and that the parties are given information on the hearings and its outcomes.
4. ensure the protection of a complainant from retaliation without causing her/him any disadvantage, diminution of benefits or displacement, and without compromising his/her security of tenure.
5. guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible.

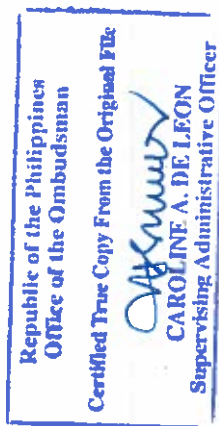
**SECTION 17. Powers and Responsibilities.** - The CODI shall perform the following functions, powers and responsibilities:

**A. Legal Aspect**

1. Receive complaints of all forms/kinds of sexual harassment, evaluate, investigate and adjudicate the same;
2. Conduct clarificatory hearings, if warranted;
3. Submit a draft Decision/Resolution of its findings, with the corresponding recommendation for the approval of the Ombudsman, within 30 days from the date the case is deemed submitted for resolution;
4. Assist the employee or official in coordinating with the appropriate body or agency;
5. Recommend to the Ombudsman the referral of a complaint or incident to an appropriate body or agency for action;
6. To the extent possible, the CODI may recommend that victims of all acts of sexual harassment, gender-based sexual harassment and gender-based on-line sexual harassment be given by the Office provision of support, including among others, psychological or psychosocial counselling services, or referral to such services, and assistance in the filing of civil and/or criminal cases/s against the employee or officer found to be administratively liable under these rules.

**B. Education and Counselling Aspect**

1. Conduct information campaign to increase the awareness and understanding of all employees and officials of the Office of the Ombudsman that will prevent all forms/kinds of sexual harassment-related incidents;
2. Recommend measures that will aid in the speedy disposition of all forms/kinds of sexual harassment cases and protect the integrity of the Committee and the proceedings;
3. Develop a monitoring and evaluation system including a data base for all sexual harassment, gender-based sexual harassment and gender-based on-line sexual harassment cases in the law, tools, and/or processes to see whether the law is effectively implemented in the Office of the Ombudsman; and
4. Recommend policies, guidelines, or measure to ensure effective implementation of this Code.



**SECTION 18. Trainings of CODI Members.** - All members of the CODI shall undergo continuing training on gender sensitivity, gender-based sexual violence, sexual orientation, gender



identity and expression, and other gender and development (GAD) topics as may be necessary in the exercise of their functions.

**SECTION 19. Term of Office.** The term of office of the CODI members shall be two (2) years.

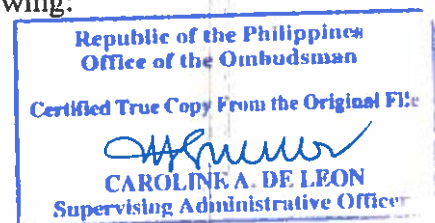
**SECTION 20. CODI Secretariat.**- The CODI shall have at least three (3) administrative support staff, who may be recommended by the CODI for designation by the Ombudsman.

**SECTION 21. The Pre-filing Standard Operating Procedure.** – The Office, through the CODI, shall adopt mechanisms to provide assistance to an alleged victim of all forms/kinds of sexual harassment, including gender-based sexual harassment and gender-based on-line sexual harassment, which may include counselling, referral to an agency offering professional help, and advice on options available before the filing of the complaint.

**SECTION 22. Procedure in Handling Sexual Harassment Complaints.** -

**A. Form of Complaint.** - A complaint for sexual harassment under RA 7877 and CSC Resolution No. 01-0940, and gender-based sexual harassment and gender-based on-line sexual harassment under RA 11313 shall be in writing and under oath. It shall contain the following:

- a. Full name and address of complainant;
- b. Full name, address and position of respondent;
- c. A brief statement of relevant facts;
- d. Evidence, if there be any, to support complaint
- e. Affidavits of witness/witnesses may also be appended
- f. Certificate of Non-Forum Shopping



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

**B. Where to File Complaint.** - The Complaint shall be filed with the CODI in the Ombudsman Central Office, Office of the Ombudsman for Visayas and Office of the Ombudsman for Mindanao, as the case may be, in the area office where the complainant resides.

In case the respondents involved belong to different area or sectoral offices, the complaint may be filed with the CODI of any of these area offices, at the option of the complainant.

In case the respondent is a client or service provider employee (i.e. janitorial, security and other analogous services), the CODI shall recommend to the Ombudsman the referral of the complaint to the appropriate agency.

**C. Assignment of a Reference Number.** – A complaint received by the CODI Secretariat shall be immediately assigned a sequential reference number upon receipt thereof, and forwarded to the CODI Chairwoman.

**D. Assignment of Complaint for Initial Evaluation.** - Upon receipt of the complaint, the CODI Chairwoman shall assign the case to any member of the CODI, for an initial evaluation. In the absence of the CODI Chairwoman, or where the Chairwoman is disqualified or has voluntarily inhibited from participating in the proceedings, the CODI Vice-Chairperson, or the CODI member designated by the Ombudsman, in that order, shall act in his/her stead.

**E. Evaluation** – Upon receipt of the complaint, the CODI member assigned to evaluate the complaint shall submit an Evaluation Report (ER) within five (5) working days from receipt thereof to the CODI Chairwoman, or Vice-Chairperson or designated CODI member, as the case may be. The ER shall contain, among other things, the following:

1. A statement as to the form and substance of the complaint;

2. The identity and rank of the respondent (s)
3. The recommended action to be taken, which may be any of the following:
  - a. To proceed with the preliminary investigation (PI) and/or administrative adjudication (AA) of the case and to further recommend the issuance of a preventive suspension where applicable; Provided, that the complaint is sufficient in form and substance. Provided, further, that if the complaint is not under oath, the CODI member assigned shall first require the complainant to subscribe the complaint under oath;
  - b. To dismiss the complaint outright; or
  - c. To recommend to the Ombudsman the referral of a complaint or incident to an appropriate body or agency for action, or assist the employee or officials in coordinating with the PNP or NBI.

**F. Action on the Evaluation Report. -**

1. Where the ER recommends PI and/or AA against any officer or employee of the Office of the Ombudsman, the CODI Chairwoman shall approve the same, and the case shall be immediately docketed and assigned by the Chairwoman to a CODI member. However, where respondent occupies a position equivalent to or higher than the CODI Chairwoman the recommendation shall be approved or disapproved by the Ombudsman.

2. Where the ER recommends the dismissal of the complaint or referral of the complaint to another agency, said recommendation shall be forwarded by the CODI to the Ombudsman for final action, regardless of the rank of the respondent.

**G. Docketing of Cases. -** The CODI Chairwoman shall direct the concerned Records Officer to assign a CODI docket number to the case which has been recommended for PI and/or AA.

**H. Preventive Suspension. -** The CODI may recommend the preventive suspension of the respondent in accordance with Section, 9, Rule III of Administrative Order No. 7, as amended.

The final approving authority of the Order placing the respondent under preventive suspension shall be the Ombudsman. The preventive suspension order shall be immediately executory even pending appeal. Only a Temporary Restraining Order or a Writ of Preliminary Injunction, issued by a competent court, stays the implementation of the said order.

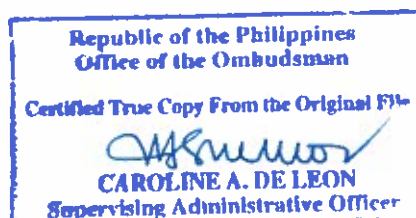
**I. Preliminary Investigation and Administrative Adjudication. -**

The CODI Chairwoman may designate a member of the CODI as hearing officer.

Preliminary investigation and administrative adjudication shall be conducted and completed within sixty (60) days from assignment of the case to the CODI member. The recommended resolution or decision shall be submitted to the approving authority within thirty (30) days upon termination of the proceedings.

The vote of a majority of all the members of CODI qualified to vote shall be required to pass a resolution or decision.

All cases shall be resolved and/or decided by the CODI, regardless of the rank of the respondent. The resolutions and decisions on such cases shall be submitted by the CODI to the Ombudsman for final action.



The Rules of Procedure of the Office of the Ombudsman (Administrative Order No. 07, as amended) shall be adopted in the conduct of preliminary investigation and administrative adjudication on all forms/kinds of sexual harassment cases, as may be applicable.

**J. Motion for Reconsideration. Grounds.** – Whenever allowable, a motion for reconsideration or reinvestigation may only be entertained if filed within ten (10) days from receipt of the decision or resolution by the party on the basis of any of the following grounds:

- a. New evidence had been discovered which materially affects the order, resolution or decision;
- b. Grave errors of facts or laws or serious irregularities have been committed prejudicial to the interest of the movant.

The Motion for Reconsideration shall be resolved within fifteen (15) days from filing; Provided, that only one motion for reconsideration shall be entertained.

Findings of fact of the Office of the Ombudsman, when supported by substantial evidence, shall be conclusive. Any order, directive or decision imposing the penalty of reprimand, suspension of not more than one month and/or fine of not more than one-month salary, shall be final and unappealable.

**SECTION 23. Penalties.** - Any person who is liable of sexual harassment and gender-based sexual harassment shall, after the investigation, be meted the penalty corresponding to the gravity and seriousness of the offense, as follows:

A. For light offenses:

- |                         |   |   |
|-------------------------|---|---|
| 1 <sup>st</sup> offense | - | Reprimand   |
| 2 <sup>nd</sup> offense | - | Fine or suspension not exceeding thirty (30) days |
| 3 <sup>rd</sup> offense | - | Dismissal   |

B. For less grave offenses:

- |                           |   |   |
|---------------------------|---|---|
| 1 <sup>st</sup> offense - |   | Fine or suspension of not less than thirty (30) days and not exceeding six (6) months |
| 2 <sup>nd</sup> offense   | - | Dismissal   |

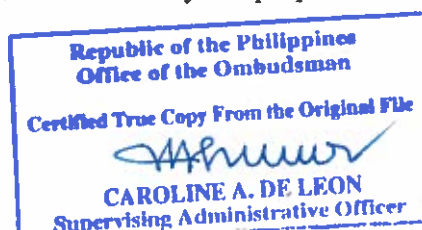
C. For grave offenses:

- |                         |   |           |
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| 1 <sup>st</sup> offense | - | Dismissal |
|-------------------------|---|-----------|

**SECTION 24. Multiple Charges.** - 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.

**SECTION 25. Confidentiality.** - Confidentiality shall be strictly observed in all stages of the proceedings. During the conduct of the investigation, the names of the parties involved shall not be disclosed and the confidentiality of the records, particularly that of the victim, shall be protected.

**SECTION 26. Remedies and Psychological Counselling.** - A victim of sexual harassment and gender-based sexual harassment filed in accordance with this Code, may avail of the appropriate remedies under the law, as well as psychological counselling services with the aid of the DSWD, or in coordination with the DOH and the PCW. In all instances, any fees that may be charged or incurred in the course of the counseling shall be borne by the perpetrator.



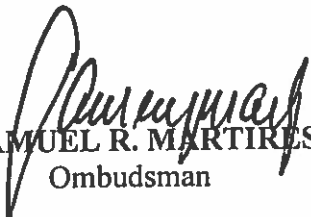
**SECTION 27. Rules of Suppletory Application.** - In matters not provided for in this Code, Administrative Order No. 07, as amended, of the Office of the Ombudsman, the Rules of Court of the Philippines, and other issuances not inconsistent hereof shall have suppletory effect.


**SECTION 28. Modification Clause.** - All administrative orders and issuances inconsistent with the provisions of this Code are hereby modified accordingly.

**SECTION 29. Effectivity.** - This Code shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette and upon filing with the University of the Philippines Law Center of three (3) certified copies thereof.

27 July 2020



  
SAMUEL R. MARTIRES  
Ombudsman

Republic of the Philippines  
Office of the Ombudsman  
Certified True Copy From the Original File  
  
CAROLINE A. DE LEON  
Supervising Administrative Officer