



2017 Revised Administrative Disciplinary Rules on Sexual Harassment of Eastern Visayas State University

**(2017-EVSU RADRSH)
MANUAL**

Approved per Board Resolution
No. 30, s. 2018 on March 21, 2018
by the EVSU Board of Regents.



**2017 Revised Administrative Disciplinary Rules on
Sexual Harassment in Eastern Visayas State
University (2017-EVSU- RADRSH) Manual**

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(Approved per BOR Reso. No. 30, s. 2018)

Preface

This 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in Eastern Visayas State University (2017- EVSU-RADRSR) Manual is comprehensively crafted with the ultimate goal of making it consistent with and contributory to the proper, effective and efficient implementation of the mandates under Section 3(2) of Article IX-B of the 1987 Philippine Constitution, Item No. 2, Section 7, Book V of Executive Order (E.O) No. 292, Section 4 of R.A. No. 7877, CSC MC No. 30, s. 1995, CSC MC No. 17, s. 2001 dated July 23, 2001, Sections 58 and 59 of CSC Resolution No. 01-0940 promulgated on May 21, 2001, Rule I, Part XIV of CHED Memorandum Order No. 01, series of 2015 issued on January 26, 2015, CSC Resolution No. 1701077 promulgated on July 3, 2017, Section 7(i) of R.A. No. 9311, Section 5 of R.A. No. 8292 and its IRR, Section 393, Article 94 of the 2017 Revised University Code and such policies issued by the Civil Service Commission and related laws, rules and regulations promulgated by the President of the Philippines, Congress of the Philippines, Department of Budget and Management, Commission on Higher Education, Commission on Audit and such government agencies concerned including the jurisprudence or doctrines enunciated by the Supreme Court of the Philippines.

The 2017- EVSU-RADRSR Manual is organized according to the relevance and similarity of the provisions, and is comprised of 28 Rules and 139 Sections. These parts were organized according to the nature and purposes of the provisions with the end view of facilitating the understanding and interpretation by the students, officials and employees of the University.

This Manual clearly embodies the noble resolve of the EVSU Board of Regents in making its officials, faculty members and non-teaching personnel as role models and exemplar public employees in continually achieving highest integrity, honesty, decency, accountability, transparency and genuine compassion in government services. Along with the mandates and four-fold functions, vision, mission, objectives and goals of the University, all officials, faculty members and non-teaching personnel must adhere to the code of conduct and standards of public officials and employees as their potent contributions in producing world class students, graduates, professionals, and leaders in various fields of specializations.

Indeed, this 2017- EVSU-RADRSR Manual guarantees that the rights to dignified, secured and unblemished life of the officials, faculty members and non-teaching personnel are equally respected and protected at all times in the same vein that any consequence/s of their individual or collective on sexual harassment/s and other sexual act/s will not be tolerated and shall be dealt with accordingly within the spirit and intents of constitutionally and statutorily guaranteed due process and equal protection of law.

BY THE AUTHORITY OF THE EVSU BOARD OF REGENTS:

DOMINADOR O. AGUIRRE, JR., D.M.
University President III
Vice Chairperson, EVSU Board of Regents
Chairperson, EVSU- Administrative Council

J. PROSPERO E. DE VERA III, D.P.A.
Commissioner and Officer-in-Charge
Commission on Higher Education
Chairperson and Presiding Officer
EVSU Board of Regents



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

Board Resolution No. 30

Series of 2018

**RESOLUTION APPROVING/ADOPTING THE 2017 REVISED ADMINISTRATIVE
DISCIPLINARY RULES ON SEXUAL HARASSMENT IN EASTERN VISAYAS
STATE UNIVERSITY MANUAL OR THE 2017-EVSU-RADRSH MANUAL (COPY
HERETO ATTACHED AS INTEGRAL PART HEREOF), EFFECTIVE IMMEDIATELY
UPON APPROVAL, SUBJECT TO APPLICABLE LAWS, RULES AND
REGULATIONS**

Adopted this 21st day of March 2018 pursuant to Board Resolution No. 30, s. 2018 approved during the 74th Regular Board Meeting (First Quarter, CY 2018) held at the at the Commission on Higher Education, Conference Room, 4th Floor, Higher Education Development Center Building, C.P. Garcia Ave., UP Campus, Diliman, Quezon City.

J. PROSPERO E. DE VERA III, D.P.A.

*CHED Commissioner
Chair, EVSU Board of Regents*

DOMINADOR O. AGUIRRE, JR., D.M.

*University President III
Vice Chair, EVSU Board of Regents*

FRANCIS JOSEPH G. ESCUDERO

*Chair, Committee on Education
Senate of the Philippines*

Member

Represented by:

FRANCES ANN BASILIO PETILLA

EDGARDO M. ESPERANCILLA, CESO II

Regional Director, DOST-Region VIII

Member

ROGELIO D. BASAS

*President, Federation of EVSU Faculty
Association, Inc.*

Member

RAUL S. SOLIVA

*President, Federation of Alumni Associations
of EVSU, Inc.*

Member

DANIEL A. ARIASO SR., CESO II

Private Sector Representative

Member

ANN K. HOFER

*Chair, Committee on Higher & Technical Education
House of Representatives*

Member

Represented by:

FLORENCIO "BEM" GABRIEL NOEL

BONIFACIO G. UY, CESO IV

Regional Director, NEDA-Region VIII

Member

MICHAEL L. MUZONES

*President, Federation of Supreme Student
Governments of EVSU*

Member

PACIENTE A. CORDERO, JR., D.Sc.

Private Sector Representative

Member

Certified Correct:

ANALYN C. ESPAÑO, M.A.

Board/University Secretary



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS
Board Committee on Finance

FOR: THE HONORABLE CHAIR AND MEMBERS
EVSU Board of Regents, Tacloban City

THRU: DR. DOMINADOR O. AGUIRRE, JR.
University President III

SUBJECT: Committee Report

FROM: Board Committee on Finance

=====

The Board Committee on Finance, to which the **2017 Revised Administrative Disciplinary Rules on Sexual Harassment in Eastern Visayas State University Manual** or the **2017-EVSU-RADRSH Manual** (*copy hereto attached as integral part hereof*) has been referred to for further review and evaluation, and after presentation by the Board Committee on Draft Writing and Review of Policies and Rules (*formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees*) Chaired by Regent Daniel A. Ariaso Sr., hereby respectfully submits its findings and recommendations, to wit:

1. The provisions of the subject **2017-EVSU-RADRSH Manual** were found to be consistent and compliant to applicable laws, rules and regulations; and
2. The Committee strongly recommends for the immediate approval/adoption and implementation of the said **2017-EVSU-RADRSH Manual**.

Adopted this 3rd day of December 2017 during the Committee Meeting held at the Office of the Regional Director, DOST-Regional Office No. VIII, Candahug, Palo, Leyte.

BONIFACIO G. UY, CESO IV
Regional Director, NEDA-Region VIII/Member, EVSU Board of Regents
Committee Chair & Presiding Officer

DOMINADOR O. AGUIRRE, JR., D.M.
University President III
Vice Chair, EVSU Board of Regents
Committee Vice Chair

EDGARDO M. ESPERANCILLA, CESO II
Regional Director, DOST-Region VIII
Member, EVSU Board of Regents
Member, Board Committee

ROGELIO D. BASAS

President, Federation of EVSU Faculty
Association, Inc.
Member, Board Committee

MICHAEL L. MUZONES

President, Federation of Student
Governments of EVSU
Member, Board Committee

Certified Correct:

ANALYN C. ESPAÑO, M.A.

Associate Professor III
Board/University Secretary
Committee Secretary



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

Board Committee on Academic and Administration

FOR: THE HONORABLE CHAIR AND MEMBERS
EVSU Board of Regents, Tacloban City

THRU: DR. DOMINADOR O. AGUIRRE, JR.
University President III

SUBJECT: Committee Report

FROM: Board Committee on Academic and Administration

=====

The Board Committee on Academic and Administration, to which the **2017 Revised Administrative Disciplinary Rules on Sexual Harassment in Eastern Visayas State University Manual** or the **2017-EVSU-RADRSH Manual** (*copy hereto attached as integral part hereof*) has been referred to for further review and evaluation, and after presentation by the Board Committee on Draft Writing and Review of Policies and Rules (*formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees*) Chaired by Regent Daniel A. Ariaso Sr., hereby respectfully submits its findings and recommendations, to wit:

1. The provisions of the subject **2017-EVSU-RADRSH Manual** were found to be consistent and compliant to applicable laws, rules and regulations; and
2. The Committee strongly recommends for the immediate approval/adoption and implementation of the said **2017-EVSU-RADRSH Manual**.

Adopted this 3rd day of December 2017 during the Committee Meeting held at the Office of the Regional Director, DOST-Regional Office No. VIII, Candahug, Palo, Leyte.

EDGARDO M. ESPERANCILLA, CESO II
*Regional Director, DOST-Region VIII/Member, EVSU Board of Regents
Committee Chair & Presiding Officer*

DOMINADOR O. AGUIRRE, JR., D.M.
*University President III
Vice Chair, EVSU Board of Regents
Committee Vice Chair*

BONIFACIO G. UY, CESO IV
*Regional Director, NEDA-Region VIII
Member, EVSU-Board of Regents
Member, Board Committee*

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Member, Board Committee

Certified Correct:

ANALYN C. ESPAÑO, M.A.

Associate Professor III
Board/University Secretary
Committee Secretary



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

**Board Committee on Draft Writing and Review of Policies and Rules
(PWRP)**
**(formerly Board Committee on Review of Policies, Fees,
Incentives and Assistance for Students and Employees)**

FOR: THE HONORABLE CHAIR AND MEMBERS
EVSU Board of Regents, Tacloban City

THRU: DR. DOMINADOR O. AGUIRRE, JR.
University President III

SUBJECT: Committee Report No. 9, s. 2018

FROM: Board Committee on Draft Writing and Review of Policies and Rules (formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees)

=====

The Board Committee on Draft Writing and Review of Policies and Rules (formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees), to which the **2017 Revised Administrative Disciplinary Rules on Sexual Harassment in Eastern Visayas State University Manual** or the **2017-EVSU-RADRSH Manual** (copy hereto attached as integral part hereof) has been referred to for drafting, study, review and evaluation, hereby submit its report and recommendations, to wit:

1. The draft **2017-EVSU-RADRSH Manual** has been submitted to and discussed with the stakeholders or sectors on the schedules and venues, as follows:

1.1. **Stakeholders' Consultations and Committee Meetings:**

Dates	Time	Campuses	Number of Participants
May 18, 2017	9:00AM-12:30PM	EVSU Tanauan Campus	26
May 24, 2017	9:00AM-3:00PM	EVSU Ormoc Campus	53
May 27, 2017	9:00AM-3:00PM	EVSU Main campus	90
June 8, 2017	8:20AM-12:20PM	EVSU Tanauan Campus	70
June 9, 2017	9:00AM-12:30PM	EVSU Carigara Campus	72
June 13, 2017	8:00AM-12:00NN	EVSU Main Campus	35
June 24, 2017	9:30AM-5:30PM	EVSU Main Campus	140
June 28, 2017	8:00AM-10:00AM	EVSU Burauen Campus	26
	11:00AM-2:00PM	EVSU Carigara Campus	39
	3:00PM-6:00PM	EVSU Ormoc Campus	86

August 23, 2017	3:00PM-5:00PM	EVSU Main Campus	74
September 6, 2017	8:00AM-10:00AM	EVSU Main Campus	78
November 2, 2017	8:00AM-12:00NN	EVSU Main Campus	46
	11:00AM-1:00PM	EVSU Burauen Campus	47
	3:30PM-5:30PM	EVSU Carigara Campus	49
November 3, 2017	8:00AM-5:00PM	EVSU Ormoc Campus	76
November 4, 2017	8:30AM-4:00PM	EVSU Main Campus	67

1.2. Sectoral Focus Group Discussions (FGD) and Committee Meetings:

Sector/s	Dates	Time	Venue	Number of Participants
Student	August 22, 2017	9:00AM-12:00NN	Executive House, EVSU Main Campus	88
Vice Presidents, College Deans, Campus Directors	August 22, 2017	1:30PM-4:00PM	Executive House, EVSU Main Campus	68
Academic Department Heads, Non-Teaching Personnel	September 6, 2017	4:00PM-5:30PM	Executive House, EVSU Main Campus	70
Alumni and Industry	August 22, 2017	4:00PM-5:30PM	Executive House, EVSU Main Campus	30
Students and Parents	August 22, 2017	4:00PM-5:30PM	Executive House, EVSU Main Campus	49
	September 6, 2017	8:00AM-12:00NN	Graduate School, Function Room, EVSU Main Campus	35

The participants in the foregoing activities were selected by their respective officials or associations' officers, as the case may be.

2. The draft of the **2017-EVSU-RADRSH Manual** was submitted to the Commission on Higher Education, Regional Office No. VIII, Philippine Women Commission (PWC), Manila, and to the Civil Service Commission, Regional Office No. VIII, Candahug, Palo, Leyte;
3. The draft of the **2017-EVSU-RADRSH Manual** was published in the EVSU website for wide dissemination to and solicitation of inputs, comments and refinements to thereof;
4. The Committee presented the foregoing draft Manual to the EVSU BOR during its 73rd Regular (Fourth Quarter) Board Meeting, held on December 8, 2017 at Granda Manor, Juan Luna cor. Gomez St., Tacloban City, with the following manifestations:
 - 4.1. The draft Manual was endorsed by the EVSU-Administrative Council, and EVSU-Academic Council on November 22, 2017; and

- 4.2. The Committee has raised its reservation of creating such Committee to study the draft Manual considering that the same has been duly discussed in several stakeholders' consultations and any person has sufficient opportunity to peruse and comments since the same has been published in the EVSU website since July 2017 up to the present; and
- 4.3. Following the process done by the EVSU BOR to the 2017 Revised University Code¹, 2017 Program on Awards and Incentives for Service Excellence (PRAISE) System of the University Manual² and 2017 Peoples' Freedom of Information of the University Manual³, the Committee strongly recommended to give the Regents, officials, faculty members, non-teaching personnel, students and stakeholders to submit their individual or collective comments, inputs to suggestions to the draft Manual and the same be submitted to the Office of the University President and/or University/Board Secretary and to the Committee for consolidation on or before December 31, 2017;
5. In view of the manifestations in item 4 above, the EVSU BOR passed Resolution No. 174, s. 2017 and duly executed by the University President per Memorandum Order No. 12-02, s. 2017 issued on December 11, 2017⁴;
6. Due to a series of tropical storms namely, Urduja, Vinta and Agaton, had struck Eastern Visayas Region from December 18, 2017-January 2, 2018 which limited or prevented the Regents, officials, faculty members, non-teaching personnel and stakeholders from preparing and submitting their individual or collective comments, inputs or suggestions on or before December 31, 2017, the Committee passed Resolution No. 01, s. 2018 on January 4, 2018⁵;
7. The Committee did not receive any opposition to the final draft of **2017-EVSU-RADRSH Manual**, whether in whole or in part/s; and
8. The comments and inputs provided by the Philippine Women Commission (PWC) and CSC Regional Office No. VIII, and submitted individually or collectively by the Board Committee Members, the Regents, officials, faculty members, non-teaching personnel, students and stakeholders were carefully studied, enhanced and integrated to the final and clean copy of the Manual subject to their applicability, except those comments or inputs

¹ Approved per Board Resolution No. 115, s. 2017 on April 19, 2017 during the 2017 Second Special Board Meeting held at the 5th Floor, Conference Room, Ironwood Hotel, P. Burgos St., cor. Juan Luna St., Barangay 34, Tacloban City.

² Approved per Board Resolution No. 116, s. 2017 on April 19, 2017.

³ Approved per Board Resolution No. 118, s. 2017 on April 19, 2017.

⁴ "Request for Inputs, Comments, Suggestions and Recommendations to the 2017 Revised University Students' Handbook and Nine (9) Services Manuals."

⁵ "Resolution Most Respectfully and Strongly Recommending to the EVSU Board of Regents for the Extension of Submission of Comments, Inputs or Suggestions by the Regents, Faculty Members, Non-Teaching Personnel and Stakeholders to the Ten (10) Service Manuals as Provided Herein from December 31, 2017 to January 15, 2018, and For Other Purposes."

which the Committee found them irrelevant and inconsistent with the purposes and intents of the Manual as well as existing laws, rules and regulations.

Premises considered, the Committee strongly recommends for the immediate approval/adoption and implementation of the said **2017-EVSU-RADRSH Manual**.

Adopted this 3rd day of February 2018 during the Committee Meeting held at Executive House, EVSU-Main Campus, Tacloban City.

DANIEL A. ARIASO SR., MEcon., CESO II
*Member, EVSU Board of Regents
(Private Sector Representative)
Committee Chair & Presiding Officer*

DOMINADOR O. AGUIRRE, JR., D.M.
*University President III
Vice Chair, EVSU Board of Regents
Committee Vice Chair*

ROGELIO D. BASAS
*President, Federation of EVSU Faculty
Association, Inc.
Member, Board Committee*

MICHAEL L. MUZONES
*President, Federation of Student Governments of EVSU
Member, Board Committee*

Certified Correct:

ANALYN C. ESPAÑO, M.A.
Associate Professor III
Board/University Secretary
Committee Secretary



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

ADMINISTRATIVE COUNCIL

Resolution No. _____

Series of 2017

**RESOLUTION RECOMMENDING TO THE EVSU BOARD OF REGENTS,
THROUGH THE UNIVERSITY PRESIDENT, FOR APPROVAL/ADOPTION OF
THE 2017 REVISED ADMINISTRATIVE DISCIPLINARY RULES ON SEXUAL
HARASSMENT IN EASTERN VISAYAS STATE UNIVERSITY MANUAL OR
THE 2017-EVSU-RADRSH MANUAL (COPY HERETO ATTACHED AS
INTEGRAL PART HEREOF), SUBJECT TO APPLICABLE LAWS, RULES AND
REGULATIONS**

After thorough discussion by the Members, the EVSU-Administrative Council,
on motion of _____ duly seconded by
_____, hereby recommends EVSU Board of Regents,
through the University President, for Approval/Adoption of **2017 Revised
Administrative Disciplinary Rules on Sexual Harassment in Eastern Visayas
State University Manual** or the **2017-EVSU-RADRSH Manual** (*copy hereto
attached as integral part hereof*), effective immediately upon approval subject to
applicable Laws, Rules and Regulations.

Adopted this 22nd day of November 2017 during the Council Meeting of the
EVSU-Administrative Council held at Office of the University President, EVSU-Main
Campus, Tacloban City.

ATTESTED/APPROVED:

DOMINADOR O. AGUIRRE, JR., D.M.

University President III

Chair & Presiding Officer, EVSU-Administrative Council

Certified Correct:

ANALYN C. ESPAÑO, M.A.

Board/University Secretary

Secretary, Administrative Council



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

ACADEMIC COUNCIL

Resolution No. _____

Series of 2017

**RESOLUTION RECOMMENDING TO THE EVSU BOARD OF REGENTS,
THROUGH THE UNIVERSITY PRESIDENT, FOR APPROVAL/ADOPTION OF
THE INTERNAL RULES OF PROCEDURE OF THE BOARD OF REGENTS OF
EASTERN VISAYAS STATE UNIVERSITY MANUAL OR THE 2017-IRP OF
EVSU BOR MANUAL (COPY HERETO ATTACHED AS INTEGRAL PART
HEREOF), SUBJECT TO APPLICABLE LAWS, RULES AND REGULATIONS**

After thorough discussion by the Members, the EVSU-Academic Council, on motion of _____ duly seconded by _____, hereby recommends EVSU Board of Regents, through the University President, for Approval/Adoption of the **2017 Revised Administrative Disciplinary Rules on Sexual Harassment in Eastern Visayas State University Manual** or the **2017-EVSU-RADRSH Manual** (*copy hereto attached as integral part hereof*), effective immediately upon approval subject to applicable Laws, Rules and Regulations.

Adopted this 22nd day of November 2017 during the Council Meeting of the EVSU-Academic Council held at Office of the University President, EVSU-Main Campus, Tacloban City.

ATTESTED/APPROVED:

DOMINADOR O. AGUIRRE, JR., D.M.
University President III
Chair & Presiding Officer, EVSU-Administrative Council

Certified Correct:

GREGORIA C. DE LA CRUZ, MAIS
University Registrar III
Secretary, Academic Council

Brief History of the University

The Eastern Visayas State University had its humble beginnings in 1907, as a part of the Provincial school. It became a separate educational entity in 1915 and was renamed as the Leyte Trade School funded by the Provincial government. In 1953, after thirty-eight years, it was renamed as the National Provincial Trade School by virtue of R.A. 406 funded jointly by the National and Provincial Government to cover a wider curricular area. In 1961, the Congress of the Philippines passed Republic Act 1516 converting it into the Leyte Regional Arts and Trades and authorizing it to become a training institution, for vocational and industrial education in Eastern Visayas. Finally, Republic Act 4572 enacted by the congress of the Philippines which took effect in the school year 1965-1966 further converting the school into a chartered college. It was renamed the Leyte Institute of Technology, an institute of higher learning committed to the service of a larger academic area of responsibility.

For SY 1999-2000, LIT has its satellite campus, the Ormoc satellite Campus. In 1999, pursuant to the provisions of RA 7722, 8292 and 8745 and Board Resolutions No. 59, Series of 1999, two CHED Supervised institutions (CSIs) in Leyte, namely the Leyte College of Arts and Trades and the Burauen Polytechnic College were integrated to LIT. The LIT Dulag Campus started in SY 2000-2001. The Carigara School of Fisheries was integrated to LIT, the second phase of CSIs institution to SUCs.

In 2002-2003, LIT had continued accomplishing its significant role and responsibility to the people in the region. The introduction of new programs, technological and business, the realignment of courses, and high-passing percentage of the engineering and other professional programs established a great challenge and gigantic responsibility to the institution.

Finally, in 2004, Republic Act 9311 converted the Leyte Institute of Technology, into Eastern Visayas State University, a challenge to serve Eastern Visayas, through academic excellence and technological development.

Vision, Mission, Philosophy of the University

VISION

Leading State University in Technological and Professional Education

MISSION

Develop a Strong Technologically and Professionally Competent Productive
Human Resource Imbued with Positive Values Needed to Propel
Sustainable Development

PHILOSOPHY

EVSU addresses its academic endeavors towards the development of the socio economic condition of region VIII by emphasizing the development of human resources and necessary input to production and growth. It plays a major role in providing the human resources for industrial agri-business enterprises as well as for the small, medium, and large-scale industries, which are the components for regional development

The University Hymn

Lyrics: BELINDA C. LORA
Music: BIATO C. AMBE, JR.

There's a dawn of a new day breaking
There's a ray of light reaching
Every corner of the land
It's radiance keeps on spreading
Bringing hope and strength and life

There's a flame that keeps on burning
Touching the mind, the heart and the soul
Sending Knowledge truth, love, and wisdom
abundant blessings from GOD above

Refrain:

Beloved Eastern Visayas State University
Your blessed flame shall forever burn in our hearts
We give you outmost commitment and dedication
You shall shine with pride throughout the nation

Coda:

Shine with gladsome light
Oh alma mater dear
Lead our steps to path of excellence
Success, fulfillment and glory awaits.

The EVSU March

You're the shining glory of love,
You're the light that comes from above,
You're the precious gift I have,
I will treasure you in my heart.

You're an utmost shelter of mind,
You're the greatest pride of mankind,
You have the golden fruits to reap,
You're the sweetest hope of land.

Oh dear Alma Mater,
Eastern Visayas State University,
Your name is ringing in my heart,
There is love and joy from the start,
The abundance of your foundation,
Is a great help of our nation,
For in you is the fountain of wisdom
And your light is our shining freedom.

You're the precious gift from heaven,
You're the sweetest hope of land.

The ASEAN Hymn

ASEAN, Oh ASEAN
Our voices rise as one
From land to land
From sea to sea
Reach out for everyone

ASEAN, Oh ASEAN
Let's link our arms and stand
Behold the sun has risen to
The level of our eyes

Behold the sun has risen to
The level of our eyes

Acknowledgement

The Eastern Visayas State University (EVSU), through its Board of Regents and the University President, wishes to extend its deepest appreciation and thanks to all persons, who in one way or another, helped craft, review, evaluate and polish this noble 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in Eastern Visayas State University (2017- EVSU-RADRSH) Manual.

Special thanks to the Civil Service Commission, Regional Office No. VIII under the leadership of Hon. Victoria F. Esber, Director IV, Civil Service Commission, Regional Office No. VIII, and her staff, for painstakingly reviewing or evaluating, and immediate submission of inputs which were integrated to and surely made this 2017- EVSU-RADRSH Manual compliant to the applicable laws, rules and regulations.

The EVSU Family is also grateful to the Board Committee on Draft Writing and Review of Policies and Rules (*formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees*) Chaired by Regent Daniel A. Ariaso Sr., for drafting this 2017- EVSU-RADRSH Manual and for steering the Stakeholders' Consultation and Sectoral Focus Group Discussion (FGD); the Board Committee on Finance Chaired by Director Bonifacio G. Uy, and Board Committee on Academic and Administration Chaired by Director Edgardo M. Esperancilla for their immediate review and providing inputs which further strengthened this Manual.

It is but proper also to convey our sincerest thanks to all Vice Presidents, Campus Directors, College Deans, Heads, Chiefs, Chairpersons and Coordinators as well as Faculty Members, Non-Teaching Personnel, Students, Alumni, and Industry and Community Partners for their active participation during the Stakeholders' Consultation and Sectoral Focus Group Discussion, indeed, their inputs had contributed in shaping this Manual to be responsive and embodying the ideals and aspirations of the EVSU Family.

May the God Almighty Bless you all!

EVSU Family

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Rule I

SHORT TITLE, LEGAL BASES OF PROMULGATION AND COVERAGE

Section 1. **Short Title.** – This shall be known as the 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in Eastern Visayas State University Manual, hereinafter referred to, as the 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual, or EVSU-2017 Revised Administrative Disciplinary Rules on Sexual Harassment Manual, or 2017 Revised University Administrative Disciplinary Rules on Sexual Harassment Manual, or 2017-EVSU-RADRSH Manual, or Manual, *for brevity*.

Section 2. **Legal Bases of Promulgation.** – This Manual is promulgated pursuant to the powers and functions of the Board of Regents of the Eastern Visayas State University or EVSU Board of Regents as provided under Section 3(2) of Article IX-B of the 1987 Philippine Constitution¹, Item No. 2, Section 7, Book V of Executive Order (E.O) No. 292², Section 4³ of R.A. No. 7877⁴, CSC MC No. 30, s. 1995⁵, CSC MC No. 17, s. 2001 dated July 23, 2001⁶, Sections 58 and 59⁷ of CSC Resolution No.

¹ "No officer or employee of the civil service shall be removed or suspended except for cause as provided by law."

² "1987 Administrative Code of the Philippines."

³ **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."

⁴ "An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes."

⁵ "Implementing Rules and Regulations on R.A. 7877, An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes."

⁶ "Administrative Disciplinary Rules on Sexual Harassment Cases in the Civil Service."

⁷ "RULE XII - DUTY OF THE AGENCIES OF THE GOVERNMENT"

Section 58. All national and local government agencies, state colleges and universities, including government-owned or controlled corporations with original charter, shall promulgate or modify their own rules and regulations in conformity with these Rules, in consultation with their employees, within six (6) months from the effectivity of this Resolution.

Section 59. All agencies of the government shall submit an authenticated copy of their rules and regulations on sexual harassment to the Commission for approval within one (1) month from the date of their promulgation. They shall likewise submit to the Commission a list of the members of their Committee on Decorum and investigation immediately after its composition.

01-0940 promulgated on May 21, 2001⁸, Rule I, Part XIV of CHED Memorandum Order No. 01, series of 2015 issued on January 26, 2015⁹, CSC Resolution No. 1701077 promulgated on July 3, 2017¹⁰, Section 7(i)¹¹ of R.A. No. 9311¹², Section 5¹³ of R.A. No. 8292¹⁴ and its IRR¹⁵, Section 393, Article 94 of the 2017 Revised University Code¹⁶, and other pertinent laws, rules and regulations promulgated by competent authority/ies.

Further, this Manual shall be considered or recognized as a consequence of the elevation of then Leyte Institute of Technology (LIT) into a State University and henceforth, the nature of LIT has completely changed when it became EVSU pursuant to R.A. No. 9311. LIT did not just changed its name. The law created a university which, in effect, a new entity that is the EVSU¹⁷.

Section 3. **Coverage and Uniform Implementation.** – This Manual shall cover all Officials comprised of the Board of Regents and Officers of the academic and administrative branches or offices or units, Faculty Members or Academic and Instructional Staff and Non-teaching Personnel and students which shall be implemented uniformly in the Eastern Visayas State University (EVSU) comprised of its Main Campus located in Tacloban City and its Integrated/External Campuses located in the City of Ormoc and Municipalities of Burauen, Carigara and Tanauan, and a Community Satellite Campus in the Municipality of Dulag, all in the Province of Leyte.

Rule II
CONSTRUCTION AND INTERPRETATION AND SUPPLETORY APPLICATION OF RELEVANT LAWS, RULES AND REGULATIONS PROMULGATED BY COMPETENT AUTHORITIES

Section 4. **Construction and Interpretation of the 2017 Revised**

⁸ "Administrative Disciplinary Rules on Sexual Harassment Cases."

⁹ "Establishing the Policies and Guidelines on Gender and Development in the Commission on Higher Education and Higher Education Institutions (HEIs)."

¹⁰ "2017 Rules on Administrative Cases in the Civil Services (2017 RACCS)."

¹¹ "SEC. 7. *Powers and Duties of the Board of Regents.* – The Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the Board of Directors of a corporation under existing laws:

XXXXXXXXXX

(i) XXXXXXXXXXXX; and to remove them for cause in accordance with the requirements of due process of law;"

¹² "An Act Converting the Leyte Institute of Technology (LIT) in the Province of Leyte into a State University to be Known as the Eastern Visayas State University and Appropriating Funds Therefor."

¹³ "Section 4. Powers and duties of Governing Boards. – The governing board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the board of directors of a corporation under Section 36 of Batas Pambansa Blg. 68 otherwise known as the Corporation Code of the Philippines."

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XXXXXXXXXX; and to remove them for cause in accordance with the requirements of due process of law;"

¹⁴ "An Providing for the Uniform Composition and Powers of the Governing Boards, the manner of Appointment and Term Office of the President of Chartered State Universities and Colleges, and for Other Purposes", otherwise known as the "Higher Education Modernization Act of 1997."

¹⁵ CHED Memorandum Order No. 03, s. 2001 entitled, Implementing Rules and Regulations of Republic Act No. 8292.

¹⁶ Approved per Board Resolution No. 115, s. 2017 on April 19, 2017.

¹⁷ PSLMC Resolution No. 02, s. 2009 dated June 11, 2009.

Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual. – All doubts in the implementation of any of the provisions of this Manual shall be interpreted and resolved in favor of the University.

Provided, further, that in matters affecting the welfare of a teaching and non-teaching Official or employee/personnel, all doubts in the implementation and interpretation of pertinent provisions of this Manual shall be resolved in favor of the Officials, faculty member or academic/instructional staff or non-teaching employee/personnel, as the case may be, subject to applicable laws, rules and regulations.

Provided, furthermore, that in matters affecting the welfare of a student, all doubts in the implementation and interpretation of pertinent provisions of this Manual shall be resolved in favor of the student, as the case may be, subject to applicable laws, rules and regulations.

Section 5. **Suppletory Application of Laws, Rules and Regulations.** – Notwithstanding as explicitly adopted or provided under this Manual, all laws, rules and regulations promulgated by competent authorities such as, but not limited to, the President of the Republic of the Philippines, Congress of the Philippines, CSC, CHED, DBM, COA, jurisprudence laid down by the Supreme Court of the Philippines, and such government agencies concerned, shall apply suppletorily and serve as governing guidelines to this Manual, in so far as expressly determined and duly adopted by the EVSU Board of Regents.

Rule III **DEFINITION OF TERMS**

Section 6. **Definition of Terms.** – Notwithstanding as may be provided in relevant laws, rules and regulations, the following terms are hereby defined as used in this 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual:

- 6.1. *Academic Activity* – any activity that involves academics such as, but not limited to, classes, tutorials, seminars, workshops, conferences, lectures, examinations, fieldwork, externships or internships, on-the-job trainings, for the fulfillment of academic requirements and others.
- 6.2. *Academic Officers* – refer to the University President, Vice President for Academic Affairs, Deans of Colleges, Principal, Department Head, Director, and their Heads or Chairpersons or Coordinators of various academic departments or units.
- 6.3. *Academic Service* - refers to instruction, research, extension, production or non-teaching functions for those with administrative designations such as Principal, Department Head, Director, Chairman, Dean, Vice President, University President and other designations.
- 6.4. *Academic Staff* - shall be composed of the regular and non-regular

members of the faculty and academic non-teaching staff.

- 6.5. *Academic unit* – all units such as but not limited to College, Campus, Academic or Program Department, Institute, or Center.
- 6.6. *Academic year* – as determined by the University.
- 6.7. *Admonition/Reprimand* – a written or oral, formal reproof.
- 6.8. *Agreements* – refer to contracts, memorandum of agreement (MOA), memorandum of understanding (MoU) and such legal instruments stipulating, among others, the object and purposes, terms and conditions of executing the same.
- 6.9. *Alternative Dispute Resolution (ADR)* – any process to amicably resolve a case by which the dispute is resolved by the parties themselves with the assistance of a neutral third party, which includes mediation and conciliation.
- 6.10. *Anti-Sexual Harassment Hearing Officer (ASHHO)* – refers to any University official or officer, preferably Executive Official or Head of a College duly accredited by the University President upon the recommendation by the Director of the Office on Anti-Sexual Harassment duly confirmed by the EVSU Board of Regents may determine.
- 6.11. *Apology* – a signed written expression of contrition or remorse for wrong done, accepted by the University and by the private complainant.
- 6.12. *Appointing Authority* – shall refer to the University President, as authorized by the Board of Regents of the University, to appoint or issue appointments.
- 6.13. *Appointment* – refers to the selection, by the authority vested with the power, of an individual who is to exercise the functions of a given office. When completed, usually with its confirmation, the appointment results in security of tenure for the person chosen unless he is replaceable at pleasure because of the nature of his office. It is essentially an executive in nature¹⁸.
- 6.14. *Auxiliary Services* – refers to all kinds of services pertaining to economic or profit generating activities done and/or rendered by the University other than academic such as, hospital, garments and tailoring, cafeteria, janitorial, printing press, bookstore, training centers, review centers, and the like.
- 6.15. *Back wages* – refers to the compensation and other benefits that should have been earned but were not collected because of the illegal

¹⁸ *Tapispisan v. Court of Appeals*, G.R. No. 157950, June 8, 2005.

dismissal/separation or suspension following the principle that an illegally dismissed University employee who is later reinstated is entitled to all the rights and privileges that accrue by virtue of the office held.

- 6.16. *Board* – refers to the Board of Regents of Eastern Visayas State University which is the highest policy-making body of the University.
- 6.17. *Board Committee* – refers to the Committees created by the EVSU Board of Regents pursuant to Section 34, Article 8 of the 2017 Revised University Code approved by the EVSU Board of Regents pursuant to Board Resolution No. 115, s. 2017 and Rule 14 of the 2017 Internal Rules of Procedure of the EVSU BOR Manual approved per Board Resolution No. 25, s. 2018.
- 6.18. *Burden of Proof* – refers to the obligation imposed upon a party who alleges the existence of a fact or thing necessary in the prosecution or defense of an action to establish it by proof. Under the Rules, it is the duty of a party to present evidence on the facts in issue necessary to establish his claim or defense by the amount of evidence required by law. It means the burden of establishing a case, whether by a preponderance of the evidence, or beyond a reasonable doubt, or by substantial evidence¹⁹.
- 6.19. *Burden of Evidence* – connotes the burden of going forward with the evidence or that logical necessity which rests on a party at any particular time during the trial to create a prima facie case in his favor, or to overthrow one when created against him²⁰.
- 6.20. *Campuses* – refers to the Main Campus of the University located in Tacloban City, integrated Campuses in the City of Ormoc and Municipalities of Burauen, Carigara, and Tanauan, and a Satellite Community Campus in the Municipality of Dulag, all in the Province of Leyte.
- 6.21. *Career Service* – positions in the civil service characterized by (1) entrance based on merit and fitness to be determined as far as practicable by competitive examination or based on highly technical qualifications; (2) opportunity for advancement to higher career positions; and, (3) security of tenure.
- 6.22. *Closed Career Position* – any faculty position of the University.
- 6.23. *COA* – refers to the Commission on Audit created under Article IX-D of the 1987 Philippine Constitution.
- 6.24. *Code* –refers to the 2017 Revised Code of the Eastern Visayas State

¹⁹ **Philippine Law Simple.** Copyright 1999-2011, abogadomo.com, <http://www.abogadomo.com/law-professor/law-professor-archives/burden-of-proof-vs-burden-of-evidence>.

²⁰ **Philippine Law Simple.** Copyright 1999-2011, abogadomo.com, <http://www.abogadomo.com/law-professor/law-professor-archives/burden-of-proof-vs-burden-of-evidence>.

University or 2017 Revised University Code approved per Board Resolution No. 115, s. 2017 and subsequent issuances thereof approved by the EVSU Board of Regents.

- 6.25. *CODI* – refers to the Committee on Decorum and Investigation duly constituted pursuant to the provisions of this Manual consistent with R.A. No. 7787, relevant CSC policies and circulars, 2017 Revised University Code, and such policies duly approved by the EVSU Board of Regents.
- 6.26. *Committee of Peers.* – refers to the Committee duly constituted which has jurisdiction of administrative disciplinary cases against any Regent of the University as provided for under this Manual.
- 6.27. *Community Service* – any rehabilitative activity, as provided by the University designed to provide for the public good in keeping with the overall goals of the community, and agreed upon by the University and the respondent/s; *Provided*, that it should not displace regular employees, supplant employment opportunities ordinarily available, or impair contracts for services.
- 6.28. *Congress of the Philippines* – refers to the legislative branch of the Republic of the Philippines created under Article X of the 1987 Philippine Constitution.
- 6.29. *CSC or CSC Commission Proper or Commission* – refers to Civil Service Commission created pursuant to Article IX-B of the 1987 Philippine Constitution.
- 6.30. *DBM* – refers to Department of Budget and Management created pursuant to Executive Order No. 25 dated April 25, 1936, as amended.
- 6.31. *Designation* – is an imposition by law of additional duties of an incumbent official. It is essentially a legislative in nature. It may also be loosely defined as an appointment because it, likewise, involves the naming of a particular person to a specified public office. That is the common understanding of the term. However, where the person is merely designated and not appointed, the implication is that he shall hold the office only in a temporary capacity and may be replaced at will by the appointing authority. In this sense, the designation is considered only an acting or temporary appointment, which does not confer security of tenure on the person named²¹.
- 6.32. *Development Intervention* – refers to appropriate learning activities which may include coaching, mentoring, cross posting program, job rotation, temporary assignment, secondment, team building, knowledge sharing and learning session, shadowing, counseling, etc.

²¹ **Tapispisan v. Court of Appeals**, G.R. No. 157950, June 8, 2005, citing *Sevilla v. Court of Appeals*, G.R. No. 88498, 9 June 1992, 209 SCRA 637.

- 6.33. *Disciplining Authority* – refers to the EVSU Board of Regents or the Executive Officials of the University in so far as authorized by the Board.
- 6.34. *Duly Recognized Campus Faculty Association* – is a faculty association established and recognized by the University where each Campus shall have only one (1) organization comprised of the regular faculty members and instructional staff of the University Campus.
- 6.35. *Duly Recognized Campus Student Council or Government* – is a student council established and recognized by the University where each Campus shall have only one (1) organization comprised of *bona fide* students from tertiary level programs of the University Campus.
- 6.36. *Duly Recognized Federation of Faculty Associations* – is the federation of the duly recognized faculty associations in the different Campuses of the University which has been extended recognition by the EVSU Board of Regents to be its legitimate and lawful faculty association as manifested by its Constitution and By-Laws being ratified by 2/3 of its members.
- 6.37. *Employee* – when used with reference to a person in the public service, includes any person in the service of the University Campuses such as, but not limited to, Executive Officials, Academic and Administrative Officers, Faculty Members or Academic Staff, Academic Non-teaching Staff, Administrative Staff, or Non-teaching Personnel.
- 6.38. *EVSU* – refers to the Eastern Visayas State University.
- 6.39. *EVSU BOR* – refers to the Board of Regents of Eastern Visayas State University.
- 6.40. *Executive Officials* – refers to the University President, Vice Presidents and Campuses Directors whose primary duties and functions to ensure proper, effective and efficient execution of policies and directions laid down by the Board and such competent authorities.
- 6.41. *Ex-Parte* – refers to the act or manner of conducting a proceeding where only one party is present without representation from or other parties.
- 6.42. *Expulsion* – permanent disqualification from attendance in the University.
- 6.43. *Faculty* – regular plantilla-based set of employees of the University appointed to a faculty rank who are directly engaged in instruction, research, extension and production services.
- 6.44. *Faculty Association/Union* – faculty association/union organized in accordance with the requirements of the Securities and Exchange Commission, Civil Service Commission, DOLE and other regulating bodies.

- 6.45. *Forum Shopping* – refers to the filing of several administrative actions or complaints either simultaneously or successively before agencies or tribunals having concurrent jurisdiction over a case against the same party involving the same essential facts, circumstances, acts, causes of action or relief, and all raising substantially the same issues. Such case can either be pending in, or already resolved adversely by, some other tribunal or agency.
- 6.46. *Governing Board* - refers to the highest policy making body of the University. As a chartered state University, it refers to the Board of Regents (BOR).
- 6.47. *Head of the University* – refers to the President of the University or University President.
- 6.48. *Head of the Campus* – refers to the Campus Director who is authorized to manage the administrative operations of the Campus. He/She is also tasked to coordinate the plans, programs, projects and activities of the campus in accordance with the overall vision, mission, goals and objectives of the University²².
- 6.49. *Head of the College* – refers to the Dean who is authorized to manage the administrative operations of the College. He/She is also tasked to coordinate the plans, programs, projects and activities of the campus in accordance with the overall vision, mission, goals and objectives of the University.
- 6.50. *Head of the Department, Unit or Section* – refers to the Director or head, chairperson or coordinator, as the case may be.
- 6.51. *Hearing* – an opportunity for the parties to be heard. The hearing is not a trial-type hearing.
- 6.52. *Hearing Officer* – refers to the Anti-Sexual Harassment Hearing Officer (ASHHO).
- 6.53. *Hold-over Capacity (Principle)* – refers to the preservation of continuity in the transaction of official business and prevents a hiatus in government or in any office of the University pending the assumption of a successor into office²³.
- 6.54. *Human Resource (HR)* – refers to the people, including their qualifications, competencies, talents and potentials. HR as a function pertains to the management development and utilization of the people

²² Section 3(b), Article I of CHED Memorandum Order No. 20, s. 2011.

²³ **Adap, et al. v. Commission on Elections**, G.R. No. 161984, February 21, 2007, citing *Nueno, et al. v. Angeles, et al.*, G.R. No. L-89, February 1, 1946, the Supreme Court ruled:

“The application of the hold-over principle preserves continuity in the transaction of official business and prevents a hiatus in government pending the assumption of a successor into office. As held in *Topacio Nueno v. Angeles*, cases of extreme necessity justify the application of the hold-over principle.”

towards the excellent and ethical achievement of vision of the organization.

- 6.55. *Human Resource (HR) Action* – refers to any action denoting the movement or progress of officials and employees in the University which shall include appointment, promotion, transfer, reappointment, reinstatement, reemployment, reclassification, detail, designation, reassignment, secondment, demotion and separation from the service.
- 6.56. *HRMPS-FANTS Manual* – refers to the 2017 Human Resource Merit Promotion and Selection for Faculty and Academic Non-Teaching Staff of the University duly approved per Board Resolution No. 28, s. 2018.
- 6.57. *HRMPS-ANTP Manual* – refers to the 2017 Human Resource Merit Promotion and Selection for Administrative or Non-Teaching Staff of the University duly approved per Board Resolution No. 27, s. 2018.
- 6.58. *Instruction Services* – refers to a function of the University and faculty members which include among others, the pedagogy and academic activities necessary for the delivery of educational services and degree programs, or educational services to the students, professionals and other clients which are vital in the realization of the mandates, vision, mission, goals and objectives of the University.
- 6.59. *Instructional Staff* – refers to faculty members who are employed on temporary basis and who are not Part-time faculty members of the University.
- 6.60. *IRR* – refers to Implementing Rules and Regulations of any law or statute enacted by the Congress of the Philippines or issued by the President of the Philippines and such competent authority/ies.
- 6.61. *Juridical Person* – refers to partnerships, corporations, cooperatives, or labor unions or associations of the sectors of the University.
- 6.62. *K to 12 Programs* – refers to Senior High School (SHS) programs authorized under R.A. No. 10533.
- 6.63. *MC* – refers to Memorandum Circular by a government agency through its competent official/s issued within its authority and duty conferred by the Constitution and applicable laws, rules and regulations.
- 6.64. *Motu Proprio* – refers to an action taken by the EVSU Board of Regents and/or University President or disciplining authority on its own initiative.
- 6.65. *OASH* – refers to the Office of the Anti-Sexual Harassment or Anti-Sexual Harassment Office (ASHO) of the University duly established, manned and maintained in accordance with the provisions of this Manual and applicable laws, rules and regulations.
- 6.66. *Official* – refer to a Regent, Executive Official (University President, Vice

President, and Campus Directors), Head of a College or College Dean, Director or Head or Chief of a Department or Center, Chairperson or Coordinator of Unit or Section, and Chairperson, Vice Chairperson, Member and Secretary of a Committee created under this Rules and in various Services' Manuals and applicable laws, rules and regulations as well as Committee constituted by the EVSU Board of Regents and/or by the University President in accordance with existing University policies.

- 6.67. *Party Adversely Affected* – refers to the respondent against whom a decision in an administrative case has been rendered or to the EVSU Board of Regents and/or University President or disciplining authority or prosecuting agency in an appeal from a decision reversing or modifying the original decision.
- 6.68. *Partner Entity* – refers to any private or public person, natural or juridical, with which the University has teaching, research, extension, and other service arrangements.
- 6.69. *Person Complained Of* – refers to the person who is the subject of a complaint by who is not yet issued a notice of charge or formal charge by the EVSU Board of Regents and University President or disciplining authority.
- 6.70. *Prima facie Case* – refers to that amount of evidence which would be sufficient to counter-balance the general presumption of innocence, and warrant a conviction, if not encountered and controlled by evidence tending to contradict it, and render it improbable, or to prove other facts inconsistent with it, and the establishment of a prima facie case does not take away the presumption of innocence which may in the opinion of the jury be such as to rebut and control it.²⁴
- 6.71. *Prima facie Evidence* – refers to evidence good and sufficient on its face. Such evidence as, in the judgment of the law, is sufficient to establish a given fact, or the group or chain of facts constituting the party's claim or defense, and which if not rebutted or contradicted, will remain sufficient. Evidence which, if unexplained or uncontradicted, is sufficient to sustain a judgment in favor of the issue it supports, but which may be contradicted by other evidence.²⁵
- 6.72. *Private Complainant* – the aggrieved person who files a complaint, or any person initially acting in his or her behalf. She/he shall be considered a complaining witness. or any person initially acting in his or her behalf.
- 6.73. *Probationary Employee* – refers to an employee who is required to undergo a thorough character investigation and assessment of capability to perform the duties of the position enumerated un the

²⁴ **Fe J. Bautista, et al. v. Hon. Malcolm G. Sarmiento**, G.R. No. L-45137 September 23, 1985.

²⁵ **Robert P. Wa-Acon v. People of the Philippines**, G.R. No. 164575, December 6, 2006.

Position Description Form (PDF) during the probationary period which is generally six (6) months or depending on the duration of the probationary period as required by the position or by law.

- 6.74. *Production Services* – is a function of the University and faculty members which covers the implementation of generating resources such as, but not limited to, instructional materials development and commercialization of technologies and other intellectual properties to augment the income and sustain sound financial condition of the University.
- 6.75. *Promotion* - the advancement to a higher faculty rank or sub-rank. It is usually accompanied by an increase in salary.
- 6.76. *Respondent* – one against whom a Formal Charge is issued.
- 6.77. *RACCS (2017 RACCS)* – refers to the 2017 Revised Rules on Administrative Cases in the Civil Service approved per CSC Resolution No. 1701077 promulgated on dated July 3, 2017.
- 6.78. *Rank* - refers to academic rank or sub-rank assigned to a member of the faculty after evaluation in accordance with the common criteria and point allocation as may be prescribed from time to time by a duly authorized agency.
- 6.79. *R.A. or RA* – refers to Republic Act duly enacted by the Congress of the Philippines and approved by the President of the Philippines or lapse into law as provided under the 1987 Philippine Constitution.
- 6.80. *Republic Act No. 7877* – refers to the “An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and For Other Purposes,” or the “Anti-Sexual Harassment Act of 1995.”
- 6.81. *Regent* – refers to the Chairperson or Vice Chairperson or any Member of the Board.
- 6.82. *Research Services* – refers to a function of the University and faculty members directed to the development, transfer, utilization and commercialization and protection of new knowledge, technologies, methods, procedures, intellectual properties and scholarly works necessary for continuing improvement in the capacity of the University in the realization of its legal mandates, vision, mission, goals and objectives.
- 6.83. *Resignation* – implies an expression of the incumbent in some form, express or implied, of the intention to surrender, renounce, and relinquish the office and the acceptance by competent and lawful authority. To constitute a complete and operative resignation from public office, there must be: (a) an intention to relinquish a part of the

term; (b) an act of relinquishment; and (c) an acceptance by the proper authority. In our jurisdiction, acceptance is necessary for resignation of a public officer to be operative and effective. Without acceptance, resignation is nothing and the officer remains in office. Resignation to be effective must be accepted by competent authority, either in terms or by something tantamount to an acceptance, such as the appointment of the successor. A public officer cannot abandon his office before his resignation is accepted, otherwise the officer is subject to the penal provisions of Article 238 of the Revised Penal Code. The final or conclusive act of a resignation's acceptance is the notice of acceptance. The incumbent official would not be in a position to determine the acceptance of his resignation unless he had been duly notified therefor.²⁶

- 6.84. *Respondent* – refers to the person who is issued a notice of charge or formal charge by the EVSU Board of Regents and/or University President or the disciplining authority.
- 6.85. *School* – refers to the University.
- 6.86. *Security of Tenure* – simply means that a public officer or employee shall not be suspended or dismissed except for cause, as provided by law and after due process²⁷.

Further, well-entrenched is the rule on security of tenure that such an appointment is issued and the moment the appointee assumes a position in the civil service under a completed appointment, he acquires a legal, not merely equitable right (to the position), which is protected not only by statute, but also by the Constitution [Article IX-B, Section 2, paragraph (3)] and cannot be taken away from him either by revocation of the appointment, or by removal, except for cause, and with previous notice and hearing.²⁸

- 6.87. *Semester* – academic period as determined by the University.
- 6.88. *Sexual Harassment* – refers to 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 the a University official or employee in a work-related, training or education related to environment of the person complained of.
- 6.89. *Show-Cause Order* – refers to the written document requiring a person

²⁶ ***Light Rail Transit Authority v. Aurora A. Salvaña***, G.R. No. 192074, June 10, 2014 citing *Republic v. Singun*, 572 Phil. 140 (2008); *Gamboa v. Court of Appeals*, 194 Phil. 624 (1981) [Per J. Guerrero, First Division]; *Reyes v. Atienza*, 507 Phil. 653 (2005) [Per J. Tinga, Second Division]; Martin and Martin, ADMINISTRATIVE LAW, LAW ON PUBLIC OFFICERS AND ELECTION LAW 200 (1987); *Re: Administrative Case for Falsification of Official Documents and Dishonesty against Randy S. Villanueva*, 556 Phil. 512 (2007) [Per Curiam, En Banc].

²⁷ ***The Provincial Government of Camarines Norte v. Beatriz O. Gonzales***, G.R. No. 185740, July 23, 2013.

²⁸ ***Civil Service Commission v. Gregorio Magnaye, Jr.***, G.R. No. 183337, April 23, 2010 citing *Aquino v. Civil Service Commission*, G. R. No. 92403, April 22, 1992, 208 SCRA 240, 247.

to explain, or justify before the EVSU Board of Regents and/or University President, Board Committee or its duly authorized representative within a given period why no disciplinary action shall be taken against him/her.

- 6.90. *Student* – any individual admitted and registered in any program of the University on a regular or part-time basis, including one who is officially on leave of absence and who has not yet been separated from the University formally through either transfer, graduation, honorable or dishonorable dismissal, expulsion or expiration of the period allowed for maximum residence, at the time of the commission of the act of sexual harassment, regardless of whether or not he/she is enrolled in any unit of the University at the time of the filing of the charge or during the pendency of the disciplinary proceedings, including any person undertaking on-the-job training.
- 6.91. *Student Handbook* – refers to the 2017 Revised Student Handbook of the Eastern Visayas State University approved per Board Resolution No. 24, s. 2018.
- 6.92. *Tenure* – represents the term during which the incumbent actually holds office. The tenure may be shorter (or, in case of holdover, longer) than the term for reasons within or beyond the power of the incumbent²⁹.
- 6.93. *Term of Office* – refers to the time during which the officer may claim to hold the office as of right, and fixes the interval after which the several incumbents shall succeed one another. The term of office is not affected by the holdover. The term is fixed by statute and it does not change simply because the office may have become vacant, nor because the incumbent holds over in office beyond the end of the term due to the fact that a successor has not been elected and has failed to qualify³⁰.
- 6.94. *University* – refers to Eastern Visayas State University or EVSU.
- 6.95. *University Premises* – the lands, buildings or facilities occupied or managed by the University.
- 6.96. *Vacancy* – a condition or situation “when there is no person lawfully authorized to assume and exercise at present the duties of the office”³¹.
- 6.97. *Year, month, day* – “year” is understood to be twelve calendar months; “month” of thirty days, unless it refers to a specific calendar month in

²⁹ **Valle Verde Country Club, Inc. v. Africa**, G.R. No. 151969, September 4, 2009.

³⁰ **Valle Verde Country Club, Inc. v. Africa**, G.R. No. 151969, September 4, 2009 citing *Topacio Nueno v. Angeles*, 76 Phil. 12, 21-22 (1946); *Alba v. Evangelista*, 100 Phil. 683, 694 (1957); *Paredes v. Abad*, 155 Phil. 494 (1974); *Aparri v. Court of Appeals*, No. L-30057, January 31, 1984, 127 SCRA 231., and *Gaminde v. Commission on Audit*, G.R. No. 140335, December 13, 2000, 347 SCRA 655.

³¹ In **Gamboa v. Aguirre, et al.**, G.R. No. 134213, July 20, 1999, citing, *Stocking v. State*, 7 Ind. 326 cited in Mechem. A Treatise on the Law on Public Offices and Officers, p. 61 cited in *Menzon v. Petilla*, 197 SCRA 251, the Supreme Court ruled that:

“A *sensu contrario*, there is a vacancy when there is no person lawfully authorized to assume and exercise at present the duties of the office.”

which case it shall be computed according to number of days the specific month contains; "day," a day of 24 hours; and "night," from sunset to sunrise.

Provided, that the meaning of the terms in the 2017 Revised University Code, 2017 Code of Conduct and Rules on Administrative Disciplinary Cases of the Officials and Employees of the University approved per Board Resolution No. 29, s. 2018, 2017 University Students' Handbook and relevant rules and regulations promulgated by the CSC and EVSU Board of Regents, and jurisprudence are hereby deemed integrated to and shall be applied accordingly in this 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual.

Rule IV
**DECLARATION OF POLICIES, ACCOUNTABILITY
AND NORMS OF CONDUCT**

Section 7. **Declaration of Policies.** – The University hereby declares and shall adhere to the following policies:

- 7.1. The State values the dignity of every human person and guarantees full respect for human rights³²;
- 7.2. 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 unlawful³³;
- 7.3. The State reaffirms the equal rights and inherent human dignity of women and men, and particularly the human rights of women as an inalienable, integral and indivisible part of all human rights and fundamental freedoms; the Philippines, with other States of the World, has reaffirmed, through the Vienna Declaration and Programme of Action and the Beijing Declaration and Platform for Action, its solemn commitment to fulfill its obligations to promote universal respect for, and observance and protection of all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law; stresses that all forms of sexual harassment are incomparable with the dignity and worth of the human person and must be eliminated by legal measures and through national action, enacts and/or reinforces penal, civil, labour and administrative sanctions in domestic legislation to punish and redress" violence against women including sexual

³² Section 11, Article II of the 1987 Philippine Constitution.

³³ Section 2 of Republic Act No. 7877 otherwise known as the "Anti-Sexual Harassment Act of 1995."

harassment; and “develops programmes and procedures to eliminate sexual harassment and other forms of violence against women in all educational institutions, workplaces and elsewhere³⁴;

- 7.4. Sexual harassment violates the dignity of workers and their right to humane, just and safe work environment, defeats and impairs morale and efficiency in the workplace, and violates the merit and fitness principle in the civil service;³⁵ and
- 7.5. All HEIs shall ensure the necessary policies and mechanisms are in place to prevent and punish sexual harassment and other related sexual offenses. xxxxxxxxxx In addition, HEIs shall ensure that their collaborative arrangements with partner institutions and agencies relating to internship, practicum, and on-the-job training programs, the necessary provisions on sexual harassment and other related sexual offenses, and corresponding sanctions and penalties are included³⁶.

Section 8. **Accountability of the Officials and Employees of the University.** – Public Office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and just, and lead modest lives.³⁷ These constitutionally-enshrined principles, oft-repeated in our case law, are not mere rhetorical flourishes or idealistic sentiments. They should be taken as working standards by all in the public service³⁸. Public office therefore is given utmost regard, and the highest standards of service are expected from it³⁹. What is more, public service requires the utmost integrity and strictest discipline.⁴⁰

Section 9. **Membership to the EVSU Board of Regents as a Public Office.**

³⁴ The Vienna Declaration and Programme of Action of the World Conference on Human Rights (June 1993) and the Beijing Declaration and Platform for Action of the Fourth World Conference on Women (September 1995)

³⁵ Last “whereas” clause of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

³⁶ Section 1, Rule I, Part XIV of CHED Memo. No. 1, s. 2015.

³⁷ Section 1, Article XI of the 1987 Philippine Constitution.

³⁸ **GSIS v. Mayordom**, G.R. No. 191218, May 31, 2011.

³⁹ **Palepec v. Davis**, G.R. No. 171048, July 31, 2007 citing *Bernardo v. Court of Appeals*, G.R. No. 124261, 27 May 2004, 429 SCRA 285, 298-299.

⁴⁰ **Gano v. Leonen**, 232 SCRA 99 [1994]).

– As enunciated in **Serana**⁴¹ and **Javier**⁴² doctrines, Membership in the EVSU Board of Regents is a public office and therefore, Regents are public officers during their incumbency.

Section 10. **Application of Three-Fold Liability Rule.** – The three-fold liability rule shall apply to the officials and employees of the University as enunciated in **Domingo v. Rayala**⁴³ of which the Supreme Court held:

“Basic in the law of public officers is the *three-fold liability rule*, which states that the wrongful acts or omissions of a public officer may give rise to civil, criminal and administrative liability. An action for each can proceed independently of the others. This rule applies with full force to sexual harassment.”

Further, the dismissal of a criminal case does not necessarily foreclose the administrative action against the respondent.⁴⁴

Furthermore, in **Villaseor v. Sandiganbayan**⁴⁵, the Supreme Court declared:

⁴¹ **Serana v. Sandiganbayan**, G.R. No. 162059, January 22, 2008, citing, G.R. No. 125296, July 20, 2006, 495 SCRA 452, 458-459, G.R. No. L-30057, January 31, 1984, 127 SCRA 231, 237-238, 430 Phil. 658 (2002), *Laurel v. Desierto*, citing F.R. Mechem, A Treatise on the Law of Public Offices and Officers, Sec. 1., G.R. No. 158187, February 11, 2005, 451 SCRA 187, Presidential Decree No. 1606, Sec. 4(A)(1)(g), *University of the Philippines v. Court of Industrial Relations*, 107 Phil. 848 (1960), the Supreme Court held:

“**Petitioner UP student regent is a public officer.**

X X X

In **Aparri v. Court of Appeals**, the Court held that:

“A public office is the right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the government, to be exercised by him for the benefit of the public ([*Mechem Public Offices and Officers*,] Sec. 1).

x x x.

In **Laurel v. Desierto**, the Court adopted the definition of Mechem of a public office:

“The individual so invested is a public officer.

X X X

Petitioner claims that she is not a public officer with Salary Grade 27; she is, in fact, a regular tuition fee-paying student. This is likewise bereft of merit. It is not only the salary grade that determines the jurisdiction of the Sandiganbayan. x x x.

X X X

Moreover, it is well established that compensation is not an essential element of public office. At most, it is merely incidental to the public office.”

⁴² **Javier v. Sandiganbayan**, G.R. Nos. 147026-27, September 11, 2009, the Supreme Court enunciated as follows:

“A perusal of the above powers and functions leads us to conclude that they partake of the nature of public functions. A public office is the right, authority and duty, created and conferred by law, by which, for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the government, to be exercised by him for the benefit of the public.” (*Italics supplied*).

⁴³ **Ma. Lourdes T. Domingo v. Rogelio I. Rayala**, G.R. No. 155831, *Rogelio I. Rayala v. Office of the President*, G.R. No. 155840, and *The Republic of the Philippines v. Rogelio I. Rayala*, G.R. No. 158700, February 18, 2008 citing *Office of the Court Administrator v. Enriquez*, Adm. Matter No. P-89-290, January 29, 1993, 218 SCRA 1.

⁴⁴ **Atty. Jacinto C. Gonzales v. Maila Clemen F. Serrano**, G.R. No. 175433, March 11, 2015 citing *Barillo v. Gervacio*, 532 Phil. 267, 279 (2006)

⁴⁵ **Gerardo R. Villaseor and Rodel A. Mesa v. Sandiganbayan and Louella Mae Oco-Pesquerra (Office of the Special Prosecutor, Ombudsman)**, G.R. No. 180700, March 4, 2008 citing *Vide Paredes v. Court of Appeals*, G.R. No. 169534, July 30, 2007, 528 SCRA 577, 587-592; *Barillo v. Gervacio*, G.R. No. 155088, August 31, 2006, 500 SCRA 561, 571-574; *Ocampo v. Office of the Ombudsman*, 379 Phil. 21 (2000); *Paredes, Jr. v. Sandiganbayan*, 322 Phil. 709, 730-731 (1996); *Tan v. Commission on Elections*, 237 Phil. 353, 359 (1994).

“The Court stressed the distinct and independent character of the remedies available to an offended party against any impropriety or wrongdoing committed by a public officer, thus:

Significantly, there are three kinds of remedies available against a public officer for impropriety in the performance of his powers and the discharge of his duties: (1) civil, (2) criminal, and (3) administrative. These remedies may be invoked separately, alternately, simultaneously or successively. Sometimes, the same offense may be the subject of all three kinds of remedies.

Defeat of any of the three remedies will not necessarily preclude resort to other remedies or affect decisions reached thereat, as different degrees of evidence are required in these several actions. In criminal cases, proof beyond reasonable doubt is needed, whereas a mere preponderance of evidence will suffice in civil cases. In administrative cases, only substantial evidence is required.

It is clear, then, that criminal and administrative cases are distinct from each other. The settled rule is that criminal and civil cases are altogether different from administrative matters, such that the first two will not inevitably govern or affect the third and vice versa. Verily, administrative cases may proceed independently of the criminal proceedings.”

Section 11. **University Officials and Employees as Good Examples.** – The officials and employees of the University shall set good examples to the employees as elucidated in under long lines of jurisprudence, among others, in **City Mayor of Zamboanga v. CA**⁴⁶ of which the Supreme Court declared:

“As head of said office, it was incumbent upon respondent to set an example to the others as to how they should conduct themselves in public office, to see to it that his subordinates work efficiently in accordance with Civil Service Rules and Regulations, and to provide them with healthy working atmosphere wherein co-workers treat each other with respect, courtesy and cooperation, so that in the end the public interest will be benefited.”

Further, the Supreme Court instructively pronounced in **TIPTEO v. CA**⁴⁷, to wit:

“She is a teacher from whom a lot is expected; she is expected to be an exemplar of uprightness, integrity and decency, not only in the school, but also in the larger community. She is a role model for her students; in fact, as she claims, she stands in *loco parenti* to them. She is looked up to and is accorded genuine respect by almost everyone as a person tasked with

⁴⁶ **City Mayor of Zamboanga v. Court of Appeals**, 182 SCRA 785 [1990].

⁴⁷ **Technological Institute of the Philippines Teachers and Employees Organization (TIPTEO) and Magdalena T. Salon v. Hon. Court of Appeals**, G.R. No. 158703, June 26, 2009

the heavy responsibility of molding and guiding the young into what they should be productive and law-abiding citizens.

Xxxxxxxxxxxx to all who look up to teachers, and to this Court, as the models who should lead the way and set the example in fostering a culture of uprightness among the young and in the larger community.”

Moreover, in **Santos v. NLRC**⁴⁸, the Supreme Court clearly held:

“It is to state the obvious that schools, next only to the home, wield a weighty influence upon the students, especially during the latter's formative years, for it instills in them the values and mores which shall prepare them to discharge their rightful responsibilities as mature individuals in society. At the vanguard in nurturing their growth are the teachers who are directly charged with rearing and educating them. As such, a teacher serves as a role model for his students. Corollarily, he must not bring the teaching profession into public disrespect or disgrace.”

Xxxxxxxxxxxx As a teacher, petitioner serves as an example to his pupils, especially during their formative years and stands in *loco parentis* to them. To stress their importance in our society, teachers are given substitute and special parental authority under our laws.”

Rule V **ADMINISTRATIVE DISCIPLINARY POLICIES ON SEXUAL HARASSMENT**

Section 12. **General Policies.** – Pursuant to pertinent provisions of R.A. No. 7877, R.A. No. 8292 and R.A. No. 9311, and relevant laws and jurisprudence, the University hereby adopts the following policies for be strictly compliance of all concerned:

- 12.1. *Adoption, Application and Liberal Interpretation of CSC MC No. 30, s. 1995, CSC MC No. 17, s. 2001 dated July 23, 2001, CSC Resolution No. 01-0940 Promulgated on May 21, 2001, Part XIV of CHED Memorandum Order No. 01, Series of 2015 Issued on January 26, 2015, Jurisprudence and Applicable Laws and Relevant and Subsequent Issuances Thereof on Administrative Disciplinary Cases on Sexual Harassment.* – The pertinent provisions of CSC MC No. 30, s. 1995⁴⁹, CSC MC No. 17, s. 2001 dated July 23, 2001⁵⁰, CSC Resolution No. 01-

⁴⁸ **Jose S. Santos, Jr. v. National Labor Relations Commission and Hagonoy Institute Inc.**, G.R. No. 115795, March 6, 1998 citing *Watts v. Seward School Board*, 381 US 126, *Chiang Kai Shek School v. Court of Appeals*, 172 SCRA 389 (1989), *Bagayo v. Marave*, 86 SCRA 389 (1978); and Family Code, Art. 218. "The schools, its administrators and teachers, or the individual, entity or institutions engaged in child care shall have special parental authority over the minor child while under their supervision, instruction or custody. Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or instruction."

⁴⁹ "Implementing Rules and Regulations on R.A. 7877, An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes."

⁵⁰ "Administrative Disciplinary Rules on Sexual Harassment Cases in the Civil Service."

0940 promulgated on May 21, 2001⁵¹, and Part XIV of CHED Memorandum Order No. 01, series of 2015 issued on January 26, 2015⁵², jurisprudence and applicable laws and related and subsequent issuances thereof are hereby adopted as provided herein which shall be liberally construed, applied and interpreted to promote their objective in obtaining just, speedy, and inexpensive disposition of administrative cases⁵³.

- 12.2. *Compliance of Administrative Exhaustion.* – University Officials or employees, and students shall comply administrative exhaustion in seeking for resolution of their complaint/s or issues as elucidated in **Republic of the Philippines v. Lacap**⁵⁴, the Supreme Court unequivocally held:

“The general rule is that before a party may seek the intervention of the court, he should first avail of all the means afforded him by administrative processes. The issues which administrative agencies are authorized to decide should not be summarily taken from them and submitted to a court without first giving such administrative agency the opportunity to dispose of the same after due deliberation.

Corollary to the doctrine of exhaustion of administrative remedies is the doctrine of primary jurisdiction; that is, courts cannot or will not determine a controversy involving a question which is within the jurisdiction of the administrative tribunal prior to the resolution of that question by the administrative tribunal, where the question demands the exercise of sound administrative discretion requiring the special knowledge, experience and services of the administrative tribunal to determine technical and intricate matters of fact.”

Further, in **COA v. CA**⁵⁵, the Supreme ruled:

“The failure to fulfill the requirements of Rule 65 disallows the CA from taking due course of the Petition; otherwise

⁵¹ “Administrative Disciplinary Rules on Sexual Harassment Cases.”

⁵² “Establishing the Policies and Guidelines on Gender and Development in the Commission on Higher Education and Higher Education Institutions (HEIs).”

⁵³ Section 3, Rule 1 of CSC Resolution No. Resolution No.1701077 promulgated on June 3, 2017.

⁵⁴ **Republic of the Philippines, Represented by the Department of Public Works and Highways, Commission on Audit and the National Treasurer v. Carlito Lacap**, G.R. No. 158253, March 2, 2007 citing *ACWS, Ltd. v. Dumlao*, 440 Phil. 787, 801-802 (2002); *Zabat v. Court of Appeals*, 393 Phil. 195, 206 (2000); *Paloma v. Mora*, G.R. No. 157783, September 23, 2005, 470 SCRA 711, 725; and *Fabia v. Court of Appeals*, 437 Phil. 389, 403 (2002).

⁵⁵ **The Special Audit Team, Commission on Audit v. Court of Appeals and Government Service Insurance System**, G.R. No. 174788, April 11, 2013 citing *William Golangco Construction Corporation, v. Ray Burton Development Corporation*, G.R. NO. 163582, 9 August 2010, 627 SCRA 74, 82-83; *Dimarucot v. People*, G.R. NO. 183975, 20 September 2010, 630 SCRA 659, 668-669; *Domdom v. Third and Fifth Divisions of Sandiganbayan*, G.R. Nos. 182382-83, 24 February 2010, 613 SCRA 528; *Ongsuco v. Malones*, G.R. NO. 182065, 27 October 2009, 604 SCRA 499, 511-512, *Fua, Jr. v. Commission on Audit*, G.R. NO. 175803, 4 December 2009, 607 SCRA 347; *Addition Hills Mandaluyong Civic & Social Organization Inc. v. Megaworld Properties and Holdings Inc.*, G.R. NO. 175039, 18 April 2012, 670 SCRA 83, 89; and *Atty. Sanchez v. Judge Vestil*, 358 Phil. 477, 481 (1998).

appeals and motions for reconsideration would be rendered meaningless, as stated time and again by this Court:

If resort to a remedy within the administrative machinery can still be made by giving the administrative officer concerned every opportunity to decide on a matter that comes within his or her jurisdiction, then such remedy should be exhausted first before the court's judicial power can be sought. The premature invocation of the intervention of the court is fatal to one's cause of action. The doctrine of exhaustion of administrative remedies is based on practical and legal reasons. The availment of administrative remedy entails lesser expenses and provides for a speedier disposition of controversies. Furthermore, the courts of justice, for reasons of comity and convenience, will shy away from a dispute until the system of administrative redress has been completed and complied with, so as to give the administrative agency concerned every opportunity to correct its error and dispose of the case. x x x.

Moreover, courts have accorded respect for the specialized ability of other agencies of government to deal with the issues within their respective specializations prior to any court intervention. The Court has reasoned thus:

We have consistently declared that the doctrine of exhaustion of administrative remedies is a cornerstone of our judicial system. The thrust of the rule is that courts must allow administrative agencies to carry out their functions and discharge their responsibilities within the specialized areas of their respective competence. The rationale for this doctrine is obvious. It entails lesser expenses and provides for the speedier resolution of controversies. Comity and convenience also impel courts of justice to shy away from a dispute until the system of administrative redress has been completed.

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Once again, the Court must remind the parties to judicial disputes to adhere to the standards for litigation as set by procedural rules. These rules exist primarily for the benefit of litigants, in order to afford them both speedy and appropriate relief from a body duly authorized by law to dispense the remedy. If a litigant prematurely invokes the jurisdiction of a court, then the potential result might be a deafening silence. Although we recognize that justice delayed is justice denied, we must also bear in mind that justice in haste is justice defiled."

12.3. *Requirements of Administrative Due Process.* – No Official or employee

or student of the University shall be removed or suspended except for cause as provided under this Manual or 2017 Revised University Code, CSC MC No. 30, s. 1995, CSC MC No. 17, s. 2001 dated July 23, 2001, CSC Resolution No. 01-0940 Promulgated on May 21, 2001, Part XIV of CHED Memorandum Order No. 01, Series of 2015 Issued on January 26, 2015, and such applicable laws, jurisprudence and after due process of law. As enunciated in **Domingo v. Rayala**⁵⁶, the Supreme Court declared:

“xxxxxxxxxx In previous cases, this Court held that:

[i]n administrative proceedings, due process has been recognized to include the following: (1) the right to actual or constructive notice of the institution of proceedings which may affect a respondents legal rights; (2) a real opportunity to be heard personally or with the assistance of counsel, to present witnesses and evidence in ones favor, and to defend ones rights; (3) a tribunal vested with competent jurisdiction and so constituted as to afford a person charged administratively a reasonable guarantee of honesty as well as impartiality; and (4) a finding by said tribunal which is supported by substantial evidence submitted for consideration during the hearing or contained in the records or made known to the parties affected.”

Relatedly, **Bacsin v. Wahiman**⁵⁷ the Supreme Court unequivocally ruled:

“The essence of due process is simply an opportunity to be heard, or, as applied to administrative proceedings, an opportunity to explain ones side or an opportunity to seek for a reconsideration of the action or ruling complained of.”

In **Fontanilla v. COA**⁵⁸, the Supreme Court instructively declared:

“Time and again, we have ruled that the essence of due process is the *opportunity to be heard*. In administrative proceedings, one is heard when he is accorded a *fair and reasonable opportunity* to explain his case or is given the chance to have the ruling complained of reconsidered.

⁵⁶ **Ma. Lourdes T. Domingo v. Rogelio I. Rayala**, G.R. No. 155831, *Rogelio I. Rayala v. Office of the President*, G.R. No. 155840, and *The Republic of the Philippines v. Rogelio I. Rayala*, G.R. No. 158700, February 18, 2008 citing *Fabella v. Court of Appeals*, 346 Phil. 940, 952-953 (1997).

⁵⁷ **Dioscoro F. Bacsin v. Eduardo O. Wahiman**, G.R. No. 146053, April 30, 2008 citing *Zacarias v. National Police Commission*, G.R. No. 119847, October 24, 2003, 414 SCRA 387, 393.

⁵⁸ **Raphael C. Fontanilla v. The Commission Proper, Commission on Audit**, G.R. No. 209714, June 21, 2016 citing *Basaga v. Spouses Acosta*, G.R. No. 194061, April 20, 2015 citing *Vivo v. Pagcor*, G.R. No. 187854, November 12, 2013, 709 SCRA 276, 281; *Air Manila, Inc. v. Hon. Balatbat, et al.*, 148 Phil. 502 (1971); *Garcia v. Executive Secretary*, 116 Phil. 344 (1962); and *Ang Tibay v. Court of Industrial Relations*, 69 Phil. 635, 642-644 (1940).

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We stress that administrative due process also requires the following: 1) A finding or decision by a competent tribunal that is supported by **substantial evidence**, either presented at the hearing or at least contained in the records of disclosed to the parties affected: 2) The tribunal must act on its own independent consideration of the law and facts of the controversy and **not simply accept the view of a subordinate in arriving at a decision**; and 3) The tribunal should in all controversial questions, render its decision **in such a manner that the parties to the proceedings can know the various issues involved** and the reason for the decision rendered.”

In **Montoya v. Varilla**⁵⁹, the Supreme Court instructively held:

“Though procedural rules in administrative proceedings are less stringent and often applied more liberally, administrative proceedings are not exempt from basic and fundamental procedural principles, such as the right to due process in investigations and hearings. The right to substantive and procedural due process is applicable to administrative proceedings.

Well-settled is the rule that the essence of due process is simply an opportunity to be heard or, as applied to administrative proceedings, an opportunity to explain ones side or an opportunity to seek a reconsideration of the action or ruling complained of. Unarguably, this rule, as it is stated, strips down administrative due process to its most fundamental nature and sufficiently justifies freeing administrative proceedings from the rigidity of procedural requirements. In particular, however, due process in administrative proceedings has also been recognized to include the following: (1) the right to actual or constructive notice of the institution of proceedings which may affect a respondents legal rights; (2) a real opportunity to be heard personally or with the assistance of counsel, to present witnesses and evidence in ones favor, and to defend ones rights; (3) a tribunal vested with competent jurisdiction and so constituted as to afford a person charged administratively a reasonable guarantee of honesty as well as impartiality; and (4) a finding by said tribunal which is supported by substantial evidence submitted for consideration during the hearing

⁵⁹ **P02 Ruel C. Montoya v. Police Director Reynaldo P. Varilla**, G.R. No. 180146, December 18, 2008 citing *Civil Service Commission v. Lucas*, 361 Phil. 486, 491 (1999); *Westmont Pharmaceuticals, Inc. v. Samaniego*, G.R. Nos. 146653-54, 20 February 2006, 482 SCRA 611, 619; and *Fabella v. Court of Appeals*, 346 Phil. 940, 952-953 (1997).

or contained in the records or made known to the parties affected.”

Moreover, in **Ray Peter O. Vivo v. PAGCRO**⁶⁰, the Supreme Court enunciated:

“The essence of due process is to be heard, and, as applied in to administrative proceedings, this means a fair a reasonable opportunity to explain one’s side, or an opportunity to seek a reconsideration of the action or ruling complained of.”

Further, in **LTO v. Gutierrez**⁶¹, the Supreme Court declared:

“The sense of procedural due process is embodied in the basic requirements of notice and a real opportunity to be heard. In administrative proceedings, xxxxxxxx, procedural due process simply means the opportunity to explain one’s side or the opportunity to seek a reconsideration of the action or ruling complained of. To be heard does not mean only verbal arguments in court; one may also be heard thru pleadings. Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of procedural due process. This was extensively discussed in **Vivo v. Philippine Amusement and Gaming Corporation**, as follows:

“The observance of fairness in the conduct of any investigation is at the very heart of procedural due process. The essence of due process is to be heard, and, as applied to administrative proceedings, this means a fair and reasonable opportunity to explain one’s side, or an opportunity to seek a reconsideration of the action or ruling complained of. Administrative due process cannot be fully equated with due process in its strict judicial sense, for in the former a formal trial-type hearing is not always necessary, and technical rules of procedure are not strictly applied. *Ledesma v. Court of appeals* [(565 Phil. 731, 740 [2007])] elaborates on the well-established meaning of due process in administrative proceedings in this wise:

x x x Due process, as a constitutional precept, does not always and in all situations require a trial-type proceeding. Due process is satisfied when a person is notified of the charge against him and given an opportunity to explain

⁶⁰ **Ray Peter O. Vivo v. PAGCOR**, G.R. No. 187854, November 12, 2013.

⁶¹ **Disciplinary Board, Land Transportation v. Mercedita E. Gutierrez**, G.R. No. 224395, July 3, 2017, citing *Ebdane, Jr. v. Apurillo*, G.R. No. 204172, December 9, 2015 777 SCRA 324, 332, citing *Department of Agrarian Reform v. Samson*, 577 Phil. 370, 380 (2008); and *Vivo v. Philippine Amusement and Gaming Corporation*, 721 Phil. 34 (2013).

or defend himself. In administrative proceedings, the filing of charges and giving reasonable opportunity for the person so charged to answer the accusations against him constitute the minimum requirements of due process. The essence of due of process is simply to be heard, or as applied to administrative proceedings, an opportunity to explain one's side, or an opportunity to seek a reconsideration of the action or ruling complained of."

- 12.4. *Responsibility on the Burden of Proof.* – The complainant has the burden of proof of proving by substantial evidence the allegations in his complaint. The basic rule is that mere allegation is not evidence and is not equivalent to proof. Charges based on a mere suspicion and speculation likewise cannot be given credence. Hence, when the complainant relies on mere conjectures and suppositions, and fails to substantiate his allegations, the administrative complaint must be dismissed for lack of merit⁶².

In a "**Letter of Rafael Dimaano Requesting Investigation of the Alleged Illegal Activities Purportedly Perpetrated by Associate Justice Jane Aurora C. Lantion of the Court of Appeals, Cagayan De Oro City** and **Unsworn Complaint Rosa Abdulharan Against Associate Justice Jane Aurora C. Lantion of the Court of Appeals, Cagayan De Oro City**"⁶³, the Supreme Court clearly held:

"In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion. It must be stressed that the burden of substantiating the charges in an administrative proceeding falls on the complainant, who must be able to prove the allegations in the complaint with substantial evidence. Reliance on mere allegations, conjectures and suppositions will leave an administrative complaint with no leg to stand on."

- 12.5. *Requirement of Substantial Evidence.* – As pronounced by the Supreme Court in **Ombudsman v. Torres**⁶⁴, the requirement of administrative

⁶² **Dr. Castor C. de Jesus v. Rafael D. Guerero III, et al.**, G.R. No. 171491, September 4, 2009 citing *Manalabe v. Cabie*, A.M. No. P-05-1984, July 6, 2007, SCRA 582, 589; *Adajar v. Develos*, A.M. No. P-05-2056, November 18, 2005, 475 SCRA 361, 376-377; *Ong v. Rosete*, A.M. No. MTJ-04-1538, October 22, 2004, SCRA 150, 160; and *Datuin, Jr. v. Soriano*, A.M. No. TRJ-01-1640, October 15, 2002, 391 SCRA 1, 5.

⁶³ **In Letter of Rafael Dimaano Requesting Investigation of the Alleged Illegal Activities Purportedly Perpetrated by Associate Justice Jane Aurora C. Lantion of the Court of Appeals, Cagayan De Oro City**, A.M. No. 17-03-03-CA and **Unsworn Complaint Rosa Abdulharan Against Associate Justice Jane Aurora C. Lantion Jane of the Court of Appeals, Cagayan De Oro City**, IPI No. 17-258-CA-J, July 11, 2017 citing *Complaint of Imelda D. Ramil against Stenographer Evelyn Antonio*, 552 Phil. 92, 100 (2007); *Dayag v. Judge Gonzales*, 526 Phil. 48, 57 (2006); and *Alfonso v. Igancio*, 487 Phil. 1,7 (2004).

⁶⁴ **Office of the Ombudsman v. Marian D. Torres and Maricar D. Torres**, G.R. No. 168309, January 29, 2008

culpability of any Official or employee of the University shall be as follows:

“To sustain a finding of administrative culpability only substantial evidence is required, not overwhelming or preponderant, and very much less than proof beyond reasonable doubt as required in criminal cases. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.”

In ***Civil Service Commission v. Herminigildo L. Andal***, the Supreme Court held:

“Substantial evidence, which is the quantum of proof required in this administrative case, the amount of relevant evidence that a reasonable mind might accept as adequate to justify a conclusion. This standard is satisfied in the present case so long as there is reasonable ground to believe that respondent is responsible for the misconduct complained of, even if the evidence may not be overwhelming or even preponderant.”⁶⁵

- 12.6. *Resignation Not a Way Out to Evade Administrative Liability.* – Resignation is not a way out to evade administrative liability when facing administrative sanction. The resignation of a public servant does not preclude the finding of any administrative liability to which he or she shall still be answerable.⁶⁶

However, an Official/officer or employee under investigation may be allowed to resign pending decision of his case without prejudice to the continuation of the proceedings until finally terminated.⁶⁷

- 12.7. *Effects of Desistance by the Complainant.* – The settled rule is that the filing of an affidavit of desistance by complainant for lack of interest does not *ipso facto* result in the termination of an administrative case against the respondent⁶⁸. In ***Pastor C. Pinlac v. Oscar T, Llamas***⁶⁹, the Supreme Court ruled:

“We reiterate the settled rule that administrative actions cannot depend on the will or pleasure of the complainant who

citing *Apolinario v. Flores*, G.R. No. 152780, January 22, 2007, 512 SCRA 113, 119; *Resngit-Marquez v. Judge Llamas, Jr.*, 434 Phil. 184, 203 (2002), *Mariano v. Roxas*, 434 Phil. 742, 749 (2002), and *Liquid v. Camano, Jr.*, 435 Phil. 695, 706 (2002).

⁶⁵ ***Civil Service Commission v. Herminigildo L. Andal***, A.M. No. SB-12-19-P (Formerly OCA IPI No. 10-26-SB-P), November 18, 2014 citing *Jallorina v. Taneo-Regner*, A.M. No. P-11-2948, 23 April 2012, 670 SCRA 301.

⁶⁶ ***Esther S. Pagano v. Juan Nazarro, Jr., et al.***, G.R. No. 149072, September 21, 2007 citing *Baquerfo v. Sanchez*, A.M. No. P-05-1974, 6 April 2005, 455 SCRA 13, 19-20.

⁶⁷ ***Light Rail Transit Authority V. Aurora A. Salvaña***, G.R. No. 192074, June 10, 2014.

⁶⁸ ***Leonila S. Raymundo v. Enrique M. Calaguas***, A.M. No. P-01-1496, 28 January 2005, 449 SCRA 437, citing *Teodoro v. Carpio*, A.M. No. MTJ-O2-1416, 27 February 2004, 424 SCRA 56.

⁶⁹ ***Pastor C. Pinlac v. Oscar T, Llamas***, A.M. No. P-10-2781 (Formerly OCA IPI No. 02-1419-P), November 24, 2010.

may, for reasons of his own, accept and condone what it otherwise detestable.”

However, well-established is the rule in administrative proceedings that the burden of proof rests on the complainant, who must be able to support and prove by substantial evidence his accusations against respondent⁷⁰.

- 12.8. *Hearsay*. – Evidence is hearsay when its probative force depends in whole or in part on the competency and credibility of some persons other than the witness by whom it is sought to produce. However, while the testimony of a witness regarding a statement made by another person given for the purpose of establishing the truth of the fact asserted in a statement is clearly hearsay evidence, it is otherwise if the purpose of placing the statement on record is merely to establish the fact that the statement, or the tenor of such statement, was made. Regardless of the truth or falsity of a statement, when what is relevant is the fact that such statement has been made, the hearsay rule does not apply and the statement may be shown. As a matter of fact, evidence as to making of the statement is not secondary but primary, for the statement itself may constitute a fact in issue or is circumstantially relevant as to the existence of such a fact. This is known as the doctrine of independently relevant statements.⁷¹
- 12.9. *Limitations on the Application of Technical Rules Obtaining to Cases in Ordinary Court of Law, and Formal and Trial-Type Hearing is Not Necessary*. – The administrative cases and proceedings against any Official or employee of the University shall not be bound by the strict technical rules obtaining cases in ordinary court of law⁷². In **Augusto Samalio v. Court of Appeals**⁷³, the Supreme Court clearly pronounced:

“Further, administrative bodies are not bound by the technical niceties of law and procedure and the rules obtaining in courts of law. Administrative tribunals exercising quasi-judicial powers are unfettered by the rigidity of certain procedural requirements, subject to the observance of fundamental and essential requirements of due process in justiciable cases presented before them. In administrative proceedings, technical rules of procedure and evidence are not strictly applied and administrative due process cannot be fully equated with due process in its strict judicial sense.”

⁷⁰ **Antonino Monticalbo v. Judge Crescente F. Mraya, Jr.**, A.M. No. RTJ-09-2197, 13 April 2011, 648 SCRA 573, citing *Office of the Court of Administrator v. Lopez*, A.M. No. P-10-2788, January 18, 2011.

⁷¹ **Jose Espineli v. People of the Philippines**, G.R. No. 179535, June 9, 2014, citing *Republic v. Heirs of Felipe Alejaga, Sr.*, Phil. 656, 672 (2002).

⁷² CSC Decision No. 150715 dated September 22, 2015.

⁷³ **Augusto Samalio v. Court of Appeals, et al.**, G.R. No. 140079, March 31, 2005.

In **Lastimoso v. Asayo**⁷⁴, the Supreme Court held:

“It is a settled jurisprudence that in administrative proceedings, technical rules of procedure and evidence are not strictly applied. In *Land Bank of the Philippines v. Celada*, the Court stressed thus:

After all, technical rules of procedure are not ends in themselves but are primarily devised to help in the proper and expedient dispensation of justice. In appropriate cases, therefore, the rules may be construed liberally in order to meet and advance the cause of substantial justice.”

Further, in **Imperial v. GSIS**⁷⁵, the Supreme Court declared:

“Procedural due process is the constitutional standard demanding that notice and an opportunity to be heard be given before judgment is rendered. As long as a party is given the opportunity to defend his interests in due course, he would have no reason to complain; the essence of due process is in the opportunity to be heard. A formal or trial-type hearing is not always necessary.”

Moreover, Section 1, Rule I⁷⁶, Part XIV of CHED Memorandum Order No. 1, s. 2015 provides that, “The said procedures shall not be bound by technical rules of evidence but by those governing administrative cases.

Section 13. **Primary, Original and Concurrent Jurisdictions.** – The following rules shall strictly be observed:

13.1. **Primary and Original Jurisdiction of Administrative Disciplinary Cases on Sexual Harassment and Other Sexual Offenses.** – Pursuant to Section 4(b)⁷⁷ of R.A. No. 7787, Section 9 of R.A. 4670⁷⁸, Section 7(i)⁷⁹

⁷⁴ **Deputy Director General Roberto Lastimoso v. P/Senior Inspector Jose J. Asayo**, G.R. NO. 154243, December 4, 2007 citing G.R. No. 164876, January 23, 2006, 479 SCRA 495; and *Casimiro v. Tandog*, G.R. No. 146137, June 08, 2005, 459 SCRA 624, 631; *Samalio v. Court of Appeals*, supra note 1, at 471.

⁷⁵ **Monico K. Imperial, Jr. v. Government Service Insurance System**, G.R. No. 191224, October 4, 2011 citing *Catmon Sales International Corporation v. Yngson, Jr.*, G.R. No. 179761, January 15, 2010, 610 SCRA 236, 244; and *Cuenca v. Atas*, G.R. No. 146214, October 5, 2007, 535 SCRA 48, 72.

⁷⁶ Sexual Harassment and Other Related Sexual Offenses.

⁷⁷ 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:

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(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.”

⁷⁸ “Magna Carta for Public School Teachers.”

⁷⁹ “SEC. 7. *Powers and Duties of the Board of Regents.* — The Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the Board of Directors of a corporation under existing laws:

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of R.A. No. 9311⁸⁰, Section 5⁸¹ of R.A. No. 8292⁸² and the doctrine laid down in **Ombudsman v. Medrano**⁸³, the EVSU Board of Regents and/or the University in so far as authorized by the Board through its duly constituted Committee on Decorum and Investigation or CODI Committee of Peers (CP) shall have the primary jurisdiction over administrative disciplinary cases on sexual harassment and other sexual offenses committed by any official or employee, and Regents of the University, respectively.

- 13.2. *Concurrent Jurisdiction of the CSC and Ombudsman.* – The CSC⁸⁴ and the Ombudsman have concurrent jurisdiction with the EVSU Board of Regents through its duly constituted CODI or Committee of Peers (CP) on administrative disciplinary cases on sexual harassment filed against any official or employee, and Regent of the University, as the case may be.

The concurrent jurisdiction of CSC is settled in **Pat-og, Sr. v. CSC**⁸⁵, **CSC v. Court of Appeals**⁸⁶ while that of the Ombudsman is as

(ii) xxxxxxxxxx; and to remove them for cause in accordance with the requirements of due process of law;"
⁸⁰ "An Act Converting the Leyte Institute of Technology (LIT) in the Province of Leyte into a State University to be Known as the Eastern Visayas State University and Appropriating Funds Therefor."

⁸¹ "Section 4. Powers and duties of Governing Boards. – The governing board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the board of directors of a corporation under Section 36 of Batas Pambansa Blg. 68 otherwise known as the Corporation Code of the Philippines."

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xxxxxxx; and to remove them for cause in accordance with the requirements of due process of law;"

⁸² "An Providing for the Uniform Composition and Powers of the Governing Boards, the manner of Appointment and Term Office of the President of Chartered State Universities and Colleges, and for Other Purposes", otherwise known as the "Higher Education Modernization Act of 1997."

⁸³ **Office of the Ombudsman v. Victorio N. Medrano**, G.R. No.177580, October 17, 2008 citing *Fabella v. Court of Appeals*, 346 Phil. 940, 953, 955-956 (1997), reiterated later in *Emin v. Chairman De Leon*, 428 Phil. 172, 184 (2002) and in *Alcala v. Villar*, 461 Phil. 617 (2003), the Supreme Court ruled:

"In *Fabella v. Court of Appeals*, the Court held:

The legislature enacted a special law, RA 4670 known as the Magna Carta for Public School Teachers, which specifically covers administrative proceedings involving public school teachers. Section 9 of said law expressly provide tha the committee to hear public school teachers' administrative xxxxxxxx.

which specifically covers administrative proceedings involving public school

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The aforementioned Section 9 of RA 4670, therefore, reflects the legislative intent to imposed standards and separate set of procedural requirements in connection with administrative public school teachers.

⁸⁴ Section 9, Rule 2 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁸⁵ **Alberto Pat-og, Sr. v. Civil Service Commission**, G.R. No. 198755, June 5, 2013, citing *Puse v. Santos-Puse*, supra note 10, at 513, the Supreme Court ruled:

"Concurrent jurisdiction is that which is possessed over the same parties or subject matter at the same time by two or more separate tribunals. When the law bestows upon a government body the jurisdiction to hear and decide cases involving specific matters, it is to be presumed that such jurisdiction is excludes unless it be proved that another body is likewise vested with the same jurisdiction, in which case, both bodies have concurrent jurisdiction over the matter."

⁸⁶ **CSC v. Court of Appeals**, G.R. No. 176162, October 9, 2012 citing G.R. No. 179452, June 11, 2009, 589 SCRA 88, G.R. No. 168766, May 22, 2008, 554 SCRA 160, and *Civil Service Commission v. Alfonso*, supra note 31.

**"CSC has concurrent original jurisdiction
with the Board of Regents over
administrative cases**

It is the Court's position that the Uniform Rules did not supplant the law which provided the CSC with original jurisdiction. While the Uniform Rules may have so provided, the Court invites

decided in ***Ombudsman v. Medrano***⁸⁷.

- 13.3. *Jurisdiction of the Civil Service Commission.* – The Civil Service Commission shall hear and decide administrative cases or matters instituted by or brought before it, directly or on appeal, including contested appointments, and review decisions and actions of its offices and other government agencies⁸⁸.
- 13.4. *Referral of Case or Matter to the Proper Office.* – When an administrative case or matter is filed before the CSC Commission Proper or at the CSC Regional Office No. VIII, but jurisdiction over such case or matter properly belongs to the CSC Commission Proper, the same shall be forwarded by the office concerned to the CSC Regional Office No. VIII or to the CSC Commission Proper as the case may be. The CSC Commission Proper or the CSC Regional Office No. VIII may also refer a case or matter to the University as it may deem necessary⁸⁹.

Rule VI

THE ADMINISTRATIVE OFFENSE OF SEXUAL HARASSMENT

Section 14. ***Nature and Forms of the Administrative Offense of Sexual Harassment.*** – For the purpose of these Rules, the administrative offense of sexual harassment⁹⁰ 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 person complained of.

attention to the cases of *Civil Service Commission v. Alfonso* and *Civil Service Commission v. Sojor*, to be further discussed in the course of this decision, both of which buttressed the pronouncement that the Board of Regents shares its authority to discipline erring school officials and employees with the CSC. It can be presumed that, at the time of their promulgation, the members of this Court, in *Alfonso* and *Sojor*, were fully aware of all the existing laws and applicable rules and regulations pertaining to the jurisdiction of the CSC, including the Uniform Rules.

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We are not unmindful of certain special laws that allow the creation of disciplinary committees and governing bodies in different branches, subdivisions, agencies and instrumentalities of the government to hear and decide administrative complaints against their respective officers and employees. Be that as it may, we cannot interpret the creation of such bodies nor the passage of laws such as – R.A. Nos. 8292 and 4670 allowing for the creation of such disciplinary bodies – as having divested the CSC of its inherent power to supervise and discipline government employees, including those in the academe. To hold otherwise would not only negate the very purpose for which the CSC was established, i.e. to instill professionalism, integrity, and accountability in our civil service, but would also impliedly amend the Constitution itself.

Based on all of the foregoing, the inescapable conclusion is that the CSC may take cognizance of an administrative case filed directly with it against an official or employee of a chartered state college or university. This is regardless of whether the complainant is a private citizen or a member of the civil service and such original jurisdiction is shared with the Board of Regents of the school.

⁸⁷ ***Office of the Ombudsman v. Victorio N. Medrano***, G.R. No.177580, October 17, 2008, the Supreme Court held:

“In light of this, the Court holds that the administrative disciplinary authority of the Ombudsman over a public school teacher is not an exclusive power but is concurrent with the proper committee
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⁸⁸ Section 5, Rule 2 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁸⁹ Section 6, Rule 2 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁹⁰ Section 3, Rule III of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

- 14.1. Work related sexual harassment is committed under the following circumstances⁹¹:
 - 14.1.1. 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
 - 14.1.2. 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
 - 14.1.3. 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 word of the person complained of.
- 14.2. 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, when⁹²:
 - 14.2.1. 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, the granting of honors or a scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration.
 - 14.2.2. the act or series of acts have the purpose or effect of interfering with the performance, or creating an intimidating, hostile or offensive academic environment of the complainant; or
 - 14.2.3. the act or series of acts might reasonably expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a trainee, apprentice, intern, tutee or ward of the person complained of.
- 14.3. *Other Forms of Sexual Offense.* – Other forms of sexual offenses shall include verbal, physical and cyber harassment of sexual nature, the use of lewd language, voyeurism, and texting and bullying with sexual content⁹³.

⁹¹ Section 51, para. ____, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁹² Section 51, para. ____, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁹³ Section 4, para. 3, Rule I, Part IV of CHED Memo. No. 1, s. 2015 issued on January 26, 2015.

Section 15. **Situs or Site.** – Sexual harassment may take place⁹⁴:

- 15.1. in the premises of the workplace or office or of the University or training institution;
- 15.2. in any place where the parties were found as a result of work or education or training responsibilities or relations;
- 15.3. at work or education or training-related social functions;
- 15.4. while on official business outside the office or school or training institution or during work or University or training-related travel;
- 15.5. at official conferences, fora, symposia or training sessions; or
- 15.6. by telephone, cellular phone, fax machine or electronic mail.

Section 16. **Forms of Sexual Harassment.** – The following are illustrative forms of sexual harassment⁹⁵:

- 16.1. Physical;
 - 16.1.1. Malicious Touching;
 - 16.1.2. Overt sexual advances; or
 - 16.1.3. Gestures with lewd insinuation.
- 16.2. Verbal, such as but not limited to, requests or demands for sexual favors, and lurid remarks;
- 16.3. Use of objects, pictures or graphics, letters or writing notes with sexual underpinnings; and
- 16.4. Other forms analogous to the forgoing.

Rule VII

PERSONS LIABLE FOR SEXUAL HARASSMENT

Section 17. **Persons Liable for Sexual Harassment.** – Any government official or employee, regardless of sex, is liable for sexual harassment when he/she⁹⁶:

- 17.1. directly participates in the execution of any act of sexual harassment as defined by these Rules;
- 17.2. induces or directs another or others to commit sexual harassment as defined by these Rules;

⁹⁴ Section 4, Rule III of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

⁹⁵ Section 5, Rule IV of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

⁹⁶ Section 6, Rule V of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

- 17.3. cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished; and
- 17.4. cooperates in the commission of sexual harassment by another through previous or simultaneous acts.

Rule VIII

OFFICE OF ANTI-SEXUAL HARASSMENT

Section 18. **Establishment, Supervision and Control.** – There is hereby established an Office of Sexual Harassment of the University to be headed by a Director under the direct supervision and Control of the University President. The Director shall be assisted by the Heads of the Sexual Harassment Units of the different University Campuses and reasonable administrative staff.

The University President shall designate adequate space for office and administrative functions of the Director, heads and staff of the Office of Sexual Harassment.

Section 19. **Duties and Responsibilities of the Director of the Office of Anti-Sexual Harassment and its Heads and Administrative Staff, and the Accredited Anti-Sexual Harassment Hearing Officers (ASHHO).** – The Director of the Office of Anti-Sexual Harassment and its Heads and Administrative Staff, and the Accredited Anti-Sexual Harassment Hearing Officers (ASHHO) shall discharge the following duties and responsibilities:

- 91.1. Provides progressive leadership to the Office;
- 91.2. Formulates and executes a continuing program of activities and initiatives for the prevention of sexual harassment and other sexual offenses in close coordination with the University officials, and officers of the different sectors of the University, Non-Government Organizations, (NGOs), Civil Society Organizations (CSOs);
- 91.3. Assists in the execution all decisions of the Committee on Decorum and Investigation (CODI), Committee of Peers (CP), Hearing Officer/s and such related duly constituted committees or tribunals and closely coordinates with the security units of the University and/or concerned government agencies;
- 91.4. Undertakes information and educational activities to ensure that this 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual and such University policy, rules, regulations, and procedures on anti-sexual harassment are disseminated and become part of academic culture;
- 91.5. Formulates procedures of such nature as to elicit trust and confidence on the part of interested parties in resolving problems arising from

- cases or incidents of sexual harassment including counseling and grievance management;
- 91.6. Subject to the approval by the University President and after proper consultation with the duly constituted Committee on Decorum and Investigation (CODI), organizes the Anti-Sexual Harassment Hearing Officers (ASHHO) of the University who may be authorized to conduct preliminary and formal investigation on administrative disciplinary on sexual harassment cases as provided under this Manual and applicable laws, rules and regulations;
 - 91.7. Coordinates security and support measures to aggrieved parties or victims in sexual harassment cases, including the evaluation and provision of assistance to offender, if desired;
 - 91.8. Provides administrative support to the Committee on Decorum and Investigation (CODI), Committee of Peers (CP), Hearing Officer/s and such related duly constituted committees or tribunals;
 - 91.9. Attends all meetings of the CODI or CP or Hearing Officer/s and such related duly constituted committees or tribunals including those trainings, conferences and meetings organized by the CSC, CHED and other government agencies concerned;
 - 91.10. Acts as custodian of records and designs such systems and procedures in the proper safekeeping, access to and release of relevant documents taking into consideration applicable laws, rules and regulations;
 - 91.11. Recommends to the University President the hiring or designation of the Coordinators and Administrative Staff of the Office and evaluate the their respective performance;
 - 91.12. Prepares and submits an annual report to the EVSU Board of Regents through the University President and to the CHED, CSC and such government agencies concerned after proper clearance from the University President;
 - 91.13. Recommends the procurement of facilities, materials and other supplies necessary for the effective and efficient discharge of the functions of the Office and its officers and staff;
 - 91.14. Monitors and conducts periodic evaluation on the implementation of decisions/orders of the appropriate disciplining authority; and
 - 91.15. Performs such other functions as expressly provided in this Manual and/or University President and/or EVSU Board of Regents may prescribe from time to time.

Provided, that the University President shall designate a Coordinator in each University Campus who shall discharge the duties and functions the functions above

under the direct supervision by the Director.

Provided, further, that the Anti-Sexual Harassment Hearing Officers (ASHHO) duly accredited by the University President, upon the recommendation by the Director of the OASH, shall perform their respective duties and functions as expressly provided under this Manual and/or applicable laws, rules and regulations.

Provided, furthermore, that the University shall designate adequate administrative staff who shall be responsible in providing administrative support and services to ensure proper, effective and efficient discharge of the functions of the Office of Anti-Sexual Harassment (OASH), CODI, CP or Hearing Officer/s.

Section 20. **Term of Office, Hold Over and Entitlements.** – The term office of the Director, Coordinators and administrative staff of the Office of Anti-Sexual Harassment of the University shall be three (3) years and may be renewed by the University President, if qualified, subject to the confirmation by the EVSU Board of Regents.

Provided, that the OASH Director shall be entitled to subject deloading and other benefits as provided for under the 2017 Revised University Code, 2017 Human Resource Merit Promotion and Selection for Faculty Members and Non-Academic Staff of the University 2017 or Human Resource Merit Promotion and Selection for Administrative or Non-Teaching Personnel of the University, as the case may be, and such applicable policies duly approved by the EVSU Board of Regents and/or as may be provided under existing laws, rules and regulations.

Section 21. **Organizational Structure.** – The Organizational Structure of the Office of the Anti-Sexual Harassment of the University shall be as provided under **Annex B** which made integral part hereof.

Provided, that any modification to the organizational structure of the OASH shall be approved by the EVSU Board of Regents upon the recommendation of the University President.

Rule IX

COMMITTEE ON DECORUM AND INVESTIGATION (CODI) AND COMMITTEE OF PEERS (CP) OF SEXUAL HARASSMENT CASES

Section 22. **The Committee on Decorum and Investigation (CODI) of the University.** – There is hereby a Committee on Decorum and Investigation of the University subject to the following guidelines:

22.1. *Constitution and Functions.* – A Committee on Decorum and Investigation hereinafter referred to as, the CODI of the University shall be hereby created to be constituted by the University President. The Committee shall perform the following functions⁹⁷:

⁹⁷ Section 7, Rule VI of CSC Resolution No. 01-0940 promulgated on May 21, 2001 and as provided for under Section 17, Rule 3 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

- 22.1.1. Receive complaints of sexual harassment;
- 22.1.2. Investigate sexual harassment complaints in accordance with the prescribed procedure;
- 22.1.3. Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
- 22.1.4. Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment; and
- 22.1.5. Discharge such other duties and responsibilities as the University President or CODI and/or EVSU Board of Regents may direct from time to time.

Localized CODI established or constituted by the EVSU Board of Regents and/or University President in the University Campuses shall have the same functions as stated above and shall submit the report of investigation with its recommendation directly to the EVSU Board of Regents through the University President.

- 22.2. *Composition*⁹⁸. – The Committee on Decorum and Investigation (CODI) shall be composed of the following:

Chairperson: Vice President for Administration and Finance
Vice Chairperson: Director, Office of Anti-Sexual Harassment
Members: Campus Director/College Dean concerned
Director for Administrative Services
President of the Federation of Faculty Associations or his or her authorized representative
President of the Federation of Student Governments or his or her authorized representative
President of the Federation of Alumni Associations or his or her authorized representative
President of the Federation of Non-Teaching Personnel or his or her authorized representative
Secretary: HRMD Officer

Provided, that the University President may expand the composition of the CODI taking into consideration the provisions of R.A. No. 7877, this Manual, and relevant CSC and CHED rules and regulations and jurisprudence.

- 22.3. *Meetings and Quorum*. – The duly constituted CODI shall meet as often as may be deemed necessary to ensure proper, effective and efficient disposition of any case. A majority vote shall be required to dispose any issue or matter, there being a quorum comprised of 50+1 of the

⁹⁸ Section 8, Rule VI of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

total membership.

22.4. *Term of Office and Hold-over Capacity.* – The Chairperson, Vice Chairperson and Members of the CODI shall serve for a term of three (3) years⁹⁹ qualified for renewal upon the discretion by the University President subject to ratification by the EVSU Board of Regents. *Provided*, that they shall be authorized to hold over with all the duties and functions of a regular Chairperson, Vice Chairperson or Member, case the case may be, until their successors shall have been duly designated by the University President.

22.5. *Conflict of Interest and Inhibition.* – If any party is related by consanguinity or affinity upon to fourth degree to the Chairperson, Vice Chairperson or Member, to avoid conflict of interest, he/she shall immediately inhibit from the start until completion of the investigation of the particular case. Inhibition may be voluntary or upon order by the CODI *en banc* of a majority vote, there being a quorum.

Provided, that when a member of the Committee is the complainant or the person complained of in a sexual harassment case, he/she shall be disqualified from being a member of the Committee¹⁰⁰.

22.6. *Rules of Procedure.* – This Manual shall serve as the primary Rules of Procedure of the CODI. *Provided*, that it may adopt such rules of procedure as may be deemed necessary consistent with applicable laws, rules and jurisprudence.

Section 23. ***Committee of Peers for the Regents.*** – In case a Regent is the subject of the administrative or disciplinary investigation, the EVSU Board of Regents shall constitute a Committee of Peers (CP) composed of a Chairperson, Vice Chairperson and a Member who are all Members of the Board.

The Board Secretary shall automatically become the Committee Secretary, except when, the latter is related by consanguinity or affinity to fourth degree to any party or the party being complained of and in this case the University President shall designate the Secretary of the CP.

The duly constituted CP shall have original jurisdiction of cases against any Regent of the University, except for its Chairperson and Representatives from the Congress of the Philippines, Department of Science and Technology (DOST) and National Economic Development Authority (NEDA) who shall be subject to the rules on administrative or disciplinary cases of their respective agencies, *provided*, that this shall not preclude for the CP to recommend such action/s to the agency heads of these Regents.

⁹⁹ Section 9, Rule VI of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

“Section 9. The agency may formulate its own rules governing the term of office of its members which should be more than two years, and other matters pertaining to the functions of the Committee not otherwise provided in these Rules.”

¹⁰⁰ Section 9, last para., Rule VI of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

The provisions in the immediate preceding sub-Sections 22.1, 22.3-22.6 above shall apply to the CP accordingly, except as may be specifically determined under its Internal Rules of Procedures or instruction/s of the EVSU Board of Regents.

The provisions of this Manual shall serve as the governing guidelines of the CP taking into consideration the provisions of the Internal Rules of Procedures of the EVSU Board of Regents approved per Board Resolution No. 25, s. 2018, R.A. No. 7877 and relevant CSC and CHED rules and regulations and jurisprudence.

Rule X

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

Section 24. **The Pre-filing Stage.** – The University shall adopt such mechanisms to 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 complaint¹⁰¹.

Section 25. **Assistance to Complaints**¹⁰². – The University may provide assistance to an alleged victim of sexual harassment and other related sexual offense, as may be appropriate, which may include the following:

- 25.1. Guidance and spiritual counseling;
- 25.2. Referral to an agency offering professional help;
- 25.3. Support from the GAD Focal Committee;
- 25.4. Coordination with women’s organizations and advocacy groups; and
- 25.5. Available legal support.

Section 26. **Assistance to the Offender.** – The University may provide professional counseling to the alleged offender is so desired¹⁰³.

Section 27. **Budgetary Requirements and Fund Sources.** – The budgetary requirements in the provisions of the assistance provided under the foregoing provisions shall be shouldered equally by the University or victims or offender, as the case may be.

Provided, that the amount/s needed as counterpart of the University shall be charged against the annual appropriations for Gender and Development (GAD) or income or savings and/or appropriate funds subject to availability of funds and usual accounting and auditing rules and regulations.

¹⁰¹ Section 10, Rule VII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁰² Section 6, Rule I, Part IV of CHED Memo. No. 1, s. 2015 issued on January 26, 2015.

¹⁰³ Section 6, last para., Rule I, Part IV of CHED Memo. No. 1, s. 2015 issued on January 26, 2015.

Rule XI
STANDARD PROCEDURAL REQUIREMENTS

Section 28. **Policy.** – The procedural rules provided hereunder are the standard requirements in handling a sexual harassment case¹⁰⁴.

Section 29. **Complaint**¹⁰⁵. The complaint may be filed at any time with the disciplining authority or Office of the Chairperson of the EVSU Board of Regents or Office of the University President or Office of the University/Board Secretary, Office of the Anti-Sexual Harassment (OASH), or with the Committee on Decorum and Investigation or Committee of Peers, or CSC through its Office of the Chairperson or Regional or Provincial Director or Office of the Ombudsman except as may be provided by law¹⁰⁶, as the case may be, subject to the following guidelines:

29.1. **Submission, Filing and Transmittal of Complaint.** – An administrative complaint may be submitted or filed at the disciplining authority or Office of the Chairperson of the EVSU Board of Regents or Office of the University President or Office of the University/Board Secretary, or with the Committee on Decorum and Investigation or Committee of Peers shall be transmitted and acted upon on the following manner:

29.1.1. Upon receipt of the complaint by the disciplining authority or Office of the University President or University/Board Secretary, the same shall be transmitted to the Committee on Decorum and Investigation or Committee of Peers, as the case may be. In the absence of a Committee on Decorum and Investigation or Committee of Peers, the University President or EVSU Board of Regents shall immediately cause the creation of Committee on Decorum and Investigation or Committee of Peers, respectively, in accordance with the law and rules, and transmit the complaint to the Committee.

29.1.2. In the event that the party complained of is the University President and the complaint is submitted to the Office of the University/Board Secretary and/or any Regent/s, the latter shall transmit the complaint within two (2) days upon receipt thereof to the Office of the Chairperson of the EVSU Board of Regents who has three (3) days within which to create the Committee of Peers as provided under this Manual and such policies duly approved by the EVSU Board of Regents.

29.1.3. Should the complaint against any official or employee or Regent is directly submitted to the Office of the Chairperson of the EVSU Board of Regents, the latter shall, within three (3) days from receipt thereof, transmit the complaint to the

¹⁰⁴ Section 11, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁰⁵ Section 12, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁰⁶ Section 13, Rule 3 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

University President who shall forward the same to the Office of the Anti-Sexual Harassment within one (1) day upon receipt hereof for the proper determination on sexual harassment case/s as provided under Section 30, Rule XI hereof, and the findings thereof shall be submitted within two (2) days to the CODI or hearing officer for preliminary and formal investigation for cases against any official or employee or student, or create the Committee of Peers for cases against the University President and other Regents as provided for under Section 23 hereof.

- 29.1.4. Should the party complained of is the Chairperson of the EVSU Board of Regents, or Representatives of the Congressional Committees on Education, or Regional Directors of NEDA or DOST, the University President and/or Chairperson of the EVSU Board of Regents, as the case may be, shall transmit the complaint to their respective agency heads within three (3) days from the receipt thereof.

Provided, that the confirmation and/or approval by the EVSU Board of Regents on the composition of the CODI and/or CP as provided in sub-Sections 29.1-29.3 above shall be undertaken via referendum and the request of which shall be submitted by the University President to the Office of the Chairperson of the EVSU Board of Regent within three (3) days upon receipt of the compliant.

- 29.2. *Requisites of a Valid Complaint*¹⁰⁷. – The following rules shall strictly be enforced:

29.2.1. *Feature of Complain as to Form Complaint*. – No complaint against an official or employee shall be given due course unless the same is in writing, subscribed and sworn to¹⁰⁸ by the complainant. In cases initiated by the proper disciplining authority or his/her authorized representative, a show cause order is sufficient.

29.2.2. *Features of a Complaint as to Substance or Contents*. –The complaint must be in writing, signed and sworn to by the complainant. It shall contain the following:

¹⁰⁷ Section 11, Rule 3 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁰⁸ In ***Letter of Rafael Dimaano Requesting Investigation of the Alleged Illegal Activities Purportedly Perpetrated by Associate Justice Jane Aurora C. Lantion of the Court of Appeals, Cagayan De Oro City***, A.M. No. 17-03-03-CA and ***Unsworn Complaint Rosa Abdulharan Against Associate Justice Jane Aurora C. Lantion of the Court of Appeals, Cagayan De Oro City***, IPI No. 17-258-CA-J, July 11, 2017 citing *Sinsuat v. Judge Hildalgo*, 583 Phil. 38, 47 (2008); *Valmonte v. Alcalá*, 581 Phil. 505, 512 (2008); and *Pajuyo v. Court of Appeals*, 474 Phil. 557, 577 (2004).the Supreme Court held:

“The verification of a pleading is made through an affidavit or sworn statement confirming that the affiant has read the pleading whose allegations are true and correct of the affiant’s personal knowledge or based on authentic records. The rationale behind the rule is to secure an assurance that what are alleged in the pleading are true and correct and not the product of the imagination or a matter of speculation, and that the pleading is filed in good faith.”

1. the full name and address of the complainant;
2. the full name, address, and position of the respondent;
3. a brief statement of the relevant facts;
4. evidence, in support of the complainant, if any; and
5. a certification of non-forum shopping.

29.3. *Dismissal of the Complaint Due to the Absence of the Requirements.* – the absence of any one of the aforementioned requirements, the complaint shall be dismissed without prejudice to its refiling.

29.4. *Authority to Summon the Complainant to Swear Under Oath.* – Where the complaint is not under oath, the complainant shall be summoned by the Committee to swear to the truth of the allegations in the complaint.

29.5. *Complaint Filed Through Other Means than Personal Submission.* – Complaints sent by telegram, radiogram, electronic mail or similar means of communication shall be considered non-filed unless the complainant shall comply with the requirements provided in Section 12(b) within ten (10) days from receipt of the notice for compliance.

29.6. *Continuous Investigation due to Withdrawal of the Complaint.* – 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 person complained of.

Provided, that the withdrawal of the complaint by the complaint/s does not result in its outright dismissal nor discharge the person complained of from any administrative liability¹⁰⁹.

29.7. *Anonymous.* – No anonymous complaint shall be entertained unless the act complained of is of public knowledge or the allegations can be verified or supported by documentary or direct evidence¹¹⁰.

Provided, that the absence of the signature for reason/s of inadvertence or honest mistake of the complainant shall not render the complaint anonymous. In this case, the authenticity of the complainant shall be ascertained at the proper stage of the investigation and/or the provision of sub-Section 29.4 above shall be undertaken.

Section 30. **Action on the Complaint.** – Upon receipt of a complaint that is sufficient in form and substance, the Committee on Decorum and Investigation or Committee of Peers, as the case may be, shall require the person complained of to

¹⁰⁹ Section 16, Rule 3 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹¹⁰ Section 12, Rule 3 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

submit a Counter-Affidavit/Comment under oath within three (3) days from receipt of the notice, furnishing a copy thereof to the complainant, otherwise the Counter-Affidavit/Comment shall be considered as not filed¹¹¹.

The preliminary investigation shall be conducted to determine the existence of a *pima facie* case. The EVSU Board of Regents and/or University President may create an investigating committee or designate an investigator for such purpose¹¹².

Section 31. **Preliminary Investigation**¹¹³. – A preliminary investigation shall be conducted by the Committee on Decorum and Investigation or Committee of Peers, as the case may be. The investigation involves the *ex parte* examination of documents submitted by the complainant and the person complained of, as well as documents readily available from other government offices. A Preliminary Investigation or PI, for brevity, is a proceeding undertaken to determine whether a *prima facie* case exists to warrant the issuance of a formal charge/notice of charge¹¹⁴.

During the preliminary investigation, the parties may submit affidavits and counter-affidavits. Preliminary investigation may be conducted in any of the following manner¹¹⁵:

- a. Requiring the submission of counter affidavit or comment and/or other documents from the person complained of within five (5) days from receipt of the complaint which is sufficient in form and substance;
- b. Ex-parte valuation of the records; or
- c. Clarificatory meeting with the parties to discuss the merits of the case.

When the complaint is initiated by the EVSU Board of Regents and/or University President, in so far as authorized by the Board, it or its authorized representative shall issue a show-cause order directing the person complained of to explain within the same period why no administrative case should be filed against the said person. The failure to submit a comment/counter-affidavit/explanation shall be considered a waiver thereof and the preliminary investigation may be completed even without the counter-affidavit/comment/explanation.

Upon receipt of the counter-affidavit or comment under oath, the Committee on Decorum and Investigation or Committee of Peers, as the case may be, may now recommend whether a *prima facie* case exists to warrant the issuance of a formal charge.

During preliminary investigation, proceedings before the Committee on Decorum and Investigation or Committee of Peers, as the case may be, shall be held under strict confidentiality.

¹¹¹ Section 13, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹¹² Section 17, Rule 3 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹¹³ Section 14, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹¹⁴ Section 18, Rule 4 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹¹⁵ Section 19, Rule 4 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

The right to counsel may be exercised even during the preliminary investigation.

Section 32. **Duration of the Investigation.** – A preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the Committee on Decorum and Investigation or Committee of Peers, as the case may be, and shall be terminated within fifteen (15) working days thereafter¹¹⁶. However, the University President and/or EVSU Board of Regents may extend such periods in meritorious cases¹¹⁷.

Section 33. **Investigation Report.** – Within five (5) working days from the termination of the preliminary investigation, the Committee on Decorum and Investigation or Committee of Peers, as the case may be, shall submit the Investigation Report and the complete records of the case to the disciplining authority¹¹⁸.

The Investigation Report shall be treated with confidentiality¹¹⁹.

Section 34. **Decision or Resolution After Preliminary Investigation**¹²⁰. – If a *prima facie* case is established during the investigation, a formal charge shall be issued by the disciplining authority within three (3) working days from receipt of the Investigation Report.

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

Section 35. **Formal Charge**¹²¹. – After finding a *prima facie* case, the disciplining authority shall formally charge the person complained of. The formal charge¹²² shall contain a specification of the charge(s), a brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, if any, sworn statements covering the testimony of witnesses, a directive to answer the charge(s) in writing under oath in not less than seventy-two (72) hours but not more than ten (10) days¹²³ from receipt thereof, an advice for the respondent to indicate in his/her answer whether or not he/she elects a formal investigation of the charge(s), and a notice that he/she is entitled to be assisted by a counsel of his/her

¹¹⁶ Section 15, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹¹⁷ Section 20, Rule 4 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹¹⁸ Section 16, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹¹⁹ Section 21, Rule 4 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹²⁰ Section 17, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001 and as provided for under Section 22, Rule 4 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹²¹ Section 18, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹²² **Teresita L. Salva v. Flaviana M. Valle**, G.R. No. 193773, April 2, 2013, citing *Garcia V. Molina*, G.R. Nos. 157383 & 174137, August 10, 2010, 627 SCRA 540, the Supreme Court instructively declared:

“A formal charge issued prior to the imposition of administrative sanctions must conform to the requirements set forth in Section 16, Rule II of the Uniform Rules on Administrative Cases in the Civil Services (URACCS), xxxxxxxx.

Xxxxxxxx

In *Garcia v. Molina*, we declared the formal charges issued by petitioner Government Service Insurance System President without prior conduct of a preliminary investigation as null and void.”

¹²³ Section 23, Rule 5 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

choice.

If the respondent has submitted his/her comment and counter-affidavits during the preliminary investigation, he/she shall be given the opportunity to submit additional evidence.

The Committee on Decorum and Investigation or Committee of Peers, as the case may be, shall not entertain requests for clarification, bills of particulars or motions to dismiss which are obviously designed to delay the administrative proceeding. If any of these pleadings is filed by the respondent, the same shall be considered as part of his/her answer which he/she may file within the remaining period for filing the answer.

Provided, that in instances where the complaint was initiated by a person other than the University President and/or EVSU Board of Regents, the University President and/or EVSU Board of Regents may issue a written notice of the charge¹²⁴ against the person complained of respondent, to which shall be attached copies of the complaint, sworn statement and other documents submitted. The notice shall contain the charge against the respondent with a statement that a *prima facie* case exists. It shall also include a directive to answer the charge in writing, under oath in not less than three (3) days but not more than ten (10) days from receipt thereof, and a notice that he/she/they may opt to be assisted by a counsel of his/her/their choice and may elect to have a formal investigation.

If the respondent receives a notice of charge with incomplete attachments, the respondent may request for the lacking documents within ten (10) days from receipt of the formal/notice of charge and the period to answer will not run until the same is received by the respondent.

Section 36. **Answer.** – The answer which must be in writing and under oath, shall be specific and shall contain material facts and applicable laws, if any, including documentary evidence¹²⁵, sworn statements covering testimonies of witnesses, if there be any, in support of respondent's case. It shall also include a statement indicating whether he/she elects a formal investigation¹²⁶.

When the EVSU Board of Regents and/or University President upon the recommendation by the Director of the Office of Anti-Sexual Harassment determines that the answer is satisfactory, the case shall be dismissed, otherwise, the investigation shall proceed¹²⁷.

Section 37. **Failure to File an Answer.** – If the respondent fails or refuses to file his/her answer to the formal charge within seventy-two (72) hours from receipt thereof without justifiable cause, he/she shall be considered to have waived his right

¹²⁴ Section 24, Rule 5 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹²⁵ Original or certified copies of documentary evidence as provided for under Section 26, Rule 6 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹²⁶ Section 19, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹²⁷ Section 26, Rule 6 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

thereto and formal investigation may commence¹²⁸ and the case may be decided based on the available records¹²⁹.

Section 38. **Prohibited Pleadings.** – The University President and/or EVSU Board of Regents shall not entertain requests for clarification, bills of particulars, motions to dismiss or motions to quash or motions for reconsideration and motion for extension of time to file answer. The same shall be noted without action and attached to the records of the case¹³⁰.

Section 39. **Preventive Suspension**¹³¹. – Upon petition of the complainant or *motu proprio* upon the recommendation of the Committee on Decorum and Investigation or Committee of Peers, as the case may be, at any time after the service of the Formal Charge to the respondent, the proper disciplining authority may order the preventive suspension of the respondent during the formal investigation, if there are reasons to believe that he/she is probably guilty of the charges which would warrant his/her removal from the service.

Preventive suspension is not a penalty¹³². An order of preventive suspension may be issued to temporarily remove the respondent from the scene of his/her misfeasance or malfeasance and to preclude the possibility of his/her exerting undue influence or pressure on the witnesses against him/her or tampering of documentary evidence on file with this office.

The EVSU Board of Regents and/or University President in so far expressly authorized by the Board, upon motion or *motu proprio*, may issue an order of preventive suspension upon issuance of the formal charge or notice of charge, or immediately thereafter, if¹³³:

- a. The charge involves:
 1. Dishonesty;
 2. Oppression;
 3. Grave Misconduct;
 4. Neglect in the Performance of Duty;
 5. Other offenses punishable by dismissal from the service; or
 6. An administrative offense committee on its second or third instance and the penalty is dismissal from the service; and
- b. The respondent is in a position to exert undue influence or pressure on the witnesses and/or tamper with evidence.

¹²⁸ Section 20, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹²⁹ Section 27, Rule 6 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹³⁰ Section 25, Rule 5 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹³¹ Section 21, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹³² Section 28, Rule 7 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹³³ Section 29, Rule 7 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

In order for a preventive suspension order to be valid, any of the conditions in items a and b must be present.

Section 40. **Duration of Preventive Suspension.** - When the administrative case against the respondent under preventive suspension is not finally decided by the disciplining authority within the period of ninety (90) days after the date of his/her preventive suspension, unless otherwise provided by special law, he/she shall be automatically reinstated into 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 days 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 enjoyed¹³⁴.

Section 41. **Alternative to Preventive Suspension.** - The EVSU Board of Regents and/or University President may reassign respondent to another unit of the University subject to the same periods as provided in the immediately succeeding section¹³⁵.

Section 42. **Remedies from the Order of Prevention Suspension.** - The respondent may file a motion for reconsideration with the disciplining authority or may elevate the same to the Civil Service Commission by way of an appeal within fifteen (15) days from receipt thereof¹³⁶.

Pending appeal, the order shall be executory. A motion for reconsideration from the order of preventive suspension shall not be allowed. In case such motion is filed, the same shall be noted without action and attached to the records of the case and shall not stay the execution of the said order nor shall have the effect of stopping the running of the reglementary period to appeal. If the preventive suspension is imposed by the Civil Service Commission, the same is executory unless a Temporary Restraining Order is issued by the Court of Appeals or the Supreme Court¹³⁷.

Section 43. **Duration of Preventive Suspension**¹³⁸. - Unless otherwise provided by law, the EVSU Board of Regents and/or University President may place the respondent under preventive suspension for a maximum period of ninety (90) days. When the administrative case against a respondent under preventive suspension is not finally decided by the EVSU Board of Regents and/or University President within the period of preventive suspension, the respondent shall be automatically reinstated in the service unless the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, in which case, the period of delay shall not be included in the counting of the period of preventive suspension. Any period of delay caused by motions filed by the respondent shall be added to the period of preventive suspension. *Provided*, that where the order of preventive

¹³⁴ Section 22, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹³⁵ Section 30, Rule 7 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹³⁶ Section 23, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹³⁷ Section 32, Rule 7 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹³⁸ Section 31, Rule 7 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

suspension is for a period less than the maximum period, the EVSU Board of Regents and/or University President undertakes to finish the formal investigation within the period and is precluded from imposing another preventive suspension. *Provided, further,* that should the respondent be on authorized leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully exhausted.

Provided, finally, that if the respondent is placed under preventive suspension in another case, the duration of the second preventive suspension shall simultaneously run with the first preventive suspension without prejudice to the service of the remaining period of the second preventive suspension.

Section 44. *Payment of Back Salaries During Preventive Suspension*¹³⁹.

– The payment of back wages during the period of suspension shall be governed by the following:

44.1. A declaration by the CSC Commission Proper that an order of preventive suspension is void on its face entitles the respondent to immediate reinstatement and payment of back salaries corresponding to the period of the unlawful preventive suspension without awaiting the outcome of the main case.

The phrase “void on its face” in relation to a preventive suspension order, imports any of the following circumstances:

1. The order was issued by one who is not authorized by law;
2. The order was not premised on any of the conditions under Section 29 of the 2017 RACCS and/or Section ____ hereof;
3. The order of preventive suspension was issued without a formal charge or notice of charges or with defective formal charge/notice of charge; or
4. While lawful in the sense that it is based on the enumerated grounds, the duration of the imposed preventive suspension has exceeded the prescribed periods, in which case the payment of back salaries shall correspond to the excess period only.

44.2. A declaration of invalidity of a preventive suspension order not based on any of the reasons enumerated in the immediately preceding Section 33(a) of the 2017 RACCS and/or sub-Section ____ hereof, shall result in the reinstatement of the respondent. The payment of back salaries shall, however, await the final outcome of the principal case. If the decision rendered in the principal case is for exoneration or when penalty imposed is reprimand, the respondent shall be paid such back salaries. Otherwise, no back salaries shall be awarded.

¹³⁹ Section 33, Rule 7 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

The term "exoneration" contemplates a finding of not guilty for the offense/s charged. Downgrading of the charge to a lesser offense shall not be construed as "exoneration" within the contemplation of these Rules.

Even if the respondents be eventually found innocent of the charge against them, the same shall not give rise to payment of back salaries corresponding to the period of preventive suspension in the absence of any finding of its illegality.

Section 45. **Conduct of Formal Investigation**¹⁴⁰. – Although the respondent does not request a formal investigation, one shall nevertheless be conducted by the Committee on Decorum and Investigation if it deems such investigation as 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. Said investigation shall be finished within thirty (30) days from the issuance of the formal charge or the receipt of the answer unless the period is extended by the disciplining authority in meritorious cases.

Section 46. **Pre-hearing Conference**¹⁴¹. – At the commencement of the formal investigation, the Committee on Decorum and Investigation may conduct a pre-hearing conference for the parties to appear, consider and agree on any of the following:

- 46.1. stipulation of facts;
- 46.2. simplification of issues;
- 46.3. identification and marking of evidence of the parties;
- 46.4. waiver of objections to admissibility of evidence;
- 46.5. limiting the number of witnesses, and their names;
- 46.6. dates of subsequent hearings; and
- 46.7. such other matters as may aid in the prompt and just resolution of the case.

The parties may submit position paper/memoranda and submit the case for resolution based on the result of the pre-hearing conference without any need for further hearing.

The agreement entered into during the pre-hearing conference shall be embodied in a pre-hearing order and is binding on both parties unless in the interest

¹⁴⁰ Section 24, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001 and as provided for under Section 34, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁴¹ Section 25, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

of justice, the hearing officer or Committee on Decorum and Investigation (CODI) or Committee of Peers (CP) of the University may allow a deviation from the same. The parties may file their respective pre-hearing briefs, copy furnished the adverse party, before the date of the pre-hearing conference. The conduct of a pre-hearing conference is mandatory. The failure of any party to attend the pre-hearing conference may cause the submission of the case for decision based on available records upon appropriate motion of the present party. The designated hearing officer or Committee on Decorum and Investigation (CODI) or Committee of Peers (CP) of the University who fails to appear, without justifiable reason, at the pre-hearing conference may be liable for Neglect of Duty¹⁴².

Section 47. **Submission of Position Paper/Memorandum.** – At any stage of the proceedings, the parties may, based on their mutual consent, submit position paper/memorandum and consider the case submitted for resolution without any need for further hearings¹⁴³.

Section 48. **Continuous Hearing Until Terminated; Postponement**¹⁴⁴. – Hearings shall be conducted on the hearing dates set by the Committee on Decorum and Investigation or Committee of Peers or as agreed upon during a pre-hearing conference.

Where no pre-hearing conference is conducted, the parties, their counsels 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 only three (3) postponements upon oral or written requests. A further postponement may be granted only upon written request and subject to the discretion of the Committee on Decorum and investigation or Committee of Peers, as the case may be.

If respondent fails or refuses to appear or is not represented by counsel during a particular hearing despite due notice, the investigation shall proceed and the respondents shall be deemed to have waived the right to present evidence. If the respondent fails to appear during the scheduled hearings despite due notice, the investigation shall proceed *ex-parte* and the respondent is deemed to have waived his right to be present and to submit evidence in his favor during those hearings¹⁴⁵.

Section 49. **Preliminary Matters**¹⁴⁶. – At the start of the hearing, the Committee on Decorum and Investigation or Committee of Peers, as the case may be, shall note the appearances of the parties and shall proceed with the reception of evidence for the complainant.

If the respondent appears without the aid of a counsel, he/she shall be deemed

¹⁴² Section 36, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁴³ Section 35, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁴⁴ Section 26, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁴⁵ Section 37, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁴⁶ Section 27, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

to have waived his/her right to counsel¹⁴⁷.

Before taking the testimony of a witness, the Committee on Decorum and Investigation or Committee of Peers, as the case may be, shall place him/her under oath and then take his/her name, address, civil status, age, and place of employment.

A sworn statement of the witness properly identified and affirmed shall constitute direct testimony, copy furnished the other party¹⁴⁸.

The use of Judicial Affidavit may also be adopted in place of the direct testimonies of witnesses. The adoption of the Judicial Affidavit Rule¹⁴⁹ is without prejudice to clarificatory questions that may be asked during the hearing¹⁵⁰.

Section 50. **Appearance of Parties.** – Any person representing any of the parties before any hearing or investigation shall manifest orally or in writing his/her appearance for either the respondent or complainant, stating his/her full name and exact address where he/she can be served with notices and other documents. Any pleading or appearance made without complying with the above stated requirements shall not be recognized¹⁵¹.

Section 51. **Appearance of Counsel**¹⁵². – Any counsel who is a member of the Integrated Bar of the Philippines (IBP) appearing before any hearing or investigation shall manifest orally or in writing, stating his/her full name and complete address, which not be a P.O. box address, where he/she can be served with notices and other pleadings, 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 the agency head or the agency head's authorized representative.

A private prosecutor may be allowed to appear provided that the public prosecutor shall have direct control and supervision over the private prosecutor at all times.

Section 52. **Order of Hearing**¹⁵³. – Unless the Committee on Decorum and Investigation or Committee of Peers, as the case may be, directs otherwise, the order of hearing shall be as follows:

52.1. The complainant shall present evidence in support of the charge;

¹⁴⁷ "If, after being apprised of the right to counsel, respondents appear without the aid of a counsel, they shall be deemed to have waived the right thereto" as provided for under Section 38, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁴⁸ Section 38, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁴⁹ A.M No. 12-8-8-SC promulgated on September 4, 2012 entitled, "Judicial Affidavit Rule."

¹⁵⁰ Section 38, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁵¹ Section 28, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁵² Section 39, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁵³ Section 29, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001 as provided for under Section 40, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

52.2. The respondent shall then offer evidence in support of his/her defense;
and

52.3. 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 opponent; and
- d. Re-cross examination by the opponent.

A sworn statement of a witnesses, properly identified and affirmed by the witness before the Committee on Decorum and Investigation shall constitute his/her direct testimony.

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. Thereafter, both parties may be given time to submit their respective memorandum which in no case shall be beyond five (5) days after the termination of the investigation. Failure to submit the memorandum within the given period shall be considered a waiver thereof.

Section 53. **Objections**¹⁵⁴. – All objections raised during the hearing shall be resolved by the Committee on Decorum and Investigation or Committee of Peers, as the case may be. 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 proper disciplining authority.

The Committee on Decorum and Investigation or Committee of Peers, as the case may be, shall accept all evidence deemed material and relevant to the case. In case of doubt, the Committee on Decorum and Investigation or Committee of Peers, as the case may be, shall allow the admission of evidence subject to the objection interposed against its admission.

Section 54. **Markings**. – All documentary evidence or exhibits shall be properly marked by letters (A, B, C, etc.) if presented by the respondent. These shall form part of the complete records of the case¹⁵⁵.

Section 55. **Request for Subpoena**. – If a party desires the attendance of a witness or the production of documents of things, he/she shall make a request for

¹⁵⁴ Section 30, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001 and as provided for under Section 41, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁵⁵ Section 31, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001 and as provided for under Section 42, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

the issuance of the necessary subpoena, at least three (3) days before the scheduled hearing¹⁵⁶.

Section 56. **Issuance of Subpoena.** – The Committee on Decorum and Investigation or Committee of Peers, as the case may be, may issue *subpoena ad testificandum* to compel the attendance of witnesses and *subpoena duces tecum* for the production of documents or objects¹⁵⁷.

Section 57. **Records of Proceedings.** – The proceedings of the formal investigation must be recorded either through shorthand or stenotype or by any other method¹⁵⁸ or other means of recording¹⁵⁹.

Section 58. **Filing of Pleadings.** – All pleadings filed by the parties shall be copy furnished the other party with proof of service. Failure in this regard shall justify the non-receipt or non-action on the pleading. Any pleadings sent by registered mail or private courier service shall be deemed filed on the date stamped on the envelope or courier pack which shall be attached to the records of the case, and in case of personal delivery, the date stamped thereon¹⁶⁰.

Section 59. **Effect of the Pendency of an Administrative Case.** – The pendency of any administrative case shall not disqualify the respondent for promotion or other human resource actions¹⁶¹ or from claiming maternity/paternity benefits. For this purpose, an administrative case shall be construed as pending when the disciplining authority has issued a formal charge¹⁶².

The release of the retirement benefits of a person with pending case shall be governed¹⁶³ by Republic Act No. 10154 otherwise known as “An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Government Employees” and its implementing rules¹⁶⁴.

Section 60. **Formal Investigation Report**¹⁶⁵. – Within fifteen (15) 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 Committee on Decorum and Investigation or Committee of Peers, as the case may

¹⁵⁶ Section 32, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁵⁷ Section 33, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001 and as provided for under Section 43, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017

¹⁵⁸ Section 34, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁵⁹ Section 44, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁶⁰ Section 45, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁶¹ Section 46, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017

¹⁶² Section 35, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁶³ Section 46, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017

¹⁶⁴ CSC Resolution No. 1302242 promulgated on October 1, 2013 Re: Amendments to the Implementing Rules and Regulations of Republic Act No. 10541, otherwise known as “An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Government Employees.”

¹⁶⁵ Section 36, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001 as a provided for under Section 47, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

be, to the disciplining authority or EVSU Board of Regents through the University President. The complete records of the case shall be attached to the Report of Investigation.

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

Section 61. **When Case is Decided.** – The disciplining authority or EVSU Board of Regents shall render his decision¹⁶⁶ on the case within thirty (30) days from receipt of the Report on Investigation¹⁶⁷.

Section 62. **Finality of Decisions.** – A decision rendered by EVSU Board of Regents where 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 be final and executory. 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.¹⁶⁸ However, if the penalty imposed is suspension exceeding thirty (30) days or a fine exceeding thirty (30) days salary, the same 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 filed¹⁶⁹.

Rule XII REMEDIES AFTER A DECISION

Section 63. **Filing of Motion for Reconsideration.** – The party adversely affected by the decision may file a motion for reconsideration with the disciplining authority or with the EVSU Board of Regents and/or University President who rendered the decision within fifteen (15) days from receipt thereof¹⁷⁰ unless otherwise provided by law. However, the private complainant may file a motion for reconsideration from the decision of the CSC Regional Office No. VIII¹⁷¹.

A motion for extension of time to file a motion for reconsideration is not allowed.

Section 64. **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

¹⁶⁶ **Teresita L. Salva v. Flaviana M. Valle**, G.R. No. 193773, April 2, 2013, citing *Engr. Rubio, Jr. v. Hon Paras*, 495 Phil 629, 643 (2005), the Supreme Court instructively sustained:

“It is well-settled that a decision rendered without due process is void *ab initio* and may be attacked at anytime directly or collaterally by means of a separate action, or resisting such decision in any action or proceeding where it is invoked.”

¹⁶⁷ Section 37, Rule VIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001 and as provided for under Section 48, Rule 9 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁶⁸ Section 49, Rule 9 of CSC Resolution No. 1701077 promulgated on July 3, 2017

¹⁶⁹ Section 38, Rule IX of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁷⁰ Section 39, Rule IX of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁷¹ Section 61, Rule 12 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

envelope which shall be attached to the records of the case¹⁷². In case of personal delivery, it is deemed filed on the date stamped thereon by the proper office¹⁷³.

Section 65. **Grounds for Motion for Reconsideration**¹⁷⁴. – The motion for reconsideration shall be based on any of the following:

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

Section 66. **Limitation**. – Only one motion for reconsideration shall be entertained¹⁷⁵. If a second motion for reconsideration is filed notwithstanding its proscription under these Rules, the finality of action shall be reckoned from the denial of the first motion for reconsideration¹⁷⁶.

Section 67. **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 reconsidered¹⁷⁷.

Section 68. **Filing of Appeals**¹⁷⁸. – Decisions of the EVSU Board of Regents upon the recommendation by the University President imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary, may be appealed to the Commission Proper within a period of fifteen (15) days from receipt thereof.

In case the decision rendered by the University President and/or Executive Official is appealable to the Commission, the same may be initially appealed to the EVSU Board of Regents and finally to the CSC Commission Proper. 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 EVSU Board of Regents.

A notice of appeal including the appeal memorandum shall be filed with the appellate authority, copy furnished the disciplining office. The latter shall submit the records of the case, which shall be systematically and chronologically arranged, paged and securely bound to prevent loss with its comment, within fifteen (15) days, to the appellate authority.

¹⁷² Section 40, Rule IX of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁷³ Section 62, Rule 12 of CSC Resolution No. 1701077 promulgated on July 3, 2017 and provided for under Section 63, Rule 12 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁷⁴ Section 41, Rule IX of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁷⁵ Section 42, Rule IX of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁷⁶ Section 64, Rule 12 of CSC Resolution No. 1701077 promulgated on July 3, 2017

¹⁷⁷ Section 43, Rule IX of CSC Resolution No. 01-0940 promulgated on May 21, 2001 and as provided for under Section 65, Rule 12 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁷⁸ Section 44, Rule IX of CSC Resolution No. 01-0940 promulgated on May 21, 2001 and as provided for under Section 66, Rule 13 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

Section 69. **When Deemed Filed.** – An appeal sent by mail 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 the case of personal delivery, the date stamped thereon by the proper office¹⁷⁹. In case of personal delivery, it is deemed filed on the date stamped thereon by the proper office.

An appeal, once perfected, cannot be withdrawn except upon motion duly approved by the appellate body¹⁸⁰.

Section 70. **Appeal Fee.** – The appellant shall pay an appeal fee of Three Hundred Pesos (P300.00) and a copy of the receipt thereof shall be attached to the appeal¹⁸¹.

Section 71. **Perfection of an Appeal¹⁸² or a Petition for Review.** – To perfect an appeal or a petition for review, the appellant/petitioner shall submit the following documents¹⁸³:

71.1. Appeal memorandum containing the following:

71.1.1. grounds relied upon for the appeal/petition for review;

71.1.2. certified true copies of the decision, resolution or order; and

71.1.3. certified copies of the documents or evidence relevant to the case.

The Memorandum shall be filed with the appellate authority, copy furnished the disciplining authority. The latter shall submit the records of the case, which shall be systematically and chronologically arrange, paged and securely bound to prevent loss, with its comment, within fifteen (15) days from receipt, to the appellate authority.

71.2. Proof of service of a copy of the memorandum to the Office of the EVSU Board of Regents through the Office of the University/Board Secretary or Office of the University President;

71.3. Proof of payment of the required fee; and

71.4. Statement or certificate of non-forum shopping.

If appellant/petitioner fails to comply with any of the above requirements within the reglementary period, the EVSU Board of Regents or CSC Commission Proper shall direct compliance within a period of not more than ten (10) days from receipt thereof, with a warning that failure to comply shall be construed as failure to perfect an appeal/petition for review and shall cause its dismissal of with prejudice

¹⁷⁹ Section 45, Rule IX of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁸⁰ Section 67, Rule 13 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁸¹ Section 46, Rule IX of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁸² Section 47, Rule IX of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁸³ Section 68, Rule 13 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

to its refilling.

Section 72. **Effect of Filing.** – An appeal shall not stop the decision from being executory, and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency of the appeal, in the event he wins the appeal¹⁸⁴.

Except for cases requiring confirmation of the EVSU Board of Regents and cases decided by the CSC Regional Office No. VIII, an appeal/petition to the CSC Commission Proper shall not stop the decision/resolution from being executory¹⁸⁵.

Section 73. **When Case is Remanded for Violation of Respondent's Right to Due Process**¹⁸⁶. – If the case on appeal with the Commission Proper is remanded to the EVSU Board of Regents for further investigation, the said EVSU Board of Regents through the Committee on Decorum and Investigation or Committee of Peers, as the case may be, shall finish the investigation within three (3) calendar months from the date of receipt of the records from the CSC Commission Proper, unless the investigation is delayed due to the fault, negligence or petition of the person complained of, or an extension is granted by the CSC Commission Proper in meritorious cases. The period of delay shall not be included in the computation of the prescribed period.

Within fifteen (15) days from the submission of the investigation report to the EVSU Board of Regents, it shall render its decision. If, at the end of said period, the disciplining authority fails to decide the case, the CSC Commission Proper shall vacate and set aside the appealed decision and declare the person complained of exonerated of the charge. If the person complained of is under preventive suspension, he shall be immediately reinstated.

If on appeal, the CSC Commission Proper finds that the EVSU Board of Regents and/or University President violated respondent-appellant's right to due process such as the failure to issue a formal charge, the CSC Commission Proper shall dismiss the case against the respondent and order the immediate reinstatement of the respondent with payment of back wages and other benefits. However, the dismissal of the case shall be without prejudice on the part of the EVSU Board of Regents and/or University President to re-file it in accordance with law¹⁸⁷.

The Civil Service Regional Office or the Office for Legal Affairs of the Civil Service Commission shall evaluate requests for the extension of formal investigations and grant the same on meritorious grounds. In disposing the requests, said office shall be guided by the principles of justice and fair play, provided, that the extension shall not be for more than twenty (20) days.

For this purpose, the Regional Director shall monitor the implementation of the CSC Resolution remanding the case to the EVSU Board of Regents for further

¹⁸⁴ Section 48, Rule IX of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁸⁵ Section 69, Rule 13 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁸⁶ Section 49, Rule IX of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁸⁷ Section 70, Rule 13 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

investigation and submit a report to the CSC Commission Proper.

Section 74. **Petition for Review with the Court of Appeals.** – A party may elevate a decision of the Commission before the Court of Appeals by way of Petition for Review under Rule 43¹⁸⁸ of the 1997 Revised Rules of Court¹⁸⁹.

¹⁸⁸ RULE 43. Appeals From the Court of Tax Appeals and Quasi-Judicial Agencies to the Court of Appeals

Section 1. *Scope.* – This Rule shall apply to appeals from judgments or final orders of the Court of Tax Appeals and from awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in the exercise of its quasi-judicial functions. Among these agencies are the Civil Service Commission, Central Board of Assessment Appeals, Securities and Exchange Commission, Office of the President, Land Registration Authority, Social Security Commission, Civil Aeronautics Board, Bureau of Patents, Trademarks and Technology Transfer, National Electrification Administration, Energy Regulatory Board, National Telecommunications Commission, Department of Agrarian Reform under Republic Act No. 6657, Government Service Insurance System, Employees Compensation Commission, Agricultural Invention Board, Insurance Commission, Philippine Atomic Energy Commission, Board of Investments, Construction Industry Arbitration Commission, and voluntary arbitrators authorized by law. (n)

Section 2. *Cases not covered.* – This Rule shall not apply to judgments or final orders issued under the Labor Code of the Philippines. (n)

Section 3. *Where to appeal.* – An appeal under this Rule may be taken to the Court of Appeals within the period and in the manner herein provided, whether the appeal involves questions of fact, of law, or mixed questions of fact and law. (n)

Section 4. *Period of appeal.* – The appeal shall be taken within fifteen (15) days from notice of the award, judgment, final order or resolution, or from the date of its last publication, if publication is required by law for its effectivity, or of the denial of petitioner's motion for new trial or reconsideration duly filed in accordance with the governing law of the court or agency *a quo*. Only one (1) motion for reconsideration shall be allowed. Upon proper motion and the payment of the full amount of the docket fee before the expiration of the reglementary period, the Court of Appeals may grant an additional period of fifteen (15) days only within which to file the petition for review. No further extension shall be granted except for the most compelling reason and in no case to exceed fifteen (15) days. (n)

Section 5. *How appeal taken.* – Appeal shall be taken by filing a verified petition for review in seven (7) legible copies with the Court of Appeals, with proof of service of a copy thereof on the adverse party and on the court or agency *a quo*. The original copy of the petition intended for the Court of Appeals shall be indicated as such by the petitioner.

Upon the filing of the petition, the petitioner shall pay to the clerk of court of the Court of Appeals the docketing and other lawful fees and deposit the sum of P500.00 for costs. Exemption from payment of docketing and other lawful fees and the deposit for costs may be granted by the Court of Appeals upon a verified motion setting forth valid grounds therefor. If the Court of Appeals denies the motion, the petitioner shall pay the docketing and other lawful fees and deposit for costs within fifteen (15) days from notice of the denial. (n)

Section 6. *Contents of the petition.* – The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein. (2a)

Section 7. *Effect of failure to comply with requirements.* – The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof. (n)

Section 8. *Action on the petition.* – The Court of Appeals may require the respondent to file a comment on the petition not a motion to dismiss, within ten (10) days from notice, or dismiss the petition if it finds the same to be patently without merit, prosecuted manifestly for delay, or that the questions raised therein are too unsubstantial to require consideration. (6a)

Section 9. *Contents of comment.* – The comment shall be filed within ten (10) days from notice in seven (7) legible copies and accompanied by clearly legible certified true copies of such material portions of the record referred to therein together with other supporting papers. The comment shall (a) point out insufficiencies or inaccuracies in petitioner's statement of facts and issues; and (b) state the reasons why the petition should be denied or dismissed. A copy thereof shall be served on the petitioner, and proof of such service shall be filed with the Court of Appeals. (9a)

Section 10. *Due course.* – If upon the filing of the comment or such other pleadings or documents as may be required or allowed by the Court of Appeals or upon the expiration of the period for the filing thereof, and on the records the Court of Appeals finds *prima facie* that the court or agency concerned has committed errors of fact or law that would warrant reversal or modification of the award, judgment, final order or resolution sought to be reviewed, it may give due course to the petition; otherwise, it shall dismiss the same. The findings of fact of the court or agency concerned, when supported by substantial evidence, shall be binding on the Court of Appeals. (n)

Section 11. *Transmittal of record.* – Within fifteen (15) days from notice that the petition has been given due course, the Court of Appeals may require the court or agency concerned to transmit the original or a legible certified true copy of the entire record of the proceeding under review. The record to be transmitted may be abridged by agreement of all parties to the proceeding. The Court of Appeals may require or permit subsequent correction of or addition to the record. (8a)

Section 12. *Effect of appeal.* – The appeal shall not stay the award, judgment, final order or resolution sought to be reviewed unless the Court of Appeals shall direct otherwise upon such terms as it may deem just. (10a)

Section 13. *Submission for decision.* – If the petition is given due course, the Court of Appeals may set the case for oral argument or require the parties to submit memoranda within a period of fifteen (15) days from notice. The case shall be deemed submitted for decision upon the filing of the last pleading or memorandum required by these Rules or by the court of Appeals. (n)

¹⁸⁹ Section 51, Rule IX of CSC Resolution No. 01-0940 promulgated on May 21, 2001 and as provided for under

Section 75. **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 Court¹⁹⁰.

Section 76. **Petition for Review.** - A complainant may elevate the decision of the disciplining authority dismissing a complaint for lack of a *prima facie* case before the Commission Proper through a Petition for Review within fifteen (15) days from the receipt of said decision¹⁹¹.

Rule XIII

CLASSIFICATION OF ACTS OF SEXUAL HARASSMENT

Section 77. **Classification of Administrative Offenses¹⁹² on Sexual Harassment Offenses.** – Sexual harassment is classified as grave, less grave and light offenses¹⁹³ based on the following acts or offenses¹⁹⁴:

- 77.1. Grave Offenses punishable by dismissible from the service shall include but are not limited to:
 - 77.1.1. Unwanted touching of private parts of the body (inner thighs, genitalia, buttocks and breast);
 - 77.1.2. Sexual assault;
 - 77.1.3. Malicious touching;
 - 77.1.4. 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
 - 77.1.5. Other analogous cases.
- 77.2. Less Grave Offenses shall include, but are not limited to:
 - 77.2.1. Unwanted touching or brushing against a victim's body;

Section 73, Rule 13 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁹⁰ Section 52, Rule IX of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁹¹ Section 50, Rule IX of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁹² Section 50, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

“Section 63. **Classification of Offenses.** – Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.”

¹⁹³ Section 53, Rule X of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

¹⁹⁴ Section 51, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

- 77.2.2. Pinching not falling under grave offenses;
 - 77.2.3. Derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;
 - 77.2.4. Verbal abuse with sexual overtones; and
 - 77.2.5. Other analogous cases.
- 77.3. Light Offenses shall include, but are not limited to:
- 77.3.1. Surreptitiously looking at a person's private part or worn undergarments;
 - 77.3.2. Making sexist statements and uttering smutty jokes or sending these through text, electronic mail including but not limited to social media platform, causing embarrassment or offenses 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;
 - 77.3.3. Malicious leering or ogling;
 - 77.3.4. Display of sexually offensive pictures, materials or graffiti;
 - 77.3.5. Unwelcome inquiries or comments about a person's sex life;
 - 77.3.6. Unwelcome sexual filtration, advances, propositions;
 - 77.3.7. Making offensive hand or body gestures at an employee;
 - 77.3.8. Persistent unwanted attention with sexual overtones;
 - 77.3.9. Unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
 - 77.3.10. Other analogous cases.

Rule XIV

ADMINISTRATIVE LIABILITIES

Section 78. ***Failure to Act Within Fifteen (15) Days from Receipt of the Complaint.*** – The head of office who fails to act within fifteen (15) days from receipt of any complaint for sexual harassment properly filed against any employee in that office shall be charged with Neglect of Duty¹⁹⁵.

¹⁹⁵ Section 54, Rule XI of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

Section 79. **Penalty Upon Conviction.** – 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 offense¹⁹⁶.

Section 80. **Penalties of Sexual Harassment Offenses**¹⁹⁷. – The penalties for light, less grave, and grave offenses are as follows:

80.1. For light offenses:

1st offense – Reprimand

2nd offense – Fine or suspension not exceeding thirty (30) days

3rd offense – Dismissal

80.2. For less grave offenses:

1st offense – Fine or suspension of not less than thirty (30) days and not exceeding six (6) months

2nd offense – Dismissal

80.3. For grave offenses: Dismissal

Section 81. **Penalty for Multiple Offenses**¹⁹⁸. – 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 circumstances¹⁹⁹.

In case the respondent is found guilty of two or more counts of the same offense, the penalty shall be imposed in the maximum regardless of the presence of any mitigating circumstance.

Section 82. **Failure to Create the CODI.** – Failure of the University President to create a CODI he/she shall be charged with Neglect of Duty²⁰⁰.

Section 83. **Penalty of Fine.** – The following are the guidelines for the penalty of fine²⁰¹:

83.1. **Payment of Fine in Place of Suspension.** – The EVSU Board of Regents upon the recommendation by the University President may allow payment of fine in place of suspension if any of the following circumstances are present:

83.1.1. When the functions/nature of the office is impressed with national interest such as those involved in maintenance of peace and order, health and safety, education; or

¹⁹⁶ Section 55, Rule XI of CSC Resolution No. 01-0940 promulgated on May 21, 2001

¹⁹⁷ Section 56, Rule XI of CSC Resolution No. 01-0940 promulgated on May 21, 2001

¹⁹⁸ Section 55, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁹⁹ Section 57, Rule XI of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

²⁰⁰ Section 60, Rule XII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

²⁰¹ Section 52, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

- 83.1.2. When the respondent is actually discharging frontline functions or those directly dealing with the public and the human resource complement of the office in insufficient to perform such function;
 - 83.1.3. When the respondent committed the offense without utilizing or abusing the powers of his/her position or office; or
 - 83.1.4. When the respondent has already retired or otherwise separated from government service and the penalty of suspension could not be swerved anymore, the fine may be sourced from the accumulated leave credits or whatever benefits due the respondent.
- 83.2. *Applicable of Payment of Penalty of Fine in Lieu of Suspension to Grave, Less Grave and Light Offenses.* – The payment of penalty of fine in lieu of suspension shall be available in Grave, Less Grave and Light Offenses where the penalty imposed is for six (6) months or less at the ratio of one (1) day of suspension from the service to one (1) day fine; *Provided*, that in Grave Offenses where the penalty imposed is six (6) months and one (1) day suspension in view of the presence of mitigating circumstances, the conversion shall only apply to the suspension of six (6) months. Nonetheless, the remaining one (1) day suspension is deemed included therein.
- 83.3. *Limitations.* – The maximum period to pay the fine shall not exceed one (1) year from the time the decision/resolution becomes final and executory. The conversion of suspension into fine is final and executory and therefore, not subject of appeal or any other similar relief.
- 83.4. *Reversion to Original Penalty.* – The failure of the respondent to pay the fine or part thereof shall cause the reversion to the original penalty of suspension. As such, respondent shall serve the original penalty of suspension imposed, irrespective of the amount already paid.
- 83.5. *Schedule of Payment of Fine by Installment.* – Fine may be paid in equal monthly installments subject to the following schedule of payment prescribed below:
- 83.5.1. Fine equivalent to one (1) month salary shall be paid within two (2) months;
 - 83.5.2. Fine equivalent to two (2) months' salary shall be paid within four (4) months;
 - 83.5.3. Fine equivalent to three (3) months' salary shall be paid within six (6) months;
 - 83.5.4. Fine equivalent to four (4) months' salary shall be paid within eight (8) months;

- 83.5.5. Fine equivalent to five (5) months' salary shall be paid within ten (10) months; and
- 83.5.6. Fine equivalent to six (6) months' salary shall be paid within twelve (12) months.
- 83.6. *Authority of the Cashier to Collect the Fines.* – The fine shall be paid to the University Cashier, computed on the basis of respondents' salary at the time the decision becomes final and executory.
- 83.7. *Recording and Uses of the Fines.* – The fines so collected shall be recorded as trust fund under and shall be used for the Provident Fund of the University.

Section 84. **Mitigating and Aggravating Circumstances**²⁰². – Except for offenses punishable by dismissal from the service, the following may be appreciated as either mitigating and/or aggravating circumstances in the determination of the penalties to be imposed:

- 84.1. Physical illness;
- 84.2. Malice;
- 84.3. Time and place of offense;
- 84.4. Taking undue advantage of official position;
- 84.5. Taking undue advantage of subordinate;
- 84.6. Undue disclosure of confidential information;
- 84.7. Use of government property in the commission of the offense;
- 84.8. Habituality;
- 84.9. Offense is committed during office hours and within the premises of the office or building;
- 84.10. Employment of fraudulent means to commit or conceal the offense;
- 84.11. First Offense;
- 84.12. Education;
- 84.13. Length of service; or
- 84.14. Other analogues circumstances.

In the appreciation thereof, the same must be involved or pleaded by the respondent, otherwise, said circumstances will not be considered in the imposition of

²⁰² Section 51, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

the proper penalty. The EVSU Board of Regents, upon the recommendation by the University President, however, in the interest of substantial justice may take consider these circumstances *motu proprio*.

Section 85. ***Manner of Imposition of Penalty***²⁰³. – When applicable, the imposition of the penalty may be made in accordance with the manner provided herein below:

- 85.1. *Minimum Penalty*. – The minimum of the penalty shall be imposed where only mitigating and no aggravating circumstances are present;
- 85.2. *Medium Penalty*. – The medium penalty shall be imposed where no mitigating and aggravating circumstances are present.
- 85.3. *Maximum Penalty*. – The maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.

Where aggravating and mitigating circumstances are present, sub-Section 78.1 above shall be applied where there are more mitigating circumstances present; sub-Section 78.2 above shall be applied when the circumstances equally offset each other; and sub-Section 78.3 above shall be when there are more aggravating circumstances.

The following divisible penalties shall have their medium range of penalty, to wit:

- a. Penalty of suspension ranging from one (1) month and one (1) day to six (6) months shall have three (3) months as its medium penalty; and
- b. Penalty of suspension ranging from six (6) months and one (1) day to one (1) year shall have nine (9) months as its medium penalty.

Section 86. ***Duration and Effect of Administrative Penalties***²⁰⁴. – The following rules shall govern the imposition of administrative penalties:

- 86.1. The penalty of dismissal shall result in the permanent separation of the respondent from the service, without prejudice to criminal or civil liability.
- 86.2. The penalty of demotion shall result in diminution of salary correspondent to the next lower grade with the same salary step.
- 86.3. The penalty of suspension shall result in the temporary cessation of work for a period not exceeding one (1) year.

Suspension of one (1) day or more shall be considered a gap in the continuity of service. During the period of suspension, respondent shall not be entitled to all monetary benefits including leave credits.

²⁰³ Section 54, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²⁰⁴ Section 56, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

- 86.4. The penalty of fine shall be in an amount not exceeding six (6) months salary of respondent. The computation thereof shall be based on the salary rate of the respondent when the decision becomes executory. Fines shall be paid within a period not exceeding one (1) year reckoned also from the date when decision becomes final and executory.
- 86.5. The penalty of reprimand is an official rebuke against a person's behavior which does not carry any accessory penalty or result in the temporary cessation of work. In the event the penalty of reprimand was imposed on appeal as a result of modification of the penalty of suspension or dismissal from service, the respondent shall be entitled to the payment of back wages and other benefits which would have accrued during the period of suspension or dismissal.

Section 87. **Administrative Liabilities Inherent in Certain Penalties**²⁰⁵. – The following rules shall govern in the imposition of accessory penalties:

- 87.1. The penalty of dismissal shall carry with it cancellation of eligibility, perpetual disqualification from holding public office, bar from taking civil service examinations, and forfeiture of retirement benefits.

Terminal leave benefit and personal contributions to Government Service Insurance System (GSIS), Retirement and Benefits Administration Services (RBAS) or other equivalent retirement benefits system shall not be subject to forfeiture.

- 87.2. The penalty of demotion shall carry with it disqualification from promotion for one (1) year.

In addition, the penalty of demotion shall disqualification the respondent for designation to any position/s for the period of five (5) continuous years.

- 87.3. The penalty of suspension shall carry with it disqualification from promotion corresponding to the period of suspension.

- 87.4. The penalty of fine shall carry with it disqualification from promotion for the same period the respondent is fined.

- 87.5. The penalty of reprimand shall not carry with it any accessory penalties.

- 87.6. A warning or admonition shall not be considered a penalty.

Section 88. **Effects of Exoneration on Certain Penalties**²⁰⁶. – The following rules shall govern when the decision is for exoneration:

- 88.1. In case the penalty imposed is a fine, the same be refunded.

²⁰⁵ Section 57, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²⁰⁶ Section 58, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

- 88.2. In case of demotion, the respondent shall be entitled to restoration to former salary grade with the same salary step and payment of salary differentials during the period the demotion was imposed.
- 88.3. In case the penalty imposed is suspension, the respondent shall immediately be reinstated to former post without loss of seniority rights and with payment of back wages and all benefits which would have accrued as if the respondent has not been illegally suspended.
- 88.4. In case the penalty imposed is dismissal, the respondent shall immediately be reinstated without loss of seniority rights or benefits under NBC 461 with payment of back wages and all benefits which would have accrued as if he/she has not been illegally dismissed.
- 88.5. The respondent who is exonerated on appeal shall be entitled to the leave credits for the period the respondent had been out of the service.

The grant of back wages and other benefits may be subject of settlement and/or compromise.

Section 89. **Recommendation for Removal of Administrative Penalties or Disabilities; Requirements**²⁰⁷. – In meritorious cases and upon recommendation by the EVSU Board of Regents and CSC, the President of the Philippines may commute or remove administrative penalties or disabilities imposed upon an officer and or employee in disciplinary cases, subject to such terms and conditions as the President of the Philippines may impose in the interest of the service.

Subject to existing guidelines, a petition for a favorable recommendation for the grant of removal of administrative penalties or disabilities may be filed by a dismissed or disciplined officer or employee with the EVSU Board of Regents and CSC upon submission of the following:

- 89.1. Certified true copy of the decision or resolution in the disciplinary case;
- 89.2. Favorable recommendation by the disciplining authority and/or EVSU Board of Regents upon the University President;
- 89.3. Affidavit or certification from reputable members of the community where he/she resides that he/she is a good parent/family member and/or neighbor, law-abiding and active member of the community and civic organizations;
- 89.4. Proof of non-pendency of an appeal/petition for review relative to one's disciplinary case before any court/tribunal; and
- 89.5. Proof of payment of filing fee.

²⁰⁷ Section 78, Rule 15 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

Section 90. **Guidelines**²⁰⁸. – The following are the guidelines for the grant of favorable recommendation for the removal of administrative penalties or disabilities:

- 901.1. Apart from compliance with the procedural requirements, the petitioner must demonstrate through specific and positive action and behavior that he/she has become a useful member of the community;
- 90.2. A minimum of three (3) years should have lapsed, from the time of the finality of the decision dismissing the petitioners from the service, in order that the petitioners may be considered as to have truly undergone moral reformation;
- 90.3. Petitioner seeking the removal of administrative penalties or disabilities must have recognized/accepted his/her guilt in his/her petition to show that he/she is repentant/remorseful of the consequences of his/her act, in addition to the above-mentioned requirements;
- 90.4. In cases where a petitioner is above sixty-five (65) years of age, the EVSU Board of Regents and CSC Commission Proper may favorably recommend the removal of his/her administrative penalties or disabilities, provided that he/she complies with the requirements and submits proof of moral reformation; and
- 90.5. In cases where the person is found guilty of depriving the government of money or property, restitution shall be required before the EVSU Board of Regents and CSC Commission Proper can favorably recommend the removal of administrative penalties or disabilities.

Section 91. **Conduct of Background Investigation and Submission of Recommendation**. – Upon receipt of a request sufficient in form and substance, the CSC Commission proper may refer the same to the CSC Regional Office No. VIII for the conduct of background investigation and submission of recommendation within sixty (60) days from receipt of the directive²⁰⁹.

Section 92. **The Effects on the Removal of Administrative Penalties or Disabilities**²¹⁰. – Subject to existing laws and regulations, the grant of the request shall result in the restoration of the subject employee's privilege to be employed in the government service, unless the President of the Philippines specifically orders otherwise.

Restoration of civil service eligibility and the privilege to take civil service examinations shall not apply to those who were found guilty of any form of examination irregularity.

Rule XV DUTY OF THE AGENCIES OF THE GOVERNMENT

²⁰⁸ Section 79, Rule 15 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²⁰⁹ Section 80, Rule 15 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²¹⁰ Section 81, Rule 15 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

Section 93. **Duty of the University.** – The University shall develop an education and training program for their officials and employees and the members of their Committee on Decorum and Investigation and Committee of Peers to increase understanding about sexual harassment, prevent its occurrence, and ensure proper investigation, prosecution and resolution of sexual harassment cases²¹¹.

Section 94. **Duty of the Civil Service Commission (CSC or Commission).** – The Commission, through its Regional Office No. VIII and Field Office, shall monitor the implementation of the directive to all government agencies to promulgate or modify, as the case may be, their rules and regulations on sexual harassment, as well as the conduct of the training programs as provided in Sections 59 and 60²¹².

94.1. In case a complaint alleging acts constituting sexual harassment as defined herein is filed with the Commission, the same shall be remanded to the agency where the alleged offender is employed for appropriate action in accordance with their own rules and regulations on sexual harassment²¹³.

94.2. The Civil Service Commission shall render technical assistance to agencies in the formulation of their rules and regulations on sexual harassment and the development and implementation of an intervention and prevention program on sexual harassment²¹⁴.

Section 95. **Duties of Law Enforcement Agencies.** – Law enforcement agencies such as, but not limited to, the Philippine National Police (PNP), National Bureau of Investigation (NBI), Armed Forces of the Philippines (AFP), and government agencies shall provide the necessary assistance in the service and compliance of subpoenas or summons or orders validly issued by the Committee on Decorum and Investigation or Committee of Peers, as the case may be, subject to their respective rules and regulations.

Rule XVI

CASES DURING THE INTERVENING PERIOD

Section 96. **Prosecution, Resolution or Adjudication of Cases Prior to the Effectivity of this Manual.** – During the period when the agency is still in the process of promulgating or modifying its own rules and regulations on sexual harassment, a complaint alleging acts constituting sexual harassment shall be administratively prosecuted, resolved and adjudicated based on these Rules²¹⁵.

Section 97. **Jurisdiction of the CSC over Sexual Harassment Cases**²¹⁶. – In case a complaint for sexual harassment is filed with the Commission, the same

²¹¹ Section 60, Rule XII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

²¹² Section 62, Rule XIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

²¹³ Section 63, Rule XIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

²¹⁴ Section 64, Rule XIII of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

²¹⁵ Section 65, Rule XIV of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

²¹⁶ Section 15, Rule 3 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

shall be remanded to the University. However, the Commission may take cognizance of the case under any of the following circumstances:

- 97.1. The University has no CODI;
- 97.2. The University President and/or EVSU Board of Regents is the subject of the compliant;
- 97.3. The subject of the complaint is a CODI member; or
- 97.4. There is unreasonable delay in complying with the periods provided in the Rules of the 2017 RACCs and/or in the rules hereof for the investigation and adjudication of a sexual harassment complaint.

For this purpose, there is unreasonable delay when any of the periods set in the rules of the 2017 RACCs and/or in the rules hereof lapsed for a period of more than thirty (30) days without justifiable reason.

Rule XVII **FORUM SHOPPING**

Section 98. **Application of Forum Shopping Rule.** – Under the same set of ultimate facts, the filing of a complaint based on an agency’s rules and regulations on sexual harassment shall preclude the filing of another administrative complaint under any other law²¹⁷.

Section 99. **Nature and Elements of Forum Shopping.** – The nature and elements of forum shopping shall be those as enunciated in **Domingo v. Rayala**²¹⁸ of which the Supreme Court clearly held:

“Forum shopping is an act of a party, against whom an adverse judgment or order has been rendered in one forum, of seeking and possibly securing a favorable opinion in another forum, other than by appeal or special civil action for *certiorari*. It consists of filing multiple suits involving the same parties for the same cause of action, either simultaneously or successively, for the purpose of obtaining a favorable judgment.

There is forum shopping when the following elements concur: (1) identity of the parties or, at least, of the parties who represent the same interest in both actions; (2) identity of the rights asserted and relief prayed for, as the latter is founded on the same set of facts; and (3) identity of the

²¹⁷ Section 66, Rule XV of CSC Resolution No. 01-0940 promulgated on May 21, 2001.

²¹⁸ **Ma. Lourdes T. Domingo v. Rogelio I. Rayala**, G.R. No. 155831, *Rogelio I. Rayala v. Office of the President*, G.R. No. 155840, and *The Republic of the Philippines v. Rogelio I. Rayala*, G.R. No. 158700, February 18, 2008 citing *Santos v. Comelec*, G.R. No. 164439, January 23, 2006, 479 SCRA 487, 493, citing *Repol v. Commission on Elections*, 428 SCRA 321 (2004); *Young v. Spouses Sy*, G.R. No. 157745 and G.R. No. 157955, September 26, 2006, 503 SCRA 151, 166, citing *Guaranteed Hotels, Inc. v. Baltao*, 448 SCRA 738, 743 (2005); *PAL Employees Savings and Loan Association v. Philippine Airlines, Inc.*, G.R. No. 161110, March 30, 2006, 485 SCRA 632, 646-647, citing *Philippine Nails and Wires Corporation v. Malayan Insurance Co., Inc.*, 445 Phil. 465 (2003); *Prubankers Association v. Prudential Bank and Trust Company*, 361 Phil. 744, 755 (1999); and *First Philippine International Bank v. Court of Appeals*, 322 Phil. 280, 307 (1996).

two preceding particulars such that any judgment rendered in the other action will amount to *res judicata* in the action under consideration or will constitute *litis pendentia*."

Rule XVIII

ELEMENTS, DEFINITIONS AND DETERMINATION OF OFFENSES

Section 100. ***Elements, Definitions or Determination of Administrative Offense as It Relates to Sexual Harassment and Other Sexual Offenses.*** – Notwithstanding as may be provided under applicable laws, rules and regulations as well as jurisprudence, the elements or definitions of administrative offense as it relates to sexual harassment and other sexual offenses shall be as follows:

- 100.1. *Conduct Prejudicial to the Best Interest of the Service* – refers to acts or omissions that violate the norm of public accountability and diminish or tend to diminish the people's faith xxxxxxxxx.²¹⁹
- 100.2. *Conduct Unbecoming of Public Official or Employee* – means that conduct of public official or employee has a great tendency to destroy public respect.²²⁰
- 100.3. *Crime Involving Moral Turpitude* – refers to everything which is done contrary to justice, modesty, or good morals; an act of baseness, vileness or depravity in the private and social duties which a man owes his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and woman, or conduct contrary to justice, honesty, modesty, or good morals. Not every criminal act, however, involves moral turpitude.²²¹
- 100.4. *Discourtesy in the Course of Official Duties* – refers to rude and hostile behavior exhibited by an official or employee affecting public service. It also includes acts of, among others, fighting between officials or employees during office hours reflecting adversely on the good image of the University, shouting at one another in the workplace and during office hours, and high-strung and belligerent behavior.²²²
- 100.5. *Disgraceful and Immoral Conduct* – is an act which violates the basic norm of decency, morality and decorum abhorred and condemned by the society and conduct which is willful, flagrant or shameless, and which shows a moral indifference to the opinions of the good and

²¹⁹ **A.M. No. 2011-05-SC**, September 6, 2011, RE: "Deceitful Conduct of Ignacio S. del Rosario, Cash Clerk III, Records and Miscellaneous Matter Section, Checks Disbursement Division, FMO-OCA" citing *Toledo v. Perez*, A.M. Nos. P-03-1677 and P-07-2317, July 15, 2009, 593 SCRA 5, 11, citing *Ito v. De Vera*,

²²⁰ **Carlisle Borough v. Adams**, Pa., 12 Cumb. 53 and Administrative Order No. 37 dated September 30, 1987.

²²¹ **Cecilia Pagaduan v. Civil Service Commission**, G.R. No. 206379, November 19, 2014 citing *PAL v. NLRC*, G.R. No. 123294, October 20, 2010, 634 SCRA 18, 41-42; and RE: *Decision dated May 20, 2008 in G.R. No. 161455 under Rule 139-B of the Rules of Court v. Pactolin*, A.C. No. 7940, April 4, 2012, 670 SCRA 366, 371; and

²²² **Maria Raquel R. Bajar v. Victoriano P. Baterisna**, A.M. No. P-06-2151, August 28, 2006 citing *Cervantes v. Cardeo*, supra; *Aquino v. Israel*, 426 SCRA 266, March 25, 2004; *Quiroz v. Orfila*, 272 SCRA 324, May 7, 1997.

respectable members of the community.²²³

- 100.6. *Grave Misconduct* – is a transgression of some established or definite rule of action, is a forbidden act, is a dereliction of duty, is willful in character, and implies wrongful intent and not mere error in judgment. More particularly, it is an unlawful behavior by the public officer x x x.²²⁴ It is an intentional wrongdoing or deliberate violation of a rule of law or standard of behavior, especially by a government official. As differentiated from simple misconduct, in grave misconduct the elements of corruption, clear intent to violate the law or flagrant disregard of established rule, must be manifest.²²⁵

Misconduct shall be considered grave only in cases where the elements of “corruption, willful intent to violate the law or to disregard established rules [are proven] by substantial evidence.” The misconduct must imply wrongful intention and not a mere error of judgment. Corruption as an element of grave misconduct consists in the act of an official or employee who unlawfully or wrongfully uses her station or character to procure some benefit for herself or for another, at the expense of the rights of others. Nonetheless, “a person charged with grave misconduct may be held liable for simple misconduct if the misconduct does not involve any of the additional elements to qualify the misconduct as grave. Grave misconduct necessarily includes the lesser offense of simple misconduct.”²²⁶

- 100.7. *Oppression* – as an act of cruelty, severity, unlawful exaction, domination or excessive use of authority.²²⁷ It is also known as grave abuse of authority, which is a misdemeanor committed by a public officer, who under color of his office, wrongfully inflict upon any person any bodily harm, imprisonment or other injury. It is an act of cruelty, severity, or excessive use of authority. To be held administratively liable for oppression or grave abuse of authority, there must be substantial evidence presented proving the complainant’s allegations. Substantial evidence is that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion.²²⁸

²²³ ***Evelina C. Banaag v. Olivia C. Espeleta***, A.M. No. P-11-3011 (Formerly OCA IPI No. 09-3143-P), December 16, 2011 citing Section 46(b)(5), Chapter 7, Subtitle A, Title I, Book V of the Administrative Code of 1987; and Section 1 of CSC Resolution No. 100912 dated May 17, 2010 (Revised Rules on the Administrative Offense of Disgraceful and Immoral Conduct).

²²⁴ ***Michaelina Ramos Balasbas v. Patricia B. Monayao***, G.R. No. 190524, February 17, 2014 citing *Japson v. Civil Service Commission*, G.R. No. 189479, April 12, 2011, 648 SCRA 532, 543-544.

²²⁵ ***Jowett K. Golangco v. Atty. Jone B. Fung***, G.R. No. 147640, and *Office of the Ombudsman v. Hon. Court of Appeals*, G.R. No. 147762, October 12, 2006 citing *Vertudes v. Buenaflor*, G.R. No. 153166, 16 December 2005, 478 SCRA 210, 233-234.

²²⁶ ***Glenda Rodriguez-Angat v. Government Service Insurance System***, G.R. No. 204738, July 29, 2015 citing *Government Service Insurance System (GSIS) v. Mayordomo*, supra note 43, at 683.

²²⁷ ***Jowett K. Golangco v. Atty. Jone B. Fung***, G.R. No. 147640, and *Office of the Ombudsman v. Hon. Court of Appeals*, G.R. No. 147762, October 12, 2006 citing *Salalima v. Guingona, Jr.*, 326 Phil. 847, 893 (1996).

²²⁸ ***Office of the Ombudsman v. Cynthia E. Caberoy***, G.R. No. 188066, October 22, 2014, citing *Romero v. Villarosa, Jr.*, A.M. No. P-11-2913, April 12, 2011, 648 SCRA 32, 41-42; *Spouses Stilgrove v. Sabas*, 538 Phil. 232, 244 (2006); and *Nedia v. Judge Laviña*, 508 Phil. 9, 19 (2005).

Rule XIX
CONTEMPT

Section 101. **Contumacious/Contemptuous Acts Punishable.** – Any person found guilty of disobedience of or resistance to a lawful writ, process, order, decision, resolution, ruling, summons, subpoena or command issued by the EVSU Board of Regents and/or by its Board Committees or Committee on Administrative and Disciplinary Investigation (CADI), or Committee on Decorum and Investigation (CODI), and of the CSC Commission Proper may be punished for indirect contempt²²⁹.

Section 102. **How Proceedings are Commenced**²³⁰. – Proceedings for indirect contempt may be initiated *motu proprio* by the EVSU Board of Regents or Committee/s or CSC Commission Proper by an order requiring the respondent to show cause why he/she should not be punished for indirect contempt. A motion to cite for indirect contempt may also be filed with EVSU Board of Regents and/or Committee/s or with the CSC Commission Proper. In both cases proceedings shall be conducted by the EVSU Board of Regents or Committee concerned or at the Legal Affairs, Civil Service Commission.

The conduct of proceedings in indirect contempt cases shall follow as far as applicable, the procedure required in the conduct of disciplinary investigation provided under the 2017 RACCS and/or hereof.

Section 103. **Hearing.** – Upon the day set for the hearing, the EVSU Board of Regents or Committee/s or CSC Commission Proper shall proceed to investigate the charge and consider such comment, answer, defense or testimony as the respondent may make or offer. Failure to attend the scheduled hearing and to give a satisfactory explanation in writing to the EVSU Board of Regents or Committee or CSC Commission Proper will result in the waiver of the respondent to be present during the hearing²³¹.

Section 104. **Punishment, if Found Guilty**²³². – If the respondent is adjudged guilty of indirect contempt committed against the EVSU Board of Regents or Committee or CSC Commission Proper, he/she may be punished by a fine of One Thousand Pesos (Php1,000.00) per day for every act of indirect contempt and/or suspension for one (1) month up to a maximum period of six (6) months. The fine imposed shall be paid to the University or CSC Commission, as the case may be, and shall be the person liability of the respondent.

The finding of guilt for indirect contempt shall not bar the filing of another indirect contempt case for the same cause if, after serving the first penalty of suspension or fine or both, the respondent continues to fail/refuse to comply with the EVSU Board of Regents' or CSC Commission Proper's Order.

²²⁹ Section 82, Rule 16 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²³⁰ Section 83, Rule 16 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²³¹ Section 84, Rule 16 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²³² Section 85, Rule 16 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

Rule XX
**PRESUMPTIVE NOTICE, SERVICE OF ORDER, SERVICE OF
PROCESSES AND RECONSIDERATION ON THE
PRESUMPTIVE NOTICE**

Section 105. ***Presumptive Notice; Service of Order and Service of Processes***²³³. – The following rules shall be observed:

105.1. There shall be presumptive Notice to a party of the EVSU Board of Regents' or Commission's Notice or Order on any of the following instances:

105.1.1. In cases under formal investigation, if such Notice or Order appears on the record to have been mailed at least fifty-five (55) days prior to the scheduled date of hearing if the addressee is from within the National Capital region, or at least seventy five (75) days if the addressee is from outside the National Capital Region, for cases before the Commission Proper.

In cases before the EVSU Board of Regents or its duly constituted Committee, or the CSCRO-VIII, if such Notice or Order appears on the record to have been mailed at least fifty five (55) days prior to the scheduled date of hearing if the addressee is from within the geographical area of Eastern Visayas Region, or at least seventy-five (75) days if the addressee is from outside the geographical area.

105.1.2. In cases where an Order was issued directing a party(ies) either to comply with the requirements to perfect their action; comment/answer on a pending action and/or transmit case records; file their respective position papers; and other analogous matters, after fifty-five (55) days from date of mailing, as appearing on the record if the addressee is from within the National Capital Region, or after seventy-five (75) days if the addressee is from outside the National Capital Region, for cases before the Commission Proper.

In cases before the EVSU Board of Regents or CSC Regional Office No. VIII, after fifty-five (55) days from date of mailing, as appearing on the record if the addressee is from within the geographical area of Eastern Visayas Region which exercises jurisdiction, or after seventy-five (75) days if the addressee is from outside the geographical area of Eastern Visayas Region.

In case the Notices or Orders mentioned in sub-Section 132.1.2 hereof, after the lapse of a period of thirty (30) days from the

²³³ Section 119, Rule 22 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

date of presumptive notice as appearing on the record of the case without receipt of any compliance form the concerned party, the EVSU Board of Regents or Commission shall proceed to act upon such case accordingly. On the other hand, if there is compliance received on an earlier period, the EVSU Board of Regents or Commission shall proceed to act upon such case as of the date of receipt of compliance.

- 105.2. *Availment of Private Couriers.* – A party, in order to ensure timely service, may opt to avail of private couriers for the service of pleadings, motions and other submissions. Proof of service in such case shall either be a sworn certification or affidavit of service from the courier specifically referring to the date of service and the corresponding tracking number for the mail matter.

Section 106. ***Reconsideration from the EVSU Board of Regents’ or Commission’s Action Based on Presumptive Notice***²³⁴. – In the event that the EVSU Board of Regents or CSC-Commission Proper renders an action, decision or resolution based on presumptive notice to a party, said party may move for the reconsideration thereof within fifteen (15) days from notice, subject to the following requirements:

- 106.1. In cases under sub-Section 132.1.2 of the preceding Section, by showing proof of actual receipt of Notice or Order which falls on a date after the lapse of fifty-five (55) days from the date of mailing as appearing in the case record if the addressee is from within the National Capital Region, or after seventy-five (75) days if the addressee is from outside the National Capital Region, for cases before the CSC-Commission Proper
- 106.2. In cases before the EVSU Board of Regents or CSC Regional Office No. VIII, by showing proof of actual receipt of Notice or Order which falls on a date after the lapse of fifty-five (55) days from the date of mailing as appearing in the case record if the addressee is from within the geographical area of Eastern Visayas Region, or after seventy-five (75) days if the addressee is from outside the geographical area.

Rule XXI

ADMINISTRATIVE DISCIPLINARY ON SEXUAL HARASSMENT CASES PROCESS FLOW

Section 107. ***Administrative or Disciplinary Cases Process Flow.*** – The administrative or disciplinary cases process flow of the University is presented in Annex A hereof which made as integral part of this 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual.

²³⁴ Section 120, Rule 22 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

Rule XXII
MISCELLANEOUS PROVISIONS

Section 108. **Procedures.** – The University shall provide facilities for both informal and formal procedures for resolving cases or dealing with incidents of sexual harassment.

Informal procedure refers to University action other than the formal procedure outlined in Section 105 hereof.

It may include alternative dispute resolution (ADR) mechanisms, corrective measures, and provision of support services, such as counseling, providing information, issuance of an administrative protection order, alternate or temporary shelter, study or work immersion, wellness programs and wholesome rehabilitative measures, and such other appropriate support. Formal procedure refers to an administrative disciplinary proceeding initiated upon a sworn written complaint and, after investigation, involves the issuance of a Formal Charge, the conduct of summary hearing, the resolution of a case, and the imposition of the corrective measure, if any.

Incidents of sexual harassment dealt with in this manner will be documented to determine whether patterns of sexual harassment are present, and to come up with measures to prevent and eliminate sexual harassment.

Section 109. **Alternative Dispute Resolution (ADR)**²³⁵. – As used in this Manual, ADR is limited to conciliation and mediation. It may be resorted to only in one complaint of sexual harassment. Provided, that these three requisites occur: it is the first complaint against the person being complained of; the complaint is a light offense; the case is peer-to-peer. Furthermore, it is understood that the complaint against the respondent is the first complaint filed in any of the constituent universities.

Complaints settled through ADR shall at all times be with the assistance of the OASH.

Section 110. **Support Services.** – The OASH may, at any time, in either formal or informal procedure, coordinate with, refer to, and/or provide appropriate support services to both aggrieved party or person/complainants and persons complained of/respondents.

Support services may include but are not limited to: temporary shelter, medical and legal services, counseling, transportation, communication, safety and security measures, and laboratory procedures.

For this purpose, the OASH shall provide orientation/training the sexual harassment case.

²³⁵ Republic Act No. 9285 entitled, "An Act To Institutionalize The Use Of An Alternative Dispute Resolution System In The Philippines And To Establish The Office For Alternative Dispute Resolution, And For Other Purposes," and its Implementing Rules and Regulations (IRR) embodied under Department Justice (DOJ) Circular No. 98, s. 2009.

Section 111. **Right to Representation.** – The University as complainant shall be represented by the University President and/or such other Executive Officials in so far as expressly authorized by the EVSU Board of Regents, as the case may be, or his/her designate.

The complaining witness and the respondent may be assisted by their respective counsels of choice, who are not connected with the University.

The role of counsel shall be limited to advice to his/her client.

Section 112. **Procedures on the Determination of Sexual Harassment.** – Upon proper referral by the EVSU Board of Regents and/or University President or any official, employee or student of the University, the Director of the Office of Anti-Sexual Harassment shall evaluate and determine the complaint on sexual harassment taking into the following procedures:

112.1. *How Commenced.* – Any sexual harassment committed may be reported orally or in writing, in English or Filipino, to the OASH by an aggrieved party, or by any person for the aggrieved party. No particular form is required for the report, but it must be in writing, signed by the aggrieved party or person, and notarized.

Deans/Directors/Heads of units who receive such report shall communicate the report to the OASH.

A report made orally, or thru a text message, or thru other non-written means, shall be reduced in writing by the OASH person-in-charge using a prescribed case in-take form and signed by the aggrieved party, or any person serving as the aggrieved party; Provided, that reports or statements in writing and other documents submitted shall be attached thereto.

A report filed by any member of the University against a non-member of the University with the University shall be dealt with similarly; *Provided*, that the report against the latter shall proceed in accordance with the terms of their engagement with the University.

A report filed against any member of the CODI and the OASH staff shall be referred to the University President for investigation and appropriate action.

Reports/complaints involving Executive Officials and employees shall be referred to the CODI for investigation and disposition.

A report filed against the student shall be referred to the Office of the Director of OASH or to the Director of Student Affairs and Services (SASO) for investigation and appropriate action.

A report filed against the University President or Regent shall be referred to the Office of the Chairperson of the EVSU Board of

Regents for investigation and appropriate action.

- 112.2. *Interview.* – A designated OASH case interviewer or ASHHO shall determine the particulars of the incident/s reported by asking specific questions to elicit details, record the answers and ensure that the record of the interview is attested to by the aggrieved party or person.
- 112.3. *Notices.* – Within five (5) days from receipt of the report, the OASH shall serve a notice of the report upon the person complained of and his/her parent or guardian, if the student is below 18, with copies of all pertinent documents.
- 112.4. *Response to Report.* – Within a period of five (5) days from receipt of the notice of the report, the person/s complained of shall submit to the OASH a written and notarized response, with a copy furnished the aggrieved party.
- 112.5. *Prima Facie Determination of Sexual Harassment.* – Upon receipt of the response to the report or the expiration of the period for the submission thereof, whichever comes first, all pertinent documents shall be forwarded to the ASH Council for evaluation and determination whether or not a prima facie case for sexual harassment exists, and if there is basis for issuance of preventive suspension.

Section 113. ***Protection Order.*** – The University President or Campus Director, as the case may be, may issue a Protection Order, on his/her own initiative, or upon application by the complainant, or upon the recommendation of the Director of the OASH, CODI, or Hearing Committee or CP, as the case may be, for the purpose of preventing retaliatory acts or continuing acts of sexual harassment against the complainant and granting other necessary relief. The reliefs granted under a Protection Order serve the purpose of safeguarding the complainant from further harm, minimizing any disruption to her/his daily life, and facilitating her/his opportunity and ability to independently regain control over her/his life. The provisions of the Protection Order shall be enforced by the Head of the Academic Unit or Office that has authority over the respondent.

A Protection Order may be temporary or permanent. A Temporary Protection Order (TPO) may be issued for not more than ninety (90) days unless the charge is for a grave offense, in which case the TPO is issued for the duration of the proceedings. A Permanent Protection Order (PPO) may be issued as part of the corrective measures.

The Protection Order may include any, some or all of the following reliefs:

- (a) prohibition of the respondent from threatening to commit or committing, personally or through another, any of the above acts prohibited in this Code;
- (b) prohibition of the respondent from directly or indirectly harassing, annoying, discriminating or committing any other acts that tend to damage the reputation of the complainant;

(c) removal and exclusion of the respondent from the place of work or study of the complainant, if they are officemates or classmates, either temporarily or permanently for the purpose of protecting the complainant;

(d) directing the respondent to stay away from the complainant and to stay away from the residence, school, place of employment, or any specified place frequented by the complainant; and,

(e) provision of such other forms of relief as may be deemed necessary to protect and provide for the safety of the complainant; Provided, that the complainant consents to such relief.

Violation of the TPO/PPO shall be subject to immediate disciplinary action as recommended by the Hearing Committee to the Chancellor.

Section 114. **Corrective Measures.** – The corrective measures for light, less grave, and grave offenses are as follows:

114.1. *For students:*

114.1.1. For light offenses:

1st offense – Reprimand or community service not exceeding 30 hours

2nd offense – Suspension not exceeding one (1) semester

3rd offense – Expulsion

114.1.2. For less grave offenses:

1st offense – Community service of 60 hours

2nd offense – Suspension for one (1) semester to one (1) year

3rd offense – Expulsion

114.1.3. For grave offenses:

1st offense – Suspension for one (1) academic year to expulsion

114.2. For other University workers. – They shall be proceeded against in accordance with the provisions of their contract with the University.

114.3. For University Organizations. – The corrective measures shall range from a minimum of suspension of privileges and recognition for one semester to a maximum of non-recognition as the gravity of the circumstances shall warrant.

In consonance with the transformative values of student discipline, the corrective measure of suspension for one semester or less may be converted and served for a like period in community service. Community service shall include a reasonable period for

clinical counseling and rehabilitative measures.

Section 115. **Additional Corrective Measures.** – In addition to the impossible corrective measures, regardless of the number of times the offense is committed, the following corrective measures may be imposed within the period of service of the corrective measure. These include the following, but are not limited to:

- 115.1. written or oral apology;
- 115.2. counseling; and,
- 115.3. attendance in appropriate or relevant trainings, seminars, and lectures, such as gender sensitivity trainings, or other such similar activities.

In determining whether corrective measures are appropriate or necessary, the following factors shall be taken into consideration:

- (a) nature and circumstances of the act committed;
- (b) frequency and severity of the act;
- (c) personal circumstances of the person complained of/ respondent (e.g., age, maturity, position, or rank)
- (d) safety of the parties or community; and,
- (e) such other relevant factors.

These corrective measures may also be adopted in complaints submitted for disposition under the informal procedure.

Section 116. **Alternative Circumstances.** – In the determination of the corrective measures to be imposed, the following circumstances attendant to the commission of the act shall be considered as alternately mitigating or aggravating:

- 116.1. physical illness;
- 116.2. good faith;
- 116.3. time and place of act;
- 116.4. official position;
- 116.5. subordinate;
- 116.6. disclosure of confidential information;
- 116.7. use of government property in the commission of the act;
- 116.8. habituality;
- 116.9. employment of means to commit or conceal the act;

116.10. education; or,

116.11. other analogous circumstances.

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

Section 117. **Prescriptive Period.** – All complaints for sexual harassment shall be filed with the OASH within four (4) years from the commission of the act complained of.

Section 118. **Protocols for the Prevention of Sexual Harassment.** – The OASH Council shall formulate, disseminate and publish protocols for the prevention of sexual harassment upon consultation with the EVSU community. Academic units may formulate implementing guidelines applicable to their particular situation or context, subject to the review of the Director of OASH and CODI and approval by the EVSU Board of Regents upon the recommendation by the University President.

An anti-sexual harassment protocol with contractors and concessionaires shall likewise be integrated in contracts entered with the University.

Section 119. **Anti-Sexual Harassment Orientation and Clearance Requirement.** – The Office of the Anti-Sexual Harassment shall organize an orientation to all members of the EVSU at least once a year or as often as may deemed necessary.

Anti-sexual harassment orientation and clearance shall henceforth be a component of student curriculum, human resource actions, such as hiring, tenure and promotion, and accreditation of service contractors, and partner entity engagements.

Rule XXIII

DATA PRIVACY AND PROTECTION

Section 120. **Declaration of Policy.** – The University shall conform to the declared State policies under Section 2 of Republic Act No. 10173²³⁶, to wit:

“It is hereby the policy of the State to protect the fundamental human right of privacy, of communication while ensuring free flow of information to promote innovation and growth. The state recognizes the vital role of information and communications technology in nation-building and its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are secured and protected.

²³⁶ An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for this Purpose a National Privacy Commission, and for Other Purposes.”

Section 121. **Scope**²³⁷. – This Article shall, in conformity with Republic Act No. 10173, apply to the processing of all types of personal information to any natural and juridical person involved in personal information processing including those personal controllers and processors who, although not found or established in the Philippines, use equipment that are located in the Philippines or those who maintain an office, branch or agency in the Philippines subject ,to the immediately succeeding paragraph: *Provided*, that the requirements of Section of R.A. No. 10173 are complied with.

Section 122. **Rights of the Data Subject**²³⁸. – The data subject²³⁹ is entitled to:

- 122.1. Be informed whether personal information pertaining to him or her shall be, are being or have been processed;
- 122.2. Be furnished the information indicated hereunder before the entry of his or personal information into the processing system of the personal information controller, or at the next practical opportunity;
 - a. Description of the personal information to be entered into the system;
 - b. Purposes for which they are being or are to be processed;
 - c. Scope and method of the personal information processing;
 - d. The recipients or classes of recipients to whom they are or may be disclosed;
 - e. Methods utilized for automated access, if the same is allowed by the data subject, and the extent to which such access is authorized.
 - f. The identity and contact details of the personal information controller or its representative;
 - g. The period for which the information will be stored; and
 - h. The existence of their rights, i.e., to access, correction, as well as the right to lodge a complaint before the Commission²⁴⁰.

Any information supplied or declaration made to the data subjects on these matters shall not be amended without prior notification of data subject: *Provided*, That the notification under subsection (b) shall not apply should the personal information be

²³⁷ Section 4 of Republic Act No. 10173 otherwise known as the Data Privacy Act of 2012.”

²³⁸ Section 16, Chapter IV of Republic Act No. 10173, otherwise known as the “Data Privacy Act of 2012.”

²³⁹ Refers to an individual whose personal information is processed as provided under Section 3(c) of Republic Act No. 10173. In the University, it shall refer to officials, faculty members or non-teaching personnel or employees and students.

²⁴⁰ Refers to the National Privacy Commission created pursuant to Chapter II of Republic Act No. 10173, otherwise known as the “Data Privacy Act of 2012.”

needed pursuant to a subpoena or when the collection and processing are for obvious purposes, including when it is necessary for the performance of or in relation to a contract or service or when necessary or desirable in the context of an employer-employee relationship, between the collector and the data subject, or when the information is being collected and processed as a result of legal obligation;

- 122.3. Reasonable access to, upon demand, the following:
- a. Contents of his or her personal information that were processed;
 - b. Sources from which personal information were obtained;
 - c. Names and addresses of recipients of the personal information;
 - d. Manner by which such data were processed;
 - e. Reasons for the disclosure of the personal information to recipients;
 - f. Information on automated processes where the data will or likely to be made as the sole basis for any decision significantly affecting or will affect the data subject;
 - g. Date when his or her personal information concerning the data subject were last accessed and modified; and
 - h. The designation, or name or identity and address of the personal information controller.
- 122.4. Dispute the inaccuracy or error in the personal information and have the personal information controller correct it immediately and accordingly, unless the request is vexatious or otherwise unreasonable. If the personal information have been corrected, the personal information controller shall ensure the accessibility of both the new and the retracted information and the simultaneous receipt of the new and the retracted information by recipients thereof; Provided, That the third parties who have previously received such processed personal information shall be informed of its inaccuracy and its rectification upon reasonable request of the data subject;
- 122.5. Suspend, withdraw or order the blocking, removal or destruction of his or her personal information from personal information controller's filing system upon discovery and substantial proof that the personal information are incomplete, outdated, false, unlawfully obtained, used for unauthorized purposes or are no longer necessary for the purposes for which they were collected. In this case, the personal information controller may notify third parties who have previously received such processed personal information;

122.6. Be indemnified for any damages sustained due to such inaccurate, incomplete, outdated, false, unlawfully obtained or unauthorized use of personal information.

Section 123. **Right to Data Portability**²⁴¹. – The data subject shall have the right, where personal information is processed by electronic means and in a structured and commonly used format, to obtain from the personal information controller a copy of data undergoing processing in an electronic or structured format, which is commonly used and allows for further use by the data subject. The Commission may specify the electronic format referred to above, as well as the technical standards, modalities and procedures for their transfer.

Section 124. **Non-Applicability**. – The immediately preceding sections are not applicable if the processed personal information as used only for the needs of scientific and statistical research and, on the basis of such, no activities are carried out and no decisions are taken regarding the data subject:

Provided, that the personal information shall be held under strict confidentiality and shall be used only for the declared purpose. Likewise, the immediately preceding sections are not applicable.

Section 125. **Adoption and Suppletorily Application of Republic Act No. 10173 and Relevant Laws, Rules and Regulations**. – The pertinent provisions of R.A. No. 10173 and such relevant laws, rules and regulations duly approved by the EVSU Board of Regents are hereby adopted and shall apply suppletorily and serve as the governing guidelines of this Article.

Rule XXIV

SUPPLETORY APPLICATION OF CSC RESOLUTION NO. 1701077, JURISPRUDENCE AND APPLICABLE LAWS AND SUBSEQUENT AMENDMENTS/REVISIONS OR ISSUANCES THEREOF

Section 126. **Application of CSC Resolution No. 1701077 Promulgated on July 3, 2017, Code of Conduct and Rules on Administrative Disciplinary Cases of the Officials and Employees of the University, 2017 Revised University Students' Handbook, 2017 Human Resource Merit Promotion and Selection for Faculty and Academic Non-Teaching Staff (HRMPS-FANTS) Manual, 2017 Human Resource Merit Promotion and Selection for Administrative or Non-Teaching Personnel (HRMPS-ANTP) Manual, Jurisprudence and Applicable Laws and Subsequent Amendments/Revisions or Issuances Thereof**. –The pertinent provisions of CSC Resolution No. 1701077 promulgated on July 3, 2017²⁴², Code of Conduct and Rules on Administrative Disciplinary Cases of the Officials and Employees of the University and such policies duly approved by the EVSU Board of Regents, 2017 Revised University Students' Handbook, 2017 Human Resource Merit Promotion and Selection for Faculty and

²⁴¹ Section 18 of Republic Act No. 10173 otherwise known as the Data Privacy Act of 2012.

²⁴² "2017 Rules on Administrative Cases in the Civil Services (2017 RACCS)."

Academic Non-Teaching Staff (HRMPS-FANTS) Manual, 2017 Human Resource Merit Promotion and Selection for Administrative or Non-Teaching Personnel (HRMPS-ANTP) Manual, jurisprudence and applicable laws and related and subsequent amendments or revisions and issuances thereof shall be applied suppletorily to this 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual and shall serve as the governing guidelines in the conduct of investigation or disciplinary proceedings against any Official or employees of the University.

Section 127. **Resolution in Case of Conflict Between CSC Rules, and Jurisprudence and this Rules and Other Policies Approved by the EVSU Board of Regents.** – The provision of this Manual and other policies approved by the EVSU Board of Regents must yield to the CSC rules and relevant jurisprudence should conflict occurs.

Rule XXV

PARITY CLAUSE AND PROHIBITION AGAINST DIMINUTION AND ELIMINATION

Section 128. **Parity Clause.** – All other powers, functions and privileges, responsibilities and limitations to state universities and/or their officials under existing laws shall be deemed granted to or imposed upon the University and/or its officials, faculty members and academic officers or staff whenever appropriate.

Section 129. **Prohibition Against Diminution and/or Elimination.** – Nothing in this 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual shall be construed to eliminate or in any way diminish rights, benefits, privileges, powers, duties and functions, as the case may be, being enjoyed by the officials, employees and students of the University at the time of the effectivity of this Manual.

Rule XXVI

TRANSITORY PROVISIONS AND IMPLEMENTING GUIDELINES

Section 130. **Transitory Provisions.** – The following measures shall be undertaken:

- 130.1. All existing or pending administrative or disciplinary on sexual harassment cases against any official or employee of the University shall be governed by the appropriate CSC rules and/or policies by the EVSU Board of Regents. *Provided*, that the duly constituted CODI, CP or the Hearing Officer or such tribunal or committee may, upon proper consultation with the parties, observe and implement the provisions of these Rules.
- 130.2. Within fifteen (15) days upon the effectivity of these Rules, the University President shall cause for the reorganization of the CODI and such committees subject to the provisions of this Manual.

- 130.3. The Committee of Peers shall be created by the EVSU Board of Regents once a complaint is filed by any party subject to the provisions of this Manual.
- 130.4. Within fifteen (15) days upon approval of this Manual, the University President shall designate the Director and Heads of OASH and its staff subject to the provisions of the 2017 Revised University Code and this Manual. Thereafter, they shall hold office and perform their respective duties in the duly designated office space in accordance with the provisions of this Manual.
- 130.5. Within thirty (30) days from the effectivity of this Manual, the first orientation of the officials, employees and students on anti-sexual harassment and this Manual shall be held. The Director for OASH shall be directly responsible in the conduct and coordination with other agencies concerned.
- 130.6. Within thirty (30) days after the designation of the Director of the OASH, the accreditation and training of the Anti-Sexual Harassment Hearing Officers of the University shall be undertaken. Thereafter, the University President shall submit the list of the accredited ASHHO to the EVSU Board of Regents for review and confirmation.
- 130.7. Within fifteen (15) days upon assumption to office, the Director of the OASH shall conduct an inventory and review of all sexual harassment and other sexual offenses cases, complaints and issues and submit the same to the University President for appropriate action. Provided, that the inventory and review herein contemplated shall include the determination of sexual harassment cases and the same shall be processed in accordance with the procedures provided in this Manual.

Section 131. **Rule-Making Authority.** – The University President shall, upon recommendation by the proper committee duly constituted for the purpose, and stakeholders of the University, formulate such implementing guidelines deemed necessary and incidental to ensure proper, effective and efficient implementation or execution of the provisions of this 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual. *Provided*, that the failure of the University President and/or EVSU Board of Regents to promulgate the guidelines shall not prevent or delay the effectivity and implementation of these Rules in accordance with effectivity date provided under Section 139 hereof.

Section 132. **Review and Ratification of Implementing Guidelines.** – The implementing guidelines of any and/or all of the provisions of this 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual shall be submitted to the Board for review and ratification.

Rule XXVII
PENAL, AMENDMENT AND REVISION

Section 133. **Penal Provisions.** – Violation/s of any of the provisions of this 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual shall be dealt with and proper penalties be imposed accordingly as expressly prescribed herein and/or as may be provided under existing laws, rules and regulations, and jurisprudence.

Section 134. **Amendment.** – Any provision/s or part/s of 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual may be amended by the EVSU Board of Regents upon the recommendation of the University President and the appropriate Board Committee. *Provided*, that the Councils and stakeholders of the University concerned are properly consulted.

Section 135. **Revision.** – This 2017 Revised Administrative Disciplinary Rules on Sexual Harassment of EVSU Manual may be revised by the EVSU Board of Regents upon the recommendation of the University President and the appropriate Board Committee. *Provided*, that the Councils and stakeholders of the University concerned are properly consulted.

Section 136. **Updating and Review of the 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual.** – It shall be the responsibility of the University President with the assistance of the Board and University Secretary to ensure periodic updating of this Manual taking into account the subsequent policies approved by the EVSU Board of Regents and such rules and regulations promulgated by competent authorities in so far as expressly adopted or authorized by the Board. *Provided*, that any and/or all provisions of this 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual shall be reviewed by the EVSU Board of Regents every three (3) years after its approval based on the rules it may promulgate.

Rule XXVIII
REPEALING, SEPARABILITY AND EFFECTIVITY

Section 137. **Repealing, Supplementary, Clarificatory and Modification Clause.** – Pertinent provisions of this 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual shall supplement to, clarify or amend or modify pertinent provisions of the 2017 Revised University Code approved per Board Resolution No. 115, s. 2017 and such service manuals or policies approved by the EVSU Board of Regents as the case may be. In case of conflict, the pertinent provisions of this Manual shall prevail over the pertinent provisions of previous policies or issuances as enunciated under **Mecano v. COA**²⁴³.

²⁴³ **Antonio A. Mecano v. Commission on Audit**, G.R. No. G.R. No. 103982 December 11, 1992 citing *Posadas vs. National City Bank*, 296 U.S. 497, 80 L. Ed. 351 (1935); *Maceda vs. Macaraig*, 197 SCRA 771 (1991); and *Villegas vs. Subido*, 41 SCRA 190 (1971) , the Supreme Court clearly rules:

“Repeal by implication proceeds on the premise that where a statute of later date clearly reveals an intention on the part of the legislature to abrogate a prior act on the subject, that intention

Further, the existing University's Anti-Sexual Harassments or Administrative Manuals and all Board Resolutions, manuals, orders, issuances, rules and regulations and policies of the University, or parts thereof, inconsistent with the provisions of this 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual are hereby amended or repealed accordingly.

Section 138. **Separability Clause.** – The provisions of these 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual are hereby declared separable. In the event that any provision hereof is rendered unconstitutional, those that are not affected shall remain valid and effective.

Section 139. **Effectivity.** – This 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in Eastern Visayas State University Manual shall take effect immediately upon approval by the Board of Regents of the Eastern Visayas State University.

Adopted/Approved this 21st day of March 2018 pursuant to Board Resolution No. 30, s. 2018 approved during the 74th Regular Board Meeting (First Quarter, CY 2018) held at the at the Commission on Higher Education, Conference Room, 4th Floor, Higher Education Development Center Building, C.P. Garcia Ave., UP Campus, Diliman, Quezon City.

APPROVED:

J. PROSPERO E. DE VERA III, D.P.A.
Commissioner
Commission on Higher Education
Chairperson, EVSU Board of Regents

DOMINADOR O. AGUIRRE, JR., D.M.
University President III
Vice Chair, EVSU Board of Regents

must be given effect. Hence, before there can be a repeal, there must be a clear showing on the part of the lawmaker that the intent in enacting the new law was to abrogate the old one. The intention to repeal must be clear and manifest; otherwise, at least, as a general rule, the later act is to be construed as a continuation of, and not a substitute for, the first act and will continue so far as the two acts are the same from the time of the first enactment.

There are two categories of repeal by implication. The first is where provisions in the two acts on the same subject matter are in an irreconcilable conflict, the later act to the extent of the conflict constitutes an implied repeal of the earlier one. The second is if the later act covers the whole subject of the earlier one and is clearly intended as a substitute, it will operate to repeal the earlier law.

Implied repeal by irreconcilable inconsistency takes place when the two statutes cover the same subject matter; they are so clearly inconsistent and incompatible with each other that they cannot be reconciled or harmonized; and both cannot be given effect, that is, that one law cannot be enforced without nullifying the other.

FRANCIS JOSEPH G. ESCUDERO

Chair, Committee on Education
Senate of the Philippines

Member

Represented by:

ANN K. HOFER

Chair, Committee on Higher & Tech. Education
House of Representatives

Member

Represented by:

FRANCES ANN BASILIO PETILLA

FLORENCIO "BEM" GABRIEL NOEL

EDGARDO M. ESPERANCILLA, CESO II

Regional Director, DOST-Region VIII

Member

BONIFACIO G. UY, CESO IV

Regional Director, NEDA-Region VIII

Member

ROGELIO D. BASAS

President, Federation of EVSU Faculty
Association, Inc.

Member

MICHAEL L. MUZONES

President, Federation of Student
Governments of EVSU

Member

RAUL S. SOLIVA

President, Federation of Alumni
Associations of EVSU, Inc.

Member

PACIENTE A. CORDERO, JR., D.Sc.

Private Sector Representative

Member

DANIEL A. ARIASO SR., CESO II

Private Sector Representative

Member

I hereby certify to the correctness of the foregoing Resolution No. 30, s. 2018 as duly adopted by unanimous/affirmative vote by the EVSU Board of Regents during the 74th Regular Board Meeting (First Quarter, CY 2018) held on March 21, 2018, as indicated above.

Certified Correct:

ANALYN C. ESPAÑO, M.A.
Associate Professor II
Board/University Secretary

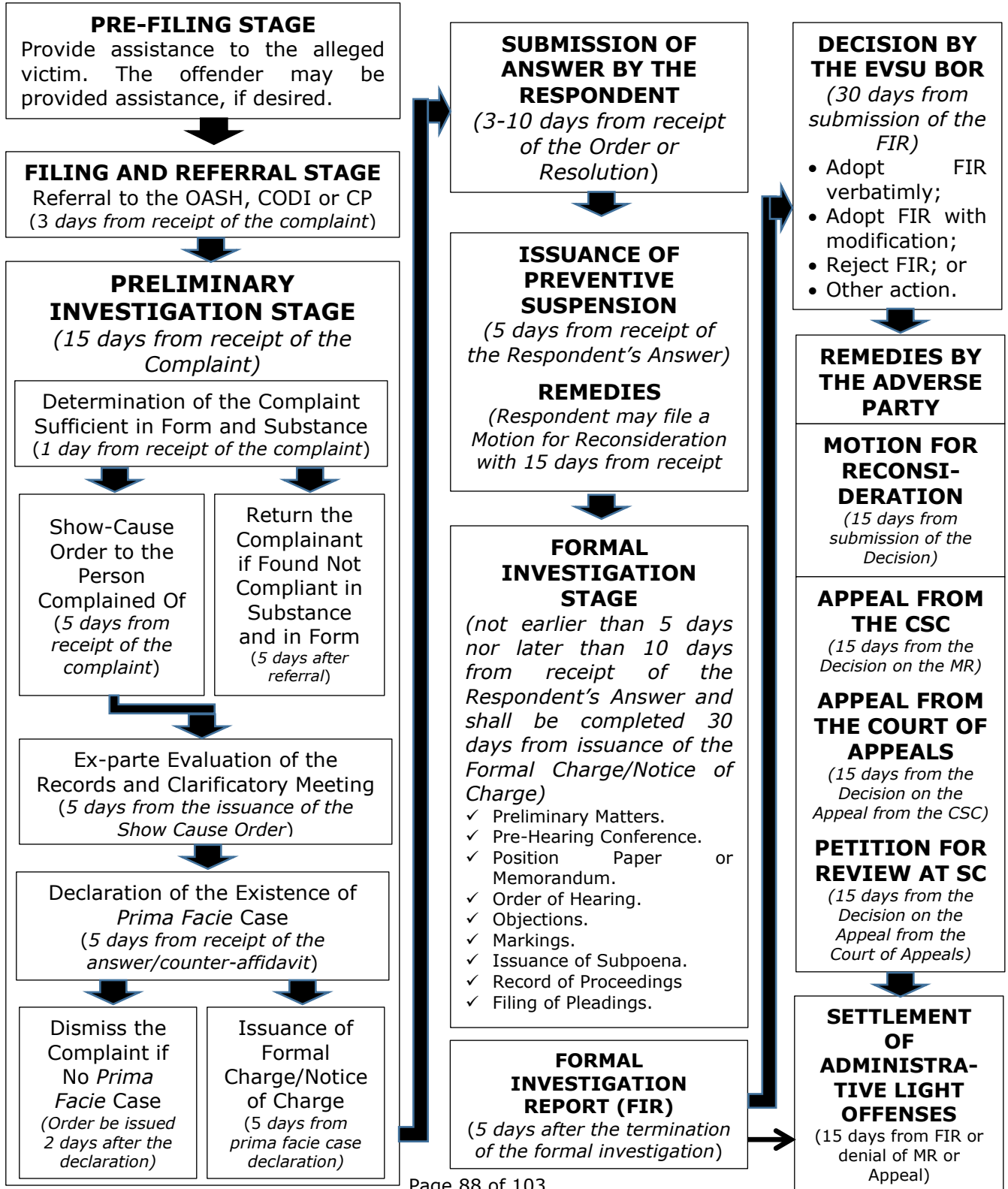
COMMITMENT

I hereby commit to implement and abide by the provisions of this 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in Eastern Visayas State University Manual approved per Board Resolution No. 30, s. 2018 and subsequent issuances thereof.

DOMINADOR O. AGUIRRE, JR., D.M.
University President III

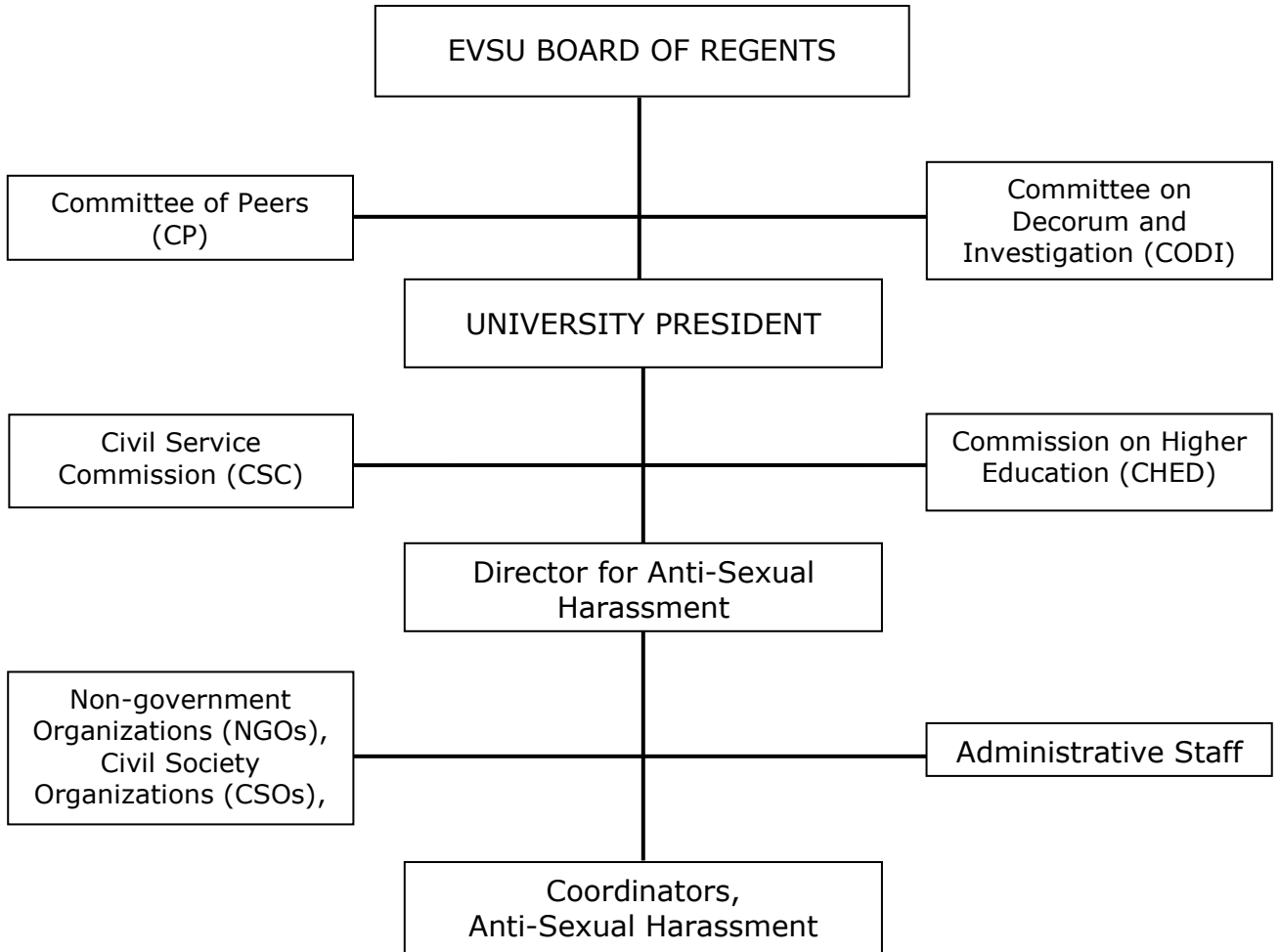
(Date)

Annex A ADMINISTRATIVE DISCIPLINARY CASES ON SEXUAL HARASSMENT FLOW CHART



Annex B

ORGANIZATIONAL STRUCTURE OF THE ANTI-SEXUAL HARASSMENT OF THE UNIVERSITY



Annex C
NOTICE OF SUBMISSION OF COUNTER-AFFIDAVIT/COMMENT/EXPLANATION



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

EVSU-RADRSH Form No. 1
Approved per Board Resolution No. 30, s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM
No. _____, s. 20__

TO: _____
Person/s Complained Of
EVSU-_____ Campus

SUBJECT: NOTICE OF SUBMISSION OF COUNTER-AFFIDAVIT/COMMENT/EXPLANATION

DATE: _____

=====

Pursuant to pertinent provisions of R.A. No. 7877, CSC MC No. 30, s. 1995, CSC MC No. 17, s. 2001 dated July 23, 2001, CSC Resolution No. 01-0940 promulgated on May 21, 2001, and CSC Resolution 1701077 Promulgated on July 3, 2017 and the 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual approved per Board Resolution No. 30, s. 2018, you are hereby directed to submit your written a comment/counter-affidavit/explanation, why no administrative case shall be filed against you in view of the allegations in the attached complaint, within ten (10) days from receipt hereof.

You hereby informed that should you fail to submit a comment/counter-affidavit/explanation shall be considered a waiver thereof and the preliminary investigation may be completed even without such counter-affidavit/comment/explanation.

Further, you are also informed of your right to be assisted of a counsel of your choice subject to the provisions of applicable laws, rules and regulations.

For your information and compliance.

University President III/Hearing Officer
Chairperson, Committee on Decorum and Investigation (CODI)/
Chairperson, Committee of Peers (CP)

Copy Furnished:

_____ 201 File of _____ HRMD Office

Annex D SHOW-CAUSE ORDER



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

EVSU-RADRSH Form No. 2
Approved per Board Resolution No. 30,
s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM
No. _____, s. 20__

TO: _____
Person/s Complained Of
EVSU-_____ Campus

SUBJECT: SHOW CAUSE ORDER (SCO)

DATE: _____

=====

Pursuant to pertinent provisions of R.A. No. 7877, CSC MC No. 30, s. 1995, CSC MC No. 17, s. 2001 dated July 23, 2001, CSC Resolution No. 01-0940 promulgated on May 21, 2001, and CSC Resolution 1701077 Promulgated on July 3, 2017 and the 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual approved per Board Resolution No. 30, s. 2018, you are hereby directed to submit your written a comment/counter-affidavit/explanation, why no administrative case shall be filed against you in view of the allegations in the attached complaint, within ten (10) days from receipt hereof.

You hereby informed that should you fail to submit a comment/counter-affidavit/explanation shall be considered a waiver thereof and the preliminary investigation may be completed even without such counter-affidavit/comment/explanation.

Further, you are also informed of your right to be assisted of a counsel of your choice subject to the provisions of applicable laws, rules and regulations.

For your information and compliance.

University President III/Hearing Officer/ASHHO
Chairperson, Committee on Decorum and Investigation (CODI)/
Chairperson, Committee of Peers (CP)

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Annex E FORMAL CHARGE



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

OFFICE ORDER
No. _____, s. 20__

EVSU-RADRSH Form No. 3
Approved per Board Resolution No. 30,
s. 2018
Approval Date: March 21, 2018
Revision No. 1

TO: _____
Respondent
EVSU-_____ *Campus*

SUBJECT: FORMAL CHARGE

DATE: _____

=====

After careful evaluation of the allegations and your comment/counter-affidavit/explanation thereof, this Office finds there's exist *prima facie* case and hereby charges you of an administrative offense of _____
_____ as supported by the following:

1. **Specification of Charge:**

2. **Brief Statement of Material or Relevant Facts:**

3. Evidences:

- 1.1. Certified true copies of the documentary evidences (Annex A); and
- 1.2. Sworn Statements of Witnesses (Annex B);

Pursuant to pertinent provisions of R.A. No. 7877, CSC MC No. 30, s. 1995, CSC MC No. 17, s. 2001 dated July 23, 2001, CSC Resolution No. 01-0940 promulgated on May 21, 2001, and CSC Resolution 1701077 Promulgated on July 3, 2017 and the 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual approved per Board Resolution No. 30, s. 2018, you are hereby directed to submit your answer, under oath, in not less than three (3) days but not more than ten (10) days from receipt hereof .

You are also requested to kindly indicate in your answer whether or not you elect or demand for a formal investigation.

Further, you are also informed of your right to be assisted of a counsel of your choice subject to subject to the provisions of applicable laws, rules and regulations.

For your information and compliance.

University President III

Copy Furnished:

_____ 201 File of _____ HRMD Office

Annex F NOTICE OF CHARGE



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

OFFICE ORDER
No. _____, s. 20__

EVSU-RADRSH Form No. 4
Approved per Board Resolution No. 30,
s. 2018
Approval Date: March 21, 2018
Revision No. 1

TO: _____
Respondent
EVSU-_____ Campus

SUBJECT: NOTICE OF CHARGE

DATE: _____

=====

After careful evaluation of the complaint filed by _____ and your comment/counter-affidavit/explanation thereof, this Office finds there's exist prima facie case and hereby charges you of an administrative offense of _____ as supported by the following:

1. **Specification of Charge:**

2. **Brief Statement of Material or Relevant Facts:**

3. Evidences:

- 1.1. Certified trues copies of the documentary evidences (Annex A); and
- 1.2. Sworn Statements of Witnesses (Annex B);

Pursuant to pertinent provisions of R.A. No. 7877, CSC MC No. 30, s. 1995, CSC MC No. 17, s. 2001 dated July 23, 2001, CSC Resolution No. 01-0940 promulgated on May 21, 2001, and CSC Resolution 1701077 Promulgated on July 3, 2017 and the 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual approved per Board Resolution No. 30, s. 2018, you are hereby directed to submit your answer, under oath, in not less than three (3) days but not more than ten (10) days from receipt hereof .

You are also requested to kindly indicate in your answer whether or not you elect or demand for a formal investigation.

Further, you are also informed of your right to be assisted of a counsel of your choice subject to the provisions of applicable laws, rules and regulations.

For your information and compliance.

University President III

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_____ 201 File of _____ _____ HRMD Office

Annex G NOTICE OF PREVENTIVE SUSPENSION



Republic of the Philippines EASTERN VISAYAS STATE UNIVERSITY Tacloban City

EVSU-RADRSH Form No. 5 Approved per Board Resolution No. 30, s. 2018 Approval Date: March 21, 2018 Revision No. 1

MEMORANDUM ORDER

No. _____, s. 20__

TO: _____ Respondent EVSU-_____ Campus

SUBJECT: NOTICE OF PREVENTIVE SUSPENSION

DATE: _____

Upon proper motion of the complainant in Sexual Harassment Administrative Disciplinary (SHAD) Case No. _____, _____ v. _____ (or Motu Proprio), and pursuant to pertinent provisions of R.A. No. 7877, CSC MC No. 30, s. 1995, CSC MC No. 17, s. 2001 dated July 23, 2001, CSC Resolution No. 01-0940 promulgated on May 21, 2001, and CSC Resolution 1701077 Promulgated on July 3, 2017 and the 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual approved per Board Resolution No. 30, s. 2018, you hereby placed under preventive suspension for a period of _____ (____) days effective _____.

Please be informed that pursuant to pertinent provisions of CSC Resolution No. 01-0940 promulgated on May 21, 2001, and CSC Resolution 1701077 Promulgated on July 3, 2017 and the 2017 RADRSH in the University Manual, preventive suspension is not a penalty. It is designed merely 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.

Within the period of the preventive suspension, you are hereby directed to report to _____ and discharge the duties and functions thereof subject to the provisions of the 2017 Revised University Code and applicable policies approved by the EVSU Board of Regents.

For your information and compliance.

University President III

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_____ 201 File of _____ HRMD Office

Annex H NOTICE OF TEMPORARY PROTECTION ORDER (TPO)



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

EVSU-RADRSH Form No. 6
Approved per Board Resolution No. 30, s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM ORDER

No. _____, s. 20__

TO: _____
Respondent
EVSU-_____ *Campus*

SUBJECT: NOTICE OF TEMPORARY PROTECTION ORDER (TPO)

DATE: _____

=====

Upon proper motion of the complainant in Sexual Harassment Administrative Disciplinary (SHAD) Case No. _____, _____ **v.** _____ (or *Motu Proprio*), and pursuant to pertinent provisions of R.A. No. 7877, CSC MC No. 30, s. 1995, CSC MC No. 17, s. 2001 dated July 23, 2001, CSC Resolution No. 01-0940 promulgated on May 21, 2001, and CSC Resolution 1701077 Promulgated on July 3, 2017 and the 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual approved per Board Resolution No. 30, s. 2018, you hereby placed under Temporary Protection for a period of ____ (__) days effective _____.

Please be informed that pursuant to pertinent provisions of CSC Resolution No. 01-0940 promulgated on May 21, 2001, and CSC Resolution 1701077 Promulgated on July 3, 2017 and the 2017 RADRSH in the University Manual, this Temporary Protection Order is not a penalty. It is designed merely 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.

Within the period of the Temporary Protection, you are hereby directed to report to _____ for proper supervision and coordination subject to applicable laws, rules and regulations.

For your information and compliance.

University President III

Copy Furnished:

_____ 201 File of _____ _____ HRMD Office

Annex I CONTEMPT SHOW-CAUSE ORDER



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

EVSU-RADRSH Form No. 7
Approved per Board Resolution No. 30,
s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM
No. _____, s. 20____

TO: _____
Person/s Complained Of
EVSU-_____ Campus

SUBJECT: CONTEMPT SHOW CAUSE ORDER (CSCO)

DATE: _____

=====

In view of your contumacious/contemptuous act/s, among others, disobedience of or resistance to a lawful writ, process, order, decision, resolution, ruling, summons, subpoena, command or injunction you have exhibited or committed against the undersigned and/or Committee and pursuant to pertinent provisions of R.A. No. 7877, CSC MC No. 30, s. 1995, CSC MC No. 17, s. 2001 dated July 23, 2001, CSC Resolution No. 01-0940 promulgated on May 21, 2001, and CSC Resolution 1701077 Promulgated on July 3, 2017 and the 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual approved per Board Resolution No. 30, s. 2018, you are hereby directed to submit your written a comment or answer why you shall not be cited for indirect contempt.

You hereby informed that should you fail to submit a comment/explanation shall be considered a waiver thereof and the proceedings for indirect contempt shall be undertaken and, if found guilty, appropriate penalty shall be imposed accordingly.

Further, you are also informed of your right to be assisted of a counsel of your choice subject to the provisions of applicable laws, rules and regulations.

For your information and compliance.

University President III/Hearing Officer/ASHHO
Chairperson, Committee on Decorum and Investigation (CODI)/
Chairperson, Committee of Peers (CP)

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Annex J
SUBPOENA DUCES TECUM



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

EVSU-RADRSH Form No. 8
Approved per Board Resolution No. 30, s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM
No. _____, s. 20__

TO: _____
Person/s Complained Of
EVSU-_____ Campus

SUBJECT: SUBPOENA DUCES TECUM

DATE: _____

In view of the proper motion seasonably filed by _____ or motu proprio, and by virtue of the powers and duties of the Committee/undersigned pursuant to pertinent provisions of R.A. No. 7877, CSC MC No. 30, s. 1995, CSC MC No. 17, s. 2001 dated July 23, 2001, CSC Resolution No. 01-0940 promulgated on May 21, 2001, and CSC Resolution 1701077 Promulgated on July 3, 2017 and the 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual approved per Board Resolution No. 30, s. 2018, you are hereby directed to produce and submit the original and certified copies of the following documents or materials which are considered material to the administrative disciplinary on sexual harassment in ADSH Case No. _____.

You hereby informed that should you fail to submit the said documents or materials, within three (3) days from receipt hereof, is a contemptuous act and that a proceeding for indirect contempt shall be undertaken and, if found guilty, appropriate penalty shall be imposed accordingly.

Further, you are also informed of your right to be assisted of a counsel of your choice subject to the provisions of applicable laws, rules and regulations.

For your information and compliance.

University President III/Hearing Officer/ASHHO
Chairperson, Committee on Decorum and Investigation (CODI)/
Chairperson, Committee of Peers (CP)

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_____ 201 File of _____ HRMD Office

Annex K
SUBPOENA AD TESTIFICANDUM



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

EVSU-RADRSH Form No. 9
Approved per Board Resolution No. 30, s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM
No. _____, s. 20__

TO: _____
Person/s Complained Of
EVSU-_____ Campus

SUBJECT: SUBPOENA AD TESTIFICANDUM

DATE: _____

In view of the proper motion seasonably filed by _____ or motu proprio, and by virtue of the powers and duties of the Committee/undersigned pursuant to pursuant to pertinent provisions of R.A. No. 7877, CSC MC No. 30, s. 1995, CSC MC No. 17, s. 2001 dated July 23, 2001, CSC Resolution No. 01-0940 promulgated on May 21, 2001, and CSC Resolution 1701077 Promulgated on July 3, 2017 and the 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual approved per Board Resolution No. 30, s. 2018, you are hereby directed to appear before this Committee to testify relative to the administrative disciplinary on sexual harassment in ADSH Case No. _____.

You hereby informed that should you fail to appear before this Committee on _____ is a contemptuous act and that a proceeding for indirect contempt shall be undertaken and, if found guilty, appropriate penalty shall be imposed accordingly.

Further, you are also informed of your right to be assisted of a counsel of your choice subject to the provisions of applicable laws, rules and regulations.

For your information and compliance.

University President III/Hearing Officer/ASHHO
Chairperson, Committee on Decorum and Investigation (CODI)/
Chairperson, Committee of Peers (CP)

Copy Furnished:

_____ 201 File of _____ HRMD Office

Annex L
SUBPOENA DUCE TECUM AND TESTIFICANDUM



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

EVSU-RADRSH Form No. 10
Approved per Board Resolution No. 30, s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM
No. _____, s. 20__

TO: _____
Person/s Complained Of
EVSU-_____ Campus

SUBJECT: SUBPOENA DUCES TECUM AND TESTIFICANDUM

DATE: _____

In view of the proper motion seasonably filed by _____ or motu proprio, and by virtue of the powers and duties of the Committee/undersigned pursuant to pursuant to pertinent provisions of R.A. No. 7877, CSC MC No. 30, s. 1995, CSC MC No. 17, s. 2001 dated July 23, 2001, CSC Resolution No. 01-0940 promulgated on May 21, 2001, and CSC Resolution 1701077 Promulgated on July 3, 2017 and the 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual approved per Board Resolution No. 30, s. 2018, you are hereby directed to produce and submit the original and certified copies of the following documents or materials which are considered material to the administrative disciplinary on sexual harassment in ADSH Case No. _____.

Relatedly, you are also directed to appear before this Committee to testify relative to the subject ADSH Case No. _____.

You hereby informed that should you fail to submit he said documents on or before _____ and/or appear before this Committee on _____ are contemptuous acts and that a proceeding for indirect contempt of each act and/or both acts shall be undertaken and, if found guilty, appropriate penalty shall be imposed accordingly. Further, you are also informed of your right to be assisted of a counsel of your choice subject to the provisions of applicable laws, rules and regulations.

For your information and compliance.

University President III/Hearing Officer/ASHHO
Chairperson, Committee on Decorum and Investigation (CODI)/
Chairperson, Committee of Peers (CP)

Copy Furnished:

_____ 201 File of _____ HRMD Office

Annex M REQUEST FOR SERVICE OF NOTICE AND SUBPOENA EXECUTION (SNSE)



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

EVSU-RADRSH Form No. 11
Approved per Board Resolution No. 30, s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM
No. _____, s. 20__

TO: _____
Person/s Complained Of
EVSU-_____ Campus

SUBJECT: REQUEST FOR SERVICE OF NOTICE AND SUBPOENA EXECUTION OF SUBPOENA (SNSE)

DATE: _____

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In view of the proper motion seasonably filed by _____ or *motu proprio*, and by virtue of the powers and duties of the Committee/undersigned pursuant to pursuant to pertinent provisions of R.A. No. 7877, CSC MC No. 30, s. 1995, CSC MC No. 17, s. 2001 dated July 23, 2001, CSC Resolution No. 01-0940 promulgated on May 21, 2001, and CSC Resolution 1701077 Promulgated on July 3, 2017 and the 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual approved per Board Resolution No. 30, s. 2018, you are hereby requested to service the notice and assist the Committee to execute the subpoena hereto attached relative to the administrative disciplinary on sexual harassment in ADSH Case No. _____.

Relatedly, you are also requested to kindly submit a report within three (3) days from receipt hereof.

You hereby informed that should you fail to submit he said documents on or before _____ and/or appear before this Committee on _____ are contemptuous acts and that a proceeding for indirect contempt of each act and/or both acts shall be undertaken and, if found guilty, appropriate penalty shall be imposed accordingly.

For your information and compliance.

University President III/Hearing Officer/ASHHO
Chairperson, Committee on Decorum and Investigation (CODI)/
Chairperson, Committee of Peers (CP)

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_____ 201 File of _____ _____ HRMD Office

Annex N COMPLAINT'S DISMISSAL ORDER



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

EVSU-RADRSH Form No. 11
Approved per Board Resolution No. 30,
s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM
No. _____, s. 20__

TO: _____
Person/s Complained Of
EVSU-_____ Campus

SUBJECT: COMPLAINT'S DISMISSAL ORDER

DATE: _____

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In view of the proper motion seasonably filed by _____ or *motu proprio*, and by virtue of the powers and duties of the undersigned pursuant to pursuant to pertinent provisions of R.A. No. 7877, CSC MC No. 30, s. 1995, CSC MC No. 17, s. 2001 dated July 23, 2001, CSC Resolution No. 01-0940 promulgated on May 21, 2001, and CSC Resolution 1701077 Promulgated on July 3, 2017 and the 2017 Revised Administrative Disciplinary Rules on Sexual Harassment in EVSU Manual approved per Board Resolution No. 30, s. 2018, and upon recommendation by the Director of the Office of the Anti-Sexual Harassment or ASHOO/Hearing Officer or CODI, the complaint filed by _____ on _____ is hereby dismissed for the following reasons:

Aggrieved party/ies may file appropriate remedies as provided for under this Manual and/or applicable laws, rules and regulations.

For your information and compliance.

By the Authority of the EVSU Board of Regents:

University President III

Copy Furnished:

_____ 201 File of _____ _____ HRMD Office