



PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(National Headquarters Philippine Coast Guard)
139 25th St., Port Area
1018 Manila

NHQ-PCG / CGGAD

27 August 2020

**CIRCULAR
NUMBER 09-20**

**ADDENDUM
TO HPCG CIRCULAR NUMBER 12-14 DATED 28 NOVEMBER 2014
ENTITLED PCG ANTI SEXUAL HARASSMENT POLICY**

I. REFERENCES:

- a. HPCG Circular Number 12-14 dated 28 November 2014, PCG Anti Sexual Harassment Policy;
- b. Republic Act No 7877, Anti-Sexual Harassment Act of 1995;
- c. Republic Act No 9262, Anti Violence Against Women and Children Act of 2005

II. PURPOSE:

This Circular prescribes additional guidelines and procedural steps to be followed by the Committee on Decorum and Investigation (CODI) created in the different PCG units in handling sexual harassment cases committed within their respective areas of responsibilities to ensure that due process of law is given to the parties concerned.

III. SCOPE:

This Circular applies to the members of CODI, Unit Commanders and designated Gender and Development (GAD) / Violence against Woman and Children Desk in all PCG Units.

IV. POLICIES:

- a. The Command, through CG Gender and Development (CGGAD) shall continue to create gender responsive programs to develop sensitivity awareness of the PCG personnel on gender issues and promote gender sanitation within the PCG service;
- b. The Command shall promote working environment free from sexual harassment and violence to maintain high level of professionalism and

focus on personal enhancement of the personnel towards capability development;

V. COMMITTEE ON DECORUM and INVESTIGATION (CODI):

- a. The Committee on Decorum and Investigation (CODI) established in the PCG units shall be responsible in investigating sexual harassment cases, as defined in Republic Act 7877 otherwise known as Anti-Sexual Harassment Act of 1995 that are committed within their respective areas of responsibility;
- b. The following shall be the additional set of procedures to be followed by CODI to ensure that due process of law is given to the parties concerned and warrant prompt resolution of the case:
 1. The Unit CODI shall receive all complaints on sexual harassment filed directly or through electronic mail, for purposes of investigation;
 2. All complaints on sexual harassment shall be in writing with brief narration of the incident, name/rank/unit assignment of the person subject of the complaint, duly signed and sworn to by the complainant, and shall be filed before the Unit CODI;
 3. In case the complaint is submitted directly to the Unit Commander or to any other office within the Unit, the same shall be forwarded to the CODI without delay, for investigation,
 4. Upon receipt of the complaint, the Unit CODI shall
 - i. Act upon the complaint within three days by evaluating the document based on the facts and form in para b hereof. It shall notify the complainant to appear before the Committee to submit additional evidence or to conform to the form herein prescribed. Non-appearance or non-compliance to the notice without valid reason may cause the setting aside or dismissal of the complaint;
 - ii. Notify the respondent to submit written comment under oath or counter affidavit and evidence in his defense within five days from receipt of notice. The five-day period shall only be extended on valid grounds like extreme medical emergency or force majeure, provided that no extension shall exceed three days;
 - iii. Proceed with the investigation by examining all documents and evidence submitted by the parties. Require the appearance or submission of the Affidavit of the witnesses mentioned in the complaint to shed light on the case.
 - iv. The investigation and submission of report with recommendations shall be completed within fifteen days from the time of its commencement;

- v. Submit to the Unit Commander, as the Disciplining Authority of the unit, the result of the investigation together with related documents for subsequent approval;
 - vi. In the event the complaint is against the Unit Commander, the report and recommendation shall be submitted to the Commandant, PCG for his approval.
 - vii. In case the complainant wishes to withdraw the complaint, it shall be done in writing, provided that it is done prior to submission of the report to the Disciplining Authority.
 - viii. At any time during the conduct of the CODI investigation but prior to the submission of the CODI report/recommendation, the Commandant, PCG, as he deems fit and necessary under the circumstances, may transfer the investigation of the case to be heard by a Special CODI created for the purpose. The Special CODI may continue the process already stated by the Unit CODI or opt to start anew depending in their appreciation of the situation.
- C. All sexual harassment related complaints and proceedings shall be treated with highest confidentiality considering the nature and the effect to the lives of the parties concerned. The CODI shall observe document security in transmitting all kinds of communication related to the case;
- d. Any person found to have committed the act of sexual harassment shall be meted with penalty corresponding to the gravity and seriousness of the offence;
- e. Administrative prosecution shall not be a bar to prosecution of sexual harassment case in the proper courts.


VI. EFFECTIVITY:

This Circular shall take effect upon approval.

BY COMMAND OF ADMIRAL URSABIA JR:

OFFICIAL:

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