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(National Headquarters Philippine Coast Guard)
139 25th Street, Port Area
1018 Manila

NHQ-PCG/GADC

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PHILIPPINE COAST GUARD SAFE SPACES POLICY

1. AUTHORITY

Republic Act No. 11313, otherwise known as the "Safe Spaces Act" dated 17 April 2019

2. REFERENCES

- A. Republic Act No. 7877, otherwise known as the "Anti-Sexual Harassment Act of 1995" dated 14 February 1995
- B. Civil Service Commission Memorandum Circular No. 11 s 2021 or the "Revised Administrative Disciplinary Rules on Sexual Harassment Cases (Amendment to the Sexual Harassment Provisions in the 2017 Revised Rules on Administrative Cases in the Civil Service)" dated May 2021;
- C. Civil Service Commission Resolution No. 1701077 or the "Revised Rules on Administrative Cases in the Civil Service" dated 03 July 2017;
- D. Civil Service Commission Resolution No. 01-0940 or the "Administrative Disciplinary Rules on Sexual Harassment Cases" dated 21 May 2001;
- E. HPCG Circular No. 12-14 or the "PCG Anti-Sexual Harassment Policy" dated 28 November 2014 and its addendum NHQ-PCG/CGGAD Circular Number 09-20 dated 27 August 2022;
- F. CGIAS SOP No. 02-10 dated 29 September 2010 otherwise known as "Guidelines in Handling Walk-in Complaints";
- G. USCG Sexual-Sexual Assault Prevention, Response and Recovery Plan 2018

3. PURPOSE

To prescribe principles, policies and procedures to promote safe spaces and conducive working environment within the Organization through gender sensitivity awareness and gender mainstreaming. Likewise, this Circular seeks to define gender-related administrative offenses, providing sanctions thereof, and institutionalizing a victim-oriented mechanism and a uniform and simplified procedure in the resolution of gender-related administrative cases.



4. SCOPE

This SOP applies to all Uniformed and Non-Uniformed personnel of the Philippine Coast Guard.

5. DEFINITION OF TERMS

- A. **Catcalling** – refers to unwanted remarks directed towards a person, commonly done as wolf-whistling and misogynistic, transphobic, homophobic and sexist slurs.
- B. **Cyberstalking** – refers to a form of stalking that is committed through an electronic medium in which online communication takes place.
- C. **Employee** – refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical and whether private or public, who exercises fundamental control over the work, regardless of the term or duration of agreement:

Any person who is in the service of the government or any of its agencies, divisions, subdivisions or instrumentalities, government-owned and controlled corporations with or without an original charter or state universities or colleges with a regional charter.

- D. **Employer** – refers to a person who exercises control over an employee. Provided, that for the purpose of this SOP, the status or conditions of the latter's employment or engagement shall be disregarded. In the public sector, the term employer refers to the head of government agencies, divisions, subdivisions or instrumentalities including government-owned and controlled corporations with or without an original charter, or state universities or colleges with a regional charter which exercises control over an employee.
- E. **Gender** – refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them.
- F. **Gender-Based Sexual Harassment (GBSH) in the workplace**
 - i. An act or series of acts involving any unwelcome sexual advances, request or demand for sexual favors, or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities.
 - ii. A conduct of sexual nature and other conduct based on sex affecting the dignity of a person, which is unwelcome, unreasonable and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication system.
 - iii. Conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient.

- G. **Gender Mainstreaming** – refers to the strategy to make women’s and men’s concern and experiences an integral dimension on the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres so that women and men shall benefit equitably, and that inequality is not perpetuated. It also refers to strategy to recognize gender issues and a strategy to ensure that gender equality is mainstreamed.
- H. **Homophobic remarks or slurs** – any statement, in whatever form or however delivered, which are indicative of fear, hatred or aversion towards persons who are perceived to be or actually identified as a lesbian, gay, bisexual, non-binary, pansexual and such other persons of diverse sexual orientation, gender identity or expression, or towards any person perceived to or actually have experienced same-sex attraction.
- I. **Misogynistic remarks or slurs** – any statement, in whatever form or however delivered, that are indicative of the feeling of hating women or the belief that men are inherently better than women.
- J. **Public Spaces** – refer to streets, alleys, roads, sidewalks, public parks, schools, buildings, churches, public washrooms, malls, internet shops, restaurants and cafes, transformation terminals, public markets, spaces used as evacuation centers, government offices, common carries, public utility vehicle as well as private vehicles covered by app-based transport network services and other recreational spaces such as but not limited to, cinema halls, theater spaces, bar and clubs, resorts and water parks, hotels and casinos, and all other areas, regardless of ownership openly accessed by the public.
- K. **Stalking** – refers to conduct directed at a person involving repeated visual or physical proximity, non-consensual communication or a combination thereof that cause or will likely cause a person to fear for one’s own safety or the safety of others, or to suffer emotional distress.
- L. **Sexist remarks or slurs** – are statements, made in whatever form or however delivered, that are indicative of prejudice, stereotyping or discrimination on the basis of sex, typically against women.
- M. **Transphobic remarks or slurs** – any statement, made in whatever form or however delivered, that are indicative of fear, hatred or aversion towards persons whose gender identity and/or expression do not conform with their sex assigned at birth.
- N. **Victim Advocate (VA)** – is a trained advocate for the victim; a person who can provide emotional support to the victim during interviews, medical procedures and legal proceedings.
- O. **Workplace** – workplaces include all sites, locations and spaces, where work is being undertaken by an employee within or outside the premises of the usual place of business of the employer.
- P. **Committee on Decorum and Investigation (CODI)** – refers to the Committee that is mandated to adjudicate complaints of gender-based sexual harassment in accordance with the prescribed procedure, and mandated to submit a report of its findings and recommendations to the disciplining authority for decision.

- Q. **Gender-Based Sexual Harassment (GBSH) Desk** – refers to the Body that has exclusive authority to receive and investigate complaints regarding GBSH cases and has the duty to determine its probable cause for the proper filing with the CODI unit concerned.
- R. **Student** – refers to a PCG personnel either undergoing a basic course as a trainee or one under schooling or taking specialized or functional courses.

6. GENERAL PROVISIONS

- A. The Coast Guard Gender and Development (GAD) Focal Point System (GFPS) shall continue to promote and advocate for raising awareness of this policy.
- B. A CODI shall be created in National Headquarters and all major Commands/Offices/Services and in such other subdivisions of the Philippine Coast Guard where the Commanding Officer exercises disciplinary authority as stated in the Code of Conduct with the following functions:
 - i. Investigate sexual harassment complaints in accordance with the prescribed procedure;
 - ii. Within ten (10) days from the termination of the conduct of the investigation, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
 - iii. Ensure the protection of the complainant from retaliation and guarantee confidentiality to the greatest extent possible as well as ensure that the respondent is given the opportunity to be properly notified of and respond to the charge/s and that parties are given information on the hearings and its outcomes.
 - iv. Lead, in coordination with the GAD Focal Point, in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment.
- C. The Committee in all units shall be headed by a woman while majority of its members shall be women. The Committee shall be composed of:

Second Most Senior Female Commissioned Officer	Chairperson
Next Senior Commissioned Officer after the Chairperson	Vice-Chairperson
Officer-in-Charge, Personnel Administration Office	Member
Most Senior Female Enlisted Personnel	Member
Enlisted Personnel after the Most-Senior Female Enlisted Personnel	Member
Any Female Non-Uniformed Personnel, in case one of the parties in the case is Non-Uniformed Personnel	Member

In an education and training institution and one of the parties in the case is a student, the Committee shall have an additional member belonging in the same class as the student.

As much as possible, a legal officer shall not be appointed as a member of the Committee but may serve as the Adviser of the Committee or an amicus curiae.



He/She shall not have active participation in the proceedings but may provide insights, expertise and information upon the request of the Committee.

- D. The Committee shall have its Secretariat to be headed by the next senior Commissioned Officer after the Vice-Chairperson of the Committee. The Head of the Secretariat shall have two assistants.
- E. Civil Service Commission Resolution No. 01-0940 or the "Administrative Disciplinary Rules on Sexual Harassment Cases" dated 21 May 2001 may apply supplementary or by analogy only when the procedural matter is not governed by any specific provision of this Policy.
- F. A GBSH Desk shall be created in National Headquarters and all major Commands/Offices/Services and in such other subdivisions of the Philippine Coast Guard rendering frontline services to receive from the public complaints of gender-related administrative offenses against erring PCG personnel.
- G. The GBSH Desk shall be composed of the following:

Most Senior Female Staff Officer	Officer-In-Charge
Female Staff Officer	Member
Most Senior Officer	Member
Female Non-Officer assigned DSG	Member
Female Non-Officer assigned O/D-1	Member
Female Staff of DMCPO	Member
Female Medical Officer	Member
Female Nurse Officer	Member

- H. A GBSH Desk shall be manned by duly trained personnel well-versed with handling cases concerning gender-related offenses. The duty Officer of the Day (OOD) shall be primarily responsible for rendering initial assistance.
- I. Any complaint filed before the CODI or GBSH Desk, after the same had been given due course, shall not be dismissed by virtue of issuance of affidavit of desistance. A complaint is said to be given due course once the respondent has been summoned or given formal notice for him/her to submit to the investigation and to provide defenses concerning the allegations against him/her. CODI or GBSH Desk shall proceed with the investigation. The resolution of CODI or Women's Desk shall have the effect of adjudication upon merits unless otherwise declared by CODI or the GBSH Desk, as the case may be.
- J. At any time before the finality of the decision, the case may be reopened based on the ground of discovery of new evidence or due to a fortuitous event which prevented the petitioner/respondent from submitting his evidence material to the case.

7. PROGRAMS ON GENDER MAINSTREAMING AND SENSITIVITY AWARENESS

- A. Conduct of regular review on and updating of policies concerning personnel recruitment, transfers, trainings, promotions, anything related to providing equal opportunities and leaves and other benefits, including policies concerning facilities, uniforms and the likes showcasing valuing the dignity of every person.

- B. Conduct of regular review on and updating of policies concerning procedures providing remedies in case of violations of gender-related laws and rules and regulations.
- C. Gathering of statistical records and setting metrics to gauge the effectiveness of projects and programs being implemented.
- D. Conduct of regular information campaign drive and Troop Information and Education (TI&E) ensuring widest dissemination coverage and depth of discussions.
- E. Posting in conspicuous places and dissemination of copies of the "PCG Safe Spaces Policy" in all PCG Units.
- F. Initiating programs and projects which provide assistance to victims such as free legal advice, counseling, lodging, including financial assistance and livelihood projects which enable the victims to recover and cope up with circumstances.

8. PROCEDURES BEFORE THE COMMITTEE ON DECORUM AND INVESTIGATION (CODI)

- A. Upon filing of the complaint, the same shall be forwarded to the Committee Secretariat. The Secretariat shall immediately notify the Commanding Officer concerning the case. The Secretariat shall review the complaint. In case the complaint is lacking, the complainant shall be informed that the case is dismissed but without prejudice to the refiling of the same. But if the complaint is sufficient in form and substance, the Secretariat shall issue a notice to explain to the Respondent directing him/her to answer, within 10 days upon receipt, all the allegations against him/her and put forward all his/her defense and submit pieces of evidence as he/she deemed relevant and competent.
- B. Upon receipt of the notice to explain, the Respondent shall submit his/her answer to the Committee with proof of service of a copy to the complainant.
- C. The complainant may, at his/her option, within five (5) days from the receipt of the Answer, submit his/her reply to the Committee with proof of service of a copy to the Respondent.
- D. The Respondent may, at his/her option, within 5 days from receipt of the reply, submit his/her Rejoinder to Committee with proof of service of a copy to the complainant.
- E. Upon receipt of the last pleading, or upon the expiration of the period to submit the Answer, Reply and/or Rejoinder, as the case may be, the CODI shall have ten (10) days to resolve the issue and to submit a recommendation to the Commanding Officer whether or not a formal complaint may be filed.
- F. Upon receipt of the recommendation, the Commanding Officer shall direct the Secretariat to file a formal charge before the CODI or shall issue a resolution dismissing the case. The dismissal of the case shall be upon merit unless the Commanding Officer determines that the dismissal is based on mere minor technicalities.

- G. The conduct of the formal investigation contemplated in this Circular must conform with Civil Service Commission Resolution No. 01-0940 or the "Administrative Disciplinary Rules on Sexual Harassment Cases" dated 21 May 2001.

9. PROCEDURES WITH GENDER-BASED SEXUAL HARASSMENT DESK

The procedures as prescribed in Section 8 shall be followed except that in lieu of the Committee Secretariat, the initial investigation shall be performed by the GBSH Desk. A duly accomplished Complaint Sheet (Annex "A") shall take the place of the Complaint but should the Complainant file a Complainant-Affidavit, the same shall be attached to the Complaint Sheet.

10. ROLES AND RIGHTS OF PCG PERSONNEL

- A. The PCG shall ensure that the workplace policies and programs on the prevention of sexual harassment in public spaces and workplace shall be disseminated to all personnel.
- B. It shall maintain the confidentiality of all information in relation to investigations in violation of this policy; or when such exceptions have been authorized on writing by the person concerned.
- C. Create a culture inhospitable to sexual harassment or behaviors that enable it while eliminating any stigma or retaliation associated with reporting.
- D. All PCG personnel must be aware and understand this policy primary prevention strategies, and the importance of their individual role in achieving a workplace free of sexual harassment and other concerning behaviors. Early identification of concerning behaviors and proactive, intrusive leadership to address them maintains units' cohesion and a positive command climate. Prevention also requires enhanced knowledge and skills to accurately assess risks or developing situations and the employment of effective tools to intervene, as appropriate.
- E. Eliminate sexual harassment within the Coast Guard through the foundation of a strong preventive culture.
- F. Ensure the availability and quality of support for sexual harassment victims. Increase victim's confidence of the system and reduce barriers to reporting.
- G. Provide comprehensive and flexible victims recovery care to facilitate a return to wellness.
- H. Ensure adequate capability and capacity for the reporting, investigation and prosecution of sexual harassment; and ensure leadership engagement in response to the same.

11. ACTS CONSTITUTING GENDER-BASED SEXUAL HARASSMENT

- A. Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through the following:

- i. Physical, psychological and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages;
 - ii. Invasion of the victim's privacy through cyberstalking and incessant messaging;
 - iii. Uploading and sharing without the consent of the victim any form of media that contains photos, voice or video with sexual content;
 - iv. Any unauthorized recording and sharing of any of the victim's photos, videos or any information online;
 - v. Impersonating identities of victims online or posting lies about victims.
- B. Qualified Gender-based streets, public spaces and online sexual harassment are acts that will be penalized with an administrative case under the PCG Code of Conduct and shall include the following acts:
- i. If the act takes place in a common carrier or PUV including, but not limited to jeepneys, taxis, tricycles or app-base transport network vehicle and the offended party is a passenger;
 - ii. If the offended party is a minor, a senior citizen or a person with disability, or a breastfeeding mother nursing her child;
 - iii. If the offended party is diagnosed with a mental condition tending to impair consent;
 - iv. If the perpetrator is a PCG personnel and the act was perpetrated while the perpetrator was in uniform; and
 - v. If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee.
- C. Gender-based sexual harassment in the workplace includes the following:
- i. An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any forms of information and communication systems that has or could have a detrimental effect on the conditions of an employment or education, job performance or opportunities.
 - ii. A conduct of sexual nature and other conduct based on sex affecting the dignity of a person, which is unwelcome, unreasonable and offensive to the recipient, whether done verbally, physically or through the use of technology or any other forms of information and communication system;
 - iii. A conduct that is unwelcome and pervasive and creates an intimidating, hostile and offensive environment for the recipient.

- iv. GBSH in the workplace may also be committed between peers and by a subordinate to a superior officer.
- v. Workplaces included all sites, locations, spaces, where work is being undertaken by personnel within or outside the premises of the usual place of business of the employer.

12. RESPONSIBILITIES

- A. The Unit Commanders are responsible for the overall implementation of this policy.
- B. The Unit GAD Technical Working Group in collaboration with the Deputy Chief of the Unit Staff for Education and Training shall conduct Troop Information and Education to all PCG personnel to increase the awareness and education of said personnel with regards to gender and development related laws, rules and regulations, and likewise conduct orientation programs to newly aboard personnel with regards to these policies.
- C. The Unit Public Affairs Officer shall be responsible in information dissemination through social media as well as formulation of strategic communication plan.
- D. The Unit CODI shall be responsible in ensuring a timely and speedy assessment of violation/s in relation to this policy.
- E. The assigned OIC, Coast Guard Legal Unit shall be responsible in ensuring that the procedures in handling GSBH-related cases are in accordance with the existing laws, rules and regulations. In addition to this, conduct TI&E in relation to Republic Act 11313, Republic Act 7877 and PCG Code of Conduct.
- F. The Unit Deputy Chief of Staff for Comptrollership, D-6 shall allocate adequate funding for the implementation of this policy.
- G. The Unit Deputy Chief of Staff for Supply and Logistics, D-4 shall be responsible in providing logistical requirements for the implementation of this policy.
- H. The Unit OIC, HSG shall assign female personnel in the GBSH Desk on a daily basis.

13. SUPPORT MECHANISM

The Unit shall create a Victim Advocate (VA) Team who may be present but is not to participate (e.g., prompting the victim) during the interview process. In coordination with the concerned CODI unit, the VA team may provide liaison assistance with other organizations/agencies on victim care matters. The VAs must report directly to the CODI when performing VA duties. Under certain conditions, VAs may be required to testify during proceedings but do not maintain any type of records or files.

14. MONITORING AND EVALUATION

The implementation of these policies and programs shall be monitored and evaluated periodically by the Unit CODI to ensure safe spaces in the workplace. Likewise, the CODI shall evaluate and ensure that all procedures and proceedings are followed.

15. PENALTY CLAUSE

- A. All personnel found violating any provisions of this policy shall be subjected to appropriate disciplinary/administrative proceedings.
- B. Administrative prosecution shall not be able to bar prosecution in the proper courts for any violation of R.A. 11313.

16. BUDGET ALLOCATION CLAUSE

The Command shall allocate funds to defray the necessary expenses of the CODI and the GBSH Desk chargeable against the respective Gender and Development (GAD) Budget of the Command/Unit.

17. RESCISSION

HPCG Circular Nr 12-14 or the "PCG Anti-Sexual Harassment Policy" dated 28 November 2014 is hereby repealed. All other policies and directives inconsistent with the provisions of this Circular are hereby rescinded and/or modified accordingly.

18. EFFECTIVITY

This Circular will be implemented effective 13 June 2024.

BY COMMAND OF CG ADMIRAL RONNIE GIL L GAVAN:

OFFICIAL:

HOSTILLO ARTURO E CORNELIO
CG RADM
Chief of Coast Guard Staff


JAYSIEBELL B FERRER
CG/CDR
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