

Department of Transportation and Communications  
**PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS**  
(Headquarters Philippine Coast Guard)  
~~139 25<sup>th</sup> Street, Port Area~~  
1018 Manila

CGA/CG-1

25 August 2003

CIRCULAR )

NUMBER 04-03

**CREATION OF THE PCG GENDER AND DEVELOPMENT (GAD) FOCAL POINT**

**1. REFERENCES**

- a. Executive Order Number 348, promulgating, approving and adopting the "Philippine Development Plan for Women (PPDW) for 1989-1992, specifies the organization of Focal Points
- b. Republic Act 7192, "Women in Development and Nation Building Act" of 1992
- c. Executive Order Number 273, approving and adopting the "Philippine Plan for Gender-Responsive Development (PPGRD) 1995-2025"
- d. NCRFW Memorandum Order No. 89-1, deadline set by the NCRFW for the different agencies to submit names and positions of the members of their GAD Focal Points
- e. DBM/NEDA/NCRFW Joint Circular No. 2001-1

**2. RATIONALE**

Section 28 of the 1999 General Appropriations Act provides for all government agencies, departments, bureaus, offices and instrumentalities including government-owned and controlled corporations to formulate a Gender and Development (GAD) Plan designed to address gender issues.

Necessary for the implementation of a GAD Plan is the creation of a GAD Focal Point in the Command. Executive Order No. 348 specified the organization of Focal Points within government agencies and instrumentalities to ensure the implementation and monitoring of implementation, review and updating of programs and projects identified for each sector.

### 3. PURPOSE

To prescribe the guidelines for the creation of a PCG GAD Focal Point, tasked to catalyze, coordinate, provide direction to, and serves as technical adviser to ensure gender mainstreaming and gender institutionalization in the Command.

### 4. DEFINITION OF TERMS

- A. *Gender and Development (GAD)* – is a development approach that focuses on the social, economic, political and cultural forces that determine how differently men and women participate in, benefit from, and control resources and activities. It considers the unequal relations between men and women and recognizes their different roles, interests and needs. Thus, in their access to benefits and participations and addresses these inequalities through gender mainstreaming.
- B. *Gender Mainstreaming* – is a process or strategy through which gender perspective are integrated into the over all operations of an agency. It is an organized effort to bring gender perspective in the goals, policies, structures, processes, programs and projects of the agency. It also focuses on the developing institutional mechanisms and strategy to address specific gender issues or concerns.
- C. *Gender Institutionalization* – is the systematic and sustained inclusion of GAD concerns in the planning, programming, budgeting, implementing and monitoring processes, particularly in the formulation, assessment and updating of the annual agency plan on a continuing basis so that the GAD consciousness in the bureaucracy shall commence and serve as the foundation of government commitments.

### 5. FUNCTIONS

The major functions of the PCG GAD Focal Point are:

- (1) Conduct gender consciousness seminars and training for the command
- (2) Provision of technical assistance on matters affecting women, such as the development of appropriate statistical indicators, provision of updated information on the situation of women, and assistance in fund sourcing
- (3) Provision of all necessary guidelines to facilitate the work of the Focal Points in the various agencies.
- (4) Development of a networking mechanism for the effective implementation, monitoring, evaluation and updating of the Plan.



6. Sexual harassment is not limited to specific acts directed to particular people. Non-directed acts, such as the display of printed materials, which could give offense, may constitute sexual harassment. Behaviors which may be acceptable in other context, e.g., between friends, can be considered as sexual harassment in the workplace. Following are some forms of sexual harassment:

- a. directly offensive verbal comments or innuendo of a sexual nature;
- b. sexually offensive jokes;
- c. repeated comments about a person's sexual orientation;
- d. offensive gestures;
- e. comments to a colleague regarding their sexual appeal;
- f. comments regarding a person's sexual orientation;
- g. physical contact such as patting, pinching, touching or putting an arm around another person;
- h. provocative posters, calendars or like material with a sexual connotation;
- i. unwelcome sexual advances;
- j. unwelcome request for sexual favors;
- k. unwelcome conduct of a sexual nature, including oral or written statements, which a reasonable person could offend, humiliate or intimidate the person harassed;
- l. encouraging junior(s) to accept participation in sexual relationships and activities conducted openly in the communal environment of a mess or barracks block as a requirement of communal living; and
- m. course badges, in-house publications (informal or formal) and training materials with sexual connotation.

7. Conduct which may appear innocent to one member may be perceived quite different by another. It is this difference in perception that may lead to a complaint of sexual harassment. To avoid such situations, conduct by all members must be above and beyond reproach, not only in the workplace but also during work related social events whenever they occur.

8. The PCG Administrative Disciplinary Rules on Sexual Harassment will be used to address violations of this policy.

### **Sexual Misconducts**

9. Sexual Misconducts are sexual acts or conduct unbecoming of a gentlemen/lady in an official or private capacity, which dishonor or disgrace individuals personally, seriously compromise the high moral standards and decorum of the PCG personnel, and most especially, the trainees and draftees undergoing training. Sexual misconduct is considered as an act that is tantamount to moral turpitude.

10. All PCG personnel/students shall desist from doing any acts constitute or tantamount to sexual misconducts.

Sexual misconducts include, but are not limited to the following acts/conducts:

- a. carnal knowledge/intercourse between unmarried personnel;
  - b. cohabiting (living in) without the benefit of legal marriage;
  - c. lewd, lascivious, or indecent act(s);
  - d. homosexual act(s), attempt to engage in homosexual act(s) or soliciting another to engage in a homosexual act or relationship;
  - e. sodomy including fellatio, cunnilingus and anal intercourse between unmarried personnel;
  - f. indecent exposure;
  - g. transvestism or other aberrant sexual behavior such as voyeurism (peeping toms, etc.) and doing sexual acts with animals;
  - h. necking, petting and kissing in public, especially when in uniform, between personnel who are not legally married;
  - i. exchanging backrubs;
  - j. sexually motivated nudity;
  - k. member(s) of the opposite sex who are unmarried lying (even fully clothed) together on the same bed /tent; and
  - l. use of appearance (flirtation) to gain favor, whether it is personal or work related.
11. The enumerated forms of sexual misconducts are not necessarily punishable under the revised Penal Code, but are considered unethical acts which undermine the moral and discipline of the unit, and put a risk the operational efficiency and effectiveness of PCG.

#### **Sexually Related Criminal Acts/Offenses**

12. These include crimes such as rape, incestuous rape, pedophilia, corruption of minor, sexually related assaults, abduction for the purpose of engaging in sexual intercourse, lewd, lascivious, or indecent act(s)/employment of minors for prostitution or pornographic purposes, indecent acts with or sexual assault upon a child, possession of child pornography, concubinage, adultery, act of lasciviousness, sexually related assaults/battery, pandering and sodomy. Rape, incestuous rape and pedophilia are heinous crimes and are punishable by death.
13. Any personnel who commits, or is accused of committing any of these criminal acts shall be turned over to civil authorities for filing of appropriate charges. For enlisted personnel, they shall be



discharged without honor in accordance with Circular 17 and RA 7055, automatically and immediately upon filing of charges. They can, however, appeal for reinstatement if acquitted by the civil court and upon proper unit investigation; there is no substantial evidence to prove that they violated this policy and the Articles of War. For officers, they shall also be turned over to civil authorities for filing of appropriate charges, but their administrative sanction shall be indorsed to the Efficiency and Separation Board who will determine and indorse to higher headquarters the proper administrative sanction.

#### **Other Unacceptable Sexual Behavior**

14. Other unacceptable sexual behavior cannot be closely defined. Ultimately, it will be a matter of judgment that certain sexual behavior, which is not unlawful, has the potential to reflect negatively upon the PCG. This behavior may also place operational efficiency and effectiveness at risk through a breakdown in group cohesion or loss of professional respect. PCG personnel shall refrain from committing these unacceptable sexual behaviors. Any personnel who violate this policy shall be punishable in accordance with the PCG Administrative Disciplinary Rules on Sexual Harassment.

Some examples of other unacceptable behaviors are:

- a. sexual relationship between a superior and a subordinate which comprises unit cohesion and undermines the superior's authority
- b. public display of affection or advocacy of a particular sexual preference, be it heterosexual or homosexual; and
- c. sexual relationships and activities conducted openly in the communal environment of a mess or barrack block.

#### **Sexual Discrimination/Gender Harassment**

15. Sexual discrimination/gender harassment is a behavior, which stereotypes a person according to a gender or sexual preference, rather than judging on individual merit. These are acts or omission of any acts that are based on a person's sex, which adversely affects privileges, awards and punishment, dignity, equal opportunity and treatment. It includes openly discussing views in which the other sex portrayed as inferior or subordinate or using gender-biased or sexist derogatory terms. Depending on the circumstances, this type of behavior may also constitute sexual harassment. Some examples of such behavior are:

- a. blaming women for pregnancy;
- b. derogatory references to male and female physiological functions;

- c. derogatory language about men and women who do not fit the male or female stereotype; and
- d. unjustified inequitable treatment of males or females.

16. Violation of this policy may constitute sexual harassment and as such shall be addressed in accordance with the PCG Administrative Disciplinary Rules on Sexual Harassment.

### **Fraternization**

17. Sexual relations and displays of affection and private intimacy between superiors and subordinates, trainers and staff and between peers are prohibited aboard PCG. This prohibition extends within the confines of the institution and outside where PCG personnel/contingents are performing official missions, tasks or business. Prescribe fraternization includes:

- a. voluntary sexual behavior between a superior and subordinate and between a training staff and student/trainee, including sexual behavior not amounting to intercourse;
- b. a close and exclusive emotional relationship involving public display of affection or private intimacy; and
- c. a relationship which involves or gives the appearance of involving, partially preferential treatment or improper use of rank.

18. A no-touching rule applies within and outside the confines of the PCG. It covers any physical contact or contact with, or in relation to, another person with the purpose of mutual sexual arousal and also includes public displays of affection and private intimacy.

19. The "NO TOUCHING" prohibition covers all public areas and establishments, especially the barrack/accommodation areas. PCG personnel should use common sense in their behavior in these areas to ensure that their behavior is not seen as offensive or embarrassing to other members or bring discredit to the PCG or otherwise impair operational effectiveness.

## **7. ADVICE AND SUPPORT MECHANISMS**

1. Where a PCG personnel wishes to seek confidential advice or support with regard to unacceptable behavior a number of options are available. Subject personnel may approach the following:

- a. Unit Commander
- b. Any member of his/her Unit Committee on Decorum and Investigation (CODI)



- c. HPCG Committee on Decorum and Investigation (CODI)
- d. Any member of the PCG GAD Focal Point

## **8. MANAGEMENT OF SEXUAL HARASSMENT, DISCRIMINATION AND UNACCEPTABLE SEXUAL BEHAVIOR**

The most effective way to prevent the continuation of harassment, discrimination or unacceptable sexual behavior is through the informal approach. The person offended state clearly to the perpetrator that the behavior is offensive and to demand that it cease immediately. It is recognized, however, that this may not always be possible. All parties involved are to be assured that, should a complaint proceed to a formal internal complaint, the allegation will be investigated thoroughly and with sensitivity.

## **9. FALSE ALLEGATIONS**

1. The giving of false or misleading information by any member who knows that the information is false or misleading during the investigation may be subject to administrative action taken from the Articles of War or the Revised Penal Code.
2. All personnel involved in a complaint are required to be honest and accurate in their evidence. A person who furnishes information or makes a statement knowing that the information or statement is false or misleading may be subject to penalty under the Articles of War, the Revised Penal Code and the Rules of Court.

## **10. RESPONSIBILITY**

### **A. Unit Commanders**

1. To assist in the provision of a work environment free from harassment, discrimination, fraternization and unacceptable sexual behavior, it is the responsibility of every PCG personnel to ensure that complaints about such behavior involving PCG personnel or students are reported promptly for investigation and resolution. Unit Commanders are to ensure that personnel lodging a complaint will not be subjected to retribution.
2. Unit Commanders are required to take all measures to eliminate workplace harassment, discrimination, fraternization and unacceptable sexual behavior. Under RA 7877, vicarious liability for unlawful acts by personnel pertains to the Unit Commander unless he/she can establish that all reasonable steps have been taken to prevent the personnel from performing the unlawful act. Thus a Unit Commander who fails to deal promptly and effectively with any complaint may be in breach of his duty of taking care of subordinates including civilian employees.
3. Unit Commanders are to ensure that all members in their unit are aware of the policy contained in this instruction together with sources of advice,

counseling and information regarding management of complaint procedures.

4. It is the responsibility of the Unit Commanders to:
  - a. foster integration and take all possible action to prevent or eliminate prejudice, unjustified discrimination and harassment, fraternization and unacceptable sexual behavior;
  - b. implement appropriate training programs within their unit;
  - c. maintain an environment where complaints and witnesses are confident that they receive support from their superiors; and
  - d. respond promptly, seriously and with sensitivity to allegations of harassment discrimination, fraternization and unacceptable sexual behavior.
5. Victimization and Recurrence. Any measures aimed at resolution must include firm steps necessary to ensure that there is no recurrence of the behavior or victimization of either party. This may require consideration of posting action, suspension of duty with or without pay, or involuntary separation from service/discharged without honor as a result of formal administrative action. Regular follow up action must be undertaken by the chain of command to ensure that the behavior will not recur or victimization will not be repeated.

#### **B. PCG Civilian Employees**

6. Harassment, discrimination, fraternization and unacceptable sexual behavior have the capacity to erode the mutual respect between military personnel, civilian employees and other civilians who are transacting business with PCG. Unit Commanders at every level are responsible for ensuring that areas under their control are free from harassment and other offensive behaviors. This also applies within the integrated work environment of PCG establishments where PCG personnel and other civilians are transacting business or visiting PCG personnel, and other establishment where CGETC personnel are performing official tasks/missions.

#### **C. Training and Education**

7. All students/trainees regardless of ranks are to be briefed and made to understand about the PCG policy on the prevention of sexual harassment, discrimination, fraternization and unacceptable sexual behavior. As a minimum, appropriate formal briefing/training is to be given at:
  - a. all initial entry courses (CGMC and CGOC);
  - b. specialist courses;



A. ~~The PCG GAD Focal Point shall issue guidelines for the creation of GAD Focal Points in the different PCG District, Major and Special Units.~~

B. All PCG personnel shall be made to undergo Gender Sensitivity Training (GST) to be conducted by DOTC accredited trainers to enhance and increase their awareness and understanding on gender sensitivity and related gender issues.

C. The PCG GAD Focal Point will facilitate the preparation of the Command GAD Plan, catalyzes, coordinates, attend to conferences/meetings called by DOTC Central Focal Point and NCRFW, provide directions and monitors the programs/projects on gender and development concerns within the organization.

D. The PCG GAD Focal Point shall prepare the annual budget proposals and financial plans of the Command that will be submitted to DBM, NEDA and NCRFW subject to review by CG-6.

E. The PCG GAD Focal Point shall prepare and ensure the timely submission of the PCG GAD Accomplishment Report to DOTC, NCRFW, DBM and other concerned agencies.

F. For proper implementation of GAD policies, the GAD Focal point shall be under the functional supervision of the office of CG-1.

G. A GAD Secretariat shall be maintained at O/CG-1 to coordinate all GAD activities.

## 9. EFFECTIVITY

This circular shall take effect upon approval.

**BY COMMAND OF VICE ADMIRAL LISTA:**

OFFICIAL:

**WILFREDO D TAMAYO**  
CAPT PCG  
Chief of Staff

  
**JOSE WILLIAM U ISAGA**  
LCDR PCG  
Coast Guard Adjutant

c. advance courses;

d. Coast Guard Command and Staff Course

## 11. RESCISSION

All policies, SOPs or any publication in conflict with this policy are hereby rescinded/superseded.

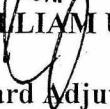
## 12. EFFECTIVITY

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**WILFREDO D TAMAYO**  
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