

Department of Transportation and Communications
PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(Headquarters Philippine Coast Guard)
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PCG ANTI-SEXUAL HARASSMENT POLICY

1. REFERENCES:

- a. Republic Act 7192
- b. Republic Act 7877

2. PURPOSE:

To prescribe the policies on sexual harassment that includes discrimination, fraternization and other unacceptable sexual behavior within the workplace and the training environment in order to protect the basic rights of the PCG personnel and improve operational capability of the unit.

3. OBJECTIVE:

The objective of this policy is to state clearly the PCG policy on the prevention of sexual harassment, sexual misconduct/offenses, sexual discrimination, fraternization and other unacceptable sexual behavior and to provide guidelines in dealing with such behaviors.

4. SCOPE AND APPLICABILITY

This circular is applicable to all uniformed and non-uniformed personnel of the Philippine Coast Guard within the confines and outside of the PCG premises whether he/she is on actual duty or not and to all those individuals who are conducting official transactions within the PCG compound.

5. DEFINITION OF TERMS:

- A. **Acts of Lasciviousness.** These are indecent acts or sexual misconducts done for the purpose of arousing the sexual desire of another person.

- B. **Countenancing.** In this policy, countenancing means extending approval or tolerating someone who is violating any of the provisions, stipulated herein, whether implicitly or explicitly. It also means someone, who knows that something is being violated, but did not report it promptly to proper authorities for various reasons.
- C. **Flirtation.** A superficial or spurious indication of liking or approval especially for the opposite sex, employed for the purpose of taking advantage, gaining favor, luring or deceiving the subject.
- D. **Fraternization.** Defined as sexual relations and displays of affection and private intimacy between superior and subordinate, students and training staff, and between peers. Prescribe fraternization includes:
1. voluntary sexual behavior between members, including sexual behavior not amounting to sexual intercourse;
 2. a close and exclusive emotional relationship involving public displays of affection or private intimacy; and
 3. a relationship which involves, or gives the appearance involving, partially, preferential treatment or improper use of rank.
- E. **Moral Turpitude.** Is an act or behavior that gravely violates the moral sentiments or moral standards of the community, especially sexual immorality. It is the morally culpable quality held to be present in some criminal and other offenses like sexual harassment, sexual misconduct and sexually related criminal acts included as distinguished.
- F. **PCG Personnel.** In this policy, it encompasses the officers, enlisted personnel, civilian employees, trainees and draftees.
- G. **Public Places.** Places inside PCG premises, and such other places, where formal or official transactions and activities of PCG takes place. Public places include, but are not limited to the following: headquarters, offices, barracks accommodations, classrooms, gangways, mess halls, vessels, etc.
- H. **Rape.** Is having carnal knowledge/sexual intercourse of a woman under any of the following circumstances:
1. by using force or intimidation;
 2. when the woman is deprived of a reason or otherwise unconscious;
 3. when the woman is under twelve years of age, even though neither of the circumstances in the two preceding paragraphs shall be present.
- I. **Sexual Battery.** It is the unlawful beating or subjecting to physical injury of a person, especially the private (sexual) parts, by a member of the same or opposite sex; and willful, angry or violent, or negligent unlawful

~~touching of another person's (of the opposite sex) clothes or anything attached to, or held by a person.~~

- J. **Sexual Discrimination.** An act or omission of any act that is based on a person's sex which adversely affects privileges, awards and punishment, dignity, equal opportunity and treatment.
- K. **Sexual Harassment.** Is defined in Anti-Sexual Harassment Act (RA 7877) as when a sexual favor is made as a condition for hiring, reemployment or continued employment or for granting favorable employment/training terms and conditions. It is defined in the AFP code of Ethics as: 1) influencing, or threatening the career, pay or job of a person in exchange for sexual favors; and 2) deliberate, repeated offensive comments, gestures or physical contact of sexual nature in a work or work related environment. In other words, sexual harassment is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that is made on a condition of employment, affects employment decisions, unreasonable actions which interferes with work/training performance, or creates an intimidating or hostile work/training environment.
- L. **Sexual Intercourse.** Means: a) a penetration, to any extent, of the vagina or anus of a person by any part of the body of another person, except where the penetration is carried out for a proper medical purpose or is otherwise authorized by law; b) the penetration, to any extent, of the vagina or anus of a person by an object, being penetration carried by another person, except where the penetration is carried out for a proper medical purpose or is otherwise authorized by law; c) the introduction of any part of the penis of a person into the mouth of another person; d) cunnilingus; or e) the continuation of sexual intercourse as defined in a) to d) of this paragraph.
- M. **Sexual Misconduct/Offense.** Sexual misconduct is sexual act or conduct unbecoming of a gentleman or lady in an official or private capacity that dishonor or disgrace individuals personally and seriously compromise the high moral standards and decorum of PCG personnel. This includes, but is not limited to the following:
- 1) carnal knowledge/sexual intercourse between two unmarried individuals who has no relation whatsoever;
 - 2) cohabiting (living in) without the benefit of a legal marriage;
 - 3) lewd, lascivious, or indecent act(s);
 - 4) homosexual act(s), attempt to engage in homosexual act(s), or urging another person to engage in homosexual act or relationship;
 - 5) sodomy, including fellatio, cunnilingus and anal intercourse;
 - 6) indecent exposure;
 - 7) transvestism and other aberrant sexual behavior such as voyeurism (peeping toms), doing sexual act(s) with animals, etc.;
 - 8) necking, petting and kissing in public places;

~~9) exchanging backrubs;~~

10) sexually motivated nudity;

11) personnel of the opposite sex lying, even fully clothed, together on the same bed; and

12) use of appearance to gain favors, flirt or use as sexual politics.

N. **Sodomy.** Sodomy is the carnal or noncoital copulation with the member of the same sex or, sometimes, with an animal. In layman's term it is anal sex.

O. **Unethical Acts.** Unethical acts refer to all acts or omissions which involve moral turpitude and/or deviate from established and accepted ethical and moral standards of behavior and performance. Examples of which, relevant to this policy, are fornication (adultery, concubinage, homosexuality, lesbianism, pedophilia, etc) sexually related assaults, fraternization and sexual harassment.

6. POLICY:

A. All PCG personnel have a basic right to work or study in a work related environment or education and training environment free from sexual harassment and discrimination. They also have the responsibility to treat others fairly. Any behavior that constitutes, accepts or promotes sexual harassment and offenses and discrimination is unacceptable since it affects an individual's/group's performance in the workplace and training, lowers morale and undermines the operation capability of a unit. The PCG is committed to providing an environment that is free from sexual harassment, misconduct/offenses and discrimination.

B. The maximization of operational effectiveness of the PCG require esprit de corps, respect for the leadership of the command, the initiative of the individual, collective discipline and the maintenance of morale. Accordingly, PCG personnel must refrain from behavior which:

- 1) undermine a personnel's ability to contribute to the unit cohesiveness;
- 2) is contrary to, or inconsistent with the standards of professional and personal;
- 3) conduct required to achieve such operational effectiveness; or
- 4) unlawful under civil, criminal or military law.

C. BEHAVIORS WHICH CONSTITUTE SEXUAL HARASSMENT, DISCRIMINATION AND UNACCEPTABLE SEXUAL BEHAVIOR

1. Any behavior, which is sexually offensive, belittling or threatening and is directed at an individual or group is unacceptable. It may be the result of some real or perceived attribute or difference (such as disability, race, gender, sexual preference, age or religion). The behavior may also be unwelcome, unsolicited, unreciprocated and

usually, but not always, repeated. It is a behavior which a reasonable person, having regard to all the circumstances, would have anticipated that it would offend, humiliate or intimidate the person being harassed.

2. This behavior must not be confused with legitimate comment and advice (including negative comment or feedback) from immediate superior (officer/EP) and supervisors on the work/training performance or work related behavior of an individual or group, which is intended to assist personnel to improve their performance or behavior.

Sexual Harassment

3. Work, education or training related sexual harassment can be committed by a superior which could be an officer, enlisted personnel, teacher/instructor, trainer/drill instructor, or any other person who, having authority (whether perceived or real), influence or moral ascendancy over another in a work, training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of the said act. Sexual harassment is tantamount to an act involving moral turpitude.
4. Under RA 7877, Sexual Harassment is described as "more about power than it is about sex. It is the undue exercise of power by a superior over a subordinate; it is about control." Basically, anyone can be a harasser; Commanding Officer, fellow employee/personnel who can give the connections the victim needs, or perhaps a subordinate who has something to blackmail the victim, anyone with some sort of superiority (whether perceived or real) or authority over the victim. Any officer, enlisted personnel or civilian employee and their equivalent in the civilian sector who directs or induces another to commit an act of sexual harassment or who cooperates in its commission is also liable. This includes people who did not do the harassing themselves but countenance or aided in the act – such as employees or commanding officers who know that it is going on but do nothing about it – are also criminally liable.
5. Sexual harassment is an unwelcome sexual attention by a person who has power or authority towards a person of the opposite sex or sexual inclination/preference. It is unlawful where it is directed against fellow PCG personnel/employees, persons seeking employment/enlistment/promotion, fellow workplace participants even if not employed by the Philippine Coast Guard and those engaging in legitimate business with the PCG.