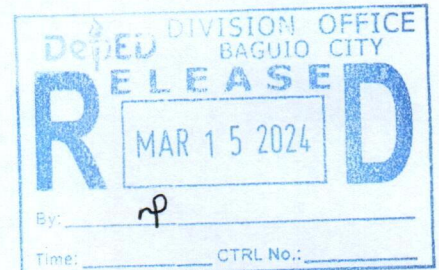




Republic of the Philippines  
**Department of Education**  
Cordillera Administrative Region  
**SCHOOLS DIVISION OF BAGUIO CITY**



13 March 2024

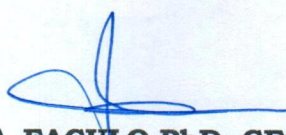
**DIVISION MEMORANDUM**

No. **180-2024**

**WIDE DISSEMINATION OF MEMORANDUM OUOPS-2024-05-01115 AND  
RM 149-2024, THE "REITERATION OF GUIDELINES ON THE  
IMPLEMENTATION OF THE SAFE SPACE ACT  
IN BASIC EDUCATION"**

To : Chief Education Supervisors  
Public Schools District Supervisors  
Public Elementary & Secondary School Heads  
School Information Officers (SIOs)  
Division Child Protection Unit (CPU)/ Learner Rights Protection Office  
Division Child Rights in Education Desk (CREDe)  
All Others Concerned

1. This is in reference to Regional Memorandum 149-2024 from OM-OUOPS-2024-05-01115 which is the *Reiteration of Guidelines on the Implementation of Safe Space Act in Basic Education*, copy of which is hereto attached as "Enclosure 1".
2. School Heads in coordination with the Division Learner Rights and Protection (LRP) focal person, shall monitor the strict implementation and observance of the said guidelines. Furthermore, concerns involving violation of the Safe Spaces Act shall be reported immediately to the Learners Contact Center Helpline 0995-2006316.
3. Immediate and wide dissemination of this Memorandum is desired.

  
**SORAYA T. FACULO PhD, CESO VI**  
Assistant Schools Division Superintendent  
Officer-in-charge  
Office of the Schools Division Superintendent

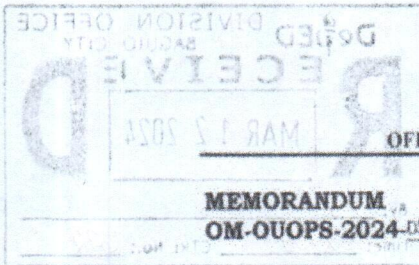






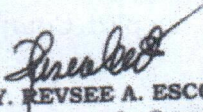
Republika ng Pilipinas  
**Department of Education**

OFFICE OF THE UNDERSECRETARY FOR OPERATIONS



**MEMORANDUM**  
**OM-OUOPS-2024-05-01115**

**FOR :** Undersecretaries  
 Assistant Secretaries  
 Bureau and Service Directors  
 Ministers of Basic, Higher, and Technical Education,  
 BARMM  
 Regional Directors  
 Schools Division Superintendents  
 Public and Private Elementary and Secondary School Heads  
 Learner Rights and Protection Focal Personnel  
 All Others Concerned

**FROM :**   
**ATTY. REVSEE A. ESCOBEDO**  
 Undersecretary for Operations

**SUBJECT :** Guidelines on the Implementation of the Safe Spaces Act in  
 Basic Education

**DATE :** February 7, 2024

Following the provisions of the Safe Spaces Act promulgated through Republic Act No. 11313, entitled "An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, and Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties Therefor" or the Safe Spaces Act," this Office through the Learner Rights and Protection Office (LRPO) has initiated the development of this DepEd Memorandum to ensure its strict implementation and observance.

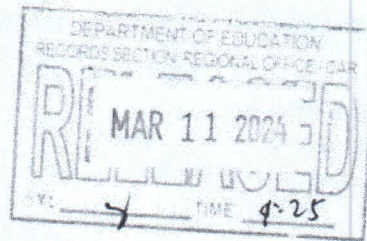
The implementation of the Safe Spaces Act in Basic Education is in line with the Department of Education's MATATAG Framework, specifically its second critical component of "Take good care of learners by promoting learner well-being, inclusive education, and a positive learning environment," ensuring a safe and positive learning environment for learners.

The attached *guidelines* have undergone review from different offices and bureaus, including regional and division offices, as well as the Philippine Commission on Women (PCW). Their submitted comments and recommendations have been considered and integrated to further improve the guidelines and aim to address gender-based sexual harassment in schools guaranteeing the protection of our learners.





Republic of the Philippines  
**Department of Education**  
 CORDILLERA ADMINISTRATIVE REGION

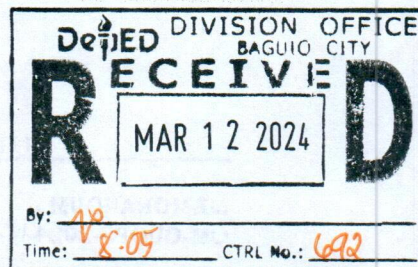


11 March 2024

**REGIONAL MEMORANDUM**

No. 149.2024

To: Assistant Regional Director  
 Schools Division Superintendents  
 Public and Private Elementary and Secondary School Heads  
 Learners Rights and Protection and Protection Focal Personnel  
 All Other Concerned



**GUIDELINES ON THE IMPLEMENTATION OF THE  
 SAFE SPACES ACT IN BASIC EDUCATION**

1. This is in reference to the attached Memorandum No. OUOPS-2024-05-01115 dated February 7, 2024 titled "Guidelines on the Implementation of the Safe Spaces Act in Basic Education Institutions", from Atty. Revsee A. Escobedo, Undersecretary for Operations, Department of Education, DepEd Complex, Meralco Avenue, Pasig City.
2. Particular attention is invited to paragraph 1,2 and 3 of the said Memorandum for reference.
3. The Regional and Division Learner Rights and Protection focal personnel shall monitor the strict implementation of the guidelines. Furthermore, concerns involving violation of the Safe Spaces Act shall be reported immediately to the Learners Contact Center Helpline (092) 8628-1872. For concerns and clarifications, please contact Mayclaire Aquino-Jimenez, Project Development Officer IV or through email address car.essd@deped.gov.ph.
4. Immediate dissemination of this Memorandum is desired.

**ESTELLA P. LEON-CARIÑO EdD, CESO III**  
 Director IV/Regional Director

Encl: As Stated  
 ESSD/GCD/maj: Guidelines on the Implementation of the Safe Spaces Act in Basic Education  
 March 11, 2024



Address: DepEd-CAR Complex, Wangal, La Trinidad, Benguet, 2601

Telephone No: (074) 422 - 1318

Email Address: car@deped.gov.ph



DepEd Tayo Cordillera



<https://depedcar.ph>

Republic of the Philippines  
Department of Education

The Regional and Division Learner Rights and Protection focal personnel shall monitor the strict implementation and observance of the attached *guidelines*. All reported learner protection concerns involving the violation of the Safe Spaces Act and the actions immediately taken thereafter shall be reported immediately to the Learners Contact Center Helpline.

For queries and clarifications, kindly contact the Learner Rights and Protection Office at (02) 8638-1872 or [lrpo@deped.gov.ph](mailto:lrpo@deped.gov.ph)

For guidance and immediate dissemination.

Thank you.

*[Faint, mirrored text from the reverse side of the page is visible through the paper.]*



Room 101, Rizal Building, DepEd Complex, Meralco Avenue, Pasig City 1600  
Telephone Nos.: (02) 8633-5313; (02) 8631-8492  
Email Address: [oure@deped.gov.ph](mailto:oure@deped.gov.ph) | Website: [www.deped.gov.ph](http://www.deped.gov.ph)

Doc. Ref. Code	DM-OUGPS	Rev	01
Effectivity	03.23.23	Page	2 of 2





Republic of the Philippines  
**Department of Education**

**DEPARTMENT OF EDUCATION**

**Guidelines on the Implementation of the Safe Spaces Act in Basic  
Education Institutions**

**RULE I GENERAL PROVISIONS**

**Section 1. Title**

This Department Memorandum shall be known as the "Guidelines on the Implementation of the Safe Spaces Act in Basic Education Institutions."

**Section 2. Rationale**

The Department of Education (DepEd) takes cognizance of the increasing number of reported gender-based violence in schools. The Philippine Commission for Women (PCW) reports that "young girls continue to be vulnerable to sexual harassment and other forms of gender-based discrimination and violence in education and training institutions."

The 1987 Philippine Constitution mandates the State to 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.

Article 34 of the United Nations Convention on the Rights of the Child directs state parties to protect children and young people from all forms of sexual exploitation, sexual abuse, or other unlawful sexual practices, regardless of their gender and sexual preference.

Relatedly, on February 10, 1995, Republic Act No. 7877, or "the Anti-Sexual Harassment Act," was enacted, to address the issue of sexual harassment at work and in the education or training environment. Under RA 7877 sexual harassment may be committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, or any other person who has authority, influence, or moral ascendancy over another in a work or training or education environment who demands, requests or otherwise requires any sexual favor from another, regardless of whether the demand is accepted or not.

To expand its coverage Republic Act No. 11313 entitled, "An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, and Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties Therefor, otherwise known as the Safe Spaces Act" was enacted. The Safe Spaces Act (SSA) expanded the coverage and definition of the different kinds of sexual harassment that can be committed in public places, public utilities, online workplaces, and educational and training institutions. In the earlier law, there were no provisions for harassment by subordinates or peers. With the enactment of the SSA, any person can be an offender, the law aims to combat sexual harassment, particularly gender-based violence.

Expanding the scope of RA 7877 was necessary as the law is limited only to those sexual harassment related to work, training, and education with an emphasis on the offender's authority, influence, and moral ascendancy. The SSA broadened the coverage and definition of the different kinds of sexual harassment that can be committed in public places, public utilities, online workplaces, and educational and training institutions. In the earlier law, there were no provisions for harassment by subordinates or peers. However, with the enactment of RA 11313, the law aims to combat sexual harassment, particularly gender-based violence, making it applicable to any person who can be an offender.

To emphasize, under the SSA gender-based sexual harassment (GBSH) in educational and training institutions includes not only those committed by school personnel against learners or fellow personnel or school officials but also by learners against fellow learners or school personnel.

In ensuring its effective implementation, the law mandates that all educational institutions be free from gender-based violence in the form of sexual harassment, through the issuance of policies that will protect the rights and welfare of its stakeholders. Moreover, under this law, DepEd is mandated to formulate guidelines for its effective implementation as it has expanded its coverage to include perpetrators, who may be learners or school personnel.

Consequently, DepEd Order No. 40, s. 2012 or the "DepEd Child Protection Policy," was issued to provide special protection to our learners from all forms of abuse and exploitation, reiterating DepEd's zero-tolerance policy for any act of child abuse, exploitation, violence, discrimination, bullying, and other forms of abuse.

Further, the Department of Education issued DepEd Order 32, s. 2017 or the "Gender-Responsive Basic Education Policy," adhering to the shift in gender patterns in basic education indicators in the Philippines, enabling the DepEd to address gender and sexuality-related issues and promote the protection of learners from all forms of gender-related violence, abuse, exploitation, discrimination, and bullying, including the promotion of gender equality and non-discrimination in the workplace within DepEd.

The Department of Education (DepEd) recognizes that incidents of GBSH and gender-based violence in schools and school-related activities may increase over time, to address this, the Department adopts these guidelines to

strengthen its zero-tolerance policy for all acts of child abuse, exploitation, violence, discrimination, bullying, and other forms of abuse, including gender-based sexual harassment.

### **Section 3. Scope of the Policy**

These Guidelines shall govern all public and private kindergartens, elementary and secondary schools offering formal and informal education, covering all types of learners, including those attending community learning centers, Philippine Schools Overseas, and specialized educational institutions. It covers mechanisms for prevention and referral and administrative sanctions on gender-based sexual harassment that occur in physical or virtual settings, that may include but are not limited to in-and-off campus activities.

### **Section 4. Definition of Terms**

- a. *Alternative Learning System (ALS)* refers to a parallel learning system that provides a viable alternative to the existing formal education instruction. It encompasses both nonformal and informal sources of knowledge and skills. (RA 11510)
- b. *ALS Learners* refers to out-of-school youth, and out-of-school adults which include among others, indigenous people, learners with disabilities, teenage mothers, socioeconomically disadvantaged learners, children in conflict with the law, persons deprived of liberty, rebel returnees, learners in emergency situations, and other marginalized sectors who have not completed basic education and are enrolled in the ALS program.
- c. *ALS Teachers* refer to DepEd-employed teachers who implement ALS programs.
- d. *Catcalling* refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs.
- e. *Community Alternative Learning System Implementors (Community ALS Implementors)* refer to persons engaged either by DepEd or any local government unit (LGU) to deliver ALS programs to out-of-school children in special cases and adults.
- f. *Community Learning Centers* – refers to a physical space to house learning resources and facilities of a learning program for out-of-school children in special cases and adults. It is a venue for face-to-face learning activities and other learning opportunities for community development and the improvement of people's quality of life. Historically, the term Community Learning Center (CLC) has been used to refer to both school and community-based learning centers.
- g. *Cyber* refers to a computer or a computer network, the electronic medium in which online communication takes place.
- h. *Cyberstalking* involves the use of information and communications technology (ICT) to perpetrate more than one incident intended to repeatedly harass, annoy, attack, threaten, frighten, and/or verbally abuse individuals (UNODC, 2015; Maras, 2016). Perpetrators can engage in cyberstalking directly by emailing, instant messaging, calling, texting, or utilizing other forms of electronic communications to



communicate obscene, vulgar, and/or defamatory comments and/or threats to the victim and/or the victim's family, partner, and friends, and use technologies to monitor, survey and follow the victim's movements.

- i. *Educational Institution* - includes public and private kindergartens, elementary and secondary schools, and learning centers, including Philippine schools overseas, and specialized educational institutions. For purposes of these Guidelines, educational institutions include those that offer courses or programs online, alternative learning systems, and other non-conventional forms of higher education.
- j. *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. Additionally, the World Health Organization (WHO) defines it as characteristics of women, men, girls, and boys that are socially constructed. This includes norms, behaviors, and roles associated with being a woman, man, girl, or boy, as well as relationships with each other.
- k. *Gender-based online sexual harassment* refers to an online conduct targeted at a particular person that causes or is likely to cause another mental, emotional, or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking, and online identity theft.
- l. *Gender-based sexual harassment* refers to conduct that causes or is likely to cause mental, emotional, or psychological distress to a person based on gender, gender identity, and/or expression.
- m. *Gender-based violence (GBV)* refers to harmful acts directed at an individual or a group of individuals based on their gender. It is rooted in gender inequality, the abuse of power, and harmful norms. The term is primarily used to underscore the fact that structural, gender-based power differentials place women and girls at risk for multiple forms of violence. While women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also sometimes used to describe targeted violence against LGBTQI+ populations when referencing violence related to norms of masculinity/femininity and/or gender norms.
- n. *Gender identity and/or expression* refers to the personal sense of identity as characterized, among others, by the manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex or may have been assigned a particular sex at birth but who identifies with the opposite sex or may have an identity that does not correspond to one's sex assigned at birth or to one's primary or secondary sex characteristics, in which case this person is considered transgender.
- o. *Home, Education, Employment, Activities, Substance Use, Reproductive Health (HEEADSS) Assessment* refers to a comprehensive psychosocial assessment tool identifying risk and protective factors and assists health professionals in formulating a plan in partnership with the learners.

- p. *Homophobic remarks or slurs* are any statements in whatever form or however delivered, which are indicative of fear, hatred, or aversion towards persons who are perceived to be or identify as lesbian, gay, bisexual, queer, 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.
- q. *Information and communication system* refers to a system for generating, sending, receiving, storing, or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.
- r. *Information and communications technology* or *ICT* shall mean the totality of electronic means to access, create, collect, store, process, receive, transmit, present, and disseminate information.
- s. *Learner, Pupil, or Student* - refers to bona fide pupils, students, or learners who are enrolled in the basic education system under the supervision and tutelage of a teacher or facilitator, whether full-time or part-time in regular courses or short-term and special training offered, including differently-abled learners, those who have been temporarily out of school, those who are in the school or community learning centers premises, including Philippine schools overseas, and specialized educational institutions.
- t. *Learning Facilitators* refers to teachers financed by the private sector who implement ALS programs. The private sector shall include non-government organizations or associations, civil society organizations, or individuals.
- u. *LGBTQ+* is an acronym for "lesbian, gay, bisexual, transgender, and queer with a "+" sign to recognize the limitless sexual orientations and gender identities used by members of our community.
- v. *Misogynistic remarks or slurs* are any statements 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.
- w. *Moral Ascendancy* refers to the requirement of imbalance under Republic Act No. 7877 or the "Anti-Sexual Harassment Act of 1995," in the power relations between the victim and the perpetrator in unequivocal terms.
- x. *Off-Campus Activities* refers to any authorized activity relevant to learning that takes place outside the school premises, participated in by learners, and supervised by teachers and/or staff and other concerned stakeholders.
- y. *Philippine Schools Overseas (PSOs)* are duly registered educational institutions operating outside the Philippines and implementing the basic education curriculum of DepEd.
- z. *Public spaces* refer to streets and alleys, roads, sidewalks, public parks, buildings, schools, churches, public washrooms, malls, internet shops, restaurants and cafes, transportation terminals, public markets, spaces used as evacuation centers, government offices, common carriers, public utility vehicles (PUVs) as well as private vehicles covered by app-based transport network services, other recreational spaces such as, but not limited to, cinema halls, theaters and spas, bars and clubs, resorts and water parks, hotels and casinos, and all other areas,

regardless of ownership, openly accessible or offered to be accessed by the public.

aa. *School Personnel* - refers to the persons, singly, or collectively, working in a public or private school, classified as follows:

- i. *School Head* - refers to the school principal, chief executive officer, or administrator of a public or private school, learning centers, Philippine schools overseas, and specialized educational institutions.
- ii. *Other School Officials* - refers to other officers including teachers, who occupy supervisory positions or positions of responsibility, and are involved in policy formulation or implementation in a school.
- iii. *Academic Personnel* - includes all school personnel who are formally engaged in actual teaching service or in research assignments, either on a full-time or part-time basis, as well as those who possess certain prescribed academic functions directly supportive of teaching, such as registrars, librarians, guidance counselors, researchers, and other similar persons, including school officials who are responsible for academic matters and other school functions.
- iv. *Non-Academic Personnel* - includes all other non-academic personnel in the school, whatever may be the nature of their appointment and status of employment, including Teachers' Cooperative Managed Canteen Personnel hired by the management of the teachers' cooperative.

bb. *School-Related Activities* - refers to activities sanctioned by schools that are not limited to academic and non-academic activities, such as those relating to sports, scouting, journalism, arts, theatre, music, community service, field trips, and school-affiliated programs, including activities sanctioned by the school whether online, offline, or in a blended mode.

cc. *Sexist remarks or slurs* are statements in whatever form or however delivered, that are indicative of prejudice, stereotyping, or discrimination based on sex, typically against women.

dd. *Sexual Orientation* describes to whom a person is sexually attracted. Some people are attracted to people of a particular gender; others are attracted to people of more than one gender. Some are not attracted to anyone.<sup>1</sup>

ee. *Social and Behavioral Change (SBC)* is a set of processes, approaches, tools, strategies, and tactics that promote positive and measurable changes in people's environments, societies, and behaviors.<sup>2</sup> a set of processes, approaches, tools, strategies and tactics that promote positive and measurable changes in people's environments, societies, and behaviours.

set of strategies and interventions that influence drivers of change and support local action toward better societies. It helps development practitioners and policymakers design more effective programs for reducing poverty and inequity, it blends scientific knowledge with

<sup>1</sup> [basic-definitions-sogie.pdf \(chp.edu\)](#)

<sup>2</sup> <https://agora.unicef.org/course/info.php?id=35185#:~:text=SBC%20is%20defined%20as%20a,environments%2C%20behaviours.>

community insights to expand people's control over the decisions that affect their lives.

- ff. *Special Schools/Special Educational Institutions* – specifically referring to Science High School, Philippine High School for the Arts, National Academy for Sports, and the like, which are schools classified as a public, secular, non-profit institution that combines a general secondary education level program with a special curriculum for learners.
- gg. *Stalking* refers to conduct directed at a person involving repeated visual or physical proximity, non-consensual communication, or a combination thereof that causes or will likely cause a person to fear for one's safety or the safety of others, or to suffer emotional distress.
- hh. *Transphobic remarks or slurs* are any statements 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.

## **Section 5. Policy Statement**

The Department hereby establishes the “*Guidelines on the Implementation of the Safe Spaces Act in Basic Education Institutions*” in line with the DepEd’s Basic Education framework and roadmap for effective education governance in accelerating education outcomes. The Department pledges to take good care of learners by promoting learner well-being, inclusive education, and a positive learning environment to produce competent job-ready, active, and responsible citizens.

## **RULE II**

### **GENDER-BASED SEXUAL HARASSMENT (GBSH) IN SCHOOLS**

#### **Section 6. Punishable Acts**

GBSH in all educational institutions may be committed in any of the following ways:

- a. When any unwelcome act or series of acts that are based on an individual's actual or perceived sex is employed in any of the following:
  - 1. As the basis for any employment decision (including, but not limited to, hiring, promotion, raise in salary, job security, benefits, and any official and personnel action) that affects the complainant;
  - 2. As the requirement for a grade rating, the granting of honors or a scholarship, the payment of a stipend or allowance, or the giving of any benefits, privilege, or consideration which affects the complainant;
  - 3. Causing interference with the complainant's performance, which creates an intimidating, hostile, or offensive work or academic environment; or
  - 4. As an instrument that might reasonably be expected to cause discrimination, insecurity, discomfort, offense, or humiliation which is most likely to affect the complainant.

Before the development of the Code of Conduct, a consultation with identified sectors as enumerated in Section 16 hereof, the following discussions should be included in the consultation process:

- a. Risk analysis on specific behaviors, beliefs, and situations
- b. Legal standards and basic principles on:
  - Human Rights
  - Child Rights
- c. Boundaries and protective factors
  - Communication Boundaries
  - Physical contact boundaries (Safe and unsafe touches)
  - Situational boundaries
  - Role boundaries
  - Conduct boundaries
  - Role modeling
  - Harmful materials or CSAEM (image-based sexual abuse and self-generated sexual materials)
  - OSAEC acts (online grooming, luring of children, sexual extortion, sharing image-based sexual abuse, sexualization of children, commercial sexual exploitation of children, exploitation of children through online prostitution, pandering, and live-streaming abuse with or without consent)
- d. Safe and Unsafe Interactions
  - School/Office
  - Off-Campus

The following provision should be included in Code of Conduct:

1. Expected behaviors to prevent actual or potential harm - acceptable and unacceptable behaviors.
2. Protection and rehabilitation measures for affected sectors.
  - Compliance and regulations
  - Preventive measures or facilitating factors
  - Intensification of socio-behavioral change

The specific content of the Code of Conduct is recommended to appear as:

- Introduction
- Expected behaviors of the following:
  - Learners
  - School officials or Administrators (employers)
  - School personnel - teaching and non-teaching (employees)
  - Parents and visitors

Any part or provision of this Department Order which may be held invalid or unconstitutional shall not affect the validity and effectivity of the other provisions.

### **Section 28. Repealing Clause**

All prior Department Orders or other issuances, or provisions thereof, which are inconsistent with this Department Order are hereby repealed, revised, or modified accordingly.

### **Section 29. Effectivity**

This Policy shall take effect immediately.

### **Section 30. References**

Empowerment-Plan-2019-2025-2022.pdf Philippine Commission for Women, "Updated Gender Equality and Women's Empowerment Plan 2019-2025,"

<https://library.pcw.gov.ph/wp-content/uploads/2022/07/PCW-Updated-Gender-Equality-and-Womens->

DepEd Joint Memorandum, DM-CI-2022-231, "Guidelines on the Conduct of Inventory of Alternative Learning System Community Learning Centers in the Schools Division Offices," June 20, 2022.

[Cybercrime Module 12 Key Issues: Cyberstalking and Cyberharassment \(unodc.org\)](#)

[Gender \(who.int\)](#)

[SSA-Primer-Final\\_28Jun2021.pdf \(upd.edu.ph\)](#)

<https://breakthroughactionandresearch.org/understanding-effects-of-gender-based-violence/>

A.M. No. 21-06-20-SC – Re: Disturbing Social Media Posts of Lawyers/Law Professors, April 11, 2023, [21-06-20-SC-LEONEN.pdf \(judiciary.gov.ph\)](#)

Review of Women's Study, "Republic Act No. 7877 as Applied: Unpacking the Legal Definition of Sexual Harassment From Decided Landmark Cases," Allen L. Espino. [9097-61-27155-1-10-20230512 \(1\).pdf](#)

### **Annex A**

#### **Guidance in the Development of the Code of Conduct**

## **Section 26. Policy Monitoring and Evaluation**

### **DepEd Central Office**

The Central Office through the Learner Rights and Protection Office (LRPO) under the Office of the Undersecretary of Operations in coordination with the concerned DepEd offices and field offices, shall be primarily responsible for the following during the monitoring and evaluation:

- a. Develop a Monitoring and Evaluation (M&E) Framework that measures the effectiveness and efficiency of the implementation of this policy;
- b. Identify through the M&E Framework specific indicators and metrics that will be used to measure the effectiveness of the implementation of this Policy, intended to improve its implementation;
- c. Establish the M&E Systems to generate information and feedback to the Central, Regional, and Schools Division Office on the implementation of this DepEd Order for use in management, decision-making, policy enhancement, continuous improvement, organizational learning, and knowledge management, upholding accountability, and sustainability and sustaining stakeholder interest and support relative to the implementation of the Guidelines.;
- d. Ensure that all concerned DepEd offices implement the M&E Framework and submit as applicable all relevant data and information;
- e. Enforce a midterm policy review and interpret data generated from the M&E Framework, the results of which will be used as the basis for revisions and/or amendments of this Policy following the MATATAG Framework.

### **DepEd Regional Offices**

The DepEd Regional Offices (ROs) through the Education Support Services Division (ESSD) in coordination with the Schools Division Offices and Learner Rights and Protection (LRP) Focal personnel shall monitor and evaluate the integration of this Policy in the schools within their jurisdiction.

### **DepEd Schools Division Offices**

The DepEd Schools Division Offices (SDOs) through the Schools Governance and Operations Division (SGOD), ROs, LRP Focal personnel, and other concerned DepEd offices shall monitor and evaluate the integration of this Policy within their jurisdiction.

### **Schools**

The schools through the School Heads in coordination with the SDOs and the LRP Focal personnel shall monitor and evaluate the integration of this Policy within their jurisdiction.

## **Section 27. Separability Clause**

9. Lead in the conduct of discussions about sexual harassment and other related sexual offenses within the institution to increase the community's understanding of, and prevent incidents of, sexual harassment and other related forms of sexual offenses; and
10. Conduct other activities that would engender a safe environment for all genders, especially women, in school campuses and training-related programs in schools.

## **RULE VII LIABILITIES**

### **Section 23. School Head, Teachers, and Non-Teaching Personnel**

In addition to the liability for committing acts and failure to report incidents of GBSH, the School Head, teachers, and non-teaching personnel or any person who has authority, influence, or moral ascendancy over the learners may also be held responsible for:

- Non-implementation of the duties under Section 22 of the Safe Spaces Act, as provided in the penal provisions; or
- Failure to act on reported acts of gender-based sexual harassment committed in the educational institution.

### **Section 24. Learners**

Minor learners who are found to have committed acts of GBSH shall only be held liable for administrative sanctions by the school as stated in their school handbook and may be referred to social services for appropriate interventions.

## **RULE VIII COMMON PROVISIONS**

### **Section 25. Confidentiality**

At any stage of the investigation, prosecution, and trial of an offense under the Safe Spaces Act, the rights of the complainant and the person complained of, shall be recognized.

In all cases of GBSH, as enumerated in the law, the confidentiality of records of the parties involved shall be protected, according to the Data Privacy Act of 2012 and other relevant laws.

Considering the sensitivity of the case, the identity or other information that may reasonably identify the learner or personnel concerned shall be withheld from the public to protect the learners' or personnel's privacy.

In addition, the Magna Carta for Public School Teachers protects the rights of teachers, thus, no publicity shall be given to any disciplinary action against a teacher during the pendency of the case.

## **RULE IX MISCELLANEOUS PROVISIONS**



connected or related to the alleged perpetrator within the fourth degree of consanguinity or affinity and have no prior record of involvement as a respondent, defendant, or accused in any case of whatever nature of Sexual Harassment. Furthermore, in case of relation by consanguinity or affinity to either the complainant or respondent, the Committee member shall be inhibited from participating in any part of the proceeding or be substituted by another.

### **Section 21. Functions**

The Committee shall, at all times, observe due process and, investigate and decide on written complaints within ten (10) working days or less upon receipt thereof. It shall ensure the protection of the complainant from retaliation and guarantee confidentiality to the greatest extent possible. The ten-day period will not include the period of appeal which shall be available to either party and shall ensure that the respondent is allowed to be properly notified of and respond to the charge/s and that parties are given information on the hearings and its outcomes.

The aggrieved party is guaranteed his right to appeal against the decision.

### **Section 22. Duties and Responsibilities of the CODI**

The CODI shall ensure that the following duties and responsibilities are fulfilled:

1. Receive complaints for offenses covered by these Guidelines.
2. Investigate complaints for offenses covered by these Guidelines including preliminary investigation in accordance with the prescribed procedures.
3. The Committee to reduce all verbal and anonymous reporting in writing.
4. The Committee shall always observe due process in the conduct of the investigation.
5. Within ten (10) days from the receipt of the written complaint, investigate and decide on the case and submit a report of its findings with the corresponding recommendation to the disciplining authority for decision.
6. Ensure the protection of a complainant from retaliation without causing her/him any disadvantage, diminution of benefits, or displacement, and without compromising his/her security of tenure.
7. Guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible.
8. Undergo continuing training on gender sensitivity, gender-based violence, sexual orientation, gender identity and expression, and other GAD topics as needed, and issue a corresponding Training Evaluation Form to measure the programs implemented to address GBSH in schools.

5. Coordination with women's groups, advocacy groups, and other support groups for school officials and other personnel.

## **RULE VI COMMITTEE ON DECORUM AND INVESTIGATION (CODI)**

### **Section 20. Composition**

The Committee on Decorum and Investigation (CODI) shall be created by the School Head/Administrator and shall serve as an independent internal grievance mechanism, act as the main body in the investigation and resolution of cases involving Gender-Based Sexual Harassment in schools, and shall ensure sectoral and equitable representation.

For the implementation of these Guidelines, the Child Protection Committee (CPC) established by DepEd Order No. 40, s. 2012, shall also be the committee that will handle GBSH cases in the public and private schools. The Committee, as provided in DepEd Order No. 40, s. 2012, shall be composed of the following:

- a. School Head/Administrator - Chairperson
- b. Guidance Counselor/Guidance Designate - Vice Chairperson
- c. Representative of the Teachers as designated by the Faculty Club
- d. Representative of the Parents as designated by the Parents-Teachers Association
- e. Representative of the students as designated by the Supreme Elementary and Supreme Secondary Learner Government (SELG/SSLG)
- f. Representative from the Community as designated by the Punong Barangay, preferably a member of the Barangay Council for the Protection of Children (BCPC). For private schools, a representative from the Community provided in the preceding number shall be optional.

The Committee should have equal representation of diverse sexual orientations, gender identities, and/or expressions, as far as practicable. In consideration of the possible gravity of the reported gender-based sexual harassment to be deliberated, members of the CODI shall undergo training and orientation in handling cases of GBSH, sensitivity of cases, and confidentiality of cases.

Aside from the regular members of the CODI, the school head must designate their respective permanent alternate who shall act on their behalf in case of the absence of the regular member and must have the authority to render a decision so as not to delay the proceedings being undertaken and to ensure continuity of deliberation. If a member of the CODI commits any of the violations stated herein, the LRPO focal in the Schools Division Office shall designate impartial and competent personnel who shall perform the duties of the CODI.

Moreover, the Committee shall be headed by a woman and not less than half of its members shall be women. The members should be impartial and not

of Education in Administrative Cases.” The provisions of the DepEd Guidelines and Procedures on the Management of Children at Risk and Children in Conflict with the Law may be applied.

The submission of reports of incidents of GBSH shall be made annually and shall be included in the final consolidated report submitted by the Regional Directors to the Learner Rights and Protection Office (LRPO).

The consolidated report shall then be submitted by the LRPO to the Office of the Undersecretary for Operations and thereafter submit the annual report to the Office of the Secretary.

## **RULE V INTERVENTION AND REFERRAL MECHANISMS**

### **Section 18. Intervention and Referral to Learners**

The School Head through the Guidance Counsellor and/or Guidance Designate shall adopt intervention mechanisms to protect the welfare of the learner who experienced GBSH or other related sexual offense, as may be appropriate, which may include any of the following:

1. Provide Mental Health Psychosocial Support Services (MHPSS)
2. Referral to the appropriate agency and other institutions
3. Coordination with women’s groups, advocacy groups, and other support groups
4. Transfer to another class, or school if needed, or the learner may opt to undertake an alternative delivery mode of education.
5. Inclusion of early warning or detection system of gender-based sexual harassment, through the use Rapid HEaADSSS Assessment as a tool to detect early signs/symptoms of GBSH and Full HEaADSSS Assessment for in-depth assessment of the case with trained professionals. (*Annex B*)
6. Capacitate learners with basic life skills (e.g., resistance skills, decision-making skills, problem-solving skills, etc.)

### **Section 19. Intervention and Referral for School Officials and Other Personnel**

The School Head with the help of the Guidance Counselor/Guidance Designate shall adopt intervention mechanisms to protect the welfare of the school officials and other personnel who experienced GBSH or other related sexual offenses, as may be appropriate, which may include any of the following:

1. Capacitate school officials and other personnel on GBSH.
2. Provide Mental Health and Psychosocial Support Services (MHPSS) to teachers and other school officials with trained professionals.
3. Referral to the appropriate agency and other institutions as needed.
4. Provide regular physical examinations (which may include psychological evaluation, etc.) of school officials and other personnel in partnership with local stakeholders/partners.

- b. Participate in the conduct of the developed innovative programs to maintain a safe space environment.
- c. Keep themselves informed on the laws and policies related to safe spaces.
- d. Report any form of incidents of gender-based harassment to the CODI or any trusted school personnel.
- e. Attend interventions such as counseling sessions when necessary.

### **Section 16. Development of a Code of Conduct**

Schools, whether public or private, shall develop a Code of Conduct in consultation with the stakeholders (students, faculty, parents, including the members of its Child Protection Committee) that shall define gender-based sexual harassment and establish its parameters through providing its coverage, forms, classifications, appropriate penalties when and where it may be committed, and persons responsible for committing said acts based on the definition and parameters set under the SSA law.

The procedures for filing and handling complaints, resolution, and its corresponding penalties shall be subject to applicable DepEd Orders and CSC Resolutions, as well as the provisions of the DepEd Guidelines, and the Procedures on the Management of Children at Risk and Children in Conflict with the Law and the "Anti-Sexual Harassment Act of 1995," consistent with the provisions of the Safe Spaces Act may be used including Civil Service Commission (CSC) Resolution No. 210064 amending certain provisions of the 2017 Rules on Administrative Cases in the Civil Service (RACCS).

In addition, the Code of Conduct shall be included in the Student Handbook and information, education, and communication materials connected thereto shall be posted on the school premises, website, and their official social media accounts.

For the development of the Code of Conduct, consultation with each of the following sectors should be made:

- Consultation with learners
- Consultation with school personnel (Teaching and Non-teaching e.g School employees)
- Consultation with school officials (Schools top management e.g School Heads, administrators, Asst. School Principal, etc.)
- Consultation with parents and visitors
- Consultation with the local government units

Guidance on the development of the Code of Conduct and Consultation, is enclosed as Annex A.

### **Section 17. Duty to Report and Document**

Any or all persons who have knowledge of GBSH in schools or related sexual harassment or other related sexual offenses committed within the purview of these Guidelines shall report the same to the School Head and to the Regional Director and Schools Division Superintendent as the case may be under DepEd Order No. 49, s. 2006 "*Revised Rules of Procedure of the Department*

- d. Establish a Committee on Decorum and Investigation (CODI) or an independent internal grievance mechanism tasked to investigate and address complaints on GBSH.
- e. Conduct the capacity-building activities for the members of the Committee on Decorum and Investigation (CODI).
- f. Ensure that child participation, children's rights, and other complainants are respected and upheld in all matters and procedures affecting their welfare.
- g. Maintain a record of all proceedings related to GBSH and submit after each school year to the Division Office the report and a copy of the incidental report.
- h. Conduct the appropriate training and capacity-building activities on GBSH protection measures and protocols.
- i. Coordinate with the appropriate offices and other agencies for appropriate assistance and intervention.
- j. Ensure that all incidents of GBSH and other similar acts are addressed following the provisions of these guidelines and the law.

#### **Section 14. Duties and Responsibilities of Teachers, Non-Teaching Personnel, and Other School Personnel**

Teachers, Non-Teaching Personnel, and Other School Personnel shall:

- a. Ensure that the guidelines on the implementation of the Safe Spaces Act is known.
- b. Exercise parental authority over learners under supervision, and instruction within the school premises and during out-of-school activities as sanctioned by DepEd.
- c. Maintain harmonious and professional relationships with peers, officials, learners, and other stakeholders in accordance with the guidelines and law.
- d. Report gender-based sexual harassment to the appropriate authorities.
- e. Practice positive and non-violent discipline as required, without resorting to corporal punishment under any circumstances.
- f. Ensure that the Safe Spaces Act Guidelines are communicated to all learners, parents or guardians, visitors, and guests.
- g. Ensure that all school personnel, learners, parents or guardians, and visitors understand and adhere to the code of conduct and safe space guidelines.
- h. Respond to periodic audits of guidelines and mechanisms to support gender equality and safe spaces.
- i. Attend the appropriate training and capacity-building activities on GBSH protection measures and protocols.

#### **Section 15. Duties and Responsibilities of Learners**

Learners shall:

- a. Adhere to the set standards stipulated in the code of conduct.

- a. Create a Code of Conduct and a Committee on Decorum and Investigation (CODI).
- b. Implement the Code of Conduct in the school.
- c. Regularly conduct school-wide information dissemination campaigns on SSA and other GBV-related laws such as the orientation of student councils and organizations, teaching and non-teaching staff, learners, security officers, and other members of the school community.
- d. Disseminate or post a copy of the SSA law and its IRR; and the DepEd Orders in a conspicuous place in the school easily visible to learners, teachers, personnel, and visitors.
- e. Report to the division on the status of safe space implementation during the quarterly program implementation review of the school.
- f. Create a database system on the reports and results of investigations undertaken as a basis for monitoring and evaluation activities.
- g. Conduct appropriate socio-behavioral change communication activities on the prevention of sexual harassment.
- h. Conduct LAC sessions with subjects related to laws, policies, and other strategies relevant to ensuring a safe space in schools.
- i. Facilitate the immediate and appropriate intervention for victims of GBSH in sustaining safe spaces, such as:
  - i. Mental health and Psychosocial Support Services (MHPSS)
  - ii. Referral to an agency offering professional help or other institutions, such as clinics or hospitals; and
  - iii. Coordination with appropriate partner organizations and advocacy groups, including other support groups.
- j. Develop innovative programs that contribute to maintaining safe spaces and lessen the number of incidents of gender-based sexual harassment in schools.
- k. Submit a comprehensive end-of-school-year report on safe space to the Division Office.
- l. Lead in the utilization of Educational Modules by the teachers and learners.
- m. Programs and activities related to the implementation of this policy shall be charged to the Learner Rights and Protection funds and Gender and Development budget subject to the usual accounting and auditing rules and regulations.

**Section 13 Duties and Responsibilities of School Officials:**

- a. Ensure the institutionalization of effective Guidelines on the Implementation of the Safe Spaces Act in Basic Education and procedures and monitor the compliance thereof.
- b. Ensure the school's adoption of the guidelines on the Implementation of the Safe Spaces Act in Basic Education.
- c. Ensure that all learners, school officials and personnel, parents or guardians, and visitors and guests are aware of the Guidelines on the Implementation of the Safe Spaces Act in Basic Education.

- the law and these DepEd Orders.
- c. Implement the Code of Conduct at the division and school level.
  - d. Conduct a division-wide information dissemination through DepEd issuances related to safe spaces.
  - e. Monitor the schools on incidents and cases involving gender-based sexual harassment to ensure quality, relevant, effective, and efficient delivery of prevention and intervention programs in schools.
  - f. Evaluate reports submitted by the schools on incidents and cases involving gender-based sexual harassment.
  - g. Establish a feedback mechanism after the conduct of monitoring, evaluation, and validation activities as the basis in the provision of technical assistance to the school heads.
  - h. Report on the status of safe space implementation during the quarterly program implementation review of the division.
  - i. Create a database system on the reports and results of investigations undertaken as a basis for monitoring and evaluation activities.
  - j. Ensure the annual conduct of awareness-raising consciousness activities on GBSH towards its full elimination.
  - k. Conduct capacity building programs, orientations, meetings, and consultation activities on the laws, policies, and other strategies relevant to ensuring a safe space, and must have gone through the required training and capacity building (i.e. gender sensitivity training, etc).
  - l. Facilitate the immediate and appropriate intervention for victims of GBSH in sustaining safe spaces, which may include:
    - i. Mental Health and Psychosocial Support (MHPSS);
    - ii. Referral to an agency offering professional help or other institutions, such as clinics or hospitals;
    - iii. Coordination with appropriate partner organizations and advocacy groups, including other support groups; and
    - iv. If applicable, the possible transfer of the complainant to another section, school, or upon the discretion of the complainant and parents may opt for modular learning;
  - m. Develop innovative programs that contribute to maintaining safe spaces and lessen the number of incidents of gender-based sexual harassment in the Division Offices and schools.
  - n. Submit a comprehensive end-of-school-year report on safe space to the Regional Office
  - o. Facilitate the distribution of Educational Modules that are age-appropriate, inclusive, and culturally sensitive which shall be used by all schools, whether public or private, including formal and non-formal systems.
  - p. Programs and activities related to the implementation of this policy shall be charged to the Learner Rights and Protection funds and Gender and Development budget subject to the usual accounting and auditing rules and regulations.

## **Section 12. Schools**

The Schools shall:

- based sexual harassment to ensure quality, relevant, effective, and efficient delivery of prevention and intervention programs in schools.
- d. Evaluate reports submitted by the Division Offices on incidents and cases involving gender-based sexual harassment.
  - e. Validate the incidents and cases involving gender-based sexual harassment at the school level.
  - f. Establish a feedback mechanism after the conduct of monitoring, evaluation, and validation activities as a basis for the provision of technical assistance to the School Division Office, through capacity building and training, specifically to the person in charge of handling gender-based sexual abuse.
  - g. Report on the status of safe space implementation during the quarterly program implementation review of the region.
  - h. Create a database system on the reports and results of investigations undertaken as a basis for monitoring, evaluation, and validation activities.
  - i. Lead in the annual conduct of socio-behavioral change communication (SBCC) activities.
  - j. Conduct capacity-building programs, orientations, meetings, and consultation activities on the laws, policies, and other strategies relevant to safe space.
  - k. Facilitate the immediate and appropriate intervention for victims of GBSH in sustaining safe spaces.
  - l. Develop innovative programs that contribute to maintaining safe spaces and lessen the number of incidents of gender-based sexual harassment in the Regional Office, Division Offices, and schools.
  - m. Facilitate the provision of financial resources through downloading program-support funds to the Schools Division Offices subject to approved guidelines.
  - n. Submit a comprehensive end-of-school-year report on safe space to the Central Office.
  - o. Facilitate the distribution of Educational Modules that are age-appropriate, inclusive, and culturally sensitive which shall be used by all schools, whether public or private, including formal and non-formal systems.
  - p. Programs and activities related to the implementation of this policy shall be charged to the Learner Rights and Protection funds and Gender and Development budget subject to the usual accounting and auditing rules and regulations.

### **Section 11. Schools Division Office**

The Schools Division Office (SDO) shall:

- a. Establish a Committee on Decorum and Investigation (CODI) at the division level.
- b. Provide guidance and assistance to schools that a Code of Conduct, and a Committee on Decorum and Investigation (CODI) are implemented and established, respectively, and in accordance with



- d. Conduct nationwide information dissemination through DepEd issuances related to safe spaces.
- e. Monitor the Regional Offices on incidents and cases involving gender-based sexual harassment to ensure quality, relevant, effective, and efficient delivery of prevention and intervention programs in schools.
- f. Evaluate reports submitted by the Regional Offices on incidents and cases involving gender-based sexual harassment.
- g. Validate the incidents and cases involving gender-based sexual harassment at the Regional and Division level.
- h. Establish a feedback mechanism after the conduct of monitoring, evaluation, and validation activities as the basis for the provision of technical assistance across all governance levels.
- i. Conduct mid-year and year-end program implementation reviews to ensure the proper implementation and utilization of downloaded program support funds.
- j. Maintain a central repository of reports and results of investigations undertaken as a basis for monitoring, evaluation, and validation activities.
- k. Lead awareness-raising activities on the prevention of sexual harassment through advocacy campaign programs and activities.
- l. Initiate training programs and activities, highlighting the best practices on the adoption of prevention strategies and effective intervention.
- m. Provide financial resources through downloading program-support funds to the Regional and Schools Division Offices subject to approved guidelines.
- n. Submit a comprehensive annual report on safe space to the Committee on Basic Education of both the Senate and House of Representatives and other agencies for policy formulation and support, respectively.
- o. Develop Educational Modules and other forms of Information, Educational, and Communication (IEC) materials that are age-appropriate, inclusive, and culturally sensitive which shall be used by all schools, whether public or private, including formal and non-formal systems.

## **Section 10. Regional Office**

The Regional Office (RO) shall:

- a. Lead in the development of the Code of Conduct at the region, division, and school levels in consultation with the stakeholders (i.e. learners, teachers, parents, and partner agencies, including representatives from School Division Offices) that shall define GBSH, its coverage, forms, classifications, appropriate penalties, and persons liable to commit such acts as provided in the law.
- b. Conduct a region-wide information dissemination through DepEd issuances related to safe spaces.
- c. Monitor the Division Offices on incidents and cases involving gender-

- b. Inside or outside the school premises (i.e., out of town or out of the country), learning centers, and specialized educational institutions, during school-related activities but not limited to training, sports events, academic or non-academic competitions, and faculty capacity-building or seminars when committed by or against DepEd employee/personnel or learner;
  - c. In public spaces and/or online platforms which are used by stakeholders of the education and training institutions for their school-related activities; and/or
- In any of the above areas where gender-based sexual harassment is committed by a faculty, employee, or learner even if the activity is not school-related and/or sanctioned by the school or training institution.

### **Section 8. Persons Liable for Gender-Based Sexual Harassment in Educational Institutions**

Gender-based sexual harassment may be committed by:

- a. Principals, school heads, teachers, instructors, professors, coaches, trainers, or any person who has the authority or moral ascendancy over the offended party in any academic non-academic, or school-related activities;
- b. Principals, school heads, teachers, instructors, professors, coaches, trainers, learners, or any person who is in a peer relationship with the offended party;
- c. Principals, school heads, teachers, instructors, professors, coaches, trainers, learners, or any person who committed acts constituting sexual harassment against a faculty member, administrator, employee, learner, third-party service provider, or visitor of the school;
- d. Any person engaged by the school to provide service, but are not limited to security, maintenance, and sanitation services, including other personnel engaged by the school to provide services under contractual or on-job order;
- e. Visitors or third-party individuals who are within the school or educational institution's vicinity, or its surrounding premises.

## **RULE III DUTIES AND RESPONSIBILITIES**

### **Section 9. Central Office**

The DepEd Central Office shall:

- a. Provide technical assistance to the Regional Offices to ensure the effective implementation of this policy.
- b. Lead in the development of a Code of Conduct, in consultation with relevant stakeholders, that shall define GBSH in the context of the Central Office.
- c. Develop policies including a Code of Conduct that shall define GBSH, its coverage, forms, classifications, appropriate penalties, and persons liable to commit such acts.