



Visayas State University

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Office of the President

16 July 2014

MEMORANDUM NO. 173

Series of 2014

T O:	Dr. Victor B. Asio	- Chairperson
	Dr. Roberto C. Guarte	- Dean, CoE
	Dr. Myrna M. Avila	- Member, Faculty Representative
	Ms. Andreli D. Pardales	- Member, Staff Representative
	Mr. Joaquin Javier F. Balce	- Member, Student Representative
	Prof. Maria Aurora Teresita W. Tabada	- ASHU Coordinator, ex-officio
	Prof. Manolo B. Loreto, Jr.	- Member, Dean of Students, ex-officio

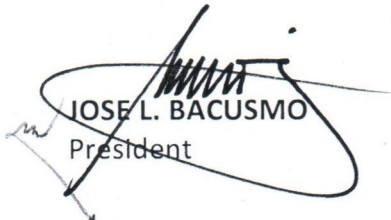
R E: Designation as Hearing Committee (Case No. 2014-02)

Please constitute yourselves into the Hearing Committee with Dr. Victor B. Asio as Chairperson to investigate the formal complaint (Case No. 2014-02) filed by Ms. Dyan Lorraine C. Bulacan, 4 – BS Civil Engineering against Engr. Jackson A. Bellen, Instructor of the Department of Agricultural Engineering.

The Committee is tasked with investigating the sexual harassment complaint in accordance with the prescribed procedure under Rule VI of the VSU Implementing Rules and Regulations of the Anti-Sexual Harassment Act of 1995; and to submit a report of its findings with the corresponding recommendation to the disciplining authority for decision.

The Committee's tenure shall take effect immediately and shall end upon submission of the Committee's report.

For compliance.


JOSE L. BACUSMO
President

Visayas State University
ANTI-SEXUAL HARASSMENT UNIT
Baybay City, Leyte

15 July 2014

DR. JOSE L. BACUSMO
President
Visayas State University
Baybay City, Leyte

Dear Dr. Bacusmo:


Pursuant to Memorandum 163, series of 2014 designating the Anti-Sexual Harassment Committee, please be informed that the Committee has met to discuss the formal complaint for sexual harassment filed by Ms. Dyan Lorraine C. Bulacan, 4 – BS Civil Engineering against Engr. Jackson A. Bellen, Instructor of the Department of Agricultural Engineering.

The Committee notes that under the VSU Implementing Rules and Regulations for the Anti-sexual Harassment Act of 1995, the elements for sexual harassment are present: (1) the action of the person complained of was unwelcomed, offensive, and of a sexual nature; (2) that the person complained of was the complainant's instructor, therefore, had moral ascendancy over the complainant; and (3) that the complainant was traumatized by the action of the person complained of.


Likewise, the Committee notes that under Rule VIII, Section 35b(2) the offense committed is one of sexual assault which is classified as a grave offense.

In view of this, the Committee recommends for the creation of a Hearing Committee for the formal investigation of this case. Pursuant to Rule VI, Sections 23 and 29 © "upon finding of probable cause, a Hearing Committee shall be constituted with members drawn from a pool as established under Section 26 of the Rules and Regulations which shall include (a) Deans of Colleges where respondent and complainant belong; (b) one representative each from the faculty, staff, and student sectors; (c) Dean of Students, and (e) ASHU Coordinator, who shall be a non-voting member.

Very truly yours,


EDGARDO E. TULIN
Vice President for Instruction and
Chair, Anti-Sexual Harassment Committee

*Dr. E. Tulin
Pls. nominate possible
members of chairperson. I
will decide on the final
make up of the committee.
Thanks.*



Republic of the Philippines)
Province of Leyte) S.S.
City of Baybay)
X-----X

COMPLAINT AFFIDAVIT

I, Dyan Lorraine C. Bulacan, 19 years of age, residing in Brgy. San Agustin, Baybay City, Leyte, after having been sworn to an oath in accordance with law hereby depose and say:

That I am a fourth year student taking the degree of BS Civil Engineering;

That I took the Fluid Mechanics course under Engr. Jackson A. Bellen in the 2nd semester, SY 2013-2014;

That on June 23, 2014 while attending my Hydrology class (10-11 AM class), I received several texts from my classmates, my mother, and the clerk of the Dept. of Geodetic Engineering who informed me that Engr. Bellen was looking for me since I failed in the Fluid Mechanics course because I did not submit my laboratory reports which is 40% of the grade for this course;

That I was concerned about my grade since Fluid Mechanics was the prerequisite for my Hydrology class. If I failed Fluid Mechanics, I would have to drop the Hydrology course;

That I went to Engr. Bellen's office to look for my laboratory reports in case it was just misplaced because he just let us submit our reports to his pigeon hole or outside his office;

That when I was already in Engr. Bellen's office, he told me to look for the reports and he talked to me that in case these were not found, we could just come to an agreement;

That at this point, my classmate, Rhina Basa, also a fourth year BS CE student, went to the office of Engr. Bellen, and so we both looked for our laboratory reports, but we could not find them;

That Engr. Bellen's earlier mood had changed and he told me and Ms. Basa that "mahagbong gyud mo" since the laboratory reports could not be found and walked-out;

That I did not lose hope and asked Engr. Bellen's contact number from my classmates and texted him to give me a chance and asked if I could submit another set of laboratory reports, but replied that I already failed the course and he will stick to his words;

That on the next day, June 24, 2014, Engr. Bellen texted me, "Asa ka, suroy sad dire sa office" so I asked a friend, Ma. Leanita Cala, to go with me to Engr. Bellen's office;

That after Ms. Cala left to attend her class, Engr. Bellen said that, "Ayaw nalag sulod sa imu 1:00 oclock na klase" and I said "Okay ra sir" because he opened the topic about our grades and offered that he will give me and Ms. Basa an INC grade but we should take the removal exam;

That after our agreement, he said "Manod nalang tag klase oy" and I thought that he stood up because he will open the door for me, though I was just near it, but instead he hugged me and said "Pa-kissa ko bi" and kissed me;

That I resisted and pushed Engr. Bellen and pleaded "Sir ayaw sir," but he was stronger and kept on kissing me for about three times. He stopped when there was a knock at the office door next to his room and also when my big earrings fell on the floor;

That after that incident, Engr. Bellen texted me "Sorry" and "Nahadlok man ko sa akong nabuhat nimu, harassment man jud to, pasensya, sorry, wa naku napugngan ang akong gibati". I did not reply to his messages except when I texted him with regards to the scheduled removal exam;

[Handwritten signature]

That I thought Engr. Bellen will stop bothering me but kept on texting, calling and asking me to go out with him as if nothing wrong happened, and threatened through text that “Mangihanglan ko wala ra ka, manginahanglan ka wala ra pud ko”;

That last July 1, 2014 Engr. Bellen texted me that he will drop by our house but I told him not to come because my father was at home and I still had not told my parents about what had happened to me;

That I had mentioned to a friend, Joseph Sendrejas, the incident and he texted Engr. Bellen to stop bothering me and tried to explain to him that what he is doing was inappropriate for a teacher;

That Engr. Bellen got mad because of Mr. Sendrejas' text and he texted me that "Dad-a nang imung uyab inig exam nimu, kitaon lang nato, gidaot nimu akong pangalan, gidaot nimu akong pagkataw";

That I was not able to take the removal exam scheduled on July 4, 2014 since my classmate, Ms. Basa had a fever and could not take the removal exam and I was afraid of what Engr. Bellen might do to me again;

That I am formally filing a complaint against Engr. Jackson A. Bellen, Instructor, Department of Agricultural Engineering;

That I am executing this complaint-affidavit to attest to the truth of the foregoing statements in support of my complaint against Engr. Bellen;

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of July 2014 at Baybay City,
Leyte, Philippines.

DYAN LORRAINE C. BULACAN
Student ID No. 11-1-00341

SUBSCRIBED AND SWORN to before me this 12 day of July 2014 at Baybay City, Leyte, Philippines and I personally examined the affidavit and I am fully satisfied that she has voluntarily executed and understood the contents of her complaint-affidavit.

DOC. NO. 109
PAGE NO. 21
BOOK NO. XXXV
SERIES OF 2014

EDEN B. CHAVEZ - BUTAWAN
Notary Public
UNTIL JANUARY 17, 2014
PTB # 1-16-2012/02/14
ISA No. 555382-01/10/14
ROLL NO. 42391