Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

First Regular Session
THIRTEENTH CONGRESS

House Bill No. 1638

JUL 26 2004
4:00 PM

Introduced by **Representative Juan Miguel F. Zubiri**

EXPLANATORY NOTE

Schoolteachers play a vital role in our educational system. While the state recognizes the rights of public school teachers, the case is not the same with private school teachers.

The Magna Carta for Public School Teachers, a law enacted in 1966, gives many important rights to public school teachers. It has strengthened the country's public school system. It is believed, however, that, same law must apply to the private school system.

This bill seeks to give security tenure to private school teachers, the right against discrimination, academic freedom, and benefits related to health and study leaves. It also provides private school teachers the right to self-organization, and extending it also to those in non-profit institutions.

This bill is expected to promote and improve the social and economic status of private school teachers, their terms of employment and working conditions in order that the teaching profession in our private school system may attract and retain qualified and dedicated persons.

Approval of this bill is urgently requested.

JUAN MIGUEL F. ZUBIRI
3RD District, Bukidnon

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THE MAGNA CARTA FOR PRIVATE SCHOOL TEACHERS

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Declaration of Policy. – It is hereby declared to be the policy of this Act to promote and improve the social and economic status of private school teachers, their terms of employment and working conditions in order that the teaching profession in our private school system may attract and retain qualified and dedicated persons, it being recognized that our private school system plays a vital role in the education of our people for the duties of citizenship.

SECTION 2. Title Definition. This act shall be known as the "Magna Carta for Private School Teachers" and shall apply to all private school teachers including those in the professional staff or private colleges and universities.

As used in this Act, the term "teacher" shall mean all persons engaged in teaching in any level of instruction on full-time or part-time basis, including guidance counselors, school librarians, industrial arts or vocational instructors, and all other persons performing supervisory or administrative functions in all private schools, colleges and universities.

SECTION 3. Tenure of Office. – In order to secure for teachers stability of employment and security of tenure, the teachers shall not be dismissed except for dishonesty, oppressions, misconduct, neglect of duty, conviction of a crime involving moral turpitude, notoriously disgraceful or immoral conduct, improper or unauthorized solicitation of contributions from subordinate employees or from school children or any violation of the rules and regulations issued by the Secretary of Education, Culture and Sports.

SECTION 4. Safeguards in Disciplinary Procedure. – In connection with the right granted to teachers in the immediately preceding section, every teacher shall enjoy equitable procedural safeguards at each stage of any disciplinary procedure and shall have:

a) the right to be informed, in writing of the charges against him;

b) the right to full access to the evidence in the case;

c) the right to defend himself and to be defended by a representative of his choice or by his organization, adequate time being given to the teacher for the preparation of his defense; and

d) the right to appeal to clearly designated authorities. No publicity shall be given to any disciplinary action being taken against a teacher during the pendency of his case.

SECTION 5. No Discrimination. – There shall be no discrimination whatsoever in the employment of teachers or the grant of assignments, promotion and privileges during their incumbency or in the termination of their services, based on considerations other than professional qualifications.

SECTION 6. Academic Freedom. – Teachers shall enjoy academic freedom in the discharge of their professional duties particularly with regard to teaching, research and classroom methods.

SECTION 7. Medical Examination and Treatment. – Compulsory medical examination shall be provided free of charges for all teachers before their employment and once a year thereafter. Where medical examination shows that medical treatment or hospitalization is necessary, the same shall be provided free by the private school paying the salary of the teacher.

SECTION 8. Compensation for Injuries. – Teachers shall be protected against the consequences of employment injuries in accordance with existing laws. The effects of the physical and nervous strain on the teacher's health shall be recognized as a compensable occupational disease in accordance with existing laws.

SECTION 9. Study Leave.- In addition to the leave privileges now enjoyed by teachers in the private schools, they shall be entitled to study leave not exceeding one school year after ten years of service. During the period of such leave the teachers shall be entitled to at least sixty percent of their monthly salary.

SECTION 10. Indefinite Leave.- An indefinite sick leave of absence shall be granted to teachers when the tenure of the illness demands a long treatment that will exceed one year at the least.

SECTION 11. Freedom to Organize. – Private school teachers shall have the right, freely and without previous authorization, to establish and to join organizations of their choosing, whether local or national, to further and defend their interests.

SECTION 12. Discrimination Against Teachers Prohibited. – the rights established in the immediately preceding section shall be exercised without any interference or coercion. It shall be unlawful for any person to commit any acts of discrimination against teachers which are calculated to (a) make the employment of the teacher subject to the condition that he shall not join an organization, or shall relinquish membership in an organization, (b) to cause the dismissal of, or

otherwise prejudice a teacher by reason of his membership in an organization activities outside school hours, or with the consent of the proper school authorities, within school hours, and (c) to prevent him from carrying out the duties imposed upon him by his position in the organization, or to penalize him for an action undertaken in that capacity.

SECTION 13. Rules and Regulations. – The Secretary of Education, Culture and Sports shall formulate and prepare the necessary rules and regulations to implement the provisions of this Act. Rules and regulations issued pursuant to this section shall take effect thirty days after publication in a newspaper of general circulation and by such other means as the Secretary of Education, Culture and Sports deems reasonably sufficient to give interested parties general notice of such issuance.

SECTION 14. Penal Provision. – A person who shall willfully interfere with, restrain or coerce any teacher in the exercise of his rights guaranteed by this Act or who shall in any manner violate any provision of this Act or the rules duly issued thereunder shall, upon conviction be punished by a fine of not less that one thousand pesos or by imprisonment for not more than one year, or both, in the discretion of the court.

If the offender is a public official, the court shall order his dismissal from the government service.

SECTION 15. Repealing Clause. – All Acts or parts of Acts, executive orders, decrees and their implementing rules inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 16. Separability Clause. – If any provision of this Act is declared invalid, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

SECTION 17. Effectivity Clause. – This Act shall take effect fifteen days after its publications in the official Gazette or in at least two national newspapers of general circulation, whichever comes earlier.

Approved.