

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
Second Regular Session

House Bill No. 4461



Introduced by REP. EULOGIO "AMANG" R. MAGSAYSAY

EXPLANATORY NOTE

It is often said that teachers have the noblest and one of the most challenging professions in the public sector. To them rests the burdensome responsibility of molding young minds to be the potential leaders and productive citizens of the country. While Rizal's oft-quoted adage brings to light the importance of the country's youth as bearers of hope, it is a truism that teachers also play equally important roles since they are, in large part, responsible for making productive citizens out of the country's youth. Yet, in recent history the truly lackluster working condition coupled with uncompetitive incomes have taken their toll on our teachers, so much so that many are tempted to shift their gaze on greener pastures, while others are forced to make do with so little given them.

It is unfortunate that the very people left with the great task of imparting wisdom and spurring consciousness among society become victims of an injustice themselves. Salaries commensurate with their enormous workloads and privileges such as sick leaves and rehabilitation are among the very basic needs they are clamoring for.

This bill, seeking to amend R.A. 4670, will promote such basic rights and privileges that are presently not afforded them.

Salient features of the bill include:

1. Teachers who have either passed the civil service eligibility requirements or appointed on provisional status shall not be allowed to render service without due compensation.
2. Teachers whether permanent or temporary shall after six months of continuous service be entitled to 15 days sick leave annually with full pay.
3. Teachers paid by the local school board are given the right to receive a salary that is equivalent to the hiring rate.
4. Teachers shall be given freedom as to what teaching devices or strategies to use. Also, writing lesson plans is no longer mandatory and may be substituted by syllabuses or modules.
5. Rehabilitation period for work-related injuries shall also be afforded the teachers.
6. Consultative forums must also be conducted regularly or whenever the need arises.
7. A teacher may be allowed to go on secondment to organizations recognizes by the Civil Service Commission.

8. Salary deductions are prohibited except under specific authority of law authorizing the same. Fees and dues owing to national unions, federations, and confederations can be considered as allowable deductions to encourage unionism in government, provided a written authority is given by the teacher. Premiums on insurance policies shall also be considered deductible.

In view thereof, early passage of this bill is earnestly sought.

A handwritten signature in dark ink, consisting of a stylized 'E' followed by 'm' and a long, sweeping flourish that extends upwards and to the right.

REP. EULOGIO 'AMANG ' R. MAGSAYSAY

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HOUSE BILL NO. 4461

Introduced by **REP. EULOGIO “AMANG” R. MAGSAYSAY**

AN ACT
AMENDING REPUBLIC ACT NO. 4670, OTHERWISE KNOWN AS THE
MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS

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

SECTION 1. Section 4 of RA 4670 is hereby amended to read as follows:

Section 4. **Probationary Period** – When recruitment takes place after adequate training and professional preparation in any school recognized by the Government, no probationary period preceding regular appointment shall be imposed of the teachers who possess the appropriate civil service eligibility provided, however, that where, due to the exigencies of the service, it is necessary to employ as teacher a person who possesses the minimum education qualification herein above set forth but lacks the appropriate civil service eligibility, such person shall be appointed on provisional status and shall undergo a period of provisional appointment. **PROVIDED, HOWEVER, THAT NO TEACHER SHALL BE ALLOWED TO RENDER SERVICE WITHOUT DUE COMPENSATION.**

SECTION 2. Section 6 of RA 4670 is hereby amended to read as follows:

Section 6. **Consent for Transfer**-Transportation Expense - Except for cause and as herein otherwise provided, no teacher shall be transferred without his/HER consent from one station to another.

Where the exigencies of service require the transfer of a teacher from one station to another, such transfer may be effected by the school superintendent who shall previously notify the teacher concerned of the transfer and the reason or reasons therefore. If the teacher believes there is no justification for the transfer, he/SHE may appeal his/HER case to the [Director or the Director of Vocational Education] **REGIONAL DIRECTORS OF THE DEPARTMENT OF EDUCATION (DEP ED) OR OF THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA)**, as the case maybe. Pending his/HER appeal and the decision thereon, his/HER transfer shall be held in abeyance: **Provided, however, That no transfer whatever shall be made three months before any local or national elections, PROVIDED, FURTHER, THAT NO EXPECTANT MOTHERS SHALL BE ASSIGNED TO REMOTE AREAS WHERE THEY HAVE TO WALK TWO (2) KILOMETERS OR TO FIVE (5) KILOMETERS BEFORE REACHING THEIR STATION.**

Sec. 3. Section 8 of RA 4670 is hereby amended to read as follows:

Section 8. **Safeguards in Disciplinary Procedure** – Every teacher shall enjoy equitable safeguards at each stage of any disciplinary procedure and shall have:

- a. the right to be informed, in writing, of the charges;
- b. the right to full access to the evidence in the case;
- c. the right to defend himself/HERSELF and to be defended by a representative of his/HER choice and/or by his/HER organization, adequate time being given to the teacher for the preparation of his/HER 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/HER case; AND

E. ANY TEACHER FACING CHARGE RELATED TO HIS/HER FUNCTION OR MADE TO APPEAR AS WITNESS THEREOF SHALL BE GIVEN OFFICIAL TIME DURING HIS/HER ATTENDANCE IN COURT HEARINGS.

Sec. 4. Section 9. of RA 4670 is hereby amended to read as follows:

Section 9. **Administrative Charges** – Administrative charges against a teacher shall be heard initially by a committee composed of the corresponding School Superintendent of the division or a duly authorized representative, who should at least have the rank of a division supervisor where the teacher belongs, as chairman, a representative of the local or, in its absence, any existing provincial or national teachers' organization and a supervisor of the Division, the last two to be designated by the [Director of Public Schools] REGIONAL DIRECTOR. The Committee shall submit its findings and recommendations to the Director of Public Schools within thirty days from the termination of the hearings: Provided, however, that where the school superintendent is the complainant or an interested party, all the members of the committee shall be appointed by the Secretary of Education. PROVIDED, FURTHER, THAT IN NO CASE SHALL A PRINCIPAL, DISTRICT SUPERVISOR, DIVISION SUPERVISOR OR SCHOOLS DIVISION SUPERINTENDENT WHO ARE MEMBERS OF THE SAME TEACHERS' ORGANIZATIONS, AS THE ONE BEING TRIED, BE ALLOWED TO SIT AS MEMBERS OF THE GRIEVANCE OR ADMINISTRATIVE COMMITTEE HEARING THE CASE.

Sec. 5. Section 12 of RA 4670 is hereby amended to read as follows:

Section 12. **Academic Freedom** – Teachers shall enjoy academic freedom in the discharge of their professional duties, particularly with regard to teaching and classroom methods. TEACHERS SHALL ALSO BE GIVEN FREEDOM ON WHAT STRATEGIES/TEACHING DEVICES THEY MAY USE. WRITING LESSON PLANS IS NOT MANDATORY AND MAYBE SUBSTITUTED BY SYLLABUS OR MODULES.

Sec. 6. Section 13 of RA 4670 is hereby amended to read as follows:

Section 13. **Teaching Hours** - Any teacher engaged in actual classroom instruction shall be required to render not more than six hours of [actual classroom teaching] SERVICE a day, WHICH SHALL INCLUDE preparation and correction of exercises and other work incidental to his normal teaching duties: Provided, however, that where the exigencies of the service so require, any teacher may be required to render more than six hours but not exceeding eight hours of [actual classroom teaching] SERVICE a day upon payment of additional compensation at the same rate as his/HER regular remuneration plus at least twenty-five percent of his/HER basic pay.

Sec. 7. Section 16 of RA 4670 is hereby amended to read as follows:

Section 16. **Salary Scale** – Salary grade scale of teachers shall provide for a gradual progression from a minimum to maximum salary STEP OF THE SALARY STANDARDIZATION LAW by means OF PROMOTIONS, regular increments, granted automatically after three years: Provided, that the efficiency rating of the teacher concerned is at least satisfactory. The progression from the minimum to the maximum of the salary scale shall not extend over a period of ten years.

Sec. 8. Section 17 of RA 4670 is hereby amended to read as follows:

Section 17. **Equality in Salary Scales** – The salary scales of teachers whose salaries are appropriated by city, municipal, district, or provincial government shall not be less than those provided for teachers of National Government. LOCAL SCHOOL BOARD PAID TEACHERS SHALL ALSO BE ENTITLED OF THE HIRING RATE AND OTHER BENEFITS ALLOWED BY LAW.

Sec. 9. Section 18 of RA 4670 is hereby amended to read as follows:

Section 18. **Cost of Living Allowance** – Teacher's salaries shall, at the very least, keep pace with the rise in the cost of living by the payment of a cost-of-living allowance which shall automatically follow changes in the cost-of-living index. The Secretary of Education, CHAIRMAN OF THE COMMISSION ON HIGHER EDUCATION, DIRECTOR GENERAL OF TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY AND PRESIDENTS OF STATE UNIVERSITIES AND COLLEGES shall recommend to Congress at least annually the appropriation of the necessary funds for the cost-of-living allowances and upon approval of such by the President of the Philippines, be binding in the city, municipal or provincial government for the purpose of calculating the cost-of-living allowances of teachers under its employ.

Sec. 10. Section 19 of RA 4670 is hereby amended to read as follows:

Section 19. **Special Hardship AND HAZARD Allowances** – In areas in which teachers are exposed to hardship such as difficulty in commuting to the place of work or other hazards peculiar to the place of employment, as determined by the Secretary of Education, CHAIRMAN OF THE COMMISSION ON HIGHER EDUCATION, DIRECTOR GENERAL OF TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY AND PRESIDENTS OF STATE UNIVERSITIES AND COLLEGES, teachers shall be compensated special hardship AND HAZARD allowances equivalent to at least twenty-five percent of their monthly salary.

Sec. 11. Section 20 of RA 4670 is hereby amended to read as follows:

Section 20. **Salaries to be Paid in Legal Tender** – Salaries of teachers shall be paid EVERY 15TH AND 30TH OF THE MONTH in legal tender of the Philippines THROUGH AUTOMATED TELLER MACHINES or its equivalent in checks or treasury warrants cashable in any national provincial, city or municipal treasurer's office or any banking institution operating under the laws of the Republic of the Philippines.

Sec. 12. Section 21 of RA 4670 is hereby amended to read as follows:

Section 21. **Deductions Prohibited** – No person shall make any deduction whatsoever from the salaries of the teacher except under specific authority of law authorizing such deductions; Provided, however, that upon written authority executed by the teacher concerned, (1) lawful

dues and fees owing to the [Philippine Public School Teachers Association] NATIONAL UNIONS, FEDERATIONS, AND CONFEDERATIONS and (2) premiums properly due on insurance policies AND ASSOCIATION/UNION DUES, shall be considered deductible.

Sec. 13. Section 23 of RA 4670 is hereby amended to read as follows:

Section 23. **Compensation for Injuries AND DISEASES** - Teachers shall be protected against the consequence of employment injuries AND DISEASES [in accordance with existing laws]. The effects of the physical and nervous strain on the teacher's health shall be recognized as compensable occupational disease [in accordance with existing laws] TO BE PAID BY THE ENTITY PAYING THE SALARY OF THE CONCERNED TEACHER.

Sec. 14. A new provision, to be numbered Section 24, shall be added to RA 4670 to read as follows:

Section 24. **REHABILITATION FROM INJURIES AND DISEASES** - SHOULD ANY EMPLOYEE FILE A LEAVE OF ABSENCE DUE TO WORK RELATED WOUNDS OR INJURY, SUCH PERSONNEL SHALL SUBMIT SUPPORTING DOCUMENTS TOGETHER WITH THE APPLICATION, CLEARLY SHOWING THAT THE INJURY WAS INCURRED IN THE PERFORMANCE OF OFFICIAL DUTY. IF THE REASON FOR THE ABSENCE IS FOUND VALID, THE EMPLOYEE SHALL BE COMPENSATED DURING THE TIME OF INCAPACITY DUE TO WORK RELATED INJURY BUT THE COMPENSATION SHALL NOT EXCEED SIX WORKING MONTH'S PAY.

Sec. 15. Section 24 of RA 4670 will be renumbered as Section 25.

Section 25. In addition to the leave privileges now enjoyed by the teachers in public schools, they shall be entitled to study leave not exceeding one school year after seven years of service. Such leave shall be granted in accordance with the schedule set by the Department of Education. During the period of such leave the teachers shall be entitled to at least sixty percent of their monthly salary; Provided, further that no compensation shall be due to the teacher after the first year of such leave. In all cases, the study leave period shall be counted for seniority and pension purposes. The compensation allowed for one year study leave as herein provided shall be subject to the condition that the teachers take the regular study load and passes at least seventy-five percent of his courses. Study leave of more than one year may be permitted by the Secretary of Education but without compensation.

A TEACHER MAY BE ALLOWED TO GO ON SECONDMENT TO INTERNATIONAL BODIES AND OR NATIONAL ORGANIZATIONS RECOGNIZED BY THE CIVIL SERVICE COMMISSION AS TRAINING INSTITUTIONS. THE SECONDED TEACHER SHALL BE ON LEAVE WITHOUT PAY FOR THE DURATION, PROVIDED THAT A SUBSTITUTE TEACHER SHALL BE HIRED DURING THE PERIOD OF SECONDMENT.

Sec. 16. A new provision, to be numbered Section 26, shall be added to RA 4670 to read as follows:

SECTION 26. **SICK LEAVE** - TEACHERS WHETHER PERMANENT OR TEMPORARY SHALL, AFTER SIX MONTHS OF CONTINUOUS, FAITHFUL AND SATISFACTORY SERVICE, BE ENTITLED TO 15 DAYS

SICK LEAVE ANNUALLY WITH FULL PAY, EXCLUSIVE OF SATURDAYS, SUNDAYS AND PUBLIC HOLIDAYS, WITHOUT LIMITATION AS TO THE NUMBER OF DAYS OF VACATION AND SICK LEAVE THAT THEY MAY ACCUMULATE. TEACHERS SHALL BE GRANTED 15 DAYS SICK LEAVE WITHIN THE ACADEMIC YEAR WHICH IS NON-COMMUTATIVE AND CUMULATIVE.

Sec. 17. Section 26 of RA 4670 will be renumbered as Section 27, and the succeeding sections shall be numbered accordingly.

Sec. 18. Section [29] 30 is hereby amended to read as follows:

Section [29] 30 **National Teachers' Organization** – National Teachers' Organization shall be consulted in the formulation of national educational policies and professional standards, and in the formulation of national policies governing the social security of the teachers. REGULAR CONSULTATIVE FORA MUST BE CONDUCTED SEMI-ANNUALLY OR AS THE NEED ARISES. REPRESENTATIVES OF NATIONAL TEACHERS' ORGANIZATIONS SHALL BE INVITED ON OFFICIAL BUSINESS.

Sec. 19. Section 30 of RA 4670 will be renumbered as Section 31, and the succeeding sections shall be numbered accordingly.

Sec. 20. Section [32] 33 is hereby amended to read as follows:

Section [32] 33 **Penal Provision** – Any person shall willfully interfere with, restrain, coerce any teacher in the exercise of his rights guaranteed by this act or shall in any other manner commit any act to defeat any of the provisions of this act shall, upon conviction be punished by a fine of not less than [one hundred pesos] FIFTY THOUSAND PESOS and not more than [one thousand pesos] ONE HUNDRED THOUSAND PESOS, or by imprisonment, 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.

Sec. 21. Section 33 of RA 4670 will be renumbered as section 34, and the succeeding sections shall be numbered accordingly.

Sec. 22. This Act shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation.

Approved,