

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Fifteenth Congress

First Regular Session

HOUSE BILL NO. 2613

Introduced by Hon. MARY MITZI "MITCH" L. CAJAYON

EXPLANATORY NOTE

In 2007, the Philippine School of Social Work (PSSW) of the Philippine Women's University (PWU), under the commission of PLAN Philippines, undertook a study on violence against children (VAC).

The research entitled "Toward a Child-Friendly Education Environment: A Baseline Study on Violence Against Children in Public Schools" reports that "5 out of 10 children in Grades 1-3, 7 out of 10 in Grades 4-6, and 6 out of 10 in high school have experienced some kind of violence in school." It was also found that this experience results in "low self-esteem, fear, anger and helplessness among children."

Consistent with the core message of the United Nations World Report on Violence Against Children that "No violence against children is justifiable. All violence against children is preventable," the study recommends among others "stronger involvement of the Department of Education in developing and standardizing child protection policies and mechanisms for schools" and concretizing "the collaboration of different stakeholders for the protection of children by establishing clear, functioning mechanisms for VAC case reporting and processing as well as for school monitoring."

This proposal aims to curb the pernicious effects of violence, specifically bullying in schools by developing policies and programs that systematically address violence in schools.

In view of the foregoing, approval of this bill is earnestly sought.



MARY MITZI "MITCH" L. CAJAYON

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AN ACT
REQUIRING THE DEPARTMENT OF EDUCATION TO ADOPT POLICIES
PROHIBITING HARASSMENT, INTIMIDATION AND BULLYING IN ALL PRIMARY
AND SECONDARY SCHOOLS

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

SECTION 1. *Short Title.* - This Act shall be known as the "Anti-Bullying Act of 2010."

SEC. 2. *Definition of Terms.* - As used in this Act:

1. "Bullying" means the severe or repeated use by one or more students of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at another student that has the effect of: a. causing physical or emotional harm to the other student or damage to the other student's property; b. placing the other student in reasonable fear of harm to himself or of damage to his property; c. creating a hostile environment at school for the other student; d. infringing on the rights of the other student at school; or e. materially and substantially disrupting the education process or the orderly operation of a school;

2. "Cyberbullying" means bullying through the use of technology or any electronic means;

3. "Hostile environment" means a situation in which bullying causes the school environment to permeate with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education and create an abusive school environment;

4. "Perpetrator" means the student who engages in bullying or retaliation;

5. "School grounds" means property on which a school building or facility is located or property that is owned, leased or used by a school for any school sponsored activities, functions, programs, instruction or training;

6. "Victim" means the student against whom bullying or retaliation has been perpetrated.

SEC. 3. *Prohibited Acts.* - The following acts are hereby prohibited:

1. Bullying on school grounds, property immediately adjacent to school grounds, at school sponsored or school related activities, functions or programs whether on or off school grounds, at school bus stops, on school buses or other vehicles owned, leased or used by a school, or through the use of technology or an electronic device owned, leased or used by a school.

2. Bullying at a location, activity, function or program that is not school related and

through the use of technology or an electronic device that is not owned, leased or used by a school if the act or acts in question create a hostile environment at school for the victim, infringe on the rights of the victim at school, or materially and substantially disrupt the education process or the orderly operation of a school.

3. Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying.

SEC. 4. *Bullying Prevention and Intervention Plan.* - All schools division superintendents are hereby directed to:

1. Provide age appropriate instruction on bullying prevention that is incorporated into the school curriculum; and
2. Develop and update a bullying prevention and intervention plan in consultation with the parent-teacher associations, law enforcement agencies, and student's organizations.

The bullying prevention and intervention plan shall be regularly updated and at a minimum shall:

1. Include descriptions of and statements prohibiting bullying, cyberbullying and retaliation;
2. Establish clear procedures for students, staff, parents, guardians, and others to report bullying or retaliation;
2. Include a provision that reports of bullying or retaliation may be made anonymously, provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report;
3. Establish clear procedures for promptly responding to and investigating reports of bullying or retaliation;
4. Identify the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation;
5. Establish clear procedures for restoring a sense of safety for a victim and assessing that student's needs for protection;
6. Establish strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying;
7. Establish procedures for promptly notifying the parents or guardians of a victim and a perpetrator. Provided, however, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying; and, Provided further, that said procedures must provide for immediate notification to the law enforcement agency where criminal charges may be pursued against the perpetrator;
8. Include a provision that a student who knowingly makes a false accusation of bullying shall be subject to disciplinary action; and
9. Include a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students.

The bullying prevention and intervention plan may include ongoing professional development to build the skills of all members of school staff, including but not limited to educators, administrators, canteen workers, custodians, and other school personnel, to prevent, identify and respond to bullying.

The content of such professional development shall include, but not be limited to: 1. developmentally appropriate strategies to prevent bullying incidents; 2. developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; 3. information regarding the complex interaction and power differential that can take place between and among the perpetrator, the victim, and any witnesses to the bullying; 4. research findings on bullying; 5. information on the incidence and nature of cyberbullying; and 6. internet safety issues as they relate to cyberbullying.

The bullying prevention and intervention plan shall include provisions for educating parents and guardians about the bullying prevention curriculum of the school; how parents and guardians can reinforce the curriculum at home and support the school prevention and intervention plan; the dynamics of bullying; and online safety and cyberbullying.

All schools shall provide to students and their parents or guardians annual written notice of the relevant sections of the bullying prevention and intervention plan. All school teachers and administrators shall be trained annually on the bullying prevention and intervention plan applicable to the school. Relevant sections of the bullying prevention and intervention plan shall be included in a school or employee handbook.

The bullying prevention and intervention plan shall be conspicuously posted on the school walls and website, if there is any.

SEC. 5. *Implementation.* - The school principal or any person who hold a comparable role shall be responsible for the implementation and oversight of the bullying prevention and intervention plan.

Any member of a school administration, student, parent, or volunteer shall immediately report any instance of bullying or retaliation he/she has witnessed or become aware of to the school principal or to the school official identified in the bullying prevention and intervention plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or any of his/her designee shall promptly investigate. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall:

1. Notify the law enforcement agency if the school principal or designee believes that criminal charges may be pursued against the perpetrator;
2. Take appropriate disciplinary action;
3. Notify the parents or guardians of the perpetrator; and
4. Notify the parents or guardians of the victim regarding the action taken to prevent any further acts of bullying or retaliation.

If an incident of bullying or retaliation involves students from more than one school, the school first informed of the bullying or retaliation shall promptly notify the appropriate administrator of the other school so that both may take appropriate action.

SEC. 6. *Reporting Requirement.* - Beginning with the school year after the effectivity of this Act, schools shall report to their respective school division superintendents all incidents involving school bullying. The school division superintendent shall compile the data and report the same to the Secretary of the Department of Education who shall make his/her own report to the appropriate committees of Congress.

SEC. 7. *Implementing Rules and Regulations.* Within ninety (90) days from the effectivity of this Act, the Department of Education shall promulgate the necessary rules and regulations to implement the provisions of this Act.

SEC. 8. *Repealing Clause.* Any laws, decrees, ordinances or rules and regulations which are inconsistent with or contrary to the provision of this Act is hereby amended or repealed.

SEC. 9. *Effectivity.* This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved.