

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session



COMMITTEE REPORT NO. 1515

Submitted by the Committee on Basic Education and Culture on
21 NOV 2011.

RE : HOUSE BILL NO. 5496

Recommending its approval in substitution of House Bill Nos. 2613, 2630 and 3812.

SPONSORS : Representatives Salvador H. Escudero III, Mary Mitzi "Mitch" L. Cajayon, Christopher H. Co, Rodel M. Batocabe and Juan Edgardo M. Angara

Mr. Speaker:

The Committee on Basic Education and Culture, to which were referred House Bill No. 2613, introduced by Representative Mary Mitzi "Mitch" L. Cajayon, entitled:

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

House Bill No. 2630, introduced by Representatives Christopher H. Co, Rodel M. Batocabe and Alfredo A. Garbin, Jr., entitled:

**"AN ACT
MANDATING SCHOOLS, COLLEGES AND UNIVERSITIES TO
CREATE AN ANTI-BULLYING POLICY IN THEIR INSTITUTIONS";**

and House Bill No. 3812, introduced by Representative Juan Edgardo M. Angara, entitled:

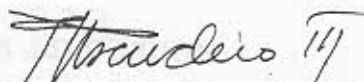
**"AN ACT
DEFINING AND PENALIZING THE CRIME OF BULLYING AND CYBER-
BULLYING"**

has considered the same and recommends that the attached House Bill No. 5496, entitled:

**"AN ACT
REQUIRING ALL ELEMENTARY AND SECONDARY SCHOOLS TO
ADOPT POLICIES TO PREVENT AND ADDRESS THE ACTS OF
BULLYING IN THEIR INSTITUTIONS"**

be approved in substitution of House Bill Nos. 2613, 2630 and 3812, with Representatives Cajayon, Co, Batocabe, Angara, Garbin and Escudero, as authors thereof.

Respectfully submitted,



SALVADOR H. ESCUDERO III

Chairperson

Committee on Basic Education and Culture

**THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY**

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Second Regular Session

HOUSE BILL NO. 5498

(In substitution of House Bill Nos. 2613, 2630 and 3812)

Introduced by Representatives Cajayon, Co, Batocabe, Angara, Garbin and Escudero

AN ACT
REQUIRING ALL ELEMENTARY AND SECONDARY SCHOOLS TO ADOPT POLICIES
TO PREVENT AND ADDRESS THE ACTS OF BULLYING IN THEIR INSTITUTIONS

*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 2012".

SEC. 2. Acts of Bullying. - For purposes of this Act, "bullying" shall refer to any 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 actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his property; creating a hostile environment at school for the other student; infringing on the rights of the other student at school; or materially and substantially disrupting the education process or the orderly operation of a school; such as, but not limited to the following:

(a) Any unwanted physical contact between the bully and the victim like punching, pushing, shoving, kicking, slapping, tickling, headlocks, inflicting school pranks, teasing, fighting and use of available objects as weapons;

(b) Any act that causes damage to a victim's psyche and/or emotional well-being;

(c) Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim's looks, clothes, body; and

(d) Cyber-bullying or any bullying done through the use of technology or any electronic means.

SEC. 3. Adoption of Anti-bullying Policies. -- All elementary and secondary schools are hereby directed to adopt policies to address the existence of bullying in their respective institutions. Such policies shall be regularly updated and at a minimum shall include provisions which:

(a) Prohibit the following acts:

(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; and

(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.

(b) Identify the range of disciplinary administrative actions that may be taken against a perpetrator for bullying or retaliation which shall be commensurate with the nature and gravity of the offense;

(c) Establish clear procedures and strategies for:

(1) Reporting acts of bullying or retaliation;

(2) Responding promptly to and investigating reports of bullying or retaliation;

(3) Restoring a sense of safety for a victim and assessing that student's needs for protection;

(4) Protecting from bullying or retaliation a person who reports acts of bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying; and

(5) Providing counseling or referral to appropriate services for perpetrators, victims and appropriate family members of said students;

(c) Enable students to anonymously report bullying or retaliation: *Provided, however,* That no disciplinary administrative action shall be taken against a perpetrator solely on the basis of an anonymous report;

(d) Subject a student who knowingly makes a false accusation of bullying to disciplinary administrative action; and

(e) Educate parents and guardians about the dynamics of bullying, the anti-bullying policies of the school and how parents and guardians can provide support and reinforce such policies at home.

All elementary and secondary schools shall provide students and their parents or guardians a copy of the anti-bullying policies being adopted by the school. Such policies shall likewise be included in the school's student and/or employee handbook and shall be conspicuously posted on the school walls and website, if there is any.

The Department of Education shall include in its training programs courses or activities which shall provide opportunities for school administrators, teachers and other employees to develop their knowledge and skills in preventing or responding to any bullying act.

SEC. 4. Mechanisms to Address Bullying. - The school principal or any person who holds a comparable role shall be responsible for the implementation and oversight of policies intended to address bullying.

Any member of the school administration, student, parent, or volunteer shall immediately report any instance of bullying or act of retaliation witnessed, or that has

1 come to one's attention, to the school principal or school officer or person so
2 designated by the principal to handle such issues, or both. Upon receipt of such a
3 report, the school principal or the designated school officer or person shall promptly
4 investigate. If it is determined that bullying or retaliation has occurred, the school
5 principal or the designated officer or person shall:

6
7 (a) Notify the law enforcement agency if the school principal or designee believes
8 that criminal charges under the Revised Penal Code may be pursued against the
9 perpetrator;

10
11 (b) Take appropriate disciplinary administrative action;

12
13 (c) Notify the parents or guardians of the perpetrator; and

14
15 (d) Notify the parents or guardians of the victim regarding the action taken to
16 prevent any further acts of bullying or retaliation.

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

21
22 **SEC. 5. Reporting Requirement.** – All schools shall inform their respective
23 Schools Division Superintendent in writing about the anti-bullying policies formulated
24 within six (6) months from the effectivity of this Act. Such notification shall likewise be
25 an administrative requirement prior to the operation of new schools.

26
27 Beginning with the school year after the effectivity of this Act, schools shall
28 report to their respective school division superintendents all incidents involving school
29 bullying. The Schools Division Superintendent shall compile these data and report the
30 same to the Secretary of the Department of Education who shall likewise formally
31 transmit a comprehensive report to the Committee on Basic Education of both the
32 House of Representatives and the Senate.

1 **SEC. 6. Sanction for Non-compliance.** - In the rules and regulations to be
2 implemented pursuant to this Act, the Secretary of the Department of Education shall
3 prescribe the appropriate administrative sanctions on school administrators who shall
4 fail to comply with the requirements under this Act. In addition thereto, erring private
5 schools shall likewise suffer the penalty of suspension of their permits to operate.

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

9 **SEC. 8. Separability Clause.** - If, for any reason, any provision of this Act is
10 declared to be unconstitutional or invalid, the other sections or provisions hereof
11 which are not affected thereby shall continue to be in full force or effect.

12 **SEC. 9. Repealing Clause.** - All laws, decrees, orders, rules and regulations or
13 parts thereof, which are inconsistent with or contrary to the provision of this Act are
14 hereby repealed, amended or modified accordingly.

15 **SEC. 10. Effectivity.** - This Act shall take effect fifteen (15) days after its
16 publication in at least two (2) national newspapers of general circulation.

17 *Approved,*

FACT SHEET

House Bill No. 5496

(In Substitution of House Bill Nos. 2613, 2630 and 3812)

ANTI-BULLYING ACT

*Introduced by: REPS. CAJAYON, CO, BATOCABE, ANGARA, GARBIN,
and ESCUDERO*

*Committee Referral: COMMITTEE ON BASIC EDUCATION & CULTURE
Committee Chairperson: REP. SALVADOR H. ESCUDERO III*

OBJECTIVES:

- To prevent and address the incidents of bullying in elementary and secondary schools, thus enabling the development and growth of emotionally and mentally healthy children
- To provide students and their parents or guardians an awareness of the impact of bullying and how it can be prevented or addressed

KEY PROVISIONS:

- Defines what constitutes bullying in elementary and secondary schools
- Requires all elementary and secondary schools to adopt policies to address the existence of bullying in their respective institutions
- Requires that copies of anti-bullying policies be provided by the schools to students and parents or guardians, to include such policies in the school's student or employee handbook and to have the same conspicuously posted in school walls and website
- Mandates the Department of Education to include in its training programs courses or activities that will promote the knowledge and skills of school administrators, teachers and other employees in preventing and handling bullying incidents
- Provides for the manner by which anti-bullying policies are to be implemented
- Requires existing schools to submit their anti-bullying policies to DepEd within six (6) months within the effectivity of the law
- Includes anti-bullying policy as administrative requirement prior to the operation of new schools
- Requires schools to submit a report of all school-related bullying incidents to their respective schools division superintendent, who in turn shall compile all the data and report the same to the Secretary of Education
- Requires DepEd to submit the appropriate bullying reports to appropriate Congressional committees and to sanction school administrations for non-compliance with the reporting requirements
- Provides sanctions to schools and school administrators for non-implementation of anti-bullying policies and non-compliance with the reportorial requirements

RELATED LAWS:

- BP 232 - Education Act of 1982
- RA 9155 - Governance in Basic Education Act