

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
Third Regular Session

HOUSE BILL NO. 8384



Introduced by Manila Teachers Representative  
VIRGILIO S. LACSON

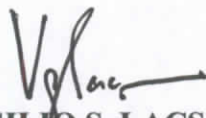
**INTRODUCTORY NOTE**

The responsibility of molding the minds and values of the Filipino youth makes our public school teachers precious and invaluable to our society. Moreover, public school teachers, as civil servants, wholeheartedly dedicate their time and effort in assisting both the local and national government particularly during elections.

As such, Republic Act No. 4670 otherwise known as "The Magna Carta for Public School Teachers" was passed into law in view of providing professional rights and safeguards to our public school teachers in consideration of the exigency and level of difficulty of the exercise of their profession. However, the said law has which was signed on June 18, 1966 remains untouched for more than half a century now exhibits weaknesses that hamper the improvement of the social and economic status and working conditions of our public school teachers. The need for modifications and amendments to strengthen the law is in order.

This bill seeks to amend the aforementioned law to make the said measure more responsive by expanding public school teachers working rights, strengthening working protections and safeguards and providing additional incentives for extra-curricular work.

In view of the foregoing, the immediate approval of this legislative measure is respectfully sought.

  
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AN ACT

**STRENGTHENING AND EXPANDING THE PROFESSIONAL RIGHTS AND WORK INCENTIVES OF PUBLIC SCHOOL TEACHERS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 4670, TO BE KNOWN AS THE EXPANDED MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS, AND FOR OTHER PURPOSES**

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

**SECTION 1. *Title.*** – This Act shall be known as the “Expanded Magna Carta for Public School Teachers Act”

**SEC. 2.** Sec. 3 of the same Act is hereby amended to read as follows:

Sec. 3. **RECRUITMENT, SELECTION AND QUALIFICATION.** RECRUITMENT, SELECTION, PROMOTION OF TEACHERS SHALL BE BASED ON MERIT AND FITNESS SUBJECT TO EXISTING CRITERIA DEFINED BY THE DEPARTMENT OF EDUCATION. Provided, however, That effective upon the approval of this Act, the following shall constitute the minimum educational qualifications for teacher-applicants:

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**PROVIDED, FURTHER, THAT ALL TEACHER-APPLICANTS IN THE REGISTRY OF QUALIFIED APPLICANTS (RQA) HAS BEEN ASSIGNED, BUT STILL THERE IS A NEED TO HIRE MORE TEACHERS, THE SCHOOL SUPERINTENDENT SHALL APPOINT A SUBSTITUTE TEACHER FROM THE RQA WHO DID NOT MEET THE CUT-OFF SCORE BUT STILL DEEMED QUALIFIED TO TEACH.**

**PROVIDED, FINALLY, THAT IN THE BASIS OF PROMOTION, THE SCHOOL SUPERINTENDENT SHALL ALSO CONSIDER THE EXPERIENTIAL QUALIFICATION OF TEACHER APPLICANTS IN ORDER TO ENSURE AN EQUITABLE PROMOTION MECHANISM WHICH ALSO GIVES IMPORTANCE ON THE PROFESSIONAL EXPERIENCE OF TEACHERS ASIDE FROM EDUCATIONAL AND SCHOLASTIC ATTAINMENT.**

**SEC. 3.** Sec. 5 of the same Act is hereby amended to read as follows:

*Sec. 5. Tenure of Office. – xxx.*

**NO PERMANENT TEACHER SHALL BE TERMINATED EXCEPT FOR A JUST CAUSE OR AFTER DUE PROCESS. A TEACHER OR NON-TEACHING PERSONNEL WHO IS DISMISSED FROM SERVICE BUT LATER FOUND OUT AS AN UNJUSTLY DISMISSED SHALL BE ENTITLED TO REINSTATEMENT AND BACK WAGES.**

**SEC. 4.** Sec. 6 of the same Act is hereby amended to read as follows:

*Sec. 6. Consent for Transfer Transportation Expenses. – Except for cause and as herein otherwise provided, no teacher shall be transferred without his consent **IN WRITING** from one station to another.*

Where the exigencies of the service require the transfer of a teacher from one station to another, such transfer may be affected by the school superintendent who shall previously notify the teacher concerned of the transfer and the reason or reasons therefor. If the teacher believes that there is no justification for the transfer, he may appeal his case to the [Director of Public Schools or the Director of Vocational Education, as the case may be] **REGIONAL DIRECTOR. THE REGIONAL DIRECTOR SHALL RENDER A DECISION IN WRITING WITHIN ONE WEEK UPON RECEIPT OF THE APPEAL.** Pending his appeal and the decision thereon, his transfer shall be held in abeyance: *Provided, however,* That no transfers whatever shall be made three months before any local or national election.

**PROVIDED, FURTHER, THAT SUCH TRANSFER SHALL NOT CAUSE DISRUPTION IN DAY-TO-DAY SCHOOL OPERATIONS OF BOTH THE RECEIVING SCHOOL AND THE HOST SCHOOL.**

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**SEC. 5.** Sec. 7 of the same act is hereby deleted and shall be replaced to read as follows:

**SEC. 7. CODE OF ETHICS FOR PROFESSIONAL TEACHERS – TEACHERS SHALL OBSERVE THE CODE OF ETHICS UNDER REPUBLIC ACT NO. 7836, OTHERWISE KNOWN AS THE “PHILIPPINE TEACHERS PROFESSIONALIZATION ACT”**

**SEC. 6.** Sec. 10 of the same act is hereby amended to read as follows:

*Sec. 10. No Discrimination. There shall be no discrimination whatsoever in entrance to the teaching profession, or during its exercise, or in the termination of services, based on other than professional consideration.*

**PROVIDED, THAT, THE HIRING AND PROMOTION OF TEACHERS SHALL BE BASED ON ACADEMIC AND PROFESSIONAL MERIT AND FITNESS.**

**PROVIDED, FURTHER, THAT UNDER NO CIRCUMSTANCE THAT THE LICENSE OF PUBLIC SCHOOL TEACHERS ISSUED BY THE APPROPRIATE GOVERNMENT AGENCY BE REVOKED OR INVALIDATED FOR REASONS**

**THAT ARE NOT RELATED TO THE PERFORMANCE OF THE TEACHING PROFESSION SUCH AS BUT NOT LIMITED TO DEFERRED PAYMENT OF OBLIGATIONS AND PERSONAL CONFLICTS.**

**SEC. 7.** Sec.12 of the same Act is hereby amended to read as follows:

Sec. 12. *Academic Freedom.* – xxx.

**IN EXERCISE THEREOF, AN INDEPENDENT RESEARCH BODY SHALL BE CONSTITUTED EVERY TWO (2) YEARS TO REVIEW TEACHING METHODS AND PRESENT REFORM RECOMMENDATIONS TO THE DEPARTMENT**

**SEC. 8.** Sec. 13 of the same Act is hereby amended to read as follows:

Sec. 13. *Teaching Hours.* – Any teacher engaged in actual classroom instruction shall not be required to render more than six hours of actual classroom teaching a day, which shall be so scheduled as to give him time for the 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 **THE SCHOOL DIVISION SUPERINTENDENT SHALL APPOINT SUBSTITUTE TEACHERS TO FILL-IN THE TEACHING LOAD.**

**IN CASES WHEREIN RENDERING OF ADDITIONAL WORK HOURS IS DUE TO SUBSTITUTION FOR CLASSES OF NON-REPORTING TEACHERS, THE SCHOOL DIVISION SUPERINTENDENT SHALL ALSO APPOINT SUBSTITUTE TEACHERS IF THE ABSENCE OR VACANCY WILL EXCEED FOR MORE THAN TWO (2) WEEKS.**

**SEC. 9.** Sec. 14 of the same Act is hereby amended to read as follows:

Sec. 14. *Additional Compensation.* Notwithstanding any provision of existing law to the contrary, co-curricula and [out of school] **OFF CAMPUS ACTIVITIES AND ANY OTHER ACTIVITIES BEYOND OF WHAT IS DEFINED AS NORMAL DUTIES OF A TEACHER THAT WILL MAKE HIM WORK LONGER THAN HIS REGULAR WORKLOAD INCLUDING RENDERING OF SERVICE DURING NATIONAL AND LOCAL ELECTIONS, RENDERING REPORTS TO OTHER GOVERNMENT AGENCIES AND PARTICIPATING IN PROGRAMS AND ACTIVITIES OF LOCAL GOVERNMENT UNITS SHALL BE PAID THE REGULAR COMPENSATION FOR THE ACTUAL HOURS WORKED PLUS AN ADDITIONAL COMPENSATION OF AT LEAST TWENTY-FIVE PERCENT OF HIS REGULAR REMUNERATION.** [after the teacher has completed at least six hours of actual classroom teaching a day.]

[In the case of other teachers or school officials not engaged in actual classroom instruction, any work performed in excess of eight hours a day shall be paid an additional compensation of at least twenty-five percent of their regular remuneration.]

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**SEC. 10.** Sec. 19 of the same Act is hereby amended to read as follows:

Sec. 19. [*Special Hardship Allowances*] **SPECIAL HARDSHIP, HEALTH AND SAFETY HAZARD ALLOWANCES.** [In areas in which] **WHEN TEACHERS, UPON RIGHTFUL DETERMINATION AND VERIFICATION, ARE EXPOSED AND EXPERIENCING HARDSHIP, HEALTH AND SAFETY HAZARDS IN COMMUTING IN THEIR PLACE OF WORK, SUCH AS, BUT NOT LIMITED TO; (1) PRESENCE OF ARMED CONFLICT AND PREVALENCE OF HIGH CRIME RATES, (2) PRESENCE OF HAZARDOUS WASTE, CHEMICAL BY-PRODUCTS AND TOXIC FUMES FROM LANDFILLS, DUMPSITES, FACTORIES AND POLLUTED WATERWAYS AND ESTEROS IN COMMUTE ROUTES, (3) LACK OR ABSENCE THEREOF OF PUBLIC TRANSPORT SERVICE IN THE AREA OF ASSIGNMENT, (4) TRANSPORT IN UNPAVED ROAD NETWORKS UNACCESSIBLE TO MOTOR VEHICLES, AND (5) TRANSPORT USING BOATS DUE TO THE ABSENCE OF CONNECTING BRIDGES OR ROAD NETWORKS OVER AREAS SURROUNDED BY BODIES OF WATER, SAID TEACHERS SHALL BE COMPENSATED SPECIAL HARDSHIP, HEALTH AND SAFETY HAZARD ALLOWANCES EQUIVALENT TO AT LEAST TWENTY-FIVE PERCENT OF THEIR MONTHLY SALARY.**

**SEC. 11.** Sec. 21 of the same Act is hereby amended to read as follows:

Sec. 21. *Deductions Prohibited.* No person shall make any deduction whatsoever from the salaries of teachers except under specific authority of law [authorizing] **REQUIRING** such deductions: *Provided, however,* That upon written authority executed by the teacher concerned, (1) **LAWFUL OBLIGATIONS, DUES AND FEES OWING TO TEACHERS' SAVINGS AND LOAN ASSOCIATIONS, TEACHERS' MUTUAL BENEFIT ASSOCIATIONS AND TEACHER COOPERATIVES AUTHORIZED BY THE BANGKO SENTRAL NG PILIPINAS (BSP), THE INSURANCE COMMISSION (IC), AND COOPERATIVE DEVELOPMENT AUTHORITY (CDA),** (2) lawful dues and fees owing to the Philippine Public School Teachers Association; and (3) premiums properly due on insurance policies, [shall be considered deductible] **SHALL BE THE ORDER OF PREFERENCE IN DEDUCTIONS RESPECTIVELY.**

**PROVIDED, HOWEVER, THAT DEDUCTIONS UNDER THE SALARY DEDUCTION SCHEME SHALL NOT BE CHARGED WITH COMPOUNDED INTERESTS AND PENALTIES AS PAYMENTS SHALL BE COURSED THROUGH SALARY DEDUCTION UNTIL FULLY PAID.**

**IN CASES WHERE PAYMENT OF OBLIGATIONS EXCEED THE 12-MONTH TERM, DEDUCTIONS FOR PAST DUE INTEREST SHALL APPLY.**

**SEC. 12.** Sec. 22 of the same Act is hereby amended to read as follows:

Sec. 22. **HEALTH, WELLNESS AND MEDICAL BENEFITS** [*Medical Examination and Treatment*] **TO ENSURE THE OCCUPATIONAL, EMOTIONAL, PSYCHOLOGICAL, MENTAL AND PHYSICAL WELLNESS OF TEACHERS WHILE IN SERVICE, THERE SHALL BE A COMPREHENSIVE HEALTH, WELLNESS AND MEDICAL PROGRAM. THE ANNUAL PHYSICAL**

**EXAMINATIONS FOR ALL PUBLIC SCHOOL TEACHERS AND THEIR DEPENDENTS SHALL BE PROVIDED FOR FREE BY THE GOVERNMENT ENTITY PAYING THE SALARY OF THE TEACHERS** [Compulsory medical examination shall be provided free of charge for all teachers before they take up teaching, and shall be repeated not less than once a year during the teacher's professional life]

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**SEC. 13. Continuing Education Benefits.** Public School Teachers shall be given free continuing education units as required by the Professional Regulatory Commission (PRC) and for promotion purposes as required by the Civil Service Commission in any State Universities and Colleges (SUCs) nearest to their place of assignment or any school deemed qualified by the Department.

For this purpose, the Department shall coordinate with the Commission on Higher Education for the effective implementation of this provision.

**SEC. 14. Conducive Working Conditions and Security Ensured.** Public school teachers in the administration of their duties and functions shall be ensured of good working, safety and security conditions in their places of assignment. In view thereof, the Department shall provide and maintain adequate space, ventilation, lighting, and security conditions in public schools to foster a conducive environment for teaching and learning.

**SEC. 15. Right to Legal Counsel of Public School Teachers.** Public school teachers shall have the right to legal counsel to be provided for by the Department for complaints and lawsuits charged against them; *Provided, however,* That such entitlements shall only apply in lawsuits and complaints in relation to the lawful performance and conduct of their teaching duties and responsibilities.

**SEC. 16. Early Option for Retirement.** Public school teachers who are at least fifty-five (55) years of age and have rendered at least fifteen (15) years of service may opt to retire of service and be entitled to their retirement benefits subject to the pertinent provisions of Republic Act 8291, or the Revised Government Insurance System Act of 1997.

**SEC. 17. Performance Bonus.** Public school teachers shall be entitled to a Performance Bonus equivalent to their one-month salary to recognize improved attainment of learning objectives and outcomes subject to the implementing guidelines of the Department of Budget and Management (DBM).

**SEC. 18. Income from Service Fees from Salaries of Public School Teachers.** To ensure fiscal accountability, all service fees collected from the salaries of Public School Teachers shall be first remitted to the National Treasury and therefore be appropriated by Congress for health and wellness benefits of public school teachers.

**SEC. 19. Separability Clause** – If any provision or part thereof is held invalid or unconstitutional, the other provisions not affected shall remain valid and subsisting.

**SEC. 20. Repealing Clause** – All laws, decrees, issuances, orders, rules and regulations or portions thereof, in contrary to, or inconsistent with any provisions of this Act are hereby repealed, modified or amended accordingly.

**SEC. 21. *Effectivity*** – This Act shall take effect fifteen (15) days from the date of publication in the Official Gazette and two (2) major newspapers of general circulation

Approved,