



HOUSE OF REPRESENTATIVES

House Bill No. 3677

Introduced by Representatives Virgilio S. Lacson

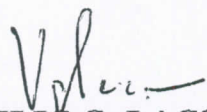
EXPLANATORY NOTE

In Article XIV, Section 5 (4) of the 1987 Philippine Constitution, provides that "The State shall enhance the right of teachers to professional advancement. Non-teaching academic and non-academic personnel shall enjoy the protection of the State". The State recognizes the essential role of all teachers and personnel in nation-building.

As such, Republic Act No. 4670 otherwise known as The Magna Carta for Public School Teachers 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 weakness 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 Act seeks to amend the aforementioned law to make the said measure more responsive by expanding public school teachers working rights, strengthening working protections and providing additional incentives for extra-curricular work.

In light of the foregoing, immediate passage of the bill is earnestly sought.


VIRGILIO S. LACSON
Manila Teachers, Party List

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AN ACT

STRENGTHENING AND EXPANDING THE PROFESSIONAL RIGHTS AND WORK INCENTIVES OF PUBLIC SCHOOL TEACHERS, AMENDING 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 House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1.** *Short Title.* - This Act shall be known as "*Expanded Magna Carta for*
2 *Public School Teachers Act.*"

3
4 **SEC. 2.** Sec. 3 of Republic Act No. 4670 or The Magna Carta for Public School
5 Teachers is hereby amended to read as follows:

6 Sec. 3. Recruitment, **SELECTION** and Qualification. - Recruitment,
7 **SELECTION, PROMOTION OF TEACHERS SHALL BE BASED ON**
8 **MERIT AND FITNESS SUBJECT TO EXISTING CRITERIA DEFINED**
9 **BY THE DEPARTMENT OF EDUCATION.** [~~policy with respect to the~~
10 ~~selection and appointment of teachers shall be clearly defined by the Department~~
11 ~~of Education;~~] *Provided*, however, that effective upon the approval of this Act,
12 the following shall constitute the minimum educational qualifications for teacher-
13 applicants:

14 X X X

X X X

X X X

15 **Provided, further, That ALL TEACHERS-APPLICANTS IN THE**
16 **REGISTRY OF QUALIFIED APPLICANTS (RQA) HAS BEEN**

1 ASSIGNED, BUT STILL THERE IS NEED TO HIRE MORE TEACHERS,
2 THE SCHOOL SUPERINTENDENT SHALL APPOINT A SUBSTITUTE
3 TEACHER FROM THE RQA WHO DID NOT MEET THE CUT-OFF
4 SCORE BUT STILL DEEMED QUALIFIED TO TEACH. ~~[in the absence of~~
5 ~~applicants who possess the minimum educational qualifications as hereinabove~~
6 ~~provided, the school superintendent may appoint, under a temporary status,~~
7 ~~applicants who do not meet the minimum qualifications: Provided, further, That~~
8 ~~should teacher applicants, whether they possess the minimum educational~~
9 ~~qualifications or not, be required to take competitive examinations, preference in~~
10 ~~making appointments shall be in the order of their respective ranks in said~~
11 ~~competitive examinations: And].~~

12 Provided, finally, that IN THE BASIS OF PROMOTION, THE
13 SCHOOL SUPERINTENDENT SHALL ALSO CONSIDER THE
14 EXPERIENTIAL QUALIFICATION OF TEACHER APPLICANTS IN
15 ORDER TO ENSURE AN EQUITABLE PROMOTION MECHANISM
16 WHICH ALSO GIVES IMPORTANCE ON THE PROFESSIONAL
17 EXPERIENCE OF TEACHERS ASIDE FROM EDUCATIONAL AND
18 SCHOLASTIC ATTAINMENT. ~~[the results of the examinations shall be made~~
19 ~~public and every applicant shall be furnished with his score and rank in said~~
20 ~~examinations.]~~

21
22 SEC. 3. Sec. 5 of the same Act is hereby amended to read as follows:
23

24 Sec. 5. Tenure of Office. — x x x x x x.

25 ~~[Subject to the provisions of Section three hereof, teachers appointed on a~~
26 ~~provisional status for lack of necessary civil service eligibility shall be extended~~
27 ~~permanent appointment for the position he is holding after having rendered at~~
28 ~~least ten years of continuous, efficient and faithful service in such position.] NO~~
29 PERMANENT TEACHER SHALL BE TERMINATED EXCEPT FOR A
30 JUST CAUSE OR AFTER DUE PROCESS. A TEACHER OR NON-
31 TEACHING PERSONNEL WHO IS DISMISSED FROM SERVICE BUT
32 LATER FOUND OUT AS AN UNJUSTLY DISMISSED SHALL BE
33 ENTITLED TO REINSTATEMENT AND BACK WAGES.

1
2 **SEC. 4.** Sec. 6 of the same Act is hereby amended to read as follows:

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

6 Where the exigencies of the service require the transfer of a teacher from
7 one station to another, such transfer may be effected by the school superintendent
8 who shall previously notify the teacher concerned of the transfer and the reason
9 or reasons therefor. If the teacher believes there is no justification for the transfer,
10 he may appeal his case to the ~~[Director of Public Schools or the Director of~~
11 ~~Vocational Education, as the case may be]~~ **REGIONAL DIRECTOR. THE**
12 **REGIONAL DIRECTOR SHALL RENDER A DECISION IN WRITING**
13 **ONE (1) WEEK UPON RECEIPT OF THE APPEAL.** Pending his appeal and
14 the decision thereon, his transfer shall be held in abeyance: *Provided, however,*
15 that no transfers whatever shall be made three months before any local or national
16 election.

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

20 X X X X X X X X X.

21
22 **SEC. 5.** Sec. 7 of the same Act is hereby amended to read as follows:

23 Sec. 7. Code of **ETHICS FOR** Professional ~~[Conduct for]~~ Teachers. -
24 ~~[Within six months from the approval of this Act, the Secretary of Education~~
25 ~~shall formulate and prepare a Code of Professional Conduct for Public School~~
26 ~~Teachers. A copy of the Code shall be furnished each teacher: Provided, however,~~
27 ~~That where this is not possible by reason of inadequate fiscal resources of the~~
28 ~~Department of Education, at least three copies of the same Code shall be~~
29 ~~deposited with the office of the school principal or head teacher where they may~~
30 ~~be accessible for use by the teachers.]~~ **TEACHERS SHALL OBSERVE THE**
31 **CODE OF ETHICS UNDER REPUBLIC ACT NO. 7836, OTHERWISE**
32 **KNOWN AS THE "PHILIPPINE TEACHERS PROFESSIONALIZATION**
33 **ACT".**

1
2 **SEC. 6.** Sec. 10 of the same Act is hereby amended to read as follows:

3 Sec. 10. *No Discrimination.* - There shall be no discrimination whatsoever
4 in entrance to the teaching profession, or during its exercise, or in the termination
5 of services, based on other than professional consideration. **PROVIDED, THAT,**
6 **THE HIRING AND PROMOTION OF TEACHERS SHALL BE BASED**
7 **ON ACADEMIC AND PROFESSIONAL MERIT AND FITNESS.**

8
9 **PROVIDED, FURTHER, THAT UNDER NO CIRCUMSTANCE THAT**
10 **THE LICENSE OF PUBLIC SCHOOL TEACHERS ISSUED BY THE**
11 **APPROPRIATE GOVERNMENT AGENCY BE REVOKED OR**
12 **INVALIDATED FOR REASONS THAT ARE NOT RELATED TO THE**
13 **PERFORMANCE OF THE TEACHING PROFESSION SUCH AS BUT**
14 **NOT LIMITED TO DEFERRED PAYMENT OF OBLIGATIONS AND**
15 **PERSONAL CONFLICTS.**

16
17 **SEC. 7.** Sec. 12 of the same Act is hereby amended to read as follows:

18 Sec. 12. *Academic Freedom.* - x x x x x x.

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

23
24 **SEC. 8.** Sec. 13 of the same Act is hereby amended to read as follows:

25 Sec. 13. *Teaching Hours.* - Any teacher engaged in actual classroom
26 instruction shall not be required to render more than six hours of actual classroom
27 teaching a day, which shall be so scheduled as to give him time for the
28 preparation and correction of exercises and other work incidental to his normal
29 teaching duties: *Provided, however,* That where the exigencies of the service so
30 require **THE SCHOOL DIVISION SUPERINTENDENT SHALL APPOINT**
31 **SUBSTITUTE TEACHERS TO FILL-IN THE TEACHING LOAD. [any**
32 ~~teacher may be required to render more than six hours but not exceeding eight~~
33 ~~hours of actual classroom teaching a day upon payment of additional~~

1 compensation at the same rate as his regular remuneration plus at least twenty-
2 five per cent of his basic pay.]

3
4 IN CASES WHEREIN RENDERING OF ADDITIONAL WORK HOURS
5 IS DUE TO SUBSTITUTION FOR CLASSES OF NON-REPORTING
6 TEACHERS, THE SCHOOL DIVISION SUPERINTENDENT SHALL
7 ALSO APPOINT SUBSTITUTE TEACHERS IF THE ABSENCE OR
8 VACANCY WILL EXCEED FOR MORE THAN TWO (2) WEEKS.

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

11 Sec. 14. *Additional Compensation* – Notwithstanding any provision of
12 existing law to the contrary, co-curricula and [out of school] **OFF CAMPUS**
13 **ACTIVITIES AND ANY OTHER ACTIVITIES BEYOND OF WHAT IS**
14 **DEFINED AS NORMAL DUTIES OF TEACHER THAT WILL MAKE**
15 **HIM WORK LONGER THAN HIS REGULAR WORKLOAD**
16 **INCLUDING RENDERING OF SERVICE DURING NATIONAL AND**
17 **LOCAL ELECTIONS, RENDERING REPORTS TO OTHER**
18 **GOVERNMENT AGENCIES AND PARTICIPATING IN PROGRAMS**
19 **AND ACTIVITIES OF LOCAL GOVERNMENT UNITS SHALL BE PAID**
20 **THE REGULAR COMPENSATION FOR THE ACTUAL HOURS**
21 **WORKED PLUS** an additional compensation of at least twenty-five per cent of
22 his regular remuneration **AN ADDITIONAL COMPENSATION OF AT**
23 **LEAST TWENTY-FIVE (25%) PERCENT OF HIS REGULAR**
24 **REMUNERATION.** [~~after the teacher has completed at least six hours of actual~~
25 ~~classroom teaching a day.~~]

26
27 [~~In the case of other teachers or school officials not engaged in actual classroom~~
28 ~~instruction, any work performed in excess of eight hours a day shall be paid an~~
29 ~~additional compensation of at least twenty five per cent of their regular~~
30 ~~remuneration.~~]

31
32 X X X X X X
33

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

2 Sec. 19. *Special Hardship, HEALTH AND SAFETY HAZARD*
3 *Allowances.* [~~In areas in which when~~] teachers, **UPON RIGHTFUL**
4 **DETERMINATION AND VERIFICATION**, are exposed **AND**
5 **EXPERIENCE** [~~to~~] hardship, **HEALTH AND SAFETY HAZARDS** [~~such as~~
6 ~~difficulty~~] in commuting **IN THEIR PLACE OF WORK, SUCH AS, BUT**
7 **NOT LIMITED TO; (1) PRESENCE OF ARMED CONFLICT AND**
8 **PREVALENCE OF HIGH CRIME RATES, (2) PRESENCE OF**
9 **HAZARDOUS WASTE, CHEMICAL BYPRODUCTS AND TOXIC**
10 **FUMES FROM LANDFILLS, DUMPSITES, FACTORIES AND**
11 **POLLUTED WATERWAYS AND ESTEROS IN COMMUTE ROUTES,**
12 **(3) LACK OR ABSENCE THEREOF OF PUBLIC TRANSPORT**
13 **SERVICE IN THE AREA OF ASSIGNMENT, (4) TRANSPORT IN**
14 **UNPAVED ROAD NETWORKS UNACCESSIBLE TO MOTOR**
15 **VEHICLES, AND (5) TRANSPORT USING BOATS DUE TO THE**
16 **ABSENCE OF CONNECTING BRIDGE OR ROAD NETWORKS OVER**
17 **AREAS SURROUNDED BY BODIES OF WATER, SAID TEACHERS**
18 **SHALL BE COMPENSATED SPECIAL HARDSHIP, HEALTH AND**
19 **SAFETY HAZARD** [~~to the place of work or other hazards peculiar to the place~~
20 ~~of employment, as determined by the Secretary of Education, they shall be~~
21 ~~compensated special hardship~~] allowances equivalent to at least twenty-five
22 (25%) per cent of their monthly salary.

23
24 **SEC. 11.** Sec. 21 of the same Act is hereby amended to read as follows:

25 Sec. 21. *Deductions Prohibited.*-No person shall make any deduction
26 whatsoever from the salaries of teachers except under specific authority of law
27 **REQUIRING** [~~authorizing~~] such deductions: *Provided, however,* That upon
28 written authority executed by the teacher concerned, (1) lawful **OBLIGATIONS,**
29 dues and fees owing to **TEACHERS' SAVINGS AND LOAN**
30 **ASSOCIATIONS, TEACHERS' MUTUAL BENEFIT ASSOCIATIONS**
31 **AND TEACHER COOPERATIVES AUTHORIZED BY THE BANKO**
32 **SENTRAL NG PILIPINAS (BSP), THE INSURANCE COMMISSION (IC),**
33 **AND COOPERATIVE DEVELOPMENT AUTHORITY (CDA), (2)**

1 **LAWFUL** dues and fees owing to the Philippine Public School Teachers
2 Association, and (3) premiums properly due on insurance policies, [~~shall be~~
3 ~~considered deductible.~~] **SHALL BE THE ORDER OF PREFERENCE IN**
4 **DEDUCTIONS RESPECTIVELY.**

5
6 **PROVIDED, HOWEVER, THAT DEDUCTIONS UNDER THE SALARY**
7 **DEDUCTION SCHEME NOT BE CHARGED WITH COMPOUNDED**
8 **INTERESTS AND PENALTIES AS PAYMENTS SHALL BE COURSED**
9 **THROUGH SALARY DEDUCTION UNTIL FULLY PAID.**

10
11 **IN CASES WHERE PAYMENT OF OBLIGATIONS EXCEED THE 12-**
12 **MONTH TERM, DEDUCTIONS FOR PAST DUE INTEREST SHALL**
13 **APPLY.**

14
15 **SEC. 12.** Sec. 22 of the same Act is hereby amended to read as follows:

16 Sec. 22. **HEALTH, WELLNESS AND MEDICAL BENEFITS**
17 [~~Medical Examination and Treatment~~] **TO ENSURE THE OCCUPATIONAL,**
18 **EMOTIONAL, PSYCHOLOGICAL, MENTAL AND PHYSICAL**
19 **WELLNESS OF TEACHERS WHILE IN SERVICE, THERE SHALL BE**
20 **A COMPREHENSIVE HEALTH, WELLNESS AND MEDICAL**
21 **PROGRAM. THE ANNUAL PHYSICAL EXAMINATIONS FOR ALL**
22 **PUBLIC SCHOOL TEACHERS AND THEIR DEPENDENTS** [~~Compulsory~~
23 ~~medical examination shall be provided free of charge for all teachers before they~~
24 ~~take up teaching, and shall be repeated not less than once a year during the~~
25 ~~teacher's professional life. Where medical examination show that medical~~
26 ~~treatment and/or hospitalization is necessary, same]~~ shall be provided free by the
27 government entity paying the salary of the teachers.

28
29 X X X X X X.

30
31 **SEC. 13.** *Continuing Education Benefits.* – Public School Teachers shall be given free
32 continuing education units as required by the Professional Regulation Commission (PRC) and
33 for promotion purposes as required by the Civil Service Commission in any State Universities

1 and Colleges (SUCs) nearest to their place of assignment or any school qualified by the
2 Department.

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

5
6 **SEC. 14. *Conductive Working Conditions and Security Ensured.*** – Public school
7 teachers in the administration of their duties and functions shall be ensured of good working,
8 safety and security conditions in their places of assignment. In view thereof, the Department
9 shall provide and maintain adequate space, ventilation, lighting, and security conditions in
10 public schools to foster a conductive environment for teaching and learning.

11
12 **SEC. 15. *Right to Legal Counsel of Public School Teachers.*** – Public school teachers
13 shall have the right to legal counsel to be provided for by the Department for complaints and
14 lawsuits charged against them; *Provided, however.* That such entitlements shall only apply in
15 lawsuits and complaints in relation to the lawful performance and conduct of their duties and
16 responsibilities.

17
18 **SEC. 16. *Early Option for Retirement.*** -Public school teachers who are at least fifty-five
19 (55) years of age and have rendered at least fifteen (15) years of service may opt to retire of
20 service and entitled to their retirement benefits subject to the pertinent provisions of Republic
21 Act No. 8291, or the Revised Government Insurance System Act of 1997.

22
23 **SEC. 17. *Performance Bonus.*** -Public school teachers shall be entitled to a Performance
24 Bonus equivalent to their one-month salary to recognized improved attainment of learning
25 objectives and outcomes subject to the implementation guidelines of the Department of Budget
26 and Management (DBM).

27
28 **SEC. 18. *Income from Service Fees from Salaries of Public School Teachers.*** -To ensure
29 fiscal accountability. All service fees collected from the salaries of Public School Teachers shall
30 be first remitted to the National Treasury and therefore be appropriated by Congress for health
31 and wellness benefits of public-school teachers.

1 **SEC. 19. *Separability Clause.*** - If any provision or portion of this Act is declared
2 unconstitutional, the remainder of this Act or any provision not thereby affected shall remain in
3 full force and effect.

4
5 **SEC. 20. *Repealing Clause.*** - All laws, decrees, executive orders, ordinances, rules,
6 regulations, and other issuances, or parts thereof, which are inconsistent with any provision of
7 this Act, are hereby repealed, amended, and/ or modified accordingly.

8
9 **SEC. 21. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication in
10 the Official Gazette or in a newspaper of general circulation.

11
12
13 Approved,