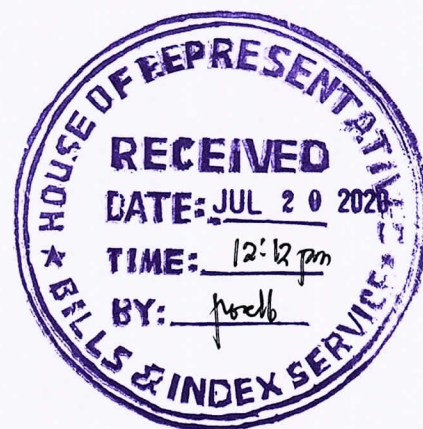


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. 7126



Introduced by
ACT Teachers Party-List Rep. FRANCE L. CASTRO,
BAYAN MUNA Party-List Rep. CARLOS ISAGANI T. ZARATE,
Rep. FERDINAND GAITE and Rep. EUFEMIA C. CULLAMAT,
GABRIELA Women's Party Rep. ARLENE D. BROSAS,
and KABATAAN Party-List Rep. SARAH JANE I. ELAGO

AN ACT
PROVIDING SPECIAL HARDSHIP ALLOWANCE FOR PUBLIC SCHOOL TEACHERS

EXPLANATORY NOTE

This bill proposes to institutionalize the Special Hardship Allowance (SHA) to be given monthly to qualified teachers. The SHA will alleviate the financial burdens of public school teachers and compensate them for their hard work and sacrifices.

Section 19 of Republic Act 4670, or the *Magna Carta for Public School Teachers* provides the legal basis of SHA for teachers, as implemented by the Department of Education (DepEd) and the Department of Budget and Management (DBM) through their circulars and orders covering the guidelines on its grant. Through National Budget Circular 514 dated December 5, 2007 and entitled *Guidelines on the Grant of Special Hardship Allowance*, the DBM diminishes the SHA by setting its maximum amount to 25% annually—contrary to the law's mandate of 25% monthly as the minimum amount. Also, the DBM further limits the benefit by making a preference on the order of its payment, that is, classroom teachers and administrative heads assigned in hardship posts must be paid first before multi-grade teachers, mobile teachers, and ALS coordinators—other teachers whose duties make them in dire need of the SHA. This preference is neither found in the letter of the law nor justified by the spirit of the law, and it deprives those lower in the list of preference of the SHA when appropriated funds or savings run low, as is usually the case. Lastly, the DBM circular deliberately deletes (and therefore does not give life to) the phrase on Section 19 of the *Magna Carta* regarding the "other hazards peculiar to the place of employment, as determined by the Secretary of Education." This is another unjustified narrowing of the coverage of the SHA, as the DepEd—which is more apprised and updated of the nature and kinds of hazards to which its teachers are exposed—is deprived of the discretion of who must be granted the benefit.

The COVID-19 pandemic highlights another instance in which teachers are excluded from receiving the benefit despite the fact that the law intends for them to get it. Per NBC 514, “hardship post” includes “difficulty of situation,” namely, a “place declared calamitous (*sic*) by the President based on National Disaster Coordinating Council (NDCC) recommendation,” “involves hazards of life, including exposures to armed conflict, to be determined by the Schools Division Superintendent (SDS),” or “inconvenience of travel due to dangerous terrain, isolation and extreme weather condition to be determined by the SDS.” This definition appears to be broad enough to cover many situations, but is not so in reality. The entire nation is practically declared under a state of calamity due to the pandemic, but teachers nationwide, numbering in the thousands, who are asked to report to work and are therefore subjected to the invisible yet deadly risk of the new coronavirus are not given the SHA. Natural and human-induced disasters not “huge enough” to merit attention of the national government or the SDS do not qualify under the first or second instances of “hardship post” so teachers asked to report to work in places affected by such disasters are not given the SHA. The usual reason for this: There is no issuance from either the Office of the President, DBM, or DepEd that categorically declares the availability of the SHA for these situations. As worded and implemented, the guidelines are heavy on bureaucracy, but light on the needs and demands of teachers.

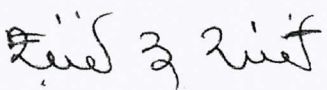
This diminution of the SHA via administrative acts and issuances results in injustice to public school teachers—an injustice that becomes even graver considering that the teachers concerned are those who make the greatest sacrifices just to bring education to Filipino children in the hardest-to-reach corners of our country. The teachers who must be given the SHA are those who endure long and risky travel to and from schools, handle multi-grade classes because of the lack of teachers, budget, or schools, and are tasked with implementation of non-formal and alternative education program.

The *Magna Carta for Public School Teachers* as the enabling law of SHA was first enacted in 1966, but until now, more than five decades later, government through the DepEd and DBM fails to implement and release the allowances, there are still many teachers who were not compensated despite their hardship. The time is thus ripe for government to strengthen the SHA—and respond to the needs of teachers—by institutionalizing it.

For the foregoing reasons, urgent approval of this bill is sought.



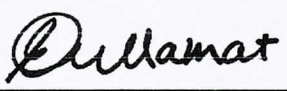
Rep. FRANCE L. CASTRO
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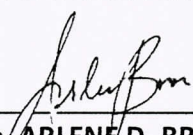
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HOUSE BILL No. 7126

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AN ACT
PROVIDING SPECIAL HARDSHIP ALLOWANCE FOR PUBLIC SCHOOL TEACHERS

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

SECTION 1. Coverage. The Special Hardship Allowance (SHA) shall be granted to qualified teachers under any of the following situations: (a) being assigned to a hardship post; (b) performing multi-grade teaching; (c) carrying out mobile teaching functions; or (d) performing functions of non-formal education or Alternative Learning System (ALS) coordinators. These qualified teachers may either be resident or transient having regular or temporary appointment.

SECTION 2. Definitions. For purposes of this Act:

- a) **Hardship Posts** refers to public schools or community learning centers located in areas characterized by extraordinarily hard, uncomfortable, and extreme difficulties in any of the following conditions:
 - i. *Transport Inaccessibility* – accessible only by hiking, animal ride, banca ride or other unusual or irregular means of transportation, partly or wholly from the nearest point of available regular motorized land or water transport with minimum distance of 5 kilometers;
 - ii. *State of calamity* – The place is declared to be under a state of calamity by the President based on the recommendation of the National Disaster Risk Reduction and Management Council (NDRRMC). *Provided, however,* That where a national state of calamity is declared by the President, all teachers under the preceding Section shall

be deemed as serving in hardship posts without further need of any issuance from the DBM or DepEd. *Provided, further,* That where the declaration of a state of calamity is limited to a certain jurisdiction, qualified teachers in that jurisdiction shall be deemed as serving in hardship posts, also without further need of any issuance;

- iii. *Hazards to life* – including but not limited to exposures to armed conflict, to be determined by the Schools Division Superintendent (SDS);
- iv. *Inconvenience of travel* – due to dangerous terrain, isolation, and extreme weather conditions, to be determined by the SDS;
- v. *Health hazards* – as determined by the Department of Health (DOH); and
- vi. *Other hazards peculiar to the place of employment* – as determined by the Department of Education (DepEd).

The DepEd Central Office and SDS, DOH, and DBM shall consult with the unions and organizations of public school teachers, and receive and consider the recommendations of the latter as to the places which should be considered as inaccessible, or places or situations involving hazards to life, inconvenience of travel, health hazards, or other hazards, as the case may be.

- b) **Mobile Teachers (MT)** – refer to specialized public school teachers conducting learning sessions using the alternative learning delivery mode and who usually move from one station to another in depressed, disadvantaged, and underserved communities.
- c) **Multi-grade Teachers (MGT)** – refer to teachers handling a class of two or more grades.
- d) **Non-formal Education or ALS Coordinators** – refer to public school teachers who are officially designated by the SDS to perform ALS program coordinating functions in addition to his or her regular duties as learning facilitator.

SECTION 3. Amount of SHA for Hardship Posts. The SHA shall be given to qualified teachers assigned to hardship posts equivalent to at least twenty-five percent (25%) of their monthly basic salary.

A fraction of an hour of qualified travel and ratios of days present to total class days shall be reckoned to the nearest peso, provided that qualified travel of less than one third (1/3) of an hour or attendance ratio of less than one is to three (1:3) for the month shall not be compensated. The allowable SHA shall be computed as follows:

SHA = (Basic Salary x Rate per Distance) x Number of Days Present in a Month
over Number of Working Days in a Month;
wherein Rate per Distance is:

Distance	Rate per Distance (% of Basic Salary)
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5-10 km	15%
11-20 km	20%
21 km & above	25%

The distance is computed in kilometers of the hardship post starting from the nearest point of available regular motorized land or water transport.

SECTION 4. *Amount of SHA for Multi-grade Teachers, Mobile Teachers and Non-formal Education or ALS Coordinators.* The SHA shall be given to multi-grade teachers, as follows:

Handling classes of 2 grades	minimum of 15% of basic salary
Handling classes of 3 grades	minimum of 20% of basic salary
Handling classes of 4 or more grades	minimum of 25% of basic salary

The SHA shall be withdrawn as soon as the MGT transfers to a single grade class or when the multi-grade class is converted to a single grade due to increase in enrolment and the subsequent assignment of an additional teacher.

For Mobile Teachers and Non-Formal Education or ALS Coordinators, the SHA shall be given as follows:

Handling 1 learning level	15% of basic salary
Handling 2 different learning levels	20% of basic salary
Handling 3 or more learning levels	25% of basic salary

The learning levels refer to: (a) basic literacy; (b) elementary level; (c) secondary level; or (d) special projects such as income-generating projects, projects involving learners with disabilities, or informal education for parents or indigenous peoples.

SECTION 5. *Monitoring.* The DepEd shall, in strict coordination with its Divisions, as well as the unions and organizations of public school teachers, monitor the implementation of this Act, including but not limited to the budgetary requirements for the complete grant of the SHA to all qualified teachers. It shall submit the results of such monitoring annually to the Senate Committee on Basic Education, Arts and Culture, the House Committee on Basic Education and Culture, and the Department of Budget and Management.

SECTION 6. *Implementing Rules and Regulations.* The DepEd shall promulgate the necessary rules and regulations for the faithful and effective implementation of the provisions of this Act within thirty (30) days from the date of its effectivity.

Failure to comply with the mandate of this Section will render the responsible officials liable under relevant laws and administrative rules.

SECTION 7. *Appropriations.* Upon effectivity of this Act, the amounts necessary for its implementation shall be charged against the current appropriations of the DepEd. Thereafter, the funds shall be provided in the annual General Appropriations Act.

SECTION 8. *Separability Clause.* Should any provision of this Act or any part thereof be declared invalid, the other provisions, insofar as they are separable from the invalid ones, shall remain in full force and effect.

SECTION 9. *Repealing Clause.* Any provision of laws, orders, agreements, rules, or regulations contrary to and inconsistent with this Act is hereby repealed, amended or modified accordingly.

SECTION 10. *Effectivity.* This Act shall take effect fifteen (15) days after its complete publication either in the *Official Gazette*, or in at least two (2) newspapers of general circulation.

Approved,