

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



EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. 8058

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

THE MAGNA CARTA OF PUBLIC SCHOOL TEACHERS

EXPLANATORY NOTE

Republic Act 4670 or *The Magna Carta for Public School Teachers* was enacted on June 18, 1966. By today, it is an antiquated law which needs to be revisited and updated not just because of the passage of more than 54 years but also due to the vast changes in the conditions of public education and the advance of Philippine and international law such as those on labor standards and relations.

More importantly, a new *Magna Carta* should be enacted considering the demands of public school teachers themselves who have long been crying out for salaries and benefits commensurate to their functions and status, more humane terms and conditions of work, and greater protection in the performance of their duties within and outside schools.

This proposed *Magna Carta of Public School Teachers* updates the provisions on recruitment and qualifications, salaries, teaching hours, special hardship allowances, transfer, probationary period, health measures and injury benefits, and deductions from salaries. Major amendments include a shorter period of four teaching hours; stronger protection for teachers hired on probationary status (parity in terms of salaries, benefits, and conditions of work with regular teachers, among

others), and limitations on allowable salary deductions. Teaching in the time of COVID-19 also requires emphasizing the mandatory and free nature of health benefits for public school teachers.

New provisions expressly granting public school teachers protection from out-of-pocket expenses, being assigned with non-teaching work as a general rule, unregulated class sizes and other conditions detrimental to teaching, and understaffing and overloading. The hiring of substitute teachers when necessary is now expressed as a duty of the Department of Education. Overwhelming and long-standing demands for conditions conducive to work and teacher protection in class management and student discipline are likewise reflected in this bill.

Unionism, which is only recently realized by public school teachers with the promulgation of rules on the registration and accreditation regional unions, is also expressed here. Government, through the Department of Education, is given several mandates in this regard, including the duty to uphold the status of sole and exclusive negotiating agents and a prohibition against discrimination of teachers and their unions.

Furthermore, *Magna Carta of Public School Teachers* assures teachers of substantive rights related to sex and gender. Adjustments were also made in the language for gender-sensitivity.

Broader protection is granted to public school teachers with respect to their rights, benefits, and leaves under other laws. This express basis for the supplemental application of other laws will accord teachers where applicable, and higher compensation or for voluntary service of teachers.

Lastly, heavier penalties are provided for violation of any of the provisions of the *Magna Carta of Public School Teachers*, with the intention of strictly implementing the law and making genuine the rights, benefits, and privileges of public school teachers thereunder.

This proposal, in tandem with House Bill 5783 or *The Magna Carta for Private School Teachers*, forwards the needs and demands of the teachers' sector in the Philippines.

Approval of this bill is earnestly sought.



Rep. FRANZE L. CASTRO
ACT Teachers Party-List



Rep. CARLOS ISAGANI T. ZARATE
BAYAN MUNA Party-List



Rep. FERDINAND GAITE
BAYAN MUNA Party-List



Rep. EUFEMIA C. CULLAMAT
BAYAN MUNA Party-List



Rep. ARLENE D. BROSAS
GABRIELA Women's Party



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THE MAGNA CARTA OF PUBLIC SCHOOL TEACHERS

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

I. PRELIMINARIES

SECTION 1. *Declaration of Policy.* – It is hereby declared to be the policy of the State to promote and improve the social and economic status of public school teachers, their living and working conditions, and their terms of employment and career prospects in order that they may compare favorably with existing opportunities in other walks of life, attract and retain in the teaching profession more people with the proper qualifications, it being recognized that advance in education depends on the qualifications and ability of the teaching staff and that education is an essential factor in the economic growth of the nation as a productive investment of importance.

The State shall also respect, promote, and uphold the political rights of teachers, consistent with the international and domestic law ideal that the economic and social rights of persons can only be secured through the genuine observance of civil and political rights.

SECTION 2. *Short Title and Coverage.* – This Act shall be known as the “Magna Carta of Public School Teachers” and shall apply to all public school teachers except those in the professorial staff of state colleges and universities.

SECTION 3. *Definition.* – As used in this Act, the term “teacher” shall mean all persons engaged in classroom teaching, in any level of instruction, on full-time basis, including guidance counselors, school librarians, industrial arts or vocational instructors, and all other persons performing supervisory and/or administrative functions in all schools, colleges and universities operated by the government or its political subdivisions; but shall not include school nurses, school physicians, school dentists, and other school employees.

II. RECRUITMENT AND CAREER

SECTION 4. *Recruitment and Qualifications.* – Recruitment policy with respect to the selection and appointment of teachers shall be clearly defined by the Department of Education: *Provided, however,* That the following shall constitute the minimum educational qualifications for teacher-applicants:

(1) for teachers in preschool, a Bachelor’s degree in early childhood education (BECED) or its equivalent;

(2) for teachers in the elementary grades, a Bachelor’s degree in elementary education (BEEd) or its equivalent;

(3) for teachers in the secondary grades, a Bachelor’s degree in secondary education or its equivalent (BSEd), or a bachelor degree in arts and sciences with at least eighteen units in professional education; and

(4) for teachers of vocational and two-year technical courses, a Bachelor’s degree in the field of specialization or its equivalent, with at least eighteen units in professional education:

Provided, further, That in the absence of applicants who possess the minimum educational qualifications as hereinabove provided, the Schools Division Superintendent may appoint, under a temporary status, applicants who do not meet the minimum qualifications: *Provided, further,* That should teacher-applicants, whether they possess the minimum educational qualifications or not, be required to take competitive examinations, preference in making appointments shall be in the order of their respective ranks in said competitive examinations: *And provided, finally,* That the results of the examinations shall be made public and every applicant shall be furnished with his or her score and rank in said examinations.

SECTION 5. *Probationary Period.* – When recruitment takes place after adequate training and professional preparation in any school recognized by the government, no probationary period preceding regular appointment shall be imposed if the teacher possesses the appropriate civil service eligibility: *Provided, however,* That where, due to the exigencies of service, it is necessary to employ as teacher a person who possesses the minimum educational qualifications herein above set forth but lacks the appropriate civil service eligibility, such person shall be appointed on a provisional status and shall undergo a period of probation for not less than one year from and after the date of his or her provisional appointment: *Provided, further,* That the salaries, benefits, and conditions of work of teachers hired under this Section shall be the same or not less favorable as that of an entry-level teacher.

For purposes of this Act, “exigencies of service” refers to a situation where education service is urgently needed and where any delay in its execution and delivery will adversely affect the effective and efficient delivery of the service and its outcome. In no case shall the exigencies of the service be invoked for any personnel action that will result in diminution of rank, status, salaries, or benefits, or in any manner prejudice a teacher.

SECTION 6. *Tenure of Office.* – Stability on employment and security of tenure shall be assured teachers as provided under existing laws.

Subject to the provisions of Section three hereof, teachers appointed on a provisional status for lack of necessary civil service eligibility shall be extended permanent appointment for the position he or she is holding after having rendered at least ten years of continuous, efficient, and faithful service in such position.

No permanent teacher shall be terminated except for a just cause and after due process. A teacher who is dismissed from service but later found as unjustly dismissed shall be entitled to reinstatement and back wages.

SECTION 7. *Transfer.* – Except for cause and as herein otherwise provided, no teacher shall be transferred without his or her written consent 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 effected by the Schools Division Superintendent who shall previously notify the teacher concerned of the transfer and the reason or reasons therefor. If the teacher believes there is no justification for the transfer, he or she may appeal to the Regional Director who shall render a decision in writing within a non-extendible period of one week upon receipt of the appeal. Pending the appeal and the decision thereon, the transfer shall be held in

abeyance: *Provided, however,* That no transfer shall be made three months before any local or national election; *Provided, finally,* That "station" under this act shall mean the school where the teacher is assigned.

Necessary transfer expenses of the teacher and his family shall be paid for by the government if his or her transfer is finally approved.

A teacher may also transfer upon his or her written request pursuant to grounds and procedure under pertinent laws and rules.

SECTION 8. *Code of Ethics for Public School Teachers.* – Within six months from the approval of this Act, the Secretary of Education shall formulate and prepare a Code of Ethics for Public School Teachers. A copy of the Code shall be furnished each teacher: *Provided, however,* That where this is not possible by reason of inadequate fiscal resources of the Department of Education, at least three copies of the same Code shall be deposited with the office of the school principal or head teacher where they may be accessible for use by the teachers.

SECTION 9. *Safeguards in Disciplinary Procedure.* – Every teacher shall enjoy equitable safeguards at each stage of any disciplinary procedure and shall have:

- (1) the right to be informed, in writing, of the allegations and the grounds for them;
- (2) the right to full access to the evidence in the case;
- (3) the right to defend himself or herself and to be defended by a representative of his or her choice, and by his or her union or, in the absence thereof, organization, adequate time being given to the teacher for the preparation of his or her defense;
- (4) the right to be informed in writing of the decisions reached and the reasons for them; and
- (5) the right to appeal to clearly designated competent authorities or bodies.

No publicity shall be given to any disciplinary action being taken against a teacher during the pendency of his or her case. All records pertaining to cases against a teacher shall be confidential and all persons, public officials and employees and private individuals, shall respect the right to privacy of the teacher.

Public school teachers shall have the right to legal counsel and expenses to be provided by the Department of Education for complaints and lawsuits in relation to the performance and conduct of their teaching duties and responsibilities.

SECTION 10. *Discrimination Prohibited.* – A public school teacher shall not be discriminated against with regard to grounds such as sex, sexual orientation, gender identity and expression, civil status, creed, religious or political belief or affiliation, ethnic groupings, or analogous reasons. There shall be no discrimination whatsoever in entrance to the teaching profession, or during its exercise, or in the termination of services based on any ground other than professional consideration: *Provided*, That under no circumstance that the license of public school teachers be suspended, revoked, or invalidated for reasons not related to the performance of the teaching profession such as but not limited to nonpayment of obligations or default therein and personal conflicts.

SECTION 11. *Gender Equality.* – The State shall provide equal opportunities to women teachers and those of different gender identity and expression in teaching and school and Department leadership.

Gender equality shall also be promoted among teachers through seminars and other programs and activities.

SECTION 12. *Married Teachers.* – The proper authorities shall take all steps to enable married couples, both of whom are public school teachers, to be employed in the same locality.

SECTION 13. *Academic Freedom.* – Teachers shall enjoy academic freedom in the discharge of their professional duties, particularly with regard to teaching and classroom methods.

III. REMUNERATION AND HOURS OF WORK

SECTION 14. *Criteria for Salaries.* – Teachers' salaries shall:

(1) reflect the importance to society of the teaching function and hence the importance of teachers as well as the responsibilities of all kinds which fall upon them from the time of their entry into the service;

(2) compare favorably with those paid in other occupations requiring equivalent or similar qualifications, training and abilities;

(3) be such as to insure teachers a reasonable standard of life for themselves and their families; and

(4) be properly graded so as to recognize the fact that certain positions require higher qualifications and greater responsibility than others: *Provided, however,* That the general salary scale shall be such that the relation between the lowest and highest salaries paid in the profession will be of reasonable order. Narrowing of the salary scale shall be achieved by raising the lower end of the salary scales relative to the upper end.

SECTION 15. *Salary Scale.* – Salary scales of teachers shall provide for a gradual progression from a minimum to a maximum salary by means of regular increments, granted automatically after three years: *Provided,* That the efficiency rating of the teacher concerned is at least satisfactory.

SECTION 16. *Equality in Salary Scales and Benefits.* – The salary scales and benefits of teachers whose salaries are paid by a city, municipal, municipal district, or provincial government shall not be less than those provided for teachers of the national government.

SECTION 17. *Cost of Living Allowance.* – Teachers' salaries shall, at the very least, keep pace with the rise in the cost of living by the payment of a cost-of-living allowance which shall automatically follow changes in a cost-of-living index. The Secretary of Education shall, in consultation with the proper government entities, recommend to Congress, at least annually, the appropriation of the necessary funds for the cost-of-living allowances of teachers employed by the National Government. The determination of the cost-of-living allowances by the Secretary of Education shall, upon approval of the President of the Philippines, be binding on the city, municipal or provincial government, for the purposes of calculating the cost-of-living allowances of teachers under the employ of the latter.

SECTION 18. *Protection from Out-of-Pocket Expenses.* – No teacher shall be required to pay out of their personal finances for materials, facilities, services, or any other objects or activities necessary and related to the performance of their duties.

SECTION 19. *Salaries to be Paid in Legal Tender.* – Salaries of teachers shall be paid in legal tender of the Philippines or its equivalent in checks or treasury warrants: *Provided, however,* That such checks or treasury warrants shall be cashable in any national, provincial, city or municipal treasurer's office or any banking institutions operating under the laws of the Republic of the Philippines.

SECTION 20. *Deductions Prohibited.* – No person shall make any deduction whatsoever from the salaries of teachers except under specific authority of law

authorizing such deductions: *Provided, however,* That upon written authority executed by the teacher concerned, (1) lawful dues and fees owing to teachers' unions, (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; *Provided, however,* That deductions under the salary deduction scheme shall not be charged with compounded interests and penalties.

SECTION 21. *Special Hardship Allowances.* – Teachers exposed to hardship or extreme difficulty in the place of work, teachers assigned to handle multi-grade classes, mobile teachers, and alternative learning system (ALS) coordinators shall be compensated special hardship allowances based on the criteria prescribed by the Department: *Provided,*

(1) That priority shall be given to teachers assigned to hardship posts characterized by hazards to life and health, a state of calamity, transport inaccessibility or inconvenience, and other hazards peculiar to the place of employment; and

(2) That the aggregate amount of allowance to be given to said teachers shall not be less than twenty-five percent of their total basic pay salary for the year.

SECTION 22. *Teaching Hours.* – No teacher engaged in actual classroom instruction shall be required to render more than four hours of actual classroom teaching a day, which shall be so scheduled as to give him or her time for the preparation and correction of exercises and other work incidental to his or her normal teaching duties: *Provided, however,* That where the exigencies of the service so require, a teacher may be required to render more than four hours but not exceeding eight hours of actual classroom teaching a day upon payment of additional compensation at the same rate as his or her regular remuneration plus at least twenty-five per cent of his or her basic pay.

SECTION 23. *Assignment of Work Not Related to Teaching Prohibited.* – To prevent teachers from being overtaxed and to enable them to focus on instruction and thus ensure the delivery of quality education, no teacher shall be assigned work or activities not related to teaching. For this purpose, the Department shall fill up all non-teaching positions and, with the Department of Budget and Management, endeavor to meet ideal ratios between teaching and non-teaching positions.

SECTION 24. *Substitute Teachers.* – When an incumbent teacher is on maternity, paternity, parental, study, or extended leave, the Department shall hire a temporary replacement for the duration of the incumbent teacher's leave. A substitute must be qualified for at least temporary appointment.

SECTION 25. *Additional Compensation.* – Notwithstanding any provision of existing law to the contrary, co-curricula and out-of-school activities and any other activities outside of what is defined as normal duties of any teacher shall be paid an additional compensation of at least twenty-five per cent of his or her regular remuneration after the teacher has completed at least four 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 per cent of their regular remuneration.

The agencies utilizing the services of teachers shall pay the additional compensation required under this Section. The Secretary of Education shall refuse to allow the rendition of services of teachers for other government agencies without the assurance that the teachers shall be paid the remuneration provided for under this Section.

This Section shall be without prejudice to laws and rules providing for higher compensation or for voluntary service of teachers.

IV. WORKING CONDITIONS

SECTION 26. *Conducive Working Conditions Ensured.* – The State shall ensure that public school teachers have humane working conditions in their places of assignment. For this purpose, 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.

SECTION 27. *No Understaffing and Overloading of Teachers.* – There shall no understaffing and overloading of public school teachers. Teacher-to-student ratios shall be such as to reasonably effect sustained delivery of quality education at all times without overworking the public school teacher and overextending his or her duty and service.

SECTION 28. *Protection from Unregulated Class Sizes.* – Teachers are entitled to protection from unmanageable class sizes as well as to compensation commensurate to their actual workload. To this end, the Department shall determine the standard class sizes for each grade level in accordance with international norms and the corresponding honorarium for teachers handling large classes.

SECTION 29. *Teacher Protection.* – The Department shall institutionalize support mechanisms and protection for public school teachers in matters of student discipline or classroom management, to the end of fostering a positive school climate and safe environment conducive to instruction and learning and permissible, appropriate, and effective responses and interventions that will address violation of school rules and regulations. To this end, the Department, in consultation with public school teachers, shall promulgate rules on the rights and responsibilities of teachers; permissible, appropriate, and effective responses and interventions that will address violation of school rules and regulations; among others.

Any act committed by a teacher pursuant to the disciplinary rules and procedures issued by the department shall not be deemed as child abuse, cruelty, or exploitation as defined in Republic Act 7610 or the *Special Protection of Children against Abuse, Exploitation and Discrimination Act*.

IV. HEALTH MEASURES AND INJURY BENEFITS

SECTION 30. *Free Medical Examination and Treatment.* – 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. Where medical examination, including mental health examination, shows that medical treatment and/or hospitalization is necessary, the same shall be provided free by the government.

In regions where there is scarcity of medical facilities, teachers may obtain elsewhere the necessary medical care with the right to be reimbursed for their traveling expenses by the government entity.

SECTION 31. *Compensation for Injuries.* – Teachers shall be protected against the consequences of employment injuries in accordance with existing laws. The effects of the physical and nervous strain on the teacher's health shall be recognized as a compensable occupational disease in accordance with existing laws.

V. LEAVES AND RETIREMENT BENEFITS

SECTION 32. *Study Leave.* – In addition to the leave privileges now enjoyed by teachers in public schools, they shall be entitled to study leave not exceeding one school year after three years of service. During the period of such leave, the teachers shall be entitled to at least eighty per cent of their monthly salary: *Provided, however,* That no teacher shall be allowed to accumulate more than one year study leave, unless he or she needs an additional semester to finish his or her thesis for a

graduate study in education or allied courses: *Provided, further,* That no compensation shall be due the teacher after the first year of such leave. In all cases, the study leave period shall be counted for seniority and pension purposes.

The compensation allowed for one year study leave as herein provided shall be subject to the condition that the teacher takes the regular study load and passes at least seventy-five per cent of his or her courses. Study leave of more than one year may be permitted by the Secretary of Education but without compensation.

SECTION 33. *Indefinite Sick Leave.* – An indefinite sick leave of absence shall be granted to teachers when the nature of the illness demands a long treatment that will exceed one year at the least.

SECTION 34. *Salary Increase upon Retirement.* – Public school teachers who have fulfilled the age and service requirements of the applicable retirement laws shall be given one range salary raise upon retirement, which shall be the basis of the computation of the lump sum of the retirement pay and the monthly benefits thereafter.

VI. TEACHERS' ORGANIZATIONS

SECTION 35. *Freedom to Organize.* – Public school teachers shall have the right to freely and without previous authorization both to establish and to join organizations of their choosing, whether local or national to further and defend their interests.

SECTION 36. *Discrimination Against Teachers Prohibited.* – The rights established in the immediately preceding Section shall be exercised without any interference or coercion. It shall be unlawful for any person to commit any acts of discrimination against teachers which are calculated to (a) make the employment of a teacher subject to the condition that he or she shall not join an organization, or shall relinquish membership in an organization, (b) to cause the dismissal of or otherwise prejudice a teacher by reason of his or her membership in an organization or because of participation in its activities and (c) to prevent him or her from carrying out the duties laid upon him by his or her position in the organization, or to penalize him or her for an action undertaken in that capacity.

SECTION 37. *Teachers' Organizations.* – National teachers' organizations shall be consulted in the formulation of national educational policies and professional standards, and in the formulation of national policies governing the social security of the teachers.

Unions of public school teachers which are granted the status as sole and exclusive negotiating agent (SENA) shall have the right to represent all public school teachers in their respective negotiating units in negotiations with the Department for terms and conditions of employment or improvements thereof, except those that are fixed by law. For the purposes of this Act, the SENA refers to any registered employees' organization which has been accredited by the Civil Service Commission as the negotiating agent of all public school teachers in a given negotiating unit, in accordance with its pertinent rules and regulations.

The Department shall accord the SENA, as well as its officers and members, all rights and benefits necessary and pertinent to the performance of its duties and functions, such as representation of teachers in all bodies for policy making and tribunals for the discipline of teachers, among others.

VII. ADMINISTRATION AND ENFORCEMENT

SECTION 38. *Rights and Benefits of Teachers under Other Laws.* – A teacher shall be accorded rights and benefits under other laws and rules on labor standards and relations, social security, among others, including but not limited to Republic Act 9710 or "The Magna Carta of Women," Republic Act 9262 or the "Anti-Violence against Women and their Children Act," and Republic Act 8792 or the "Solo Parents' Welfare Act of 2000," as they are applicable.

SECTION 39. *Rules and Regulations.* – The Department, in consultation with unions and organizations of public school teachers, shall formulate and prepare the necessary rules and regulations to implement the provisions of this Act within sixty days after its effective date. Rules and regulations issued pursuant to this Section shall take effect thirty days after publication in a newspaper of general circulation and by such other means as the Secretary of Education deems reasonably sufficient to give interested parties general notice of such issuance.

SECTION 40. *Budgetary Estimates.* – The Secretary of Education shall submit to Congress annually the necessary budgetary estimates to implement the provisions of the Act concerning the monetary and non-monetary benefits herein granted to public school teachers under the employ of the National Government. The duty to present the annual funding requirements for the benefits under this Act shall be distinct from the presentation of the budget of the Department and thus may be fulfilled during or before the deliberations for the annual General Appropriations.

SECTION 41. *Penal Provision.* – A person who shall willfully interfere with, restrain, or coerce any teacher in the exercise of his or her rights or the rights of teachers' unions and organizations guaranteed by this Act, or who shall in any other manner

commit any act to defeat any of the provisions of this Act shall, upon conviction, be punished by imprisonment of not less than six months, or a fine of not less than One hundred thousand pesos but not more than Two hundred thousand pesos, or both, at the discretion of the court.

If the offender is a public official, the court shall order his or her dismissal with perpetual disqualification from government service. This provision shall cover the issuance of rules contrary to this Act or which lead to the defeat or diminution of rights and benefits provided herein.

The liabilities under this Section shall be without prejudice to civil and administrative liabilities and other penal liabilities under other appropriate laws.

SECTION 42. *Separability Clause.* – If, for any reason, any provision of this Act is held unconstitutional, all other provisions not affected thereby shall continue to be in full force and effect.

SECTION 43. *Repealing Clause.* – All laws, decrees, rules and regulations, and other issuances inconsistent with this act are hereby repealed or modified accordingly.

SECTION 44. *Effective Date.* – This Act shall take effect fifteen days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,