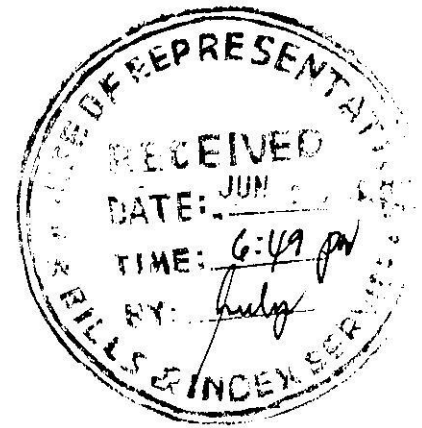


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 546



Introduced by
ACT Teachers Party-List Rep. FRANCE L. CASTRO,
GABRIELA Women's Party Rep. ARLENE D. BROSAS,
and **KABATAAN Party-List Rep. RAOUL DANNIEL A. MANUEL**

THE MAGNA CARTA OF PRIVATE SCHOOL TEACHERS

EXPLANATORY NOTE

Since 1966, public school teachers have been protected by Republic Act 4670 or the *Magna Carta for Public School Teachers*, which lays down standards and fundamental principles in their employment, salaries and benefits, and working conditions, as well as some of teachers' civil rights—all of which are enforceable obligations which they can invoke against their employer, the government.

However, faculty in private schools have no similar statute, no labor standards law to call their own. As teachers in both public and private sectors have comparable if not the same functions and duties, and endure comparable if not the same hardships, there is no reason at all for teachers in the private sector to be placed in unequal—most often unfavorable—footing compared to public school teachers. With respect to basic economic and political rights, the 1987 Philippine Constitution, labor standards and labor relations laws, and international law do not distinguish between public school teachers and private school teachers.

There is Presidential Decree 442 or the *Labor Code*, but for private school teachers, it has been watered down and even contravened in some parts as in the case of the unconscionably long probationary periods. The period amounting to three years allowed through mere administrative issuance of agencies like the Department of Education and the Commission on Higher Education, despite the lack of authority from the text and spirit of the Labor Code, which provides that probation for employees in the private sector shall not be longer than six months. This situation has

caused the contractualization of thousands of teachers for decades—the practically neverending “endo” of teaching personnel.

The struggles of public school teachers for just and decent salaries and benefits, humane working conditions, and respect for their professional and political rights are the same struggles waged by, and together with, private school teachers. This bill proposes that these struggles be addressed by law, by a *Magna Carta for Private School Teachers* that mirrors the *Magna Carta for Public School Teachers*.

Some of the salient provisions of this measure are:

1. standards in employment including criteria in the setting of salaries, which, among others, should not be less than the entry-level salaries of public school teachers; minimum qualifications; and parameters in tenure and status as part-time, full-time, and probationary;
2. monetary benefits and leave benefits;
3. health measures and injury benefits including the assurance of social security benefits pursuant to existing labor standards or higher than the same, either through employers' policy or agreement with teachers' organizations or unions;
4. basic trade union and political rights such as the right to self-organization including a prohibition of discrimination against teachers on the basis of political belief or affiliation; and
5. penalties and other liabilities for violation of any rights of private school teachers.

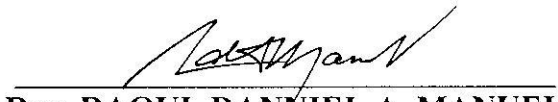
For the foregoing reasons, approval of this bill is earnestly sought.



Rep. FRANCE E. CASTRO
ACT Teachers Party-List



Rep. ARLENE D. BROSAS
GABRIELA Women's Party



Rep. RAOUL DANNIEL A. MANUEL
KABATAAN Party-List

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THE MAGNA CARTA OF PRIVATE SCHOOL TEACHERS

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

A. General Provisions

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 private school teachers, their living and working conditions, their terms of employment and career prospects in orders 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 teachers in private schools play a vital role in the delivery of education to Filipino children.

SEC. 2. *Guiding Principles.* In matters involving the rights and welfare of private school teachers, the following are the guiding principles:

- a) Education is a vital function of society and as such, shall be given due recognition and support by the government.
- b) Teachers play an essential role in inculcating upon pupils and students respect for human rights and for fundamental freedoms and in the total development of a human personality and of the nation as a whole. It is important, therefore, that their own civil, political, and socio-economic rights shall be respected, protected, and fulfilled.

- c) Teachers comprise the largest group of professional and service workers of society and, if united, can be potent agents of progressive reform in the educational system and the nation as a whole.
- d) Working conditions for teachers should be such as will best promote effective teaching, research, and extension work to enable them to carry out their professional tasks.
- e) All aspects of employment and tenure of teachers shall be free from any form of discrimination on grounds of sex, gender, civil status, religion, political belief or affiliation, economic condition, or membership in any organization.
- f) Faculty organizations shall be recognized as a force which can contribute greatly to the advancement of the rights and welfare of teachers. Therefore, their right to participate in the determination of education and personnel policies, shall be fully respected.
- g) Teachers have the capacity to propagate a nationalist and scientific education.

SEC. 3. *Construction in Favor of Teachers.* All doubts in the implementation and interpretation of the provisions of this Act including its implementing rules and regulations shall be resolved in favor of teachers.

SEC. 4. *Definition.* As used in this Act, "teacher" shall mean all persons engaged in classroom teaching in any level of instruction on full-time or part-time basis.

B. Recruitment and Career

SEC. 5. *Minimum Qualifications of a Private School Teacher.* Teaching personnel in pre-school, elementary and secondary level of basic education in all private schools must possess professional teaching licenses. For basic education, those who have not passed the Licensure Examination for Teachers (LET) but have pre-LET required Education units may be hired, Provided, that they shall be given at least three years from the date of hiring, or from the effectivity of this Act in cases of teachers already hired, to take and pass the LET. Furthermore, a master's degree in teaching, education, pedagogy and other similar, related, or allied disciplines shall be deemed an equivalent of a professional teaching license for purposes of this Section.

For all levels of instruction, the following shall constitute the minimum educational qualifications for teacher-applicants:

- a) Pre-school and elementary - Bachelor's degree in elementary education or its equivalent. Pre-school teachers shall have at least six units of professional subjects relating to pre-primary education.
- b) Secondary, for Academic subjects - Bachelor's degrees in secondary education

or its equivalent or Bachelor of Arts or Science degree or its equivalent with at least eighteen professional units in education.

- c) Secondary Vocational and Two-Year Technical Courses - Bachelor's degrees in the field of specialization with at least eighteen professional units in education.
- d) Collegiate Level other than Vocational - Master's degrees with a specific area of specialization or a specialization in an allied discipline except when there is a lack of applicants with Master's Degree in which case a bachelor's degree in specific area of specialization or a specialization in an allied discipline will suffice subject to regulations which the CHED will impose. Other equivalent professional experience, especially for practitioners of skills related to an area of specialization or an allied discipline, shall also be deemed as equivalent of the degree requirement for the purpose of hiring college teachers, subject to reasonable regulations which the CHED may impose.
- e) Graduate School Level - Doctor of Philosophy with a specific area of specialization except when there is a lack of applicants with PhD, in which case, a master's degree in specific area of specialization will suffice subject to reasonable regulations which the CHED may impose. Furthermore, other equivalent professional experience, especially for practitioners of skills related to an area of specialization or an allied discipline, shall be deemed equivalent of the degree requirement for the purpose of hiring graduate level teachers in certain instances, subject to reasonable regulations which the CHED may impose.

No provision of this Act may be used as basis for diminution of pay or benefits, demotion in rank or status, or dismissal of non-holders of professional teaching license or its equivalent.

SEC. 6. *Tenure/Permanency and Full-time/Part-time Status.* As in public schools, when recruitment takes place after adequate training and professional preparation in any school recognized by the Government, the teachers shall be considered tenured upon hiring, provided that the conditions of hiring are strictly related to professional competence and the pertinent degree requirement/s have been complied with. For basic education, teachers and non-Education graduates who have pre-LET required education units, but have yet to take or have yet to pass the LET, shall be deemed as tenured upon satisfying the LET requirement or its equivalent at any time within the three-year period from the date of hiring. For tertiary education and graduate level, teachers who are hired on a full-time basis are considered tenured upon hiring.

Part-time teachers who have rendered at least one school year, two semesters, or three trimesters of service, be it consecutive or not, shall have the right to signify their intention to the school authorities to become a full-time, and hence, a permanent teacher.

For basic education, all teachers shall be hired on a full-time basis. Vocational schools and senior high schools can choose to hire some part-time teachers, especially practitioners of specific skills or full-time college teachers, for specific instances, subject to DepEd's regulations.

For tertiary education, the full-time to part-time teacher ratio shall be 7:3.

SEC. 7. *Teachers on Probationary Period.* Probationary employment of teachers shall not exceed the following periods:

1. one (1) academic year for academic personnel in basic education; and
2. two (2) consecutive regular semesters or three (3) consecutive trimesters for academic personnel in the tertiary level.

The services of an employee who has been engaged on a probationary basis may be terminated for a just cause or when he or she fails to qualify as a regular employee in accordance with reasonable standards made known by the school administration to the teacher at the time of the engagement of the latter. A teacher who is allowed to work after the lapse of the probationary period shall be deemed as a regular employee.

SEC. 8. *Security of Tenure.* Teachers shall be assured of stability of employment and security of tenure. No private school teacher shall be dismissed by the school except for cause and the proper observance of due process.

SEC. 9. *Consent for Transfer.* Except for cause and as herein otherwise provided, no teacher shall be transferred without their consent from one branch, station, or campus to another. However, where the exigencies of the service require the transfer of a teacher from one branch, station, or campus to another, such transfer may be affected by the school administration only after notifying the teacher in writing with regard to the reasons for the transfer, at least 90 days prior to the transfer. If the teacher believes there is no justification for the transfer, he or she cannot be compelled to transfer to any branch, station, or campus if such fact will result in additional burden and expense on the part of the latter. Acceptance of notification and transfer will only be valid if it is in writing and signed by the teacher.

SEC. 10. *Discrimination against Teachers Prohibited.* There shall be no discrimination whatsoever in the entrance to the teaching profession or during its exercise or in the termination of service based on consideration other than professional qualifications.

SEC. 11. *Advancement and Promotion of Teachers in Basic Education.* Subject to necessary qualifications, teachers shall be assured opportunities to move from one type or classification to a higher level or rank.

Promotion shall be based on objective assessment of the teacher's qualifications for the new post by reference to strictly professional criteria laid down in consultation with teacher's organizations existing within the school. There shall be transparency in the computation of teacher's evaluation which is composed of the following criteria the respective weights of which shall be set upon consultation with all stakeholders including teachers' organization or union: self-evaluation, student evaluation, peer/co-faculty and staff evaluation, and administration evaluation.

SEC. 12. *Ranking of Faculty Members in Higher Education.* Faculty members in higher education shall be assigned academic ranks in accordance with their academic training and scholarship. Criteria for ranking shall be performance-oriented and determined in collaboration with the teachers' organizations. Teachers have the right to choose what components shall bear more weight in their respective situations: teaching/instruction, service/community engagement, and research/scholarship.

A new member of the faculty in the collegiate level shall begin as an instructor, provided that there shall be opportunities for promotion to a higher rank upon hiring, if such appointed designation is warranted by his experience, training and scholarship credentials.

SEC. 13. *Academic Freedom.* Teachers shall enjoy academic freedom in the discharge of their professional duties, particularly with regard to teaching and classroom methods. In particular, the concept of teachers' academic freedom shall consist of the following rights:

- a) the teacher's freedom in the exposition of his or her own subject and related matters in the classroom or in speeches and publications;
- b) the teacher's freedom in the choice of subjects of research and investigation undertaken on their own initiative;
- c) the school authorities' recognition that whenever the teacher is speaking or writing outside of their field of study, he or she shall be entitled to the same responsibility as attached to all other citizens; and
- d) the teachers' right to choose textbooks and other references or supplementary instructional materials he or she deems fit to his or her particular subject or discipline.

C. Hours of Work, Remuneration, and Leaves

SEC. 14. *Teaching Hours.* Actual classroom teaching in basic education shall not be more than six hours a day and shall be so scheduled as to give teachers time for the preparation and correction of exercises and other work incidental to normal teaching duties. *Provided*, however, that where the exigencies of the service so require,

teachers may be required to render more than six 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 percent of the basic pay.

For a faculty member in higher education, his or her regular full-time load shall not be more than twelve hours per week with two preparations in line with the teacher's major subject except as otherwise provided herein. However, said teaching load may be reduced in case a member of the faculty is occupied either in research, creative writing, or other productive scholarship or is assigned to perform administrative or committee work in which case the dean or director may recommend the appropriate teaching load, *Provided*, however, that the total working hours spent on both teaching and administrative or other duties shall not exceed fifteen hours per week.

SEC. 15. *Additional Compensation.* Notwithstanding any provision of existing law to the contrary, teachers may be given co-curricular and off-campus activities or any other activities beyond their normal duties that will make them work longer than their regular workload, *Provided*, that they shall be paid the regular compensation for the actual hours worked plus an additional compensation of at least twenty five percent of their regular remuneration.

SEC. 16. *Hardship Allowances.* In areas where teachers are exposed to hardship peculiar to the place of employment such as difficulty in commuting to the place of work, conducting laboratory experiments, or other hazards, they shall be compensated with special hardship allowance equivalent to at least twenty five percent of their monthly salary. For laboratory subjects in college, the hardship allowance should be automatically granted on a monthly basis.

SEC. 17. *Criteria for Salaries.* Teacher's 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 salaries paid in other occupations requiring similar or equivalent qualifications, training, and abilities;
3. Provide teacher with the means to ensure a reasonable standard of life for themselves and their families as well as to invest in further education or in the pursuit of cultural activities, thus enhancing their professional qualification;
4. Take account of the fact that certain posts require higher qualifications and experience and carry greater responsibilities;
5. Be paid regularly and on time;

6. Be reviewed periodically to take into action such factors as a rise in the cost of living, increased productivity leading to higher standards of life, or a general upward movement in wage or salary levels;
7. Not be less than the entry-level salary of that a public school teacher, in the case of private school teachers with an entry-level rank.

SEC. 18. *Salaries Paid on Monthly Basis.* Salaries of teachers shall be paid on monthly basis for a period of twelve months regardless of semestral or summer vacations. For purposes of this Section, monthly basis shall mean that teachers shall be considered paid for all the days of the month including rest days and holidays. Teachers who are required to work during semestral or summer vacations shall be paid an additional compensation *pro rata*.

SEC. 19. *Annual Salary Adjustment.* Salary scales of teachers shall be adjusted upward annually, upon consultation with teachers' organizations, to mitigate the effects of inflation as measured by the consumer price index.

SEC. 20. *Deductions Prohibited.* No person shall make any deduction from the salaries of teachers except under specific laws authorizing such deductions.

D. Leave and Retirement Benefits

SEC. 21. *Sick Leave.* Full-time teachers in basic education shall be entitled to an annual sick leave with pay of fifteen working days. Part-time teachers in basic education shall be entitled to sick leave with pay on pro-rated basis. Faculty members in the collegiate level, whether full-time or part-time, shall enjoy sick leave with pay of fifteen working days. Unused sick leave shall be accumulated to not more than sixty days and converted to cash upon resignation or retirement of the teacher concerned.

SEC. 22. *Vacation Leave.* Full-time teachers shall be entitled to an annual vacation leave with full pay of fifteen days.

SEC. 23. *Indefinite 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.

SEC. 24. *Emergency Leave.* In case of calamities where a teacher becomes a victim, or in the event of death in his or her immediate family, or any serious accident befalling him or her or a dependent, he or she shall be entitled to an emergency leave with pay of not exceeding five days per year.

SEC. 25. *Study Leave and Sabbatical Leave.* In addition to these leave privileges now enjoyed by teachers in private schools, they shall be entitled to study leave not

exceeding one school year at any given year after five years of accumulated service, consecutive, or not. During the period of such leave, the teachers shall be entitled to 100% of their monthly salary. All private school teachers are also entitled to avail of a sabbatical leave—equivalent to a one-year leave—after every seven years of accumulated service, consecutive or not. Sabbatical leaves can be postponed as per the request of teachers. In all cases, the study leave and sabbatical leave period shall be counted for seniority, promotion, and pension purposes.

SEC. 26. *Other Leaves.* Subject to the guidelines to be set by DepEd and CHED in coordination with national teachers' organizations, private school teachers shall also be entitled to other forms of leaves including, but not limited to the following: rehabilitation leave, bereavement leave, short-term vacation leave, and professional leave.

E. Health Measures and Injury Benefits

SEC. 27. *Medical Examination and Treatment.* Compulsory medical examination shall be provided free for all private school teachers before their employment and annually thereafter.

Where medical examination shows that medical treatment and/or hospitalization is necessary for infectious diseases or injuries suffered not only during teaching or on-campus activities but also when engaged in school related activities away from the school premises or off-campus, the same shall be provided free by the school concerned. With regard to the aforementioned diseases or injuries, the school should also shoulder 100% of professional fees for any treatment, medication, and/or hospitalization required or recommended by medical professionals.

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 travelling expenses by the private school management concerned.

SEC. 28. *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 disease in accordance with existing laws.

SEC. 29. *Social Security.* Social security benefits of teachers shall strictly be pursuant to applicable laws including those administered by the Social Security System. However, this shall be without prejudice to benefits higher than the standards set by laws, either pursuant to policies set by school employers or pursuant to agreements, including collective bargaining agreements entered by school employers and teachers' unions. School employers shall endeavor to formulate such policies and agreements towards meeting the standards of social security set out in relevant instruments of the International Labor Organization, in particular the Social Security Convention of 1952.

SEC. 34. De Minimis Benefits. Private school teachers are also entitled to *de minimis* benefits that include eyeglass allowance, rice allowance, clothing allowance, wellness allowance, data packet/communications allowance, full HMO coverage for the teacher and their spouse and their children (or parent/s from either side), and full HMO coverage for single teachers and both parents. Schools are highly encouraged to provide additional *de minimis benefits*, beyond those listed in this Section.

E. Teachers' Organizations

SEC. 35. Freedom to Organize. Private school teachers shall have the right, freely and without previous authorization, to establish and to join organizations of their choosing, whether local or national, to further defend their economic, civil, or political interests. Schools where there are no faculty organizations or unions shall allow the formation of such organizations or unions, within six months of the implementation of this Act.

SEC. 36. Discrimination Against Teachers Prohibited. It shall be unlawful for any person to commit any act of discrimination against teachers which are calculated:

- a) To make the employment and/or promotion of the 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 membership in an organization, activity outside school hours, or with the consent of the proper school authorities within school hours; and
- c) To prevent him or her from carrying out the duties imposed upon him or her by his or her position in the organization, or to penalize him or her for an action undertaken in that capacity.

SEC. 37. Participation in Policy Making. Teachers shall have the right to be actively represented in the Governing Boards of their respective schools, colleges, and universities and shall be consulted in the formulation of professional standards, educational policies, and other rules affecting their rights and welfare.

SEC. 38. Strike, Picketing and Other Concerted Activities. The right of teachers and their organizations to conduct strikes, pickets, and other concerted activities shall not be impaired in any manner, nor their exercise prejudice any teacher or teachers' organization.

F. Final Provisions

SEC. 39. Teaching of the Magna Carta of Private School Teachers. The teaching of this Act shall be compulsory in all schools offering courses in education.

SEC. 40. *Implementing Rules and Regulations.* The Department of Education, the Commission on Higher Education, and the Department of Labor and Employment, in consultation with teachers' organizations, shall jointly promulgate the rules and regulations necessary to implement the provisions of this Act. Rules and regulations issued pursuant to this Section shall take effect thirty days after publication in a newspaper of general circulation or by such other means as the Secretaries deem reasonably sufficient to give all concerned parties general notice of such issuance.

SEC. 41. *Penal Provision.* A person who willfully interferes with, restrains or coerces any teacher in the exercise of his or her rights guaranteed by this Act or who in any manner violates any provision of this Act or the rules duly issued hereunder shall be punished with a fine of not less than one hundred thousand pesos or by imprisonment of not more than six years, or both, in the discretion of the court.

This provision shall be without prejudice to the liabilities of persons under civil laws.

SEC. 42. *Administrative Sanctions.* The implementing Rules and Regulations shall include therein the appropriate rules for the imposition of administrative sanctions upon private schools that will violate any of the foregoing rights of a private school teacher.

SEC. 43. *Repealing Clause.* All laws, decrees, orders, rules and regulations, and issuances or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 44. *Separability Clause.* If any provision of this Act is declared invalid, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

SEC. 45. *Effectivity Clause.* This act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two newspaper of general circulation, whichever comes earlier.

Approved.