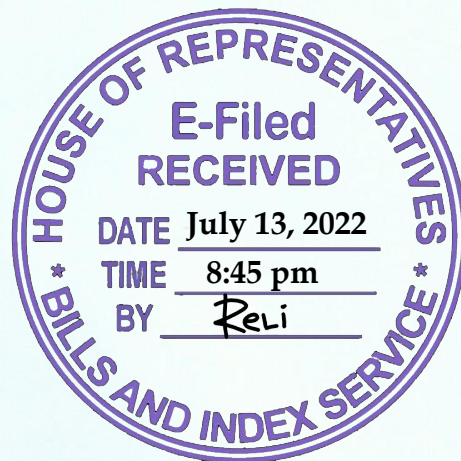


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

House Bill No. 1970

Introduced by Hon. Antonio B. Legarda Jr

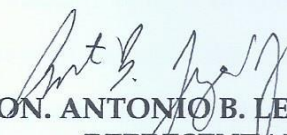
THE MAGNA CARTA OF PUBLIC SCHOOL TEACHERS

EXPLANATORY NOTE

Republic Act No. 4670 or the Magna Carta for Public School Teachers was passed into law in 1966, however, there are still many aspects of the law that leaves to be desired. At present, teachers face a daunting challenge since classes become increasingly difficult with the shift to online classes brought about by the pandemic, coupled with low salary and high inflation prices. It is imperative that these issues be addressed since teachers play a crucial role in society.

This bill therefore aims to amend the Magna Carta for Public School Teacher's provisions by encouraging the professionalization of the teaching vocation, ensuring broader protection for their rights; granting higher benefits and leaves incentives as may be provided by existing and pertinent laws; and imposing harsher penalties for any violations of this measure's provisions.

In line with the policy adopted by its original proponent Senator Loren Legarda, this bill therefore likewise serves as a counter-part House Bill. It is for the reasons stated above that the passage of this measure is earnestly sought.


HON. ANTONIO B. LEGARDA JR.
REPRESENTATIVE,
LONE DISTRICT OF ANTIQUE

HOUSE OF REPRESENTATIVES
House Bill No. 1970

Introduced by Hon. Antonio B. Legarda Jr.

THE MAGNA CARTA OF PUBLIC SCHOOL TEACHERS

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

I. PRELIMINARIES

Section 1. The Title of Republic Act 4670 is hereby amended to read as "The Magna Carta **OF** Public School Teachers."

Sec. 2. Section 1 of the same Act is hereby amended to read as follows:

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, 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 [vital] 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

1 **THROUGH THE GENUINE OBSERVANCE OF CIVIL AND**
2 **POLITICAL RIGHTS.**

3 Sec. 3. Section 2 is hereby amended to read as follows:

4 **Section 2. *SHORT TITLE AND COVERAGE.*** – This Act shall be
5 known as the “Magna Carta **OF** Public School Teachers” and
6 shall apply to all public school teachers except those in the
7 professorial staff of state colleges and universities.

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

17 Sec. 4. Section 3 is hereby amended to read as follows:

18 **Section 3. *Recruitment and Qualification.*** Recruitment policy
19 with respect to the selection and appointment of teachers shall
20 be clearly defined by the Department of
21 Education: *Provided, however,* That effective upon the approval of
22 this Act, the following shall constitute the minimum educational
23 qualifications for teacher-applicants:

24 **(1) FOR TEACHERS IN PRESCHOOL, A BACHELOR’S**
25 **DEGREE IN EARLY CHILDHOOD EDUCATION (BECED)**
26 **OR ITS EQUIVALENT;**

27 **(2) FOR TEACHERS IN THE ELEMENTARY GRADES, A**
28 **BACHELOR’S DEGREE IN ELEMENTARY EDUCATION**
29 **(BEED) OR ITS EQUIVALENT;**

30 **(3) FOR TEACHERS IN THE SECONDARY GRADES, A**
31 **BACHELOR’S DEGREE IN SECONDARY EDUCATION OR**

1 ITS EQUIVALENT (BSED), OR A BACHELOR DEGREE IN
2 ARTS AND SCIENCES WITH AT LEAST EIGHTEEN UNITS
3 IN PROFESSIONAL EDUCATION; AND

4 (4) FOR TEACHERS OF VOCATIONAL AND TWO-YEAR
5 TECHNICAL COURSES, A BACHELOR'S DEGREE IN THE
6 FIELD OF SPECIALIZATION OR ITS EQUIVALENT, WITH
7 AT LEAST EIGHTEEN UNITS IN PROFESSIONAL
8 EDUCATION:

9 Provided, further, That in the absence of applicants who possess
10 the minimum educational qualifications as hereinabove provided, the
11 **SCHOOLS DIVISION SUPERINTENDENT** may appoint, under a
12 temporary status, applicants who do not meet the minimum
13 qualifications: *Provided, further, That should teacher-applicants,*
14 *whether they possess the minimum educational qualifications or not,*
15 *be required to take competitive examinations, preference in making*
16 *appointments shall be in the order of their respective ranks in said*
17 *competitive examinations: And provided, finally, That the results of the*
18 *examinations shall be made public and every applicant shall be*
19 *furnished with his OR HER score and rank in said examinations.*

20 Sec. 5. Section 4 is hereby amended to read as follows:

21 **Section 4. Probationary Period.** - When recruitment takes place
22 after adequate training and professional preparation in any
23 school recognized by the government, no probationary period
24 preceding regular appointment shall be imposed if the teacher
25 possesses the appropriate civil service eligibility: *Provided,*
26 *however, That where, due to the exigencies of service, it is*
27 *necessary to employ as teacher a person who possesses the*
28 *minimum educational qualifications herein above set forth but*
29 *lacks the appropriate civil service eligibility, such person shall*
30 *be appointed on a provisional status and shall undergo a period*
31 *of probation for not less than one year from and after the date of*

1 his OR HER provisional appointment: *PROVIDED, FURTHER,*
2 THAT THE SALARIES, BENEFITS, AND CONDITIONS OF
3 WORK OF TEACHERS HIRED UNDER THIS SECTION
4 SHALL BE THE SAME OR NOT LESS FAVORABLE AS
5 THAT OF AN ENTRY-LEVEL TEACHER.

6 FOR PURPOSES OF THIS ACT, "EXIGENCIES OF
7 SERVICE" REFERS TO A SITUATION WHERE
8 EDUCATION SERVICE IS URGENTLY NEEDED AND
9 WHERE ANY DELAY IN ITS EXECUTION AND DELIVERY
10 WILL ADVERSELY AFFECT THE EFFECTIVE AND
11 EFFICIENT DELIVERY OF THE SERVICE AND ITS
12 OUTCOME. IN NO CASE SHALL THE EXIGENCIES OF
13 THE SERVICE BE INVOKED FOR ANY PERSONNEL
14 ACTION THAT WILL RESULT IN DIMINUTION OF RANK,
15 STATUS, SALARIES, OR BENEFITS, OR IN ANY MANNER
16 PREJUDICE A TEACHER.

17 Sec. 6. Section 5 is hereby amended to read as follows:

18 **SEC. 5. *Tenure of Office.*** - Stability on employment and
19 security of tenure shall be assured teachers as provided under
20 existing laws.

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

26 **NO PERMANENT TEACHER SHALL BE TERMINATED**
27 **EXCEPT FOR A JUST CAUSE AND AFTER DUE PROCESS. A**
28 **TEACHER WHO IS DISMISSED FROM SERVICE BUT LATER**
29 **FOUND AS UNJUSTLY DISMISSED SHALL BE ENTITLED TO**
30 **REINSTATEMENT AND BACK WAGES.**

31 Sec. 7. Section 6 is hereby amended to read as follows:

1 **Section 6. TRANSFER.** - Except for cause and as herein
2 otherwise provided, no teacher shall be transferred without his
3 or her written consent from one station to another.

4 Where the exigencies of the service require the transfer of a
5 teacher from one station to another, such transfer may be
6 effected by the **SCHOOLS DIVISION SUPERINTENDENT**
7 who shall previously notify the teacher concerned of the transfer
8 and the reason or reasons therefor. If the teacher believes there
9 is no justification for the transfer, he **OR SHE** may appeal to the
10 **REGIONAL DIRECTOR WHO SHALL RENDER A**
11 **DECISION IN WRITING WITHIN A NON-EXTENDIBLE**
12 **PERIOD OF ONE WEEK UPON RECEIPT OF THE APPEAL.**

13 Pending the appeal and the decision thereon, **THE** transfer shall
14 be held in abeyance: *Provided, however,* That no transfer shall be
15 made three months before any local or national election;
16 **PROVIDED, FINALLY, THAT "STATION" UNDER THIS**
17 **ACT SHALL MEAN THE SCHOOL WHERE THE TEACHER**
18 **IS ASSIGNED.**

19 Necessary transfer expenses of the teacher and his family shall
20 be paid for by the government if his **OR HER** transfer is finally
21 approved.

22 **A TEACHER MAY ALSO TRANSFER UPON HIS OR HER**
23 **WRITTEN REQUEST PURSUANT TO GROUNDS AND**
24 **PROCEDURE UNDER PERTINENT LAWS AND RULES.**

25 Sec. 8. Section 8 is hereby amended to read as follows:

26 **Section 8. Safeguards in Disciplinary Procedure.** - Every
27 teacher shall enjoy equitable safeguards at each stage of any
28 disciplinary procedure and shall have:

29 (1) the right to be informed, in writing, of the
30 **ALLEGATIONS AND THE GROUNDS FOR THEM;**

31 (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.

Sec. 9. Section 9 is hereby amended to read as follows:

Section 9. Administrative Charges. Administrative charges against a teacher shall be heard initially by a **FORMAL INVESTIGATION** committee composed of the corresponding **SCHOOLS DIVISION SUPERINTENDENT** or a duly authorized representative who should at least have the rank of a **DIVISION SUPERVISOR WHERE THE TEACHER BELONGS, AS CHAIRPERSON,** a representative of the

1 UNION PURSUANT TO SECTION 37 HEREOF or, in its
2 absence, any existing NATIONAL, provincial, MUNICIPAL,
3 OR CITY teacher's organization, and a supervisor of the
4 Division. The committee shall submit its findings and
5 recommendations to the SECRETARY OF EDUCATION AS
6 THE DISCIPLINING AUTHORITY within FIFTEEN (15) days
7 from the termination of the hearings: *Provided, however,* That
8 where the school superintendent is the complainant or an
9 interested party, all the members of the committee shall be
10 appointed by the Secretary of Education.

11 Sec. 10. Section 10 is hereby amended to read as follows:

12 **Section 10. DISCRIMINATION PROHIBITED. - A PUBLIC**
13 **SCHOOL TEACHER SHALL NOT BE DISCRIMINATED**
14 **AGAINST WITH REGARD TO GROUNDS SUCH AS SEX,**
15 **SEXUAL ORIENTATION, GENDER IDENTITY AND**
16 **EXPRESSION, CIVIL STATUS, CREED, RELIGIOUS OR**
17 **POLITICAL BELIEF OR AFFILIATION, ETHNIC**
18 **GROUPINGS, OR ANALOGOUS REASONS.** There shall be
19 no discrimination whatsoever in entrance to the teaching
20 profession, or during its exercise, or in the termination of
21 services based on any ground other than professional
22 consideration: *PROVIDED, THAT UNDER NO*
23 **CIRCUMSTANCE THAT THE LICENSE OF PUBLIC**
24 **SCHOOL TEACHERS BE SUSPENDED, REVOKED, OR**
25 **INVALIDATED FOR REASONS NOT RELATED TO THE**
26 **PERFORMANCE OF THE TEACHING PROFESSION SUCH**
27 **AS BUT NOT LIMITED TO NONPAYMENT OF**
28 **OBLIGATIONS OR DEFAULT THEREIN AND PERSONAL**
29 **CONFLICTS.**

30 Sec. 11. A new Section 11 is hereby inserted after Section 10 to read as
31 follows:

1 **Section 11. *Gender Equality.*** – The State shall provide equal
2 opportunities to women teachers and those of different gender
3 identity and expression in teaching and school and department
4 leadership.

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

7 Sec. 12. Sections 11 and 12 of the same Act are hereby renumbered as Section
8 12 and 13, respectively.

9 Sec. 13. Section 15 is hereby renumbered as Section 14 and amended to read
10 as follows:

11 **Section 14. *Criteria for Salaries.*** – Teachers' salaries shall
12 [correspond to the following criteria]:

13 (1) **REFLECT THE IMPORTANCE TO SOCIETY OF THE**
14 **TEACHING FUNCTION AND HENCE THE IMPORTANCE**
15 **OF TEACHERS AS WELL AS THE RESPONSIBILITIES OF**
16 **ALL KINDS WHICH FALL UPON THEM FROM THE TIME**
17 **OF THEIR ENTRY INTO THE SERVICE;**

18 (2) [they shall] compare favorably with those paid in other
19 occupations requiring equivalent or similar qualifications,
20 training and abilities;

21 (3) [they shall] be such as to insure teachers a reasonable
22 standard of life for themselves and their families; and

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

1 Sec. 14. Section 16 is hereby renumbered as Section 15 and amended to read
2 as follows:

3 **Section 15. *Salary Scale.*** - Salary scales of teachers shall
4 provide for a gradual progression from a minimum to a
5 maximum salary by means of regular increments, granted
6 automatically after three years: *Provided,* That the efficiency
7 rating of the teacher concerned is at least satisfactory. [The
8 progression from the minimum to the maximum of the salary
9 scale shall not extend over a period of ten years.]

10 Sec. 15. Section 17 is hereby renumbered as Section 16 and amended to read
11 as follows:

12 **Section 16. *Equality in Salary Scales AND BENEFITS.*** - The
13 salary scales and benefits of teachers whose salaries are paid by
14 a city, municipal, [municipal district,] or provincial government
15 shall not be less than those provided for teachers of the national
16 government.

17 Sec. 16. Section 18 is hereby renumbered as Section 17 and amended to read
18 as follows:

19 **Section 17. *Cost of Living Allowance.*** - Teachers' salaries shall,
20 at the very least, keep pace with the rise in the cost of living by
21 the payment of a cost-of-living allowance which shall
22 automatically follow changes in a cost-of-living index. The
23 Secretary of Education shall, in consultation with the proper
24 government entities, recommend to Congress, at least annually,
25 the appropriation of the necessary funds for the cost-of-living
26 allowances of teachers employed by the National Government.
27 The determination of the cost-of-living allowances by the
28 Secretary of Education shall, upon approval of the President of
29 the Philippines, be binding on the city, municipal or provincial
30 government, for the purposes of calculating the cost-of-living
31 allowances of teachers under **THE EMPLOY OF THE LATTER.**

1 Sec. 17. A new Section 18 is hereby inserted after the renumbered Section 17
2 to read as follows:

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

7 Sec. 18. Section 20 is hereby renumbered as Section 19 and amended to read
8 as follows:

9 **Section 19. *Salaries to be Paid in Legal Tender.*** – Salaries of
10 teachers shall be paid in legal tender of the Philippines or its
11 equivalent in checks [or treasury warrants]: *Provided, however,*
12 That such checks [or treasury warrants] shall be cashable in any
13 national, provincial, city or municipal treasurer's office or any
14 banking **INSTITUTION** operating under the laws of the
15 Republic of the Philippines.

16 Sec. 19. Section 21 is hereby renumbered as Section 20 and amended to read
17 as follows:

18 **Sec. 20. *Deductions Prohibited.*** – No person shall make any
19 deduction whatsoever from the salaries of teachers except under
20 specific authority of law authorizing such deductions: *Provided,*
21 *however,* That upon written authority executed by the teacher
22 concerned, (1) **LAWFUL DUES AND FEES OWING TO**
23 **TEACHERS' UNIONS,** (2) lawful dues and fees owing to the
24 Philippine Public School Teachers' Association, and (3)
25 premiums properly due on insurance policies, shall be
26 considered deductible; **PROVIDED, HOWEVER, THAT**
27 **DEDUCTIONS UNDER THE SALARY DEDUCTION**
28 **SCHEME SHALL NOT BE CHARGED WITH**
29 **COMPOUNDED INTERESTS AND PENALTIES.**

30 Sec. 20. Section 19 is hereby renumbered as Section 21 and amended to read
31 as follows:

1 **Section 21. *Special Hardship Allowances.* - TEACHERS**
2 **EXPOSED TO HARDSHIP OR EXTREME DIFFICULTY IN**
3 **THE PLACE OF WORK, TEACHERS ASSIGNED TO**
4 **HANDLE MULTI-GRADE CLASSES, MOBILE TEACHERS,**
5 **AND ALTERNATIVE LEARNING SYSTEM (ALS)**
6 **COORDINATORS shall be compensated special hardship**
7 **allowances BASED ON THE CRITERIA PRESCRIBED BY**
8 **THE DEPARTMENT: PROVIDED,**

9 **(1) THAT PRIORITY SHALL BE GIVEN TO TEACHERS**
10 **ASSIGNED TO HARDSHIP POSTS CHARACTERIZED BY**
11 **HAZARDS TO LIFE AND HEALTH, A STATE OF**
12 **CALAMITY, TRANSPORT INACCESSIBILITY OR**
13 **INCONVENIENCE, AND OTHER HAZARDS PECULIAR TO**
14 **THE PLACE OF EMPLOYMENT; AND**

15 **(2) THAT THE AGGREGATE AMOUNT OF**
16 **ALLOWANCE TO BE GIVEN TO SAID TEACHERS SHALL**
17 **NOT BE LESS THAN TWENTY-FIVE PERCENT OF THEIR**
18 **TOTAL BASIC PAY SALARY FOR THE YEAR.**

19 Sec. 21. Section 13 is hereby renumbered as Section 22 and amended to read
20 as follows:

21 **Section 22. *Teaching Hours.* - NO TEACHER ENGAGED IN**
22 **ACTUAL CLASSROOM INSTRUCTION SHALL BE**
23 **REQUIRED TO RENDER MORE THAN FOUR** hours of
24 actual classroom teaching a day, which shall be so scheduled as
25 to give him **OR HER** time for the preparation and correction of
26 exercises and other work incidental to his **OR HER** normal
27 teaching duties: *Provided, however,* That where the exigencies of
28 the service so require, a teacher may be required to render more
29 than **FOUR** hours but not exceeding eight hours of actual
30 classroom teaching a day upon payment of additional
31 compensation at the same rate as his **OR HER** regular

1 remuneration plus at least twenty-five per cent of his **OR HER**
2 basic pay.

3 Sec. 22. A new Section 23 is hereby inserted after the renumbered Section 22
4 to read as follows:

5 **Section 23. *Assignment of Work Not Related to Teaching***
6 ***Prohibited.*** – To prevent teachers from being overtaxed and to
7 enable them to focus on instruction and thus ensure the delivery
8 of quality education, no teacher shall be assigned work or
9 activities not related to teaching. For this purpose, the
10 department shall fill up all non-teaching positions and, with the
11 department of budget and management, endeavor to meet ideal
12 ratios between teaching and non-teaching positions.

13 Sec. 23. A new Section 24 is hereby inserted after Section 23 to read as
14 follows:

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

20 Sec. 24. Section 14 is hereby renumbered as Section 25 and amended to read
21 as follows:

22 **Section 25. *Additional Compensation.*** – Notwithstanding any
23 provision of existing law to the contrary, co-curricular and out-
24 of-school activities and any other activities outside of what is
25 defined as normal duties of any teacher shall be paid an
26 additional compensation of at least twenty-five per cent of his
27 **OR HER** regular remuneration after the teacher has completed
28 at least **FOUR** hours of actual classroom teaching a day.

29 In the case of other teachers or school officials not engaged in
30 actual classroom instruction, any work performed in excess of

1 eight hours a day shall be paid an additional compensation of at
2 least twenty-five per cent of their regular remuneration.

3 The agencies utilizing the services of teachers shall pay the
4 additional compensation required under this Section. The
5 **SECRETARY OF EDUCATION** shall refuse to allow the
6 rendition of services of teachers for other government agencies
7 without the assurance that the teachers shall be paid the
8 remuneration provided for under this Section.

9 **THIS SECTION SHALL BE WITHOUT PREJUDICE TO**
10 **LAWS AND RULES PROVIDING FOR HIGHER**
11 **COMPENSATION OR FOR VOLUNTARY SERVICE OF**
12 **TEACHERS.**

13 Sec. 25. A new Section 26 is hereby inserted after the renumbered Section 25
14 to read as follows:

15 **Section 26. *Conducive Working Conditions Ensured.*** - The State
16 shall ensure that public school teachers have humane working
17 conditions in their places of assignment. For this purpose, the
18 Department shall provide and maintain adequate space,
19 ventilation, lighting, and security conditions in public schools to
20 foster a conducive environment for teaching and learning.

21 Sec. 26. A new Section 27 is hereby inserted after Section 26 to read as follows:

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

28 Sec. 27. A new Section 28 is hereby inserted after Section 27 to read as
29 follows:

30 **Section 28. *Protection from Unregulated Class Sizes.*** -
31 Teachers are entitled to protection from unmanageable class

1 sizes as well as to compensation commensurate to their actual
2 workload. To this end, the Department shall determine the
3 standard class sizes for each grade level in accordance with
4 international norms and the corresponding honorarium for
5 teachers handling large classes.

6 Sec. 28. A new Section 29 is hereby inserted after Section 28 to read as
7 follows:

8 **Section 29. *Teacher Protection.*** - The Department shall
9 institutionalize support mechanisms and protection for public
10 school teachers in matters of student discipline or classroom
11 management, to the end of fostering a positive school climate
12 and safe environment conducive to instruction and learning and
13 permissible, appropriate, and effective responses and
14 interventions that will address violation of school rules and
15 regulations. To this end, the Department, in consultation with
16 public school teachers, shall promulgate rules on the rights and
17 responsibilities of teachers; permissible, appropriate, and
18 effective responses and interventions that will address violation
19 of school rules and regulations; among others.

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

25 Sec. 29. Section 22 is hereby renumbered as Section 30 and amended to read
26 as follows:

27 **Section 30. *FREE Medical Examination and Treatment.*** -
28 Compulsory medical examination shall be provided free of
29 charge for all teachers before they take up teaching, and shall be
30 repeated not less than once a year during the teacher's
31 professional life. Where medical examination, **INCLUDING**

1 **MENTAL HEALTH EXAMINATION**, shows that medical
2 treatment and/or hospitalization is necessary, the same shall be
3 provided free by the government [entity paying the salary of the
4 teachers].

5 In regions where there is scarcity of medical facilities, teachers
6 may obtain elsewhere the necessary medical care with the right
7 to be reimbursed for their traveling expenses by the government
8 [entity concerned in the first paragraph of this Section].

9 Sec. 30. Section 23 is hereby renumbered as Section 31.

10 SEC. 31. Section 24 is hereby renumbered as Section 32 and amended to read
11 as follows:

12 **Section 32. Study Leave.** - In addition to the leave privileges
13 now enjoyed by teachers in [the] public schools, they shall be
14 entitled to study leave not exceeding one school year after
15 **THREE** years of service. [Such leave shall be granted in
16 accordance with a schedule set by the Department of
17 Education.] During the period of such leave, the teachers shall
18 be entitled to at least **EIGHTY** per cent of their monthly salary:
19 *Provided, however,* That no teacher shall be allowed to
20 accumulate more than one year study leave, unless he **OR SHE**
21 needs an additional semester to finish his **OR HER** thesis for a
22 graduate study in education or allied courses: *Provided, further,*
23 That no compensation shall be due the teacher after the first
24 year of such leave. In all cases, the study leave period shall be
25 counted for seniority and pension purposes.

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

1 Sec. 32. Section 25 is hereby renumbered as Section 33 and amended to read
2 as follows:

3 **Section 33. *Indefinite SICK Leave.*** - An indefinite sick leave of
4 a absence shall be granted to teachers when the nature of
5 the illness demands a long treatment that will exceed one year
6 at the least.

7 Sec. 33. Section 26 is hereby renumbered as Section 34.

8 Sec. 34. Section 27 is hereby renumbered as Section 35.

9 Sec. 35. Section 28 is hereby renumbered as Section 36 and amended to read
10 as follows:

11 **Section 36. *Discrimination Against Teachers Prohibited.*** - The
12 rights established in the immediately preceding Section shall be
13 exercised without any interference or coercion. It shall be
14 unlawful for any person to commit any acts of discrimination
15 against teachers which are calculated to (a) make the
16 employment of a teacher subject to the condition that he **OR**
17 **SHE** shall not join an organization, or shall relinquish
18 membership in an organization, (b) to cause the dismissal of or
19 otherwise prejudice a teacher by reason of his **OR HER**
20 membership in an organization or because of participation in its
21 activities [outside school hours, or with the consent of the
22 proper school authorities, within school hours], and (c) to
23 prevent him **OR HER** from carrying out the duties laid upon
24 him **OR HER** by his **OR HER** position in the organization, or to
25 penalize him **OR HER** for an action undertaken in that capacity.

26 Sec. 36. Section 29 is hereby renumbered as Section 37 and amended to read
27 as follows:

28 **Section 37. *[National] Teachers' Organizations.*** - National
29 teachers' organizations shall be consulted in the formulation of
30 national educational policies and professional standards, and in

1 the formulation of national policies governing the social security
2 of the teachers.

3 **UNIONS OF PUBLIC SCHOOL TEACHERS WHICH ARE**
4 **GRANTED THE STATUS AS SOLE AND EXCLUSIVE**
5 **NEGOTIATING AGENT (SENA) SHALL HAVE THE RIGHT**
6 **TO REPRESENT ALL PUBLIC SCHOOL TEACHERS IN**
7 **THEIR RESPECTIVE NEGOTIATING UNITS IN**
8 **NEGOTIATIONS WITH THE DEPARTMENT FOR TERMS**
9 **AND CONDITIONS OF EMPLOYMENT OR**
10 **IMPROVEMENTS THEREOF, EXCEPT THOSE THAT ARE**
11 **FIXED BY LAW. FOR THE PURPOSES OF THIS ACT, THE**
12 **SENA REFERS TO ANY REGISTERED EMPLOYEES'**
13 **ORGANIZATION WHICH HAS BEEN ACCREDITED BY**
14 **THE CIVIL SERVICE COMMISSION AS THE**
15 **NEGOTIATING AGENT OF ALL PUBLIC SCHOOL**
16 **TEACHERS IN A GIVEN NEGOTIATING UNIT, IN**
17 **ACCORDANCE WITH ITS PERTINENT RULES AND**
18 **REGULATIONS.**

19 **THE DEPARTMENT SHALL ACCORD THE SENA, AS**
20 **WELL AS ITS OFFICERS AND MEMBERS, ALL RIGHTS**
21 **AND BENEFITS NECESSARY AND PERTINENT TO THE**
22 **PERFORMANCE OF ITS DUTIES AND FUNCTIONS, SUCH**
23 **AS REPRESENTATION OF TEACHERS IN ALL BODIES**
24 **FOR POLICY MAKING AND TRIBUNALS FOR THE**
25 **DISCIPLINE OF TEACHERS, AMONG OTHERS.**

26 Sec. 37. A new Section 38 is hereby inserted after the renumbered Section 37
27 to read as follows:

28 ***Section 38. Rights and Benefits of Teachers under Other Laws.***

29 - A teacher shall be accorded rights and benefits under other
30 laws and rules on labor standards and relations, social security,
31 among others, including but not limited to Republic Act 9710 or
32 "The Magna Carta of Women," Republic Act 9262 or the "Anti-

1 Violence against Women and their Children Act,” and Republic
2 Act 8792 or the “Solo Parents’ Welfare Act of 2000,” as they are
3 applicable.

4 Sec. 38. Section 30 is hereby renumbered as Section 39 and amended to read
5 as follows:

6 **Section 39. Rules and Regulations. – THE DEPARTMENT, IN**
7 **CONSULTATION WITH UNIONS AND ORGANIZATIONS**
8 **OF PUBLIC SCHOOL TEACHERS,** shall formulate and
9 prepare the necessary rules and regulations to implement the
10 provisions of this Act within sixty days after its effective date.
11 Rules and regulations issued pursuant to this Section shall take
12 effect thirty days after publication in a newspaper of general
13 circulation and by such other means as the Secretary of
14 Education deems reasonably sufficient to give interested parties
15 general notice of such issuance.

16 Sec. 39. Section 31 is hereby renumbered as Section 40 and amended to read
17 as follows:

18 **Section 40. Budgetary Estimates. –** The Secretary of Education
19 shall submit to Congress annually the necessary budgetary
20 estimates to implement the provisions of the Act concerning the
21 **MONETARY AND NON-MONETARY** benefits herein granted
22 to public school teachers under the employ of the National
23 Government. **THE DUTY TO PRESENT THE ANNUAL**
24 **FUNDING REQUIREMENTS FOR THE BENEFITS UNDER**
25 **THIS ACT SHALL BE DISTINCT FROM THE**
26 **PRESENTATION OF THE BUDGET OF THE DEPARTMENT**
27 **AND THUS MAY BE FULFILLED DURING OR BEFORE**
28 **THE DELIBERATIONS FOR THE ANNUAL GENERAL**
29 **APPROPRIATIONS.**

30 Sec. 40. Section 32 is hereby renumbered as Section 41 and amended to read
31 as follows:

1 **Section 41. Penal Provision.** - A person who shall willfully
2 interfere with, restrain, or coerce any teacher in the exercise of
3 his **OR HER** rights **OR THE RIGHTS OF TEACHERS'**
4 **UNIONS AND ORGANIZATIONS** guaranteed by this Act, or
5 who shall in any other manner commit any act to defeat any of
6 the provisions of this Act shall, upon conviction, be punished by
7 **IMPRISONMENT OF NOT LESS THAN SIX MONTHS, OR** a
8 fine of not less than **ONE HUNDRED THOUSAND PESOS**
9 **BUT NOT MORE THAN TWO HUNDRED THOUSAND**
10 **PESOS, OR BOTH,** at the discretion of the court.

11 If the offender is a public official, the court shall order his or her
12 dismissal **WITH PERPETUAL DISQUALIFICATION** from
13 government service. **THIS PROVISION SHALL COVER THE**
14 **ISSUANCE OF RULES CONTRARY TO THIS ACT OR**
15 **WHICH LEAD TO THE DEFEAT OR DIMINUTION OF**
16 **RIGHTS AND BENEFITS PROVIDED HEREIN.**

17 **THE LIABILITIES UNDER THIS SECTION SHALL BE**
18 **WITHOUT PREJUDICE TO CIVIL AND ADMINISTRATIVE**
19 **LIABILITIES AND OTHER PENAL LIABILITIES UNDER**
20 **OTHER APPROPRIATE LAWS.**

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

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

26 Sec. 44. *Effective Date.* - This Act shall take effect fifteen (15) days after its
27 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,