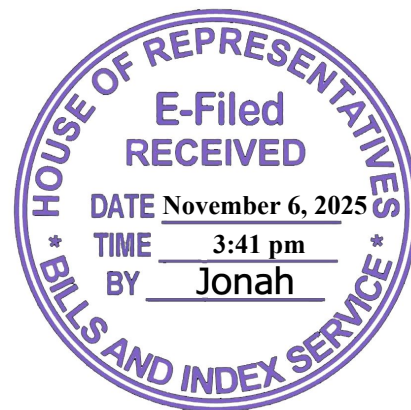




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. 5784



Introduced by Representatives Ferdinand Martin G. Romualdez, Yedda Marie K. Romualdez, Andrew Julian K. Romualdez and Jude A. Acidre

AN ACT
PROMOTING, PROTECTING, AND UPHOLDING THE RIGHTS OF
TEACHING PERSONNEL BY INSTITUTIONALIZING A REVISED
MAGNA CARTA OF PUBLIC SCHOOL TEACHERS, REPEALING FOR
THE PURPOSE REPUBLIC ACT NO. 4670, OTHERWISE KNOWN AS THE
“MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS”, AND
APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

Education is an essential factor in the economic growth of a nation. Thus, Republic Act No. 4670, otherwise known as the “Magna Carta for Public School Teachers” was passed into law on June 18, 1966. It was enacted to provide public school teachers with safeguards and professional rights that will improve their economic status.

Section 1 of R.A. No. 4670 provides that: “It is hereby declared to be the policy of this Act 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.”

However, five decades after the law has been passed, majority of the provisions therein are left unimplemented or are only partially implemented.

Thus, this bill seeks to institutionalize a revised magna carta of public school teachers and thereby amend R.A. No. 4670, to further strengthen the protection and rights of public school teachers and make the legislation more receptive to their current needs.

In view of the foregoing, the passage of this bill is earnestly sought.



FERDINAND MARTIN G. ROMUALDEZ



YEDDA MARIE K. ROMUALDEZ



ANDREW JULIAN K. ROMUALDEZ



JUDE A. ACIDRE



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

Section 1. *Short Title.* – This Act shall be known as the “*Revised Magna Carta of Public School Teachers*” and shall apply to all public school teachers except those in the professional staff of state colleges and universities.

Section 2. *Declaration of Policy.* – It is hereby declared to be the policy of this Act 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 quality 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 international and domestic laws declaring that the economic and social rights of persons can only be secured through the genuine observance of civil and political rights.

Section 3. *Definition of Terms.* – As used in this Act, the following terms are defined as follows:

- a) *Teacher* – shall refer to one engaged in classroom teaching, in any level of instruction, on a 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;
- b) *Exigencies of service* – shall refer to situations 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;

- c) *Station* – shall refer to the school where the teacher is assigned;
- d) *Department* – shall refer to the Department of Education (DepEd)

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: *Provided*, 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 (BEEed) or its equivalent;
- (3) For teachers in the secondary grades, a bachelor's degree in Secondary Education (BSEd) or its equivalent, or a bachelor's degree in arts and sciences with at least eighteen (18) units in professional education; and
- (4) For teachers of vocational and two-year courses, a bachelor's degree in the field of specialization or its equivalent, with at least eighteen (18) 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; *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,* 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 (1) 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.

Section 6. *Tenure of Office.* – Security of tenure shall be assured qualified teachers provided under existing laws.

Subject to the provisions of Section 4 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 (10) 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. *Procedure for Station Transfers of Teachers.* – 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 (1) week upon receipt of the appeal. Pending the appeal and the decision thereon, the transfer shall be held in abeyance: *Provided*, that no transfer shall be made three (3) months before any local or national election.

Necessary transfer expenses of the teacher and his or her 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 (6) 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*, that where this is not possible by reason of inadequate fiscal resources of the Department, at least three (3) 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. The Department shall also electronically publish the same in its official website and make available and accessible for teachers to view, read, and download.

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 thereof;
- (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, with 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 thereof; and
- (5) The right to appeal to clearly designated competent authorities or bodies.

Any disciplinary action being taken against a teacher during the pendency of his or her case shall remain confidential. The right of teachers to privacy of their employment or service records shall be observed except as provided by law.

The Department shall enter into an agreement with the Public Attorney's Office (PAO) for legal services to be extended to teachers facing complaints and lawsuits in relation to the performance and conduct of their teaching duties and responsibilities.

Section 10. *Prohibition on Discrimination.* – A public school teacher shall not be discriminated against on the 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 the entrance to the teaching profession, or during its exercise, or in the termination of services based on any ground other than professional consideration. Expression and exercise of religious belief and partisan political activities by teachers shall be regulated by the Civil Service Commission.

To eliminate all forms of discrimination against teachers, the State shall pursue initiatives and programs that seek to enable an environment free of stigma and discrimination. It shall direct the machinery and resources of the State to promote non-discrimination and shall encourage other sectors of the society to engage and participate in these efforts.

Section 11. *Gender Equality.* – The State shall endeavor to provide equal opportunities to women teachers and individuals regardless of their sexual orientation, gender identity and expression in teaching and school and Department leadership.

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, subject to standards set by the Department for K-12 education.

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 ensure teachers a reasonable and decent standard of life for themselves and their families; and
- (4) Be properly graded to recognize the fact that certain positions require higher qualifications and greater responsibility than others: *Provided*, That

the general salary scale shall be such that the discrepancy between the lowest and highest salaries paid in the profession will be of reasonable order. Narrowing 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 (3) years: *Provided*, That the efficiency rating of the teacher concerned is at least satisfactory.

Section 16. *Equity 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 employed by 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 in the city, municipal, or provincial government, for 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. *Prohibition on Deductions.* – 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 Allowance.* – 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 with 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 enjoyment; and
- (2) That the aggregate amount of allowance to be given to said teachers shall not be less than twenty-five percent (25%) 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 (4) 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 (4) hours but not exceeding eight (8) 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 (25%) of his or her basic pay.

Section 23. *Prohibition on Assignment to Work Unrelated to Teaching.* – 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 unrelated to teaching, except as may be provided by law. For this purpose, the Department shall fill up all non-teaching positions and, with the Department of Budget and Management (DBM), 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 may 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-curricular 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 percent (25%) of his or her regular remuneration after the teacher has completed at least four (4) 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 percent (25%) 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. *Guarantee of Conducive Working Conditions for Teachers.* –

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. Spaces must likewise abide with minimum health protocols and be provided with medically proven and scientifically proven tools and equipment that aim to minimize risk of exposure.

Section 27. *Prohibition on Understaffing and Overloading of Teachers.* –

There shall be no understaffing and overloading of public school teachers. Teacher-to-student ratios shall be always such as to reasonably effect sustained delivery of quality education 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. *Teachers 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 No. 7610 or the “Special Protection of Children against Abuse, Exploitation, and Discrimination Act.”

V. Health Measures

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 travelling 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 mental strain on teachers' health and well-being shall be recognized as a compensable occupational disease in accordance with existing laws.

VI. Leaves and Retirement Benefits

Section 32. *Study Leave.* – In addition to the leave privileges being enjoyed by teachers in public schools, they shall be entitled to study leave not exceeding one (1) school year after three (3) years of service. During the period of such leave, the teachers shall be entitled to at least eighty percent (80%) of their monthly salary: *Provided*, that no teacher shall be allowed to accumulate more than one (1) year study leave, unless he or she needs an additional semester to finish his or her thesis for a graduate study in education or any allied course: *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 (1) 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 percent (75%) 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 at least one (1) year.

Section 34. *Calamity Leave.* – Teachers affected by natural calamity/disaster shall be entitled to five (5) days special emergency leave with pay. The benefit shall be available upon the declaration of a state of calamity by the President of the Philippines or by the Local Sanggunian pursuant to Section 16 of R.A. No. 10121. However, in case a specific area was not declared under state of calamity but was nonetheless severely affected by the natural calamity/disaster, the Schools Division Superintendent in the exercise of his/her sound discretion, may grant the special emergency leave to affected teacher based on proof or evidence presented or news account.

The special emergency leave can be applied for five (5) straight working days or on staggered basis and will not be deducted from the teacher's leave credits. This leave may be availed of by teachers within ten (10) days from the date when the natural calamity/disaster occurred.

Section 35. *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.

VII. Teachers' Organizations

Section 36. *Freedom to Organize.* – The right of the teachers to form unions, associations, or societies for purposes not contrary to law shall not be abridged.

Section 37. *Prohibition on Discrimination Against Teachers.* – 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 38. *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 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 each 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 policymaking and tribunals for the discipline of teachers, among others.

VIII. Administration and Enforcement

Section 39. *Rights and Benefits of Teachers under Other Laws.* – A teacher shall be accorded the rights and benefits under other laws and rules on labor standards and relations, social security, among others, including but not limited to Republic Act No. 9710 or “The Magna Carta of Women,” Republic Act No. 9262 or the “Anti-Violence against Women and their Children Act,” and Republic Act No. 8792 or the “Solo Parents’ Welfare Act of 2000,” as they are applicable.

Section 40. *Implementing 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 (60) days after its effectivity.

Section 41. *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 deliberations for the annual General Appropriations.

Section 42. *Penal Provisions.* – 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 (6) months, or a fine of not less than One hundred thousand pesos (Php100,000.00) but not more than Two hundred thousand pesos (Php200,000.00), 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 43. *Separability Clause.* – If any provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall remain in full force and effect.

Section 44. *Repealing Clause.* – Republic Act No. 4670 otherwise known as the “Magna Carta for Public School Teachers” is hereby repealed.

All other laws, executive orders, presidential decrees, presidential proclamations, letters of instruction, rules and regulations, or parts thereof which are

inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 45. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,