

TWENTIETH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 8759

Introduced by **REPRESENTATIVE MA. NINA FRANCESCA P. LACSON**

EXPLANATORY NOTE

Article XIV, Section 5 (4) of the 1987 Philippine Constitution, provides that “The State shall enhance the right of teachers to professional advancement. Non-teaching academic and non-academic personnel shall enjoy the protection of the State”. The State recognizes the essential role of all teachers and personnel in nation-building.

As such, Republic Act No. 4670 otherwise known as the Magna Carta for Public School Teachers was passed into law, with the goal of providing professional rights and safeguards to our public school teachers in consideration of the exigency and level of difficulty of the exercise of their profession.

However, the said law, which was signed on June 18, 1966, remains untouched for more than half a century. It now exhibits weaknesses that hamper the improvement of the social and economic status and working conditions of our public school teachers. The need for modifications and amendments to strengthen the law is in order.

This Act seeks to amend the aforementioned law to make the said measure more responsive by expanding public school teachers’ working rights, strengthening working protections and providing additional incentives for extra-curricular work.

In light of the foregoing, immediate passage of the bill is earnestly sought.


MA. NINA FRANCESCA P. LACSON
Manila Teachers Party-list

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Introduced by REPRESENTATIVE MA. NINA FRANCESCA P. LACSON

AN ACT
STRENGTHENING AND EXPANDING THE PROFESSIONAL RIGHTS AND
WORK INCENTIVES OF PUBLIC SCHOOL TEACHERS, AMENDING REPUBLIC
ACT NO. 4670, TO BE KNOWN AS "THE EXPANDED MAGNA CARTA FOR
PUBLIC SCHOOL TEACHERS"

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 "*Expanded Magna Carta for Public School Teachers Act.*"

SEC. 2. Sec. 3 of Republic Act No. 4670 or The Magna Carta for Public School Teachers is hereby amended to read as follows:

Sec. 3. Recruitment, SELECTION, and Qualification. - Recruitment, **SELECTION, PROMOTION OF TEACHERS SHALL BE BASED ON MERIT AND FITNESS SUBJECT TO EXISTING CRITERIA DEFINED BY THE DEPARTMENT OF EDUCATION. PROVIDED, THAT THE POLICY WITH RESPECT TO THE SELECTION AND APPOINTMENT OF TEACHERS SHALL BE CLEARLY DEFINED BY THE DEPARTMENT OF EDUCATION. PROVIDED, HOWEVER,** that effective upon the approval of this Act, the following shall constitute the minimum educational qualifications for teacher applicants:

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PROVIDED, FURTHER, IN THE EVENT THAT ALL TEACHER-APPLICANTS IN THE REGISTRY OF QUALIFIED APPLICANTS (RQA) HAS BEEN ASSIGNED, AND THERE IS STILL THE NEED TO HIRE

MORE TEACHERS, THE SCHOOL SUPERINTENDENT SHALL HAVE THE AUTHORITY TO APPOINT A SUBSTITUTE TEACHER WHO POSSESSES THE MINIMUM EDUCATIONAL QUALIFICATIONS AS HEREINABOVE. IN THE ABSENCE OF SUCH, THE SCHOOL SUPERINTENDENT MAY APPOINT, UNDER A TEMPORARY STATUS, APPLICANTS WHO DO NOT MEET THE MINIMUM QUALIFICATIONS.

PROVIDED, HOWEVER, 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 IN THE BASIS OF PROMOTION, THE SCHOOL SUPERINTENDENT SHALL ALSO CONSIDER THE EXPERIENTIAL QUALIFICATION OF TEACHER APPLICANTS IN ORDER TO ENSURE AN EQUITABLE PROMOTION MECHANISM, WHICH ALSO GIVES IMPORTANCE ON THE PROFESSIONAL EXPERIENCE OF TEACHERS ASIDE FROM EDUCATIONAL AND SCHOLASTIC ATTAINMENT. That the results of the examinations shall be made public and every applicant shall be furnished with his score and rank in said examinations.

SEC. 3. Sec. 5 of the same Act is hereby amended to read as follows:

Sec. 5. Tenure of Office. –

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SUBJECT TO THE PROVISIONS OF SECTION THREE HEREOF, TEACHERS APPOINTED ON A TEMPORARY STATUS FOR LACK OF NECESSARY CIVIL SERVICE-ELIGIBILITY SHALL BE EXTENDED PERMANENT APPOINTMENT FOR THE POSITION HE IS HOLDING AFTER HAVING RENDERED AT LEAST TEN YEARS OF CONTINUOUS, EFFICIENT AND FAITHFUL SERVICE IN SUCH POSITION.

NO PERMANENT TEACHER SHALL BE TERMINATED EXCEPT FOR A JUST CAUSE AND AFTER DUE PROCESS. A TEACHER OR NON-TEACHING PERSONNEL WHO IS DISMISSED FROM SERVICE BUT LATER FOUND OUT AS AN UNJUSTLY DISMISSED SHALL BE ENTITLED TO REINSTATEMENT AND BACK WAGES.

SEC. 4. Sec. 6 of the same Act is hereby amended to read as follows:

Sec. 6. Consent for Transfer Transportation Expenses. - Except for cause and as herein otherwise provided, no teacher shall be transferred without his consent **IN WRITING** 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 school superintendent who shall previously notify the teacher concerned of the transfer and the reason or reasons therefor **AT LEAST 60 DAYS BEFORE SAID TRANSFER**. If the teacher believes there is no justification for the transfer, he may appeal his case to the **REGIONAL DIRECTOR. THE REGIONAL DIRECTOR SHALL RENDER A DECISION IN WRITING ONE (1) WEEK UPON RECEIPT OF THE APPEAL**. Pending his appeal and the decision thereon, his transfer shall be held in abeyance: *Provided, however,* that no transfers whatsoever shall be made three months before any local or national election.

PROVIDED, FURTHER, THAT SUCH TRANSFER SHALL NOT CAUSE DISRUPTION IN DAY-TO-DAY SCHOOL OPERATIONS OF BOTH THE RECEIVING SCHOOL AND THE HOST SCHOOL.

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

SEC. 5. Sec. 7 of the same Act is hereby amended to read as follows:

Sec. 7. Code of ETHICS FOR Professional Conduct for Teachers. -

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TEACHERS SHALL OBSERVE THE CODE OF ETHICS UNDER REPUBLIC ACT NO. 7836, OTHERWISE KNOWN AS THE "PHILIPPINE TEACHERS PROFESSIONALIZATION ACT OF 1994".

SEC. 6. Sec. 10 of the same Act is hereby amended to read as follows:

Sec. 10. No Discrimination. - There shall be no discrimination whatsoever in entrance to the teaching profession, or during its exercise, or in the termination of services, based on other than professional consideration.

PROVIDED, THAT, THE HIRING AND PROMOTION OF TEACHERS SHALL BE BASED ON ACADEMIC AND PROFESSIONAL MERIT AND FITNESS.

PROVIDED, FURTHER, THAT UNDER NO CIRCUMSTANCE THAT THE LICENSE OF PUBLIC SCHOOL TEACHERS ISSUED BY THE APPROPRIATE GOVERNMENT AGENCY BE REVOKED OR INVALIDATED FOR REASONS THAT ARE NOT RELATED TO THE PERFORMANCE OF THE TEACHING PROFESSION, SUCH AS BUT NOT LIMITED TO DEFERRED PAYMENT OF OBLIGATIONS, AND PERSONAL CONFLICTS.

SEC. 7. Sec. 12 of the same Act is hereby amended to read as follows:

Sec. 12. Academic Freedom. –

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IN THE EXERCISE THEREOF, AN INDEPENDENT RESEARCH BODY SHALL BE CONSTITUTED EVERY TWO (2) YEARS TO REVIEW TEACHING METHODS AND PRESENT REFORM RECOMMENDATIONS TO THE DEPARTMENT.

SEC. 8. Sec. 13 of the same Act is hereby amended to read as follows:

Sec. 13. Teaching Hours. - Any teacher engaged in actual classroom instruction shall not be required to render more than six hours of actual classroom teaching a day, which shall be so scheduled as to give him time for the preparation and correction of exercises and other work incidental to his normal teaching duties: Provided, however, That where the exigencies of the service so require THE SCHOOL DIVISION SUPERINTENDENT SHALL APPOINT SUBSTITUTE TEACHERS TO FILL-IN THE TEACHING LOAD. Any teacher 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 regular remuneration plus at least twenty five per cent of his basic pay.

IN CASES WHEREIN RENDERING OF ADDITIONAL WORK HOURS IS DUE TO SUBSTITUTION FOR CLASSES OF NON-REPORTING TEACHERS, THE SCHOOL DIVISION SUPERINTENDENT SHALL ALSO APPOINT SUBSTITUTE TEACHERS IF THE ABSENCE OR VACANCY SHALL EXCEED MORE THAN TWO (2) WEEKS.

SEC. 9. Sec. 14 of the same Act is hereby amended to read as follows:

Sec. 14. Additional Compensation - Notwithstanding any provision of existing law to the contrary, co-curricula and OFF-CAMPUS ACTIVITIES AND ANY

OTHER ACTIVITIES BEYOND OF WHAT IS DEFINED AS NORMAL DUTIES OF TEACHER THAT WILL MAKE HIM WORK LONGER THAN HIS REGULAR WORKLOAD, INCLUDING RENDERING OF SERVICE DURING NATIONAL AND LOCAL ELECTIONS, RENDERING REPORTS TO OTHER GOVERNMENT AGENCIES AND PARTICIPATING IN PROGRAMS AND ACTIVITIES OF LOCAL GOVERNMENT UNITS SHALL BE PAID THE REGULAR COMPENSATION FOR THE ACTUAL HOURS WORKED PLUS an additional compensation of at least twenty-five per cent of his regular remuneration after the teacher has completed at least six 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 of their regular remuneration.

SEC. 10. Sec. 19 of the same Act is hereby amended to read as follows:

Sec. 19. Special Hardship, **HEALTH, AND SAFETY HAZARD** Allowances. - **UPON RIGHTFUL DETERMINATION AND VERIFICATION BY THE SECRETARY OF EDUCATION, TEACHERS WHO** are exposed to hardship, **HEALTH AND SAFETY HAZARDS, SUCH AS DIFFICULTY IN COMMUTING TO AND FROM THEIR PLACE OF WORK, PRESENCE OF ARMED CONFLICT AND PREVALENCE OF HIGH CRIME RATES, PRESENCE OF HAZARDOUS WASTE, CHEMICAL BYPRODUCTS AND TOXIC FUMES FROM LANDFILLS, DUMPSITES, FACTORIES, AND POLLUTED WATERWAYS AND ESTEROS IN COMMUTE ROUTES, LACK OR ABSENCE THEREOF OF PUBLIC TRANSPORT SERVICE IN THE AREA OF ASSIGNMENT, TRANSPORT IN UNPAVED ROAD NETWORKS INACCESSIBLE TO MOTOR VEHICLES, AND TRANSPORT USING BOATS DUE TO THE ABSENCE OF CONNECTING BRIDGE OR ROAD NETWORKS OVER AREAS SURROUNDED BY BODIES OF WATER, SAID TEACHERS SHALL BE COMPENSATED SPECIAL HARDSHIP, HEALTH AND SAFETY HAZARD,** shall be compensated special hardship allowances equivalent to at least twenty-five (25%) per cent of their monthly salary.

SEC. 11. Sec. 21 of the same Act is hereby amended to read as follows:

Sec. 21. Deductions Prohibited. - No person shall make any deduction whatsoever from the salaries of teachers except under specific authority of law **REQUIRING** such deductions:

Provided, however, That upon written authority executed by the teacher concerned, (1) **LAWFUL OBLIGATIONS**, dues and fees owing to **TEACHERS'**

SAVINGS AND LOAN ASSOCIATIONS, TEACHERS' MUTUAL BENEFIT ASSOCIATIONS AND TEACHER COOPERATIVES AUTHORIZED BY THE BANKO SENTRAL NG PILIPINAS (BSP), THE INSURANCE COMMISSION (IC), AND COOPERATIVE DEVELOPMENT AUTHORITY (CDA), (2) LAWFUL dues and fees owing to the Philippine Public School Teachers Association, and (3) premiums properly due on insurance policies, shall be deductible IN THE ORDER OF PREFERENCE MENTIONED ABOVE.

PROVIDED, HOWEVER, THAT DEDUCTIONS UNDER THE SALARY DEDUCTION SCHEME SHALL NOT BE CHARGED WITH COMPOUNDED INTERESTS AND PENALTIES AS PAYMENTS, AND SHALL BE COURSED THROUGH SALARY DEDUCTION UNTIL FULLY PAID. IN CASES WHERE PAYMENT OF OBLIGATIONS EXCEED THE 12-MONTH TERM, DEDUCTIONS FOR PAST DUE INTEREST SHALL APPLY.

SEC. 12. Sec. 22 of the same Act is hereby amended to read as follows:

Sec. 22. HEALTH, WELLNESS AND MEDICAL BENEFITS TO ENSURE THE OCCUPATIONAL, EMOTIONAL, PSYCHOLOGICAL, MENTAL AND PHYSICAL WELLNESS OF TEACHERS WHILE IN SERVICE. - THERE SHALL BE A COMPREHENSIVE HEALTH, WELLNESS AND MEDICAL PROGRAM FOR TEACHING PERSONNEL. 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 show that medical treatment and/or hospitalization is necessary, same shall be provided free by the government entity paying the salary of the teachers.

Teachers with permanent appointment shall be entitled to enroll their dependents in the same health, wellness, and medical program. The Department of Education shall formulate the necessary rules and regulations for the implementation of this program.

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SEC. 13. The following sections are hereby added, and numbered as Sections 30, 31, 32, 33, 34, and 35 under VI. Other Benefits.

SECTION 30. CONTINUING EDUCATION BENEFITS. - PUBLIC SCHOOL TEACHERS SHALL BE GIVEN FREE CONTINUING EDUCATION UNITS AS REQUIRED BY THE PROFESSIONAL REGULATION COMMISSION (PRC) AND FOR PROMOTION PURPOSES AS REQUIRED BY THE CIVIL SERVICE COMMISSION IN ANY STATE UNIVERSITIES AND COLLEGES

(SUCS) NEAREST TO THEIR PLACE OF ASSIGNMENT OR ANY SCHOOL QUALIFIED BY THE DEPARTMENT.

FOR THIS PURPOSE, THE DEPARTMENT SHALL COORDINATE WITH THE COMMISSION ON HIGHER EDUCATION FOR THE EFFECTIVE IMPLEMENTATION OF THIS PROVISION.

SECTION 31. CONDUCTIVE WORKING CONDITIONS AND SECURITY ENSURED. - PUBLIC SCHOOL TEACHERS IN THE ADMINISTRATION OF THEIR DUTIES AND FUNCTIONS SHALL BE ENSURED OF GOOD WORKING, SAFETY AND SECURITY CONDITIONS IN THEIR PLACES OF ASSIGNMENT. IN VIEW THEREOF, THE DEPARTMENT SHALL PROVIDE AND MAINTAIN ADEQUATE SPACE, VENTILATION, LIGHTING, AND SECURITY CONDITIONS IN PUBLIC SCHOOLS TO FOSTER A CONDUCTIVE ENVIRONMENT FOR TEACHING AND LEARNING.

SECTION 32. *RIGHT TO LEGAL COUNSEL OF PUBLIC SCHOOL TEACHERS.* - PUBLIC SCHOOL TEACHERS SHALL HAVE THE RIGHT TO LEGAL COUNSEL TO BE PROVIDED FOR BY THE DEPARTMENT FOR COMPLAINTS AND LAWSUITS CHARGED AGAINST THEM; *PROVIDED, HOWEVER.* THAT SUCH ENTITLEMENT SHALL ONLY APPLY IN LAWSUITS AND COMPLAINTS IN RELATION TO THE LAWFUL PERFORMANCE AND CONDUCT OF THEIR DUTIES AND RESPONSIBILITIES.

SECTION 33. EARLY OPTION FOR RETIREMENT. - PUBLIC SCHOOL TEACHERS WHO ARE AT LEAST FIFTY-FIVE (55) YEARS OF AGE AND HAVE RENDERED AT LEAST FIFTEEN (15) YEARS OF SERVICE MAY OPT TO RETIRE OF SERVICE AND ENTITLED TO THEIR RETIREMENT BENEFITS SUBJECT TO THE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 8291, OR THE REVISED GOVERNMENT INSURANCE SYSTEM ACT OF 1997.

SECTION 34. PERFORMANCE BONUS. - PUBLIC SCHOOL TEACHERS SHALL BE ENTITLED TO PERFORMANCE BONUS EQUIVALENT TO THEIR ONE-MONTH SALARY TO RECOGNIZE IMPROVED ATTAINMENT OF LEARNING OBJECTIVES AND OUTCOMES SUBJECT TO THE IMPLEMENTATION GUIDELINES OF THE DEPARTMENT OF BUDGET AND MANAGEMENT (DBM).

SECTION 35. INCOME FROM SERVICE FEES FROM SALARIES OF PUBLIC SCHOOL TEACHERS. - TO ENSURE FISCAL ACCOUNTABILITY. ALL SERVICE FEES COLLECTED FROM THE SALARIES OF PUBLIC SCHOOL TEACHERS SHALL BE FIRST REMITTED TO THE NATIONAL TREASURY,

AND THEREFORE BE APPROPRIATED BY CONGRESS FOR HEALTH AND WELLNESS BENEFITS OF PUBLIC-SCHOOL TEACHERS.

SEC. 14. All succeeding sections of the Act are hereby renumbered accordingly.

SEC. 15. Separability Clause. - If any provision or portion of this Act is declared unconstitutional, the remainder of this Act or any provision not thereby affected shall remain in full force and effect.

SEC. 16. *Repealing Clause.* - All laws, decrees, executive orders, ordinances, rules, regulations, and other issuances, or parts thereof, which are inconsistent with any provision of this Act, are hereby repealed, amended, and/ or modified accordingly.

SEC. 17. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,