

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

22 MAY 23 25:49

S E N A T E

COMMITTEE REPORT NO. 645

Submitted by the Committee on Basic Education, Arts and Culture
on MAY 23 2022.

Re: Proposed Senate Resolution No. 522.

Recommending the adoption of the recommendations and their immediate
implementation.

Sponsor: Senator Win Gatchalian

MR. PRESIDENT:

The Committee on Basic Education, Arts and Culture, to which was referred
Proposed Senate Resolution No. 522, introduced by Senator Win Gatchalian,
entitled:

"RESOLUTION

**DIRECTING THE SENATE COMMITTEE ON BASIC EDUCATION,
ARTS AND CULTURE TO CONDUCT AN INQUIRY, IN AID OF
LEGISLATION, ON THE IMPLEMENTATION OF REPUBLIC ACT
NO. 4670, OTHERWISE KNOWN AS THE MAGNA CARTA FOR
PUBLIC SCHOOL TEACHERS, TO PROVIDE A COMPREHENSIVE
AND CRITICAL REVIEW AND IDENTIFY THE GAPS, ISSUES,
AND CHALLENGES IN ADVANCING THE WELFARE AND
RIGHTS OF TEACHERS AS PROFESSIONALS AND IMPROVING**

**THE CONDITIONS FOR EFFECTIVE TEACHING AND
LEARNING, FOR THE PURPOSE OF CRAFTING POLICY
RECOMMENDATIONS AND INITIATING COMPLEMENTARY
AND AMENDATORY LEGISLATION TO FURTHER STRENGTHEN
THE LAW AND FULFILL THE GOALS ENSHRINED THEREIN"**

has considered the same and has the honor to submit its report on its inquiry back to the Senate, recommending the adoption of the recommendations as contained in this Report and their immediate implementation.

Respectfully submitted:

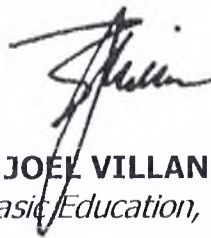
Chairperson



SEN. WIN GATCHALIAN

Committee on Basic Education, Arts and Culture

Vice-Chairperson



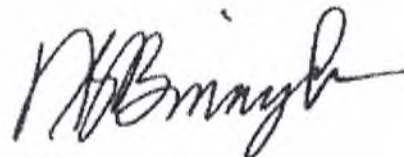
SEN. JOEL VILLANUEVA

Committee on Basic Education, Arts and Culture

Members



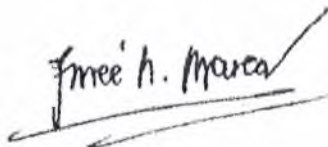
SEN. PIA S. CAYETANO



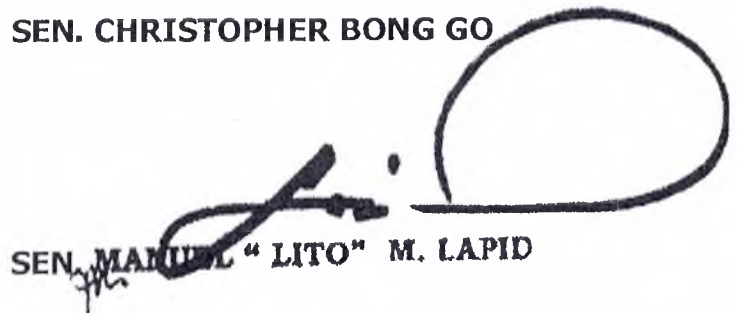
SEN. MARIA LOURDES NANCY S. BINAY

SEN. PANFILO M. LACSON

SEN. CHRISTOPHER BONG GO



SEN. IMEE R. MARCOS



SEN. MANUEL "LITO" M. LAPID


SEN. GRACE POE

SEN. AQUILINO "KOKO" PIMENTEL III

SEN. RICHARD J. GORDON


SEN. RAMON BONG REVILLA, JR.


SEN. RISA HONTIVEROS

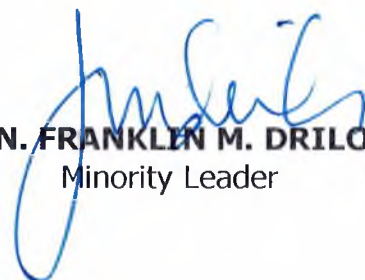

SEN. LEILA M. DE LIMA


SEN. FRANCIS "KIKO" N. PANGILINAN

Ex Officio Members


SEN. RALPH G. RECTO
President Pro-Tempore

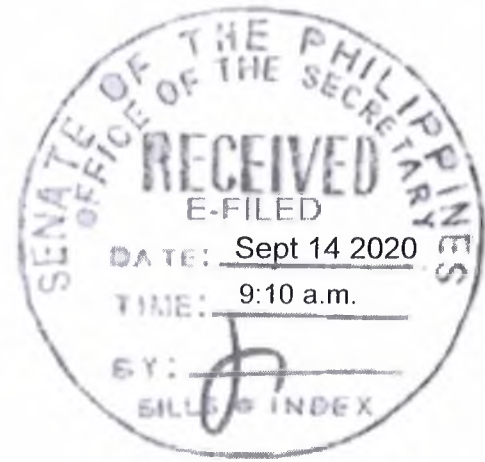

SEN. JUAN MIGUEL F. ZUBIRI
Majority Leader


SEN. FRANKLIN M. DRILON
Minority Leader

HON. VICENTE C. SOTTO III
Senate President

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

]]]



SENATE

P.S. Res. No. 522

Introduced by SEN. WIN GATCHALIAN

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON BASIC EDUCATION, ARTS AND CULTURE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF REPUBLIC ACT NO. 4670, OTHERWISE KNOWN AS THE MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS, TO PROVIDE A COMPREHENSIVE AND CRITICAL REVIEW AND IDENTIFY THE GAPS, ISSUES, AND CHALLENGES IN ADVANCING THE WELFARE AND RIGHTS OF TEACHERS AS PROFESSIONALS AND IMPROVING THE CONDITIONS FOR EFFECTIVE TEACHING AND LEARNING, FOR THE PURPOSE OF CRAFTING POLICY RECOMMENDATIONS AND INITIATING COMPLEMENTARY AND AMENDATORY LEGISLATION TO FURTHER STRENGTHEN THE LAW AND FULFILL THE GOALS ENSHRINED THEREIN

1 **WHEREAS**, the 1987 Constitution declares that the State shall enhance
2 the right of teachers to professional advancement and ensures the protection
3 of the State of the non-teaching academic and non-academic personnel;¹

4 **WHEREAS**, the 1987 Constitution likewise mandates the State to
5 assign the highest budgetary priority to education and ensure that teaching
6 will attract and retain its rightful share of the best available talents through
7 adequate remuneration and other means of job satisfaction and fulfillment;²

8 **WHEREAS**, quality education begins with quality teachers. Their skills,
9 training, experiences, and character are essential in shaping the next
10 generation. Teachers are invaluable not only in developing the cognitive skills

¹ Section 5 (4), Article XIV, 1987 Constitution.

² *Id.* at Section 5 (5).

1 of a learner, but also in molding the moral compass of a person. Teachers also
2 act as second parents, and at times confidants, to their pupils and students.
3 Serving beyond their duty, it is but proper that the government prioritizes
4 their concerns and supports their needs;

5 **WHEREAS**, on June 18, 1966 or more than half a century ago,
6 Congress enacted Republic Act No. 4670, otherwise known as The Magna
7 Carta for Public School Teachers, in order to promote and improve the social
8 and economic status of public school teachers, their living and working
9 conditions, their terms of employment and career prospects, in order that they
10 may compare favorably with existing opportunities in other walks of life³;

11 **WHEREAS**, the Magna Carta for Public School Teachers was enacted
12 as part of the country's legislative commitment to the ILO-UNESCO
13 Recommendations Concerning the Status of Teachers⁴ which sets forth the
14 rights and responsibilities of teachers; standards for their initial preparation
15 and further education, recruitment, employment, teaching, and learning
16 conditions; and recommendations for teachers' participation in educational
17 decisions through consultation and negotiation with educational authorities;⁵

18 **WHEREAS**, some of the provisions safeguarding the rights of teachers
19 under the said Magna Carta include the following:

20 a. that every public school teacher shall not render more than six
21 (6) hours of actual classroom teaching a day unless exigencies of the
22 service so require,⁶ and any other activities outside of their normal
23 duties or in excess of six (6) hours a day of teaching load will entitle
24 them to an additional compensation;⁷

25 b. that teachers' salaries shall compare favorably with those paid in
26 other occupations requiring equivalent or similar qualifications to

³ Sec. 1, R.A. No. 4670.

⁴ Adopted on October 5, 1966 by governments around the world, at a special intergovernmental conference convened by UNESCO in Paris in cooperation with the ILO, as cited in *Infra* Note 5.

⁵ Civil Society Network for Education Reforms (E-Net Philippines), Case Study and Policy Review: Status of Republic Act 4670 or The Magna Carta for Public School Teachers, December 2019.

⁶ *Supra* Note 3, *Id.* at Sec. 13.

⁷ *Id.* at Sec. 14.

1 provide a reasonable standard of life for themselves and their
2 families, that the teacher’s salaries shall be properly graded;⁸

3 c. that when medical treatment and/or hospitalization is necessary,
4 the same shall be provided free by the government entity paying the
5 salary of the teachers;⁹

6 d. that public school teachers qualified under retirement laws shall
7 be given one range salary raise upon retirement and shall be the
8 basis of the computation of the lump sum pay and the monthly
9 benefits thereafter;¹⁰ and

10 e. that national teachers’ organizations shall be consulted in the
11 formulation of national educational policies and professional
12 standards, as well as those governing the social security of the
13 teachers;¹¹

14 **WHEREAS**, despite fifty-four years since its enactment, the law remains
15 toothless as there are claims that some of its provisions have not been
16 implemented at all while many are either selectively or partly enforced.¹² To
17 illustrate, a February 2019 policy paper of the Philippine Institute for
18 Development Studies¹³ observed that the actual teaching of public school
19 teachers is increasingly being sidelined due to the multitude of non-teaching
20 tasks assigned to them. In terms of salaries, public school teachers feel left
21 far behind by their armed counterparts although they have similar, even
22 higher qualifications, or have spent equal or more years in government service
23 – hence violating the criteria for salaries as prescribed under Section 15 of the
24 law that they “should be comparable with those paid to other professions
25 requiring similar educational qualifications and training.”¹⁴ Further, under
26 the law, compulsory medical examination shall be provided free of charge for
27 all teachers before they take up teaching, and shall be repeated not less than

⁸ *Id.* at Sec. 15.

⁹ *Id.* at Sec. 22.

¹⁰ *Id.* at Sec. 26.

¹¹ *Id.* at Sec. 29.

¹² <https://www.sunstar.com.ph/article/86078>

¹³ <https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidspn1901.pdf>

¹⁴ *Supra* Note 5.

1 once a year during the teacher's professional life. This provision however
2 remains illusory as the annual national budget has never allocated funds for
3 the yearly medical check-up and hospitalization of public school teachers;¹⁵

4 **WHEREAS**, the purpose of this inquiry is not merely to identify these
5 implementation gaps; its relevance cannot be overemphasized in view of the
6 recognition of the central role of qualified teachers to quality education under
7 Goal 4 of the 2030 Sustainable Development Goals to “[e]nsure inclusive and
8 quality education for all and promote lifelong learning”;¹⁶

9 **WHEREAS**, with 794,448¹⁷ public school teachers who represent the
10 largest group of professionals in the government service, they should be
11 recognized not only for their role in the delivery of quality education but also
12 for their role in the economic, social, and cultural development of the basic
13 education system and the nation as a whole;¹⁸

14 **WHEREAS**, acknowledging the role and the social responsibility of
15 these public school teachers, this inquiry will enable the legislative branch to
16 have a comprehensive and critical review of the law and propose policies and
17 legislative remedies that will protect, respect, and fulfill their rights in the
18 exercise of their profession under the Magna Carta for Public School
19 Teachers;¹⁹

20 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE**
21 **PHILIPPINES**, to direct the Senate Committee on Basic Education, Arts and
22 Culture to conduct an inquiry, in aid of legislation, on the status of the
23 implementation of The Magna Carta for Public School Teachers to provide a
24 comprehensive and critical review and identify the gaps, issues, and
25 challenges in advancing the welfare and rights of teachers as professionals
26 and improving the conditions for effective teaching and learning, for the
27 purpose of crafting policy recommendations and initiating complementary

¹⁵ *Ibid.*

¹⁶ <http://www.ascd.org/ASCD/pdf/siteASCD/policy/ASCD-EI-Quality-Education-Statement.pdf>

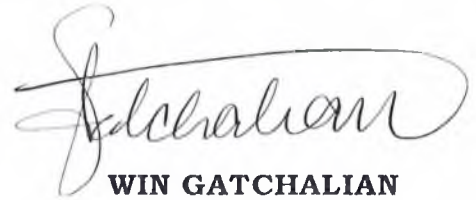
¹⁷ Department of Education Data as of January 2019.

¹⁸ *Supra* Note 5.

¹⁹ *Ibid.*

- 1 and amendatory legislation to further strengthen the law and fulfill the goals
- 2 enshrined therein.

Adopted,



WIN GATCHALIAN

I. INTRODUCTION

"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 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."

Section 1 of Republic Act No. 4670 or the "Magna Carta for Public School Teachers"

The State recognizes the vital role of teachers in nation-building and the development of a society. It is a matter of policy, enshrined in the Constitution, to "enhance the right of teachers to professional advancement," guarantee "non-teaching academic and non-academic personnel [to] enjoy the protection of the State," and "ensure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration and other means of job satisfaction and fulfillment."¹

As a Congressional response to these Constitutional mandates, Republic Act No. 4670 or the "Magna Carta for Public School Teachers" (hereinafter referred to as the "Magna Carta") was enacted almost 55 years or more than half a century ago. According to former Senate President Jovito R. Salonga, the Sponsor of then Senate Bill No. 65, the measure "gives ample protection to teachers by promoting their social and economic safety and lays down rules for their qualifications and provides for a code of professional conduct," among others. Both Houses of Congress ratified a reconciled version of the bill on May 19, 1966; and then President Ferdinand Marcos signed it into law on June 18, 1966. More so, its enactment is the fulfillment of the country's pledge to espouse the ILO/UNESCO Recommendation Concerning the Status of Teachers,² which was adopted on October 5, 1966, at a special intergovernmental conference convened by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris, France in cooperation with the International Labour Organization (ILO).

While the passage of this Act is considered a landmark legislation in education that provided hope to our educators, much is still to be done. The most pressing challenge has been, in fact, its implementation.

In 2016, on the Golden Anniversary of the passage of the Magna Carta, the Civil Society Network for Education Reforms or E-Net Philippines, a network of civil

¹ The 1987 Constitution of the Philippines, Article XIV, Sections 5 (4) and (5).

² Recommendation Concerning the Status of Teachers, Adopted by the Special Intergovernmental Conference on the Status of Teachers, Paris, October 5, 1966. <https://unesdoc.unesco.org/ark:/48223/pf0000114048.page=25>.

society organizations engaged in policy advocacy and partnerships for education reforms, launched a collaborative research³ that conducted focus group discussions, school fora and case studies nationwide and concluded that (i) many of the Magna Carta's provisions intended to protect the professional rights and benefits have either been wrongfully implemented or under-implemented and (ii) the Department of Education (DepEd), as the chief implementing agency, has a statutory and regulatory duty to ensure that the provisions of the Magna Carta are implemented.⁴

If the passage of the law was long overdue then, it is high time now for a review of its implementation for the government to fulfill its intentions and provide 876,842 public school teachers⁵ the rights and benefits that they lawfully deserve. Especially crucial at this time of the pandemic are the provisions for free and compulsory medical examination, treatment and/or hospitalization, and compensation for injuries.

As expressed by Senator Win Gatchalian, Chairperson of the Senate Committee on Basic Education, Arts and Culture, "*Napapanahong masuri natin kung paano ba pinapangalagaan ng ating gobyerno ang ating mga guro, lalo na't mahalaga ang papel nila sa pagpapatuloy ng edukasyon sa gitna ng pandemya. Sa gagawin nating pagsusuri, nais nating matukoy kung paano pa natin mapapaigting ang pagpapatupad ng Magna Carta for Public School Teachers, upang masiguro nating lubos na napapangalagaan ang kapakanan ng mga guro.*"⁶

Hence, Proposed Senate Resolution No. 522, filed on September 14, 2020, seeks to conduct an inquiry, in aid of legislation, on the status of the implementation of the Magna Carta to provide a comprehensive and critical review and identify the gaps, issues, and challenges in advancing the welfare and rights of teachers as professionals and improving the conditions for effective teaching and learning, to craft policy recommendations and initiate complementary and amendatory legislation to further strengthen the law and fulfill the goals enshrined therein.

³ E-Net Philippines, A Review: Republic Act 4670 or the Magna Carta for Public School Teachers: Status of Implementation after 50 Years (from 1966 to 2016), January 2017. <https://1drv.ms/b/s!Asik2-Y1SShu8UEyQByAKObpE3-7?e=p9vkwSss>

⁴ E-Net Philippines Policy Brief, Republic Act 4670 or the Magna Carta for Public School Teachers: Status of Implementation after 50 Years, September 2018. chrome-extension://oemmnxcbldboiebfnladdacbfmadadm/https://enetphil.org/wp-content/uploads/2020/03/4-Teachers-Policy-Brief_PDF.pdf

⁵ Data from the Department of Education as of September 8, 2021, broken down as follows: 514,099 Kinder and Elementary School Teachers; 288,687 Junior High School Teachers; and 74,056 Senior High School Teachers

⁶ Senate of the Philippines, 18th Congress, Press Release: Gatchalian seeks Senate review on implementation of Magna Carta for Public School Teachers, September 18, 2020. http://legacy.senate.gov.ph/press_release/2020/0918_gatchalian1.asp

II. COMMITTEE ACTION (Public Hearings Conducted)

Proposed Senate Resolution No. 522, authored by Senator Win Gatchalian, was referred to the Committee on Basic Education, Arts and Culture during the Plenary Session on September 14, 2020.

The Committee referral gave the Committee on Basic Education, Arts and Culture jurisdiction to conduct the initial public hearing on October 12, 2020, followed by three public hearings on October 22, October 29, and November 27 of the same year.

The four (4) hearings were consistently attended by representatives from the DepEd, Department of Budget and Management (DBM), Civil Service Commission (CSC), Government Service Insurance System (GSIS), Philippine Institute for Development Studies (PIDS), E-Net Philippines, Action and Solidarity for the Empowerment of Teachers (ASSERT), Teachers' Dignity Coalition (TDC), Quezon City Public School Teachers Association (QCPSTA), Coordinating Council of Private Educational Associations of the Philippines (COCOPEA), and Philippine Guidance and Counselling Association, Inc. (PGCA).

III. ISSUES

The legislative inquiry seeks an audit of the protection, respect, and realization of the rights and benefits of public school teachers under the Magna Carta, specifically to determine whether or not the DepEd has safeguarded and ensured that its provisions are being implemented in full and according to its purpose and intent.

The goal of this inquiry is to examine the fulfillment of the government's commitments through the Magna Carta, develop a checklist on the current status of its implementation, and present a roadmap and timetable, including the necessary budgetary requirements, to fully implement its provisions.⁷

IV. SUMMARY OF FINDINGS

The Magna Carta has a total of thirty-five (35) Sections clustered into seven (7) parts, specifically: i) Declaration of Policy – Coverage; ii) Recruitment and Career; iii) Hours of Work and Remuneration; iv) Health Measures and Injury Benefits; v) Leave and Retirement Benefits; vi) Teachers' Organization; and, vii) Administration and Enforcement.

⁷ The Chairperson (Sen. Win Gatchalian), TSN of October 22, 2020 Public Hearing, pp. 132-134.

The Magna Carta has two main objectives: to regulate the teaching profession and to ensure the rights and welfare of public school teachers.⁸ The Committee has gone over the thirty (30) sections that are for compliance, one by one, and discussed the status of implementation of each section, particularly on what has been done and complied with by the DepEd.

For purposes of clarity, the definitions of the following degrees of compliance are provided according to the discussion during the public hearings:

- a. **COMPLIANT** – DepEd has existing guidelines, programs and mechanism to meet the requirements of the provision and is currently implementing the same;
- b. **PARTIALLY COMPLIANT** – There are existing guidelines and programs that meet some of the requirements of the provision but DepEd either needs to (1) review and revise in relation to the current context and additional laws, or (2) achieve compliance by obtaining the required action of other implementing government bodies or agencies, or both;
- c. **NOT COMPLIANT** – DepEd currently has no existing guidelines to meet the requirements of the provision; and
- d. **SUPERSEDED** – DepEd has not issued any supporting guidelines to implement the provision as the same has already been superseded by latter laws.

On Section 3: Recruitment and Qualification STATUS: PARTIALLY COMPLIANT

DepEd pointed out that it adheres to the 1997 CSC-approved Qualification Standards (CSC Memorandum Circular No. 1, s. 1997), CSC Resolution No. 1600358 promulgated in 2016 regarding Teaching Positions for Senior High School, and the CSC Omnibus Rules on Appointments and Other Human Resource Actions (ORAOHRA)⁹ and implements its internal Department guidelines on Recruitment, Selection, Placement (RSP) and other promotion policies, namely DepEd Order No. 27, s. 2016 (Qualification Standards [QS] for Senior High School [SHS] Teaching Positions in DepEd), DepEd Order Nos. 7 and 22, s. 2015 (Hiring Guidelines for Teacher I Positions Effective School Year (SY) 2015-2016), and DepEd Order No. 3, s. 2016 (Hiring Guidelines for SHS Teaching Positions Effective SY 2016-2017). DepEd, however, sees the need to revise the QS of teachers and their unique

⁸ Teachers' Dignity Coalition (TDC) National Chairperson Benjo G. Basas, TSN of the October 22, 2020 Public Hearing, p. 102.

⁹ CSC Memorandum Circular 14, series of 2018, 2017 Omnibus Rules on Appointments and Other Human Resource Actions, Revised July 2018. [chrome-extension://oemmndcbldboiebfnladdacbfdmadadm/https://www.csguide.org/files/original/e78fa96ef44ac9b4077c2a620c66fd35.pdf](https://www.csguide.org/files/original/e78fa96ef44ac9b4077c2a620c66fd35.pdf).

positions, together with the amendment of its Merit Selection Plan (MSP) and hiring and promotion guidelines to align with the demands of the recent policies mandated by CSC and with the strategic directions of DepEd related to competency-based human resource management.

On Section 4: Probationary Period STATUS: SUPERSEDED BY LATTER LAWS

Section 14, Rule V of the CSC ORAOHRA provides for the exemption of teachers from undergoing probationary period, as follows:

"Teachers who, prior to issuance of permanent appointments, have acquired adequate training and professional preparation in any school recognized by the government, and possess the appropriate civil service eligibility pursuant to Section 4 of Republic Act No. 4670."

However, Section 8(a) of Republic Act No. 10533 or the "Enhanced Basic Education Act of 2013" provides that DepEd and private education institutions shall hire, as may be relevant to the particular subject: *"graduates of science, mathematics, statistics, engineering, music, and other degree courses with shortages in qualified Licensure Examination for Teachers (LET) applicants to teach in their specialized subjects [...]; Provided, That they pass the LET within the five (5) years after their date of hiring [...]."*

With the aforementioned provision of RA 10533, and notwithstanding Sections 26, 27, and 28 of Republic Act No. 7836 or the "Philippine Teachers Professionalization Act of 1994," as amended, DepEd started hiring non-LET passers to teaching positions under provisional appointment.

The CSC ORAOHRA defined provisional appointment in Section 10, Rule IV, as *"an appointment issued to an appointee who meets all the requirements of the position except the eligibility but only in the absence of a qualified eligible actually available who is willing to accept the appointment..."*

On Section 5: Tenure of Office STATUS: SUPERSEDED BY LATTER LAWS

According to CSC, a letter from the Philippine Regulatory Commission (PRC) dated June 15, 2020 clarified that the grant of a license without examination because of the length of teaching experience has been omitted under Republic Act No. 9293 or "An Act Amending Certain Sections of Republic Act Numbered Seventy-Eight Hundred and Thirty-Six (R.A. No. 7836), otherwise known as the "Philippine Teachers Professionalization Act of 1994." Since the effectivity of the law in 2004, PRC has ceased to accept an application for registration without examination solely based on the length of teaching experience. Thus, the provision of the Magna Carta

on extending permanent appointments after having rendered at least ten (10) years of service is no longer applicable.¹⁰

E-Net Philippines and ASSERT commented that RA 7836, which prohibits the hiring of teachers without the required civil service eligibility, is being used as a pretext not to employ the services of qualified applicants in Indigenous Peoples (IP) communities where there are no eligible applicants.¹¹

Supporting the claims of E-Net Philippines and ASSERT, TDC then raised the issue of low supply of licensed teachers in geographically isolated and IP communities. Even though there is a surplus of licensed teachers in mainstream schools, remote areas are not attractive to licensed teachers who look forward to a successful career path. Meanwhile, teachers from IP communities have difficulty passing the licensure examination. Nonetheless, they are the teachers that the communities require— teachers who understand their culture and special needs.¹²

DepEd said that it has responded to this concern through a DepEd order for the hiring of Teacher I applicants specific to schools implementing IP education that highlights the responsiveness or the capacities of teachers to respond to the needs, the language and the culture of the learners.¹³

The Chairperson emphasized that stringent qualification is good in raising the standards of schools, but acknowledged that there are areas where it is very difficult to apply. DepEd must have directives to support remote areas and IP communities.¹⁴

Answering the query of Sen. Binay, DepEd assured that all IP communities are being served by DepEd, mostly through public schools and some by certain private schools and learning institutions.¹⁵

COCOPEA noted that RA 10533, as mentioned in the discussion on Section 4, did not waive the licensure requirement. It merely provides that in certain areas where there is a dearth of licensed teachers, DepEd and private schools may hire non-LET passers subject to passing the LET within five (5) years from hiring.¹⁶

In addition to this, DepEd clarified that as a general rule, under RA 7836, as amended by RA 9293, passing the LET is necessary to engage in teaching.

¹⁰ Civil Service Commission (CSC)-Human Resource Policies and Standards Office Director Atty. Rodolfo B. Encajonado, TSN of the October 29, 2020 Public Hearing, pp. 13-15.

¹¹ E-Net Philippines (E-Net) Advocacy Officer Ms. Mitzi Chan, TSN of the October 29, 2020 Public Hearing, p.16 and Action and Solidarity for the Empowerment of Teachers (ASSERT)-NCR President Ms. Shiela Manuel-Aspas, TSN of the October 29, 2020 Public Hearing, pp. 41-42.

¹² TDC National Chairperson Benjo G. Basas, TSN of the October 29, 2020 Public Hearing, pp. 21-24.

¹³ DepEd Indigenous Peoples' Education Office (IPsEO) Head Ms. Maria Lourie C. Victor, TSN of October 29, 2020 Public Hearing, p. 26.

¹⁴ The Chairperson (Sen. Win Gatchalian), TSN of October 29, 2020 Public Hearing, pp. 28-29.

¹⁵ DepEd Undersecretary Jesus L.R. Mateo, TSN of October 29, 2020 Public Hearing, p. 31

¹⁶ Coordinating Council of Private Educational Associations of the Philippines (COCOPEA) Managing Director Atty. Joseph Noel Estrada, TSN of the October 29, 2020 Public Hearing, p. 34.

However, under Section 8 of RA 10533, the LET requirement is not needed for the following situations:¹⁷

- (a) graduates of science, mathematics, statistics, engineering, music, and other degree courses with shortages in qualified Licensure Examination for Teachers (LET) applicants teaching in their specialized subjects in the elementary and secondary education on a part-time basis;
- (b) graduates of technical-vocational courses teaching in their specialized subjects in the secondary education;
- (c) faculty of HEIs teaching in their general education or subject specialties in the secondary education; and
- (d) practitioners, with expertise in the specialized learning areas offered by the Basic Education Curriculum, teaching at the secondary level.

ASSERT advised that DepEd should consider the Rules on Statutory Construction to harmonize Sections 4 and 5 of the Magna Carta with the Teachers Professionalization Act to allow the laws to co-exist instead of ruling it in irreconcilable conflict with each other.¹⁸

**On Section 6: Consent for Transfer; Transportation Expenses
STATUS: PARTIALLY COMPLIANT**

There is a debate on the term "station" because DepEd expanded the term to an entire division, whereas the Magna Carta has been understood that station refers to a specific school.

TDC stated that DepEd Order No. 22, s. 2013 (Revised Guidelines on the Transfer of Teachers from One Station to Another) allows for school principals and schools division superintendents to effect the transfer of teachers without consent due to exigency of service and declaration of excess teachers.¹⁹

TDC²⁰ and ASSERT²¹ narrated that in recent years, "station" has been redefined from the original "school-specific" to "within the division." Presently, the name of the school no longer appears in the appointment of teachers but the name of the division or agency they are assigned to.²²

DepEd articulated that the rationale behind defining the station from a school to a division is to easily deploy teachers as there have been experiences in the past wherein due to the economic condition in a certain municipality, the enrollees of a school transferred, but teachers were not easily transferred.²³

¹⁷ DepEd Undersecretary Tonisito M.C. Umali, TSN of October 29, 2020 Public Hearing, p. 35.

¹⁸ ASSERT Secretary-General Fidel H. Fababier, TSN of October 29, 2020 Public Hearing, p. 159.

¹⁹ TDC National Chairperson Benjo G. Basas, TSN of the October 22, 2020 Public Hearing, p. 103 and TSN of the October 29, 2020 Public Hearing, p. 39.

²⁰ *Ibid.*

²¹ Position Paper of ASSERT-Central Luzon dated October 28, 2020.

²² *Ibid.*

²³ DepEd Undersecretary Jesus L.R. Mateo, TSN of October 29, 2020 Public Hearing, pp. 38-39.

CSC explained that the term "transfer" under the Magna Carta refers to "reassignment" and that these are two different things. Transfer requires the issuance of an appointment and is the initiative of the teacher, while reassignment does not require the issuance of an appointment and it may be voluntary on the part of the teacher or upon the initiative of the supervisor or agency head.²⁴

In the case of *Yangson vs. DepEd*,²⁵ an appointment is station-specific if the employee's appointment paper specifically indicates on its face the office or station the position is located. Moreover, the station should already be specified in the position title, even if the place of assignment is not indicated on the face of the appointment. Hence, if the appointment shows the division, the teacher may be reassigned to any school within the division.

The *Yangson* case also differentiated the distinction between transfer and reassignment, as clearly defined in the ORAOHRA, as follows:

"Transfer. – A transfer is a movement from one position to another which is of equivalent rank, level, or salary without break in service involving the issuance of an appointment.

x x x

Reassignment. – A movement of an employee across the organizational structure within the same department or agency, which does not involve a reduction in rank, status, or salary."

According to DepEd, if the movement order is reassignment, consent is not necessary and the provisions of the Magna Carta will not apply.

TDC, however, raised that DepEd has issued DepEd Order No. 22, s. 2013 (Revised Guidelines on the Transfer of Teachers from One Station to Another) that provides for certain conditions which can validly be considered as "in the exigency of the service" and transfers may be made even without the consent of the teacher, and for a mechanism on appeal of transfers.

Finally, ASSERT underscored that the right of teachers to exhaustive appeal must be outlined.²⁶

²⁴ CSC-Human Resource Policies and Standards Office Director Atty. Rodolfo B. Encajonado, TSN of the October 29, 2020 Public Hearing, p. 45.

²⁵ G.R. No. 200170, June 3, 2019.

²⁶ ASSERT Secretary-General Fidel H. Fababier, TSN of October 29, 2020 Public Hearing, p. 51.

**On Section 7: Code of Professional Conduct for Teachers
STATUS: COMPLIANT**

DepEd reported that the Code of Conduct is already in compliance with RA 7836 and articulated in DepEd Order No. 42, s. 2017 (National Adoption and Implementation of the Philippine Professional Standards for Teachers).

**On Sections 8 and 9: Safeguards in Disciplinary Procedure; and Administrative Charges
STATUS: PARTIALLY COMPLIANT**

Though DepEd Order No. 49, s. 2006 (Revised Rules of Procedure of the Department of Education in Administrative Cases) was issued, COCOPEA suggested that DepEd should strengthen the right against publicity and the right to privacy of teachers, especially with social media and CCTV cameras, and that ongoing or pending investigations on teachers should likewise be covered by the law on data privacy.²⁷

Moreover, COCOPEA noted that under Section 10 of Batas Pambansa Blg. 232 or the "Education Act of 1982," all school personnel have *"the right to be provided with free legal service by the appropriate government office in the case of public school personnel, and through the school authorities concerned in the case of private school personnel, when charged in an administrative, civil and/or criminal proceedings."*²⁸

DepEd was instructed to update its guidelines to incorporate the relevant provisions of Republic Act No. 10173 or the "Data Privacy Act of 2012", Republic Act No. 7610 or the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act" and other relevant laws, and technologies like CCTV cameras for compliance on ensuring that due process is afforded to teachers and to avoid cases of trial by publicity.²⁹

According to PRC, the majority of the administrative cases against teachers brought to the attention of the Professional Regulatory Board for Professional Teachers (Board) are cases of non-payment of debts.³⁰

ASSERT proposed that every teacher facing administrative charges shall be provided with equitable safeguards at each stage of any disciplinary procedure, including the right to be informed in writing of both complaint and charges and

²⁷ COCOPEA Managing Director Atty. Joseph Noel M. Estrada, TSN of the October 29, 2020 Public Hearing, pp. 53-54.

²⁸ *Ibid.*

²⁹ The Chairperson (Sen. Win Gatchalian), TSN of October 29, 2020 Public Hearing, pp. 56-59, 74.

³⁰ Position Paper of the Professional Regulation Commission – Professional Regulatory Board for Professional Teachers dated October 8, 2020.

the right to impartial and non-partisan legal representation.³¹ Additionally, local divisions of DepEd and school leaders must be knowledgeable in handling the cases of teachers.³²

**On Section 10: No Discrimination
STATUS: PARTIALLY COMPLIANT**

According to DepEd Order No. 29, s. 2002 (Merit Selection Plan of the Department of Education), it is the policy of DepEd to strictly observe the principles of merit, competence, fitness, and equality. One of the objectives of the DepEd Merit Selection Plan is to create equal opportunities for employment for all who are qualified to enter government service and for career advancement in the DepEd, regardless of gender, civil status, disability, religion, ethnicity, or political affiliation. But in light of CSC Memorandum Circular No. 3, s. 2012 (Program to Institutionalize Meritocracy and Excellence in Human Resource Management [PRIME-HRM]), the aforementioned DepEd Order will be revisited in relation to the inclusive employment policy.

Upon inquiry of COCOPEA, DepEd explained that pending administrative cases do not prohibit the prospective or continuing employment of a teacher. Any administrative case will have an implication on application or promotion only when a decision is made.³³

COCOPEA affirmed that the standard of behavior and propriety of teachers is higher than other professions. Clear policies and processes must be put in place to determine which cases would affect a teacher's profession. Administrative cases should be considered at the outset because morality, propriety, and professionalism are continuing requirements to uphold the standards of the teaching profession.³⁴

**On Section 11: Married Teachers
STATUS: PARTIALLY COMPLIANT**

Section 6 (d) of DepEd Order No. 22, s. 2013 (Guidelines on the Transfer of Teachers from One Station to Another) states that a teacher joining his/her husband/wife in the same school is one of the situations that should be given priority when teachers are seeking transfer to another station that needs additional teachers. However, DepEd finds it necessary to balance teacher demand with the shortages and excesses of schools, the specialization of the teachers, and the

³¹ ASSERT Secretary-General Fidel H. Fababier, TSN of October 29, 2020 Public Hearing, pp. 61-62 and Position Paper of ASSERT-Central Luzon dated October 28, 2020.

³² E-Net President Ms. Flora C. Arellano, TSN of October 29, 2020 Public Hearing, pp. 73-74.

³³ DepEd Undersecretary Jesus L.R. Mateo, TSN of October 29, 2020 Public Hearing, p. 78.

³⁴ COCOPEA Managing Director Atty. Joseph Noel M. Estrada, TSN of the October 29, 2020 Public Hearing, p. 81.

request to enable married teachers to be in the same school/locality. Hence, the discussion regarding Section 6 on Consent for Transfer Transportation Expenses will also apply.

**On Section 12: Academic Freedom
STATUS: PARTIALLY COMPLIANT**

According to DepEd, there is no specific regulation or guideline issued concerning this Section but is embedded in several other guidelines.

DepEd, through DepEd Order No. 42, s. 2017, issued the Philippine Professional Standards for Teachers (PPST) which defines teacher quality in the Philippines. As clearly stipulated in Domain 1 of PPST, teachers are expected to recognize the importance of mastery of content knowledge and its interconnectedness within and across curriculum areas, coupled with a sound and critical understanding of the application of theories and principles of teaching and learning. They can apply developmentally appropriate and meaningful pedagogy grounded on content knowledge and current research. They display proficiency in Mother Tongue, Filipino, and English to facilitate the teaching and learning process, as well as exhibit the needed skills in the use of communication strategies, teaching strategies, and technologies to promote high-quality learning outcomes which align with the intent of fulfillment of academic freedom.

There is no other reference where the concept of academic freedom of teachers was discussed, not even in the deliberations of the 1987 Constitution and in jurisprudence. COCOPEA pointed out that the 1987 Constitution recognizes academic freedom in the institutions of higher learning institutions.³⁵

As explained by DepEd, this institutional academic freedom under Section 5 (2), Article XIV of the 1987 Constitution includes the right of the school or the college to decide for itself, its aims and objectives, and how best to attain them free from outside coercion or interference save possibly when the overriding public welfare calls for some restraint. The essential freedoms subsumed in the term "academic freedom" encompasses the freedom to determine for itself on academic grounds: (1) Who may teach; (2) What may be taught; (3) How it shall be taught; and (4) Who may be admitted to study.

The Chairperson, with the concurrence of DepEd, concluded that the academic freedom in the Magna Carta is not the same as the academic freedom being practiced in institutions. Teachers should be given enough leeway to discharge their duty but within the bounds of the curriculum as well as the institutional guidelines of DepEd.³⁶ Consequently, the extent and applicability of academic freedom to basic education teachers must be clarified.

³⁵ COCOPEA Managing Director Atty. Joseph Noel M. Estrada, TSN of the October 29, 2020 Public Hearing, pp. 85, 91.

³⁶ The Chairperson (Sen. Win Gatchalian), TSN of October 29, 2020 Public Hearing, pp. 88-89.

On Section 13: Teaching Hours
STATUS: PARTIALLY COMPLIANT

DepEd currently observes the following guidelines on the implementation of the six (6)-hour actual classroom teaching a day:

- DepEd Memorandum No. 291, s. 2008 (Guidelines for the Implementation of CSC Resolution No. 080096 on Working Hours for Public School Teachers)
- Service credits shall be given to teachers per DepEd Order No. 53, s. 2003 as payment of additional compensation for services in excess of the six (6) hours of actual classroom teaching.
- Payment of Teaching Workload Honoraria is stipulated in DBM PCCM Chapter 6.4 (Compensation and Benefits of Teachers), which states that teaching hours in excess of 6 hours per day shall be paid honoraria (25% of basic salary).

On the other hand, PIDS research documented how teachers are drawn into non-classroom related activities such as the implementation of government programs including elections, census, antidrug, deworming, feeding, etc.³⁷ with implications on education quality. In addition, interviews with teachers reveal that even within schools, it is a common practice to add responsibilities to teachers without commensurate reduction of teaching responsibilities as if teachers have unlimited time. These are exemplified by assigning teachers school-related responsibilities without so much regard for teacher time such as being focal persons for many programs such as the Mother Tongue-Based Multilingual Education (MTB- MLE)³⁸, SHS³⁹, etc.

PIDS expressed the need to re-examine the six (6) hours of actual classroom time. Given the presumed eight (8) hours of work for any full-time job, only two (2) hours will be left for teachers to prepare lessons, assess students, and attend teacher meetings; and much less if non-academic responsibilities are added. PIDS recommended that all non-school-related responsibilities should be made optional at the choice of the teacher rather than making them mandatory.⁴⁰

Though teachers fully realize that spending more time with students, innovating on classroom instruction, and providing more focused individualized

³⁷ David, Albert and Vizmanos (2019) "Pressures of public school teachers and implications on quality" PIDS Policy Note 2019-01. Available at: <https://www.pids.gov.ph/publications/6779>; quoted in Position Paper of the Philippine Institute for Development Studies (PIDS) dated October 10, 2020.

³⁸ Monje, Orbeta, Francisco-Abrigo and Capones (2019) "Starting Where the Children Are: A Process Evaluation of the Mother Tongue-Based Multilingual Education Implementation," PIDS DP 2019-06. Available at: <https://www.pids.gov.ph/publications/6865> ; quoted in Position Paper of the Philippine Institute for Development Studies (PIDS) dated October 10, 2020.

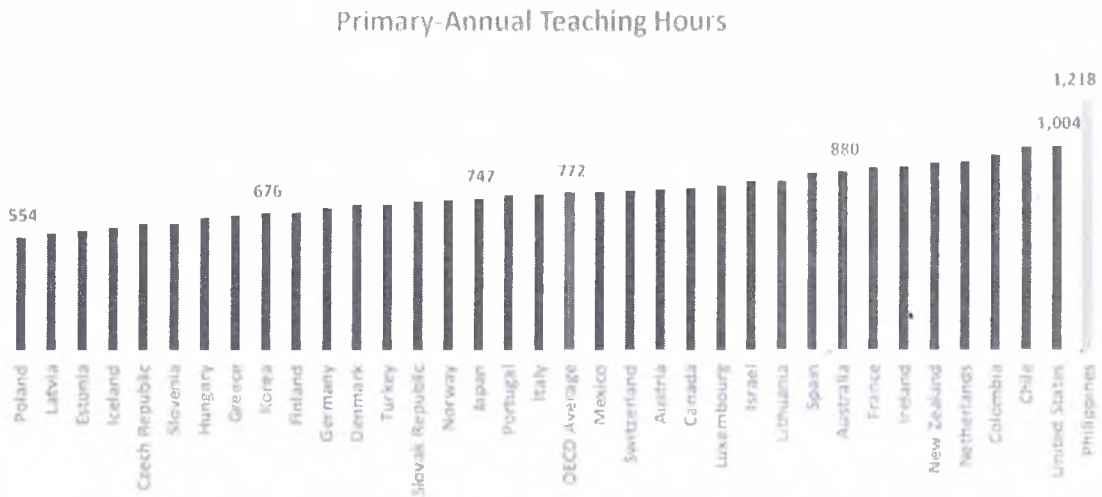
³⁹ Brillantes, Orbeta, Francisco-Abrigo and Capones (2019) "Status of Senior High School Implementation: A Process Evaluation," PIDS DP 2019-13. Available at: <https://www.pids.gov.ph/publications/6905> ; quoted in Position Paper of the Philippine Institute for Development Studies (PIDS) dated October 10, 2020.

⁴⁰ Position Paper of the Philippine Institute for Development Studies (PIDS) dated October 10, 2020.

attention to students are necessary, the issue is workload, which subsequently restricts the time for actual teaching.⁴¹

Further, PIDS stated that applying the Magna Carta rule of standard six (6) hours class time for all levels may be sub-optimal because the pattern in OECD countries showed lower classroom teaching time as one goes the education ladder.⁴²

Data from OECD showed that the Philippines has the highest number of teaching hours per year – 1,218 across all levels, whereas the OECD average is only 772 hours for primary, 706 hours for lower secondary, and 672 hours for upper secondary.

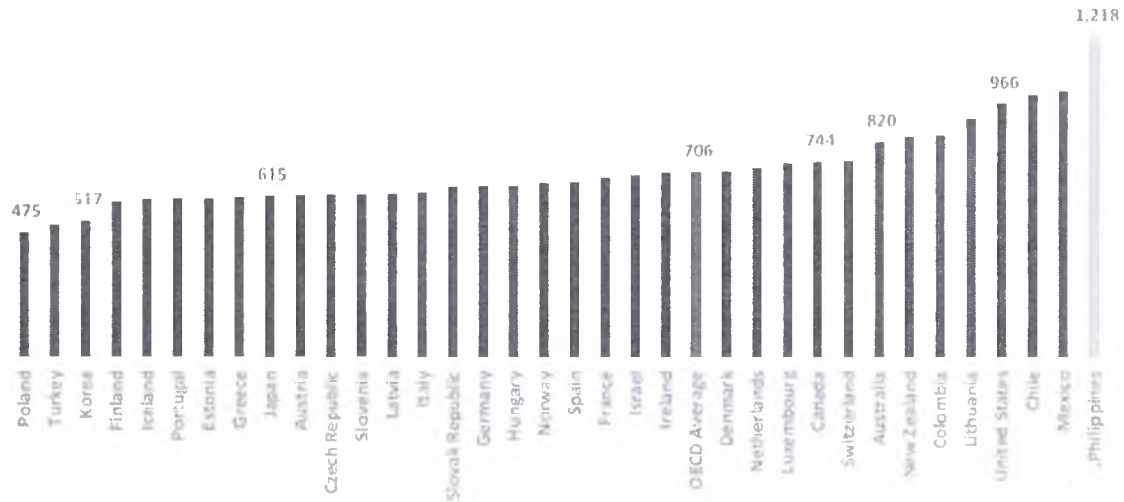


Source: OECD Data Bank²

⁴¹ David, Albert, and Vizmanos (2019) "Pressures on public school teachers and implications on quality," PIDS DP 2019-01. Available at: <https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidspn1901.pdf>.

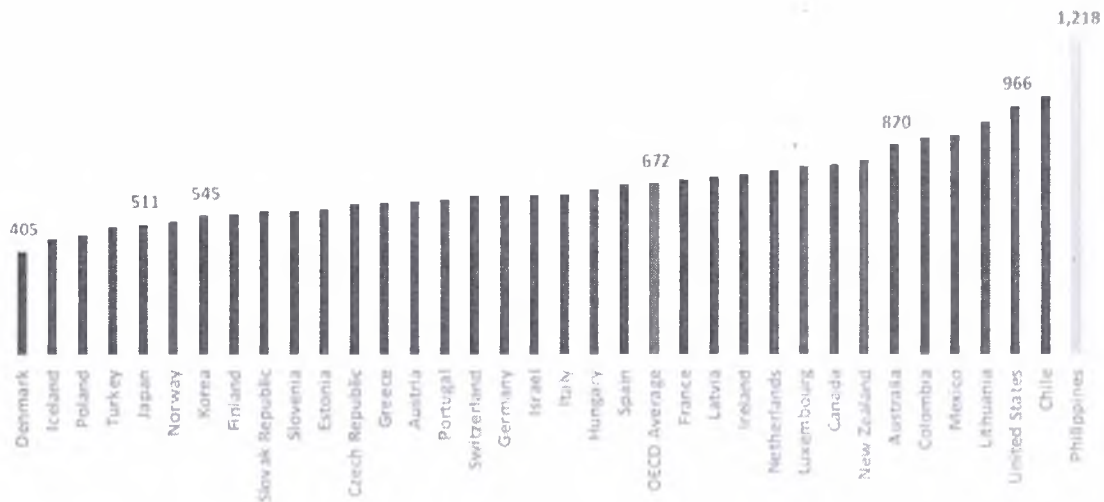
⁴² OECD (2019) "HOW MUCH TIME DO TEACHERS SPEND TEACHING?" in Education at a Glance 2019, pp. 414-432. Available at: https://www.oecd-ilibrary.org/education/education-at-a-glance-2019_62fbb20d-en; quoted in Position Paper of the Philippine Institute for Development Studies (PIDS) dated October 10, 2020.

Lower Secondary-Annual Teaching Hours



Source: OECD Data Bank²

Upper Secondary-Annual Teaching Hours



Source: OECD Data Bank²

DepEd admitted that it has no existing policy on teacher workload, but reported that it already has a draft which is targeted for release in November 2020. DepEd also informed the Committee that they have done several studies to lessen teacher workloads, such as teacher workload inventory and balancing and creation of non-teaching positions. Initial findings of these studies showed that some of the functions performed by teachers are non-academic. Aside from these, DepEd is

exerting efforts to manage the teacher-pupil ratio which led the DepEd Secretary to issue a policy on the hiring or engagement of the learning support aides.⁴³

On Section 14: Additional Compensation STATUS: PARTIALLY COMPLIANT

DepEd reported that four (4) initiatives were made to provide additional compensation:⁴⁴

- DepEd Order No. 10, s. 2020 (Grant of Cash allowance to Teachers) amounting to Php 3,500 per teacher annually;
- DepEd Order No. 29, s. 2020 (World Teachers' Day Incentive Benefit) amounting to Php 1,000 per teacher annually;
- DepEd Order No. 49, s. 2020 Proportional Vacation Pay (PVP) SY 2019-2020; and
- DepEd Order No. 53, s. 2003 (Grant of Service Credits to Teachers).

Further, services rendered beyond the teaching hours were compensated as overtime pay or as earned service credits and that payment of Teaching Workload Honoraria is stipulated in DBM PCCM Chapter 6.4 (Compensation and Benefits of Teachers), which states that teaching hours in excess of six (6) hours per day shall be paid honoraria (25% of basic salary).

QCPSTA recommended that the service credit should not be limited to fifteen (15) days for a year due to heavy workload, most especially during elections.⁴⁵

TDC, however, contended that no overtime pay or honoraria or service credit is being received by teachers for extracurricular and out-of-school activities.⁴⁶

On Section 15: Criteria for Salaries STATUS: PARTIALLY COMPLIANT

The current position and classification scheme for teachers as administered by the DBM is covered by the Salary Standardization Law (SSL).

TDC detailed that the salary grade of a Teacher I item has been Salary Grade (SG) 10 from 1989 to 2009⁴⁷. It was only in June 2009 that the SG

⁴³ DepEd Undersecretary Jesus L.R. Mateo, TSN of October 22, 2020 Public Hearing, pp. 128-129.

⁴⁴ DepEd Undersecretary Jesus L.R. Mateo, TSN of October 22, 2020 Public Hearing, p. 91.

⁴⁵ Quezon City Public School Teachers Association (QCPSTA) President Mr. Kristhean Navales, TSN of October 29, 2020 Public Hearing, p. 104.

⁴⁶ TDC National Chairperson Benjo G. Basas, TSN of the October 22, 2020 Public Hearing, p. 104.

⁴⁷ TDC National Chairperson Benjo G. Basas, TSN of the October 22, 2020 Public Hearing, p. 105.

assignment was raised to 11, according to Executive Order (E.O.) No. 811, s. 2009 or SSL III issued by President Gloria Macapagal-Arroyo.

Under E.O. No. 201, s. 2016 or SSL IV proclaimed by President Benigno S. Aquino III, salary adjustments for teachers amounted to Php2,205, which was divided into four (4) tranches from 2016 to 2019.

At present, by virtue of Republic Act No. 11466 or the "Salary Standardization Law of 2019" (SSL V) signed by President Rodrigo Roa Duterte, salary adjustments for teachers across four (4) tranches will total Php6,246 by 2023.

Despite the salary adjustments, ASSERT maintained that the findings and recommendations of the Congressional Commission on Education are yet to be effected,⁴⁸ particularly to increase the minimum basic salary of public school teachers from Grade Level 10 to Grade Level 17.

As conveyed by DepEd, at the national level, the criteria for teachers' salaries have to be looked into rationally as the sheer magnitude of more than 900,000 teachers requires a strategic review of the actual scenario based on a workforce plan. DepEd noted that salaries and benefits of public school teachers have increased considerably, already outpacing their counterparts from the private schools and at par with those in the Asia Pacific countries.

The following tables provide pertinent information on teacher salary, as submitted by DepEd:

Increase in Teacher Salary from 2009-2019

Change in Teacher's Salary (in PhP) from 2009 to 2019

Salary Standardization Law III				No Increase	Salary Standardization Law IV					
Tranche 1	Tranche 2	Tranche 3	Tranche 4		Tranche 1	Tranche 2	Tranche 3	Tranche 4		
2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
14,198	15,649	17,099	18,549				19,077	19,620	20,179	20,754

- Note that in the past eleven (11) years, Teachers have had a salary increase almost yearly except for 2013-2015.

⁴⁸ Position Paper of ASSERT-Central Luzon dated October 28, 2020.

Salary Comparison of Public and Private Sector Teachers

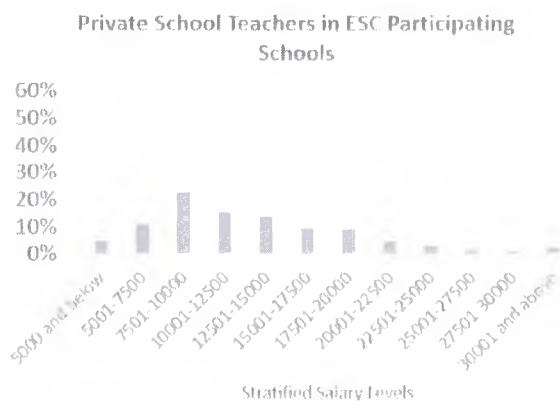
Data Sources: SSL Tranche 1 and 2015 Yearbook of Labor Statistics (PSA)

Public*			Private**	
Position	SG	Actual Amount (PhP)	Position	Average Amount (PhP)
Teacher I	11	19,077	Pre-Elementary Ed Teaching Professionals	12,253
Teacher II	12	20,651	Elementary Ed Teaching Professionals – General	14,041
Teacher III	13	22,328	Elementary Ed Teaching Professionals – Sci/Math	15,237
Head Teacher I	14	24,141	Secondary Ed Teaching Professionals – General	14,276
Head Teacher II	15	26,192	Sci/Math Teaching Professionals	17,123
Head Teacher III	16	28,417	Vocational Ed Teaching Professionals	20,281
Head Teacher IV	17	30,831		
Head Teacher V	18	33,452		
Head Teacher VI	19	36,409		
Master Teacher I	18	33,452		
Master Teacher II	19	36,409		
Master Teacher III	20	39,768		

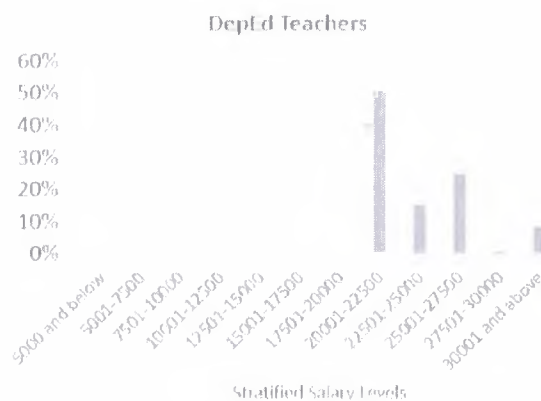
*SSL Tranche 1 based on E.O. No. 201, s. 2016 | **2015 Yearbook of Labor Statistics, Philippine Statistics Authority, Chapter 9: Compensation and Wages

Average Monthly Salaries of Teachers, Public vs Private, 2017-2018 (In PhP)

Data Sources: SSL Tranche 4 and PEAC Data on ESC Participating Schools



Total No. of Teachers: 39,550



Total No. of Teachers: 809,514

Average Monthly Salaries of Teachers, Public vs Private, by Region, 2016 (In PhP)

Data Sources: Labor Force Survey 2016

Region	Public ES/HS Teachers	Private ES/HS Teachers	% Difference
Philippines	19,566	11,416	71%
NCR	19,283	14,366	34%
CAR	18,802	13,143	43%
Region I (Ilocos Region)	19,896	8,212	142%
Region II (Cagayan Valley)	20,454	10,181	101%
Region III (Central Luzon)	19,450	10,666	82%
Region IV-A (CALABARZON)	19,090	10,451	83%
Region IV-B (MIMAROPA)	20,300	9,558	112%
Region V (Bicol Region)	19,449	11,584	68%
Region VI (Western Visayas)	19,401	10,423	86%
Region VII (Central Visayas)	19,416	12,148	60%
Region VIII (Eastern Visayas)	19,726	13,100	51%
Region IX (Zamboanga Peninsula)	19,542	8,085	142%
Region X (Northern Mindanao)	20,813	14,632	42%
Region XI (Davao Region)	19,326	9,762	98%
Region XII (SOCCSKSARGEN)	20,710	9,235	124%
Region XIII (Caraga)	18,947	8,157	132%
BARMM	17,145	6,650	158%

Source: Manasan, 2017

Nonetheless, DepEd committed to aligning its career progression policy with the PPST to allow more opportunities for promotion and career advancement in the teaching career.

On Section 16: Salary Scale STATUS: PARTIALLY COMPLIANT

According to the Salary Standardization Law and CSC-DBM Circular No. 1, s. 1990 (Entitlement to Step Increment), the implementation of the increase in step increment is consistently applied not only to teachers but to non-teaching personnel as well.

DepEd noted that the last sentence of this Section provides that the progression from the minimum to the maximum of the salary scale shall not extend over ten (10) years. In contrast with ASSERT's claim that a teacher must be at the maximum step on his/her tenth (10th) year of service,⁴⁹ DepEd explained that this must be construed in harmony with the whole provision of the Section. Hence, by construction, this would mean that the progression stated in the last sentence of this Section applies to cases where the step increment of a teacher will exceed three (3) years due to lower satisfactory rating, and not exceed ten (10) years.

⁴⁹ ASSERT Secretary-General Fidel H. Fababier, TSN of October 29, 2020 Public Hearing, p. 126:

On Section 17: Equality in Salary Scales
STATUS: PARTIALLY COMPLIANT

As this Section pertains to the salary scales of teachers whose salaries are appropriated by a city, municipal, municipal district, or provincial government, local government units (LGUs) are directed to conform to the principles governed by the Compensation and Position Classification System of the Government under Section 3 of the Republic Act No. 6758 or the "Compensation and Position Classification Act of 1989."

DepEd maintained that it has no direct control over the salary being provided by the LGUs thru the Special Education Fund (SEF) for the local school board (LSB)-hired teachers and that this matter depends on the LGUs' available funds of the internal revenue allotment (IRA) which varies from one locality to another.

On Section 18: Cost of Living Allowance
STATUS: PARTIALLY COMPLIANT

While teachers are provided with Personnel Economic Relief Allowance (PERA) of Php 2,000 per month as per DBM Budget Circular No. 2009-3 dated August 18, 2009⁵⁰, the cost of living allowance should be separate since PERA is accorded to all government employees, not exclusive to teachers.

On Section 19: Special Hardship Allowances
STATUS: PARTIALLY COMPLIANT

Currently, DepEd complies with DBM-DepEd Joint Circular No. 1, s. 2019 and National Budget Circular (NBC) No. 514, s. 2007 issued by DBM which stipulates guidelines on the grant of Special Hardship Allowance.

However, DepEd admitted that due to budget constraints, the allowance being given is "not more than" instead of "at least" twenty-five percent (25%) of a teacher's monthly salary.⁵¹

ASSERT averred that even teachers located in areas under a state of calamity have not received this. They also accused DepEd of bureaucratic inaction or paralysis because school superintendents who are duty-bound to submit a list of affected teachers as a basis for the list of beneficiaries to be requested from DBM abandon their duty.⁵²

⁵⁰ DepEd Undersecretary Jesus L.R. Mateo, TSN of October 22, 2020 Public Hearing, p. 92.

⁵¹ DepEd Undersecretary Jesus L.R. Mateo and Undersecretary Tonisito M.C. Umali, TSN of October 29, 2020 Public Hearing, pp. 144, 151-152.

⁵² ASSERT Secretary-General Fidel H. Fababier, TSN of October 22, 2020 Public Hearing, p. 120 and TSN of October 29, 2020 Public Hearing, p. 146.

DepEd agreed to draft new guidelines and present a new formula that will take into account the definition of stakeholders of a hardship post and relevant hardship factors which are not in the current NBC 514.⁵³

**On Section 20: Salaries to be Paid in Legal Tender
STATUS: PARTIALLY COMPLIANT, NEEDS TO BE UPDATED THROUGH
AMENDMENT**

Since the payment of salaries is now being paid by authorized government banks through deposits in each teacher's respective official account/s and withdrawn using automated teller machines (ATMs), DepEd asked for this Section to be amended.⁵⁴

**On Section 21: Deductions Prohibited
STATUS: PARTIALLY COMPLIANT**

A provision in the annual General Appropriations Act (GAA) listed the authorized deductions with a preference for obligations due to government-mandated contributions, with a threshold that such deductions shall not reduce the employee's monthly net take-home pay to an amount lower than Php5,000. To supplement this and further ensure that teachers will not be burdened by multiple loan obligations, DepEd Order No. 5, s. 2018 (Implementation of the Php5,000 Net Take Home Pay for DepEd Personnel) was promulgated.

TDC brought to the Committee's attention that there are many private lending agencies or "loan sharks" queuing in the DepEd and teachers end up mortgaging their ATMs.⁵⁵

Accordingly, TDC proposed for DepEd to have its lending institution called as a "mutual aid system" and to allow organizations and cooperatives that are compliant with existing rules and regulations to be included in the DepEd automatic payroll deduction system.⁵⁶

**On Section 22: Medical Examination and Treatment
STATUS: NOT COMPLIANT**

The Magna Carta mandates that public school teachers are entitled to a free and compulsory medical examination before they take up teaching and shall be

⁵³ DepEd Undersecretary Jesus L.R. Mateo, TSN of October 22, 2020 Public Hearing, p. 92 and TSN of October 29, 2020 Public Hearing, p. 152.

⁵⁴ DepEd Undersecretary Jesus L.R. Mateo and Undersecretary Tonisito M.C. Umali, TSN of October 29, 2020 Public Hearing, pp. 145, 147-148.

⁵⁵ TDC National Chairperson Benjo G. Basas, TSN of the October 29, 2020 Public Hearing, p. 158.

⁵⁶ *Ibid.*

repeated not less than once a year; and when medical examinations show that treatment and hospitalization are necessary, it shall likewise be provided for free by the government entity paying teachers' salaries.

However, since 1966, despite this explicit provision of the Magna Carta, teachers have been paying for their annual medical check-ups and DepEd hasn't fitted out a program to assist teachers in their medical needs.⁵⁷

DepEd has issued policies and guidelines to provide medical examination interventions for teachers only in the past seven (7) years because of the effort of the Department to allocate funds for the said purpose such as the inclusion in the special provisions of the 2019 GAA - DepEd budget and partnership with relevant government agencies such as PhilHealth. DepEd released DepEd Memorandum No. 30, s. 2014 (Expansion of PhilHealth Primary Care Benefit 1 [PCB 1] Package to Cover Personnel of the Department of Education), DepEd Memorandum No. 22, s. 2015 (Annual Physical Examination of DepEd Employees (Teaching and Non-teaching Personnel)) and DepEd Order No. 28, s. 2020 (Guidelines on the Grant of Php500 Financial Assistance for Payment of Medical Examination Expenses). However, DepEd acknowledges that these interventions are not comprehensive and are short-term in nature, urging the Department to move towards providing more.⁵⁸

For the long run, DepEd wishes to establish a concrete and comprehensive medical examination program for teachers that will ensure a yearly provision of free physical examination through partnership or coordination with PhilHealth (*i.e.*, Joint Circular) or another source of funds.

The Chairperson recognized that DepEd is compliant only as far as 2019 onwards is concerned in terms of financial assistance, but noted that the Magna Carta mandates for compulsory medical examination, not financial assistance.⁵⁹

PGCA advocated considering the mental health aspect of our teachers as well.⁶⁰

**On Section 23: Compensation for Injuries
STATUS: PARTIALLY COMPLIANT**

DepEd relies on the existing sickness/medical/injury benefits provided by PhilHealth for all its members and the Employees' Compensation Commission (ECC) for all government employees through GSIS wherein DepEd provides the employer's share for GSIS benefits so that DepEd employees could avail of the

⁵⁷ TDC National Chairperson Benjo G. Basas, TSN of the October 22, 2020 Public Hearing, p. 108.

⁵⁸ DepEd Undersecretary Jesus L.R. Mateo, TSN of November 27, 2020 Public Hearing, p. 121.

⁵⁹ The Chairperson (Sen. Win Gatchalian), TSN of November 27, 2020 Public Hearing, pp. 138-139.

⁶⁰ Philippine Guidance and Counselling Association (PGCA) Mr. Francis Ray D. Subong, TSN of November 27, 2020 Public Hearing, pp. 140-141.

following ECC benefits: (a) Sickness benefits; (b) Medical benefits; (c) EC Cash Assistance (rehabilitation services, temporary total disability benefits, permanent total disability benefits, or permanent partial disability benefits); and (d) Death and Funeral benefits.

DepEd discussed that the government pays for the share of the employees to the ECC because the benefits being provided are limited to compensable diseases or compensable injury. The ECC will pay based on the teachers' average daily rate and such benefit is separate from GSIS benefits.

ASSERT and TDC alleged that some teachers were not able to pay for hospitalization expenses (individual cases of the teachers based in Caloocan Malabon, Camarines Norte, and Pasay)⁶¹ and no support was given by DepEd. Further, they suggested that benefits under this Section should be provided by DepEd on top of the benefits being given by ECC and GSIS.

In 2016, TDC proposed for DepEd to establish a National Mutual Aid and Benefits System from minimal contributions of its personnel to give readily available monetary assistance to DepEd teachers and employees nationwide.⁶²

On Section 24: Study Leave STATUS: PARTIALLY COMPLIANT

DepEd said that Sections 24 and 25 on Study Leave and Indefinite Leave have been complied with through the issuance of DepEd Order No. 114, s. 1999 (Additional Provisions and Amendments to the Existing Leave Laws), aligned with CSC MC No. 14, s. 1999 (Additional Provisions and Amendments to CSC MC No. 41, s. 1998 on certain additions and modifications to the existing leave rules).⁶³

Moreover, DepEd adheres to CSC MC No. 21, s. 2004 (Amendment to Section 68 of CSC MC No. 14, s. 1999 relative to the Guidelines on Study Leave), which specifically applies to non-teaching personnel, with the express exclusion of those in the teaching profession. Nonetheless, certain areas in relation thereto may be considered especially on the years of service rendered and the rate of monthly salary paid during the period of study leave.

TDC narrated that some teachers in Tarlac and Romblon, even those who have been teaching for over 10 years, were not able to avail of this benefit.⁶⁴

TDC also raised the following concerns:⁶⁵

⁶¹ TDC National Chairperson Benjo G. Basas, TSN of the November 27, 2020 Public Hearing, pp. 129-133.

⁶² TDC National Chairperson Benjo G. Basas, TSN of the November 27, 2020 Public Hearing, p. 130

⁶³ DepEd Undersecretary Jesus L.R. Mateo, TSN of October 22, 2020 Public Hearing, p. 92.

⁶⁴ TDC National Chairperson Benjo G. Basas, TSN of the October 22, 2020 Public Hearing, pp. 109-110.

⁶⁵ TDC National Chairperson Benjo G. Basas, TSN of the November 27, 2020 Public Hearing, pp. 142-144.

- 1) teachers simultaneously availing of study leave after seven (7) years of service may lead to paralysis of schools; and
- 2) limited courses allowed for teachers.

DepEd commented that the National Educators Academy of the Philippines (NEAP) and the DepEd-Bureau of Human Resource and Organizational Development (BHROD) already started to discuss the Professional Development Plan for Teachers. DepEd emphasized that the Results-Based Performance Management System (RPMS) implementation should be anchored on the PPST.⁶⁶

As reiterated by DepEd, it complies with the existing guidelines on study leave for teachers, as prescribed by the CSC. Nonetheless, they recognize that the said provisions should be updated to be more relevant and attentive to the needs and circumstances of teachers and provide equity between teaching and non-teaching personnel.

It reported that during the consultation meeting held last 2007, the following proposals were submitted with respect to Section 24 of the Magna Carta, as enclosed under DepEd Memorandum (D.M.) No. 344, s. 2007, entitled Consultation Meeting on the Proposed Amendments to RA 4670:

- a) Reduction of the seven (7) years requirement to five (5) years;
- b) Inclusion of performance rating as a requirement on the grant of study leave;
- c) Provision of full salary during the period of study leave instead of sixty percent (60%) of the monthly salary only;
- d) Addition of completion of thesis/dissertation aside from graduate study; and
- e) Consideration of study leaves as creditable years of service.

In summary, further refinement and validation should be made to address the emerging needs of teachers. The adoption of the PPST, which prescribed competencies of teachers, should be considered in crafting a study leave program/policy which would ensure that their avilment of the study leave is not only for the completion of their academic courses but also for integration to teacher's professional or personal development and career progression, recognizing the fact that the educational system has vastly progressed after the passage of the Magna Carta in 1966.

**On Section 25: Indefinite Leave
STATUS: COMPLIANT**

DepEd explained that this Section on indefinite leave only particularly applies to public school teachers. To further guarantee its implementation, Sections

⁶⁶ DepEd Undersecretary Jesus L.R. Mateo, TSN of November 27, 2020 Public Hearing, p. 145.

53 and 54 of CSC MC No. 41, s. 1998 (Omnibus Rules on Leave) provides the steps in filing for an indefinite leave for public school teachers.

ASSERT stated that the provision is silent as to whether or not the indefinite sick leave is with pay, rendering it ambiguous. Since any ambiguity must be resolved in favor of the intended beneficiaries, the leave of absence should be granted with pay.⁶⁷

On Section 26: Salary Increase Upon Retirement STATUS: NOT COMPLIANT

According to DepEd, this Section has been complied with since 1996, as contained in Department Order No. 48, s. 1997 (Guidelines in the Implementation of the Benefits Arising from a One [1] Salary Grade Increase for Retiring Public School Teachers pursuant to RA 4670) to implement DECS-CHED-GSIS-DBM Joint Circular No. 1-97, s. 1997.⁶⁸

Presently, the implementation of the one-step increase in salary grade upon retirement is based on Republic Act No. 8291 or "The Government Service Insurance System Act of 1997." GSIS explained that the basis for computing the retirement benefit under RA 8291 is the average monthly compensation (AMC) received by an employee during his last thirty-six (36) months of service preceding the retirement.⁶⁹

ASSERT, however, argued that under the Magna Carta, a retiring teacher should be promoted one rank higher and the salary of that rank should be the basis for the computation of the retirement benefits of teachers. The current practice of GSIS thus places teachers at a disadvantage.⁷⁰

DepEd revealed that even if the new formula will be used under RA 8291, the effect or the difference in the total sum of retirement pay is very minimal and not substantial. For a substantive increase, RA 8291 must be amended to specify that the basis for computing of retirement benefit shall be the last salary of the retiring teacher (Average Monthly Compensation AMC = Last Salary), as shown in the table below:

⁶⁷ ASSERT Secretary-General Fidel H. Fababier, TSN November 27, 2020 Public Hearing, p. 148.

⁶⁸ DepEd Undersecretary Jesus L.R. Mateo, TSN of October 22, 2020 Public Hearing, p. 93.

⁶⁹ Government Service Insurance System (GSIS) Legal Services Group Assistant Chief Legal Counsel Atty. Lucio L. Yu Jr., TSN of November 27, 2020 Public Hearing, pp. 150-151.

⁷⁰ ASSERT Secretary-General Fidel H. Fababier, TSN November 27, 2020 Public Hearing, pp. 151-152.

RETIREMENT BENEFIT	RA 8291 (GSIS Charter) If without 1 SG Salary Adjustment	RA 8291 (GSIS Charter) If with 1 SG Salary Adjustment	RA 8291 AMENDMENT PROPOSAL With 1 SG Salary Adjustment & AMC is equal to last salary																																										
Name:	Juan de la Cruz	Juan de la Cruz	Juan de la Cruz																																										
School:	San Andres Bukid ES	San Andres Bukid ES	San Andres Bukid ES																																										
Date of birth:	December 31, 1960	December 31, 1960	December 31, 1960																																										
Date of original appointment:	January 1, 1990	January 1, 1990	January 1, 1990																																										
Date of retirement:	January 1, 2021	January 1, 2021	January 1, 2021																																										
PPP:	31	31	31																																										
AMC:	P36,425.00	P36,426.92	P36,426.92																																										
RAMC:	P37,125.00	P37,126.92	P37,126.92																																										
Last salary received:	P36,606.00	P40,267.00	P40,267.00																																										
Age of retirement:	62 year old	62 year old	62 year old																																										
	<table border="1"> <thead> <tr> <th>Year</th> <th>Monthly Salary</th> <th>Annual Salary</th> </tr> </thead> <tbody> <tr> <td>2018</td> <td>34,541.00</td> <td>414,492.00</td> </tr> <tr> <td>2019</td> <td>36,606.00</td> <td>439,272.00</td> </tr> <tr> <td>2020</td> <td>38,128.00</td> <td>457,536.00</td> </tr> </tbody> </table>	Year	Monthly Salary	Annual Salary	2018	34,541.00	414,492.00	2019	36,606.00	439,272.00	2020	38,128.00	457,536.00	<table border="1"> <thead> <tr> <th>Year</th> <th>Monthly Salary</th> <th>Annual Salary</th> </tr> </thead> <tbody> <tr> <td>2018</td> <td>34,541.00</td> <td>414,492.00</td> </tr> <tr> <td>2019</td> <td>36,606.00</td> <td>439,272.00</td> </tr> <tr> <td>2020</td> <td>38,128.00</td> <td>457,536.00</td> </tr> <tr> <td>Dec 31, 2020</td> <td>40,267.00</td> <td>69.00*</td> </tr> </tbody> </table>	Year	Monthly Salary	Annual Salary	2018	34,541.00	414,492.00	2019	36,606.00	439,272.00	2020	38,128.00	457,536.00	Dec 31, 2020	40,267.00	69.00*	<table border="1"> <thead> <tr> <th>Year</th> <th>Monthly Salary</th> <th>Annual Salary</th> </tr> </thead> <tbody> <tr> <td>2018</td> <td>34,541.00</td> <td>414,492.00</td> </tr> <tr> <td>2019</td> <td>36,606.00</td> <td>439,272.00</td> </tr> <tr> <td>2020</td> <td>38,128.00</td> <td>457,536.00</td> </tr> <tr> <td>Dec 31, 2020</td> <td>40,267.00</td> <td>40,267.00</td> </tr> </tbody> </table>	Year	Monthly Salary	Annual Salary	2018	34,541.00	414,492.00	2019	36,606.00	439,272.00	2020	38,128.00	457,536.00	Dec 31, 2020	40,267.00	40,267.00
Year	Monthly Salary	Annual Salary																																											
2018	34,541.00	414,492.00																																											
2019	36,606.00	439,272.00																																											
2020	38,128.00	457,536.00																																											
Year	Monthly Salary	Annual Salary																																											
2018	34,541.00	414,492.00																																											
2019	36,606.00	439,272.00																																											
2020	38,128.00	457,536.00																																											
Dec 31, 2020	40,267.00	69.00*																																											
Year	Monthly Salary	Annual Salary																																											
2018	34,541.00	414,492.00																																											
2019	36,606.00	439,272.00																																											
2020	38,128.00	457,536.00																																											
Dec 31, 2020	40,267.00	40,267.00																																											
One SG increase upon retirement:																																													
Member's total compensation for 36 months:		1,311,300.00																																											
Divided 36 months:		36																																											
Average Monthly Compensation (AMC):		36,425.00	40,267.00																																										
FORMULA	COMPUTATION	COMPUTATION	COMPUTATION																																										
PPP - Period with Paid Premiums																																													
BMP = (0.025) (AMC + P700) PPP	BMP = (0.025) (AMC + P700) PPP	BMP = (0.025) (AMC + P700) PPP	BMP = (0.025) (AMC + P700) PPP																																										
AMC - Average Monthly Compensation (RA 8291)	(0.025) (36,425.00 + 700) (31)	(0.025) (36,426.92 + 700) (31)	(0.025) (40,267.00 + 700) (31)																																										
AMC = Member's Total Compensation (last 36 months) / 36 months	P28,771.88	P28,773.36	P31,209.25																																										
		* last day salary adjustment	Proposal: AMC = LAST SALARY RATE RECEIVED																																										

Source: Department of Education

GSIS warned that this is not simply a contextual amendment as it requires a study of its implication insofar as the funding of the GSIS is concerned and the equal protection clause of the Constitution to avoid GSIS from being accused of being unequal in the protection of all the retirement benefits.⁷¹

However, the Committee opined that the basis for the computation of the lump sum of the retirement pay and the monthly benefits thereafter should be a one range salary raise upon retirement of the teachers, pursuant to the Magna Carta. It added that the computation currently being applied by GSIS, under RA 8291, is incorrect because it does not consider the entire salary increase but the AMC which is the quotient arrived at after dividing the aggregate compensation received by the member during his last thirty-six (36) months of service preceding his separation/retirement/disability/death by thirty-six (36), or by the number of months he received such compensation if he has less than thirty-six (36) months of service. If this computation is continuously followed, it will defeat the wisdom behind the Magna Carta on the retirement pay of public school teachers.⁷²

The Magna Carta is a special law because it specifies the retirement benefit for teachers while RA 660 or "An Act To Amend Commonwealth Act Numbered One Hundred And Eighty-Six Entitled "An Act To Create And Establish A Government Service Insurance System, To Provide For Its Administration, And To Appropriate The Necessary Funds Therefor," And To Provide Retirement

⁷¹ GSIS Legal Services Group Assistant Chief Legal Counsel Atty. Lucio L. Yu Jr., TSN of November 27, 2020 Public Hearing, p. 157.

⁷² The Chairperson (Sen. Win Gatchalian, TSN of November 27, 2020 Public Hearing, pp. 153-159.

Insurance And For Other Purposes”, RA 1616 or “An Act Further Amending Section 12 of Commonwealth Act Numbered One Hundred Eighty-Six, As Amended, by Prescribing Two Other Modes of Retirement and for Other Purposes”, PD 1146 otherwise known as the “Revised Government Services Insurance Act of 1977”, and RA 8291 are general laws because they govern the retirement of government employees, in general.

On Sections 27 and 28: Freedom to Organize; and Discrimination Against Teachers Prohibited
STATUS: COMPLIANT

DepEd affirmed that the right to self-organization is not only safeguarded by the Constitution,⁷³ along with Executive Order No. 180 s. 1987 (Providing Guidelines for the Exercise of the Right to Organize of Government Employees, Creating a Public Sector Labor-Management Council, And For Other Purposes), Administrative Order No. 279 (Prescribing Rules and Regulations for the Establishment and Administration of a Provident Fund of Agencies Covered by Section 41 of the General Provisions of Republic Act No. 7180), Executive Order No. 180, s. 1987 (Providing Guidelines for the Exercise of the Right to Organize of Government Employees, Creating a Public Sector Labor-Management Council, And For Other Purposes), and other applicable laws, and it is recognized and promoted by DepEd and CSC.

To further this provision, DepEd has also established the DepEd Employees Associations Coordinating Office (DEACO) in 2018 for coordination and monitoring of various employee groups.⁷⁴

TDC, E-Net Philippines, and ASSERT identified the following issues and concerns:

- 1) The implementing rules and regulations of E.O. 180, s. 1987 defeats and diminishes the efficacy of the right to self-organization as the

⁷³ Article XIII of the 1987 Constitution reads:

“Section 3. The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.

The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.

The State shall regulate the relations between workers and employers, recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns to investments, and to expansion and growth.”

⁷⁴ DepEd Undersecretary Jesus L.R. Mateo, TSN of November 27, 2020 Public Hearing, pp. 165-166.

requirements are restrictive and prohibitive.⁷⁵ Apart from the difficulty of gathering members⁷⁶ and forming an organizational unit regionwide, TDC opined that the current policy of organizing unions at the regional level is not democratic because a majority of the members can belong to one division only and represent the concerns of that division alone.⁷⁷ As a practical matter, ASSERT endorsed a division-level organization;⁷⁸

- 2) Free collective agreement or negotiation is not allowed under said E.O. E-Net Philippines remarked that teacher unions advocate not solely for economic welfare (e.g., salaries, benefits, and working hours) but also for the direction, trajectory, and improvement of the country's education system;⁷⁹
- 3) Accreditation is a rigorous process that requires approval of the Department of Labor and Employment (DOLE) and CSC;⁸⁰ and
- 4) There is a need to review the current DepEd policy on engaging with teachers' organizations, non-governmental organizations, and civil society organizations.⁸¹

The Chairperson acknowledged that the freedom to organize exists, but such freedom is constrained by various issuances, thereby restricting teachers from voicing their opinions and sentiments. Beyond achieving the true spirit of the organization, DepEd must consider a broader perspective and improve on bargaining and recognition.⁸²

On Section 29: National Teachers' Organizations STATUS: COMPLIANT

DepEd affirmed that all its policies and guidelines underwent consultation with teachers' organizations and other external stakeholders as provided in Section 10 of DepEd Order No. 13, s. 2015 (Guidelines on the Establishment of a Policy Development Process at the DepEd Central Office), which states that:

"10. xxx Consultations may be initiated by and conducted among internal DepEd stakeholders, including offices, bureaus, centers,

⁷⁵ ASSERT Secretary-General Fidel H. Fababier, TSN of November 27, 2020 Public Hearing, p. 168.

⁷⁶ Public Sector Labor-Management Council (PSLMC) Resolution No. 4, s. 2010. Re: Amendment of Section 1, Rule V of the Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize requires *"the names and signatures of the employees comprising at least ten percent (10%) of all the employees in the organizational unit where the applicant employees' organization seeks to operate"* for the registration of employees' organization. Available at: <http://www.csc.gov.ph/2014-02-21-08-28-23/pdf-files/category/85-pslmc-resolution-no-4-re-amendment-of-section-1,-rule-v-of-the-amended-rules-and-regulations>.

⁷⁷ TDC National Chairperson Benjo G. Basas, TSN of the November 27, 2020 Public Hearing, p. 174.

⁷⁸ ASSERT Secretary-General Fidel H. Fababier, TSN of November 27, 2020 Public Hearing, p. 183.

⁷⁹ E-Net President Flora C. Arellano, TSN of November 27, 2020 Public Hearing, pp. 171-172.

⁸⁰ E-Net President Flora C. Arellano, TSN of November 27, 2020 Public Hearing, pp. 172-173.

⁸¹ ASSERT Secretary-General Fidel H. Fababier, TSN of November 27, 2020 Public Hearing, p. 169.

⁸² The Chairperson (Sen. Win Gatchalian), TSN of November 27, 2020 Public Hearing, pp. 181-182.

relevant committees, such as Budget Committee, Program Committee, or Management Committee, or even external stakeholders such as the associations of teachers and employees, private schools . . .xxx”

This is also articulated in DepEd Order No. 35, s. 2004 (Revision of the Grievance Machinery of the Department of Education) wherein the Grievance Committee involves teachers as members of the Committee in the school-level and district/division-level.

DepEd reported that teacher representatives are members of technical working groups and are consulted during the development of national policies and programs such as, but not limited to, all human resource (HR) systems catering to their functions, performance, development, welfare, among others.

TDC recorded its experience in 2018 when DEACO called for teacher representatives of TDC in the regions but at the same time, refused to allow national representatives to attend the consultation.⁸³

ASSERT advised that teachers’ organizations should not only be consulted but also be allowed to participate in the formulation of national policies, which includes making suggestions for DepEd’s annual budget.⁸⁴

TDC observed that instead of being consulted by DepEd, teachers’ organizations are often consulted through other fora such as public hearings in the Senate and the House of Representatives.⁸⁵

On Section 30: Rules and Regulations
STATUS: COMPLIANT

DepEd issued the Revised Rules and Regulations for the Implementation of RA 4670 dated June 18, 1966. However, this should be subject to an update and revision especially after the compliance review of the Magna Carta.

ASSERT expressed that the implementing rules and regulations should spell out the provisions of the Magna Carta that are couched in general terms.⁸⁶

On Section 31: Budgetary Estimates
STATUS: NOT COMPLIANT

⁸³ TDC National Chairperson Benjo G. Basas, TSN of the November 27, 2020 Public Hearing, pp.176-177.

⁸⁴ ASSERT Secretary-General Fidel H. Fababier, TSN of November 27, 2020 Public Hearing, pp. 191-194.

⁸⁵ TDC National Chairperson Benjo G. Basas, TSN of the November 27, 2020 Public Hearing, p. 196.

⁸⁶ ASSERT Secretary-General Fidel H. Fababier, TSN of November 27, 2020 Public Hearing, p. 202.

DepEd submits its budgetary request to Congress every year although the budgetary estimates are not complete⁸⁷ in the sense that the budgetary request is only for the general budget of DepEd. Insofar as the Magna Carta is concerned, its budgetary requirements are not submitted to Congress.⁸⁸ DepEd must annually submit to Congress the separate budgetary estimates to implement the Magna Carta at its fullest.

For FY 2013-2021, the following amounts were allocated for Magna Carta benefits:

DepEd-OSEC

Allocated Budget for Magna Carta Benefits, FYs 2013-2021

Amount in Thousand Pesos

Fiscal Years	Honoraria	Special Hardship Allowance	Basic Salary+PERA	Medical Examination for Teachers
2013	30,996	185,928	145,226,672	-
2014	30,996	1,174,756	162,485,856	-
2015	30,996	1,174,756	170,941,404	-
2016	30,996	1,174,756	181,652,596	-
2017	-	2,152,162	213,987,842	-
2018	299,025	2,152,162	238,801,239	-
2019	347,946	2,152,162	271,803,595	400,000
2020	420,578	2,152,162	276,432,736	-
NEP 2021	432,797	2,152,162	315,718,387	-

NEP 2021: 318,303,346 + 910,209 (Medical Examination) = 319,213,555 (in thousands)

Source: Department of Education

**On Section 32: Penal Provisions
STATUS: COMPLAINT, BUT PROVISION NO LONGER AN EFFECTIVE
DETERRENT**

ASSERT pointed out that the penalty of imprisonment had already been declared unconstitutional by the Supreme Court in the case of *People vs. Dacuycuy et al.* (G.R. No. L-45127 May 5, 1989) on the ground of undue delegation of legislative power, the duration of the penalty of imprisonment having been solely left to the discretion of the court as if the latter were the legislative department of the government.⁸⁹

⁸⁷ DepEd Undersecretary Jesus L.R. Mateo, TSN of November 27, 2020 Public Hearing, p. 199.

⁸⁸ The Chairperson (Sen. Win Gatchalian), TSN of November 27, 2020 Public Hearing, p. 199.

⁸⁹ G.R. No. L-45127 May 5, 1989 - PEOPLE OF THE PHILIPPINES vs. HON. JUDGE AUXENCIO C. DACUYCUIY, CELESTINO S. MATONDO, SEGUNDINO A, CAVAL and CIRILO M. ZANORIA. Available at: https://lawphil.net/judjuris/juri1989/may1989/gr_45127_1989.html ; quoted in Position Paper of ASSERT-Central Luzon dated October 28, 2020.

As to the fine of “not less than one hundred pesos nor more than one thousand pesos,” it is no longer a significant amount considering that the Magna Carta was enacted in 1966.⁹⁰

Consequently, the nullity of imprisonment, the obsolete amount of fine, and the difficulty of getting a dismissal from government service do not impose effective deterrents to possible violators, rendering the penal provision ineffectual.

In summary, out of the thirty (30) sections for compliance under the Magna Carta:

- **7 Sections are COMPLIANT;**
- **18 Sections are PARTIALLY COMPLIANT;**
- **3 Sections are NOT COMPLIANT; and**
- **2 Sections have been SUPERSEDED by latter laws.**

Section	Compliance Level
Section 3. Recruitment and Qualification	Partially Compliant
Section 4. Probationary Period	Superseded
Section 5. Tenure of Office	Superseded
Section 6. Consent for Transfer Transportation Expenses	Partially Compliant
Section 7. Code of Professional Conduct for Teachers	Compliant
Section 8. Safeguard in Disciplinary Procedure	Partially Compliant
Section 9. Administrative Charges	Partially Compliant
Section 10. No Discrimination	Partially Compliant
Section 11. Married Teachers	Partially Compliant
Section 12. Academic Freedom	Partially Compliant
Section 13. Teaching Hours	Partially Compliant

⁹⁰ ASSERT Secretary-General Fidel H. Fababier, TSN of November 27, 2020 Public Hearing, p. 204.

Section 14. Additional Compensation	Partially Compliant
Section 15. Criteria for Salaries	Partially Compliant
Section 16. Salary Scale	Partially Compliant
Section 17. Equality in Salary Scales	Partially Compliant
Section 18. Cost of Living Allowance	Partially Compliant
Section 19. Special Hardship Allowances	Partially Compliant
Section 20. Salaries to be Paid in Legal Tender	Partially Compliant
Section 21. Deductions Prohibited	Partially Compliant
Section 22. Medical Examination and Treatment	Not Compliant
Section 23. Compensation for Injuries	Partially Compliant
Section 24. Study Leave	Partially Compliant
Section 25. Indefinite Leave	Compliant
Section 26. Salary Increase Upon Retirement	Not Compliant
Section 27. Freedom to Organize	Compliant
Section 28. Discrimination Against Teachers Prohibited	Compliant
Section 29. National Teachers' Organizations	Compliant
Section 30. Rules and Regulations	Compliant
Section 31. Budgetary Estimates	Not Compliant
Section 32. Penal Provision	Compliant (but provision no longer an effective deterrent)

V. CONCLUSION

Education is a primary tool in nation-building and human development, but our education system is confronted by numerous challenges. Our public school teachers are at the forefront whose line of work is inextricably linked with shaping the nation's future that advocating for their rights and welfare is a tangible manifestation of genuine concern for the country and its people.

The Magna Carta was enacted to provide professional rights and safeguards to our public school teachers in light of the exigency and difficulty of their profession. However, issues and gaps in its implementation, such as conflicting interpretations of its provisions and passage of latter laws, indeed hamper the intended promotion and improvement of the social and economic status of public school teachers, their living and working conditions, their terms of employment, and career prospects. Such challenges also put the government at a disadvantage in terms of attracting and retaining more candidates with the proper qualifications in the teaching profession.

Nonetheless, despite the quest for talent, a teacher's intelligence and competence would be rendered useless if he or she is not a person of character.⁹¹ A Southeast Asian Ministers of Education Organization Regional Center for Educational Innovation and Technology (SEAMEO INNOTECH) study determined that this desirable character is strengthened by an **enabling environment** – primarily composed of people and policies that are harmoniously operating within an education system – and passion that cause teachers to stay in the profession. Therefore, the Magna Carta as a policy should be relevant to create an enabling factor in the work to sustain the passion of our teachers.⁹²

This inquiry conducted by the Committee on the status of the implementation of the Magna Carta placed further emphasis on the need for a holistic and collective approach to address concerns regarding class size and teacher-student ratio, workload and working conditions, salary, and retirement pay increases, health and other benefits, and professional advancement and growth to optimize their potentials and maximize their efforts to provide quality education and equip children to become productive and responsible citizens of our nation.

VI. ACTIONS AND RECOMMENDATIONS

After consideration of available documents and the statements of resource persons in the four (4) hearings conducted by the Committee, the recommendations are as follows:

⁹¹ UP College of Education Dean Jerome T. Buenviaje, TSN of October 12, 2020 Public Hearing, pp. 129-130.

⁹² *Ibid.*

1. For the DepEd to ensure its compliance with the implementation of the Magna Carta and to deliver on its commitment to initiate reforms and implement programs to enhance its implementation, as indicated in the table below:

This Committee Report notes that, after the four public hearings, DepEd submitted on February 18, 2021 target dates of compliance to implement the concerned Magna Carta provisions, as reflected in the third column.

Prior to the filing of this Committee Report, the Office of the Chairperson of the Committee met with DepEd via Zoom on November 12, 19 and 26, 2021 to obtain updates on the said prior commitments for inclusion in this report. Such updates, with revised target dates of compliance, are reflected in the fourth column.

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
Section 3. Recruitment and Qualification	<p>a. Qualification Standards (QS) of DepEd-unique Positions. DepEd is currently finalizing the proposed amendments in the QS of DepEd-unique positions for submission for the review and approval of the CSC Central Office - Human Resource Policy Standards Office (HRPSO).</p> <p>Since 2017, DepEd started the review of the QS of its unique positions, the validation of the proposed standards to its incumbents, and proceeded with the initial submission of the QS proposal to CSC-HRPSO last 2018. In consideration of the CSC's findings and completion of the necessary attachments in the QS</p>	2021 First Quarter	DepEd has initiated a revision of the existing MSP thru DO 29, s. 2002 or the Merit Selection Plan of The Department of Education, in order to update and harmonize it with the 2017 Omnibus Rules on Appointments and Other Human Resource Actions (ORAOHRA). The MSP aligns DepEd's internal system on application, evaluation, selection, and appointment with the provisions of the ORAOHRA, and reinforces its commitment with the Program to Institutionalize Meritocracy and Excellence in Human Resource Management (PRIME-HRM) per CSC MC No. 3, s. 2012. This policy is aimed at

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>proposal under Section 41, Rule VIII of CSC ORAOHRA, DepEd targets to submit the QS proposal for 80 positions this first quarter of 2021.</p> <p>On April 19, 2021, DepEd reported that the proposed amendments to the QS of DepEd's unique positions are currently undergoing exhaustive review and consultation within the various governance levels of the Department (Central, Regional, Schools Division and schools). The review includes the completion of the necessary attachments vis-a-vis alignment with the proposed revised MSP.</p> <p>b. Agency Merit Selection Plan and DepEd Hiring and Promotion Guidelines. DepEd will issue the revised MSP this year consistent with the provisions of the CSC ORAOHRA. Draft Agency MSP is under the review and approval of the CSC. In addition, the Teacher Hiring Guidelines are also being finalized anchoring the evaluative assessment of teacher-applicants with teacher quality standards and competencies as defined in the PPST. It also streamlined the recruitment, selection,</p>		<p>ensuring that the organization and its manpower are able to respond to challenges and opportunities of the 21st century with focus on the delivery of quality, accessible, relevant, and liberating basic education.</p> <p>The DepEd MSP has already been resubmitted last October 15, 2021 to the CSC for approval, as a response to comments during the July 22 and August 20, 2021 meetings with CSC.</p>

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>and placement (RSP) process, and emphasized Transparency on its implementation to include, among others, the posting of the Comparative Assessment Results - Registry of Qualified Applicants (CAR-RQA) in conspicuous places at the SDOs and schools.</p> <p>On April 18, 2021, DepEd manifested that it has submitted the updated guidelines on the MSP to CSC on March 16, 2021 for attestation and approval.</p>		
Section 4. Probationary Period	<p>a. DepEd to identify areas with a dearth of non-LET passers, including Indigenous Peoples Education (IPEd), for further HR actions and assistance.</p> <p>In view of the COVID-19 situation, interim strategies and protocols on the renewal of teachers with provisional appointments have been issued by the Department on February 18, 2021.</p> <p>As defined in Rule IV, Sec. 10 of CSC Memorandum Circular (MC) No. 14, s.2018 on the 2017 ORAOHRA, Revised 2018, a provisional appointment "<i>shall not be effective beyond the school</i></p>	2022 First Quarter	At present, consistent with the CSC policy allowing provisional appointment, DepEd allows the hiring of provisional teachers in SHS in order to ensure unhampered delivery of learning and continuous teaching services of our SHS provisional teachers to our learners, provided they show proof that they have previous attempt/s to acquire eligibility in the last five years and that there is no available Licensure Examination Professional Teacher (LEPT) eligible applicants in the Division.

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p><i>year during which it was issued,"</i> or one (1) year or 12 months reckoned from the date of the last appointment. The position held by the teacher-incumbent shall be deemed vacant upon the expiration of the appointment; and therefore, be subjected to CSC rules and regulations on publication and posting. Renewal of a provisional appointment shall be effected only in the absence of a qualified LET eligible applicant, as certified by the SDS.</p> <p>It is reiterated that pursuant to Part V(E) Item 7.c of DO No. 51, s. 2017, provisional teachers shall be entitled to the same compensation and allowances received by permanent personnel. Teachers with provisional appointments which are still effective during summer break shall be entitled to applicable compensation and allowances received by teachers during this period, including the mid-year bonus.</p> <p>In view of the inquiries and appeals for the extension of the five (5)-year allowance period granted to non-LET passers hired in SHS positions</p>		<p>As such, the provisional appointee to be renewed is subject to termination should a qualified LEPT eligible applicant becomes available and willing to teach in the relevant specialized subjects.</p> <p>The DepEd policy on appointment is consistent with RA 7836 as amended by RA 9293, which mandates that no person shall engage in teaching and/or act as a professional teacher as defined by the said law, whether in the preschool, elementary, or secondary level, unless the person is a duly registered professional teacher.</p> <p>A request was already submitted to the Indigenous Peoples Education Office (IPsEO) of DepEd with respect to the number of IP communities without eligible applicants. IPsEO is currently requesting the field offices for updates on the matter. Once the requested data is obtained by the Department, the same will be immediately</p>

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>under provisional status in accordance with the provision of RA No. 10533 and Section 10 of the ORAOHRA, the Department is currently coordinating with the PRC to allow them to take the 2021 LET examination given its pronouncement that retakers will not be allowed to take the test, and with the CSC inquiring the possible reappointment or renewal of appointment of those provisional teachers who were first hired for SY 2016-2017; provided, that they provide proof that they have taken the LET at least once since 2016, and that they will re-take the LET in September 2021. DepEd commits to issue a separate memorandum disseminating the official feedback of the CSC and PRC on the matter.</p> <p>With regard to the condition of IPed teachers under provisional status, as per the report of the Indigenous People's Education Office (IPSEO) of this Department, the 158 non-LET passers from 2016 to 2018 have been renewed yearly, with 75% of which already passing the LET and given the permanent appointment.</p>		<p>transmitted to the Committee.</p> <p>As of January 10, 2022, IPSEO is still awaiting response/updates from the field offices.</p>

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>b. In relation to the establishment of non-recognized IP schools, DepEd will revisit the existing policy on the establishment of schools focusing on IP Areas. Initial staff review of the policy will be held in February 2021, in close coordination with the Indigenous Peoples Education Office (IPsEO).</p> <p>c. DepEd to ensure continued compliance through the proposed implementation of the revised Merit Selection Plan (MSP) of the Department.</p> <p>In the proposed revised MSP, which will serve as the ORA-OHRA of DepEd, DepEd is committed to implementing this provision. As explicitly stated under Section 74, the following shall be exempted from undergoing a probationary period:</p> <ol style="list-style-type: none"> 1. Teachers who, before issuance of a permanent appointment, have acquired adequate training and professional preparation in any school recognized by the government, and possess the appropriate civil service eligibility under Section 4 of RA 4670; and 		

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	2. Appointees to positions exempted from the probationary period as may be provided by law.		
Section 6. Consent for Transfer Transportation Expenses	DepEd shall include 'reassignment' in the Magna Carta for entitlement to transportation expenses. However, its inclusion entails the development of a policy that requires budgetary considerations and an adequate amount of time. Currently, the Department is revisiting existing rules and guidelines on the entitlement of transportation expenses for teachers, in consultation with other concerned government agencies.	2021 First Quarter	DepEd shall inquire from the DBM if the expenses for transfer of teachers may be paid by the agency, following the Magna Carta provision.
Section 7. Code of Professional Conduct for Teachers	DepEd shall embed the Code of Professional Conduct for Teachers in its Teacher Onboarding and Induction Program for the professional development of teachers.	COMPLIANT	
Section 8. Safeguards in Disciplinary Procedure and Section 9. Administrative Charges	DepEd Order No. 49, s. 2006 of the Revised Rules of Procedure of the Department of Education in Administrative Cases is under review to consider the adoption of the Magna Carta provisions. DepEd shall likewise incorporate the relevant provisions of Republic Act No. 10173 or the "Data Privacy Act of 2012", Republic Act No. 7610 or the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act" and other	2021 Second Quarter	The Department issued DepEd Order No. 49, s. 2006 or the Revised Rules of Procedure of the Department of Education in Administrative Cases aligned with the Revised Rules on Administrative Cases in the Civil Service.

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>relevant laws, and technologies like CCTV cameras for compliance on ensuring that due process is afforded to teachers and to avoid trial by publicity.</p> <p>DepEd shall also strengthen other mechanisms in the resolution of cases involving teachers (Alternative Dispute Resolution, Grievance Machinery, et al.).</p> <p>In DepEd's 2nd Quarterly Report dated October 7, 2021, it provided updates on the following:</p> <p><i>On ensuring the teacher's right to data privacy –</i></p> <p>The Department has issued DepEd Order (DO) No. 19, S. 2021, entitled Revised DepEd People's Freedom of Information (FOI) Manual and Implementing Details.</p> <p>The said DO fosters the right of people to information on matters of public concern and at the same time prescribes standard procedures and guidance with regard to monitoring and evaluating mechanisms and systems in DepEd across governance levels.</p> <p>Further, it establishes the identification of Compliance Officers for Privacy (COP), who shall ensure that the data privacy matters are secured and guaranteed. The use of CCTV in DepEd schools will be</p>		

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>submitted for perusal while ensuring the adoption of measures that will protect the privacy of teachers and prevent abuses against them.</p> <p><i>Issuance of DepEd revised rules of procedures in administrative cases incorporating the applicable Magna Carta provisions –</i></p> <p>In a memorandum dated May 28, 2021, the Legal Affairs of the DepEd has recognized the request for the inclusion of a representative from the Bureau of Human Resource and Organizational Development (BHROD), to be part of the Technical Working Group (TWG) on the review of DO 49, s. 2006, or the Revised Rules of Procedure of the Department of Education in Administrative Cases.</p> <p>This is in recognition of the recommendation to incorporate DepEd's compliance and key initiatives in the implementation of RA 4670. The designated BHROD representative shall take part in the review sessions and provide recommendations, specifically ensuring that the provisions of the Magna Carta are included in the proposed amendments of DO 49, s. 2006.</p> <p><i>Exploration of other mechanisms in the resolution of</i></p>		

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p><i>cases involving teachers (ADR, Grievance Machinery, et al.) –</i></p> <p>DepEd thru the BHROD is currently reviewing the existing policies on employee relations that are primarily centered to cater to the resolution of grievances, issues, and disputes at the lowest possible level, where public teachers are included.</p> <p>Thru the BHROD, DO No. 15, s. 2012, or the DepEd Policy Framework for the Implementation of the Alternative Dispute Resolution (ADR) System-Mediation dated February 17, 2012, and DO No. 35, s. 2004, entitled Revision of the Grievance Machineries of the Department of Education is presently under scrutiny and review for amendments, to be more responsive and effective in the resolution of cases involving DepEd employees and personnel, both teaching and non-teaching.</p>		
Section 10. No Discrimination	Anchored on the Equal Employment Opportunity Principle (EEO) mandated under CSC MC No. 3, 2012 (PRIME-HRM), DepEd is currently drafting its Policy Guidelines on Creating Equal Employment Opportunities in the Department of Education Through Inclusive Human Resource Systems and Practices, which will cover all HR systems that are involved in the entire span of personnel's professional life. The EEO (no	2021 Fourth Quarter	Pursuant to Executive Order No. 100, series of 2019 or Institutionalizing the Diversity and Inclusion Program which mandates the state to cultivate a supportive, collaborative, and inclusive environment to maintain equal opportunities, and the Civil Service Commission (CSC) Memorandum Circular 24, s. 2016, Program to

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>discrimination principle) is/will likewise be reiterated in the individual policies of all HR systems: (a) Recruitment, Selection, and Placement; (b) Performance Management; (c) Learning and Development; and (d) Rewards and Recognition.</p>		<p>Institutionalize Meritocracy and Excellence in Human Resource Management (PRIME-HRM) which requires the institutionalization of the Equal Employment Opportunity Principle (EEOP) in all areas of human resource, along with the various international instruments and national laws, mandates and policies that protect, support and provide opportunities at work, regardless of one's age, disability, gender, religion, race, familial status, and ethnicity, the DepEd, in collaboration with The Asia Foundation (TAF), established the Inclusion Journey as a framework and guiding principle that shall enforce equitable measures to progressively ensure that everyone in DepEd can participate and contribute towards the organization's goals.</p> <p>On December 8, 2021, DepEd issued Memorandum OM-HROD-2021-0536 or the Memorandum on the Adoption of the Inclusive</p>

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
			<p>Employment Reasonable Accommodation Standards for Human Resource (HR) Systems in DepEd Central-Office.</p> <p>The guideline provides the minimum inclusive reasonable accommodation requirement for each of the four (4) Core HR systems (1) Recruitment, Selection, Placement, and Induction (RSPI); Performance Management (PM); Learning and Development (L&D); Rewards and Recognition (R&R) and other HR functions such as HR Administration, Employee Relations, Organizational Development and Change Management, Employee Welfare and Wellness, among others.</p>
Section 11. Married Teachers	a. DepEd shall monitor the proper implementation as provided in the guidelines on the transfer of teachers from one station to another, especially if there is non-compliance or abuse on the said matter.	2021 Second Quarter	

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>b. The same priority⁹³ shall be observed and considered in the review of the DepEd policy on Other Human Resource Actions (OHRA), which covers all personnel movements, subject to existing CSC rules and regulations as well as availability of vacancy in the locality/school and/or learning area. The Department will also review the existing guidelines as to the result of the monitoring and feedback mechanism to enhance/improve the said policy to ensure that this section is properly implemented.</p> <p>Based on DepEd's 2nd Quarterly Report dated October 7, 2021, Item (d), Section 6 of DepEd Order (DO) No. 22, s. 2013, entitled Guidelines on the Transfer of Teachers from One Station to Another states that a teacher joining his/her husband/wife in the same school is one of the situations that should be considered when giving priority to teachers who are seeking to be transferred to another station that needs additional teachers. However,</p>		

⁹³ Section 11 of RA 4670 states, "Whenever possible, 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	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	there is a need for DepEd to balance the specific need of the school/s and the request to enable married teachers to be in the same school/locality.		
Section 12. Academic Freedom	<p>DepEd shall clarify the extent and applicability of academic freedom with public school teachers under the Magna Carta.⁹⁴</p> <p>As clarified by DepEd, although academic freedom is highlighted more by the Constitution as a right accorded to all institutions of higher learning, the basic education sector, under the stewardship of the DepEd, by its mandate, is the institution that deals with the regulations and supervision of basic educational institutions. As an educational institution, DepEd recognizes that teachers, in their exercise of academic freedom on what and how to teach, are according to the Department's existing standards, policies, and guidelines.</p>	On or Before January 2021	<p>As stated under Republic Act (RA) 10533 or the Enhanced Basic Education Act, DepEd is mandated to implement a functional basic education system that will develop productive and responsible citizens equipped with the essential competencies, skills, and values for both lifelong learning and employment.</p> <p>As an educational institution, it recognizes the exercise of academic freedom of teachers on what and how to teach, in accordance with the Department's existing standards, policies, and guidelines.</p>
Section 13. Teaching Hours	DepEd plans to strengthen monitoring and evaluation mechanisms in regional and school division offices to ensure the grant and effective implementation of the workload honoraria. The granting of non-monetary compensation through service credits as payment	2021 Second Quarter	To unload teachers of these ancillary and administrative tasks, DepEd requested DBM for the creation of five thousand (5,000) Administrative Officer II (AO II) items in FY 2020, which were deployed in

⁹⁴ TSN of October 29, 2020 Public Hearing, pp. 88-89.

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>for teaching hours in excess of the six (6) hours actual classroom teaching per day is currently under review by the Department for possible issuance of the implementing guidelines. Further, DepEd is currently revisiting the DBM policy under Chapter 6.4 (Compensation and Benefits of Teachers) of the Manual on Position Classification and Compensation, which provides for the payment of teaching overload honorarium as anchored on the draft policy on Workload Balancing Tool.</p> <p>DepEd commits to continue its effort to request for the creation of additional teaching and non-teaching items in schools to ensure that teachers maintain the ideal teaching hours as provided by law.</p>		<p>select large and very large schools nationwide. This FY 2021, another five thousand (5,000) AO II items were created and will be deployed in select small and medium elementary, junior secondary, and integrated schools. For FY 2022, DepEd proposes for the creation and allocation of budget for additional AO II positions.</p> <p>The Administrative Officer II (AO II) position shall perform the following functions: a) human resource management and supply management (equivalent to the responsibilities of the parenthetical positions of Human Resource Management Officer I and Supply Officer I / Property Custodian); and b) financial-related tasks.</p> <p>As of January 10, 2022, the draft policy on teaching overload is for presentation to BHRD Supervising ExeCom.</p>
Section 14. Additional Compensation	DepEd shall explore other mechanisms or arrangements to compensate teaching hours in excess of the six hours per day through monetary (honorarium) or	2021 Fourth Quarter	To address the emerging needs of teachers and to recognize the extraordinary service rendered in this time of the pandemic,

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>non-monetary (service credits) compensation, among others.</p> <p>The Committee will also be furnished with copies of budgetary requirements for teacher benefits in the next five (5) years (e.g. Cash Allowance to Teachers (CAT), World Teachers Day Incentive Bonus [WTDIB]).</p>		<p>DepEd expanded the scope of allowable activities in the grant of service credits for SY 2020-2021. The Department issued DepEd Memorandum (DM) No. 65, 2021 as amended by DM No. 57, 2021, service credits may be granted for the following activities: 1. services rendered during registration and election days as long as these are mandated duties under existing laws; 2. services rendered during calamity and rehabilitation when schools are used as evacuation centers; 3. services rendered in connection with the conduct of remedial classes during the summer or Christmas vacation or outside of regular school days; 4. services rendered in connection with early opening of the school year; 5. services rendered during school sports competitions held outside of regular school days; 6. services rendered by those who train teachers in addition to their normal teaching loads; 7. teaching overload not compensated by honoraria; 8. teaching in non-formal education classes in addition to</p>

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
			<p>teaching in formal education classes carrying a normal teaching load; 9. work done during regular school days if these are in addition to the normal teaching load; 10. conduct of testing activities held outside of school days; and 11. attendance/participation in special DepEd projects and activities which are short-term in duration such as English, Science and Math Mentors' Training, curriculum writing workshop, planning workshop, etc., if such are held during the summer vacation or during weekends.</p> <p>As per DM 65, s. 2021, the following services are also eligible activities to grant vacation service credits: 1. Orientation and training activities on distance learning delivery modalities; 2. Enrollment activities, including the encoding of the accomplished enrollment form in the Learner Information System (LIS) enrollment module; 3. Brigada Eskwela and Oplan Balik Eskwela; 4. Oplan Kalusugan sa DepEd; 5. Pre-school opening</p>

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
			<p>assignments exploring foundational topics for deepening during the year, orientation of learners on the implementation of the learning delivery modalities and utilization of learner's materials; 6. Preparation and delivery of instructional materials to learners outside the school; and 7. Such other authorized pre-opening activities.</p> <p>The draft policy on teaching overload is being developed but still needs further review and consultation. Once finalized, updates thereof will be duly and immediately communicated to the Committee.</p>
Section 15. Criteria for Salaries	Revisit the system on career progression of public school teachers to ensure the faster and merit-based promotion and career advancement. This policy features the creation of additional teaching positions (Teacher IV, V, VI, VII, and Master Teacher V) to allow more opportunities for promotion and career advancement in the teaching career line. It recognizes and incentivizes teachers' achievement of desired qualifications and competencies by promoting		

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>teachers through Reclassification as soon as they meet the teacher quality standards outlined in the PPST.</p> <p>This initiative is not a direct response to the across-the-board salary increase of teachers but a response creating more opportunities for the promotion of qualified teachers that will boost teacher morale, drive motivation, and promotes high performance through career advancement.</p>		
Section 16. Salary Scale	<p>a. DepEd commits to submit guidelines on teacher salary scale; UNESCO study; and review the legal basis of Joint CSC-DBM Circular No. 1, s. 1990, as amended by Joint CSC-DBM Circular No. 2, s. 1991.</p> <p>b. Further, it will make an update on the transition to a comprehensive IT-based Human Resource Information System (HRIS) which will provide efficient delivery of HR services. This will also include facilitating automatic processing of Step Increments based on the set criteria and requirements. The target pilot implementation of the new HRIS is on Q1 FY 2021.</p> <p>c. Finally, DepEd commits to issue operational guidelines on the Adoption of a competency-based</p>	2021 Second Quarter	<p>Based on a study conducted by the UNESCO in terms of the average annual salaries in public institutions in select Asia-Pacific countries of secondary teachers, the data attached herein as Annex "A" shows the ranking of the Philippines.</p> <p>A letter inquiry was addressed to DBM dated June 11, 2021 whether meritorious performance or length of service is the basis of step increment under Section 16 of the Magna Carta. (A follow-up regarding the inquiry was supposed to have been made in December 2021.)</p>

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>Rewards and Recognition System to align with CSC-DBM Joint Circular No. 1, s. 2012 (Grant of Step increment/s due to Meritorious Performance) and based on achievement of professional standards.</p> <p>Based on DepEd's 2nd Quarterly Report dated October 7, 2021, DepEd stated that:</p> <ol style="list-style-type: none"> a. In order to shed light on the interpretation of the progression from minimum to the maximum salary scale of teachers, a letter dated June 11, 2021, was addressed to the DBM whether step increment should be granted to qualified teachers annually after the first three years of service and not every three years contrary to the existing rules, such that the progression from the minimum to the maximum shall be made within a period of ten years. b. Once the said system is complete, the same will be immediately implemented with the hope that concerns on salaries including step increments will be promptly and accurately addressed. <p>DepEd is still reviewing the said Circular and now finalizing the</p>		<ol style="list-style-type: none"> a. The Department adheres to the provisions of CSC-DBM Joint Circular No. 1, s. 2012, prescribing the Rules and Guidelines on the Grant of Step Increment/s Due to Meritorious Performance and Step Increment Due to Length of Service. The guidelines cover incumbents of positions for civilian personnel under the career service, where both teaching and non-teaching personnel of the Department are included.

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>guidelines on the grant of step increment due to meritorious performance, in consultation with the Department of Budget and Management (DBM). Currently, there is an ongoing review of the DepEd's Rewards and Recognition existing policy (DepEd Order No. 9, s. 2002) to incorporate the criteria and mechanisms of the CSC-DBM Joint Circular No. 1, s. 2012.</p>		
<p>Section 17. Equality in Salary Scales</p>	<p>DepEd shall endeavor to continuously monitor the following:</p> <ul style="list-style-type: none"> a. LGUs to provide salary rate to locally-hired teachers comparable to or higher than the National Government given the Mandanas principle/doctrine; and b. DepEd, as a member of the Local School Board, may recommend to LGU for this provision to be implemented. 	<p>January 2022</p>	<p>DepEd thru the Office of the Personnel Division (PD) will request its Field Offices for data on the number of teachers (LGU-hired) until January 2022.</p> <p>As of January 10, 2022, a letter request was submitted to the Supervising Execom in-charge of Field Operations.</p>
<p>Section 18. Cost of Living Allowance</p>	<p>DepEd shall conduct and lead a study, in coordination with appropriate agencies in exploring possibilities to allow the increase of the grant of a separate PERA/Cost-of-Living Allowance for teachers on top of the existing PERA being received by all employees of the government.</p>	<p>2021 Fourth Quarter</p>	
<p>Section 19. Special</p>	<p>a. To address issues being raised by teachers against the</p>	<p>2021</p>	<p>The following issuances provide for the payment of</p>

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
Hardship Allowances	<p>NBC 514⁹⁵, such as conflict of some provisions with the Magna Carta, DepEd is on its final stage in drafting the new Special Hardship Allowance guidelines that would address those issues and improve its implementation through a Joint Circular to be issued by DepEd and DBM.</p> <p>b. DepEd commits to facilitate the approval of the Joint Circular on the Special Hardship Allowance which shall include the adoption of a Hardship Index capturing all relevant data on hardship factors. This hardship index will include variables on calamity as among the hardship factors, not present in the current NBC 514.</p> <p>On April 19, 2021, it reported that the said guidelines were duly approved and signed by the DBM and DepEd. A copy of said guidelines is attached herein as Annex "B".</p>	First Quarter	<p>Special Hardship Allowance for teachers:</p> <ul style="list-style-type: none"> • National Budget Circular 514 series of 2007; • Joint Circular No. 1 s. 2021 or the <i>Revised Guidelines on the Grant of the Special Hardship Allowance</i>; and • DepEd Order No. 39, s. 2021 or the <i>Guidelines on the Provision of Special Hardship Allowance for Public School Teachers</i> <p>JC No. 1, s. 2021 further enhanced the policy on the grant of SHA by ensuring a streamlined, more objective, and efficient process of SHA payment to qualified teachers. The following are the salient features of the new policy:</p> <p>1. The following DepEd personnel are qualified to receive the SHA:</p> <ul style="list-style-type: none"> • All teachers in elementary and secondary schools in hardship post as determined by the hardship index; • Multi-grade teachers in pure multi-grade schools;

⁹⁵ Guidelines on the Grant of Special Hardship Allowance, chrome-extension://oemmnrcbldboiebfnladdacbfmadadm/https://www.dbm.gov.ph/wp-content/uploads/2012/03/NBC-514.pdf

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
			<ul style="list-style-type: none"> • Mobile teachers, and Alternative Learning System (ALS) Coordinators concurrently handling ALS classes; and • School heads assigned in hardship post or pure multi-grade schools. <p>2. All qualified recipients shall receive the SHA amounting to twenty-five percent (25%) of their monthly salary for a period of ten (10) months for every fiscal year, which shall be released on a quarterly basis. The 25% SHA rate is compliant with the provision of the Magna Carta for Public School Teachers (RA 4670).</p> <p>3. The process of the release of SHA will be simplified wherein:</p> <ul style="list-style-type: none"> • The schools in hardship post will be determined at the Central Level through the Hardship Index (HI). • The qualified teachers will only submit their Daily Time Record (DTR) or any attendance and monitoring form, as prescribed by applicable policies, approved by the Head of Office as supporting

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
			<p>document to avail of the said allowance. It shall serve as the basis for the attendance of the personnel.</p> <p>For the budget utilization on SHA for FY 2019 and FY 2020, DepEd reported that for 2019, there are a total of 68,219 teachers who have received SHA, equivalent to a total disbursement of 1,887,824,988.11, while for 2020 there are a total of 59,524 teachers who have received SHA, equivalent to a total disbursement of 1,098,119,375.35.</p> <p>NOTE: Data as of November 17, 2021 are undergoing continuous validation and checking from SDOs.</p>
Section 21. Deductions Prohibited	Section 48 of the General Provisions of RA 10964 provided the authorized deductions with preference from government-mandated contributions down to the PLIs. To supplement this and to ensure teachers will not be burdened of having multiple loan obligations, DO 5, s. 2018 entitled Implementation of the P5000 Net Take Home Pay for DepEd Personnel was issued.		DO No. 20, s. 2021 or the Enhanced Guidelines on Accreditation Re-Accreditation of Private Entities Under the Automatic Payroll Deduction System Program (attached herein as Annex "C") prescribes the rules and guidance on the Automatic Payroll Deduction System (APDS),

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
			<p>in relation to salary deductions.</p> <p>The request for the list of accredited private entities is still subject for further approval from the APDS Task Force.</p>
Section 22. Medical Examination and Treatment	<p>a. DepEd plans to allocate additional funds in the DepEd Annual Budget to continuously increase yearly the Cash Allowance of Teachers for purposes such as payment of annual medical examination.</p> <p>b. Last January 20, 2021, DepEd has started the initial coordination meeting with PhilHealth Head Office to develop and implement a comprehensive medical examination for teachers through PhilHealth's latest Out-Patient Benefits for all called <i>Konsulta</i> Program which is a transitory program to implement the Universal Health Care (UHC) Act wherein teachers shall be given priority in the roll-out of the said program this year.</p> <p>c. DepEd endeavors to institutionalize a more comprehensive medical examination program for teachers that will ensure a</p>	<p>2021 Second Quarter</p>	<p>DepEd has issued policies and guidelines to provide medical examination interventions for teachers for the past 7 years in view of the effort of the Department to allocate funds for the said purpose such as the inclusion in the special provisions of the 2019 GAA - DepEd budget and in partnership with relevant government agencies such as PhilHealth.</p> <p>However, DepEd acknowledges that the said interventions are not comprehensive and are short-term in nature: (DepEd Order No. 28, s. 2020 titled Guidelines on the Grant of Php 500 Financial Assistance for Payment of Medical Examination Expenses) and DepEd Memorandum No. 30, s. 2014 (Expansion of PhilHealth Primary Care</p>

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>yearly provision of free annual physical examination through partnership/coordination with PhilHealth under the UHC Act through Joint Circular and/or other sources of funds.</p> <p>Based on DepEd's 2nd Quarterly Report dated October 7, 2021, DepEd stated that:</p> <ol style="list-style-type: none"> a. For 2021 GAA, Php 5,000 cash allowance shall be given to teachers for payment of teaching supplies, communication, and medical examination expenses. b. Last July 22, 2021, the DepEd met with the Primary Care Benefits Team of PhilHealth to give updates on the rollout of the said Konsulta program where the possibility of prioritizing teachers in the pilot implementation was discussed. 		Benefit 1 [PCB 1] Package to Cover Personnel of the Department of Education).
Section 23. Compensation For Injuries	<p>DepEd shall provide for the following:</p> <ol style="list-style-type: none"> a. Inclusion in the DepEd Budget a reasonable and practicable amount for medical/sickness/injury benefits in case of illness due to occupational disease; b. Coordination with ECC and PhilHealth to institutionalize 	2021 Second Quarter	DepEd is currently reviewing the proposed Group Personal Accident Insurance of GSIS. Last September 21, 2021, the Department through BHRD conducted a consultation meeting with GSIS regarding the details of the program. Following this, the BHRD submitted the concept study on the

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>comprehensive policy on compensating injuries;</p> <p>c. Strengthening partnership with ECC and PhilHealth to ensure proper information dissemination and implementation for DepEd employees; and</p> <p>d. Establish a concrete program for sickness, medical, and injury assistance through partnerships with PhilHealth, ECC, and other sources of funds (<i>i.e.</i>, Provident Fund) based on the data on the health profile of teachers and the common occupational illness and injuries to determine the required budget for this purpose.</p> <p>According to DepEd's 2nd Quarterly Report dated October 7, 2021, it is dependent on the existing sickness/medical/injury benefits provided by PhilHealth for all its members and the Employees' Compensation Commission (ECC) for all government employees, through GSIS, wherein DepEd provides Employer's share for the said benefit to GSIS so that DepEd employees could avail of the following ECC benefits:</p> <p>(a) Sickness benefits;</p> <p>(b) Medical benefits;</p>		<p>proposal for top management's review including the budget estimates and possible process and strategies for DepEd to avail the program.</p> <p>As of January 10, 2022, the proposed program is still for further coordination of DepEd's Employee Welfare Division with GSIS.</p> <p>DepEd is also continuously coordinating with some of the Employees' Compensation Commission (ECC) public information officers to draft a more updated and comprehensive advisories and guidelines regarding ECC's Employee Compensation Program (ECP) before the end of December 2021 wherein all workplace compensable injuries and diseases including COVID-19 are included.</p> <p>This strategy was proposed to increase awareness on the said ECP and to provide clear guidelines on the processes involved given that majority of our</p>

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>(c) EC Cash Assistance (rehabilitation services, temporary total disability benefits, permanent total disability benefits, permanent partial disability benefits); and</p> <p>(d) Death and Funeral benefits.</p>		employees are still not familiar with the program.
Section 24. Study Leave	DepEd recommended that this section be amended by allowing or authorizing DepEd, in coordination with CSC, to formulate the study leave policy, without prejudice to the power of Congress to amend laws. Should this be amenable, DepEd will coordinate these proposals to CSC and shall include any development in relation thereto in the succeeding quarterly report.		<p>The proposal on possible amendments to this section is currently being drafted, with the following proposals being explored:</p> <p>a) Reduction of years of service;</p> <p>b) Inclusion of performance rating as a requirement on the grant of study leave;</p> <p>c) Provision of full salary during the period of study leave; and</p> <p>d) Addition of completion of thesis/dissertation aside from graduate study among others.</p> <p>Once finalized and transmitted to the CSC, the copy of the transmittal will be immediately submitted as well to the Committee for reference.</p>
Section 26. Salary	DepEd shall propose amendments to the GSIS Law in terms of the salary	January 2022	The DepEd thru the Personnel Division is

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
Increase upon Retirement	<p>grade increase application and computation in favor of teachers.</p> <p>According to its 2nd Quarterly Report dated October 7, 2021, DepEd recognizes that the amendment to the GSIS Law is a legislative act, lodged under the exclusive power of Congress. The institution is dedicated to provide assistance and support on the matter, without prejudice to the rules and guidelines GSIS may prescribe.</p>		<p>currently drafting the proposal for possible legislative amendment on the computation of the retirement benefits for teachers, in view that this section of the Magna Carta, although implemented, has very little benefit in terms of the retirement pay of teachers, as per computation of the same. The draft proposal is hopefully transmitted to the GSIS, as the case may be, within December 2021.</p> <p>As of January 10, 2022, DepEd is still drafting the proposal, c/o Personnel Division.</p>
Section 27. Freedom to Organize	<p>DepEd shall proactively promote organizations through the DEACO, established in 2018, as the focal office in coordinating and monitoring the various employees' groups in DepEd. Part of its functions is to develop capacity-building initiatives to strengthen cooperation and solidarity, including providing assistance to those groups that are just starting up.</p> <p>In the pipeline, DEACO is also tasked to develop policies and protocols that guide better relationships and coordination among employee groups and support DepEd's programs for the welfare and wellbeing of the DepEd personnel.</p>	COMPLIANT	

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
Section 28. Discrimination Against Teachers Prohibited	DepEd will include the acts enumerated in Sec. 28 (b) and (c) of RA 4670 ⁹⁶ as among the grounds that may subject the offender to administrative charge or proper disciplinary sanctions in the review of DepEd Order No. 49, s. 2006 or the <i>Revised Rules of Procedure of the Department of Education in Administrative Cases</i> .		<p style="text-align: center;">COMPLIANT</p> <p>The Bureau of Human Resource and Organizational Development (BHROD) has submitted the proposal to DepEd Legal Affairs to adopt certain provisions of the Magna Carta in the proposed amendments of DepEd Order (DO) No. 49, s. 2006 or the Revised Rules of Procedure of the Department of Education in Administrative Cases.</p> <p>The following are the recommendations to be included in the review of the said DO:</p> <p>a. Incorporate the provision "Every teacher shall enjoy equitable safeguards at each stage of any disciplinary procedure as provided under Section 8 of RA 4670 or the Magna Carta for Public School</p>

⁹⁶ Sec. 28 of RA 4670 provides that 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 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 membership in an organization or because of participation in organization activities outside school hours, or with the consent of the proper school authorities, within school hours, and (c) to prevent him from carrying out the duties laid upon him by his position in the organization, or to penalize him for an action undertaken in that capacity.

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
			<p>Teachers. (Rule 10, Sec. 43)";</p> <p>b. Include violation of Sections 27 and 28 of RA 4670 involving freedom to organize of public school teachers (Rule 17, Sec. 63); and</p> <p>c. Consider all other matters not falling under the provisions of these rules that may be subject to Alternative Dispute Resolution (ADR), grievance machinery, and other employee relations mechanisms of the Department in the resolution of disputes and grievances may be addressed to the concerned Personnel Section/Division/Unit (Rule 18, Sec. 72)</p>
Section 29. National Teachers' Organizations	DepEd shall continuously implement and monitor the implementation of DepEd Order No. 13, s. 2015 (Guidelines on the Establishment of a Policy Development Process at the DepEd Central Office), and shall be strictly used in evaluating all policy proposals. To ensure proper coordination with external stakeholders especially in the process of formulation of policies, programs, and projects of the	2021 Second Quarter	COMPLIANT

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	<p>Department, DepEd has created a unit named DEACO.</p> <p>DepEd shall continue to review the existing guidelines to enhance/improve the said policy to ensure that this section is properly implemented.</p> <p>According to its 2nd Quarterly Report dated October 7, 2021, DepEd is consistent and firm in compliance to DO 13, s. 2015, requiring consultation from field offices and other concerned stakeholders, to guarantee that the policies and guidelines to be issued and implemented by DepEd are reflective and involve the views and recommendations from the concerned individuals and associations for that matter.</p> <p>Further, the DEACO is committed to its mandate of coordinating with various DepEd's organizations and stakeholders for any concerns and clarifications and immediately address the same.</p>		
Section 30. Rules and Regulations	DepEd shall update and revise the implementing rules and regulations in light of the compliance review of the Magna Carta. ⁹⁷	COMPLIANT	
Section 31. Budgetary Estimates	DepEd will continuously submit to the Committee budgetary	2022 First Quarter	The ideal budget estimates considering all the provisions with budget

⁹⁷ TSN of the November 27, 2020 Public Hearing p. 203.

Section	Action Plans (Reforms and Programs)	DepEd's TARGET Dates of Compliance as Submitted to the Committee on February 18, 2021	DepEd's REVISED Dates of Compliance and Updates as Submitted to the Committee on December 23, 2021
	allocations for the Magna Carta benefits.		<p>implications are currently under review and consideration of the Department. Once finalized, the same will be submitted immediately.</p> <p>As of January 10, 2022, the proposed budget estimates are still for further planning, discussion and coordination with the Finance Service of DepEd.</p>
Section 32. Penal Provision	DepEd will include the acts enumerated in Sec. 28 ⁹⁸ (b) and (c) of RA 4670 be included as among the grounds that may subject the offender to administrative charge or proper disciplinary sanctions in the review of DepEd Order No. 49, s. 2006 or the <i>Revised Rules of Procedure of the Department of Education in Administrative Cases</i> .	COMPLIANT, BUT PROVISION NO LONGER AN EFFECTIVE DETERRENT	

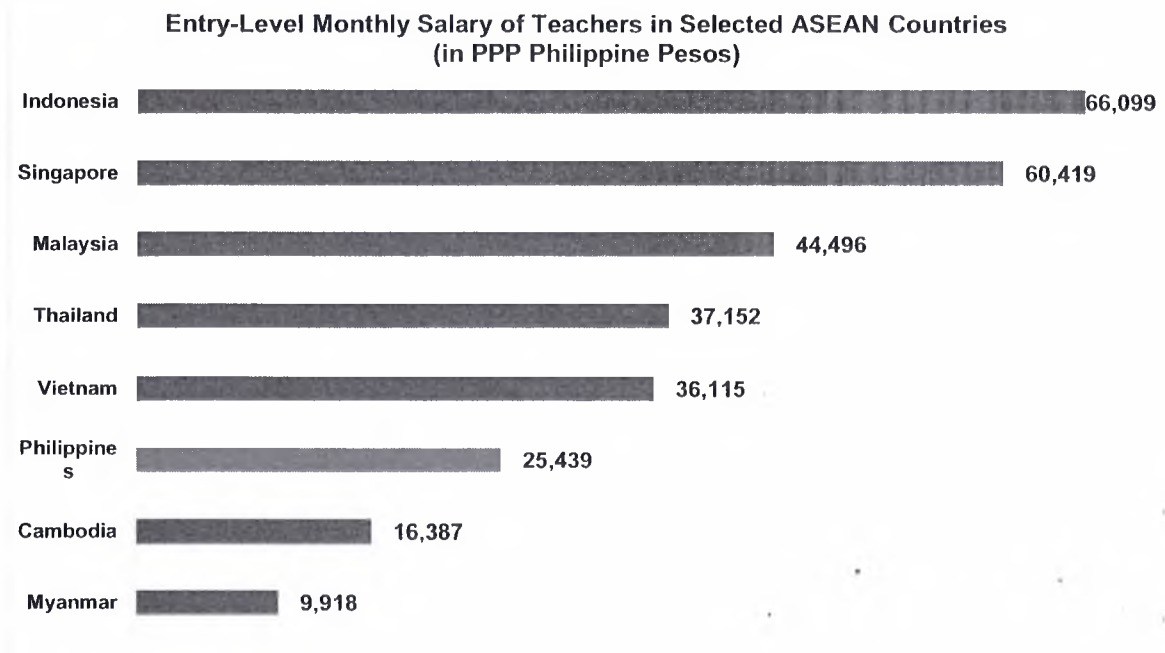
2. For the DepEd to pursue evidence-based studies on teacher workload that will provide a specific breakdown of the workload of a regular teacher, the sources of work, and the amount of time left for actual teaching and learner contact to determine which types of work are necessary to be delegated to teachers and which have to be eliminated from their workload, as recommended by the PIDS;⁹⁹

⁹⁸ *Ibid.*

⁹⁹ David, Albert, and Vizmanos (2019) "Pressures on public school teachers and implications on quality," PIDS DP 2019-01. Available at: <https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidspn1901.pdf>.

- For the government to increase the starting salary of teachers given the fact that teachers in the Philippines have one of the lowest starting salaries in the ASEAN region;

Figure 1.



Source: DepEd; Salary Standardization Law V; Other secondary sources¹⁰⁰; Office of Sen. Win Gatchalian estimates

Under the current pay structure, the estimated required incremental budget to increase the salary for Teachers I-III would range from Php 28.1 billion to Php 130.7 billion, depending on the increase in salary grade levels.

Table 1.

Scenario	Estimated Required Incremental Budget (in billion Php)
Increase starting salary for Teachers I-III by 1 Salary Grade Level	28.1
Increase starting salary for Teachers I-III by 2 Salary Grade Levels	58.6
Increase starting salary for Teachers I-III by 3 Salary Grade Levels	92.9
Increase starting salary for Teachers I-III by 4 Salary Grade Levels	130.7

Source: DepEd

¹⁰⁰ Singapore (<https://www.singsaver.com.sg/blog/moe-teacher-salary-pay-scale-bonus-earnings-singapore>), Thailand (<https://www.salaryexpert.com/salary/job/government-teacher/thailand/bangkok>), Malaysia (https://www.payscale.com/research/MY/Job=Secondary_School_Teacher/Salary/ac977192/Entry-Level), Vietnam (<https://www.salaryexpert.com/salary/job/government-teacher/vietnam/ho-chi-minh-city>), Indonesia (<https://www.salaryexpert.com/salary/job/primary-school-teacher/indonesia/jakarta>)

4. For the DepEd and the DBM to commission an independent firm that will undertake a continuous benchmarking on the salary and benefits of public school teachers;
5. For the government to provide adequate health insurance to teachers. In the proposal shared by the GSIS as previously discussed in this report, estimates show that for a premium of Php 400 per individual, DepEd personnel would each enjoy coverage of up to Php 65,000. Subsidizing premiums under this proposal would amount to Php 369.8 million.¹⁰¹

Increasing premiums to Php 800 per individual would in turn increase coverage levels to Php 230,000 per person annually. Total cost to subsidize premiums under this scenario would amount to Php 739.6 million.¹⁰²

Coverage under the GSIS proposals would include the following as shown below.

Table 2.

Coverage for Php 400 Premium	Coverage for Php 800 Premium
<p><u>TOTAL PREMIUM SUBSIDY</u> Php 369.8 Million</p> <p><u>COVERAGE</u></p> <p>Death Benefit (includes death due to COVID-19): Php 100,000</p> <p>Medical Reimbursement: Php 10,000</p> <p>Burial Assistance Php 10,000</p>	<p><u>TOTAL PREMIUM SUBSIDY</u> Php 739.6 Million</p> <p><u>COVERAGE</u></p> <p>Death Benefit (includes death due to COVID-19): Php 200,000</p> <p>Medical Reimbursement: Php 20,000</p> <p>Burial Assistance Php 10,000</p>

Source: GSIS

Note: The GSIS proposal and figures were valid up to 30 days from date of receipt of the quotation. The quotation was sent to DepEd on August 31, 2021.

It is hereby noted that the coverage under the GSIS proposal is in addition to what teachers already enjoy under PhilHealth;

6. For the DepEd, the CSC, and the GSIS to conduct a thorough review of all issuances (orders, memorandums, circulars, and resolutions) promulgated to warrant their harmonization and alignment with the spirit of the Magna Carta,

¹⁰¹ Costing based on 924,497 Teaching and Teaching-Related Personnel.

¹⁰² *Ibid.*

in order to faithfully comply with the action plans as indicated in pages 33 to 65 of this Committee Report;

7. For the DepEd and relevant agencies to conduct a nationwide information dissemination campaign on the provisions of the Magna Carta and its implementing rules and regulations to raise public awareness on the rights and welfare of teachers;
8. For Congress to continue exercising its oversight function to determine the provisions of the Magna Carta that need amendments or repeal; and
9. For the DepEd to submit an annual report on the implementation of the Magna Carta, including the utilization of the budget provided for its purpose under the GAA.

In order to fully implement the provisions of the Magna Carta, the DepEd would need at least an estimated additional Php 135.7 billion to Php 238.7 billion annually (calculations shown below). These estimates do not include costs related to the provision of overtime pay, special hardship allowance and salary increases upon retirement due to lack of available data.

Table 3.

Section	Issue	Solution	Annual Incremental Cost Estimate (Php)
13	Teacher Workload	Hire Admin Officers II (AO) to lessen teacher workload. Assuming 1 AO officer hired for every 3 teachers. ¹⁰³	105,432,949,329
14	Additional Compensation: Overtime Pay	lack of available data	
15	Teacher Salaries		28,080,122,876

¹⁰³ Assuming 876,842 teachers as of Sept. 2021. Also assuming AO pay at SG 11 inclusive of mid-year and year-end bonus, and government share of PhilHealth and Insurance Premiums.

		Increase SG levels of Teachers I-III	130,724,645,161
18	Cost of Living Allowance	P2,000 allowance for 910,209 authorized teaching positions. This is separate from PERA.	1,820,418,000
19	Special Hardship Allowance	lack of available data ¹⁰⁴	
22	Medical Examination & Treatment	based on GSIS proposal	369,798,800 - 739,597,600 ¹⁰⁵
26	Salary Increase upon Retirement	lack of available data	
TOTAL COST ESTIMATE			135,703,289,005 - 238,717,610,090

Source: DepEd, GSIS

¹⁰⁴ For 2021, DepEd budgeted Php 2.3 billion for Special Hardship Allowances of teachers.

¹⁰⁵ Costing based on 924,497 Teaching and Teaching-Related Personnel.

ANNEX "A"

Table 30: Secondary Teachers' Average Annual Salaries in Public Institutions in Select Asia-Pacific Countries as a Percentage of GDP Per Capita

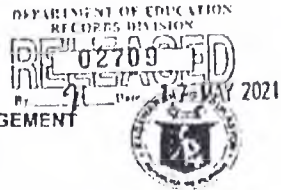
Country	Year	Lower secondary teachers			Upper secondary teachers		
		Starting	After 15 years of experience	Top of scale	Starting	After 15 years of experience	Top of scale
Australia	2009	97	135	135	97	135	135
Cambodia	2003	64	77	86	91	77	123
Indonesia	2009	38	52	56	45	58	63
Japan	2009	80	140	178	80	140	182
Lao PDR	2002	53	58	65	54	59	...
Malaysia	2006	105	184	279	105	164	279
New Zealand	2009	70	135	135	70	135	135
Philippines	2009	1st 157	4th 173	4th 186	1st 157	3rd 173	4th 186
Republic of Korea	2009	122	211	338	122	211	338
Thailand	2006	91	177	299	91	177	299

Source: UIS (2011), and UNESCO Bangkok (2009)

ANNEX "B"



DEPARTMENT OF BUDGET AND MANAGEMENT
DEPARTMENT OF EDUCATION
Joint Circular No. 01, s. 2021
2021



TO : SCHOOLS DIVISION SUPERINTENDENTS, HEADS OF DEPARTMENT OF EDUCATION (DEPED)-SUPERVISED PUBLIC ELEMENTARY AND SECONDARY SCHOOLS, ALL CENTRAL AND REGIONAL OFFICIALS OF THE DEPED AND THE DEPARTMENT OF BUDGET AND MANAGEMENT (DBM) AND ALL OTHERS CONCERNED

SUBJECT : REVISED GUIDELINES ON THE GRANT OF THE SPECIAL HARDSHIP ALLOWANCE

1.0 Background

- 1.1 Republic Act No. 4670, known as the Magna Carta for Public School Teachers, provides for the grant of a special hardship allowance (SHA) to teachers in areas where they are exposed to hardship, as determined by the Secretary of Education. Article III, Section 19 thereof stipulates that the qualified recipients shall be compensated SHA equivalent to at least 25% of their monthly salary.
- 1.2 Guidelines on the grant of the SHA for public school teachers were issued through the Department of Budget and Management (DBM) National Budget Circular (NBC) 514 s. 2007. The NBC provided for a scaled SHA rate for qualified SHA recipients contingent on certain conditions of the schools under the identified hardship categories.
- 1.3 Hardship post as defined in NBC 514, s. 2007 refers to areas characterized by extraordinarily hard, uncomfortable, and extreme difficulties. However, the difficulty experienced by teachers in schools has evolved over time, providing the impetus for including other important factors that affect the recruitment and retention of teachers in hard-to-reach areas.
- 1.4 To update the guidelines and ensure consistency with the provisions of the Magna Carta for Public School Teachers, as well as responsiveness to the challenges of teachers in the field, the DepEd and the DBM hereby promulgate these revised guidelines on the grant of the SHA.

2.0 Purpose

- 2.1 This Circular provides the revised guidelines on the grant of the SHA to public school teachers exposed to hardship, in compliance with the Magna Carta for Public School Teachers.

ROSE MARIE D. MOSCOSO
Assistant Chief of
Office of the Secretary
Department of Education

CERTIFIED TRUE COPY

Handwritten signature and a circled number 5

3.0 Coverage

The following DepEd personnel are qualified to receive the Special Hardship Allowance:

- 3.1 All teachers in elementary and secondary schools located in hardship posts as determined through the Hardship Index;
- 3.2 Multi-grade teachers in pure multi-grade schools;
- 3.3 Mobile teachers, and Non-Formal Education or Alternative Learning System (ALS) coordinators concurrently handling ALS classes; and
- 3.4 School heads assigned in hardship posts or pure multi-grade schools.

4.0 Definition of Terms

For the purposes of this Circular, the following terms shall be defined as follows:

- 4.1 **Alternative Learning System (ALS)** – refers to a parallel learning system that is a viable alternative to the existing formal education instruction. It encompasses both the non-formal and informal sources and delivery of knowledge and skills.
- 4.2 **ALS Mobile Teacher** – refers to a specialized teacher conducting learning sessions using the alternative learning delivery mode whose duties require movement from one station to another in depressed, disadvantaged, and underserved communities.
- 4.3 **Hardship Index (HI)** – refers to any number from 0 to 1 representing the degree of hardship of a particular school combining all the variables identified as hardship factors: time and cost of transportation from school to Schools Division Office (SDO), human violence, availability of temporary learning spaces, level of poverty, and access to basic amenities (e.g. telecommunication, water, and electricity services, etc.). The closer the value of the index to 1, the higher the degree of difficulty of the school situation¹.
- 4.4 **Hardship Post** – refers to a workstation (Public School/Community Learning Center) located in an area characterized by extraordinarily hard, uncomfortable, and extreme difficulties based on the hardship factors measured by the HI.
- 4.5 **Multi-Grade (MG) Teacher** – refers to a teacher handling a combined class of two or more grade levels.
- 4.6 **Pure MG School** – refers to a school that solely offers combined classes of two or more grade levels except for Kindergarten.

¹ Based on the joint study of DepEd & UNICEF in 2010

CERTIFIED TRUE COPY



Attested 3/12/11
ROSE MARIE D. MOSCOSO
Administrative Officer V
Schools Division Office

Page 2 of 4

4.7 **School Head** – refers to a person responsible for the administrative and instructional supervision of the school or cluster of schools.

4.8 **Special Hardship Allowance** – refers to additional compensation generally paid to teachers who are exposed to hazards and difficulties because of the nature and/or location of their work.

4.9 **Teacher** – refers to a person engaged in classroom teaching, in any level of instruction, on full-time basis, including guidance counselors, school librarians, industrial arts or vocational instructors, and all other persons performing supervisory and/or administrative functions in all schools, but shall not include school nurses, school physicians, school dentists, and other school employees.

5.0 Guidelines

5.1 As a means to compensate for the difficulties and hardships of qualified DepEd personnel while in hardship posts, pure multi-grade schools, and ALS areas, they shall be provided with SHA equivalent to **twenty-five percent (25%)** of their monthly basic salary.

5.2 The DepEd shall compute the Hardship Index (HI) every three (3) years beginning FY 2021 and shall use the latest available data in the said computation. The HI cut-off, which shall be the basis for identifying eligible school personnel in hardship posts, has a three (3) year validity. Notwithstanding, this Index may be updated before the end of the validity period subject to agreement between the DepEd and the DBM.

5.3 School Heads and Teachers assigned in Pure MG schools and ALS teachers are automatically qualified recipients of the SHA. The computation for pure MG schools and ALS shall follow the formula for teachers in hardship posts indicated in Section 5.5.

5.4 The aggregate amount of the SHA to be given to qualified DepEd personnel at any given month shall not exceed twenty-five percent (25%) of their basic monthly salary. In no case shall a qualified individual receive SHA under two or more categories.

5.5 The SHA to be received by the qualified DepEd personnel shall be proportional to the number of working days the said personnel is present at his/her post, wherein:

$$\text{SHA} = (\text{basic salary} \times 25\%) \times \left[\frac{(\text{number of days present in a month})}{(22 \text{ working days in a month})} \right]$$

A **sample** computation for a Teacher I (Step 1) is as follows:

$$\text{SHA} = (\text{P}23,877.00 \times 25\%) \times (19/22)$$

$$\text{SHA} = \text{P}5,155.26$$

where

P23,877.00 = teacher's basic monthly salary

25% = SHA rate

19 = number of actual days present in a month

CERTIFIED TRUE COPY

Rose Marie D. Moscoso
ROSE MARIE D. MOSCOSO
Administrative Officer V
DepEd Division Office - Marikina



Page 3 of 4

22 = total number of working days in a month

* For purposes of SHA calculation, tardiness or under-time of 4 hours or more shall be considered as half-day (0.5 day).

5.6 The implementing Rules and Regulations (IRR) of this Joint Circular shall be issued by the Department of Education, in coordination with the DBM.

6.0 Funding Source

6.1 The amount necessary for the payment of SHA shall be sourced from the identified available funds, following this order of charging:

6.1.1 Appropriations under the regional lump-sum of DepEd specifically provided for this purpose in the General Appropriations Act (GAA).

6.1.2 In case of funding deficiency, savings for the current year from the Schools Division Office (SDO), then the DepEd Regional Office (RO) concerned, and then overall agency savings.

7.0 Resolution of Issues

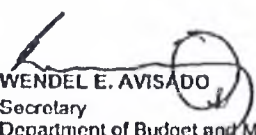
7.1 Issues pertaining to the provisions contained in this Joint Circular, and/or issues not covered by the existing provisions shall be jointly resolved by the DepEd and the DBM.

8.0 Repealing Clause

8.1 NBC 514, s.2007 and all other circulars, memoranda, rules, regulations, and other issuances inconsistent with this Joint Circular are hereby repealed or superseded accordingly.

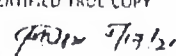
9.0 Effectivity

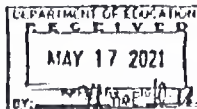
9.1 This Circular shall take effect starting January 01, 2021.


WENDEL E. AVISADO
Secretary
Department of Budget and Management


LEONOR MAGTOLIS BRIONES
Secretary
Department of Education

CERTIFIED TRUE COPY


ROSE MARIE D. MOSCOSO
Administrative Officer V
Regional Office - Cebu



Page 4 of 4

ANNEX "C"



Republic of the Philippines
Department of Education

CORRECTED COPY

27 MAY 2021

DepEd ORDER
No. 020, s. 2021

**ENHANCED GUIDELINES ON ACCREDITATION/RE-ACCREDITATION
OF PRIVATE ENTITIES UNDER THE AUTOMATIC PAYROLL
DEDUCTION SYSTEM PROGRAM**

To: Undersecretaries
Assistant Secretaries
Bureau and Service Directors
Regional Directors
Schools Division Superintendents
Public and Private Elementary and Secondary School Heads
All Others Concerned

1. For information and guidance of all concerned, the Department of Education (DepEd) issues the enclosed **Enhanced Guidelines on Accreditation/Re-Accreditation of Private Entities under the Automatic Payroll Deduction System (APDS) Program**.
2. DepEd shall regulate the use of its APDS to facilitate and ensure orderly implementation of salary deductions authorized by law, adherence to legal limitations on salary deductions, and protection and promotion of the welfare of all teachers and employees, by addressing the issues and concerns both from internal and external stakeholders and limiting the disputes regarding issues related to salary deductions.
3. These revised guidelines shall apply to the following:
 - a. Private entities authorized under existing laws to be paid through salary deductions and applying to participate in the APDS at the national, regional, schools division, and school levels; and
 - b. All DepEd officials and employees who are in actual service at the central, regional and schools division offices, including schools.
4. DepEd Order No. 18, s. 2018 titled *Revised Guidelines on Accreditation/Re-Accreditation of Private Entities under the Automatic Payroll Deduction System (APDS) Program*, and all earlier DepEd issuances on the same subject are repealed. All other rules, regulations, and issuances, which are inconsistent with these guidelines are repealed or modified accordingly.
5. These guidelines shall take effect upon posting on the DepEd website, and in Official Gazette and/or two newspapers of general circulation, and must be registered at the Office of the National Administrative Register (ONAR), College of Law, University of the Philippines, Diliman, Quezon City.

6. For more information, please contact the **Employee Account Management Division**, the APDS Secretariat, 2nd Floor, Teodoro Alonzo Building, Department of Education Central Office, DepEd Complex, Meralco Avenue, Pasig City through email at fs.camd@deped.gov.ph or at telephone number (02) 8633-7248.

7. Immediate dissemination of and strict compliance with this Order is directed.


LEONOR MAGTOLIS BRIONES
Secretary

Encls.:
As stated



Reference:
DepEd Order (No. 18, s. 2018)

To be indicated in the Perpetual Index
under the following subjects:

ACCREDITATION
CHANGE
DEDUCTIONS
EMPLOYEES
OFFICIALS
PAYMENTS
POLICY
SALARY
TEACHERS

(ENCLOSURE 1 TO DEPED ORDER NO. 20, S. 2021)

**ENHANCED GUIDELINES ON ACCREDITATION/
RE-ACCREDITATION OF PRIVATE ENTITIES UNDER THE
AUTOMATIC PAYROLL DEDUCTION SYSTEM (APDS) PROGRAM**

I. RATIONALE

1. The Department of Education, as a government agency, is authorized by various laws, rules and regulations to deduct from salaries of its employees such amounts intended for the payment of contributions and other obligations due to specified to private entities.

2. Such authorization, however, is concurrently limited by other laws, particularly Section 21¹ of RA 4670 or the Magna Carta for Public School Teachers, and Section 66², Title I(A), Book V of the Administrative Code of 1987.

3. In addition, Congress has imposed limitations on the extent of the amount that may be deducted, as well as on the order of preference of the deductions, through the General Provisions of the General Appropriations Act (GAA) on authorized deductions from salaries and other benefits accruing to any government employee, chargeable against the appropriations for Personnel Services.

4. In the implementation of authorized deductions, the DepEd is also under responsibility to consider the welfare of the teachers and employees. Among the powers, duties and functions of the Secretary of the Department of Education, as provided in Section 7 (A) of RA 9155 or the Governance of Basic Education Act of 2001, is "(E)nhancing the employment status, professional competence, welfare and working conditions of all personnel of the Department".

5. As part of DepEd's implementation of the authorized deduction from salaries, it has been implementing a centralized Accreditation for the inclusion of private entities in its Automatic Payroll Deduction System (APDS). The Accreditation provides standards and procedures that private entities must comply with to be included in the APDS. The Accreditation also facilitates the orderly implementation of the limitations on authorized deductions, including the observance of the minimum monthly net take home pay (NTHP) as well as the order of preference of deductions.

6. This Revised Guidelines on Accreditation/Re-Accreditation of Private Entities under the APDS is issued to enhance the existing rules and criteria for Accreditation/Re-accreditation, for continuous systems improvement, such as the automation on granting loans to DepEd personnel and submission of billing statements by the accredited entities, in view of the current technology advances and modernization thrust of the government, and to cover issues and concerns raised by both DepEd personnel and accredited entities with the implementation of the existing APDS policy which need to be addressed by the Department. Further guidelines relative to deduction from salaries of government employees may be issued by the Department as deemed necessary.

¹ Section 21, RA 4670 - Deductions Prohibited. No person shall make any deduction whatsoever from the salaries of teachers except under specific authority of law authorizing such deductions. Provided, however, That upon written authority exercised by the teacher concerned, (1) useful dues and fees owed to the Philippine Public School Teachers Association, and (2) premiums payable due to insurance policies, shall be considered deductible.

² Section 66, Title I(A), Book V of the Administrative Code of 1987 - "Except as may otherwise be provided by law, it shall be unlawful for a taxpayer or other fiscal officer to draw or retain from the salary due an officer or employee, any amount for contribution or payment of obligations other than those due the government or its instrumentalities."

II. SCOPE

7. The revised guidelines apply to private entities authorized under existing laws to be paid through salary deductions and applying to participate in the APDS at the national, regional, school division, and school levels.

8. Accreditation/Re-accreditation shall be valid for a period of **five (5) years** from the date of the signing of the Terms and Conditions of the APDS Accreditation (TCAA) by the representative of the accredited entity, unless the Accreditation is earlier revoked by DepEd for grounds as provided in the TCAA. Moreover, performance of accredited entities shall be evaluated to assure compliance with the TCAA six (6) months before the third year of their TCAA.

9. Services offered under these guidelines shall be extended to DepEd officials and employees who are in actual service at the Central, Regional and Schools Division Offices, including schools. Officials and employees who avail of these services shall be bound by the terms and conditions specified in the relevant provisions of this policy.

III. DEFINITION OF TERMS

10. The following terms are defined, as used in these guidelines:

- a. **Affiliate company** refers to an entity which shall act as the accredited entity's partner in catering loans and insurance/mutual aid or benefit systems membership to DepEd personnel. It must be duly registered with the appropriate government regulatory body (SEC, CDA, IC, and BSP), and which office must meet the requirements in paragraph 22 of these guidelines. Pawnshops and money exchangers (and other similar entities) are prohibited to act affiliates of APDS accredited entities under these guidelines.
- b. **Agency Authorized Officer** refers to a designated DepEd employee who is responsible for approving GSIS loans applied by DepEd employees, among others. He/she shall coordinate with the DepEd Verifier to ensure that repayment of said loan can be accommodated in the payroll.
- c. **Automatic Payroll Deduction System (APDS)** refers to a mechanism of collecting payments, through salary deduction, for mandatory and non-mandatory financial obligations of DepEd employees, and remittance thereof to government and accredited private entities.
- d. **Automatic Payroll Deduction System Program** refers to a DepEd program officially recognizing and authorizing private entities to utilize the APDS facility for non-mandatory deductions in the Central, Regional, Schools Divisions, and implementing unit secondary schools. Entails the execution of Terms and Conditions of the APDS Accreditation (TCAA, for brevity) which assigns an APDS code and sets the *roles and responsibilities* of the accredited entity with regard to the APDS.
- e. **DepEd Verifier** refers to a designated DepEd employee who is responsible for checking if the loan or any financial obligation being applied for by a certain DepEd employee can be accommodated in his/her pay slip. He/she shall verify the resulting net take home pay of a DepEd employee after obtaining a loan or any financial obligation being applied for.
- f. **Effective Interest Rate** refers to the rate that exactly discounts estimated future cash flows through the life of a loan to the net amount of loan proceeds. It is also the rate paid due to the result of compounding over a given time period.

CORRECTED COPY

- g. **General Appropriations Act** refers to the law enacted every fiscal year that defines the annual expenditure program of the national government and all its instrumentalities.
- h. **Interest Rate** refers to the proportion of a loan that is charged as interest to the borrower, usually expressed as an annual percentage of the outstanding loan. It is the amount to be paid by the Borrower for the use of money for a period of time and is expressed as a percentage of the total outstanding balance of time on loan.
- i. **Net Take Home Pay** refers to the total amount disbursed to a DepEd Employee in a payroll month after all the mandatory and non-mandatory deductions have been deducted.
- j. **Pay slip** refers to the document issued monthly by a payroll services unit to each DepEd employee showing the employee's gross receipts, deductions, and net take home pay for that payroll month.
- k. **Principal Amount of Loan** refers to the gross amount of a loan, based on which, the interest and loan payments are computed.
- l. **Terms and Conditions of the APDS Accreditation (TCAA)** refers to the document signed by the representative of the APDS accredited entity as proof of its enrollment to the DepEd APDS Program, duly notarized by a Notary Public and acknowledged by DepEd. It includes the APDS Code to be used by the accredited entity including its roles and responsibilities to be followed in the utilization of the APDS facility.

IV. POLICY STATEMENT

11. The DepEd shall regulate the use of its APDS to facilitate and ensure orderly implementation of salary deductions authorized by law, adherence to legal limitations on salary deductions, and protection and promotion of the welfare of all teachers and employees, by addressing the issues and concerns both from internal and external stakeholders and limiting the disputes regarding issues related to salary deductions.

12. Only entities specifically authorized by law to be paid through salary deductions of teaching and non-teaching employees' contributions and obligations may apply for Accreditation/Re-Accreditation.

13. The DepEd shall impose a ceiling on interest rates, service charges, and other fees charged by lending institutions participating in the APDS.

14. The DepEd shall endeavor to prevent and eliminate illegal and unauthorized deductions from the salaries of DepEd officials and employees.

15. Except as otherwise provided by law, any deduction shall be allowed only upon written authorization by the DepEd official or employee concerned.

16. In the implementation of authorized deductions, the DepEd is also under responsibility to consider the welfare of the teachers and employees. Among the powers, duties and functions of the Secretary of the Department of Education, as provided in Section 7 (A) of RA 9155 or the Governance of Basic Education Act of 2001, is "(E)nhancing the employment status, professional competence, welfare and working conditions of all personnel of the Department".

V. GENERAL PRINCIPLES

17. A centralized Accreditation/Re-accreditation shall be implemented by the DepEd Central Office as a requirement to participation in the DepEd's APDS. The Accredited/Re-Accredited entity shall be assigned an APDS Code, and Sub-Codes as applicable, by the DepEd Central Office (CO) through the Employee Account Management Division (EAMD), which shall act as the APDS Secretariat. However, for cooperatives whose membership is exclusive to DepEd teaching, non-teaching, and teaching-related personnel, current or retired (hereinafter referred to as "DepEd personnel cooperatives"), and whose operations are limited to one Region, accreditation is delegated to the DepEd Regional Office.

18. The Accredited/Re-accredited entity shall sign the TCAA of the APDS Accreditation and acknowledge the same before a notary public.

19. Accreditation/Re-accreditation shall be granted to entities that agree to abide by these specific guidelines, with reference to the following:

- 19.1 Specific authorization by law for payment of contributions or obligations through salary deductions;
- 19.2 Legal existence and license to operate as granted by the government through its different regulators;
- 19.3 Full transparency in reporting operations and financial status;
- 19.4 Grounds for suspensions and revocation of Accreditation; and
- 19.5 Other conditions set forth in the TCAA.

20. Entities, including affiliates/associates/partners with contested ownership or chairmanship are not allowed to participate in the APDS.

21. Entities participating in the APDS as well as all DepEd offices and personnel concerned shall follow the procedures for the verification of the NTHP, as contained in Annex B and C of Enclosures 2 and 3, respectively, of this DepEd Order.

22. Entities shall be allowed to participate in the APDS facility in the **province**³ where they have an office established in accordance with law. The office shall have a fully equipped physical site of transaction, inside a building or commercial structure, with a local business permit, proper sign board, official contact details (landline, post-paid mobile or registered number, including e-mail address), and full-time manager/authorized personnel and staff who shall maintain complete records, accept payments, issue statements of accounts, official receipts, certificates of full payment, and contracts and membership documents, all within specified timeframes, and attend to other transactions, queries, and complaints of DepEd personnel.

23. Entities may also be allowed to transact business within a region even without the existence of an office in a certain province, provided the Entity concerned has its fully equipped facility/system that enables lending business transactions via online process, from acceptance of loan applications filed by DepEd borrowers, granting of loans, responding to queries, and others, as reviewed by the DepEd Central Office APDS Task Force and approved by the Undersecretary for Finance.

24. Entities that do not have an office in a province may offer **loans and insurance/mutual aid memberships** under APDS to DepEd personnel in that province by making arrangements and entering into legal agreements with affiliate companies, **except for**

³ For this purpose, Metro Manila will be considered as one province.

CORRECTED COPY

pawnshops and money exchangers, which shall act as the former's agent. The said affiliate **company** must be duly registered with the appropriate government regulatory body, and must have an office in the **province** that meets the requirements in **paragraph 22** hereof.

25. For purposes of renewal of the TCAA, the Accredited Entity shall submit its Letter of Intent for the APDS re-accreditation **at least one (1) month prior to the date of expiration.**

26. Entities participating in the APDS for lending business shall conform with the ceilings on interest and non-interest rates on loans as shown below. Only loans with a term not exceeding **three (3) years** will be accommodated under the APDS. Illustrations for the loan computations from **one (1) to three (3) years** are in Annexes D-1 to D-3 of Enclosure 2 of this DepEd Order.

Particulars	Ceilings
Contractual Interest Rates (based on diminishing/declining principal balance)	1 year – 7.500% per annum (p.a.) or 0.625% per month 2 years – 9.000% p.a. or 0.750% per month 3 years – 9.660% p.a. or 0.805% per month
One-time Other Charges (Must be itemized in the Disclosure Statement)	6.000%, deducted upfront from the principal amount of loan *
Effective Interest Rates (EIR) p.a.	1 year – 21.091% 2 years – 16.351% 3 years – 14.886%

27. The Department shall conduct a review of and adjust these rates as often as may be needed by the prevailing circumstances, in consultation with the relevant government agencies, and on other policy considerations.

28. The Department shall also post in the DepEd website or any online platforms, or in any conspicuous places of the DepEd offices, the rates of interest and other charges on loans to be offered to DepEd officials and personnel by lending institutions participating in the APDS.

29. Entities participating in the APDS shall pay the following service fees, which shall be collected by the DepEd implementing units **(Central, Regional and Schools Division Offices, as well as Implementing Unit Secondary Schools)** through automatic deduction from the remittance due to the Accredited/Re-accredited Entity, in favor of the DepEd Provident Fund:

- 29.1 For loans granted by banks, insurance companies, financing companies: One percent (1%) of amount to be remitted.
- 29.2 For loans granted by non-stock savings and loans associations, mutual benefit associations, and DepEd personnel cooperatives and other associations: One-half of one percent (0.5%) of the amount to be remitted.
- 29.3 For insurance premia due to insurance companies: Three percent (3%) of amount to be remitted.
- 29.4 For mutual benefit membership dues/contributions due to associations/cooperatives, non-stock savings and loan associations, and mutual benefit associations: One percent (1%) of amount to be remitted.

VI. ACCREDITATION/RE-ACCREDITATION CRITERIA

A. MINIMUM REQUIREMENTS

30. To be eligible for consideration for accreditation/re-accreditation, applicants must satisfy the following criteria:

- 30.1 Legally organized and duly registered with government regulatory agencies such as the Securities and Exchange Commission (SEC), BSP, Insurance Commission (IC), and Cooperative Development Authority (CDA);
- 30.2 For lending business, the applicant must be authorized to engage in lending based on the primary or secondary purpose stated in the Articles of Incorporation/Cooperation;
- 30.3 For insurance business and mutual benefit and association memberships, the applicant must be authorized to offer insurance policies and mutual benefit and association memberships based on the primary or secondary purpose stated in the Articles of Incorporation/Cooperation;
- 30.4 Operating and in good standing for the current year as certified by SEC, BSP, PDIC, IC, or CDA;
- 30.5 Must have **authorized personnel** and staff in each of entities' **offices/branches** who shall maintain complete records, accept payments, issue statements of accounts, official receipts, certificates of full payment, and contracts and membership documents, all within specified timeframes, and attend to other transactions, queries, and complaints of DepEd personnel;
- 30.6 For new applicants, must have a track record of at least **five (5) years** of operations for the type of accreditation being applied for, **except for DepEd personnel cooperatives which must have a track record of at least two (2) years;**
- 30.7 Must have sufficient capitalization as provided for by law or regulations, but in no case shall the equity as reflected in the **two (2) succeeding** year's Audited Financial Statements (AFS) be less than **PhP5 million, except for DepEd personnel cooperatives whose operations are limited to one (1) region** and the memberships include retired, resigned and active/current DepEd officials and employees within their respective coverages. The applicant shall have equity as follows:
 - a. At least PhP 2 million for region-wide DepEd personnel cooperatives. The applicant once accredited/re-accredited shall utilize the APDS facility only in the provinces within the region where it has offices as defined in paragraph 22 of these guidelines.
 - b. At least PhP 1 million for division-wide DepEd personnel cooperatives. The applicant once accredited/re-accredited shall limit the utilization of the APDS facility within the schools division where it is operating.
 - c. At least PhP 300,000.00 for DepEd personnel-cooperatives exclusive for Implementing Unit Schools that prepare its own payrolls (i.e. with direct release of fund from the Department of Budget and Management). The applicant once accredited/re-accredited shall limit the utilization of the APDS facility within the school where it is operating.

B. DOCUMENTS FOR SUBMISSION BY APPLICANTS

31. For Accreditation of new applicants:

31.1 The applicant must submit the following original or certified true copies of the documents issued by the appropriate government regulatory agency:

31.1.1 For SEC registered entities:

- a. Certificate of Incorporation/Registration
- b. Articles of Incorporation and By-Laws, and Amendments, if any
- c. Updated General Information Sheet
- d. Certification from SEC that the entity has not been dissolved nor has the Commission received any derogatory information that would prevent it from exercising its primary purpose or business

31.1.2 For BSP registered entities (in addition to the required documents from SEC):

- a. Certificate of Authority
- b. Certification of Good Standing issued by the Philippine Deposit Insurance Corporation (PDIC)

31.1.3 For IC registered entities (in addition to the required documents from SEC):

- a. Certificate of Registration
- b. Certificate of Authority

31.1.4 For CDA registered entities:

- a. Certificate of Registration
- b. Articles of Cooperation and By-Laws, and Amendments, if any
- c. Updated Cooperative Annual Progress Report (CAPR)
- d. CDA Certificate of Good Standing intended for DepEd APDS Accreditation purposes (original to be presented for validation purposes)

31.1.5 Additional documents required from all new applicants:

- a. Letter of Intent signed by the President/Chairman/Chief Executive Officer
- b. Latest organization profile
- c. Ownership structure, including, among others, the percentage of share ownership of the stockholders/members
- d. Curriculum vitae/bio-data of corporate directors and officers with photocopy of ID with picture and signature. For government employees, the accomplished and filed Civil Service Commission Form 212 (Personal Data Sheet) must be submitted
- e. List of all products and/or services offered to DepEd personnel. For applications for insurance business and mutual benefit and association memberships: approval from their respective government regulatory agencies to offer such products and/or services
- f. In case of mutual benefit associations, DepEd personnel cooperatives, and associations, a Certification from its President/Chairman that the organization is duly operating under existing laws which are managed by and/or for the benefit of government employees
- g. AFS for the two (2) immediately preceding years, stamped received by the BIR
- h. Copy of Income Tax Return (ITR) for the two (2) immediately preceding years, with proof of payment
- i. BIR Certificate of Registration (Form 2303) of Tax
- j. Identification Number (TIN)
- k. List of main and all field offices/branches, including the names of its Authorized Personnel/Head of Office/Branch Manager per region, with complete addresses, any official contact number, and official e-mail

CORRECTED COPY

addresses, with a corresponding Certification that the said offices/branches can sufficiently render all the services mentioned in paragraph 22

- l. For entities applying for accreditation for lending business: sample amortization schedules for each type and term of loan, showing the rates of interest, non-interest, and other charges (itemized), following the Effective Interest Calculation Model in Annexes "D-1" to "D-5" of Enclosure 2
- m. For entities applying for accreditation for lending business: subscribed statement attesting to the Truth in Lending Act with attached expanded Disclosure Statement on Loan/Credit Transaction (as required under R.A. 3765, Truth in Lending Act)
- n. Business Permits of all offices/branches intended for lending purposes
- o. Contract of Lease (effective during the term of the TCAA) or proof of ownership of offices/branches
- p. For affiliate companies: Certification executed by both the private entity and the affiliate companies stating that the latter can sufficiently render all the services mentioned in paragraph 22

32. For Re-Accreditation of private entities with existing APDS Codes:

32.1 To be qualified for re-accreditation process, the applicant entity must comply with the submission of the reportorial requirements specified in paragraph 8.2 of the previous TCAA. In addition, the following documents must also be submitted:

- a. Letter of Intent signed by the President/Chairman/Chief Executive Officer;
- b. Updated Curriculum vitae/bio-data of corporate directors and officers with photocopy of ID with picture and signature. For government employees, the accomplished and filed Civil Service Commission Form 212 (Personal Data Sheet) must be submitted; and
- c. Updated List of all products and/or services offered to DepEd personnel. In the case of insurance companies/MAS organizations, it is required that they should secure certification from the Insurance Commission on their approved products and/or services offered.

33. The Department may, from time to time, require accredited entities to submit hard copies of Promissory Notes, Authorities to Deduct, Disclosure Statements, Subsidiary Ledgers, Insurance Policy Contracts, Certificates of Membership, and other APDS-related membership and transaction documents of DepEd personnel.

VII. ACCREDITATION/RE-ACCREDITATION PROCESS

34. Accreditation/Re-accreditation shall be continued in cycles of **five (5) years**. For this cycle, the accreditation/re-accreditation of private entities under APDS shall run from the date of the notarization of the new TCAA until December 31, 2025. Subsequent cycles shall still run for a full cycle of five (5) years starting January 1, 2026.

35. Entities aspiring to participate in the APDS must submit the complete set of documentary requirements to the following:

35.1 DepEd Central Office (CO) –

- a. Non-stock savings and loans associations and mutual benefit associations duly operating under existing laws and cooperatives which are managed by and/or for the benefit of government employees. For cooperatives, the operations/offices must be in more than one (1) region;

CORRECTED COPY

- b. Associations or Provident Funds organized and managed by government employees for their benefit and welfare;
 - c. Licensed insurance companies; and
 - d. Thrift banks or rural banks accredited by the BSP.
- 35.2 DepEd Regional Office (RO) - DepEd personnel cooperatives **whose composition of incorporators and members include retired, resigned and active/current DepEd officials and employees**, and whose operations are limited to one (1) region.
- 35.3 Cooperatives whose operations are limited only in 1 region with previous accreditation at the DepEd CO may still submit the complete documents for re-accreditation to the said office for evaluation.
36. Acceptance of applications shall be as follows:
- 36.1 For accreditation, the required documents must be submitted on or before **July 31, 2021**. Evaluation and processing of applications with complete submission of the said required documents shall reckon on **August 1, 2021**, and is expected to be concluded up to the issuance of the TCAA on or before **August 31, 2021**.
- 36.2 For re-accreditation, the required documents must be submitted on or before **June 30, 2021**. Evaluation and processing of applications with complete submission of the said required documents shall reckon on **July 1, 2021**, and is expected to be concluded up to the issuance of the TCAA on or before **July 31, 2021**.
37. DepEd APDS Task Forces comprising of **seven (7) to nine (9) members** shall be formed at the RO and CO. Each Task Force shall be composed of the following personnel holding plantilla positions:

Designation	RO	CO
Chairperson	a. Regional Director or Assistant Regional Director	a. Assistant Secretary for Finance Service
Vice Chairperson		b. Assistant Secretary for Legal Service
Members	b. Chief Administrative Officer, Administrative Division	c. Assistant Secretary for Field Operations
	c. Chief Administrative Officer, Finance Division	d. Director, ICTS or his representative
	d. Supervising Administrative Officer, Finance Division	c. Director for Finance Service
	e. Head of Accounting Unit, Finance Division	f. Chief Administrative Officer, Employee Account Management Division (EAMD)
	f. Head, Personnel Section or Payroll Services Unit, Administrative Division	g. Chief Administrative Officer, Personnel Division
	g. One (1) representative from the Legal Unit, preferably holding an Attorney position	h. Supervising Administrative Officer, EAMD
		i. One (1) Representative from Accounting Division

38. The designated Chairpersons of the respective Task Forces shall issue an Office Order designating the Task Force members and furnish the Office of the Undersecretary for Finance and the APDS Secretariat, a copy of the same. A similar process shall be followed in case of changes in the composition of a Task Force.

CORRECTED COPY

39. The members of the Task Force may recommend a permanent alternate within the same office, holding a plantilla position, to attend meetings in his/her absence. The Chairperson may designate an officer from the members of the Task Force to officiate a meeting in the Chairperson's absence.

40. The following procedure shall be followed for entities applying at DepEd CO:
- 40.1 The complete set of documentary requirements must be submitted on or before the deadlines specified, with the letter of intent addressed to the Office of the Secretary, through the Undersecretary for Finance.
 - 40.2 The Office of the Undersecretary for Finance, with the assistance of the APDS Secretariat and Regional APDS Task Forces, shall review and evaluate the submitted documents as well as validate compliance with all the necessary requirements by the applicants.
 - 40.3 The Office of the Undersecretary for Finance on the basis of the review, may approve or disapprove the application. For applications for Re-Accreditation, records of the concerned entities' compliance with the previous **TCAA** will be considered in making the decision on whether to approve or disapprove. A letter of notification of the action taken thereon shall be served by the aforesaid Office to the applicants.
 - 40.4 If approved, a corresponding TCAA shall be executed by the accredited entity, through its authorized representatives, and acknowledge the same before a notary public.
 - 40.5 The responsibilities of the accredited entity are contained in the enhanced TCAA (Enclosures 2 and 3), subject to modification whenever necessary.
 - 40.6 Accreditation is considered complete only upon the notarization of the TCAA.
41. The following procedures shall be followed for entities applying at the DepEd RO:
- 41.1 The complete set of documentary requirements must be submitted to the concerned DepEd Regional Office on or before the deadlines specified, with the letter of intent addressed to the Regional Director.
 - 41.2 The Regional APDS Task Force shall review and evaluate the submitted documents as well as validate the compliance of the cooperative with all the necessary requirements under these guidelines.
 - 41.3 On the basis of the evaluation made by the Regional APDS Task Force, the Regional Director shall approve or disapprove the application for Accreditation/Re-accreditation. For applications for Re-Accreditation, records of the concerned cooperative's compliance with the previous TCAA will be considered in making the decision. A letter of notification on the action taken shall be served by the aforesaid Office to the applicants.
 - 41.4 For approved applications, the Regional Director shall send a written request for the assignment of the APDS Code (and Sub-Codes, if applicable) to the Undersecretary for Finance, **through the APDS Secretariat**.
 - 41.5 Upon receipt of the APDS Code (and Sub-Codes, if applicable), the corresponding TCAA shall be executed by the accredited entity through its authorized representative.

CORRECTED COPY

41.6 The roles and responsibilities of both parties, as well as the other terms and conditions of the TCAA, are enumerated in Enclosures 2 and 3, subject to further modification whenever necessary.

41.7 Accreditation is considered complete only upon the notarization of the TCAA.

42. Non-accreditation or disapproval of the application for Accreditation or Re-Accreditation shall result in the denial of the entity's privilege to transact new business under APDS. However, for entities failing to get approval for Re-Accreditation, the DepEd shall:

42.1 **For lending business:** Continue servicing the collection of existing deductions already included in the APDS, up to the deduction termination dates reflected in the pay slip, and remit the same to the entity. Thereafter, the APDS Code is automatically cancelled.

42.2 **For insurance premia or membership dues/contributions:** Continue servicing the collection of deductions already incorporated in the payroll system, as of the date of the disapproval, for the next three (3) months or until requested for stoppage by the DepEd policy holder/member/depositor, whichever comes earlier, and remit the same to the entity. Within sixty (60) calendar days from the said disapproval, DepEd shall notify the concerned DepEd personnel of the stoppage of deductions, and the latter may transact and/or pay directly to the formerly accredited entity, or terminate their memberships therewith. Thereafter, the APDS Code and Sub-Codes, if any, are automatically cancelled.

VIII. SUSPENSION OR REVOCATION OF ACCREDITATION

43. Entities applying for Accreditation agree that such Accreditation may be suspended or revoked by DepEd as may be provided in the TCAA.

IX. MONITORING AND EVALUATION

44. Monitoring the compliance of APDS accredited entities with these guidelines and the TCAA, including addressing issues that arise in implementation, shall be undertaken by DepEd through the APDS Task Forces and the APDS Secretariat.

45. The APDS Task Forces shall have the following responsibilities within their respective jurisdictions:

45.1 Validate the existence of offices of entities during the application stage and as the need arises. To expedite the validation, the services of the Schools Division Office located near the entity's office or branch is located, may be tapped, provided, the Validation Report shall be supported with proof of existence of office like pictures of the office and its staff and the report is signed by the members of the Regional APDS Task Force.

45.2 Conduct spot-checking or monitoring activities of the compliance of entities;

45.3 Submit annual reports to the Undersecretary for Finance on the compliance of the entity of the TCAA on or before the end of February of each year;

45.4 Monitor the submission of annual documentary requirements of school-based cooperatives;

45.5 Monitor compliance of the designated DepEd Verifiers, Authorized Agency Officers for GSIS loans and the Pag-Ibig Loan Endorsers, with regard to the requirements

CORRECTED COPY

stipulated in the General Provision of the annual GAA on the resulting Net Take Home Pay of DepEd borrowers when applying for loans under the APDS.

- 45.6 Conduct investigations, fact-finding activities, meetings, and/or mediation activities as necessary to address issues raised by various stakeholders, and submit a corresponding report and/or recommendations to the Undersecretary for Finance for centrally accredited entities and to the Regional Director for school-based cooperatives; and
- 45.7 Other tasks as may be assigned by the Secretary or the Undersecretary for Finance.

46. When conducting monitoring activities such as validation of existence of offices and spot-checking, at least three (3) members of the Task Force should be present. The Validation Report on the existence of the Entity's office/s shall be submitted in advance to DepEd Central Office via email. Thus, the corresponding letter of approval may be issued and released to the Lender prior to the receipt of the original copy thereof.

47. The APDS Secretariat shall have the following responsibilities:

- 47.1 Monitor the submission of annual documentary requirements of centrally accredited entities;
- 47.2 Validate, consolidate and analyze/review all reports submitted by the APDS Task Forces;
- 47.3 Seek opinion from the Office of the Undersecretary for Legal Affairs as needed;
- 47.4 Collect, analyze, and report data on contributions and obligations covered by APDS;
- 47.5 Prepare complete staff work on matters needing policy and implementation decisions;
- 47.6 Recommend to the Secretary, through the Undersecretary for Finance, appropriate action, including creation of ad hoc bodies to resolve issues when needed; and
- 47.7 Other related tasks that may be assigned.

48. A periodic review of this guidelines to further enhance its provisions and effectiveness shall be conducted by DepEd.

X. FINAL PROVISIONS

A. REPEALING CLAUSE

49. The following DepEd issuances are hereby repealed:

- 49.1 DO No. 19, s. 2019 entitled "Implementation of the P5,000 Net Take Home Pay for the Department of Education Personnel for Fiscal Year 2019;"
- 49.2 DO No. 18, s. 2018 entitled, "Revised Guidelines on Accreditation/Re-accreditation of Private Entities under the Automatic Payroll Deduction System (APDS) Program;
- 49.3 DO 49, s. 2017 entitled, "Revised Guidelines on Accreditation/Re-Accreditation of Private Lending Institutions (PLIs) under the Automatic Payroll Deduction System (APDS) Program;"

CORRECTED COPY

49.4 DepEd Memorandum (DM) No. 489, s. 2009 entitled, "Revised Automatic Payroll Deduction System (APDS) Guidelines on Accreditation/Re-Accreditation of Insurance Companies, Mutual Benefits Associations, Cooperatives/Associations and Other Organizations Authorized by Law;" and

49.5 All earlier DepEd issuances on the same subject.

50. Unless otherwise repealed or amended, the pertinent provisions of DO 14, s. 2019 entitled, "Implementation of the P5,000 Net Take Home Pay for the Department of Education Personnel for Fiscal Year 2019" are deemed integral parts and adopted in these guidelines.

51. Any information to be requested to DepEd by the private entity accredited under the APDS shall be subject to its availability and compliance with the provisions of Republic Act 10173 entitled "Data Privacy Act of 2012."

52. All other rules, regulations and issuances, which are inconsistent with these guidelines are hereby repealed or modified accordingly.

B. EFFECTIVITY

53. These guidelines shall take effect upon posting on the DepEd website.