

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



Senate  
Office of the Secretary

'22 JUL -4 A8 :28

SENATE

S. No. 2

RECEIVED BY: \_\_\_\_\_

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Introduced by Senator Loren B. Legarda

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## THE MAGNA CARTA OF PUBLIC SCHOOL TEACHERS

### EXPLANATORY NOTE

Section 5, paragraph 5 of Article XIV of the 1987 Constitution provides that, "The State shall assign the highest budgetary priority to education 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."

This bill seeks to provide more benefits and greater protection to teachers and non-teaching personnel all over the country by strengthening and amending certain provisions of Republic Act No. 4670 or the Magna Carta for Public School Teachers.

As of school year 2020-2021, there are 514,099 elementary school teachers, 288,687 junior high school teachers and 74,056 senior high school teachers.<sup>1</sup>

To stress their importance to society, teachers are given substitute and special parental authority under our laws. In law, the principle in *loco parentis* means "in place of the parent." It is also defined as being "charged factitiously with a parent's rights, duties, and responsibilities." Teachers assume the status of a child's parents in school

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<sup>1</sup> Historical Number of Teachers in all Levels of Education (Public). Retrieved from <https://www.deped.gov.ph/alternative-learning-system/resources/facts-and-figures/datasets/>

and wield as much power as is necessary to carry out their responsibilities, i.e., to educate the child.

To truly create an empowered and globally competitive people that will help establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society, there must be greater increases in the salaries, benefits, and allowances of teachers.

This bill seeks to promote the professionalization of the teaching profession; guarantee broader protection with respect to their rights, benefits and leave as may provide by existing and pertinent laws; and heavier penalties for violation of any of the provisions of this measure.

It is imperative, therefore, that to attract the most competent and efficient to the teaching profession, government must provide compensation and benefits

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



LOREN LEGARDA

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**THE MAGNA CARTA OF PUBLIC SCHOOL TEACHERS**

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

I. PRELIMINARIES

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

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

Section 1. *Declaration of Policy.* It is hereby declared to be the policy of THE STATE to promote and improve the social and economic status of public school teachers, their living and working conditions, their terms of employment and career prospects in order that they may compare favorably with existing opportunities in other walks of life, attract and retain in the teaching profession more people with the proper qualifications, it being recognized that advance in education depends on the qualifications and ability of the teaching staff and that education is an essential factor in the economic growth of the nation as a productive investment of [vital] importance.

THE STATE SHALL ALSO RESPECT, PROMOTE, AND UPHOLD THE POLITICAL RIGHTS OF TEACHERS, CONSISTENT WITH THE INTERNATIONAL AND DOMESTIC LAW IDEAL THAT THE ECONOMIC AND SOCIAL RIGHTS OF PERSONS CAN ONLY BE SECURED

1           **SOCIAL RIGHTS OF PERSONS CAN ONLY BE SECURED**  
2           **THROUGH THE GENUINE OBSERVANCE OF CIVIL AND**  
3           **POLITICAL RIGHTS.**

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

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

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

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

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

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

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

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

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

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

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

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

1 WORK OF TEACHERS HIRED UNDER THIS SECTION  
2 SHALL BE THE SAME OR NOT LESS FAVORABLE AS THAT  
3 OF AN ENTRY-LEVEL TEACHER.

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

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

15 **SEC. 5. *Tenure of Office.*** - Stability on employment and security  
16 of tenure shall be assured teachers as provided under existing  
17 laws.

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

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

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

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

1 Where the exigencies of the service require the transfer of a  
2 teacher from one station to another, such transfer may be effected  
3 by the **SCHOOLS DIVISION SUPERINTENDENT** who shall  
4 previously notify the teacher concerned of the transfer and the  
5 reason or reasons therefor. If the teacher believes there is no  
6 justification for the transfer, he OR SHE may appeal to the  
7 **REGIONAL DIRECTOR WHO SHALL RENDER A**  
8 **DECISION IN WRITING WITHIN A NON-EXTENDIBLE**  
9 **PERIOD OF ONE WEEK UPON RECEIPT OF THE APPEAL.**  
10 Pending the appeal and the decision thereon, THE transfer shall  
11 be held in abeyance: *Provided, however,* That no transfer shall be  
12 made three months before any local or national election;  
13 **PROVIDED, FINALLY, THAT "STATION" UNDER THIS ACT**  
14 **SHALL MEAN THE SCHOOL WHERE THE TEACHER IS**  
15 **ASSIGNED.**

16 Necessary transfer expenses of the teacher and his family shall be  
17 paid for by the government if his OR HER transfer is finally  
18 approved.

19 **A TEACHER MAY ALSO TRANSFER UPON HIS OR HER**  
20 **WRITTEN REQUEST PURSUANT TO GROUNDS AND**  
21 **PROCEDURE UNDER PERTINENT LAWS AND RULES.**

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

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

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

28 (2) the right to full access to the evidence in the case;

29 (3) the right to defend himself OR HERSELF and to be  
30 defended by a representative of his OR HER choice, AND BY  
31 **HIS OR HER UNION OR, IN THE ABSENCE THEREOF,**

1 organization, adequate time being given to the teacher for the  
2 preparation of his OR HER defense;

3 (4) THE RIGHT TO BE INFORMED IN WRITING OF THE  
4 DECISIONS REACHED AND THE REASONS FOR THEM;  
5 AND

6 (5) the right to appeal to clearly designated COMPETENT  
7 authorities OR BODIES.

8 No publicity shall be given to any disciplinary action being taken  
9 against a teacher during the pendency of his OR HER case. ALL  
10 RECORDS PERTAINING TO CASES AGAINST A TEACHER  
11 SHALL BE CONFIDENTIAL AND ALL PERSONS, PUBLIC  
12 OFFICIALS AND EMPLOYEES AND PRIVATE  
13 INDIVIDUALS, SHALL RESPECT THE RIGHT TO PRIVACY  
14 OF THE TEACHER.

15 PUBLIC SCHOOL TEACHERS SHALL HAVE THE RIGHT  
16 TO LEGAL COUNSEL AND EXPENSES TO BE PROVIDED  
17 BY THE DEPARTMENT OF EDUCATION FOR  
18 COMPLAINTS AND LAWSUITS IN RELATION TO THE  
19 PERFORMANCE AND CONDUCT OF THEIR TEACHING  
20 DUTIES AND RESPONSIBILITIES.

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

22 **Section 9. *Administrative Charges.*** Administrative charges  
23 against a teacher shall be heard initially by a FORMAL  
24 INVESTIGATION committee composed of the corresponding  
25 SCHOOLS DIVISION SUPERINTENDENT or a duly  
26 authorized representative who should at least have the rank of a  
27 DIVISION SUPERVISOR WHERE THE TEACHER  
28 BELONGS, AS CHAIRPERSON, a representative of the  
29 UNION PURSUANT TO SECTION 37 HEREOF or, in its  
30 absence, any existing NATIONAL, provincial, MUNICIPAL, OR  
31 CITY teacher's organization, and a supervisor of the Division.  
32 The committee shall submit its findings and recommendations to



1 the SECRETARY OF EDUCATION AS THE DISCIPLINING  
2 AUTHORITY within FIFTEEN (15) days from the termination of  
3 the hearings: *Provided, however,* That where the school  
4 superintendent is the complainant or an interested party, all the  
5 members of the committee shall be appointed by the Secretary of  
6 Education.

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

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

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

26 **Section 11. Gender Equality.** - The State shall provide equal  
27 opportunities to women teachers and those of different gender  
28 identity and expression in teaching and school and department  
29 leadership.

30 Gender equality shall also be promoted among teachers through  
31 seminars and other programs and activities.

1           Sec. 12. Sections 11 and 12 of the same Act are hereby renumbered as Section  
2 12 and 13, respectively.

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

5           **Section 14. *Criteria for Salaries.*** – Teachers’ salaries shall  
6 [correspond to the following criteria]:

7           (1) REFLECT THE IMPORTANCE TO SOCIETY OF THE  
8 TEACHING FUNCTION AND HENCE THE IMPORTANCE  
9 OF TEACHERS AS WELL AS THE RESPONSIBILITIES OF  
10 ALL KINDS WHICH FALL UPON THEM FROM THE TIME  
11 OF THEIR ENTRY INTO THE SERVICE;

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

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

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

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

26           **Section 15. *Salary Scale.*** – Salary scales of teachers shall provide  
27 for a gradual progression from a minimum to a maximum salary  
28 by means of regular increments, granted automatically after three  
29 years: *Provided,* That the efficiency rating of the teacher  
30 concerned is at least satisfactory. [The progression from the  
31 minimum to the maximum of the salary scale shall not extend  
32 over a period of ten years.]

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

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

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

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

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

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

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

31           **Section 19. *Salaries to be Paid in Legal Tender.*** - Salaries of  
32 teachers shall be paid in legal tender of the Philippines or its

1 equivalent in checks [or treasury warrants]: *Provided, however,*  
2 That such checks [or treasury warrants] shall be cashable in any  
3 national, provincial, city or municipal treasurer's office or any  
4 banking INSTITUTION operating under the laws of the  
5 Republic of the Philippines.

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

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

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

22 **Section 21. *Special Hardship Allowances.*** - **TEACHERS**  
23 **EXPOSED TO HARDSHIP OR EXTREME DIFFICULTY IN**  
24 **THE PLACE OF WORK, TEACHERS ASSIGNED TO**  
25 **HANDLE MULTI-GRADE CLASSES, MOBILE TEACHERS,**  
26 **AND ALTERNATIVE LEARNING SYSTEM (ALS)**  
27 **COORDINATORS** shall be compensated special hardship  
28 allowances **BASED ON THE CRITERIA PRESCRIBED BY THE**  
29 **DEPARTMENT: PROVIDED,**  
30 **(1) THAT PRIORITY SHALL BE GIVEN TO TEACHERS**  
31 **ASSIGNED TO HARDSHIP POSTS CHARACTERIZED BY**  
32 **HAZARDS TO LIFE AND HEALTH, A STATE OF**

1 CALAMITY, TRANSPORT INACCESSIBILITY OR  
2 INCONVENIENCE, AND OTHER HAZARDS PECULIAR TO  
3 THE PLACE OF EMPLOYMENT; AND

4 (2) THAT THE AGGREGATE AMOUNT OF  
5 ALLOWANCE TO BE GIVEN TO SAID TEACHERS SHALL  
6 NOT BE LESS THAN TWENTY-FIVE PERCENT OF THEIR  
7 TOTAL BASIC PAY SALARY FOR THE YEAR.

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

10 **Section 22. *Teaching Hours.*** - NO TEACHER ENGAGED IN  
11 ACTUAL CLASSROOM INSTRUCTION SHALL BE  
12 REQUIRED TO RENDER MORE THAN FOUR hours of actual  
13 classroom teaching a day, which shall be so scheduled as to give  
14 him OR HER time for the preparation and correction of exercises  
15 and other work incidental to his OR HER normal teaching duties:  
16 *Provided, however,* That where the exigencies of the service so  
17 require, a teacher may be required to render more than FOUR  
18 hours but not exceeding eight hours of actual classroom teaching  
19 a day upon payment of additional compensation at the same rate  
20 as his OR HER regular remuneration plus at least twenty-five per  
21 cent of his OR HER basic pay.

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

24 **Section 23. *Assignment of Work Not Related to Teaching***  
25 ***Prohibited.*** - To prevent teachers from being overtaxed and to  
26 enable them to focus on instruction and thus ensure the delivery  
27 of quality education, no teacher shall be assigned work or  
28 activities not related to teaching. For this purpose, the  
29 department shall fill up all non-teaching positions and, with the  
30 department of budget and management, endeavor to meet ideal  
31 ratios between teaching and non-teaching positions.

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

1           **Section 24. *Substitute Teachers.*** – When an incumbent teacher is  
2           on maternity, paternity, parental, study, or extended leave, the  
3           Department shall hire a temporary replacement for the duration  
4           of the incumbent teacher’s leave. A substitute must be qualified  
5           for at least temporary appointment.

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

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

15          In the case of other teachers or school officials not engaged in  
16          actual classroom instruction, any work performed in excess of  
17          eight hours a day shall be paid an additional compensation of at  
18          least twenty-five per cent of their regular remuneration.

19          The agencies utilizing the services of teachers shall pay the  
20          additional compensation required under this Section. The  
21          SECRETARY OF EDUCATION shall refuse to allow the  
22          rendition of services of teachers for other government agencies  
23          without the assurance that the teachers shall be paid the  
24          remuneration provided for under this Section.

25          **THIS SECTION SHALL BE WITHOUT PREJUDICE TO LAWS  
26          AND RULES PROVIDING FOR HIGHER COMPENSATION  
27          OR FOR VOLUNTARY SERVICE OF TEACHERS.**

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

30          **Section 26. *Conducive Working Conditions Ensured.*** – The State  
31          shall ensure that public school teachers have humane working  
32          conditions in their places of assignment. For this purpose, the

1 Department shall provide and maintain adequate space,  
2 ventilation, lighting, and security conditions in public schools to  
3 foster a conducive environment for teaching and learning.

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

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

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

12 **Section 28. *Protection from Unregulated Class Sizes.*** - Teachers  
13 are entitled to protection from unmanageable class sizes as well  
14 as to compensation commensurate to their actual workload. To  
15 this end, the Department shall determine the standard class sizes  
16 for each grade level in accordance with international norms and  
17 the corresponding honorarium for teachers handling large  
18 classes.

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

20 **Section 29. *Teacher Protection.*** - The Department shall  
21 institutionalize support mechanisms and protection for public  
22 school teachers in matters of student discipline or classroom  
23 management, to the end of fostering a positive school climate and  
24 safe environment conducive to instruction and learning and  
25 permissible, appropriate, and effective responses and  
26 interventions that will address violation of school rules and  
27 regulations. To this end, the Department, in consultation with  
28 public school teachers, shall promulgate rules on the rights and  
29 responsibilities of teachers; permissible, appropriate, and  
30 effective responses and interventions that will address violation  
31 of school rules and regulations; among others.

1 Any act committed by a teacher pursuant to the disciplinary rules  
2 and procedures issued by the department shall not be deemed as  
3 child abuse, cruelty, or exploitation as defined in Republic Act  
4 7610 or the *Special Protection of Children against Abuse, Exploitation*  
5 *and Discrimination Act*.

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

8 **Section 30. *FREE Medical Examination and Treatment.*** -  
9 Compulsory medical examination shall be provided free of  
10 charge for all teachers before they take up teaching, and shall be  
11 repeated not less than once a year during the teacher's  
12 professional life. Where medical examination, INCLUDING  
13 MENTAL HEALTH EXAMINATION, shows that medical  
14 treatment and/or hospitalization is necessary, the same shall be  
15 provided free by the government [entity paying the salary of the  
16 teachers].

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

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

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

24 **Section 32. *Study Leave.*** - In addition to the leave privileges now  
25 enjoyed by teachers in [the] public schools, they shall be entitled  
26 to study leave not exceeding one school year after THREE years  
27 of service. [Such leave shall be granted in accordance with a  
28 schedule set by the Department of Education.] During the period  
29 of such leave, the teachers shall be entitled to at least EIGHTY  
30 per cent of their monthly salary: *Provided, however,* That no  
31 teacher shall be allowed to accumulate more than one year study  
32 leave, unless he OR SHE needs an additional semester to finish



1 his OR HER thesis for a graduate study in education or allied  
2 courses: *Provided, further,* That no compensation shall be due the  
3 teacher after the first year of such leave. In all cases, the study  
4 leave period shall be counted for seniority and pension purposes.  
5 The compensation allowed for one year study leave as herein  
6 provided shall be subject to the condition that the teacher takes  
7 the regular study load and passes at least seventy-five per cent of  
8 his OR HER courses. Study leave of more than one year may be  
9 permitted by the Secretary of Education but without  
10 compensation.

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

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

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

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

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

21 **Section 36. *Discrimination Against Teachers Prohibited.*** - The  
22 rights established in the immediately preceding Section shall be  
23 exercised without any interference or coercion. It shall be  
24 unlawful for any person to commit any acts of discrimination  
25 against teachers which are calculated to (a) make the employment  
26 of a teacher subject to the condition that he OR SHE shall not join  
27 an organization, or shall relinquish membership in an  
28 organization, (b) to cause the dismissal of or otherwise prejudice  
29 a teacher by reason of his OR HER membership in an  
30 organization or because of participation in its activities [outside  
31 school hours, or with the consent of the proper school authorities,  
32 within school hours], and (c) to prevent him OR HER from

1 carrying out the duties laid upon him OR HER by his OR HER  
2 position in the organization, or to penalize him OR HER for an  
3 action undertaken in that capacity.

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

6 **Section 37. [National] Teachers' Organizations.** - National  
7 teachers' organizations shall be consulted in the formulation of  
8 national educational policies and professional standards, and in  
9 the formulation of national policies governing the social security  
10 of the teachers.

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

27 THE DEPARTMENT SHALL ACCORD THE SENAS, AS WELL  
28 AS ITS OFFICERS AND MEMBERS, ALL RIGHTS AND  
29 BENEFITS NECESSARY AND PERTINENT TO THE  
30 PERFORMANCE OF ITS DUTIES AND FUNCTIONS, SUCH  
31 AS REPRESENTATION OF TEACHERS IN ALL BODIES FOR

1 POLICY MAKING AND TRIBUNALS FOR THE DISCIPLINE  
2 OF TEACHERS, AMONG OTHERS.

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

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

6 A teacher shall be accorded rights and benefits under other laws  
7 and rules on labor standards and relations, social security, among  
8 others, including but not limited to Republic Act 9710 or "The  
9 Magna Carta of Women," Republic Act 9262 or the "Anti-  
10 Violence against Women and their Children Act," and Republic  
11 Act 8792 or the "Solo Parents' Welfare Act of 2000," as they are  
12 applicable.

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

15 **Section 39. *Rules and Regulations.* - THE DEPARTMENT, IN**  
16 **CONSULTATION WITH UNIONS AND ORGANIZATIONS**  
17 **OF PUBLIC SCHOOL TEACHERS, shall formulate and prepare**  
18 **the necessary rules and regulations to implement the provisions**  
19 **of this Act within sixty days after its effective date. Rules and**  
20 **regulations issued pursuant to this Section shall take effect thirty**  
21 **days after publication in a newspaper of general circulation and**  
22 **by such other means as the Secretary of Education deems**  
23 **reasonably sufficient to give interested parties general notice of**  
24 **such issuance.**

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

27 **Section 40. *Budgetary Estimates.* - The Secretary of Education**  
28 **shall submit to Congress annually the necessary budgetary**  
29 **estimates to implement the provisions of the Act concerning the**  
30 **MONETARY AND NON-MONETARY benefits herein granted**  
31 **to public school teachers under the employ of the National**  
32 **Government. THE DUTY TO PRESENT THE ANNUAL**

1 FUNDING REQUIREMENTS FOR THE BENEFITS UNDER  
2 THIS ACT SHALL BE DISTINCT FROM THE  
3 PRESENTATION OF THE BUDGET OF THE DEPARTMENT  
4 AND THUS MAY BE FULFILLED DURING OR BEFORE THE  
5 DELIBERATIONS FOR THE ANNUAL GENERAL  
6 APPROPRIATIONS.

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

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

19 If the offender is a public official, the court shall order his or her  
20 dismissal WITH PERPETUAL DISQUALIFICATION from  
21 government service. THIS PROVISION SHALL COVER THE  
22 ISSUANCE OF RULES CONTRARY TO THIS ACT OR  
23 WHICH LEAD TO THE DEFEAT OR DIMINUTION OF  
24 RIGHTS AND BENEFITS PROVIDED HEREIN.

25 THE LIABILITIES UNDER THIS SECTION SHALL BE  
26 WITHOUT PREJUDICE TO CIVIL AND ADMINISTRATIVE  
27 LIABILITIES AND OTHER PENAL LIABILITIES UNDER  
28 OTHER APPROPRIATE LAWS.

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

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

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

Approved,