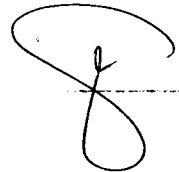


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

23 AUG 23 A10 :55

SENATE
S. No. 2423



Introduced by Senator MANUEL "LITO" M. LAPID

AN ACT
INSTITUTIONALIZING SUPPORT MECHANISMS FOR PUBLIC SCHOOL
TEACHERS AND SCHOOL PERSONNEL IN MATTERS OF STUDENT
DISCIPLINE AND MECHANISMS FOR CLASSROOM MANAGEMENT AND
PROVIDING FOR THEIR PROTECTION IN CASES RELATED THERETO

EXPLANATORY NOTE

Article XIV, Section 2 (1) of the 1987 Philippine Constitution provides that the State shall "establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society".

Children spend at least a third of their day in school under the guidance and supervision of school personnel. The hours that they spend attending classes and school activities become the very tools with which the foundation of their future is built.

Schools, as an integral part of our system of education, are considered as second homes of students where they are nurtured and reared to become reliable and well-grounded members of the society. As such, school personnel who come in direct contact with students, especially the teachers, step in the shoes of second parents and take on the responsibility of shaping and molding educated, successful and compassionate Filipino youth.

With this important role as second parents, these personnel are expected to instill in the students not only knowledge that they will need when they venture out into the real world, but also the values that will mold their character.

In rearing students as partners of their parents and guardians, school personnel cannot be expected to just stand idly by without instilling discipline upon them especially when they commit transgressions. This is especially true with teachers who are not only tasked to teach them, but also instill in them life lessons to help raise good and law-abiding citizens. In doing so, teachers are expected to be able to enforce disciplinary action when students violate the rules and regulations of the school, as well as when they misbehave. When students show disrespect to school personnel, guests or fellow students, interventions must be made with the purpose of teaching them how to properly behave the next time, as well as to serve as a deterrent for the possibility of reoffending. The effectiveness of a teacher to exercise authority over students in *loco parentis* depends on his/her ability to manage the classroom and correct improper behavior.

The doctrine of *in loco parentis* is laid down in Article 218 of the Family Code, which states that “[t]he school, its administrators and teachers, or the individual entity or institution engaged in child care shall have special parental authority and responsibility over the minor child while under their custody instruction or custody”, and further bolsters the role of teachers in ensuring that students are disciplined and are kept in check. Article 349 of the Civil Code even includes teachers and professors in the list of persons exercising Substitute Parental Authority. This means that the law itself recognizes that teachers are empowered to ensure the students’ good behavior in school and during school-sanctioned activities. If teachers and school personnel are made liable under Article 2180 of the New Civil Code for damages caused by their pupils and students or apprentices while they remain under their custody, logic dictates that they also be allowed to act accordingly and within the bounds of law to prevent incidents which could cause damages without the fear of being chastised or punished.

With the advent of technology and social media, teachers, along with other school personnel, have become vulnerable to attacks and malicious and false accusations. Back in 2019, it can be recalled that one teacher was even pressured to quit her job and give up her license on national television for millions of people to witness. The video eventually became viral, and made her an easy target for internet trolling and bashing.¹

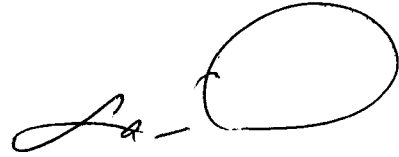
Incidents similar to the aforementioned are what this measure intends to prevent. We can no longer allow our teachers to be subjected to similar attacks that threaten their role in raising the youth of this nation. They cannot be expected to help bring up and look after students with the risk of being humiliated for merely doing their job. We have to acknowledge that in discharging their functions, they cannot be intimidated by the possibility of being subjected to false and malicious accusations.

This bill aims to protect the teachers and other school personnel from the dangers of false and malicious accusations that have the tendency to not only threaten the teaching process and our education system, but as well as destroy the image and reputation of teachers and personnel. For even when they would eventually be exonerated, their career will already have been permanently blighted by these allegations which will remain within the records, and may even be shared over and over again despite already proving their innocence.

While the protection of children must always be upheld, the scales of justice also dictate that teachers and school personnel must be clothed with the same mantle of protection. In case of demonstrably false and malicious imputations or assertions especially, teachers and school personnel suffer the wrath even years after the words are uttered and made public. For this reason, due process must always be afforded to them. And as they exercise their mandate, they must be afforded with enough power to discipline the students within the bounds of law without the fear of becoming prey to the wrath of trial by publicity.

¹ CNN Philippines. (23 November 2019) *DepEd probes teacher urged by Raffy Tulfo to give up her job on TV*. Retrieved 11 November 2022, from <https://cnnphilippines.com/news/2019/11/23/deped-teacher-raffy-tulfo.html>

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

A handwritten signature in black ink, appearing to be 'Lito', followed by a large, empty oval shape.

MANUEL "LITO" M. LAPID

Senator


A second handwritten signature in black ink, appearing to be 'Lito', written in a more stylized, cursive manner.

NINETEENTH CONGRESS OF THE)
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SENATE

RECEIVED BY



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Introduced by Senator Manuel "Lito" M. Lapid

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INSTITUTIONALIZING SUPPORT MECHANISMS FOR PUBLIC SCHOOL
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

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Section 1. *Short Title.* – This Act shall be known as the "Classroom Management Support and Protection for Teachers Act."

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Sec. 2. *Declaration of Policy.* – In all actions relating to children, the State shall accord special protection to children from all forms of abuse, exploitation, cruelty, and other conditions prejudicial to their development. Furthermore, the State has the duty to establish and maintain a complete and adequate system of public basic education geared towards the holistic development of a child.

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These policies are understood to encompass the State's responsibility to provide appropriate instruction and guidance to students about school discipline, their duties and responsibilities with respect to their peers, to their teachers and other persons of authority, to members of their community, and to society.

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To this end, the State shall institutionalize measures to implement in all public schools clearly defined regulations on appropriate student behavior towards other

1 students, teachers, and school staff and personnel, during classes, and within and
2 outside school premises.

3 The State is also hereby bound to establish and maintain support systems,
4 including training on classroom management and child discipline, as well as legal
5 assistance, for teachers and school staff and personnel, who come in daily direct
6 contact with students, and thus find themselves in situations that could expose them
7 to false accusations of child abuse in the course of the discharge of their duties.

8 It is hereby also declared that the State shall promote and improve the working
9 conditions of public school teachers and other school personnel, which are understood
10 to determine whether or not the physical and emotional environments of children and
11 teachers are conducive to learning and teaching.

12 Sec. 3. *Coverage.* – This Act shall be applicable to all teaching personnel of all
13 public school institutions, including non-teaching personnel who stand in direct contact
14 with students in the course of the discharge of their duties.

15 Sec. 4. *Classroom Management Guidelines.* – The Department of Education
16 (DepEd) shall formulate guidelines for classroom management for teachers and school
17 personnel. Said guidelines shall include the following:

18 (1) The rules and regulations to be observed by teaching and non-teaching
19 personnel who interact directly with students in the course of the
20 discharge of their duties, with respect to students, whenever inside the
21 premises of public schools, or even outside in case of school-sanctioned
22 activities;

23 (2) The rights and responsibilities of teaching and non-teaching personnel
24 who interact directly with students, with respect to student discipline and
25 classroom management, to the end of fostering a positive school climate
26 and safe environment conducive to instruction and learning.

27 School administrators and teachers exercise special parental authority over
28 their students while under their supervision, instruction and custody. As such, the
29 Guidelines to be produced by the DepEd shall recognize their authority in the schools

1 and in school-sanctioned events, and the need to conduct their classes in an organized
2 manner that is conducive to learning. It is likewise recognized that the teachers have
3 the authority to ensure that their students behave, respond and treat their teachers
4 and classmates in a respectful manner. They have the right to call out disorderly or
5 disrespectful behavior, and deal with the same consistent with the law and the
6 Guidelines to be implemented;

7 (3) Permissible, appropriate, and effective responses and interventions that
8 will address violations of school rules and regulations to be administered
9 by teachers, the school head, and other school staff and personnel; and

10 (4) A clear description of the disciplinary procedure and clear designation of
11 the authorities competent to investigate, propose, and apply the
12 responses and interventions.

13 *Sec. 5. Acts Not Considered as Child Abuse.* – Any act committed by teaching
14 and non-teaching personnel who stand in direct contact with students in the course
15 of the discharge of their duties pursuant to the Guidelines, provided they are within
16 the bounds of law, good morals, good customs, public order and public policy, shall
17 not be deemed as child abuse, cruelty, and exploitation as prohibited by Republic Act
18 No. 7610, otherwise known as the "Special Protection of Children Against Abuse,
19 Exploitation and Discrimination Act."

20 *Sec. 6. Consultation with Stakeholders.* – Students, parents, teachers, other
21 school personnel, and the community, represented by their respective organizations,
22 as well as professionals in child behavior and social work, shall each have meaningful
23 involvement in the formulation of the Guidelines.

24 *Sec. 7. Information Dissemination of the Guidelines.* – The DepEd shall provide
25 explanations, training, and workshops in order to familiarize teachers, students and
26 families with the Guidelines, explain the expectations of various sectors involved, and
27 describe the various preventive and positive responses and interventions that may be
28 used.

1 At the beginning of each school year, copies of the Guidelines shall be provided
2 to each student as well as their parents or legal guardians.

3 *Sec. 8. Training of Teachers and School Personnel on the Guidelines.* – All public
4 school teachers and school personnel shall receive trainings and instructions related
5 to the specific contents of the Guidelines.

6 *Sec. 9. Professional Development Relating to Student Discipline and Classroom*
7 *Management.* – The DepEd shall provide teachers the appropriate pre-service and in-
8 service training on child behavior and psychology, classroom management techniques,
9 positive discipline, and other related fields, as well as the Guidelines under Section 4
10 and Section 5 of this Act and the scope of their duties and responsibilities with respect
11 to student discipline and classroom management.

12 *Sec. 10. Support Personnel.* – The DepEd, with the Department of Budget and
13 Management (DBM), shall also ensure that there is a sufficient number of items for
14 guidance counselors, who will serve as support personnel to teachers and school
15 administrators in matters of student discipline.

16 For purposes of this Act, the DepEd shall endeavor to meet the recommended
17 ratios of guidance counselors to students in public elementary and high schools.

18 *Sec. 11. Other Support Mechanisms for Student Discipline and Classroom*
19 *Management.* – The DepEd shall provide such other mechanisms necessary to
20 capacitate its teachers and other personnel on matters regarding child behavior and
21 psychology, classroom management techniques, positive discipline, and other related
22 fields. These measures shall include but not be limited to the conduct of periodic
23 seminars and formulation of primers and other explanatory materials.

24 *Sec. 12. Protection to Teachers and School Personnel in Charges Related to*
25 *Student Discipline and Classroom Management.* – In all cases related to student
26 discipline and classroom management, including criminal and administrative charges
27 of child abuse, the DepEd shall extend to its teachers and other personnel the
28 necessary protection, including but not limited to legal assistance and representation.

1 The DepEd shall ensure that respondents, in all stages of the disciplinary
2 proceedings, are amply represented by the accredited union, or registered union,
3 where there is no existing accredited union, of teachers or non-teaching employees,
4 as the case may be.

5 Violation of this Section is a violation of due process and shall render the
6 proceedings void, and all responsible persons administratively, civilly, and criminally
7 liable.

8 *Sec. 13. Confidentiality of Identity of Parties and Proceedings under this Act. –*
9 No person, whether public or private and whether a party to the case or otherwise,
10 shall publicize a case during its pendency. In no case shall the identity of complainants
11 and respondents, or any information that may reasonably identify them, be disclosed
12 to the public during the pendency of the proceedings.

13 Violation of this Section shall subject the person to the appropriate
14 administrative, civil, criminal, and other liabilities.

15 The DepEd shall issue guidelines for the media with regard to the handling of
16 cases within the contemplation of this Act.

17 *Sec. 14. Implementing Rules and Regulations. –* Within ninety (90) days from
18 the effective date of this Act, the DepEd, in coordination with other implementing
19 agencies, shall promulgate the rules and regulations necessary for the implementation
20 of this Act. The implementing rules and regulations (IRR) provided for under this Act
21 shall be reviewed periodically, and revised, if necessary.

22 *Sec. 15. Separability Clause. –* Should any provision of this Act be found
23 unconstitutional by a court of law, such provision shall be severed from the remainder
24 of this Act, and such action shall not affect the enforceability of the remaining
25 provisions of this Act.

26 *Sec. 16. Repealing Clause. –* All laws, decrees, letters of instruction,
27 resolutions, orders or parts thereof which are inconsistent with the provisions of this
28 Act are hereby repealed, modified or amended accordingly.

1 **Sec. 17. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or in two (2) newspapers of general circulation.

3 *Approved,*