

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

)
)
)

SENATE
OFFICE OF THE SECRETARY

04 JUN 30 1923

SENATE

S.B. No. 997

Introduced by Sen. Jinggoy Ejercito Estrada

EXPLANATORY NOTE

The crucial role of teachers and non-teaching personnel in the education and development of our most valuable human resource – the young should be given due recognition.

It is therefore imperative that the most competent and efficient be attracted to the teaching profession and education personnel. To motivate these men and women to give their best, the State must guarantee the promotion and protection of their rights as teachers and non-teaching employees not only to ensure a reasonable and dignified standard of living for themselves and their families comparable to those in the other occupations requiring similar or equivalent qualifications, but also to maximize their contribution to a nationalist and scientific education.

The teachers' and non-teaching employees' contribution to national development requires unity and social awareness among them. One efficacious way of forging this unity and consciousness for their invaluable role in national development is through a comprehensive legislation which is applicable to all teachers and non-teaching employees, whether in public or private schools or state universities and colleges.

Legislation on the common rights of teachers and non-teaching employee is imperative. First, they share the delicate task of developing the skills and knowledge of the people. Second, they have basically the same plight, problems and aspirations. Third, no matter who manages the school, they are workers who are denied participation in the making of policies affecting them. Fourth, the application of various laws, issuances, and guidelines to teachers and other education workers in the private schools, public schools, and state universities and colleges have made them vulnerable

to harassment and other forms of violation of their democratic and socio-economic rights.

This legislation guarantees their rights to self-organization and to collective bargaining in accordance with ILO Convention numbered 87 and 98. It also grants teachers and employees' organization whether independent or federated the right to negotiate directly and school owners' organizations.

Premises considered, the approval of this comprehensive and integrated Magna Carta for Teachers and Non-teaching personnel is urged.



JINGGOY EJERCITO ESTRADA
Senator

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

'04 JUN 30 PM 1:50

SENATE

RECEIVED BY: dm

S.B. No. 997

Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
AMENDING REPUBLIC ACT NO. 4670, OTHERWISE KNOWN AS THE MAGNA
CARTA FOR PUBLIC SCHOOL TEACHERS, AND FOR OTHER
PURPOSES

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

BOOK ONE
GENERAL PROVISIONS

CHAPTER 1
PRELIMINARY MATTERS

[I. Declaration of Policy – Coverage]

SECTION 1. **Title.** – [Definition] – This Act shall be known as the [Magna Carta for Public School Teachers” and shall apply to all public school teachers except those in the professorial staff of state colleges and universities.] **“INTEGRATED MAGNA CARTA OF TEACHERS AND NON-TEACHING PERSONNEL OF 2004.”**

As used in this Act, the term “teacher” shall mean all persons engaged in classroom teaching, in [any] ALL levels of instruction, on full-time OR PART TIME basis, including guidance counselors, school librarians, industrial arts or vocational instructors [, and all other persons performing supervisory and/or administrative functions in all schools, colleges and universities operated by the Government or its political subdivisions; but shall not include school nurses, school physicians, school dentists and other school employees]. THE TERM “ON-TEACHING PERSONNEL” SHALL REFER TO ALL EMPLOYEES IN THE EDUCATION SERVICE, REGARDLESS OF THE

NATURE OF THEIR WORK AND STATUS OF EMPLOYMENT AND INCLUDING EMPLOYEES IN THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS.

SECTION 2. **APPLICABILITY.** – ALL RIGHTS AND BENEFITS GRANTED TO TEACHERS AND NON-TEACHING PERSONNEL UNDER THIS ACT SHALL, EXCEPT AS MAY OTHERWISE BE PROVIDED HEREIN, APPLY ALIKE TO ALL TEACHERS AND NON-TEACHING PERSONNEL IN ALL LEVELS OF PUBLIC AND PRIVATE SCHOOLS, AND STATE UNIVERSITIES AND COLLEGES.

SECTION 3. **CONSTRUCTION IN FAVOR OF TEACHERS AND NON-TEACHING PERSONNEL.** – ALL DOUBTS IN THE IMPLEMENTATION AND INTERPRETATION OF THE PROVISIONS OF THIS ACT INCLUDING ITS IMPLEMENTING RULES AND REGULATIONS SHALL BE RESOLVED IN FAVOR OF THE TEACHERS AND NON-TEACHING PERSONNEL.

CHAPTER II

DECLARATION OF STATE POLICY AND PRINCIPLES

SECTION [1] 4. **Declaration of Policy.** – It is hereby declared to be the policy of this Act to promote and ADVANCE [improve] the social, [and] economic AND PROFESSIONAL status of [public school] teachers AND NON-TEACHING PERSONNEL IN ORDER TO ENSURE THAT THEY ENJOY THE STATUS AND BENEFITS COMMENSURATE TO THEIR INVALUABLE ROLE IN NATIONAL DEVELOPMENT, AND THAT THEY MAY COMPARE FAVORABLY WITH OTHER PROFESSIONALS IN THE SERVICE SECTOR OF SOCIETY. [, 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 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 5. **GUIDING PRINCIPLES.** – THIS ACT DECLARES THE FOLLOWING AS BASIC GUIDING PRINCIPLES:

- A) EDUCATION IS A VITAL FUNCTION OF SOCIETY AND SHALL BE GIVEN DUE RECOGNITION AND SUPPORT BY THE GOVERNMENT.
- B) TEACHERS AND NON-TEACHING PERSONNEL PLAY AN ESSENTIAL ROLE IN THE INCULCATION OF RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, AND IN THE TOTAL DEVELOPMENT OF

THE HUMAN PERSONALITY AND OF THE NATION AS A WHOLE, THAT THEIR OWN CIVIL, POLITICAL AND SOCIO-ECONOMIC RIGHTS MUST BE RESPECTED, PROTECTED AND FULFILLED.

- C) COMPRISING THE LARGEST GROUP OF PROFESSIONAL AND SERVICE WORKERS IN SOCIETY, TEACHERS AND NON-TEACHING PERSONNEL IF CONSCIENTICIZED AND UNITED CAN BE POTENT AGENTS OF PROGRESSIVE REFORM IN THE EDUCATIONAL SYSTEM AND THE NATION AS A WHOLE.
- D) ALL ASPECTS OF EMPLOYMENT AND CAREER OF TEACHERS AND NON-TEACHING PERSONNEL SHALL BE FREE FROM ANY FORM, OF DISCRIMINATION ON GROUNDS OF SEX, CIVIL STATUS, RELIGION, POLITICAL PERSUASION, ECONOMIC CONDITION OR MEMBERSHIP IN TEACHER'S AND EMPLOYEES' ORGANIZATIONS.
- E) FACULTY AND EMPLOYEES' ORGANIZATIONS SHALL BE RECOGNIZED AS A FORCE WHICH CAN CONTRIBUTE GREATLY TO EDUCATIONAL ADVANCEMENT AND SHALL THEREFORE PARTICIPATE IN THE DETERMINATION OF EDUCATIONAL POLICIES.
- F) TEACHERS AND NON-TEACHING PERSONNEL HAVE THE CAPACITY, WHHWETHER INDIVIDUAL OR COLLECTIVE, TO PROPAGATE A NATIONALIST AND SCIENTIFIC EDUCATION.

BOOK TWO
EMPLOYMENT STANDARDS

"SECTION [3] 6. XXX."

SECTION [4] 7. *Probationary Period.* – [When recruitment takes place after adequate training and professional preparation in any school recognized by the

Government, no probationary period preceding regular appointment shall be imposed if the teachers possesses the minimum educational qualifications herein above the set forth but lacks the appropriate civil service eligibility, such person shall be appointed on a provisional status and shall undergo a period of probation for not less than one year from and after the date of his provisional appointment.] THE NORMAL DURATION OF PROBATION AND THE CONDITIONS FOR ITS SATISFACTORY COMPLETION SHALL BE KNOWN IN ADVANCE AND THE ADVANCE AND THE SAME SHALL BE EXPRESSLY STIPULATED IN THE APPOINTMENT PAPERS.

- A. PUBLIC SCHOOLS – WHEN RECRUITMENT TAKES PLACE AFTER ADEQUATE TRAINING AND PROFESSIONAL PREPARATION IN A SCHOOL RECOGNIZED BY THE GOVERNMENT NO PROBATIONARY PERIOD PRECEDING REGULAR EMPLOYMENT SHALL BE IMPOSED IF THE TEACHER POSSESS THE APPROPRIATE CIVIL SERVICE ELIGIBILITY. PROVIDED, HOWEVER, THAT IF IT IS NECESSARY TO EMPLOY AS A TEACHER A PERSON WHO POSSESSES THE MINIMUM EDUCATIONAL QUALIFICATIONS HEREINABOVE SET FORTH BUT LACKS THE APPROPRIATE CIVIL SERVICE ELIGIBILITY, SUCH PERSON SHALL BE APPOINTED ON A PROVISIONAL STATUS AND SHALL UNDERGO A PERIOD OF PROBATION OF ONE SCHOOL YEAR FROM AND AFTER THE DATE OF HIS PROVISIONAL APPOINTMENT.
- B. PRIVATE SCHOOLS – THE PROBATIONARY PERIOD FOR PRIVATE SCHOOLS SHALL BE ONE SCHOOL YEAR.
- C. STATE UNIVERSITIES AND COLLEGES – INSTRUCTORS IN STATE UNIVERSITIES AND COLLEGES SHALL SERVE A PROBATIONARY PERIOD OF ONE SCHOOL YEAR.

TEACHERS WHO HAVE SATISFACTORILY PASSED THE CORRESPONDING PROBATIONARY PERIOD SHALL BE ISSUED PERMANENT APPOINTMENT. PROVIDED, HOWEVER, THAT DURING THE PROBATIONARY PERIOD, REGULAR EVALUATIONS OF THEIR PERFORMANCE SHALL BE MADE BY THE ADMINISTRATION, PEERS AND STUDENTS IN ACCORDANCE WITH THE CRITERIA JOINTLY ESTABLISHED BY THE ADMINISTRATION AND THE TEACHERS' ORGANIZATIONS.

COMPLETION OF MASTERAL DEGREE FOR COLLEGE INSTRUCTORS, WHETHER IN PRIVATE OR STATE UNIVERSITIES AND COLLEGES, SHALL BE REQUIRED ONLY FOR PROMOTION TO THE POSITION OF ASSISTANT PROFESSOR AND NOT FOR TENURE AT THE INSTRUCTOR LEVEL.

SECTION 8. **Tenure of Office.** – Stability on employment and security of tenure shall be assured the teachers [as provided under existing laws] NO PERMANENT TEACHER SHALL BE TERMINATED EXCEPT FOR JUST CAUSES AS PROVIDED BY LAW AND AFTER DUE PROCESS. IN THE CASE OF A PROBATIONARY TEACHER, HIS SERVICES MAY BE TERMINATED ONLY FOR JUST CAUSE OR WHEN HE FAILS TO QUALIFY AS A PERMANENT TEACHER IN ACCORDANCE WITH REASONABLE STANDARDS STIPULATED IN HIS APPOINTMENT PAPERS AND AFTER DUE PROCESS.

A TEACHER OR NON-TEACHING PERSONNEL WHO IS UNJUSTLY DISMISSED FROM THE SERVICE SHALL BE ENTITLED TO REINSTATEMENT WITHOUT LOSS OF SENIORITY RIGHTS AND TO BACK WAGES COMPUTED FROM THE TIME HIS COMPENSATION WAS WITHHELD UP TO THE TIME OF HIS ACTUAL REINSTATEMENT.

Subject to the provisions of Section [three] 8 (A) hereof, teachers appointed on a provisional status for lack of necessary civil service eligibility shall be extended permanent appointment for the position he is holding after having rendered at least [ten] THREE (3) years of [continuous,] ACCUMULATED efficient and faithful service in such position.

SECTION [6] 9. **Consent for Transfer.** [- Transportation Expenses]. Except for causes and as herein otherwise provided, no PUBLIC SCHOOL teacher shall be transferred without his EXPRESSED consent from one station to another.

Where the exigencies of the service require the transfer of a teacher from one station to another, such transfer may be effected by the school superintendent who shall previously notify the teacher concerned of the transfer and the reason or reasons there of. If the teacher believes there is no justification for the transfer, he may appeal his case to the Director of Public Schools or the Director of Vocational Education, as the case may be WHO SHALL RENDER A DECISION WITHIN ONE (1) WEEK FROM RECEIPT OF THE APPEAL. Pending his appeal and the decision thereon, his transfer shall be held in abeyance: Provided, however, That no transfer[s] whatsoever shall be made WITHIN three months before any local or national election.

NO TEACHER WHETHER IN PRIVATE OR PUBLIC SCHOOLS OR STATE UNIVERSITIES AND COLLEGES SHALL BE TRANSFERRED FROM ONE POSITION TO ANOTHER IN WHICH HE LACKS QUALIFICATION, SKILLS AND EXPERIENCE.

A TEACHER SUBJECT OF A VALID TRANSFER SHALL NOT SUFFER ANY DIMINUTION IN RANK AND IN PAY. SHOULD HE BE TRANSFERRED TO A HIGHER-PAYING POSITION, HE SHALL BE ENTITLED TO THE SALARIES AND BENEFITS PERTAINING TO THAT POSITION.

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

[SECTION 11. Married Teachers. -] 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 10. **ADVANCEMENT AND PROMOTION.** – SUBJECT TO THEIR THE NECESSARY QUALIFICATIONS, TEACHERS AND NON-TEACHING PERSONNEL SHALL BE ASSURED OPPORTUNITIES TO MOVE FROM ONE TYPE OR LEVEL OF SCHOOL TO ANOTHER WITHIN THE EDUCATION SERVICE. IN CASE OF TRANSFER OF A PERMANENT TEACHER HE/SHE SHALL RETAIN HIS/HER PERMANENT STATUS.

PROMOTION SHALL BE BASED ON AN OBJECTIVE ASSESSTMENT OF THE TEACHER'S QUALIFICATIONS FOR THE NEW POST BY REFERENCE TO STRICTLY PROFESSIONAL CRITERIA LAID DOWN IN CONSULTATION WITH TEACHERS' ORGANIZATIONS.

SECTION 11. **RANKING OF FACULTY MEMBERS.** – FACULTY MEMBERS SHALL BE ASSIGNED ACADEMIC RANKS IN ACCORDANCE WITH THEIR ACADEMIC TRAINING AND SCHOLARSHIP. CRITEA FOR RANKING SHALL BE DETERMINED IN COLLABORATION WITH TEACHERS' ORGANIZATIONS. RANKING SHALL BE PERFORMANCE-ORIENTED.

A NEW MEMBER OF THE FACULTY IN THE COLLEGIATE LEVEL SHALL BEGIN AS IN INSTRUCTION: PROVIDED, HOWEVER, THAT HE MAY BE APPOINTED AS ASSISTANT PROFESSOR, ASSOCIATE PROFESSIONAL, OR PROFESSIONAL OR ANY OTHER HIGHER RANK, IF SUCH APPOINTMENT/DESIGNATION IS WARRANTED BY HIS EXPERIENCE, TRAINING AND SCHOLARSHIP CREDENTIALS.

SECTION 12. **Academic Freedom.** – ALL [T] teachers IN ALL LEVELS OF INSTRUCTION FROM GRADE SCHOOL THROUGH COLLEGE shall enjoy academic freedom in the discharge of their professional duties, particularly with regard to THE CHOICE OF teaching AIDS, [and classroom] METHODS, TECHNIQUES AND TEXTBOOKS, AND OTHER REFERENCE MATERIALS.

TEACHERS IN AUTONOMOUS REGIONS IN THE PHILIPPINES IN THE EXERCISES OF ACADEMIC FREEDOM. MAY ADOPT, DEVELOP AND IMPROVE INDIGENOUS WAYS OF LEARNING BUILDING ON KNOWLEDGE, SKILLS, CUSTOMS AND EXPERIENCE THAT PEOPLE ALREADY KNOW IN SO FAR THIS

MAY PRESERVE AND ENCOURAGE CULTURAL IDENTITY OF THE PEOPLE IN THE REGION, PROPAGATE NATIONAL CONSCIOUSNESS, DEVELOP CRITICAL THINKING AND PROMOTE THE NATIONAL INTERESTS OF THE FILIPINO PEOPLE.

ANY SYSTEM OF EVALUATION OR SUPERVISION SHALL BE DESIGNED TO ENCOURAGE AND ASSIST TEACHERS IN THE PERFORMANCE OF THEIR PROFESSIONAL TASKS AND SHALL NOT DIMINISH THE FREEDOM, INITIATIVE AND RESPONSIBILITY OF TEACHERS.

ANY EVALUATION OF THE TEACHER'S TASK SHALL BE DONE OBJECTIVELY AND WITH HIS KNOWLEDGE. HE HAS THE RIGHT TO APPEAL AGAINST ANY ASSESSMENT OR EVALUATION WHICH HE FEELS IS UNJUSTIFIED OR WITHOUT BASIS IN LAW AND IN FACT.

IN PARTICULAR, THE CONCEPT OF TEACHERS' ACADEMIC FREEDOM SHALL CONSISTS OF THE FOLLOWING RIGHTS:

- A. THE TEACHER'S FREEDOM IN THE EXPOSITION OF HIS OWN SUBJECT IN THE CLASSROOM OR IN SPEECHES AND PUBLICATIONS;
- B. THE TEACHER'S FREEDOM IN THE CHOICE OF SUBJECTS OF RESEARCH AND INVESTIGATION UNDERTAKEN ON HIS OWN INITIATIVE;
- C. THE SCHOOL AUTHORITIES' RECOGNITION THAT WHENEVER THE TEACHER IS SPEAKING OR WRITING OUTSIDE OF HIS FIELD OF STUDY HE SHALL BE ENTITLED TO THE SAME RESPONSIBILITY AS ATTACHED TO ALL OTHER CITIZENS; AND
- D. THE TEACHERS' RIGHT TO CHOOSE TEXTBOOKS AND OTHER REFERENCE SUPPLEMENTARY INSTRUCTIONAL MATERIALS DEEMED FIT FOR A PARTICULAR SUBJECT OR DISCIPLINE.

SECTION 13. **WORKLOAD AND TEACHING HOURS.** – [Any teacher engaged in actual classroom instruction shall not be required to render more than six hours of actual classroom teaching a day, which shall be so scheduled as to give him time for the preparation and correction of exercises and other work incidental to his normal teaching duties: Provided, however, That where the exigencies of the service so require, to render more than six hours but not exceeding eight hours of actual classroom teaching a day upon payment of additional compensation at the same rate as his regular remuneration plus at least twenty-five per cent of his basic pay.] – EXCEPT AS OTHERWISE PROVIDED HEREIN, THE REGULAR FULL TIME LOAD OF A FACULTY MEMBER SHALL BE TWELVE (12) HOURS PER WEEK WITH TWO PREPARATIONS IN LINE WITH THE TEACHER' MAJOR SUBJECT. ANY TEACHING ASSIGNMENT IN EXCESS OF THIS NUMBER SHALL BE PAID AN ADDITIONAL

COMPENSATION AT THE SAME RATE AS HIS REGULAR REMUNERATION PLUS AT LEAST TWENTY-FIVE (25%) OF HIS BASIC PAY.

THE TEACHING LOAD PRESCRIBED ABOVE MAY, HOWEVER, BE REDUCED IN A CASE A MEMBER OF THE FACULTY IS OCCUPIED EITHER IN RESEARCH, CREATIVE WRITING, OR OTHER PRODUCTIVE SCHOLARSHIP, OR IS ASSIGNED TO PERFORM ADMINISTRATIVE OR COMMITTEE WORK IN WHICH CASE THE DEAN OR DIRECTOR MAY RECOMMEND THE APPROPRIATE TEACHING LOAD: PROVIDED, HOWEVER THAT THE TOTAL WORKING HOURS SPENT ON BOTH TEACHING AND ADMINISTRATIVE OR OTHER DUTIES SHALL NOT EXCEED FIFTEEN (15) HOURS PER WEEK.

SECTION 14. **Additional Compensation.** – Notwithstanding any provision of existing law to the contrary, co-curricular and [out of school] OFF CAMPUS activities and any other activities [outside] BEYOND what is defined as normal duties of [any] A teacher THAT WILL MAKE HIM WORK LONGER THAN HIS REGULAR WORKLOAD shall be paid THE REGULAR COMPENSATION FOR THE ACTUAL HOURS WORKED PLUS an additional compensation of at least twenty-five percent (25%) of his regular remuneration. [after the teacher has completed at least six hours of annual classroom teaching a day.]

[In the case of other teachers of school officials not engaged in actual classroom instruction, any work performed in excess of eight hours a day shall be paid an additional compensation of at least twenty-five percent of their regular remuneration.]

[That a] Agencies utilizing the services of PUBLIC SCHOOL teachers shall pay the additional compensation required under this section. Education authorities shall refuse to allow the rendition of services of PUBLIC SCHOOL teachers for other government agencies without the assurance that the teachers shall be paid the remuneration provided for under this section.

SECTION [19] 15. **Special Hardship Allowances.** – In areas in which teachers are exposed to hardship such as difficulty in commuting to the place of work or other hazards peculiar to the place of employment, as determined by the Secretary of Education, they shall be compensated special hardship allowances equivalent to at least twenty-five per cent of their monthly salary.

CHAPTER II

NON-ACADEMIC PERSONNEL

SECTION 16. **SELECTION AND HIRING.** – RECRUITMENT POLICY WITH RESPECT TO THE SELECTION AND HIRING OF NON-TEACHING PERSONNEL SHALL BE DETERMINED BY THE SCHOOL AUTHORITIES IN CONSULTATION WITH REPRESENTATIVES OF THE EMPLOYEES.

SECTION 17. **REGULAR EMPLOYMENT.** – AN EMPLOYEE WHO IS ENGAGED TO PERFORM JOBS THAT ARE USUALLY NECESSARY AND DESIRABLE IN THE NORMAL OPERATION OF THE SCHOOL SHALL BE DEEMED REGULAR. IT SHALL BE UNLAWFUL FOR ANY SCHOOL ADMINISTRATION TO CONSIDER THEIR EMPLOYMENT AS CASUAL, SEASONAL OR CONTRACTUAL.

SECTION 18. **PROBATIONARY PERIOD.** – NON-TEACHING PERSONNEL IN BOTH PRIVATE AND PUBLIC SCHOOLS INCLUDING STATE UNIVERSITIES AND COLLEGES AND EMPLOYEES IN THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS SHALL UNDERGO A PROBATIONARY PERIOD OF SIX (6) MONTHS.

SECTION 19. **SECURITY OF TENURE.** – STABILITY OF EMPLOYMENT AND SECURITY OF TENURE SHALL BE ASSURED THE NON-TEACHING PERSONNEL. NO PERMANENT NON-TEACHING PERSONNEL SHALL BE TERMINATED EXCEPT FOR JUST CAUSE AS PROVIDED BY LAW AND AFTER DUE PROCESS. IN THE CASE OF A PROBATIONARY EMPLOYEE, HIS SERVICES MAY BE TERMINATED ONLY FOR JUST CAUSE OR WHEN HE FAILS TO QUALIFY AS PERMANENT NON-TEACHING EMPLOYEE IN ACCORDANCE WITH REASINABLE STANDARDS STIPULATED IN HIS APPOINTMENT PAPERS AND AFTER DUE PROCESS.

A NON-TEACHING EMPLOYEE WHO IS UNJUSTLY DISMISSED FROM THE SERVICE SHALL BE ENTITLED TO REINSTATEMENT WITHOUT LOSS OF SENIORITY RIGHT AND TO BACK WAGES FROM THE TIME OF HIS ACTUAL REINSTATEMENT.

SECTION 20. **WORKLOAD AND WORKING HOURS.** – WORKING HOURS OF NON-TEACHING PERSONNEL SHALL NOT EXCEED SEVEN (7) HOURS A DAY. ANY EMPLOYEES WHO HAS SUFFERED OR IS REQUIRED TO WORK BEYOND THE REGULAR WORKING HOURS SHALL BE PAID AN ADDITIONAL COMPENSATION EQUIVALENT TO HIS REGULAR RATE PLUS AT LEAST TWENTY-FIVE PERCENT (25%) THEREOF.

SECTION 21. **RANKING AND PROMOTION.** – SUBJECT TO THEIR HAVING THE NECESSARY QUALIFICATIONS, NON-TEACHING PERSONNEL SHALL BE

ASSURED OPPORTUNITIES TO MOVE FROM ONE TYPE OR LEVEL OF SCHOOL TO ANOTHER WITHIN THE EDUCATION SERVICE. IN CASE OF TRANSFER OF A PERMANENT EMPLOYEE HE/SHE SHALL RETAIN HIS/HER PERMANENT STATUS. PROMOTION SHALL BE BASED ON SUCH ACCEPTED CRITERIA AS MAY BE ESTABLISHED JOINTLY BY THE ADMINISTRATION AND THE EMPLOYEE'S ORGANIZATIONS.

A RANKING SYSTEM SHALL BE ESTABLISHED FOR NON-TEACHING PERSONNEL BASED ON THE CRITERIA AGREED UPON BY THE ADMINISTRATION AND THE EMPLOYEES' ORGANIZATION.

SECTION 22. **TRANSFER FOR TEACHING POSITION.** – NO PERMANENT EMPLOYEE WHO IS TRANSFERRED TO A TEACHING POSITION SHALL BE REQUIRED TO UNDERGO A NEW PROBATIONARY APPOINTMENT.

SECTION 23. **MINIMUM HIRING RATE.** – THE MINIMUM HIRING RATE OF AN EMPLOYEE BELONGING TO THE LOWEST LEVEL OF POSITION SHALL BE EQUIVALENT TO THE EXISTING MINIMUM DAILY WAGE RATE MANDATED BY LAW MULTIPLIED BY THIRTY (30) DAYS.

SECTION 24. **ADDITIONAL COMPESATION.** – NOTWITHSTANDING ANY PROVISION OF EXISTING LAW TO THE CONTRARY, ANY ACTIVITY BEYOND WHAT IS DEFINED NORMAL DUTIES OF NON-TEACHING EMPLOYEE THAT WILL MAKE HIM WORK LONGER THAN HIS REGULAR WORKLOAD SHALL BE PAID AN ADDITIONAL COMPENSATION OF AT LEAST TWENTY-FIVE PERCENT (25%) OF HIS REGULAR REMUNERATION.

CHAPER III

EMPLOYMENT CONDITIONS AND BENEFITS COMMON TO TEACHERS AND NON-TEACHING PERSONNEL

SECTION [15] 25. **Criteria for Salaries.** – Teachers' AND EMPLOYEES' salaries shall correspond to the following criteria:

- (a) They shall compare favorably with those paid in other occupations requiring equivalent or similar qualifications, trainings and abilities;
- (b) They shall be such as to insure teachers AND NON-TEACHING PERSONNEL a reasonable standard of [life] LIVING for themselves and their families; and

- (c) They shall be properly graded so as to recognize the fact that certain positions require higher qualifications and greater responsibility than other: [Provided, however, That the general salary scale shall be such that the relation between the lowest and highest salaries paid in the profession will be of reasonable order. Narrowing of the salary scale shall be achieved by raising the lower end of the salary scales relative to the upper end.]
- (d) THEY SHALL MOTIVATE TEACHERS TO ACCELERATE THE IMPROVEMENT OF THEIR PEDAGOGIC QUALIFICATIONS, AND NON-TEACHING PERSONNEL TO INCREASE THEIR KNOWLEDGE AND COMPETENCIES NECESSARY FOR EFFICIENT AND EFFECTIVE SERVICE;
- (e) SALARIES OF PRIVATE SCHOOL TEACHERS AND NON-TEACHING PERSONNEL SHALL COMPARE FAVORABLY WITH THOSE OF PUBLIC SCHOOL AND STATE UNIVERSITY AND COLLEGE TEACHERS AND EMPLOYEES.

[SECTION 16. Salary Scale. – Salary scales of teachers shall provide for a gradual progression from a minimum salary by means of regular increments, granted automatically after three years: Provided, That the efficiency rating of the teacher concerned is at least satisfactory. The progression from the minimum to the maximum of the salary scale shall not extend over a period of ten years.]

[SECTION 17. Equality in Salary Scales. – The salary scales to teachers whose salaries are appropriated by a city, municipal, municipal district, or provincial government, shall not be less than those provided for teachers of the National Government.]

SECTION 26. SALARIES PAID ON MONTHLY BASIS. – THE PROVISION OF ANY EXISTING LAW TO THE CONTRARY NOTWITHSTANDING, SALARIES OF TEACHERS AND NON-TEACHING PERSONNEL SHALL BE PAID ON MONTHLY BASIS FOR A PERIOD OF TWELVE (12) MONTHS REGARDLESS OF SEMESTRAL OR SUMMER VACATIONS. FOR PURPOSES OF THIS SECTION, MONTHLY BASIS SHALL MEAN THAT TEACHERS AND NON-TEACHING PERSONNEL SHALL BE CONSIDERED PAID FOR ALL THE DAYS OF THE MONTH INCLUDING REST DAYS AND HOLIDAYS.

TEACHERS WHO ARE REQUIRED TO WORK DURING SEMESTRAL OR SUMMER VACATIONS SHALL BE PAID AN ADDITIONAL COMPENSATION ON A PRO RATA BASIS.

SECTION 27. ANNUAL UPWARD SALARY ADJUSTMENTS. – SALARY SCALES OF TEACHERS AND NON-TEACHING PERSONNEL SHALL BE ADJUSTED

UPWARDS ANNUALLY TO MITIGATE THE EFFECTS OF INFLATION AS MEASURED BY THE CONSUMER PRICE INDEX.

[SECTION 18. Cost of Living Allowance. – Teacher's salaries shall, at the very least, keep pace with the rise in the cost of living by the payment of a cost-of-living allowance which shall automatically follow changes in a cost-of-living index. The *Secretary of Education shall, in consultation with the proper government entities, recommend to Congress, at least annually, the appropriation of the necessary funds for the cost-of-living allowances of teachers employed by the National Government. The determination of the cost-of-living allowances by the Secretary Education shall, upon approval of the President of the Philippines, be binding of the city, municipal or provincial government, for the purposes of calculating the cost-of-living allowances of teachers under its employ.*]

[SECTION 18. Cost of Living Allowance. – Teacher's salaries shall be paid in legal tender of the Philippines or its equivalent in checks or treasury warrants. Provided, however, That such checks or treasury warrants shall be cashable in any national, provincial, city or municipal treasurer's office or any banking institutions operating under the laws of the Republic of the Philippines.]

SECTION [21] 28. ***Deductions Prohibited.*** – No person shall make any deduction whatsoever from the salaries of teachers AND EMPLOYEES except under specific authority of law [authorizing such deductions: Provided, however, That upon written authority executed by the teacher concerned, [1] lawful dues and fees owing to the Philippine Public School Teachers Association, and [2] premiums properly due on insurance policies, shall be considered deductible.] OR BY THE TEACHER OR EMPLOYEE CONCERNED.

SECTION 29. ***SICK LEAVE.*** – FULL-TIME TEACHERS IN THE ELEMENTARY AND SECONDARY SCHOOLS SHALL BE ENTITLED TO AN ANNUAL SICK LEAVE WITH PAY OF FIFTEEN (15) WORKING DAYS. PART-TIME TEACHERS IN THE ELEMENTARY AND SECONDARY SCHOOLS SHALL BE ENTITLED TO SICK LEAVE WITH PAY ON PRO-RATA BASIS.

FACULTY MEMBERS IN THE COLLEGIATE LEVEL, WHETHER FULL-TIME OR PART-TIME, SHALL ENJOY SICK LEAVE WITH PAY OF FIFTEEN (15) WORKING DAYS.

NON-TEACHING PERSONNEL SHALL ENJOY SICK LEAVE WITH PAY OF FIFTEEN (15) WORKING DAYS.

UNUSED SICK LEAVES SHALL BE ACCUMULATED TO NOT MORE THAN SIXTY (60) DAYS AND THE SAME SHALL BE CONVERTED TO CASH UPON

RESIGNATION OR RETIREMENT OF THE TEACHER OR EMPLOYEE CONCERNED.

SECTION [25] 30. **Indefinite SICK Leave.** – An indefinite sick leave [of absence] WITHOUT PAY shall be granted to teachers AND EMPLOYEES when the nature of the illness demands a long treatment that will exceed one year [at the least] BUT NOT MORE THAN THREE YEARS; PROVIDED, HOWEVER, THAT A TEACHER OR EMPLOYEE CONCERNED SHALL BE ALLOWED TWO (2) MONTHS LEAVE WITH PAY IN CASE OF MAJOR OPERATION.

SECTION 31. **VACATION LEAVE.** – FULL-TIME TEACHERS AND EMPLOYEES SHALL BE ENTITLED TO AN ANNUAL VACATION LEAVE WITH FULL PAY OF FIFTEEN (15) DAYS.

SECTION 32. **MATERNITY/PATERNITY LEAVE.** – A FEMALE FACULTY MEMBER OR EMPLOYEE SHALL BE ENTITLED TO MATERNITY LEAVE OF SIXTY (60) DAYS WITH FULL PAY TO TAKE EFFECT TWO WEEKS PRIOR TO THE EXPECTED DATE OF DELIVERY AS CERTIFIED BY HER ATTENDING PHYSICIAN.

A MALE FACULTY MEMBER OR EMPLOYEE SHALL BE ENTITLED TO A FOUR (4) WEEK PATERNITY LEAVE WITH PAY COMMENCING FROM THE DAY OF HIS LEGAL SPOUSE'S DELIVERY.

THE BENEFITS GRANTED UNDER THIS SECTION SHALL BE PAID TO THE TEACHER OR EMPLOYEE CONCERNED AND/OR HER SPOUSE DURING THE PERIOD OF ENTITLEMENT.

SECTION 33. **EMERGENCY LEAVE.** – IN CASE OF CALAMITIES WHERE THE FACULTY MEMBER OR EMPLOYEE BECOMES A VICTIM, OR IN THE EVENT OF DEATH IN HIS IMMEDIATE FAMILY OR ANY SERIOUS ACCIDENT BEFALLING HIM OR HIS DEPENDENTS, HE SHALL BE ENTITLED TO AN EMERGENCY LEAVE WITH PAY OF NOT EXCEEDING FIVE (5) DAYS PER YEAR.

[IV. HEALTH MEASURES AND INJURY BENEFITS]

SECTION 34. **Medical Examination and Treatment.** – Compulsory medical examination shall be provided free of charge for all teachers AND EMPLOYEES before [they take up teaching, and shall be repeated not less than once a year during the teacher's professional life.] THEIR EMPLOYMENT AND ANNUALLY THEREAFTER. Where medical examination show that medical treatment and/or hospitalization is

necessary FOR INFECTIOUS DISEASES OR INJURIES SUFFERED NOT ONLY DURING TEACHING OR ON-CAMPUS ACTIVITIES BUT ALSO WHEN ENGAGED IN SCHOOL RELATED ACTIVITIES AWAY FROM THE SCHOOL PREMISES OR OFF CAMPUS, same shall be provided free by the government entity paying the salary of the teachers OR THE PRIVATE SCHOOL EMPLOYER.

In regions where there is scarcity of medical facilities, teachers AND NON-TEACHING PERSONNEL may obtain elsewhere the necessary medical care with the right to be reimbursed for their traveling expenses by the government entity [concerned in the first paragraph for this Section.] OR THE PRIVATE SCHOOL MANAGEMENT CONCERNED.

SECTION [23] 35. **Compensation For Injuries.** – Teachers AND EMPLOYEES shall be protected against the consequences of employment injuries in accordance with existing laws. The effects of the physical and nervous strain on the teacher'[s] AND EMPLOYEES' health shall be recognized as a compensable occupational disease in accordance with existing laws.

SECTION 36. **INVALIDITY BENEFIT.** – PERMANENT OR PARTIALLY INVALIDITY BENEFIT SHALL BE PAID TO TEACHERS AND EMPLOYEES WHO ARE FORCED TO DISCONTINUE EMPLOYMENT BECAUSE OF PHYSICAL OR MENTAL DISABILITY.

SECTION 37. **SOCIAL SECURITY STANDARD.** – THE STANDARDS OF SOCIAL SECURITY PROVIDED FOR TEACHERS AND NON-TEACHING PERSONNEL SHALL BE IN ACCORDANCE WITH THOSE SET OUT IN RELEVANT INSTRUMENTS OF THE INTERNATIONAL LABOR ORGANIZATION AND IN PARTICULAR THE SOCIAL SECURITY (MINIMUM STANDARDS) CONVENTION OF 1952.

SECTION [26] 38. **[Salary Increase upon] Retirement.** – [Public school] [t]Teachers AND NON-TEACHING PERSONNEL WHO have[ing] fulfilled the age and service requirements of the applicable retirement laws shall be [given] GRANTED one range salary raise upon retirement, which shall be the basis of the computation of the lump sum of the retirement pay and [the monthly] THE CORRESPONDING benefits there after; PROVIDED, HOWEVER, THAT THE RETIREMENT BENEFIT SHALL NOT BE LESS THAN ONE MONTH SALARY FOR EVERY YEAR OF SERVICE.

SECTION 39. GRATUITY BENEFIT. – THE TEACHERS AND NON-TEACHING PERSONNEL WHO CHOOSE TO RETIRE BEFORE REACHING THE COMPULSORY RETIREMENT AGE OF 60 AND HAVE RENDERED NOT LESS THAN TWO (2) YEARS SERVICE SHALL BE GRANTED GRATUITY BENEFIT EQUIVALENT TO ONE MONTH PAY FOR EVERY YEAR OF SERVICE. CONFORMABLY TO THE PROVISION OF THE IMMEDIATE PRECEDING SECTION, THE COMPUTATION OF HIS GRATUITY BENEFIT SHALL BE BASED ON THE SALARY SCALE OF ONE STEP HIGHER THAN HIS POSITION AT THE END HE OPTED FOR OPTIONAL RETIREMENT.

SECTION 40. FACULTY/PERSONNEL DEVELOPMENT PROGRAM. – EVERY SCHOOL SHALL UNDERTAKE A FACULTY/PERSONNEL DEVELOPMENT PROGRAM.

THE SCHOOL MANAGEMENT SHALL GRANT FELLOWSHIPS ON THE BASIS OF OPEN COMPETITION. IT SHALL ENCOURAGE FACULTY MEMBERS AND QUALIFIED NON-TEACHING PERSONNEL TO CONDUCT RESEARCH, AND FINANCIAL SUPPORT SHALL BE GIVEN TO SUCH FACULTY MEMBERS AND NON-TEACHING PERSONNEL ON THE BASIS OF MERIT. ATTENDANCE IN-SERVICE TRAINING PROGRAM ON OFFICIAL TIME SHALL BE ENCOURAGE. FULL OR PARTIAL FINANCIAL SUBSIDY FOR ATTENDANCE IN WORKSHOPS AND SEMINARS OUTSIDE THE SCHOOL PREMISES SHALL BE EXTENDED TO TEACHERS AND NON-TEACHING PERSONNEL.

SCHOOL AUTHORITIES SHALL ENCOURAGE AND, AS FAR AS POSSIBLE, ASSIST TEACHERS AND QUALIFIED NON-TEACHING PERSONNEL TO TRAVEL INSIDE AND OUTSIDE THE PHILIPPINES IN ORDER TO FURTHER THEIR EDUCATION AND TRAINING.

[V. LEAVE AND RETIREMENT BENEFITS]

SECTION 41. ACADEMIC AND FACULTY DEVELOPMENT. –

(A) Study Leave. – [In addition to the leave privileges now enjoyed by teachers in the public schools, they] TEACHERS AND NON-TEACHING EMPLOYEES shall be entitled to study leave not exceeding one school year after seven years of service. Such leave shall be granted in accordance with a schedule set by the Department of Education, Culture and Sports. *During the period of such leave, the teachers AND EMPLOYEES CONCERNED shall be entitled to [at least sixty] ONE HUNDRED per cent of their monthly salary: Provided, however, That no teacher OR EMPLOYEE shall be allowed to accumulate*

more than one year study leave, unless he needs an Additional semester to finish his thesis for a graduate study [in education or Allied courses]: Provided, further, That no compensation shall be due TO the teacher OR EMPLOYEE CONCERNED after the first year of such leave. In all cases, the study leave period shall be [counted] CONSIDERED for seniority and pension purposes.

The compensation allowed for one year study leave as herein provided shall be subject to the condition that the teacher OR EMPLOYEE takes the regular study load and passes at least seventy-five percent of his courses. Study leaves of more than one year may be permitted by the Secretary of Education but SHALL NOT BE SUBJECT TO ANY [without] compensation UNLESS OTHERWISE AGREED UPON BY THE PARTIES,]

(B) STUDY GRANT AND FELLOWSHIP. – STUDY GRANTS AND FELLOWSHIPS MAY BE GRANTED ON A FULL OR PARTIAL BASIS ADMINISTERED SYSTEM-WIDE OR BY COLLEGES AND UNIVERSITIES THE GRANTEE SHALL BE ENTITLED TO SUBSIDY FOR MATRICULATION AND OTHER SCHOOL FEES, STIPEND, BOOKS AND OTHER ALLOWANCES.

SECTION 42. **NON-DIMINUTION OF STATUS AND BENEFITS.** – WHERE TEACHERS AND EMPLOYEES ENJOY A STATUS AND/OR BENEFITS WHICH ARE MORE FAVORABLE THAN THOSE PROVIDED FOR IN THIS ACT, PROVISIONS OF THIS ACT SHALL NOT BE INVOKED TO DIMINISH THE STATUS AND/OR BENEFITS ALREADY GRANTED.

BOOK THREE

RESPONSIBILITIES AND ADMINISTRATIVE SANCTIONS

CHAPTER 1

RESPONSIBILITIES

SECTION [7] 43. **Code of Professional Conduct for Teachers.** – Within six months from the approval of this Act, the Secretary of Education, CULTURE AND SPORTS IN COLLABORATION WITH THE NATIONAL TEACHERS' ORGANIZATIONS shall formulate and prepare a Code of Professional Conduct for [Public School] Teachers. A copy of the Code shall be furnished each teacher: Provided, however, That where this is not possible by reason of inadequate fiscal resources of the Department of Education, at least three copies of the same Code shall

be deposited with the office of the school principal, [or] head teacher OR COLLEGE DEAN where they may be accessible for use by the teachers.

SECTION 44. **DUTIES AND OBLIGATIONS OF NON-TEACHING PERSONNEL.** – THE SCHOOL ADMINISTRATION SHALL SEE TO IT THAT DUTIES AND OBLIGATIONS OF NON-TEACHING PERSONNEL ARE SPECIFICALLY DEFINED IN THEIR APPOINTMENT PAPERS. NO EMPLOYEE SHALL BE HELD RESPONSIBLE FOR NON-PERFORMANCE OF DUTIES AND OBLIGATIONS NOT CONTAINED IN THEIR APPOINTMENT.

SECTION 45. **FACULTY/PERSONNEL MANUAL.** – TEACHERS AND EMPLOYEE'S ORGANIZATIONS SHALL PARTICIPATE IN THE MAKING OF A FACULTY OR PERSONNEL MANUAL CONTAINING INFORMATION AND POLICIES ON ALL MATTERS PERTAINING TO THE FACULTY AND NON-TEACHING PERSONNEL, A COPY OF WHICH SHALL BE FURNISHED FREE TO ALL FACULTY MEMBERS AND EMPLOYEES.

CHAPTER II ADMINISTRATIVE SANCTIONS

SECTION [8] 46. **Safeguards in Disciplinary Procedure.** – Every teacher OR EMPLOYEE shall enjoy equitable safeguards at each stage of any disciplinary procedure and shall have:

- a. The right to be informed, in writing, of the charges AGAINST HIMK;
- b. The right to CONFRONT WITNESSES AGAINST HIM AND TO full access to the evidence in the case;
- c. The right to defend himself and to be defended by a representative of his choice and/or by his organization, adequate time being given to the teacher OR EMPLOYEE OF for the preparation of his defense; and
- d. The right to appeal to dearily designated authorities.

No publicity shall be given to any disciplinary action being taken against a teacher OR EMPLOYEE during the pendency of his case, WITHOUT HIS CONSENT.

THE AUTHORITIES OR BODIES COMPETENT TO PROPOSE OR APPLY SANCTIONS AND PENALTIES SHALL BE CLEARLY DESIGNATED.

TEACHERS' AND EMPLOYEES' ORGANIZATIONS SHALL BE CONSULTED WHEN THE MACHINERY TO DEAL WITH DISCIPLINARY MATTERS IS ESTABLISHED, SUCH MATTERS SHALL BE CONTAINED IN THE FACULTY OR PERSONNEL MABUAL AS PROVIDED UNDER SEC. 39 HEREOF.

SECTION 47. **Administrative Charges.** – Administrative charges against a teacher shall be heard initially by a committee composed of the corresponding School Superintendent of the Division of a duly authorized representative who should at least have the rank of a division supervisor, where the teacher belongs, as chairman, a representative of the local or in its absence, any existing provincial or national teacher's organization and a supervisor of the Division the last two to be designated by the Director of Public Schools. The committee shall submit its findings and recommendations to the Director of Public Schools within thirty days from the termination of the hearings: Provided, however, That where the school superintendent is the complainant or an interested party, all the members of the committee shall be appointed by the Secretary of Education.

TEACHERS' AND EMPLOYEES' ORGANIZATIONS SHALL HAVE A REPRESENTATIVE IN ANY COMMITTEE OR BODY THAT SHALL HEAR ADMINISTRATIVE CHARGES AGAINST A TEACHER OR EMPLOYEE.

BOOK FOUR

MISCELLANEOUS PROVISIONS

CHAPTER 1

SELF-ORGANIZATION AND OTHER RIGHTS

SECTION [27] 48. **[FREEDOM] RIGHT to SELF-Organize.** – [Public school] ALL teachers AND EMPLOYEES shall have the right to freely and without previous authorization both to establish and to join organizations of their choosing, whether local or national to further and defend their interests.

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

SECTION [48] 49. **Discrimination Against Teachers AND EMPLOYEES Prohibited.** – The right[s] established in the immediate proceeding Section shall be exercise without any interference or coercion. It shall be unlawful for any person to commit any act[s] of discrimination against teachers AND EMPLOYEES which are calculated to (a) make the employment of a teacher OR EMPLOYEE subject to the condition that he shall not join an organization OR RELINQUISH MEMBERSHIP IN AN ORGANIZATION, (b) [to] cause the dismissal of or otherwise prejudice a teacher OR EMPLOYEE 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 [the] THAT capacity.

SECTION 50. **PARTICIPATION IN POLICY-MAKING PROCESS.** – TEACHERS' AND EMPLOYEES' ORGANIZATIONS IN STATE UNIVERSITIES AND COLLEGES AS WELL AS EDUCATIONAL FOUNDATIONS AND NON-STOCK, NON-PROFIT SCHOOLS SHALL HAVE THE RIGHT TO BE REPRESENTED IN THE BOARD OF TRUSTEES/REGENTS OF SAID SCHOOLS, COLLEGES AND UNIVERSITIES.

[VI. TEACHERS' ORGANIZATION]

[SEC. 29. National Teachers' Organizations. -] National teachers' AND EMPLOYEES' organizations shall [be consulted] ACTIVELY PARTICIPATE in the formulation of national educational policies and professional standards, [and in the formulation] of national policies governing the social security of the teachers.

NATIONAL TEACHERS' AND EMPLOYEES' ORGANIZATIONS SHALL HAVE THE RIGHT TO NEGOTIATE FREELY AND DIRECTLY WITH NATIONAL PRIVATE SCHOOL-OWNERS' ORGANIZATIONS AND/OR THROUGH A LABOR ADVISORY CONSULTATIVE COUNCIL FOR TEACHERS AND EMPLOYEES.

SECTION 51. **STRIKE, PICKETING AND OTHER CONCERTED ACTIVITIES.** – THE RIGHT OF TEACHERS' AND EMPLOYEES' ORGANIZATIONS TO STRIKE, PICKETING AND OTHER CONCERTED ACTIVITIES SHALL CONTINUE TO BE RECOGNIZED AND RESPECTED.

CHAPTER II

[VII.] ADMINISTRATION AND ENFORCEMENT

SECTION [30] 52. **IMPLEMENTING Rules and Regulations.** – The Secretary of Education, CULTURE AND SPORTS IN COLLABORATION WITH THE REPRESENTATIVES OF NATIONAL TEACHERS' AND EMPLOYEES' ORGANIZATIONS shall formulate and prepare the necessary rules and regulations to implement the provisions of this Act. [Rules and regulations issued pursuant to this Section shall take effect thirty days after publication in a newspaper of general

circulation and such other means as the Secretary of Education deems reasonably sufficient to give interested parties general notice of such issuance.]

SECTION 53. EDUCATIONAL TASK FORCE. – THERE SHALL BE CREATED AN EDUCATIONAL TASK FORCE COMPOSED OF REPRESENTATIVES FROM THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS, DEPARTMENT OF LABOR AND EMPLOYMENT, PRIVATE SCHOOL ORGANIZATIONS WHICH SHALL HAVE VISITORIAL POWERS OVER SCHOOLS. SUCH TASK FORCE SHALL HAVE ACCESS TO THE SCHOOL RECORDS AND PREMISES AT REASONABLE HOURS OF THE DAY AND TO INVESTIGATE ANY FACT, CONDITION OR MATTER WHICH MAY BE NECESSARY TO DETERMINE VIOLATION OF ANY PROVISION OF THIS ACT OR OF ANY OTHER LABOR AND EDUCATION LAWS, RULES AND REGULATIONS OR WHICH MAY AID IN THE ENFORCEMENT THEREOF. FOR THIS PURPOSE, THE TASK FORCE MAY SERVE SUBPOENA OR SUBPOENA DUCES TECUM TO SECURE THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF DOCUMENTS AND OTHER PAPERS AS MAY BE NECESSARY FOR THE PERFORMANCE OF ITS FUNCTIONS.

ANY DECISION OR OBSERVATION BY SAID TASK FORCE AS A CONSEQUENCE OF THE EXERCISE OF ITS POWERS MAY BE USED IN EVIDENCE BEFORE ANY ADMINISTRATIVE OR JUDICIAL BODY, PROVIDED, HOWEVER, THAT THE SAME SHALL NOT BE BINDING UPON SAID BODIES.

SECTION 54. STATE SUBSIDY TO PRIVATE SCHOOLS. TO ENABLE PRIVATE SCHOOLS TO PAY THEIR TEACHERS AND NON-TEACHING PERSONNEL A REASONABLE AND JUST COMPENSATION IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT, THE STATE SHALL GRANT SUBSIDIES TO DESERVING SCHOOLS: PROVIDED, THAT PRIORITY SHALL BE GIVEN TO DESERVING EDUCATIONAL FOUNDATIONS AND NON-STOCK, NON-PROFIT SCHOOLS: PROVIDED, FURTHER, THAT ALL SCHOOLS BEING SUBSIDIZED BY THE STATE SHALL BE SUBJECT TO AUDIT BY THE COMMISSION ON AUDIT.

SECTION 55. OUTRIGHT CLOSURE OF SCHOOLS PROHIBITED. – EDUCATION BEING VESTED WITH PUBLIC INTEREST, NO SCHOOL MANAGEMENT SHALL BE ALLOWED TO CLOSE DOWN OPERATION OF ANY SCHOOL EXCEPT UPON VALID AND JUST GROUNDS AS MAY BE DETERMINED BY THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS IN CONSULTATION WITH THE AFFECTED NATIONAL AND LOCAL TEACHERS' AND EMPLOYEES' ORGANIZATIONS AND THOSE OF A SCHOOL OWNERS'.

IN CASE OF A VALID CLOSURE, THE SAME SHALL BE EFFECTED THROUGH PROGRAMMED PHASE OUT, DURING WHICH TIME, DETERMINATION SHALL BE MADE ON WHETHER OR NOT OPERATIONS OF THE SCHOOLS MAY FURTHER BE SUCCESSFULLY CONTINUED.

SECTION 56. **LAY-OFFS OR RETRENCHMENTS.** – NO LAY-OFF OR RETRENCHMENT SHALL BE EFFECTED BY ANY SCHOOL MANAGEMENT UNLESS THE SAME IS FOUND VALID AND JUSTIFIED AFTER A THOROUGH REVIEW AND ANALYSIS OF ITS FINANCIAL STATUS TO BE JOINTLY UNDERTAKEN BY THE SCHOOL MANAGEMENT AND THE TEACHERS' AND EMPLOYEES' ORGANIZATIONS CONCERNED.

CHAPTER III PENAL AND FINAL PROVISIONS

SECTION [32] 57. **Penal Provisions.** ANY person who shall willfully interfere with, restrain or coerce any teacher OR EMPLOYEE in the exercise of his rights guaranteed by this Act or shall in any [other] manner commit any act to defeat any [of the] provision[s] of this Act shall, upon conviction, be punished a fine of not less than [one hundred pesos] FIVE THOUSAND PESOS (Php 5,000.00) nor more than TWENTY-FIVE THOUSAND PESOS (Php 25,000.00), or by imprisonment FOR NOT LESS THAN ONE YEAR AND ONE DAY NOR MORE THAN FIVE YEARS, OR BOTH SUCH FINE AND IMPRISONMENT AT [in] the discretion of the court.

If the offender is AN EDUCATIONAL INSTITUTION, OR ANY JURIDICAL PERSON, THE PENALTY SHALL BE IMPOSED UPON THE PRESIDENT, TREASURER, SECRETARY OR ANY RESPONSIBLE OFFICER OF SAID INSTITUTION OR PERSON. IF THE OFFENDER IS A PUBLIC OFFICER OR EMPLOYEE, THE COURT SHALL, IN ADDITION TO THE PENALTIES HEREINABOVE PROVIDED, ORDER HIS DISMISSAL FROM THE GOVERNMENT SERVICE.

SECTION 58. **TEACHING OF MAGNA CARTA.** – THE TEACHING OF THIS ACT SHALL BE MADE COMPULSORY IN ALL SCHOOLS OFFERING COURSES IN EDUCATION.

[SEC. 31. Budgetary Estimates. – The Secretary of Education shall submit to Congress annually the necessary of budgetary estimates to implement the provisions of the ACT concerning the benefits herein granted to public school teachers under the employ of the National Government.]

SECTION 59. **APPROPRIATIONS.** – INITIAL EXPENDITURE FOR THE IMPLEMENTATION OF THIS MAGNA CARTA SHALL BE SOURCED FROM SAVINGS IN THE BUDGETARY OF THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS. THEREAFTER, SUCH SUM NECESSARY FOR ITS CONTINUED IMPLEMENTATION SHALL BE INCLUDED IN THE GENERAL APPROPRIATIONS ACT.

SECTION 60. **EXPRESS REPEAL OF PROVISION OF MAGNA CARTA.** – NO PROVISION OF THIS MAGNA CARTA SHALL BE CONSIDERED REPEALED EXCEPT BY EXPRESS REFERENCE THERETO.

SECTION [33] 61. **Repealing Clause.** – All LAWS, DECREES [Acts or parts of Acts, executive] orders RULES and REGULATIONS OR OTHER ISSUANCES, OR PARTS THEREOF [their implementing rules] inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION [34] 62. **Separability Clause.** – If any provision of this Act is declared invalid, the reminder THEREOF [of this Act or any provision] not affected thereby shall remain in force and in effect.

SECTION [35] 63. **Effectively.** – This Act shall take effect upon its approval.

Approved,