


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

7 SEP 11 10:58

SENATE

RECEIVED BY: 

S. No. 1548

Introduced by Senator JUAN MIGUEL F. ZUBIRI

EXPLANATORY NOTE

School teachers play a vital role in our educational system. While the state recognizes the rights of public school teachers, the case is not the same with private school teachers.

The Magna Carta for Public School Teachers, a law enacted in 1966, gives many important rights to public school teachers. It has strengthened the country's public school system. It is believed, however, that, the same law must apply to the private school system.

This bill seeks to give security of tenure to private school teachers, the right against discrimination, academic freedom, and benefits related to health and study leaves. It also provides private school teachers the right to self-organization, and extending it also to those in non-profit institutions.

This bill is expected to promote and improve the social and economic status of private school teachers, their terms of employment and working conditions in order that the teaching profession in our private school system may attract and retain qualified and dedicated personnel.

Approval of this bill is urgently requested.



JUAN MIGUEL F. ZUBIRI

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THE MAGNA CARTA FOR PRIVATE SCHOOL TEACHERS

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

1 SECTION 1. *Title.* – This Act shall be known as the “Magna Carta for Private
2 School Teachers.”

3 SECTION 2. *Declaration of Policy.* – It is hereby declared to be the policy of this
4 Act to promote and improve the social and economic status of private school teachers,
5 their terms of employment and working conditions in order that the teaching profession
6 in our private school system may attract and retain qualified and dedicated persons, it
7 being recognized that our private school system plays a vital role in the education of our
8 people for the duties of citizenship.

9 SECTION 3. *Definition.* – As used in this Act, the term “teacher” shall mean all
10 persons engaged in teaching in any level of instruction on full-time or part-time basis,
11 including guidance counselors, school librarians, industrial arts or vocational instructors,
12 and all other persons performing supervisory or administrative functions in all private
13 schools, colleges and universities.

14 This Act shall apply to all private school teachers including those in the
15 professional staff or private colleges and universities.

16 SECTION 4. *Tenure of Office.* – In order to secure for teachers stability of
17 employment and security of tenure, the teachers shall not be dismissed except for
18 dishonesty, oppressions, misconduct, neglect of duty, conviction of a crime involving
19 moral turpitude, notoriously disgraceful or immoral conduct, improper or unauthorized
20 solicitation of contributions from subordinate employees or from students or any

1 violation of the rules and regulations issued by the Department of Education and by
2 Commission on Higher Education, as the case maybe.

3 SECTION 5. *Safeguards in Disciplinary Procedure.* – In connection with the right
4 granted to teachers in the immediately preceding section, every teacher shall enjoy
5 equitable procedural safeguards at each stage of any disciplinary procedure and shall
6 have:

- 7 a) the right to be informed, in writing of the charges against him;
- 8 b) the right to full access to the evidence in the case;
- 9 c) the right to defend himself and to be defended by a representative of his
10 choice or by his organization, adequate time being given to the teacher for
11 the preparation of his defense; and
- 12 d) the right to appeal to clearly designated authorities. No publicity shall be
13 given to any disciplinary action being taken against a teacher during the
14 pendency of his case.

15 SECTION 6. *No Discrimination.* – There shall be no discrimination whatsoever in
16 the employment of teachers or the grant of assignments, promotion and privileges
17 during their incumbency or in the termination of their services, based on considerations
18 other than professional qualifications.

19 SECTION 7. *Academic Freedom.* – Teachers shall enjoy academic freedom in
20 the discharge of their professional duties particularly with regard to teaching, research
21 and classroom methods.

22 SECTION 8. *Medical Examination and Treatment.* – Compulsory medical
23 examination shall be provided free of charges for all teachers before their employment
24 and once a year thereafter. Where medical examination shows that medical treatment
25 or hospitalization is necessary, the same shall be provided free by the private school
26 paying the salary of the teacher.

27 SECTION 9. *Compensation for Injuries.* – Teachers shall be protected against
28 the consequences of employment injuries in accordance with existing laws. The effects
29 of the physical and nervous strain on the teacher's health shall be recognized as a
30 compensable occupational disease in accordance with existing laws.

31 SECTION 10. *Study Leave.* – In addition to the leave privileges now enjoyed by
32 teachers in the private schools, they shall be entitled to study leave not exceeding one
33 school year after ten years of service. During the period of such leave the teachers
34 shall be entitled to at least sixty percent of their monthly salary.

1 SECTION 11. *Indefinite Leave.* – An indefinite sick leave of absence shall be
2 granted to teachers when the tenure of the illness demands a long treatment that will
3 exceed one year at the least.

4 SECTION 12. *Freedom to Organize.* – Private school teachers shall have the
5 right, freely and without previous authorization, to establish and to join organizations of
6 their choosing, whether local or national, to further and defend their interests.

7 SECTION 13. *Discrimination Against Teachers Prohibited.* – The rights
8 established in the immediately preceding section shall be exercised without any
9 interference or coercion. It shall be unlawful for any person to commit any acts of
10 discrimination against teachers which are calculated to (a) make the employment of the
11 teacher subject to the condition that he shall not join an organization, or shall relinquish
12 membership in an organization, (b) to cause the dismissal of, or otherwise prejudice a
13 teacher by reason of his membership in an organization activities outside school hours,
14 or with the consent of the proper school authorities, within school hours, and (c) to
15 prevent him from carrying out the duties imposed upon him by his position in the
16 organization, or to penalize him for an action undertaken in that capacity.

17 SECTION 14. *Implementing Rules and Regulations.* – The Department of
18 Education, in the case of elementary and high school teachers, and the Commission on
19 Higher Education, in the case of vocational, college and university teachers, shall jointly
20 formulate and issue the necessary rules and regulations to implement the provisions of
21 this Act, *however*, such rules and regulations shall be applicable only to their respective
22 constituencies. Rules and regulations issued pursuant to this section shall take effect
23 thirty (30) days after publication in a newspaper of general circulation and by such other
24 means as the Secretary of Education and the Chairman of the Commission on Higher
25 Education deem reasonably sufficient to give interested parties general notice of such
26 issuance.

27 SECTION 15. *Penal Provision.* – A person who shall willfully interfere with,
28 restrain or coerce any teacher in the exercise of his rights guaranteed by this Act or
29 who shall in any manner violate any provision of this Act or the rules duly issued
30 thereunder shall, upon conviction be punished by a fine of not less than one thousand
31 pesos or by imprisonment for not more than one year, or both, in the discretion of the
32 court.

33 If the offender is a public official, the court shall order his dismissal from the
34 government service.

35 SECTION 16. *Repealing Clause.* – All laws, decrees, orders, rules and
36 regulations, and issuances or parts thereof inconsistent with this Act are hereby

1 repealed or amended accordingly.

2 SECTION 17. *Separability Clause.* – If any provision of this Act is declared
3 invalid, the remainder of this Act or any provisions not affected thereby shall remain in
4 force and effect.

5 SECTION 18. *Effectivity Clause.* – This Act shall take effect fifteen days after its
6 publications in the official Gazette or in at least two national newspapers of general
7 circulation, whichever comes earlier.

8 Approved,