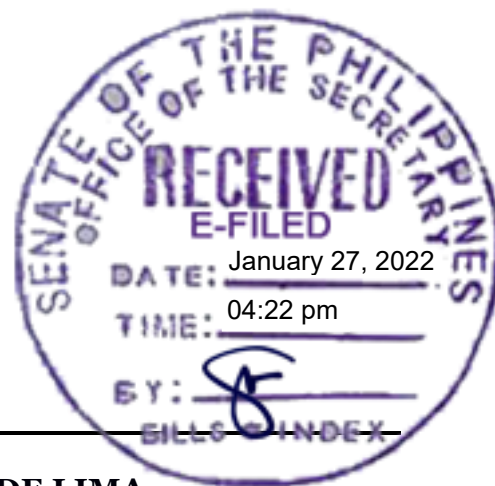


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Third Regular Session* )

**SENATE**

**S. No. 2497**



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Introduced by **SENATOR LEILA M. DE LIMA**

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**AN ACT**  
**PROMOTING, PROTECTING AND UPHOLDING THE RIGHTS OF**  
**TEACHING PERSONNEL BY INSTITUTIONALIZING A REVISED MAGNA**  
**CARTA OF PUBLIC SCHOOL TEACHERS, REPEALING FOR THE**  
**PURPOSE REPUBLIC ACT NO. 4670, OTHERWISE KNOWN AS THE**  
**“MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS”, AND**  
**APPROPRIATING FUNDS THEREFOR**

**EXPLANATORY NOTE**

In the Philippines, education is generally held up to a high regard. Article II, Section 17 of the 1987 Constitution declares it a State policy and places emphasis on education, among others, as a key to “foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development”. Article XIV, Section 2 of the same further cements the role of the State in establishing, maintaining, and supporting “a complete, adequate, and integrated system of education relevant to the needs of the people and society”.

Without question, teachers are integral components in any functioning society. They are arguably the foundational pillars of our educational system tasked with imparting knowledge to our youth to equip them to someday be productive members of society and contribute to its development. They are also tasked with nurturing the youth and functioning essentially as second parents by instilling values and building character in order to produce morally upright citizens of the country.

Article XIV, Section 5(5) of the 1987 Constitution mandates that the State “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”. On paper, it may

seem that our education system, particularly our teachers, is getting adequate support from the State in terms of financial resources, support services and infrastructure. However, reality often belies this assumption as several observers are pointing to a “crisis in Philippine education” unfolding before our very eyes.<sup>1 2 3</sup>

Several factors have already hinted at this worrisome trend in our educational system. In 2019, a study revealed that Filipino students lagged behind other countries in the international assessment for mathematics and science for grade 4 students.<sup>4</sup> A key insight from this study, Child Hope Philippines noted, implies that those tested mostly came from public schools. The crisis, they said, is further compounded by the fact that the Philippines doesn’t invest on topnotch learning as compared to our neighboring countries. This is exemplified by the lack of computers and other tools in public schools despite being necessitated by the digital age, and also by a shortfall in the number of public school teachers.<sup>5</sup>

The COVID-19 pandemic further aggravated the situation as we became the last country in the world to reopen schools for in-person classes since the beginning of the pandemic in March 2020.<sup>6</sup> Teachers were not spared from this ordeal as inadequate government support led to them having to use their own resources for school-related expenses, especially for distance learning needs like laptops, phones, printers, and internet connection.<sup>7</sup> With an education system that is “faulty to begin with, haphazardly implemented remote learning setup” resulted in overworked and underpaid teachers on their own to fend for themselves and to wiggle through the struggles. “Never in my life did I expect my profession to get to this point”, a teacher

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<sup>1</sup> Nortajuddin, A. (17 March 2021). *Philippines: Crisis In Education?* Retrieved 18 January 2022, from <https://theaseanpost.com/article/philippines-crisis-education>

<sup>2</sup> UNICEF. (25 August 2021). Filipino children continue missing education opportunities in another year of school closure. Retrieved 18 January 2022, from <https://www.unicef.org/philippines/press-releases/filipino-children-continue-missing-education-opportunities-another-year-school>

<sup>3</sup> Center for Media Freedom and Responsibility. (17 September 2021). *The Philippine crisis in education*. Retrieved 18 January 2022, from <https://cmfr-phil.org/in-context/the-philippine-crisis-in-education/>

<sup>4</sup> Magsambol, B. (9 December 2020). *PH lowest among 58 countries in math, science – global assessment*. Retrieved 18 January 2022, from <https://www.rappler.com/nation/filipino-students-lagging-behind-math-science-timms-international-results-2019/>

<sup>5</sup> Child Hope Philippines. (25 August 2021) *Education Issues in the Philippines: The Ongoing Struggle*. Retrieved 19 January 2022, from <https://childhope.org.ph/education-issues-in-the-philippines/>

<sup>6</sup> Magsambol, B. (15 November 2021). *PH resumes face-to-face classes in select areas after nearly 2 years of lockdown*. Retrieved 18 January 2022, from <https://www.rappler.com/nation/philippines-resumes-face-to-face-classes-after-nearly-two-years-pandemic-lockdown/>

<sup>7</sup> Dela Peña, K. (20 August 2021.) *Teachers use own money, resources as distance learning weighs heavy on them*. Retrieved 18 January 2022, from <https://newsinfo.inquirer.net/1476298/teachers-use-own-money-resources-as-distance-learning-weighs-heavy-on-them>

even lamented. Teachers living in remote areas are forced to travel for at least an hour on a daily basis for better internet signal. Teachers have revealed an intense workload, inaccessible internet, scarcity of gadgets and mounting paperwork as part of their perennial struggle which was made worse by the pandemic.<sup>8</sup>

Teaching is a noble yet thankless profession. The need to preserve the integrity of our educational institutions coincides with the need to ensure the protection of our teachers. This arguably begins by revisiting and revising a decades-old law that has failed to adequately respond to the changing of the times. There is an urgent need to promote, protect and uphold the rights of public teachers by institutionalizing a revised Magna Carta for Public Teachers that can more capably respond to their needs at present and ensure the flourishing of the teaching profession across future generations.

When we speak of basic education, we must acknowledge that teachers are frontliners. The lessons they impart and the values they instill in the youth of our nation are the seeds from which will blossom citizens of our society. We must thus value them as such – and finally address issues that have long hounded their profession. We must begin to admit that only when we empower our teachers, will we strengthen our education system. We must come to their aid and hear their pleas, and understand their plight. Teachers can no longer be expected to bear on their shoulders the entirety of the State’s obligation to educate our children. Overworked, underpaid and unappreciated – this can no longer be allowed to persist. The State must walk alongside these unsung heroes.

In view of the foregoing, passage of this measure is earnestly sought.

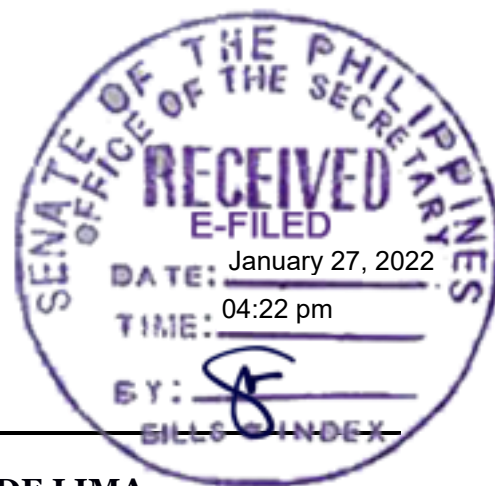
  
**LEILA M. DE LIMA**

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<sup>8</sup> Adonis, M. (23 September 2021) *Yet another challenging year for public school teachers*. Retrieved 19 January 2022, from <https://newsinfo.inquirer.net/1486913/yet-another-challenging-year-for-public-school-teachers>

EIGHTEENTH CONGRESS OF THE )  
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**AN ACT  
PROMOTING, PROTECTING AND UPHOLDING THE RIGHTS OF  
TEACHING PERSONNEL BY INSTITUTIONALIZING A REVISED MAGNA  
CARTA OF PUBLIC SCHOOL TEACHERS, REPEALING FOR THE  
PURPOSE REPUBLIC ACT NO. 4670, OTHERWISE KNOWN AS THE  
“MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS”, AND  
APPROPRIATING FUNDS THEREFOR**

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

**I. Preliminary Provisions**

Sec. 1. *Short Title.* – This Act shall be known as the “Revised Magna Carta of Public School Teachers” and shall apply to all public school teachers except those in the professorial staff of state colleges and universities.

Section 2. *Declaration of Policy.* – It is hereby declared to be the policy of this Act to promote and improve the social and economic status of public school teachers, their living and working conditions, their terms of employment and career prospects in order that they may compare favorably with existing opportunities in other walks of life, attract and retain in the teaching profession more people with the proper qualifications, it being recognized that a quality 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 international and domestic laws declaring that the economic and social

rights of persons can only be secured through the genuine observance of civil and political rights.

Sec. 3. *Definition of Terms.* – As used in this Act, the following terms are defined as follows:

(a) *Teacher* – shall refer to one engaged in classroom teaching, in any level of instruction, on a full-time basis, including guidance counselors, school librarians, industrial arts or vocational instructors, and all other persons performing supervisory and/or administrative functions in all schools, 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;

(b) *Exigencies of service* – shall refer to situations where education service is urgently needed and where any delay in its execution and delivery will adversely affect the effective and efficient delivery of the service and its outcome. In no case shall the exigencies of the service be invoked for any personnel action that will result in diminution of rank, status, salaries, or benefits, or in any manner prejudice a teacher;

(c) *Station* – shall refer to the school where the teacher is assigned;

(d) *Department* – shall refer to the Department of Education (DepEd).

## **II. Recruitment and Career**

Sec. 4. *Recruitment and Qualifications.* – Recruitment policy with respect to the selection and appointment of teachers shall be clearly defined by the Department: *Provided*, That the following shall constitute the minimum educational qualifications for teacher-applicants:

(1) For teachers in preschool, a Bachelor's degree in Early Childhood Education (BECED) or its equivalent;

(2) For teachers in the elementary grades, a Bachelor's degree in Elementary Education (BEEEd) or its equivalent;

(3) For teachers in the secondary grades, a Bachelor's degree in Secondary Education (BSEd) or its equivalent, or a Bachelor's degree in arts and sciences with at least eighteen (18) units in professional education; and

1 (4) For teachers of vocational and two-year courses, a Bachelor's degree in the  
2 field of specialization or its equivalent, with at least eighteen (18) units in  
3 professional education:

4 *Provided, further,* That in the absence of applicants who possess the minimum  
5 educational qualifications as hereinabove provided, the Schools Division  
6 Superintendent may appoint, under a temporary status, applicants who do not meet  
7 the minimum qualifications: *Provided, further,* That should teacher-applicants,  
8 whether they possess the minimum educational qualifications or not, be required to  
9 take competitive examinations, preference in making appointments shall be in the  
10 order of their respective ranks in said competitive examinations: *Provided, finally,*  
11 That the results of the examinations shall be made public and every applicant shall be  
12 furnished with his or her score and rank in said examinations.

13 *Sec. 5. Probationary Period.* – When recruitment takes place after adequate  
14 training and professional preparation in any school recognized by the government, no  
15 probationary period preceding regular appointment shall be imposed if the teacher  
16 possesses the appropriate civil service eligibility: *Provided,* That where, due to the  
17 exigencies of service, it is necessary to employ as teacher a person who possesses the  
18 minimum educational qualifications herein above set forth but lacks the appropriate  
19 civil service eligibility, such person shall be appointed on a provisional status and shall  
20 undergo a period of probation for not less than one (1) year from and after the date of  
21 his or her provisional appointment: *Provided, further,* That the salaries, benefits, and  
22 conditions of work of teachers hired under this Section shall be the same or not less  
23 favorable as that of an entry-level teacher.

24 *Sec. 6. Tenure of Office.* – Security of tenure shall be assured qualified teachers  
25 provided under existing laws.

26 Subject to the provisions of Section 4 hereof, teachers appointed on a  
27 provisional status for lack of necessary civil service eligibility shall be extended  
28 permanent appointment for the position he or she is holding after having rendered at  
29 least ten (10) years of continuous, efficient, and faithful service in such position.

30 No permanent teacher shall be terminated except for a just cause and after due  
31 process. A teacher who is dismissed from service but later found as unjustly dismissed  
32 shall be entitled to reinstatement and back wages.

1           *Sec. 7. Procedure for Station Transfers of Teachers.* – Except for cause and as  
2 herein otherwise provided, no teacher shall be transferred without his or her written  
3 consent from one station to another.

4           Where the exigencies of the service require the transfer of a teacher from one  
5 station to another, such transfer may be effected by the Schools Division  
6 Superintendent who shall previously notify the teacher concerned of the transfer and  
7 the reason or reasons therefor. If the teacher believes there is no justification for the  
8 transfer, he or she may appeal to the Regional Director who shall render a decision in  
9 writing within a non-extendible period of one (1) week upon receipt of the appeal.  
10 Pending the appeal and the decision thereon, the transfer shall be held in abeyance:  
11 *Provided*, that no transfer shall be made three (3) months before any local or national  
12 election.

13           Necessary transfer expenses of the teacher and his or her family shall be paid  
14 for by the government if his or her transfer is finally approved.

15           A teacher may also transfer upon his or her written request pursuant to grounds  
16 and procedure under pertinent laws and rules.

17           *Sec. 8. Code of Ethics for Public School Teachers.* – Within six (6) months from  
18 the approval of this Act, the Secretary of Education shall formulate and prepare a Code  
19 of Ethics for Public School Teachers. A copy of the Code shall be furnished each teacher:  
20 *Provided*, that where this is not possible by reason of inadequate fiscal resources of  
21 the Department, at least three (3) copies of the same code shall be deposited with the  
22 office of the school principal or head teacher where they may be accessible for use by  
23 the teachers. The Department shall also electronically publish the same in its official  
24 website and make available and accessible for teachers to view, read and download.

25           *Sec. 9. Safeguards in Disciplinary Procedure.* – Every teacher shall enjoy  
26 equitable safeguards at each stage of any disciplinary procedure and shall have:

- 27           (1) The right to be informed, in writing, of the allegations and the grounds  
28           thereof;  
29           (2) The right to full access to the evidence in the case;  
30           (3) The right to defend himself or herself and to be defended by a representative  
31           of his or her choice, and by his or her union or, in the absence thereof,

1 organization, with 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 decisions reached and the reasons  
4 thereof; and

5 (5) The right to appeal to clearly designated competent authorities or bodies.

6 Any disciplinary action being taken against a teacher during the pendency of his  
7 or her case shall remain confidential. The right of teachers to privacy of their  
8 employment or service records shall be observed except as provided by law.

9 The Department shall enter into an agreement with the Public Attorney's Office  
10 for legal services to be extended to teachers facing complaints and lawsuits in relation  
11 to the performance and conduct of their teaching duties and responsibilities.

12 *Sec. 10. Prohibition on Discrimination.* – A public school teacher shall not be  
13 discriminated against with regard to grounds such as sex, sexual orientation, gender  
14 identity and expression, civil status, creed, religious or political belief or affiliation,  
15 ethnic groupings, or analogous reasons. There shall be no discrimination whatsoever  
16 in the entrance to the teaching profession, or during its exercise, or in the termination  
17 of services based on any ground other than professional consideration. Expression and  
18 exercise of religious belief and partisan political activities by teachers shall be  
19 regulated by the Civil Service Commission.

20 To eliminate all forms of discrimination against teachers, the State shall pursue  
21 initiatives and programs that seek to enable an environment free of stigma and  
22 discrimination. It shall direct the machinery and resources of the State to promote  
23 non-discrimination and shall encourage other sectors of the society to engage and  
24 participate in these efforts.

25 *Sec. 11. Gender Equality.* – The State shall endeavor to provide equal  
26 opportunities to women teachers and individuals regardless of their sexual orientation,  
27 gender identity and expression in teaching and school and Department leadership.

28 *Sec. 12. Married Teachers.* – The proper authorities shall take all steps to  
29 enable married couples, both of whom are public school teachers, to be employed in  
30 the same locality.

1           Sec. 13. *Academic Freedom.* – Teachers shall enjoy academic freedom in the  
2 discharge of their professional duties, particularly with regard to teaching and  
3 classroom methods, subject to standards set by the Department for K-12 education.

### 4                                   **III.     Remuneration and Hours of Work**

5           Sec. 14. *Criteria for Salaries.* – Teachers' salaries shall:

- 6           (1) Reflect the importance to society of the teaching function and, hence, the  
7           importance of teachers as well as the responsibilities of all kinds which fall  
8           upon them from the time of their entry into the service;
- 9           (2) Compare favorably with those paid in other occupations requiring  
10          equivalent or similar qualifications, training and abilities;
- 11          (3) Be such as to insure teachers a reasonable and decent standard of life for  
12          themselves and their families; and
- 13          (4) Be properly graded so as to recognize the fact that certain positions require  
14          higher qualifications and greater responsibility than others: *Provided, That*  
15          the general salary scale shall be such that the discrepancy between the  
16          lowest and highest salaries paid in the profession will be of reasonable order.  
17          Narrowing the salary scale shall be achieved by raising the lower end of the  
18          salary scales relative to the upper end.

19          Sec. 15. *Salary Scale.* – Salary scales of teachers shall provide for a gradual  
20 progression from a minimum to a maximum salary by means of regular increments,  
21 granted automatically after three (3) years: *Provided, That* the efficiency rating of the  
22 teacher concerned is at least satisfactory.

23          Sec. 16. *Equality in Salary Scales and Benefits.* – The salary scales and benefits  
24 of teachers whose salaries are paid by a city, municipal, municipal district, or  
25 provincial government shall not be less than those provided for teachers employed by  
26 the national government.

27          Sec. 17. *Cost of Living Allowance.* – Teachers' salaries shall, at the very least,  
28 keep pace with the rise in the cost of living by the payment of a cost-of-living allowance  
29 which shall automatically follow changes in a cost-of-living index. The Secretary of  
30 Education shall, in consultation with the proper government entities, recommend to  
31 Congress, at least annually, the appropriation of the necessary funds for the cost-of-  
32 living allowances of teachers employed by the National Government. The

determination of the cost-of-living allowances by the Secretary of Education shall, upon approval of the President of the Philippines, be binding on the city, municipal or provincial government, for purposes of calculating the cost-of-living allowances of teachers under the employ of the latter.

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

Sec. 19. *Salaries to be Paid in Legal Tender.* – Salaries of teachers 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.

Sec. 20. *Prohibition on Deductions.* – No person shall make any deduction whatsoever from the salaries of teachers except under specific authority of law authorizing such deductions: *Provided, however,* That upon written authority executed by the teacher concerned, (1) lawful dues and fees owing to teachers' unions, (2) lawful dues and fees owing to the Philippine Public School Teachers' Association, and (3) premiums properly due on insurance policies, shall be considered deductible; *Provided, however,* That deductions under the salary deduction scheme shall not be charged with compounded interests and penalties.

Sec. 21. *Special Hardship Allowance.* – Teachers exposed to hardship or extreme difficulty in the place of work, teachers assigned to handle multi-grade classes, mobile teachers, and alternative learning system (ALS) coordinators shall be compensated with special hardship allowances based on the criteria prescribed by the Department: *Provided,*

(1) That priority shall be given to teachers assigned to hardship posts characterized by hazards to life and health, a state of calamity, transport inaccessibility or inconvenience, and other hazards peculiar to the place of enjoyment; and

(2) That the aggregate amount of allowance to be given to said teachers shall not be less than twenty-five percent (25%) of their total basic pay salary for the year.

1           Sec. 22. *Teaching Hours.* – No teacher engaged in actual classroom instruction  
2 shall be required to render more than four (4) hours of actual classroom teaching a  
3 day, which shall be so scheduled as to give him or her time for the preparation and  
4 correction of exercises and other work incidental to his or her normal teaching duties:  
5 *Provided, however,* That where the exigencies of the service so require, a teacher may  
6 be required to render more than four (4) hours but not exceeding eight (8) hours of  
7 actual classroom teaching a day upon payment of additional compensation at the same  
8 rate as his or her regular remuneration plus at least twenty-five percent (25%) of his  
9 or her basic pay.

10           Sec. 23. *Prohibition on Assignment to Work Unrelated to Teaching.* – To  
11 prevent teachers from being overtaxed and to enable them to focus on instruction and  
12 thus ensure the delivery of quality education, no teacher shall be assigned work or  
13 activities unrelated to teaching, except as may be provided by law. For this purpose,  
14 the Department shall fill up all non-teaching positions and, with the Department of  
15 Budget and Management (DBM), endeavor to meet ideal ratios between teaching and  
16 non-teaching positions.

17           Sec. 24. *Substitute Teachers.* – When an incumbent teacher is on maternity,  
18 paternity, parental, study, or extended leave, the Department may hire a temporary  
19 replacement for the duration of the incumbent teacher's leave. A substitute must be  
20 qualified for at least temporary appointment.

21           Sec. 25. *Additional Compensation.* – Notwithstanding any provision of existing  
22 law to the contrary, co-curricular and out-of-school activities and any other activities  
23 outside of what is defined as normal duties of any teacher shall be paid an additional  
24 compensation of at least twenty-five percent (25%) of his or her regular remuneration  
25 after the teacher has completed at least four (4) hours of actual classroom teaching a  
26 day.

27           In the case of other teachers or school officials not engaged in actual classroom  
28 instruction, any work performed in excess of eight hours a day shall be paid an  
29 additional compensation of at least twenty-five percent (25%) of their regular  
30 remuneration.

31           The agencies utilizing the services of teachers shall pay the additional  
32 compensation required under this Section. The Secretary of Education shall refuse to

1 allow the rendition of services of teachers for other government agencies without the  
2 assurance that the teachers shall be paid the remuneration provided for under this  
3 Section.

4 This Section shall be without prejudice to laws and rules providing for higher  
5 compensation or for voluntary service of teachers.

#### 6 **IV. Working Conditions**

7 *Sec. 26. Guarantee of Conducive Working Conditions for Teachers.* – The State  
8 shall ensure that public school teachers have humane working conditions in their  
9 places of assignment. For this purpose, the Department shall provide and maintain  
10 adequate space, ventilation, lighting, and security conditions in public schools to foster  
11 a conducive environment for teaching and learning. Spaces must likewise abide with  
12 minimum health protocols, and be provided with medically-proven and scientifically-  
13 proven tools and equipment that aim to minimize risk of exposure.

14 *Sec. 27. Prohibition on Understaffing and Overloading of Teachers.* – There  
15 shall be no understaffing and overloading of public school teachers. Teacher-to-  
16 student ratios shall be such as to reasonably effect sustained delivery of quality  
17 education at all times without overworking the public school teacher and  
18 overextending his or her duty and service.

19 *Sec. 28. Protection from Unregulated Class Sizes.* – Teachers are entitled to  
20 protection from unmanageable class sizes as well as to compensation commensurate  
21 to their actual workload. To this end, the Department shall determine the standard  
22 class sizes for each grade level in accordance with international norms and the  
23 corresponding honorarium for teachers handling large classes.

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

1 Any act committed by a teacher pursuant to the disciplinary rules and  
2 procedures issued by the Department shall not be deemed as child abuse, cruelty, or  
3 exploitation as defined in Republic Act No. 7610 or the “*Special Protection of Children*  
4 *against Abuse, Exploitation and Discrimination Act*”.

## 5 **V. Health Measures**

6 Sec. 30. *Free Medical Examination and Treatment.* – Compulsory medical  
7 examination shall be provided free of charge for all teachers before they take up  
8 teaching, and shall be repeated not less than once a year during the teacher’s  
9 professional life. Where medical examination, including mental health examination,  
10 shows that medical treatment and/or hospitalization is necessary, the same shall be  
11 provided free by the government.

12 In regions where there is scarcity of medical facilities, teachers may obtain  
13 elsewhere the necessary medical care with the right to be reimbursed for their  
14 travelling expenses by the government entity.

15 Sec. 31. *Compensation for Injuries.* – Teachers shall be protected against the  
16 consequences of employment injuries in accordance with existing laws. The effects of  
17 the physical and mental strain on teachers’ health and well-being shall be recognized  
18 as a compensable occupational disease in accordance with existing laws.

## 19 **VI. Leaves and Retirement Benefits**

20 Sec. 32. *Study Leave.* – In addition to the leave privileges now enjoyed by  
21 teachers in public schools, they shall be entitled to study leave not exceeding one (1)  
22 school year after three (3) years of service. During the period of such leave, the teachers  
23 shall be entitled to at least eighty percent (80%) of their monthly salary: *Provided*, that  
24 no teacher shall be allowed to accumulate more than one (1)-year study leave, unless  
25 he or she needs an additional semester to finish his or her thesis for a graduate study  
26 in education or any allied course: *Provided, further*, That no compensation shall be  
27 due the teacher after the first year of such leave. In all cases, the study leave period  
28 shall be counted for seniority and pension purposes.

29 The compensation allowed for one (1)-year study leave as herein provided shall  
30 be subject to the condition that the teacher takes the regular study load and passes at  
31 least seventy-five percent (75%) of his or her courses. Study leave of more than one  
32 year may be permitted by the Secretary of Education but without compensation.

Sec. 33. *Indefinite Sick Leave.* – An indefinite sick leave of absence shall be granted to teachers when the nature of the illness demands a long treatment that will exceed at least one (1) year.

Sec. 34. *Calamity Leave.* – Teachers affected by natural calamity/disaster shall be entitled to five (5) days special emergency leave with pay. The benefit shall be available upon the declaration of a state of calamity by the President of the Philippines or by the Local Sanggunian pursuant to Section 16 of R.A. No. 10121. However, in case a specific area was not declared under state of calamity but was nonetheless severely affected by the natural calamity/disaster, the Schools Division Superintendent in the exercise of his/her sound discretion, may grant the special emergency leave to affected teacher based on proof or evidence presented or news account.

The special emergency leave can be applied for five (5) straight working days or on staggered basis and will not be deducted from the teacher's leave credits. This leave may be availed of by teachers within ten (10) days from the date when the natural calamity/disaster occurred.

Sec. 35. *Salary Increase upon Retirement.* – Public school teachers who have fulfilled the age and service requirements of the applicable retirement laws shall be given 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 benefits thereafter.

## VII. Teachers' Organizations

Sec. 36. *Freedom to Organize.* – The right of the teachers to form unions, associations, or societies for purposes not contrary to law shall not be abridged.

Sec. 37. *Prohibition on Discrimination Against Teachers.* – The rights established in the immediately preceding Section shall be exercised without any interference or coercion. It shall be unlawful for any person to commit any acts of discrimination against teachers which are calculated to (a) make the employment of a teacher subject to the condition that he or she shall not join an organization, or shall relinquish membership in an organization, (b) to cause the dismissal of or otherwise prejudice a teacher by reason of his or her membership in an organization or because of participation in its activities, and (c) to prevent him or her from carrying out the duties laid upon him by his or her position in the organization, or to penalize him or her for an action undertaken in that capacity.

1           Sec. 38. *Teachers' Organizations.* – National teachers' organizations shall be  
2 consulted in the formulation of national educational policies and professional  
3 standards, and in the formulation of national policies governing the social security of  
4 the teachers.

5           Unions of public school teachers which are granted the status as sole and  
6 exclusive negotiating agent (SENA) shall have the right to represent all public school  
7 teachers in their respective negotiating units in negotiations with the Department for  
8 terms and conditions of employment or improvements thereof, except those that are  
9 fixed by law. For the purposes of this Act, the SENa refers to any registered employees'  
10 organization which has been accredited by the Civil Service Commission as the  
11 negotiating agent of all public school teachers in a given negotiating unit, in  
12 accordance with its pertinent rules and regulations.

13           The Department shall accord the SENa, as well as its officers and members, all  
14 rights and benefits necessary and pertinent to the performance of its duties and  
15 functions, such as representation of teachers in all bodies for policy-making and  
16 tribunals for the discipline of teachers, among others.

## 17                                   **VIII. Administration and Enforcement**

18           Sec. 39. *Rights and Benefits of Teachers under Other Laws.* – A teacher shall  
19 be accorded the rights and benefits under other laws and rules on labor standards and  
20 relations, social security, among others, including but not limited to Republic Act No.  
21 9710 or "*The Magna Carta of Women*," Republic Act No. 9262 or the "*Anti-Violence*  
22 *against Women and their Children Act*," and Republic Act No. 8792 or the "*Solo*  
23 *Parents' Welfare Act of 2000*," as they are applicable.

24           Sec. 40. *Implementing Rules and Regulations.* – The Department, in  
25 consultation with unions and organizations of public school teachers, shall formulate  
26 and prepare the necessary rules and regulations to implement the provisions of this  
27 Act within sixty (60) days after its effectivity.

28           Sec. 41. *Budgetary Estimates.* – The Secretary of Education shall submit to  
29 Congress annually the necessary budgetary estimates to implement the provisions of  
30 the Act concerning the monetary and non-monetary benefits herein granted to public  
31 school teachers under the employ of the National Government. The duty to present the  
32 annual funding requirements for the benefits under this Act shall be distinct from the

1 presentation of the budget of the Department and thus may be fulfilled during or  
2 before deliberations for the annual General Appropriations.

3       Sec. 42. *Penal Provisions.* – A person who shall willfully interfere with, restrain,  
4 or coerce any teacher in the exercise of his or her rights or the rights of teachers’ unions  
5 and organizations guaranteed by this Act, or who shall in any other manner commit  
6 any act to defeat any of the provisions of this Act shall, upon conviction, be punished  
7 by imprisonment of not less than six (6) months, or a fine of not less than One hundred  
8 thousand (P100,000.00) pesos but not more than Two hundred pesos (P200,000.00),  
9 or both, at the discretion of the court.

10       If the offender is a public official, the court shall order his or her dismissal with  
11 perpetual disqualification from government service. This provision shall cover the  
12 issuance of rules contrary to this Act or which lead to the defeat or diminution of rights  
13 and benefits provided herein.

14       The liabilities under this Section shall be without prejudice to civil and  
15 administrative liabilities and other penal liabilities under other appropriate laws.

16       Sec. 43. *Separability Clause.* – If any provision of this Act is declared  
17 unconstitutional or invalid, other parts or provisions hereof not affected shall continue  
18 to be in full force and effect.

19       Sec. 44. *Repealing Clause.* – Republic Act No. 4670 otherwise known as the  
20 “Magna Carta for Public School Teachers” is hereby repealed.

21       All other laws, executive orders, presidential decrees, presidential  
22 proclamations, letters of instruction, rules and regulations or parts thereof which are  
23 inconsistent with the provisions of this Act are hereby repealed or modified  
24 accordingly.

25       Sec. 45. *Effectivity Clause.* – This Act shall take effect fifteen (15) days following  
26 its publication in the Official Gazette or in any newspaper of general circulation in the  
27 Philippines.

Approved,