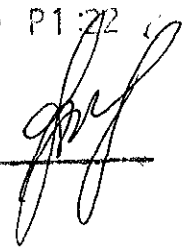


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

7 JUN 30 P 1:22

SENATE
S.B. No. 72

RECEIVED BY: _____



Introduced by Senator LOREN LEGARDA

EXPLANATORY NOTE

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

Teachers are indeed invaluable to our society. Their responsibility in molding the values and character of the young generation of the country cannot be overestimated. Aside from educating our children, teachers are likewise the most reliable and dedicated public servants. They are being constantly called upon by officials of the local and national government to assist in various extra-curricular and civic activities which contribute to the welfare of the community and the country, most notable of which is when they guard the precincts and count the votes during election period.

As of school year 2005-2006, there are 341,789 public elementary school teachers teaching at 37,000 public elementary schools with 12,913,845 elementary school enrollees. In the same school year, the teacher-pupil ratio is 1:35. In the secondary level, there are 126,141 public secondary schools teaching at 4,915 public secondary schools with 4,979,030 secondary student enrollees. This translates to a teacher-student ratio of 1:39.

A public school teacher in the entry level receives a salary of P9,939.00. Compared to their counterparts in the private sector, who receive an average monthly wage rate of P14,991 based on Department of Labor figures, public school teachers are indeed among the lowest paid government workers considering the nature and importance of the services they render.

To stress their importance to society, teachers are given substitute and special parental authority under our laws. Article 218 of the Family Code states that the school, its administrators and teachers shall have special parental authority and responsibility over the minor child while under their supervision, instruction or custody.

It is imperative therefore that to attract the most competent and efficient to the teaching profession, government must provide compensation and benefits commensurate to the work they perform and the contribution they make to the society.

This bill addresses that need by providing for security of tenure to teachers, payment of their salaries as well as those of non-teaching personnel on a monthly basis regardless of semestral or summer vacations, annual salary increase or adjustment to mitigate the effects of inflation, and other measures that will protect the rights and promote the welfare of our public school teachers. This bill also provides for gratuity benefit for 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.

This proposed measure likewise 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' organizations, whether independent or federated, the right to negotiate directly with school owners and administrations.

Furthermore, this bill mandates the formulation of a Code of Professional Conduct for the Teaching Profession to further promote the professionalization of the profession and encourage unity among teachers and non-teaching personnel. Finally, this bill makes it obligatory for all schools and learning institutions offering education as a course to teach this Magna Carta as part of the course requirement.

To the teachers, the State owes absolute fidelity to the protection of their rights and the promotion of their welfare.

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



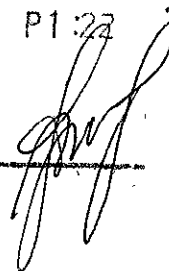
LOREN LEGARDA
Senator

FOURTEENTH CONGRESS OF THE)
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Introduced by Senator LOREN LEGARDA

**AN ACT
PROVIDING FOR SECURITY OF TENURE, CODE OF CONDUCT AND
ADDITIONAL BENEFITS TO TEACHERS, AMENDING FOR THE PURPOSE
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 I
GENERAL PROVISIONS**

**CHAPTER 1
PRELIMINARY MATTERS**

[I. DECLARATION OF POLICY COVERAGE]

Sec. 1. 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 retain in the teaching profession more people with the proper qualifications, it being recognized that advance in education depends on the qualifications and ability of the teaching staff and that education is an essential factor in the economic growth of the nation as a productive investment of vital importance.]

Sec. 2. 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 2007**

As used in this Act, the term "teacher" shall mean all persons engaged in classroom teaching, in [any] ALL level 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 "NON-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.**

SECTION 3. 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 4. 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.

BOOK TWO EMPLOYMENT STANDARDS

[II. RECRUITMENT AND CAREER]

Sec. [3] 5. *Recruitment and Qualification.* Recruitment policy with respect to the selection and appointment of teachers shall be clearly defined by the Department of Education [Culture and Sports]: *Provided, however,* That effective upon the approval of this Act, the following shall constitute the minimum educational qualifications for teacher-applicants:

- (a) For teachers in the kindergarten and elementary grades, Bachelor's degree in Elementary Education (B.S.E.ED.);
- (b) For teachers of the secondary schools, Bachelor's degree in Education or its equivalent with a major and a minor; or a Bachelor's degree in Arts or Science with at least eighteen professional units in Education.
- (c) For teachers of secondary vocational and two years technical courses, Bachelor's degree in the field of specialization with at least eighteen professional units in education;
- (d) For teachers of **ACADEMIC** courses on the [collegiate] **COLLEGE** level, [other than vocational,] master's degree with a specific area of specialization []. **THEY SHALL TEACH ONLY THEIR MAJOR FIELD AND/OR ALLIED SUBJECTS.**

[Provided, further, That in the absence of applicants who possess the minimum educational qualifications as hereinabove provided, the school superintendent may appoint, under a temporary status, applicants who do not meet the minimum qualifications: *Provided, further,* That should teacher-applicants, whether they possess the minimum educational qualifications or not, be required to take competitive examinations, preference in making appointments shall be in the order of their

respective ranks in said competitive examinations: And provided, finally, That the results of the examinations shall be made public and every applicant shall be furnished with his score and rank in said examinations.]

PROVIDED, HOWEVER, THAT IN CASES OF DIFFICULTY IN COMPLYING WITH THE ABOVE PROVISION IN PRIVATE SCHOOLS, EXEMPTION MAY BE REQUESTED FROM THE SECRETARY OF DEPARTMENT OF EDUCATION, AND IN THE CASE OF STATE UNIVERSITIES AND COLLEGES, FROM THE COLLEGE OR UNIVERSITY PRESIDENT THROUGH THE OFFICE OF ACADEMIC AFFAIRS: PROVIDED, FURTHER, THAT NOT LESS THAN EIGHTY PERCENT (80%) OF THE TOTAL WORKING FORCE IN THE COLLEGIATE LEVEL SHALL POSSESS MASTERAL DEGREE: PROVIDED, FURTHERMORE, THAT TEACHERS IN PRIVATE SCHOOLS, COLLEGES AND UNIVERSITIES WHO WERE HIRED WITHOUT THE NECESSARY QUALIFICATIONS AS HEREINABOVE SET FORTH SHALL BE GIVEN A GRACE PERIOD OF AT LEAST THREE (3) YEARS WITHIN WHICH TO QUALIFY.

IN THE ABSENCE OF APPLICANTS IN THE ELEMENTARY AND SECONDARY PUBLIC SCHOOLS WHO POSSESS THE MINIMUM EDUCATIONAL QUALIFICATIONS AS HEREINABOVE PROVIDED, THE SCHOOL SUPERINTENDENT MAY APPOINT UNDER A TEMPORARY STATUS, APPLICANTS WHO DO NOT MEET THE MINIMUM QUALIFICATIONS: PROVIDED, HOWEVER, THAT SHOULD TEACHER-APPLICANTS, WHETHER THEY POSSESS THE MINIMUM QUALIFICATION OR NOT, BE REQUIRED TO TAKE COMPETITIVE EXAMINATIONS, PREFERENCE IN MAKING APPOINTMENTS SHALL BE IN ORDER OF THEIR RESPECTIVE RANKS IN SAID COMPETITIVE EXAMINATIONS: AND PROVIDED, FURTHER, THAT THE APPLICANT SHALL BE FURNISHED WITH HIS SCORE AND RANK IN EXAMINATIONS.

WHEN VACANCIES OCCUR IN THE TEACHING FORCE OF THE SCHOOL DURING THE SCHOOL YEAR, SUBSTITUTES OR REPLACEMENTS WITH SIMILAR OR HIGHER QUALIFICATIONS SHALL BE EMPLOYED.

Sec. [4] 6. 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 teacher possesses the appropriate civil service eligibility: *Provided, however,* That where, due to the exigencies of the service, it is necessary to employ as teacher a person who possesses the minimum educational qualifications herein above 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 DURATION OF PROBATION AND THE CONDITIONS FOR ITS SATISFACTORY COMPLETION SHALL BE MADE KNOWN IN ADVANCE TO THE TEACHER-APPLICANT AND THE SAME SHALL BE EXPRESSLY STIPULATED IN THE APPOINTMENT PAPERS.**

A. PUBLIC SCHOOLS - WHEN RECRUITMENT TAKES PLACE AFTER PROOF OF ADEQUATE TRAINING AND PROFESSIONAL PREPARATION IN A SCHOOL RECOGNIZED BY THE GOVERNMENT TO GIVE THE SAME, NO PROBATIONARY PERIOD PRECEDING REGULAR EMPLOYMENT SHALL BE IMPOSED IF THE TEACHER POSSESSES 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 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 EVALUATION OF THEIR PERFORMANCE SHALL BE MADE BY THE ADMINISTRATION, PEERS AND STUDENTS IN ACCORDANCE WITH THE CRITERIA JOINTLY ESTABLISHED BY THE ADMINISTRATION AND THE TEACHER'S 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.

Sec. [5] 7. 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 COMPENSATION WAS WITHHELD UP TO THE TIME OF ACTUAL REINSTATEMENT.

Subject to the provisions of Section [three] 6 (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.

Sec. [6] 8. Consent for Transfer [Transportation Expenses.] Except for cause and as herein otherwise provided, no **PUBLIC SCHOOL** teacher shall be transferred without his **EXPRESSED** consent **IN WRITING** 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 therefor. 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 transfers whatever shall be made **WITHIN** three months before any local or national election.

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

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.

Sec. 9. ADVANCEMENT AND PROMOTION - SUBJECT TO THE NECESSARY QUALIFICATIONS, TEACHERS 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.

Sec. 10. ADVANCEMENT AND PROMOTION -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 ASSESSMENT OF THE TEACHER'S QUALIFICATIONS FOR THE NEW POST BY REFERENCE TO STRICTLY PROFESSIONAL CRITERIA LAID DOWN IN CONSULTATION WITH TEACHER'S ORGANIZATIONS.

Sec. 11. RANKING OF FACULTY MEMBERS. - FACULTY MEMBERS SHALL BE ASSIGNED ACADEMIC RANKS IN ACCORDANCE WITH THEIR ACADEMIC TRAINING AND EDUCATIONAL ATTAINMENT. CRITERIA FOR RANKING SHALL BE PERFORMANCE-DETERMINED IN COLLABORATION WITH TEACHER'S ORGANIZATIONS. RANKING SHALL BE PERFORMANCE-ORIENTED.

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

Sec. 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.] METHODS, TECHNIQUES AND TEXTBOOKS, AND OTHER REFERENCE MATERIALS.**

IN PARTICULAR, THE CONCEPT OF TEACHER'S ACADEMIC FREEDOM, SUBJECT TO CONSTITUTIONAL LIMITATIONS AND SAFEGUARDS, AND WITH THE GROWTH AND DEVELOPMENT OF THE STUDENTS AS PRIORITY, SHALL CONSIST OF THE FOLLOWING RIGHTS:

- A. THE TEACHER'S FREEDOM IN THE EXPLANATION OF HIS SUBJECT IN THE CLASSROOM OR IN SPEECHES AND PUBLICATIONS AS HE MAY DEEM FIT AND APPROPRIATE**
- B. THE TEACHER'S FREEDOM IN THE CHOICE OF SUBJECTS OF RESEARCH AND INVESTIGATION UNDERTAKEN ON HIS OWN INITIATIVE**
- C. THE TEACHER'S RIGHT TO CHOOSE TEXTBOOKS AND OTHER REFERENCE SUPPLEMENTARY INSTRUCTIONAL MATERIALS DEEMED FIT FOR A PARTICULAR SUBJECT OR DISCIPLINE**

TEACHERS IN AUTONOMOUS REGIONS IN THE PHILIPPINES IN THE EXERCISE OF ACADEMIC FREEDOM, MAY ADOPT, DEVELOP AND IMPROVE INDIGENOUS WAYS OF LEARNING ON KNOWLEDGE, SKILLS, CUSTOMS AND EXPERIENCE IN SO FAR AS 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 THEIR FREEDOM, INITIATIVE AND RESPONSIBILITY.

Sec. 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, any teacher may be required 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 HOURS PREPARATION IN LINE WITH THE TEACHER'S MAJOR SUBJECT OR AREA OF EXPERTISE. 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 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.

Sec. 14. Additional Compensation. Notwithstanding any provision of existing law to the contrary, co-curricula and [out of school] **OFF CAMPUS** activities and any other activities [outside] **BEYOND** of 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 per cent of his regular remuneration [after the teacher has completed at least six hours of actual classroom teaching a day.]

[In the case of other teachers or 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 per cent of their regular remuneration.]

[The] [a]Agencies utilizing the services of **PUBLIC** 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.

Sec. [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

Sec. 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

Sec. 17. 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 A PERMANENT NON-TEACHING EMPLOYEE IN ACCORDANCE WITH REASONABLE 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 BACKWAGES FROM THE TIME OF HIS ACTUAL REINSTATEMENT.

Sec. 18 WORKLOAD AND WORKING HOURS - WORKING HOURS OF NON-TEACHING PERSONNEL SHALL NOT EXCEED SEVEN (7) HOURS A DAY. ANY EMPLOYEE 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.

Sec. 19. RANKING AND PROMOTION - SUBJECT TO 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.

Sec. 20. TRANSFER FOR TEACHING POSITION - A PERMANENT EMPLOYEE WHO IS TRANSFERRED TO A TEACHING POSITION SHALL BE REQUIRED TO UNDERGO A NEW PROBATIONARY APPOINTMENT.

Sec. 21. ADDITIONAL COMPENSATION - NOTWITHSTANDING ANY PROVISION OF EXISTING LAW TO THE CONTRARY, ANY ACTIVITY BEYOND HIS OR HER REGULAR DUTIES AND 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 COMPENSATION.

CHAPTER III

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

[III. HOURS OF WORK AND REMUNERATION]

Sec. [15] 22. Criteria for Salaries. Teacher's 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, training 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 others: *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

Sec. 23. 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 THIS PURPOSE, 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

Sec. [16] 24. ANNUAL Salary Scale REVIEW AND ADJUSTMENT. Salary [scales] of teachers shall BE INCREASED ANNUALLY; PROVIDED, THAT THE AMOUNT OF INCREASE SHALL BE THAT AMOUNT RECOMMENDED BY THE DEPARTMENT OF EDUCATION, IN COORDINATION WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT, AFTER CONDUCTING A REVIEW OF THE SALARY SCALES OF TEACHERS, FOR THE PURPOSE OF MITIGATING THE EFFECTS OF INFLATION [provide for gradual progression from a minimum to a maximum salary by means of regular increments, granted automatically after three years]: *Provided, FURTHER*, 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.]

Sec. [21] 25. 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 WRITTEN AUTHORITY OF TEACHER OR EMPLOYEE CONCERNED.

[Sec. 17. Equality in Salary Scales. The salary scales of 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.]

[Sec. 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 of Education shall, upon approval of the President of the Philippines, be binding on the city, municipal or provincial government, for the purposes of calculating the cost-of-living allowances of teachers under its employ.]

[Sec. 20. 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. 26. 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.

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.

Sec. [25] 27. 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.

Sec. 28. VACATION LEAVE - FULL TIME TEACHERS AND EMPLOYEES SHALL BE ENTITLED TO AN ANNUAL VACATION LEAVE WITH FULL PAY OF FIFTEEN (15) DAYS.

Sec. 29. 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.

PATERNITY LEAVE OF MALE FACULTY MEMBERS SHALL BE GOVERNED BY REPUBLIC ACT NO. 8187 OR THE PATERNITY LEAVE LAW.

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

Sec. 30. 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]

Sec. [22] **31. 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 HE 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 of this Section.] **OR THE PRIVATE SCHOOL MANAGEMENT CONCERNED.**

Sec. [23] **32. 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 teachers'[s] **AND EMPLOYEES'** health shall be recognized as a compensable occupational disease in accordance with existing laws.

Sec. [26] **33. [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] **CORRESPONDING** benefits thereafter; **PROVIDED, HOWEVER, THAT THE RETIREMENT BENEFIT SHALL NOT BE LESS THAN ONE MONTH SALARY FOR EVERY YEAR OF SERVICE.**

Sec. 34. 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 IMMEDIATELY PRECEDING SECTION, THE COMPUTATION OF HIS GRATUITY BENEFIT SHALL BE BASED ON THE SALARY SCALE OF ONE STEP HIGHER THAN HIS POSITION AT THE TIME HE OPTED FOR OPTIONAL RETIREMENT.

Sec. 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

WORK, PARTICIPATE IN SKILLS DEVELOPMENT AND KNOWLEDGE ENHANCING SEMINARS AND FORA, AND WHEN FEASIBLE, FINANCIAL SUPPORT SHALL BE EXTENDED TO THEM ON THE BASIS OF MERIT.

[V. LEAVE AND RETIREMENT BENEFITS]

Sec. [24] 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 CONCERNED** 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 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 per cent of his courses. Study leave 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.

**BOOK THREE
RESPONSIBILITIES AND ADMINISTRATIVE SANCTIONS**

Sec. [7] 42. Code of Professional Conduct for Teachers. Within six months from the approval of this Act, the Secretary of Education, **IN CONSULTATION 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.

Sec. 43. 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.

Sec. 44. FACULTY/PERSONNEL MANUAL - A FACULTY/PERSONNEL MANUAL SHALL BE CREATED BY THE SCHOOL ADMINISTRATION WITH PRIOR CONSULTATION AND ACTIVE PARTICIPATION TEACHERS AND EMPLOYEES' ORGANIZATIONS. SUCH MANUAL SHALL BE SUBMITTED FOR APPROVAL OF THE FACULTY AND PERSONNEL PRIOR TO ITS IMPLEMENTATION. SUCH MANUAL SHALL CONTAIN 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

Sec. [8] 45. 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 HIM**;
- 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** for the preparation of his defense; and
- d. the right to appeal to clearly 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.**

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 MANUAL AS PROVIDED UNDER 44 OF THIS ACT.

Sec. [9] 46. Administrative Charges. Administrative charges against a teacher shall be heard initially by a committee composed of the corresponding School Superintendent of the Division or 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.

[Sec. 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.]

**BOOK FOUR
MISCELLANEOUS PROVISIONS**

**CHAPTER 1
SELF-ORGANIZATION AND OTHER RIGHTS**

Sec. [27] **48. [Freedom] RIGHT to SELF-Organize.** Public school teachers 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 be no discrimination whatsoever in entrance to the teaching profession, or during its exercise, or in the termination of services, based on other than professional consideration.]

Sec. [28] **49. Discrimination Against Teachers AND EMPLOYEES Prohibited.** The right[s] 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 **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 shall 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 that capacity.

Sec. 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. TEACHER'S ORGANIZATION]

[Sec. 29. National Teacher's 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.

Sec. 51. STRIKE, PICKETING AND OTHER CONCERTED ACTIVITIES. - THE RIGHT OF TEACHERS' AND EMPLOYEES' ORGANIZATIONS TO STRIKE AND OTHER CONCERTED ACTIVITIES SHALL CONTINUE TO BE RECOGNIZED AND UPHELD.

CHAPTER II
[VII. ADMINISTRATION AND ENFORCEMENT]

Sec. [30] **52. IMPLEMENTING Rules and Regulations.** The Secretary of Education shall formulate and prepare, **IN CONSULTATION WITH NATIONAL TEACHERS' AND EMPLOYEES' ORGANIZATIONS** 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 by such other means as the Secretary of Education deems reasonably sufficient to give interested parties general notice of such issuance.]

Sec. 53. OUTRIGHT CLOSURE OF SCHOOLS PROHIBITED. - EDUCATION BEING VESTED WITH PUBLIC INTEREST, NO SCHOOL MANAGEMENT SHALL BE ALLOWED TO CEASE FROM ITS OPERATIONS EXCEPT UPON VALID AND JUST GROUNDS AS MAY BE DETERMINED BY THE DEPARTMENT OF EDUCATION.

IN CASE OF 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 BE SUCCESSFULLY RESTORED OR BE PERMANENTLY CLOSED.

Sec. 54. 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

[Sec. 31. Budgetary Estimates. The Secretary of Education shall submit to Congress annually the necessary 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.]

Sec. [32] **57. Penal Provision.** ANY [A] person who shall willfully interfere with, restrain or coerce any teacher **OR EMPLOYEE** in the exercise of his rights guaranteed by this Act or who shall in any other manner commit any act to defeat any [of the] provisions of this Act shall, upon conviction, be punished by a fine of not less than [one hundred] **FIFTY THOUSAND** pesos nor more than one **HUNDRED** thousand pesos, 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. IF THE OFFENDER IS** a public [official] **OFFICER OR EMPLOYEE,** the court shall, **IN ADDITION TO THE PENALTIES HEREINABOVE PROVIDED,** order his dismissal from the Government service.

Sec. 58. TEACHING OF MAGNA CARTA - THE TEACHING OF THIS ACT SHALL BE MADE COMPULSORY IN ALL SCHOOLS OFFERING COURSES IN EDUCATION.

Sec. 59. APPROPRIATIONS - INITIAL EXPENDITURE FOR THE IMPLEMENTATION OF THIS MAGNA CARTA SHALL BE SOURCED FROM SAVINGS IN THE BUDGET OF THE DEPARTMENT OF EDUCATION. THEREAFTER, SUCH SUM NECESSARY FOR ITS CONTINUED IMPLEMENTATION SHALL BE INCLUDED IN THE GENERAL APPROPRIATIONS ACT.

Sec. [33] 60. Repealing Clause. All Acts or parts of Acts, executive orders and their implementing rules inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. [34] 61. Separability Clause. If any provision of this Act is declared invalid, the remainder of this Act or any provisions not affected thereby shall remain in force and in effect.

Sec. 62. EFFECTIVITY - THIS ACT SHALL TAKE EFFECT UPON ITS APPROVAL.

Approved,