

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



'22 JUL -4 A8 :28

SENATE
S. No. 3

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Introduced by Senator Loren B. Legarda

THE MAGNA CARTA OF PRIVATE SCHOOL TEACHERS

EXPLANATORY NOTE

Teachers are 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 servants.

Republic Act 4670 or the Magna Carta for Public School Teachers provides for the standards and fundamental principles in their employment, salaries and benefits, and working conditions, as well as some of teachers' civil rights—all of which are enforceable obligations which they can invoke against the government. However, the same rights must be accorded to private school teachers.

This measure provides for the standards in employment including criteria in the setting of salaries; monetary benefits and leave benefits; other benefits as may be provided by existing or pertinent laws; basic trade union and political rights such as the right to self-organization; and penalties and other liabilities for violation of any rights of private school teachers.

This bill aims to promote and improve the social and economic status of private school teachers and provide professional rights and safeguards in consideration of the exigency and level of difficulty of the exercise of their profession.

It is for the reasons stated above that the passage of this measure is earnestly sought.



LOREN LEGARDA

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THE MAGNA CARTA OF PRIVATE SCHOOL TEACHERS

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

1 A. General Provisions

2 Section 1. *Declaration Of Policy.* – It is hereby declared to be the policy of the State
3 to promote and improve the social and economic status of private school teachers,
4 their living and working conditions, their terms of employment and career prospects
5 in order that they may compare favorably with existing opportunities in other walks
6 of life, attract and retain in the teaching profession more people with the proper
7 qualifications, it being recognized that teachers in private schools play a vital role in
8 the delivery of education to Filipino children.

9 Sec. 2. *Guiding Principles.* – In matters involving the rights and welfare of private
10 school teachers, the following are the guiding principles:

- 11 a) Education is a vital function of society and as such, shall be given due
12 recognition and support by the government.
- 13 b) Teachers play an essential role in inculcating upon pupils and students respect
14 for human rights and for fundamental freedoms and in the total development
15 of a human personality and of the nation as a whole. It is important, therefore,
16 that their own civil, political, and socio-economic rights shall be respected,
17 protected, and fulfilled.
- 18 c) Teachers comprise the largest group of professional and service workers of
19 society and, if united, can be potent agents of progressive reform in the
20 educational system and the nation as a whole.

1 educational system and the nation as a whole.

2 d) Working conditions for teachers should be such as will best promote effective
3 teaching, research, and extension work to enable them to carry out their
4 professional tasks.

5 e) All aspects of employment and tenure of teachers shall be free from any form
6 of discrimination of grounds of sex, gender, civil status, religion, political belief
7 or affiliation, economic condition, or membership in any organization.

8 f) Faculty organizations shall be recognized as a force which can contribute
9 greatly to the advancement of the rights and welfare of teachers. Therefore,
10 their right to participate in the determination of education and personnel
11 policies, shall be fully respected.

12 g) Teachers have the capacity to propagate a nationalist and scientific education.

13 Sec. 3. *Construction in favor of Teachers.* - All doubts in the implementation and
14 interpretation of the provisions of this Act including its implementing rules and
15 regulations shall be resolved in favor of teachers.

16 Sec. 4. *Definition.* - As used in this Act, "teacher" shall mean all persons engaged
17 in classroom teaching in any level of instruction on full-time or part-time basis.

18 B. Recruitment and Career

19 Sec. 5. *Minimum Qualifications of a Private School Teacher.* - Teaching personnel in
20 pre-school, elementary and secondary level of basic education in all private schools
21 must possess professional teaching licenses. For basic education, those who have not
22 passed the Licensure Examination for Teachers (LET) but have pre-LET required
23 Education units may be hired, Provided, that they shall be given at least three years
24 from the date of hiring, or from the effectivity of this Act in cases of teachers already
25 hired, to take and pass the LET. Furthermore, a master's degree in teaching,
26 education, pedagogy and other similar, related, or allied disciplines shall deemed an
27 equivalent of a professional teaching license for purposes of this Section.

28 For all levels of instruction, the following shall constitute the minimum educational
29 qualifications for teacher-applicants:

30 a) Pre-school and elementary - Bachelor's degree in elementary education or its
31 equivalent. Pre-school teachers shall have at least six units of professional
32 subjects relating to pre-primary education.

- 1 b) Secondary, for Academic subjects - Bachelor's degrees in secondary education
2 or its equivalent or Bachelor of Arts or Science degree or its equivalent with at
3 least eighteen professional units in education.
- 4 c) Secondary Vocational and Two-Year Technical Courses - Bachelor's degrees in
5 the field of specialization with at least eighteen professional units in education.
- 6 d) Collegiate Level other than Vocational - Master's degrees with a specific area
7 of specialization or a specialization in an allied discipline except when there is
8 a lack of applicants with Master's Degree in which case a bachelor's degree in
9 specific area of specialization or a specialization in an allied discipline will
10 suffice subject to regulations which the CHED will impose. Other equivalent
11 professional experience, especially for practitioners of skills related to an area
12 of specialization or an allied discipline, shall also be deemed as equivalent of
13 the degree requirement for the purpose of hiring college teachers, subject to
14 reasonable regulations which the CHED may impose.
- 15 e) Graduate School Level - Doctor of Philosophy with a specific area of
16 specialization except when there is a lack of applicants with PhD, in which case,
17 a master's degree in specific area of specialization will suffice subject to
18 reasonable regulations which the CHED may impose. Furthermore, other
19 equivalent professional experience, especially for practitioners of skills related
20 to an area of specialization or an allied discipline, shall be deemed equivalent
21 of the degree requirement for the purpose of hiring graduate level teachers in
22 certain instances, subject to reasonable regulations which the CHED may
23 impose.

24 No provision of this Act may be used as basis for diminution of pay or benefits,
25 demotion in rank or status, or dismissal of non-holders of professional teaching license
26 or its equivalent.

27 *Sec. 6. Tenure/Permanency and Full-Time/Part-Time Status.* - As in public schools,
28 when recruitment takes place after adequate training and professional preparation in
29 any school recognized by the Government, the teachers shall be considered tenured
30 upon hiring, provided that the conditions of hiring are strictly related to professional
31 competence and the pertinent degree requirement/s have been complied with. For
32 basic education, teachers and non-Education graduates who have pre-LET required

1 education units, but have yet to take or have yet to pass the LET, shall be deemed as
2 tenured upon satisfying the LET requirement or its equivalent at any time within the
3 three-year period from the date of hiring. For tertiary education and graduate level,
4 teachers who are hired on a full-time basis are considered tenured upon hiring.

5 Part-time teachers who have rendered at least one school year, two semesters, or three
6 trimesters of service, be it consecutive or not, shall have the right to signify their
7 intention to the school authorities to become a full-time, and hence, a permanent
8 teacher.

9 For basic education, all teachers shall be hired on a full-time basis. Vocational
10 schools and senior high schools can choose to hire some part-time teachers, especially
11 practitioners of specific skills or full-time college teachers, for specific instances,
12 subject to DepEd's regulations.

13 For tertiary education, the full-time to part-time teacher ratio shall be 7:3.

14 *Sec. 7. Teachers on Probationary Period.* – Probationary employment of teachers
15 shall not exceed six months from the date the teacher started working. The services
16 of an employee who has been engaged on a probationary basis may be terminated for
17 a just cause or when he or she fails to qualify as a regular employee in accordance with
18 reasonable standards made known by the school administration to the teacher at the
19 time of the engagement of the latter. A teacher who is allowed to work after the lapse
20 of the probationary period shall be deemed as a regular employee.

21 *Sec. 8. Security of Tenure.* – Teachers shall be assured of stability of employment
22 and security of tenure. No private school teacher shall be dismissed by the school
23 except for cause and the proper observance of due process.

24 *Sec. 9. Consent For Transfer.* – Except for cause and as herein otherwise provided,
25 no teacher shall be transferred without their consent from one branch, station, or
26 campus to another. However, where the exigencies of the service require the transfer
27 of a teacher from one branch, station, or campus to another, such transfer may be
28 affected by the school administration only after notifying the teacher in writing with
29 regard to the reasons for the transfer, at least 90 days prior to the transfer. If the
30 teacher believes there is no justification for the transfer, he or she cannot be compelled
31 to transfer to any branch, station, or campus if such fact will result into additional
32 burden and expense on the part of the latter. Acceptance of notification and transfer

1 will only be valid if it is in writing and signed by the teacher.

2 Sec. 10. *Discrimination Against Teachers Prohibited.* – There shall be no
3 discrimination whatsoever in the entrance to the teaching profession or during its
4 exercise or in the termination of service based on consideration other than professional
5 qualifications.

6 Sec. 11. *Advancement and Promotion of Teachers in Basic Education.* – Subject to
7 necessary qualifications, teachers shall be assured opportunities to move from one
8 type or classification to a higher level or rank.

9 Promotion shall be based on objective assessment of the teacher’s qualifications for
10 the new post by reference to strictly professional criteria laid down in consultation
11 with teacher’s organizations existing within the school. There shall be transparency
12 in the computation of teacher’s evaluation which is composed of the following criteria
13 the respective weights of which shall be set upon consultation with all stakeholders
14 including teachers’ organization or union: self-evaluation, student evaluation,
15 peer/co-faculty and staff evaluation, and administration evaluation.

16 Sec. 12. *Ranking of Faculty Members in Higher Education.* – Faculty members in
17 higher education shall be assigned academic ranks in accordance with their academic
18 training and scholarship. Criteria for ranking shall be performance-oriented and
19 determined in collaboration with the teachers’ organizations. Teachers have the right
20 to choose what components shall bear more weight in their respective situations:
21 teaching/instruction, service/community engagement, and research/scholarship.

22 A new member of the faculty in the collegiate level shall begin as an instructor,
23 provided that there shall be opportunities for promotion to a higher rank upon hiring,
24 if such appointed designation is warranted by his experience, training and scholarship
25 credentials.

26 Sec. 13. *Academic Freedom.* – Teachers shall enjoy academic freedom in the
27 discharge of their professional duties, particularly with regard to teaching and
28 classroom methods. In particular, the concept of teachers’ academic freedom shall
29 consist of the following rights:

- 30 a) the teacher’s freedom in the exposition of his or her own subject and related
31 matters in the classroom or in speeches and publications;
32 b) the teacher’s freedom in the choice of subjects of research and investigation

1 work, conducting laboratory experiments, or other hazards, they shall be
2 compensated with special hardship allowance equivalent to at least twenty five
3 percent of their monthly salary. For laboratory subjects in college, the hardship
4 allowance should be automatically granted on a monthly basis.

5 Sec. 17. *Criteria for Salaries.* – Teacher’s 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 salaries paid in other occupations requiring
10 similar or equivalent qualifications, training, and abilities;
- 11 3. Provide teacher with the means to ensure a reasonable standard of life for
12 themselves and their families as well as to invest in further education or in
13 the pursuit of cultural activities, thus enhancing their professional
14 qualification;
- 15 4. Take account of the fact that certain posts require higher qualifications and
16 experience and carry greater responsibilities;
- 17 5. Be paid regularly and on time;
- 18 6. Be reviewed periodically to take into action such factors as a rise in the cost
19 of living, increased productivity leading to higher standards of life, or a
20 general upward movement in wage or salary levels;
- 21 7. Not be less than the entry-level salary of that a public school teacher, in the
22 case of private school teachers with an entry-level rank.

23 Sec. 18. *Salaries Paid on Monthly Basis.* – Salaries of teachers shall be paid on
24 monthly basis for a period of twelve months regardless of semestral or summer
25 vacations. For purposes of this Section, monthly basis shall mean that teachers shall
26 be considered paid for all the days of the month including rest days and holidays.
27 Teachers who are required to work during semestral or summer vacations shall be
28 paid an additional compensation *pro rata*.

29 Sec. 19. *Annual Salary Adjustment.* – Salary scales of teachers shall be adjusted
30 upward annually, upon consultation with teachers’ organizations, to mitigate the
31 effects of inflation as measured by the consumer price index.

1 leave.

2 E. Health Measures and Injury Benefits

3 Sec. 27. *Medical Examination and Treatment.* – Compulsory medical examination
4 shall be provided free for all private school teachers before their employment and
5 annually thereafter.

6 Where medical examination shows that medical treatment and/or hospitalization
7 is necessary for infectious diseases or injuries suffered not only during teaching or on-
8 campus activities but also when engaged in school related activities away from the
9 school premises or off-campus, the same shall be provided free by the school
10 concerned. With regard to the aforementioned diseases or injuries, the school should
11 also shoulder 100% of professional fees for any treatment, medication, and/or
12 hospitalization required or recommended by medical professionals.

13 In regions where there is scarcity of medical facilities, teachers may obtain
14 elsewhere the necessary medical care with the right to be reimbursed for their
15 travelling expenses by the private school management concerned.

16 Sec. 28. *Compensation for Injuries.* – Teachers shall be protected against the
17 consequences of employment injuries in accordance with existing laws. The effects of
18 the physical and nervous strain on the teacher's health shall be recognized as a
19 compensable disease in accordance with existing laws.

20 Sec. 29. *Social Security.* – Social security benefits of teachers shall strictly be
21 pursuant to applicable laws including those administered by the Social Security
22 System. However, this shall be without prejudice to benefits higher than the
23 standards set by laws, either pursuant to policies set by school employers or pursuant
24 to agreements, including collective bargaining agreements entered by school
25 employers and teachers' unions. School employers shall endeavor to formulate such
26 policies and agreements towards meeting the standards of social security set out in
27 relevant instruments of the International Labor Organization, in particular the Social
28 Security Convention of 1952.

29 Sec. 34. *De Minimis Benefits.* – Private school teachers are also entitled to *de minimis*
30 benefits that include eyeglass allowance, rice allowance, clothing allowance, wellness
31 allowance, data packet/communications allowance, full HMO coverage for the
32 teacher and their spouse and their children (or parent/s from either side), and full

1 HMO coverage for single teachers and both parents. Schools are highly encouraged
2 to provide additional *de minimis benefits*, beyond those listed in this Section.

3 E. Teachers' Organizations

4 Sec. 35. *Freedom to Organize.* – Private school teachers shall have the right, freely
5 and without previous authorization, to establish and to join organizations of their
6 choosing, whether local or national, to further defend their economic, civil, or political
7 interests. Schools where there are no faculty organizations or unions shall allow the
8 formation of such organizations or unions, within six months of the implementation
9 of this Act.

10 Sec. 36. *Discrimination Against Teachers Prohibited.* – It shall be unlawful for any
11 person to commit any act of discrimination against teachers which are calculated:

- 12 a) To make the employment and/or promotion of the teacher subject to the
13 condition that he or she shall not join an organization, or shall relinquish
14 membership in an organization;
- 15 b) To cause the dismissal of, or otherwise prejudice a teacher by reason of
16 membership in an organization, activity outside school hours, or with the
17 consent of the proper school authorities within school hours; and
- 18 c) To prevent him or her from carrying out the duties imposed upon him or her
19 by his or her position in the organization, or to penalize him or her for an action
20 undertaken in that capacity.

21 Sec. 37. *Participation in Policy Making.* – Teachers shall have the right to be actively
22 represented in the Governing Boards of their respective schools, colleges, and
23 universities and shall be consulted in the formulation of professional standards,
24 educational policies, and other rules affecting their rights and welfare.

25 Sec. 38. *Strike, Picketing and Other Concerted Activities.* – The right of teachers and
26 their organizations to conduct strikes, pickets, and other concerted activities shall not
27 be impaired in any manner, nor their exercise prejudice any teacher or teachers'
28 organization.

29 F. Final Provisions

30 Sec. 39. *Teaching of the Magna Carta of Private School Teachers.* – The teaching of this
31 Act shall be compulsory in all schools offering courses in education.

1 Sec. 40. *Implementing Rules and Regulations.* – The Department of Education, the
2 Commission on Higher Education, and the Department of Labor and Employment, in
3 consultation with teachers’ organizations, shall jointly promulgate the rules and
4 regulations necessary to implement the provisions of this Act. Rules and regulations
5 issued pursuant to this Section shall take effect thirty days after publication in a
6 newspaper of general circulation or by such other means as the Secretaries deem
7 reasonably sufficient to give all concerned parties general notice of such issuance.

8 Sec. 41. *Penal Provision.* – A person who willfully interferes with, restrains or
9 coerces any teacher in the exercise of his or her rights guaranteed by this Act or who
10 in any manner violates any provision of this Act or the rules duly issued hereunder
11 shall be punished with a fine of not less than one hundred thousand pesos or by
12 imprisonment of not more than six years, or both, in the discretion of the court.

13 This provision shall be without prejudice to the liabilities of persons under civil laws.

14 Sec. 42. *Administrative Sanctions.* – The implementing Rules and Regulations shall
15 include therein the appropriate rules for the imposition of administrative sanctions
16 upon private schools that will violate any of the foregoing rights of a private school
17 teacher.

18 Sec. 43. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, and
19 issuances or parts thereof inconsistent with this Act are hereby repealed or amended
20 accordingly.

21 Sec. 44. *Separability Clause.* – If any provision of this Act is declared invalid, the
22 remainder of this Act or any provisions not affected thereby shall remain in force and
23 effect.

24 Sec. 45. *Effectivity Clause.* – This act shall take effect fifteen (15) days after its
25 publication in the *Official Gazette* or in at least two newspaper of general circulation,
26 whichever comes earlier.

Approved,