

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5861



INTRODUCED BY: HONORABLE JOCELYN F. FORTUNO

EXPLANATORY NOTE

The implementation of Republic Act No. 7610 otherwise known as the "Special Protection of Children Against Abuse, Exploitation, and Discrimination Act" has brought a serious dilemma to teachers, who are considered to be a second parent, in terms of imposing discipline upon school children.


The issue has been brought to national consciousness when a grandmother complained to newsman Raffy Tulfo alleging that a teacher asked her grandson to step out of the classroom over his failure to return his report card on time. In his popular radio-television program, Mr. Tulfo pressured the teacher to quit her job and give up her license or he would file child abuse case against her teacher for "traumatizing" the student. For fear of facing a criminal prosecution and eventual imprisonment, and having no legal protection in our country on a similar case, the teacher allegedly opted to resign.

In the United States, the Paul D. Coverdell Teacher Protection Act of 2001 explicitly grants protection to education professionals from being sued over efforts to undertake "reasonable actions to maintain order, discipline, and an appropriate educational environment." Under this statute, the teacher shall not be held liable for harm caused by an act or omission of the teacher on behalf of the school under certain conditions.

It is therefore the paramount objective of this bill to shield the teachers from any liability arising from imposing discipline upon school children. Thus, any act committed by a teacher or non-teaching personnel pursuant to the disciplinary rules shall not be deemed as child abuse, cruelty, exploitation as defined under Republic Act No. 7610.

In order to make the policy clear and unambiguous, this measure mandates the DepEd to issue guidelines on teacher protection, and emphasize the rights and responsibilities of teachers with respect to student discipline and classroom management. The guidelines shall include clear description of disciplinary procedure of authorities who may respond to interventions being administered by teachers. The crystal clear objective is to assist teachers in disciplining their students without violating child protection laws.

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


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AN ACT
INSTITUTIONALIZING SUPPORT MECHANISMS AND PROTECTION FOR PUBLIC
SCHOOL TEACHERS ON MATTERS OF STUDENT DISCIPLINE FOR CLASSROOM
MANAGEMENT

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

SECTION 1. Short Title. - This Act shall be known as the "Teachers Protection Act."

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to protect and promote the physical, moral, spiritual, intellectual, and social well-being of school children and to inculcate in them the values of dignity of every human person and guarantee full respect for rights of teachers and non-teaching personnel. Toward this end, the institutionalization in all public schools of a clearly defined regulations on appropriate student behaviour towards other students, teachers, non-teaching personnel and other school staff, during classes and within and outside school premises is extremely necessary.

The State shall also promote and improve the working conditions of public school teachers and other school non-teaching personnel, which are understood to determine whether or not the physical and emotional environments of children and teachers are conducive to learning and teaching.

SEC. 3. Guidelines on the Implementation of Teacher Protection. - The Department of Education (DepEd) is hereby tasked to issue the Guidelines on the implementation of Teacher Protection, hereinafter referred to as "Guidelines" within one hundred twenty (120) days from the effectivity of this Act.

For purposes of this Act, the Guidelines shall, among others, put in detail the following:

- (a) The rights and responsibilities of teachers with respect to student discipline and classroom management, to the end of fostering a positive school climate and safe environment conducive to instruction and learning.

School administrators and teachers shall exercise special parental authority over their students while under their supervision, instruction and custody. As such, the guidelines to be produced by the DepEd shall recognize their authority in the schools and in school-sanctioned events, and the need to conduct their classes in an organized manner that is conducive to learning. Thus, teachers are authorized to ensure that their students behave, respond and treat their teachers and classmates in a respectful manner. They shall call out disorderly or disrespectful conduct and deal with the same consistent with the law and the Guidelines to be issued by the DepEd;

- (b) Permissible, appropriate, and effective responses and interventions that will address violation of school rules and regulations to be administered by teachers, the school head, and other school staff; and
- (c) A clear description of the disciplinary procedure and clear designation of the competent authorities to investigate, propose, and apply responses and interventions.

SEC. 4. Acts Not Deemed as Child Abuse Pursuant to the Guidelines. – Any act committed by a teacher or school staff pursuant to the disciplinary rules and procedures issued by the DepEd shall not be deemed as child abuse, cruelty, or exploitation as defined under Republic Act No. 7610 otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act".

SEC. 5. Consultation of Sectors Involved in the Drafting of Guidelines. – Students, parents, teachers, other school personnel, and the community, represented by their respective organizations, as well as professionals in child behaviour and social work, shall each have meaningful involvement in the formulation of the Guidelines.

SEC. 6. Information, Dissemination of the Guidelines. – The DepEd shall provide, explanations, trainings, and workshops in order to familiarize students and families with guidelines, explain the expectations of various sectors involved, and described the various preventive and positive responses and interventions that may be used.

At the beginning of each school year, copies of the Guidelines shall be provided to each student as well as their parents or legal guardians.

SEC. 7. Training of Teachers and School Personnel. – All teachers and non-teaching personnel of the Division shall receive annually instructions relative to specific contents of the Guidelines.

SEC. 8. Professional Development Relating to Student Discipline and Classroom Management. – The DepEd shall provide teachers the appropriate pre-service and in-service trainings on child behaviour and psychology, classroom management techniques, positive discipline, and other related fields, as well as on its Guidelines and the scope of their duties and responsibilities with respect student discipline and classroom management.

SEC. 9. Support Personnel. – The DepEd, with the Department of Budget and Management (DBM), shall ensure that there is a sufficient number of items for guidance counsellors, who will serve as support personnel to teachers and school administrators in matters of student discipline.

For purposes of this Act, the DepEd shall endeavour to meet the recommended ratio of one (1) guidance counsellor for every two hundred (200) students in public elementary and high schools.

SEC. 10. Other Support Mechanisms for Student Discipline and Classroom Management. – The Department shall provide such other mechanisms necessary to capacitate its teachers and other non-teaching personnel on matters regarding child behaviour and psychology, classroom management techniques, positive discipline, and other related fields. These measures shall include but not limited to the conduct of periodic seminars and formulation of primers and other explanatory materials.

SEC. 11. Protection to Teachers and School Personnel in Charges to Student Discipline and Classroom Management. – In all cases related to student discipline and classroom management, including criminal and administrative charges of child abuse, the Department shall extend to its teachers and other personnel the necessary protection, including but not limited to legal assistance and representation.

The Department shall ensure that respondents, in all stages of the disciplinary proceedings, are amply represented by the accredited union, or registered union where there is no existing accredited union, of teachers or non-teaching personnel as the case may be.

Violation of this Section shall be construed as a violation of due process and shall render the proceedings void and all responsible persons administratively, civilly, and criminally liable.

SEC. 12. Confidentiality of Identity of Parties and Proceedings. – No person, whether public or private and whether a party to the case or otherwise, shall publicise a case during its pendency. In no case shall the identity of complainants and respondents, or any information that may reasonably identify them, be disclosed to the public during the pendency of the proceedings.

Violation of this Section shall subject the person to appropriate administrative, civil, criminal and other liabilities.

The Department shall issue its guidelines for the media with regard to the handling of cases within the contemplation of this Act.

SEC. 13. Rules and Regulations. – Within ninety (90) days from the effectivity of this Act, the Department shall promulgate the necessary rules and regulations to implement the provisions of this Act.

SEC. 14. Separability Clause. – If any of the sections or provisions of this Act is held invalid, all other provisions not affected thereby shall remain valid and effective.

SEC. 15. Repealing Clause. – Republic Act No. 7610 is hereby modified accordingly. All other laws, decrees, orders, rules and regulations, or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed.

SEC. 16. Effectivity. – This Act shall take effect fifteen (15) after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,