Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. 364

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INTRODUCED BY REPRESENTATIVE MARISSA "DEL MAR" P. MAGSINO

AN ACT
INSTITUTIONALIZING SUPPORT MECHANISMS FOR PUBLIC SCHOOL TEACHERS AND SCHOOL PERSONNEL IN MATTERS OF STUDENT DISCIPLINE AND MECHANISMS FOR CLASSROOM MANAGEMENT AND PROVIDING FOR THEIR PROTECTION IN CASES RELATED THERETO

EXPLANATORY NOTE

Ask any successful individual to list down his/her heroes, and surely, he will mention at least one (1) teacher. This is because teachers not only serve as educators, but they are also second parents to our children who at school age, spend at least a third (1/3) of their day in school.

Teachers and school personnel play important roles in honing and nurturing the youth whom we so fondly call the future of our nation. It is the lessons they impart that our children carry along with them as they turn every chapter of our lives. And these are actually not limited to academic learnings – many of the teachings they share are important life hacks and trainings that help our children steer through life's challenges.

But just what is the role of teachers and school personnel legally speaking? Under Article 218 of the Family Code, the school, together with its administrators and teachers, exercise "special parental authority and responsibility" over minor children while under their instruction or custody. That is precisely the Latin term *loco parentis*. Teachers and professions exercise Substitute Parental Authority over their students according to Article 943 of the Civil Code. These legal provisions could only mean that the scope of their duties include not only teaching, but as well as disciplining to ensure the good behavior of their students in school, and even outside school whenever there are school-sanctioned activities.

However, when they exercise this duty which is within the scope of their authority, many of them are ridiculed, while some are subjected to attacks from students and their teachers, and even spectators. Before the advent of technology, when teachers reprimand their students, expect that too clingy parents would step in and draw the line – even when under *loco parentis*, no line should be drawn. After all, when children misbehave and cause trouble while under the custody of teachers and other school personnel, it would be the latter who would be, by law, liable.

Now with every story made viral online with just one click or swipe, teachers and school personnel have been placed under the microscope. Even when the exercise their duties within what is allowed by law, some teachers and school personnel have become vulnerable to online attacks and malicious and false imputations.

These attacks hamper teachers from fully discharging their duties. Many of them just choose to look the other way, for fear of having their reputation smeared and losing their jobs. Instead of confidently helping the parents and the State in rearing law-abiding and good citizens of the land among the youth, teachers and school personnel would now think twice before exercising their duties – lest they be the next social media antagonist in somebody else's version of the story.

What this proposed measure thus seeks to implement is a mechanism whereby teachers and school personnel are protected from the threats of false and malicious accusations that have the tendency of standing in the way of the teaching processand costing them their reputation and livelihood.

Under this bill, Classroom Management Guidelines are laid down to help teachers and school personnel in the discharge of their duties and functions. It is also made clear that any act committed within the bounds of law, good morals, good customs, public order and public policy, done in the exercise of their functions and duties and for the purpose of teaching and/or disciplining students, shall not be considered Child Abuse. This will protect teachers and school personnel from being repeatedly beaten by legal suits that would not only be financially, psychologically and emotionally draining, but will likewise destroy the learning flow of students because teachers will be too preoccupied every time a lawsuit – often unfounded, is brought against them.

To ensure that the mechanism is well-balanced to serve interests of both teachers and their students, the former shall be given training and professional development relating to student discipline and classroom management on child behavior and psychology, classroom management techniques, positive discipline, and other related fields. This would guarantee that no abuse would take place, and that teachers and other school personnel will be well-equipped in instilling lessons and values among their students.

Striking a balance is always necessary. This law does not only ensure that the learning process is unhampered by unnecessary delays and unfounded lawsuits, but also that teachers are protected from abuse while students are reared into good members of the society.

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

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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 "Classroom Management Support and Protection for Teachers Act"

Sec.2. *Declaration of Policy.*– In all actions relating to children, the State shall accord special protection to children from all forms of abuse, exploitation, cruelty, and other conditions prejudicial to their development. Furthermore, the State has the duty to establish and maintain a complete and adequate system of public basic education geared towards the holistic development of a child.

These policies are understoodto encompassthe State'sresponsibilityto provide appropriate instruction and guidance to students about school discipline, their dutiesand responsibilities with respect to their peers, to their teachers and other persons of authority, to members oftheir community, and to society.

To this end, the State shall institutionalize measuresto implement in all publicschoolsclearly defined regulations on appropriate student behavior towards other students, teachers, and school staff and personnel, during classes, and within and outside school premises.

The State is also hereby bound to establish and maintain support systems, including training on classroom management and child discipline, as well as legal assistance, for teachers and school staff and personnel, who come in daily direct with students, and thus find themselves in situations that could expose them to false accusations of child abuse in the course of the discharge of their duties.

It is hereby also declared that the State shall promote and improve the working conditions of public school teachers and other school 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. *Coverage.*– This Act shall be applicable to all teaching personnel of all public school institutions, including non-teaching personnel who stand in direct contact with students in the course of the discharge of their duties.

Sec. 4. *Classroom Management Guidelines.* – The Department of Education (DepEd) shall formulate guidelines for classroom management forteachers and school personnel. Said guidelines shall include the following:

(1) The rules and regulations to be observed by teaching and non-teaching personnel who interact directly with students in the course of the discharge of their duties, with respect to students, whenever inside the premises ofpublic schools, or even outside incase ofschool-sanctioned activities;

(2) The rights and responsibilities of teaching and non-teaching personnel who interact directly with students, with respect tostudent discipline and classroom management, to the end offostering a positive school climate and safe environment conducive to instruction and learning.School administrators and teachers 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. It is likewise recognized that the teachers have the authority to ensure that their students behave, respond and treat their teachers and classmates in a respectful manner. They have the right to call out disorderly or disrespectful behavior, and deal with the same consistent withthe law and the Guidelines to be implemented;

(3) Permissible, appropriate, and effective responses and interventions that will address violations of school rules andregulations to be administered by teachers, the school head, andother school staff and personnel; and

(4) A clear description of the disciplinary procedure and clear designation of the authorities competent to investigate, propose,and apply the responses and interventions.

Sec. 5. *ActsNot Considered as ChildAbuse.* - Any act committed by teachingand non-teaching personnel who stand in direct contact with studentsin the course ofthe discharge oftheir duties pursuant to the Guidelines, provided they are within thebounds

oflaw, good morals, good customs, public order and public policy, shall not be deemed as child abuse, cruelty, and exploitation as prohibited by Republic Act No.7610, otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act."

Sec. 6. *Consultation with Stakeholders.* – Students, parents, teachers, otherschool personnel, and the community, represented by their respective organizations,as well as professionals in child behavior and social work, shall each have meaningful involvement in the formulation ofthe Guidelines.

Sec. 7. *Information Dissemination of the Guidelines.* -The DepEd shall provide explanations, training, and workshops in order to familiarize teachers, students and families with the Guidelines, explain the expectations of various sectors involved, and describe the various preventive and positive responses and interventions that may be used.

At the beginning ofeach school year, copies ofthe Guidelines shall be providedto each student as well astheir parents or legal guardians.

Sec. 8. *Training of Teachers and School Personnel on the Guidelines.* — All public school teachers and school personnel shall receive trainings and instructionsrelated to the specific contents ofthe Guidelines.

Sec. 9. *Professional Development Relating to Student Discipline and Classroom Management* - The DepEd shall provide teachers the appropriate pre-service and in-service training on child behavior and psychology, classroommanagement techniques, positive discipline, and other related fields, as well as theGuidelines under Section 4 and Section 5 ofthis Act and the scope oftheir duties and responsibilities with respect to student discipline and classroom management.

Sec. 10. *SupportPersonnel.* – The DepEd, with the Department of Budget and Management(DBM), shall also ensure that there areenough items for guidance counselors, who will serve as support personnel to teachers and schooladministrators in matters ofstudent discipline.

For purposes of this Act, the DepEd shall endeavor to meet the recommended ratios of guidance counselors to students in public elementary' and high schools.

Sec. 11. *Other Support Mechanisms for Student Discipline and Classroom Management.* – The DepEd shall provide such other mechanisms necessary to capacitate its teachers and other personnel on matters regarding child behavior and psychology, classroom management techniques, positive discipline, and other related fields. These measures shall include but not be limited to the conduct of periodic seminars and formulation of primers and other explanatory materials.

Sec. 12. *Protection to Teachers and School Personnel in Charges Related to Student Discipline and Classroom Management.* – In all cases related to studentdiscipline and classroom management, including criminal and administrative chargesof child abuse, the DepEd shall extend to its teachers and other personnel the necessary protection, including but not limited to legal assistance and representation.

The DepEd 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 employees, as the case may be.

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

Sec. 13. *Confidentiality of Identity of Parties and Proceedings under this Act.*– No person, whether public or private and whether a party to the case or otherwise, shall publicize 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 the appropriate administrative, civil, criminal, and other liabilities.

The DepEd shall issue guidelines for the media with regard to the handling of cases within the contemplation ofthisAct.

Sec. 14. *Implementing Rules andRegulations.* – Within ninety (90) daysfrom the effective date of this Act, the DepEd, in coordination with other implementing agencies, shall promulgate the rules and regulations necessary for the implementationofthis Act. The implementing rules and regulations (IRR) provided for under this Actshall be reviewed periodically, and revised, if necessary.

Sec. 15. *Separability Clause.* – Should any provision of this Act be found unconstitutional by a court of law, such provision shall be severed from the remainder of this Act, and such action shall not affect the enforceability of the remaining provisions of this Act.

Sec. 16. *Repealing Clause.* — All laws, decrees, letters of instruction, resolutions, orders or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly

Sec. 17. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,