

REPUBLIC ACT NO. 4670 June 18, 1966

THE MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS

I. DECLARATION OF POLICY COVERAGE

Sec. 1. Declaration of Policy. It is hereby declared to be the policy of this Act to promote and improve the social and economic status of public school teachers, their living and working conditions, their terms of employment and career prospects in order that they may compare favorably with existing opportunities in other walks of life, attract and retain in the teaching profession more people with the proper qualifications, it being recognized that 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.

As used in this Act, the term "teacher" shall mean all persons engaged in classroom teaching, in any level of instruction, on full-time basis, including guidance counselors, school librarians, industrial arts or vocational instructors, and all other persons performing supervisory and/or administrative functions in all schools, colleges and universities operated by the Government or its political subdivisions; but shall not include school nurses, school physicians, school dentists, and other school employees.

II. RECRUITMENT AND CAREER

Sec. 3. Recruitment and Qualification. Recruitment policy with respect to the selection and appointment of teachers shall be clearly defined by the Department of Education: *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 courses on the collegiate level, other than vocational, master's degree with a specific area of specialization;

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.

Sec. 4. 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.

Sec. 5. Tenure of Office. Stability on employment and security of tenure shall be assured the teachers as provided under existing laws.

Subject to the provisions of Section three 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 years of continuous, efficient and faithful service in such position.

Sec. 6. Consent for Transfer Transportation Expenses. Except for cause and as herein otherwise provided, no teacher shall be transferred without his consent 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. Pending his appeal and the decision thereon, his transfer shall be held in abeyance: *Provided, however*, That no transfers whatever shall be made 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.

Sec. 7. Code of Professional Conduct for Teachers. Within six months from the approval of this Act, the Secretary of Education 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 where they may be accessible for use by the teachers.

Sec. 8. Safeguards in Disciplinary Procedure. Every teacher 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;
- b. the right 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 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 during the pendency of his case.

Sec. 9. 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.

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. 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.

Sec. 12. Academic Freedom. Teachers shall enjoy academic freedom in the discharge of their professional duties, particularly with regard to teaching and classroom methods.

III. HOURS OF WORK AND REMUNERATION

Sec. 13. 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.

Sec. 14. Additional Compensation. Notwithstanding any provision of existing law to the contrary, co-curricula and out of school activities and any other activities outside of what is defined as normal duties of any teacher shall be paid 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 agencies utilizing the services of teachers shall pay the additional compensation required under this section. Education authorities shall refuse to allow the rendition of services of teachers for other government agencies without the assurance that the teachers shall be paid the remuneration provided for under this section.

Sec. 15. Criteria for Salaries. Teacher's 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 a reasonable standard of life 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.

Sec. 16. Salary Scale. Salary scales of teachers shall provide for a gradual progression from a minimum to a maximum salary by means of regular increments, granted automatically after three years: *Provided,* 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. 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. 19. 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.

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. 21. Deductions Prohibited. No person shall make any deduction whatsoever from the salaries of teachers except under specific authority of law authorizing such deductions: *Provided, however,* That upon written authority executed by the teacher concerned, (1) lawful dues and fees owing to the Philippine Public School Teachers Association, and (2) premiums properly due on insurance policies, shall be considered deductible.

IV. HEALTH MEASURES AND INJURY BENEFITS

Sec. 22. Medical Examination and Treatment. Compulsory medical examination shall be provided free of charge for all teachers before they take up teaching, and shall be repeated not less than once a year during the teacher's professional life. Where medical examination show that medical treatment and/or hospitalization is necessary, same shall be provided free by the government entity paying the salary of the teachers.

In regions where there is scarcity of medical facilities, teachers 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.

Sec. 23. Compensation For Injuries. Teachers shall be protected against the consequences of employment injuries in accordance with existing laws. The effects of the physical and nervous strain on the teacher's health shall be recognized as a compensable occupational disease in accordance with existing laws.

V. LEAVE AND RETIREMENT BENEFITS

Sec. 24. Study Leave. In addition to the leave privileges now enjoyed by teachers in the public schools, they 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. During the period of such leave, the teachers shall be entitled to at least sixty per cent of their monthly salary: *Provided, however,* That no teacher 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 after the first year of such leave. In all cases, the study leave period shall be counted 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 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 without compensation.

Sec. 25. Indefinite Leave. An indefinite sick leave of absence shall be granted to teachers when the nature of the illness demands a long treatment that will exceed one year at the least.

Sec. 26. Salary Increase upon Retirement. Public school teachers having fulfilled the age and service requirements of the applicable retirement laws shall be given one range salary raise upon retirement, which shall be the basis of the computation of the lump sum of the retirement pay and the monthly benefits thereafter.

VI. TEACHER'S ORGANIZATION

Sec. 27. Freedom to 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. 28. Discrimination Against Teachers Prohibited. The rights established in the immediately preceding Section shall be exercised without any interference or coercion. It shall be unlawful for any person to commit any acts of discrimination against teachers which are calculated to (a) make the employment of a teacher subject to the condition that he shall not join an organization, or shall relinquish membership in an organization,

(b) to cause the dismissal of or otherwise prejudice a teacher by reason of his 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. 29. National Teacher's Organizations. National teachers' organizations shall be consulted in the formulation of national educational policies and professional standards, and in the formulation of national policies governing the social security of the teachers.

VII. ADMINISTRATION AND ENFORCEMENT

Sec. 30. Rules and Regulations. The Secretary of Education shall formulate and prepare 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. 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. Penal Provision. A person who shall willfully interfere with, restrain or coerce any teacher 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 pesos nor more than one thousand pesos, or by imprisonment, in the discretion of the court.

If the offender is a public official, the court shall order his dismissal from the Government service.

Sec. 33. 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. 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. 35. This Act shall take effect upon its approval.

CODE OF ETHICS FOR PROFESSIONAL TEACHERS

Pursuant to the provisions of paragraph (e), Article 11, of R.A. No. 7836, otherwise known as the Philippine Teachers Professionalization Act of 1994 and paragraph (a), section 6, P.D. No. 223, as amended, the Board for Professional Teachers hereby adopt the Code of Ethics for Professional Teachers.

Preamble

Teachers are duly licensed professionals who possesses dignity and reputation with high moral values as well as technical and professional competence in the practice of their noble profession, and they strictly adhere to, observe, and practice this set of ethical and moral principles, standards, and values.

Article I: Scope and Limitations

Section 1. The Philippine Constitution provides that all educational institution shall offer quality education for all competent teachers. Committed to its full realization, the provision of this Code shall apply, therefore, to all teachers in schools in the Philippines.

Section 2. This Code covers all public and private school teachers in all educational institutions at the preschool, primary, elementary, and secondary levels whether academic, vocational, special, technical, or non-formal. The term "teacher" shall include industrial arts or vocational teachers and all other persons performing supervisory and /or administrative functions in all school at the aforesaid levels, whether on full time or part-time basis.

Article II: The Teacher and the State

Section 1. The schools are the nurseries of the future citizens of the state; each teacher is a trustee of the cultural and educational heritage of the nation and is under obligation to transmit to learners such heritage as well as to elevate national morality, promote national pride, cultivate love of country, instill allegiance to the constitution and for all duly constituted authorities, and promote obedience to the laws of the state.

Section 2. Every teacher or school official shall actively help carry out the declared policies of the state, and shall take an oath to this effect.

Section 3. In the interest of the State and of the Filipino people as much as of his own, every teacher shall be physically, mentally and morally fit.

Section 4. Every teacher shall possess and actualize a full commitment and devotion to duty.

Section 5. A teacher shall not engage in the promotion of any political, religious, or other partisan interest, and shall not, directly or indirectly, solicit, require, collect, or receive any money or service or other valuable material from any person or entity for such purposes.

Section 6. Every teacher shall vote and shall exercise all other constitutional rights and responsibility.

Section 7. A teacher shall not use his position or official authority or influence to coerce any other person to follow any political course of action.

Section 8. Every teacher shall enjoy academic freedom and shall have privilege of expounding the product of his researches and investigations; provided that, if the results are inimical to the declared policies of the State, they shall be brought to the proper authorities for appropriate remedial action.

Article III: The Teacher and the Community

Section 1. A teacher is a facilitator of learning and of the development of the youth; he shall, therefore, render the best service by providing an environment conducive to such learning and growth.

Section 2. Every teacher shall provide leadership and initiative to actively participate in community movements for moral, social, educational, economic and civic betterment.

Section 3. Every teacher shall merit reasonable social recognition for which purpose he shall behave with honor and dignity at all times and refrain from such activities as gambling, smoking, drunkenness, and other excesses, much less illicit relations.

Section 4. Every teacher shall live for and with the community and shall, therefore, study and understand local customs and traditions in order to have sympathetic attitude, therefore, refrain from disparaging the community.

Section 5. Every teacher shall help the school keep the people in the community informed about the school's work and accomplishments as well as its needs and problems.

Section 6. Every teacher is intellectual leader in the community, especially in the barangay, and shall welcome the opportunity to provide such leadership when needed, to extend counseling services, as appropriate, and to actively be involved in matters affecting the welfare of the people.

Section 7. Every teacher shall maintain harmonious and pleasant personal and official relations with other professionals, with government officials, and with the people, individually or collectively.

Section 8. A teacher possesses freedom to attend church and worships as appropriate, but shall not use his positions and influence to proselyte others.

Article IV: A Teacher and the Profession

Section 1. Every teacher shall actively insure that teaching is the noblest profession, and shall manifest genuine enthusiasm and pride in teaching as a noble calling.

Section 2. Every teacher shall uphold the highest possible standards of quality education, shall make the best preparations for the career of teaching, and shall be at his best at all times and in the practice of his profession.

Section 3. Every teacher shall participate in the Continuing Professional Education (CPE) program of the Professional Regulation Commission, and shall pursue such other studies as will improve his efficiency, enhance the prestige of the profession, and strengthen his competence, virtues, and productivity in order to be nationally and internationally competitive.

Section 4. Every teacher shall help, if duly authorized, to seek support from the school, but shall not make improper misrepresentations through personal advertisements and other questionable means.

Section 5. Every teacher shall use the teaching profession in a manner that makes it dignified means for earning a descent living.

Article V: The Teachers and the Profession

Section 1. Teachers shall, at all times, be imbued with the spirit of professional loyalty, mutual confidence, and faith in one another, self-sacrifice for the common good, and full cooperation with colleagues. When the best interest of the learners, the school, or the profession is at stake in any controversy, teachers shall support one another.

Section 2. A teacher is not entitled to claim credit or work not of his own, and shall give due credit for the work of others which he may use.

Section 3. Before leaving his position, a teacher shall organize for whoever assumes the position such records and other data as are necessary to carry on the work.

Section 4. A teacher shall hold inviolate all confidential information concerning associates and the school, and shall not divulge to anyone documents which has not been officially released, or remove records from files without permission.

Section 5. It shall be the responsibility of every teacher to seek correctives for what may appear to be an unprofessional and unethical conduct of any associate. However, this may be done only if there is incontrovertible evidence for such conduct.

Section 6. A teacher may submit to the proper authorities any justifiable criticism against an associate, preferably in writing, without violating the right of the individual concerned.

Section 7. A teacher may apply for a vacant position for which he is qualified; provided that he respects the system of selection on the basis of merit and competence; provided, further, that all qualified candidates are given the opportunity to be considered.

Article VI: The Teacher and Higher Authorities in the Profession

Section 1. Every teacher shall make it his duty to make an honest effort to understand and support the legitimate policies of the school and the administration regardless of personal feeling or private opinion and shall faithfully carry them out.

Section 2. A teacher shall not make any false accusations or charges against superiors, especially under anonymity. However, if there are valid charges, he should present such under oath to competent authority.

Section 3. A teacher shall transact all official business through channels except when special conditions warrant a different procedure, such as when special conditions are advocated but are opposed by immediate superiors, in which case, the teacher shall appeal directly to the appropriate higher authority.

Section 4. Every teacher, individually or as part of a group, has a right to seek redress against injustice to the administration and to extent possible, shall raise grievances within acceptable democratic posseses. In doing so, they shall avoid jeopardizing the interest and the welfare of learners whose right to learn must be respected.

Section 5. Every teacher has a right to invoke the principle that appointments, promotions, and transfer of teachers are made only on the basis of merit and needed in the interest of the service.

Section 6. A teacher who accepts a position assumes a contractual obligation to live up to his contract, assuming full knowledge of employment terms and conditions.

Article VII: School Officials, Teachers, and Other Personnel

Section 1. All school officials shall at all times show professional courtesy, helpfulness and sympathy towards teachers and other personnel, such practices being standards of effective school supervision, dignified administration, responsible leadership and enlightened directions.

Section 2. School officials, teachers, and other school personnel shall consider it their cooperative responsibility to formulate policies or introduce important changes in the system at all levels.

Section 3. School officials shall encourage and attend the professional growth of all teachers under them such as recommending them for promotion, giving them due recognition for meritorious performance, and allowing them to participate in conferences in training programs.

Section 4. No school officials shall dismiss or recommend for dismissal a teacher or other subordinates except for cause.

Section 5. School authorities concern shall ensure that public school teachers are employed in accordance with pertinent civil service rules, and private school teachers are issued contracts specifying the terms and conditions of their work; provided that they are given, if qualified, subsequent permanent tenure, in accordance with existing laws.

Article VIII: The Teachers and Learners

Section 1. A teacher has a right and duty to determine the academic marks and the promotions of learners in the subject or grades he handles, provided that such determination shall be in accordance with generally accepted procedures of evaluation and measurement. In case of any complaint, teachers concerned shall immediately take appropriate actions, observing due process.

Section 2. A teacher shall recognize that the interest and welfare of learners are of first and foremost concern, and shall deal justifiably and impartially with each of them.

Section 3. Under no circumstance shall a teacher be prejudiced or discriminate against a learner.

Section 4. A teacher shall not accept favors or gifts from learners, their parents or others in

their behalf in exchange for requested concessions, especially if undeserved.

Section 5. A teacher shall not accept, directly or indirectly, any remuneration from tutorials other what is authorized for such service.

Section 6. A teacher shall base the evaluation of the learner's work only in merit and quality of academic performance.

Section 7. In a situation where mutual attraction and subsequent love develop between teacher and learner, the teacher shall exercise utmost professional discretion to avoid scandal, gossip and preferential treatment of the learner.

Section 8. A teacher shall not inflict corporal punishment on offending learners nor make deductions from their scholastic ratings as a punishment for acts which are clearly not manifestation of poor scholarship.

Section 9. A teacher shall ensure that conditions contribute to the maximum development of learners are adequate, and shall extend needed assistance in preventing or solving learner's problems and difficulties.

Article IX: The Teachers and Parents

Section 1. Every teacher shall establish and maintain cordial relations with parents, and shall conduct himself to merit their confidence and respect.

Section 2. Every teacher shall inform parents, through proper authorities, of the progress and deficiencies of learner under him, exercising utmost candor and tact in pointing out the learner's deficiencies and in seeking parent's cooperation for the proper guidance and improvement of the learners.

Section 3. A teacher shall hear parent's complaints with sympathy and understanding, and shall discourage unfair criticism.

Article X: The Teacher and Business

Section 1. A teacher has the right to engage, directly or indirectly, in legitimate income generation; provided that it does not relate to or adversely affect his work as a teacher.

Section 2. A teacher shall maintain a good reputation with respect to the financial matters such as in the settlement of his debts and loans in arranging satisfactorily his private financial affairs.

Section 3. No teacher shall act, directly or indirectly, as agent of, or be financially interested in, any commercial venture which furnish textbooks and other school commodities in the purchase and disposal of which he can exercise official influence, except only when his assignment is inherently, related to such purchase and disposal; provided they shall be in accordance with the existing regulations; provided, further, that members of duly recognized teachers cooperatives may participate in the distribution and sale of such commodities.

Article XI: The Teacher as a Person

Section 1. A teacher is, above all, a human being endowed with life for which it is the highest obligation to live with dignity at all times whether in school, in the home, or elsewhere.

Section 2. A teacher shall place premium upon self-discipline as the primary principle of personal behavior in all relationships with others and in all situations.

Section 3. A teacher shall maintain at all times a dignified personality which could serve as a model worthy of emulation by learners, peers and all others.

Section 4. A teacher shall always recognize the Almighty God as guide of his own destiny and of the destinies of men and nations.

Article XII: Disciplinary Actions

Section 1. Any violation of any provision of this code shall be sufficient ground for the imposition against the erring teacher of the disciplinary action consisting of revocation of his Certification of Registration and License as a Professional Teacher, suspension from the practice of teaching profession, or reprimand or cancellation of his temporary/special permit under causes specified in Sec. 23, Article III or R.A. No. 7836, and under Rule 31, Article VIII, of the Rules and Regulations Implementing R.A. 7836.

Article XIII: Effectivity

Section 1. This Code shall take effect upon approval by the Professional Regulation Commission and after sixty (60) days following its publication in the Official Gazette or any newspaper of general circulation, whichever is earlier.

REPUBLIC ACT NO. 7836

AN ACT TO STRENGTHEN THE REGULATION AND SUPERVISION OF THE PRACTICE OF TEACHING IN THE PHILIPPINES AND PRESCRIBING A LICENSURE EXAMINATION FOR TEACHERS AND FOR OTHER PURPOSES.

ARTICLE I TITLE

SECTION 1. Short Title. — This Act shall be known as the "*Philippine Teachers Professionalization Act of 1994*."

Sec. 2. Statement of Policy. — The State recognizes the vital role of teachers in nation-building and development through a responsible and literate citizenry. Towards this end, the State shall ensure and promote quality education by proper supervision and regulation of the licensure examination and professionalization of the practice of the teaching profession.

Sec. 3. Objectives. — This Act has the herein objectives:

(a) The promotion, development and professionalization of teachers and the teaching profession; and

(b) The supervision and regulation of the licensure examination.

Sec. 4. Definition of Terms. — For purposes of this Act, the following terms shall mean:

(a) "Teaching" — refers to the profession concerned primarily with classroom instruction, at the elementary and secondary levels in accordance with the curriculum prescribed by the Department of Education, Culture and Sports, whether on part-time or full-time basis in the private or public schools.

(b) "Teachers" — refers to all persons engaged in teaching at the elementary and secondary levels, whether on full-time or part-time basis, including industrial arts or vocational teachers and all other persons performing supervisory and/or administrative functions in all schools in the aforesaid levels and qualified to practice teaching under this Act.

(c) "Board" — refers to the Board for Professional Teachers duly established and constituted under this Act.

(d) "Commission" — refers to the Professional Regulation Commission.

ARTICLE II BOARD FOR PROFESSIONAL TEACHERS

Sec. 5. Creation and Composition of the Board. — There is hereby created under this Act a Board for Professional Teachers, hereinafter called the Board, a collegial body under the general supervision and administrative control of the Professional Regulation Commission,

hereinafter referred to as the Commission, composed of five (5) members who shall be appointed by the President of the Philippines from among the recommendees chosen by the Commission. The recommendees shall be chosen from the list of nominees selected by the accredited association of teachers, who duly possess all the qualifications prescribed in Section 8 of this Act.

The chairman and the voice-chairman of the Board shall be appointed from these five (5) members by the President: Provided, That the members of the first Board appointed under this Act shall be automatically registered as professional teachers and issued with the certificate of registration and professional license upon payment of the fees for examination, registration, and other fees prescribed by the Commission.

Sec. 6. Duties and Function of the Board. — The Board shall have the following duties and functions:

- (a) Promulgate, administer and enforce rules and regulations necessary for carrying out the provisions of this Act in accordance with the charter of the Professional Regulation Commission;
- (b) Determine and fix the frequency, dates, and places of examination, appoint supervisors, proctors, and other personnel as needed who shall be entitled to a daily allowance to be fixed by the Board for every examination day actually attended, use buildings and facilities of public or private schools for examination purposes;
- (c) Issue, suspend, or revoke the certificate of registration for the practice of the teaching profession;
- (d) Prescribe and collect examination and other fees as it may deem proper;
- (e) Prescribe and/or adopt a code of ethical and professional standards for the practice of the teaching profession. Such ethical standards, rules and regulations to take effect sixty (60) days after its publication in the Official Gazette or in any newspaper of general circulation;
- (f) Administer oaths in connection with the administration of this Act;
- (g) Supervise and regulate the registration, licensure and practice of professional teachers in the Philippines;
- (h) Adopt an official seal of the Board;
- (i) Look into the conditions affecting the practice of the teaching profession and whenever necessary, adopt such measures as may be deemed proper for the enhancement and maintenance of high professional and ethical standards of the profession;
- (j) Ensure that all educational institutions offering elementary and secondary education comply with the essential requirements for curricula, faculty and facilities for the elementary and secondary levels;

(k) Investigate such violations of this Act, the rules and the code of ethical and professional standards for professional teachers as it may come to the knowledge of the Board, and for this purpose, to issue subpoena and subpoena duces tecum to secure the appearance of witnesses and the production of documents in connection therewith; and

(l) Discharge such other powers, duties and functions as the Board may deem necessary for the practice of the teaching profession and the upgrading, enhancement, development and growth of education in the Philippines.

Sec. 7. Term of Office. — The members of the Board shall hold office for a term of three (3) years from the date they assume office: *Provided*, That the first appointees to the Board under this Act shall hold office according to the following terms: one (1) member shall serve for one (1) year; one (1) member for two (2) years; the chairman, vice-chairman, and one (1) member for three (3) years. Vacancies shall be served for the unexpired term only. No person who has served for two (2) consecutive terms shall be eligible for reappointment. Appointment to fill an unexpired term shall be considered an appointment to a complete term. The chairman or any member shall take his oath of office prior to the performance of his duties.

Sec. 8. Qualification of Board Members. — Each Board member must at the time of his appointment:

(a) Be a citizen and resident of the Philippines;

(b) Be at least thirty-five (35) years of age, of proven integrity, and possessed of high moral values in his personal as well as professional conduct and has not been convicted of any offense involving moral turpitude;

(c) Be a holder of the degree of Bachelor of Arts or Bachelor of Science in Education and preferably a holder of a master's or doctorate degree in education, or their equivalents, from a university, school, college, academy or institute duly constituted, recognized and/or accredited by the Philippine government;

(d) Be a professional teacher with a valid certificate of registration and valid professional license, save those members who shall compose the first Board for Professional Teachers;

(e) Has been a professional teacher in the active practice of the teaching profession for at least ten (10) years in the elementary and secondary level; and

(f) Not be an official or member of the faculty of, nor have pecuniary interest in any university, college, school, or institution conferring a bachelor's degree in education or its equivalents for at least three (3) years prior to his appointment, and neither connected with a review center or with any group or association where review classes or lectures in preparation for the licensure examination are offered or conducted.

Provided, however, that, the membership to the Board shall be evenly distributed to cover all levels of education, including equitable representation of the different fields of specialization.

Sec. 9. Compensation of the Board. — The chairman, vice-chairman, and members of the Board shall receive compensation comparable to the compensation received by existing regulatory boards under the Professional Regulation Commission, computed on the basis of the number of examinees/candidates.

Sec. 10. Supervision of the Board and Custodian of its Records. — The Board shall be under the supervision and control of the Commission. All records, including applications for examination, examination papers and results, minutes of deliberation, administrative cases and investigative cases and investigations involving professional teachers shall be kept by the Commission.

Sec. 11. Secretariat and Support Services. — The Professional Regulation Commission, through its chairman, shall provide the secretariat and other support services to implement effectively the provisions of this Act.

Sec. 12. Removal of a Board Member. — The chairman or any member of the Board may be removed by the President of the Philippines upon recommendation of the Commission for neglect of duty, incompetence, unprofessional, unethical, immoral or dishonorable conduct, commission or toleration of irregularities in the examination, after having been given the opportunity to defend himself in a proper administrative investigation.

In the course of investigation, the President may preventively suspend the respondent.

ARTICLE III EXAMINATION AND REGISTRATION

Sec. 13. Examination, Registration and License Required. — Except as otherwise specifically allowed under the provisions of this Act, all applicants for registration as professional teachers shall be required to undergo a written examination which shall be given at least once a year in such places and dates as the Board may determine upon approval by the Commission. A valid certificate of registration and a valid professional license from the Commission are required before any person is allowed to practice as a professional teacher in the Philippines, except as otherwise allowed under this Act.

Sec. 14. Scope of Examination. — The examinations for the elementary and secondary school teachers shall be separate. The examination for teachers in the elementary level shall consist of two (2) parts, namely: professional education and general education. The examination for teachers in the secondary level shall consist of three (3) parts, namely: professional education, general education, and field of specialization.

Sec. 15. Qualification Requirements of Applicants. — No applicant shall be admitted to take the examination unless, on the date of filing of the application, he shall have complied with the following requirements:

(a) A citizen of the Philippines or an alien whose country has reciprocity with the Philippines in the practice of the teaching profession;

(b) At least eighteen (18) years of age;

(c) In good health and of good reputation with high moral values;

(d) Has not been convicted by final judgment by a court for an offense involving moral turpitude;

(e) A graduate of a school, college or university recognized by the government and possesses the minimum educational qualifications, as follows:

(1) For teachers in preschool, a bachelor's degree in early childhood education (BECED) or its equivalent;

(2) For teachers in the elementary grades, a bachelor's degree in elementary education (BSEED) or its equivalent;

(3) For teachers in the secondary grades, a bachelor's degree in education or its equivalent with a major and minor, or a bachelor's degree in arts and sciences with at least ten (10) units in professional education; and

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

Sec. 16. Report of the Results of the Examination. — The Board shall, within one hundred twenty (120) days after the examination, report the ratings obtained by each candidate to the Professional Regulation Commission for approval and appropriate action.

Sec. 17. Issuance of Certificate of Registration and Professional License. — The registration of a professional teacher commences from the date his name is enrolled in the roster of professional teachers.

Every registrant who has satisfactorily met all the requirements specified in this Act shall, upon payment of the registration fee, be issued a certificate of registration as a professional teacher bearing the full name of the registrant with serial number and date of issuance signed by the chairman of the Commission and the chairman, vice-chairman, and members of the Board, stamped with the official seal, as evidence that the person named therein is entitled to practice the profession with all the rights and privileges appurtenant thereto. The certificate shall remain in full force and effect until withdrawn, suspended and/or revoked in accordance with law.

A professional license signed by the chairman of the Commission and bearing the registration number and date of issuance thereof and the month of expiry or renewability shall likewise be issued to every registrant who has paid the annual registration fees for three (3) consecutive years. This license shall serve as evidence that the licensee can lawfully practice his profession until the expiration of its validity.

Sec. 18. Oath Before Practice. — Every registrant shall be required to take his professional oath before practicing as a professional teacher.

Sec. 19. Periodic Merit Examination of Teachers. — To encourage continuing professional growth and development and to provide additional basis for merit promotion, in addition to their performance rating, teachers may take an oral and written examination at least once in five (5) years as basis for merit promotion. In taking this examination, no fee shall be required.

Sec. 20. Failure to Pass the Merit Examination. — If a teacher fails to pass the merit examination, he or she shall be allowed to take the examination for a second time. Should he or she fail to pass the merit examination for the second time, then he or she shall be required to take a DECS accredited refresher course or program before being allowed to retake the examination.

Failure of any permanent teacher to pass the merit examination shall not, however, be used as a ground for his/her dismissal or demotion.

Sec. 21. Incentives. — Teachers who pass the merit examination shall:

- (a) Be awarded a diploma of merit by the Board;
- (b) Earn merit points for purposes of promotion in salary or to a higher position or grade level;
- (c) Be placed in the priority list for government scholarship; and
- (d) Enjoy such other benefits as may be promulgated by the Board.

Similar incentives shall be given to teachers who make inventions, develop new methods of teaching, write a book or books and create works of artistic merit.

Sec. 22. Integration of the Teaching Profession. — The teaching profession shall be integrated into one national organization which shall be recognized by the Board and the Commission as the one and only integrated and accredited association of professional teachers. Upon registration with the Board, every professional teacher shall be encouraged to become a member of the integrated national organization. Those who have been registered with the Board but are not members of the said integrated organization shall be allowed to register as members of the said integrated organization within three (3) years after the effectivity of this Act. Membership in the integrated organization shall not be a bar to membership in other associations of the teaching profession. The professional teachers shall receive the benefits and privileges appurtenant to their membership in the said integrated and accredited organization of professional teachers only upon payment of the required membership fees and dues.

Sec. 23. Revocation of the Certificate of Registration, Suspension from the Practice of the Teaching Profession, and Cancellation of Temporary or Special Permit. — The Board shall have the power, after due notice and hearing, to suspend or revoke the certificate of registration of any registrant, to reprimand or to cancel the temporary/special permit of a holder thereof who is exempt from registration, for any of the following causes:

- (a) Conviction for any criminal offense by a court of competent jurisdiction;

- (b) Immoral, unprofessional or dishonorable conduct;
- (c) Declaration by a court of competent jurisdiction for being mentally unsound or insane;
- (d) Malpractice, gross incompetence, gross negligence or serious ignorance of the practice of the teaching profession;
- (e) The use of or perpetration of any fraud or deceit in obtaining a certificate of registration, professional license or special/temporary permit;
- (f) Chronic inebriety or habitual use of drugs;
- (g) Violation of any of the provisions of this Act, the rules and regulations and other policies of the Board and the Commission, and the code of ethical and professional standards for professional teachers; and
- (h) Unjustified or willful failure to attend seminars, workshops, conferences and the like or the continuing education program prescribed by the Board and the Commission.

The decision of the Board to revoke or suspend a certificate may be appealed to the regional trial court of the place where the Board holds office within fifteen (15) days from receipt of the said decision or of the denial of the motion for reconsideration filed in due time.

Sec. 24. Registration by Reciprocity. — No teacher of a foreign nationality shall be admitted to the examination, or be given a certificate of registration or be entitled to any of the rights and privileges provided under this Act; unless the country or state of which he is a subject permits Filipino professional teachers to practice within its territorial limits on the same basis as subjects or citizens of said country or state: *Provided*, that the requirements of certification of teachers with said foreign state or country are substantially the same as those required and contemplated under this Act: *Provided, further*, That the laws of such state or country grant the same privilege to Filipino professional teachers on the same basis as the subject or citizens of such foreign country or state.

Sec. 25. Roster of Professional Teachers. — A roster of professional teachers containing the names and addresses of professional teachers, date of registration or issuance of certificate, and other data which in the opinion of the Board may appear pertinent shall be maintained. Copies of the roster shall be provided by the Commission to the Board, the Department of Education, Culture and Sports, and the integrated and accredited organization of professional teachers.

Sec. 26. Registration and Exception. — Two (2) years after the effectivity of this Act, no person shall engage in teaching and/or act as a professional teacher as defined in this Act, whether in the preschool, elementary or secondary level, unless he is a duly registered professional teacher, and a holder of a valid certificate of registration and a valid professional license or a holder of a valid special/temporary permit.

Upon approval of the application and payment of the prescribed fees, the certificate of registration and professional license as a professional teacher shall be issued without examination as required in this Act to a qualified applicant, who at the time of the approval of this Act, is:

(a) A holder of a certificate of eligibility as a teacher issued by the Civil Service Commission and the Department of Education, Culture and Sports; or

(b) A registered professional teacher with the National Board for Teachers under the Department of Education, Culture and Sports (DECS) pursuant to Presidential Decree No. 1006; or

(c) Not qualified under paragraphs one and two but with any of the following qualifications. to wit:

(1) An elementary or secondary teacher for five (5) years in good standing and a holder of Bachelor of Science in Education or its equivalent; or

(2) An elementary or secondary teacher for three

(3) years in good standing and a holder of a master's degree in education or its equivalent.

Provided, That they shall be given two (2) years from the organization of the Board for professional teachers within which to register and be included in the roster of professional teachers: *Provided, further*, That those incumbent teachers who are not qualified to register without examination under this Act or who, albeit qualified, were unable to register within the two-year period shall be issued a five-year temporary or special permit from the time the Board is organized within which to register after passing the examination and complying with the requirements provided this Act and be included in the roster of professional teachers: *Provided, furthermore*, That those who have failed the licensure examination for professional teachers shall be eligible as para-teachers and as such, shall be issued by the Board a special or temporary permit, and shall be assigned by the Department of Education, Culture and Sports (DECS) to schools as it may determine under the circumstances.

ARTICLE IV

PROVISIONS RELATIVE TO THE PRACTICE OF THE TEACHING PROFESSION

Sec. 27. Inhibition Against the Practice of the Teaching Profession. — Except as otherwise allowed under this Act, no person shall practice or offer to practice the teaching profession in the Philippines or be appointed as teacher to any position calling for a teaching position without having previously obtained a valid certificate of registration and a valid professional license from the Commission.

Sec. 28. Penal Provisions. — The following shall be punishable by a fine of not less than Five thousand pesos (P5,000.00) nor more than Twenty thousand pesos (P20,000.00) or imprisonment of not less than six (6) months nor more than five (5) years, or both, at the discretion of the court:

- (a) Any person who practices the teaching profession in the Philippines without being certified in accordance with the provisions of this Act;
- (b) Any person who represents or attempts to use as his own certificate of registration that of another;
- (c) Any person who gives any false, or fraudulent evidence of any kind to the Board or any member thereof in obtaining a certificate of registration as teacher;
- (d) Any person who impersonates any registrant of the same or different name;
- (e) Any person who uses a revoked or suspended certificate of registration;
- (f) Any person who, in connection with his name, otherwise assumes, uses or advertises any title or description tending to convey or conveys the impression that he is a teacher without holding a valid certificate; and
- (g) Any person who violates or who abets the violation of any of the provisions of this Act.

The penalty of fine or imprisonment or both, as provided in this section, shall also apply to any school official who shall cause or be responsible for the commission of any of the above-enumerated acts.

Sec. 29. Appropriations. — Such sums as may be necessary to carry out the provisions of this Act shall be included in the 1996 General Appropriations Act and thereafter.

Sec. 30. Implementing Guidelines. — The Board shall formulate and adopt the necessary guidelines for the effective implementation of the provisions of this Act within sixty (60) days of its approval.

The Board shall submit to both Committees on Education, Arts, and Culture; and the Committees on Civil Service and Professional Regulation of the Senate and House of Representatives, copies of the implementing rules and guidelines within thirty (30) days after its promulgation.

Any violation of this section shall render the official/s concerned liable under Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees" and other pertinent administrative and/or penal laws.

Sec. 31. Transitory Provision. — All incumbent teachers in both the public and private sector not otherwise certified as professional teachers by virtue of this Act, shall be given (5) years temporary certificates from the time the Board for Professional Teachers is organized within which to qualify as required by this Act and be included in the roster of professionals.

Provided, however, That the Professional Board Examination for Teachers (PBET) shall still be administered by the Civil Service Commission and the Department of Education, Culture and Sports for the year 1995.cralaw

Sec. 32. Separability Clause. — If, for any reason, any section or provision of this Act or the application of such section or provision to any person or circumstance is declared unconstitutional or invalid, no other section or provision of this Act shall be affected thereby.

Sec. 33. Repealing Clause. — All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 34. Effectivity Clause. — This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved: December 16, 1994