THE MAGNA CARTA FOR PRIVATE SCHOOL TEACHERS

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

A. General Provisions

Section 1. Title. This Act shall be known as “The Magna Carta For Private School Teachers.”

Section 2. Declaration of Policy- It is hereby declared to be the policy of this Act to promote and improve the social and economic status of private school teachers, their living and working conditions, their terms of employment and career prospects in orders 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 our private school system plays a vital role in the education of our people.

Section 3. Guiding Principles- In matters involving the rights and welfare of private school teachers, the following are the guiding principles:

a. Education is a vital function of society and as such, shall be given due recognition and support by the government.

b. Teachers play an essential role in inculcating upon pupils/students respect for human rights and for fundamental freedoms and in the total development of a human personality and of the nation as a whole so that their own civil, political, and socio-economic rights shall be respected, protected and fulfilled.
c. Teachers comprise the largest group of professional and service workers of society and if united, can be potent agents of progressive reform in the educational system and the nation as a whole.

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

e. All aspects of employment and tenure of teachers shall be free from any form of discrimination on grounds of sex, civil status, religion, political belief or affiliation, economic condition or membership in teachers’ or employees’ organizations.

f. Faculty organizations shall be recognized as a force which can contribute greatly to the advancement of the rights and welfare of teachers and shall therefore participate in the determination of educational policies.

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

Section 4. Construction in Favor of Teachers. All doubts in the implementation and interpretation of the provisions of this Act including its implementing rules and regulations shall be resolved in favor of teachers.

Section 5. Definition. As used in this Act, “teacher” shall mean all persons engaged in classroom teaching in any level of instruction on full time or part time basis including guidance counselors, industrial arts or vocational instructors and all other persons performing supervisory or administrative functions in all private schools, colleges and universities but shall not include school nurses, school physicians, school dentists and other school employees.

B. Recruitment and Careers
Section 6. Minimum Qualifications of a Private School Teacher. The school teaching personnel in pre-school, elementary and secondary level of basic education in all private schools must pass the Licensure Examination for Teachers (LET). For all levels of instruction, the following shall constitute the minimum educational qualifications for teacher-applicants:

a. Pre-school and elementary. Holder of a bachelor’s degree in elementary education or its equivalent. Pre-school teachers shall have at least six units of professional subjects relating to pre-primary education.
b. Secondary, For Academic Subjects- Holders of a bachelor’s degree in secondary education or its equivalent or a Bachelor of Arts or Science degree or its equivalent with at least 18 professional units in education.
c. Secondary Vocational And Two Years Technical Courses- Bachelor’s degree in the field of specialization with at least 18 professional units in education.
d. Collegiate Level other than Vocational- Master’s degree with a specific area of specialization except when there is a lack of applicants with Master’s Degree in which case a bachelor’s degree in specific area of specialization will suffice subject to Regulation which the CHED will impose.
e. Graduate School Level-Doctor of Philosophy with a specific area of specialization except when there is a lack of applicants with PhD in which case a master’s degree in specific area of specialization will suffice subject to Regulation which the CHED will impose.

Section 7. Probationary Period. When recruitment takes place after adequate training and professional preparation in any school recognized by the Government, the hired teachers shall be placed under probationary status for a period not exceeding one (1) academic year provided that the conditions for its satisfactory completion shall be
strictly related to professional competence made known at the time of hiring and stipulated in the contract of employment.

Section 8. Non Extension of Probationary Period. The private school shall not extend the probationary period beyond the one academic year of probation. After the hired teachers shall complete the probationary period, they shall be deemed regular employees once their services shall be continued. However, in case a teacher is alleged to have failed to satisfactorily complete the probation period, he/she shall be informed of the reasons therefore.

Section 9. Security of Tenure. Teachers shall be assured of stability of employment and security of tenure. No private school teacher shall be dismissed by the school except for cause and the proper observance of due process.

Section 10. Consent for Transfer. Except for cause and as herein otherwise provided, no teacher shall be transferred without his/her consent from one branch/station to another. However where the exigencies of the service requires the transfer of a teacher from one branch to another, such transfer may be effected by the school owner who shall previously notify the teacher concerned of the transfer and the reason or reasons therefore. If the teacher believes there is no justification for the transfer, he/she cannot be compelled to transfer to any branch if such fact will result into additional burden and expense on his/her part.

Section 11. No Discrimination In Entrance To Teaching Profession. There shall be no discrimination whatsoever in entrance to the teaching profession or during its exercise or in the termination of service based on consideration other than professional qualifications.
Section 12. Advancement and Promotion. Subject to necessary qualifications, teachers shall be assured opportunities to move from one type or classification to a higher level or rank.

Promotion shall be based on objective assessment of the teacher’s qualifications for the new post by reference to strictly professional criteria laid down in consultation with teacher’s organizations existing within the school.

Section 13. Ranking of Faculty Members in Higher Education. Faculty members in higher education shall be assigned academic ranks in accordance with their academic training and scholarship. Criteria for ranking shall be performance-oriented and determined in collaboration with teacher’s organizations.

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

Section 14. Academic Freedom. Teachers shall enjoy academic freedom in the discharge of their professional duties, particularly with regard to teaching and classroom methods.

C. Hours of Work, Remuneration and Leaves

Section 15. Teaching Hours- Actual classroom teaching in basic education which shall be so scheduled as to give teachers time for the preparation and correction of exercises and other work incidental to normal teaching duties, shall not be more than six (6) hours a day. Provided, however, that where the exigencies of the service so require, teachers 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 percent of the basic pay.
For a faculty member in higher education, his regular full time load shall be twelve (12) hours per week with two preparations in line with the teacher’s major subject except as otherwise provided herein. However, said teaching load may be reduced in case a member of the faculty is occupied either in research, creative writing, or other productive scholarship or is assigned to perform administrative or committee work in which case the dean or director may recommend the appropriate teaching load. Provided, however, that the total working hours spent on both teaching and administrative or other duties shall not exceed fifteen (15) hours per week.

Section 16. Additional Compensation. Notwithstanding any provision of existing law to the contrary, teachers who undertake co-curricular and off-campus activities, and any other activities beyond their normal duties that will make them work longer than their regular workload shall be paid the regular compensation for the actual hours worked plus an additional compensation of at least twenty five percent (25%) of their regular remuneration.

Section 17. Hardship Allowances. In areas where teachers are exposed to hardship peculiar to the place of employment such as difficulty in commuting to the place of work or other hazards, they shall be compensated with special hardship equivalent to at least twenty five percent of their monthly salary.

Section 18. Criteria for Salaries. Teacher’s salaries shall:

1. Reflect the importance to society of the teaching function and hence the importance of teachers as well as the responsibilities of all kinds which fall upon them from the time of their entry into the service;
2. Compare favorably with salaries paid in other occupations requiring similar or equivalent qualifications, training and abilities;
3. Provide teacher with the means to ensure a reasonable standard of life for themselves and their families as well as to invest in further education or in the pursuit of cultural activities, thus enhancing their professional qualification;
4. Take account of the fact that certain posts require higher qualifications and experience and carry greater responsibilities;
5. Be paid regularly and on time;
6. Be reviewed periodically to take into action such factors as a rise in the cost of living, increased productivity leading to higher standards of life, or a general upward movement in wage or salary levels.

Section 19. Salaries Paid on Monthly Basis. Salaries of teachers shall be paid on monthly basis for a period of twelve (12) months regardless of semestral or summer vacations. For purposes of this Section, monthly basis shall mean that teachers shall be considered paid for all the days of the month including rest days and holidays. Teachers who are required to work during semestral or summer vacations shall be paid an additional compensation pro rata.

Section 20. Annual Salary Adjustment. Salary scales of teachers shall be adjusted upward annually, upon consultation with teachers’ organizations, to mitigate the effects of inflation as measured by the consumer price index.

Section 21. Deductions Prohibited. No person shall make any deduction from the salaries of teachers except under specific laws authorizing such deductions.

D. Leave and Retirement Benefits

Section 22. Sick Leave. Full-time teachers in the elementary and secondary schools shall be entitled to an annual sick leave with pay of fifteen (15) working days. Part-time teachers in the elementary and secondary schools shall be entitled to sick leave
with pay on pro-rated basis. Faculty members in the collegiate level, whether full-time or part-time, shall enjoy sick leave with pay of fifteen (15) working days. Unused sick leave shall be accumulated to not more than sixty (60) days and the same shall be converted to cash upon resignation or retirement of the teacher concerned.

Section 23. Vacation Leave. Full-time teachers shall be entitled to an annual vacation leave with full pay of fifteen (15) days.

Section 24. Maternity and Paternity Leaves. Teachers shall be entitled to maternity and paternity leaves in accordance with Republic Act 8282, as amended and Republic Act 8187, respectively. Provided, however, that the maternity leave shall not be less than ninety (98) days, in accordance to the 2000 Maternity Protection Convention 183.

Section 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.

Section 26. Emergency Leave. In case of calamities where a teacher becomes a victim, or in the event of death in his or her immediate family or any serious accident befalling him or her or a dependent, he or she shall be entitled to an emergency leave with pay of not exceeding five (5) days per year.

Section 27. Retirement. Teachers having fulfilled the age and service requirements of applicable retirement laws shall be granted one range salary increase upon retirement, which shall be the basis of the computation of the lump sum of the retirement pay and the corresponding benefit thereafter. Provided however, that the retirement benefit shall not be less than one month salary for every year of service.

Section 28. Gratuity Benefit. Teachers who choose to retire before reaching the compulsory retirement age and have rendered not less than two (2) years services shall be
granted gratuity benefit equivalent to one month pay for every year of services. In accordance with immediately preceding section, the computation of his gratuity benefit shall be based on the salary scale of one step higher than his position at the end he opted for optional retirement.

E. Health Measures and Injury Benefits

Section 29. Medical Examination and Treatment. Compulsory medical examination shall be provided free for all teachers before their employment and annually thereafter.

Where medical examination shows that medical treatment and/or hospitalization is necessary for infectious diseases or injuries suffered not only during teaching or on-campus activities but also when engaged in school related activities away from the school premises or off-campus, same shall be provided free by the school concerned.

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

Section 30. 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 disease in accordance with existing laws.

Section 31. Social Security Standards. The standards of social security provided for teachers shall be in accordance with those set out in relevant instruments of the International Labor Organization and in particular the Social Security Convention of 1952.
F. Teacher’s Organization

Section 32. Freedom to Organize. Private school teachers shall have the right, freely and without previous authorization to establish and to join organizations of their choosing, whether local or national, to further defend their interest.

Section 33. Discrimination Against Teachers Prohibited. It shall be unlawful for any person to commit any act of discrimination against teachers which are calculated:

(a) To make the employment of the teacher subject to the condition that he or she 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 membership in an 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 imposed upon him by his position in the organization, or to penalize him for an action undertaken in that capacity.

Section 34. Participation in Policy Making. Teachers shall have the right to be actively represented in the Boards of Regents of their respective schools, colleges and universities and shall be consulted in the formulation of professional standards, educational policies and other rules affecting their rights and welfare.

Section 35. Strike, Picketing and Other Concerted Activities. The right of teachers and their organizations to conduct strikes, pickets and other concerted activities shall not be impaired in any manner, nor their exercise prejudice any teacher or teachers’ organization.
G. Final Provisions

Section 36. Teaching of the Manga Carta for Private School Teachers. The teaching of this Act shall be compulsory in all schools offering courses in education.

Section 37. Implementing Rules and Regulations. The Department of Education and the Commission on Higher Education, in consultation with teachers’ organizations, shall jointly promulgate the rules and regulations necessary to implement the provisions of this Act, Provided, that such rules and regulations shall be applicable only to their respective constituencies. Rules and regulations issued pursuant to this Section shall take effect thirty (30) days after publication in a newspaper of general circulation and by such other means as the Secretary of Education and the Chairman of the Commission on Higher Education deem reasonably sufficient to give interested parties general notice of such issuance.

Section 38. Penal Provision. A person who willfully interferes with, restrains or coerces any teacher in the exercise of his rights guaranteed by this Act or who in any manner violates any provision of this Act or the rules duly issued hereunder shall be punished with a fine of not less than five thousand pesos or by imprisonment for not more than one year, or both, in the discretion of the court.

Section 39. Administrative Sanctions. The implementing Rules and Regulations shall include therein the appropriate rules for the imposition of administrative sanctions upon private schools that will violate any of the foregoing rights of a private school teacher.

Section 40. Repealing Clause. All laws, decrees, orders, rules and regulations, and issuances or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.
Section 41. 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 effect.

Section 42. Effectivity Clause. This act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two newspaper of general circulation, whichever comes earlier.