



Republic of the Philippines
Department of Education



AUG 30 2007

DepED MEMORANDUM
No. 344, s. 2007

CONSULTATION MEETING ON THE PROPOSED AMENDMENTS TO REPUBLIC
ACT NO. 4670 (MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS)

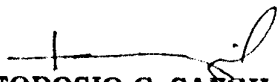
To: Undersecretaries
Assistant Secretaries
Bureau Directors
Regional Directors
Schools Division/City Superintendents
Public Schools District Supervisors
Heads, Public Elementary and Secondary Schools
All Others Concerned

1. The Task Force on the Review of the Magna Carta for Public School Teachers will conduct a series of consultation meetings with the different stakeholders in every region starting September 2007.
2. The consultation meeting aims to solicit comments, suggestions and recommendations on the proposed amendments to the Magna Carta that have been crafted by the Task Force.
3. Participants to the consultation meeting are as follows:
 - Regional Directors
 - Assistant Regional Directors
 - Schools Division Superintendents
 - Assistant Schools Division Superintendents
 - Representatives of the Associations/Organizations of Education Supervisors, Public Schools District Supervisors, Elementary/Secondary School Principals and Teachers
 - Representatives of Parent-Teacher Associations
 - LGU Officials
4. The Regional Directors shall ensure that all stakeholders are well represented during the consultation meeting in their respective regions.
5. Enclosed is a copy of the proposed amendments prepared by the Task Force (Annex A), for reproduction and dissemination to the different stakeholders/participating organizations, for their comments and/or suggestions. To facilitate the discussion during the consultation meeting, it is suggested that each organization review the proposed amendments and come up with its own recommendation/s (with the corresponding justification/s), to be presented during the meeting. The copy of said recommendation shall also be submitted to the Secretariat, for documentation and consolidation purposes.

6. The Regional Office is hereby authorized to charge registration fees, whenever necessary, to cover food and accommodation expenses of the participants. Suggested program of activities is also enclosed (Annex B), for ready reference.

7. Traveling and other incidental expenses, including registration fees (if any), payment of extra essential services, etc., to be incurred by the Task Force and its Secretariat shall be charged against OSEC funds, subject to the usual accounting and auditing rules and regulations. On the other hand, travelling expenses and payment of registration fees of DepED participants and other stakeholders shall be charged to their respective local funds.

8. Immediate and wide dissemination of this Memorandum is desired.


TEODOSIO C. SANGIL, JR.
Undersecretary
Officer-in-Charge

Encls.: As stated

Reference: None

Allotment: 1—(D.O. 50-97)

To be indicated in the Perpetual Index
under the following subjects:

CHANGE
CONFERENCES
RULES & REGULATIONS
TEACHERS

Reformatted by: Sally - R.A. 4670 (magna carta for public sch. teachers)
August 23, 2007

Annex A

RA 4670 AS AMENDED - MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS IN BASIC EDUCATION

Original Version	Proposed Amendment	Justification
<p>TITLE 1 - DECLARATION OF POLICY - COVERAGE</p> <p>1 <i>Declaration of Policy</i> - 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 working conditions, their employment and career prospects in order that they may compare 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.</p> <p>2 <i>Title - Definition</i> - 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</p>	<p><i>Declaration of Policy</i> - It is hereby declared the policy of this Act to promote and improve the social and economic status of public school teachers in <u>basic education</u>, their living and working conditions, 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 proper qualifications, it being recognized that <u>quality education</u> depends on the qualifications and ability of the <u>teachers</u> and that education is an essential factor in the economic growth of the nation as a productive investment of vital importance.</p> <p><i>Title - Definition</i> - This Act shall be known as the "<u>Magna Carta for Public School Teachers in Basic Education.</u>"</p>	<p>> The non-teaching staff are not included since they are not directly concerned with classroom teaching</p> <p>> The teachers in private schools are not included because their compensation and benefits are covered by the Labor Code.</p> <p>> The professors in state colleges/universities are not included since they are protected by the charters of their respective institutions'</p> <p>> The amendment limits the scope of this Act to cover only public school teachers in basic education</p>

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<p>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.</p>	<p>As used in this Act, the term "teacher" shall mean all persons engaged in teaching <u>basic education in public schools and all other persons performing supervisory and/or administrative functions in all public schools in basic education, specifically: department heads, assistant school heads, school heads, district, division and regional supervisors, assistant schools division superintendents, schools division superintendents, assistant regional directors, regional directors, and bureau/service/center directors, but shall not include support personnel such as legal, medical and dental, planning, property/supply, financial and human resource employees.</u></p>	<p>> To clarify the meaning of the word "teacher", there is a need to enumerate the persons included/covered and those who are excluded by the concept.</p>
<p>TITLE II - RECRUITMENT AND QUALIFICATION</p>		
<p>3 <i>Recruitment and Qualifications</i> - 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 approval of this Act, the following shall constitute the minimum educational qualifications for teacher applicants:</p>	<p><i>Recruitment, Selection and Promotion</i> - Recruitment, selection and promotion of teachers shall be based on merit and fitness, subject to existing criteria defined by the Department of Education.</p>	<p>> Educational qualification is only one of the criteria on recruitment, selection and promotion of teachers. In addition, criteria of DepEd are always subject to revisions</p>

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<p>(a) For teachers in the kindergarten and elementary grades, Bachelor's degree in Elementary Education (B.S.E.Ed.)</p> <p>(b) For teachers of the secondary schools, Bachelor's degree in Education or its equivalent with a major and minor, or a Bachelor's degree in Arts or Science with at least eighteen professional units in Education</p> <p>Ⓢ For teachers of secondary vocational and two years technical courses, Bachelor's degree in the field of specialization with at least eighteen units in education</p> <p>(d) For teachers of courses on the collegiate level, other than vocational, master's degree with a specific area of specialization</p> <p><u>Provided, further,</u> that in the absence of applicants who possess the minimum educational qualifications as herein above provided, the school superintendents 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</p>		

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<p>making appointments shall be in the order of the 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.</p>	<p>Probationary Period - <u>When recruitment takes place after adequate training, professional preparation and acquiring the adequate professional license, a probationary period of two (2) years, to coincide with the school year, shall be imposed on teacher-entrants, preceding regular appointment.</u></p>	<p>> There is a need to observe new teachers in actual classroom teaching. The two school years probationary period will ascertain not only the teaching capacities of the teacher, but his emotional, psychological and mental fitness to teach.</p>
<p>4 <i>Probationary Period</i> - 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 possess 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.</p>	<p><i>Tenure of Office</i> - Stability on employment and security of tenure shall cover all public school teachers in basic education as provided under existing laws.</p>	
<p>5 <i>Tenure of Office</i> - Stability on employment and security of tenure shall be assured the teachers as provided under existing laws.</p>	<p><i>Tenure of Office</i> - Stability on employment and security of tenure shall cover all public school teachers in basic education as provided under existing laws.</p>	

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<p>Subject to the provisions of Section three hereof, teachers appointed on a provisions 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 positions.</p>		<p>> Original provision to be deleted</p>
<p>6 <i>Consent for Transfer</i> - Transportation Expenses - Except for cause and as herein otherwise provided, no teacher shall be transferred without his consent from one station to another</p> <p>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 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 transfer shall be made three months before any local or national election.</p>	<p>Consent for Transfer <u>and Reassignment</u> of Teachers - Transportation Expenses - Where the exigencies of the service require the transfer <u>or re-assignment</u> of a teacher from one station to another, such transfer <u>or re-assignment</u> may be effected by the school division superintendent, who shall previously notify the teacher concerned of the transfer <u>or re-assignment</u> and the reason or reasons therefor. If the teacher believes there is no justification for the transfer <u>or re-assignment</u>, he may appeal his case to the <u>Regional Director</u>, whose decision may be appealed to the <u>Secretary of the Department of Education</u>. <u>Provided that no transfer of re-assignment whatsoever shall be made three months before any local or national election. Provided, further, That the re-assignment shall not exceed a period of one (1) year and the teacher cannot carry his item to his place of re-assignment; whereas in the case of a transfer, which is permanent in nature, the teacher can carry his item to the</u></p>	<p>> The TWG agreed to retain the provision on transfer and create another provision for re-assignment to differentiate the two. The proposed amendment combines the two since both needs the consent of the teacher. However, it is stated that the transfer is permanent in nature and the item is carried to the new station; on the other hand, re-assignment should not exceed one year.</p> <p>> It was also included in the proposed amendment that the decision of the Regional Director may be appealed to the next higher authority which is the Secretary. The TWG has agreed that there should be a provision on the next higher authority where the teacher may appeal the decision of the Regional Director.</p>

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<p>Necessary transfer expenses of the teacher and his family shall be paid for by the Government if his transfer is finally approved.</p>	<p><u><i>nature, the teacher can carry his item to the station where is transferred.</i></u></p> <p>Necessary expenses incurred by the teacher and his family as a result of his transfer from one station to another shall be paid for by the Government if such transfer is finally approved.</p> <p><i>Code of Ethics for Professional Teachers - Teachers shall observe the Code of Ethics under Republic Act No. 7836, otherwise known as "Philippine Teachers Professionalization Act."</i></p>	<p>> Exigency of the service must be clearly defined in the IRR</p> <p>> As agreed by the TWG, transportation expenses incurred shall be reimbursed by the government</p>
<p>7 <i>Code of Professional Conduct for Teachers</i> - 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 reasons 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.</p>	<p>8 <i>Safeguards in Disciplinary Procedure</i> - Every teacher shall enjoy equitable safeguards at each stage of any disciplinary procedure and shall have:</p> <p>(a) the right to be informed, in writing, of the charges;</p>	<p>> Original provision to be retained</p>

Original Version	Proposed Amendment	Justification
<p>(b) the right to full access to the evidence in the case;</p> <p>© the right to defend himself and 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</p> <p>(d) the right to appeal to clearly designated authorities</p> <p>No publicity shall be given to any disciplinary action being taken against a teacher, during the pendency of his case.</p>	<p><u>Administrative Charges - Administrative charges against a teacher shall be heard following the Revised Rules of Procedure of the Department of Education. The charges shall be heard by legal officer/s duly designated by the disciplining authority.</u></p>	
<p>9 Administrative Charges - Administrative charges against a teacher shall be heard initially by a committee composed of the corresponding School Superintendent of the division of 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 teachers 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</p>		

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<p>school superintendent is the complainant or an interested party, all the members of the committee shall be appointed by the Secretary of Education</p>		
<p>10 <i>No Discrimination</i> - 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.</p>	<p><i>No Discrimination in Entrance to Teaching Profession</i> - 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.</p>	
<p>11 <i>Married Teachers</i> - 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.</p>	<p><i>Married Teachers</i> - Whenever possible, the proper authorities shall take all steps to enable married couples, both of whom are public school teachers, <u>upon their request</u>, to be employed in the same locality, school or school district.</p>	
<p>12 <i>Academic Freedom</i> - Teachers shall enjoy academic freedom in the discharge of their professional duties, particularly with regard to teaching and classroom methods.</p>	<p><i>Academic Freedom - Teachers shall enjoy the right to exercise academic freedom in consonance</i> with the existing policies of the Department in the discharge of their professional duties, particularly with regard to teaching and classroom management</p>	

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<p>TITLE III - HOURS OF WORK AND REMUNERATION</p> <p>13 <i>Teaching Hours</i> - Any teacher engaged in actual classroom instruction shall not be required to render more than six hours of actual classroom teaching a day, 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 compensation plus at least twenty five percent of his basic pay.</p> <p>14 <i>Additional Compensation</i> - Notwithstanding any provision of existing law to the contrary, co-curricular and out of school activities and other activities outside of what is defined as normal duties of any teacher shall be paid an additional compensation of at least twenty five percent of his regular remuneration after the teacher has completed at least six hours of actual classroom teaching a day.</p> <p>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</p>	<p><i>Teaching Hours</i> - Any teacher engaged in actual classroom instruction shall not be required to render more than six (6) hours of actual classroom teaching a day; <u>however, in the exigency of the service, they may be required to render more than six (6) hours, for which they will be entitled to an additional compensation equivalent to not less than twenty five percent (25%) of his basic salary.</u></p> <p>Additional Compensation - <u>Any teaching related activities that may be assigned to a teacher outside of the regular teaching load of six (6) hours shall be paid an additional compensation of not less than twenty five (25%) of his basic salary.</u></p>	<ul style="list-style-type: none"> > Teaching for six (6) hours is already very tiring to the teacher > Preparation and correction of exercises and other work incidental to the normal teaching duties are usually done at home since there is no faculty room in the school where the teachers can stay to do these tasks <ul style="list-style-type: none"> > Include in the definition of terms ALS teachers > Define teaching related activities in the IRR > The original provision is too long and needs amendment > This has not been implemented due to funding constraints <ul style="list-style-type: none"> > Original provision to be deleted

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<p>compensation of at least twenty five percent of their regular remuneration</p> <p>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.</p>	<p><u>Criteria for Salary Increases - The following criteria shall be considered in granting salary increases:</u></p> <ol style="list-style-type: none"> <u>1. qualifications in terms of education, experience and relevant trainings</u> <u>2. outstanding performance</u> <u>3. creative work</u> <u>4. any contributions to the improvement of education/literacy/community</u> <p><u>In cases where salaries can be increased through merit system, such increase shall be implemented</u></p>	<p>> Original provision to be deleted</p>
<p>15 Criteria for Salaries - Teachers' salaries shall correspond to the following criteria:</p> <p>(a) they shall compare favorably with those paid in other occupations requiring equivalent or similar qualifications, training and abilities;</p> <p>(b) they shall be such as to insure for teachers a reasonable standard of life for themselves and their families; and</p> <p>© they shall be properly graded 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</p>	<p><u>In cases where salaries can be increased through merit system, such increase shall be implemented</u></p>	<p>> There is a need to update the criteria for salary increases</p> <p>> Scheme shall be defined in the IRR</p>

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<p>Narrowing of the salary scale shall be achieved by raising the lower end of the salary scales relative to the upper end.</p> <p>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 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.</p>	<p>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 <u>two years up to the maximum step, as provided by law</u>. Provided, That the efficiency rating of the teacher concerned is at least Satisfactory.</p> <p><u>Equality in Salary Scales</u> - The salary scales of teachers whose salaries are appropriated by a city, municipal, municipal district, or provincial government <u>shall be of an equal amount to those provided for teachers of the National Government.</u></p> <p><u>In cases where LGU teachers' salaries are less than the national rate, the national government shall provide subsidy to cover the difference. However, the hiring guidelines set by the DepED shall be observed.</u></p>	<p>IRR to spell out the scheme on the step increments</p> <p>> Teachers have long been neglected and the salaries are too low, this scheme is hoped to attract the best teachers and for them to cope up with the high cost of living</p> <p>> Teachers employed by the LGUs should also be given importance and treated equally by the national government</p> <p>> The additional paragraph will equalize the pay given by the LGUs to that of the national government</p>
<p>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.</p>		

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<p>18 <i>Cost of Living Allowance</i> - Teachers' 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, recommend, to Congress, at least annually, the appropriation of the necessary funds for the cost-of-living allowance 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.</p>	<p><i>Cost of Living Allowance - A cost of living allowance shall be paid to the teachers which shall automatically follow the consumer price index as determined by the appropriate government agency.</i></p>	<p>> This will rationalize the determination of the amount of the cost-of-living allowance</p>
<p>19 <i>Special Hardship Allowances</i> - 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 percent of their monthly salary.</p>	<p><u><i>Special Hardship Allowances - Hardship/Hazard allowance shall be paid to teachers who 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, in consultation with proper authorities and in accordance with existing accounting and auditing rules and regulations.</i></u></p>	<p>> Include the provision of insurance > IRR to spell out the rate of allowance</p>

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<p>20 <i>Salaries to be Paid in Legal Tender</i> - 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.</p>	<p><u><i>Trust Fund for Teachers' Assistance</i></u> - There shall be a <u><i>Trust Fund for basic education teachers to serve as financial assistance</i></u>, <u><i>subject to the policies and rules provided in the Implementing Rules and Regulations</i></u></p>	<ul style="list-style-type: none"> > Original provision to be deleted since salaries are now paid through the automated teller machine (ATM); > treasury checks are no longer in use > The proposed amendment is a new provision intended to provide additional benefits to the teachers > Spell out in the IRR the use of the trust fund which will be for legal assistance, health assistance, for example teachers suffering from tuberculosis, and such other forms of assistance to be specified in the IRR
<p>21 <i>Deductions Prohibited</i> - 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.</p>	<p><u><i>Deductions Prohibited</i></u> - No person <u><i>or institutions</i></u> shall make any deduction whatsoever from the salaries of teachers except under specific authority of law authorizing such deductions a <u><i>nd the written authority executed by the teacher duly notarized</i></u></p>	<ul style="list-style-type: none"> > Most teachers borrow money not only in GSIS and Pag-Ibig but also from private lending institutions due to low salaries. Their salaries are not sufficient to support their families' basic needs and tuition fees of their children.

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TITLE IV - HEALTH MEASURES AND INJURY BENEFITS		
<p>22. <i>Medical Examination and Treatment</i> - 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 they take up teaching, and shall be during the teacher's professional life. Where medical and/or hospitalization is necessary, same shall be provided free by the entity paying the salary of the teachers.</p>	<p><u><i>Medical Examination - Compulsory</i></u> <u><i>comprehensive medical examination shall be provided free of charge for all teachers and shall be done annually. Teachers shall be provided additional health insurance by the Department of Education</i></u></p>	<p>> IRR will spell out the process/procedures</p>
<p>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.</p>		<p>> Original provision to be retained</p>
<p>23. <i>Compensation for Injuries</i> - 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.</p>	<p><u><i>Compensation for Injuries - Teachers shall be duly compensated for injuries sustained that are service connected</i></u></p>	<p>-> Spell out in the IRR the over and above compensation to include the minimum and maximum amounts</p>

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<p>TITLE V - LEAVE AND RETIREMENT BENEFITS</p> <p>24 <i>Study Leave</i> - In addition to the leave privileges now enjoyed by teachers in 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 percent 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, they study leave period shall be counted for seniority and pension purposes.</p>	<p><i>Study Leave</i> - In addition to the leave privileges now enjoyed by the teachers in the public schools, they shall be entitled to study leave not exceeding one school year after <u>five (5) years of service</u>. Such leave shall be granted in accordance with a schedule set by the Department of Education <u>and taking into consideration the performance rating of the teacher</u>. During the period of such leave, the teachers shall be entitled to <u>the full amount of their monthly salary and a reimbursable thesis/dissertation allowance equivalent to one (1) month gross salary upon graduation</u>. 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/<u>dissertation</u> 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 considered <u>as creditable years of service</u>.</p>	<p>> The benefit is intended to enhance the professional growth of the teachers and seven (7) years is too long to be able to avail of this benefit.</p> <p>> Original provision to be deleted</p>

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<p>may be permitted by the Secretary of Education but without compensation.</p>		
<p>25 <i>Indefinite Leave</i> - 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.</p>	<p><u><i>Sick/Vacation Leave of Absence - A sick leave of absence with pay for a period not exceeding six (6) months shall be granted to teachers suffering from a service connected illness. Vacation leave without pay, not to exceed one (1) year, shall be granted for justifiable reasons, otherwise the teacher shall be considered as dropped out from the rolls.</i></u></p>	<p>> Sick and vacation leaves are being abused by teachers which resulted in the deprivation of the students and the government as well.</p>
<p>26 <i>Salary Increase Upon Retirement</i> - 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.</p>	<p><u><i>Salary Increase Upon Retirement - Teachers in basic education</i></u> having fulfilled the age and service requirements of the applicable retirement laws shall be given <u><i>one rank salary raise</i></u> upon retirement, which shall be the basis of the computation of the lump sum of the retirement pay and the monthly benefits thereafter.</p>	<p>> Include in the IRR that the GSIS retirement law should be amended to conform with this provision</p>
<p>TITLE VI - TEACHERS' ORGANIZATION</p>		
<p>27 <i>Freedom to Organize</i> - 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.</p>	<p><u><i>Freedom to Organize</i></u> - Teachers shall have the right to establish and/or join organizations of their choice: <u><i>Provided, That the purposes of such organization/s shall be in accordance with law, public order, and public policy.</i></u></p>	<p>> The phrase "shall have the right freely and without previous authorization" was deleted to avoid redundancy.</p> <p>> The phrase "whether local or national to further and defend their interests" was</p>

Original Version	Proposed Amendment	Justification
<p>28 <i>Discrimination Against Teachers Prohibited</i> - 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 teachers subject to the condition that he shall not join an organization, or shall relinquish membership in an organization, (b) cause the dismissal or otherwise prejudice a teacher by reason of his membership in an organization or because of participation in organization activities outside school hours, or without the consent of the proper school authorities, within school hours, and (c) 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 the capacity.</p>		<p>was deleted since the organization/s may have other purposes other than their own interest.</p>
<p>29 <i>National Teachers' Organizations</i> - 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.</p>		<p>> Original provision to be retained</p>

Original Version	Proposed Amendment	Justification
<p>TITLE VII - ADMINISTRATION AND ENFORCEMENT</p> <p>30 <i>Rules and Regulations</i> - 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.</p> <p>31 <i>Budgetary Estimates</i> - 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.</p>	<p><u><i>Funding Sources - In order to uplift the social and economic status of public school teachers in basic education, funds to implement the provisions of this Act shall be taken from the following: (1) ten percent (10%) of the sin taxes; (2) five percent (5%) of the annual income of PAGCOR or its successor agency; (3) two percent (2% of the real property taxes; and (4) two percent (2%) fo the annual income of PCSO or its successor agency.</i></u></p>	<p>> Original provision to be retained</p> <p>> The Magna Carta did not improve the socio-economic well-being of teachers due to lack of funds; hence there is a need to outsource funds to ensure the implementation of this Act.</p> <p>> Research on how much funds may be sourced from identified sources</p>

Original Version	Proposed Amendment	Justification
<p>32 <i>Penal Provisions</i> - Any 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.</p> <p>If the offender is a public official, the court shall order this dismissal from the Government service.</p>	<p><i>Penal Provisions - Any person or officers of any institution who shall violate any provision of this Act shall, upon conviction, be punished by a fine of not less than Twenty Thousand Pesos (P20,000.00) to not more than One Hundred Thousand Pesos (P100,000.00) and penalty of not less than six (6) months and one (1) day to six (6) years imprisonment.</i></p>	<p>> The penalties have been increased to put more teeth to the law and to ensure its full implementation.</p>
<p>33 <i>Repealing Clause</i> - 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.</p>		<p>> Original provision to be retained</p>
<p>34 <i>Separability Clause</i> - If any provisions of this Act is declared invalid, the remainder of this Act or any provisions not affected thereby shall remain in force and in effect.</p>		<p>> Original provision to be retained</p>

**CONSULTATIVE MEETING/PUBLIC HEARING
ON THE MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS
September 6-8, 2007 - Region VII**

PROGRAM OF ACTIVITIES

Day / Time	Activity / Topic for Discussion
Day 1	
4:00 – 6:00	Arrival / Registration
7:00 – 8:00	Dinner
Day 2	
7:00 – 8:00	Breakfast
8:00 – 9:00	Opening Program Statement of Purpose Orientation on the Meeting Mechanics
9:00 – 12:00	Consultation Proper/Plenary <i>(Sections 1 to 17 of RA 4670)</i>
12:00 - 1:00	Lunch Break
1:00 PM onwards	Continuation of Consultation Proper/Plenary <i>(Sections 18 to 34 of RA 4670)</i>
	Synthesis/Wrap-Up
Day 3	Departure