



DepED MEMORANDUM
No. 291, s. 2008

JUN 13 2008

GUIDELINES FOR THE IMPLEMENTATION OF CSC RESOLUTION NO. 080096
ON WORKING HOURS FOR PUBLIC SCHOOL TEACHERS

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Regional Directors
Schools Division/City Superintendents

1. In response to the request of the Department for the appropriate interpretation of Section 13 of Republic Act No. 4670, the Magna Carta for Public School Teachers, the Civil Service Commission issued Resolution No. 080096 (copy enclosed) that:

- a. Public school teachers are not exempt from the eight-hour workday provided for in R.A. No. 1880;
- b. The limitation given in R.A. No. 4670 pertains to the time devoted to actual classroom teaching which shall not exceed six (6) hours a day; and
- c. The remaining two (2) hours of work to complete the required eight-hour workday may be spent within or outside the school premises subject to the guidelines of the Secretary of Education.

3. In view thereof, the following general guidelines shall be observed in all public elementary and secondary schools:

- a. Public school teachers shall render at most six (6) hours of actual classroom teaching a day, except when undertaking academic activities that require presence outside the school premises, i.e., educational trips;
- b. School heads shall assign teaching loads to public school teachers to fully utilize the six (6) hour actual classroom teaching, i.e., six teaching loads at one hour per teaching load, with due regard for possible teaching intervals;

All advisorship and/or special assignments for the entire school year combined shall be considered as one teaching load;

- c. A teacher with less than six (6) hours of actual classroom teaching shall render additional hours of appropriate teaching-related activities and duties enumerated in 2 (d) **within the school premises** to complete six (6) hours;

- d. A teacher with six (6) hours of actual classroom teaching and/or equivalent teaching-related activities and duties shall render the remaining two (2) hours of work within or **outside the school premises** to comply with the eight-hour workday by engaging in the following teaching-related activities and duties:
1. preparation of lesson plans, action/work plans, instructional materials, evaluation/assessment tools/rubrics;
 2. preparation and checking of exercises; recording of academic performance results and classroom accomplishments;
 3. conduct of research;
 4. attendance to seminars, workshops and similar programs;
 5. counseling, mentoring, coaching of students including home visits;
 6. consultations and conferences with parents;
 7. performance of coordination activities and duly recognized community social services;
 8. participation in the maintenance and improvement of school facilities and equipment; and
 9. other activities identified in the specific guidelines under paragraph 4 below.

3. In the exigencies of the service, a public school teacher may be required to render more than six (6) hours of actual classroom teaching or more than eight (8) hours of work in a day; Provided that additional compensation computed at the same hourly rate of the regular compensation, plus a premium of twenty-five percent (25) of the hourly rate shall be paid for actual classroom teaching in excess of six (6) hours and for work performed in excess of eight (8) hours.

Overtime pay can only be claimed for actual teaching and/or work performed **within the school premises**. In the event of non-availability of funds, service credits shall be granted and one hour overtime work shall be 1.25 hours for purposes of determining the service credits.

4. In addition to the general guidelines herein provided, specific guidelines shall be formulated at the school level taking into account the unique conditions in schools such as the shifting of classes, if applicable, the availability of faculty rooms, classrooms and teachers, and the nature of the teaching-related duties to be given priority.

Decisions on this matter shall be agreed upon in meetings with representatives of the school administration, teachers, students and parents, preferably through the School Governing Council or any established mechanism for school-community partnership.

5. Regional Directors and Schools Division Superintendents are directed to monitor and evaluate the over-all performance of schools to ensure that the implementation of this scheme for working hours of teachers shall redound to the efficient and effective delivery of educational services.

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


JESLI A. LAPUS
Secretary

Encl.:

As stated

Reference:

N o n e

Allotment: 1—(D.O. 50-97)

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

SCHOOLS
TEACHERS

Madel:c:Working hours
6-12-08



Civil Service Commission

Constitution Hills, Batasang Pambansa Complex, Diliman 1126 Quezon City

100 Years of Service;
Civil Service at Its Best.

Mamamayan Muna

LAPUS, JESLI A.

Re: Government Teachers' Work Hours

X-----X

RESOLUTION NO. 080096

Jesli A. Lapus, Secretary, Department of Education (DepEd), in a letter dated September 12, 2006 and received by the Commission on September 25, 2006, requests the Commission's reexamination of two (2) CSC Resolutions relative to Teachers' Working Hours, CSC Resolution No. 91-1019 dated August 22, 1991 and CSC Resolution No. 94-5824 dated October 24, 1994.

In his letter, Lapus stated as follows:

X X X

"The Department of Education is currently being bombarded by myriad of issues pertaining to the proper interpretation of Section 13 of Republic Act No. 4670 or the Magna Carta for Public School Teachers which provide as follows:

'Section 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 so 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 percent of his basic pay.'

"We are aware that on October 20, 1994, and August 22, 1991, the Civil Service Commission issued CSC Resolution No. 94-5824 and CSC Resolution No. 91-1019, respectively, which provides that: 'Teachers are not exempted from the 8 hours a day, 5 days a week or a total of 40 hours a week work schedule. It is true that RA 1880 provides exemption for schools and the Omnibus Rules exempts those covered by special laws from the said requirement. The said provisions, however, are not a grant of exemption. There must be a valid law expressly granting such exemption. There being no such law, teachers cannot claim exemption from the said working hours. There is nothing in the law which limits the hours of work of teachers to only 6 hours. What is limited to 6 hours is the actual classroom teaching of the teachers. The school principal can require them to render 8 hours

Certified True Copy:

[Signature]
SEYMOUR R. PAJARRES

Chief Personnel Specialist
Commission Secretariat & Liaison Office

Lapus. pg 2

x-----x

work, 2 hours of which can be spent in the faculty room to make the necessary preparation and correction of exercises with regard to their teaching job.'

"However, there have been endless clamors for the Department of Education to meticulously study this concern, with the end in view of arriving at a definite position on the matter, for the observance and guidance of all Public School Teachers.

"Considering that the Magna Carta for Public School Teachers (R.A. 4670) is a law enacted by Congress for the welfare and protection of the Public School Teachers nationwide, it is quite ironic if we interpret the law in a manner that is prejudicial and disadvantageous to their interests. Thus, a clarification on the issue is in order the soonest possible time."

X X X

Based on the letter, Secretary Lapus is requesting the Commission to re-examine the two (2) cited CSC Resolutions and come up with an appropriate interpretation of Section 13 of Republic Act No. 4670 or the Magna Carta for Public School Teachers which shall consider the best interests of the public school teachers.

Relative to such, the issues to be resolved are (1) whether teachers are exempted from the eight-hour work day or forty-hour work week law as provided for in Republic Act 1880 and (2) If not, whether public school teachers who have spent six (6) hours of actual classroom teaching may be able to spend his/her remaining two (2) work hours doing non-classroom teaching work (e.g. 2 hours for the preparation and correction of exercises) in premises other than the school.

Pertinent in the resolution of Secretary Lapus' request is **Section 5, Rule XVII (Government Office Hours) of the Omnibus Rules Implementing Title I, Subtitle A, Book V of the Administrative Code of 1987** which specifically provides, as follows:

X X X

"Section 5. Officers and employees of all departments and agencies except those covered by special laws shall render not less than eight hours of work a day for five days a week or a total of forty hours a week, exclusive of time for lunch. As a general rule, such hours shall be from eight o'clock in the morning to twelve o'clock noon and from one o'clock to five o'clock in the afternoon on all days except Saturdays, Sundays and Holidays." (underscoring supplied)

X X X

The aforecited section is anchored on **Republic Act No. 1880** approved on June 22, 1957 [An Act to Amend the Second Paragraph of Section Five Hundred and Sixty-Two and Section Five Hundred and Sixty-Four of the Revised Administrative Code (Re Legal Hours of Labor-Minimum Requirement)] whose pertinent section provides as follows:

Certified True Copy:

SEYMOUR R. PAJARES
Chief Personal Specialist

"Section 1. Section five hundred and sixty-two, second paragraph, of the Revised Administrative Code is hereby amended to read as follows:

"Sec. 562. Legal hours of labor minimum requirement.

x x x

"Such hours, except for schools, courts, hospitals and health clinics where the exigencies of service so require, shall be as prescribed in the Civil Service Rules and as otherwise from time to time disposed in temporary executive orders in the discretion of the President of the Philippines but shall be eight (8) hours a day, for five (5) days a week or a total of forty (40) hours a week, exclusive of time for lunch: Provided, That any employee or laborer now in the employment of the government who shall suffer a reduction of his weekly or daily wage or compensation because of a reduction of the number of days or hours of labor in a week, as provided by this section, subject to the minimum daily or hourly wage or compensation or pay per piece already fixed under Republic Act Numbered Six Hundred and Two, shall be given an automatic increase in his daily or hourly wage or compensation or in the rate per piece, whose amount in a week or a day or per piece shall be equal to the diminution which his daily or hourly or per piece wage or compensation at the time this Act went into effect shall suffer on account of the reduction of days or labor to five days a week: And provided, further, That the salaries of employees received on monthly basis shall not suffer any diminution on account of the reduction of the number of days of labor a week." (underscoring supplied)

x x x

At the onset, it appears that the import of the aforesaid CSC Rule as contemplated in the aforesaid provision of the law providing for an eight-hour work day or forty-hour work week is to grant certain government employees engaged in certain professions an exemption to the generally established rule on eight-hour work day or forty-hour work week in recognition of the distinctive work situations they are in.

However, the Commission, in the exercise of its quasi-judicial functions had, in the past, issued two categorical rulings on teachers' work hours which essentially states that there must be a valid law expressly granting such exemption. Thus, there being no such law, teachers cannot claim exemption from the said prescribed hours of work. Through the said CSC Resolutions, the view that there is nothing in the law which limits the hours of work of teachers to only six (6) hours has been consistently affirmed. Moreover, in the same two previous resolutions, the Commission affirmed that what is limited to six (6) hours is the actual classroom teaching work of teachers.

The first CSC Resolution is CSC Resolution No. 91-1019 (Zaragoza, Ma. Lowella, Bonachita, Mercy, et.al, re Working Hours of Teachers) where the Commission's opinion was requested on whether public school teachers are required to render eight hours of work a day and whether deductions from their salary for the corresponding undertimes incurred is proper. In this instance, the Commission ruled that the teachers are not exempt from the

Certified True Copy:

[Signature]
SEYMOUR R. PAJARES
Chief Personnel Specialist

[Handwritten mark]

eight (8) hours of work provided for in RA 1880 and what is limited to 6 hours in the RA 4670 is only the actual classroom teaching. Deductions made from the salary of teachers for the corresponding undertime are legal.

The second resolution is CSC Resolution No. 94-5824 (ACT-Central Luzon, re Working Hours; Teachers) where the Commission's opinion was again requested for the reversion of the working hours of teachers from eight (8) hours a day to six (6) hours a day in consonance with existing laws and rules. Consistent with the aforesaid CSC Resolution, the Commission denied the instant request of the Alliance of Concerned Teachers, Central Luzon.

Nevertheless, the Commission recognizes that the Magna Carta for Public School Teachers (RA 4670) provides the foundation for the protection and the furtherance of the rights and interests of public school teachers in the government service. No reason is more compelling for the government than the protection of the government's most valuable resource as exemplified by these public school teachers by providing them better and more reasonable terms and conditions of work. This is underscored in Section 1, Item 1 (Declaration of Policy Coverage) of RA 4670, which provides, thus:

x x x

"Section 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." (underscoring supplied)

x x x

The Commission further recognizes that the work of public school teachers is distinct if not vital from the rest of other government employees. As the main contributor in molding the minds of the country's most valuable resource, its people, they are expected to perform with utmost commitment, effectiveness and competency. This may be done if their needs are responded to in a manner that is most favorable to them but still within the parameters of existing rules.

One way to respond to this need is to construe certain rules and legislation providing for the terms and conditions of their work in a reasonable manner. As it is, public school teachers experience high levels of stress, exhaustion and low morale while performing their work. This is because it is an acknowledged fact that the teacher-student ratio in this country is such that teachers bear heavy teaching load and even handle classes in work shifts. Aggravating this is the lack of physical infrastructure such as classrooms, faculty rooms and other school facilities critical in the promotion of better quality education.

Public school teachers' main duties include actual classroom teaching but they are also expected to prepare their lessons, correct school exercises, counsel, mentor and guide

Certified True Copy:

SEYMOUR F. PAJARES
Chief Personnel Officer



their students in their day to day activities and most often participate in school-wide and even community-based activities. In effect, the hours spent for actual classroom teaching and the abovesited duties and responsibilities complete and at times even exceed the required 8-hour work day.

Considering the foregoing realities being faced by public school teachers, the CSC is of the view that the prescribed eight (8) hours of work of public school teachers may be observed such that the six (6) hours of actual classroom teaching are spent within the school premises while the two (2) hours for non-teaching duties may be spent within or outside the school premises, provided there is a mechanism to account for the teachers' required output for two (2) hours as well as a mechanism to evaluate the overall performance of teachers. The Department of Education shall formulate guidelines to this effect.

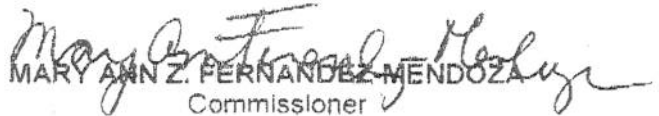
WHEREFORE, foregoing premises considered, the Commission hereby **RESOLVES** that public school teachers are not exempt from the eight (8) hours of work provided for in RA 1080 and what is limited to six (6) hours as provided for in RA 4670 is only the work hours devoted to actual classroom teaching.

The Commission **FURTHER RESOLVES** that the remaining two (2) hours work that complete the public school teachers' required 8-hour work day may be spent within or outside the school premises, provided that the Secretary of the Department of Education shall provide for pertinent guidelines therein.

Quezon City, JAN 28 2008

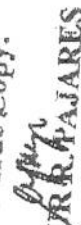

KARINA CONSTANTINO-DAVID
Chairman

On Leave
CESAR D. BUENAFLOR
Commissioner


MARY ANN Z. FERNANDEZ-MENDOZA
Commissioner

Attested By:


JUDITH D. CHICANO
Director IV
Commission Secretariat and Liaison Office

Certified True Copy:

SEYMOUR R. PAJARES
Chief Personnel Specialist
Commission Secretariat and Liaison Office