

Republika ng Pilipinas
(Republic of the Philippines)
MINISTRI NG EDUKASYON, KULTURA AT ISPORTS
(MINISTRY OF EDUCATION, CULTURE AND SPORTS)
Maynila

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MECS O R D E R
No. 10, s. 1985

REITERATING REGULATIONS RELATED TO CLASS DISRUPTIONS

To: Deputy Ministers
Assistant Secretaries
Bureau Directors
Regional Directors
Chief of Service and Heads of Centers/Units
Schools Superintendents
Vocational School Superintendents/Administrators

1. The Ministry is concerned over class disruptions that are encouraged by certain groups as a means of achieving economic and other objectives. While the government has committed to the increase in teacher welfare and is aware of the pressing need to raise teacher salaries, its means are limited and it is unable to immediately implement deserved and intended increases in compensation.
2. In 1984, the government granted across the board increases in compensation and in addition increased the number of Master Teacher slots, implemented the ERF program and various other measures such as a Sariling Sikap program for teachers and education support personnel. The President also recently signed Executive Order No. 1000 granting an across-the-board 10 per cent salary increase for teachers and other government employees.
3. Notwithstanding these measures and other steps being taken by government, some groups are inciting teachers to disrupt class work. While the Ministry and the government agree that teacher compensation needs to be increased and measures are in fact being taken to achieve this purpose, it cannot condone the use of disruptive measures as a means of attaining the objective.
4. As vital a service as education should not be disrupted, respecting the rights of students who are inevitably caught in between. Students are the innocent parties whose welfare is jeopardized by class disruption.
5. The overwhelming majority of teachers throughout the country are conscious of their responsibility and it is to remind those who seek to disrupt and harm student welfare that this MECS Order is issued, even as the Ministry appeals to all concerned to restore

normality in the schools system, particularly in the City of Manila where disruption has taken place.

6. The Ministry is also conscious of the fact that six (6) sets of class disruptions have taken place in recent years, during all of which the government has adopted a policy of maximum tolerance.

7. Definition

Generally, a "strike" is a simultaneous cessation or quitting of work by a body of workmen acting in combination for the purpose of coercing their employer to accede to some demands they have made upon him which he has refused. (31 Am. J. Rev. ed Lab Sec. 369; Ballantine Law Dictionary, 3rd ed.)

8. Under the Labor Code of the Philippines (PD No. 442, as amended), Article 226 thereof provides:

"Art. 226. Definition of Terms. - The term 'strike' shall comprise not only concerted work stoppages, but also slowdowns, mass leaves, sitdowns, attempts to damage, destroy or sabotage plant equipment and facilities, and similar activities."

9. Prohibitions Against Strikes

Section 28(c) of R.A. No. 2260 as amended provides:

"Sec. 28. Employee Relations and Services. -

xxx xxx xxx xxx xxx

"(c) Limitation of the Right to Strike. - The terms and conditions of employment in the Government, including any political subdivision or instrumentality thereof, are governed by law and it is declared to be the policy of the Government that the employees therein shall not strike for the purpose of securing changes in their terms and conditions of employment. Such employees, however, may belong to any labor organizations which does not impose the obligation to strike or to join strikes;

xxx xxx xxxx xxxx xxxx."

10. The provision is implemented by Section 16, Rule XVIII of the Revised Civil Service Rules, thus:

"Sec. 16. No group or groups of employees shall strike for the purpose of securing changes in their terms and conditions of employment. Such employees, however, may belong to any organization which does not impose the obligation to strike or to join strikes. xxx"

To put emphasis on the responsibilities and functions of the Civil Service Commission along this line, Art. 277 of the Labor Code of the Philippines (i.d.) states that --

"Art. 277. Government employees. - The terms and conditions of employment of all government employees, including employees of government owned and controlled corporations, shall be governed by the Civil Service Law, rules and regulations. xxx"

Memorandum No. 35 of the Bureau of Public Schools, s. 1970, also provides that the concerted action of teachers of leaving their classes without due permission from the school superintendent or without prior approval of an application for leave, can be considered "a strike" and therefore subject to administrative action conformably to Civil Service rules and regulations.

Mass Leaves

Leaves of absence by public school teachers are governed by Rule XVI of Civil Service Rules, as follows:

"Sec. 16. Applications for vacation leave of absence for one full day or more shall be submitted on the prescribed form for action by the proper chief of agency five days in advance, whenever possible, of the effective date of such leave.

"Sec. 20. Leave of absence for any reason other than serious illness of an officer or employee or of any member of his immediate family must be contingent upon the needs of the service.

"Sec. 21. If a violation of the leave laws, rules or regulations - which calls for disciplinary action, is discovered in the course of taking action on an application for leave, the officer concerned may forward said application for executive action, he shall state the reason therefor and follow the procedure provided in Rule XVIII. The procedure referred to need not be followed in case the application for leaves is disapproved on account of the exigencies of the service, such action not being considered disciplinary in character, but the application shall be forwarded just the same."

It is stressed that granting of leave of absence for reasons other from illness of employee or his immediate family is "contingent upon the needs of the service." This means that an application for vacation leave may not be granted if the services of the teacher cannot be dispensed with.

11. Public school teachers are on teachers leave basis. If they have service credits, such credits may be used to offset only sick leaves of absence. Vacation leaves of absence cannot be offset by vacation service credits and therefore a teacher who goes on vacation leave for personal reasons shall not receive pay corresponding to the period of absence.

12. A teacher who goes on vacation leave without prior approval of the schools division superintendent, shall be deemed to have abandoned his duty and is therefore subject to administrative disciplinary action conformably and Civil Service rules and regulations.

13. Other Concerted Action

With regard to certain actions like teachers reporting to school but not performing their functions of teaching ("work slowdown"), advising students not to come to school while they themselves report to work, attention is invited to grounds for disciplinary action under Sec. 36, Article IX on Discipline, P.D. No. 807, including the following:

- a. Neglect of duty
- b. Gross insubordination
- c. Refusal to perform official duty
- d. Conduct prejudicial to the best interest of the service

14. As prescribed in the Magna Carta for Teachers, teachers may participate in organization activities outside of office hours, or within office hours provided they have the permission of the school superintendent. They should, however, refrain from conduct prejudicial to the service which are subject to disciplinary action.

15. Supervisory Responsibilities

School division superintendents and principals are enjoined to carefully check the attendance of teachers and the performance of their functions during prescribed office hours. Those who are absent without prior approval by official concerned, or who refuse to perform their functions should be subjected to the appropriate administrative sanctions.

(SGD.) JAIME C. LAYA
Minister

References:

- BPS Memorandum: (No. 35, s. 1970)
MECS Orders: Nos. 17, s. 1983 and 9, s. 1985
Allotment: 1-2--(D.O. 1-76)

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