

REPUBLIC ACT 4670 OR THE MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS: STATUS OF IMPLEMENTATION AFTER 50 YEARS

BACKGROUND

If there is one education law in the country the provisions of which were written by its intended direct beneficiaries themselves, it is **RA 4670 or the Magna Carta for Public School Teachers**. Then Senator Jovito Salonga proudly admitted having the singular honor of giving it a name, coordinated the entire technical work in his office and stood as its principal sponsor and champion at the Senate. Both Houses of Congress passed it into law on May 19, 1966. Then President Ferdinand Marcos signed the newly enacted law on June 18, 1966.

RA 4670 was the advance legislative fulfillment of the country's solemn commitment to adopt and make integral part of its organic laws the ILO Recommendations Concerning the Status of Teachers which was ratified by the 178 education ministers meeting in Paris, France on October 5, 1966. The enactment was a response to strong clamor from educators and social reformers locally and internationally to protect the world's noblest profession because of its recognized vital importance in the task of nation-building.

Over half a century had passed since the legislation of RA 4670. How did the law fared in terms of ensuring that the rights and welfare of public school teachers are upheld and provided for in their performance of everyday service? Did it address the beleaguered and miserable condition of teachers thus contributing to uplifting teachers' status? OR Has this landmark piece of legislation been reduced to a virtual dead-letter law whose welfare and protection provisions have been ignored, forgotten or wrongfully implemented?

THE MAGNA CARTA AS A SPECIAL LAW

RA 4670 is a special law with 35 sections collectively called provisions clustered under seven (7) larger categories, namely: Declaration of Policy, Coverage, Recruitment and Career, Hours of Work and Remuneration, Health Measures and Injury Benefits, Leave and Retirement Benefits, Teachers' Organizations and Administration and Enforcement.

To implement the foregoing provisions, the Department of Education as chief implementing agency of the Magna Carta has a statutory and regulatory duty to ensure that provisions of the Magna Carta are implemented. The DepEd is mandated under Section 30 thereof to formulate and prepare the necessary implementing rules and regulations of the special law. Section 31 clearly states "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."



Provisions of the Magna Carta

- Declaration of Policy (Sec. 1)
- Title and Definition (Sec. 2)
- Recruitment and Qualification (Sec. 3)
- Probationary Period (Sec. 4)
- Tenure of Office (Sec. 5)
- Consent for Transfer / Transportation Expenses (Sec. 6)
- Code of Professional Conduct for Teachers (Sec. 7)
- Safeguards in Disciplinary Procedure (Sec. 8)
- Administrative Charges (Sec. 9)
- No Discrimination (Sec. 10)
- Married Teachers (Sec. 11)
- Academic Freedom (Sec. 12)
- Teaching Hours (Sec. 13)
- Additional Compensation (Sec. 14)
- Criteria For Salaries (Sec. 15)
- Salary Scale (Sec.16)
- Equality in Salary Scales (Sec. 17)
- Cost-of-Living Allowance (Sec. 18)
- Special Hardship Allowance (Sec. 19)
- Salaries to be Paid in Legal Tender (Sec. 20)
- Deductions Prohibited (Sec. 21)
- Medical Examination and Treatment (Sec. 22)
- Compensation for Injuries (Sec. 23)
- Study Leave (Sec. 24)
- Indefinite Leave (Sec. 25)
- Salary Increase upon Retirement (Sec. 26)
- Freedom to Organize (Sec. 27)
- Discrimination against Teachers Prohibited (Sec. 28)
- National Teachers' Organization (Sec. 29)
- Rules and Regulations (Sec. 30)
- Budgetary Estimates (Sec. 31)
- Penal Provisions (Sec. 32)
- Repealing Clause (Sec. 33)
- Separability Clause (Sec. 34)
- Effectivity (Sec. 35)

NON-OBSERVANCE/VIOLATIONS OF SOME PROVISIONS OF THE MAGNA CARTA

Many of Magna Carta's provisions intended to protect the professional rights and benefits of teachers such as study leave with pay, six hours of work (inclusive of preparation, correction and other incidentals), one rank promotion upon retirement, special hardship allowance, hazard pay, annual free medical check-up and hospitalization, indefinite sick leave of more than one year, step increments, compensation for injuries, transfer allowance among others have remained unimplemented, wrongly implemented or under-implemented to this day. Some provisions have become the subject of confiscatory regulatory circulars, legal opinions and side comments, adverse audit observation reports, notices of suspension and disallowances, separately or jointly issued by the DepEd, DILG, DBM, Civil Service Commission and COA.

Such arbitrary and confiscatory issuances have overtime effectively diminished and/or abolished the benefits/gains won by the public school teachers after hard and protracted struggles, pegged teachers' pay below their professional counterparts, forced teachers to handle oversized classes under conditions of shortages and scarcity, work for longer hours and even during weekends, leaving little time for themselves and their families, curtailed teachers' rights to academic freedom and denied them access to much needed health care and legal protection guaranteed by the Magna Carta and existing laws.

This paper is a Summary of a full-blown paper **"A Review of RA 4670 or the Magna Carta for Public Schools Teachers: Status of Implementation After 50 Years (1966-2016)"** consolidated by E-Net after focus group discussions and consultations with member teachers' organizations and their individual members, Action and Solidarity for the Empowerment of Teachers (**ASSERT**); Public Services Labor Independent Confederation (**PSLINK**); Samahang Manggagawang Pilipino – National Alliance of Teachers and Office Workers (**SMP-NATOW**); Teachers' Dignity Coalition (**TDC**) and Teachers & Employees Associations for Change and Education Reforms, Inc. (**TEACHERS, Inc.**)

PROPOSALS FROM TEACHERS ORGANIZATIONS UNDER E-NET PHILIPPINES ON SOME MAGNA CARTA PROVISIONS

Section 5: Tenure of Office. Teachers are the backbone of the public education system. Their right to security of tenure shall be promoted and protected. Teachers shall not be employed under contract of services, job orders or other precarious arrangements. All incumbent public school teachers employed under non-regular / precarious arrangements (casual, contractual, COS) who have rendered at least two years of continuous service shall be entitled to security of tenure.

Section 7: Code of Conduct for Teachers. Teachers organizations shall be part in the formulation of the Code of Professional Conduct for Teachers.

Section 8: Safeguards of Disciplinary Procedures. Teachers shall have the right to access free legal counsel and services in disciplinary proceedings.

Section 9: Administrative Charges. Teachers organizations shall be consulted when the machinery to deal with the disciplinary actions is established.

Section 11: For Married Teachers. (ADD) Section 11.1 Solo Parent (s). Solo parents shall not be discriminated to enter the teaching profession for as long as they meet the minimum qualifications of the profession.

Section 12: Academic Requirement. Teachers/teachers organizations should be given the essential role in the evaluation, changes or development of new curriculum, competency requirements, teaching aids and methods suitable for the learners within the framework of approved programs and with the assistance of educational authorities.

Section 15: Criteria for Salaries . Review if teachers' salaries compare favorably with those paid in other occupations requiring equivalent or similar qualifications, training and abilities; and Upgrade to insure teachers a reasonable standard of life for themselves and their families.

Section 27: Freedom to Organize. All teachers shall enjoy their right to freedom of association and collective negotiations. Teachers regardless of their employment status shall be able to form, join or assist trade unions, employees' organizations, labor management committees, work councils and other forms of employees' participation schemes of their own choosing at the local or national levels.

Section 28: Anti-Discrimination. Public school teachers shall have access to equal employment opportunities. All forms of employment or workplace discrimination (hiring, selection, promotion etc.) on the basis of race, gender, religion, national origin, physical or mental disability, age, sexual orientation, and gender identity should be proscribed and penalized.

Section 31: Budgetary Estimates. For E-Net to represent member teachers organizations in the Alternative Budgetary Conference. Teachers organizations must be provided a copy of costing for possible negotiations of the salaries and benefits.

Others

The teacher's professional license should be lifetime-based and renewal is not required for promotion and in availing other entitlements.

"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 and attract and retain in the teaching profession more people with proper qualifications."
(Magna Carta for Public School Teachers, June 18, 1966)

ISSUES TO BE RESOLVED:

From the various laws, their amendments, separate and joint implementing circulars, court decisions, observation reports and legal opinions relative to the implementation of the Magna Carta as cited by the teachers consulted, it can be gleaned that the recurring issues that need to be addressed to cure the perceived defects and weaknesses of this otherwise long forgotten and abused special law are the following:

- 1) Whether or not DepED, as the identified chief implementing agency of the Magna Carta, has done the mandate reposed upon it by RA 4670 of ensuring the fulfillment of the goals contained in its Declaration of Policy by
 - ◆ Making RA 4670's ambiguous provisions complete, unmistakably clear and unequivocal in its IRRs; and
 - ◆ Preparing and proposing to Congress the necessary budget to finance Magna Carta's unfunded provisions;
- 2) Whether or not the issuances promulgated by DepED, DILG, DBM, CSC, COA, alone or in conjunction with other government agencies, the provisions of which conflict with statutory provisions of RA 4670 will still be allowed to dominate and hold sway over the provisions of law they are supposed to implement in both letter and spirit.
- 3) Whether or not efforts are exerted to put in context the oft-misinterpreted side comments (*obiter dictum*) of the Supreme Court to avoid speculations of judicial legislations.

RECOMMENDATIONS:

- 1) For the Department of Education to conduct a thorough review of the various provisions of the Magna Carta, its own implementing rules and regulations, and all the issuances (orders, memorandums, and circulars) it promulgated from time to time with the sole purpose of harmonizing them. The participation of stakeholders especially teachers organizations should be ensured;
- 2) For the legislative branch to conduct inquiries in aid of legislation and in the exercise of its oversight function to determine what provisions of the Magna Carta badly need revision, repeal or amendments, or reinforcements, such as the need to strengthen its penal provision to cope with the changing realities of time and place. Study the proposals on specific provisions of the Magna Carta as detailed in E-Net's Review of the Magna Carta paper;
- 3) For the DepED to spearhead the launching of a nation-wide education and information campaign from down to bottom on the provisions of the Magna Carta through printing and publication, fora, studies and exchanges, and their integration into teachers' education curriculum.
- 4) For the teachers organizations under E-Net to conduct a more thorough evaluative process on the Magna Carta and submit additional proposals for inclusion in the Recommendations. Be part of the processes that will be organized by the DepED and the legislative fora to be conducted for this document.