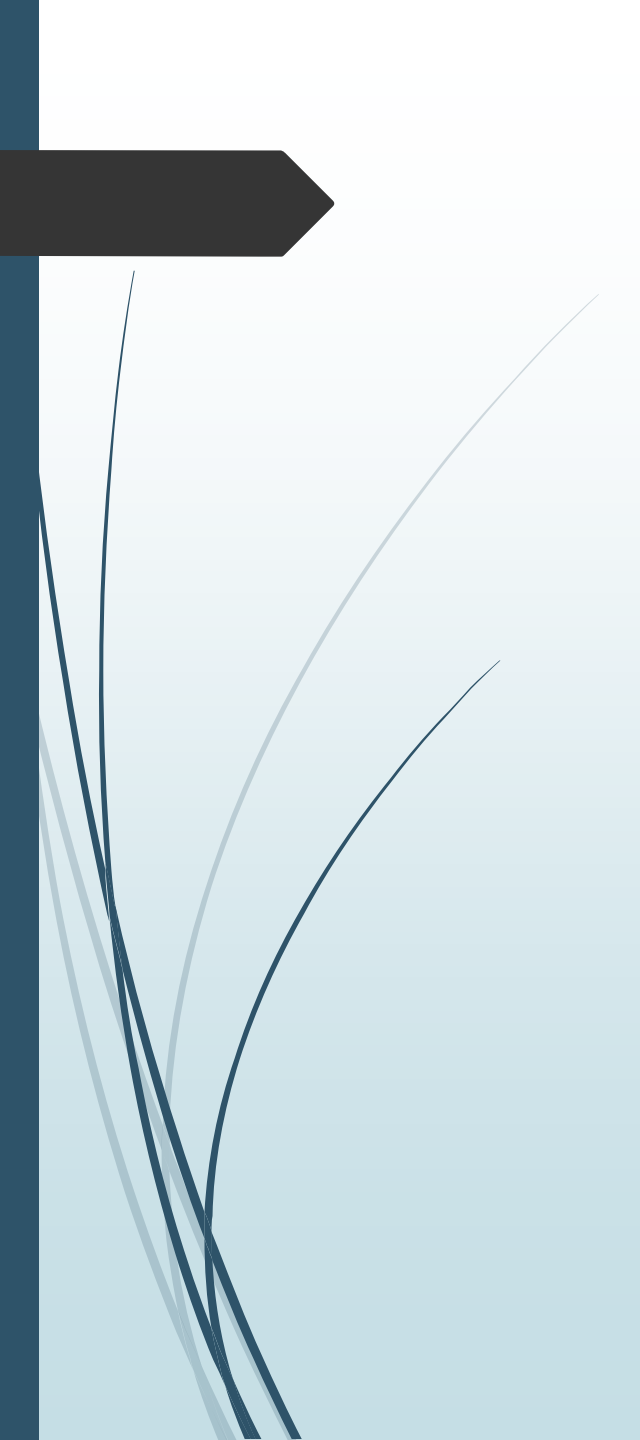




FACTS OF A CASE:

Sometime in September 2010, at around 3:00 in the afternoon, [Respondent] requested AAA to help him on something and directed her to the school's clinic. AAA heeded Respondent's request and while the two (2) were inside said clini, Respondent sexually harassed AAA by grabbing and kissing her, even to the extent of showing his genitalia. In another occasion, sometime in January 2011, when AAA was about to go inside the stockroom to borrow some books, Respondent invited her inside and, right there and then, touched her private parts and then seduced her to perform sexual communication with him.



A senior high-school student admitted that she has lost interest in school after being a victim of bullying by her classmates due to her height.

“I don’t want to go to school before because they always bully me and that makes me sad,” [she] said.

-excerpt from UNTVNews, Posted online on June 6th, 2017

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FACTS OF A CASE:

Petitioner, a married man, was employed as a teacher by the [respondent- private school from June 1980 until his dismissal on June 1, 1991. Likewise working as a teacher for the private respondent was [a married female teacher]. In the course of their employment, the couple fell in love [and had relationship].



ADDRESSING LEGAL AND ETHICAL ISSUES IN TEACHING

16th Conference of Philippine Schools Overseas

18 June 2018




Code of Ethics of Professional Teachers

(BPT Resolution No. 435 Series of 1997)

PREAMBLE

Teachers are duly licensed professionals who possess dignity and reputation with high moral values as well as technical and professional competence. In the practice of their noble profession, they strictly adhere to, observe, and proactive this set of ethical and moral principles, standard, and values.

- 
- ▶ Art. II THE TEACHER AND THE STATE
 - ▶ Art. III THE TEACHER AND THE COMMUNITY
 - ▶ Art. IV THE TEACHER AND THE PROFESSION
 - ▶ Art. V THE TEACHER AND THE TEACHING COMMUNITY
 - ▶ Art. VI THE TEACHER AND THE HIGHER AUTHORITIES IN THE PHILIPPINES
 - ▶ Art. VII SCHOOL OFFICIALS, TEACHERS AND OTHER PERSONNEL
 - ▶ Art. VIII THE TEACHER AND LEARNERS
 - ▶ Art. IX THE TEACHER AND PARENTS
 - ▶ Art. X THE TEACHER AND BUSINESS
 - ▶ Art. XI THE TEACHER AS A PERSON



Art. VIII THE TEACHER AND LEARNERS

XXX

Section 2. A Teacher shall recognize that the interest and welfare of learners are his first and foremost concern, and shall handle each learner justly and impartially.

XXX



► Art. XI THE TEACHER AS A PERSON

XXX

Section 3. A Teacher shall maintain at all times a dignified personality which could serve as a role model worthy of emulation by learners, peers, and others.

XXX



Child Abuse and Bullying Issues



Report on the Incidence of Child Abuse in Schools

2013-2014	2014-2015	2015-2016	2016-2017
521	2,706	7,558	1,863



Report on the Incidence of Bullying in Schools

2013-2014	2014-2015	2015-2016	2016-2017
1,190	10,339	29,723	19,672



**Child Protection
Policy**



**Anti-Bullying
Act**



DepEd Child Protection Policy

Policy and Guidelines on Protecting Children in School from Abuse, Violence, Exploitation, Discrimination, Bullying and Other Forms of Abuse

(DepEd Order No. 40, s. 2012)

LEGAL BASES

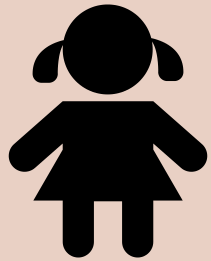
**United Nations Convention
on the Rights of the Child (UNCRC)**

The 1987 Philippine Constitution

Family Code of the Philippines

**Code of Ethics for Professional
Teachers**

United Nations Convention on the Rights of the Child (UNCRC)



**Best Interest
of Children**



**The Right
to Life,
Survival and
Development**



**Non-
Discrimination**



**The Right to be
heard and to
Participate**

The 1987 Philippine Constitution

Art. XV. Sec. 3[2]

The State shall protect the right of children to:

- assistance, including
- proper care and nutrition, and
- special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

The 1987 Philippine Constitution

Article XIV, Section 3, (b)

All educational institutions shall, among others:

- foster** love for humanity and respect for human rights.
- teach** the rights and duties of citizenship.
- develop** moral character and personal discipline.

Family Code of the Philippines

Article 218, 220,
233 and PD 603

- Gives the school, its administrators and teachers, or the individual, entity or institution engaged in child care the **special parental authority and responsibility** over the minor child while under their supervision, instruction or custody.
- The person exercising substitute parental authority shall have the same authority over the person of the child as the parents.
- In **no case** shall the school administrator, teacher or individual engaged in child care exercising special parental authority **inflict corporal punishment** upon the child.

Code of Ethics for Professional Teachers **Art. VIII**

xxx

Sec. 3 Under no circumstance shall a teacher be prejudiced nor discriminatory against any learner.

Sec. 8 A teacher shall not inflict corporal punishment on offending learners nor make deductions from their scholastic ratings as a punishment for acts which are clearly not manifestation of poor scholarship.

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DepEd's MISSION


To protect and promote the right of every Filipino **to quality, equitable, culture-based, and complete basic education** where:

- Students learn in a child-friendly, gender-sensitive, safe, and motivating environment ...



Child Protection

Refers to programs, services, procedures and structures that are intended to prevent and respond to abuse, neglect, exploitation, discrimination and violence



The Department of Education shall ensure that schools are a safe place for the education of children.

The best interest of the child shall be the paramount consideration in all decisions and actions involving children.

This is a zero-tolerance policy for any act of child abuse, exploitation, violence, discrimination, bullying and other related offenses



Who is a child?

Any person **below eighteen (18) years of age** or **those** over but are **unable to fully take care of or protect themselves** because of a physical or mental disability or condition.

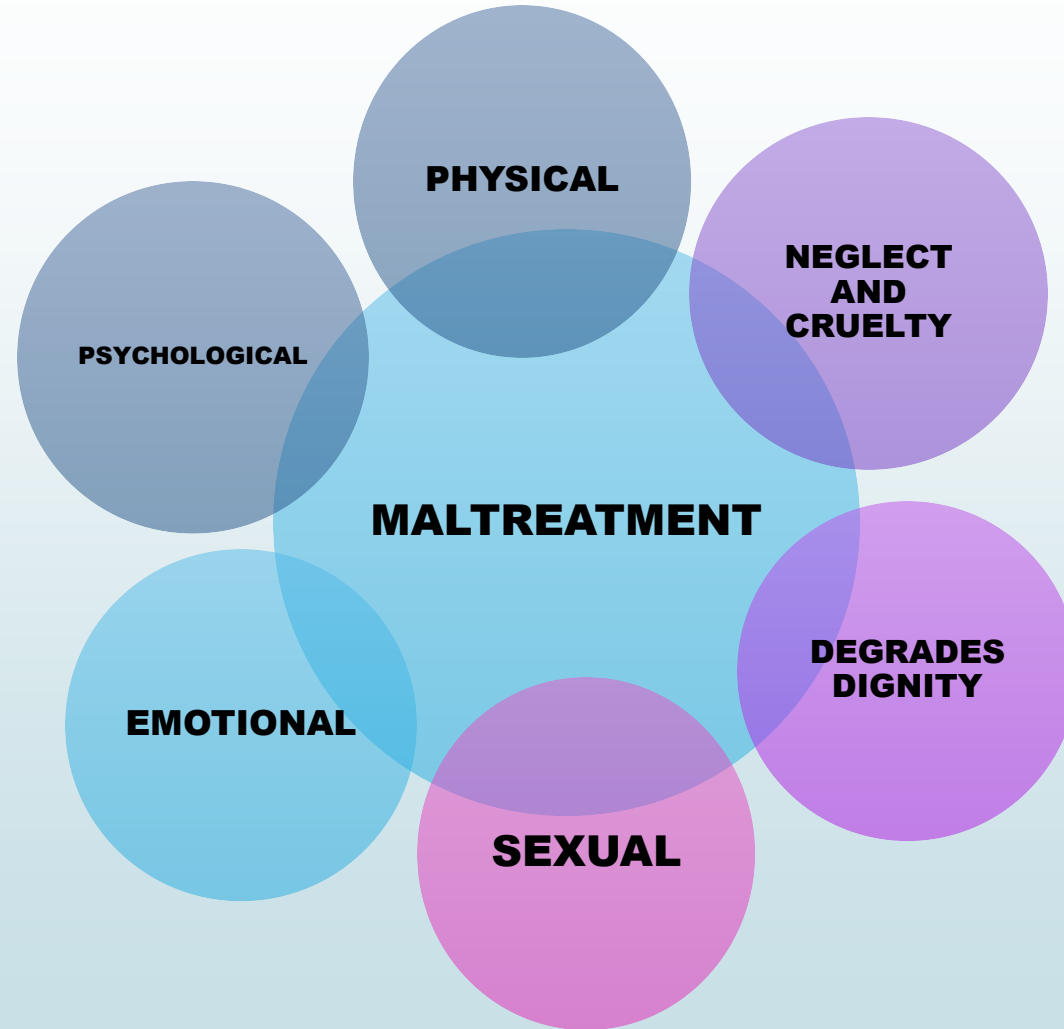
Pupils or students who may be eighteen (18) years of age or older but are in school.



Prohibited Acts:

- Child abuse
- Discrimination against children;
- Child exploitation;
- Violence against children in school;
- Corporal punishment;
- Any analogous or similar acts; and
- Bullying or peer abuse

CHILD ABUSE






CSC Resolution No. 150908

Dec. 23, 2015

► RULING:

[Respondent] clearly demonstrated an unlawful behavior brought about by sexually harassing AAA ... Scuh actuations ... truly deserve serious attention as these are irregular, unlawful and beyond decency and norms expected from a high school teacher...His immoral and threatening acts are without doubt unbecoming of a teacher. As a teacher, he is considered under the law as a second parent to students in the school and, thus, would naturally commit to provide special protection and assistance to them.

- 
- ▶ xxx a school is considered the heart of formal education. It is where students advance and learn. Its aim is to provide the basic education and instill values for all learners, Hence, the law and society put high regard in learning institutions and demand from those serving in them the highest standard of morality and decency. Indeed, those who fail to live up to these standards deserves accountability with the highest penalty and must perforce be removed therefrom to protect and preserve the institution.
 - ▶ Respondent was found liable for Grave Misconduct and penalized with dismissal from the service with all its accessory penalties.



DepEd Order No. 55, 2013

IRR Anti-Bullying Act 2013



Threats



Stalking



Taking of Property



Public Humiliation



Damage of Property



Physical Violence



Demanding Sexual
or Monetary Favors

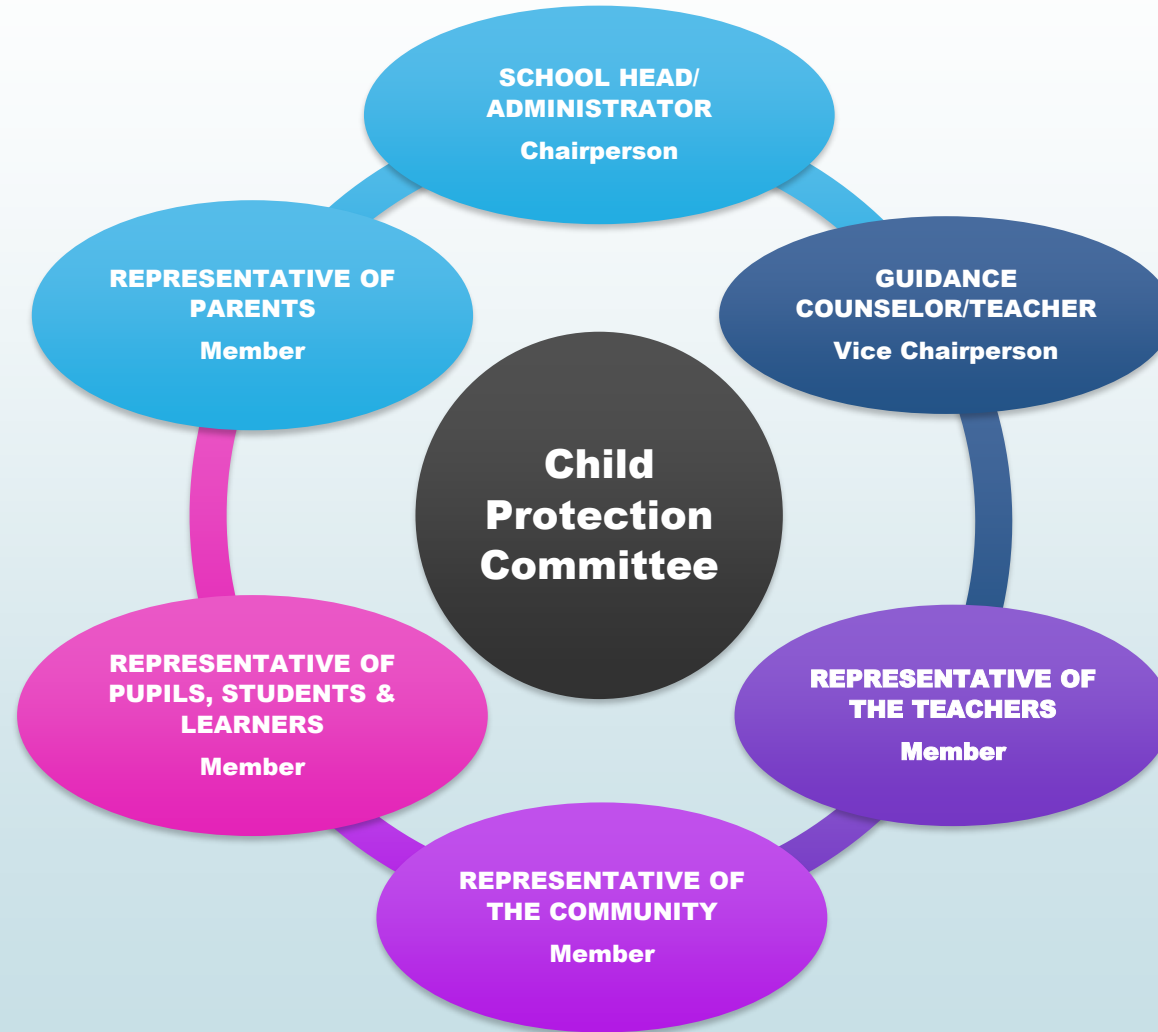


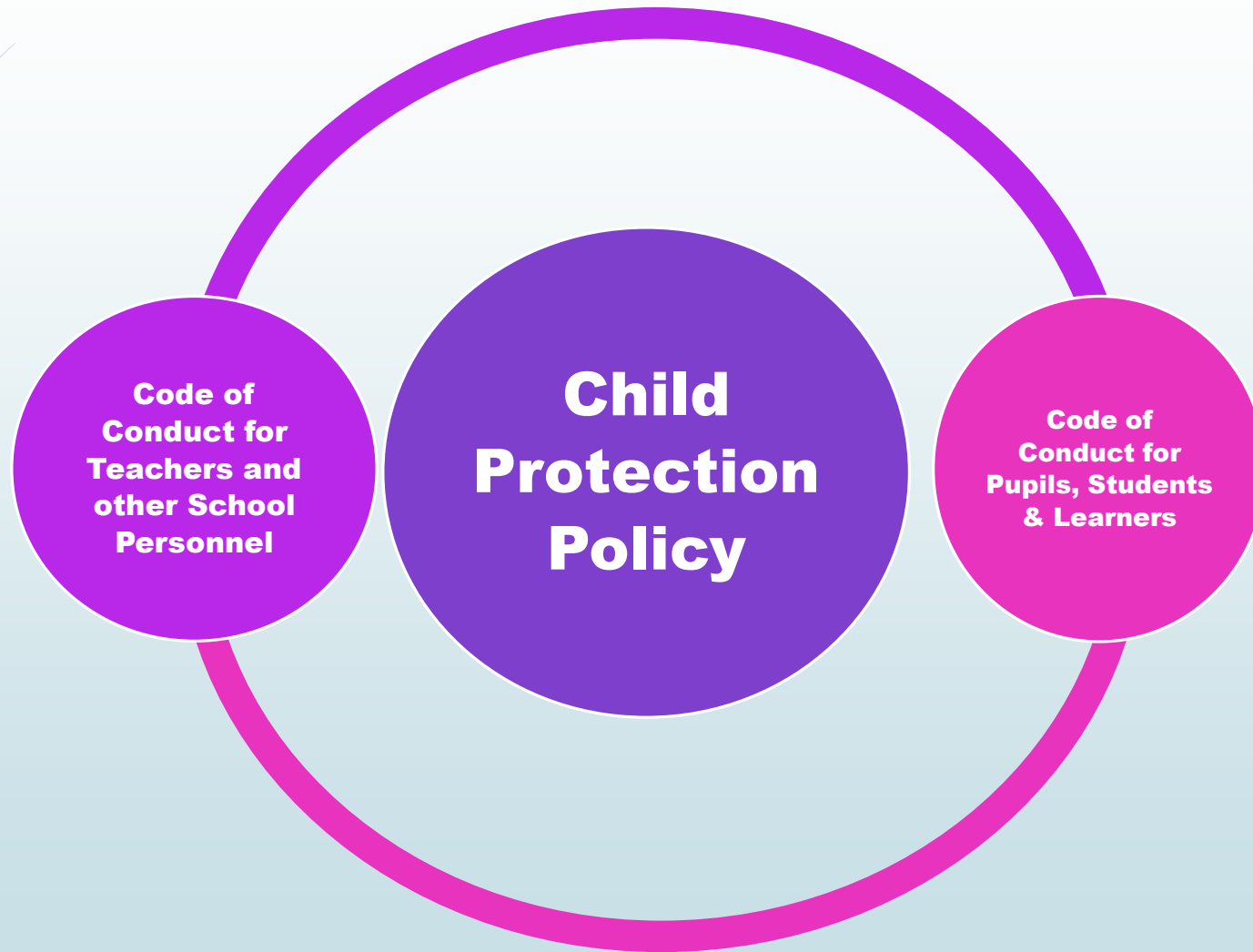
Restraining the Freedom
and Liberty of a Pupil
or Student



DUTIES AND RESPONSIBILITIES

SCHOOLS







POSITIVE DISCIPLINE IN EVERYDAY TEACHING

An approach to teaching that helps children succeed, gives them the information they need to learn, and supports their development. It respects children's rights to healthy development, protection from violence, and active participation in their learning.



Manual of Policies, Standards and Regulations

For Philippine Schools Oversea

3rd Edition

- ▶ Section 20. Policy. All Philippine Schools Overseas shall be established and operated in accordance with the provisions of this MPSR, and shall be subjected to the general supervision and regulation of DepEd.

- ▶ Section 57. Authority to Promulgate Students Handbook and Code of Conduct. xxx

Each Philippine School Overseas is required to incorporate in its student's handbook a provision about the Child Protection Policy and Anti-Bullying Policy...

CONFIDENTIALITY

CHILD

The identity or other information that may reasonably identify the pupil, student or learner, whether victim or offender, shall be withheld from the public to protect his or her privacy.

TEACHER

No publicity shall be given to any disciplinary action against a teacher during the pendency of his or her case.

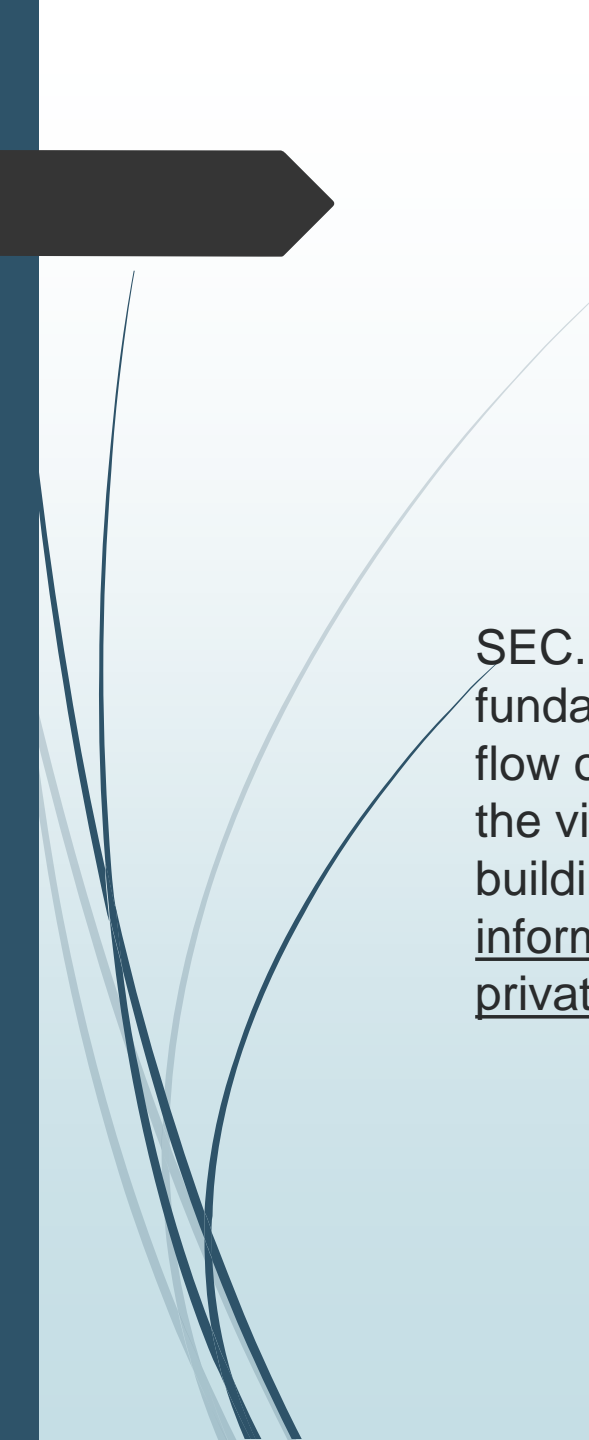


Data Privacy Issues



DATA PRIVACY ACT

RA 10173



SEC. 2. *Declaration of Policy.* – It is the policy of the State to protect the fundamental human right of privacy, of communication while ensuring free flow of information to promote innovation and growth. The State recognizes the vital role of information and communications technology in nation-building and its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are secured and protected.



SCOPE

WHAT: Processing of all types of personal information

WHO: Natural or juridical person involved in data personal information processing



TYPES OF INFORMATION

► Personal information

- Any information, recorded in a material form or not, from which **the identity of an individual:**
 - Apparent
 - Can be reasonably and directly ascertained by entity holding the information
 - When put together with other information, would directly and certainly identify an individual



TYPES OF INFORMATION

► Sensitive personal information

► Personal information:

- Race, ethnic origin, marital status, color, **age** and religious, philosophical and political affiliation
- Health, **education**, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have been committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings
- **Issued by government agencies peculiar to an individual** which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension, revocation and tax returns
- Specifically established by an executive order or an act of Congress to be kept classified

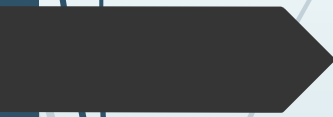


Morality Issues


Santos, Jr. v. National Labor Relations Commission

G.R. No. 115795, [March 6, 1998], 350 PHIL 560-573)

xxxthe gravity and seriousness of the charges against {Respondent] stem from his being a married man and at the same time a teacher. We cannot over-emphasize that having an extra-marital affair is an affront to the sanctity of marriage, which is a basic institution of society. Xxx

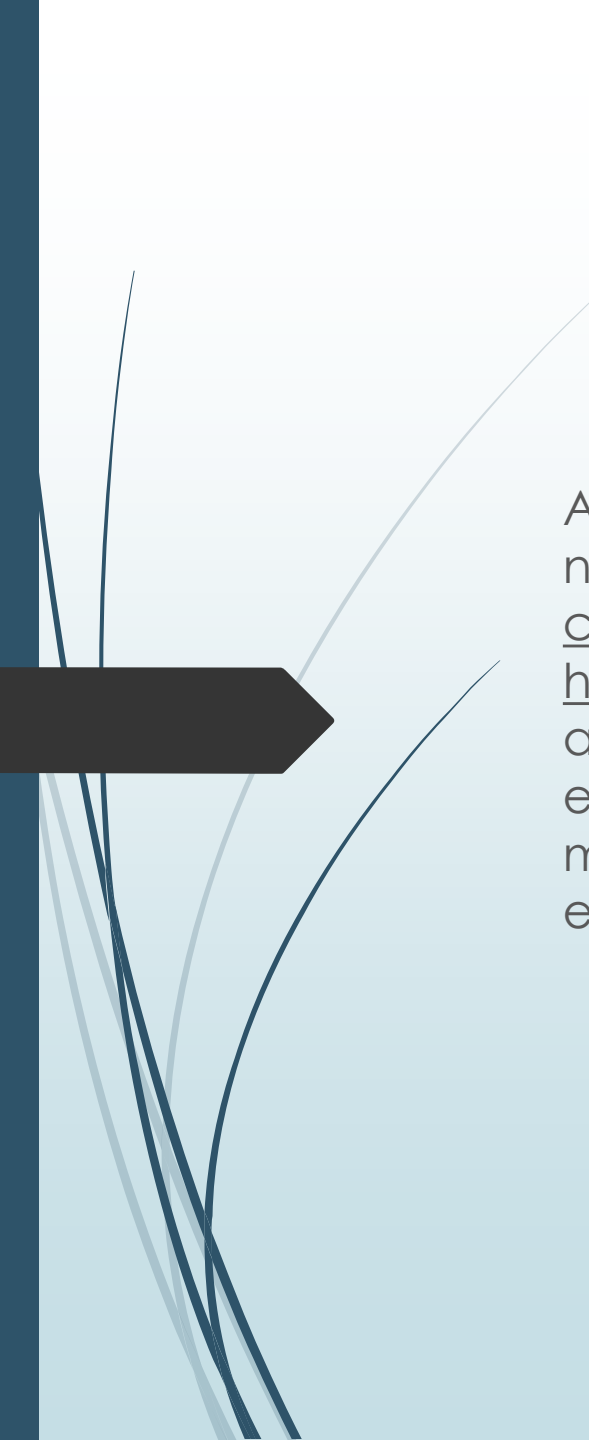


As a teacher, petitioner serves as an example to his pupils, especially during their formative years and stands in loco parentis to them. To stress their importance in our society, teachers are given substitute and special parental authority under our laws. Consequently, it is but stating the obvious to assert the teachers must adhere to the exacting standards of morality and decency. There is no dichotomy of morality. A teacher, both in his official and personal conduct, must display exemplary behavior. He must freely and willingly accept restrictions on his conduct that might be viewed irksome by ordinary citizens. In other words, the personal behavior of teachers, in and outside the classroom, must be beyond reproach.



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Accordingly, teacher must abide by a standard of personal conduct which not only proscribes the commission of immoral acts, but also prohibits behavior creating a suspicion of immorality because of the harmful impression it might have on the students. Likewise, they must observe a high standard of integrity and honesty. From the foregoing, it seems obvious that when a teacher engages in extra-marital relationship, especially when the parties are both married, such behavior amounts to immorality, justifying his termination from employment.

Puse v. Santos-Puse

G.R. No. 183678, [March 15, 2010], 629 PHIL 483-505)

FACTS OF THE CASE:

Petitioner is a registered Professional Teacher stationed at S. Aguirre Elementary School, East District, Jose Panganiban, Camarines Norte, while respondent is a Barangay Rural Health Midwife assigned at the Municipal Health Office of Jose Panganiban, Camarines Norte.

It appears that on 10 January 1992, petitioner married respondent Ligaya delos Santos-Puse at the Municipal Trial Court (MTC) of Daet, Camarines Norte before the Hon. Judge Oscar T. Osorio. He had two (2) children with her, and had a church wedding before respondent found out that petitioner was already married. Respondent discovered that petitioner had already gotten married to Cristina Pablo Puse at the Municipal Trial Court in Cities of Laoag City, Ilocos Norte on 27 December 1986. Respondent likewise learned that he has two (2) children with his first wife.



Neither is there merit to petitioner's contention that because he contracted the bigamous marriage before he even became a teacher, he is not required to observe the ethical standards set forth in the Code of Ethics of Professional Teachers.

In the practice of his profession, he, as a licensed professional teacher, is required to strictly adhere to, observe and practice the set of ethical and moral principles, standards and values laid down in the aforesaid code. It is of no moment that he was not yet a teacher when he contracted his second marriage. His good moral character is a continuing requirement which he must possess if he wants to continue practicing his noble profession. In the instant case, he failed to abide by the tenets of morality. Petitioner kept his first marriage secret to his second wife. Unfortunately for him, his second wife discovered his true marital status which led to the filing of the administrative and criminal cases against him.

CSC Resolution No. 992642

Dec. 2, 1999

A Teacher was charged for Disgraceful and Immoral Conduct and Conduct Prejudicial to the Best Interest of the Service due to the act of having a baby fathered by a man other than her husband.

While the Teacher was married to her husband, Rio in 1981, their physical union lasted only for a couple of years for the latter unilaterally decided to leave the conjugal dwelling and abandoned his responsibilities as a husband and a father to his young family. That for a period of 14 years, she tried to locate the whereabouts of her husband. However, the same served futile, until such time that she learned that her husband had allegedly died in the US. In the process of waiting for any news about her husband and fending for himself and her children, she met another man. This relationship produced an offspring in 1996. She filed a Petition for Declaration of the Presumptive Death of her husband and the court decided in her favor. She eventually married her paramour in 1997.



RULING:

Marriage is one of the basic rights of man...Although the act of bearing a child outside of a lawful marriage is frowned upon, [the Teacher] cannot be made to perpetually suffer the same when the incidents surrounding her case is not of her own doing. She did not abandon her duties and responsibilities...Instead she was the one abandoned and left to look after herself. Further, she tried to rectify whatever wrong she had committed by removing all the legal impediments in her married life in accordance with law in order for her to be given a chance to finally enjoy the full benefits of marriage.

She was exonerated of the charges.



*Thank you. **

*Thank you also to the DepEd-OULA Child Protection Program Secretariat
Through Ms. Edna for the borrowed slides and info.