

11 JAN. 2016

Recipients :.....SRD.....
.....
.....Enclosure
PHILIPPINE MISSION TO THE UNITED NATIONS
AND OTHER INTERNATIONAL ORGANIZATIONS

CBR-001-2016

MISYON NG PILIPINAS SA MGA NAGKAKAISANG
BANSA AT IBA PANG SAMAHANG PANDAIGDIG**EXTREMELY URGENT AND CONFIDENTIAL**

7 January 2016

Dear Mr. Singh and Ms. Tauli-Corpuz,

The Philippine Mission wishes to refer to your Joint Communication of 21 September 2015 concerning the alleged closure and disruption of classes in community schools serving mostly indigenous children, particularly in regions Mindanao, XI and XII, due to both a government directive to close schools and alleged systematic attacks reportedly by state and alleged paramilitary forces on schools (including children, teachers and parents), often in collusion with local authorities.

The Philippine Mission submits the following responses to the said Joint Communication:

1. On alleged closure of schools as mentioned in para 2 of page 2 of the Joint Communication:

- No less that the Department of Education Undersecretary for Legal and Legislative Affairs, who, upon being made aware of such allegation, issued memorandum to the Regional Director informing him that the recommendation of the Schools Division Superintendent (SDS) of the Department of Education (DepEd) of Davao del Norte will be a violation of the Optional Protocol on the Involvement of Children in Armed Conflict of the Convention on the Rights of the Child, the UN Security Council Resolution 2143 (2014), and DepEd Memorandum No. 221 s.2013.
- We also note that the community schools referred to in the Joint Communication of the Special Rapporteurs are the Salugpongan Ta Tanu Igkanogon Community Learning Centers (STTICLC) in Talaingod, Davao del Norte. **These schools were not closed down.** In fact, the Department issued to STTICLC a permit to operate for School Year 2015-2016 despite the delayed submission of its application and corresponding requirements to renew its permit, so as not to impede the education of the children enrolled in the said schools.
- We note that the recommendation of the SDS emanated from the Resolution of the tribal leaders in Talaingod, Davao del Norte, requesting the Department of Education to temporarily close down the Salugpongan Ta Tanu Igkanogon Community Learning Centers (STTICLC) in Talaingod, Davao del Norte and to conduct an investigation as to whether or not the operation of the said schools is within the mandate and policies of the Department.
- With respect to the allegations of disruption of classes due to military presence and encampment in community schools serving indigenous peoples in Mindanao and systematic attacks on these schools by government and paramilitary forces as mentioned in paragraph 5 of page 2, the allegations in the aforementioned paragraph do not tally with the report received by the DepEd. DepEd has received only one report of an incident of military encampment in one public school in Davao Oriental, the Kalasagan Elementary School in Lupon, San Isidro, Davao Oriental which was allegedly occupied by members of government forces. However, upon verification, the school head of the public school belied such report, stating that the members of the military stayed in Purok Barangay Sangay, Mati and Purok Barangay San Isidro, Lupon, which is 300 meters away from the Kalasagan Elementary School.

- We wish to stress that allegations of military presence in school or violation of child rights are immediately referred to the Inter-agency Committee on Children in Armed Conflict (IAC-CIAC) of which the AFP is a member. The IAC-CIAC was established to address concerns and issues of children in conflict and to provide timely and appropriate responses.
- We also wish to stress that in cases of armed conflict where a school is affected and which have resulted to the disruption or suspension of classes, the Department, after validating such incidents, provides psycho-social interventions and educational services through alternative delivery modes to the affected children.
- In relation to para 1 and 3 of page 3 of the Joint Communication, the DepEd received the following reports from the Save our Schools (SOS) Network on 30 November 2014:
 - *Military encampment in the STTICLC in Sitio Km. 30, Barangay Palma Gil, Talaingod, Davao del Norte. The soldiers stayed both at the school and the teachers' staff house (26-30 March 2014).* The report was belied by the DepEd SDS. A dialogue was conducted on 6 November 2014 with the IP groups, community leaders, military personnel, Mindanao Inter-faith Service Foundation Inc. and the Office of the Municipality of Talaingod, Davao del Norte, to clear the issue. It was found out during the dialogue that this report was baseless.
 - *Military encampment in the STTICLC school in Purok 12, Sitio Nasilaban, Barangay Palma Gil, Talaingod, Davao del Norte. The soldiers encamped near the Nasilaban Elementary School and STTICLC (1-12 April 2014).* Per verification with the SDS of the DepEd Division of Davao del Norte, it was admitted by members of the military during the dialogue on 6 November 2014 that their detachment was near the Nasilaban Elementary School. However, they claimed that it was the community of Barangay Palma Gil, Talaingod that requested their presence in the said area.
 - *Encounter between government forces and rebels in Barangay Palma Gil, Talaingod, Davao del Norte which resulted to suspension of classes in Schools near the area. Bullets hit the pre-school building during the exchange of gunfire (16 October 2014).* The Department, after being informed of the said incident, immediately directed the DepEd Division of Davao del Norte to coordinate with the Regional Medical Officer to facilitate the provision of psycho-social interventions to the learners and school personnel who were traumatized as a result of the incident.
- We wish to note that DepEd Secretary Armin Luistro had a dialogue with the SOS Network on 2 December 2014 and requested them to provide evidence of encampment by members of the AFP, such as videos, photos or other forms of documentation. This was formally conveyed to SOS Network in a letter on 5 December 2015, but to this date DepEd has not received any evidence from the Network.
- With respect to para 2 of page 3 of the Joint Communication, the DepEd has not received reports pertaining to the said incidents. These were also not brought up during the Department's dialogue with the SOS Network and administrators of the STTICLC on 7 July 2015.
- In relation to the allegation that the incursions of the military in the STTICLC schools were formally authorized by the DepEd as mentioned in para 4 of page 3 of the Joint Communication, it must be emphasized that DepEd Memorandum No. 221, s. 2013 prohibits military presence in schools and is the basis for investigating grave child rights violations committed in schools. The said Memorandum was presented and discussed in the Inter-Agency Committee on Children in Armed Conflict (IAC-CIAC) as well as in the UN Country Task Force on Monitoring and

Reporting. Further, the said DepEd Memorandum was anchored from Letter Directive No. 25, s. 2013 of the Armed Forces of the Philippines (AFP) which strictly prohibits any of its personnel from entering a school without prior approval from DepEd. The said Letter Directive of the AFP prescribes the policies and guidelines in the conduct of AFP activities in order to prevent the occurrence of any of the six grave child rights violations during armed conflict.

- In relation to this year's incidents of alleged military presence and encampment in community schools in Davao Oriental which allegedly affected 1,700 students and about 50 teachers and school staff as mentioned in para 5 of page 2 of the Joint Communication, and 1,686 students and 42 teachers in both community and public schools serving mostly indigenous children in Talaingod and Kapalong, Davao del Norte, it was stressed that **no proof has been submitted by SOS Network or any other NGO to support these figures.**

2. On the allegations of attacks, threats and harassments on schools and against teachers, students and parents in Davao Oriental and Davao del Norte reportedly by state and alleged paramilitary forces often in collusion with municipal authorities, DepEd consistently referred the incidents cited by the SOS Network to the Inter-Agency Committee on Children in Armed Conflict (IAC-CIAC).

3. On the measures taken in the Philippines' public schools to allow indigenous groups to enjoy their own culture, traditional practices and language, the DepEd issued Department Order No. 62 entitled "Adopting the National Indigenous Peoples Education Policy Framework," which aims to make policies more culturally sensitive and responsive to the different schools and communities in the country.

4. On the support provided by DepEd to community schools in Mindanao, particularly in Davao and Caraga region, the Department expedited the issuance of permits to IP schools pursuant to Order No. 21, s. 2014. Unfortunately, some NGO-run learning centers have failed to apply for permits.

5. On measures taken by public schools in the Philippines, particularly in Mindanao, to ensure the implementation of educational measures that protect the child from all forms of violence, including armed conflict, the Department has issued the following:

- DepEd Order No. 40, s. 2012 or the Child Protection Policy, which aims to protect children in school from abuse, violence, exploitation, bullying, discrimination and other forms of violence. Under the DepEd Child Protection Policy, all public elementary and secondary schools, including private schools are required to establish their respective Child Protection Committees (CPC) that will handle all issues of violence in schools.
- DepEd Order No. 55, s. 2013 or the Implementing Rules and Regulation of the Anti-Bullying Act of 2013. Under this policy, all public and private elementary and secondary schools are mandated to come up with their respective School's Anti-Bullying Policy anchored on the Anti-Bullying Act of 2013.
- DepEd Memorandum No. 221, s. 2013 entitled "Guidelines on the Protection of Children during Armed Conflict." This Department Memorandum provides for the reporting and monitoring of grave child rights violations in the context of armed conflict.

6. On the legislative or other measures that have been put in place to guarantee the realization of the right of everyone to education in conditions of peace and security, the government established the IAC-CIAC and the Monitoring, Reporting and Response System through the Council for the Welfare of Children (CWC) to address issues and concern of children in conflict areas and provide them timely and appropriate responses.

7. In case of armed conflict where a school is affected resulting to the disruption and/or suspension of classes, the DepEd Schools Division Offices have a steady directive to coordinate with the local government unit concerned and the school head is tasked to ensure the delivery of educational services to the affected children through alternative delivery modes.

By way of additional reference, attached to this letter are copies of the following documents:

- Department of Education (DepEd) Memorandum No. 221, s. 2013 (Guidelines on the Protection of Children During Armed Conflict);
- DepEd Order No. 21, s. 2014 (Guidelines on the Recognition of Private Learning Institutions Serving Indigenous Peoples Learners); and
- DepEd Order No. 62, s. 2011 (Adopting the National Indigenous Peoples (IP) Education Policy Framework)

In view of the foregoing, the Philippine Government is of the view that it has substantially complied with the provisions of the United Nations Convention on the Rights of the Child (UN-CRC) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Sincerely yours,



CECILIA B. REBONG
Permanent Representative

Office of the High Commissioner for Human Rights
Palais de Wilson
Geneva, Switzerland

Attention:

Mr. Kishore Singh
Special Rapporteur on the Right to Education

Ms. Victoria Lucia Tauli-Corpuz
Special Rapporteur on the Rights of Indigenous Peoples

OHCHR REGISTRY

11 JAN. 2016

Recipients :...S.P.O.....

Enclosure



Republic of the Philippines
Department of Education

DepEd MEMORANDUM
 No. 221, s. 2013

13 DEC 2013

GUIDELINES ON THE PROTECTION OF CHILDREN DURING ARMED CONFLICT

To: Undersecretaries
 Assistant Secretaries
 Bureau Directors
 Directors of Services, Centers and Heads of Units
 Regional Directors
 Schools Division Superintendents
 Heads, Public and Private Elementary and Secondary Schools
 All Others Concerned

1. Pursuant to and in compliance with the following national and international laws and agreements, the Department of Education (DepEd) issues this Memorandum to protect the rights of children even during armed conflict:

- a. **Section 3, Article XV of the 1987 Constitution** mandates the State to defend the right of children to assistance and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development;
- b. **Republic Act No. 7610, also known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act**, provides that a comprehensive program shall be formulated to protect children against any form of abuse which endangers child survival and normal development and declares children as zones of peace and provides for the monitoring and reporting of children in situations of armed conflict;
- c. **Republic Act No. 9851, also known as the Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity**, includes as crimes against International Humanitarian Law the conscripting, enlisting or recruiting of children under the age of fifteen (15) into the national armed forces and children under the age of eighteen (18) years into an armed force or group other than the national armed forces, and using them to participate actively in hostilities;
- d. **Executive Order No. 138, dated August 2, 2013, entitled Amending Executive Order (EO) No. 56, s. 2001, and Adopting the Comprehensive Program Framework for Children in Armed Conflict, Strengthening the Council for the Welfare of Children (CWC) and for other purposes;**
- e. **United Nations Conventions on the Rights of the Child (UNCRC) and its Optional Protocol on the Involvement of Children in Armed Conflict** which prohibit the recruitment of children in armed conflict and call for feasible measures to ensure the protection and care of children who are affected by armed conflict;

- f. **United Nations Security Council (UNSC) Resolution Nos. 1539, s. 2004 and 1612 s. 2005**, request State Parties to develop and implement Action Plans on the recruitment and use of minors and mandates the establishment of the Monitoring and Reporting Mechanism (MRM) on Grave Child Rights Violations in Situations of Armed Conflict;
- g. **UN Security Council Resolution Nos. 1882, s. 2009 and 1998 s. 2011** call upon State Parties to take decisive and immediate action against abuses committed against children in situations of armed conflict and call for the integration of post-conflict recovery and reconstruction planning, programs and strategies.

2. In view of the aforementioned national and international laws and agreements, the Armed Forces of the Philippines (AFP) issued the enclosed Guidelines in the Conduct of their Activities Inside or Within a School or a Hospital.

3. The said Guidelines will serve as a guide for all members of the AFP before they can conduct their activities inside the premises of public elementary and secondary schools to ensure that rights of the children are not violated.

4. The school principals who will receive written requests for the conduct of AFP activities in their respective schools shall forward the requests to the division office (DO) for the information and approval of the schools division superintendent (SDS) concerned and provide a copy of the written request to the regional office (RO) and the Office of the Undersecretary for Legal and Legislative Affairs for monitoring purposes.

5. After the conduct of the AFP activity, the school principal shall submit a report to the DO, copy furnished the RO and the Office of Undersecretary for Legal and Legislative Affairs to validate whether such activity was conducted peacefully or not.

6. In case of violations of the enclosed AFP Guidelines, the school principal shall report the same to the DO, copy furnished the RO and the Office of Undersecretary for Legal and Legislative Affairs.

7. Further, school heads (SHs) or any teaching or non-teaching school personnel who have any information on incidents of Grave Child Rights Violations (GCRVs) committed by any person in the context of armed conflict shall report the same to the Council for the Welfare of Children (CWC) MRRS hotline nos.: 0915-722-5993/0927-436-1436 or through email address: mrrs@cwc.gov.ph within 24 hours from the time the incident happened/occured, copy furnished the RO and the **Office of the Undersecretary for Legal and Legislative Affairs**. The report shall indicate the following data/information:

- a. Source of Data
Name of Reporting Party:
Agency:
- b. Event Information
Source of Information:
Date and Time of Incident:
Location:
No. of Children Affected:
 No. of Girls:
 No. of Boys:
Name/s and Age of Affected Children:
Name of Armed Group or Forces Involved:
- c. Short Description of the incident

8. For purposes of this Memorandum, the GCRVs refer to crimes against children in the context of armed conflict, that constitute flagrant violations of their human rights and have severe consequences on their lives. These can be committed by any person or group who are parties of the conflict. These crimes include, but not limited to, the following:

- a. Killing or maiming of children;
- b. Recruitment or use of children in armed conflict;
- c. Rape and other forms of sexual violence against children;
- d. Abduction of children;
- e. Attacks against schools or hospitals; and
- f. Denial of humanitarian access to children.

9. Immediate dissemination of this Memorandum is desired.


BR. ARMIN A. LUISTRO FSC
Secretary

Encl.:

As stated

Reference:

DepEd Memorandum: No. 157, s. 2013

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

LEGISLATIONS
POLICY
PUPILS
REPORTS
SAFETY EDUCATION
SCHOOLS
STUDENTS

R-MCR/DM-Protection of Children during Armed Conflict
1086/December 6, 2013/12-11-13

(Enclosure to DepEd Memorandum No. 221, s. 2013)

GENERAL HEADQUARTERS
ARMED FORCES OF THE PHILIPPINES
Camp General Emilio Aguinaldo, Quezon City

PCRD/OTAG

15 July 2013

LETTER DIRECTIVE
NUMBER 25

SUBJECT: **GUIDELINES IN THE CONDUCT OF AFP ACTIVITIES INSIDE
OR WITHIN THE PREMISES OF A SCHOOL OR A HOSPITAL**

TO: All Concerned

1. **References:**
 - a. IPSP "BAYANIHAN" (21 December 2010);
 - b. Rules of Engagement for IPSP "BAYANIHAN" (08 March 2011);
 - c. Republic Act Number 7810 - An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes (17 June 1992);
 - d. Republic Act Number 9851 - An Act Defining and Penalizing Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity, Organizing Jurisdiction, Designating Special Courts, and for Related Purposes (11 December 2009);
 - e. Republic Act Number 9745 - An Act Penalizing Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and Prescribing Penalties Therefor (10 November 2009);
 - f. International Humanitarian Law;
 - g. Geneva Conventions (12 August 1949), and Additional Protocols I and II (08 June 1977)
 - h. Convention on the Rights of the Child (20 November 1989/02 September 1990), and Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (25 May 2000/12 February 2002); and
 - i. United Nations Security Council (UNSC) Resolutions 1612 (2005) and 1882 (2009).

Ltr Dir Nr 25, GHQ, AFP dtd 15 July 2013 cont'n:

2. **Purpose:**

This Directive prescribes the policies and guidelines in the conduct of any and all AFP activities, independently or in coordination with government and/or non-government entities, inside or within the premises of a school or hospital in order to prevent the occurrence of the six (6) Grave Child Rights Violations or Grave Violations Against Children During Armed Conflict pursuant to and in compliance with United Nations Security Council (UNSC) Resolutions 1612 (2005) and 1882 (2009), more specifically the violation known as "Attacks on Schools and Hospitals".

3. **Definition of Terms:**

a. **Armed Group** – Refers to an armed non-State actor or non-State entity engaged in armed conflict against the State or engaged in armed violence, against the State and its government forces or against other non-State armed groups/actors/entities.

b. **Child** – Refers to a person below eighteen (18) years of age, or one who is eighteen (18) or over but is unable to fully take care of one's self from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition.

c. **Children In Situations of Armed Conflict or CSAC** – Refers to all Children Involved In Armed Conflict or CIAC; Children Affected by Armed Conflict or CAAC; and Internally Displaced Children or IDC, as defined below:

1) **Children Involved in Armed Conflict or CIAC** – Refers to children who are either forcibly, compulsory recruited or who voluntarily joined in any governmental armed forces or any armed group in any capacity to participate directly in armed hostilities as combatants or as fighters, or take support roles such as but not limited to scouting, spying, sabotaging, acting as decoys, assisting in checkpoints, being couriers, messengers, porters, or cooks, and being used for sexual purposes.

2) **Children Affected by Armed Conflict or CAAC** – Refers to all children population experiencing or have experienced armed conflict.

3) **Internally Displaced Children or IDC** – Refers to children, whether separated or together with their families, who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular, as a result of or in order to avoid the effects of armed conflict.

d. **Children Protection** – Refers to the measures, structures and activities that ensure the prevention and response to abuse, neglect, exploitation and violence affecting children. It includes the promotion of their development and psychological well-being.

e. **False Labeling of Children as Children in Armed Conflict** – Refers to the voluntary and intentional act referring to, calling, defining, reporting, or any other form of communication that incorrectly defines children as children involved in armed conflict, when the status or condition of such children is such that they are actually not involved in armed conflict as defined in this Act

Ltr Dir Nr 25, GHQ, AFP dtd 15 July 2013 cont'n:

f. **Grave Child Rights Violations or GCRV** – Refers to the offenses committed against children that constitute flagrant violations of their human rights and have severe consequences in their lives. These offenses include the following:

1) **Killing and Maiming of Children** – Killing includes any action that results to the death of one or more children. Maiming, on the other hand, includes any action that results to permanent or debilitating injury, defacing, scarring, and mutilation to one or more children. It should be noted that psychological injuries are not covered under this violation.

(a) **Killing of Children** – May also refer to acts of all kinds in the context of armed conflict that result in the death of one or more children. Among others, they include the death of children as a result of direct targeting or as the indirect result of, among others, the use of landmines, cluster munitions, ERW, and all forms and types of IEDs.

(b) **Maiming of Children** – May also refer to acts of all kinds in the context of armed conflict that result in serious or permanent or disabling injury scarring or defacing, or mutilation of one or more children. It shall cover intentional maiming of children where they are directly targeted, and casual maiming of children as the indirect result of, among others, the use of landmines, cluster munitions, ERW, and all forms and types of IED.

2) **Recruitment and Use of Children** – Recruitment includes acts of voluntary, compulsory, or forced conscription or enlistment to any armed force or armed group. The use of children in the context of armed conflict includes the use of minors in any capacity, such as, but not limited to: fighters, cooks, porters, messengers, sexual slaves or spies. This violation also includes cases of "labeling" or "associating" a child with an armed group/force.

3) **Rape and Grave Sexual Violence of Children** – This violation includes acts of sexual violence such as rape, enforced sterilization, forced prostitution, forced marriage, or pregnancy, as well as sexual slavery. Rape refers to the crime of rape as defined under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353 or the Anti-Rape Law.

4) **Abduction of Children** – Refers to the unlawful seizure, apprehension, taking in custody, detention or capture of one or more children either temporarily or permanently by force, threat of force or coercion, or deception for the purpose of any form of exploitation of such children in the situation of armed conflict. Abduction would include kidnapping, hostage-taking, illegal detention, of any child in the context of armed conflict.

5) **Attacks on Schools and Hospitals** – Refer to the occupation without a lawful purpose, shelling, targeting for propaganda in relation to unlawful purposes or purposes contrary to public policy, order, or morals of schools and hospitals; or causing damage to such places, or harm or injury to their personnel; or causing the total or partial physical destruction of such facilities; or disruption of education activities and health services. It also refers to attacks of such places which have been temporarily abandoned by the community as a result of armed conflict.

Ltr Dir Nr 25, GHQ, AFP dtd 15 July 2013 cont'n:

6) Denial of Humanitarian Access – Involves the intentional barring by physical force or administrative barriers of humanitarian aid, supplies, services, and personnel, into and out of an affected area.

(a) Humanitarian Access – Refers to the right of vulnerable populations to receive international protection and assistance from an impartial humanitarian relief operation to complement efforts of national authorities. Such action is subject to the consent of the State parties concerned and does not prescribe coercive measures in the event of refusal, however unwarranted.

(b) Humanitarian Assistance – Refers to aid that seeks to save lives and alleviate suffering of a crisis affected population. Humanitarian assistance must be provided in accordance with the basic humanitarian principles of humanity, impartiality, independence and neutrality. Assistance may be divided into three (3) categories: direct assistance, indirect assistance and infrastructure support, which have diminishing degrees of contact with the affected population.

g. Hospitals or Health Facilities – Refers to any structure recognized and known by the community as a facility where persons are provided with health care services.

h. School – Refers to any structure, with or without marked visible boundaries, provided that it is recognized and known by the community as a learning space.

4. General Policies/Guidelines:

a. AFP units that will conduct any and all activities that are non-combat or non-traditional in nature, such as but not limited to Civil-Military Operations (CMO), inside or within the premises of a school or hospital, must adhere to and undertake the following prior to the holding of such activity(ies):

1) The activity to be conducted must be multi-sector in nature where government and non-government entities, as much as possible CSOs/NGOs/POs, are to be involved in the planning, preparation, actual conduct, and post-activity stages.

2) The activity must not be in the nature that is within the context of armed conflict in order to avoid undue labeling, tagging and branding of persons/groups/organizations, most especially children, teachers, medical/dental professionals, health workers, and/or employees/workers of the school and hospital concerned.

3) Prior to the activity, there must be an expressed and written permission from the:

(a) School administration, at the least the Principal or School Administrator;

Ltr Dir Nr 25, GHQ, AFP dtd 15 July 2013 cont'n:

(b) Local Government Unit (LGU), such as but not limited to, the Barangay Captain or his/her duly authorized representative from the Barangay Council up to, as needed, the Provincial/City/Municipal Local Chief Executive (LCE) or his/her duly authorized representative from the Sangguniang Panlalawigan/Lungsod/ Bayan; and

(c) Regional or Provincial or Municipal/City Superintendent/ Offices of the Department of Education (if the venue is a school), OR the Regional or Provincial or Municipal/City Offices of the Department of Health (if the venue is a hospital).

4) When requesting for permission, the request from the AFP unit concerned must include:

(a) Description/Type of the activity – What, Where, When, Why/Purpose, Who, and How the activity will be conducted;

(b) Inclusive period of time of use of the facility to include the pre-activity, actual activity, post-activity periods of time;

(c) Identification of AFP unit(s) that will be involved and/or will be participating in the activity; and

(d) Designation/Identification of the over-all Commander or Officer-in-Charge of the activity, to include Points/Modes of Contact for coordination purposes.

5) When the AFP unit is the one being requested by a third party to participate in the said activity, the requesting party should be informed of the above by the Commander of the unit being requested. As such, the AFP unit shall assist and jointly undertake with the requesting party in undertaking the coordination/permission as stated above.

6) Force protection unit(s) (soldiers who are armed and acting as security for the AFP personnel and for the activity itself) must only be in the proximity of the school and not inside the school. For purposes of proper identification, they must all be in complete/proper uniform.

7) If there is a need for the force protection unit(s)/personnel to be inside the school, due to exigencies of the prevailing security situation and/or activity and/or request, they must be deployed and limited/contained to a pre-identified/pre-approved area within the school (hospital) premises. In this situation, soldiers who are armed must avoid mingling with children, teachers, medical/dental professionals, health workers, and/or employees/workers of the school and hospital concerned.

8) In order to clearly record the conduct of the activity for purposes of documentation, units concerned must undertake photo and video coverage of the activity, hence is highly encouraged.

Ltr Dir Nr 25. GHQ, AFP dtd 15 July 2013 cont'n:

9) Commanders, at the different levels of operational/tactical commands, are held responsible in undertaking the above coordination. All actions must be compliant with the Strategic Imperatives of IPSP "BAYANIHAN".

10) In cases and/or situations warranting clarification of certain issues or concerns, said Commanders should undertake coordination with Higher Headquarters (Attention: AFP HRO and/or Major Service HRO and/or Unified Command HRO) in order to resolve certain issues and concerns prior to the activity.

b. In the course of traditional activities, such as combat or intelligence operations, AFP units should not and are prevented to undertake the following inside or within the proximity of a school or hospital:

1) Occupy schools/hospitals without a lawful purpose, whether these are for a prolonged or temporary stay, and establish a Command Post (CP), Patrol Base (PB), Temporary Patrol Base (TPB), harbor or rest area, and any other combat-/intelligence-related operations.

2) Targeting schools/hospitals or its personnel for propaganda in relation to unlawful purposes or purposes contrary to public policy, order, or morals.

3) Targeting schools/hospitals for direct/indirect fires thereby causing harm or injury to their personnel, most especially children, and/or causing the total or partial physical destruction of such facilities, and/or disruption of education activities and health services. However, when such place(s) is/are illegally occupied by an armed group resulting into hostages and/or illegal occupation for purposes of the conduct of further criminal/illegal acts and/or illegal occupation for the use of said place(s) as a shield/refuge to avoid arrest/capture and/or any other purpose(s) constituting acts of terror or disruption of its normal function and/or resulting further into a graver security concern, AFP units shall undertake such actions, as needed/warranted, in coordination with the PNP and with the approval/consent of the Crisis Management Committee of the LGU. In such situations, actions of the AFP unit(s) should have primordial concern of preventing injuries/deaths to all person(s), most especially children, caught in the situation and other collateral damages. The AFP's ROE shall govern all military actions, hence, all Commanders, at the different levels of operational/tactical commands, should ensure that AFP personnel/units are properly and appropriately briefed on these prior to such actions.

4) In situations where member(s) of the armed group are lawfully captured/arrested and are brought to a hospital for appropriate medical treatment or attention, and security personnel/armed soldiers are necessary to guard and prevent the escape of said captured/arrested member(s) of the armed group, AFP unit(s) must coordinate with the administration of the said hospital and local PNP stating therein the purpose of the presence of armed personnel, clearly identifying these personnel, and establish the areas where these personnel will be situated. Utmost concern must be exercised so that the normal activities of the said hospital is not disrupted/hampered and undue alarm is not caused amongst the other patients, civilians/visitors, medical or dental professionals, health workers, employees or workers of the hospital.

Ltr Dir Nr 25, GHQ, AFP dtd 15 July 2013 cont'n:

The period of stay must be only for the duration of the confinement and/or treatment of the member(s) of the armed group in the hospital. As such, a responsible officer must be designated/placed in-charge of the security detail by the Commander of the said AFP unit undertaking the same.

5) Children shall not be the object of an attack and shall be entitled to special respect.

6) Children or persons seventeen (17) years of age or below shall not be recruited or enlisted to become members of the AFP or the CAFGU. They shall not be allowed to take part in the fighting or be used as assistants in checkpoints, or as guides, couriers, porters, cooks or spies.

7) Schools/learning centers, hospitals/health centers and facilities shall not be utilized for military purposes, whether as command posts, rest areas, detachments and supply depots, and the resources of the said school or hospital such as electricity and water shall not be utilized for military purposes, unless otherwise provided under these guidelines. Detachments or patrol bases shall not be erected in the immediate vicinity of schools/learning centers, hospitals/health centers and facilities. If there is a prevailing security situation in a specific area where there is a school or hospital, the temporary patrol base shall be erected not less than fifty (50) meters away from the said school or hospital.

8) Children or persons seventeen (17) years of age or below shall not be called, tagged, labeled or otherwise branded as rebels or insurgents.

9) Military personnel shall not enter schools/learning centers, hospitals/health centers and facilities in battle dress attire (BDA) and with firearms displayed, unless it is for a lawful purpose as provided under these guidelines. The conduct of anti-insurgency information campaigns inside schools and hospitals is forbidden. School activities or health services shall not be arbitrarily disrupted, unless there is a clear and imminent danger to the safety of the people therein.

10) School personnel shall not be used as military assets, or for information-gathering or dissemination related to military objectives.

c. The main intent of the above policies/guidelines is not only to be compliant with the references stated in paragraph 1 above but also to prevent/bring to unnecessary risk and/or endanger all children, teachers, medical/dental professionals, health workers, and/or employees/workers of the school and hospital concerned, and the school or hospital itself.

d. In all situations wherein AFP units are to conduct an activity inside or within the premises of a school or hospitals, Commanders of the unit(s) directly undertaking such activity shall submit an After Activity Report (AAR) no later than fifteen (15) days after the completion of said activity to their immediate Higher Headquarters. A copy of this AAR shall be placed in file for ready information, reference and retrieval, as needed or warranted during complaints/reports of a grave child rights violation, more specifically "attacks on schools or hospitals".

Ltr Dir Nr 25, GHQ, AFP dtd 15 July 2013 cont'n:

e. Violations, whether deliberate or due to gross negligence, of the above policies and guidelines in the conduct of any and all AFP activities, independently or in coordination with government and/or non-government entities, inside or within the premises of schools or hospitals, shall be appropriately investigated by a duly-constituted Court or Board of Inquiry by this Headquarters or by the Major Services or by the Unified Commands. Those found culpable of violations, whether deliberate or due to gross negligence, shall be dealt with in accordance with the Military Justice System and Articles of War without prejudice to the filing of criminal cases before a civilian court of law.

5. **Rescission Clause:**

All previous AFP policies and guidelines, or parts thereof, inconsistent with the provisions of the above policies and guidelines are hereby rescinded or modified accordingly.

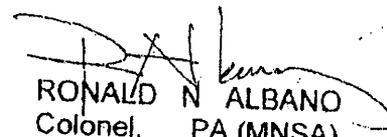
6. **Separability Clause:**

All provisions of the above policies and guidelines, or parts thereof, that may be found in conflict with provisions of laws and/or new issuances of laws and/or policies and guidelines that may later on be prescribed by this Headquarters or the Department of National Defense shall be considered repealed in favor of existing laws and/or future laws, policies and guidelines.

7. **Effectivity:**

This Directive takes effect upon publication.

BY COMMAND OF GENERAL BAUTISTA:


RONALD N ALBANO
Colonel, PA (MNSA)
The Adjutant General
R *PA*

DISTRIBUTION:
"A"



Republic of the Philippines
Department of Education

DepEd ORDER
 No. 21, s. 2014

22 APR 2014

**GUIDELINES ON THE RECOGNITION OF PRIVATE LEARNING INSTITUTIONS
 SERVING INDIGENOUS PEOPLES LEARNERS**

To: Undersecretaries
 Assistant Secretaries
 Bureau Directors
 Directors of Services, Centers and Heads of Units
 Regional Directors
 Schools Division Superintendents
 Heads, Public Elementary and Secondary Schools
 All Others Concerned

1. In line with the provisions of DepEd Order No. 62, s. 2011 entitled *Adopting the National Indigenous Peoples Education Policy Framework* and the efforts to make policies more culturally sensitive and responsive to the different contexts of schools and communities in the country, the Department of Education (DepEd) is adopting the enclosed **Guidelines on the Recognition of Private Learning Institutions Serving Indigenous Peoples Learners**.

2. The DepEd recognizes the important contribution of Indigenous Peoples Education (IPEd) programs being implemented by non-government and community-led institutions in improving access to culture-based basic education services. The DepEd-Indigenous Peoples Education (IPEd) Office, together with the regional and division offices, shall facilitate the recognition process and provide technical assistance as needed to such private learning institutions seeking recognition.

3. For more information, all concerned may contact the **Department of Education (DepEd)-Indigenous Peoples Education (IPEd) Office**, Ground Floor, Mabini Building, DepEd Complex, Meralco Avenue, Pasig City, telefax no.: (02) 633-7212 or at email address: ipseo@deped.gov.ph.

4. Immediate dissemination of and strict compliance with this Order is directed.


BR. ARMIN A. LUISTRO FSC
 Secretary

Encl.: As stated

References: DepEd Order: (No. 62, s. 2011); 26, s. 2013

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

HUMAN RIGHTS EDUCATION

POLICY

PROGRAMS

Model: Guidelines Indigenous People
 0307 - April 16, 2014

(Enclosure to DepEd Order No. 21, s. 2014)

**GUIDELINES ON THE RECOGNITION
OF PRIVATE LEARNING INSTITUTIONS SERVING
INDIGENOUS PEOPLES LEARNERS**

**Chapter I
Preliminaries**

1. **Title.** These guidelines shall be called the Department of Education (DepEd) Guidelines on the Recognition of Private Learning Institutions Serving Indigenous Peoples (IP) Learners.
2. **Coverage.** These guidelines shall apply to all private learning institutions serving IP learners in the Philippines.
3. **Definition of terms.** For the purposes of these guidelines, the following terms shall be understood as follows, *viz:*
 - (a) **Ancestral Domain (AD)** refers to “all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral land, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators” (Section 3(a), Republic Act No. 8371 [RA 8371] otherwise known as “The Indigenous Peoples Rights Act of 1997”).
 - (b) **Branch or extension campus of learning institutions (Branch Campus)** refers to a learning facility operating at a site other than the mother campus, providing some or the same services as the mother campus.
 - (c) **Certificate of Ancestral Domain Claim (CADC)** refers to “a certificate declaring and certifying the claim of each indigenous cultural community (ICC) over a corresponding territory earlier identified and delineated as ancestral domain issued by the government in the name of an indigenous community claimant and placed under the custody of its recognized indigenous socio-political leadership or people’s organization” (Section 1, Article IV, Department Administrative Order No. 02, s. 1993, Department of Environment and Natural Resources).

- (d) **Certificate of Ancestral Domain Title (CADT)** refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains identified and delineated in accordance with law (Section 3(c), RA 8371).
- (e) **Governing body of the private learning institution (Governing Body)** refers to the group of elected or appointed members who jointly oversee activities of the private learning institution for the purpose of administering the affairs of the said institution.
- (f) **Indigenous Peoples/Indigenous Cultural Community (IP/ICC)** refers to "a group of people or homogenous societies identified by self-ascension and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, become historically differentiated from the majority of Filipinos. IP/ICC shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains" (Section 3(h), RA 8371).
- (g) **Mother campus of learning institution (Mother Campus)** refers to the main campus or headquarters of the learning institution. In determining the main campus of an institution, the DepEd shall consider the following information: (1) where the institution is granted permit; (2) the site, campus or community where the school head or the office of the institution's governing body is located; and (3) where the institution conducts most of its instructional activities.
- (h) **Permit to operate** refers to the temporary authority to operate granted by the DepEd to a private learning institution serving IP learners.
- (i) **Private learning institution serving IP learners** refers to a non-profit institution that seeks to provide or is providing educational programs that caters to the unique teaching-learning context of IP learners/communities in the formal basic education setting. For the purposes of these guidelines, the following terms shall also be used to refer to a private learning institution serving IP learners: (1) institution; (2) learning institution; and (3) institution serving IP learners.
- (j) **Recognition** refers to the granting of authority to operate by the DepEd to a learning institution serving IP learners after submission of application requirements, and its consequent approval following the application procedure provided in these guidelines.

Chapter II
Establishment and Recognition

4. **Establishment and Recognition, distinguished.** The establishment of a private learning institution refers to the creation, founding, or organization of a learning institution. Recognition refers to the authorization granted by the DepEd for the institution to conduct educational programs or operations. Establishment precedes recognition.

Chapter III
Permit to Operate and Recognition

5. **Grant of authority.** Subject to the provisions of Chapters IV, V and VI of these guidelines, the DepEd Regional Office shall grant the appropriate authority for the operation of an applicant learning institution.
6. **Types of authority.** An applicant may operate on the basis of a permit to operate or a full recognition. Recognition is granted to an applicant found to have fulfilled all the conditions necessary for recognition of the basic education program/s applied for as provided in Section 8 of these guidelines. A permit to operate is granted to an applicant still in the process of completing the requirements for full recognition.

Chapter IV
Application for Recognition

7. **Who may apply.** Any non-profit private learning institution serving IP learners, desirous of being recognized by the Department, may file for an application for recognition subject to the provisions of these guidelines.
8. **Scope of basic education program for recognition.** Recognition for any or all of the following basic education programs, corresponding with the key stages of the basic education curriculum as set by the Department, may be applied for:
- (a) Kindergarten
 - (b) Early Childhood: Kindergarten to Grade 3
 - (c) Middle School: Grades 4 to 6
 - (d) Elementary School: Grades 1 to 6
 - (e) Junior High School: Grades 7 to 10
 - (f) Senior High School: Grades 11 to 12
9. **Application for recognition, when and where submitted.** Applications for recognition shall be submitted to the Regional Office concerned between the 1st day of August and the 30th day of September of that same year. Application received outside this period shall not be considered. However, the Regional Office concerned may, for good and sufficient reasons, extend the date of receiving applications in any particular year.
10. **Documents accompanying the application for recognition.** The following requirements shall be attached to the application:

(a) Primary requirements:

- (i) Basic school profile (*see Annex A*);
- (ii) Proposed basic education program/s (i.e., Kindergarten/Early Childhood/Middle School/Elementary School/Junior High School/Senior High School) (*contained in Annex A*);
- (iii) Proposed curriculum or course offerings;
- (iv) Number of prospective enrollees (*contained in Annex A*);
- (v) Profile of teachers/staff/personnel to be employed in the learning institution including their qualifications (*see Annex B*);
- (vi) Payment of one-time application fee (subject to Section 11 of these guidelines);
- (vii) Copy of student manual (*see Annex C*); and
- (viii) Copy of school calendar

(b) Secondary requirements:

- (i) Proof of ownership/possession of school site which may be any of the following:
 - (1) Certificate of Ancestral Domain Title (CADT) and an agreement between the learning institution and the IP community on the use of the property situated within the Ancestral Domain
 - (2) Certificate of Ancestral Domain Claim (CADC) and an agreement between the learning institution and the IP community on the use of the property situated within the Ancestral Domain
 - (3) Certification from an indigenous cultural community indicating that the school site is within its ancestral domain and an agreement between the learning institution and the IP community on the use of the property situated within the Ancestral Domain
 - (4) Transfer Certificate of Title (TCT), or
 - (5) Deed of Usufruct over the school site, or its equivalent
- (ii) Certificate of Registration/Proof of Recognition of the Governing Body of learning institution which may be any of the following:
 - (1) Securities and Exchange Commission (SEC) Certificate
 - (2) Cooperative Development Authority (CDA) Certificate
 - (3) Department of Labor and Employment (DOLE) Certificate, or
 - (4) Other similar certifications from a government agency

Annex D provides for the checklist to be appended to the application letter to be submitted by the applicant.

11. **Application fee.** A one-time application fee of One Thousand Five Hundred Pesos (PhP 1,500.00) only shall be paid along with every application for recognition. The fee shall not be increased unless approved by the Department. No bond shall be required from the institution at any time of the application for recognition.

12. **Technical assistance to applicants.** The Regional Office shall provide technical assistance to a new entity desirous of serving IP learners within its jurisdiction, particularly on compliance of the requirements for recognition. Technical assistance may be extended to such organizations at the incipient stage of its establishment.
13. **Inspection.** The Regional Director shall, upon receiving an application for recognition of a learning institution, arrange for an inspection of the said institution and may delegate such task to the Division Office concerned.
- (a) The Regional Director shall designate personnel to conduct the actual inspection within 60-days from its submission.
 - (b) The personnel conducting the inspection shall submit a report to the Regional Director which shall mention:
 - (i) the correctness of the information furnished by the applicant;
 - (ii) extent of fulfillment of the requirements provided under Section 10 of these guidelines;
 - (iii) any other matter the inspecting personnel would like to bring to the attention of the Regional Director; and
 - (iv) specific recommendation about the desirability of according recognition to the applicant.
14. **Inspection fee.** No inspection fee shall be collected. Expenses to be incurred by the Regional Office in connection with the conduct of inspection shall be charged against its own funds based on the following scheme: (1) the bulk of the expenses shall be charged first against the collected application fees; (2) if the funds from the application fees prove to be inadequate, the additional expenses shall be charged against other local or appropriate fund sources.
15. **Update of status of application; issuance of notice.** Within the 30-day period, the Regional Office shall update the applicant on the status of its application through a formal notice for such purpose. Upon review, if it is found that the documents submitted by the applicant are lacking or not in accordance with the requirements stipulated herein, the Regional Office shall require the applicant to complete the documents or comply with said requirements within thirty (30) days from notice.
16. **Failure to act on the application, effects.** After the lapse of sixty (60) days from date of submission of the application and absent any action thereon by the concerned Regional/Division Office, the Regional Office shall immediately act on and evaluate the application within fifteen (15) days from the discovery of the inaction. Failure of concerned officials to act in accordance with this provision shall be dealt with administratively.

Chapter V Recognition

17. **Granting of Recognition.** If the Regional Director is satisfied that an applicant has fulfilled the conditions necessary for recognition of the basic program/s applied for as provided in Section 8, he/she shall issue a certificate of recognition.

18. **Certificate of Recognition, when issued.** The Regional Director shall issue a certificate of recognition to an applicant found to have complied with all requirements for recognition and after the conduct of inspection not later than thirty (30) days from the date of inspection, in keeping with the provisions of Section 13 of these guidelines.

Chapter VI Permit to Operate

19. **Permit to Operate, effectivity.** An applicant may be granted a permit to operate specific grade levels while it is in the process of completing the full offering of grade levels covered by the basic education program/s it seeks recognition for. The permit to operate shall be effective for a period of one (1) year from the date of its issuance, and may be renewed yearly until the institution obtains full-fledged recognition.
20. **Renewal of the Permit to Operate.** An applicant seeking extension of its permit to operate may file with the Regional Office concerned an application or letter of intent for such purpose along with any new or updated information in the application documents submitted earlier, between the 1st day of August and the 30th day of September of that same year. Applications filed outside said period may not be included for consideration by the Regional Office for that same year. However, the Regional Office concerned may, for good and sufficient reasons, extend the date of receiving applications in any particular year.

No additional payment shall be required for the renewal of the permit to operate.

Chapter VII Recognition of Branch or Extension Campus

21. **Recognition of Branch or Extension Campus.** An institution serving IP learners may file an application for recognition of its branch or extension campus operations to the Regional Office concerned, subject to the following conditions:
- (a) The mother campus continues to support its branch or extension campus to enable the latter to comply with the requirements of these guidelines; and
 - (b) The branch or extension campus operates within the bounds of the authority granted to its mother campus under these guidelines.
22. **Filing of Application for Recognition of Branch or Extension Campus.** Applications for the recognition of branch or extension campus operations shall be submitted to the Regional Office concerned. The mother campus may, in behalf of its branch or extension units, file the application.
23. **Processing of Application of Branch or Extension Campus.** The Regional Director, upon receipt of the application for off-campus operations, shall follow the following procedure:

- (a) Examine the application for compliance with the requirements listed in Section 10 of these guidelines.
- (b) If the application is acceptable and upon payment of One Thousand Pesos (PhP 1,000.00) branch campus application fee, the Regional Director shall authorize the institution to begin the branch or extension operations on a temporary basis (*provisional permit*) pending a formal review/evaluation and inspection of the unit's operations, and subject to the 60-day evaluation period upon receipt of application.
- (c) On the basis of its findings, the Regional Director may either issue a continuing approval or denial of the branch or extension operations.

24. Application for Recognition by Branch or Extension Campus located outside the Region of its Mother Campus. The application for recognition of a branch or extension campus may be filed with the Regional Office which granted recognition to the mother campus, notwithstanding that the branch or extension campus is located outside the jurisdiction of said Office; *Provided*, That the application shall be endorsed by the receiving Regional Office to the Regional Office having jurisdiction over the branch or extension campus not later than fifteen (15) days from its receipt.

Regional Offices acting on applications for recognition under this section shall coordinate with all concerned parties to ensure that all applications are acted upon in keeping with these guidelines.

Chapter VIII Revocation and Reinstatement of Recognition

- 25. Revocation of Recognition.** If at any time an institution is found to fall short of the minimum requirements or any of the conditions for continuing recognition are violated by the institution, the Regional Director, on receiving information to that effect, may revoke the recognition already accorded to the institution concerned.
- 26. Notice prior to Revocation.** Before the revocation is made, the Regional Director shall serve notice to the institution concerned pointing out the violation. The notice shall also direct the institution to take suitable steps to correct the error within a stipulated time, or show cause as to why action under the preceding section shall not be taken.
- 27. Failure to Comply with the Instructions and Conditions set, effects.** If the institution fails to comply with the instructions and conditions of the Regional Director within the allowed period as set by the preceding section, the Regional Director may, after taking into consideration the causes shown by the institution, issue the necessary order revoking the recognition previously granted.
- 28. Appeal.** The appeal against any order of the Regional Director revoking recognition shall be addressed to the Secretary of Education.
- 29. Reinstatement of Recognition.** Any institution desirous of having its recognition restored shall make a written application to the Regional Director for such purpose. The Regional Director shall then direct the institution to

update the requirements indicated in Section 10 of these guidelines, as if a fresh application is being made.

Chapter IX Operation and Management

30. **Rules for governance.** Consistent with law and existing DepEd policy, an institution serving IP learners may adopt guidelines for its governance in keeping with the unique requirements and context of the community/ies it serves.
31. **Curriculum, teaching, and organization of classes/learning sessions.** A recognized institution shall follow the curriculum standards approved by the DepEd, allowing for flexibility in terms of curriculum scope and sequence, content and competencies, teaching-learning methods, learning resources, learning assessment, involvement of elders and other community members in the teaching-learning process, management process, and design of the school calendar and such other matters necessary to enable it to perform its mandate.
32. **Records management.** The learning institution shall have a system of records keeping and management for the school. It shall also submit promotional reports of learners that contain the list of pupils/students promoted to the next grade/year level to the Division Office at the end of every school year.
33. **Teaching method.** Institutions serving IP learners may adopt and use methods of teaching that are culturally appropriate and responsive, such as the use of the mother tongue/first language as medium of instruction, especially in the early grades.
34. **Grading system.** An institution may adopt a flexible grading system appropriate to the cultural context of the learners and the community it serves; *Provided*, That prior to its adoption, it is demonstrated that the grading system adequately matches the standard grading system being used by the DepEd.
35. **School calendar.** An institution may adopt a school calendar suited to its unique context; *Provided*, That the number of school days prescribed by DepEd is satisfied; *Provided further*, That it is in keeping with the existing laws on school calendar.
36. **Learning/school site.** The institution shall ensure that the location and plan of the site, where the institution shall be established and conduct learning activities, shall be responsive to the cultural context and geographical conditions of the community/ies it serves.
37. **Learning/school facilities.** An institution may develop, adopt or provide such other facilities and supplies deemed relevant and appropriate for instruction and school operations. It may, in consultation with the community, determine which facility, supply or material may be used to suit the needs of the IP learners/communities.

- 38. Development of learning materials.** An institution may develop learning materials appropriate to its instructional requirements.
- 39. Personnel.** Institutions shall observe existing laws and policies in the hiring and retention of its personnel and staff.
- (a) The designated academic supervisor of the learning institution must have passed the Licensure Examination for Teachers (LET).
 - (b) The individuals to be hired as teachers by the learning institution must have passed the LET.
 - (c) The learning institution may engage individuals who have not passed the LET or are not holders of a bachelor's degree to serve as learning facilitators, provided that they are:
 - i) recognized by the ICC as someone known to understand and appreciate the local culture and considered as a bearer of indigenous knowledge; and/or
 - ii) knowledgeable with the mother tongue/first language and can help in facilitating the learning process.
 - (d) The learning institution may also hire as teachers graduates of science, mathematics, statistics, engineering, music and other degree courses needed to teach in their specialized subjects in elementary and secondary education with shortages in qualified applicants who have passed the LET; *Provided*, That they pass the LET within five (5) years after their date of hiring; *Provided, further*, That if such graduates are willing to teach on part-time basis, the provisions of LET shall no longer be required.
 - (e) In cases where there is a branch or extension campus, the mother campus shall ensure that its branch or extension campus is provided with sufficient teaching and non-teaching staff support and academic supervision to be able to offer the desired quality of education services.

Chapter X Transitory Provisions

- 40. Processing of applications, role of the DepEd - Indigenous Peoples Education Office (IPsEO).** In the interim period of two years from the issuance of this DepEd Order, the receipt and processing of all applications shall be undertaken by the IPsEO, in close coordination with the Regional Offices. The interim period may be extended as determined by the Secretary.

The IPsEO, together with the Regional and Division Offices concerned, shall actively engage with learning institutions serving IP learners to facilitate the recognition process and provide technical assistance as needed to such private learning institutions seeking recognition.

- 41. Processing of applications by IPsEO, interim procedure.** Applications for recognition, including applications for the renewal of permit to operate, in the interim period shall be subject to the following provisions:

- (a) The payment of the one-time application fee shall be waived during the interim period.
- (b) Applications addressed to the Secretary of Education together with the documentary requirements shall be submitted to IPsEO at the following address:

Indigenous Peoples Education Office (IPsEO)
 Department of Education
 Ground Floor, Mabini Building, DepEd Complex
 Meralco Avenue, Pasig City 1600

Alternatively, a scanned copy of the application letter, together with the documentary requirements in PDF format, may be submitted via e-mail at ipseo@deped.gov.ph.

- (c) The IPsEO shall review the submitted documents for compliance with the requirements stated in these guidelines.
- (d) The IPsEO shall conduct an inspection of the applicant institution and may delegate such task to the Regional or Division Office concerned.
- (e) After the review of submitted documents and inspection, the IPsEO shall endorse the compliant application to the Regional Office.
- (f) The Regional Office shall issue the necessary permit or recognition within fifteen (15) days from receipt of IPsEO's favorable endorsement of the application.

42. Existing institutions, without permit or recognition, how treated. Institutions already operating but without a permit to operate or recognition prior to the effectivity of these guidelines shall be subject to the following conditions:

- (a) The institution may be granted a permit to operate for one (1) year; *Provided*, That it shall comply with all the requirements set by these guidelines within the one-year period; and
- (b) If the institution is able to comply with the requirements, it is either issued a permit to operate or recognition as provided for in Chapters V and VI of these guidelines.

Chapter XI Miscellaneous Provisions

- 43. Supplementary Clause.** Unless otherwise provided for by future issuances, matters not covered or addressed by these guidelines shall be governed supplementarily by the provisions of DepEd Order No. 88, series of 2010 (as amended), and other pertinent issuances *insofar as they are culturally appropriate and applicable* to the context of IP learners and communities.
- 44. Repealing Clause.** Provisions of other DepEd Orders inconsistent with these guidelines are hereby superseded or modified accordingly.
- 45. Effectivity Clause.** These guidelines shall take effect fifteen (15) days after publication in the Official Gazette or a newspaper of general circulation.

Annex D. Checklist of Documents Accompanying Application for Recognition

A. Primary requirements

- Basic school profile
- Proposed basic education program/s (i.e., Kindergarten/Early Childhood/Middle School/Elementary School/Junior High School/Senior High School)
- Proposed curriculum or course offerings
- Number of prospective enrollees
- Profile of teachers/staff/personnel to be employed in the learning institution including their qualifications
- Official receipt indicating payment of one-time application fee*
- Copy of student manual
- Copy of school calendar

B. Secondary requirements

- Proof of ownership/possession of school site which may be **ANY** of the following:
 - Certificate of Ancestral Domain Title (CADT) and an agreement between the learning institution and the IP community on the use of the property situated within the Ancestral Domain
 - Certificate of Ancestral Domain Claim (CADC) and an agreement between the learning institution and the IP community on the use of the property situated within the Ancestral Domain
 - Certification from an indigenous cultural community indicating that the school site is within its ancestral domain and an agreement between the learning institution and the IP community on the use of the property situated within the Ancestral Domain
 - Transfer Certificate of Title (TCT)
 - Deed of Usufruct over the school site or its equivalent
- Certificate of registration/proof of recognition of the governing body of learning institution which may be **ANY** of the following:
 - Securities and Exchange Commission (SEC) Certificate
 - Cooperative Development Authority (CDA) Certificate
 - Department of Labor and Employment (DOLE) Certificate
 - Other similar certifications from any government agency

* Waived in the interim period as stipulated in Section 41(a) of these guidelines



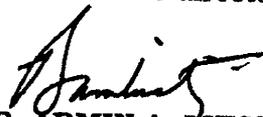
DepEd ORDER
No. **62**, s. 2011

AUG 0 8 2011

**ADOPTING THE NATIONAL INDIGENOUS PEOPLES (IP)
EDUCATION POLICY FRAMEWORK**

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Directors of Services, Centers and Heads of Units
Regional Directors
Schools Division/City Superintendents
Heads, Public and Private Elementary and Secondary Schools
All Others Concerned

1. In line with the country's commitment to achieve its Education for All (EFA) targets and the Millennium Development Goals (MDGs), and in pursuit of the Basic Education Sector Reform Agenda (BESRA), the Department of Education (DepEd) is adopting the enclosed **National Indigenous Peoples Education Policy Framework**. It was prepared in consultation with the representatives from Indigenous Peoples (IP) communities, civil society, and other government agencies.
2. This Policy Framework is intended to be an instrument for promoting shared accountability, continuous dialogue, engagement, and partnership among government, IP communities, civil society, and other education stakeholders. Recognizing education as a necessary means to realize other human rights and fundamental freedoms, the DepEd urges the strengthening of its policy on IP education and develop and implement an IP Education Program. This Program subscribes to the *rights-based approach* which gives primary importance to the principles of *participation, inclusion, and empowerment*.
3. Many IP communities continue to lack access to decent basic social services; they have limited opportunities to engage in the mainstream economy, and suffer social, economic, and political exclusion marginalization. A major factor contributing to their disadvantaged position is the lack of access to culture-responsive basic education. Thus, the right of indigenous peoples to education is provided in the 1987 Philippine Constitution, the Indigenous Peoples Rights Act (IPRA) of 1997, and the numerous international human rights instruments, especially in the United Nations (UN) Declaration on the Rights of Indigenous Peoples (2007).
4. Immediate dissemination of and compliance with this Order is directed.


BR. ARMIN A. LUISTRO FSC
Secretary *ML*



Encl.:

As stated

Reference:

N o n e

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

HUMAN RIGHTS EDUCATION
POLICY
PROGRAMS

SMA/Madel, DO Adopting the National Indigenous Peoples Education
August 1, 2011

(Enclosure to DepEd Order No. 62, s. 2011)

NATIONAL INDIGENOUS PEOPLES EDUCATION POLICY FRAMEWORK

1. Indigenous peoples (IPs) remain to be among the most vulnerable and marginalized members of the citizenry. Many IP communities continue to lack access to decent basic social services, have limited opportunities to engage the mainstream economy, and suffer social, economic, and political exclusion.
2. Among the current disadvantages that IPs face, access to culture-responsive basic education stands out as one of the most critical to address, especially if the right to basic education is viewed as an "enabling right." Basic education is an essential means for IPs to claim their other rights, exercise self-determination, and expand the choices available to them.
3. The problem of the IPs' lack of access to education services is compounded by the fact that in areas where there are schools accessible to them, many of these have limited or no capacity to provide culturally appropriate education. Recommendations of various IP consultations have reiterated time and again the desire of IP communities for an education that is responsive to their context, respects their identities, and promotes the value of their traditional knowledge, skills, and other aspects of their cultural heritage. This is the kind of education that removes barriers to their meaningful participation in the different levels and spheres of society and empowers them to exercise their rights and duties as Filipino citizens.
4. Effectively responding to the basic learning needs of IPs is a key measure in achieving the country's Education for All (EFA) commitments and the Millennium Development Goals (MDGs). In line with the thrust of the Department of Education (DepED) to pursue institutional and systemic reforms to improve the efficiency and quality of the delivery of basic education for all, IP education has been included as a reform item in the Basic Education Sector Reform Agenda (BESRA).
5. There are existing models and best practices on IP education based on successful projects and interventions by DepED, non-government organizations (NGOs), IP organizations (IPOs), and other community-based initiatives. The DepED recognizes the need to consolidate these experiences and lessons to formulate a systematic and coherent IP Education Program, which subscribes to a rights-based approach and gives primary importance to the principles of participation, inclusion, and empowerment. Within a broader perspective, the DepED considers this as a step towards a Philippine educational system that is truly inclusive and respectful of the diversity of learners.
6. It is within this context that this policy framework was formulated by DepED in consultation with representatives from IP communities, civil society, and other government agencies. This policy document is envisioned to be an instrument for promoting shared accountability, continuous dialogue, engagement, and partnership among government, IP communities, civil society, and other education stakeholders.



A. Policy Background

7. The right of indigenous peoples to education is primarily enshrined in the Philippine Constitution, the Indigenous Peoples Rights Act (IPRA), and numerous international human rights instruments, especially the United Nations (UN) Declaration on the Rights of Indigenous Peoples.
8. The Philippine Constitution (1987) stipulates that the State shall “protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all” (Art. XIV, Sec.1). The State is further mandated to encourage indigenous learning systems (Art. XIV, Sec. 2.4) and to “recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions” (Art. XIV, Sec. 17).
9. The Indigenous Peoples Rights Act (IPRA) of 1997 (Republic Act No.8371), which emanated from the constitutional provision on the recognition and protection of the rights of indigenous cultural communities/IPs (Art. II, Sec. 2), mandates the State to “provide equal access to various cultural opportunities to the ICCs/IPs through the educational system, public or cultural entities, scholarships, grants and other incentives without prejudice to their right to establish and control their educational systems and institutions by providing education in their own language, in a manner appropriate to their cultural methods of teaching and learning” and that “(i)ndigenous children/youth shall have the right to all levels and forms of education of the State” (Sec. 30, Chap. VI).
10. The UN Declaration on the Rights of Indigenous Peoples (2007), among other international human rights laws, contains specific provisions on IPs’ right to education. Article 14 of the Declaration stipulates that IPs “have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning” (14.1); “indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination” (14.2); and that the State “shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language” (14.3).
11. In response to the distinct educational needs of IP communities, the DepED has earlier issued DepED Order No. 42, s.2004 (“Permit to Operate Primary Schools for Indigenous Peoples and Cultural Communities”) and DepED Order No. 101, s.2010 (“The Alternative Learning System (ALS) Curriculum for Indigenous Peoples (IPs) Education”). The DepED intends to build on these existing policies and further strengthen the policy environment that would enable all its offices and units, especially those in the frontline of service-delivery, to effectively address realities on the ground.
12. Adding to the urgency of fulfilling the mandated duties and obligations contained in national and international laws is the Philippines’ commitment to the achievement of the UN Millennium Development Goals (MDGs), which include the attainment of universal access to primary education by 2015, and the Education for All (EFA) 2015

Goals, which include ensuring that by 2015 all indigenous children have access to and complete free and compulsory primary education of good quality. The country has adopted the Philippine EFA 2015 National Action Plan as its roadmap to achieve these time-bound goals and corresponding targets.

13. The DepED, through this policy framework, seeks to move towards the full realization of these laws, national policies, and development commitments.

B. Process of Formulating the Policy Framework

14. A consultative and participatory process was employed in the drafting of this National IP Education Policy Framework. Representatives from IP communities, together with civil society partners, were invited to participate in the two regional consultations held in Luzon and Mindanao to ensure that IP communities can claim ownership of this framework. The two regional consultations were followed by a national validation workshop, where participants affirmed the principles of the draft framework and gave their recommendations on the formulation and implementation of an IP Education Program. The DepED shall be guided by these recommendations in the crafting of future policy guidelines and other related instruments that will ensue from this policy framework.

C. Policy Statements

15. Consistent with DepED's mandate to provide inclusive basic education for all, it shall be the policy of the Department to maintain an education system that will recognize, protect, and promote the rights and welfare of ICCs/IPs, as well as equip them with the knowledge and skills needed to face various social realities and challenges. IP education interventions are to be developed and implemented in consultation and cooperation with IPs concerned in order to address and incorporate their special needs, histories, identities, languages, knowledge, and other aspects of their culture, as well as their social, economic, and cultural priorities and aspirations. Towards this end, the DepED shall:

- a) **Ensure the provision of universal and equitable access of all IPs to quality and relevant basic education services towards functional literacy for all.** The DepED together with the National Commission on Indigenous Peoples (NCIP), National Commission for Culture and the Arts (NCCA), local government units (LGUs), and other government agencies, and in partnership with civil society and private sector organizations, shall provide culture-responsive basic education services through both the formal school system and alternative learning system. The use of basic education service contracting and other public-private partnership (PPP) schemes shall be maximized in responding to the learning needs of IPs. Both supply- and demand-side interventions shall be expanded and diversified as needed. As part of maintaining the Basic Education Information System (BEIS), all DepED offices and units are directed to gather – in an appropriate and timely manner – relevant data needed from schools, learning centers, and education programs/projects for the effective planning and implementation of its IP Education Program.

- b) **Adopt appropriate basic education pedagogy, content, and assessment through the integration of Indigenous Knowledge Systems and Practices (IKSPs) in all learning areas and processes.** The DepED shall give due recognition to and promote the sustainability of indigenous learning systems. The DepED shall also prioritize the further development and implementation of the following in schools, learning centers, and other learning services with enrolled IP learners: a) mother tongue-based multilingual education (MTB-MLE); b) culture-responsive education for sustainable development and c) alternative modes of instructional delivery and assessment schemes to address the peculiar needs of IP learners.
- c) **Provide adequate and culturally-appropriate learning resources and environment to IP learners.** Aside from ensuring the proper selection and development of textbooks and other supplementary learning materials provided to IP learners, the DepED shall put in place a policy that would promote the establishment and maintenance of culture-responsive educational infrastructures, learning environment and spaces. Documentation and research activities by IPs on their own history, knowledge, practices, and other aspects of cultural heritage shall be encouraged and supported by DepED as a means of enriching the learning resources available to IP communities and the educational system at large. The DepED shall uphold and advocate the protection of the intellectual property rights of IPs in pursuing this policy.
- d) **Strengthen the hiring, deployment, and continuous development of teachers and learning facilitators in the implementation of its IP Education Program.** The DepED shall review, harmonize, and align its teacher education and development policies – consistent with the National Competency-Based Teacher Standards (NCBTS), MTB-MLE Policy, “Localization Law” (Republic Act No. 8190), and other relevant laws and issuances – to support affirmative action responding to the learning needs of IP learners. A support program for the training and provision of incentives for teachers assigned in IP communities, especially in isolated and hard-to-reach areas, shall be pursued as needed. The DepED shall encourage and mobilize support for members of IP communities, who may wish to enter the teaching profession, to help them complete the necessary academic preparation and satisfy professional licensure requirements. The active participation of community members, especially elders and community knowledge specialists, in the learning process shall be encouraged and supported.
- e) **Establish and strengthen appropriate multi-level units within DepED responsible for planning, implementing, and monitoring IP education interventions.** The DepED shall strengthen the capacity of its teaching and non-teaching staff across levels to effectively and efficiently manage its IP Education Program. It shall likewise ensure that adequate financial support – sourced from various sources, such as the agency’s regular annual budget, the LGUs’ Special Education Fund (SEF), and education projects – are readily available to implementing units/entities to ensure smooth implementation and sustainability of education services.

- f) **Expand and strengthen institutional and civil society linkages to ensure proper coordination, knowledge-sharing, and sustainability of the IP Education Program.** The DepED in collaboration with NCIP, IPOs, civil society organizations (CSOs), and other public and private institutions, shall maximize – but not be limited to – existing inter-agency/multi-stakeholder basic education-related structures at all levels as the mechanism to coordinate, formulate policies, undertake social mobilization and advocacy, mobilize resources, and monitor and evaluate IP education interventions and initiatives. The DepED shall organize consultations and dialogues as needed to periodically review the implementation of this policy framework and other policy directives and interventions that will ensue from it.
- g) **Implement stronger affirmative action to eradicate all forms of discrimination against IPs in the entire Philippine educational system.** Within the framework of maintaining inclusive and effective learning environments, the DepED shall nurture, among all learners and DepED teaching and non-teaching personnel, respect for human rights and cultural diversity. In line with this policy, all concerned DepED offices and units shall also ensure that textbooks, supplementary learning materials, and other learning resources are free from discriminatory content and erroneous accounts, descriptions, and visual depictions, which misrepresent the history and culture of IPs or do not adequately acknowledge them. To promote greater awareness and appreciation of the IPs' cultural heritage and history – an integral, yet often neglected, part of the Philippine nation's cultural heritage and history – these shall be given due recognition and appropriately integrated into the learning content of schools and learning programs. The DepED shall actively promote compliance with this policy among private schools and other private institutions of learning.
16. Following the intentions of the Indigenous Peoples Rights Act, as well as the principles enshrined in the Governance of Basic Education Act of 2001 (Republic Act No. 9155), all DepED offices and units are enjoined to effectively communicate this policy framework to all concerned stakeholders in their respective areas of concern.



Republic of the Philippines
Department of Education

DNOC- 21506

DepEd ORDER
No. **40**, s. 2012

MAY 14 2012

DEPED CHILD PROTECTION POLICY

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Directors of Services, Centers and Heads of Unit
Regional Secretary, ARMM
Regional Directors
Schools Division/City Superintendents
Chiefs of Divisions
Heads, Public and Private Elementary and Secondary Schools
All Others Concerned

1. For the information and guidance of all concerned, the Department of Education (DepEd) issues the enclosed copy of the Policy and Guidelines on Protecting Children in School from Abuse, Violence, Exploitation, Discrimination, Bullying and Other Forms of Abuse entitled "**DepEd Child Protection Policy.**"
2. Pursuant to Section 26 thereof, this DepEd Order shall take effect immediately upon issuance.
3. All Orders, Memoranda and other related issuances inconsistent with these policy and guidelines are deemed amended accordingly upon its effectivity.
4. Immediate dissemination of and strict compliance with this Order is directed.


BR. ARMIN A. LUISTRO FSC
Secretary

Encl.: As stated
Reference: DepEd Memorandum No. 297, s. 2006
To be indicated in the Perpetual Index
under the following subjects:

LEGISLATIONS
POLICY
PUPILS

RULES & REGULATIONS
STUDENTS
TEACHERS

SMA, DO DepEd Child Protection Policy
1190- April 23, 2012

(Enclosure to DepEd Order No. 40, s. 2012)

DEPARTMENT OF EDUCATION

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

I. GENERAL PROVISIONS

Section 1. Short Title

This Department Order shall be known as the "DepEd Child Protection Policy."

Section 2. – Statement of Policy

Pursuant to the 1987 Constitution, the State shall defend 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 (Article XV, Section 3 [2]).

The Constitution further provides that all educational institutions shall inculcate patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency. (Article XIV, Section 3 [2]).

The Convention on the Rights of the Child (CRC) aims to protect children from all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment and exploitation, including sexual abuse. The same Convention establishes the right of the child to education, and with a view to achieving this right progressively, and on the basis of equal opportunity, it obliges the government to take measures to encourage regular attendance in school and reduce drop-out rates. Thus, it is mandated that all appropriate measures be undertaken to ensure that school discipline is administered in a manner consistent with the child's human dignity, and in conformity with the CRC.

Towards this end, the Department of Education (DepEd), in collaboration with its partners and stakeholders, shall ensure that all schools are conducive to the education of children. The best interest of the child shall be the paramount consideration in all decisions and actions involving children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principle of First Call for Children, as enunciated in the CRC. Teachers and learning facilitators especially in learning centers are their substitute parents, and are expected to discharge their functions and duties with this in mind. In this connection, the Family Code empowers the school, its administrators and teachers, or the individual, entity or institution engaged in child care to exercise the special parental authority and responsibility over the child, while under their supervision, instruction or custody.

The Department recognizes that cases of abuse may arise as a result of the difficult situations faced by teachers and other officials within and outside school.

DepEd has adopted the policy to provide special protection to children who are gravely threatened or endangered by circumstances which affect their normal development and over which they have no control, and to assist the concerned agencies in their rehabilitation.

Furthermore, this Department aims to ensure such special protection from all forms of abuse and exploitation and care as is necessary for the child's well-being, taking into account the primary rights and duties of parents, legal guardians, or other individuals who are legally responsible and exercise custody over the child. DepEd recognizes the participatory rights of the child in the formulation and implementation of policies, and in all proceedings affecting them, whether they be victims or aggressors, either directly, or through a representative.

Accordingly, this Department reiterates a zero tolerance policy for any act of child abuse, exploitation, violence, discrimination, bullying and other forms of abuse, and hereby promulgates this Department Order.

Section 3. – Definition of Terms

- A. **"Child"** – refers to any person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty,



exploitation or discrimination because of a physical or mental disability or condition; (RA 7610). For purposes of this Department Order, the term also includes pupils or students who may be eighteen (18) years of age or older but are in school.

- B. **"Children in School"** – refers to bona fide pupils, students or learners who are enrolled in the basic education system, whether regular, irregular, transferee or repeater, including those who have been temporarily out of school, who are in the school or learning centers premises or participating in school-sanctioned activities.
- C. **"Pupil, Student or Learner"** – means a child who regularly attends classes in any level of the basic education system, under the supervision and tutelage of a teacher or facilitator.
- D. **"School Personnel"** – means the persons, singly or collectively, working in a public or private school. They are classified as follows:
- a. **"School Head"** refers to the chief executive officer or administrator of a public or private school or learning center.
 - b. **"Other School Officials"** include other school officers, including teachers, who are occupying supervisory positions or positions of responsibility, and are involved in policy formulation or implementation in a school.
 - c. **"Academic Personnel"** includes all school personnel who are formally engaged in actual teaching service or in research assignments, either on a full-time or a part-time basis, as well as those who possess certain prescribed academic functions directly supportive of teaching, such as registrars, librarians, guidance counselors, researchers, and other similar persons. They may include school officials who are responsible for academic matters, and other school officials.
 - d. **"Other Personnel"** includes all other non-academic personnel in the school, whatever may be the nature of their appointment and status of employment.
- E. **"Child Protection"** - refers to programs, services, procedures and structures that are intended to prevent and respond to abuse, neglect, exploitation, discrimination and violence.



- F. **"Parents"** – refers to biological parents, step-parents, adoptive parents and the common-law spouse or partner of the parent;
- G. **"Guardians or Custodians"** – refers to legal guardians, foster parents, and other persons, including relatives or even non-relatives, who have physical custody of the child.
- H. **"School Visitor or Guest"** – refers to any person who visits the school and has any official business with the school, and any person who does not have any official business but is found within the premises of the school. This may include those who are within the school premises for certain reasons, e.g. student teachers, catechists, service providers, suppliers, bidders, parents and guardians of other children.
- I. **"Child Abuse"** – refers to the maltreatment of a child, whether habitual or not, which includes any of the following:
 - 1) psychological or physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
 - 2) any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
 - 3) unreasonable deprivation of the child's basic needs for survival, such as food and shelter; or
 - 4) failure to immediately give medical treatment to an injured child resulting in serious impairment of his or her growth and development or in the child's permanent incapacity or death (Sec. 3 [b], RA 7610).
- J. **"Discrimination against children"** – refers to an act of exclusion, distinction, restriction or preference which is based on any ground such as age, ethnicity, sex, sexual orientation and gender identity, language, religion, political or other opinion, national or social origin, property, birth, being infected or affected by Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (AIDS), being pregnant, being a child in conflict with the law, being a child with disability or other status or condition, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.

K. **"Child exploitation"** - refers to the use of children for someone else's advantage, gratification or profit often resulting in an unjust, cruel and harmful treatment of the child. These activities disrupt the child's normal physical or mental health, education, moral or social emotional development. It covers situations of manipulation, misuse, abuse, victimization, oppression or ill-treatment.

There are two (2) main forms of child exploitation that are recognized:

1. **Sexual exploitation** – refers to the abuse of a position of vulnerability, differential power, or trust, for sexual purposes. It includes, but it is not limited to forcing a child to participate in prostitution or the production of pornographic materials, as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.
2. **Economic exploitation** – refers to the use of the child in work or other activities for the benefit of others. Economic exploitation involves a certain gain or profit through the production, distribution and consumption of goods and services. This includes, but is not limited to, illegal child labor, as defined in RA 9231.

L. **"Violence against children committed in schools"** - refers to a single act or a series of acts committed by school administrators, academic and non-academic personnel against a child, which result in or is likely to result in physical, sexual, psychological harm or suffering, or other abuses including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:

1. *Physical violence* refers to acts that inflict bodily or physical harm. It includes assigning children to perform tasks which are hazardous to their physical well-being.
2. *Sexual violence* refers to acts that are sexual in nature. It includes, but is not limited to:



- a) rape, sexual harassment, acts of lasciviousness, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body;
 - b) forcing the child to watch obscene publications and indecent shows or forcing the child to do indecent sexual acts and/or to engage or be involved in, the creation or distribution of such films, indecent publication or material; and
 - c) acts causing or attempting to cause the child to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion, or through inducements, gifts or favors.
3. *Psychological violence* refers to acts or omissions causing or likely to cause mental or emotional suffering of the child, such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, deduction or threat of deduction from grade or merit as a form of punishment, and repeated verbal abuse.
4. *Other acts of violence* of a physical, sexual or psychological nature that are prejudicial to the best interest of the child.

M. "Bullying or Peer Abuse" – refers to willful aggressive behavior that is directed, towards a particular victim who may be out-numbered, younger, weak, with disability, less confident, or otherwise vulnerable. More particularly:

1. Bullying – is committed when a student commits an act or a series of acts directed towards another student, or a series of single acts directed towards several students in a school setting or a place of learning, which results in physical and mental abuse, harassment, intimidation, or humiliation. Such acts may consist of any one or more of the following:

a. Threats to inflict a wrong upon the person, honor or property of the person or on his or her family;

b. Stalking or constantly following or pursuing a person in his or her daily activities, with unwanted and obsessive attention;

c. Taking of property;

d. Public humiliation, or public and malicious imputation of a crime or of a vice or defect, whether real or imaginary, or any act, omission, condition, status, or circumstance tending to cause dishonor, discredit or expose a person to contempt;

e. Deliberate destruction or defacement of, or damage to the child's property;

f. Physical violence committed upon a student, which may or may not result to harm or injury, with or without the aid of a weapon. Such violence may be in the form of mauling, hitting, punching, kicking, throwing things at the student, pinching, spanking, or other similar acts;

g. Demanding or requiring sexual or monetary favors, or exacting money or property, from a pupil or student; and

h. Restraining the liberty and freedom of a pupil or student.

2. **Cyber-bullying** - is any conduct defined in the preceding paragraph, as resulting in harassment, intimidation, or humiliation, through electronic means or other technology, such as, but not limited to texting, email, instant messaging, chatting, internet, social networking websites or other platforms or formats.

N. "Other acts of abuse by a pupil, student or learner" - refers to other serious acts of abuse committed by a pupil, student or learner upon another pupil, student or learner of the same school, not falling under the definition of 'bullying' in the preceding provisions, including but not limited to acts of a physical, sexual or psychological nature.

O. "Corporal Punishment" - refers to a kind of punishment or penalty imposed for an alleged or actual offense, which is carried

out or inflicted, for the purpose of discipline, training or control, by a teacher, school administrator, an adult, or any other child who has been given or has assumed authority or responsibility for punishment or discipline. It includes physical, humiliating or degrading punishment, including, but not limited to the following:

- 1) Blows such as, but not limited to, beating, kicking, hitting, slapping, or lashing, of any part of a child's body, with or without the use of an instrument such as, but not limited to a cane, broom, stick, whip or belt;
- 2) Striking of a child's face or head, such being declared as a "no contact zone";
- 3) Pulling hair, shaking, twisting joints, cutting or piercing skin, dragging, pushing or throwing of a child;
- 4) Forcing a child to perform physically painful or damaging acts such as, but not limited to, holding a weight or weights for an extended period and kneeling on stones, salt, pebbles or other objects;
- 5) Deprivation of a child's physical needs as a form of punishment;
- 6) Deliberate exposure to fire, ice, water, smoke, sunlight, rain, pepper, alcohol, or forcing the child to swallow substances, dangerous chemicals, and other materials that can cause discomfort or threaten the child's health, safety and sense of security such as, but not limited to bleach or insecticides, excrement or urine;
- 7) Tying up a child;
- 8) Confinement, imprisonment or depriving the liberty of a child;
- 9) Verbal abuse or assaults, including intimidation or threat of bodily harm, swearing or cursing, ridiculing or denigrating the child;
- 10) Forcing a child to wear a sign, to undress or disrobe, or to put on anything that will make a child look or feel foolish, which belittles or humiliates the child in front of others;



- 11) Permanent confiscation of personal property of pupils, students or learners, except when such pieces of property pose a danger to the child or to others; and
- 12) Other analogous acts.

P. "Positive and Non-Violent Discipline of Children" –is a way of thinking and a holistic, constructive and pro-active approach to teaching that helps children develop appropriate thinking and behavior in the short and long-term and fosters self-discipline. It is based on the fundamental principle that children are full human beings with basic human rights. Positive discipline begins with setting the long-term goals or impacts that teachers want to have on their students' adult lives, and using everyday situations and challenges as opportunities to teach life-long skills and values to students.

II. DUTIES AND RESPONSIBILITIES

Section 4. Central Office

The DepEd Central Office shall have the following duties and responsibilities:

- A. Develop a policy and guidelines for the prevention of violence against children in schools and make these available to all schools;
- B. Conduct a nationwide information dissemination and campaign on violence prevention programs for children and research-based best practices for teachers, which are intended to promote new techniques, methodologies and research related to teaching, classroom management, child development, positive and non-violent discipline;
- C. Devise programs, campaigns and activities through the Offices of the Undersecretary for Programs and Projects and Regional Operations, to raise consciousness, mobilize and educate the students, parents, teachers, community, local government units and other stakeholders in addressing child abuse, exploitation, violence, discrimination and bullying; and

D. Formulate a system of standard reporting, prescribe standards and procedures for monitoring and evaluation, and maintain the central repository of Regional Reports (Annex "A") on incidents and cases of child abuse, exploitation, violence, discrimination, bullying and other acts of abuse, through the Office of the Undersecretary for Legal and Legislative Affairs.

The data on the number and types of reports made under these guidelines, the results of investigations undertaken to verify the details made in the complaints, the sanctions imposed, the action taken and the interventions adopted, are to be maintained on an annual aggregated basis.

E. The Secretary shall exercise disciplinary jurisdiction, where appropriate, pursuant to the Revised Rules of Procedure of the Department of Education in Administrative Cases and other existing laws, rules and regulations.

Section 5. Regional Offices

The Regional Offices shall have the following duties and responsibilities:

A. Encourage and support advocacy campaigns and capability building activities on the prevention of child abuse, violence, exploitation, discrimination, bullying and other forms of abuse, promotion of positive and non-violent discipline, conflict resolution and peer mediation;

B. Consolidate reports on incidents and cases of the Division Offices within the Region and submit a Regional Report (Annex "A") to the Undersecretary for Legal and Legislative Affairs;

C. Monitor and evaluate the implementation and enforcement of this Department Order by the Schools Division Offices and such other related laws and regulations relative to abuse, exploitation, violence and discrimination of children;

D. Exercise disciplinary jurisdiction, where appropriate, pursuant to the Revised Rules of Procedure of the Department of Education in Administrative Cases and other existing laws, rules and regulations; and

E. Give recommendations to the Central Office on the policies, programs, and services, to address and prevent cases of child

abuse, exploitation, violence and discrimination, bullying and other acts of abuses, consistent with this Department Order.

Section 6. Division Offices

The Division Offices shall have the following duties and responsibilities:

- A. Conduct the information-dissemination activities and in-service training for teachers on the protection of children in school from abuse, violence, exploitation, discrimination, bullying or peer abuse and other related cases;
- B. Undertake advocacy campaigns and capability building activities to enable the schools to do the following:
 - Apply positive and non-violent discipline,
 - Formulate and implement guidelines and procedures to emphasize the role of all stakeholders and other persons in the prevention and reporting of cases of bullying, and
 - Provide conflict resolution or peer mediation, including referral to appropriate service providers, if needed;
- C. Organize and conduct the capacity building activities for members of the Child Protection Committee and Guidance Counselors/Teachers; including, but not limited to the identification of students who may be suffering from significant harm based on any physical, emotional or behavioral signs;
- D. Develop strategies to address the risk factors that contribute to the commission of acts of abuse, violence, exploitation, discrimination, and bullying;
- E. Consolidate the reports on incidents and cases of all schools and submit a Division Report (Annex "A") to the Regional Office;
- F. Monitor and evaluate the implementation and enforcement by public and private schools of this Department Order and such other related laws and regulations relative to abuse, exploitation, violence and discrimination of children;
- G. Exercise disciplinary jurisdiction, where appropriate, pursuant to the Revised Rules of Procedure of the Department of

Education in Administrative Cases and other existing laws, rules and regulations;

H. Give recommendations to the Regional Office and devise measures to address and prohibit abuse, exploitation, violence and discrimination, and bullying or peer abuse of children, consistent with this Department Order;

I. Utilize resources, coordinate with appropriate offices and other agency or instrumentality for such assistance as it may require in the performance of its functions;

J. Encourage and support activities and campaigns initiated by stakeholders; and

K. Perform such other functions, as may be assigned by the Secretary or the Regional Director.

Section 7. – Schools

The School Heads shall have the following duties and responsibilities:

A. Ensure the institution of effective child protection policies and procedures, and monitor compliance thereof;

B. Ensure that the school adopts a child protection policy;

C. Ensure that all pupils, students or learners, school personnel, parents, guardians or custodians, and visitors and guests are made aware of child protection policy (Annex "C").

D. Organize and convene the Child Protection Committee for the school;

E. Conduct the capacity building activities for the members of the Child Protection Committee and Guidance Counselors/Teachers;

F. Conduct disciplinary proceedings in cases of offenses committed by pupils, students or learners;

- G. Ensure that the participatory and other rights of children are respected and upheld in all matters and procedures affecting their welfare;
- H. Maintain a record of all proceedings related to bullying or peer abuse and submit after each school year to the Division Office the report and a copy of the intake form (Annexes "A" & "B", respectively);
- I. Conduct the appropriate training and capability-building activities on child protection measures and protocols;
- J. Ensure that the school adopts a student Code of Conduct to be followed by every pupil, student or learner while on school grounds, or when traveling to and from school, or during a school-sponsored activity, and during lunch period, whether on or off campus;
- K. Adopt such conflict resolution mechanisms that respect the rights of indigenous peoples, provided that they conform to this Department Order and they uphold the rights of the child;
- L. Coordinate with the appropriate offices and other agency or instrumentality for appropriate assistance and intervention, as may be required in the performance of its functions;
- M. Coordinate with the Department of Social Welfare and Development or, the appropriate government agencies or non-governmental organizations on a Child Protection Hotline for reporting abuse, violence, exploitation, discrimination, bullying and other similar acts and for counseling;
- N. Ensure that all incidents of abuse, violence, exploitation, discrimination, bullying and other similar acts are addressed in accordance with the provisions of this Department Order.



Section 8. Duties and Responsibilities of School Personnel

Article 218 of the Family Code of the Philippines provides the following responsibilities of school administrators, teachers, academic and non-academic and other personnel:

A. Exercise special parental authority and responsibility over the child while under their supervision, instruction and custody. Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution.

Articles 220 and 233 of the Family Code of the Philippines, Presidential Decree No. 603, and other related laws enumerated the following duties and responsibilities of the abovementioned persons and personnel over the children under their supervision, instruction and custody:

B. Keep them in their company and support, educate and instruct them by right precept and good example;

C. Give them love and affection, advice and counsel, companionship and understanding;

D. Enhance, protect, preserve and maintain their physical and mental health at all times;

E. Furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company and prevent them from acquiring habits detrimental to their health, studies and morals;

F. Represent them in all matters affecting their interests;

G. Inculcate the value of respect and obedience;

H. Practice positive and non-violent discipline, as may be required under the circumstances; provided, that in no case shall corporal punishment be inflicted upon them;

I. Perform such other duties as are imposed by law upon them, as substitute parents or guardians; and

J. School personnel shall also strictly comply with the school's child protection policy.

Section 9. Duties and Responsibilities of Pupils, Students and Learners

Pupils, students and learners shall have the following duties and responsibilities:

- A. Comply with the school's regulations, as long as they are in harmony with their best interests. Pupils, students and learners shall refrain from:
 - i. Engaging in discrimination, or leading a group of pupils or students to discriminate another, with reference to one's physical appearance, weaknesses and status of any sort;
 - ii. Doing any act that is inappropriate or sexually provocative;
 - iii. Participating in behavior of other students that is illegal, unsafe or abusive;
 - iv. Marking or damaging school property, including books, in any way;
 - v. Engaging in fights or any aggressive behavior;
 - vi. Introducing into the school premises or otherwise possessing prohibited articles, such as deadly weapons, drugs, alcohol, toxic and noxious substances, cigarettes and pornographic material; and
 - vii. Performing other similar acts that cause damage or injury to another.

An allegation that any of these acts has been committed shall not be used to curtail the child's basic rights, or interpreted to defeat the objectives of this Department Order.

- B. Conduct themselves in accordance with their levels of development, maturity, and demonstrated capabilities, with a proper regard for the rights and welfare of other persons;
- C. Respect another person's rights regardless of opinion, status, gender, ethnicity, religion, as well as everyone's moral and physical integrity; and
- D. Observe the Code of Conduct for pupils, students and learners.

Section 10. Establishment of Child Protection Committee

All public and private elementary and secondary schools shall establish a Child Protection Committee (CPC).

A. The CPC shall be composed of the following:

1. School Head/Administrator – Chairperson
2. Guidance Counselor/ Teacher – Vice Chairperson
3. Representative of the Teachers as designated by the Faculty Club
4. Representative of the Parents as designated by the Parents-Teachers Association
5. Representative of pupils, students and learners as designated by the Supreme Student Council
6. Representative from the Community as designated by the Punong Barangay, preferably a member of the Barangay Council for the Protection of Children (BCPC).

B. The CPC shall perform the following functions:

1. Draft a school child protection policy with a code of conduct and a plan to ensure child protection and safety, which shall be reviewed every three (3) years. The template for the school child protection policy is attached as Annex "C";
2. Initiate information dissemination programs and organize activities for the protection of children from abuse, exploitation, violence, discrimination and bullying or peer abuse;
3. Develop and implement a school-based referral and monitoring system. The template for the referral system is attached as Annex "D";
4. Establish a system for identifying students who may be suffering from significant harm based on any physical, emotional or behavioral signs;
5. Identify, refer and, if appropriate, report to the appropriate offices cases involving child abuse, exploitation, violence, discrimination and bullying;

6. Give assistance to parents or guardians, whenever necessary in securing expert guidance counseling from the appropriate offices or institutions;
7. Coordinate closely with the Women and Child Protection Desks of the Philippine National Police (PNP), the Local Social Welfare and Development Office (LSWDO), other government agencies, and non-governmental organizations (NGOs), as may be appropriate;
8. Monitor the implementation of positive measures and effective procedures in providing the necessary support for the child and for those who care for the child; and
9. Ensure that the children's right to be heard are respected and upheld in all matters and procedures affecting their welfare.

III. PREVENTIVE MEASURES TO ADDRESS CHILD ABUSE, EXPLOITATION, VIOLENCE, DISCRIMINATION AND BULLYING AND OTHER ACTS OF ABUSE

Section 11. Capacity Building of School Officials, Personnel, Parents and Students

All public and private elementary and secondary schools shall build the capacities of school personnel, pupils, students and learners, parents and guardians to understand and deal with child abuse, exploitation, violence and discrimination cases, bullying and peer violence by conducting sessions, trainings and seminars on positive peer relationships and enhancement of social and emotional competence.

They shall use training modules which include positive and non-violent discipline in classroom management, anger and stress management and gender sensitivity. They shall likewise employ means which enhance the skills and pedagogy in integrating and teaching children's rights in the classroom.

The programs that are intended to promote Positive and Non-Violent Discipline include, but are not limited to, the following:

1. Integration of education sessions on corporal punishment and positive discipline in the initiatives of the Parent-Teachers Associations (PTAs);
2. Capacity-building programs for school administrators, teachers and non-academic personnel focused on children's rights, child development and positive and nonviolent approaches in teaching and classroom management, to enable them to incorporate positive discipline messages in parent-teacher conferences and family counseling, and integrate messages on children's rights and corporal punishment in classroom discussions;
3. Encouraging and supporting the formation and initiatives of support groups among teaching and non-teaching staff, and parents and caregivers;
4. Implementing specific parenting orientation sessions with parents and caregivers and other activities;
5. Implementing school activities or events that raise awareness on children's rights, corporal punishment and positive discipline, fostering the active involvement of and providing venues for bringing together parents, families and children;
6. Encouraging and supporting student-led initiatives to raise awareness on children's rights, corporal punishment and positive discipline; and
7. Setting up child-friendly mechanisms for obtaining children's views and participation in the formulation, monitoring and assessment of school rules and policies related to student discipline.

IV. PROTECTIVE AND REMEDIAL MEASURES TO ADDRESS CHILD ABUSE, EXPLOITATION, VIOLENCE, DISCRIMINATION, BULLYING AND OTHER ACTS OF ABUSE

Section 12. Procedures in Handling Bullying Incidents in Schools. A complaint for bullying or peer abuse shall be acted upon by the School Head following the procedures herein set forth:

- a. **Bullying** - Upon the filing of a complaint or upon notice by a school personnel or official of any bullying or peer abuse incident, the same shall be immediately reported to the School Head, who

shall inform the parents or guardian of the victim and the offending child, in a meeting called for the purpose. The victim and the offending child shall be referred to the Child Protection Committee for counseling and other interventions. The penalty of reprimand, if warranted, may be imposed by the School Head in the presence of the parents or guardians.

If bullying is committed for a second or subsequent time, after the offending child has received counseling or other interventions, the penalty of suspension for not more than one (1) week may be imposed by the School Head, if such is warranted. During the period of suspension, the offending child and the parents or guardians may be required to attend further seminars and counseling. The School Head shall likewise ensure that the appropriate interventions, counseling and other services, are provided for the victim or victims of bullying.

- b. **Bullying that results in serious physical injuries or death** - If the bullying or peer abuse resulted in serious physical injuries or death, whenever appropriate, the case shall be dealt with in accordance with the provisions of Republic Act 9344 and its Implementing Rules and Regulations.
- c. **Procedure** - In all cases where the imposable penalty on the offending child is suspension, exclusion or expulsion, the following minimum requirements of due process shall be complied with:
 - (1) The child and the parents or guardians must be informed of the complaint in writing;
 - (2) The child shall be given the opportunity to answer the complaint in writing, with the assistance of the parents or guardian;
 - (3) The decision of the school head must be in writing, stating the facts and the reasons for the decision;
 - (4) The decision of the school head may be appealed, as provided in existing rules of the Department.

Section 13. Implementation of Non-punitive Measures. Depending on the gravity of the bullying committed by any pupil, student or learner, the school may impose other non-punitive

measures, in lieu of punitive measures, in accordance with the principles of Positive and Non-Violent Discipline.

Section 14. Other acts of violence or abuse. Other serious acts of violence or abuse committed by a pupil, student or learner upon another pupil, student or learner of the same school, shall, and whenever appropriate, be dealt with in accordance with the provisions of Republic Act 9344 and its Implementing Rules and Regulations.

V. RULES AND PROCEDURES IN HANDLING CHILD ABUSE, EXPLOITATION, VIOLENCE AND DISCRIMINATION CASES

Section 15. - Prohibited Acts

The following acts, as defined in Section 3 of this Order, are hereby prohibited and shall be penalized in administrative proceedings as Grave or Simple Misconduct depending on the gravity of the act and its consequences, under existing laws, rules and regulations:

1. Child abuse;
2. Discrimination against children;
3. Child Exploitation ;
4. Violence Against Children in School;
5. Corporal Punishment;
6. Any analogous or similar acts.

Section 16. Investigation and Reporting. The conduct of investigation and reporting of cases of child abuse, exploitation, violence or discrimination, shall be done expeditiously, as herein provided.

A. PUBLIC SCHOOLS

- A. The School Head or the Schools Division Superintendent, upon receipt of the Complaint, shall forward the same, within forty-eight (48) hours, to the Disciplining Authority, who shall then issue an Order for the conduct of a fact-finding investigation, not later than seventy-two (72) hours from submission. These periods shall be strictly observed, except when justified by circumstances beyond their

control; *Provided*, that, if the person complained of is a non-teaching personnel, the Schools Division Superintendent shall cause the conduct of a fact-finding investigation within the same period.

- B. If a complaint is not sufficient in form, the concerned School Head, Schools Division Superintendent, or Disciplining Authority shall immediately inform the complainant of the requirements of a formal complaint. Upon the filing of the formal complaint, the same shall be acted upon pursuant to the preceding paragraphs.
- C. The conduct of a fact-finding investigation shall be in accordance with the Revised Rules of Procedure of the Department of Education in Administrative Cases. Pending investigation, upon referral of the School Principal or Guidance Counselor/Teacher, the Local Social Welfare and Development Officer (LSWDO) of the concerned local government unit shall assess the child and provide psychosocial intervention to help the child victim recover from whatever trauma he or she has experienced as a result of the abuse. The offender shall likewise undergo psychosocial intervention, if such is warranted.

If a prima facie case exists based on the Investigation Report and the records, a Formal Charge shall be issued by the Disciplining Authority, which may be the basis for the issuance of an Order of Preventive Suspension or as an alternative, reassignment of the offending party, as may be warranted. The respondent may be placed under preventive suspension pending investigation, for a period of ninety (90) days, if the injury or abuse committed against a child is so grave, as to render the child unable to attend his or her classes. The respondent may also be preventively suspended to preclude the possibility of influencing or intimidating witnesses.

The respondent may file a Motion for Reconsideration with the Disciplining Authority or may elevate the same to the Civil Service Commission by way of an Appeal within fifteen (15) days from receipt thereof.

D. The Revised Rules of Procedure of the Department of Education in Administrative Cases shall apply in all other aspects.

E. A complaint for education-related sexual harassment as defined under Resolution No. 01-0940 of the Civil Service Commission, must be in writing, signed and sworn to by the complainant. It shall contain the following:

1. the full name and address of the complainant;
2. the full name, address, and position of the respondent;
3. a brief statement of the relevant facts;
4. evidence, in support of the complainant, if any;
5. a certification of non-forum shopping.

E.1. The Complaint shall be referred to the Committee on Decorum and Investigation. Upon receipt of the complaint, the Committee shall require the person complained of to submit his or her Counter-Affidavit/Comment, which shall be under oath, not later than three (3) days from receipt of the notice, furnishing the complainant a copy thereof, otherwise the Counter-Affidavit or Comment shall be considered as not filed.

E.2. The procedure for the conduct of an investigation and all other related incidents, shall be in accordance with the rules under Resolution No. 01-0940 of the Civil Service Commission; Provided, that, if the respondent is a teacher, the composition of the Formal Investigating Committee shall be in accordance with Section 9 of R.A. 4670.

F. The Regional Directors shall periodically monitor and keep a record of all reported child abuse cases, and submit a final consolidated regional report (Annex "A") to the Office of the Undersecretary for Legal and Legislative Affairs and the Undersecretary for Regional Operations.

G. Failure to submit an incident report or to render a decision involving the case within the prescribed period, without justifiable cause, shall be a ground for administrative action for neglect of duty against the responsible official.

H. The Office of the Undersecretary for Legal and Legislative Affairs shall compile the regional reports and submit an annual report to the Secretary.

Section 17. Jurisdiction. Complaints of child abuse, violence, discrimination, exploitation, bullying and other acts of abuse under this Department Order shall be within the exclusive jurisdiction of the Department, and shall not be brought for amicable settlement before the Barangay, subject to existing laws, rules and regulations. Complaints for acts committed by persons not under the jurisdiction of the Disciplinary Authority of the Department shall be referred to the appropriate authorities.

Section 18. Confidentiality. In child abuse, violence, discrimination, exploitation, bullying or peer abuse and other acts of abuse by a pupil, student or learners, 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.

On the other hand, the Magna Carta for Public School Teachers protects the rights of teachers and no publicity shall be given to any disciplinary action against a teacher during the pendency of his or her case.

Section 19. Criminal and Civil Liability. Criminal and civil liability arising from child abuse, discrimination, exploitation, and other acts of abuse are separate and distinct, and shall not be a bar to the filing of an administrative case under these guidelines.

B. Private Schools

Section 20. Complaint against school personnel or official. A complaint for child abuse, violence, exploitation or discrimination in a private school shall be filed with the School Head/Chief Executive Officer and shall be acted upon pursuant to the school's rules of procedures on administrative cases. The penalty shall be that which is provided by the rules of the school, subject to the requirements of due

process. The administrative case shall be without prejudice to any civil or criminal case that may be filed.

Section 21. The private school shall submit the report (Annex "A") to the Division Office after each school year.

VI. REFERRAL AND ASSESSMENT OF VICTIMS AND OFFENDERS AND OTHER CHILDREN

Section 22. Referral and Assessment. In all cases involving child abuse, violence, exploitation, discrimination, bullying and other acts of abuse, the CPC shall accomplish the Intake Sheet (Annex "B"). The School Head may refer the victims and offenders in cases involving child abuse, exploitation, discrimination, bullying or peer abuse and other acts of abuse, to the LSWDO for assessment. The LSWDO shall determine the appropriate intervention.

The School Head, with the aid of the assigned Guidance Counselor/Teacher, and in coordination with the LSWDO, shall immediately remove the victim, or in appropriate cases the offender, from the place of the incident, if the victim is determined to be at risk. The child's family shall be informed of any action taken.

The School Head may also refer to the LSWDO other pupils, students or learners who are victims of abuse at home, children at risk, children in especially difficult circumstances, children with special needs or at risk, children facing difficult situations, or those who are exhibiting signs of aggressive behavior, with a view to obtaining professional assessment, appropriate interventions and assistance from competent service providers.

VII. MISCELLANEOUS PROVISIONS

Section 23. Duties of Private Schools

Private Schools shall be responsible for promulgating a school child protection policy, including a policy on bullying, a protocol for reporting and procedures for handling and management of cases, consistent with these policies and guidelines.

Section 24. - Separability Clause

Any part or provision of this Department Order which may be held invalid or unconstitutional shall not affect the validity and effectivity of the other provisions.

Section 25. Repealing Clause

All prior Department Orders or other issuances, or provisions thereof, which are inconsistent with this Department Order are hereby repealed, revised or modified accordingly.

Section 26. - Effectivity

This Department Order shall take effect immediately upon issuance.



BR. ARMIN A. LUJASTRO FSC
Secretary



Republic of the Philippines
Department of Education

23 DEC 2013

DepEd ORDER
No. **55** s. 2013

**IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT (RA) NO. 10627
OTHERWISE KNOWN AS THE ANTI-BULLYING ACT OF 2013**

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Directors of Services, Centers and Heads of Units
Regional Directors
Schools Division Superintendents
Heads, Public and Private Elementary and Secondary Schools
All Others Concerned

1. For the information and guidance of all concerned, enclosed is a copy of the **Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 10627**, entitled *An Act Requiring All Elementary and Secondary Schools to Adopt Policies to Prevent and Address the Acts of Bullying in Their Institutions*. This is also known as the Anti-Bullying Act of 2013.
2. Pursuant to Section 17 of this IRR, this Order shall take effect fifteen days after its publication in the Official Gazette or in a newspaper of general circulation. As such, the IRR will take effect on January 3, 2014, since it was published on December 19, 2013 in newspapers, The Manila Times and Business Mirror, respectively.
3. The provisions of DepEd Order No. 40, s. 2012, or the *DepEd Child Protection Policy* on bullying are hereby deemed amended. All other provisions of said DepEd Order shall remain in full force and effect.
4. All other Orders, Memoranda and related issuances inconsistent with the contents of this Order are hereby repealed, revised or modified accordingly.
5. Immediate dissemination of and strict compliance with this Order is directed.

BR. ARMIN A. LUISTRO FSC
Secretary

Encl.: As stated
Reference: DepEd Order: (No. 40, s. 2012)
To be indicated in the Perpetual Index
under the following subjects:

LEGISLATIONS
POLICY
PUPILS

RULES & REGULATIONS
SCHOOLS
STUDENTS

R-MCR/DO-RA No. 10627 Anti-Bullying Act of 2013
1108/December 19, 2013/1-6-14

(Enclosure to DepEd Order No. 55, s. 2013)

**IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 10627,
OTHERWISE KNOWN AS THE ANTI-BULLYING ACT OF 2013**

Pursuant to the provisions of Section 7 of Republic Act No. 10627, this Order is hereby issued to implement the provisions of the Act.

RULE I

PRELIMINARY PROVISIONS

Section 1. Short Title. These rules shall be known as the "Implementing Rules and Regulations of the Anti-Bullying Act of 2013."

Section 2. Scope and Coverage.

These rules shall cover all public and private kindergarten, elementary and secondary schools and learning centers.

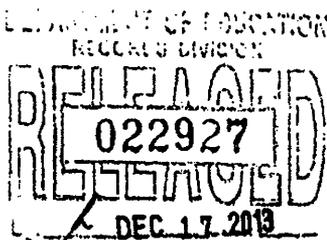
RULE II

DEFINITION OF TERMS

Section 3. Definition of Terms. - As used in this Implementing Rules and Regulations (IRR), the following terms shall be defined as:

- a. **"Act"** refers to Republic Act No. 10627, otherwise known as the "Anti-Bullying Act of 2013";
- b. **"Bullying"** refers to any severe, or repeated use by one or more students of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at another student that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his property; creating a hostile environment at school for the other student; infringing on the rights of another student at school; or materially and substantially disrupting the education process or the orderly operation of a school; such as, but not limited to, the following:

- 1. Any unwanted physical contact between the bully and the victim like punching, pushing, shoving, kicking, slapping, tickling, headlocks, inflicting school pranks, teasing, fighting and the use of available objects as weapons;



km

2. Any act that causes damage to a victim's psyche and/or emotional well-being;
3. Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim's looks, clothes and body;
4. **"Cyber- bullying"** or any bullying done through the use of technology or any electronic means. The term shall also include any conduct resulting to harassment, intimidation, or humiliation, through the use of other forms of technology, such as, but not limited to texting, email, instant messaging, chatting, internet, social media, online games, or other platforms or formats as defined in DepED Order No. 40, s. 2012; and
5. Any other form of bullying as may be provided in the school's child protection or anti-bullying policy, consistent with the Act and this IRR.
 - b. 1. The term "*bullying*" shall also include:
 1. **"Social bullying"** - refers to any deliberate, repetitive and aggressive social behavior intended to hurt others or to belittle another individual or group.
 2. **"Gender-based bullying"** refers to any act that humiliates or excludes a person on the basis of perceived or actual sexual orientation and gender identity (SOGI).
 - c. **"Bully"**– refers to any student who commits acts of bullying as defined by the Act or this IRR.
 - d. **"Bullied" or "Victim"**– refers to any student who experiences the acts of bullying or retaliation as defined by the Act or this IRR.
 - e. **"Bystander"** - refers to any person who witnesses or has personal knowledge of any actual or perceived acts or incidents of bullying or retaliation as defined by this IRR.

- f. **"Learning center"** – refers to learning resources and facilities of a learning program for out-of-school youth and adults as defined in DepED Order. No. 43, s. 2013.
- g. **"Service provider"** - refers to any person who is not a teacher or school personnel but who works in the school, such as, but not limited to, security guards, canteen personnel, utility workers, and transportation service personnel.
- h. **"Student"** – refers to a person who attends classes in any level of basic education, and includes a pupil or learner as defined in DepED Order No. 40, s. 2012.

RULE III

ANTI-BULLYING POLICIES

Section 4. Adoption of Anti-Bullying Policies

All public and private kindergarten, elementary and secondary schools shall adopt policies to address the existence of bullying in their respective institutions. Such policies shall be regularly updated and, at a minimum, shall include provisions on prohibited acts, prevention and intervention programs, mechanisms and procedures.

RULE IV

PROHIBITED ACTS

Section 5. Prohibited Acts

Consistent with Section 3 of the Act, the anti-bullying policy shall prohibit:

1. Bullying at the following:
 - a. school grounds;
 - b. property immediately adjacent to school grounds;
 - c. school-sponsored or school-related activities, functions or programs whether on or off school grounds;
 - d. school bus stops;
 - e. school buses or other vehicles owned, leased or used by a school;

- f. school buses or school services privately-owned but accredited by the school.
2. Bullying through the use of technology or an electronic device or other forms of media owned, leased or used by a school.
3. Bullying at a location, activity, function or program that is not school-related and through the use of technology or an electronic device or other forms of media that is not owned, leased or used by a school; and.
4. Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying.

**RULE IV
PREVENTION AND INTERVENTION PROGRAM TO ADDRESS BULLYING**

Section 6. Prevention Programs

All public and private schools shall adopt bullying prevention programs. These programs shall be applicable to all students regardless of level of risk or vulnerability to bullying. Said programs shall also be comprehensive, multi-faceted and shall involve all education stakeholders and personnel. The programs may contain, among others:

- (1) School-wide initiatives centered on:
 - a. positive school climate and environment conducive to the attainment of learning objectives, the development of healthy relationships and the understanding of and respect for individual differences;
 - b. periodic assessment and monitoring of the nature, extent, and perceptions of bullying behaviors and attitudes of students ;
 - c. periodic review and enhancement of the students' and personnel's manual or code of conduct in relation to bullying ;
 - d. conduct of activities for students, school personnel and service providers on how to recognize and respond to bullying.

- e. continuing personnel development to sustain bullying prevention programs; and
- f. coordination with Local Government Units, barangay (Barangay Council for the Protection of Children) and other stakeholders.

(2) Classroom-level initiatives that focus on:

- a. reinforcing school-wide rules pertaining to bullying;
- b. building a positive sense of self and interpersonal relationships through the development of self-awareness and self-management, interpersonal skills and empathy, and responsible decision-making and problem-solving;
- c. discussion of issues related to bullying, and strategies for responding to and reporting of incidents of bullying;
- d. teaching positive online behavior and safety and how to recognize and report cyber-bullying; and
- e. providing an inclusive and caring learning environment for students.

(3) Involving parents in bullying prevention activities, such as:

- a. discussions of the anti-bullying policy of the school, emphasizing bullying prevention during Parents-Teachers Association meetings and seminars; and
- b. conducting or sponsoring education sessions for parents to learn, teach, model, and reinforce positive social and emotional skills to their children.

(4) Monitoring students who are vulnerable to committing aggressive acts or who are perpetrators of bullying, or who are possible targets or victims, for the purpose of early intervention. This activity shall be conducted with utmost confidentiality and respect for all parties concerned.

ATM

Section 7. Intervention Programs

There shall be intervention programs to promote the continuity of comprehensive anti-bullying policies. Intervention refers to a series of activities which are designed to address the following:

- a. issues that influence the student to commit bullying;
- b. factors that make a student a target of bullying; and
- c. effects of bullying.

Interventions may include programs such as counseling, life skills training, education, and other activities that will enhance the psychological, emotional and psycho-social well-being of both the victim and the bully. Such programs may:

- a. involve activities that will address acts of bullying;
- b. emphasize formative and corrective measures rather than punishment;
- c. conform to principles of child protection and positive and non-violent discipline;
- d. help the victim, the bully, and the bystanders understand the bullying incident and its negative consequences; and
- e. provide opportunities to practice pro-social behavior.

All schools shall develop intervention strategies involving all parties, such as bullies, victims, bystanders, parents, school personnel, service providers and all other persons who may be affected by the bullying incident.

RULE VI MECHANISMS AND PROCEDURES IN HANDLING BULLYING INCIDENTS IN SCHOOLS

Section 8. Duties and Responsibilities

In addition to the duties and responsibilities of education stakeholders enumerated in Sections 4 to 9 of DepED Order No. 40, s. 2012, the following offices and persons shall have the following duties and responsibilities:

Section 8. 1. Central Office

The DepED Central Office shall:

- A. Conduct a nationwide information dissemination and campaign on anti-bullying;
- B. Monitor and evaluate reports of Regional Offices on incidents and cases of bullying;
- C. Maintain a central repository of reports, through the Office of the Undersecretary for Legal and Legislative Affairs, on an annual aggregated basis, focusing on the number of incidents of bullying, results of investigations undertaken to verify the details made in complaints, and the sanctions imposed;
- D. Initiate training programs and activities where best practices on intervention and prevention strategies are adopted, to ensure quality, relevant, effective and efficient delivery of prevention and intervention programs in schools; and
- E. Submit a comprehensive annual report on bullying to the Committee on Basic Education of both the Senate and the House of Representatives.

Section 8.2. Regional Offices

The Regional Offices shall:

- A. Encourage and support anti-bullying campaigns and capability-building activities on handling bullying cases;
- B. Review all anti-bullying policies adopted by public and private schools forwarded by Division Offices as required by the Act and submit consolidated reports to the Central Office through the Office of the Undersecretary for Legal and Legislative Affairs, (Annex A of DepED Order No. 40, s. 2012);
- C. Consolidate reports on incidents and cases of the Division Offices within the Region and submit a Regional Report to the Office Undersecretary for Legal and Legislative Affairs ;
- D. Monitor and evaluate the implementation and enforcement of this IRR; and
- E. Impose sanctions and penalties on erring private schools and DepED academic personnel.

Section 8.3. Division Offices

The Division Offices shall:

- A. Conduct information-dissemination and capacity-building activities for teachers, guidance counselors, and members of the Child Protection Committees on handling bullying cases;
- B. Monitor the adoption of anti-bullying policies in all public and private elementary and secondary schools within the Division, maintain a repository of such policies, and submit reports on compliance to the Regional Office;
- C. Consolidate the reports on incidents and cases of bullying of all schools in the Division and submit a Division Report to the Regional Office (Annex A of DepED Order No. 40, 2012);
- D. Assess and evaluate the implementation and enforcement by public and private schools of this IRR;
- E. Review the anti-bullying policies submitted by the schools, to ensure compliance with this IRR;
- F. Resolve appeals in bullying cases in both public and private schools pursuant to the existing rules and regulations of the Department and DepED Order No. 88, s. 2010, or the "Revised Manual of Regulations for Private Schools," respectively;
- G. Coordinate with appropriate offices and other agencies or instrumentalities for such assistance as it may require in the performance of its functions; and
- H. Encourage and support activities and anti-bullying campaigns initiated by stakeholders; and
- I. Impose sanctions and penalties on erring non-teaching DepED personnel.

Section 8.4. – Schools

Public and private kindergarten, elementary and secondary schools, through their administrators, principals and school heads, shall:

- A. Adopt and implement a child protection or anti-bullying policy in accordance with this IRR and submit the same to the Division Office. The anti-bullying policy may be a part of the school's child protection policy;

- B. Provide students and their parents or guardians a copy of the child protection or anti-bullying policy adopted by the school. Such policy shall likewise be included in the school's student and/or employee handbook and shall be conspicuously posted on the school walls and website, if there is any;
- C. Educate students on the dynamics of bullying, the anti-bullying policies of the school as well as the mechanisms for the anonymous reporting of acts of bullying or retaliation;
- D. Educate parents and guardians about the dynamics of bullying, the child protection or anti-bullying policy of the school and how parents and guardians can provide support and reinforce the said policy at home;
- E. Devise prevention, intervention, protective and remedial measures to address bullying;
- F. Conduct the capacity building activities for guidance counselors/teachers and the members of the Child Protection Committees;
- G. Ensure effective implementation of the anti-bullying policy and monitor compliance therewith;
- H. Ensure the safety of the victim of bullying, the bully, and the bystander and determine the students' needs for protection;
- I. Ensure that the rights of the victim, the bully, and the bystander are protected and upheld during the conduct of the investigation;
- J. Accomplish the Intake Sheet prescribed in Annex "B", whenever there is an incident of bullying, maintain a record of all proceedings related to bullying, and submit reports prescribed in "Annex A," of DepED Order No. 40, s. 2012, to the Division Office;
- K. Maintain a public record or statistics of incidents of bullying and retaliation;

- L. Coordinate with appropriate offices and other agencies or instrumentalities for appropriate assistance and intervention, as required by the circumstances.

The school principal or any person who holds a comparable role shall be responsible for the implementation and oversight of the child protection or anti-bullying policy.

Section 8.5 – Teachers and Other School Personnel

Teachers and other school personnel shall:

- A. Participate and cooperate in all prevention, intervention and other measures related to bullying implemented by the school;
- B. Report to school authorities any incident of bullying; and
- C. Perform the duties as specified in this IRR.

Section 8.6. – Students

Students shall:

- A. Participate and cooperate in all prevention, intervention and other measures related to bullying implemented by the school;
- B. Avoid or refrain from any act of bullying;
- C. Intervene to protect the victim, unless it will jeopardize his safety and security; and
- D. Report to school authorities any incident of bullying.

Section 9. Child Protection Committee as Anti-Bullying Committee

For the implementation of this IRR, the Child Protection Committee (CPC) established by DepED Order No. 40, s. 2012, shall also be the committee that will handle bullying cases in the public or private school.

The Committee, as provided in DepED Order No. 40, s. 2012, shall be composed of the following:

1. School Head/Administrator – Chairperson
2. Guidance Counselor/ Teacher – Vice Chairperson
3. Representative of the Teachers as designated by the Faculty Club
4. Representative of the Parents as designated by the Parents-Teachers Association
5. Representative of students, except in kindergarten, as designated by the Supreme Student Council; and
6. Representative from the Community as designated by the Punong Barangay, preferably a member of the Barangay Council for the Protection of Children (BCPC). For private schools, a representative from the Community provided in the preceding number shall be optional.

In addition to their duties and responsibilities provided by DepED Order No. 40, s. 2012, the CPC shall perform the following tasks:

- a. Conduct awareness-raising programs with school stakeholders in preventing and addressing bullying;
- b. Ensure that the anti-bullying policy adopted by the school is implemented;
- c. Monitor all cases or incidents related to bullying reported or referred by the teacher, guidance counselor or coordinator or any person designated to handle prevention and intervention measures mentioned by the preceding sections of this IRR; and
- d. Make the necessary referrals to appropriate agencies, offices or persons, as may be required by the circumstances.

Section 10. Procedures in Handling Bullying Incidents in Schools

A. Jurisdiction.

Complaints of bullying and other acts under this IRR shall be within the exclusive jurisdiction of the Department or the private school and shall not be brought for amicable settlement before the Barangay, subject to existing laws,

rules and regulations. Complaints for acts covered by other laws shall be referred to the appropriate authorities.

B. Procedures.

Consistent with Sections 3 and 4 of the Act, all public and private kindergarten, elementary and secondary schools shall adopt procedures that include:

a. Immediate Responses

1. The victim or anyone who witnesses or has personal knowledge of a bullying incident or retaliation shall immediately call the attention of any school personnel.
2. The school personnel who was notified of a bullying incident or retaliation shall intervene, by:
 - i. Stopping the bullying or retaliation immediately;
 - ii. Separating the students involved;
 - iii. Removing the victim or, in appropriate cases, the bully or offending student, from the site;
 - iv. Ensuring the victim's safety, by:
 - Determining and addressing the victim's immediate safety needs; and
 - Ensuring medical attention, if needed, and securing a medical certificate, in cases of physical injury.
 - v. Bringing the bully to the Guidance Office or the designated school personnel.

b. Reporting the Bullying Incident or Retaliation

1. A victim or a bystander, or a school personnel who receives information of a bullying incident or retaliation, or any person, who witnesses or has personal knowledge of any incident of bullying or retaliation, shall report the same to the teacher, guidance coordinator or counselor or any person designated to handle bullying incidents.

2. The bullying incident or retaliation shall be immediately reported to the school head. The designated school personnel shall fill up the Intake Sheet as provided in DepED Order No. 40, s. 2012. The school head or the designated school personnel shall inform the parents or guardian of the victim and the bully about the incident.
3. If an incident of bullying or retaliation involves students from more than one school, the school that was first informed of the bullying or retaliation shall promptly notify the appropriate administrator or school head of the other school so that both schools may take appropriate action.
4. Reports of incidents of bullying or retaliation initiated by persons who prefer anonymity shall be entertained, and the person who reported the incident shall be afforded protection from possible retaliation; provided, however, that no disciplinary administrative action shall be taken against an alleged bully or offending student solely on the basis of an anonymous report and without any other evidence.

c. Fact - Finding and Documentation

The school administrator, principal or school head, or guidance counselor/teacher, or school personnel or person designated to handle bullying incidents shall:

1. Separately interview in private the bully or offending student and the victim.
2. Determine the levels of threats and develop intervention strategies. If the bullying incident or retaliation or the situation requires immediate attention or intervention, or the level of threat is high, appropriate action shall be taken by the school within twenty-four hours (24) from the time of the incident.
3. Inform the victim and the parents or guardian of the steps to be taken to prevent any further acts of bullying or retaliation; and
4. Make appropriate recommendations to the Child Protection Committee on proper interventions, referrals and monitoring.

d. Intervention

The CPC shall determine the appropriate intervention programs for the victim, the bully and bystanders. The School Head shall ensure that these are provided to them.

e. Referral

The school head or the Child Protection Committee may refer the victims and the bully to trained professionals outside the school, such as social workers, guidance counselors, psychologists, or child protection specialists, for further assessment and appropriate intervention measures, as may be necessary. The school head or the designated school personnel shall notify the Women and Children's Protection Desk (WPCD) of the local Philippine National Police, if he believes that appropriate criminal charges may be pursued against the bully or offending student.

f. Disciplinary Measures

All public and private schools shall include in the school's child protection or anti-bullying policy a range of disciplinary administrative actions that may be taken against the perpetrator of bullying or retaliation.

Bullying incidents or retaliation shall be treated according to their nature, gravity or severity and attendant circumstances.

1. The school head, considering the nature, gravity or severity, previous incidents of bullying or retaliation and attendant circumstances, may impose reasonable disciplinary measures on the bully or offending student that is proportionate to the act committed.
2. Written reprimand, community service, suspension, exclusion or expulsion, in accordance with existing rules and regulations of the school or of the Department for public schools, may be imposed, if the circumstances warrant the imposition of such penalty, provided that the requirements of due process are complied with.
3. In addition to the disciplinary sanction, the bully shall also be required to undergo an intervention program which shall be administered or

supervised by the school's Child Protection Committee. The parents of the bully shall be encouraged to join the intervention program.

g. Due Process

In all cases where a penalty is imposed on the bully or offending student, the following minimum requirements of due process shall be complied with:

- a) The student and the parents or guardians shall be informed of the complaint in writing;
- b) The student shall be given the opportunity to answer the complaint in writing, with the assistance of the parents or guardian;
- c) The decision of the school head shall be in writing, stating the facts and the reasons for the decision; and
- d) The decision of the school head may be appealed to the Division Office, as provided in existing rules of the Department.

h. Applicability of RA 9344, as amended, and other related laws

If the bullying incident or retaliation resulted in serious physical injuries or death, the case shall be dealt with in accordance with the provisions of Republic Act 9344 or the "Juvenile Justice and Welfare Act," as amended, and its Implementing Rules and Regulations, in connection with other applicable laws, as may be warranted by the circumstances attendant to the bullying incident.

i. False Accusation of Bullying

If the student, after an investigation, is found to have knowingly made a false accusation of bullying, the said student shall be subjected to disciplinary actions or to appropriate interventions in accordance with the existing rules and regulations of the Department or the private school.

27th

Section 11. Confidentiality.

Any information relating to the identity and personal circumstances of the bully, victim, or bystander shall be treated with utmost confidentiality by the Child Protection Committee and the school personnel, provided, that the names may only be available to the school head or administrator, teacher or guidance counselor designated by the school head, and parents or guardians of students who are or have been victims of bullying or retaliation.

Any school personnel who commits a breach of confidentiality shall be subject to appropriate administrative disciplinary action in accordance with the existing rules and regulations of the Department of Education or the private school, without prejudice to any civil or criminal action.

**RULE VII
MISCELLANEOUS PROVISIONS**

Section 12. Training and Development

The Department shall include in its training programs courses or activities which shall provide opportunities for school administrators, teachers and other employees to develop their knowledge and skills in preventing or responding to incidents of bullying or retaliation.

Section 13. Reporting Requirement

All private and public kindergarten, elementary and secondary schools shall submit a copy of their child protection or anti-bullying policy to the Division Office within six (6) months from the effectivity of this IRR. They shall also submit to the Division Office within the first week of each school year a report on relevant information and statistics on bullying and retaliation from the preceding school year.

In addition to the requirements for an application for a permit to operate and/or recognition as prescribed by the existing rules of the Department, private schools shall submit a child protection or anti-bullying policy to the Regional Director. The Regional Director shall review the policy to ensure that it is consistent with the Act and this IRR.

Section 14. Sanctions for Non-compliance

14. 1. Public Schools

School personnel of public kindergarten, elementary or secondary schools who fail to comply with the provisions of the Act or this IRR shall be subject to administrative disciplinary proceedings in accordance with the Civil Service Rules and the relevant issuances of the Department of Education.

14.2. Private Schools

School personnel of private kindergarten, elementary or secondary schools who fail to comply with the requirements of the Act or this IRR shall be subject to appropriate disciplinary sanctions as may be imposed by the private school. A copy of the decision in such cases shall be submitted to the Division Office.

Private schools that fail to comply with the requirements of the Act or this IRR shall be given notice of such failure by the Division Office. The school shall be given thirty (30) days to comply. An extension of not more than one (1) month may be granted by the Regional Director in meritorious cases.

The Secretary of the Department of Education, through the Regional Director, may suspend or revoke, as appropriate, the permit or recognition of a private school that fails to comply with the requirements under the Act or this IRR.

Section 15. Separability Clause

Any part or provision of this Department Order which may be held invalid or unconstitutional shall not affect the validity and effectivity of the other provisions.

Section 16. Amendment of DepED Order No 40, s. 2012 .

The provisions of DepED Order No 40, s. 2012, on bullying are hereby deemed amended by this IRR. All other provisions of DepED Order No 40, s. 2012 shall remain in full force and effect.

Section 16. Repealing Clause

All prior Department Orders or other issuances, or provisions thereof, inconsistent with this IRR are hereby repealed, revised or modified accordingly.