



Installation of Officers and Board of Trustees 2014-2016



PACU Newsletter

A project of the PACU Committee on Public Relations:

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De Leon Heads PACU and COCOPEA, Vows Continuing Support for K-12, ASEAN 2015



PACU Turnover Ceremony. Outgoing PACU President Patricia Bustos-Lagunda hands over the PACU flag symbolizing transfer of authority to newly-elected PACU president, Dr. Karen Belina F. De Leon, concurrently president of Misamis University.

At the 2014 PACU oath taking and turnover ceremony, President Karen Belina F. De Leon, in her inaugural address, pledges to continue supporting the K-12 Program and the ASEAN Integration.

"As the 21st century education spreads worldwide," De Leon said, "PACU shall continue its support for the K-12 Basic Education Program and the ASEAN Community Integration in 2015."

The K-12 Program hopes to decongest the basic education curricula; prepare the students for higher education and for the labor market, and be globally competitive/ benchmark with global standards.

The ASEAN Economic Cooperation 2015 (AEC), as an initial step in the integration process, aims to develop the 10-member countries of ASEAN into a single market and production base for the free flow of goods, services investment, capital and skilled labor.

"While the goals are economic in nature," PACU president said, "human resource and capacity as well as their movements within the region will be inevitably implicated." The Philippines being a signatory to and a member of the ASEAN, endeavors to achieve the goals of ASEAN 2020.

Having 2015 as the target date for the ASEAN Economic Community, the following results are expected from the Philippine education sector: greater student and staff mobility; greater demand for quality programs; more collaborative research and curricular activities; competition for jobs and employment; and higher employer standards.

Given that student enrollment will be adversely affected in 2016 and beyond, a ripple effect will be expected in the faculty's academic load, administrative staff functions, fiscal positions, support services and admission processes, De Leon said.

To affirm PACU's leadership role in education, it has to embark on major changes in its teaching pedagogy, quality assurance assessments, and curricular programs, she stressed.

P-NOY CREATES ANTI-HAZING TASK FORCE

President Benigno S. Aquino III has created an inter-agency task force to strengthen the implementation of Republic Act No. 8049, otherwise known as the Anti-Hazing Law.

Under Memorandum Circular No. 68, the functions of the Task Force are, but not limited to, reviewing and formulating policies, programs, and guidelines to strengthen the implementation of R.A. 8049; and performing such other functions as may be necessary or as may be directed by the President for the successful implementation of the order.

Justice Secretary Leila De Lima will lead the task force and will be given full executive authority, which includes giving direct operational instructions to member agencies including the Department of National Defense (DND), the Department of Interior and Local Government (DILG), the Commission on Higher Education (CHED), the Philippine National Police

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CHED CONDUCTS PUBLIC CONSULTATION ON RA 10609

The Commission on Higher Education (CHED) recently conducted public consultation on the proposed Implementing Rules and Regulations (IRR) of Republic Act No. 10609, otherwise known as the "Protection of Students' Right to Enroll in Review Centers Act of 2013."

Under R.A. 10609, higher educational institutions (HEIs) are prohibited from forcing students to enroll in reviews centers before taking their respective licensure examinations.

The new law further restricts HEIs from making review sessions or classes a prerequisite or completion of graduation which will force students to pay for a certain amount of fee.

HEIs are also prohibited to withhold essential documents of the students like diploma, transcript of records, certifications, and other important school documents.

This includes local colleges and universities which offer courses or college degrees that require professional licensure examinations.

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Just Off the President's Desk

“ *These next two years, we will continue our work to ensure that the transition period prior to the full implementation of the programs of Quality Assurance, K-12 and ASEAN 2015 will be as seamless and as smooth as possible...* ”

I extend my thanks and appreciation to Dr. Patricia Lagunda, the rest of the officers and trustees who have been instrumental in pushing forward the programs and policies that have enabled PACU to continue to be a major force in the transformation of Philippine Education.

These next two years, we will continue our work to ensure that the transition period prior to the full implementation of the programs of Quality Assurance, K-12 and ASEAN 2015 will be as seamless and as smooth as possible, not only for our stakeholders, our faculty, staff and students but also for our individual institutions.

The work done by our very dynamic officers and board for the last 2 years, have laid down the foundation that have enabled our association to continue to be responsive to the needs of our member schools.

This term will not be any different as we will continue our thrust to provide the same dedicated service to our members. We will provide them with up to date information on various issues through the Public Relations committee using our website and publications, organize conferences and seminars to help manage and run our institutions better, and we will strengthen the other committees to remain vigilant and proactive to the changing needs of our education sector. I would also like us to rethink our policies in the membership committee, if we need it to be more inclusive to increase our membership.

I am very thankful that the chairs and members of the committees have again confirmed their commitment to PACU.

Allow me to mention our officers and trustees who chair the various committees:

- Prof. Dhanna Rodas - Membership
- Dr. Caroline Enriquez - Public Relations
- Dr. Francisco Benitez - Programs and Projects
- Dr. Vincent Fabella - Policy
- Dr. Cristina Padolina - Quality Assurance and Accreditation
- Dr. Mike Alba - Industry Linkage
- Atty. Tony Abad - Legal and Legislative Committee
- And the Executive Committee - Prof. Ynna, Dr. Carol, Dr. Kiko and Mr. Anthony.



Dr. Karen Belina F. De Leon

To all the officers and trustees present, I truly appreciate your trust and vote of confidence which has allowed me to be installed as this year's PACU president. You have also given honor to Misamis University.

Allow me to be a bit sentimental, my father, Dr. Nestor M. Feliciano was President of PACU in 1998-2000 and now 14 years later, another educator from Mindanao, Dr. Feliciano's daughter takes over the helm as the new president. It is a proud moment for all of us... Dr. Willie Torres, Atty. Jun Juarez, herein Represented by Dr. Bing and Laurice Juarez, and Dr. Leo Magno, with whom I want to share in this honor.

I want to express my gratitude to Sec. Patricia Licuanan, your Presence here this evening has really made this occasion very special and meaningful. Thank you Dr. Jaime Buzar, Chairman of PACUCOA, herein represented by Dr. Adlai Castigador. I hope that the commission will look into how you can make policy changes to assist our institutions continue their accreditation efforts during the transition phase of K-12. Thank you also to Dr Carol Porio, for the assistance FAPE has provided not only to PACU but also to COCOPEA.

My sincere appreciation to the officers, trustees and directors of COCOPEA who are also here this evening. During this last year with PACU as Chair of the Council, I hope we will continue to be a united force in private education. I have mentioned to Dr. Pat, that I expect the transition before I eventually sit as Chairman to be as long as possible, maybe to last up to May 2015 when we transfer the chairmanship to the next association.

Also special mention to the PACU secretariat, ED Greg, John, Ria, Airol and Denise of COCOPEA. We have two very busy years ahead of us. I hope you will give the same dedication and service that you have been giving to PACU all these years.

To my family who are here, my husband, Orly, and Bernie Nepomuceno thank you for witnessing this event tonight. May God continue to shower PACU and the entire membership with His infinite blessings.

Thank you.

◀ from page 4 PRIVATE SECTOR ASSISTANCE...

should be structured to promote greater participation among the private sector. The last point is worth elaborating. Currently 85% of high school enrollment is in the public schools. DepEd is hopeful this number can stabilize at 60% over the long run, which it views as a more optimal load for the use of its resources (e.g., facilities and faculty). This translates to approximately 800,000 Grade 10 public schools students switching to private schools for Grade 11.

DepEd is finalizing its numbers and policies this quarter, with the target of running public consultations with stakeholders such as PACU members for the first quarter of 2015. The program is clearly worthwhile, but a number of challenges remain. One is the level of the voucher amounts. Many of these amounts will clearly be seen as too little by private HEIs, even if they are already higher than ESC amounts. DepEd needs to test the amounts, most likely through market research, to see if parents are willing to pay the resulting top-up fees. If the top-ups are too high, then parents will stay in public schools. DepEd can then review its amounts, to find

the optimal level of switching from public to private consistent with its policy objectives.

Another is that private schools need to begin marketing their SHS programs as early as July 2015. This means the voucher program should ideally be finalized (e.g., amounts, distributional methods, eligibility, and redemption processes, to name a few) by June 2015. This seems a short time while to finalize all voucher policies.

The voucher program is a great initiative of the DepEd, and much work and thought has been put into it. We hope the DepEd can deliver on this program in a manner that allows it to meet all its policy objectives, and in a manner that benefits parents, students, faculty and of course, the private HEIs.

Part Two, about the CHed's TESTF, will be in a future edition.

◀ from page 3 SOME NOTES AND COMMENTS...

HEI faculty need NOT to obtain a license.

Note that college faculty members who comply with the above requirements, and are to be hired and/or transferred to teach in the secondary education level or SHS need **NOT** acquire a license (LET) within a five (5) year period, unlike the requirement imposed for graduates of graduates of science, mathematics, statistics, engineering, music and other degree courses under the first classification.

Priority in hiring in the same institution

Provided that they comply with the above-quote requirements, the faculty of the higher education institutions (HEI) offering secondary education shall be given priority in hiring therein. The same priority shall likewise apply to academic support personnel.¹

If it is altogether impossible for the affected HEI faculty and academic support personnel to be placed within the same institution where they are presently hired, the Implementing Rules provide that said persons shall be prioritized in hiring in other private and public senior high schools (SHS). Moreover, the years of teaching experience in the private HEIs shall be considered in ranking in public schools, and vice-versa, based on the agreed criteria or schemes to be promulgated by the DepED and other government agencies.²

How much compensation will be paid to the HEI faculty who shall teach in the secondary education or SHS level?

In instances where HEI faculty member affected by the implementation of the K-12 law is to be transferred or re-assigned to secondary education or senior high school, and where the compensation in said secondary level/SHS is lower than the existing salary or benefit of the affected faculty, then Implementing Rules provide that the transfer shall be governed by the following: (a) individual agreement; (b) collective bargaining agreement; or (c) such other arrangements as may be allowed by law.

This is not quite correct, as we must qualify.

The salary of HEI faculty members affected by the implementation of the K to 12 Program who will be moved or re-assigned to teach in secondary education, **should be in accordance with existing salaries and compensation package in the senior high school or as may be otherwise formulated by the respective schools** applicable to senior high school, subject to availability of subjects.

In case their compensation in the senior high school will be lower than the currently being received as an HEI faculty, the faculty and the HEI should be left free to agree on the same. In case of academic support personnel, the same provision shall likewise apply.

This must be so. The general prohibition against diminution of benefits under the Labor Code should **not** be made to apply in instances where the parties have freely agreed to lower compensation and benefits. In short, if HEI faculty agrees to the lower rates, then the same should not be construed as demotion in rank and diminution of benefits as proscribed under Article 100 of the Labor Code.

The principle of non-diminution of benefits is not anchored on the Labor Code but on the "mutuality of contracts" under the Civil Code whereby an agreement cannot be enforced or withdrawn without the mutual consent. Hence, if there is mutual consent between parties as to the transfer, this is not considered as diminution of benefits.

On Clarifications as to the fourth classification: Practitioners

The DepEd and private schools may hire practitioners with expertise in the specialized learning areas offered by the enhanced basic education curriculum to teach in the Secondary Level, provided that they shall teach on a part-time basis only. For this purpose, the DepEd, in coordination with the appropriate government agencies, shall determine the necessary qualification standards in hiring these experts.¹

¹ DOLE-DEPED-CHED-TESDA Joint Guidelines on the Implementation of the Labor and Management Component of Republic Act No. 10533, Section 3, sub-paragraph 5.

² Ibid, Section 3, sub-paragraph 6.

Private Sector Assistance Mechanisms for Private Schools During the K-12 Transition

This is a two-part series on major DepEd and CHED funding initiatives that would impact the private sector, with regard to the implementation of K-12. The first part talks about the DepEd's voucher Program. The second part will talk about the proposed Tertiary Education Sector Transition Fund (TESTF) of the CHED.

Part 1: The DepEd's Voucher Program

The proposed voucher program is a major initiative of the DepEd for K-12. The voucher is effectively a coupon assigned to an eligible Grade 10 student, which the student can use to pay for a portion of her school fees if she elects to take her senior high school (SHS) in a private institution. The program seeks to assist the implementation of K-12 in several ways: (1) it allows DepEd to use the excess capacity of facilities, teachers and non-teaching personnel of HEIs during the transition period (defined broadly as SY16-17 to SY 21-22); (2) it allows DepEd to decongest public schools through the movement of public schools students to private schools; and (3) it allows DepEd to inject more curricular diversity into the basic education system (through the expectation that private schools will have a more diverse set of offerings compared to the public schools).

The voucher system is currently what one may call at an "advanced proposal stage." The DepEd has approved the project in principle, but there are no policy memoranda (for example, through a DepEd order) that have been released. Existing documentation for this project is in the form of policy papers of which PACU has copies (please contact the PACU office to get an emailed copy). The department is now going through internal consultations with other government departments to get their clearances (the DBM has given its clearance in principle).

Providing assistance to students through the private sector is not new to the DepEd. They have run the Educational Service Contracting (ESC) program — which gives subsidies to eligible high school students — for over four decades now. The ESC however distributes these subsidies through participating private schools. By contrast, the voucher system plans to give the subsidies directly to students. From a policy perspective, this supports a market mechanism much more closely by allowing students to "vote with their feet" (go to any school they want, not just to schools which would have vouchers, if this were done through the ESC method).

By: Dr. Vicente K. Fabella,
Trustee, PACU
President, Jose Rizal University



As of October 2014, voucher amounts for the current proposal are in three "tiers:" (1) NCR, at P22,5000 per eligible student per year; (2) highly-urbanized cities outside of the NCR, at P20,000 per eligible student per year; and (3) non-highly urbanized centers at P17,500 per eligible student per year. These tiers are based on DepEd studies that show the most significant driver of education costs appears to be the extent of urbanization, rather than the regional location of the school (which was the basis for the first iteration). The amounts are selected not to exceed DepEd's own cost of delivery (based on its average national cost per student).

All high school students who complete grade 10 in a public school will be eligible for the voucher. ESC grade 10 graduates will be eligible for 80% of the voucher amount. Other private high school students may be eligible for 80% of the voucher amount, if they meet certain income criteria. (The ESC and private high school student criteria are still being reviewed. Additional voucher amounts for voc-tech programs are also being studied by the DepEd.)

The voucher process is envisioned to work as follows: eligible students would be assigned a voucher number during or upon finishing grade 10. They would then select a SHS. If it is a public school, the voucher falls away (there is no cash redemption). If it is a private SHS, the school submits the voucher number back to the program administrator for its redemption. (The program administrator has not yet been selected, though discussions are for FAPE to run the program.)

DepEd has been working on this initiative since just after the start of Brother Armin's term (spearheaded by Undersecretary Francis Varela), so it has seen a many revisions. Several key policy parameters have however remained consistent. First, this is a long-term program of the DepEd, and not intended to end with the SHS transition, with the program to begin in SY 2016-2017. Second, voucher costs should be aligned with the DepEd's cost of delivering public education. Third, it would only be made available to licensed SHS providers. Fourth, in terms of distribution the voucher is preferred over an ESC-type scheme. Fifth, top-ups (adding an amount for parents to pay the school, beyond the voucher) are allowed. Finally, it

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Newsbriefs

When Dr. Caroline Marian S. Enriquez assumed the Chairmanship of the Committee on Public Relations as well as Chairman and Editor of the PACU Newsletter, she immediately convened a meeting to get inputs on how to reach out to the other PACU member schools in the different regions through the PACU newsletter. After so much brainstorming, the Committee adopted a proposal to publish articles contributed by handpicked academics from our member schools coming from different regions of the archipelago. The purpose is to update our members of what is going in the educational landscape in that part of the archipelago. Those handpicked by the Committee to contribute articles for the newsletter are Dr. Patricia Bustos-Lagunda of Baliuag University and Dr. Ma. Socorro M. Eala of San Pablo Colleges for Luzon, and Ms. Candice Gotianuy of University of Cebu for the Visayas. The Committee will soon identify a contributor from Mindanao. Nonetheless, we encourage all our friends from the different regions to contribute articles for the newsletter if they wish to.

PACU Members Assist Schools in Typhoon Devastated Areas

SIX LEYTE SCHOOLS RECEIVE ASSISTANCE FROM PACU

By: The Staff

During the November 14, 2013 PACU Expanded Board Meeting-Luzon held at Baliuag University, the Board of Trustees resolved to create a common fund that will receive monetary donations from member schools with the proceeds to be divided among member schools ravaged by Typhoon Yolanda. The Board also approved the proposal for PACU to provide the seed money for this fund amounting to P200,000 which will be sourced from the Board of Directors Fund of PACU.

Six schools in Leyte were identified as recipient of the fund. These are Asian

Development Foundation College, Dona Remedios Trinidad Romualdez Medical Foundation, Leyte Colleges, Saint Paul School of Business and Law, San Lorenzo Ruiz College of Ormoc, and Western Leyte College of Ormoc. A total of P405,000 was collected and this was divided among the six schools identified as recipient of the fund. Each recipient received a check of P67,500 respectively during PACU's January 30, 2014 Expanded Board Meeting-Visayas and Mindanao. The amount will help these schools in their rehabilitation and reconstruction effort.

PUBLIC SCHOOL REBUILDS THRU UC AND THE REDEMPTORIST

By: Hyacinth Lovell M. Payapaya, UC-METC

The University of Cebu (UC) Maritime Education and Training Center, thru the UC-SWAPP/ Sustainability and Resiliency Office has partnered with the Joint Ordinary Council of the Redemptorist Province of Cebu and Vice-Province of Manila thru the Redemptorists in the Philippines Yolanda Fund Management Task-Force (RPYFM) to help victims of Typhoon Yolanda, specifically school children. This partnership enables the access of donations worth over 3.1M for the repair of three classrooms destroyed by the typhoon as well as the building of two new classrooms. A Memorandum of Understanding (MOU) was signed between UC and the Local Government of Daanbantayan, Cebu last August 29, 2014 with the Tominjao Elementary School named as beneficiary. The understanding also provides for basic fire safety course and equipment for the grantee. For her part, UC shall ensure the conduct of climate change adaptation and disaster risk reduction and management workshop in the schools.

Tominjao Elementary School was established in 1948. It is situated 128

kilometers north of Cebu City and is 7.5 kilometers or a 15-minute ride from the Daan Bantayan Municipal Hall. The school had 698 pupils but this was slightly reduced to 689 after the super typhoon devastated northern Cebu and other parts of the Visayas in November 2013. The number of students who attend classes daily could not be squeezed inside the remaining six classrooms that survived the storm. Yolanda, unfortunately, battered and left eight classrooms beyond use.

Prior to the MOU, UC and the Redemptorist already preselected the Tominjao Elementary School in Daanbantayan, Cebu as their beneficiary. Their pupils are mostly children of farmers and fisherfolks of Daanbantayan. More than half of the school's classrooms were devastated by the typhoon and despite the many months that have already passed, the school life of these children have yet to return to normalcy with most of their classrooms still wrecked and beyond use.

Iloilo City Schools Adapts OBE

By: JP Libo-on (John B. Lacson Foundation Maritime University)

In accordance with Commission on Higher Education (CHED) Memo CCMO) no.37 series of 2012, all Philippine higher education institutions with Engineering programs were tasked to shift to the Outcomes-Based Education (OBE) System starting 2012 .

CMO 37 contains policies and guidelines for all higher education institutions offering Engineering programs to establish and adapt the OBE System in all engineering curricula. This is to provide an environment geared towards learner-centered education rather than teacher-centered learning.

A member of PACU, John B. Lacson Foundation Maritime University (JBLFMU), in all its academic campuses (Arevalo, Bacolod, and Molo), was the first higher education institution as well as one of the first maritime schools in Western Visayas to adapt the OBE System into their first year Bachelor of Marine Engineering (BSMarE) and Bachelor of Science in Marine Transportation (BSMT) programs in May 2012.

The other PACU member schools with Maritime Education Program such as Salazar Colleges of Science and Institute of Technology, Southwestern University, University of Cebu, University of Iloilo, University of Visayas, and West Negros University have also adapted OBE.

The mandatory implementation of OBE in all academic courses aims to reinvent the educational landscape in higher education.

DENR and EMB Partner with UC-METC to Clean and Adopt Waterway

By: Hyacinth Lovell M. Payapaya, UC-METC

The University of Cebu – Maritime Education and Training Center thru the Community Awareness Relations and Extension Services (CARES) and the regional offices of the Department of Environment and Natural Resources (DENR) and the Environmental Management Bureau (EMB) recently inked a memorandum of agreement to adopt a water body program dubbed the Adopt-an-Estero/ Water Body Program. The partnership paved the way for 308 Volunteers to pitch in in the “Orchestrated Clean Up” of the SRP Waterways including Puntod, Mambaling which is a Badjao Village. The volunteers were able to collect 300 kilos of waste of which 90% are non-biodegradable.



Ceremonial MOA Signing of University of Cebu-METC with EMB (Environmental Management Bureau) during Water Body Adopters Summit, Sept. 27, 2014 at Cebu Doctor's University Auditorium. Left-Right: Dr. Mark N. Abadiano (Campus CARES Coordinator, UC-METC), Dr. Eva S. Ocfemia (Assitant Director, DENR-EMB, Engr. William P. Cuñado (OIC EMB-7 Regional Director) and some Cebu City Government Officials

The partnership includes a three-year commitment for the parties to develop and implement a program to reduce pollution at the Mahiga River and its minor tributaries, with the SRP waterway being a tributary. UC for her part shall conduct/ assist in the information and education campaigns and community mobilization activities of the DENR and Cebu City Government and take the lead in assisting EMB-DENR in training and mobilizing community leaders in solid waste management programs.

This activity is UC-METC CARES' response to CMO 28 “Policies, Standards and Guidelines for the Grant and/or Retention of Maritime University Status,” particularly clause 4.6 that states “Extension Services – the maritime higher education institution must have a credible community extension program which may take the form of continuing education, application of research results, community service and the like.”

References:

“City Seeks Contractor for Plan to widen Mahiga,” by: RVC; Sun Star Cebu; September 21, 2014 issue. “Mayor: Demolish them all,” by Jose Santino S. Bunachita; Cebu Daily News; September 27, 2014 issue. CHED CMO 28 Series of 2006 “Policies, Standards and Guidelines for the Grant and/or Retention of Maritime University Status”



January 22 2015	to	January 23 2015	Philippine Qualifications Framework & Quality Assurance
January 30 2015			Expanded Board Meeting Visayas & Mindanao
		May 22 2015	Expanded Board Meeting National Capital Region
May 28 2015	to	May 29 2015	Digital Pedagogies & Distance Education



UC-METC Faculty and Student Volunteers working together with EMB & N in cleaning up Barangay Puntod, Mambaling Water Ways EMB & National Grid Corporation of the Philippines. Sept. 20, 2014

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(PNP), the National Youth Commission (NYC) and the Office of the Deputy Executive Secretary for Legal Affairs.

The Task Force will also develop modes of coordinating and monitoring of the implementation of programs, projects and activities to prevent hazing fatalities.

At the Senate, Sen. Vicente “Tito” Sotto is seeking amendments to the Anti-Hazing Act. “It’s about time someone should be held accountable for the barbaric initiation rite that is hazing,” Sotto said.

Life sentence, he said, should be imposed on any officers or members of fraternities or sororities that participate in any form of hazing, regardless of what happens to the victim/s.

In filing Senate Bill No. 97, Sotto seeks to amend Section 4 of Republic Act 8049 which provides for graduated penalties for hazing.

Under his proposal, the lawmaker said “any officers or members of the fraternity, sorority or organization who actually participated in the infliction of physical harm in a hazing or other form of initiation rites shall be liable as principals and shall suffer the penalty of *reclusion perpetua*.”

Like Sen. Sotto, Sen. Cynthia A. Villar urges the Senate to add more teeth to the Anti-Hazing Law, saying that fraternity violence has destroyed many promising young men and women and hurled them to the graves.

In filing Senate Bill No. 503, Villar is pushing to make parental consent a requirement for an applicant below 21 years old to become a member of fraternity, sorority, confraternity or organization.

Meanwhile, at the House of Representatives, Valenzuela City Rep. Sherwin Gatchalian lauded President Aquino’s decision to form an Anti-Hazing Task Force is a step toward the right direction as this will boost the ongoing campaign against hazing and will also strengthen the Anti-Hazing government response to fraternity violence,” said Gatchalian, principal author of House Bill No. 4714, which seeks a total ban to all forms of hazing.

◀ from page 1 CHED CONDUCTS...

Under this law, any official or employee of HEIs such as the deans, professors, coordinators and other concerned school entities proven guilty of violating any of the provisions of this Act shall be sentenced with penalty of imprisonment from no lower than six months and one day to six years. The violator will also be fined an amount of Php 750,000.00 and will be suspended in practicing his/her profession and will have his/her license revoked.

The public consultations for Luzon 1 and 2, covering Regions I, II and NCR, and Regions III, IV-A, IV-B, V and CAR, respectively, were both held at CHED Central in Quezon City; for Visayas and Mindanao, covering Regions VI, VII, VIII, IX, XI, XII, and CARAGA, at Parklane Hotel in Cebu City.

Public and private HEIs sought clarifications on vital provisions and important definitions of the law.

Some Notes and Comments on the K-12 Law, Its Implementing Rules and the DOLE-DECS-CHED-TESDA Guidelines

(First of Two series) By: Atty. Ada D. Abad, PACU Legal Counsel



On Clarifications as to the first classification: graduates of science, mathematics, statistics, engineering, music and other degree courses

Graduates without Licenses (LET) may be hired and permitted to teach **full-time** in the Senior High School in their specialized subjects, as well as subjects within the discipline of their specialization. However, said teachers must take and **pass the LET within five (5) years** from the date of their hiring.¹

Should these teachers opt to teach on a **part-time** basis only, then they will **not** be required to obtain a LET.²

The teaching years of those who have satisfactorily served while acquiring their license shall be considered as part of their probationary period.³

The determination of whether or not there is a shortage of qualified applicants in the specialized subjects, **devolves upon the individual schools**⁴ in the exercise of their academic freedom and management prerogatives. The individual schools are however encouraged to consult with their existing teaching and non-teaching personnel unions or associations, in this regard.⁵

Harmonization with probationary employment period of three (3) years under the MORPHE. –

In hiring these graduates without LET to teach full-time in specialized subjects in the Senior High Schools, they may still be given the standard probationary contracts on a yearly, semestral or trimestral basis, in accordance with industry practice as recognized by the various Supreme Court decisions.⁶

However, it is noted that the requirements for acquisition of regular or permanent tenure under the Manual of Regulations for Private Higher Education (MORPHE) is **not synchronized** with the above-stated features of the K-12 law. Under the MORPHE, there is a probationary period of three (3) consecutive years [or its equivalent six semesters or nine trimesters] of satisfactory full-time teaching, as compared to the requirement to take a licensure examination within five (5) years under the K-12 law.

Under these circumstances, the School may still give the standard probationary contract of three (3) years to the teacher-applicant, and have the following options: (a) require the probationary teacher to take the licensure examination within the three (3) year probationary period, in strict implementation of the requirements of the MORPHE; and (b) if the probationary employee is unable to comply within the initial three (3) year period, then the parties may agree to a voluntary extension of the probationary period for another two (2) years in accordance with the K-12 law.

¹ Republic Act No. 10533, Section 8 (a), cf. Implementing Rules, Section 13.1 and DOLE-DECS-CHED-TESDA Joint Guidelines on the Implementation of the Labor and Management Component of Republic Act No. 10533, Section 3, sub-paragraph 2.

² Ibid.

³ Implementing Rules, Section 13.1 and DOLE-DECS-CHED-TESDA Joint Guidelines on the Implementation of the Labor and Management Component of Republic Act No. 10533, Section 3, sub-paragraph 2

⁴ Implementing Rules, Section 2.1

⁵ Ibid.

⁶ Pines City Educational Ctr. vs. NLRC, 227 SCRA 655 [1993]; Lacuesta vs. Ateneo de Manila, 477 SCRA 217 [2005]; Woodbridge vs. Pe Benito, 570 SCRA 164 [2008]; See also: Yolanda Mercado vs. AMA Computer Center-Paranaque, G.R. No. 183572, 13 April 2010; Colegio del Santissimo Rosario vs. Rojo, G.R. No. 170388, 03 September 2013

If notwithstanding the two (2) year extension, the teacher fails to acquire his/her license, then the School in the exercise of its academic freedom and management prerogatives, may validly opt to either: (a) revert the probationary teacher to a part-time status; or (b) terminate the probationary teacher for failure to comply with the requirements of the standards for regular or permanent status made known to him/her at the time of engagement.

On Clarifications as to the second classification: graduates of technical-vocational courses for specialized subjects in the secondary education.

Graduates of technical-vocational courses should first possess a National TVET Trainer Certificate (Level 1) or higher, in order that they may teach in their specialized subjects in secondary education. The implication therefore is that without said NTTC, the School may not validly hire any graduate of technical-vocational courses to teach in specialized subjects at said level.

The question has been raised as to whether a full-time faculty member of an HEI may be allowed to teach tech-voc subjects without the need of a NTTC. During the Education Industry Stakeholders Dialogue convened by the DOLE Education Industry Tripartite Council-NCR with the DepEd, CHED and TESDA representatives,¹ it was clarified that at this point by the TESDA representative that the teacher must still possess a NTTC Level 1 before he/she may be permitted to teach a tech-voc subject in the secondary or senior high school level.

On Clarifications as to the third classification: HEI faculty to teach in general education or subject specialties in secondary education.

As presently worded, the law explicitly states only two requirements so that a college faculty member may be allowed to teach in the secondary education level or Senior High School, to wit: (a) he/she must be a holder of a relevant Bachelor’s degree; and (b) must have satisfactorily served as a full-time HEI faculty.

Section 36 of the Manual of Regulations for Private Higher Education (MORPHE) enumerates the requirements for a full-time faculty member, to wit:

- Who possesses at least the minimum academic qualifications prescribed under this Manual for all academic personnel;
- Who is paid monthly or hourly, based on the regular teaching loads as provided for in the policies, rules and standards of the Commission and the institution;
- Who devotes not less than eight (8) hours of work a day to the school;
- Who have no other remunerative occupation elsewhere requiring regular hours of work, except when permitted by the higher education institution; and
- Who is not teaching full-time in any other higher education institution.¹

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¹ Held on 27 August 2014, at the Occupational Safety Health Complex, Agham Road, QC
² Section 36, CHED Memorandum Order No. 40, series of 2008, otherwise known as the Manual of Regulations for Private Higher Education of 2008.