

REPUBLIC ACT NO. 7836

AN ACT TO STRENGTHEN THE REGULATION AND SUPERVISION OF THE PRACTICE OF TEACHING IN THE PHILIPPINES AND PRESCRIBING A LICENSURE EXAMINATION FOR TEACHERS AND FOR OTHER PURPOSES.

ARTICLE I TITLE

SECTION 1. Short Title. — This Act shall be known as the "*Philippine Teachers Professionalization Act of 1994*."

Sec. 2. Statement of Policy. — The State recognizes the vital role of teachers in nation-building and development through a responsible and literate citizenry. Towards this end, the State shall ensure and promote quality education by proper supervision and regulation of the licensure examination and professionalization of the practice of the teaching profession.

Sec. 3. Objectives. — This Act has the herein objectives:

- (a) The promotion, development and professionalization of teachers and the teaching profession; and
- (b) The supervision and regulation of the licensure examination.

Sec. 4. Definition of Terms. — For purposes of this Act, the following terms shall mean:

- (a) "Teaching" — refers to the profession concerned primarily with classroom instruction, at the elementary and secondary levels in accordance with the curriculum prescribed by the Department of Education, Culture and Sports, whether on part-time or full-time basis in the private or public schools.
- (b) "Teachers" — refers to all persons engaged in teaching at the elementary and secondary levels, whether on full-time or part-time basis, including industrial arts or vocational teachers and all other persons performing supervisory and/or administrative functions in all schools in the aforesaid levels and qualified to practice teaching under this Act.
- (c) "Board" — refers to the Board for Professional Teachers duly established and constituted under this Act.
- (d) "Commission" — refers to the Professional Regulation Commission.

ARTICLE II BOARD FOR PROFESSIONAL TEACHERS

Sec. 5. Creation and Composition of the Board. — There is hereby created under this Act a Board for Professional Teachers, hereinafter called the Board, a collegial body under the general supervision and administrative control of the Professional Regulation Commission, hereinafter referred to as the Commission, composed of five (5) members who shall be appointed by the President of the Philippines from among the recommendees chosen by the Commission. The recommendees shall be chosen from the list of nominees selected by the accredited association of teachers, who duly possess all the qualifications prescribed in Section 8 of this Act.

The chairman and the voice-chairman of the Board shall be appointed from these five (5) members by the President: Provided, That the members of the first Board appointed under this Act shall be automatically registered as professional teachers and issued with the certificate of registration and professional license upon payment of the fees for examination, registration, and other fees prescribed by the Commission.

Sec. 6. Duties and Function of the Board. — The Board shall have the following duties and functions:

- (a) Promulgate, administer and enforce rules and regulations necessary for carrying out the provisions of this Act in accordance with the charter of the Professional Regulation Commission;
- (b) Determine and fix the frequency, dates, and places of examination, appoint supervisors, proctors, and other personnel as needed who shall be entitled to a daily allowance to be fixed by the Board for every examination day actually attended, use buildings and facilities of public or private schools for examination purposes;
- (c) Issue, suspend, or revoke the certificate of registration for the practice of the teaching profession;
- (d) Prescribe and collect examination and other fees as it may deem proper;
- (e) Prescribe and/or adopt a code of ethical and professional standards for the practice of the teaching profession. Such ethical standards, rules and regulations to take effect sixty (60) days after its publication in the Official Gazette or in any newspaper of general circulation;
- (f) Administer oaths in connection with the administration of this Act;

(g) Supervise and regulate the registration, licensure and practice of professional teachers in the Philippines;

(h) Adopt an official seal of the Board;

(i) Look into the conditions affecting the practice of the teaching profession and whenever necessary, adopt such measures as may be deemed proper for the enhancement and maintenance of high professional and ethical standards of the profession;

(j) Ensure that all educational institutions offering elementary and secondary education comply with the essential requirements for curricula, faculty and facilities for the elementary and secondary levels;

(k) Investigate such violations of this Act, the rules and the code of ethical and professional standards for professional teachers as it may come to the knowledge of the Board, and for this purpose, to issue subpoena and subpoena duces tecum to secure the appearance of witnesses and the production of documents in connection therewith; and

(l) Discharge such other powers, duties and functions as the Board may deem necessary for the practice of the teaching profession and the upgrading, enhancement, development and growth of education in the Philippines.

Sec. 7. Term of Office. — The members of the Board shall hold office for a term of three (3) years from the date they assume office: *Provided*, That the first appointees to the Board under this Act shall hold office according to the following terms: one (1) member shall serve for one (1) year; one (1) member for two (2) years; the chairman, vice-chairman, and one (1) member for three (3) years. Vacancies shall be served for the unexpired term only. No person who has served for two (2) consecutive terms shall be eligible for reappointment. Appointment to fill an unexpired term shall be considered an appointment to a complete term.

The chairman or any member shall take his oath of office prior to the performance of his duties.

Sec. 8. Qualification of Board Members. — Each Board member must at the time of his appointment:

(a) Be a citizen and resident of the Philippines;

(b) Be at least thirty-five (35) years of age, of proven integrity, and possessed of high moral values in his personal as well as professional conduct and has not been convicted of any offense involving moral turpitude;

(c) Be a holder of the degree of Bachelor of Arts or Bachelor of Science in Education and preferably a holder of a master's or doctorate degree in education, or their equivalents, from a university, school, college, academy or institute duly constituted, recognized and/or accredited by the Philippine government;

(d) Be a professional teacher with a valid certificate of registration and valid professional license, save those members who shall compose the first Board for Professional Teachers;

(e) Has been a professional teacher in the active practice of the teaching profession for at least ten (10) years in the elementary and secondary level; and

(f) Not be an official or member of the faculty of, nor have pecuniary interest in any university, college, school, or institution conferring a bachelor's degree in education or its equivalents for at least three (3) years prior to his appointment, and neither connected with a review center or with any group or association where review classes or lectures in preparation for the licensure examination are offered or conducted.

Provided, however, That, the membership to the Board shall be evenly distributed to cover all levels of education, including equitable representation of the different fields of specialization.

Sec. 9. Compensation of the Board. — The chairman, vice-chairman, and members of the Board shall receive compensation comparable to the compensation received by existing regulatory boards under the Professional Regulation Commission, computed on the basis of the number of examinees/candidates.

Sec. 10. Supervision of the Board and Custodian of its Records. — The Board shall be under the supervision and control of the Commission. All records, including applications for examination, examination papers and results, minutes of deliberation, administrative cases and investigative cases and investigations involving professional teachers shall be kept by the Commission.

Sec. 11. Secretariat and Support Services. — The Professional Regulation Commission, through its chairman, shall provide the secretariat and other support services to implement effectively the provisions of this Act.

Sec. 12. Removal of a Board Member. — The chairman or any member of the Board may be removed by the President of the Philippines upon recommendation of the Commission for neglect of duty, incompetence, unprofessional, unethical, immoral or dishonorable conduct, commission or toleration of irregularities in the examination, after having been given the opportunity to defend himself in a proper administrative investigation.

In the course of investigation, the President may preventively suspend the respondent.

ARTICLE III EXAMINATION AND REGISTRATION

Sec. 13. Examination, Registration and License Required. — Except as otherwise specifically allowed under the provisions of this Act, all applicants for registration as professional teachers shall be required to undergo a written examination which shall be given at least once a year in such places and dates as the Board may determine upon approval by the Commission. A valid certificate of registration and a valid professional license from the Commission are required before any person is allowed to practice as a professional teacher in the Philippines, except as otherwise allowed under this Act.

Sec. 14. Scope of Examination. — The examinations for the elementary and secondary school teachers shall be separate. The examination for teachers in the elementary level shall consist of two (2) parts, namely: professional education and general education. The examination for teachers in the secondary level shall consist of three (3) parts, namely: professional education, general education, and field of specialization.

Sec. 15. Qualification Requirements of Applicants. — No applicant shall be admitted to take the examination unless, on the date of filing of the application, he shall have complied with the following requirements:

- (a) A citizen of the Philippines or an alien whose country has reciprocity with the Philippines in the practice of the teaching profession;
- (b) At least eighteen (18) years of age;
- (c) In good health and of good reputation with high moral values;
- (d) Has not been convicted by final judgment by a court for an offense involving moral turpitude;
- (e) A graduate of a school, college or university recognized by the government and possesses the minimum educational qualifications, as follows:
 - (1) For teachers in preschool, a bachelor's degree in early childhood education (BECED) or its equivalent;
 - (2) For teachers in the elementary grades, a bachelor's degree in elementary education (BSEED) or its equivalent;

(3) For teachers in the secondary grades, a bachelor's degree in education or its equivalent with a major and minor, or a bachelor's degree in arts and sciences with at least ten (10) units in professional education; and

(4) For teachers of vocational and two-year technical courses, a bachelor's degree in the field of specialization or its equivalent, with at least eighteen (18) units in professional education.

Sec. 16. Report of the Results of the Examination. — The Board shall, within one hundred twenty (120) days after the examination, report the ratings obtained by each candidate to the Professional Regulation Commission for approval and appropriate action.

Sec. 17. Issuance of Certificate of Registration and Professional License. — The registration of a professional teacher commences from the date his name is enrolled in the roster of professional teachers.

Every registrant who has satisfactorily met all the requirements specified in this Act shall, upon payment of the registration fee, be issued a certificate of registration as a professional teacher bearing the full name of the registrant with serial number and date of issuance signed by the chairman of the Commission and the chairman, vice-chairman, and members of the Board, stamped with the official seal, as evidence that the person named therein is entitled to practice the profession with all the rights and privileges appurtenant thereto. The certificate shall remain in full force and effect until withdrawn, suspended and/or revoked in accordance with law.

A professional license signed by the chairman of the Commission and bearing the registration number and date of issuance thereof and the month of expiry or renewability shall likewise be issued to every registrant who has paid the annual registration fees for three (3) consecutive years. This license shall serve as evidence that the licensee can lawfully practice his profession until the expiration of its validity.

Sec. 18. Oath Before Practice. — Every registrant shall be required to take his professional oath before practicing as a professional teacher.

Sec. 19. Periodic Merit Examination of Teachers. — To encourage continuing professional growth and development and to provide additional basis for merit promotion, in addition to their performance rating, teachers may take an oral and written examination at least once in five (5) years as basis for merit promotion. In taking this examination, no fee shall be required.

Sec. 20. Failure to Pass the Merit Examination. — If a teacher fails to pass the merit examination, he or she shall be allowed to take the examination for a second time. Should he or she fail to pass the merit examination for the second

time, then he or she shall be required to take a DECS accredited refresher course or program before being allowed to retake the examination.

Failure of any permanent teacher to pass the merit examination shall not, however, be used as a ground for his/her dismissal or demotion.

Sec. 21. Incentives. — Teachers who pass the merit examination shall:

- (a) Be awarded a diploma of merit by the Board;
- (b) Earn merit points for purposes of promotion in salary or to a higher position or grade level;
- (c) Be placed in the priority list for government scholarship; and
- (d) Enjoy such other benefits as may be promulgated by the Board.

Similar incentives shall be given to teachers who make inventions, develop new methods of teaching, write a book or books and create works of artistic merit.

Sec. 22. Integration of the Teaching Profession. — The teaching profession shall be integrated into one national organization which shall be recognized by the Board and the Commission as the one and only integrated and accredited association of professional teachers. Upon registration with the Board, every professional teacher shall be encouraged to become a member of the integrated national organization. Those who have been registered with the Board but are not members of the said integrated organization shall be allowed to register as members of the said integrated organization within three (3) years after the effectivity of this Act. Membership in the integrated organization shall not be a bar to membership in other associations of the teaching profession. The professional teachers shall receive the benefits and privileges appurtenant to their membership in the said integrated and accredited organization of professional teachers only upon payment of the required membership fees and dues.

Sec. 23. Revocation of the Certificate of Registration, Suspension from the Practice of the Teaching Profession, and Cancellation of Temporary or Special Permit. — The Board shall have the power, after due notice and hearing, to suspend or revoke the certificate of registration of any registrant, to reprimand or to cancel the temporary/special permit of a holder thereof who is exempt from registration, for any of the following causes:

- (a) Conviction for any criminal offense by a court of competent jurisdiction;
- (b) Immoral, unprofessional or dishonorable conduct;

- (c) Declaration by a court of competent jurisdiction for being mentally unsound or insane;
- (d) Malpractice, gross incompetence, gross negligence or serious ignorance of the practice of the teaching profession;
- (e) The use of or perpetration of any fraud or deceit in obtaining a certificate of registration, professional license or special/temporary permit;
- (f) Chronic inebriety or habitual use of drugs;
- (g) Violation of any of the provisions of this Act, the rules and regulations and other policies of the Board and the Commission, and the code of ethical and professional standards for professional teachers; and
- (h) Unjustified or willful failure to attend seminars, workshops, conferences and the like or the continuing education program prescribed by the Board and the Commission.

The decision of the Board to revoke or suspend a certificate may be appealed to the regional trial court of the place where the Board holds office within fifteen (15) days from receipt of the said decision or of the denial of the motion for reconsideration filed in due time.

Sec. 24. Registration by Reciprocity. — No teacher of a foreign nationality shall be admitted to the examination, or be given a certificate of registration or be entitled to any of the rights and privileges provided under this Act; unless the country or state of which he is a subject permits Filipino professional teachers to practice within its territorial limits on the same basis as subjects or citizens of said country or state: *Provided*, that the requirements of certification of teachers with said foreign state or country are substantially the same as those required and contemplated under this Act: *Provided, further*, That the laws of such state or country grant the same privilege to Filipino professional teachers on the same basis as the subject or citizens of such foreign country or state.

Sec. 25. Roster of Professional Teachers. — A roster of professional teachers containing the names and addresses of professional teachers, date of registration or issuance of certificate, and other data which in the opinion of the Board may appear pertinent shall be maintained. Copies of the roster shall be provided by the Commission to the Board, the Department of Education, Culture and Sports, and the integrated and accredited organization of professional teachers.

Sec. 26. Registration and Exception. — Two (2) years after the effectivity of this Act, no person shall engage in teaching and/or act as a professional teacher as defined in this Act, whether in the preschool, elementary or secondary level,

unless he is a duly registered professional teacher, and a holder of a valid certificate of registration and a valid professional license or a holder of a valid special/temporary permit.

Upon approval of the application and payment of the prescribed fees, the certificate of registration and professional license as a professional teacher shall be issued without examination as required in this Act to a qualified applicant, who at the time of the approval of this Act, is:

(a) A holder of a certificate of eligibility as a teacher issued by the Civil Service Commission and the Department of Education, Culture and Sports; or

(b) A registered professional teacher with the National Board for Teachers under the Department of Education, Culture and Sports (DECS) pursuant to Presidential Decree No. 1006; or

(c) Not qualified under paragraphs one and two but with any of the following qualifications. to wit:

(1) An elementary or secondary teacher for five (5) years in good standing and a holder of Bachelor of Science in Education or its equivalent; or

(2) An elementary or secondary teacher for three (3) years in good standing and a holder of a master's degree in education or its equivalent.

Provided, That they shall be given two (2) years from the organization of the Board for professional teachers within which to register and be included in the roster of professional teachers: *Provided, further*, That those incumbent teachers who are not qualified to register without examination under this Act or who, albeit qualified, were unable to register within the two-year period shall be issued a five-year temporary or special permit from the time the Board is organized within which to register after passing the examination and complying with the requirements provided this Act and be included in the roster of professional teachers: *Provided, furthermore*, That those who have failed the licensure examination for professional teachers shall be eligible as para-teachers and as such, shall be issued by the Board a special or temporary permit, and shall be assigned by the Department of Education, Culture and Sports (DECS) to schools as it may determine under the circumstances.

ARTICLE IV PROVISIONS RELATIVE TO THE PRACTICE OF THE TEACHING PROFESSION

Sec. 27. Inhibition Against the Practice of the Teaching Profession. — Except as otherwise allowed under this Act, no person shall practice or offer to practice the teaching profession in the Philippines or be appointed as teacher to

any position calling for a teaching position without having previously obtained a valid certificate of registration and a valid professional license from the Commission.

Sec. 28. Penal Provisions. — The following shall be punishable by a fine of not less than Five thousand pesos (P5,000.00) nor more than Twenty thousand pesos (P20,000.00) or imprisonment of not less than six (6) months nor more than five (5) years, or both, at the discretion of the court:

(a) Any person who practices the teaching profession in the Philippines without being certified in accordance with the provisions of this Act;

(b) Any person who represents or attempts to use as his own certificate of registration that of another;

(c) Any person who gives any false, or fraudulent evidence of any kind to the Board or any member thereof in obtaining a certificate of registration as teacher;

(d) Any person who impersonates any registrant of the same or different name;

(e) Any person who uses a revoked or suspended certificate of registration;

(f) Any person who, in connection with his name, otherwise assumes, uses or advertises any title or description tending to convey or conveys the impression that he is a teacher without holding a valid certificate; and

(g) Any person who violates or who abets the violation of any of the provisions of this Act.

The penalty of fine or imprisonment or both, as provided in this section, shall also apply to any school official who shall cause or be responsible for the commission of any of the above-enumerated acts.

Sec. 29. Appropriations. — Such sums as may be necessary to carry out the provisions of this Act shall be included in the 1996 General Appropriations Act and thereafter.

Sec. 30. Implementing Guidelines. — The Board shall formulate and adopt the necessary guidelines for the effective implementation of the provisions of this Act within sixty (60) days of its approval.

The Board shall submit to both Committees on Education, Arts, and Culture; and the Committees on Civil Service and Professional Regulation of the Senate and House of Representatives, copies of the implementing rules and guidelines within thirty (30) days after its promulgation.

Any violation of this section shall render the official/s concerned liable under Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees" and other pertinent administrative and/or penal laws.

Sec. 31. Transitory Provision. — All incumbent teachers in both the public and private sector not otherwise certified as professional teachers by virtue of this Act, shall be given (5) years temporary certificates from the time the Board for Professional Teachers is organized within which to qualify as required by this Act and be included in the roster of professionals.

Provided, however, That the Professional Board Examination for Teachers (PBET) shall still be administered by the Civil Service Commission and the Department of Education, Culture and Sports for the year 1995.

Sec. 32. Separability Clause. — If, for any reason, any section or provision of this Act or the application of such section or provision to any person or circumstance is declared unconstitutional or invalid, no other section or provision of this Act shall be affected thereby.

Sec. 33. Repealing Clause. — All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 34. Effectivity Clause. — This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved: December 16, 1994