

AMENDED IMPLEMENTING RULES AND REGULATIONS OF R.A. NO. 8190 “AN ACT GRANTING PRIORITY TO RESIDENTS OF THE BARANGAY, MUNICIPALITY, OR CITY WHERE THE SCHOOL IS LOCATED, IN THE APP...

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Pursuant to Section 3 of Republic Act No. 8190 otherwise known as “An Act Granting Priority To Residents of the Barangay, Municipality or City Where The School Is Located, in the Appointment Or Assignment Of Classroom Public School Teachers”, the following amended rules and regulations are hereby prescribed:

Section 1. Definition of Terms – As used herein, the following terms shall be understood to mean:

- (a) Teacher refers to a person who meets the minimum requirements for the position as required by law and the standards set by the Department who does actual teaching in classrooms and other learning centers.
- (b) Applicant refers to a person who holds a valid certificate of registration/professional license as a teacher from the Professional Regulation Commission (PRC) seeking to be appointed to a Teacher I Position.
- (c) Qualified applicant refers to a person who meets the evaluation and selection criteria as prescribed by the Department of Education (DepEd), and who is in the registry of the Schools Division and is a bona fide resident.
- (d) Bona fide resident refers to a qualified applicant who is, prior to appointment, resident for a period of at least six (6) months of a particular barangay, municipality, city or province where the school is located, as evidenced by legal documents to be identified by the Department.
- (e) Secretary refers to the Department of Education Secretary
- (f) Regional Director refers to the Department of Education Regional Director
- (g) Protest refers to the administrative complaint filed by an aggrieved applicant (complainant) regarding an appointment or assignment to a Teacher I made by an appointing or assigning authority (respondent).
- (h) Appointment refers to the issuance of original appointment of teachers.
- (i) Assignment refers to the posting of a teacher in a public school or other learning center.
- (j) Registry refers to the official list of qualified applicants in the Schools Division.

Section 2. Coverage – These rules and regulations shall apply to appointment or assignment of teachers in all public schools and other learning centers under the Department of Education.

Section 3. Filling Up of Vacant Positions – In the appointment or assignment of teachers to public schools and other learning centers with vacant teaching positions, priority shall be given to bona fide residents of the barangay, municipality, city or province where the school is located, in no particular order.

Provided, that the teacher possesses all the qualifications for the position as required by law and DepEd Orders.

Provided, further, that among the bona fide residents of the barangay, municipality, city or province where the school or learning center is located, the most qualified shall be given priority.

Section 4. Recruitment and Selection Process – Upon approval of these rules and regulations, applicants who are interested in being appointed or assigned to public elementary or secondary schools and other learning centers located in the place where they are bona fide residents may send their written applications together with the

necessary documents, to the school head concerned who shall verify and certify as to the correctness and authenticity of the documents submitted including the proof of place of residence. The school head in turn shall forward the applications to the Office of the schools division superintendent. The Division Office shall maintain a registry which shall be valid for a period of one (1) school year. The Superintendent shall appoint or assign a teacher.

The Secretary of Education shall issue guidelines on the hiring of teachers that shall be consistent with RA 8190 and these implementing rules and regulations.

Section 5. Protest Procedures for Violations of RA 8190

Aggrieved applicants in the registry of the Schools Division may file a protest. The protest, which shall be subscribed and sworn to in the form of a letter-complaint in three (3) copies, shall be filed at the Regional Office within ninety (90) days from the issuance of the appointment.

The Regional Director shall, within seventy-two (72) hours upon receipt of the protest, require the Schools Division Superintendent (SDS) to answer the allegations in the protest within fifteen (15) days, furnishing the protestant a copy thereof.

The Regional Director's decision may be appealed to the DepEd Secretary within fifteen (15) days upon receipt thereof. Any appeal on the decision of the Secretary shall be filed with the Civil Service Commission.

A protest shall not render an appointment ineffective nor bar the approval thereof by the appointing authority, but the approval shall be subject to the final outcome of the protest.

Section 6. Sanctions – Any person found guilty of violating any of the provisions of RA 8190 and these implementing rules and regulations Or any part hereof shall be charged administratively pursuant to RA 6713 otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees and other relevant laws, rules and regulations. Administrative sanctions for any willful violations of RA 8190 and its implementing rules and regulations shall be imposed as follows:

- (a) First violation – suspension of one month without pay
- (b) Second violation – suspension of two months without pay; and
- (c) Third violation and subsequent violation – suspension of six months without pay

Section 7. Separability Clause – Should any provision of this IRR be subsequently declared invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions.

Section 8. Repealing Clause – Rules, regulations and issuances which are inconsistent with these rules are hereby repealed, rescinded or amended accordingly.

Section 9. Effectivity – These rules and regulations shall take effect fifteen (15) days after its publication in the Official Gazette or in at least one (1) newspaper of general circulation.

(SGD.) BR. ARMIN A. LUISTRO, FSC
Secretary

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