NATIONAL ADMINISTRATIVE REGISTER · APRIL 2, 1998

STRICT IMPLEMENTATION OF SECTION 9 OF R.A. 4670

DECS ORDER NO. 34, s. 1998, April 02, 1998

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1. All officials concerned are enjoined to strictly implement Sec. 9 of R.A. No. 4670, otherwise known as Magna Carta for Public School Teachers, regarding composition of investigating committees on administrative cases:

a. In a recent decision of the 3rd Division of the Supreme Court in G.R. No. 110379, entitled Hon. Armand Fabella, et. al. vs. The Court of Appeals, et. al. it ruled:
1. That the formal investigation conducted by committees organized not in accordance with Sec. 9 of R.A. 4670, have no competent jurisdiction over said case and therefore all proceedings undertaken by them are void;

2. That the inclusion of a representative of a teachers' organization in these committees are indispensable to ensure an impartial tribunal;

3. That RA 4670 has not been amended by PD 807 or by any other subsequent general laws, there being no showing of any inconsistency; and

4. That non-compliance with said requirement is a denial of due process.

b. In view thereof, all concerned are hereby enjoined to strictly implement the provisions of Sec. 9 of R.A. 4670 in the creation of investigating committees as follows:

1. For complaint against elementary and secondary school teachers, head teachers, principals and district supervisors, the committee should be composed of the following:
a. School superintendent or his authorized representative as chairman;

b. Duly authorized representative of the school, district, division teachers' organization, as member; and

c. Division supervisor for elementary or secondary education where the respondent belongs, as member.

2. For complaint against assistant school superintendents and schools superintendents, the committee should be composed of the following:

a. The regional director or his duly authorized representative as chairman;

b. The duly authorized representative of the division teachers' organization, as member; and

c. Regional supervisor for elementary and secondary education where the respondent belongs, as member.

3. For complaint against the assistant regional directors and regional directors who no longer fall under the category of teachers, the Magna Carta for Public School Teachers, the committee should be composed of the following:

a. The Secretary or his duly authorized representative as chairman;

b. Duly authorized representative of the Philippine Public School Teachers' Association (PPSTA) as member; and

c. Any regional director or other high ranking DECS Central Office official or consultant, as member.

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2. Immediate dissemination and compliance thereof is directed.

Adopted: 2 April 1998

(SGD.) GUTIERREZ A. MANGANSAKAN
Undersecretary
Officer -In-Charge

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