

PROMULGATION OF THE RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 8190

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1. 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 rules and regulations for its implementation are hereby promulgated.

2. Immediate and wide dissemination of and compliance with this Order is directed.

Adopted: 24 January 1997

(SGD.) RICARDO T. GLORIA

Secretary

Attachment

Rules and Regulations Implementing 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"

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 rules and regulations are hereby prescribed:

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

- a. "Teacher" shall refer to a person who meets the minimum requirements of the position and possesses the appropriate license to teach in a public elementary or secondary school, who does actual classroom teaching, and who is in the registry of the school division.
- b. "Bonafide resident" shall refer to a teacher who has resided in a particular barangay, municipality, city or province where the school is located for a period of at least six (6) months prior to appointment.
- c. "Secretary" shall refer to the DECS Secretary.
- d. "Regional Director" shall refer to the DECS Regional Director.
- e. "Protest" shall refer to the administrative complaint filed by an aggrieved teacher (complainant) regarding an appointment or assignment of a teacher made by an appointing or assigning authority (respondent).
- f. "Appointment" shall refer to the issuance of appointments covering original appointment, promotion, transfer, reinstatement and reemployment.
- g. "Assignment" shall refer to the posting of a teacher in a public elementary or secondary school.
- h. "Registry" shall refer to the list of teacher applicants maintained in all schools divisions containing the names and addresses of teachers and the school and its location preferred by them for appointment or assignment which

shall be updated from time to time.

SECTION 2. Coverage — These rules and regulations shall apply to appointment or assignment of teachers in all public elementary and secondary schools under the DECS.

SECTION 3. Filling of Vacant Positions of Teacher in Public Elementary or Secondary Schools — Vacant positions of teachers in public elementary or secondary schools shall be filled up by appointment/assignment of teachers who meet the minimum qualifications (education, experience, training and civil service eligibility) for the position by bonafide residents in the order of priority as follows:

- a. First Priority shall be for residents of the barangay where the public elementary or secondary school is located.
- b. Second Priority shall be for residents of the municipality where the public elementary or secondary school is located.
- c. Third Priority shall be for residents of the city or province where the public elementary or secondary school is located.

SECTION 4. Registry of Teachers — Upon approval of these rules and regulations, teachers who are interested to be appointed or assigned to a public elementary or secondary school located in the place where they are bonafide residents may send their written applications together with the necessary documents, to the school principal concerned who shall verify and certify as to the correctness and authenticity of the documents submitted including the certification of place of residence. He/she shall in turn forward the applications to the schools division superintendent whose office is required to maintain a registry of teachers. The latter shall determine whether or not to appoint or assign a teacher.

SECTION 5. New Teachers — New teachers who are not yet in the service as public elementary or secondary school teachers, but who are interested to be appointed as such shall apply to the principal of the public elementary or secondary school located in the barangay, municipality, city or province where they are residents. He/she shall verify and certify as to the correctness and authenticity of the documents submitted and shall in turn forward their applications to the schools division superintendent. The schools division superintendent shall include their names in the registry of teachers from which priority in appointment or assignment shall come.

SECTION 6. Right to Protest — Teachers whose names appear in the registry of teachers in each school division office shall have the right to protest an appointment or assignment of a teacher in a public elementary or secondary school as provided in the second paragraph of Section 1, RA 8190. Such protest shall be subscribed and sworn to and filed in triplicate copies in the regional office concerned.

SECTION 7. Procedural Requirement of a Protest — The protest of an aggrieved teacher against an appointment or assignment of a teacher shall be in the form of a letter-complaint. It shall be filed with the regional office concerned within ninety (90) days from the issuance of the appointment or assignment. Upon receipt of the complaint, the Regional Director, within seventy-two (72) hours, shall furnish a copy of the complaint to the appointing or assigning official who shall have fifteen (15) days to answer the allegations thereof, furnishing the complainant a copy. The complainant shall have fifteen (15) days to submit or refute the answer of the appointing or assigning authority.

On the basis of the answer of the complainant and the respondent, the regional director shall have fifteen (15) days to make the decision, subject to appeal initially to the Secretary and finally to the Civil Service Commission.

SECTION 8. Sanctions — Administrative sanctions for any willfull violations of RA 8190 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 violations-suspension of six months without pay

SECTION 9. Effectivity — These rules and regulations shall take effect on the date of its approval.

(SGD.) RICARDO T. GLORIA

Secretary

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