ST. MARY’S ACADEMY OF DIPOLOG CITY, PETITIONER, VS. TERESITA PALACIO, MARIGEN CALIBOD, LEVIE LAQUIO, ELAINE MARIE SANTANDER, ELIZA SAILE, AND MA. DOLORES MONTEDERAMOS, RESPONDENTS.

G.R. No. 164913. September 08, 2010

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

The Court will not hesitate to defend the workers' constitutional right to security of tenure. After all, the interest of the workers is paramount as they are regarded with compassion under the policy of social justice.

By this Petition for Review on Certiorari,[1] petitioner St. Mary's Academy of Dipolog City (petitioner) assails the Decision[2] dated September 24, 2003 and Resolution[3] dated August 16, 2004 of the Court of Appeals (CA) in CA-G.R. SP No. 67691, which affirmed with modification the Resolution[4] of the National Labor Relations Commission (NLRC), dated April 30, 2001 holding the dismissal of respondents Teresita Palacio (Palacio), Marigen Calibod (Calibod), Levie Laquio (Laquio), Elaine Marie Santander (Santander), Eliza Saile (Saile), and Ma. Dolores Montederamos (Montederamos) as illegal, as well as the Resolution[5] dated August 31, 2001 denying the motion for reconsideration.

Factual Antecedents

On different dates in the late 1990's, petitioner hired respondents Calibod, Laquio, Santander, Saile and Montederamos, as classroom teachers, and respondent Palacio, as guidance counselor. In separate letters dated March 31, 2000,[6] however, petitioner informed them that their re-application for school year 2000-2001 could not be accepted because they failed to pass the Licensure Examination for Teachers (LET). According to petitioner, as non-board passers, respondents could not continue practicing their teaching profession pursuant to the Department of Education, Culture and Sports (DECS) Memorandum No. 10, S. 1998[7] which requires incumbent teachers to register as professional teachers pursuant to Section 27[8] of Republic Act (RA) No. 7836, otherwise known as the Philippine Teachers Professionalization Act of 1994.[9]

Together with four other classroom teachers namely Gail Josephine Padilla (Padilla), Virgilio Andalahao (Andalahao), Alma Decipulo (Decipulo),[10] and Marlynn Palacio,[11] who were similarly dismissed by petitioner on the same ground, respondents filed a complaint contesting their termination as highly irregular and premature. They admitted that they are indeed non-board passers, however, they also argued that their security of tenure could not simply be trampled upon for their failure to register with the Professional Regulation Commission (PRC) or to pass the LET prior to the deadline set by RA 7836. Further, as the aforesaid law provides for exceptions to the taking of examination, they opined that their outright dismissal was illegal because some of them possessed civil service eligibilities and special permits to teach. Furthermore, petitioner's retention and acceptance of other teachers who do not also possess the required eligibility showed evident bad faith in terminating respondents.

Petitioner, on the other hand, maintained that it had repeatedly informed respondents of their obligation to comply with the mandate of the Memorandum issued by DECS by passing the LET to be eligible as a registered professional teacher. While the DECS Memorandum, pursuant to PRC Resolution No. 600, S. 1997,[12] fixed the deadline for teachers to register on September 19, 2000,[13] petitioner claimed that it decided to terminate their services as early as March 31, 2000 because it would be prejudicial to the school if their services will be terminated in the middle of the school year.

Ruling of the Labor Arbiter

On September 22, 2000, the Labor Arbiter adjudged petitioner guilty of illegal dismissal because it terminated the services of the respondents on March 31, 2000 which was clearly prior to the September 19, 2000 deadline fixed by PRC for the registration of teachers as professional teachers, in violation of the doctrine regarding the prospective application of laws. Thus, petitioner was ordered to reinstate the respondents or to pay them separation pay at the rate of ½ month wage for every year of service, plus limited backwages covering the period from March 31, 2000 to September 30, 2000. The dispositive portion of the Labor Arbiter's Decision reads as follows:

> WHEREFORE, anchored on the foregoing premises, judgment is hereby rendered:
>
> 1.) that respondent's act of having terminated the complainants' employment is in fact and in law illegal, as it is not founded on any of the restricted just and authorized causes provided for by law[,] hence, entitling complainants to the right of reinstatement and backwages in accordance with the mandate of Article 279 of the Labor Code of the Philippines. In this case, however, separation pay is hereby directed against respondent together with the payment of limited backwages, as particularly reflected in paragraph "2" hereof;
>
> 2.) ordering respondent St. Mary's Academy to pay complainants their separation pay and limited backwages, particularly indicated as follows:
>
> A.) Teresita Palacio:
>
> a.) Separation pay . . . . . .
>
> P 11,250.90;
>
> b.) Limited backwages . . . . .
>
> 27,002.16;
>
> Total . . . . . .
>
> P 38,253.06;
>
> B.) Gail Josephine Padilla:
>
> a.) Separation pay . . . . . .
>
> P 15,456.45;
>
> b.) Limited backwages . . . . .
>
> 26,512.20;
>
> Total . . . . . .
>
> P 41,977.65;
>
> C.) Marigen Calibod:

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a.) Separation pay . . . . . .

P 8,837.40;

b.) Limited backwages . . . . .

26,512.20;

Total . . . . . .

P 35,349.60;

D.) Levei Laquio:

a.) Separation pay . . . . . .

P 11,378.15;

b.) Limited backwages . . . . .

27,307.56;

Total . . . . . .

P 38,685.71;

E.)

Elaine Marie Santander:

a.) Separation pay . . . . . .

P 8,837.40;

b.) Limited backwages . . . . .

26,512.20;

Total . . . . . .

P 35,349.60;

F.) Virgilio Andalahao:

a.) Separation pay . . . . . .

P 6,435.00;

b.) Limited backwages . . . . .

25,740.00;

Total . . . . . .

P 32,175.00;

G.) Alma Decipulo:

a.) Separation pay . . . . . .

P 6,435.00;

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b.) Limited backwages . . . . .

25,740.00;

Total . . . . . .

P 32,175.00;

H.)

Eliza Saile:

a.) Separation pay . . . . . .

P 19,313.72;

b.) Limited backwages . . . . .

28,970.58;

Total . . . . . .

P 48,284.30;

I.) Marlynn Palacio:

a.) Separation pay . . . . . .

P 4,290.00;

b.) Limited backwages . . . . .

25,740.00;

Total . . . . . .

P 30,030.00;

and

J.) Ma. Dolores Montederamos:

a.) Separation pay . . . . . .

P 18,205.04;

b.) Limited backwages . . . . .

27,307.56;

Total . . . . . .

P 45,512.60;

and

3.) dismissing all other money claims of complainants for lack of merit.

SO ORDERED.[14]

Ruling of the National Labor Relations Commission

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Both parties appealed to the NLRC. In its Memorandum of Appeal,[15] petitioner insisted on the validity of respondents' termination from service, such act being in compliance with RA 7836 and in accordance with DECS Memorandum No. 10, S. 1998. Respondents, for their part, did not question the merits of the Labor Arbiter's Decision but prayed for the refund of their retirement contribution and payment of attorney's fees.

The NLRC, in its Resolution[16] dated April 30, 2001, denied both appeals. In affirming the Labor Arbiter's Decision, it held that the grounds relied upon by petitioner to dismiss respondents are not among those enumerated by the Labor Code and that respondents are regular employees, thus cannot be removed unless for cause. The NLRC did not grant respondents' demand for the refund of their retirement contribution because this was not alleged in the original complaint as well as their prayer for attorney's fees since this case is not one for collection of unlawfully withheld wages.

In a subsequent Resolution dated August 31, 2001,[17] the NLRC likewise denied petitioner's Motion for Reconsideration,[18] reiterating that it cannot sustain petitioner's premature implementation of relevant laws and regulations.

Ruling of the Court of Appeals

Petitioner, then, elevated the case to the CA via a petition for certiorari.[19] The CA agreed with the findings of both the Labor Arbiter and the NLRC that the dismissal was effected prematurely in violation of existing laws, noting that respondents still had until September 19, 2000 within which to pass the LET. A contingency plan, according to the CA, should have instead been adopted by petitioner in the event respondents' termination from the service in the middle of the school year becomes inevitable. The CA also observed that petitioner's ulterior motive for the termination may have been the result of a confrontation between petitioner's principal and respondents. The CA also found petitioner's acts of retaining and hiring other equally unqualified teachers who do not possess the required eligibility and allowing them to teach for the school year 2000-2001 as badges of bad faith.

As regards Padilla, Marlynn Palacio, Andalahao and Decipulo, the CA found them to be mere probationary, and not regular, employees. Their employment contracts merely expired and since the petitioner did not wish to renew their contracts, then there is no illegal dismissal to speak of.

Accordingly, the dispositive portion of the CA Decision reads:

> WHEREFORE, the assailed Resolutions of the NLRC, Fifth Division dated April 30, 2001, [is] hereby affirmed with modification. The monetary awards adjudged in favor of private respondents Gail Josephine Padilla, Virgilio Andalahao, Alma Decipolo and Merlyn Palacio whose services were legally terminated, are hereby DELETED for lack of basis.
>
> SO ORDERED.[20]

Petitioner moved to partially reconsider the Decision insofar as it found the dismissal of herein respondents to be premature and prayed that respondents be declared legally dismissed from the service. The CA, however, denied the motion.

Hence, this petition.

Issues

> I. THE COURT OF APPEALS COMMITTED GRIEVOUS ERROR IN HOLDING THAT THE DISMISSAL OF TERESITA PALACIO, MARIGEN CALIBOD, LEVIE LAQUIO, ELAINE MARIE SANTANDER, ELIZA SAILE, AND DOLORES MONTEDERAMOS, WAS PREMATURE BECAUSE IT WAS

> EFFECTED ON MARCH 31, 2000 PRIOR TO SEPTEMBER 20, 2000,[21] THE DEADLINE SET BY THE PROFESSIONAL [REGULATION] COMMISSION FOR TEACHERS TO ACQUIRE THEIR LICENSE.
>
> II. THE COURT OF APPEALS GRAVELY ERRED IN FAILING TO CONSIDER THAT ASSUMING THAT RESPONDENTS WERE "PREMATURELY" TERMINATED IN MARCH 2000, AT THE MOST, RESPONDENTS ARE ENTITLED TO BACKWAGES UP TO SEPTEMBER 19, 2000 ONLY BECAUSE ON SUCH DATE, THEY WERE ALREADY DISMISSIBLE FOR CAUSE FOR NOT HAVING OBTAINED THEIR TEACHERS' LICENSE.[22]

Petitioner insists that it has the right to terminate respondents' services as early as March 2000 without waiting for the September 19, 2000 deadline set by law for respondents to register as professional teachers due to the need to fix the school organization prior to the applicable school year. Petitioner justifies respondents' termination by advancing that it would be difficult to hire licensed teachers in the middle of the school year as respondents' replacements. Also, the termination of respondents in the middle of the school year might result in compromising the education of the students as well as the school operation. Petitioner further argues that it cannot hire respondents for the period covering only June to September as it would contravene the DECS's policy requiring written contracts of at least one year's duration for teachers.

Our Ruling

The petition is devoid of merit.

The dismissal of Teresita Palacio, Calibod, Laquio, Santander, and Montederamos was premature and defeated their right to security of tenure. Saile's dismissal has legal basis for lack of the required qualification needed for continued practice of teaching.

Pertinent provisions of RA 7836 provide:

> 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.
>
> x x x x
>
> 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 a 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 in 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.
>
> x x x x
>
> 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 without having previously obtained a valid certificate of registration and a valid professional license from the Commission.
>
> x x x x
>
> 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 five (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.

Pursuant to RA 7836, the PRC formulated certain rules and regulations relative to the registration of teachers and their continued practice of the teaching profession. Specific periods and deadlines were fixed within which incumbent teachers must register as professional teachers in consonance with the essential purpose of the law in promoting good quality education by ensuring that those who practice the teaching profession are duly licensed and are registered as professional teachers.

Under DECS Memorandum No. 10, S. 1998, the Board for Professional Teachers (BPT), created under the general supervision and administrative control of the PRC, was organized on September 20, 1995 so that, in the implementation of Sections 26, 27 and 31 of RA 7836, incumbent teachers as of December 16, 1994 have until September 19, 1997 to register as professional teachers. The Memorandum further stated that a Memorandum of Agreement (MOA) was subsequently entered into by the PRC, Civil Service Commission (CSC) and DECS to further allow those teachers who failed to register by September 19, 1997 to continue their service and register. BPT Resolution No. 600, s. 1997 was thereafter passed to provide the guidelines[23] to govern teacher registration beyond September 19, 1997. Consequently, the deadline was moved to September 19, 2000.

Pursuant to the aforestated law, resolution and memorandum, effective September 20, 2000, only holders of valid certificates of registration, valid professional licenses and valid special/temporary permits can engage in teaching in both public and private schools.[24] Clearly, respondents, in the case at bar, had until September 19, 2000 to comply with the mandatory requirement to register as professional teachers. As respondents are categorized as those not qualified to register without examination, the law requires them to register by taking and passing the licensure examination.

It is undisputed that respondents were all non-board passers when they were dismissed by petitioner on March 31, 2000. Based on the certification issued by the PRC on October 23, 2000,[25] only respondent Santander passed the LET but only for the elementary level. Thus, she is still unqualified to teach in the high school level. All the others, except respondent Saile who is not qualified to take the LET, failed the examination. Petitioner harps on the fact that even if respondents were to take the LET in August of 2000, the results could not be known in time to meet the September 19, 2000 deadline. However, it is to be noted that the law still allows those who failed the licensure examination between 1996 and 2000 to continue teaching if they obtain temporary or special permits as para-teachers.[26] In other words, as the law has provided a specific timeframe within which respondents could comply, petitioner has no right to deny them of this privilege accorded to them by law. As correctly pointed out by the Labor Arbiter and affirmed by the NLRC and the CA, the dismissal from service of respondents Palacio, Calibod, Laquio, Santander and Montederamos on March 31, 2000 was quite premature.

Petitioner claims that it terminated respondents' employment as early as March 2000 because it would be highly difficult to hire professional teachers in the middle of the school year as replacements for respondents without compromising the operation of the school and education of the students. Also, petitioner reasons out that it could not enter into written contracts with respondents for the period June 2000 to September 19, 2000 without violating the DECS's policy requiring contracts of yearly duration for elementary and high school teachers.

Petitioner's contentions are not tenable. First, even if respondents' contracts stipulate for a period of one year in compliance with DECS's directive, such stipulation could not be given effect for being violative of the law. Provisions in a contract must be read in conjunction with statutory and administrative regulations. This finds basis on the principle "that an existing law enters into and forms part of a valid contract without the need for the parties expressly making reference to it."[27] Settled is the rule that stipulations made upon the convenience of the parties are valid only if they are not contrary to law.[28] Hence, mere reliance on the policy of DECS requiring yearly contracts for teachers should not prevent petitioner from retaining the services of respondents until and unless the law provides for cause for respondents' dismissal.

Petitioner's intention and desire not to put the students' education and school operation in jeopardy is neither a decisive consideration for respondents' termination prior to the deadline set by law. Again, by setting a deadline for registration as professional teachers, the law has allowed incumbent teachers to practice their teaching profession until September 19, 2000, despite being unregistered and unlicensed. The prejudice that respondents' retention would cause to the school's operation is only trivial if not speculative as compared to the consequences of respondents' unemployment. Because of petitioner's predicament, it should have adopted measures to protect the interest of its teachers as regular employees. As correctly observed by the CA, petitioner should have earlier drawn a contingency plan in the event there is need to terminate respondents' services in the middle of the school year. Incidentally, petitioner did not dispute that it hired and retained other teachers who do not likewise possess the qualification and eligibility and even allowed them to teach during the school year 2000-2001. This indicates petitioner's ulterior motive in hastily dismissing respondents.

It is incumbent upon this Court to afford full protection to labor. Thus, while we take cognizance of the employer's right to protect its interest, the same should be exercised in a manner which does not infringe on the workers' right to security of tenure. "Under the policy of social justice, the law bends over backward to accommodate the interests of the working class on the humane justification that those with less privilege in life should have more in law."[29]

To reiterate, this Court will not hesitate to defend respondents' right to security of tenure. The premature dismissal from the service of respondents Palacio, Calibod, Laquio, Santander and Montederamos is unwarranted. However, we take exception to the case of respondent Saile who, as alleged by petitioner, was not qualified to take the LET

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as she only had three out of the minimum 10 required educational units to be admitted to take the LET pursuant to Section 15 of RA 7836,[30] which fact respondent Saile did not refute. Not being qualified to take the examination to become a duly licensed professional teacher, petitioner cannot be compelled to retain her services as she cannot possibly obtain the needed prerequisite to allow her to continue practicing the teaching profession. Thus, we find her termination just and legal.

Limited backwages computed from
March 31, 2000 to September 30, 2000
awarded in favor of Palacio, Calibod,
Laquio, Santander and Montederamos
are sustained.

Petitioner questions the amount of separation pay awarded to respondents contending that assuming respondents were illegally dismissed, they are only entitled to an amount computed from the time of dismissal up to September 19, 2000 only. After September 19, 2000, respondents, according to petitioner, are already dismissible for cause for lack of the necessary license to teach.

This contention deserves no merit. Petitioner cannot possibly presume that respondents could not timely comply with the requirements of the law. At any rate, we note that petitioner only assailed the amount of backwages for the first time in its motion for reconsideration of the Decision of the CA. Thus, the Court cannot entertain the issue for being belatedly raised. Hence, the award of limited backwages covering the period from March 31, 2000 to September 30, 2000 as ruled by the Labor Arbiter and affirmed by both the NLRC and CA is in order.

WHEREFORE, the petition is partially GRANTED. The Decision of the Court of Appeals dated September 24, 2003 in CA-G.R. SP No. 67691 finding respondents Teresita Palacio, Marigen Calibod, Levie Laquio, Elaine Marie Santander and Ma. Dolores Montederamos to have been illegally dismissed and awarding them separation pay and limited backwages is AFFIRMED. As regards respondent Eliza Saile, we find her termination valid and legal. Consequently, the awards of separation pay and limited backwages in her favor are DELETED.

SO ORDERED.

Corona, C.J., (Chairperson), Velasco, Jr., Leonardo-De Castro, and Perez, JJ., concur.

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[1] Rollo, pp. 10-35.

[2] Id. at 36-47; penned by Associate Justice Hakim S. Abdulwahid and concurred in by Associate Justices Delilah Vidallon-Magtolis and Jose L. Sabio, Jr.

[3] Id. at 55.

[4] Id. at 93-98; penned by Presiding Commissioner Salic B. Dumarpa and concurred in by Commissioners Oscar N. Abella and Leon G. Gonzaga, Jr.

[5] Id. at 122-124.

[6] Petitioner's letter dated March 31, 2000 to Santander and Montederamos, id. at 181 and 183, respectively.

[7] Dated January 12, 1998.

[8] 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 without having previously obtained a valid certificate of registration and a valid professional license from the [Professional Regulation] Commission.

[9] 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. (Approved on December 16, 1994).

[10] Referred also as Alma Decipolo in some parts of the records.

[11] Referred also as Merlyn Palacio in some parts of the records.

[12] Issued on November 13, 1997.

[13] DECS Memorandum No. 10, S. 1998 erroneously indicated the deadline as September 20, 2000.

[14] Rollo, pp.163-166.

[15] Id. at 126-134.

[16] Id. at 93-98.

[17] Id. at 122-124.

[18] Id. at 99-112.

[19] Id. at 57-91.

[20] Id. at 46-47.

[21] Should be September 19, 2000.

[22] Rollo, p. 22.

[23] I. Coverage

A. Incumbent teachers [full-time] or part-time, as of December 16, 1994 in public and private schools at the pre-school, elementary and secondary levels who were unable to register with PRC as of September 19, 1997.

1. Those not qualified to register without exam

2. Those qualified to register without exam

2.1 CSC eligibles (Category A)
2.2 PBET eligibles (Category B)
2.3 With BSE/BSEE or equivalent with at least 10 units of professional education for secondary school teachers and at least 5 years of experience (Category C)
2.4 With [master's] degree in education or equivalent and at least 3 years of experience (Category D)

B. Non-passers in the LET between 1996 and 2000

C. Those performing supervisory and/or administrative functions at the pre-school, elementary and secondary levels, including Principals, Supervisors, Superintendents, Regional Directors, Bureau/Center Directors, Guidance Counselors, and Researchers.

II. General Rules

A. For Incumbent teachers Unable to Register before September 19, 1997.

1. Those not qualified to register without examination must qualify by passing the LET between 1997 and 2000.

x x x x

B. LET non-passers between 1996 and 2000 shall submit with their applications for permit as para teachers their respective reports of rating.

x x x x

II[I.] Specific Rules

x x x x

5. Those who fail to register by September 19, 2000 shall forfeit their privilege to practice the teaching profession for abandonment of responsibility.

[24] See PRC Press Release "PRC Clarifies Professional Teachers' Deadline", CA rollo, pp. 182-183.

[25] Annex "2" of petitioner's Memorandum of Appeal with the NLRC, rollo, p. 136.

[26] BPT Resolution No. 98-183, Series of 1998 was issued to implement Section 26 of RA 7836 regarding the issuance of special or temporary permits to those who have failed the licensure examination for professional teachers to become eligible as para teachers who may be assigned by the DECS to schools located in places where no professional teachers are available; see also BPT Resolution No. 600, series of 1997 which provides that LET non-passers between 1996 and 2000 may apply as para teachers.

[27] Escorpizo v. University of Baguio, 366 Phil 166, 178 (1999).

[28] New Civil Code, Article 1306.

[29] Central Bank Employees Association, Inc. v. Bangko Sentral ng Pilipinas, 487 Phil 531, 599 (2004).

[30] 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:

x x x x

(e) A graduate of a school, college or university recognized by the government and possesses the minimum educational qualifications, as follows:

x x x x

(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

x x x x

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